

CHAPTER 37. - ZONING*

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* Prior ordinance history: Ord. Nos. 2200 (NCS), 2217 (NCS), 2245 (NCS), 2264 (NCS), 2294 (NCS), 2301 (NCS), 2304 (NCS), 2306 (NCS), 2311 (NCS), 2313 (NCS), 2317 (NCS), 2323 (NCS), 2341 (NCS), 2396 (NCS), 2405 (NCS), 2416 (NCS) and 2419 (NCS).

Article I. - General Provisions.

Division 1. - General Provisions.

Sec. 37-10.010. - Title.

This chapter of the Salinas Municipal Code may be known and cited as the "Salinas Zoning Code" or "zoning regulations."

(Ord. No. 2463 (NCS).)

Sec. 37-10.020. - Purpose.

The purpose of the Zoning Code is to:

(a)

Implement the policies of the Salinas general plan;

(b)

Promote and protect the public health, safety, and general welfare of the people of the city, while respecting property rights;

(c)

Classify, designate, and regulate the location, use, and construction of buildings, structures, and land for residence, commerce, trade, industry, or other purposes; and

(d)

Promote new urbanism development in appropriate locations in the city.

(Ord. No. 2463 (NCS).)

Sec. 37-10.030. - Components.

The Salinas Zoning Code includes the following components:

(a)

Regulations, known as the zoning regulations, establishing various classes of zoning districts and governing the use of land and the placement of buildings and improvements within districts; and

(b)

A map or set of maps, known as the zoning map, delineating the boundaries of zoning districts within the city.

(Ord. No. 2463 (NCS).)

Sec. 37-10.040. - Where filed.

A copy of the Zoning Code and the zoning map, together with a record of all amendments, shall be kept on file with the city clerk and shall constitute the original record. A copy of the Zoning Code and zoning map currently in effect shall also be kept on file with the department of development and engineering services.

(Ord. No. 2463 (NCS).)

Sec. 37-10.050. - General applicability.

The regulations of this Zoning Code adopted by the city council on November 7, 2006 (Ordinance No. 2463) shall take effect and be applied on and after December 7, 2006 and upon subsequent amendments adopted by the city council.

(Ord. No. 2463 (NCS).)

Sec. 37-10.060. - Applicability to private property.

The zoning regulations shall apply to all private land within the city. Application of regulations to specific lots shall be governed by the zoning map.

(Ord. No. 2463 (NCS).)

Sec. 37-10.070. - Applicability to city and redevelopment agency owned property.

Notwithstanding any other regulations of this Zoning Code, land owned or leased by the city or the Salinas redevelopment agency may be developed and used for such public purposes and in such a manner as may be determined by the Salinas city council or the Salinas redevelopment agency, as applicable, to be proper and in the public interest.

(Ord. No. 2463 (NCS).)

Sec. 37-10.080. - Applicability to school district, county, special district, state, and federally owned property.

Land owned by any school district, Monterey County, the state of California, or the United States government shall be subject to the regulations contained in this Zoning Code, unless otherwise provided by law.

(Ord. No. 2463 (NCS).)

Sec. 37-10.090. - Applicability of zoning regulations during an emergency.

The Salinas city council may authorize deviations from any regulation of this Zoning Code during a proclaimed emergency in accordance with [Chapter 11A](#): Emergency Organization and Functions of the Salinas Municipal Code.

(Ord. No. 2463 (NCS).)

Sec. 37-10.100. - Applicability and effect of prior permits.

(a)

The regulations of this Zoning Code shall apply to the erection or alteration of any building or structure, and to the use of any parcel of land, on or after the effective date of the ordinance codified in this Zoning Code and any subsequently adopted ordinance amending this Zoning Code, unless a building permit has been lawfully issued by the city for the construction of a project, in which case, that project may be completed under the provisions of this Zoning Code as they existed at the time of issuance of the building permit; provided, that construction under the permit must be commenced and diligently pursued within the time limit of a building permit. For the purpose of this subsection, a foundation permit shall be treated as equivalent to a building permit, but a grading, demolition, electrical, mechanical, or plumbing permit shall not be considered or treated as building permits.

(b)

All persons empowered by this Zoning Code to grant permits, licenses, certificates, or other approvals shall comply with the provisions of this Zoning Code and grant no permit, license, certificate, or approval in conflict with such provisions. Any permit, license, certificate, or approval granted in conflict with any provisions of this Zoning Code shall be null and void.

(c)

Whenever any discretionary or administrative approval has been issued prior to the effective date of the zoning regulations or any amendment thereto and the uses or improvements for which the permit was issued would not conform to this Zoning Code of the Salinas Municipal Code, the uses or improvements may, nevertheless, be used or developed to the extent authorized by the issued approval, provided the approval has not expired under the terms of its issuance. The uses and improvements shall be deemed legally nonconforming and shall be subject to the provisions of [Section 37-50.160](#): Nonconforming uses and structures.

(Ord. No. 2463 (NCS).)

Sec. 37-10.110. - Existing private agreements.

The regulations of this Zoning Code shall not interfere with or annul any easement, covenant, or other agreement now in effect, provided that where this Zoning Code imposes greater restrictions, this Zoning Code shall control.

(Ord. No. 2463 (NCS).)

Sec. 37-10.120. - Conflict with other regulations.

Where conflict occurs between the regulations of this Zoning Code or any other chapter of the Salinas Municipal Code or other ordinances, the more restrictive or specific regulation(s) shall control unless otherwise specified in this Zoning Code.

(Ord. No. 2463 (NCS).)

Sec. 37-10.130. - Effect on developed land.

The regulations of this Zoning Code apply to new development, as well as to the modification and redevelopment of previously developed property, unless otherwise noted in [Section 37-50.160](#): Nonconforming uses and structures. Improvements and development existing on or before the adoption or amendment of these regulations hereto and that do not conform to the regulations in this Zoning Code may continue to exist as provided by this Zoning Code.

(Ord. No. 2463 (NCS).)

Sec. 37-10.140. - Applicability of land use and development regulations.

Land use and development regulations applicable to specific sites shall be shown on the zoning map by zoning designations consisting of classes of letters and/or numerical designations as follows:

(a)

A base zoning district designation indicating the zoning district name, shall be a component of all zoning districts. See Article II: Establishment of Zoning Districts and Designations and Article III: Base District Regulations.

(b)

An overlay zoning district designation shall be included in a zoning district designation if the provisions of one or more overlay districts are applicable. See Article II: Establishment of Zoning Districts and Designations and Article IV: Overlay District Regulations.

(Ord. No. 2463 (NCS).)

Sec. 37-10.150. - General authority.

This Zoning Code is adopted pursuant to Article XI, Section 7, of the Constitution of the State of California and in compliance with the requirements of Title 7 of the Government Code, Planning and Zoning Law, as may be subsequently amended by the state of California, for the purpose of promoting the public health, safety, and general welfare.

(Ord. No. 2463 (NCS).)

Sec. 37-10.160. - City planner authority.

The city planner shall be appointed by the city manager and shall have the following duties, responsibilities, and authority for this Zoning Code, as well as other duties, responsibilities, and authority prescribed for the city planner under other laws and ordinances, city regulations, and administrative provisions:

(a)

The city planner shall have the authority and responsibilities described and illustrated in Article VI: Administration and anywhere else the city planner is identified within the Salinas Municipal Code.

(b)

The city planner's authority and responsibility may be delegated through deputies or assistants appointed by the city planner for such purpose. Therefore, any time the term "city planner" is used in this Zoning Code, it shall mean "city planner or their designee."

(c)

The city planner shall be responsible for determining the applicable section of this Zoning Code that applies when separate provisions of this Zoning Code appear to be in conflict or where other ambiguity arises regarding the definitions, standards, and regulations of this Zoning Code or the zoning map.

(d)

The city planner shall render interpretations as deemed necessary in order to clarify and carry out the purposes and regulations of the Zoning Code.

(e)

The city planner shall investigate and submit to the planning commission and/or city council, as applicable, their findings on appeals where it is alleged there is an error or abuse of discretion in any order, requirement, decision, or determination made during the administration of this Zoning Code.

(Ord. No. 2463 (NCS).)

Sec. 37-10.170. - Planning commission authority.

The planning commission authority is per [Chapter 2](#), Article VII of the Salinas Municipal Code. With respect to this Zoning Code, the planning commission shall have the authority and responsibilities described and illustrated in Article VI: Administration of this Zoning Code and anywhere else the planning commission is identified within the city of Salinas Municipal Code. The planning commission's primary functions are to:

(a)

Review certain applications and forward recommendations to the city council;

(b)

Hear and decide appeals to city planner decisions;

(c)

In certain instances (see Article VI: Administration of this Zoning Code), the planning commission has the authority to approve, approve with conditions or modifications, or deny certain applications as identified in Article VI: Administration.

(Ord. No. 2463 (NCS).)

Sec. 37-10.180. - City council authority.

The city council authority is per Part I. The Charter of the Salinas Municipal Code. With respect to this Zoning Code, the city council shall have the direct authority and responsibilities described and illustrated in Article VI: Administration and anywhere else the city council is identified within the city of Salinas Municipal Code as follows:

(a)

The city council's primary function is to establish land use policies and regulations and to consider various project applications and planning commission recommendations.

(b)

The city council has the authority to approve, approve with conditions or modifications, or disapprove certain applications as identified in Article VI: Administration.

(c)

The city council may authorize deviations from development standards contained in this Zoning Code if it can be established that the deviation is necessary in the interest of public health and safety or is required as part of environmental mitigation.

(Ord. No. 2463 (NCS).)

Sec. 37-10.190. - Interpretation of regulations as minimum requirements.

These zoning regulations shall be deemed the minimum requirements to promote and preserve the public health, safety, and general welfare of the people, unless otherwise noted.

(Ord. No. 2463 (NCS).)

Sec. 37-10.200. - Interpretation of language.

The following rules for interpretation shall apply:

(a)

The particular shall control the general.

(b)

"Shall" and "must" are mandatory; "should" and "may" are discretionary.

(c)

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

(1)

"And" indicates that all connected words or provisions shall apply.

(2)

"Or" indicates that the connected words or provisions may apply singularly or in any combination.

(3)

"Either...or" indicates that the connected words or provisions shall apply singularly but not in combination.

(d)

In case of conflict between the text and a diagram, the text shall control.

(e)

All references to the "Zoning Code" shall mean [Chapter 37](#) of the city of Salinas Municipal Code.

(f)

All references to Municipal Code shall mean the city of Salinas Municipal Code.

(g)

All references to departments, commissions, boards, or other public agencies are to those of the city of Salinas, unless otherwise indicated.

(h)

All references to the "state" shall mean the state of California. Any reference to a specific state of California regulation or law shall also mean "as the regulation or law may be subsequently amended by the state of California."

(i)

All references to public officials are to those of the city of Salinas and include designated representative of such officials, unless otherwise indicated.

(j)

All references to days are to calendar days unless otherwise indicated. If a deadline falls on a Saturday, Sunday, furlough day, or holiday, it shall be extended to the next full day in which the offices of the community and economic development department are open for business.

(k)

All references to community planning and development shall mean the planning division of the community and economic development department.

(l)

Words used in the present tense shall include the future tense.

(m)

Chapter, article, division, and section headings contained in this Zoning Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section hereof.

(n)

The words "structure" and "building" shall have the same meaning.

(o)

The words "activities" and "facilities" include any part thereof.

(p)

The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.

(q)

The words "chapter," "article," "division," "section," and "subsection" refer to the Salinas Zoning Code unless otherwise noted.

(r)

All terms shall be construed per Division 2: Definitions of this article. Terms that are not defined shall be construed according to the context and approved usage of the language, and as ultimately determined by the city planner.

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 1, 11-13-2012)

Sec. 37-10.210. - Interpretation of standards and regulations.

(a)

Zoning Regulations. Where uncertainty exists regarding the interpretation of any provision of this Zoning Code or its application to a specific site, the city planner shall determine the intent of the provision.

(b)

Zoning Map. Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:

(1)

District boundaries shown as approximately following the property line of a lot shall be construed to follow such property line.

(2)

On unsubdivided land, or where a district or overlay boundary divides a lot, the location of the district boundary shall be determined by using the approximated scale appearing on the zoning map, unless the boundary location is indicated by dimensions printed on the map.

(3)

District boundaries shown as approximately following right-of-way lines of highways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.

(4)

District boundaries shown as lying within right-of-way lines of highways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.

(5)

Should any uncertainty remain as to the location of a district boundary or other feature shown on the zoning map, the city planner shall determine the location.

(c)

Similar Uses. When a use is not specifically listed in these zoning regulations, the use may be permitted, or permitted subject to a review or permit, if it is determined by the city planner that the use is similar to other uses listed. In determining if a use not specifically listed in these zoning regulations is similar, the city planner shall make all of the following findings:

(1)

The proposed use shall meet the intent of and be consistent with the goals, objectives, and policies of the Salinas general plan;

(2)

The proposed use shall meet the specific purposes of the zoning district in which the use is proposed to be located; and

(3)

The proposed use shall be similar in nature, intensity, density, and environmental character as those uses listed in the zoning district in which it is to be located.

(d)

Appeals. An interpretation of the zoning regulations or zoning map by the city planner may be appealed in accordance with Article VI, [Division 17](#): Appeals.

(Ord. No. 2463 (NCS).)

Sec. 37-10.220. - Rounding of fractional numbers.

If in the application of the requirements of this Zoning Code, a fractional number is obtained that is less than one-half, the number shall be rounded down to the nearest whole number. A number that is obtained that is one-half or greater shall be rounded up to the next higher whole number except when calculating density. For example, 4.499 would be rounded to four and 4.500 would be rounded to five. In regard to calculating density, fractional numbers shall be rounded down to the next lower whole number. For projects subject to a density bonus, rounding of fractional numbers shall be in accordance with this section except as otherwise provided for in [Section 37-50.060](#): Density bonus and Section 65915 of the State Health and Safety Code.

(Ord. No. 2463 (NCS).)

Sec. 37-10.230. - Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Zoning Code is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such decision shall not affect the validity of the remaining portions thereof.

(Ord. No. 2463 (NCS).)

Division 2. - Definitions.

Sec. 37-10.240. - General.

For the purposes of this Zoning Code, certain terms are defined. Words and phrases used in the Zoning Code and not specifically defined herein shall be construed according to the context and approved usage of the language, and as ultimately determined by the city planner.

(Ord. No. 2463 (NCS).)

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

Abandonment. To cease the intended and designated use of a property or building for a period of one hundred eighty days or more.

Abate. To end a nuisance, emergency, or nonconformance.

Abut or Abutting. Having a common border, boundary point, or lot line.

Access. The place or way by which pedestrians and/or vehicles shall have safe, adequate, and suitable ingress and egress to a property or use as required by this Zoning Code.

Accessory Building or Structure. See [Section 37-50.010](#): Accessory uses and structures for this definition.

Accessory Dwelling Unit. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, which is located on the same parcel as a single-family detached dwelling unit. An accessory dwelling unit must contain at least one hundred fifty square feet of floor area and may consist of an efficiency unit, as defined in Section 17958.1 of Health and Safety Code; or a manufactured home, as defined in Section 18007 of the Health and Safety Code.

Accessory Dwelling Unit, Interior. An accessory dwelling unit which is constructed in the R-L district entirely within the existing and legally created space of a single-family detached dwelling unit or accessory structure.

Accessory Dwelling Unit, Other. An accessory dwelling unit which is constructed either as a new detached accessory structure; as an addition to an existing single-family detached dwelling unit or an existing accessory structure; or entirely within the existing and legally created space of a single-family detached dwelling unit or accessory structure but not in the R-L district.

Accessory Use. See [Section 37-50.010](#): Accessory uses and structures for this definition.

Acre. Forty-three thousand five hundred sixty square feet of land area.

ADA. Americans with Disabilities Act.

Adaptive Reuse Project. See [Section 37-50.015](#): definition of adaptive reuse project.

Addition. See [Section 37-50.110](#): Infill residential development in the R-L district.

Adjacent. Lying near or close to, including across a street or alley.

Adjoining. See "Abut or Abutting."

Adult Bookstore. See [Section 37-50.020](#): Adult entertainment facilities for this definition.

Adult Entertainment Facility. See [Section 37-50.020](#): Adult entertainment facilities for this definition.

Adult Live Entertainment Establishment. See [Section 37-50.020](#): Adult entertainment facilities for this definition.

Adult Motion Picture Theater. See [Section 37-50.020](#): Adult entertainment facilities for this definition.

Affordable Housing. See [Section 37-50.060](#): Density bonus for affordable housing-related definitions.

Affordable Ownership Cost. See [Section 37-50.060](#): Density bonus for this definition.

Affordable Rent. See [Section 37-50.060](#): Density bonus for this definition.

Agent of Owner. A person authorized to act for the property owner.

Agriculture. The use of land for agricultural purposes, including the growing of vegetables, fruit, fiber, horticulture, pasturage, or the keeping of apiaries, and the necessary accessory uses for storing produce, provided that the operation of any such accessory use shall be secondary to that of normal agricultural activities. Excludes animal husbandry or stockyards.

Agricultural Produce Processing. An industrial use devoted primarily to the storage, processing, packaging, and distribution of agricultural produce (such as fruits, vegetables, and salads). Excludes nurseries, food product processing, or any processing or preparation activities, which involve cooking, canning, pickling, or preserving.

Airports. Runways and related facilities for the takeoff and landing of aircraft, including rotary-winged and ultralight aircraft. Airports may also include facilities for repair, maintenance, and storage of aircraft.

Airport-related Uses. Those uses, which sell products or services directly to aircraft owners, pilots, or support airport operations, which are dependent on direct access to the airport runway system, or which include limited industrial uses restricted to aviation-related products and services.

Alcohol-related Uses. See [Section 37-50.030](#): Alcohol license review for this definition.

Alcohol-related Use, Off-sale (Off-premises Consumption). See [Section 37-50.030](#): Alcohol license review for this definition.

Alcohol-related Use, On-sale (On-premises Consumption). See [Section 37-50.030](#): Alcohol license review for this definition.

Allowed. Permitted. Also see "Permitted."

Alley. A public or private way generally reserved as a side or rear entrance to abutting property.

Alteration. Any change in construction or occupancy requiring a building permit, a permit required under this Zoning Code, or a business license. For alteration of signs, see Article V, Division 3: Signs for this definition.

Alternative Transportation Modes. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Ambulance Services. Any business substantially devoted to providing emergency medical care and transportation, including incidental storage and vehicle maintenance.

Animal, Domestic. Animals of the type generally accepted as pets, including dogs, cats, rabbits, birds, reptiles, and the like. Excludes hooved animals, chickens, ducks, geese, peafowl, fish, and the like, and any animals, birds, or fish maintained for commercial purposes.

Animal Boarding. Provision of shelter and care for domestic animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.

Animal Grooming. Provision of bathing and trimming services for domestic animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of forty-eight hours per animal.

Animal Hospitals. Establishments where domestic animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed and soundproofed. Grooming and temporary (thirty days or less) boarding of animals is included if incidental to the hospital use.

Animal Husbandry. Raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis. This classification includes grazing, ranching, dairy farming, and poultry farming.

Animal Retail Sales. Retail sales and boarding of domestic animals, providing such activities take place within an entirely enclosed business. Grooming is included if incidental to the retail use.

Animal Sales and Services. Includes any of the following, as defined in this division: animal boarding, animal grooming, animal hospitals, and animal retail sales.

Annexation. The incorporation of land area into the jurisdiction of the city with a resulting change in the boundaries of the city.

Antenna, Dish (Also Known as a Parabolic Antenna). See [Section 37-50.290](#): Telecommunication facilities for this definition.

Antenna, Panel (Also Known as a Directional Antenna). See [Section 37-50.290](#): Telecommunication facilities for this definition.

Antenna, Whip (Also Known as Omnidirectional Antenna). See [Section 37-50.290](#): Telecommunication facilities for this definition.

Antique/Collectible Shops. Any premises used for the sale or trading of articles of which eighty percent or more are over fifty years old or have collectible value. Also includes the sale or trading of previously owned books. Excludes secondhand stores and adult entertainment uses.

Apartment. A room or suite of rooms, within an apartment building or mixed use building that is designed for rent, lease, and occupancy by one household for living and sleeping purposes.

Apartment Building. Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the nontransient home or residence of three or more households living independently of each other and doing their own cooking in such building, and having individual or common laundry facilities. Also see "Dwelling, Multifamily."

Appeal. A request by a project applicant or other qualified individual or agency for a city body to modify, reconsider, or reverse a decision rendered by a subordinate city body or city staff.

Appellant. Those persons or entities filing appeals, paying fees, where required, and complying with procedural requirements stated in this Zoning Code.

Applicant. Any person, firm, or corporation requesting approval of any land use, development, or improvement application, or similar entitlement regulated by the Salinas Municipal Code.

Arcade (Amusement or Video). Any business, use, or structure containing six or more coin-operated or token-operated amusement machines or viewing machines. Any use or business with six or more amusement machines shall be considered an amusement center or arcade in addition to any other principal or conditional use of the land. Excludes adult motion picture theaters or adult entertainment facilities.

Arcade (Architectural). A roofed passageway or lane, typically with shops located on one or both sides (see Figure 37-10.10).

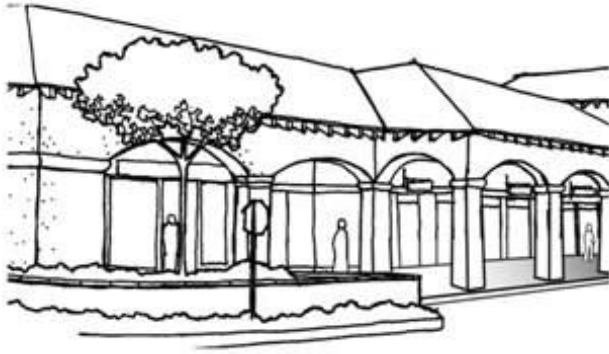


Figure 37-10.10
Arcade

Architectural Diversity. Combination of multiple architectural styles, colors, materials, or ornamentation to produce a harmonious, nonmonotonous built environment.

Architectural Entry Features. See [Section 37-50.010](#): Accessory uses and structures for this definition.

Architectural Projection. Anything attached to and extended outside the outer face of the exterior wall of a structure such as stairs, balcony, bay window, fireplace, etc.

Area Median Income. See [Section 37-50.060](#): Density bonus for this definition.

Art Galleries. Establishments engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. Excludes libraries, museums, or noncommercial art galleries.

Arterial Street. Any street so designated in the Salinas general plan, including expressways. Arterial streets provide the highest level of service for vehicles at the greatest speed between major points in an urban area, for the longest uninterrupted distance with some degree of traffic and access control.

Articulation. Multiple changes in facade characteristics within a given building as a result of variation in setback or detailing.

Artist Studios. Workspaces for artists and artisans, including individuals practicing a fine or performing art.

Attached. The physical connection of two structures sharing any part of a common wall or roof.

Attic. The uninhabitable space between the upper surface of the top floor of a building and the roof above. An attic is not considered a story. Any space accessed solely by means of a hatch, ladder, or Jacob's Ladder through the ceiling of the floor below shall be considered an attic.

Automated Teller Machine (ATM). An unmanned machine that customers use to perform financial transactions including deposits and withdrawals of currency.

Automobile or Motorcycle Wrecking Yards. See [Section 37-50.230](#): Salvage and wrecking operations for this definition.

Automobile Repair. See "Vehicle Repair."

Automobile-related Retail Sales and Services. See "Vehicle-related Retail Sales and Services."

Automobile Sales and Services. See "Vehicle Sales and Service."

Automobile Storage. See "Vehicle Storage."

Automobile Washing. See "Vehicle Washing."

Average Daily Trip (ADT). See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Average Vehicle Ridership. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

A-weighted Decibel (dBA). A numerical method of rating judgment of loudness. The A-weighted scale reduces the effects of low and high frequencies in order to simulate human hearing.

Awning. A roof-like structure, attached to and supported entirely by the exterior wall of a building, often made of canvas or similar material that serves as a shelter over a storefront, window, door, or deck. Also see Article V, Division 3: Signs for this definition.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 22, 5-18-2010; Ord. No. 2581 (NCS), § 2, 12-6-2016; Ord. No. 2605(NCS), § 1, 7-3-2018)

Sec. 37-10.260. - "B" definitions.

Bakery, Retail. A retail sales facility which offers bakery products only for direct sale to the public and which, as an accessory use, may include the preparation of products normally sold in bakeries, for sale off the premises. Also see "Food and Beverage Sales" and "Restaurant."

Bakery, Wholesale. A bakery or other food store that devotes over ninety percent of its gross floor area to the preparation of bakery products for sale at other locations. Wholesale bakeries may offer bakery products for direct sale to the public.

Balcony. An unenclosed area either recessed or projected from the walls of a building. Balconies are thirty inches or more above grade, are attached to and supported primarily by the exterior wall of the building, are accessible from the building's interior, and are unenclosed on one or more sides except for a railing or parapet that is not greater than sixty inches high. A balcony is not an accessory structure.

Banner. See Article V, Division 3: Signs for this definition.

Bar. An alcohol sales establishment where the primary use is the sale and on-site consumption of alcoholic beverages and where secondary uses may include food service. The premises may contain a counter upon and over which alcoholic beverages, such as beer, wine, and distilled spirits are served.

Base District or Base Zoning District. A portion of the city within which only certain land uses and structures are permitted and certain standards are established for development of land.

Basement. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be considered a basement unless such floor level qualifies as a first story.

Bedroom. Any habitable room other than a living room, family room, bathroom, dining room, or kitchen shall be considered a bedroom if (1) it has seventy square feet or more of floor area; (2) the minimum horizontal dimension between interior walls is seven feet and the ceiling height is seven feet, six inches or more; and (3) it meets Uniform Building and Housing Code requirements as stated in [Chapter 9](#) of the Salinas Municipal Code.

Bed and Breakfast Inn. A use/structure containing no more than five guestrooms providing transient occupancy for guests for no more than twenty-eight days continuously that is operated by a resident manager on the premises, and has food and beverage service limited to inn guests only.

Block. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development (see Figure 37-10.20).

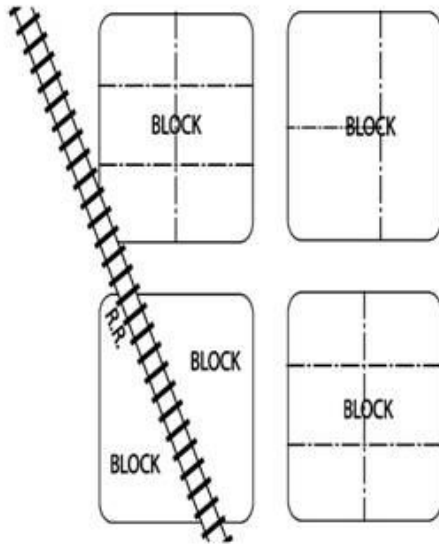


Figure 37-10.20
Block

Blockface, Neighboring. See [Section 37-50.110](#): Infill residential development in the R-L district.

Boardinghouse or Rooming House. See "Interim Housing."

Bollard. A short post, often placed at intervals to delimit an area or to exclude vehicles.

Bona Fide Eating Place. See "Restaurant."

Breezeway. A structure typically open on one side for the principal purpose of connecting the main building or structure on a property with other main buildings or accessory structures.

Brew Pubs. An establishment in which beer is manufactured in limited quantities for on-site and off-site sales, distribution, and consumption. Also see [Section 37-50.030](#): Alcohol license review for this definition.

Build-to Line. A line along the street edge of lots along which the front facades of buildings must be located.

Building. Any structure built entirely of frame or a more lasting type of construction, having a roof supported by columns, or by walls and intended for shelter, housing, or enclosure of any person, animal, or chattel, but not including any tent or trailer.

Building, Main. The principal structure on a property.

Building, Main Residential. A residential building that is the main building on a residential lot.

Building Exposure. A building wall that is parallel to a public or private street, highway, or designated parking area.

Building Line. See [Section 37-50.010](#): Accessory uses and structures for this definition.

Building or Structure Height. The vertical distance from the average contact grade level of the building grade to the highest point of the coping of a flat form or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs except as otherwise provided for in [Section 37-50.110](#): Infill residential development in the R-L district (see Figure 37-10.30).

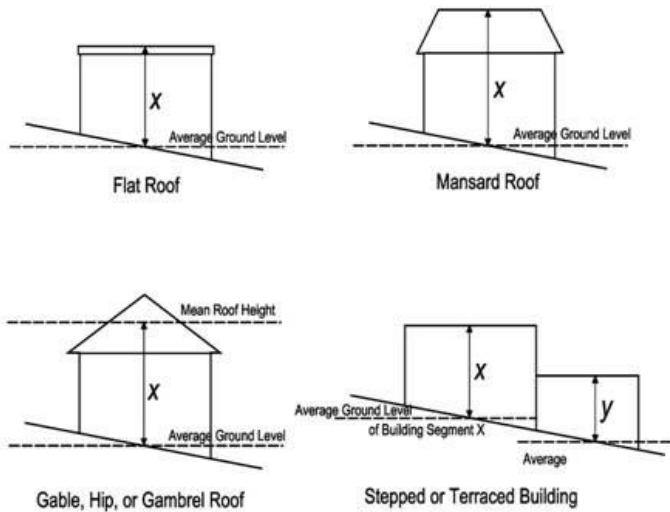


Figure 37-10.30
Building Height

Building Materials and Services. Retailing or wholesaling of building supplies and/or equipment and excludes the general manufacturing of such supplies or equipment. This classification includes lumber yards, tool and equipment sales establishments, and building contractor's yards. Excludes establishments devoted exclusively to retail sales of paint and hardware.

Building-mounted Facility. See [Section 37-50.290](#): Telecommunication facilities for this definition.

Building Site. (1) The ground area of one lot, or (2) the ground area of two or more lots when used in combination for a building or permitted group of buildings, together with all open spaces, parking, and other requirements of the Zoning Code.

Building Transparency. See "Transparency."

Bulb-out. A traffic-calming measure typically located at intersections and pedestrian crossings that utilizes curbs and plantings near traffic lanes to slow traffic flow.

Bulk Reverse Vending Machine. See "Reverse Vending Machine, Bulk."

Business. A commercial establishment, office, institutional, or industrial use, or home occupation that produces goods or distributes goods and services.

(Ord. No. 2463 (NCS).)

(Ord. No. 2569 (NCS), § 1, 4-19-2016)

Sec. 37-10.270. - "C" definitions.

Camper. A structure designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render as suitable for use as a temporary dwelling for camping travel, recreational, and vacation purposes.

Canopy. A permanent projecting roof-like structure (other than an awning) with or without ground supports extending from part or all of a building face that serves as a shelter over a storefront, window, door, or deck. Also see Article V, Division 3: Signs for this definition.

Caretaker. A person residing in a dwelling unit (manufactured unit included) on a property, whose duties include, but are not limited to, direct care, supervision, or maintenance of the property or uses on the property.

Caretaker's Residence (Permanent). A dwelling unit located on a premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises, and their family.

Caretaker's Residence (Temporary). A dwelling unit containing living quarters and kitchen facilities for temporarily housing persons responsible for administering, overseeing, or maintaining security for the main use on the site during the construction period.

Carpool. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Carport. A permanent roofed structure permanently open on at least two sides, which is designed for or occupied by private passenger vehicles.

Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

Cemetery. Land use dedicated to the interment of human or animal remains or cremated remains. May include columbariums, mausoleums, and accessory sales and maintenance facilities, but excludes funeral services.

Central City Overlay, Downtown Core Area. See Article IV, Division 5: Central City (CC) Overlay District.

CEQA. The California Environmental Quality Act, Public Resources Code Section 21000 et seq. and the California Environmental Quality Act guidelines as may be subsequently amended by the state of California.

Chemical Manufacturing/Processing. An industrial process whereby substances are produced from or converted into other substances. In the process, the composition and properties of the starting material are altered.

Chicane. A traffic-calming measure that includes a series of narrowings or curb extensions that alternate from one side of the street to the other forming S-shaped curves. Also called deviations, serpentine, reversing curves, twists, and staggerings (see Figure 37-10.40).

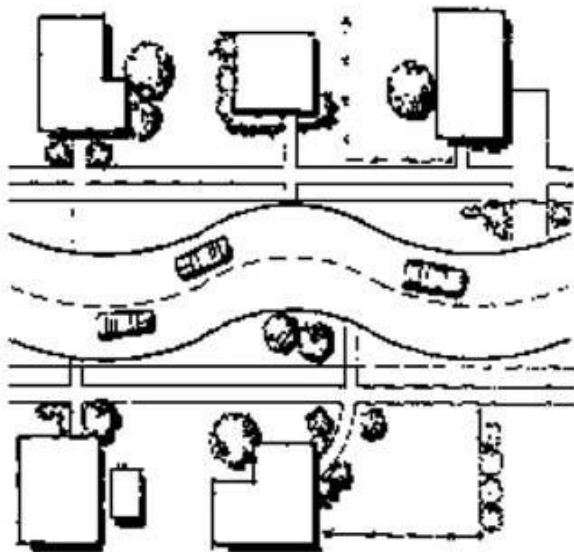


Figure 37-10.40
Chicane

Church. See "Religious Assembly."

Circuses and Carnivals. A temporary attraction including, but not limited to games, eating and drinking facilities, live entertainment (excludes adult entertainment facilities), animal exhibits, souvenir sales, and rides.

City Planner. The officially designated city employee or their designee charged with the responsibility for the interpretation and administration of this Zoning Code. See [Section 37-10.160](#): City planner authority.

Clerestory. An upper portion of a wall or structure containing windows for supplying natural light to a building.

Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests, excludes commercial recreation and entertainment. This classification includes union halls, social clubs, and youth centers.

CNEL. See "Community Noise Equivalent Level (CNEL)."

Collector Street. Any street so designated in the Salinas general plan. In comparison to arterial streets, collector streets provide less highly developed level of service at a lower speed for shorter distances by collecting traffic from local streets and connecting them to arterial streets.

Colonnade. A series of columns placed at regular intervals.

Commercial. A land use or activity involving the sale or goods or services for financial gain.

Commercial Recreation. Includes, but is not limited to, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, bingo parlors, ice/roller skating rinks, golf courses, miniature golf courses, model courses, shooting galleries, tennis and racquetball courts, amusement centers and arcades, martial arts studios, dance studios, health and fitness clubs, or facilities equipped and used for sports training and conditioning. Excludes adult entertainment facilities.

Community Facility. A noncommercial use established primarily for the benefit and service of the population of the community in which it is located.

Community Noise Equivalent Level (CNEL). The average equivalent sound level during a twenty-four-hour day, obtained after addition of five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and after addition of ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m. Also see "A-weighted Decibel."

Concessions. See [Section 37-50.060](#): Density bonus for this definition.

Conditional Use. Uses which may be permitted, subject to approval of a conditional use permit in accordance with Article VI, Division 8: Conditional Use Permits. Generally, conditional uses are those uses, which have the potential for objectionable operating characteristics or appearance, which may be out of character in a particular zoning district, either of which may make those uses suitable or unsuitable for a particular site or location.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel or real property together with a separate interest in space in a residential, industrial, or commercial building on the real property. A condominium may include, in addition, a separate interest in other portions of the real property.

Condominium Conversion. The subdivision of any existing building and land to allow for condominium form of ownership.

Congregate Housing. Group housing that combines individual living quarters with communal facilities for food, care, and recreation facilities.

Contiguous. The same as "Abut or Abutting."

Convalescent Hospitals. Facilities providing long-term nursing, dietary, and other medical services to convalescents or invalids in an institutional setting but not providing surgery or primary treatment such as are

customarily provided in a hospital. Convalescent hospitals include nursing homes and rest homes. Excludes general or specialized hospitals or residential care facilities.

Convenience Store. A retail store of less than five thousand square feet that sells convenience goods, such as pre-packaged food and beverage items, prepared food items for off-site consumption, tobacco, periodicals, and other limited groceries and household items. May include alcohol sales for off-site consumption subject to [Section 37-50.030](#): Alcohol license review and gasoline sales depending upon the use classifications of the applicable zoning district.

Conversion. Changing the original use or purpose of a building to a different use or purpose.

Cornice. A horizontal molded projection that crowns or completes a building or wall.

Crime Prevention through Environmental Design (CPTED). The proper design and effective use of the built environment that can lead to a reduction in the fear and incidence of crime and an improvement in the quality of life. CPTED addresses both the physical and psychological aspects of design and incorporates several strategies to create defensible space such as natural surveillance, territoriality, natural access control, and physical security. Also see the safety element of the Salinas general plan for additional discussion.

Cultural Institutions. Institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification generally includes libraries, museums, and art galleries where displayed objects are not intended for sale.

Cupola. A domelike structure mounted on a roof, originally intended for ventilation (see Figure 37-10.50).

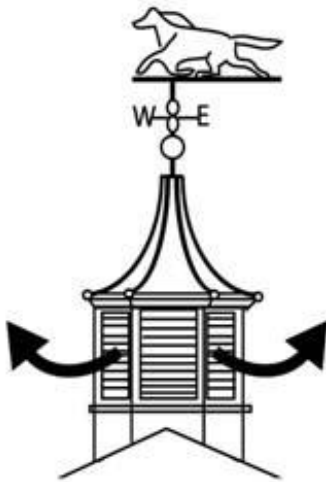


Figure 37-10.50

Cupola

(Ord. No. 2463 (NCS).)

Sec. 37-10.280. - "D" definitions.

Day Care Centers. Facilities approved and licensed by the state, other than family day care homes, that provide nonmedical care on less than a twenty-four-hour basis, including infant centers, preschools, extended day care facilities, adult day care facilities, and elderly day care facilities. Excludes residential care facilities, residential service facilities, interim housing, or convalescent hospitals/nursing homes.

Day Care Home, Family (Large). A home approved and licensed by the State Department of Social Services which regularly provides care, protection, and supervision for nine to fourteen children, inclusive, in the provider's own home, including children under the age of ten years who reside at the home.

Day Care Home, Family (Small). A home approved and licensed by the State Department of Social Services which regularly provides care, protection, and supervision for eight or fewer children in the provider's own home, including children under the age of ten years who reside at the home.

Day-night Average Level (Ldn). The average equivalent sound level during a twenty-four-hour day, obtained after addition of ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m. Also see "Community Noise Equivalent Level (CNEL)."

Decibel (dBA). A unit for measuring the amplitude of sound, as the human ear hears it. Also see "A-weighted Decibel," and "Community Noise Equivalent Level (CNEL)."

Deck. See [Section 37-50.010](#): Accessory uses and structures for this definition.

Defensible Space. See "Natural Surveillance."

Density Bonus. See [Section 37-50.060](#): Density bonus for this and other density bonus-related definitions.

Density Bonus Program Guidelines. See [Section 37-50.060](#): Density bonus for this definition.

Density Bonus Units. See [Section 37-50.060](#): Density bonus for this definition.

Density, Gross. The total number of dwelling units divided by the total (gross) area of the property.

Density, Net. The number of dwelling units per acre of developable land exclusive of public and private streets, greenways, land designated as open space on the general plan land use and circulation policy map, drainage and power transmission line easements, and other public and semipublic uses.

Development. (1) Any subdivision pursuant to the Subdivision Map Act except where the land division is brought about in connection with the purchase of the land by a public agency; (2) the division of a parcel of land into two or more parcels; (3) the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; (4) any mining, excavation, landfill, or grading; (5) any use or extension of the use of land; (6) any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures or modifications thereto, which affect the exterior dimensions of a structure, relocation of a building or structure, condominium conversions, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Development Agreement. An agreement entered into between the city and a contracting party that relates to a specific real property, subject to the terms of the agreement, pursuant to the provisions of this Zoning Code and [Article 2.5, Chapter 4](#), Division 1 of Title 7 of the California Government Code.

Development Approval. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Development Standard. See [Section 37-50.060](#): Density bonus for this definition.

Disability. A physical or mental impairment that substantially limits one or more of the major life activities of individuals, and there is a record of such an impairment or the individual is regarded as having such an impairment. It is the intent of this definition to substantially comply with the term "disability" as defined by the Federal Americans with Disabilities Act of 1990, as may be amended from time to time.

Disaster Shelter. Limited term facility providing shelter and other basic living necessities following a local emergency as defined in [Chapter 11A](#): Emergency Organization and Functions, including such facilities organized in conjunction with a "state of emergency" proclaimed by the Governor or other authorized state or federal official. For the purpose of this definition, "limited term" means not longer than eighteen consecutive months. Excludes "emergency shelter" and "transitional housing" as defined in Article 1, Division 2: Definitions.

Dormer. A window, which is set vertically on a sloping roof. The dormer has its own roof, which may be flat, arched, or pointed.

Downtown Alcohol-related Use License Area. See [Section 37-50.030](#): Alcohol license review for this definition.

Drive-through or Drive-in Use. A use where a customer is permitted or encouraged, either by the design of physical facilities or by the service and/or packaging procedures offered, to be served while remaining seated in a vehicle including, but not limited to, drive-through or drive-in food, financial services, and automatic or self-serve car washes.

Driveway. A private roadway or travelway and its access point from a public street for the exclusive use of the occupants of a property and their guests, and which provides vehicular access to required parking spaces or structures or uses on a site.

Dwelling or Dwelling Unit. A room or suite of two or more rooms with internal circulation, designed for use by one family for living or sleeping purposes, and having only one kitchen or kitchenette. Dwelling or dwelling unit includes single-family attached and detached dwelling units, duplex, triplex, and multifamily dwelling units, multiple detached dwelling units, and green court dwelling units. Excludes hotels, motels, boarding houses, nursing homes, rest homes, children's homes, or hospitals.

Dwelling, Duplex. A building that contains two attached 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.

Duplex

Plan View

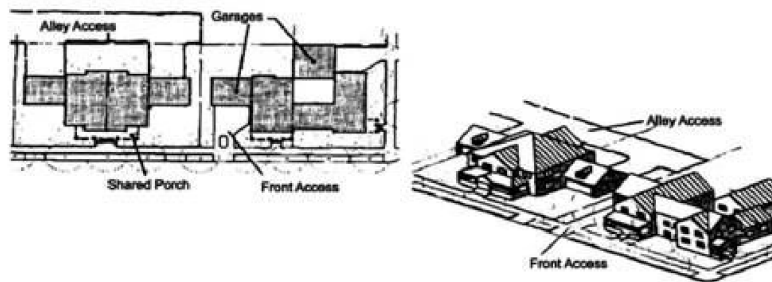


Figure 37-10.70
Duplex Dwellings

Dwelling, Efficiency Unit, or Studio. Any habitable room having cooking and bathroom facilities and is intended or designed to be used for combined living, dining, and sleeping purposes.

Dwelling, Green Court. A single-family unit developed in a cluster with other such units and usually containing a front porch that faces onto a common green (see Figure 37-10.80).

Green Court

Green Court Configuration

Plan view

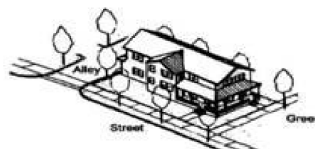
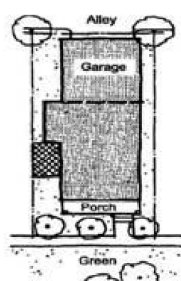
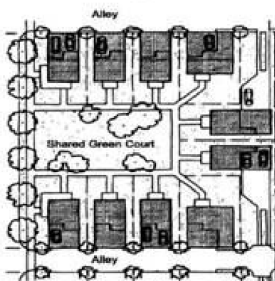


Figure 37-10.80
Green Court Dwellings

Dwelling, Multifamily. A building that contains three or more 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.

Multifamily Dwellings (3 or more units)

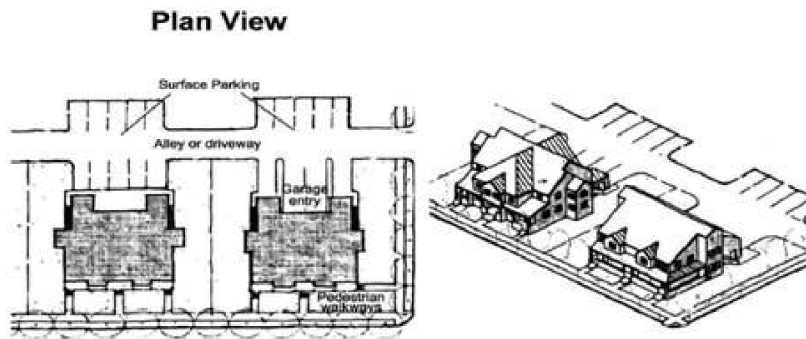


Figure 37-10.100
Multifamily Dwellings

Dwelling, Multiple Detached. A grouping of two or more detached residential buildings where each building contains one or more dwelling units. The land underneath the buildings is not divided into separate lots. A multiple detached dwelling development typically may include an existing single-dwelling detached dwelling with one or more new detached 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).

Multiple Detached Dwellings



Figure 37-10.90
Multiple Detached Dwellings

Dwelling, Single-family Attached. A dwelling unit that shares one or more common or abutting walls with one or more dwelling units. Each dwelling unit is located on its own lot. The common or abutting wall between the units shall be at least fifty percent of the length of the units. An attached single-family dwelling typically does not share common floor/ceiling with other dwelling units; rather the units are attached horizontally in a linear arrangement. A single-family attached dwelling is also called a rowhouse, townhouse, or common wall house (see Figure 37-10.60).

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

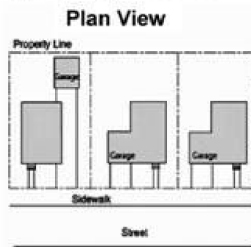
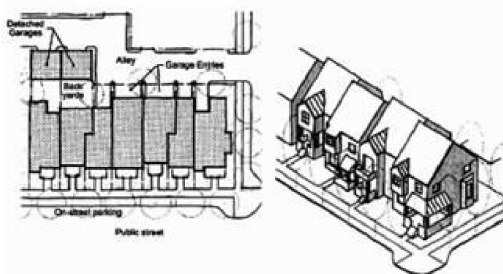
Single-family Detached**Single-family Attached (Rowhouse/Townhouse)****Plan View**

Figure 37-10.60
Single-family Dwellings (Detached and Attached)

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 2, 11-13-2012; Ord. No. 2581 (NCS), § 3, 12-6-2016)
Sec. 37-10.290. - "E" definitions.

Easement. A recorded right or interest in the land of another, which entitles the holder thereof to some use, privilege, or benefit from over or across such land.

Elevation (Building). A drawing showing the elements of the exterior of a building as a direct projection to a vertical plane.

Emergency Shelters—Type A. Short term housing with minimal supportive services for 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.

Emergency Shelters—Type B. Same as emergency shelters—type A except as to the applicable development regulations specified in [Section 37-50.305](#): Emergency shelters.

Employee Housing. Dwellings and other housing accommodations provided and maintained by an employer for employees in connection with work or the place where work is being performed, whether or not rent is involved. Employee housing may be developed or managed by a party other than the employer, provided the employer retains control and ultimate responsibility for the facility. Housing for agricultural workers is also considered

employee housing. Employee Housing does not include school district or community college district housing, which is defined and regulated in Sections [37-10.430](#) and [37-50.235](#).

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.

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 in the same way as single-family detached dwellings are treated in the same zoning district.

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](#)

Entertainment, Live. A musical, theatrical, dance, karaoke, cabaret, or comedy act performed by one or more persons. Any form of dancing by patrons or guests at a restaurant or bar is live entertainment. Excludes adult entertainment facility or adult entertainment establishment.

Enforcement Officer. Unless otherwise specified, the city planner.

Environmental Impact Report (EIR). A report that describes and analyzes the environmental effects of a proposed project pursuant to the California Environmental Quality Act (CEQA).

Environmental Review. The process of determining the impact of proposed projects on the environment. The review process shall be carried out in accordance with the California Environmental Quality Act, CEQA guidelines, and the applicable city guidelines.

Equipment, Heavy. See [Section 37-50.190](#): Recreational vehicles, prohibited vehicles, and equipment parking and storage for this definition.

Equipment Sales, Services, and Rentals. Sales, services, or rental of equipment including, but not limited to, construction equipment and agricultural equipment.

Excavation. The process of altering the natural grade by cutting or filling the earth or by any activity in which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 3, 11-13-2012; Ord. No. 2623 (NCS), § 1, 11-5-2019; Ord. No. 2656 (NCS), § 1, 5-10-2022)

Sec. 37-10.300. - "F" definitions.

Facade. That portion of any exterior elevation on the building extending from grade to top of parapet, wall, or eaves, and the entire width of the building elevation.

Facade, Street. Those portions of a building facade, including porches, that face and are most closely parallel to the front or street lot line.

Facility. (1) The total of all buildings, structures, and grounds encompassing a development site; or (2) a structure, improvement, or place, which is built, installed, or established for a particular purpose including but not limited to bicycle/pedestrian and parking facilities.

Facilities Trip Reduction Plan. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Family. Any group of individuals living together 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.

Family Day Care Home. See "Day Care Home, Family."

Fascia. A flat usually horizontal member of a building having the form of a flat band or broad fillet used as a molding covering the joint between the top of a wall and the projecting eaves. Also see Article V, Division 3: Signs for this definition.

FAR. See "Floor Area Ratio."

Fence. See [Section 37-50.090](#): Fences, walls, and hedges.

File. To formally submit plans, applications, appeals, complaints, requests, or other documents with a governmental agency, private firm, or individual.

Financial Services. A commercial land use involved with the exchange of money and services related to the financial system.

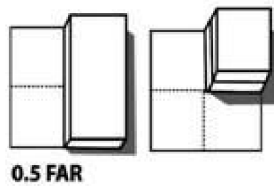
First Approval. See [Section 37-50.060](#): Density bonus for this definition.

Fitness Centers. A commercial recreation use in which a range of indoor and/or outdoor fitness activities and classes are offered for a fee, such as weight training, aerobics, gymnastics, swimming, and racquet sports.

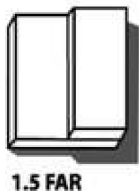
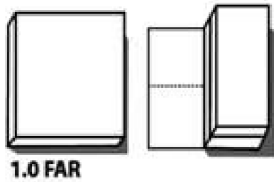
Floor Area, Gross. The total enclosed area of all floors of a building, measured to the outside face of the structural members and exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and habitable basement or attic areas. Does not include enclosed parking areas.

Floor Area Ratio (FAR). The gross floor area of a building(s) on a lot divided by the area of the lot (see Figure 37-10.110).

Floor Area Ratio (FAR): $\frac{\text{Gross Building Area}}{\text{Lot Area}}$



In a zoning district with a maximum FAR of 0.5, the maximum allowable floor area of a building on a 40,000 sq. ft. lot would be 20,000 sq. ft. (20,000 sq. ft. divided by 40,000 sq. ft.).



NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage or if upper floors overhang floors.

Figure 37-10.110
FAR

Freeway. Any road so designated in the general plan. Freeways are essentially expressways with fully controlled access, providing regional connectivity to neighboring cities.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption, and no customer seating or other physical accommodation is provided for on-site dining. Typical uses include groceries, liquor stores, and retail bakeries. Excludes convenience stores.

Food Products Processing. An industrial use that involves the preparation, processing, canning, pickling, preserving, or cooking, and packaging of food products for human consumption. Excludes agricultural produce processing.

Food Truck. See [Section 37-50.095](#): Food Trucks for this definition.

Fortunetelling. A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortunetelling shall be limited to uses where the fortune is told through astrology, augury, card or tea reading, cartomancy, clairvoyance, clairsaudience, crystal gazing, divination, magic mediumship, necromancy, palmistry, psychometry, phrenology, prophecy, spiritual reading, or any similar means. Excludes forecasting based on historical trends or patterns, religious or political dogma, or any of the previously listed arts when presented in an assembly of people who purchase tickets or means in exchange for the presentation at a site licensed for such purpose.

Funeral Services. Establishments primarily engaged in the preparation of the deceased for burial or cremation, the temporary display of the deceased, cremations, accessory retail sales, and rituals connected with the burial or cremation.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 22, 5-18-2010; Ord. No. 2623 (NCS), § 2, 11-5-2019; Ord. No. 2649 (NCS), § 1, 9-21-2021)

Sec. 37-10.310. - "G" definitions.

Gable. The generally triangular section of wall at the end of a pitched roof, occupying the space between the two slopes of the roof.

Garage. An enclosed accessory building, or portion of a building, used for the parking or temporary storage of motor vehicles and recreational vehicles for the occupants of the premises.

General Plan. The Salinas general plan, as amended from time to time.

Government Offices. Administrative, clerical or public contact offices of a government agency, including postal facilities, together with incidental storage.

Grading. An excavation, filling in, re-engineering, spreading, or moving of earth, sand, gravel, rock, or other natural material on a lot, building site, street right-of-way, or other land area.

Grand Opening. See Article V, Division 3: Signs for this definition.

Granny Unit. See "Dwelling, Second."

Gross Vehicle Weight Rating (GVWR). The weight specified by the manufacturer of a vehicle as the loaded weight of a single vehicle.

Ground Floor. The floor of a building, which is nearest the surrounding surface of the ground, and is usually considered to be the first floor.

Guests. See [Section 37-50.030](#): Alcohol license review.

(Ord. No. 2463 (NCS).)

Sec. 37-10.320. - "H" definitions.

Habitable Room. Any room designed for sleeping or living purposes. Excludes such spaces as closets, garages, bathrooms, hallways, unfinished attics, foyers, patios, storage spaces, and utility rooms.

Hangar. A shed or shelter, particularly a structure for the shelter, service, or repair of aircraft.

Hangar, Commercial. A hangar in which any person, firm, corporation, or association may conduct any aeronautical business on the airport.

Hangar, Corporate. A hangar housing one or more aircraft for the personal or business use of the hangar owner or lessee, and where no commercial activities are allowed to be conducted.

Hangar, Multiple T. A hangar composed of partitioned, nested units designed to house no more than one aircraft in each unit and having single door openings for each unit and where no commercial activities are allowed to be conducted.

Hazardous Waste. See "Waste, Hazardous."

Hazardous Waste Transfer Station. See "Transfer Station, Hazardous Waste."

Heavy Equipment. See [Section 37-50.190](#): Recreational vehicles, prohibited vehicles, and equipment parking and storage for this definition.

Hedge. A row of bushes or small trees or similar vegetation planted close together to form a barrier enclosing or bordering a yard, boundary, or an object (or any portion thereof). Also see [Section 37-50.090](#): Fences, walls, and hedges.

Height, Building or Structure. See "Building or Structure Height."

Height, Wall. See [Section 37-50.090](#): Fences, walls, and hedges.

Hip. The external angle formed by the meeting of two sloping sides or skirts of a roof, which have their wall plates running in different directions.

Hierarchy. A clearly defined ranking of places within a given area.

Home Occupation. See [Section 37-50.100](#): Home occupations for this definition.

Hospital. An institutional land use consisting of a facility licensed by the State Department of Public Health for the provision of clinical and temporary or emergency service for human patients in need of medical, obstetrical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services, including inpatient, outpatient, and overnight care.

Hotel. A commercial land use providing transient occupancy for guests for twenty-eight or fewer days in a building or portion thereof in which access is provided through a common entrance, lobby, or hallway, and which contains six or more guest rooms.

Hotel, Extended Stay. A commercial land use providing transient occupancy for guests for twenty-eight or fewer days, or longer than twenty-eight days subject to payment of transient occupancy tax per Salinas Municipal Code [Section 32-22](#), in a building or portion thereof in which access is provided through a common entrance, lobby or hallway and which contains six or more guest rooms.

Housing Code. As defined in [Chapter 9](#) of the Salinas Municipal Code.

Housing Development. One or more groups of residential projects.

(Ord. No. 2463 (NCS).)

Sec. 37-10.330. - "I" definitions.

Illegal On-premises Advertising Display. See [Section 37-50.660](#): Nonconforming sign abatement for this definition.

Improvement. Infrastructure and all related appurtenances, bridges, utilities, pedestrian ways, bikeways, equestrian trails, landscaping and irrigation, and related facilities in connection with an approved development or public works project, whether involving the subdivision of land or not.

Incentives. See [Section 37-50.060](#): Density bonus for this definition.

Indirect Illumination. See Article V, Division 3: Signs for this definition.

Interior Illumination. See Article V, Division 3: Signs for this definition.

Industrial Complex. A combination of industrial and/or heavy commercial establishments, the perimeter of which is clearly definable, developed on a single parcel or continuous parcels of land, planned and developed as a single unit, and providing shared on-site parking.

Industry, General. Manufacturing of products, primarily from extracted or raw materials, the bulk storage and handling of such products and materials, or the processing of food items. General industrial uses typically include: production, fabrication, processing, or manufacturing outside an enclosed building; outdoor storage of bulk fuel or other materials; manufacturing uses involving primary production of commodities from raw materials; a high incidence of truck or rail traffic; and exhaust stacks and other exterior piping or ductwork. May include associated research laboratories. Excludes chemical manufacturing/processing. Examples of general industrial may include, but are not limited to, the following:

(a)

Agricultural produce processing;

(b)

Concrete manufacturing;

(c)

Container manufacturing;

(d)

Food products manufacturing;

(e)

Furniture manufacturing;

(f)

Machinery manufacturing;

(g)

Paper products manufacturing;

(h)

Pharmaceuticals manufacturing;

(i)

Primary metal, plastic, and wood products manufacturing;

(j)

Textile manufacturing; or

(k)

Wineries.

Industry, Limited. Assembly of finished parts or products from already manufactured components, fabrication, packaging, warehousing, distribution, and shipping. Limited industrial uses typically include: activity conducted entirely within an enclosed building; the absence of outdoor storage of bulk fuel or other materials; a low incidence of truck or rail traffic; and the absence of exhaust stacks and other exterior piping or ductwork. May include associated research laboratories. Examples of limited industry may include, but are not limited to, the following:

(a)

Apparel manufacturing;

(b)

Biotechnology firms;

(c)

Computer and electronic manufacturing;

(d)

Paper products finishing; or

(e)

Product assembly.

Inoperable Vehicle and Equipment. See [Section 37-50.190](#): Recreational vehicles, prohibited vehicles, and equipment parking and storage for this definition.

Institutional. See "Public and Semipublic Uses."

Instructional and Educational Services. See [Section 37-50.100](#): Home occupations for this definition.

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;

(b)

Fraternities;

(c)

Dormitories;

(d)

Disaster shelters;

(e)

Sororities;

(f)

Boardinghouses/rooming houses; or

(g)

Halfway houses.

Interim housing does not include residential care facilities, day care homes, family day care centers, convalescent hospitals, hotels, motels, bed and breakfast inns, or single room occupancy housing.

Internal Circulation. A structural connection between two portions of a structure designed to provide for circulation between habitable portions of a structure without circulation out of doors or through nonhabitable

areas such as a garage, or through areas not normally used for interior circulation, such as laundry rooms, bathrooms, and mechanical rooms.

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 6, 11-13-2012; Ord. No. 2623 (NCS), § 3, 11-5-2019)
Sec. 37-10.340. - "J" definitions.

Junk Yard. See "Salvage and Wrecking Operations."

(Ord. No. 2463 (NCS).)

Sec. 37-10.350. - "K" definitions.

Kiosk, Permanent. A freestanding structure with a foundation located on private property not exceeding a maximum size of one hundred square feet and compatible in design with other existing uses and buildings in the vicinity. Operated for the purpose of vending food, drink, retail goods, or services.

Kiosk, Temporary or Semi-permanent. A freestanding, temporary or semi-permanent structure having one or more open air sides, operating on either private property or public rights-of-way and plazas, not exceeding a maximum of sixty square feet and compatible in design with other existing uses and buildings in the vicinity. Operated for the purpose of vending food, drink, retail goods, or services.

Kitchen or Kitchenette. Any room or part of a room, which is designed, built, used, or intended to be used for food preparation (including but not limited to cooking or dishwashing activities). Excludes a bar, butler's pantry, or similar room adjacent to or connected with a kitchen.

(Ord. No. 2463 (NCS).)

Sec. 37-10.360. - "L" definitions.

Laboratories. Establishments providing medical or dental laboratory services or establishments providing photographic, analytical, or testing services.

LAFCO. Local agency formation commission of Monterey County.

Landscaping. An area devoted to, or developed and maintained with, native or exotic plantings, lawn, groundcover, gardens, trees, shrubs, and other plant materials, decorative treatments such as outdoor landscape surfaces of rock, stone, brick, block, wood, or similar decorative material (excludes driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches, or in boxes attached to buildings are not considered landscaping.

Landscaping, Perimeter. A landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, or similar paved area. Excludes driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas) (see Figure 37-10.120).

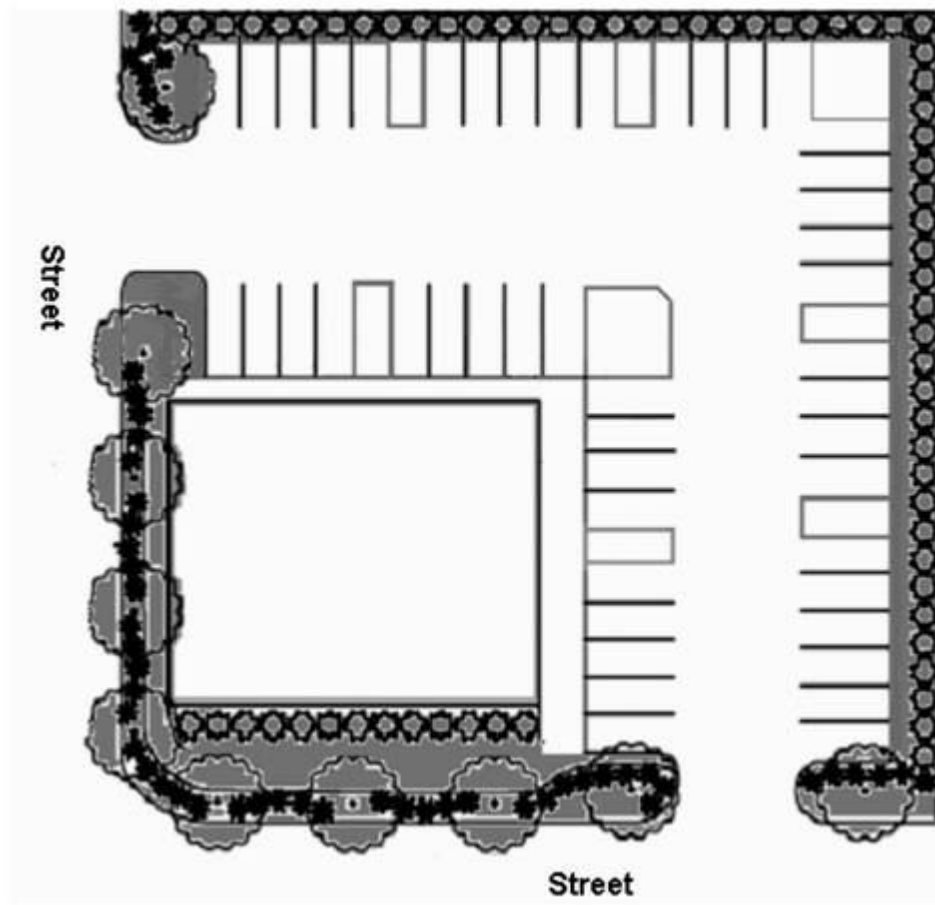


Figure 37-10.120
 Perimeter Landscaping
 Shaded areas denote areas of perimeter landscaping.
 Not to Scale.

Landscaping, Xeriscape. See "Xeriscape."

Lattice Tower. See [Section 37-50.290](#): Telecommunication facilities for this definition.

Laundry or Dry Cleaning, Limited. An establishment to dry clean and/or wash and dry clothes and other fabrics brought in and carried away by the customer. This may include self-service or coin-operated facilities.

Laundry, Unlimited. An establishment where large quantities of clothes and other fabrics are washed and/or ironed or dry-cleaned but are collected and delivered primarily by laundry employees. Excludes laundries or limited dry cleaning.

Ldn. See "Day-night Average Level (Ldn)."

Live-work Units. See [Section 37-50.130](#): Live-work units.

Local Street. Any street not defined as an arterial, collector, or freeway. Local streets primarily provide access to land with little or no through vehicle movements and typically have smaller street cross section widths and lower traffic volumes and speeds. Traffic calming may be used on local streets to reduce vehicle speeds and/or to improve conditions for pedestrians and bicyclists.

Logo. A registered trademark, copyright, brand name, or symbol of an organization or business designed for ready recognition by the public.

Lot or Parcel. A parcel or portion of land separated from other parcels or portions by description, as on a subdivision, parcel, or record-of-survey map, or by metes and bounds, for purpose of the sale, lease, or separate use.

Lot Area, Gross. The total area (measured in a horizontal plane) included within the boundary lines of a lot.

Lot Area, Net. The total area (measured in a horizontal plane) included within the boundary lines of a lot minus any area taken up by surface easements or rights-of-way over the lot, such as areas designated as open space on the general plan, streets, bikeways, open channel storm drains, etc.

Lot Cluster. Two or more adjacent lots having a single uninterrupted perimeter boundary enclosing all of the lots.

Lot Coverage. The percentage of a lot that is covered by a structure or structures including 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.

Lot, Corner. A lot bounded by two or more adjacent street lines that have an angle of intersection of not more than one hundred thirty-five degrees. The front yard of corner lot shall adjoin the shortest street property line. Where street property lines are substantially the same length, the city planner shall determine the location of the front yard (see Figure 37-10.130).

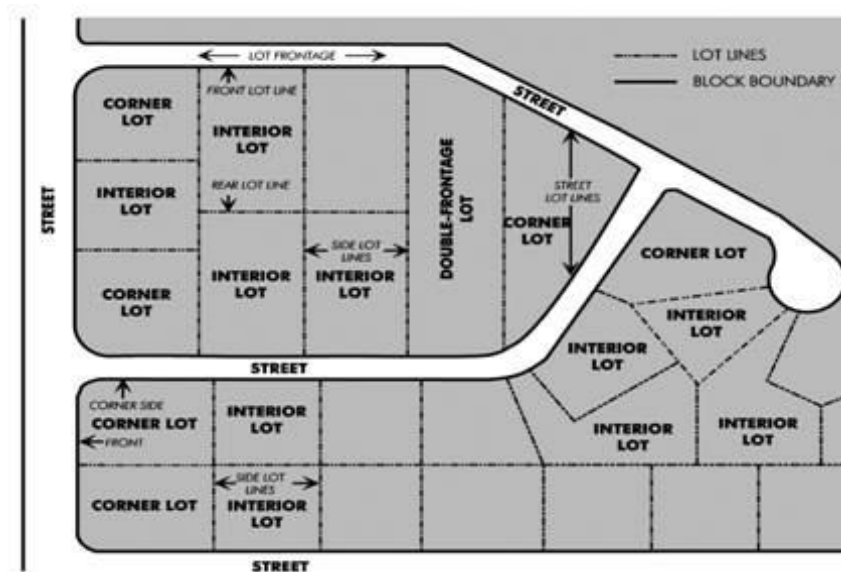


Figure 37-10.130
Lot Types

Lot Depth. The mean horizontal distance between the front and the rear lot lines, or between the front lot line and intersection of the two side lot lines, if there should be no rear lot line (see Figure 37-10.140).

Figure 37-10.140
Lot Depth and Width

Lot, Double-frontage. An interior lot having frontage on more than one street with a street (right-of-way) greater than thirty feet. Each frontage with permitted access shall be deemed a front lot line unless otherwise determined by the city planner (see Figure 37-10.130).

Lot, Frontage. The length of that portion of a lot abutting a street (see Figure 37-10.130).

Lot, Interior. A lot other than a corner lot (see Figure 37-10.130).

Lot Line. A line separating one lot from another or from a public right-of-way or private street.

Lot Line Adjustment. A shift or rotation of an existing lot line between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not created, provided the adjustment is approved in accordance with Article VI, Division 6: Lot Line Adjustments.

Lot Line, Front. A lot line abutting a street. The front lot line shall be the shorter of the two frontages on a corner lot (see Figure 37-10.130).

Lot Line, Rear. A lot line, not intersecting a front lot line, which is most distant and most closely parallel to the front lot line (see Figure 37-10.130).

Lot Line, Side. A lot line that is not a front lot line or a rear lot line (see Figure 37-10.130).

Lot Line, Street. A lot line abutting a street (see Figure 37-10.130).

Lot Width. The average width of the lot, measured at right angles to the line measuring its depth twenty feet from the front lot line and twenty feet from the rear lot line (see Figure 37-10.140).

Lower Income Households. See [Section 37-50.060](#): Density bonus for this definition.

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 7, 11-13-2012; Ord. No. 2623 (NCS), § 4, 11-5-2019)
Sec. 37-10.370. - "M" definitions.

Maintenance and Repair Services, Major. Facilities providing equipment maintenance and repair services and materials storage areas. The classification includes, but is not limited to, corporation yards and equipment

service centers. Excludes facilities devoted primarily to the repair of vehicles.

Maintenance and Repair Services, Minor. Establishments providing appliance repair, office machine repair, or building maintenance services. Excludes the maintenance and repair of motor vehicles.

Manufactured Housing. A single-family dwelling that is factory-fabricated, built in one or more sections, complies with regulations adopted by the state of California Department of Housing and Community Development, and designed to be transported and affixed to a permanent foundation.

Marine Sales and Services. Establishments providing marine supplies, equipment, and service for commercial and pleasure boating.

Marquee. See "Canopy."

Massing. The arrangement of a building's major elements.

Maximum Residential Density. See [Section 37-50.060](#): Density bonus for this definition.

Meals. See [Section 37-50.030](#): Alcohol license review.

Mini-warehousing or Mini-storage. See "Warehousing and Storage, Limited."

Mixed Use Building. A structure containing both residential and pedestrian-oriented commercial uses (including retail, restaurants, offices, services, and similar uses deemed compatible with residential uses). The commercial use or uses are typically located on the ground floor of the structure with the residential dwellings predominantly located on the second or higher floors.

Mixed Use Development. A project with both residential and nonresidential uses located on the same lot or site. With this type of development, there is no requirement that the residential and the nonresidential uses be located in the same building. Prohibited commercial uses in mixed residential developments include vehicle-related uses including repair, sales, services, storage, and washing; live entertainment; commercial recreation; animal sales and services; major maintenance and repair services; pawn shops; tattoo and/or body-piercing parlors; industrial uses, and other uses deemed inappropriate by the city planner due to potential adverse land use impacts.

Mobile Recycling Unit. See [Section 37-50.210](#): Recycling facilities for this definition.

Mobilehome. 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 mobilehome is not considered a building, as defined by the Uniform Building Code.

Mobilehome Park. An area or tract of land designed for the occupancy of mobilehomes, either rented or offered for rent. The land under the mobilehomes is not divided into separate lots. Mobilehome park does not include a recreational vehicle park or a subdivision with manufactured housing.

Moderate Income Households. See [Section 37-50.060](#): Density bonus for this definition.

Monopole. See [Section 37-50.290](#): Telecommunication facilities for this definition.

Motel. A commercial land use providing transient occupancy for guests for twenty-eight or fewer days in one or more buildings on the same lot. The buildings contain guest rooms or dwelling units or both, which are usually individually and independently accessible from outside the building. Motel includes motor lodge, tourist court, motor hotel, or any other designation intended to identify the premises as providing for rental or overnight accommodation for guests.

Motel, Extended Stay. A commercial land use providing transient occupancy for guests for twenty-eight or fewer days, or longer than twenty-eight days subject to payment of transient occupancy tax per Salinas Municipal

Code [Section 32-22](#), on one or more buildings on the same lot. The buildings contain guest rooms or dwelling units or both, which are usually individually and independently accessible from outside the building. Motel includes motor lodge, tourist court, motor hotel, or any other designation intended to identify the premises as providing for rental or overnight accommodation for guests.

Motor Home. A portable dwelling designed and constructed as a self-propelled vehicle for camping, travel, recreation, and vacation purposes.

Motor Vehicle. See "Vehicle."

Motor Vehicle Repair, Major. See "Vehicle Repair, Major."

Motor Vehicle Repair, Minor. See "Vehicle Repair, Minor."

Motor Vehicle Storage. See "Vehicle Storage."

Multifamily Dwelling. See "Dwelling, Multifamily."

Multimodal. Pertaining to or accommodating more than one mode of transportation, such as bicycle, pedestrian, automobile, bus, rail, tram, or air travel.

Mural or Mural Exhibit. See [Section 37-50.150](#): Mural exhibits.

(Ord. No. 2463 (NCS).)

Sec. 37-10.380. - "N" definitions.

National Pollutant Discharge Elimination System (NPDES). A national program implemented locally in conjunction with the California Water Quality Control Board for administering and regulating select provisions of the Clean Water Act.

Natural Surveillance. Natural surveillance is a design concept directed primarily at creating environments where there is plenty of opportunity for the intended users of a project and people engaged in their normal behavior to observe the space around them (also known as defensible space).

Node. A center of activity, often at an intersection of major streets.

Nonconforming. A building, structure, parking lot, sign, landscaping, use, or activity that was lawfully established but which, due to the application of this Zoning Code, no longer conforms to existing regulations.

Non Sight-obscuring. See [Section 37-50.090](#): Fences, walls, and hedges for this definition.

Nonrestricted Units. See [Section 37-50.060](#): Density bonus for this definition.

Nuisance. Anything that interferes with the use or comfortable enjoyment of property or life or which is offensive to the senses.

Nursery. The retail or wholesale handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer.

Nursing Homes. See "Convalescent Hospitals."

(Ord. No. 2463 (NCS).)

Sec. 37-10.390. - "O" definitions.

Office, Business and Professional. Offices or firms or organizations providing professional, executive, management, or administrative services, such as accounting, architectural, engineering, real estate, insurance, investment, legal, psychological, and medical/dental laboratories incidental to an office use. Excludes banks, savings and loan associations, and similar financial institutions, and dental and medical offices.

Office, Medical and Dental. Offices and clinics used for the practice of medicine, chiropractic, dentistry, optometry, podiatry, and various forms of physical therapy. Excludes the overnight care of a patient.

Off-sale Alcohol-related Use. See "Alcohol-related Use, Off-sale (Off-premises Consumption)."

Off-street Loading Facilities. A site or a portion of a site, including loading berths, aisles, access drives, and landscaped areas, devoted to the loading or unloading of people or materials.

Off-street Parking. A site or portion of a site, including parking spaces, aisles, access drives, and landscaped areas, devoted to the parking of motor vehicles.

On-premises Advertising Display. See [Section 37-50.660](#): Nonconforming sign abatement for this definition.

On-sale Alcohol-related Use. See "Alcohol-related Use, On-sale (On-premises Consumption)."

Open Space. Lands, both public and private, provided for the preservation of natural resources, hillsides, and creeks; as well as open space for the protection of public health and safety, including natural floodways and stormwater retention areas. Excludes areas devoted to parking or vehicular traffic.

Open Space, Usable. An accessible portion of a lot, including decks, swimming pools, balconies, and the like, which is landscaped and/or developed for recreational use or outdoor activities. Usable open space shall not include the floor area of any building other than unenclosed accessory structures designated or used for open space or recreational purposes, any parking spaces, parking lots, or driveways, except as provided in this section, service areas, or slopes over ten percent, and shall not have any dimension less than ten feet, except decks or balconies, which shall not have any dimension less than six feet to qualify as usable open space. Where decks are private in nature or are for the general use of tenants residing on the property and do not serve primarily as a passageway, such decks may be counted as usable open space when otherwise conforming with the requirements of this Zoning Code. Usable open space does not include required front or corner side yards. For lots with single-family detached dwellings, the portions of the driveway that serve a required detached garage and which are located a minimum of forty feet from the front property line of the lot and which meets the minimum size dimensions above may be counted as usable open space.

Outdoor Facilities. Any business enterprise, temporary use, sales or service, storage, or activity conducted outside an enclosed building.

Outdoor Storage, Permanent. See "Storage, Outdoor (Permanent)."

Outdoor Storage, Temporary. See "Storage, Outdoor (Temporary)."

Overlay District. A certain portion of the city wherein regulations relating to specific environmental, physical, or other characteristics (e.g., locational, economic, historical) are imposed in addition to those of the base district covering the land in question.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 22, 5-18-2010)
Sec. 37-10.400. - "P" definitions.

Parapet. A low protective wall along the edge of a raised structure such as a roof or balcony.

Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.

Park-and-ride Lot. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Parking, Bicycle. Any combination of facilities, including bicycle racks, bicycle lockers, and bins that are designated for the parking, security, and convenient use of bicycles. Bicycle parking facilities are usually conveniently located close to building entrances and locations that provide maximum visibility. At employee destination areas, bicycle parking may also include showers and changing areas for bicyclists.

Parking, Off-site. Any parking lot or structure for the temporary storage, less than twenty-four hours, of motor vehicles, which serves a use or uses which are located on a different legal lot of record from that of the parking lot or structure and do not directly abut the lot served.

Parking, On-street. A parking space for a motorized vehicle that is located within the street right-of-way.

Parking, Off-street Loading Facilities. See "Off-street Loading Facilities."

Parking, Shared. A public or private parking area used jointly by two or more uses.

Parking, Tandem. The placement of parking spaces one behind the other, so that the space nearest the driveway or street access serves as the only means of access to the other space.

Parking Lot, On-site. A site or a portion of a site, devoted to the temporary off-street parking of vehicles, including parking spaces, aisles, access drives, pedestrian walkways, and landscaped areas, and providing vehicle access to a public street.

Parking Space. A readily accessible area maintained exclusively for the parking of one motor vehicle. The parking space may be either within a structure or in the open and does not include driveways, ramps, loading or working areas, and conforms to dimensions and purposes established in this Zoning Code.

Parking Structure. A structure or portion thereof composed of one or more levels or floors primarily used for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade.

Parkway or Park Strip. A piece of land separating the pedestrian from vehicle traffic on a street, located between the rear of a curb and the front of a sidewalk.

Patio. A paved or decked area that may be attached or detached from a structure and may be covered or uncovered. A patio shall not be used as a habitable room or as a parking space for vehicles.

Pawn Shop. A commercial establishment that engages in the business of loaning money on the security of personal property pledged or deposited, including the purchase or sale of such personal property.

Pedestrian-oriented or Friendly. Development that is designed with a primary emphasis on the street sidewalk and facilitating pedestrian access to the site and building rather than on auto access and parking areas. Buildings in such developments are generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows and display areas along the street facades of buildings and outdoor areas (such as plazas) that are oriented to pedestrians. Although parking areas may be provided, they are not emphasized by the design of buildings.

Pedestrian-scaled. Designed to be accessible to pedestrians, as opposed to automobiles.

Pedestrian Walkway. Prepared exterior routes designed to provide pedestrian accessibility and includes plazas, courtyards, paths, and trails that connect uses and neighborhoods with each other and with other community destinations such as schools, parks, retail uses, and other services.

Permanent Cosmetic Facial Shading. A process by which permanent facial cosmetics are placed by the implantation of tints to the skin of the human face along the natural brow line, eyelash lines, cheeks, or lips to

define or enhance the natural coloration of such facial features. Excludes the implantation of any image, including, but not limited to: letters, figures, symbols, or any other design, mark, or picture that would not normally appear on a human face and any type of facial or body piercing where a permanent hole is punctured through the skin or other body part to accommodate the insertion of jewelry or similar items. The use is typically an accessory use to a beauty salon.

Permit. A document issued by the city of Salinas pursuant to the provisions of the Salinas Zoning Code authorizing specific activities, uses, or structures together with the conditions upon which such permit is issued, and the plans, specifications, reports, and approved modifications pertaining thereto.

Permitted. Refers to a use or structure that is allowed without the requirement for approval of a discretionary permit. However, some permitted uses and structures may require approval of nondiscretionary permits, such as site plan review, temporary use of land permits, home occupation permits, large family day care home permits, building permits, etc.

Personal Improvement Services. Services or facilities including, but not limited to, music or photography lessons, fine arts, crafts, driving schools (excludes truck driving schools), and diet centers.

Personal Services. A commercial land use providing recurrently needed services of a personal nature. Personal services generally include barbershops, beauty and nail salons (including permanent cosmetic facial shading), day spas, seamstresses, tailors, shoe repair shops, photo processing, and photographic studios.

Planned Unit Development. A discretionary permit issued in accordance with Article VI, [Division 13](#): Planned Unit Development Permits.

Plaza. An open space area that is wholly or partly enclosed by buildings and has pedestrian-oriented amenities typically located at ground level and is readily accessible to the public.

Porch. See [Section 37-50.010](#): Accessory uses and structures for this definition.

Portico. A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

Pre-existing. In existence prior to the effective date of the zoning regulations codified in this Code, as amended.

Precise Plan. See Article IV, Division 2: Specific Plan (SP) Overlay District.

Premises. A lot or parcel, together with all related buildings, structures, open spaces, and parking areas.

Principal Structure. The primary structure(s) within which is conducted the principal use of the lot.

Principal Use. The primary and predominate use on any lot.

Printing and Publishing, Limited. The preparation of camera-ready artwork, and text, photocopying, printing (including banners and similar signs), and binding not exceeding five thousand square feet in floor area.

Printing and Publishing, Unlimited. The preparation of camera-ready artwork and text, photocopying, printing, and binding in a building exceeding five thousand square feet.

Prohibited Vehicle. See [Section 37-50.190](#): Recreational vehicles, prohibited vehicles, and equipment parking and storage for this definition.

Property Line. A line separating lots of real property having separate legal descriptions, or which separates a lot from a public right-of-way. Also see "Lot Line."

Property Line, Street. See "Lot Line, Street."

Public Art. A sculpture, painting, fountain, or similar object that is sited within a development or public area as a focal point and is intended for the enjoyment of the general public.

Public and Semipublic Uses. A class of uses generally open to the public and maintained and supported by public or nonprofit agencies or organizations and which are of a recreational, civic, educational, religious, institutional, or cultural nature.

Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.

Public Utility Service Yard. A premises used for the warehouse, storage yard, or vehicle and equipment maintenance of a public utility. Public utility service yard may include one or more of any of the following: office, microwave, radio, cable, or other communications equipment.

(Ord. No. 2463 (NCS).)

Sec. 37-10.410. - "Q" definitions.

Qualifying Residents. See [Section 37-50.060](#): Density bonus for this definition.

(Ord. No. 2463 (NCS).)

Sec. 37-10.420. - "R" definitions.

Railing. See [Section 37-50.010](#): Accessory uses and structures for this definition.

Recreation, Commercial. See "Commercial, Recreation."

Recreational Vehicle. See [Section 37-50.190](#): Recreational vehicles, prohibited vehicles and equipment parking and storage for this definition.

Recreational Vehicle Park. An area where spaces are offered to users of recreational vehicles for occupancy on a temporary basis.

Recyclable Material. See [Section 37-50.210](#): Recycling facilities for this definition.

Recycling Collection Facility, Large. See [Section 37-50.210](#): Recycling facilities for this definition.

Recycling Collection Facility, Small. See [Section 37-50.210](#): Recycling facilities for this definition.

Recycling Processing Facility. See [Section 37-50.210](#): Recycling facilities for this definition.

Recycling Processing Facility, Heavy. See [Section 37-50.210](#): Recycling facilities for this definition.

Recycling Processing Facility, Light. See [Section 37-50.210](#): Recycling facilities for this definition.

Redevelopment Director. The director of the Salinas redevelopment department, or the director's designee.

Religious Assembly. Facilities for religious worship and assembly, incidental religious education, meeting halls, gymnasiums, and similar uses. Religious assembly does not include public and private schools, day care centers, incidental professional and business offices, and retail as defined in this division.

Research and Development Services. Establishments primarily engaged in industrial or scientific research, including product testing.

Residential. A land use category with the principal purpose of providing shelter for people on a long-term basis.

Residential Development. See [Section 37-50.060](#): Density bonus for this definition.

Residential Care Facility, Large. Same as a small residential care facility, but serving seven to fourteen persons under the age of eighteen years or over the age of sixty or for persons who have a disability as defined herein.

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 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 children;

(d)

Physically disabled; or

(e)

Wards of the court.

Residential Service Facilities. Residential facilities that do not meet the definition of a residential care facility or interim housing in which group care, supervision, and/or assistance are provided for persons. Excludes day care homes or centers, foster care, or any medical or nursing assistance beyond that required by the residents of the facility to sustain the activities of daily living.

Restaurant. A commercial establishment, with kitchen facilities, which is regularly, and in a bona fide manner, used principally for the preparation, cooking, and serving of food to customers for compensation and where seating or other physical accommodation is provided for on-site dining. May also include accessory catering services.

Restaurant, Drive-through. A restaurant, which includes drive-through facilities to serve patrons' food and beverages in their vehicles primarily for off-premises consumption. Also see "Drive-through or Drive-in Use."

Retail. The exchange of goods directly to the ultimate consumer in exchange for financial or other consideration.

Retail Sales. The retail sales of merchandise not specifically listed under another use classification. This classification includes, but is not limited to, department stores, grocery stores, clothing stores, furniture stores, and businesses retailing toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, electronic equipment, audio and video sales and rentals, sporting goods, kitchen utensils, hardware, home improvement, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor coverings, office supplies, bicycles, and new automotive parts and accessories (excludes service and installation).

Reverse Vending Machine. See [Section 37-50.210](#): Recycling facilities for this definition.

Reverse Vending Machine, Bulk. See [Section 37-50.210](#): Recycling facilities for this definition.

Reverse Vending Machine, Single-feed. See [Section 37-50.210](#): Recycling facilities for this definition.

Reviewing Authority. Unless otherwise specified, the city planner, planning commission, city council, or designee as indicated for the applicable development review application. Also see [Section 37-50.330](#): Vehicle trip reduction for this definition.

Right-of-way. An area or strip of land, either public or private, on which a right of surface passage has been recorded. Thus, right-of-way shall include a public right-of-way, a common lot containing a private street, or other public or private right of surface passage consistent with this definition.

Room, Habitable. See "Habitable Room."

Roof. A structural covering over any portion of a building or structure including projections beyond the walls or support of the building or structure, which is permanently attached.

Roof, Flat. A roof nearly horizontal and level.

Roof, Gabled. A pitched roof having a gable at each end.

Roof, Gambrel. A ridged roof with two slopes on either side, the lower slope having the steeper pitch. It is often flared beyond the front and rear of the dwelling forming a deep overhang.

Roof, Hipped. A hipped (or hip) roof slopes down to the eaves on all four sides. Although a hipped roof is not gabled, it may have dormers or connecting wings with gables.

Roof, Mansard. A mansard roof has two slopes on each of the four sides. The lower slope is steeper than the upper slope. Dormers are often set in the lower slope. The upper slope is usually not visible from the ground.

Rowhouse. See "Dwelling, Single-family Attached."

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 22, 5-18-2010; Ord. No. 2610 (NCS), § 1, 11-6-2018)
Sec. 37-10.430. - "S" definitions.

Salinas General Plan. The long range and comprehensive plan for the orderly growth and development of Salinas, including text, maps and amendments, adopted by the Salinas city council in accordance with the laws of the state of California or as amended from time to time. Also see "General Plan."

Salvage and Wrecking Operations. See [Section 37-50.230](#): Salvage and wrecking operations for this definition.

Satellite Dish Antenna. An apparatus designed to receive or transmit communications to and from a satellite.

School District or Community College District Housing. Any affordable rental housing at the low- and moderate-income levels that a school district or community college district acquires, constructs, rehabilitates, or preserves consistent with the Teacher Housing Act of 2016 and as may be amended by the State Legislature. See [Section 37-50.235](#): school district or community college district housing.

School, Trade. A commercial land use consisting of an institution of learning for special skill or special knowledge. Trade schools include, but are not limited to, vocational schools, business schools, and professional schools. Excludes public or private schools as defined herein and driving schools.

School, Public/Private. A public and semipublic land use such as a private or public school (grades kindergarten through high school, or their equivalent), college or university qualified by the State Board of Education to give general academic instruction. Excludes trade and driving schools.

Secondhand Store. Any premises used for the sale or handling of used goods. Secondhand store includes establishments for the sale or trade of used clothing, furniture, and appliances. Excludes antique and collectible shops and pawn shops.

Senior Housing. See [Section 37-50.060](#): Density bonus for this definition.

Service Station. A place where motor fuel, lubrication oil, or grease is offered for sale to the public and delivered directly into motor vehicles. Includes minor motor vehicle repair as an accessory use to the sale and delivery of motor fuel, oil, and grease.

Setback or Setback Line. The distance required between a property line and the exterior wall of a structure. Also see "Yards."

Shared Parking. A parking strategy aimed at reducing the amount of parking spaces by allowing buildings with different peak hours to share the same parking lot.

Shopping Center. A group of two or more commercial establishments including indoor swap meets, the perimeter of which is clearly definable, developed on a single parcel or contiguous parcels of land, planned, and developed as a single site and providing shared on-site parking and vehicular access, landscaping, signage, and other facilities.

Signs or Signage. See Article V, Division 3: Signs for all sign-related definitions.

Single-family Dwelling. See "Dwelling, Single-family."

Single-feed Reverse Vending Machine. See [Section 37-50.210](#): Recycling facilities for this definition.

Single-occupant Vehicle. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Single Room Occupancy (SRO) Housing. A residential facility with individual secure rooms, of a smaller size than normally found in multifamily dwellings, which may have kitchen and bathroom facilities, and which are rented to a one- or two-person household on a long-term basis.

Site. A contiguous area of land, including a lot or lots or a portion thereof, upon which a project is developed or proposed for development.

Site Plan Review. An administrative review process conducted in accordance with Article VI, Division 5: Site Plan Review.

Specified Anatomical Areas. See [Section 37-50.020](#): Adult entertainment facilities for this definition.

Specified Sexual Activities. See [Section 37-50.020](#): Adult entertainment facilities for this definition.

Speculative Building. A permanent structure for which the specific use or uses are not known at the time application is made for building permits.

Stealth Telecommunication Facility. See [Section 37-50.290](#): Telecommunication facilities for this definition.

Storage. Placing of materials, vehicles, or equipment at one location for more than seventy-two uninterrupted hours without use. Also see "Vehicle Storage."

Storage, Outdoor (Permanent). Any business enterprise, sales, service, storage, or activity conducted outside an enclosed building.

Storage, Outdoor (Temporary). The use of a premises or part of a premises, not enclosed by a building, for the storage of materials, vehicles, or equipment for a period of not greater than thirty days or during construction

activities.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six feet above grade, for more than fifty percent of the total perimeter or is more than twelve feet above grade, at any point such usable or unused under-floor space shall be considered as a story. A basement is not considered a story.

Story, First. The lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.

Structure. Anything constructed or erected on the ground or which is attached to something erected on the ground.

Street. A public or private right-of-way, usually designed for pedestrian, bicycle, and vehicular travel, which provides a primary means of access to abutting property. The term shall include, but not be limited to, avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any similar term. Excludes alleys and driveways.

Street Frontage. The length of a lot facing a street that affords direct public access to the lot.

Street Furniture. Those features associated with a street that are intended to enhance the street's physical character and intended for use by pedestrians (the general public), such as benches, trash receptacles, lights, and newspaper racks.

Streetscape. The linear environment along a right-of-way created by the placement and design of buildings, trees, open spaces, street furniture, and infrastructure.

Supportive Housing. Dwellings linked to onsite or offsite services that assist the supportive housing resident to retain the housing, to improve his or her health status, and to maximize her or his ability to live and, when possible to work, in the community. Supportive housing serves both individuals and families who lack a fixed, regular and adequate nighttime residence prior to occupying the supportive housing, including persons under twenty-five years of age no longer eligible for foster care on the basis of age, and individuals and families not previously homeless. Supportive housing is considered a residential use of property subject only to development regulations that apply to other residential dwellings of the same type in the same zoning district. Excludes emergency shelters, convalescent hospitals and hospitals.

Swap Meet. Occasional or periodic retail activities held in an open area or enclosed structure where groups of individual sellers are provided space to display, barter, or sell goods to the public. "Swap meet" is interchangeable with and applicable to: flea markets, open-air markets, farmers' markets, or other similar activities.

Swimming Pools, Hot Tubs, and Spas. Any constructed or prefabricated water-filled vessel that is not drained, cleaned, or refilled for each individual, and is used for swimming, soaking, or recreation.

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 4, 11-13-2012; Ord. No. 2581 (NCS), § 4, 12-6-2016; Ord. No. 2656 (NCS), § 1, 5-10-2022)

Sec. 37-10.440. - "T" definitions.

Target Unit. See [Section 37-50.060](#): Density bonus for this definition.

Tattoo and/or Body Piercing Parlor. An establishment whose principal business activity is the practice of placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substance that results in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Also includes an establishment whose principal business activity is any type of body piercing where a permanent hole is punctured through the skin or other body part to accommodate the insertion of jewelry or other items. Excludes establishments where the body piercing is incidental to a principal use such as jewelry store and beauty salons.

Telecommunications Facilities. Public, commercial, and private electromagnetic and photoelectrical transmission and receiving facilities. Includes antennas for cellular, enhanced specialized mobile radio (ESMR), personal communications services (PCS), earth stations for satellite-based communications, and similar facilities, but does not include satellite dish antennas, which are included under "Accessory Structures and Uses." Also see [Section 37-50.290](#): Telecommunication facilities for this definition.

Telecommunications Facilities, Major. See [Section 37-50.290](#): Telecommunication facilities for this definition.

Telecommunications Facilities, Minor. See [Section 37-50.290](#): Telecommunication facilities for this definition.

Telecommunications Facilities, Stealth. See [Section 37-50.290](#): Telecommunication facilities for this definition.

Telecommuting. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Temporary Use. Any use conducted on an intermittent or one-time basis for a specific period of time, not intended to become permanent.

Theater. A structure used for dramatic, operatic, motion pictures, or other performances for which an admission fee is paid. Such establishments may include related services such as food and beverage sales or other concessions. Excludes adult entertainment facilities.

Tourist-oriented Development. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Tower. A portion of a building that is higher than the remainder of the building or a tall structure of smaller dimension, which is separate from the building, such as the campanile (bell tower) of a church. Also see [Section 37-50.290](#): Telecommunication facilities for definition of lattice tower.

Towing. See "Vehicle Storage."

Townhouse. See "Dwelling, Single-family Attached."

Traditional Neighborhood Design. Developments based on human-scale design principles that promote walkability, compact neighborhoods, and a reduction of automobile usage. Such developments typically exhibit several of the following characteristics: buildings oriented to the street, front porches on houses, emphasis on pedestrian orientation, village squares and greens, alleys, streets laid out in a grid system, and compatible mixed land uses, etc.

Traffic Calming. Measures that reduce motorist speed, decrease motor vehicle volumes, reduce cut-through traffic, enhance the street environment, and/or increase safety for pedestrians and nonmotorized vehicles. Mostly includes physical features, but may also include educational programs, traffic enforcement, and traffic operation changes.

Trail. A bicycle/pedestrian facility separated from motorized vehicular traffic by an open space or barrier and either within the street right-of-way or not.

Transfer Station. A facility limited to the collection, temporary storage, and transfer of household waste, household hazardous waste, and small quantity generator waste.

Transfer Station, Hazardous Waste. Any hazardous waste facility that is not limited to the collection, temporary storage, and transfer of household hazardous waste and small-quantity generator waste.

Transient Occupancy. Any building or portion thereof, used or designed to be used, let, or rented on a daily or weekly basis or for less than twenty-eight days for travelers or guests, or that is subject to the transient occupancy tax per Salinas Municipal Code [Section 32-22](#).

Transit-oriented Development (TOD). A development pattern that clusters and intensifies uses in close proximity to public transportation facilities to encourage pedestrian activity and provide an alternative to private motorized vehicle use.

Transitional Housing. Dwellings operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time at least six months after occupancy. Transitional housing is rented, not owner-occupied, and may be single-family or multifamily; includes duplexes, triplexes, and green court dwellings, and may be either attached or detached. Transitional housing is considered a residential use of property subject only to development regulations that apply to other residential dwellings of the same type in the same zoning district. Some congregate housing, dormitories, halfway houses, and single room occupancy housing may be operated as transitional housing. Excludes emergency and disaster shelters.

Transparency. The ability of people outside a building to see and understand what goes on inside it and vice versa.

Transportation Demand Management (TDM). See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Transportation Management Association. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Travel Services. Office establishments providing travel information and reservations to individuals and businesses.

Travel Trailer. A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for camping, travel, recreational, and vacation purposes and which is identified as a travel trailer by the manufacturer.

Trip. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Trip Reduction. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Truck Depot. A facility for the temporary storage, servicing, or maintenance of trucks or buses. Truck depots may include fueling facilities, traffic routing offices, restaurants, restrooms and shower facilities, wash racks, minor repair facilities, and related business offices and motels. A truck depot may also contain a facility not to exceed twenty-five thousand square feet in size to be used for the retail sale of convenience goods, such as pre-packaged food and beverage items, prepared food items for off-site consumption, tobacco, periodicals, and other limited groceries and household items.

Truck Yard. A facility used exclusively for breaking down and assembling tractor-trailer transport, or for parking of heavy vehicles for short periods of time. Excludes facilities for the loading and unloading of materials being transported.

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 5, 11-13-2012)
Sec. 37-10.450. - "U" definitions.

Uniform Building Code. As defined in [Chapter 9](#) of the Salinas Municipal Code.

Use. The purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained. Use also means the activity conducted on the land or in the building.

Use Classifications. Categories of land uses.

Utilities, Major. Generating plants, electrical substations, aboveground electrical transmission lines, natural gas pipelines, water wells and storage, water reservoirs, regional flood control or drainage facilities, water or wastewater treatment plants, transportation facilities, and similar facilities of public agencies or utility companies.

Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines and underground water and sewer lines (including lift stations), and appurtenant structures/facilities.

Utility Shed. See [Section 37-50.010](#): Accessory uses and structures for this definition.

(Ord. No. 2463 (NCS).)

Sec. 37-10.460. - "V" definitions.

Vanpool. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Variance. A permit which grants a property owner relief from development standards contained in the Zoning Code when compliance would result in undue hardship on the owner due to special circumstances or conditions applicable to a property, including size, shape, topography, location, or surroundings.

Vehicle. Any motorized vehicle or transport designed to carry goods or passengers and licensed by the state of California to operate on a public street including, but not limited to, automobiles, motorcycles, trucks, and recreational vehicles.

Vehicle-related Retail Sales and Services. Retail sales conducted at premises where no less than eighty percent of the floor area is devoted to vehicle-related goods provided directly to the ultimate consumer for financial or other consideration. Vehicle-related or vehicle-related retail goods include both sales of parts (e.g., engine heads and alternators) and nondurable items (e.g., fan belts and windshield wiper blades) for motor vehicles. Retail sales do not include replacement or installation of the goods on the premises; such activity is defined as motor vehicle repair. Installation of accessories not required for operation of the vehicle (e.g., alarm systems and cellular phones), and not requiring painting or bodywork, does fall within this category. Also includes primarily vehicle-related financial services such as purchase financing and vehicle insurance and claims, but not including the sale or transfer of vehicles.

Vehicle Repair, Major. A place providing a full range of repair and maintenance services for motor vehicles, including any of the following:

(a)

Cylinder head replacement;

(b)

Valve grinding or replacement;

(c)

Clutch replacement;

(d)

Repair, replace transmission, rear end, rear axles, king pins;

(e)

Body work;

(f)

Engine, motor or transmission removal;

(g)

Fuel tank repair;

(h)

Radiator or heater core repair or replacement;

(i)

Painting;

(j)

Repair activities requiring the use of open flame or welding;

(k)

Exhaust system repair;

(l)

Repair activities requiring entry into the engine block; or

(m)

Any repair activity not listed as minor vehicle repair.

Vehicle Repair, Minor. A place performing the following repair and maintenance services for motor vehicles not exceeding a gross vehicle weight of five tons carrying capacity, including any of the following:

(a)

Tune-ups. Major and minor tune-up involving spark plugs, points, condensers, valve adjustments, carburetor overhauls, adjustment of fuel injection systems, fuel pumps, and all necessary filters;

(b)

Lubrication. Oil changes and filter replacement, transmission and rear end oil changes;

(c)

Cooling System. Replacement of water pumps, heaters, and other hoses; replace thermostats; recharge air conditioners;

(d)

Drive Train. Replacement of driveshaft universal bearings, center support bushing, accelerator and brake cables; minor repair of hydraulic systems; replacement of shock absorbers;

(e)

Brakes. Remove and replace shoes and brake pads; rebuild master and wheel cylinders and disc caliper; adjustment of brakes; machine work related to turning of drums or discs;

(f)

Wheels. Adjustment of steering box; replacement of rubber bushings in suspension; wheel balancing; wheel alignment; replacement of wheel bearings; tire changes and repairs;

(g)

Electrical. Battery charging; remove, repair, and replace starters, alternators, generators, and regulators; rewiring of automobile and lights; repair or replacement of gauges; installation of radios;

(h)

Smog checks;

(i)

Fuel System. Change and repair of fuel lines; replace fuel gauge sending unit; or

(j)

Any activity combining minor and major motor vehicle repair shall be defined as "Major Vehicle Repair." Minor Vehicle Repair uses excludes any activity that involves welding or an open flame.

Vehicle Sales and Services. Sale or rental of automobiles, motorcycles, trucks, and recreational vehicles including display areas, incidental storage, and maintenance. Display areas do not include separate employee/customer parking lots.

Vehicle Storage. Lots for the storage and parking of tow-away and towed vehicles, impound yards, and storage lots for vehicles, trucks, buses, and recreational vehicles. Excludes salvage and wrecking operations.

Vehicle Trip. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Vehicle Trip Reduction. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

Vehicle Washing. The washing, waxing, detailing, or cleaning of automobiles or similar light vehicles including the use of mechanical automobile washers.

Very-low Income Households. See [Section 37-50.060](#): Density bonus for this definition.

Vocational School. See "School, Trade."

(Ord. No. 2463 (NCS).)

(Ord. No. 2569 (NCS), § 2, 4-19-2016)
Sec. 37-10.470. - "W" definitions.

Wall. See [Section 37-50.090](#): Fences, walls, and hedges.

Wall Height. See [Section 37-50.090](#): Fences, walls, and hedges.

Warehousing and Storage, Limited. A building or group of buildings in a controlled access compound that contains individual compartmentalized stalls which are rented or leased for the storage of customer goods or wares, and which may include an on-site manager's quarters. Excludes warehousing and storage, and wholesale distribution. Limited warehousing and storage shall also mean miniwarehousing. Excludes direct sales, offices, manufacturing and assembly of goods, animal storage, or wholesale distribution.

Warehousing and Storage, Wholesale Distribution. A building or group of buildings used for storage and distribution of wholesale goods without direct public access. Excludes direct sales, offices, manufacturing, and assembly of goods or animal storage.

Waste, Hazardous. A waste or combinations of waste that because of its quantity, concentration, or physical, chemical, or infectious characteristics: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of, or otherwise managed; and (3) is identified in Section 261 of Title 40 of the Code of Federal Regulations as a hazardous waste as amended.

Waste, Household. Any waste other than household hazardous waste generated incidental to owning or maintaining a place of residence.

Waste, Household Hazardous. Any hazardous waste generated incidental to owning or maintaining a place of residence. Excludes any waste generated in the course of operating a business concern at a residence.

Waste, Small-quantity Generator. Any hazardous waste generated in accordance with and establishment that meets the criteria specified in Section 261 of Title 40 of the Code of Federal Regulations as amended. Small quantity generators typically produce less than one and one-tenths tons of hazardous waste per month.

Wholesale. The exchange of goods not intended for direct sale to the public but intended for future distribution and resale for financial or other consideration.

Wine Tasting Room. An establishment in which wine and wine-related products are available for off-site sale, distribution, and consumption, and where wine, limited to that offered for sale, is sampled on the premises. Nothing in this Zoning Code shall be construed to require that any food be sold or purchased with any beverage. A wine tasting room may include a boutique winery.

Winery. A facility used for the purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes crushing, fermenting, blending, aging, storage, bottling, warehousing, wine-tasting facilities, administrative offices, and wholesale and accessory retail sales of associated wine and wine-related items. A winery does not include a boutique winery.

Winery, Boutique. A facility where wine is produced from preprocessed ingredients. Processing permitted at boutique wineries shall be limited to blending ingredients, fermenting wine in sealed containers, bottling of wine, warehousing of ingredients, short-term storage, wine-tasting facilities, administrative offices, and retail and accessory wholesale sales of associated wine and wine-related items. Boutique wineries do not include crushing, pressing, or other processing of fruits or vegetables, and do not include the blending or mixing of ingredients through the use of any machinery or mechanical means.

Worksite. See [Section 37-50.330](#): Vehicle trip reduction for this definition.

(Ord. No. 2463 (NCS); Ord. No. 2482 (NCS), § 1.)
Sec. 37-10.480. - "X" definitions.

Xeriscape. Landscaping characterized by the use of vegetation that is drought-tolerant or requires low water use.

(Ord. No. 2463 (NCS).)

Sec. 37-10.490. - "Y" definitions.

Yard. An open area on the same parcel as a structure, unoccupied and unobstructed by structures or parking from the ground upward except as otherwise provided in this Zoning Code, including a front yard, interior side yard, corner side yard, or rear yard measured to the building or structure at its closest point to the lot line (see Figure 37-10.160).

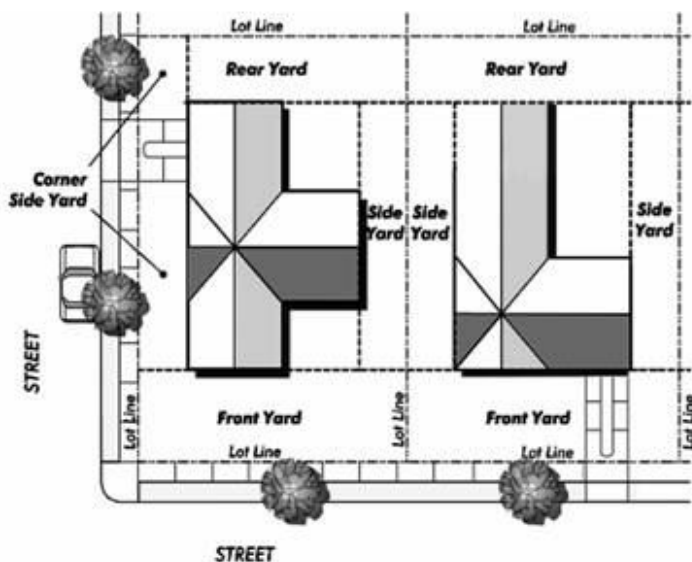


Figure 37-10.160

Yards

Yard, Corner Side. A side yard on the street side of a corner lot (see Figure 37-10.160).

Yard, Front. The area between the front lot line and the building extending across the entire width of the lot. The front yard shall adjoin the shortest street property line. Where street property lines are substantially the same length, the city planner shall determine the location of the front yard (see Figure 37-10.160).

Yard, Minimum. A yard, as defined herein, that occupies the required minimum distance between any property line and a building as established in the development regulations for the applicable base zoning district.

Yard, Rear. The area between the rear lot line and the principal building that extends across the full width of the lot (except on a corner lot) (see Figure 37-10.160).

Yard Side or Interior Side. The area between the front yard and the rear yard between the principal building and the side lot line (see Figure 37-10.160).

(Ord. No. 2463 (NCS).)

Sec. 37-10.500. - "Z" definitions.

Zoning Code. [Chapter 37](#) of the Salinas Municipal Code.

Zoning District. A section of the city described in the text of the zoning regulations and delineated on the zoning map of the city. The text sets forth the requirements for the use of land as well as improvements and development standards.

Zoning Map. Designated official map or maps that show the location and boundaries of the districts established by this Code and are referred to as the "zoning map" and incorporated as a part of this Code. The said "zoning

map" together with everything shown thereon and all amendments thereto, are as much a part of this Code as if fully set forth and described in the text.

(Ord. No. 2463 (NCS).)

Article II. - Establishment of Zoning Districts and Designations.

Division 1. - General Provisions.

Sec. 37-20.010. - Districts established.

The city is divided into the following districts for the purposes of classifying, regulating, restricting, and separating the use and development of land, buildings, and structures; regulating and limiting the type, height, and bulk of buildings, improvements, and structures; and regulating areas of yards and other open areas abutting and between buildings and structures.

(a)

Base Districts. Every parcel shall have a base district that establishes the primary type and intensity of land use permitted, along with development regulations for that particular type and intensity of land use. Table 37-20.10 lists the base zoning districts within Salinas.

Table 37-20.10 Base Zoning Districts Established	
Base District	District Symbol(s)
Agricultural (A) District	
Agricultural	A
Residential (R) Districts	
Residential Low Density (RL)	R-L-5.5
Residential Medium Density (RM)	R-M-3.6, R-M-2.9
Residential High Density (RH)	R-H-2.1, R-H-1.8
Commercial (C) Districts	
Commercial Office/Residential	CO/R
Commercial Office	CO
Commercial Retail	CR
Commercial Thoroughfare	CT
Mixed Use (MU) Districts	
Mixed Arterial Frontage	MAF
Mixed Use	MX
Industrial (I) Districts	
Industrial—General Commercial	IGC
Industrial—Business Park	IBP
Industrial—General	IG
Parks (P) and Open Space (OS) Districts	
Parks	P
Open Space	OS
Public/Semipublic (PS) District	
Public/Semipublic	PS

New Urbanism (NU) Districts	
Neighborhood Edge/Low Density Residential	NE
Neighborhood General 1/Medium Density Residential	NG-1
Neighborhood General 2/High Density Residential	NG-2
Village Center	VC
New Urbanism Interim	NI

(b)

Overlay Districts. An overlay district supplements the base district for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base district. In the event of conflict between the base district regulations and the overlay district regulations, the provisions of the overlay district shall apply. Table 37-20.20 lists the overlay districts zoned within Salinas.

Table 37-20.20 Overlay Districts Established	
Overlay District	District Symbol
Flood	F
Specific Plan	SP
Gateway	G
Focused Growth	FG
Central City	CC
East Romie Lane Corridor	ERL
Airport	AP

(c)

New Urbanism Districts. The Salinas general plan has integrated principles of new urbanism into the development goals and policies for the city's long-term growth. Two base districts and two overlay districts have been established that allow a mixture of land uses and a higher density and intensity of development standards than typically described for the other zoning districts in the city. These districts provide standards for growth for designated areas outside the city and existing urbanized areas within the city and are as follows:

(1)

New Urbanism (NU) Districts. The new urbanism (NU) districts, consisting of five districts: neighborhood edge/low density residential (NE), neighborhood general 1/medium density residential (NG-1), neighborhood general 2/high density residential (NG-2), village center (VC), and new urbanism interim (NI) are applied to largely undeveloped areas outside of the existing city limits that the city wishes to see developed with a mixture of pedestrian-friendly uses. Development in the new urbanism districts will be subject to the preparation of specific plans that incorporate the design standards and development and use regulations of the new urbanism districts.

(2)

Mixed Use (MU) Districts. The mixed use (MU) districts, consisting of mixed use (MX) and mixed arterial frontage (MAF), are applied to areas that the Salinas general plan has identified as appropriate for a mixture of commercial, office, institutional, and business uses emphasizing retail, entertainment, and service activities at grade in addition to medium and high density residential uses. Specific use regulations and development and design standards are applied to these properties to minimize conflicts between uses and facilitate pedestrian-oriented activity centers.

(3)

Focused Growth (FG) Overlay District. The focused growth (FG) overlay district is applied to existing urbanized areas that the Salinas general plan has identified for additional growth and/or redevelopment and revitalization. In addition to the general regulations of this Zoning Code, properties located in a focused growth (FG) overlay district are subject to the more specific standards identified in Article IV, Division 4: Focused Growth (FG) Overlay District.

(4)

Central City (CC) Overlay District. The central city (CC) overlay district, consisting of two areas, the downtown core (DC) and downtown neighborhood (DN), are applied to the existing urbanized areas of the city's downtown. In addition to the general regulations of the Zoning Code, properties located within the central city (CC) overlay district are subject to the more specific development standards and design regulations identified in Article IV, Division 5: Central City (CC) Overlay District.

(Ord. No. 2463 (NCS).).

Sec. 37-20.020. - Use classifications, development regulations, and design standards.

(a)

Unlisted Uses. Unless a use is specifically identified, it is not permitted in the district. However, the city planner shall have the authority to review proposed uses not listed in this Zoning Code. A proposed unlisted use may be permitted as a principal, conditional, temporary, or accessory use within a base zoning district if the city planner determines that such use falls within the purpose and intent of that base district, is of a comparable nature with similar environmental impacts to the principal, accessory, or conditional uses set forth as permitted in the base district, is not listed in another base district, and will not be detrimental to property in the vicinity of such use.

(b)

Interpretation of Regulations and Standards. Where uncertainty exists regarding the interpretation of any provision of this article or its application to a specific site, the city planner shall determine the intent of the provision.

(Ord. No. 2463 (NCS).)

Sec. 37-20.030. - Official zoning map.

(a)

Adoption. A map known as the "Official Zoning Map of the City of Salinas" or herein as "zoning map," which is on file with the city clerk, is adopted herein by reference and shall hereafter exist pursuant to and as an integral part of this Zoning Code. The map shall be maintained to reflect the current zoning of the city.

(b)

Amendments. Amendments to the zoning map shall be processed as described in Article VI, [Division 14: Rezones/Pre-zones/Zoning Code Amendments](#).

(c)

Replacement. In the event the zoning map becomes damaged, destroyed, lost, or difficult to read because of the nature or number of changes and additions, the city council, by resolution, may adopt a new zoning map, which shall supersede the prior zoning map. The new zoning map may correct drafting or other errors or omissions in the prior zoning map and reflect zoning map amendments adopted by resolution of the city council.

(d)

Interpretation of District Boundaries. Where uncertainty exists as to the exact zoning boundaries, the following rules shall apply:

(1)

A street, alley, railroad right-of-way, watercourse channel, or other right-of-way shall be included within the zone of the adjoining property.

(2)

When the zoning district boundary is or approximately follows a street, alley, railroad right-of-way, watercourse channel, or other right-of-way, the centerline of that right-of-way shall be considered the boundary.

(3)

When the zone boundaries approximately follow lot lines or city limits, these lines shall be considered the boundaries.

(4)

Where the boundary splits the lot or parcel, or uncertainty still exists, the exact boundary shall be determined by written decision of the city planner.

(5)

When the street, alley, or right-of-way that serves as a zone boundary is vacated, the new zone boundary shall be at the new property line. Where the vacation does not result in a new property line, the zone boundary shall be determined by written decision of the city planner.

(6)

Should any uncertainty remain as to the location of a district boundary or other feature shown on the zoning map, the city planner shall determine the location.

(e)

Pre-zoning. Areas located outside the city limits shall be assigned pre-zoning designations prior to annexation to the city in accordance with Article VI, [Division 14](#): Rezones/Pre-zones/Zoning Code Amendments. Upon annexation of the areas to the city, the pre-zoning designation(s) shall become zoning districts for the area. The zoning map shall be amended to show the new city limits and zoning district(s) of the area, as applicable.

(Ord. No. 2463 (NCS).)

Article III. - Base District Regulations.

Division 1. - Agricultural (A) District.

Sec. 37-30.010. - Purpose.

In addition to the general purposes listed in Article I, Division 1: General Provisions, the purpose of the agricultural (A) district regulations is to:

(a)

Preserve and protect agricultural land from urban development; and

(b)

In certain instances, permit agriculture as an interim use until urban development occurs.

(Ord. No. 2463 (NCS).)

Sec. 37-30.020. - Use classifications.

Table 37-30.10 identifies the use classifications for properties located in the agricultural (A) district:

Table 37-30.10		
Agricultural (A) District Use Classifications		
Land Use	A	Additional Use Regulations
Agricultural Uses	P	(3)
Residential Uses		
Accessory Dwelling Units, Other	P	(6)
Day Care Homes, Family—Large	P	(4)
Day Care Homes, Family—Small	P	
Duplex Dwellings	NP	
Home Occupations	P	(1)
Employee Housing, Agricultural	P	(12)
Employee Housing, Small Project	P	
Employee Housing, Medium Project	CUP	(11)
Employee Housing, Large Project	NP	
Manufactured Housing	P	
Multifamily Dwellings	NP	
Multiple Detached Dwellings	NP	
Residential Care Facilities—Large	CUP	
Residential Care Facilities—Small	P	
Residential Service Facilities	CUP	
Single-family Dwellings—Attached	NP	
Single-family Dwellings—Detached	P	
Public and Semipublic Uses		
Telecommunications Facilities:		
Major	CUP	(8)
Minor	P	(8)
Utilities—Major	CUP	

Accessory Uses and Structures	P	(5)
Animals—Domestic	P	(7)
Utilities—Minor	P	(9)
Utility Sheds	P	(10)
Temporary Uses	TULP	(2)
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.	

Notes:

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

TULP = Temporary Use of Land Permit Required

- (1) See [Section 37-50.100](#): Home occupations.
- (2) See [Section 37-50.300](#): Temporary use of land.
- (3) Animal husbandry may be allowed with a CUP.
- (4) See [Section 37-50.120](#): Large family day care homes.
- (5) 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.
- (6) See [Section 37-50.250](#), Accessory dwelling units. An accessory dwelling unit shall only be permitted on a lot with a single-family detached dwelling.
- (7) 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.
- (8) See [Section 37-50.290](#): Telecommunication facilities.
- (9) Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.
- (10) See [Section 37-50.010\(i\)](#): Utility Sheds.
- (11) Employee housing in the A district shall be limited to that serving agricultural employees.
- (12) See [Section 37-50.075](#): Employee housing, agricultural.

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 8, 11-13-2012; Ord. No. 2581 (NCS), § 5, 12-6-2016; Ord. No. 2623 (NCS), § 5, 11-5-2019)

Sec. 37-30.030. - Development regulations.

Table 37-30.20 identifies the development regulations for the agricultural (A) district:

Table 37-30.20

Agricultural (A) District Development Regulations

Development Regulations	A	Additional Use Regulations
Lot Size—Minimum	10 acres	(A)(C)
Lot Area per Dwelling Unit—Minimum	10 acres	(A)
Lot Width—Minimum	200 ft.	
Lot Depth—Minimum	200 ft.	
Lot Frontage—Minimum	200 ft.	
Yards—Minimum		
Front	50 ft.	(D)(F)
Side		
Interior	20 ft.	(D)
Corner	50 ft.	(D)(F)
Rear	50 ft.	(D)
Height—Maximum	50 ft.	(E)
Distance Between Structures—Minimum	10 ft.	
Driveway Length—Minimum (From street property line)	50 ft.	(B)
Nonresidential FAR	0.10	
Fences, Walls, and Hedges	See Section 37-50.090 : Fences, walls, and hedges.	
Off-street Parking, Loading, and Outdoor Lighting	See Article V, Division 2: Parking, Loading, and Outdoor Lighting.	
Driveway and Corner Visibility	See Section 37-50.460 : Driveway and corner visibility.	
Signs	See Article V, Division 3: Signs.	
Outdoor Facilities	See Section 37-50.170 : Outdoor storage and display.	
Accessory Uses and Structures	See Section 37-50.010 : Accessory uses and structures.	
Screening of Mechanical Equipment	See Section 37-50.240 : Screening of mechanical equipment.	
Recycling and Solid Waste Disposal	See Section 37-50.200 : Recycling and solid waste disposal regulations.	
Performance Standards	See Section 37-50.180 : Performance standards.	
Planned Unit Developments	See Article VI, Division 13 : Planned Unit Development Permits.	
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.	
Swimming Pools, Spas, and Hot Tubs	See Section 37-50.010(k) : Swimming Pools, Spas, and Hot Tubs.	

Notes:

(A) See Sections [37-50.070\(a\)](#) and (b): Development on Existing Lots.

- (B) Driveway length shall be in accordance with the minimum front or corner side yard setback.
- (C) Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and similar facilities.
- (D) See [Section 37-50.040](#): Building projections into yards.
- (E) See [Section 37-50.080](#): Exceptions to height limits.
- (F) Unenclosed porches and architectural entry features may encroach a maximum of five feet into required front and corner side yards.

(Ord. No. 2463 (NCS).)

Division 2. - Residential (R) Districts.

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

Sec. 37-30.050. - Purpose.

In addition to the general purposes listed in Article I, Division 1: General Provisions, the purpose of the residential low density (R-L) district regulations is to:

(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 and with standards of public health and safety established by the Municipal Code;

(b)

Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, inappropriate population density, traffic congestion, and other adverse environmental impacts;

(c)

Promote development of affordable housing, housing for qualifying residents, and day care facilities by providing a density bonus for projects, which meet state and/or city density bonus requirements;

(d)

Achieve design compatibility through the use of site development regulations and design standards;

(e)

Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment;

(f)

Ensure the provision of public services and facilities needed to accommodate planned population densities;

(g)

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

(h)

Promote safe residential neighborhoods through the incorporation of crime prevention through environmental design (CPTED) features in dwelling and site design.

(Ord. No. 2463 (NCS).)

Sec. 37-30.060. - Use classifications.

Table 37-30.30 identifies the use classifications for properties located in the residential low density (R-L) district:

Table 37-30.30		
Residential Low Density (R-L) District Use Classifications		
Land Use	R-L-5.5	Additional Use Regulations
Residential Uses		
Accessory Dwelling Units, Interior	P	(5)
Accessory Dwelling Units, Other	P	(5)
Day Care Homes, Family—Large	P	(1)
Day Care Homes, Family—Small	P	
Duplex Dwellings	NP	
Employee Housing, Small Project	P	(13)
Employee Housing, Small Project	P	(13)(14)
Employee Housing, Medium Project (7—14 employees per lot)	CUP	(13)(15)
Employee Housing, Medium Project (7—14 employees per dwelling unit)	NP	
Home Occupations	P	(2)
Interim Housing	NP	
Manufactured Housing	P	
Mobilehome Parks	CUP	(3)
Multifamily Dwellings	NP	
Multiple Detached Dwellings	NP	
Residential Care Facilities—Large	CUP	
Residential Care Facilities—Small	P	
Residential Service Facilities	NP	
School District or Community College District Housing	CUP	(16)
Single-family Dwellings—Attached	NP	
Single-family Dwellings—Detached	P	(12)
Public and Semipublic Uses		
Convalescent Hospitals/Nursing Homes	CUP	
Cultural Institutions	CUP	
Day Care Centers	CUP	

Park and Recreation Facilities	CUP	
Public Safety Facilities	CUP	
Religious Assembly	CUP	
Schools—Public/Private	CUP	
Telecommunications Facilities:		
Major	NP	(9)
Minor	CUP	(9)
Utilities—Major	NP	(10)
Accessory Uses and Structures	P	(6)
Animals—Domestic	P	(4)
Utilities—Minor	P	(7)
Utility Sheds	P	(11)
Temporary Uses	TULP	(8)
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.	

Notes:

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

TULP = Temporary Use of Land Permit Required

- (1) See [Section 37-50.120](#): Large family day care homes.
- (2) See [Section 37-50.100](#): Home occupations.
- (3) See [Section 37-50.140](#): Mobilehome parks.
- (4) 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.
- (5) See [Section 37-50.250](#), Accessory dwelling units.
- (6) 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.
- (7) Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.
- (8) See [Section 37-50.300](#): Temporary use of land.
- (9) See [Section 37-50.290](#): Telecommunication facilities.
- (10) Water well, drainage, and flood control facilities may be considered subject to the approval of a CUP.
- (11) See [Section 37-50.010\(i\)](#): Utility Sheds.
- (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 project employee housing is a permitted use in the R-L-5.5 district only within single-family dwellings—detached.
- (14) See [Section 37-50.075](#) for development regulations for small project employee housing.
- (15) 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](#).
- (16) Construction or rehabilitation of School District or Community College District Housing shall comply with the development regulations of [Section 37-30.070](#) and design standards of [37-30.080](#).

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), §§ 23, 24, 5-18-2010; Ord. No. 2532 (NCS), § 9, 11-13-2012; Ord. No. 2581 (NCS), § 6, 12-6-2016; Ord. No. 2623 (NCS), § 6, 11-5-2019; Ord. No. 2656 (NCS), § 2, 5-10-2022)

Editor's note— Ord. No. 2532 (NCS), § 9, adopted Nov. 13, 2012, set out provisions adding note (12). To avoid number duplication, and at the editor's discretion, these provisions were included as note (13).

Sec. 37-30.070. - Development regulations.

Table 37-30.40 identifies the development regulations for the residential low density (R-L) district:

Table 37-30.40		
Residential Low Density (R-L) District Development Regulations		
Development Regulations	R-L-5.5	Additional Regulations
Lot Size—Minimum	5,500 sq. ft.	(A)(B)(C)(D)(K)(L)(M)
Lot Area per Dwelling Unit—Minimum	-	
Lot Width—Minimum	50 ft.	(L)
Corner Lot	60 ft.	
Lot Depth—Minimum	75 ft.	(L)
Lot Frontage—Minimum	35 ft.	(L)
Yards—Minimum		
Front	20 ft.	(E)(F)(H)(L)(M)
Side		
Interior	5 ft.	(E)(L)(M)
Corner	15 ft.	(E)(F)(H)(L)(M)
Rear	10 ft.	(E)(L)(M)
Height—Maximum	30 ft.	(I)(L)(M)
Distance Between Structures—Minimum	6 ft.	
Driveway Length—Minimum (From street property line)	20 ft.	(J)(L)
Nonresidential FAR	0.40	
Usable Open Space Area per Dwelling Unit—Minimum	1,000 sq. ft.	(G)(L)
Landscaping	See Article V, Division 4: Landscaping and Irrigation.	

Fences, Walls, and Hedges	See Section 37-50.090 : Fences, walls, and hedges.
Off-street Parking, Loading, and Outdoor Lighting	See Article V, Division 2: Parking, Loading, and Outdoor Lighting.
Driveway and Corner Visibility	See Section 37-50.460 : Driveway and corner visibility.
Signs	See Article V, Division 3: Signs.
Outdoor Facilities	See Section 37-50.170 : Outdoor storage and display.
Accessory Uses and Structures	See Section 37-50.010 : Accessory uses and structures.
Screening of Mechanical Equipment	See Section 37-50.240 : Screening of mechanical equipment.
Recycling and Solid Waste Disposal	See Section 37-50.200 : Recycling and solid waste disposal regulations.
Performance Standards	See Section 37-50.180 : Performance standards.
Planned Unit Developments	See Article VI, Division 13 : Planned Unit Development Permits.
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.
Recreational Vehicles, Prohibited Vehicles, and Equipment	See Section 37-50.190 : Recreational vehicles, prohibited vehicles, and equipment parking and storage.
Vehicle Trip Reduction	See Section 37-50.330 : Vehicle trip reduction.
Swimming Pools, Spas, and Hot Tubs	See Section 37-50.010(k) : Swimming Pools, Spas, and Hot Tubs.

Notes:

(A) See [Section 37-50.060](#): Density bonus.

(B) See Sections [37-50.070\(a\)](#) and (b): Development on Existing Lots.

(C) The minimum density shall be no less than six dwelling units per net acre in accordance with the general plan except that parcels which are less than one acre in size and are located within the city's boundary as indicated on Figure I-1 (Planning Area) of the general plan shall not be subject to the minimum density requirement.

(D) Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and similar facilities.

(E) See [Section 37-50.040](#): Building projections into yards.

(F) Where adjoining lots on the same block face in an R district are improved with residential dwellings, the required minimum front and corner side yards for new structures, as applicable, shall be the average of the front or corner side yard depths for the dwellings located on the adjoining lots, except as otherwise required in [Section 37-50.110](#): Infill residential development in the R-L district. For residential additions, the existing front or corner side yard may be maintained if less than the average. The average shall not include the yards provided for detached garages or carports located on the adjoining lots.

(G) See [Section 37-10.390](#): "O" definitions, for the definition of "usable open space." On any corner lot, usable open space shall be equal to ten percent of the lot area with a minimum of six hundred fifty square feet and a maximum of one thousand square feet required to be provided.

- (H) Unenclosed porches and architectural entry features may encroach a maximum of five feet into required front and corner side yards.
- (I) See [Section 37-50.080](#): Exceptions to height limits.
- (J) Driveway length from the street property line shall be increased to twenty-three feet if roll-up garage doors are not provided on enclosed parking spaces.
- (K) See [Chapter 17](#) of the Municipal Code for inclusionary housing requirements for projects with ten or more dwelling units.
- (L) Inclusionary dwelling units may be developed in accordance with the R-M-3.6 development regulations.
- (M) For infill residential development in established single-family residential neighborhoods, see [Section 37-50.110](#): Infill residential development in the R-L district.

(Ord. No. 2463 (NCS).)

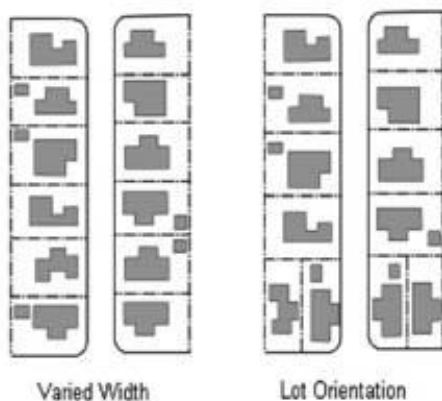
Sec. 37-30.080. - Design standards.

(a)

Purpose. These design standards are intended to assist the designer in understanding the city's requirements for high quality low density residential development. These standards complement the development regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of the various regulations. These standards ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. These standards are also intended to promote low density development, which is pedestrian-oriented, safe, and reflects traditional neighborhood design principles.

(b)

Site Planning. It is the intent of these standards to discourage developments where identical single-family dwelling units march down long, uninterrupted streets, with no variation in building scale, placement, or the street scene, and which create no sense of place. Rather, these standards are intended to encourage single-family dwelling units with attached porches and with garages placed back from the street or accessed from rear alleys to promote visual interest, neighborhood interaction, and facilitate natural surveillance by residents and pedestrians.



(1)

Varied Side Yards. Varying the distance between adjoining single-family dwelling units, or between dwelling units and fences, results in different types of yards and private patio areas.

(2)

Lot Orientation. On curves or at corners, lots can often be oriented in a different direction than those at mid-block. In these cases, some lots can be nonrectangular and angled on the street. Structures and windows should be oriented so that a majority of primary living spaces receive direct sunlight during the daylight hours and adequate cross-ventilation. In new projects, structures should be positioned to avoid creating severe shadow impacts.

(3)

Varied Lot Widths. Making some lots wider and some narrower than the average can provide different amounts of open areas between structures. It also allows placement of different shapes and sizes of single-family dwelling units. On narrow lots, a variation of only three feet or four feet makes a perceptible difference.

(c)

Natural Surveillance. Whenever feasible, design and placement of residential dwellings and other physical features are encouraged to maximize visibility and facilitate natural surveillance from public rights-of-way and other public areas. This includes building orientation, placement of windows, doors, and balconies, building and site entrances and exits, placement and type of landscape materials, types of walls and fences (including the use of picket, wrought-iron, and similar materials to promote visibility when appropriate), and other physical obstructions in a manner that discourages the potential for criminal activity.

(d)

Architecture.

(1)

There is no particular architectural style required for residential structures; however, the focus shall be on the development of neighborhoods exhibiting high quality architecture.

(2)

In general, the architecture shall be compatible with the surrounding area.

(3)

Individual dwelling units shall be distinguishable from one another to reduce monotony and provide an interesting streetscape.

(4)

Windows and entry features should be emphasized over garage doors on street facades of structures. Front entry doors and features should be visible and easily recognizable from the street. All front entry doors shall include a porch or a covered architectural entry feature that is oriented to the street.

(5)

When provided, porches should extend at least six feet along the front or corner side facade of the structure not including the garage face and shall be compatible with and complementary to the architectural style of the dwelling.

(6)

Window and front entry door placement shall maximize visibility of the street. At least one major window (not including the front door) that looks out onto the street shall be provided from each room located on the front and corner side facades of the structure to provide "eyes on the street."

(7)

Window and front entry door design shall be compatible and complementary to the building design.

(8)

The entire structure shall have a coherent architectural style with the transition from the front, sides, and rear elevations being gradual not abrupt. Architectural style and details shall be consistent on all facades that are visible from adjacent streets or alleys.

(9)

Architectural details and exterior colors shall reinforce and enhance the architectural form and style of the structure.

(e)

Mass and Scale. Mass and scale should relate to the use of the structure as a single-family dwelling. Also, the scale of a structure shall be within a human scale so as not to overwhelm or dominate its surroundings.

(f)

Facade and Roof Articulation.

(1)

The articulation of facades and the massing of structures give them richness and scale. Long uninterrupted exterior walls in excess of thirty feet shall be generally avoided on all structures. Larger wall and roof planes shall include three-dimensional features such as porches, balconies, bay window, dormers, and similar features.

(2)

The integration of varied texture, relief, color, and design accents on building walls can soften the architecture and is encouraged.

(3)

For sloped roofs, both vertical and horizontal articulation is encouraged. Rooflines shall be compatible with the design and scale of surrounding dwelling units. Roof articulation may be achieved by changes in plane of no less than two and one-half feet and/or the use of traditional roof forms such as gables, hips, and dormers. Flat roofs and A-frame type roofs are discouraged unless appropriate to the architectural style of the dwelling unit and/or to facilitate passive and nonpassive solar panels.

(4)

The integration of skylights and the orientation of structures in order to promote natural day lighting is encouraged.

(g)

Varied Structure Design. Design of structures shall be varied in tract developments to reduce monotony and create variety and interest. A reasonable difference in the massing and composition (not just finish materials) of each adjacent dwelling unit shall be accomplished. One design should not be repeated more frequently than each fourth dwelling unit. Each street block shall also include a variety of model elevations.



Each street block should have a variety of housing types.

(h)

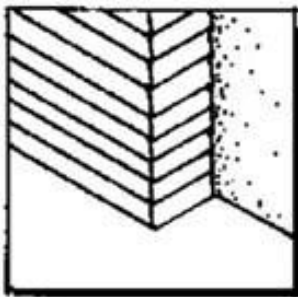
Materials.

(1)

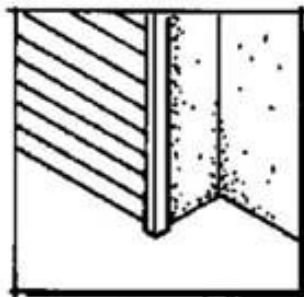
The choice and mix of materials on the facades of structures and garage doors is important in providing an attractive living environment. Materials shall be consistently applied on all facades of a structure visible from adjacent streets and alleys and be chosen to work harmoniously with adjacent materials.

(2)

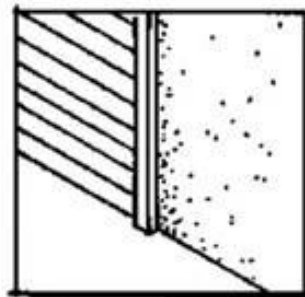
Exterior detailing, piecemeal embellishment, and frequent changes in materials shall be generally avoided. Materials tend to appear substantial and integral when material changes occur at changes in plane. Material or color changes at the outside corners of structures give an impression of thinness and artificiality that should be avoided. Material changes should not occur at external corners, but may occur at reverse or interior corners. Material changes not accompanied by changes in plane give materials an insubstantial or applied quality.



Changes in plane
with change in
material
recommended



Material or color
change at outside
corner not
recommended



Change of materials
on same plane not
recommended

(3)

Varying the building and roof materials from dwelling unit to dwelling unit is encouraged to promote individual identity and provide a varied streetscape.

(4)

The use of renewable and sustainable building materials is encouraged.

(i)

Colors.

(1)

Exterior building and roof colors shall be appropriate to and generally compatible with the architectural style of the dwelling unit. In general, subdued colors are more appropriate on the body of a structure with bright or bold colors generally limited to architectural details and window and door trim. Garish or overly bold colors should be avoided.

(2)

Varying the roof and building colors from dwelling unit to dwelling unit is encouraged.

(3)

All structures on a site shall have a compatible color scheme (including the roof color).

(4)

Roof flashing, rain gutters, downspouts, vents, and other roof protrusions shall be finished to complement the adjacent materials and/or colors.

(j)

Garages.

(1)

Garage doors shall be adequately setback to keep the sidewalk clear of vehicles at all times.

(2)

Front entry garages shall be recessed a minimum of five feet behind the street facade of the principal residential structure except for side-entry garages. Garages that are located behind the principal residential structure or are rear-entry accessible from alleys are strongly encouraged to reduce the visual prominence of the garage on the streetscape.

(3)

Varied garage placements are encouraged to break up the monotony of all garage doors being parallel to the street.

(4)

Garage doors shall appear to be set into the walls rather than flush with the exterior wall of the structure. Garages shall generally not occupy more than fifty percent of any street facade of the principal residential structure.

(5)

A variety of compatible garage door designs shall be used throughout a project to ensure variety. The design of the garage door shall relate to the particular architectural style selected for the structure.

(6)

New or remodeled garages are encouraged to be designed to provide facilities for vehicles with alternative fueling systems (such as appropriate outlets for electric vehicle charging, etc.).

(k)

Fences and Walls.

(1)

Walls and fences are an integral part of the streetscape. The use of picket, wrought-iron, and similar style fencing that promotes visibility is encouraged.

(2)

The use of sound walls shall be minimized except when required as an environmental mitigation measure. Sound walls shall be of masonry, concrete, smooth stucco finish, or other approved material; however, decorative elements (such as tile insets, etc.) may also be incorporated into sound walls to improve their appearance. The style, material, and color of sound walls shall complement neighborhood architecture. All sides of sound walls visible from public or private streets shall be architecturally treated.

(3)

For all other walls and fences, no exposed structural components (unfinished or painted concrete blocks, wood fence framing, etc.) shall be visible from public and private streets.

(4)

Chain link fencing with or without slats is prohibited in the front and corner side yards of lots with residential dwelling units.

(l)

Screening. Any heating or cooling equipment or other mechanical equipment (excluding solar panels), whether on the roof, side of structure, or on the ground, shall be screened from view of public or private streets. The method of screening must be architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design.

(m)

Infill in Existing Neighborhoods.

(1)

For infill residential development in established neighborhoods, see [Section 37-50.110](#): Infill residential development in the R-L district.

(2)

Residential additions shall incorporate the distinctive architectural characteristics of the existing dwelling unit such as window and door level of detailing, decoration, materials, roof style and pitch, finished floor height, porches, and bay windows.

(3)

Residential additions shall continue the functional, on-site relationships of the surrounding neighborhood. For example, in many older neighborhoods, common patterns that shall be continued are architectural entry features

facing the street, front porches, and parking at the rear.

(n)

Accessory Structures. The design of accessory structures shall be compatible with the principal residential structure through the use of complementary architectural style, exterior building and roofing colors and materials, and landscaping styles.

(o)

Cul-de-sac Treatments. Cul-de-sac streets shall be avoided. However, when terrain, traffic safety, or environmental constraints require the use of a cul-de-sac, the cul-de-sac street shall not exceed four hundred feet in length. For cul-de-sac streets located near public facilities, shopping, arterial or collector streets, or transit stops, openings shall be provided at the end of the street for pedestrians, bicyclists, and landscaping. Such openings are pedestrian-friendly and promote connectivity between neighborhoods.

(p)

Nonresidential Facilities.

(1)

Nonresidential facilities such as water well pumping stations and storage, and the like, shall be designed to be compatible with the character of the surrounding neighborhood. Landscaping, decorative walls, or other buffering techniques, as appropriate, shall be used to ensure such facilities blend with and do not adversely impact adjacent uses.

(2)

Any buildings constructed in conjunction with such facilities shall be compatible with the materials, exterior colors, and any distinctive architectural characteristics found in the surrounding neighborhood.

(3)

The operators/property owners of such facilities shall be required (as a condition of approval) to provide regular maintenance for the life of such facilities (e.g., regular watering and care of vegetation (including replacement of any dead plant material or broken irrigation apparatus), trash and graffiti removal, and the repair and replacement of any damaged or worn-out facilities).

(q)

Traffic Calming. Use of traffic-calming measures such as street bulb-outs, mini-circles, chicanes, short street segments, and roundabouts as determined appropriate by the city engineer are encouraged, especially in tract developments, to slow traffic and make streets more pedestrian-friendly. Street segments that are long and uninterrupted are to be avoided.

(r)

Internal Circulation. Internal circulation (see definition of internal circulation [Section 37-10.330](#): "I" definitions) shall be provided between all habitable rooms in a residential dwelling unit.

(Ord. No. 2463 (NCS).)

Sec. 37-30.090. - Residential medium density (R-M) districts.

Sec. 37-30.100. - Purpose.

In addition to the general purposes listed in Article I, Division 1: General Provisions, the purpose of the residential medium density (RM) districts regulations is to:

(a)

Provide appropriately located areas for single-family and medium density multifamily dwellings consistent with the general plan and with standards of public health and safety established by the Municipal Code;

(b)

Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, inappropriate population density, traffic congestion, and other adverse environmental impacts;

(c)

Promote development of affordable housing, housing for qualifying residents, and day care facilities by providing a density bonus for projects that meet state and/or city density bonus requirements;

(d)

Achieve design compatibility through the use of site development regulations and design standards;

(e)

Protect adjoining lower density residential districts from excessive noise or loss of sun, light, quiet, and privacy resulting from proximity to higher density and multifamily dwellings;

(f)

Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment;

(g)

Ensure the provision of public services and facilities needed to accommodate planned population densities;

(h)

Encourage attractive and interesting residential streetscapes, dwelling units, and developments that are pedestrian-oriented and reflect traditional neighborhood design principles; and

(i)

Promote safe residential neighborhoods through the use of crime prevention through environmental design (CPTED) features in dwelling and site design;

(j)

The additional purposes of each R-M district are as follows:

(1)

R-M-3.6: to provide for detached and attached single-family dwelling units on small lots where the minimum density is more than eight dwelling units per net acre and the maximum density is not more than twelve dwelling units per net acre without density bonus;

(2)

R-M-2.9: to provide for medium density dwellings where the minimum density is more than eight dwelling units per net acre and the maximum density is not more than fifteen dwelling units per net acre without density bonus.

(Ord. No. 2463 (NCS).)

Sec. 37-30.110. - Use classifications.

Table 37-30.50 identifies the use classifications for properties located in the residential medium density (R-M) districts:

Table 37-30.50			
Residential Medium Density (R-M) Districts Use Classifications			
Land Use	R-M-3.6	R-M-2.9	Additional Use Regulations
Residential Uses			
Accessory Dwelling Units, Other	P	P	(7)
Day Care Homes, Family—Large	P	P	(1)
Day Care Homes, Family—Small	P	P	
Duplex Dwellings	NP	P	(14)
Employee Housing, Small Project	P	P	(10)(14)(15)(16)
Employee Housing, Medium Project (7—14 employees per lot)	CUP	CUP	(17)
Employee Housing, Medium Project (7—14 employees per dwelling unit)	CUP	CUP	(18)
Home Occupations	P	P	(3)
Interim Housing	NP	CUP	(6)
Manufactured Housing	P	P	(10)(14)
Mobilehome Parks	CUP	CUP	(4)
Multifamily Dwellings	NP	SPR	
Multiple Detached Dwellings	NP	SPR	
Residential Care Facilities—Large	CUP	CUP	
Residential Care Facilities—Small	P	P	
Residential Service Facilities	NP	CUP	
School District or Community College District Housing	CUP	SPR	(19)
Single-family Dwellings—Attached	CUP	SPR	(14)
Single-family Dwellings—Detached	P	P	(10)(14)
Public and Semipublic Uses			
Convalescent Hospitals/Nursing Homes	CUP	CUP	
Cultural Institutions	CUP	CUP	
Day Care Centers	CUP	CUP	

Park and Recreation Facilities	CUP	CUP	
Public Safety Facilities	CUP	CUP	
Religious Assembly	CUP	CUP	
Schools—Public/Private	CUP	CUP	
Telecommunications Facilities:			
Major	NP	NP	(11)
Minor	CUP	CUP	(11)
Utilities—Major	NP	NP	(12)
Accessory Uses and Structures	P	P	(8)
Animals—Domestic	P	P	(2)
Utilities—Minor	P	P	(5)
Utility Sheds	P	SPR	(8)(13)
Temporary Uses	P	P	(9)
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.		

Notes:

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

TULP = Temporary Use of Land Permit Required

- (1) See [Section 37-50.120](#): Large family day care homes.
- (2) 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.
- (3) See [Section 37-50.100](#): Home occupations.
- (4) See [Section 37-50.140](#): Mobilehome parks.
- (5) Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.
- (6) Interim housing shall be limited to facilities serving six or fewer people. Such housing shall be designed to accommodate a group living environment.
- (7) See [Section 37-50.250](#), Accessory dwelling units. An accessory dwelling unit shall only be permitted on a lot with a single-family detached dwelling.
- (8) Accessory uses and structures will require a SPR or a CUP if required for the principal use.
- (9) See [Section 37-50.300](#): Temporary use of land.
- (10) Single-family detached dwellings in the R-M-2.9 district shall comply with the R-M-3.6 district regulations.
- (11) See [Section 37-50.290](#): Telecommunication facilities.
- (12) Water well, drainage, and flood control facilities may be considered subject to the approval of a CUP.
- (13) Utility sheds are permitted uses on lots with single-family detached dwellings only. See [Section 37-](#)

50.010(i): Utility Sheds.

- (14) Must meet the minimum density requirements of the applicable district except as otherwise provided in this section.

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.

- (15) See [Section 37-50.075](#) for development regulations for small project employee housing.
- (16) 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) 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) 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](#).
- (19)

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 10, 11-13-2012; Ord. No. 2581 (NCS), § 7, 12-6-2016; Ord. No. 2623 (NCS), § 7, 11-5-2019; Ord. No. 2656 (NCS), § 3, 5-10-2022)

Sec. 37-30.120. - Development regulations.

Table 37-30.60 identifies the development regulations for the residential medium density (R-M) districts:

Table 37-30.60			
Residential Medium Density (R-M) Districts Development Regulations			
Development Regulations	R-M-3.6	R-M-2.9	Additional Regulations
Lot Size—Minimum	3,600 sq. ft.	5,800 sq. ft.	(A)(B)(C)(D)(E)(R)(S)
Lot Area per Dwelling Unit—Minimum	—	2,900 sq. ft.	(B)(D)(R)(S)
Lot Width—Minimum	40 ft.	60 ft.	(S)(T)
Corner Lot	45 ft.	65 ft.	
Lot Depth—Minimum	70 ft.	90 ft.	(S)(T)
Lot Frontage—Minimum	35 ft.	35 ft.	(S)(U)
Yards—Minimum			
Front	15 ft.	15 ft.	(G)(H)(Q)(S)
Side			
Interior	5 ft.	10 ft.	(G)(I)(J)(S)
Corner	15 ft.	15 ft.	(G)(H)(Q)(S)
Rear	10 ft.	10 ft.	(G)(J)(L)(S)
Height—Maximum	30 ft.	35 ft.	(O)(S)
Distance Between Structures—Minimum	6 ft.	10 ft.	(M)(S)
Driveway Length—Minimum (From street property line)	20 ft.	20 ft.	(N)
Nonresidential FAR	0.40	0.40	

Bedrooms per Dwelling Unit (Percent of total dwelling units):			
3 or more bedrooms	NA	20%	(F)
4 or more bedrooms	NA	10%	(F)
Usable Open Space Area per Dwelling Unit—Minimum	800 sq. ft.	500 sq. ft.	(K)(P)(S)
Single-family Dwellings—Detached			(S)
Landscaping	See Article V, Division 4: Landscaping and Irrigation.		
Fences, Walls, and Hedges	See Section 37-50.090 : Fences, walls, and hedges.		
Off-street Parking, Loading, and Outdoor Lighting	See Article V, Division 2: Parking, Loading, and Outdoor Lighting.		
Driveway and Corner Visibility	See Section 37-50.460 : Driveway and corner visibility.		
Signs	See Article V, Division 3: Signs.		
Outdoor Facilities	See Section 37-50.170 : Outdoor storage and display.		
Accessory Uses and Structures	See Section 37-50.010 : Accessory uses and structures.		
Screening of Mechanical Equipment	See Section 37-50.240 : Screening of mechanical equipment.		
Recycling and Solid Waste Disposal	See Section 37-50.200 : Recycling and solid waste disposal regulations.		
Performance Standards	See Section 37-50.180 : Performance standards.		
Planned Unit Developments	See Article VI, Division 13 : Planned Unit Development Permits.		
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.		
Recreational Vehicles, Prohibited Vehicles, and Equipment	See Section 37-50.190 : Recreational vehicles, prohibited vehicles, and equipment parking and storage.		
Vehicle Trip Reduction	See Section 37-50.330 : Vehicle trip reduction.		
Swimming Pools, Spas, and Hot Tubs	See Section 37-50.010(k) : Swimming Pools, Spas, and Hot Tubs.		
Condominium Conversions	See Section 37-50.050 : Condominium conversions.		

Notes:

(A) See Sections [37-50.070\(a\)](#) and (b): Development on Existing Lots.

The minimum density shall be more than eight dwelling units per net acre in accordance with the general plan except for existing lots of record that are seven thousand two hundred square feet or less in size.

(B) Reconstruction and/or additions to existing single-family detached dwellings and duplex dwellings located on a legal lots of record are permitted.

(C) Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and other similar facilities.

(D) See [Section 37-50.060](#): Density bonus.

(E) In the R-M-2.9 district, the minimum lot size for a lot with a single-family attached (rowhouse) dwelling may be reduced to the minimum lot area per dwelling unit.

- (F) Applies only to multifamily dwelling projects with ten or more dwelling units. The bedrooms per dwelling unit requirement shall not apply to senior housing.
- (G) See [Section 37-50.040](#): Building projections into yards.
- Where adjoining lots on the same block face in an R district are improved with residential dwellings, the required minimum front and corner side yards for new structures, as applicable, shall be the average of the
- (H) front or corner side yard depths for the dwellings located on the adjoining lots. For residential additions, the existing front or corner side yard may be maintained if less than the average. The average shall not include the yards provided for detached garages or carports located on the adjoining lots.
- (1) For detached single-family dwellings in the R-M-3.6 district, one interior side yard may be eliminated if the opposite interior side yard is at least ten feet. A five-foot-wide easement on the lot adjacent to the eliminated interior side yard shall be required for building overhang, encroachments, and access for
- (I) building maintenance. Such easement shall be recorded prior to issuance of any building permit. Otherwise, both interior side yards shall be a minimum of five feet. In no case shall any structure be closer than ten feet from a structure on an adjoining property.
- The required minimum interior side yard setback may be eliminated on lots that have abutting single-
- (2) family attached (rowhouse) dwellings. This shall only apply to the interior side yard where the single-family attached (rowhouse) dwelling unit abuts another single-family attached dwelling unit.
- In the R-M-2.9 district, the minimum interior side and rear yard setbacks shall be increased to ten feet per
- (J) story (except for single-family detached and attached dwellings) to a maximum of twenty feet when an interior side or rear yard of a lot abuts an R-L-5.5 or R-M-3.6 district.
- On any corner lot in the R-M-3.6 district, usable open space shall be equal to ten percent of the lot area
- (K) with a minimum of six hundred fifty square feet and a maximum of eight hundred square feet required to be provided.
- In the R-M-3.6 district, the rear yard may be reduced to five feet for a length not to exceed one-third of the
- (L) width of the parcel, provided a fifteen-foot rear yard is provided along a minimum of one-third of the mean property width.
- In the R-M-2.9 district, the minimum distance shall be five feet per story for each building on the same
- (M) parcel to a maximum required distance of twenty feet (e.g., a minimum distance of ten feet shall be required between two one-story buildings, a minimum distance of fifteen feet shall be required between a one-story and a multistory building and a minimum distance of twenty feet shall be required between two multistory buildings) except for single-family detached and attached dwellings which shall be a minimum of six feet between buildings on the same parcel.
- Applicable to dwelling units with individual driveways that abut public rights-of-way. Driveway length
- (N) from the street property line shall be increased to twenty-three feet if roll-up garage doors are not provided on enclosed parking spaces.
- (O) See [Section 37-50.080](#): Exceptions to height limits.
- Single-family detached dwellings within R-M districts shall provide eight hundred square feet of usable open space. Multifamily dwelling projects with one hundred sixty or more dwelling units shall provide six
- (P) hundred square feet of usable open space per dwelling unit. Multifamily dwelling projects (except senior housing) with twenty or more dwelling units shall include an additional nine hundred square feet of children's play area designed and equipped for children through the age of nine years. See [Section 37-10.390](#): "O" definitions for definition of "usable open space."
- (Q) Unenclosed porches and architectural entry features may encroach a maximum of five feet into required front or corner side yards.
- (R) See [Chapter 17](#) of the Municipal Code for inclusionary housing requirements for projects with ten or more dwelling units.
- (S) (1) Single-family detached dwellings in the R-M-2.9 district shall be subject to the R-M-3.6 district regulations.

- The subdivision of an existing lot of record in the R-M-2.9 district with existing single-family detached
- (2) dwellings may deviate from the minimum lot depth, frontage, and width requirements of the district by not more than ten percent provided all remaining development standards can be met or maintained.
 - (T) The minimum lot width requirements may be reduced to twenty feet and the minimum lot depth may be reduced to fifty feet for a lot with single-family attached (rowhouse) dwelling only.
- The minimum lot frontage requirement for single-family attached dwellings shall be twenty feet except
- (U) that the minimum lot frontage requirement may be waived for single-family attached (rowhouse) dwellings located on lots, which do not front a street.

(Ord. No. 2463 (NCS).)

(Ord. No. 2569 (NCS), § 3, 4-19-2016)
Sec. 37-30.130. - Design standards.

The design standards that are applicable to single and multifamily dwellings in the residential medium (RM) districts are contained in [Section 37-30.080](#): Design standards (residential low density (R-L) district) and [Section 37-30.180](#): Design standards (residential high density (R-H) district). These design standards are intended to assist the designer in understanding the city's requirements for high quality, small-lot, single-family residential development and medium density multifamily residential development. These standards complement the development regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of the various regulations. These standards ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. The standards are also intended to encourage medium density development, which is pedestrian-oriented, safe, and reflects traditional neighborhood design principles.

(Ord. No. 2463 (NCS).)

Sec. 37-30.140. - Residential high density (R-H) districts.
Sec. 37-30.150. - Purpose.

In addition to the general purposes listed in Article I, Division 1: General Provisions, the purpose of the residential high density (RH) district regulations is to:

(a)

Provide appropriately located areas for high density and multifamily dwellings consistent with the general plan and with standards of public health and safety established by the Municipal Code;

(b)

Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, inappropriate population density, traffic congestion, and other adverse environmental impacts;

(c)

Promote development of affordable housing, housing for qualifying residents, and day care facilities by providing a density bonus for projects, which meet state and/or city density bonus requirements;

(d)

Achieve design compatibility through the use of site development regulations and design standards;

(e)

Protect adjoining low and medium density residential districts from excessive noise or loss of sun, light, quiet, and privacy resulting from proximity to multifamily dwellings;

(f)

Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment;

(g)

Ensure the provision of public services and facilities needed to accommodate planned population densities;

(h)

Encourage attractive and interesting residential streetscapes and high density developments that are pedestrian-oriented and reflect traditional residential design principles; and

(i)

Promote safe residential neighborhoods through the incorporation of crime prevention through environmental design (CPTED) features in dwelling and site design;

(j)

The additional purposes of each R-H district are as follows:

(1)

R-H-2.1: to provide for high density multifamily dwelling units where the minimum density is more than fifteen dwelling units per net acre and the maximum density is not more than twenty dwelling units per net acre without density bonus;

(2)

R-H-1.8: to provide for high density multifamily dwelling units where the minimum density is more than fifteen dwelling units per net acre and the maximum density is not more than twenty-four dwelling units per net acre without density bonus.

(Ord. No. 2463 (NCS).)
Sec. 37-30.160. - Use classifications.

Table 37-30.70 identifies the use classifications for properties located in the residential high density (R-H) districts:

Table 37-30.70 Residential High Density (R-H) Districts Use Classifications			
Land Use	R-H-2.1	R-H-1.8	Additional Use Regulations
Residential Uses			
Accessory Dwelling Units, Other	P	P	(8)
Day Care Homes, Family—Large	P	P	(3)
Day Care Homes, Family—Small	P	P	

Duplex Dwellings	SPR	SPR	(14)
Home Occupations	P	P	(2)
Interim Housing	CUP	CUP	(5)
Manufactured Housing	CUP	CUP	(13)(14)
Mobilehome Parks	CUP	CUP	(4)
Multifamily Dwellings	SPR	SPR	
Multiple Detached Dwellings	SPR	SPR	
Residential Care Facilities—Large	CUP	CUP	
Residential Care Facilities—Small	P	P	
Residential Service Facilities	CUP	CUP	
School District or Community College District Housing	SPR	SPR	(15)
Single-family Dwellings—Attached	SPR	SPR	(14)
Single-family Dwellings—Detached	CUP	CUP	(13)(14)
Public and Semipublic Uses			
Convalescent Hospitals/Nursing Homes	CUP	CUP	
Cultural Institutions	CUP	CUP	
Day Care Centers	CUP	CUP	
Park and Recreation Facilities	CUP	CUP	
Public Safety Facilities	CUP	CUP	
Religious Assembly	CUP	CUP	
Schools—Public/Private	CUP	CUP	
Telecommunications Facilities:			
Major	NP	NP	(9)
Minor	CUP	CUP	(9)
Utilities—Major	NP	NP	(12)
Accessory Uses and Structures	SPR	SPR	(6)
Animals—Domestic	P	P	(1)
Utilities—Minor	P	P	(10)
Utility Sheds	SPR	SPR	(6)(11)
Temporary Uses	TULP	TULP	(7)
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.		

Notes:

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

TULP = Temporary Use of Land Permit Required

- (1) 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.
- (2) See [Section 37-50.100](#): Home occupations.
- (3) See [Section 37-50.120](#): Large family day care homes.
- (4) See [Section 37-50.140](#): Mobilehome parks.
- (5) Interim housing serving six or fewer people shall be allowed with a SPR. Such facilities shall be designed to accommodate a group living environment. Labor camps are not permitted.
- (6) Accessory uses and structures will require a SPR or a CUP if required for the principal use.
- (7) See [Section 37-50.300](#): Temporary use of land.
- (8) See [Section 37-50.250](#): Accessory dwelling units. An accessory dwelling unit shall only be permitted on a lot with a single-family detached dwelling.
- (9) See [Section 37-50.290](#): Telecommunication facilities.
- (10) Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.
- (11) Utility sheds are permitted uses on lots with single-family detached dwellings only. See [Section 37-50.010\(i\)](#): Utility Sheds.
- (12) Water well, drainage, and flood control facilities may be considered subject to the approval of a CUP.
- (13) Single-family detached dwellings in the R-H district shall be subject to the R-M-3.6 district regulations.
- (14) Must meet the minimum density requirements of the applicable district except as otherwise provided in this section.
- (15) Construction or rehabilitation of School District or Community College District Housing shall comply with the development regulations of [Section 37-30.170](#) and design standards of [37-30.180](#).

(Ord. No. 2463 (NCS); Ord. No. 2581 (NCS), § 8, 12-6-2016; Ord. No. 2656 (NCS), § 4, 5-10-2022)
Sec. 37-30.170. - Development regulations.

Table 37-30.80 identifies the development regulations for the residential high density (R-H) districts:

Table 37-30.80 Residential High Density (R-H) Districts Development Regulations			
Development Regulations	R-H-2.1	R-H-1.8	Additional Regulations
Lot Size—Minimum	7,200 sq. ft.	7,200 sq. ft.	(A)(B)(C)(D)(N)(O)(Q)
Lot Area per Dwelling Unit—Minimum	2,100 sq. ft.	1,800 sq. ft.	(A)(B)(D)(N)(Q)
Lot Width—Minimum	75 ft.	75 ft.	(N)(P)
Corner Lot	80 ft.	80 ft.	
Lot Depth—Minimum	100 ft.	100 ft.	(N)(P)
Lot Frontage—Minimum	35 ft.	35 ft.	(N)(R)
Yards—Minimum			
Front	15 ft.	15 ft.	(E)(F)(G)(N)

Side			
Interior	10 ft.	10 ft.	(F)(J)(N)
Corner	15 ft.	15 ft.	(E)(F)(G)(N)
Rear	10 ft.	10 ft.	(F)(J)(N)
Height—Maximum	45 ft.	45 ft.	(K)(N)
Distance Between Structures—Minimum	10 ft.	10 ft.	(H)(N)
Driveway Length—Minimum (From street property line)	20 ft.	20 ft.	(L)(N)
Nonresidential FAR	0.40	0.40	
Bedrooms per Dwelling Unit (Percent of total dwelling units):			
3 or more bedrooms	20%	20%	(I)
4 or more bedrooms	10%	10%	(I)
Usable Open Space Area per Dwelling Unit—Minimum	500 sq. ft.	500 sq. ft.	(M)(N)
Single-family Dwellings—Detached			(N)
Landscaping	See Article V, Division 4: Landscaping and Irrigation.		
Fences, Walls, and Hedges	See Section 37-50.090 : Fences, walls, and hedges.		
Off-street Parking, Loading, and Outdoor Lighting	See Article V, Division 2: Parking, Loading, and Outdoor Lighting.		
Driveway and Corner Visibility	See Section 37-50.460 : Driveway and corner visibility.		
Signs	See Article V, Division 3: Signs.		
Outdoor Facilities	See Section 37-50.170 : Outdoor storage and display.		
Accessory Uses and Structures	See Section 37-50.010 : Accessory uses and structures.		
Screening of Mechanical Equipment	See Section 37-50.240 : Screening of mechanical equipment.		
Recycling and Solid Waste Disposal	See Section 37-50.200 : Recycling and solid waste disposal regulations.		
Performance Standards	See Section 37-50.180 : Performance standards.		
Planned Unit Developments	See Article VI, Division 13 : Planned Unit Development Permits.		
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.		
Recreational Vehicles, Prohibited Vehicles, and Equipment	See Section 37-50.190 : Recreational vehicles, prohibited vehicles, and equipment parking and storage.		
Vehicle Trip Reduction	See Section 37-50.330 : Vehicle trip reduction.		
Swimming Pools, Spas, and Hot Tubs	See Section 37-50.010(k) : Swimming Pools, Spas, and Hot Tubs.		
Condominium Conversions	See Section 37-50.050 : Condominium conversions.		

Notes:

(A) See Sections [37-50.070\(a\)](#) and (b): Development on Existing Lots.

- (B) The minimum density shall be more than fifteen dwelling units per net acre in accordance with the general plan except for existing lots of record that are seven thousand two hundred square feet or less in size. Reconstruction and/or additions to existing single-family detached dwellings and duplex dwellings located on a legal lots of record are permitted.
- (C) Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and other similar facilities.
- (D) See [Section 37-50.060](#): Density bonus.
- (E) Unenclosed porches and architectural entry features may encroach a maximum of five feet into required front or corner side yards.
- (F) See [Section 37-50.040](#): Building projections into yards.
- (G) Where adjoining lots on the same block face in an R district are improved with residential dwellings, the required minimum front and corner side yards for new structures, as applicable, shall be the average of the front or corner side yard depths for the dwellings located on the adjoining lots. For residential additions, the existing front or corner side yard may be maintained if less than the average. The average shall not include the yards provided for detached garages or carports located on the adjoining lots.
- (H) The minimum distance shall be five feet per story for each building on the same parcel to a maximum required distance of twenty feet (e.g., a minimum distance of ten feet shall be required between one-story buildings, a minimum distance of fifteen feet shall be required between one-story and multistory buildings and a minimum distance of twenty feet shall be required between multistory buildings) except for single-family detached and attached dwellings which shall be a minimum of six feet between buildings on the same parcel.
- (I) Applies only to multifamily dwelling projects with ten or more dwelling units. The bedrooms per dwelling unit requirement shall not apply to senior housing.
- (J) (1) The minimum interior side and rear yard setbacks shall be increased to ten feet per story (except for single-family detached dwellings) to a maximum of thirty feet when an interior side or rear yard of a lot abuts an R-L-5.5 or R-M-3.6 district.
- (2) The required minimum interior side yard setback may be eliminated on lots that have abutting single-family attached (rowhouse) dwellings. This shall apply only to the interior side yard where the single-family attached (rowhouse) dwelling unit abuts another single-family attached (rowhouse) dwelling unit.
- (K) See [Section 37-50.080](#): Exceptions to height limits.
- (L) Applicable to dwelling units with individual driveways that abut public rights-of-way. Driveway length from the street property line shall be increased to twenty-three feet if roll-up garage doors are not provided on enclosed parking spaces.
- (M) Single-family detached dwellings within R-H districts shall provide eight hundred square feet of usable open space. Multifamily dwelling projects with one hundred sixty or more dwelling units shall provide six hundred square feet of usable open space per dwelling unit. Multifamily dwelling projects (except senior housing) with twenty or more dwelling units shall include an additional nine hundred square feet of children's play area designed and equipped for children through the age of nine years. See [Section 37-10.390](#): "O" definitions, for the definition of "usable open space."
- (N) Single-family detached dwellings shall be subject to the R-M-3.6 district regulations.
- (O) In the R-H-1.8 district and the R-H-2.1 district, the minimum lot size for a lot with a single-family attached (rowhouse) dwelling may be reduced to the minimum lot area per dwelling unit specified for the applicable zoning district.
- (P) The minimum lot width requirements may be reduced to twenty feet and the minimum lot depth may be reduced to fifty feet for a lot with a single-family attached (rowhouse) dwelling only.
- (Q) See [Chapter 17](#) of the Municipal Code for inclusionary housing requirements for projects with ten or more dwelling units.

- (R) The minimum lot frontage requirement for single-family attached dwellings shall be twenty feet except that the minimum lot frontage requirement may be waived for single-family attached (rowhouse) dwellings located on lots, which do not front a street.

(Ord. No. 2463 (NCS).)

(Ord. No. 2537 (NCS), § 1, 4-30-2013; Ord. No. 2569 (NCS), § 3, 4-19-2016; Ord. No. 2592 (NCS), § 1) Sec. 37-30.180. - Design standards.

(a)

Purpose. These design standards are intended to assist the designer in understanding the city's requirements for high quality multifamily and higher density residential development. These standards complement the development regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of the various regulations. The designer shall also refer to the R-L district design standards, as many of the same architectural and design principles shall be applicable to higher density developments. These standards ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. The standards are also intended to promote higher density development that is pedestrian-oriented, safe, and reflects traditional neighborhood design principles.

(b)

Site Planning.

(1)

Multifamily housing, because of its higher densities, tends to generate large parking areas. If not properly designed, parking facilities can dominate the site and open spaces may be relegated to leftover areas, not related to the structures or the people who live there.

(2)

Multifamily developments with dwelling units that face the street are highly encouraged. Developments that are surrounded by parking lots and rows of carports are examples of practices to be avoided. Instead, multifamily developments that have dwelling units that are oriented to the street, with covered architectural entry features or front porches that provide direct access to the street, and parking areas that are located to the rear of the dwelling units are desirable. Such site planning and design promotes neighborhood interaction, provides "eyes on the street," and ensures a more pedestrian-friendly streetscape.

(3)

Clustering of multifamily dwelling units should be a consistent site planning element. Structures composed of a series of simple yet varied planes assure compatibility and variety in overall building form. This can be accomplished through the use of design techniques such as:

(A)

Varying front setbacks within the same structure;

(B)

Staggered and jogged dwelling unit planes;

(C)

Using reverse building plans to add variety;

(D)

A maximum of two adjacent dwelling units with identical wall and rooflines; and

(E)

Using a variety of orientations to avoid the monotony of garage door corridors.

(4)

Natural Surveillance. Whenever feasible, design and placement of residential dwellings and other physical features are encouraged to maximize visibility and facilitate natural surveillance from public rights-of-way and other public areas. This includes building orientation, placement of windows, doors, and balconies, building and site entrances and exits, placement and type of landscape materials, types of walls and fences (including the use of picket, wrought-iron, and similar materials to promote visibility when appropriate), and other physical obstructions in a manner that discourages the potential for criminal activity.

(d)

Architecture. There is no particular architectural style required for multifamily residential structures. The primary focus shall be on constructing a high quality residential environment. The criteria presented here strives for this "quality" through descriptions and examples of appropriate building materials and architectural expression:

(1)

In general, the design of multifamily developments shall consider compatibility with the surrounding neighborhood. The design should ensure that the height and bulk of higher density projects do not adversely impact or overwhelm lower density residential areas.

(2)

Multifamily developments shall utilize a unifying theme and a consistent use of architectural elements and forms.

(3)

Architectural styles that incorporate three-dimensional features such as porches, balconies, bay windows, dormers, and similar features shall be used to break up large wall and roof surfaces and create visual interest. The "barrack or motel" look shall be avoided.

(4)

All elevations of the residential structures visible from streets and common open space areas in the project shall be architecturally treated.

(e)

Mass and Scale. Because multifamily projects are usually taller than one story, their bulk can impose on surrounding uses. The scale of such projects shall be considered within the context of their surroundings. Large projects should be broken up into groups of structures. The use of single "mega-structures" shall be avoided in favor of structures that have a "human" scale.

(f)

Materials. Materials selected for multifamily projects shall be very durable and require low maintenance. Piecemeal embellishment and frequent changes in materials shall be avoided. A palette of materials that convey an image of quality and durability shall be used. Painted surfaces shall reinforce and be compatible with the architectural style of the buildings.

(g)

Facade and Roof Articulation. Long, unbroken facades and box-like forms shall be avoided. Building facades shall be broken up to give the appearance of a collection of smaller structures. To the extent possible, each of the dwelling units shall be individually recognizable. Separations, changes in plane and height, and the inclusion of elements such as balconies, porches, arcades, dormers, and cross gables, and the pattern and rhythm of windows and doors help mitigate the barrack-like appearance of flat walls and roofs of excessive length. Secondary hipped or gabled roofs covering the entire mass of a building are preferable to mansard roofs or segments of pitched roof applied at the structure's edge. Structures should incorporate at least one of the following:

(1)

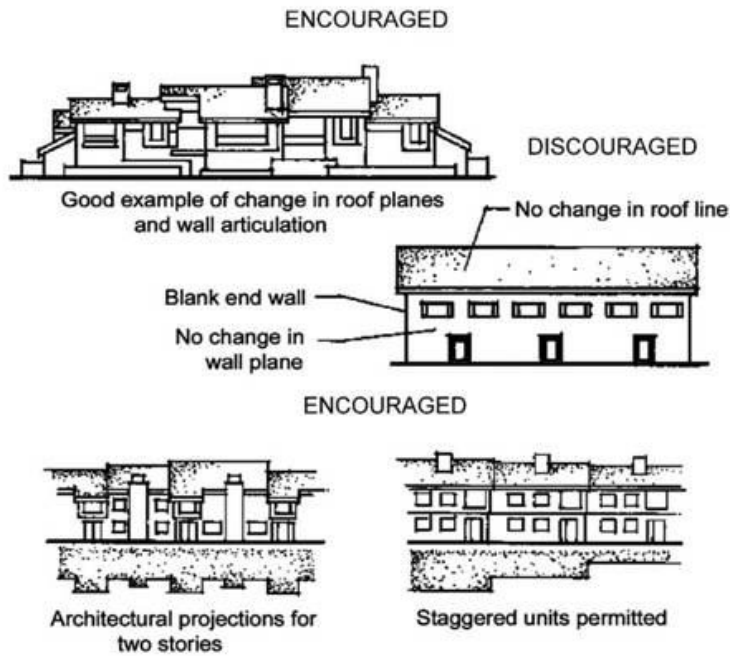
For each dwelling unit, at least one architectural projection not less than two feet from the wall plane and not less than four feet wide shall be provided. Such projections shall extend the full height of single story structures, at least half the height of a two-story building, and two-thirds the height of a three-story building; or

(2)

A change in wall plane of at least three feet in depth for each two dwelling units shall be provided.



Articulated facade gives appearance of a collection of smaller structures



(h)

Colors.

(1)

Exterior building and roofing colors shall be appropriate to and enhance the architectural style and materials of the structure. Large areas of intense primary color shall generally be avoided as the dominant overall color for a structure.

(2)

Primary or bold colors may only be used to accent architectural elements, such as door and window frames, trim, and similar features.

(3)

Minimize the number of colors that appear on the structure's exterior. Smaller residential structures shall generally use no more than three colors unless appropriate to the architectural style.

(4)

Roof flashing, rain gutters, and downspouts, vents, and other roof protrusions shall be finished to complement the adjacent materials and/or colors.

(i)

Project Entries. Project entry areas provide the resident and visitor with an overview to the project and create a positive identity for the development. They should provide an open window with landscaping, open space areas, and project directories. Special attention should be given to hardscape and landscape treatments to enhance the overall project image.

(j)

Parking.

(1)

Parking Lots and Drives.

(A)

In multifamily projects, large, monotonous, and undivided parking lots shall not be permitted. Parking areas shall be located to the rear of residential structures or within the interior of the development to reduce their visual impact on the streetscape. When environmental considerations or site constraints preclude such parking locations, dispersed parking courts located to the side of the dwelling units are the desired alternative. In such case, the parking courts shall be screened from view of adjacent streets by a landscape planter and shall not be located closer to the street than the street facade building line of the principal residential structure.

(B)

Parking driveways, when located along the frontage of a site, isolate the development from its surroundings. Such driveways shall be avoided.

(C)

Parking areas shall be conveniently located to the dwelling units that use them.

(D)

Parking areas are encouraged to provide facilities for vehicles with alternative fueling systems (such as electric vehicle charging areas, etc.).

(E)

The principal vehicular access into a multifamily housing project shall be through an entry drive rather than a parking lot driveway whenever feasible. Colored, textured paving treatment at entry drives is required at a minimum depth of ten feet located immediately behind the street property line. When separate exit drives are provided a matching treatment shall be required. Landscaping and site design should frame and distinguish entry and exit drives.

(2)

Parking Courts.

(A)

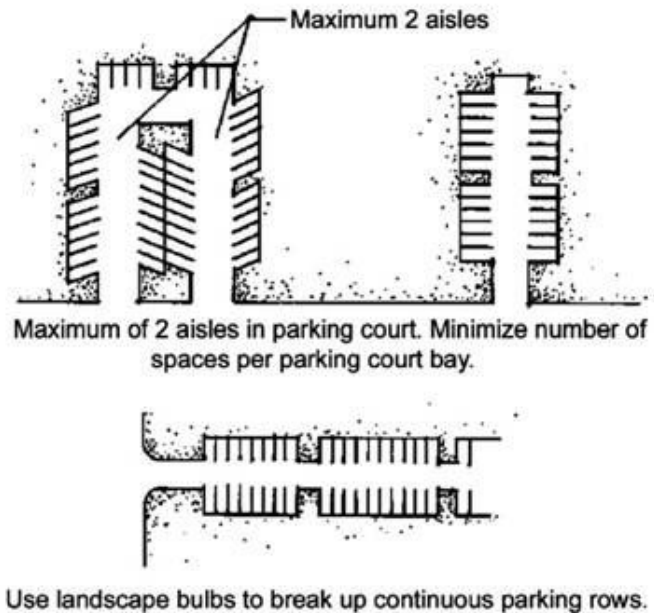
A parking court of any length shall not consist of more than two double-loaded parking aisles (bays) adjacent to each other.

(B)

The length of a parking court shall generally not exceed fourteen parking spaces.

(C)

Parking courts shall be separated from each other by dwelling units or by a landscaped buffer not less than thirty feet wide.



(3)

Garages.

(A)

Individual parking garages within residential structures shall be enclosed behind garage doors.

(B)

Garages with parking aprons less than twenty-three feet in length shall have automatic garage door openers and sectional roll-up doors.

(C)

Rowhouse dwellings that front public streets shall have garages accessible from alleys/driveways located at the rear of the project.

(D)

Garages in multifamily developments shall be accessible only from the interior of a development and shall be oriented to not face public streets.

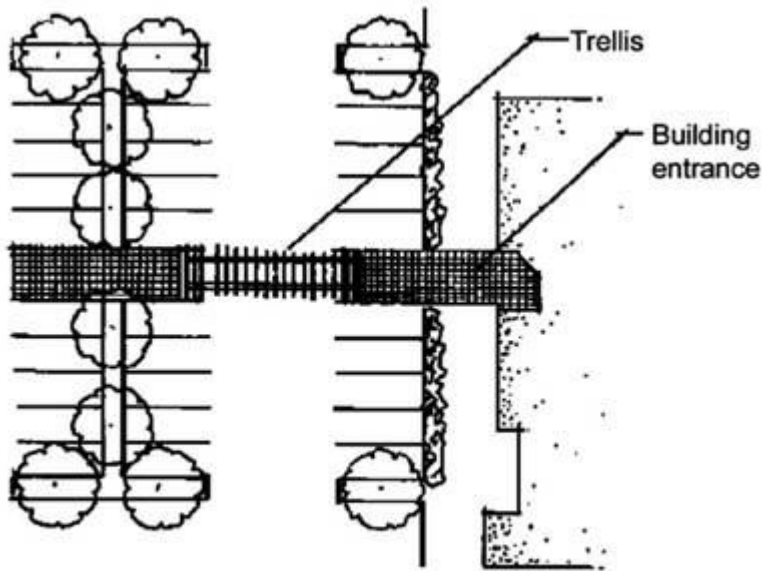
(4)

Carports. Where carports are permitted, they must follow the same criteria for spatial arrangement as parking courts. Carports may be incorporated with patio walls or used to define public and private open space, but incorporating carports into exterior project walls adjacent to streets is prohibited. The ends of each cluster of carports shall be landscaped if visible from public or private streets, alleys, or adjacent properties. No more than an average of ten covered spaces of uninterrupted parking shall generally be permitted.

(5)

Pedestrian Access from Parking. Landscape bulbs shall, wherever possible, align with major building entrances to provide pedestrian access to the building entrance from a parking court or drive. Bulbs that align with

entrances should be at least two car spaces wide and should include a pathway as well as a vertical landscape or architectural element such as a trellis or a tree.



Link parking areas to major building entrances when possible using textured paving and trellises.

(k)

Usable Open Space.

(1)

Residents of housing projects shall have safe and efficient access to usable open space, whether public or private, for recreation, and social activities. The design and orientation of these areas should take advantage of available sunlight and be sheltered from the wind, noise, and traffic on adjacent streets, and incompatible uses.

(2)

Required common open spaces shall be conveniently and centrally located to the majority of dwelling units in the development to promote a sense of community. Open space areas located within center courtyards is encouraged to provide resident privacy and security.

(3)

Common usable open spaces and children's play areas shall be visible from individual dwelling units and be connected to the internal pedestrian system in the development.

(4)

Private usable open spaces shall be contiguous to and have direct pedestrian access from the dwelling units they serve.

(5)

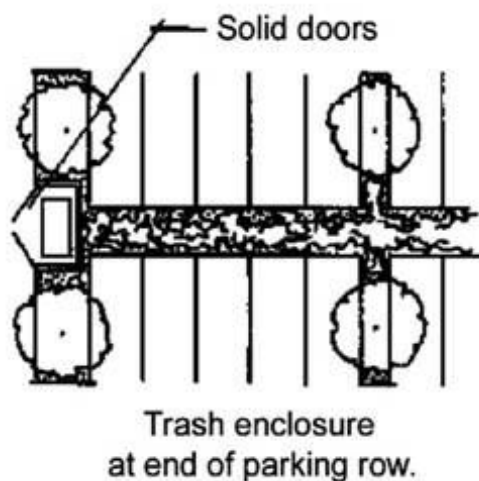
All usable open space areas shall have appropriate lighting and be regularly maintained to reduce the potential for criminal activities.

(l)

Landscaping. All areas not covered by structures, drives, parking, or hardscape shall be appropriately landscaped and maintained. Landscaping is used to frame, soften, and embellish the quality of the environment, to buffer dwelling units from undesirable views, and to break up large expanses of parking. To accomplish these design objectives, landscape elements need vertical dimension. Trees and tall shrubs are needed in addition to grass, small shrubs, and groundcover. Trees can also be used to provide shading and climatic cooling of nearby dwelling units and moderate prevailing winds.

(m)

Recycling and Solid Waste Disposal. Recycling and solid waste disposal areas must be fully enclosed by masonry walls and solid gates, and such facilities shall meet the service needs of the city's solid waste operator. These enclosures shall be softened with landscaping on their most visible sides when practical. Recommended locations include inside parking courts or at the end of parking bays. Locations shall be conveniently accessible for trash collection, maintenance, and pedestrians (a separate walk-in access shall be provided), shall minimize solid waste vehicle driveway length into the property, and shall not block access drives during loading operations.



(n)

Security. Multifamily projects shall be designed to provide the appropriate amount of security for residents and visitors. Parking and other site amenities shall be appropriately lit and located so as to be visible from dwelling units. Landscaping and dwelling unit design, including window, door, and balcony/porch placement, shall be planned and maintained to provide views into places where people gather, including adjacent open space areas, on-site recreational facilities/tot lots, and streets and alleys.

(o)

Dwelling Unit Access. The use of long, monotonous access balconies and corridors that provide access to five or more dwelling units shall be avoided. Instead, access points to dwelling units should be clustered in groups of four or less. To the extent possible, the entrances to individual dwelling units shall be plainly visible from nearby parking areas and/or streets, as applicable. The use of distinctive architectural elements and materials to denote individual entrances is required. Individual dwelling units located adjacent to a public street shall be generally oriented to the street and include an entry feature such as porch that provides direct access to the street.

(p)

Exterior Stairs. When provided, simple, clean, bold projections of stairways are encouraged to complement the architectural massing and form of the multifamily structure. Stairways shall be of smooth stucco, plaster, or wood, with accent trim of complementary colors and railings appropriate to the architectural style of the residential structure. Thin-looking, open metal, prefabricated stairs are discouraged.

(q)

Accessory Structures.

(1)

Carports, detached garages, and other accessory structures shall be designed as an integral part of the architecture of projects. They shall be similar in materials, colors, and detail to the principal structure(s) of a development.

(2)

Carports, garages, and other accessory structures shall have a consistent roof design and pitch with the principal residential structure.

(3)

A carport's vertical support structure shall have sufficient mass to be visually as well as structurally harmonious with the roof structure. Thin-looking posts or poles shall be avoided.

(4)

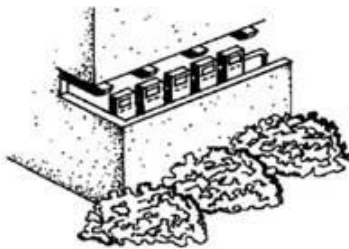
Where garages are provided, doors shall appear to be set into walls rather than flush with the exterior wall.

(r)

Solar Panels. Solar panels shall generally be integrated into the roof design. Frames shall be colored to match roof colors. Natural aluminum finish is strongly discouraged. Any mechanical equipment shall be enclosed and completely screened from view.

(s)

Mechanical and Utility Equipment. All mechanical equipment whether mounted on the roof or ground must be screened from view. Utility meters and equipment shall be placed in locations that are not exposed to view from the street or they must be suitably screened. All screening devices shall be compatible with the architecture and color of the adjacent structures.



Utility meters and other outdoor equipment should be screened from view. Screening devices should be compatible with adjacent structures.

(t)

Infill Multifamily in Existing Neighborhoods. Efforts shall be made to integrate new multifamily projects into existing neighborhoods so that they are compatible with adjacent structures and fit within the context of the existing neighborhood.

(1)

Site Design. New multifamily developments shall be designed to continue the on-site relationships of the original structure(s) and surrounding neighborhood.

(2)

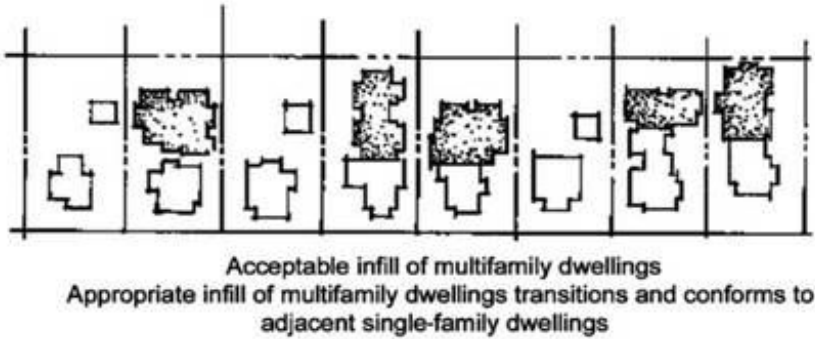
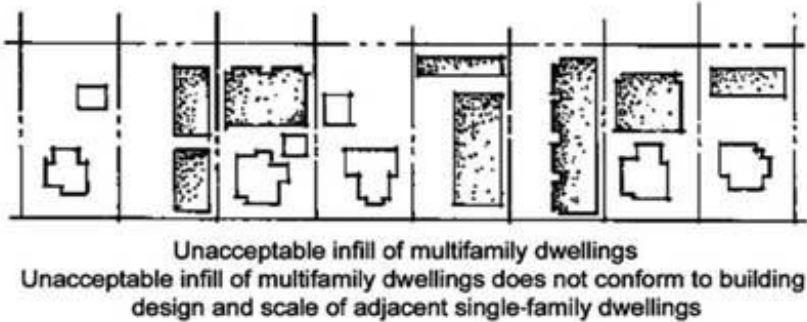
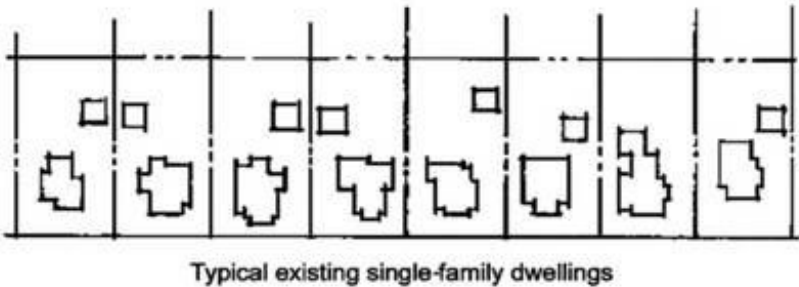
Front Yard Setbacks. Front yard setbacks for new multifamily developments shall be compatible with the setbacks of adjacent properties.

(3)

Architectural Compatibility. New multifamily development in existing neighborhoods shall incorporate architectural characteristics and maintain the scale of existing structures on the property and surrounding development. For example: window and door detailing, facade decoration, materials, color, roof style and pitch, and porches.

(4)

Neighborhood Privacy. To provide privacy for adjacent dwelling units, windows on the second and higher floors of buildings which directly face or abut dwelling units in lower density residential zones should be designed either as translucent, louvered, or utilize another solution to achieve privacy for the adjacent dwelling units.



(u)

Nonresidential Facilities.

(1)

Nonresidential facilities such as water well pumping stations and storage, and the like, shall be designed to be compatible with the character of the surrounding neighborhood. Landscaping, decorative walls, or other buffering techniques, as appropriate, shall be used to ensure such facilities blend with and do not adversely impact adjacent uses.

(2)

Any buildings constructed in conjunction with such facilities shall be compatible with the materials, exterior colors, and any distinctive architectural characteristics found in the surrounding neighborhood.

(3)

The operators/property owners of such facilities shall be required (as a condition of approval) to provide regular maintenance for the life of such facilities (e.g., regular watering and care of vegetation (including replacement of any dead plant material or broken irrigation apparatus), trash and graffiti removal, and the repair and replacement of any damaged or worn-out facilities).

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 26, 5-18-2010)
Division 3. - Commercial (C) Districts.

Sec. 37-30.190. - Purpose.

In addition to the general purposes listed in Article I, Division 1: General Provisions, the purpose of the commercial (C) districts regulations is to:

(a)

Provide appropriately located areas consistent with the general plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region;

(b)

Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;

(c)

Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses;

(d)

Minimize the impact of commercial development on adjacent residential districts;

(e)

Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;

(f)

Provide opportunities for mixed use buildings/developments and residential developments in commercial districts;

(g)

Ensure the provision of adequate off-street parking and loading facilities;

(h)

Provide sites for public and semipublic uses complementary to commercial development or compatible with a commercial environment;

(i)

Encourage compact, attractive, and pedestrian-oriented streetscapes and commercial developments; and

(j)

Promote vital and safe commercial areas through the incorporation of crime prevention through environmental design (CPTED) features in building and site design;

(k)

The additional purposes of each commercial (C) district are as follows:

(1)

Commercial Office/Residential (CO/R) District. The commercial office/residential district provides a transitional zone between commercial and residential uses, with opportunities for limited commercial, institutional, office, service, and residential uses.

(2)

Commercial Office (CO) District. The commercial office (CO) district provides areas primarily for offices, personal services, financial services, mixed use residential, and for residential uses.

(3)

Commercial Retail (CR) District. The commercial retail (CR) district allows a wide range of retail stores, restaurants, hotels and motels, commercial recreation, personal services, business services, offices, financial services, mixed use residential, and/or limited residential uses.

(4)

Commercial Thoroughfare (CT) District. The commercial thoroughfare (CT) district provides areas for uses required by the traveling public such as hotels and motels, service stations, and restaurants with immediate access to U.S. Highway 101 and when appropriate mixed use residential, and /or limited residential uses.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 27, 5-18-2010; Ord. No. 2651 (NCS), § 1, 11-9-2021)
Sec. 37-30.200. - Use classifications.

Table 37-30.90 identifies the use classifications for properties located in the commercial (C) districts:

Table 37-30.90

Commercial (C) Districts Use Classifications

Land Use	CO/R	CO	CR	CT	Additional Use Regulations
Residential Uses					
Day Care Homes, Family—Large	-	-	-	-	(1)(28)
Day Care Homes, Family—Small	-	-	-	-	(28)
Duplex Dwellings	SPR	SPR	CUP	NP	
Employee Housing, Small Project	P	NP	NP	NP	(38)
Home Occupations	-	-	-	-	(33)
Interim Housing	CUP	CUP	CUP	CUP	(3)
Manufactured Housing	SPR	CUP	CUP	NP	
Multiple Detached Dwellings	SPR	SPR	CUP	CUP	
Multifamily Dwellings	SPR	SPR	CUP	CUP	
Residential Care Facilities—Large	CUP	CUP	CUP	NP	
Residential Care Facilities—Small	-	-	-	-	(34)
Residential Service Facilities	CUP	CUP	CUP	NP	
School District or Community College District Housing	SPR	SPR	SPR	CUP	(40)
Second Dwelling Units	SPR	NP	NP	NP	(2)
Single-family Dwellings—Attached	SPR	SPR	CUP	NP	
Single-family Dwellings—Detached	P	CUP	CUP	NP	
Single Room Occupancy Housing	CUP	CUP	CUP	CUP	(21)
Mixed Uses					
Mixed Use Buildings and Developments	SPR	SPR	SPR	CUP	(26)
Public and Semipublic Uses					
Clubs and Lodges	CUP	CUP	CUP	NP	(23)
Convalescent Hospitals/Nursing Homes	CUP	CUP	CUP	NP	
Cultural Institutions	CUP	CUP	SPR	NP	
Day Care Centers	CUP	SPR	SPR	NP	
Government Offices	SPR	SPR	SPR	NP	
Hospitals	CUP	CUP	CUP	NP	
Mural Exhibits	SPR	SPR	SPR	SPR	(18)
Park and Recreation Facilities	SPR	SPR	SPR	NP	
Parking Lots and Structures	CUP	SPR	SPR	NP	(27)
Public Safety Facilities	CUP	SPR	SPR	NP	

Public Utility Service Yards	NP	NP	NP	NP	
Religious Assembly	CUP	CUP	CUP	NP	
Schools—Public/Private	CUP	SPR	SPR	NP	
Schools—Trade	NP	SPR	SPR	NP	(7)(16)
Telecommunications Facilities:					
Major	NP	CUP	CUP	CUP	(24)
Minor	P	P	P	P	(24)
Utilities—Major	NP	NP	NP	NP	(29)
Commercial Uses					
Adult Entertainment Facilities	NP	NP	NP	NP	(5)(23)
Ambulance Services	NP	NP	CUP	NP	
Animal Sales and Services:					
Animal Boarding	NP	NP	SPR	NP	(7)
Animal Grooming	NP	NP	SPR	NP	(7)
Animal Hospitals	NP	CUP	SPR	NP	(7)
Animal Retail Sales	NP	NP	SPR	NP	(7)
Antique and Collectible Shops	NP	NP	SPR	NP	
Artists' Studios	SPR	SPR	SPR	NP	
Automated Teller Machines (ATMs)	SPR	SPR	SPR	SPR	(31)
Bakeries:					
Retail	NP	NP	SPR	NP	
Wholesale	NP	NP	CUP	NP	
Bars	NP	NP	CUP	CUP	(23)
Bed and Breakfast Inns	CUP	CUP	SPR	NP	(23)
Building Materials and Services	NP	NP	SPR	NP	(7)(9)
Catering Services	NP	NP	SPR	NP	
Commercial Filming	NP	NP	SPR	NP	
Commercial Recreation and Entertainment	NP	NP	CUP	NP	(6)(23)
Convenience Stores:	NP	NP	SPR	SPR	(20)(23)
With Gas Pumps	NP	NP	SPR	SPR	(7)(8)(20)(23)
Entertainment, Live (Excluding Adult Entertainment)	NP	NP	CUP	NP	(17)(23)
Equipment Sales, Services, and Rentals	NP	NP	NP	NP	(7)
Financial Services	NP	SPR	SPR	NP	(31)
Food and Beverage Sales	NP	NP	SPR	SPR	(20)(23)
Food Trucks	NP	NP	CUP	CUP	(39)
Fortunetelling	NP	NP	SPR	NP	(10)
Funeral Services	NP	SPR	SPR	NP	(22)

Hotels and Motels:	NP	NP	SPR	SPR	(21)
Extended Stay	NP	NP	NP	CUP	(21)(25)
Kiosks:					
Permanent	NP	NP	CUP	CUP	(37)
Temporary or Semi-permanent	NP	NP	CUP	CUP	(37)
Laboratories	SPR	SPR	SPR	NP	
Laundries:					
Limited	NP	NP	SPR	NP	
Unlimited	NP	NP	NP	NP	
Live-work Units	CUP	CUP	CUP	CUP	(32)
Maintenance and Repair Services:					
Major	NP	NP	NP	NP	(7)
Minor	NP	NP	SPR	NP	(7)
Marine Sales and Services	NP	NP	SPR	NP	(7)
Nurseries	NP	NP	SPR	NP	(7)
Offices:					
Business and Professional	SPR	SPR	SPR	NP	
Medical and Dental	SPR	SPR	SPR	NP	
Pawn Shops	NP	NP	CUP	NP	(36)
Personal Improvement Services	SPR	SPR	SPR	NP	
Personal Services	SPR	SPR	SPR	NP	
Printing and Publishing:					
Limited	SPR	SPR	SPR	NP	
Unlimited	NP	CUP	CUP	NP	
Recreational Vehicle Parks	NP	NP	SPR	SPR	
Recycling Facilities	See Section 37-50.210 : Recycling facilities.				
Research and Development Services	NP	CUP	CUP	NP	
Restaurants:	NP	CUP	SPR	SPR	(23)
With Drive-through or Drive-in Facilities	NP	NP	SPR	SPR	(23)
Retail Sales	CUP	CUP	SPR	NP	(11)(23)
Secondhand or Consignment Stores	NP	NP	SPR	NP	(35)
Service Stations	NP	NP	SPR	SPR	(7)(8)(23)
Shopping Centers	NP	NP	SPR	NP	
Speculative Buildings	NP	SPR	SPR	NP	(12)
Tattoo and/or Body Piercing Parlors	NP	NP	CUP	NP	
Vehicle-related Retail Sales and Services	NP	NP	SPR	NP	(7)(8)
Vehicle Repair Facilities:					

Major	NP	NP	NP	NP	(7)(8)
Minor	NP	NP	SPR	NP	(7)(8)
Vehicle Sales and Services	NP	NP	SPR	NP	(7)(8)
Vehicle Storage	NP	NP	NP	NP	(7)
Vehicle Washing	NP	NP	SPR	NP	(7)(8)
Warehousing and Storage:					
Limited	NP	NP	CUP	NP	(7)(13)
Wholesale Distribution	NP	NP	NP	NP	(7)
Industrial Uses					
Industrial Complexes	NP	NP	NP	NP	
Industry—Limited	NP	NP	NP	NP	
Salvage and Wrecking Operations:					
Nonvehicular	NP	NP	NP	NP	(19)
Vehicular	NP	NP	NP	NP	(19)
Accessory Uses and Structures					(14)
Animals—Domestic	P	P	P	P	(30)
Utilities—Minor	P	P	P	P	(4)
Temporary Uses	TULP	TULP	TULP	TULP	(15)
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.				

Notes:

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

TULP = Temporary Use of Land Permit Required

- (1) See [Section 37-50.120](#): Large family day care homes.
- (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.
- (3) Interim housing serving six or fewer people allowed with a SPR.
- (4) Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.
- (5) See [Section 37-50.020](#): Adult entertainment facilities. Adult bookstores shall be subject to the same supplemental regulations applicable to adult entertainment facilities.
- (6) Commercial recreation and entertainment uses less than two thousand square feet in floor area and fitness center uses less than five thousand square feet are allowed with a SPR.
- See [Section 37-50.170](#): Outdoor storage and display for any outdoor activity or use. In the CR district,
- (7) vehicle and equipment servicing, maintenance, and repair, and lumber yards shall be conducted wholly within an enclosed structure.

- (8) See [Section 37-50.260](#): Service stations, vehicle repair, and vehicle washing.
- (9) Building materials and service uses shall not abut an R district unless accessory to a retail use. In the CR district, contractor yards shall not be permitted.
- (10) No fortunetelling use shall be located any closer than within seven hundred fifty feet of another fortunetelling use.
Retail sales (as a principal use) shall be limited to professional pharmacies in the CO and CO/R districts.
- (11) Minor retail sales that directly relate to the principal use are permitted as an accessory use. Such sales shall not occupy more than ten percent of the total gross floor area of the structure(s) on a site and be clearly incidental to the principal use.
- (12) See [Section 37-50.280](#): Speculative buildings.
See [Section 37-50.320](#): Warehousing limited. The CUP for limited warehousing is not subject to administrative approval pursuant to [Section 37-60.500](#): Administrative conditional use permits. Approval by the planning commission shall require an affirmative vote of five members. Any CUP application receiving an affirmative vote of four members of the planning commission shall automatically be set for hearing for a final determination by the city council. All other general appeal rights remain for these CUP applications.
- (13) 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) See [Section 37-50.300](#): Temporary use of land.
- (15) Truck and heavy equipment driving schools shall not be permitted.
- (16) A live entertainment permit shall be issued for live entertainment uses in accordance with [Section 37-60.500](#): Administrative conditional use permits.
- (a) Live entertainment, excluding adult entertainment, may be allowed in the CT district as an accessory use. A live entertainment permit shall be obtained if the live entertainment is located within three hundred feet of a residential dwelling or zone or is an accessory use to a restaurant use that is located within the CO-CC-DN district. The distance shall be measured from the closest exterior wall of the building/suite or property line of the site (if there is no building) where the live entertainment is located to the nearest property line of the site containing the residential dwelling or zone.
- (b)
- (17) See [Section 37-50.150](#): Mural exhibits.
- (18) See [Section 37-50.230](#): Salvage and wrecking operations.
- (19) Food and beverage sales and convenience stores shall be limited to three thousand five hundred square feet in the CT district.
- (20)
- (21) See [Section 37-50.270](#): Single room occupancy (SRO) housing.
- (22) Funeral services with crematories shall require a CUP.
- (23) See [Section 37-50.030](#): Alcohol license review.
- (24) See [Section 37-50.290](#): Telecommunication facilities.
- (25) See [Section 37-50.085](#) (Extended stay for hotel/motel uses).
Prohibited commercial uses in mixed use residential 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 and are permitted under the applicable zoning district.
- (26)
- (27) Does not apply to the parking required to serve the use per [Section 37-50.360](#): Off-street parking and loading spaces regulations.
- (28) Small and large family day care homes are permitted uses when the principal use is a residential dwelling unit.

- (29) Water well, drainage, and flood control facilities may be considered subject to the approval of a CUP.
- (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.
- Automated Teller Machines (ATMs) are permitted in the CO/R district subject to the approval of a SPR.
- (31) ATM facilities, which are located entirely within a building and are not externally accessible shall be a permitted use.
- (32) See [Section 37-50.130](#): Live-work units.
- (33) See [Section 37-50.100](#): Home occupations. Home occupations are permitted uses when the principal use is a residential dwelling unit.
- (34) Small residential care facilities are permitted uses when the principal use is a residential dwelling unit.
- (35) No firearm or weapon sales shall be permitted.
- (36) No pawnshop shall be located closer than seven hundred fifty feet from another pawn shop.
- (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.
- (38) In the CO/R district, small project employee housing may be allowed in single-family dwellings—attached with a SPR.
- (39) See [Section 37-50.095](#): Food Trucks.
- (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](#).

(Ord. No. 2463 (NCS).)

(Ord. No. 2494 (NCS), § 1, 3-10-2009; Ord. No. 2532 (NCS), § 11, 11-13-2012; Ord. No. 2569 (NCS), § 4, 4-19-2016; Ord. No. 2646 (NCS), § 2, 8-10-2021; Ord. No. 2649 (NCS), § 2, 9-21-2021; Ord. No. 2651 (NCS), § 2, 11-9-2021; Ord. No. 2655 (NCS), § 1, 2-15-2022; Ord. No. 2656 (NCS), § 5, 5-10-2022)

Sec. 37-30.210. - Development regulations.

Table [37-30.100](#) identifies the development regulations for the commercial (C) districts:

Table 37-30.100					
Commercial (C) Districts Development Regulations					
Development Regulation	CO/R	CO	CR	CT	Additional Regulations
Lot Size—Minimum	7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	10,000 sq. ft.	(H)(I)
Lot Width—Minimum	75 ft.	75 ft.	75 ft.	100 ft.	
Lot Depth—Minimum	100 ft.	100 ft.	100 ft.	100 ft.	
Lot Frontage—Minimum	50 ft.	50 ft.	50 ft.	50 ft.	
Yards—Minimum					
Front	15 ft.	10 ft.	0 ft.	0 ft.	(C)(D)(G)
Side					

Interior	0 ft.	0 ft.	0 ft.	0 ft.	(C)(E)
Corner	10 ft.	10 ft.	0 ft.	0 ft.	(C)(G)
Rear	10 ft.	10 ft.	0 ft.	0 ft.	(C)(E)
Height—Maximum	30 ft.	30 ft.	No Height Limit	No Height Limit	(E)(F)
FAR—Maximum	0.4	0.4	0.4	0.4	(J)
Residential Development					(A)
Mixed Use Buildings and Developments					(B)
Landscaping—Minimum (Percent of Lot Area)	10%	10%	10%	10%	
Landscaping	See Article V, Division 4: Landscaping and Irrigation.				
Fences, Walls, and Hedges	See Section 37-50.090 : Fences, walls, and hedges.				
Off-street Parking, Loading, and Outdoor Lighting	See Article V, Division 2: Parking, Loading, and Outdoor Lighting.				
Driveway and Corner Visibility	See Section 37-50.460 : Driveway and corner visibility.				
Signs	See Article V, Division 3: Signs.				
Outdoor Facilities	See Section 37-50.170 : Outdoor storage and display.				
Accessory Uses and Structures	See Section 37-50.010 : Accessory uses and structures.				
Screening of Mechanical Equipment	See Section 37-50.240 : Screening of mechanical equipment.				
Recycling and Solid Waste Disposal	See Section 37-50.200 : Recycling and solid waste disposal regulations.				
Performance Standards	See Section 37-50.180 : Performance standards.				
Planned Unit Development	See Article VI, Division 13 : Planned Unit Development Permits.				
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.				
Recreational Vehicles, Prohibited Vehicles, and Equipment	See Section 37-50.190 : Recreational vehicles, prohibited vehicles, and equipment parking and storage.				
Vehicle Trip Reduction	See Section 37-50.330 : Vehicle trip reduction.				
Swimming Pools, Spas, and Hot Tubs	See Section 37-50.010 (k): Swimming Pools, Spas, and Hot Tubs.				
Condominium Conversions	See Section 37-50.050 : Condominium conversions.				
Alcohol License Review	See Section 37-50.030 : Alcohol license review.				

Notes:

(A) Residential developments shall be developed in accordance with the following:

- (1) In the CO/R and CO districts in accordance with the R-H-2.1 district development regulations and design standards to a maximum of twenty dwelling units per net acre without a density bonus.
- (2) In the CR and CT districts in accordance with the R-H-1.8 district development regulations and design standards to a maximum of twenty-four dwelling units per net acre without a density bonus.
- (3) Parking requirements for the applicable dwelling type shall be in accordance with [Section 37-50.360](#): Off-street parking and loading space regulations.

(B) Mixed uses consisting of both residential and commercial uses in a building or in a development shall be developed in accordance with the following:

- (1) In the CO/R and CO districts, the residential portion shall be subject to the R-H-2.1 development regulations except as modified in this division. A maximum commercial FAR of 0.40 plus ten dwelling units per net acre without density bonus shall be permitted.
- (2) In the CR and CT districts the residential portion shall be subject to the R-H-1.8 development regulations except as modified by this division. A maximum commercial FAR of 0.40 plus ten dwelling units per net acre without density bonus shall be permitted.

- (3) The residential and commercial uses shall be in separate units. Live-work units shall be subject to the requirements of [Section 37-50.130](#): Live-work units.

- (4) The residential portion shall not be subject to the bedrooms per dwelling unit requirement of the applicable R-H district if only dwelling units with two bedrooms or less are proposed in the mixed use residential development or building. If dwelling units with more than two bedrooms are proposed, the bedrooms per dwelling unit requirement of the applicable R-H district shall apply.

- (5) For mixed use buildings, the following additional regulations shall apply:

- (i) The commercial use shall be located on the ground floor of the building and have a storefront or office that is regularly open and accessible to the public.
- (ii) No more than twenty-five percent of the gross floor area of the ground floor of the building shall be for the residential use.
- (iii) Access to residential dwelling units shall be provided from a separate ground floor entry and not through a commercial storefront or use.
- (iv) The required yards may be in accordance with the applicable C district regulations.

- (v) The parking for the residential dwelling units shall be in addition to that required for the commercial use in accordance with [Section 37-50.360](#): Off-street parking and loading spaces regulations except as provided for in this division.

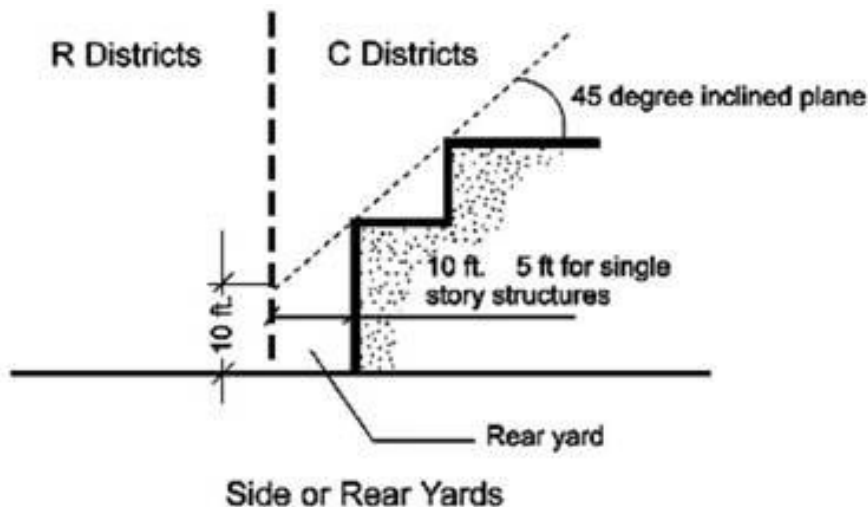
- (vi) Up to a maximum of three dwelling units, with two bedrooms or less, shall be permitted in a mixed use building subject to the provision of one parking space per unit and a minimum of one hundred square feet per unit of usable open space (inclusive of a private balcony/terrace of at least sixty square feet which is directly accessible to the unit).

- (vii) For mixed use buildings with more than three dwelling units, the requirements of the applicable R-H district shall apply to all dwelling units in the building except that usable open space may [be] reduced to two hundred fifty square feet per dwelling unit (inclusive of private balcony/terrace of at least sixty square feet which is directly accessible to the dwelling unit) for buildings which have dwelling units with only two bedrooms or less. If dwelling units with more than two bedrooms are proposed, the requirements of the applicable R-H district shall apply to all dwelling units in the building.

- (6) For mixed use residential developments (not in a mixed use building), the following additional regulations shall apply:

- (i) The residential portion of the development may be detached (in another building) from the commercial use; however, the commercial use shall be located along the street frontages of the site.

- (ii) The usable open space and all other development regulations and design standards for the residential portion shall be in accordance with the applicable R-H district.
- (iii) The parking for the residential dwelling units shall be in addition to that required for the commercial use in accordance with [Section 37-50.360](#): Off-street parking and loading spaces regulations.
- (7) These regulations may be modified subject to the approval of a CUP for mixed use buildings or developments if the following conditions can be demonstrated:
 - (i) The residential use serves a special housing need identified in the Salinas general plan or advances redevelopment objectives;
 - (ii) The housing is appropriate to an urban setting and is dependent on the proximity to commercial services and public transportation; and
 - (iii) The residential densities do not exceed the maximum permitted in the applicable R-H district.
- (C) See [Section 37-50.040](#): Building projections into yards.
- (D) Front yards may be reduced to the average distance of existing buildings from their front property line on the two abutting lots adjoining the front property line.
Structures shall not intercept a forty-five-degree inclined plane inward from a height of ten feet above existing grade at an R district boundary line. Single story structures and ground level parking may encroach a maximum of five feet into required side and rear yards.
- (E)



- (F) See [Section 37-50.080](#): Exceptions to height limits.
- (G) Any area between the front and corner side property line and the building, exclusive of driveways, shall be landscaped.
- (H) See Sections [37-50.070](#)(a) and (b): Development on Existing Lots.
Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping substations, and other similar facilities, or in conjunction with shopping centers and office complexes where two or more separate lots would be created and be subject to a reciprocal agreement utilizing shared parking, landscaping, and related facilities when it can be demonstrated that the purpose of the district can be achieved and that the public health, safety, and general welfare will be maintained.
- (I) For hotels and motels, the maximum FAR shall be 0.50 in the CT district and 0.40 in the CR district except that an additional 0.20 in FAR shall be allowed to accommodate breakfast rooms, meeting rooms, exercise rooms, interior hall and entry corridors, and similar guest facilities.
- (J)

(Ord. No. 2463 (NCS).)

(Ord. No. 2651 (NCS), § 3, 11-9-2021)
Sec. 37-30.220. - Design standards.

(a)

Purpose. These design standards are intended to assist the designer in understanding the city's requirements for high quality commercial development. These standards complement the development regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of the various regulations. These standards ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. The standards are also intended to promote commercial developments, which are pedestrian-oriented, safe, and reflect traditional neighborhood design principles.

(b)

General Design Principles.

(1)

Desirable Elements. The qualities and design elements for commercial structures and developments that are most desirable include:

(A)

Richness of surface and texture;

(B)

Significant wall articulation (insets, canopies, wing walls, trellises, etc.);

(C)

Pedestrian-oriented with a "human" scale;

(D)

Multi-planed, pitched roofs;

(E)

Roof overhangs, arcades, awnings, and prominent/attractive entry features;

(F)

Regular or traditional window rhythm;

(G)

Articulated mass and bulk;

(H)

Transparency;

(I)

Significant landscape and hardscape elements;

(J)

Prominent access driveways;

(K)

Street oriented primary building entrances;

(L)

Windows, doors, and balconies placed to facilitate natural surveillance;

(M)

Landscaped and screened parking; and

(N)

Comprehensive sign programs.

(2)

Undesirable Elements. The elements to avoid or minimize include:

(A)

Large blank, monotonous, and unarticulated wall surfaces that contribute little to the streetscape and discourage natural surveillance;

(B)

Primary building entrances that are not oriented to the street and not pedestrian-oriented;

(C)

Highly reflective surfaces that create glare;

(D)

Metal siding on the main facade;

(E)

Plastic siding;

(F)

Square "box-like" structures;

(G)

Mix of unrelated styles (e.g., rustic wood shingles and polished chrome);

(H)

Large, out of scale signs;

(I)

Visible outdoor storage, loading, and equipment areas; and

(J)

Disjointed parking areas and confusing circulation patterns.

(c)

Site Planning.

(1)

Placement of structures shall consider the existing built context of the commercial area, the location of incompatible land uses, the location of major traffic generators, as well as, an analysis of a site's characteristics and particular influences.

(2)

Site structures in a manner that will complement adjacent structures.

(3)

Plan and develop the whole project site in a coordinated manner to provide order, compatibility, and diversity.

(4)

Site structures in a manner that establishes attractive and inviting places in order to form the basis for positive impressions and perceptions of the community.

(5)

Site structures and other improvements in a manner that maximizes visibility of public areas (e.g., parking lots, plazas), and streets and alleys to maximize opportunities for people engaged in their normal behavior to observe the space around them.

(6)

Locate structures and on-site circulation systems to minimize pedestrian/vehicle conflicts where possible. Link structures to the public sidewalk, where feasible, with ADA/Title 24 compliant textured paving, landscaping, and trellises.

(7)

Recognize the importance of spaces between structures as outdoor rooms on the site. Outdoor spaces shall have clear, recognizable shapes that reflect careful planning and are not simply left over areas between structures. Such spaces shall provide pedestrian amenities such as shade, benches, fountains, etc.

(8)

Orient freestanding singular commercial structures with their major entry toward the street where access is provided and to have their major facade parallel to the street.

(9)

Loading facilities shall not be located at the front of structures where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site. Such facilities shall be screened.

(10)

Open space areas shall be clustered into larger, landscaped areas rather than equally distributing them into areas of low impact such as at building peripheries, behind structures, or in other areas of little impact to the public view.

(11)

Structures are encouraged to be sited along street frontages with parking in the rear when located on pedestrian-oriented streets. Placing parking behind buildings rather than in front of buildings helps to preserve an attractive streetscape and improves pedestrian access to surrounding activities and uses, and it provides an urban border for the street.

(12)

The location and heights of structures are encouraged to relate to adjacent open spaces to allow maximum sun and ventilation, protection from prevailing winds, enhance public views of surrounding mountains, and minimize obstruction of view from adjoining structures.

(13)

When appropriate, new structures are encouraged to be clustered to create plazas.

(d)

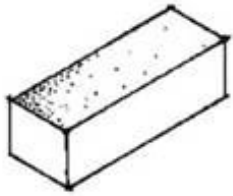
Natural Surveillance. Whenever feasible, design and placement of buildings and other physical features are encouraged to maximize visibility and facilitate natural surveillance from public rights-of-way and other public areas. This includes building orientation, placement of windows, doors, and balconies, building and site entrances and exits, placement of parking, lighting, and refuse containers, placement and type of landscape materials, plazas, and other open space areas, location of walkways, types of walls and fences (including the use of picket, wrought-iron, and similar materials to promote visibility when appropriate), and other physical obstructions in a manner that discourages the potential for criminal activity.

(e)

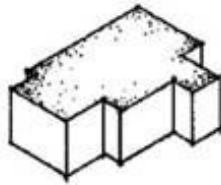
Architecture. A diversity of architectural styles is encouraged except in large-scale developments where a harmonious or unified architectural style is generally desirable.

(f)

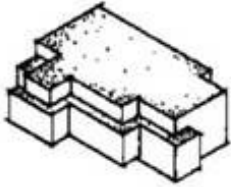
Facade Articulation. Large buildings that give the appearance of box-like structures are generally unattractive and monotonous. To improve the appearance of large buildings:



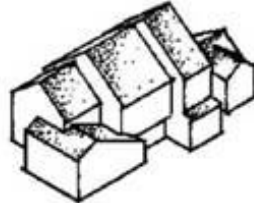
Undesirable architectural treatment



Vertical articulation added



Horizontal articulation added



Multi-planed roofs and awnings add desirable articulation

(1)

Vary the planes of the exterior walls in depth and/or direction. Wall planes shall not run in a continuous direction for more than fifty feet without an offset proportional to the building size or an architectural feature such as a column to provide visual interest.

(2)

Vary the height of the buildings so that it appears to be divided into distinct massing elements.

(3)

Articulate the different parts of a building's facade by use of color, arrangement of facade elements, or a change in materials.

(4)

Use landscaping and architectural detailing at the ground floor level to lessen the impact of an otherwise bulky building.

(5)

Avoid blank walls at the ground floor level. Utilize windows, trellises, wall articulation, arcades, change in materials, or other features.

(6)

Set back buildings from property lines to avoid the use of parapet walls unless abutting existing buildings. Parapet walls can abruptly change the continuity of a building's architecture by creating a cut-off effect and result in large blank walls.

(7)

Architecturally treat all building facades visible from public streets and public areas (such as parking areas).

(g)

Mass and Scale. Scale is the relationship between the size of the new structure and the size of adjoining permanent structures. It is also how the proposed building's size relates to the size of people. Large-scale building elements will appear imposing if they are situated in a visual environment that is predominantly smaller in scale. There are several ways to reduce the appearance of large-scale and bulky structures.

(1)

Building scale can be reduced through the proper use of window patterns, structural bays, roof overhangs, siding, awnings, moldings, fixtures, and other details that promote a "human" scale.

(2)

The scale of buildings should be carefully related to adjacent pedestrian areas (e.g., courtyards) and other structures.

(3)

Height and scale of new development shall be compatible with that of surrounding development. New development height shall "transition" from the height of adjacent development to the maximum height of the proposed structure.

(4)

Large dominating structures shall be broken up by:

(A)

Creating horizontal emphasis through the use of trim;

(B)

Adding three-dimensional architectural elements;

(C)

Use of combinations of complementary colors; and

(D)

Use of landscape materials.

(h)

Colors.

(1)

Exterior building and roofing colors shall be appropriate to and enhance the architectural style and materials of the structure. Large areas of intense primary color shall generally be avoided as the dominant overall color for a structure.

(2)

Primary or bold colors should only be used to accent elements, such as door and window frames and architectural details.

(3)

The color palette chosen for new structures shall generally be compatible with the colors of adjacent structures. An exception is where the colors of adjacent structures strongly diverge from these design standards.

(4)

Minimize the number of colors appearing on the structure's exterior. Small commercial structures shall generally use no more than three colors unless appropriate to the architectural style.

(5)

Roof flashing, rain gutters, and downspouts, vents, and other roof protrusions shall be finished to complement the adjacent materials and/or colors.

(i)

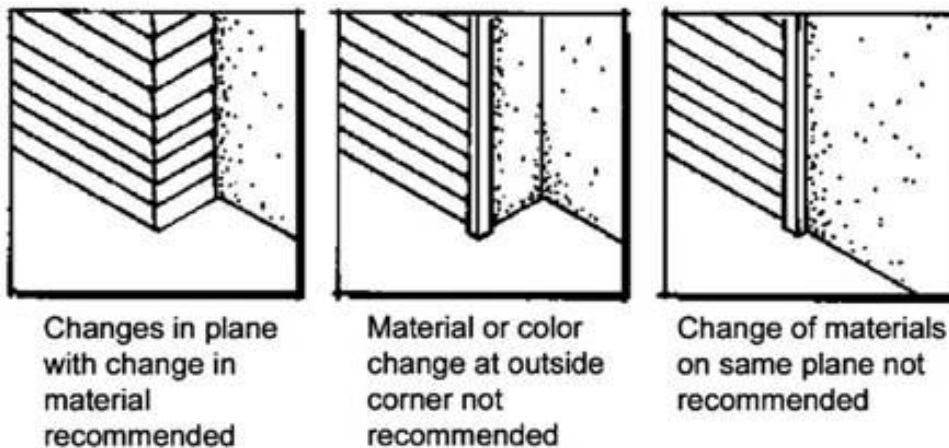
Wall Treatments.

(1)

Base and Top Treatments. All building facades shall have a recognizable base, middle, and top unless the city planner determines that such elements would be inappropriate with the architectural style of the building. The base shall include elements such as richly textured materials, darker color materials, mullions, panels, and similar features, or enhanced landscaping of mature and specimen shrubs and trees with a minimum planter depth of five feet exclusive of curbs. The middle forms the area between the base and the top and as such should be distinguishable from the other two elements. A top shall include elements such as cornice treatments, roof overhangs, stepped parapets, richly textured materials such as tile or masonry treatments, or similar features.

(2)

Materials. The choice and mix of materials on the facades of structures is important in providing attractive commercial development. Materials shall be consistently applied on all facades and be chosen to work harmoniously with adjacent materials. Piecemeal embellishment and frequent changes in materials shall be generally avoided. Materials tend to appear substantial and integral when material changes occur at changes in plane. Material or color changes at the outside corners of structures give an impression of thinness and artificiality, which shall be avoided. Material changes shall not occur at external corners, but may occur at reverse or interior corners from the edge of external corners. Material changes not accompanied by changes in plane give materials an insubstantial or applied quality.



(3)

Awnings and Canopies. Awnings and canopies shall be subject to the following:

(A)

Awnings/canopies shall not be located so as to obscure transom windows, piers, pilasters, and other architectural building features and are encouraged to be designed to project over individual doors and window openings where feasible. Awnings/canopies that are a continuous feature extending over several windows, doors, and other architectural features are generally discouraged.

(B)

The size of the awning/canopy shall be proportional in scale with the building to which it is attached.

(C)

No portion of an awning/canopy shall be less than eight feet above the surface above which it projects (fourteen feet above a roadway surface) or shall project more than five feet into a public right-of-way. An encroachment permit is required for any awning/canopy located within the public right-of-way.

(D)

The style of the awning/canopy shall complement the architectural style of the building to which it is attached. Awnings should generally have a simple horizontal valance if located over rectangular or square window/door openings. Domed or barrel-shaped awnings are appropriate for buildings with arched window/door openings.

(E)

An awning/canopy with a single, solid color is preferred. The color of the awning/canopy shall be compatible with and complement the exterior color(s) of the building. Awning/canopy colors that call more attention to the awning/canopy than the building are inappropriate.

(F)

Awnings/canopies shall be regularly cleaned and kept free of visible defects and wear.

(G)

Awnings/canopies with signs shall require the issuance of a sign permit in accordance with Article V, Division 3: Signs.

**Varying roof planes, setbacks
and articulated front facades
add a pedestrian scale.**



**Awnings of the same form and
location are repeated, with
the signage on the
awning's valance.**

(4)

Transparency and Windows. Transparency standards help strengthen the relationship between buildings and the street, and other pedestrian-oriented areas and increases public safety by placing eyes on the activity in these areas. The following features shall be utilized along those building facades which face pedestrian-oriented street frontages and public open space areas such as plazas:

(A)

Windows and entry doors (public) in buildings shall not have reflective, translucent, or dark tinted glass on the ground floor as it prevents and discourages building transparency.

(B)

Building facades shall not have a section of blank wall exceeding thirty linear feet without being interrupted by a window or entry door or other architectural feature that promotes building transparency.

(C)

The primary building entry shall be generally visible from the street(s).

(j)

Roof Treatments.

(1)

The roofline at the top of the structure shall not run in continuous plane for more than fifty feet without offsetting or jogging the roof plane.

(2)

All roof top equipment shall be screened from public view by screening materials of the same nature as the structure's basic materials. Mechanical equipment shall be located below the highest vertical element of the building. Plain equipment boxes are not acceptable.

(3)

The following roof materials shall not be used:

(A)

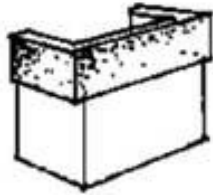
Corrugated metal (standing rib metal roofs are permitted) unless the city planner determines the material is appropriate for the architectural style or theme of the building;

(B)

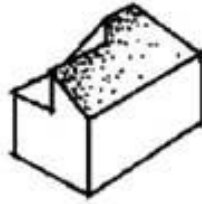
Highly reflective surfaces that create glare; and

(C)

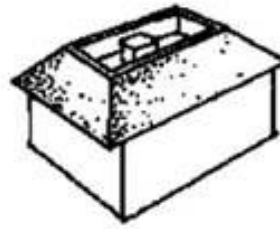
Illuminated roofing.



Partial mansard
roof discouraged



Clipped roof to
hide rooftop
equipment



Full mansard roof
will hide rooftop
equipment

(k)

Parking and Circulation. Parking lot design can be a critical factor in the success or failure of a commercial use. In considering the possibilities for developing a new parking area, a developer shall analyze the following factors: ingress and egress with consideration to possible conflicts with street traffic; pedestrian and vehicular conflicts; on-site circulation and service vehicle zones; and the overall configuration and appearance of the parking area.

(1)

Separate vehicular and pedestrian circulation systems shall be provided. Pedestrian linkages between uses in commercial developments shall be emphasized, including distinct pedestrian access from parking areas in large commercial developments, such as shopping centers.

(2)

Parking aisles shall be separated from vehicle circulation routes whenever possible.

(3)

Common driveways that provide vehicular access to more than one site are encouraged.

(4)

Parking areas shall be landscaped, receiving interior as well as perimeter treatment.

(5)

Parking areas shall be separated from structures by either a raised concrete walkway or landscaped strip, preferably both. Situations where parking spaces directly abut structures shall be avoided whenever possible.

(6)

Whenever feasible, shared parking between adjacent businesses and/or developments is highly encouraged.

(7)

Where parking areas are connected, interior circulation shall allow for a similar direction of travel, and parking bays in all areas to reduce conflict at points of connection.

(8)

Whenever feasible, locate site entries on side streets in order to minimize pedestrian/vehicular conflicts. When this is not feasible, design the front site entry with appropriately patterned concrete or pavers to differentiate it

from the sidewalks.

(9)

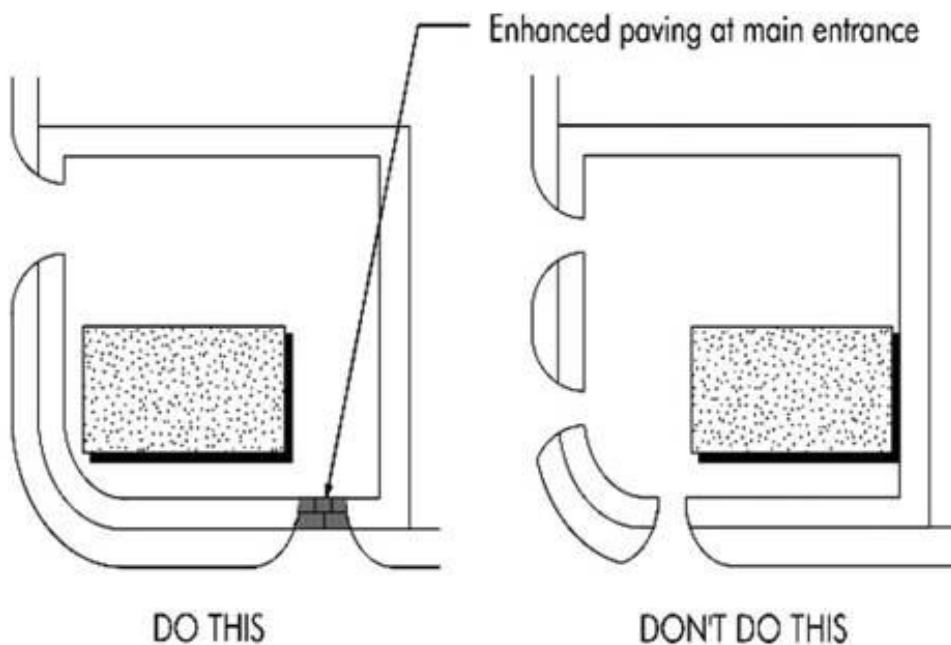
Parking access points shall be located as far as possible from street intersections so that adequate stacking room is provided. The number of access points shall be limited to the minimum amount necessary to provide adequate circulation.

(10)

Parking areas and pedestrian walkways shall be visible from structures to the greatest degree possible.

(11)

Driveway Entrances. Colored, textured pavement paving shall be provided at a minimum depth of ten feet at all primary vehicular driveway entrances and exits (immediately behind the street right-of-way line) to the development.



(12)

Design parking areas so that pedestrians walk parallel to moving cars. Minimize the need for the pedestrian to cross parking aisles and landscape areas to access structures. When such design is not feasible, pedestrian walkways shall be provided which connect the parking areas and the structures. Such walkways shall be clearly demarked from the parking areas and drive aisles through the use of colored, textured paving or similar treatment.

(13)

The parking area shall be designed in a manner that links the structures to the street sidewalk system as an extension of the pedestrian environment. This can be accomplished by using design features such as walkways with enhanced (colored, textured) paving, trellis structures, or a special landscaping treatment.

(14)

Parking areas that accommodate a significant number of vehicles shall be divided into a series of connected smaller lots divided by landscaping or buildings.

(15)

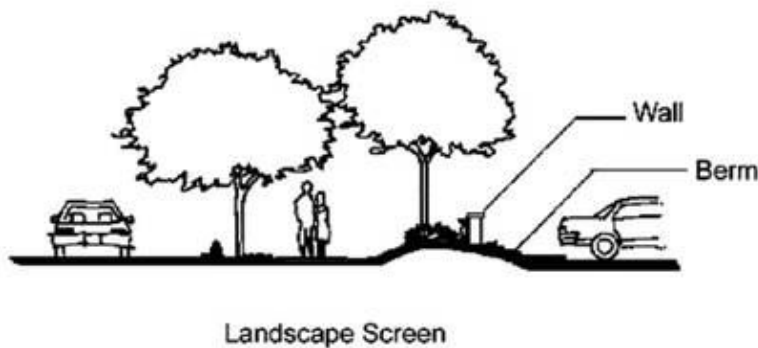
Parking areas are encouraged to be located to the rear or side of buildings along pedestrian-oriented street frontages.

(16)

The first parking stall which is perpendicular to a driveway or first aisle juncture, shall be set back a sufficient distance from the curb to avoid traffic obstruction based on the number of parking spaces and traffic conditions at the driveway intersection. With larger centers, significantly more setback area will likely be required.

(17)

Use an opaque landscaped wall or a landscaped berm to soften views of any parking that is visible from the street periphery. A combination of walls or berms and landscape material is required when parking abuts a street frontage. Where practical, lowering the grade of the parking lot from existing street elevations may aid in softening views of automobiles while promoting views of architectural elements of the structures beyond.



(18)

Parking areas are encouraged to provide facilities for vehicles with alternative fueling systems (such as electric vehicle charging areas, etc.)

(19)

Where appropriate, the use of parking structures instead of parking lots is encouraged. A parking structure's smaller footprint makes parking a less obtrusive use than parking lots. Whether placed under-ground where it can serve as the foundation for buildings or above ground, parking structures shall be designed to minimize the impact of the structure on the street and to be compatible with the architectural style of surrounding buildings. Structures which are linked to adjoining uses or which provide retail or office uses on the ground floor of the parking structure are encouraged.

(1)

Landscaping.

(1)

Landscaping for commercial uses shall be used to define specific areas by helping to focus on entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties (buffering), and provide screening for loading and equipment areas.

(2)

Landscaping shall be in scale with adjacent structures and be of appropriate size at maturity to accomplish its intended purpose.

(3)

Landscaping around the entire base of structures is recommended to soften the edge between the parking lot and the structure. This shall be accented at entrances to provide focus.

(4)

Trees shall be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lot, trees shall be located in planters that are bounded on at least three sides by parking area paving.

(5)

Landscaping shall be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of concrete curbs.

(6)

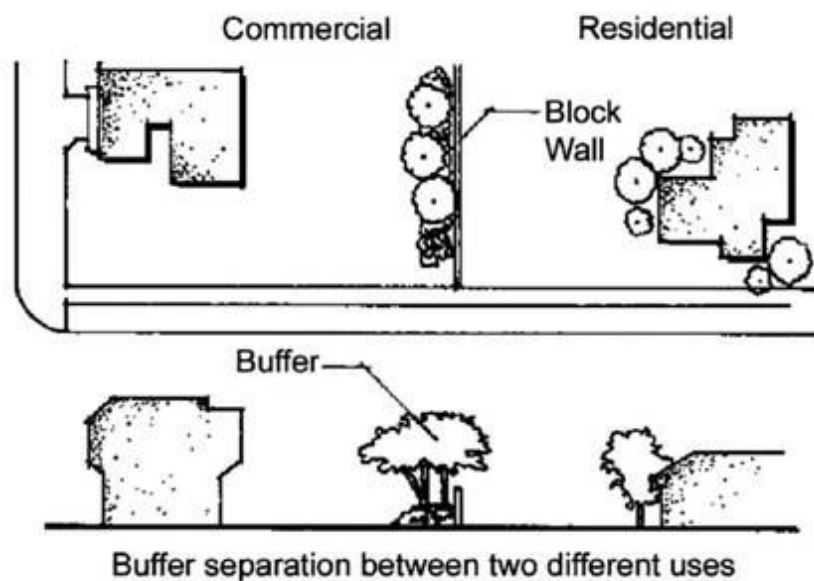
Vines and climbing plants integrated upon buildings, trellises, and walls are strongly encouraged.

(7)

Use potted plants in clay or decorative concrete containers, especially for enhancement of sidewalk shops, plazas, and courtyards, and to soften the hardscape.

(8)

At maturity, trees shall be able to be trimmed ten feet above ground and shrubs shall be maintained at a height of approximately three feet when visibility is a factor.



(m)

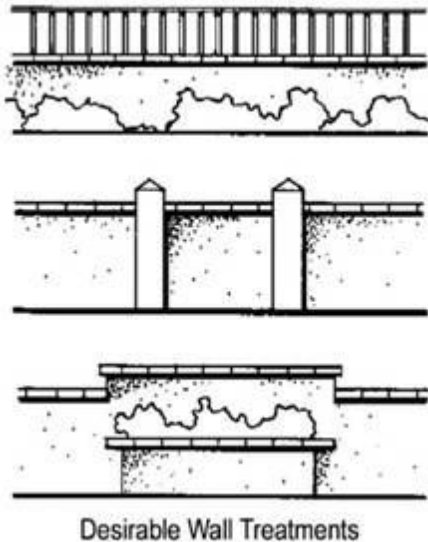
Fences and Walls.

(1)

If not required for a specific screening or security purpose, walls should not be utilized within commercial areas. When used, the intent is to keep the walls as low as possible while performing their screening and security functions.

(2)

Where walls are used along property frontages, or screen walls are used to conceal storage and equipment areas, they shall be designed to blend with the site's architecture. Both sides of all perimeter walls or fences shall be architecturally treated when visible from public or private streets and public areas such as parking lots and plazas. Landscaping shall be used in combination with such walls whenever possible.



(3)

When security fencing is used, it should be a combination of solid walls with pillars and decorative view ports, or short solid wall segments and wrought iron grill work.

(4)

Long expanses of fence or wall surfaces shall be offset or architecturally designed to prevent monotony. Landscape pockets or vines shall be provided whenever possible.

(B)

Barb or razor wire and similar fencing shall be prohibited in commercial districts.

(n)

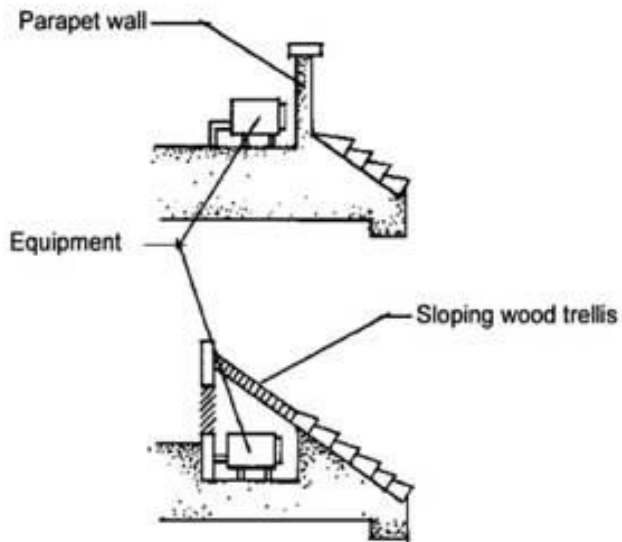
Screening.

(1)

Any outdoor equipment, whether on the roof or side of a structure, or on the ground, shall be appropriately screened from public view. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape, and size. Where individual equipment is provided, a continuous screen is desirable.

(2)

Screening for outdoor storage (including cart storage) shall be determined by the height of the material or equipment being screened. When allowed, exterior storage shall be confined to portions of the site least visible to public view. Where screening is required, a combination of elements shall be used including solid masonry walls, berms, and landscaping. Chain link fencing with wood or metal slatting is only permitted when not visible from a public or private street or public areas, such as parking lots and plazas.



(3)

Drive-through aisles, car wash entrances/exits, wash stalls, and similar uses shall be screened from view of adjacent streets by building orientation and/or the provision of landscaping, trellises, berms, low walls, or other features that are compatible with the architecture design and exterior materials of the building.

(o)

Lighting.

(1)

Lighting shall be used to provide illumination for the security and safety of on-site areas such as parking, loading, shipping and receiving, walkways, and working areas.

(2)

The design of light fixtures and their structural support shall be architecturally compatible with the main structures on-site. Illuminators shall be integrated within the architectural design of the structures.

(3)

As a security device, lighting should be adequate, but not overly bright. All building entrances shall be appropriately lighted.

(4)

All lighting fixtures shall be shielded to confine light spread within the site boundaries and reduce "sky-glow" impacts.

(5)

Exterior nonflashing neon lighting or colored lighting used as a building accent rather than an advertising feature may be considered subject to the approval of a conditional use permit.

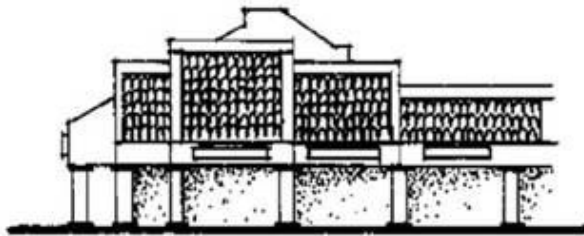
(p)

Signs.

(1)

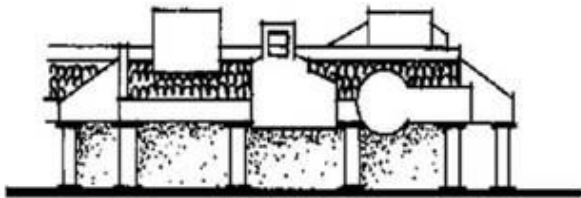
Every structure and commercial development should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building scale, and sign readability shall be considered in developing the signing concept. All signing shall be highly compatible with the building and site design relative to color, style, material, and placement.

DO THIS



Employ a consistent sign pattern.

DON'T DO THIS



Inconsistent sign patterns create confusion.
Signs within or above roof area are prohibited.

(2)

Monument-type signs are the preferred alternative for business identification in new developments. Where several tenants occupy the same site, individual wall mounted signs are appropriate in combination with a monument sign identifying the development and address.

(3)

The use of backlit individually cut letter signs is strongly encouraged. Can-type signs are discouraged in new developments except for logo signs.

(4)

Each development site should be appropriately signed to give directions to loading and receiving areas, visitor parking, and other special areas.

(q)

Kiosks. Kiosk design and exterior color(s) shall be compatible with the architectural style and exterior color(s) of surrounding buildings.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 28, 5-18-2010)
Division 4. - Mixed Use (MU) Districts.

Sec. 37-30.230. - Purpose.

In addition to the general purposes listed in Article I, Division 1: General Provisions, the purpose of the mixed use (MU) districts regulations is to:

(a)

Promote and provide development opportunities for integrated, complementary housing and employment opportunities in the same building, on the same parcel or within the same block. This district allows more intensive development on busier streets without fostering a strip commercial appearance. This development will support transit use and provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the city. The emphasis of nonresidential uses is primarily on locally oriented/neighborhood serving retail, service, and office uses. Development is encouraged to provide businesses on the ground floor with housing on upper stories and provides incentives to assist in achieving this goal. However, stand-alone commercial, public and semipublic, and residential development is also permitted;

(b)

Promote compact development that is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk;

(c)

Promote residential development that is appropriate in an urban setting in mixed use buildings by providing incentives, as well as, standards and regulations to minimize conflicts between different types of uses; and

(d)

Promote vital and safe mixed use areas through the incorporation of crime prevention through environmental design (CPTED) features in development;

(e)

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

(1)

Mixed Arterial Frontage (MAF) District. The mixed arterial frontage district provides a combination of mixed use, commercial, and small-scale non-nuisance industry along certain areas of North Main Street, East and West Market Streets, and other arterials that have highly mixed land use patterns of existing development. Stand-alone residential uses within the MAF district are generally not encouraged, unless on a vacant site or as part of a comprehensive revitalization of the property subject to the approval of a conditional use permit. Residential uses in mixed use buildings may only be combined with office, retail, restaurants, and service commercial uses, and not with industrial, maintenance, vehicle repair and restoration, or storage activities.

(2)

Mixed Use (MX) District. The mixed use district provides opportunities for mixed use, office, public and semipublic uses, and commercial uses that emphasize retail, entertainment, and service activities. Medium and high density residential uses are encouraged within MX districts to facilitate pedestrian-oriented activity centers.

(Ord. No. 2463 (NCS).)

Sec. 37-30.240. - Use classifications.

Table [37-30.110](#) identifies the use classifications for properties located in the mixed use (MU) districts:

Table 37-30.110			
Mixed Use (MU) Districts Use Classifications			
Land Use	MAF	MX	Additional Use Regulations
Residential Uses			
Day Care Homes, Family—Large	-	-	(1)(2)
Day Care Homes, Family—Small	-	-	(2)
Duplex Dwellings	CUP	CUP	
Employee Housing, Medium Project	NP	NP	
Employee Housing, Small Project	CUP	SPR	(43)
Emergency Shelter, Type A	P	NP	(44)
Emergency Shelter, Type B	CUP	NP	(44)
Home Occupations	-	-	(35)
Interim Housing	CUP	CUP	(3)
Manufactured Housing	NP	NP	
Multiple Detached Dwellings	CUP	CUP	
Multifamily Dwellings	CUP	SPR	
Residential Care Facilities—Large	CUP	CUP	
Residential Care Facilities—Small	-	-	(11)
Residential Service Facilities	CUP	CUP	(3)
School District or Community College District Housing	CUP	SPR	(46)
Second Dwelling Units	NP	NP	
Single-family Dwellings—Attached	CUP	SPR	
Single-family Dwellings—Detached	NP	NP	
Single Room Occupancy Housing	CUP	CUP	
Mixed Uses			
Mixed Use Buildings and Developments	SPR	SPR	(29)(36)
Public and Semipublic Uses			
Clubs and Lodges	CUP	CUP	
Convalescent Hospitals/Nursing Homes	CUP	CUP	
Cultural Institutions	SPR	SPR	

Day Care Centers	CUP	SPR	
Government Offices	SPR	SPR	
Hospitals	CUP	CUP	
Mural Exhibits	SPR	SPR	(18)
Park and Recreation Facilities	SPR	SPR	
Parking Lots and Structures	CUP	CUP	(26)
Public Safety Facilities	CUP	CUP	
Public Utility Service Yards	NP	NP	
Religious Assembly	CUP	CUP	
Schools—Public/Private	CUP	CUP	
Schools—Trade	CUP	NP	(7)(41)
Telecommunication Facilities:			
Major	CUP	CUP	(22)
Minor	SPR	CUP	(22)
Utilities—Major	NP	NP	(31)
Commercial Uses			
Adult Entertainment Facilities	NP	NP	(5)(21)
Ambulance Services	CUP	NP	
Animal Sales and Services:			
Animal Boarding	CUP	NP	(7)
Animal Grooming	SPR	SPR	(7)
Animal Hospitals	SPR	NP	(7)
Animal Retail Sales	SPR	SPR	(7)
Antique and Collectible Shops	SPR	SPR	
Artists' Studios	SPR	SPR	
Automated Teller Machines (ATMs)	SPR	SPR	(30)(32)
Bakeries:			
Retail	SPR	SPR	
Wholesale	CUP	NP	
Bars	CUP	CUP	(21)
Bed and Breakfast Inns	SPR	SPR	
Building Materials and Services	CUP	NP	(7)(9)
Catering Services	SPR	NP	(27)
Commercial Recreation and Entertainment	CUP	CUP	(6)(21)
Convenience Stores:	SPR	SPR	(21)
With Gas Pumps	SPR	CUP	(7)(8)(21)(28)
Entertainment, Live (Excluding Adult Entertainment)	CUP	CUP	(16)(21)
Equipment Sales, Services, and Rentals	CUP	NP	(7)

Financial Services	SPR	SPR	(30)(32)
Food and Beverage Sales	SPR	SPR	(21)(32)
Food Trucks	CUP	CUP	(45)
Fortunetelling	SPR	CUP	(10)
Funeral Services	SPR	SPR	(20)
Hotels and Motels:	SPR	CUP	(19)
Extended Stay	CUP	CUP	(19)(42)
Kiosks:			
Permanent	CUP	CUP	(33)
Temporary or Semi-permanent	CUP	CUP	(33)
Laboratories	SPR	SPR	
Laundries:			
Limited	SPR	SPR	
Unlimited	SPR	NP	
Live-work Units	SPR	SPR	(24)
Maintenance and Repair Services:			
Major	CUP	NP	(7)
Minor	SPR	SPR	(7)
Marine Sales and Services	CUP	NP	(7)
Nurseries	CUP	NP	(7)(40)
Offices:			
Business and Professional	SPR	SPR	
Medical and Dental	SPR	SPR	
Pawn Shops	CUP	NP	(37)
Personal Improvement Services	SPR	SPR	
Personal Services	SPR	SPR	(30)
Printing and Publishing:			
Limited	SPR	SPR	
Unlimited	CUP	NP	
Recreational Vehicle Parks	NP	NP	
Recycling Facilities	See Section 37-50.210 : Recycling facilities.		
Research and Development Services	SPR	NP	
Restaurants:	SPR	SPR	(21)
With Drive-through or Drive-in Facilities	CUP	NP	(21)(30)
Retail Sales	SPR	SPR	(21)
Secondhand or Consignment Stores	CUP	CUP	(38)
Service Stations	SPR	CUP	(7)(8)(21)
Speculative Buildings	SPR	SPR	(12)
Shopping Centers	SPR	SPR	

Tattoo and/or Body Piercing Parlors	CUP	NP	
Vehicle-related Retail Sales and Services	SPR	NP	(7)(8)(17)
Vehicle Repair Facilities:			(7)(8)
Major	CUP	NP	
Minor	CUP	NP	
Vehicle Sales and Services	CUP	NP	(7)(8)
Vehicle Storage	NP	NP	(7)(8)
Vehicle Washing	CUP	NP	(7)(8)(39)
Warehousing and Storage:			
Limited	CUP	NP	(7)(13)(25)
Wholesale Distribution	CUP	NP	(7)
Industrial Uses			
Industrial Complexes	CUP	NP	(23)
Industry—Limited	CUP	NP	
Accessory Uses and Structures			(14)
Animals—Domestic	P	P	(34)
Utilities—Minor	P	P	(4)
Temporary Uses	TULP	TULP	(15)
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.		

Notes:

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

TULP = Temporary Use of Land Permit Required

- (1) See [Section 37-50.120](#): Large family day care homes.
- (2) Small and large family day care homes are permitted uses when the principal use is a residential dwelling unit.
- (3) Residential service facilities and interim housing serving six or fewer people are allowed with a SPR. Such facilities shall be designed to accommodate a group living environment.
- (4) Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.
- (5) See [Section 37-50.020](#): Adult entertainment facilities. Adult bookstores shall be subject to the same supplemental regulations applicable to adult entertainment facilities.
- (6) Commercial recreation and entertainment uses less than two thousand square feet in floor area and fitness center uses less than five thousand square feet are allowed with a SPR.
- (7) See [Section 37-50.170](#): Outdoor storage and display for any outdoor activity or use.

- (8) See [Section 37-50.260](#): Service stations, vehicle repair, and vehicle washing.
- (9) Building materials and service uses shall not abut an R district unless accessory to a retail use.
- (10) No fortunetelling use shall be located any closer than within seven hundred fifty feet of another fortunetelling use.
- (11) Small residential care facilities are a permitted use when the principal use is a residential dwelling.
- (12) See [Section 37-50.280](#): Speculative buildings.
- (13) See [Section 37-50.320](#): Warehousing limited.
- (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.
- (15) See [Section 37-50.300](#): Temporary use of land.
- (16) A live entertainment permit shall be issued for live entertainment uses in accordance with [Section 37-60.500](#): Administrative conditional use permits.
- (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.
- (18) See [Section 37-50.150](#): Mural exhibits.
- (19) See [Section 37-50.270](#): Single room occupancy (SRO) housing.
- (20) Funeral services with crematories shall require a CUP.
- (21) See [Section 37-50.030](#): Alcohol license review.
- (22) See [Section 37-50.290](#): Telecommunication facilities. Only stealth telecommunication facilities shall be permitted.
- (23) Uses within an industrial complex must be otherwise authorized by SPR within the zoning district.
- (24) See [Section 37-50.130](#): Live-work units.
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.
- (26) Does not apply to the parking required to serve the use per [Section 37-50.360](#): Off-street parking and loading spaces regulations.
- (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.
- (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.
See [Section 37-30.260](#): Mixed use building 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) 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:
 - (a) Drive-through lanes shall not be located between the street facade of a building and the street.
 - (b) A drive-through lane or access driveway shall not directly access the primary street serving the site.
- (31) Water well, drainage, and flood control facilities may be considered subject to the approval of a CUP.
- (32) ATM facilities, which are located entirely within a building and are not externally accessible shall be a permitted use.

- (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.
- (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.
- (35) See [Section 37-50.100](#): Home occupations. Home occupations are permitted uses when the principal use is a residential dwelling unit.
- (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.
- (37) No pawn shop shall be located any closer than within seven hundred fifty feet of another pawn shop use.
- (38) No firearm or weapon sales shall be permitted.
- (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.
- (40) In the MX district, nursery uses are allowed as an accessory use only.
- (41) Truck and heavy equipment driving schools shall not be permitted.
- (42) See [Section 37-50.085](#) (Extended stay for hotel/motel uses).
- (43) 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.
- (44) See [Section 37-50.305](#): Emergency shelters.
- (45) See [Section 37-50.095](#): Food trucks.
- (46) Construction or rehabilitation of School District or Community College District Housing shall comply with the development regulations of [Section 37-30.250](#), mixed used building 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](#).

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 1, 5-18-2010; Ord. No. 2532 (NCS), § 12, 11-13-2012; Ord. No. 2569 (NCS), § 4, 4-19-2016; Ord. No. 2646 (NCS), § 3, 8-10-2021; Ord. No. 2649 (NCS), § 3, 9-21-2021; Ord. No. 2655 (NCS), § 2, 2-15-2022; Ord. No. 2656 (NCS), § 6, 5-10-2022)

Editor's note— Ord. No. 2532 (NCS), § 12, adopted Nov. 13, 2012, set out provisions adding notes (42) and (43). To avoid number duplication, and at the editor's discretion, these provisions were included as notes (43) and (44), respectively.

Sec. 37-30.250. - Development regulations.

Table [37-30.120](#) identifies the development regulations for the mixed use (MU) districts:

Table 37-30.120			
Mixed Use (MU) Districts Development Regulations			
Development Regulations	MAF	MX	Additional Regulations

Lot Size—Minimum	7,500 sq. ft.	No minimum	(A)(F)(L)
Lot Width—Minimum	50 ft.	50 ft.	
Lot Depth—Minimum	100 ft.	100 ft.	
Lot Frontage—Minimum	50 ft.	50 ft.	
Yards			
Front—Minimum/Maximum	0 ft.	0 ft.	(B)(C)
Side			
Interior—Minimum	0 ft.	0 ft.	(M)
Corner—Minimum/Maximum	0 ft.	0 ft.	(B)(C)
Rear—Minimum	5 ft.	5 ft.	(M)(N)
Height—Maximum	65 ft.	65 ft.	(G)(I)(M)
FAR/Density—Maximum			(D)(E)(H)
Usable Open Space—Minimum			(E)(H)(K)
Residential Development			(C)(D)(F)(K)
Mixed Use Buildings and Developments			(B)(C)(D)(E) (F)(I)(J)(K)(M)
Landscaping (Percent of Lot Area)	5%	5%	
Landscaping	See Article V, Division 4: Landscaping and Irrigation.		
Fences, Walls, and Hedges	See Section 37-50.090 : Fences, walls, and hedges.		
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 : Mixed use building incentives of this division. Additional lighting standards are found in Section 37-30.280(x) : Lighting of this division.		
Driveway and Corner Visibility	See Section 37-50.460 : Driveway and corner visibility.		
Signs	See Article V, Division 3: Signs.		
Outdoor Facilities	See Section 37-50.170 : Outdoor storage and display.		
Accessory Uses and Structures	See Section 37-50.010 : Accessory uses and structures.		
Screening of Mechanical Equipment	See Section 37-50.240 : Screening of mechanical equipment.		
Recycling and Solid Waste Disposal	See Section 37-50.200 : Recycling and solid waste disposal regulations.		
Performance Standards	See Section 37-50.180 : Performance standards.		
Planned Unit Developments	See Article VI, Division 13 : Planned Unit Development Permits.		
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.		
Recreational Vehicles, Prohibited Vehicles, and Equipment	See Section 37-50.190 : Recreational vehicles, prohibited vehicles, and equipment parking and storage.		
Vehicle Trip Reduction	See Section 37-50.330 : Vehicle trip reduction.		
Swimming Pools, Spas, and Hot Tubs	See Section 37-50.010(k) : Swimming Pools, Spas, and Hot Tubs.		
Condominium Conversions	See Section 37-50.050 : Condominium conversions.		
Alcohol License Review	See Section 37-50.030 : Alcohol license review.		

Notes:

- (A) See Sections [37-50.070](#)(a) and (b): Development on Existing Lots.

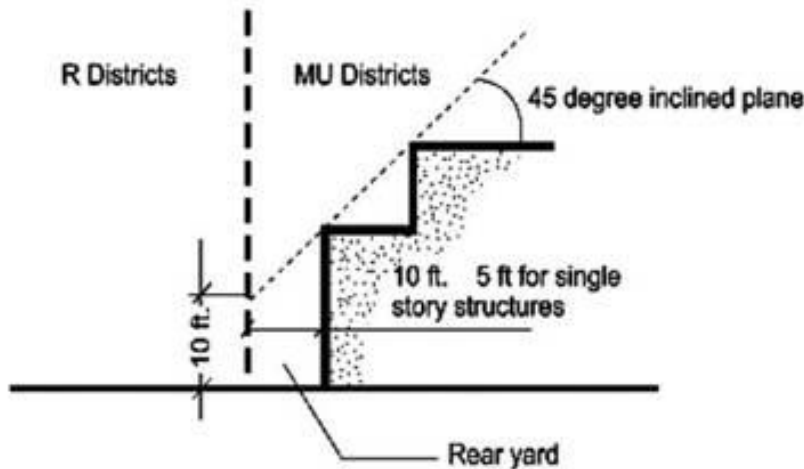
Nonresidential and mixed use buildings shall have a build-to line of 0 feet except that the front or corner side street facades of such buildings may be set back to accommodate pedestrian oriented outdoor uses and amenities which the city planner determines are appropriate to an urban setting, such as outdoor patio dining areas, plazas and courtyards, fountains, public art, entry forecourts, and landscaping.

- (B) Structures and buildings with ground floor residential uses shall have a front and corner side yards of at least five feet, but no greater than ten feet. Stairs, landings, patios, unenclosed porches and architectural entry features, landscaping and similar features may occupy such yards.
- (C) Developments in the MAF and MX districts are subject to the following FAR and density limitations:
- (1) Residential developments shall be subject to a maximum of twenty-four dwelling units per net acre without density bonus;
- (2) Nonresidential developments shall be subject to a maximum FAR of 1.0 in the MX and 0.30 in the MAF; and
- (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](#): Mixed use building incentives.
- (E) See [Section 37-30.260](#): Mixed use building incentives.
- (F) See [Chapter 17](#) of the Municipal Code for inclusionary housing requirements for projects with ten or more dwelling units.
- (G) Additional building height may be considered for mixed use buildings and developments subject to the approval of a CUP.

For each square foot of ground floor public plaza or courtyard provided in conjunction with nonresidential and mixed use buildings on a site, a corresponding increase in the gross floor area of the building may be allowed on a foot-by-foot basis. Such floor area shall not be counted towards the maximum FAR permitted for the development. To qualify for this incentive, the plaza or courtyard must meet all of the following requirements:

- (1) It must be accessible to pedestrians directly from a public sidewalk and the building it serves;
- (2) It must directly abut and be visible from the street frontage of the site;
- (3) It must have pedestrian-oriented amenities such as seating areas, art, fountains, or similar amenities as approved by the city planner; and
- (4) It must provide a minimum of one hundred fifty square feet usable open space and have no dimension less than fifteen feet in size.
- (I) Except as permitted in [Section 37-50.080](#): Exceptions to height limits and [Section 37-30.280](#)(j): Roof Treatments.
- (J) Mixed use developments (on a site and not in a mixed use building) shall be subject to the following:
- (1) The residential portion of the development may be detached (in another building) from the commercial use; however, the commercial use shall be located along the street frontages of the site;
- (2) The parking requirements for the residential use shall be in addition to those of the commercial use;
- (3) The residential portion of the development shall be in accordance with the R-H-1.8 district development regulations except as modified by this division;
- (4) The residential portion shall not be subject to the bedrooms per dwelling unit requirement of the R-H-1.8 district if only dwelling units with two bedrooms or less are proposed. If dwelling units with more than two bedrooms are proposed, the bedrooms per dwelling unit requirement of the R-H-1.8 district shall apply; and

- (5) These regulations may be modified subject to the approval of a CUP for mixed use residential developments if the following conditions can be demonstrated:
- (i) The residential use serves a special housing need identified in the Salinas general plan or advances redevelopment objectives;
 - (ii) The housing is appropriate to an urban setting and is dependent on the proximity to commercial services and public transportation; and
 - (iii) The project design is consistent with the density, design standards and purpose statement of this division.
- (K) Residential development, not including mixed-use development, mixed use buildings or structures, shall be in accordance with the R-H-1.8 district development regulations except as modified by this division.
- Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and other similar facilities or in conjunction with shopping centers and office complexes
- (L) where two or more separate lots would be created and be subject to a reciprocal agreement utilizing shared parking, landscaping, and related facilities when it can be demonstrated that the purpose of the district can be achieved and that the public health, safety, and general welfare will be maintained.
- Structures, including mixed-use development or mixed use buildings, shall not intercept a forty-five-degree inclined plane inward from a height of ten feet above existing grade at an R district boundary line.
- (M) Single-story structures and ground level parking may encroach a maximum of five feet into required side and rear yards.



- (N) See [Section 37-50.040](#): Building projections into yards.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 29, 5-18-2010)

Sec. 37-30.260. - Mixed use building incentives.

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

- (a)

The residential bedrooms per dwelling unit mix requirement of the R-H-1.8 district for three- and four-bedroom dwelling units is waived.

(b)

The usable open space requirement of the R-H-1.8 district is reduced from five hundred square feet per dwelling unit to one hundred square feet per dwelling unit for studio, one-bedroom and two-bedroom dwelling units, and to three hundred square feet per dwelling unit for three-bedroom dwelling units, and to four hundred square feet per dwelling unit for four- or more bedroom dwelling units provided each dwelling unit is provided with a balcony/terrace of at least sixty square feet in size which is directly accessible to the dwelling unit. No more than thirty percent of the total number of dwelling units in a mixed use building may have more than two bedrooms to receive the reduced open space incentive.

(c)

Parking requirements are reduced to one parking space per dwelling unit for studio, one-bedroom and two-bedroom dwelling units and one parking space for each four hundred square feet of commercial floor area. The parking requirements for dwelling units with more than two bedrooms shall comply with the R-H-1.8 district parking requirements.

(d)

No loading areas shall be required for commercial uses under thirty thousand square feet in size.

(e)

Within a mixed use building providing commercial uses of at least 0.25 FAR, allowable floor area may be substituted for residential dwelling units at a ratio of one dwelling unit for each one thousand square feet of allowable floor area to the maximum FAR of 1.0. For example, the maximum development potential of a one-acre lot is forty-three thousand five hundred sixty square feet of commercial floor area plus ten dwelling units. A proposed mixed use building providing at least ten thousand eight hundred ninety square feet of commercial floor area could also include forty-three dwelling units as follows: $43,560 \text{ sq. ft.} \times 0.25 = 10,890 \text{ sq. ft.}$; $43,560 \text{ sq. ft.} - 10,890 \text{ sq. ft.} = 32,670 \text{ sq. ft.} / 1,000 \text{ sq. ft.} = 33 \text{ dwelling} + 10 \text{ dwelling units} = 43 \text{ dwelling units}$.

(f)

The following additional requirements shall also apply to mixed use buildings:

(1)

Mixed use buildings must incorporate ground floor occupancies and uses (storefronts or offices regularly open and accessible to the public) which are oriented to the public sidewalks/streets to enhance the pedestrian environment.

(2)

Access to the residential dwelling units shall be provided from a separate ground floor entry and not through a commercial storefront or use.

(3)

Yards shall be in accordance with the applicable MU district.

(4)

Commercial uses within mixed use residential buildings shall be limited to retail, restaurants, offices, services, and similar pedestrian-oriented uses.

(5)

No more than twenty-five percent of the gross floor area of the ground floor of a mixed use building shall be residential to receive the incentives unless approved subject to [Section 37-30.270](#): Modification of use regulations.

(Ord. No. 2463 (NCS).)

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](#): Mixed use building 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:

(1)

The project meets the basic purposes of [Section 37-30.230](#): Purpose and the applicable district.

(2)

The project helps achieve a mix of uses in an area because no more than thirty percent of the existing ground floor area on the block is developed for residential use.

(3)

The project design is consistent with the development regulations and design standards of this division.

(Ord. No. 2463 (NCS).)

Sec. 37-30.280. - Design standards.

(a)

Purpose. These design standards are intended to assist the designer in understanding the city's requirements for high quality development (residential, mixed use, and nonresidential) in the mixed use districts. These standards complement the development regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of the various regulations. These standards ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. These standards are also intended to ensure that buildings and dwellings are visually compatible with one another and adjacent neighborhoods and create mixed use areas, which are attractive, compact, pedestrian and transit-oriented, active, and safe.



(b)

Applicability. These standards shall also apply to applicable properties located in the focused growth overlay district.

(c)

Site Planning. The location of structures and other site improvements shall create a pedestrian-oriented environment with safe, pleasant, convenient, and accessible pedestrian routes to public sidewalks, transit facilities, and adjacent uses. Site planning shall incorporate the following:

(1)

Structures shall be sited along street frontages of sites with parking in the rear or in limited circumstances to the side. Placing parking areas behind rather than in front of buildings helps to preserve an attractive streetscape and improve pedestrian access to surrounding activities and uses, and it provides an urban border for the street.

(2)

Placement of structures, entrances, and open space areas such as plazas and courtyards shall be oriented to provide direct access to public sidewalks and streets to the maximum extent possible to facilitate pedestrian access and movement between adjacent uses.

(3)

Buildings shall be arranged to create a sense of unity and overall harmony with adjacent structures. A visual link between separate structures can be established through the use of an arcade system, trellis, or similar feature.

(4)

Buildings shall be sited in a manner that maximizes visibility of plazas, courtyards, streets, and alleys to provide opportunities for people engaged in their normal behavior to observe the spaces around them.

(5)

The location of outdoor spaces shall have clear, recognizable shapes that reflect careful planning and are not simply left over areas between structures. Such spaces shall provide pedestrian-oriented amenities such as shady areas, art, benches, fountains, landscaping, etc.

(d)

Natural Surveillance. Whenever feasible, design and placement of buildings and other physical features are encouraged to maximize visibility and facilitate natural surveillance from public rights-of-way and other public

areas. This includes building orientation, placement of windows, doors, and balconies, building and site entrances and exits, placement of parking, lighting, and refuse containers, placement and type of landscape materials, plazas, and other open space areas, location of walkways, types of walls and fences (including the use of picket, wrought-iron, and similar materials to promote visibility when appropriate), and other physical obstructions that discourage the potential for criminal activity.

(e)

Yards/Setbacks.

(1)

Buildings with ground floor residential uses shall have a maximum front yard and corner side yard of ten feet to accommodate stairs, landings, porches, covered architectural entry features, and similar building features.

(2)

When provided, the front or corner side yard shall include landscaping and/or a hard-surface expansion of the sidewalk. Walkway connections to building entrances shall include special paving treatment or materials. The use of awnings, canopies, and arcades shall be incorporated as appropriate to provide visual interest, shade, and protect pedestrians from the elements.

(3)

All other buildings shall generally have no required yard and be located directly behind the sidewalk to facilitate pedestrian access to the public realm. Portions of the front or corner-side street facades may be setback to allow for pedestrian-oriented outdoor areas and amenities only, such as plazas and courtyards, outdoor patio dining areas, public art, fountains, entry forecourts, landscaping, or other amenities appropriate to an urban setting. When provided such yards shall generally be no more than ten feet, except where ground floor building space is occupied by retail or other pedestrian-oriented uses with entrances opening directly to a plaza or courtyard. In such cases, the city planner may allow the maximum front or corner-side yard to be extended.

(f)

Building Entrances.

(1)

The main building entrance or entrances shall be oriented to the street or plazas, as applicable, to maximize natural surveillance and provide "eyes on the street." The main entries to buildings shall be clearly demarcated, visible and accessible from the street and/or pedestrian walkways. Main entries shall be recessed or framed by a sheltering element such as an awning, arcade, porch, or portico. Such entrances shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot, or loading area to gain access to the entrance from the street. Secondary building entries may be from parking areas.

(2)

All residential dwellings fronting on streets shall have a main entrance opening onto the front or corner side facade of the dwelling at the ground floor level. Such an entrance shall open directly to the outside. The entrance may be above grade level through a porch, stoop, portico, or similar architectural feature. Ground floor single-family attached dwellings fronting on a street shall have separate entries directly from the sidewalk or a pedestrian walkway. Upper story and ground floor residential dwelling units in a multifamily or mixed use building fronting on streets may share one or more entries accessible directly from the street.

(3)

Multifamily residential buildings with facades over one hundred fifty feet in length facing a street frontage shall provide a minimum of two or more pedestrian building entrances on that frontage.

(g)

Architecture. There is no particular required style for structures and buildings in the mixed use districts. The primary focus shall be on the construction and design of a high quality pedestrian-oriented buildings and developments. A diversity of styles is encouraged.

(h)

Mass and Scale.

(1)

The mass and scale of a new development shall be compatible with neighboring developments and not overwhelm them with disproportionate size or a design that is out of character.

(2)

At residential edges, buildings shall maintain low profiles to provide a transition between urban and residential areas. Taller elements of the building shall increasingly step back from adjacent single-family residential zones.

(3)

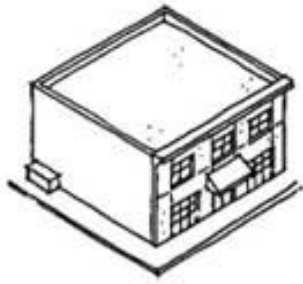
Building scale shall be reduced through the proper use of window patterns, structural bays, roof overhangs, awnings, moldings, fixtures, and other details that promote a "human" scale.

(i)

Facade Articulation.

(1)

Building design shall avoid large monotonous facades, long straight-line building fronts, plain box shapes, and barren exterior treatment. All building facades visible from streets or public areas such as plazas shall be highly articulated, and incorporate the chosen design theme in a consistent manner.



Side and rear elevations should not be blank (top). Instead, facade ornamentation should wrap corners (bottom).

(2)

Vary the planes of the exterior walls in depth and/or direction. Wall planes shall not run in a continuous direction for more than fifty feet without an offset proportional to the building size or an architectural feature such as a column to provide visual interest.

(3)

For residential dwelling units, the facades of the buildings shall be designed so as to give individual identity to each vertical module of dwelling units using techniques such as providing a deep notch (in plane) between the modules; varying architectural elements between dwelling units (e.g., window color, roof shape, window shape, stoop detail, railing type); providing porches and balconies; varying color or materials of each individual module within a harmonious palette of colors and materials, etc.

(j)

Roof Treatments. A variety of roof forms are permitted. Changes in roof form must correspond with a building's structural bays and massing.

(1)

Towers. Towers may be integrated into a building to provide a focal point for the primary entrance(s).

(2)

Articulation. At a minimum, the roofline at the top of the structure shall not run in a continuous plane for more than fifty feet without offsetting or jogging the roof plane.

(3)

Roof Materials. Roof materials shall be appropriate to the style of the building, roof form, and slope. Desirable roofing materials include tile, slate, metal, and composition shingles with an architectural grade shadow shake

rather than a simple three-tab. The following roof materials shall not be used:

(A)

Corrugated metal (standing rib metal roofs are permitted) unless the city planner determines the material is appropriate for the architectural style or theme of the building;

(B)

Highly reflective surfaces that create glare; and

(C)

Illuminated roofing.

(k)

Wall Treatments. Architectural treatments bring identity and character to a neighborhood or district. A minimum number of differing architectural features supports visual interest on the street and relieves what too often become monotonous facades. These standards require structural articulation and are intended to produce an architecture that is internally consistent and produces adequate detail and relief in the massing as follows:

(1)

Base, Middle, and Top Treatments. Building facades shall have three recognizable elements: a base, middle, and top unless the city planner determines that such elements would be inappropriate with the architectural style of the building.

(A)

Base. Appropriate materials for the base include richly textured or darker colored materials, mullions, and or panels, masonry materials, special materials such as ceramic tile, granite, or marble, or landscaping.

(B)

Middle. The middle forms the area between the base and the top of the building facade and as such shall be generally distinguishable from the other two elements.

(C)

Top. The top should create an attractive profile for the building. Appropriate elements include cornice treatments, roof overhangs with brackets, stepped parapets, or richly textured materials (e.g., tile or masonry).

(2)

Materials.

(A)

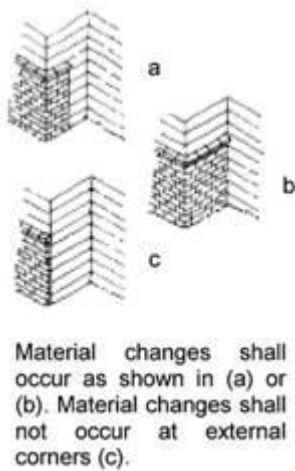
Exterior materials and finishes shall be durable. Buildings must incorporate consistent, pedestrian-scale textures and details on all sides that are visible from public streets and pedestrian pathways.

(B)

Materials that are visibly simulated or prefabricated are discouraged. Scored plywood is prohibited.

(C)

Material changes must not occur at external corners, but may occur at reverse interior corners.



(3)

Articulation. Facade articulation is required. Building fenestration (windows and doors placement) and changes in mass shall relate to structural systems and the organization of interior space. Vertical architectural features such as columns and piers help articulate building mass. Also, see subsection (i) of this section.

(4)

Awnings and Canopies. Awnings and canopies shall be subject to the following:

(A)

Awnings/canopies shall not be located so as to obscure transom windows, piers, pilasters, and other architectural building features and shall generally be designed to project over individual doors and window openings, where feasible. Awnings/canopies that are a continuous feature extending over several windows, doors, and similar architectural features are generally discouraged.

(B)

The size of the awning/canopy shall be proportional in scale to the building to which it is attached.

(C)

No portion of an awning/canopy shall be less than eight feet above the surface above which it projects (fourteen feet above a roadway surface) or shall project more than five feet into a public right-of-way. An encroachment permit is required for any awning/canopy located within the public right-of-way.

(D)

The style of the awning/canopy shall complement the architectural style of the building to which it is attached. Awnings should generally have a simple horizontal valance if located over rectangular or square window/door openings. Domed or barrel-shaped awnings are appropriate for buildings with arched window/door openings.

(E)

An awning/canopy with a single, solid color is preferred. The color of the awning shall be compatible with and complement the exterior color(s) of the building. Awning/canopy colors that call more attention to the awning/canopy than the building are inappropriate.

(F)

Awnings/canopies shall be regularly cleaned and kept free of visible defects and wear.

(G)

Awnings/canopies with signs shall require the issuance of a sign permit in accordance with Article V, Division 3: Signs.

(5)

Transparency and Windows. Transparency standards help strengthen the relationship between buildings and the street and other pedestrian-oriented areas such as plazas and increases public safety by placing eyes on the activities that occur in these areas.



Buildings should have frequent doors and windows to increase transparency.

(A)

For buildings which contribute to frontage along build-to lines, or are located along pedestrian-oriented street frontages or public open space areas such as plazas, the following shall apply:

(i)

Windows and entry doors (public) in buildings shall not have reflective, translucent or dark tinted glass on the ground floor as it prevents and discourages building transparency.

(ii)

Building facades shall not have a section of blank wall exceeding thirty linear feet without being interrupted by a window or entry door or other design element that promotes transparency.

(iii)

At least sixty percent of the linear length of nonresidential facades must contain windows, doors, or arcades at all levels. Clerestory windows or other high, non eye-level windows do not count towards the sixty percent requirement.

(iv)

For residential structures, one primary window (excluding clerestory and other high, non eye-level windows) shall be required in each room with an exterior wall on the street facades of the dwellings.

(B)

For buildings that do not contribute to frontage along build-to lines or are not located along pedestrian-oriented street frontages or public open space areas such as plazas, the following shall apply:

(i)

The primary building entry and windows shall be generally visible from the street(s).

(ii)

The main entrance(s) shall open directly onto a publicly accessible connecting walkway. This walkway shall connect directly to the sidewalk or pedestrian walkway of an adjacent street.

(iii)

Building facades that are visible from the street shall not have a section of blank wall exceeding thirty linear feet without being interrupted by a window, entry, or a section of lattice with vines, or other architectural feature.

(l)

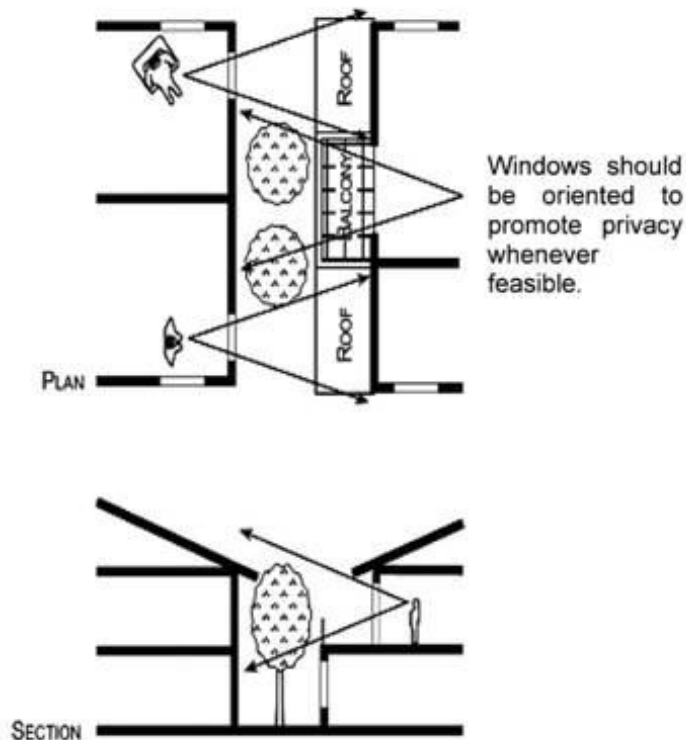
Privacy for Residential Dwelling Units.

(1)

To balance privacy, security, and pedestrian friendliness, the primary entrances of ground-floor residential dwelling units shall face a public sidewalk, and the finished-floor elevation shall be at least eighteen inches but no more than sixty inches above the sidewalk provided that an accessible "at grade" entrance is available.

(2)

Buildings should be oriented to promote privacy to the greatest extent feasible. In mixed use projects, residential windows should face away from loading, service, and recycling and solid waste disposal areas. To the extent residential windows face the windows of an adjacent dwelling unit, the windows shall be offset or incorporate other features to provide privacy.



(3)

Windows, balconies, or similar openings should be oriented to minimize direct line-of-sight into adjacent dwelling units within the development. In addition, dwelling units above the ground floor shall generally be designed so that they do not look directly onto private patios or backyards of the adjoining residential property or dwelling units when feasible.

(4)

Landscaping may also be used to aid in privacy screening and as a buffer from commercial development.

(m)

Colors.

(1)

Exterior building and roofing colors shall be appropriate to and enhance the architectural style and materials of the structure. Large areas of intense primary color shall generally be avoided as the dominant overall color for a structure.

(2)

The color palette chosen for new structures shall generally be compatible with the colors of adjacent structures. An exception is where the colors of adjacent structures strongly diverge from these design standards.

(3)

Primary or bold colors may only be used to accent elements, such as door and window frames and architectural details.

(4)

Minimize the number of colors appearing on the structure's exterior. Small commercial structures shall generally use no more than three colors unless appropriate to the architectural style.

(5)

Roof flashing, rain gutters, and downspouts, vents, and other roof protrusions shall be finished to complement the adjacent materials and/or colors.

(n)

Treatment Adjacent to Residential Districts.

(1)

To provide privacy for adjacent dwelling units, windows on the second and higher floors of buildings, which directly face or abut residential zones, should be designed either as translucent, louvered, be offset from existing residential windows, or utilize another solution to achieve privacy for the adjacent dwelling units.

(2)

Developments shall be designed to minimize motor vehicle circulation through local single-family neighborhood streets; however, pedestrian connections are encouraged.

(3)

Parking areas shall be located and designed to be convenient in order to minimize parking in residential neighborhoods.

(4)

Building facades and garages that face existing dwelling units shall be designed to be compatible with the setbacks and scale of the existing development.

(o)

Vehicle Circulation and Access.

(1)

Site access and internal circulation shall promote safety, efficiency, and convenience. Vehicular traffic shall be adequately separated from pedestrian circulation. Vehicular entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.

(2)

The number of site access points or driveway aprons shall be minimized. Driveway entrances shall be located as far as possible from street intersections and shall be coordinated with existing or planned median openings and driveways on the opposite side of the roadway. Common driveways that provide vehicular access to more than one site are encouraged.

(3)

A driveway entrance for a drive-through lane shall not have direct access from the primary street serving the site. Such entrances shall only be located off driveways located within the interior of the development.

(p)

Pedestrian Circulation.

(1)

All new uses shall be oriented and designed to enhance pedestrian movement to and between adjacent uses and public streets.

(2)

New development shall include pedestrian walkways. Pedestrian circulation shall be adequately separated from vehicular traffic. Pedestrian entrances and walkways shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.

(3)

In mixed use projects, pedestrian walkways shall link dwelling units with the compatible commercial facilities in the project, common open space, plazas and courtyards, parking areas, and public sidewalks.

(4)

Colored, textured paving shall be used to delineate pedestrian crossings at circulation drives and parking aisles.

(q)

Parking.

(1)

Mixed Use Buildings.

(A)

A reduction in parking requirements for residential dwelling units (applicable to studios, one- and two-bedroom dwelling units only) when incorporated into a mixed use residential building to one parking space per dwelling unit is provided to encourage residential uses in conjunction with neighborhood-serving commercial uses.

(B)

For the commercial use portion of a mixed use building, a parking standard of one space for each four hundred square feet of retail, office, restaurant, service, and similar pedestrian-oriented uses shall apply. As an alternative, when the mixture of uses is known, the Urban Land Institute's (ULI's) shared parking standards may be used to calculate the total number of shared parking spaces. To determine shared parking demand, two or more uses would be added for each hour of the day, for both weekdays and for Saturdays, to see which hour produces the highest parking demand. The following steps shall be used to determine the required minimum and maximum number of spaces for projects including a mix of uses:

(i)

For each hour of the day, determine the parking demand for each individual land use (as determined by the Urban Land Institute's shared parking standards).

(ii)

Add together the parking demands for each land use to determine the aggregate parking demand for each hour. For example, add the amount of parking demanded by restaurants at 1:00 p.m. to the amount of parking demanded by retail at 1:00 p.m.

(iii)

Determine the minimum shared parking space requirement by using the largest of the aggregate parking demand figures. On-street parking spaces shall be used to help meet this requirement.

(iv)

Where visitor parking is required, the sharing of visitor parking and nonresidential parking is permitted.

(2)

Other Uses. Residential, mixed use developments (excluding mixed use buildings), commercial uses, and public and semipublic uses shall be subject to the parking requirements by use classification in [Section 37-50.360](#): Off-street parking and loading spaces regulations.

(3)

On-street Parking. With the exception of streets where parallel parking operations would adversely impact traffic flow or where on-street parking is not "currently" allowed, all street improvement projects must include provisions for on-street parking. Existing on-street parking along the length of the lot shall be counted towards the required parking of adjacent buildings on the street side abutting the uses. Such parking shall not be counted, however, if the city engineer determines that the parking must be removed at a later time to implement general plan circulation improvements.

(4)

Parking Structures. Where feasible, the use of parking structures instead of parking lots is encouraged. A parking structure's smaller footprint makes such parking a less obtrusive use than parking lots. Parking structures or garages shall be subject to the following:

(A)

When ground floor parking is permitted, the exterior of the street facade of the parking structure shall have the appearance of a building and incorporate similar materials, colors, and architectural features as adjacent buildings. In no case shall unscreened vehicles in the parking structure be visible from public streets.

(B)

Parking structures are generally discouraged along the primary and pedestrian-oriented street frontages serving a site unless retail, restaurants, services, offices, or other habitable uses occupy the ground floor portion of the parking structure that fronts the street. On secondary street frontages and other non pedestrian-oriented street frontages serving a site, ground floor parking may occupy the portion of the structure that fronts a street if the city planner determines that the street frontage serving the site is not expressly pedestrian-oriented in nature and that such parking would not adversely impact surrounding uses on the block.

(C)

Stand-alone parking structures should generally not exceed thirty-five feet in height except higher structures may be considered through the conditional use permit process.

(D)

Whether placed underground where it can serve as a foundation for buildings or above ground, parking structures shall be designed to minimize the impact of the structure on the street and to be compatible with the architectural style of the surrounding buildings.

(5)

Bicycle Parking. Bicycle parking must be provided in easily accessible locations from the street. Bicycle parking must be visible from the building it serves in order to improve security for parked bicycles.

(6)

Parking Lot Location. All new construction of parking lots shall occur behind or to the sides of structures, or within the interior of the development where it is not visible from the street.

(7)

Driveway Entrances. Colored, textured pavement paving shall be provided at a minimum depth of ten feet at all primary vehicular driveway entrances and exits (immediately behind the street right-of-way line) to the development.

(8)

Parking Lot Landscaping. Where parking lots abut streets, a minimum eight-foot-wide landscaped frontage shall be provided on the site, adjacent to the sidewalk. Landscaped frontages are not required when parking lots are sited behind buildings or plazas. A minimum number of shade trees are required, equivalent to one tree per five parking stalls. Trees in parking lots shall be spread uniformly (in an orchard parking lot landscaping design) throughout the parking area and may not be located only at the end of parking rows. Trees planted along connecting walkways and adjacent landscaped frontages may also contribute to the one-per-five requirement for parking lots. Trees in parking lots must be set into a tree well or planter having a minimum interior dimension of five feet (exclusive of curbs). Trees adjacent to walkways and in plazas shall be protected by attractive bollards, raised concrete curbing or tree guards designed to be compatible with the development.



Orchard Parking Lot
Landscaping.

(9)

Vehicle Maneuvering Areas. Vehicle maneuvering areas (including drive-through lanes, queuing areas, service station pump islands, and similar vehicle-related areas) shall be located within the interior of developments and be screened from view of adjacent streets. Such areas shall not be located between the street and the street facades of buildings.

(10)

Alternative Fueling Facilities. Parking areas are encouraged to provide facilities for vehicles with alternative fueling systems (such as electric vehicle charging areas, etc.)

(11)

Connecting Walkways. Parking lots shall not exceed one hundred spaces without being segmented by connecting walkways, landscaped frontages, or buildings. Where building entries do not abut a street, connecting walkways are required to link the building entrance to street sidewalks. Connecting walkways must meet the following requirements:

(A)

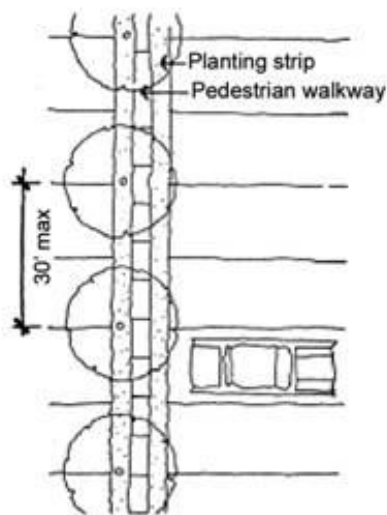
Width and Clearance. The width of the paved walking surface must be at least six feet clear. Any covered structure such as a trellis must have at least ten feet of clear height, but must not obstruct visibility.

(B)

Paving. Connecting walkways must be paved with a special paving or concrete in a pattern or color that contrasts with the surrounding pavement.

(C)

Tree Planting. Connecting walkways must be planted with either shade trees spaced thirty feet on center or a shade structure such as a trellis with climbing vines.



(D)

Lighting. Connecting walkways must be equipped with lighting on one side. Lighting standards spaced a maximum of thirty feet apart, and a maximum of sixteen feet tall are recommended.

(r)

Landscaping.

(1)

Landscaping shall be used to define specific areas by helping to focus on entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties (buffering), and provide screening for parking lots and loading and equipment areas.

(2)

Landscaping shall be in scale with adjacent structures and be of appropriate size at maturity to accomplish its intended purpose.

(3)

Landscaping around the base of structures is recommended to soften the edge between the structure and the sidewalk and parking lot. Landscaping shall be accented at entrances to provide focus.

(4)

Landscaping shall be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, and the use of concrete curbs or similar features.

(5)

Vines and climbing plants integrated upon buildings, trellises, and walls are strongly encouraged.

(6)

Use potted plants in clay or decorative concrete containers, especially for enhancement of sidewalk shops, plazas, and courtyards, and to soften the hardscape.

(7)

At maturity, trees shall be able to be trimmed ten feet above ground and shrubs shall be maintained at a height of approximately three feet when visibility is a factor.

(s)

Usable Open Space.

(1)

The design of the common usable open space shall complement the street pedestrian realm with plazas, pocket parks, public gathering spaces, street furniture, and landscaping.

(2)

Nonresidential and mixed use projects are encouraged to incorporate plazas and courtyards, which are oriented to the public realm/sidewalks, into their design. Buildings can be clustered to create usable pedestrian areas.

(3)

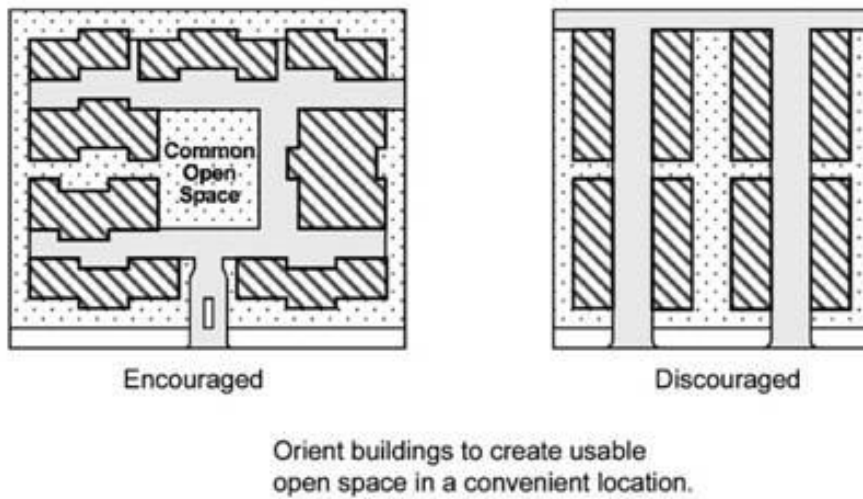
The design shall provide visual and physical cues that demark the public space from the private space.

(4)

To integrate new buildings within the surrounding area, such buildings are encouraged to provide passageways that allow for light and air to adjacent buildings.

(5)

In mixed use residential and residential projects, common usable open space shall be provided in large, meaningful areas that are visible from the residential dwellings they serve. Common open space areas shall be convenient to the majority of dwellings and shall contain amenities appropriate to the project's size.



(6)

In mixed use and residential projects, private usable open space shall be contiguous to the dwelling unit it serves and be screened from public view for privacy. All balconies and patios that front a public street shall be designed to screen items being stored on the balcony or patio.

(7)

Rooftop open space may be used as common usable open space or private usable open space, when directly accessible to the dwelling unit(s) it serves.

(t)

Recycling and Solid Waste Disposal.

(1)

In mixed use projects, the residential dwelling units shall have and maintain a recycling and solid waste disposal area that is separate from that used by the commercial uses. It shall be clearly marked for residential use only and use by commercial uses is prohibited.

(2)

All recycling and solid waste disposal areas for commercial uses shall be located so as to be convenient to the commercial users and where associated odors and noise will not adversely impact the residential uses.

(3)

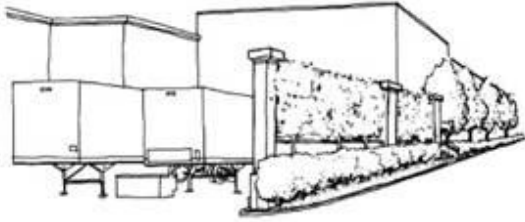
Recycling and solid waste receptacles shall be screened so as to not be visible from the public right-of-way, public plazas, or residential dwelling units.

(u)

Loading Facilities. Loading facilities and related service areas must be located away from and screened from view of streets, parks, plazas, and landscaped walkways, and shall generally be located within the interior of the development, whenever feasible.

(v)

Screening.



(1)

Screening for outdoor storage (including cart storage) shall be determined by the height of the material or equipment being screened. When allowed, exterior storage shall be confined to portions of the site least visible to public view. Where screening is required, a combination of elements shall be used including solid masonry walls, berms, and landscaping. Chain link fencing with or without slatting shall not be permitted.

(2)

Any outdoor equipment, whether on the roof or side of a structure, or on the ground, shall be appropriately screened from public view. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape, and size. Where individual equipment is provided, a continuous screen is desirable.

(3)

When permitted, roll-up doors, vehicle bays, drive-through aisles, car wash entrances/exits, wash stalls, and similar features shall be screened from view of adjacent streets by building orientation and/or the provision of landscaping, berms, trellises, or low walls that are consistent with the architecture and exterior materials of the building.

(w)

Accessory Structures. The design of accessory structures shall be architecturally compatible with the principal structure on the site through the use of consistent architectural style, exterior building and roofing colors and materials, and landscaping.

(x)

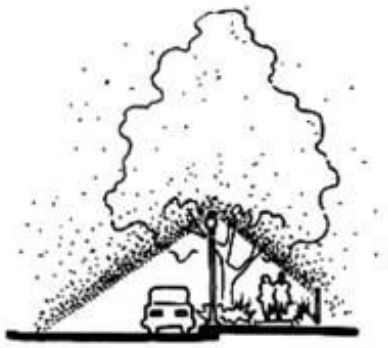
Lighting. The design of light fixtures and their structural support shall be architecturally compatible with the principal structure(s) on the site and be pedestrian-oriented and scaled. The following additional standards shall apply to on-site lighting, including lighting of signs, structures, landscaping, plazas, parking, and service areas.

(1)

Intensity and Direction of Lighting.

(A)

All lighting fixtures, including spotlights, electrical reflectors, and other means of illuminating signs, structures, landscaping, parking, loading, and similar areas, shall be focused, directed, and arranged to prevent horizontal glare or direct illumination on adjoining property or streets. A sharp cut-off must be used to direct light toward walls and landscaping to avoid shining light up into the sky. No lamp or lens may be visible, as viewed horizontally.



(B)

No mercury vapor utility yard lights or other light fixtures with high-intensity discharge lamps or bulbs, which are not designed to limit or control light direction or which do not shield the light source from view of neighboring residential properties, shall be permitted.

(2)

Types of Lighting Applications.

(A)

Architectural Enhancement. Accent lighting of architectural features is encouraged to highlight building massing and rhythm and enhance the pedestrian environment. Accent lighting shall not be a source of glare, reflected glare, or excessive light, especially when viewed from dwellings, streets, walkways, or open spaces. Neon lighting does not qualify as accent lighting.

(B)

Building Entries. Building entries with high activity levels shall be illuminated. Appropriate treatments include: bathing entry surfaces with light, allowing the building interior light glow through glazing, or using decorative lighting fixtures to announce entries.

(C)

Service Areas. Building-mounted downlight fixtures, in combination with pole fixtures, are preferred for the illumination of building service areas. Such fixtures do not cause glare or light leakage beyond the service areas.

(D)

Landscaped Frontages. Regular up-lighting of walls or other structures in landscaped frontages shall occur throughout the mixed use district and must be coordinated to create a consistent and dramatic effect.

(E)

Landscaping and Furnishing. Up-lighting is recommended for all landscaping and furnishings (in both public and private areas) that require accenting (such as specimen trees, shrubs, and sculptural features). Specific areas include streets, parks, and plazas.

(F)

Plazas, Walkways, and Paths. Plazas, walkways, and other pedestrian paths shall be lit by pole or lighting bollard type fixtures that are of a human scale, typically not to exceed sixteen feet or four feet in height, respectively.

(G)

Outdoor Seating Areas. Where intimate environments are desired, (e.g., seating areas in parks and plazas, and some pedestrian walkways), light bollards and other forms of indirect illumination are appropriate.

(y)

Signs.

(1)

As development in the mixed use district is to support pedestrian activity, signage shall be scaled appropriately. As such, the use of blade, awning, and hanging signs are encouraged. Can-type wall signs and freestanding pole signs are generally prohibited in new developments.

(2)

Every structure shall be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept. All signing shall be highly compatible with the building and site design relative to color, material, and placement.

(3)

The use of backlit individually cut letter signs is strongly encouraged.

(4)

Each development site shall be appropriately signed to give directions to loading and receiving areas, visitor parking, and other special areas.

(z)

Streetscape. The following standards are intended to further promote the creation of pedestrian-oriented, safe, attractive, and unified streetscapes in the mixed use (MU) districts and focused growth (FG) overlay areas. The standards are intended to apply to improvements located within public rights-of-way and shall be subject to the approval of the city engineer and city planner:

(1)

Traffic Calming. Measures to slow traffic and protect pedestrians from vehicles may be required by the city engineer when deemed appropriate and necessary. Examples of appropriate traffic calming measures include:

(A)

Lighted and clearly marked crosswalks;

(B)

Horizontal deflections such as landscaped center islands, street bulb-outs, road narrowing, chicanes, and roundabouts;

(C)

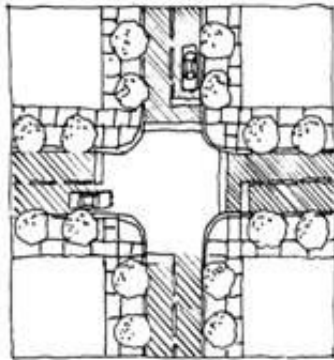
Vertical deflections such as raised and textured intersections and crosswalks;

(D)

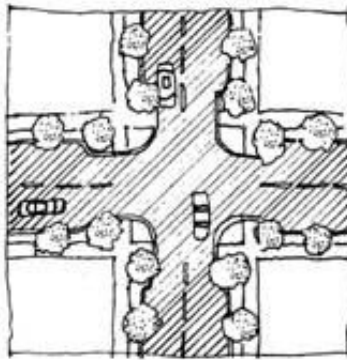
Street trees and parkway planters that provide visual interest and buffer pedestrians from motor vehicles on the public streets;

(E)

The use of speed bumps, street closures, or forced turns is not desirable and shall be avoided.



Raised/Textured Intersections



Bulb-outs

(2)

Transit-oriented. Streetscape design should consider and promote pedestrian access to transit facilities.

(3)

Other Design Elements. Other design elements such as enhanced street paving, lighting standards, and other street furnishings should also be considered to enhance the pedestrian-oriented nature of the area as follows:

(A)

Enhanced street paving, including textured and colored concrete, interlocking pavers (with even edges) or other materials as approved by the city engineer, should be used to denote pedestrian street crossings. Paving patterns and colors should be simple, and be consistently used, throughout the applicable zoning district and overlay district.

(B)

Light standards along pedestrian-oriented streets should be lower in height to create an environment that is more human in scale. Such street lighting shall generally not be more than twenty-five feet high. Light standards along arterial streets may be taller than those on local streets. Lighting standards are also encouraged to be placed over the sidewalk rather than street and in such case should not be higher than sixteen feet above the sidewalk.

(C)

Light standards shall have a high quality appearance and be generally consistent in design, color, and fixture type throughout the applicable zoning district and overlay district. Landscaping planters attached to metal light poles are also encouraged.

(D)

Pedestrian-oriented street furnishings such as benches, water fountains, etc. are encouraged. Street furniture shall generally not be located adjacent to crosswalks, curb cuts, fire hydrants, or loading and bus zones. There should

be five feet of clear passage on sidewalks to ensure pedestrian safety and ADA-compliant access. Such features shall be compatible with the architectural style of adjacent buildings and reflect a compatible theme and style.

(E)

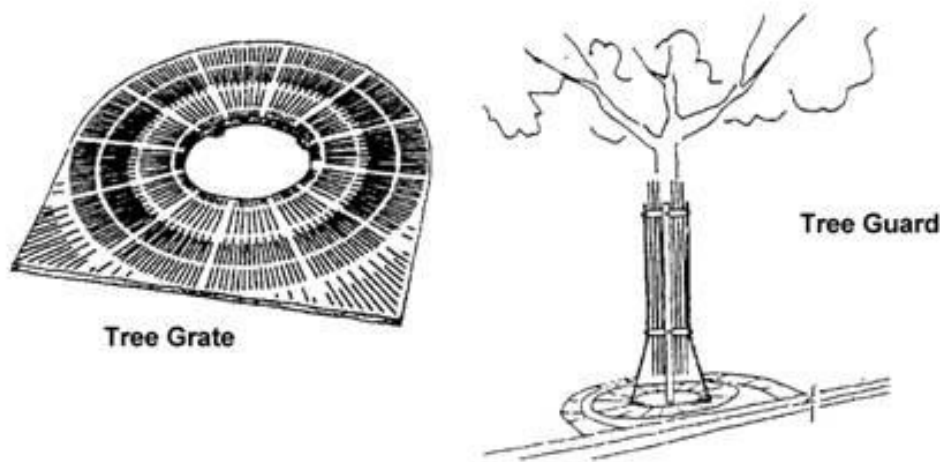
Newspaper racks should be located around major pedestrian gathering areas. The design shall consolidate all vending boxes into one rack. Rack construction should use masonry elements or metal that compliments other site furnishings in the area or the architecture of adjacent buildings. The rack shall be attractive on all sides and properly anchored. Individual racks will not be permitted.

(F)

Street trees shall be planted on both sides of the street and generally be spaced forty feet apart, on center. When possible, one species of street tree should be used for the sidewalk planting area with an additional street type for any on-street parking space streets or planted medians. Tree grates or guards should be provided along sidewalks and in plazas where a continuous walking surface is needed. Tree openings should be expandable.

(G)

Such design elements shall generally be maintained through a maintenance district funded by the benefiting property owner(s).



(aa)

Kiosks. Kiosk design and exterior color(s) shall be compatible with the architectural style and exterior color(s) of surrounding buildings.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 28, 5-18-2010)

Sec. 37-30.290. - Exemptions from development regulations and design standards.

(a)

The city planner may administratively exempt the following projects from the development regulations and design standards of this division:

(1)

Additions expanding existing structures by less than twenty-five percent of the existing gross floor area or two thousand five hundred square feet, whichever is less;

(2)

Exterior or interior remodels involving no increase in gross floor area;

(3)

Parking lot, loading spaces, recycling and solid waste enclosures, open space, landscaping, and similar site improvements on existing developed properties; and

(4)

Additions to structures and site improvements provided to comply with the ADA/Title 24 requirements.

(b)

Exemptions for additions expanding existing structures more than twenty-five percent or two thousand five hundred square feet may be considered subject to the approval of a conditional use permit if the planning commission finds that the addition will not conflict with the purposes of this division, will enhance the existing conditions, and provide site amenities that bring the property closer to achieving consistency with the development regulations and design standards of the district.

(c)

An exemption for additions to architecturally significant historic structures (as determined by the city planner) not meeting the requirements of subsection (a) or (b) of this section may be considered subject to the approval of a conditional use permit by the city planner. In addition to the required findings in Article VI, Division 8: Conditional Use Permits, the city planner shall also find that the addition will not damage the historic integrity, architecture, or significance of the building.

(d)

As may otherwise be provided for restoration of a damaged nonconforming structure in [Section 37-50.160](#): Nonconforming uses and structures.

(e)

These above-referenced exemptions shall not apply to standards or supplemental regulations applicable to all developments in the city and that are not unique to this district.

(Ord. No. 2463 (NCS).)

Division 5. - Industrial (I) Districts.

Sec. 37-30.300. - Purpose.

In addition to the general purposes listed in Article I, Division 1: General Provisions, the purpose of the industrial (I) districts regulations is to:

(a)

Provide appropriately located areas consistent with the general plan for a broad range of manufacturing and service uses;

(b)

Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;

(c)

Minimize the impact of industrial uses on adjacent residential and commercial districts; and

(d)

Promote safe industrial areas through the incorporation of crime prevention through environmental design (CPTED) features in development;

(e)

The additional purposes of each industrial (I) district are as follows:

(1)

Industrial-General Commercial (IGC) District. The industrial-general commercial (IGC) district provides for a range of retail, wholesale, and service businesses not generally suitable in commercial districts because they attract heavy automobile and truck traffic or have certain adverse impacts; and to provide opportunities for certain limited manufacturing uses that have impacts comparable to those of retail and service.

(2)

Industrial-Business Park (IBP) District. The industrial-business park (IBP) district regulations allow development of sites with high architectural and landscape standards for industrial office centers, limited manufacturing, warehousing and large-scale, single destination retail and other limited retail uses which may not be appropriate in retail areas.

(3)

Industrial-General (IG) District. The industrial-general (IG) district regulations provide for the full range of manufacturing, industrial processing, general service, and distribution uses deemed suitable for location in Salinas; and protect Salinas' general industrial areas from competition for space from unrelated commercial uses that could more appropriately be located elsewhere in the city.

(Ord. No. 2463 (NCS).)

Sec. 37-30.310. - Use classifications.

Table [37-30.130](#) identifies the use classifications for properties located in industrial (I) districts:

Table 37-30.130				
Industrial (I) Districts Use Classifications				
Land Use	IGC	IBP	IG	Additional Use Regulations
Public and Semipublic Uses				
Airports and Heliports	NP	CUP	CUP	(12)
Clubs and Lodges	CUP	NP	NP	(19)
Convalescent Hospitals/Nursing Homes	NP	NP	NP	
Cultural Institutions	NP	NP	NP	
Day Care Centers	SPR	CUP	CUP	(17)

Government Offices	SPR	SPR	SPR	
Hospitals	NP	NP	NP	
Mural Exhibits	SPR	SPR	SPR	(13)
Park and Recreation Facilities	CUP	NP	NP	
Parking Lots and Structures	SPR	SPR	SPR	(24)
Public Safety Facilities	SPR	SPR	SPR	
Public Utility Service Yards	SPR	NP	SPR	(9)
Religious Assembly	NP	NP	NP	
Schools—Public/Private	NP	NP	NP	
Schools—Trade	SPR	SPR	SPR	(9)
Telecommunications Facilities:				
Major	CUP	CUP	CUP	(20)
Minor	P	P	P	(20)
Utilities—Major	CUP	CUP	CUP	
Commercial Uses				
Adult Entertainment Facilities	SPR	NP	CUP	(3)(19)(28)
Ambulance Services	SPR	SPR	SPR	
Animal Sales and Services:				
Animal Boarding	SPR	SPR	SPR	
Animal Grooming	SPR	NP	NP	
Animal Hospitals	SPR	SPR	SPR	
Animal Retail Sales	SPR	NP	NP	
Artists' Studios	SPR	SPR	SPR	
Automated Teller Machines (ATMs)	SPR	SPR	SPR	(18)
Bakeries:				
Wholesale	SPR	SPR	SPR	
Bars	CUP	NP	NP	(19)
Building Materials and Services	SPR	NP	SPR	(1)(9)
Catering Services	SPR	NP	NP	
Commercial Recreation and Entertainment	CUP	CUP	CUP	(5)(19)
Convenience Stores:	CUP	NP	CUP	(19)(23)
With Gas Pumps	CUP	NP	CUP	(9)(19)(23)
Equipment Sales, Services, and Rentals	SPR	NP	SPR	(9)
Financial Services	CUP	SPR	CUP	(18)
Food and Beverage Sales	SPR	NP	NP	(19)
Food Trucks	CUP	CUP	CUP	(29)
Laboratories	SPR	SPR	SPR	
Laundries:				
Limited	SPR	NP	NP	

Unlimited	SPR	NP	SPR	
Maintenance and Repair Services:				
Major	SPR	NP	SPR	(9)
Minor	SPR	SPR	SPR	(9)
Marine Sales and Services	SPR	NP	SPR	(4)(9)
Nurseries	SPR	NP	SPR	
Offices:				
Business and Professional	CUP	SPR	CUP	(26)
Medical and Dental	NP	CUP	NP	(26)
Printing and Publishing:				
Limited	SPR	SPR	SPR	
Unlimited	SPR	SPR	SPR	
Recreational Vehicle Parks	SPR	NP	NP	
Recycling Facilities	See Section 37-50.210 : Recycling facilities.			
Research and Development Services	SPR	SPR	SPR	
Restaurants:	SPR	CUP	CUP	(19)
With Drive-through or Drive-in Facilities	SPR	CUP	CUP	(19)
Retail Sales	SPR	SPR	SPR	(4)(19)
Service Stations	SPR	CUP	SPR	(4)(9)(19)
Speculative Buildings	SPR	SPR	SPR	(7)
Vehicle-related Retail Sales and Services	SPR	NP	NP	(6)(14)
Vehicle Repair Facilities:				
Major	SPR	NP	SPR	(6)(9)
Minor	SPR	SPR	SPR	(6)(9)
Vehicle Sales and Services	SPR	NP	SPR	(6)(9)(22)
Vehicle Storage	CUP	CUP	CUP	(9)(27)
Vehicle Washing	SPR	NP	SPR	(6)(9)
Warehousing and Storage:				
Limited	CUP	CUP	CUP	(8)(9)
Wholesale Distribution	SPR	SPR	SPR	(4)(9)
Industrial Uses				
Chemical Manufacturing/Processing	NP	NP	CUP	
Industrial Complexes	SPR	SPR	SPR	(21)
Industry:				
General	NP	NP	SPR	(4)(19)(25)
Limited	SPR	SPR	SPR	(4)(19)
Salvage and Wrecking Operations:				
Nonvehicular	CUP	NP	CUP	(15)(16)
Vehicular	CUP	NP	CUP	(15)(16)

Speculative Buildings	SPR	SPR	SPR	
Transfer Stations:	CUP	NP	CUP	
Hazardous Waste	NP	NP	CUP	
Truck Depot	NP	NP	SPR	(6)(9)
Accessory Uses and Structures				(11)
Utilities—Minor	P	P	P	(2)
Temporary Uses	TULP	TULP	TULP	(10)
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.			

Notes:

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

TULP = Temporary Use of Land Permit Required

- (1) Building materials and service uses shall not adjoin any R district.
- (2) Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.
See [Section 37-50.020](#): Adult entertainment facilities. For uses proposed in the IGC district, the city planner shall determine the completeness of an application for a site plan review to establish an adult entertainment facility within thirty working days. If it is determined the application is incomplete the applicant will be advised in writing that the application is incomplete and what is necessary to complete the application. This information will be conveyed via U.S. Postal Service.
- (3) In Industrial districts only accessory retail sales, including wine tasting and sales, limited to thirty percent of the total square footage of all structures on a site or two thousand five hundred square feet, whichever is less, shall be allowed excluding convenience stores. Goods being sold at retail must be limited to those uses, which are permitted uses requiring a SPR, or uses which require a CUP, on the site.
- (4) Commercial recreation and entertainment uses less than two thousand square feet in floor area and fitness center uses less than five thousand square feet are allowed with a SPR.
- (5) See [Section 37-50.260](#): Service stations, vehicle repair, and vehicle washing.
- (6) See [Section 37-50.280](#): Speculative buildings.
- (7) See [Section 37-50.320](#): Warehousing limited. The CUP for limited warehousing is not subject to administrative approval pursuant to [Section 37-60.500](#): Administrative conditional use permits. Approval by the planning commission shall require an affirmative vote of five members. Any CUP application receiving an affirmative vote of four members of the planning commission shall automatically be set for hearing for a final determination by the city council. All other general appeal rights remain for these CUP applications.
- (8) See [Section 37-50.170](#): Outdoor storage and display for any outdoor activity or use.
- (9) See [Section 37-50.300](#): Temporary use of land.
- (10) 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.
- (11)

- Heliports shall be located more than one thousand feet from an R district. Heliports used exclusively for
- (12) emergency aircraft flights for medical purposes by law enforcement, fire fighting, military, or other persons who provide emergency flights for medical purposes do not require a CUP.
 - (13) See [Section 37-50.150](#): Mural exhibits.
 - (14) The maximum floor area allowed for any structure devoted to vehicle-related retail sales and services is limited to seventy-five thousand square feet in the IGC district.
 - (15) See [Section 37-50.230](#): Salvage and wrecking operations.
 - (16) Salvage and wrecking operations shall not adjoin an arterial street or U.S. Highway 101.
 - Day care may be considered in the IBP and IG districts subject to approval of a CUP for an existing
 - (17) industrial facility which is at least six acres in size and where the day care facility will be located a minimum of five hundred feet from the nearest property line.
 - (18) ATM facilities, which are located entirely within a building and are not externally accessible shall be a permitted use.
 - (19) See [Section 37-50.030](#): Alcohol license review.
 - (20) See [Section 37-50.290](#): Telecommunication facilities.
 - (21) Uses within an industrial complex must be otherwise authorized by SPR within the zoning district.
 - (22) Vehicle sales and services (including vehicle rentals) in the IG district shall be limited to vehicles which meet one or more of the following requirements:
 - (a) The vehicle must have a minimum gross vehicle weight rating (GVWR) of twenty-six thousand one pounds or more; or
 - (b) The vehicle is designed or used for carrying more than ten passengers (including the driver); or
 - (c) The vehicle is designed or able to tow a vehicle or trailer which has a GVWR of ten thousand one pounds or more; or
 - (d) The vehicle is designed or able to tow any combination of two trailers or a vehicle and a trailer.
 - (e) In the IG District, vehicles not meeting the above limitations may be rented as an accessory use to an otherwise compliant vehicle sales and services use.
 - (23) Convenience stores shall be limited to two thousand five hundred square feet in the IG district and five thousand square feet in the IGC district.
 - (24) Does not apply to the parking required to serve the use per [Section 37-50.360](#): Off-street parking and loading spaces regulations.
 - (25) In the IG district, wineries may have tasting rooms as an accessory use limited to thirty percent of the total square footage of all structures on a site or two thousand five hundred square feet whichever is less.
 - In the IGC and IG districts, accessory business and professional offices shall be limited to thirty percent of the total square footage of all structures on a site or two thousand five hundred square feet, whichever is
 - (26) less. Business and professional offices, which are not directly related to the principal use on-site or accessory offices that exceed the thirty percent limitation referenced above, may be considered subject to the approval of a CUP.
 - (27) Vehicle storage that is located entirely within an enclosed building may be authorized with an SPR.
 - (28) See [Section 37-50.020\(g\)](#): Required findings.
 - (29) See [Section 37-50.095](#): Food trucks.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), §§ 9—11, 44, 46, 5-18-2010; Ord. No. 2569 (NCS), § 5, 4-19-2016; Ord. No. 2592 (NCS), § 2; Ord. No. 2634(NCS), § 1, 6-9-2020; Ord. No. 2635(NCS), § 1, 6-23-2020; Ord. No. 2649 (NCS), §

4, 9-21-2021)

Sec. 37-30.320. - Development regulations.

Table [37-30.140](#) identifies the development regulations for the industrial (I) districts:

Table 37-30.140				
Industrial (I) Districts Development Regulations				
Development Regulation	IGC	IBP	IG	Additional Regulations
Lot Size—Minimum	10,000 sq. ft.	1.0 acre	1.0 acre	(A)(B)
Lot Width—Minimum	100 ft.	150 ft.	150 ft.	
Lot Depth—Minimum	100 ft.	150 ft.	150 ft.	
Lot Frontage—Minimum	50 ft.	100 ft.	100 ft.	
Yards—Minimum				
Front	0 ft.	20 ft.	20 ft.	(C)(D)
Side				(C)(D)
Interior	0 ft.	0 ft.	0 ft.	(C)(D)
Corner	0 ft.	20 ft.	20 ft.	(C)(D)
Rear	0 ft.	0 ft.	0 ft.	
Height—Maximum	No Height Limit			(D)
FAR—Maximum	0.40	0.40	0.50	
Landscaping	See Article V, Division 4: Landscaping and Irrigation.			
Fences, Walls, and Hedges	See Section 37-50.090 : Fences, walls, and hedges.			
Off-street Parking, Loading, and Outdoor Lighting	See Article V, Division 2: Parking, Loading, and Outdoor Lighting.			
Driveway and Corner Visibility	See Section 37-50.460 : Driveway and corner visibility.			
Signs	See Article V, Division 3: Signs.			
Outdoor Facilities	See Section 37-50.170 : Outdoor storage and display.			
Accessory Uses and Structures	See Section 37-50.010 : Accessory uses and structures.			
Screening of Mechanical Equipment	See Section 37-50.240 : Screening of mechanical equipment.			
Recycling and Solid Waste Disposal	See Section 37-50.200 : Recycling and solid waste disposal regulations.			
Performance Standards	See Section 37-50.180 : Performance standards.			
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.			
Planned Unit Developments	See Article VI, Division 13 : Planned Unit Development Permits.			
Vehicle Trip Reduction	See Section 37-50.330 : Vehicle trip reduction.			
Swimming Pools, Spas, and Hot Tubs	See Section 37-50.010(k) : Swimming Pools, Spas, and Hot Tubs.			
Alcohol License Review	See Section 37-50.030 : Alcohol license review.			

Notes:

Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping substations, and other similar facilities or where two or more separate lots would be created and

(A) be subject to a reciprocal agreement utilizing shared parking, landscaping, and related facilities when it can be demonstrated that the purpose of the district can be achieved and that the public health, safety, and general welfare will be maintained.

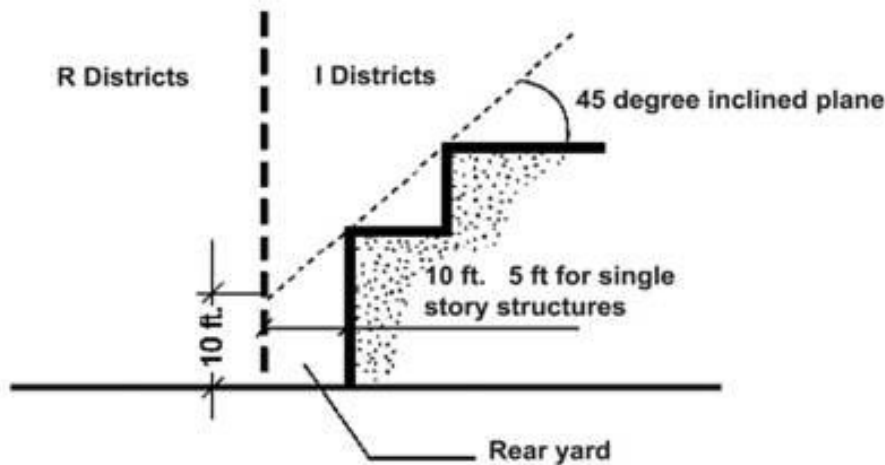
(B) See Sections [37-50.070](#)(a) and (b): Development on Existing Lots.

See [Section 37-50.040](#): Building projections into yards. Double-frontage lots shall provide front yards on

(C) each frontage except in the case of alleys. Front and corner side yards may be reduced to ten feet in IG districts on lots that do not front on arterial streets.

A thirty-foot side, front and rear yard shall adjoin any R district and structures shall not intercept a forty-

(D) five-degree inclined plane inward from a height of ten feet above existing grade at an R district boundary line.



(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 8, 5-18-2010)

Sec. 37-30.330. - Design standards.

(a)

Purpose. These design standards are intended to assist the designer in understanding the city's requirements for high quality industrial development. These standards complement the development regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of the various regulations. These standards ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

(b)

Applicability. Although most applicable to the IGC and IBP zoning districts, these standards shall also apply to the IG zoning district but primarily for those uses visible from public rights-of-way and U.S. Highway 101.

(c)

Site Planning.

(1)

The main elements of sound industrial site design include the following:

(A)

Controlled site access;

(B)

Site planning, lighting, and architectural design that encourage natural surveillance;

(C)

Service areas located at the sides and rear of buildings;

(D)

Convenient access, visitor parking, and on-site circulation;

(E)

Screening of outdoor storage, work areas, and equipment; and

(F)

Landscaped open space.

(2)

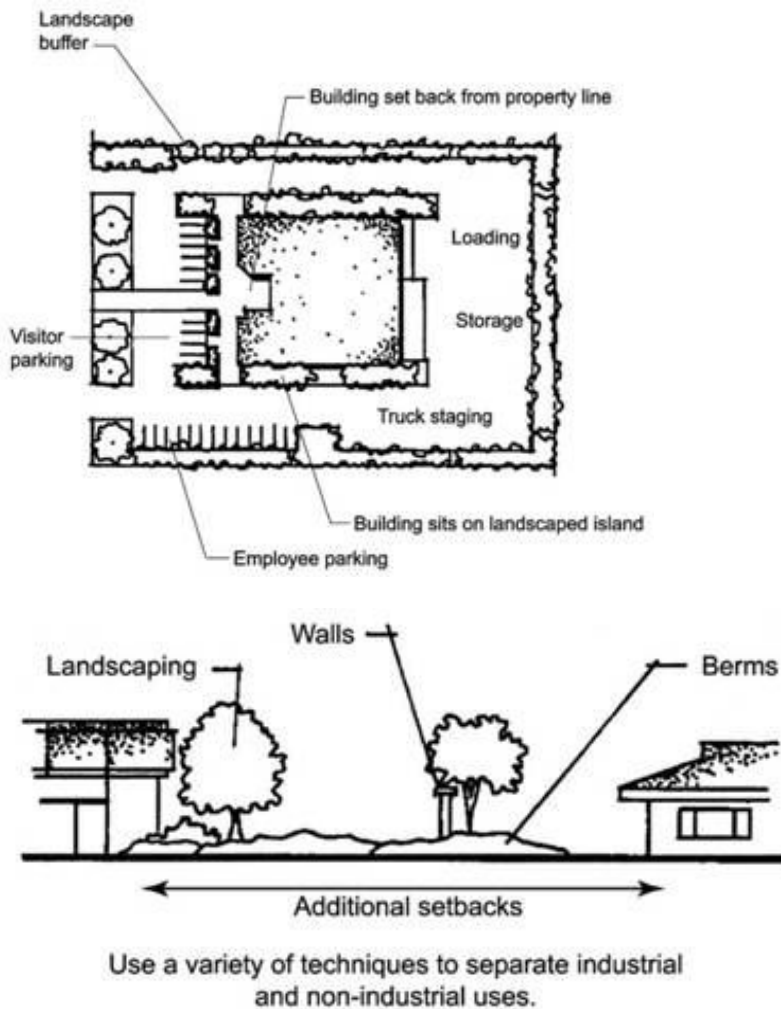
A variety of building and parking setbacks should be provided in order to avoid long monotonous building facades and to create diversity on those facades that are visible from any private or public street.

(3)

Structures should be located on landscape islands, where the office portion of the building does not directly abut paved parking areas. A minimum five- to seven-foot landscape strip should be provided between parking areas and the office portion of a structure.

(4)

Where industrial uses are adjacent to nonindustrial uses, appropriate buffering techniques such as setbacks proportional to building size, screening and landscaping need to be provided to mitigate any negative effects of industrial operations.



(d)

Natural Surveillance. Whenever feasible, design and placement of buildings and other physical features are encouraged to maximize visibility and facilitate natural surveillance from public rights-of-way and other public areas. This includes building orientation, placement of windows, doors, and balconies, building and site entrances and exits, placement of parking, lighting, and refuse containers, placement and type of landscape materials, location of walkways, types of walls and fences (including the use of picket, wrought-iron, and similar materials to promote visibility when appropriate), and other physical obstructions in a manner which discourages the potential for criminal activity.

(e)

Architecture. As a category of structure types, industrial structures often present unattractive and monotonous facades. There are, however, a variety of design techniques that can be used on building facades that are visible from any public or private street, to help overcome this situation and to direct development into a cohesive design statement.

(1)

Employ variety in structure forms, to create visual character and interest.

(2)

Avoid long, unarticulated facades. Facades with varied front setbacks are strongly encouraged. Wall planes should not run in a continuous direction for more than fifty feet without an offset.

(3)

Avoid blank front and corner side wall elevations on street frontages.

(4)

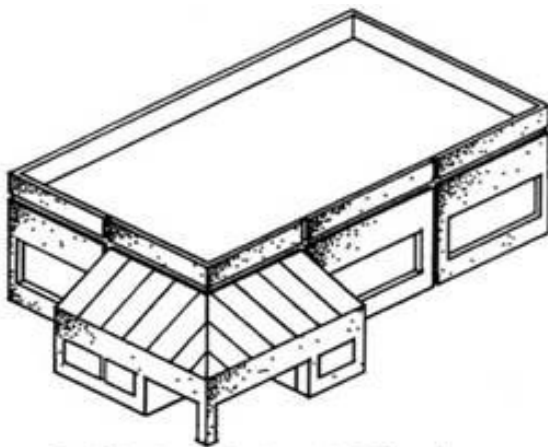
Windows are encouraged to be placed to maximize natural surveillance.

(5)

Entries to industrial structures should portray a quality office appearance while being architecturally tied into the overall mass and building composition.

(6)

All elevations of a structure that are visible from public and private streets and U.S. Highway 101 shall be architecturally treated.



Architectural Treatment of Elevations

(7)

Windows and doors are key elements of any structure's form and should relate to the scale of the elevation on which they appear. Windows and doors can establish character by their rhythm and variety. Recessed openings help to provide depth and contrast on elevation planes.

(8)

Sensitive alteration of colors and materials can produce diversity and enhance architectural forms.

(9)

The staggering of planes along an exterior wall elevation creates pockets of light and shadow, providing relief from monotonous, uninterrupted expanses of wall.

(10)

Design elements which are undesirable and should be avoided include:

(A)

Highly reflective surfaces at the ground story;

(B)

Large blank, unarticulated wall surfaces;

(C)

Exposed, untreated precision block walls;

(D)

Chain link, barbed wire, or razor wire fencing visible from public rights-of-way;

(E)

False fronts;

(F)

"Stuck on" mansard roofs on small portions of the roofline;

(G)

Unarticulated building facades; and

(H)

Materials with high maintenance such as stained wood, shingles, or metal siding.

(11)

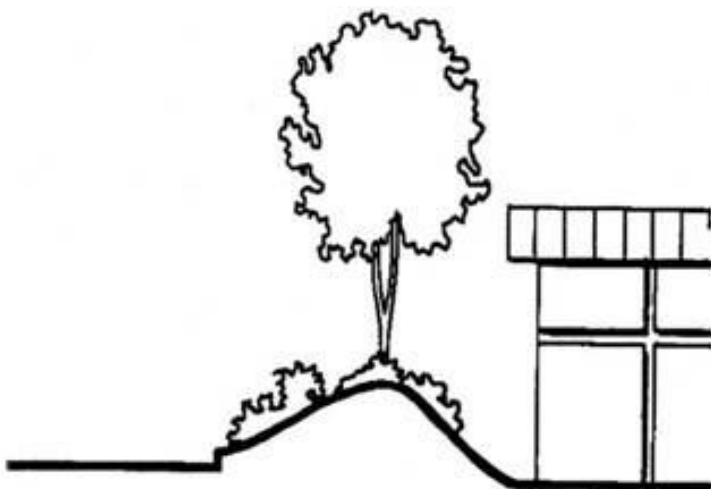
Wall materials that will withstand abuse by vandals or accidental damage from machinery and vehicles are encouraged.

(12)

All metal buildings shall have architectural enhancements on street facades to provide visual interest and variety to the streetscape.

(13)

Berming in conjunction with landscaping can be used at the building edge to reduce structure mass and height along facades.



Use of berming and landscaping close to building.

(14)

Doors located on the inside of the building are the preferred method for providing large loading doors while keeping a clean, uncluttered appearance from the exterior.

(f)

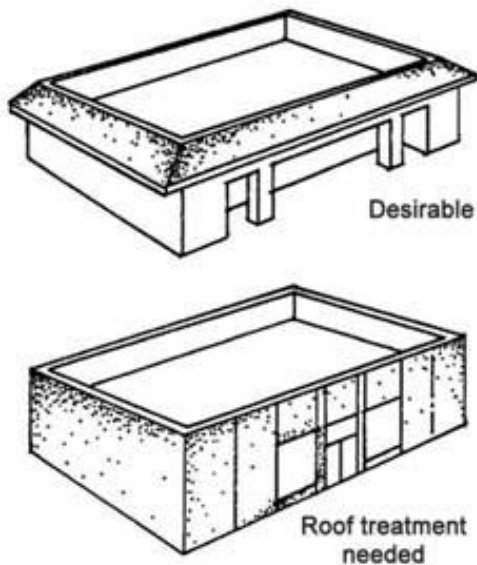
Roof Treatments.

(1)

The roofline at the top of the structure should not run in a continuous plane for more than fifty feet without offsetting or jogging the roof plane.

(2)

Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the building perimeter only) should not be used. Mansard roofs should wrap around the entire perimeter of the structure.



(3)

All roof top equipment must be screened from public view by screening materials of the same nature as the building's basic materials. Mechanical equipment should be located below the highest vertical element of the building.

(4)

The following roof materials shall not be used:

(A)

Corrugated metal (standing rib metal roofs are permitted) unless the city planner determines the material is appropriate for the architectural style or theme of the building;

(B)

Highly reflective surfaces that create glare; and

(C)

Illuminated roofing.

(5)

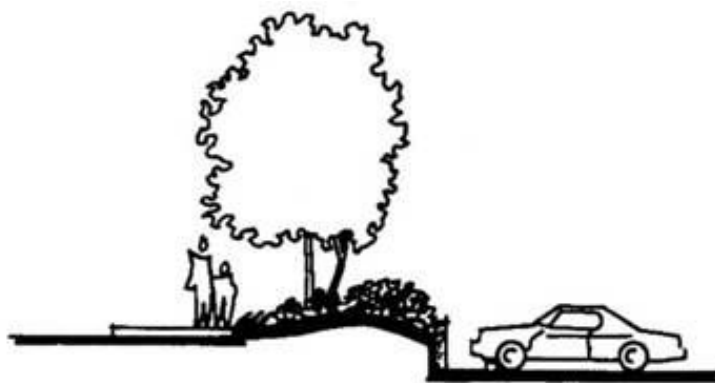
The roof design should be considered as a component of the overall architectural design theme.

(g)

Parking and Circulation.

(1)

The parking lot and cars should not be the dominant visual elements of the site. Large expansive paved areas, located between the street and the building, are to be avoided in favor of smaller multiple lots separated by landscaping and buildings. Angled parking is highly encouraged for larger parking lots that can accommodate one-way aisles.



Lowering the site elevation is an effective way to screen parking.

(2)

Site access and internal circulation should be designed in a straightforward manner that emphasizes safety and efficiency. The circulation system should be designed to reduce conflicts between vehicular and pedestrian traffic, combine circulation and access areas, where feasible, provide adequate maneuvering and stacking areas, and consideration for emergency vehicle access. Circulation routes and parking areas should be separated.

(3)

Entrances and exits to and from parking and loading facilities shall be clearly marked with appropriate directional signage where multiple access points are provided. The use of sidewalks, pavement, gates, lighting, and landscaping to and from entrances and exits shall also be used to clearly guide the public.

(4)

Vehicles shall not be required to enter the street in order to move from one area to another on the same site.

(5)

Parking lots adjacent to and visible from public streets shall be adequately screened from view through the use of rolling landscaped earth berms, low screen walls, changes in grade elevation, landscaping, or combinations thereof.

(6)

All parking areas serving the public are encouraged to be visible from the interior of the structures, especially entrances.

(7)

The industrial site shall be a self-contained development capable of accommodating its own parking needs. The use of the public street for parking and staging of trucks is not allowed.

(8)

Parking areas are encouraged to provide facilities for vehicles with alternative fueling systems (such as electric vehicle charging areas, etc.)

(9)

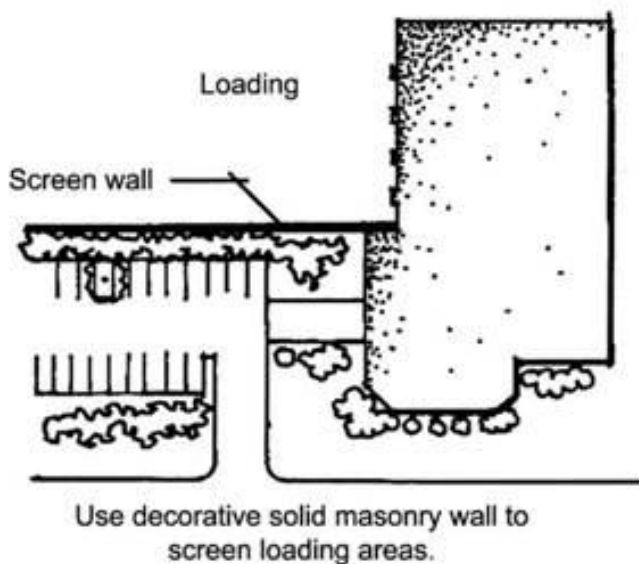
Industrial uses that rely on larger trucks for pickup and deliveries shall include separated truck parking facilities on-site to support the use.

(h)

Loading Facilities.

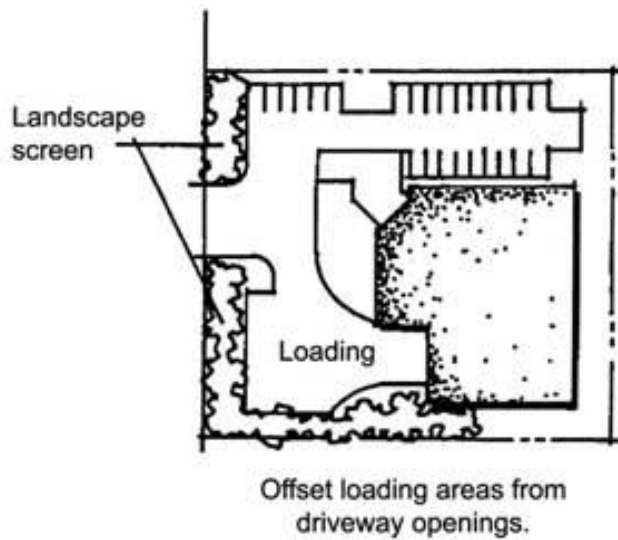
(1)

To alleviate the unsightly appearance of loading facilities for industrial uses, these areas should not be located at the front of buildings where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site where special screening may not be required.



(2)

When it is not feasible to locate loading facilities at the rear of the building, loading docks and doors shall not dominate the frontage and must be screened from view of the street by the use of landscaped berms or a combination of landscaping and architecturally enhanced walls. Chain link with slats is not acceptable for screening along public or private streets. Loading facilities should be offset from driveway openings.



(3)

Backing from the public street onto the site, for loading into front-end docks, causes unsafe truck maneuvering and shall not be used.

(i)

Landscaping.

(1)

For industrial uses, landscaping should be used to define areas by helping to focus on entrances to buildings, parking lots, loading areas, defining the edges of various land use, providing transition between neighboring properties (buffering), and providing screening for outdoor storage, loading, and equipment areas.

(2)

Landscaping shall be in scale with adjacent buildings and be of appropriate size at maturity to accomplish its intended goals.

(3)

Use of vines on walls is appropriate in industrial areas because such walls often tend to be large and blank.

(4)

Landscaping around the entire base of buildings, especially where offices and similar customer-oriented areas are located, is encouraged to soften the edge between the parking lot and the structure.

(5)

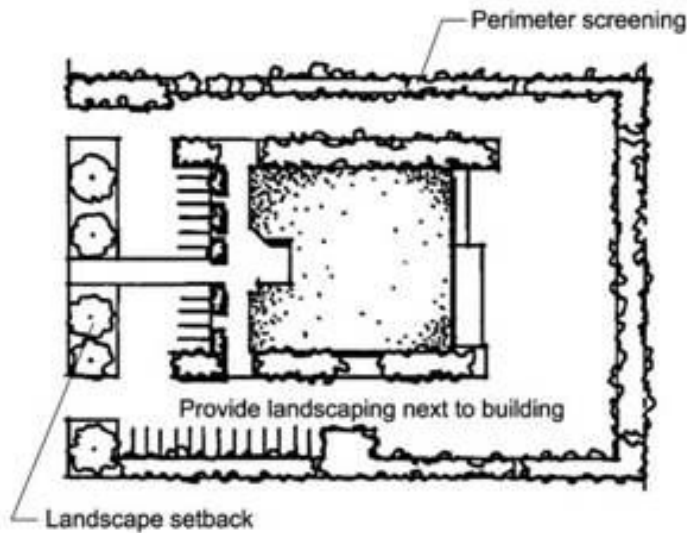
Trees should be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lots, trees should be located in planters that are bounded on at least three sides by parking area paving or related site hardscape. Trees shall also be provided between the public sidewalk and parking areas.

(6)

Landscaping shall be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of concrete curbs.

(7)

As the ground cover, shrubs and trees mature, landscaping shall be maintained to minimize the conflicts between natural surveillance and the landscaping.



(j)

Walls and Fences.

(1)

Walls will serve a major function in the industrial landscape to provide a clear indication of ownership of space and movement from public to semipublic to private space. Walls will also be used to screen automobiles, loading and storage areas, and utility structures and provide barriers to conflicting uses. Walls should be as low as possible while still performing their screening and security functions.

(2)

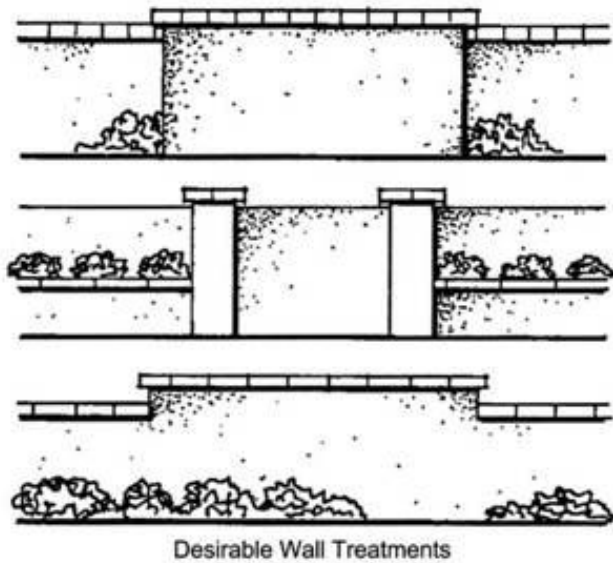
Where walls are used at property frontages, or screen walls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Both sides of all perimeter walls should be architecturally treated. Plant materials should be used in combination with such walls.

(3)

When security fencing is required, it should be a combination of solid pillars or short solid wall segments and wrought iron grill work.

(4)

Long expanses of fence or wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided.



(k)

Screening.

(1)

Screening for outdoor storage shall be determined by the height of the material being screened.

(2)

Where screening is required, a combination of elements should be used including solid masonry walls, berms, and landscaping.

(3)

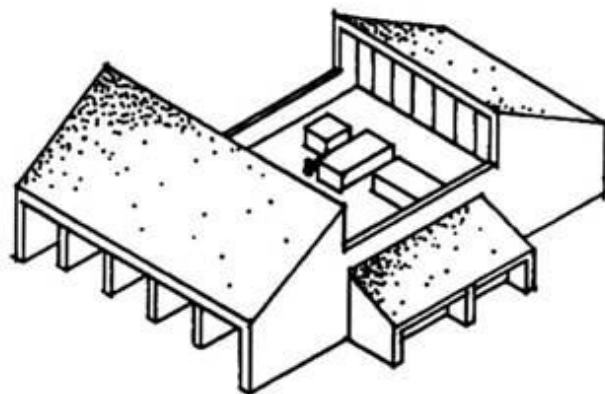
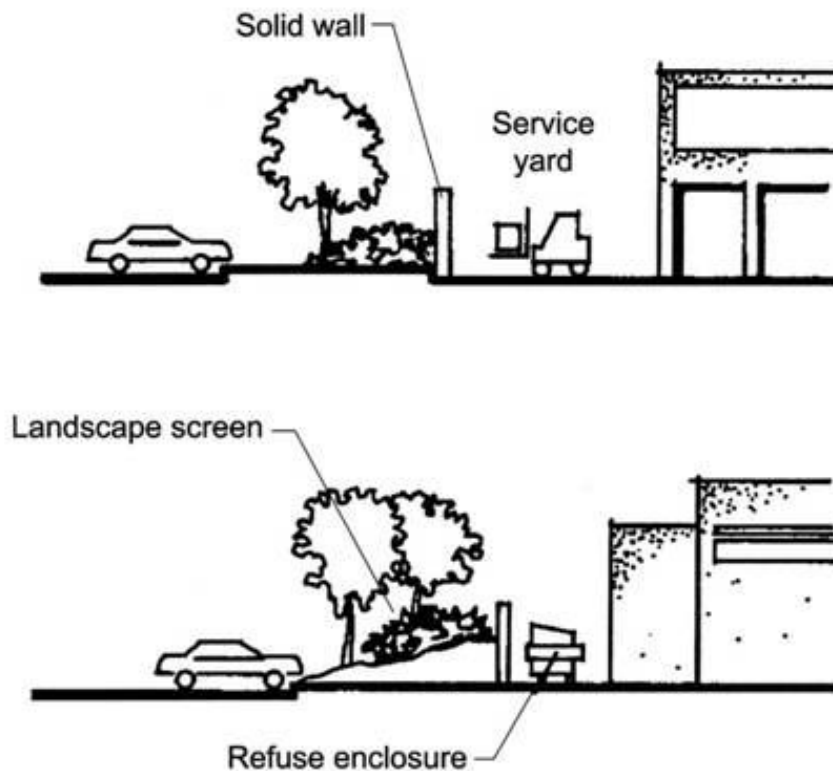
Black powder or vinyl-coated chain link fencing with black slatting is an acceptable screening material only for areas of a lot not visible from a public or private street or U.S. Highway 101.

(4)

Any outdoor equipment, whether on the roof or side of a structure, or on the ground, shall be screened from public view. The method of screening shall be architecturally integrated in terms of materials, color, shape, and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable.

(5)

The need to screen rooftop equipment shall be taken into consideration during the initial design phase for the structure.



Screening of Rooftop Equipment

(1)

Lighting.

(1)

Lighting should be used to provide illumination for the security and safety of on-site areas such as parking lots, walkways, entrances, exits, and related areas.

(2)

The design of light fixtures and their structural support shall be architecturally compatible with main buildings on-site. Illuminators should be integrated within the architectural design for the buildings.

(3)

As a security device, lighting should be adequate but not overly bright. All accesses to buildings should be well lighted.

(4)

All exterior fixtures should be illuminated from dusk until dawn, unless otherwise approved for the site.

(5)

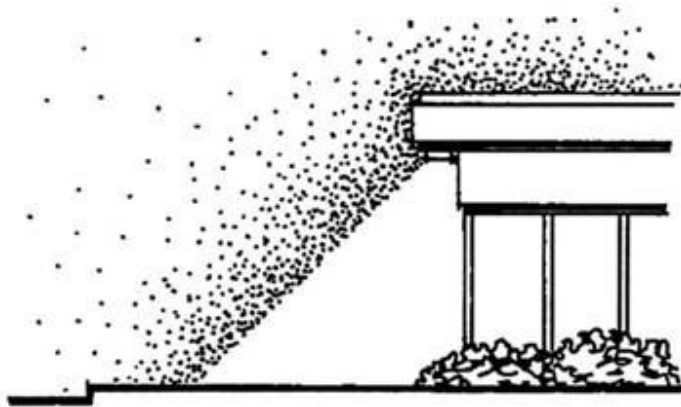
Any exterior lighting device designed for security lighting should be protected by weather and vandal-resistant covering.

(6)

All lighting should be shielded to confine light spread within the site boundaries and "sky-glow" impacts.

(7)

Lighting shall be maintained at all times to the standards approved for the site.



Confine light spread to within site boundaries.

(m)

Signs.

(1)

Every structure should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and the readability of the sign shall be considered in developing the overall signing concept. All signs should be highly compatible with the structure and site design relative to color, material, and placement.

(2)

Monument-type signs are the preferred alternative for business identification. Where several tenants occupy the same site, individual wall mounted signs are appropriate in combination with a monument sign identifying the development and address.

(3)

The use of backlit individually cut letter signs is strongly encouraged.

(4)

The industrial site should be appropriately signed to give directions to loading and receiving areas, visitor parking, and other special areas.



Employ a consistent sign program for multiple-tenant projects.

(Ord. No. 2463 (NCS).)

Division 6. - Parks (P) and Open Space (OS) Districts.

Sec. 37-30.340. - Purpose.

In addition to the general purposes listed in Article I, Division 1: General Provisions, the purposes of the parks (P) and open space (OS) districts regulations are to:

(a)

Establish and maintain park and open space areas in the city for recreational opportunities;

(b)

Prevent incompatible development in areas that should be preserved or regulated for scenic, recreational, conservation, aesthetic, or health and safety purposes; and

(c)

Promote vital and safe parks and open space areas through the incorporation of crime prevention through environmental design (CPTED) features in development;

(d)

The additional purposes of the park (P) district and open space (OS) district are:

(1)

Parks (P) District. The parks (P) district provides for existing and proposed active and passive parks and recreational facilities.

(2)

Open Space (OS) District. The open space (OS) district provides lands for the preservation of natural resources, hillsides, and creeks; as well as open space areas for the benefit and protection of the public health and safety.

(Ord. No. 2463 (NCS).)

Sec. 37-30.350. - Use classifications.

Table [37-30.150](#) identifies the use classifications for properties located in parks (P) and open space (OS) districts:

Table [37-30.150](#) Parks (P) and Open Space (OS) District Use Classifications

Land Use	P	OS	Additional Use Regulations
Agricultural Uses	P	CUP	(4)
Public and Semi Public Uses			
Day Care Centers	CUP	NP	
Golf Courses	SPR	NP	
Park and Recreation Facilities	SPR	CUP	(1)(2)
Parking Lots and Structures	CUP	NP	(9)
Open Space	SPR	SPR	
Schools—Public/Private	CUP	CUP	(3)
Telecommunications Facilities:			
Major	CUP	CUP	(7)
Minor	P	P	(7)
Major Utilities	NP	NP	(10)
Commercial Uses			
Commercial Recreation	CUP	CUP	(1)(2)
Accessory Uses and Structures	P	P	(5)
Utilities—Minor	P	P	(6)
Temporary Uses	TULP	TULP	(8)
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.		

Notes:

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

TULP = Temporary Use of Land Permit Required

(1) Recreational uses include activity areas that may be developed for multipurpose fields for community events and informal recreation, areas for active and passive play, tot lots, picnic areas, multipurpose sports fields and courts, concessions, community event space, outdoor amphitheaters, nature study centers, maintenance/support facilities, caretaker facilities, and similar recreational facilities.

- (2) In the OS district, recreational uses are limited to trails, interpretive centers, picnic areas, and similar uses.
- (3) School facilities shall be limited to nature study centers, maintenance/support facilities, caretaker facilities, and similar uses.
- (4) Only interim agricultural uses shall be permitted.
- (5) 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.
- (6) Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.
- (7) Only stealth telecommunication facilities shall be permitted. See [Section 37-50.290](#): Telecommunications facilities.
- (8) See [Section 37-50.300](#): Temporary use of land. Accessory uses and structures will require a SPR or a CUP if required for the principal use.
- (9) Does not apply to the parking required to serve the use per [Section 37-50.360](#): Off-street parking and loading spaces regulations.
- (10) Water well, drainage, and flood control facilities may be considered subject to the approval of a CUP.

(Ord. No. 2463 (NCS).)

Sec. 37-30.360. - Development regulations.

Table [37-30.160](#) identifies the development regulations for the public (P) and open space (OS) districts:

Table 37-30.160			
Parks (P) and Open Space (OS) Districts Development Regulations			
	Standard		
Development Regulations	P	OS	Additional Regulations
Lot Size—Minimum	No Minimum	No Minimum	(A)
Lot Width—Minimum	No Minimum	No Minimum	
Lot Depth—Minimum	No Minimum	No Minimum	
Lot Frontage—Minimum	No Minimum	No Minimum	
Yards—Minimum			
Front	15 ft.	25 ft.	
Side			
Interior	10 ft.	15 ft.	
Corner	15 ft.	25 ft.	
Rear	15 ft.	25 ft.	
Height—Maximum	No Maximum	No Maximum	
FAR—Maximum	0.2	N/A	
Landscaping	See Article V, Division 4: Landscaping and Irrigation.		
Fences, Walls, and Hedges	See Section 37-50.090 : Fences, walls, and hedges.		

Off-street Parking, Loading, and Outdoor Lighting	See Article V, Division 2: Parking, Loading, and Outdoor Lighting.
Driveway and Corner Visibility	See Section 37-50.460 : Driveway and corner visibility.
Signs	See Article V, Division 3: Signs.
Outdoor Facilities	See Section 37-50.170 : Outdoor storage and display.
Accessory Uses and Structures	See Section 37-50.010 : Accessory uses and structures.
Screening of Mechanical Equipment	See Section 37-50.240 : Screening of mechanical equipment.
Recycling and Solid Waste Disposal	See Section 37-50.200 : Recycling and solid waste disposal regulations.
Recreational Vehicles, Prohibited Vehicles, and Equipment	See Section 37-50.190 : Recreational vehicles, prohibited vehicles, and equipment parking and storage.
Performance Standards	See Section 37-50.180 : Performance standards.
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.
Vehicle Trip Reduction	See Section 37-50.330 : Vehicle trip reduction.
Swimming Pools, Spas, and Hot Tubs	See Section 37-50.010(k) : Swimming Pools, Spas, and Hot Tubs.
Alcohol License Review	See Section 37-50.030 : Alcohol license review.

Notes:

N/A—not applicable

(A) Minimum lot size for caretaker facility is twenty acres.

(Ord. No. 2463 (NCS).)

Sec. 37-30.370. - Design standards.

The city planner, planning commission, and/or city council, as the case may be, shall be guided by those design standards of the zoning district within closest proximity to the subject property.

(Ord. No. 2463 (NCS).)

Division 7. - Public/Semipublic (PS) District.

Sec. 37-30.380. - Purpose.

In addition to the general purposes listed in Article I, Division 1: General Provisions, the purpose of the public/semipublic (PS) district regulations is to:

(a)

Allow consideration of a large public or semipublic use separately from regulations for an underlying base zoning district that may or may not be appropriate in combination with the public or semipublic use;

(b)

Allow consideration of establishment or expansion of a large public or semipublic use at rezoning hearings rather than at conditional use permit hearings only, and to give public notice of the extent of a site approved for a large public or semipublic use by delineating it on the zoning map;

(c)

Promote vital and safe public or semipublic areas through the incorporation of crime prevention through environmental design (CPTED) features in development; and

(d)

Allow the planning commission and city council to consider the most appropriate use of a site following discontinuance of a large public or semipublic use without the encumbrance of a base zoning district that may or may not provide appropriate regulations for reuse of the site.

(Ord. No. 2463 (NCS).)

Sec. 37-30.390. - Use classifications.

Table [37-30.170](#) identifies the use classifications for properties located in the public/semipublic (PS) district:

Table 37-30.170		
Public/Semipublic (PS) District Use Classifications		
Land Use	PS	Additional Use Regulations
Residential Uses		
Accessory Dwelling Units, Other	CUP	(12)(13)
Day Care Homes, Family—Large	CUP	(12)(13)
Day Care Homes, Family—Small	CUP	(12)(13)
Disaster Shelter	P	(10)
Duplex Dwellings	CUP	(12)(13)
Emergency Shelter, Type A	P	(11)
Emergency Shelter, Type B	CUP	(11)
Employee Housing, Small Project	CUP	(12)(13)
Home Occupations	P	(12)(13)
Interim Housing	CUP	(12)(13)
Manufactured Housing	CUP	(12)(13)
Mobilehome Parks	CUP	(12)(13)(14)
Multifamily Dwellings	CUP	(12)(13)
Multiple Detached Dwellings	CUP	(12)(13)
Residential Care Facilities—Large	CUP	(12)(13)
Residential Care Facilities—Small	CUP	(12)(13)
Residential Service Facilities	CUP	(12)(13)
School District or Community College District Housing	CUP	(12)(13)
Single-family Dwellings—Attached	CUP	(12)(13)
Single-family Dwelling - Detached	CUP	(12)(13)
Commercial Uses		
Airports and Heliports	CUP	(1)

Airport-related Uses	SPR	(7)
Commercial Recreation and Entertainment	CUP	
Outdoor Facilities	CUP	(6)
Public and Semipublic Uses		(3)
Airports	CUP	
Cemeteries	CUP	
Clubs and Lodges	CUP	
Convalescent Hospitals/Nursing Homes	CUP	
Cultural Institutions	CUP	
Day Care Centers	CUP	
Detention Facilities	CUP	
Government Offices	CUP	
Hospitals	CUP	
Maintenance and Repair Services:		
Major	CUP	(4)
Minor	NP	
Open Space	SPR	
Park and Recreation Facilities	SPR	
Parking Lots and Structures	CUP	(9)
Public Safety Facilities	CUP	
Religious Assembly	CUP	
Schools—Public/Private	CUP	
Schools—Trade	NP	
Telecommunications Facilities:		
Major	CUP	(8)
Minor	P	(8)
Utilities—Major	CUP	
Accessory Uses and Structures	P	(5)
Utilities—Minor	P	(2)
Temporary Uses	TULP	(6)
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.	

Notes:

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required
TULP = Temporary Use of Land Permit Required

- Heliports shall be located more than one thousand feet from an R district. Heliports used exclusively for
- (1) emergency aircraft flights for medical purposes by law enforcement, fire fighting, military, or other persons who provide emergency flights for medical purposes do not require a CUP.
 - (2) Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.
 - (3) See also [Section 37-50.170](#): Outdoor storage and display and [Section 37-50.180](#): Performance standards.
 - (4) Maintenance and repair services are limited to those of a public and semipublic nature.
 - (5) 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.
 - (6) See [Section 37-50.170](#): Outdoor storage and display for any outdoor activity or use and [Section 37-50.300](#): Temporary use of land.
 - (7) Airport-related uses shall only be allowed in a PS district that is contiguous to the Salinas municipal airport.
 - (8) See [Section 37-50.290](#): Telecommunication facilities.
 - (9) Does not apply to the parking required to serve the use per [Section 37-50.360](#): Off-street parking and loading spaces regulations.
 - (10) The establishment and operation of disaster shelters are subject to the approval of the director of emergency services.
 - (11) See [Section 37-50.305](#): Temporary shelters.
 - (12) All Residential development shall comply with the R-M-2.9 Development Regulations (See [Section 37-30.120](#)) and R-M Design Standards (See [Section 37-30.130](#)).
 - (13) Residential uses shall not be permitted on any PS-zoned properties located within the Airport Overlay District.
 - (14) See [Section 37-50.140](#) Mobilehome Parks.

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 13, 11-13-2012; Ord. No. 2624 (NCS), § 1, 11-5-2019; Ord. No. 2656 (NCS), § 7, 5-10-2022)
Sec. 37-30.400. - Development regulations and design standards.

Development regulations and design standards for public/semipublic uses shall be as specified by the required conditional use permit in accordance with Article VI, Division 8: Conditional Use Permits and or the required site plan review in accordance with Article VI, Division 5: Site Plan Review (see Table [37-30.180](#)). The city planner, planning commission, and/or city council, as the case may be, shall be guided by those regulations and design standards of the zoning district within closest proximity or a zoning district intended for uses similar to those proposed in the PS district. For properties located in the future growth areas of the city as identified on Figure LU-1 (future growth area) of the general plan land use element, the NU districts design standards shall apply. In addition, all new public buildings and sites shall generally be designed to promote energy efficiency and safety.

Table 37-30.180	
Public/Semipublic (PS) Development Regulations	
Development Regulations	PS

Lot Size—Minimum	Pursuant to the SPR or CUP.
Lot Width—Minimum	Pursuant to the SPR or CUP.
Lot Depth—Minimum	Pursuant to the SPR or CUP.
Lot Frontage—Minimum	Pursuant to the SPR or CUP.
Yards—Minimum	Pursuant to the SPR or CUP.
Front	
Side	
Interior	
Corner	
Rear	
Height—Maximum	Pursuant to the SPR or CUP.
FAR—Maximum	Pursuant to the SPR or CUP.
Landscaping—Minimum (Percent of Lot Area)	Pursuant to the SPR or CUP.
Landscaping	See Article V, Division 4: Landscaping and Irrigation.
Minimum Distance Between Buildings	Pursuant to the SPR or CUP.
Fences, Walls, and Hedges	See Section 37-50.090 : Fences, walls, and hedges.
Off-street Parking, Loading, and Outdoor Lighting	See Article V, Division 2: Parking, Loading, and Outdoor Lighting.
Driveway and Corner Visibility	See Section 37-50.460 : Driveway and corner visibility.
Signs	See Article V, Division 3: Signs.
Outdoor Facilities	See Section 37-50.170 : Outdoor storage and display.
Accessory Uses and Structures	See Section 37-50.010 : Accessory uses and structures.
Screening of Mechanical Equipment	See Section 37-50.240 : Screening of mechanical equipment.
Recycling and Solid Waste Disposal	See Section 37-50.200 : Recycling and solid waste disposal regulations.
Performance Standards	See Section 37-50.180 : Performance standards.
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.
Recreational Vehicles, Prohibited Vehicles, and Equipment	See Section 37-50.190 : Recreational vehicles, prohibited vehicles, and equipment parking and storage.
Vehicle Trip Reduction	See Section 37-50.330 : Vehicle trip reduction.
Swimming Pools, Spas, and Hot Tubs	See Section 37-50.010(k) : Swimming Pools, Spas, and Hot Tubs.
Alcohol License Review	See Section 37-50.030 : Alcohol license review.

Note:

N/A = Not applicable.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 32, 5-18-2010)

Division 8. - New Urbanism (NU) Districts Regulations.

Sec. 37-30.410. - Purpose.

In addition to the general purposes listed in Article I, Division 1: General Provisions, the purposes of the new urbanism (NU) districts regulations are to:

(a)

Promote the principles of new urbanism through the creation of distinct identifiable neighborhoods that have traditional neighborhood development (TND) characteristics as expressed in the Salinas general plan;

(b)

Ensure the development of a pedestrian-sensitive, yet auto-accommodating community containing a range of residential housing types, mixed use buildings and developments, neighborhood commercial, and employment opportunities which may be developed in one or more phases;

(c)

Provide for a number of design, development, and infrastructure features indicative of a self-reliant neighborhood; including, but not limited to, multipurpose streets linking residential areas with neighborhood activity and commercial centers and multimodal transportation alternatives; quality and craftsmanship in the built environment; a lively mix of neighborhood shopping and community services; an advantageous and sensitive use of natural resource features and open space; and innovative and imaginative site planning in order to develop a sense of place where the amenities, facilities, and features all exhibit an overall high level of urban design and architectural integration;

(d)

Ensure the creation of walkable neighborhoods with mixed use village centers overlaid on a network of schools, civic amenities, parks, and open space;

(e)

Provide a circulation system that avoids significant pedestrian barriers and replaces the standard collector street (too often lined by back yard fences) with more frequent and less congested "connector" streets to establish a traditional grid circulation system offering a variety of circulation options and allow connections from neighborhood to neighborhood. The combination of such a circulation system with design standards that ensure pedestrian-friendly neighborhoods with defined village centers should result in a pattern of development, which enhances the city and its future inhabitants; and

(f)

Promote vital and safe residential and mixed use areas through the incorporation of crime prevention through environmental design (CPTED) features in development;

(g)

The additional purposes of each new urbanism (NU) district are as follows:

(1)

Neighborhood Edge/Low Density Residential (NE). To provide areas for predominately detached single-family dwellings, together with other dwelling types so that the minimum average density per net residential acre within this district is not less than six dwelling units per net residential acre and the maximum average density is not more than eight dwelling units per net residential acre without density bonus. "Net residential acres" are the private lands zoned for residential uses exclusive of streets, parks, and other uses. "Average density" is the total dwelling units in that district divided by the net residential acres.

(2)

Neighborhood General 1/Medium Density Residential (NG-1). To provide areas for a diverse range of low, medium, and some high density dwellings such as detached single-family dwelling units on large and small lots, rowhouses, green courts, duplexes, cottages, and attached multifamily dwelling units where the minimum average density within this district is not less than nine dwelling units per net residential acre and the maximum average density is not more than fifteen dwelling units per net residential acre without density bonus.

(3)

Neighborhood General 2/High Density Residential (NG-2). To provide areas for medium and high density dwellings such as lane homes, green courts, cottages, rowhouses, and multifamily dwelling units where the minimum average density is not less than sixteen dwelling units per net residential acre and the maximum average density is not more than twenty-four dwelling units per net residential acre without density bonus.

(4)

Village Center (VC). To provide areas for mixed use, stand-alone retail and office uses, flex use, high density residential, and public and semipublic facilities generally sited along a "Main Street" or around a village square where the maximum dwelling units per acre is ten dwelling units per acre and the maximum floor area (FAR) is 1.0 or as otherwise provided for in this division.

(5)

New Urbanism Interim (NI). To provide a transitional zone for the future growth areas of the city located north of East Boronda Road that are annexed to the city and are subject to the preparation of specific plans and subsequent subdivision maps.

(Ord. No. 2463 (NCS).)

Sec. 37-30.420. - Applicability.

The new urbanism (NU) districts regulations shall supplement the Zoning Code and Municipal Code requirements and apply to properties located in the future growth area of the city located generally north of East Boronda Road as indicated on Figure 37-40.20 in Article IV, Division 2: Specific Plan (SP) Overlay District. All properties located in the future growth area shall be subject to the preparation of a specific plan in accordance with Article IV, Division 2: Specific Plan (SP) Overlay District, Article VI, [Division 15](#): Specific Plans, and the regulations and standards of this division, except for subdivisions of up to four (4) lots may be considered pursuant to the Agricultural (A) district development regulations if no physical improvements are proposed.

(Ord. No. 2463 (NCS).)

(Ord. No. 2625 (NCS), § 1, 11-5-2019)

Sec. 37-30.430. - Use classifications.

Table [37-30.190](#) . Except as set forth in each specific plan, the following table identifies the use classifications for properties located in the new urbanism (NU) districts. The use classifications for the NI district shall be in accordance with those allowed in the agricultural (A) district (See [Section 37-30.020](#): 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, Other	P	P	P	NP	(6)
Day Care Homes, Family—Large	P	P	P	-	(1)(2)
Day Care Homes, Family—Small	P	P	P	-	(2)
Duplex Dwellings	NP	SPR	SPR	CUP	
Employee Housing, Small Project	P	P	P	NP	(38)
Green Court Dwellings	NP	SPR	SPR	CUP	
Home Occupations	P	P	P	-	(4)
Interim Housing	NP	NP	CUP	CUP	(3)
Manufactured Housing	P	P	CUP	NP	
Mobilehome Park	NP	CUP	CUP	NP	
Multiple Detached Dwellings	NP	SPR	SPR	CUP	
Multifamily Dwellings	NP	SPR	SPR	SPR	
Residential Care Facilities—Large	CUP	CUP	CUP	CUP	
Residential Care Facilities—Small	P	P	P	CUP	(5)
Residential Service Facilities	NP	NP	CUP	CUP	(3)
Single-family Dwellings—Attached	CUP	SPR	SPR	SPR	(35)
Single-family Dwellings—Detached	P	P	P	NP	
Single Room Occupancy Housing	NP	NP	CUP	CUP	(7)
Mixed Uses					
Mixed Use Buildings and Developments	NP	NP	SPR	SPR	(24)(31)
Flex Use Buildings	NP	NP	CUP	SPR	(8)
Public and Semipublic Uses					
Clubs and Lodges	CUP	CUP	CUP	CUP	(18)
Convalescent Hospitals/Nursing Homes	CUP	CUP	CUP	CUP	
Cultural Institutions	CUP	CUP	CUP	SPR	

Day Care Centers	CUP	CUP	SPR	SPR	
Government Offices	SPR	SPR	SPR	SPR	
Hospitals	CUP	CUP	CUP	CUP	
Mural Exhibits	SPR	SPR	SPR	SPR	(16)
Park and Recreation Facilities	SPR	SPR	SPR	SPR	
Parking Lots and Structures	NP	NP	CUP	CUP	(21)
Public Safety Facilities	CUP	SPR	SPR	CUP	
Public Utility Service Yards	NP	NP	NP	NP	
Religious Assembly	CUP	CUP	CUP	CUP	
Schools—Public/Private	CUP	CUP	CUP	CUP	
Schools—Trade	NP	NP	NP	NP	(10)(34)
Telecommunications Facilities:					
Major	NP	NP	NP	CUP	(19)
Minor	CUP	CUP	CUP	P	(19)
Utilities—Major	NP	NP	NP	NP	(26)
Commercial Uses					
Adult Entertainment Facilities	NP	NP	NP	NP	(27)
Ambulance Services	NP	NP	NP	NP	
Animal Sales and Services:					
Animal Boarding	NP	NP	NP	CUP	(36)
Animal Grooming	NP	NP	NP	SPR	
Animal Hospitals	NP	NP	NP	CUP	(36)
Animal Retail Sales	NP	NP	NP	SPR	
Antique and Collectible Shops	NP	NP	NP	SPR	
Artists' Studios	NP	NP	NP	SPR	
Automated Teller Machines (ATMs)	NP	NP	CUP	SPR	(25)(28)
Bakeries:					
Retail	NP	NP	NP	SPR	
Wholesale	NP	NP	NP	NP	
Bars	NP	NP	NP	CUP	(18)
Bed and Breakfast Inns	NP	NP	NP	SPR	
Building Materials and Services	NP	NP	NP	NP	
Catering Services	NP	NP	NP	NP	(22)
Commercial Filming	NP	NP	NP	CUP	
Commercial Recreation and Entertainment	NP	NP	NP	CUP	(9)(18)
Convenience Stores:	NP	NP	CUP	SPR	(18)

With Gas Pumps	NP	NP	NP	CUP	(10)(11)(18)(23)
Entertainment, Live (Excluding Adult Entertainment)	NP	NP	NP	CUP	(15)(18)
Equipment Sales, Services, and Rentals	NP	NP	NP	NP	
Financial Services	NP	NP	NP	SPR	(25)(28)
Food and Beverage Sales	NP	NP	CUP	SPR	(18)(25)
Fortunetelling	NP	NP	NP	NP	
Funeral Services	NP	NP	NP	SPR	(17)
Hotels and Motels:	NP	NP	NP	CUP	(7)
Extended Stay	NP	NP	NP	CUP	(7)(39)
Kiosks:					
Permanent	NP	NP	NP	CUP	(37)
Temporary or Semi-permanent	NP	NP	NP	CUP	(37)
Laboratories	NP	NP	NP	SPR	
Laundries:					
Limited	NP	NP	CUP	SPR	
Unlimited	NP	NP	NP	NP	
Live-work Units	NP	NP	CUP	SPR	(20)
Maintenance and Repair Services:					
Major	NP	NP	NP	NP	
Minor	NP	NP	NP	SPR	(10)
Marine Sales and Services	NP	NP	NP	NP	
Nurseries	NP	NP	NP	NP	(10)(29)
Offices:					
Business and Professional	NP	NP	CUP	SPR	
Medical and Dental	NP	NP	NP	SPR	
Pawn Shops	NP	NP	NP	NP	
Personal Improvement Services	NP	NP	CUP	SPR	
Personal Services	NP	NP	CUP	SPR	(25)
Printing and Publishing:					
Limited	NP	NP	CUP	SPR	
Unlimited	NP	NP	NP	NP	
Recreational Vehicle Parks	NP	NP	NP	NP	
Recycling Facilities	See Section 37-50.210 : Recycling facilities.				
Restaurants:	NP	NP	CUP	SPR	(18)

With Drive-through or Drive-in Facilities	NP	NP	NP	NP	(18)(25)
Retail Sales:	NP	NP	CUP	SPR	(18)
With Drive-through Facilities	NP	NP	NP	CUP	(25)
Secondhand or Consignment Stores	NP	NP	NP	NP	
Service Stations	NP	NP	NP	CUP	(10)(11)(18)
Shopping Centers:	NP	NP	NP	SPR	(10)(18)(23)
With Gas Pumps	NP	NP	NP	CUP	(10)(11)(18)(23)
Speculative Buildings	NP	NP	NP	SPR	(12)
Tattoo and/or Body Piercing Parlors	NP	NP	NP	NP	
Vehicle-related Retail Sales and Services	NP	NP	NP	NP	
Vehicle Repair Facilities:					
Major	NP	NP	NP	NP	
Minor	NP	NP	NP	CUP	
Vehicle Sales and Services	NP	NP	NP	NP	
Vehicle Storage	NP	NP	NP	NP	
Vehicle Washing	NP	NP	NP	CUP	(10)(11)(33)
Warehousing and Storage:					
Limited	NP	NP	NP	NP	
Wholesale Distribution	NP	NP	NP	NP	
Industrial Uses					
Industrial Complexes	NP	NP	NP	NP	
Industry—Limited	NP	NP	NP	NP	
Salvage and Wrecking Operations:					
Nonvehicular	NP	NP	NP	NP	
Vehicular	NP	NP	NP	NP	
Accessory Uses and Structures					(13)
Animals—Domestic	P	P	P	P	(30)
Utilities—Minor	P	P	P	P	(32)
Temporary Uses	TULP	TULP	TULP	TULP	(14)
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.				

Notes:

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

TULP = Temporary Use of Land Permit Required

- (1) See [Section 37-50.120](#): Large family day care homes.
- (2) In the VC district, small and large family day care homes are permitted uses when the principal use is a residential dwelling unit.
- (3) In the VC district, residential service facilities and interim housing serving six or fewer people are allowed with a SPR. Such facilities shall be designed to accommodate a group living environment.
- (4) See [Section 37-50.100](#): Home occupations. In the VC district, home occupations are permitted uses when the principal use is a residential dwelling unit.
- (5) In the VC district, small residential care facilities are a permitted use when the principal use is a residential dwelling unit.
See [Section 37-50.250](#), Accessory dwelling units. An accessory dwelling unit shall only be permitted on a lot with a single-family detached dwelling or developed concurrently with a single-family detached dwelling unit.
- (6) See [Section 37-50.270](#): Single room occupancy (SRO) housing.
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.
- (7) Commercial recreation and entertainment uses less than two thousand square feet in floor area are allowed with a SPR in the VC district.
- (8) See [Section 37-50.170](#): Outdoor storage and display.
- (9) See [Section 37-50.260](#): Service stations, vehicle repair, and vehicle washing.
- (10) See [Section 37-50.280](#): Speculative buildings.
- (11) Accessory uses and structures will require a SPR or a CUP if required for the principal use.
- (12) See [Section 37-50.300](#): Temporary use of land.
- (13) 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.
- (14) See [Section 37-50.150](#): Mural exhibits.
- (15) Funeral services with crematories shall require a CUP.
- (16) See [Section 37-50.030](#): Alcohol license review.
- (17) See [Section 37-50.290](#): Telecommunication facilities. Only stealth telecommunication facilities shall be permitted.
- (18) 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.
- (19) Does not apply to the parking required to serve the use per [Section 37-50.360](#): Off-street parking and loading spaces regulations.
- (20) Catering is only permitted as an accessory use to a restaurant in the VC district. The parking or storage of catering vehicles is prohibited.
- (21) 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.

- Mixed use buildings in the VC district shall have no more than twenty-five percent of the gross floor area
- (24) of the ground floor of a building dedicated to residential uses unless otherwise authorized by the applicable specific plan regulations.
- (25) Drive-through and drive-in uses shall not be permitted except as otherwise provided for in this section with a CUP.
- (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.
- (27) See [Section 37-50.020](#): Adult entertainment facilities. Adult bookstores shall be subject to the same supplemental regulations applicable to adult entertainment facilities.
- (28) ATM facilities that are located entirely within a building and are not externally accessible shall be a permitted use in the VC district.
- (29) Nursery uses are allowed as an accessory use only in the VC district.
- (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.
- (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.
- (32) Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.
- (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.
- (34) Truck and heavy equipment driving schools shall not be permitted.
- (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.
- (36) Only allowed when ancillary to an animal hospital.
- (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.
- (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.
- (39) See [Section 37-50.085](#) (Extended stay for hotel/motel uses).

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 15, 5-18-2010; Ord. No. 2532 (NCS), § 14, 11-13-2012; Ord. No. 2581 (NCS), § 9, 12-6-2016; Ord. No. 2646 (NCS), § 4, 8-10-2021; Ord. No. 2655 (NCS), § 1, 2-15-2022)

Editor's note— Ord. No. 2655 (NCS), § 1, adopted February 15, 2022, set out provisions adding note (38). To avoid number duplication, and at the editor's discretion, these provisions were included as note (39).
Sec. 37-30.440. - Use districts or classifications not otherwise specified.

(a)

Lands designated for parks and open space land uses in accordance with the general plan land use plan shall be subject to the requirements of Division 6: Parks (P) and Open Space (OS) Districts except as modified by the specific plan or this division.

(b)

Lands designated for public and semipublic land uses in accordance with the general plan shall be subject to the requirements of Division 7: Public/Semipublic (PS) District.

(Ord. No. 2463 (NCS).)

Sec. 37-30.450. - Development regulations.

(a)

Specific Plan Development Regulations. Each specific plan shall contain tables establishing development regulations for each new urbanism district, as applicable, governing the following:

(1)

Lot size—minimum;

(2)

Lot area per dwelling unit—minimum;

(3)

Lot width—minimum;

(4)

Lot depth—minimum;

(5)

Yards—minimum;

(6)

Distances between structures—minimum;

(7)

Height—maximum;

(8)

Driveway length;

(9)

Usable open space area per dwelling unit—minimum;

(10)

Floor area ratio;

(11)

Landscaping;

(12)

Fences, walls, and hedges;

(13)

Off-street parking and outdoor lighting;

(14)

Driveway and corner visibility;

(15)

Signs;

(16)

Outdoor facilities;

(17)

Accessory uses and structures;

(18)

Screening of mechanical equipment;

(19)

Recycling and solid waste disposal;

(20)

Performance standards;

(21)

Nonconforming uses and structures;

(22)

Recreational vehicles and prohibited vehicles and equipment;

(23)

Vehicle trip reduction;

(24)

Swimming pools, spas, and hot tubs; and

(25)

Administrative procedures.

(b)

Zoning Code Development Regulations. Development regulations not established through the specific plan or the new urbanism districts shall be subject to the applicable development regulations of the Salinas Zoning Code as follows:

(1)

The applicable development regulations shall be those of the zoning district having the most similar characteristics to that of the applicable new urbanism district, as determined by the city planner, as follows:

(A)

Development on land located in the new urbanism-village center (VC) district shall be in accordance with the mixed use (MX) district regulations.

(B)

Development on land located in the new urbanism-neighborhood edge/low density residential (NE) district shall be in accordance with the residential low density (R-L) district regulations.

(C)

Development on land located in the new urbanism-neighborhood general 1/medium density residential (NG-1) district will be in accordance with the medium density residential (R-M-3.6 and R-M-2.9) districts regulations.

(D)

Development on land located in the new urbanism-neighborhood general 2/high density residential (NG-2) district will be subject to the high density residential (R-H-2.1 and 1.8) districts regulations.

(E)

Development on land located in the new urbanism-interim (NI) district shall be in accordance with the agricultural (A) district regulations.

(2)

Article V: Supplemental Regulations Applying to All Districts of the Zoning Code shall apply to the new urbanism districts except as modified by the specific plan or this division.

(Ord. No. 2463 (NCS).)

Sec. 37-30.460. - Minimum residential density and dwelling unit mix.

The following requirements shall apply to each specific plan in the future growth area in regard to the minimum residential density and dwelling unit mix as follows:

(a)

Each specific plan shall demonstrate that the total minimum dwelling units in each specific plan area divided by the total net residential acres within the specific plan area must equal or exceed nine dwelling units per net residential acre.

(b)

The number of dwelling units within an individual parcel divided by that parcel's net acreage may be less than or more than that district's allowable minimum or maximum average dwelling units per net residential acre, provided, the total dwelling units within a district divided by the total net residential acres in that district falls within the allowable density ratios for that district as established in the general plan and demonstrated in the specific plan.

(c)

Each specific plan shall demonstrate that the total number of low, medium, and high density units within each specific plan achieves the percentage mix required in the Salinas general plan.

(Ord. No. 2463 (NCS).)

Sec. 37-30.470. - Design standards.

(a)

Purpose. The design standards in this division are intended to assist the designer in understanding the city's requirements for high quality, traditional neighborhood development in the future growth areas of the city and shall serve as the design basis for the specific plans prepared for these areas. These design standards complement the development regulations in this division by providing good examples of potential design solutions and concepts and by providing design interpretations of the various mandatory regulations. These standards are intended to ensure the highest level of design quality while providing the flexibility necessary to encourage creativity on the part of project designers. These standards are also intended to promote development, which is pedestrian-oriented, safe, and reflects traditional neighborhood design principles. Each specific plan shall further refine and delineate the design concepts and standards that shall apply to their specific plan area. The design standards are divided into specific design standard categories to address the various types of development in the future growth areas.

(Ord. No. 2463 (NCS).)

Sec. 37-30.480. - Village center (VC) district design standards.

(a)

Concept. The village center district of each specific plan area should comprise a mix of office, commercial, and residential uses in accordance with the following:

(b)

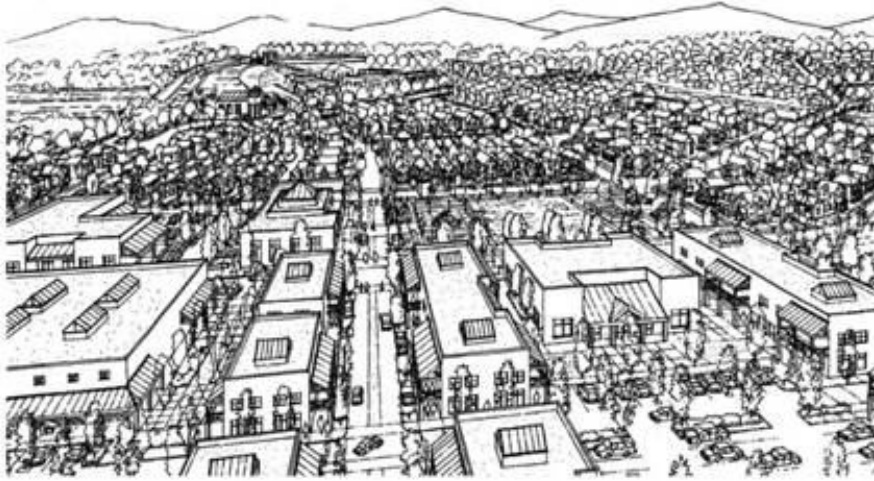
Uses. The mixed use village centers should be developed as important destinations for each specific plan area providing a variety of offices, shops, services, restaurants, and civic facilities that serve the needs of the surrounding neighborhoods.

(c)

Floor Area Ratio (FAR). The buildings within the mixed use village center district may be developed with a maximum FAR of 1.0.

(d)

Allowable Residential Densities. The district must incorporate, but every building need not incorporate residential uses. The minimum average residential density of the entire VC district shall be three dwelling units per net acre and a maximum average residential density of twenty-four dwelling units per net acre without density bonus. Any one acre may contain between zero to forty-three dwelling units per net acre (FAR 1.0) should commercial floor area be converted to residential use.



(e)

Anchor Grocery Store.

(1)

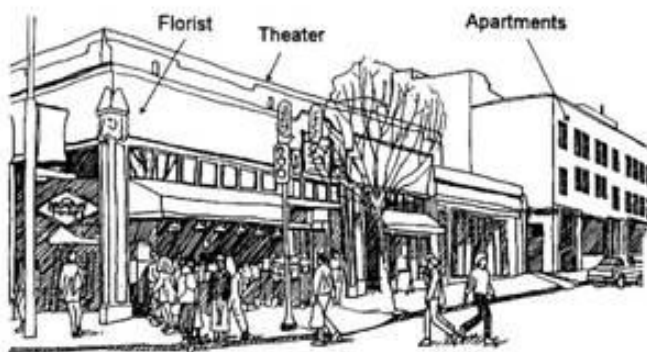
The village centers provide areas for medium and high density housing, retail and office uses, and public and semipublic facilities. The village center district may be supported by an anchor supermarket grocery store, one of the most important local destinations and critical for the economic viability of a local shopping area. Other appropriate uses in this district include offices, retail shops, services, restaurants, public and semipublic facilities, and similar uses that complement the anchor store. Village centers should be anchored along Boronda Road and may extend north into each planning area. In some cases, these may be extensions of the existing grocery-anchored retail areas on the south side of Boronda Road.

(2)

Each village center should contain no more than one full-service supermarket except the central area may contain a second full-service supermarket near Russell Road. Secondary anchors, such as drug, hardware, or specialty grocery are allowed.

(3)

Regional retail-sized facilities (greater than one hundred twenty thousand square feet) are generally not appropriate anchor stores in the village center unless the village center is located adjacent to an existing regional retail facility such as Harden Ranch Plaza.



A variety of services are encouraged to increase activity and interest at the street.

(f)

Residential. Appropriate housing types for the village center district include: stand-alone multifamily dwellings such as apartments and/or condominiums, housing for the elderly, residential over office and commercial in mixed use and flex use buildings, townhouses, rowhouses, live-work units, and duplexes. Bungalows, green court dwellings, cottages, small-lot single-family, and standard-lot single-family are generally not appropriate housing types in the village center, except at the transition between districts as established by the specific plan.

(g)

Urban Design Character. Buildings should be placed to form active street fronts and create other connecting pedestrian spaces. On-site parking should be to the rear or side of the buildings. The large stores may be placed back from the main street with the smaller stores along the main street. The size of parking lots should be reduced by breaking large lots into smaller blocks of parking, locating employee parking in less-used areas, and by maximizing the main street's on-street parking. Auto-oriented uses with drive-through travel lanes are prohibited, unless permitted in [Section 37-30.430](#): Use classifications when findings of compatibility and demonstrated assurances that the connectivity of the pedestrian environment will not be compromised. Auto-serving uses such as gasoline service stations should be sited in locations that do not disrupt the connectivity of the pedestrian spaces.

(h)

Building Locations. Buildings should be sited close to the streets, with doors and windows facing the street, to form an active street front with parking located at the rear of the building or in courtyard style. Buildings should offer attractive pedestrian scale features and spaces. Building placement and massing should provide visual interest and architectural variety while relating to nearby buildings in the village center.

(i)

Connections to Rear Parking. Pedestrian and/or auto connections to the rear parking should be provided to increase access to the stores. Connections should be provided at least every four hundred feet. Care must be taken in the design of the mid-block connection so they do not encourage mid-block street crossing.

(j)

Land Use Transitions. Land use boundaries and massing changes in village centers should be planned so buildings facing each other are compatible and transitions are gradual.

(k)

Relationship of Buildings to Public Spaces. Buildings should be designed to create safe, active streets, and public spaces, by providing an ordered variety of entries, windows, bays, and balconies along public ways.

Buildings should have human scale in details and massing. Monument buildings should be reserved for public uses. Buildings should have frequent doors and windows along public ways.

(l)

Building Transparency. The majority of the building facade adjacent to a public street or a pedestrian corridor should be transparent with a pattern of windows and doors with clear or lightly tinted glass allowing visibility into the structure or into display windows. When circumstances inhibit the placement of windows and doors along the majority of the facade, such as for a building with multiple street frontages, the building facade must include a variety of design elements to provide visual interest and maintain a pedestrian-friendly character.



(m)

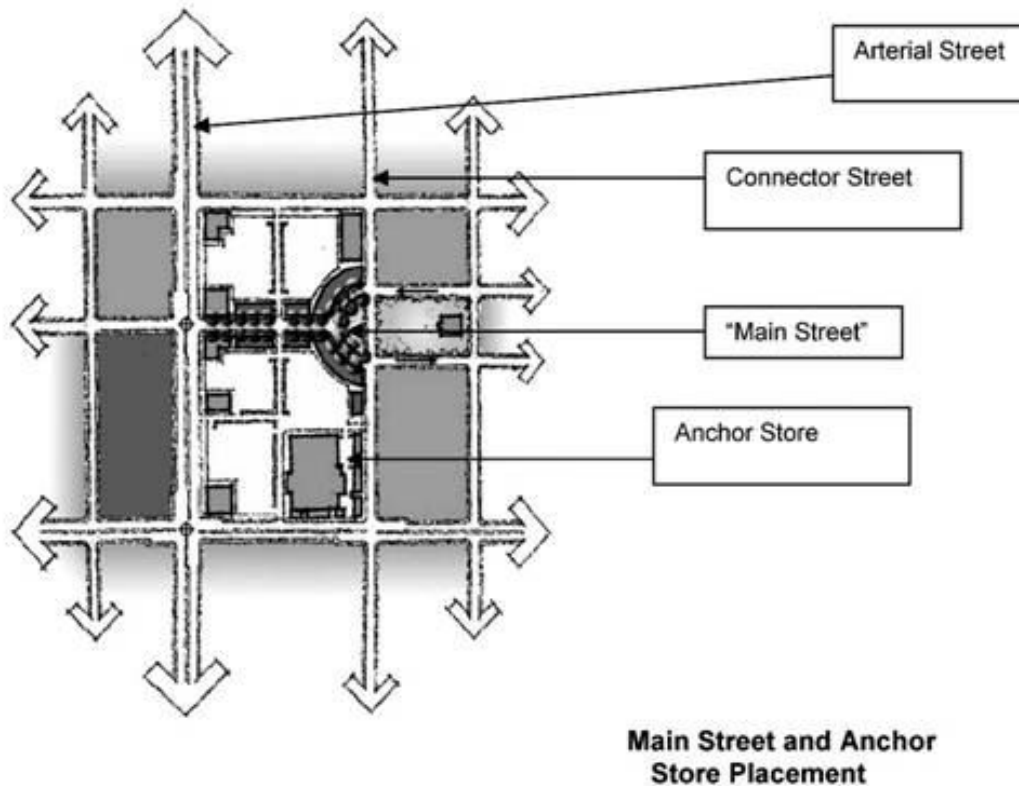
Central Feature or Gathering Place. A village center shall include one or more, centrally located green(s) or a plaza of at least one acre with public amenities such as benches, monuments, kiosk, and/or public art. As a community gathering spot, consideration must be given to the environmental factors that will make the space a pleasure to be in. Design considerations include solar orientation and prevailing winds as well as visibility to and from adjacent streets and public areas.



Plazas and greens with public amenities and street furnishings help reinforce a sense of community and serve as gathering places.

(n)

Required Main Street. Each village center shall create a mixed use commercial core area that is required to provide at least one main street of a minimum length of three hundred feet. This shopping street is required to have retail- and/or resident-serving commercial uses on the ground floor of buildings that line each side of one whole block of the main street. Longer main streets may transition to high-density flex use buildings and then all residential use buildings. The buildings along the main street are encouraged to be mixed use or flex use buildings with residential or office uses above. The main street may be placed along a connector street, local street, or developed as a private street.



(o)

Direct Local Connections. Direct local street access from surrounding neighborhoods must be provided so visitors do not need to use arterial streets to access the village centers and to ensure that pedestrian, bicycle and/or auto access from surrounding neighborhoods is provided.

(p)

Arterial Streets as Frontage. The village center should open to an arterial street to assist in providing the neighborhood with a sense of place and identity.

(q)

Integrations of the Transit Stop. The village center shall, when feasible, be considered a major stop on the local transit network. Associated transit stop facilities should be integrated into the design of the center, centrally located, and easily accessible for pedestrians.

(r)

Pattern of Streets and Blocks. A pattern of streets and blocks interconnected at both ends of the block, scaled to the needs of pedestrians, is required. Super blocks, dead-end streets, and cul-de-sacs shall be avoided, unless necessitated by natural topographic features. All buildings should contribute to a cohesive "fabric" and reinforce the overall goal of creating a walkable district.

(s)

Block Size. Except for the block containing the anchor grocery store, individual blocks should generally average less than eight hundred feet in length and less than two thousand feet in perimeter.

(t)

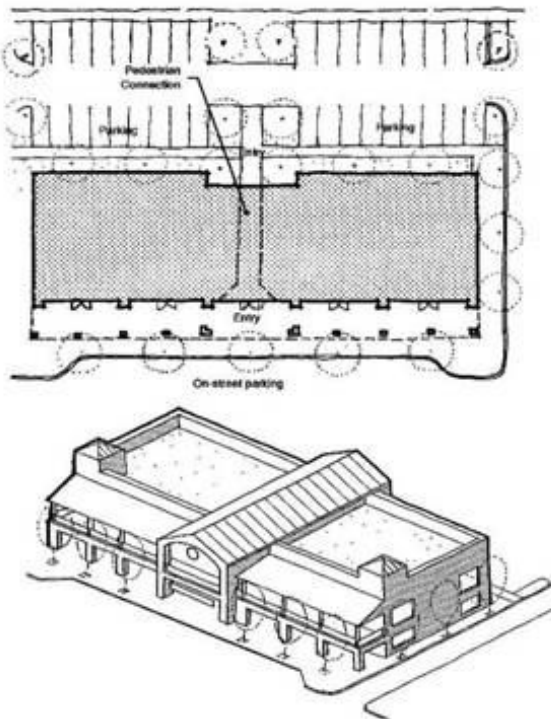
Minimum Building Frontage. Buildings within the village center shall frame the public right-of-way. Minimum building frontage shall be eighty percent on the designated main street, sixty percent on arterial or connector streets, and forty percent on local streets. Twenty percent of the required frontage area can be comprised of plazas or pedestrian-accessible landscaped areas with depths no more than thirty feet. In no case shall parking lots, garage, or blank rear or sidewalls be included in meeting the minimum frontage calculation.

(Ord. No. 2463 (NCS).)

Sec. 37-30.490. - Village and neighborhood center mixed use, commercial, and flex use building design standards.

(a)

Concept. The village center's and neighborhood center's mixed use, commercial, and flex use buildings enclose and enliven the spaces they surround. Their design quality should set the tone for the entire neighborhood in accordance with the following:



- Access to upper floor uses shall be visible from one or more public areas.
- Provide visitor drop-off areas and on street parking at public building entries.
- Locate on-site parking to the rear of the building away from public view.
- Encourage pedestrian connections from commercial on-site parking areas to building entries on public streets.
- Provide street trees along parking lots, driveways, drive aisles and pedestrian connections.
- Emphasize major entries with special massing and architectural treatment.
- Locate at least one car for each apartment in a secure lot or garage.

Commercial Uses

(b)

Natural Surveillance. Whenever possible, design and placement of buildings and other physical features are encouraged to maximize visibility and facilitate natural surveillance from public rights-of-way and other public areas. This includes building orientation, placement of windows, doors and balconies, building and site entrances and exit locations, placement of parking, lighting, and refuse containers, placement and type of landscape materials, plazas, and other open space areas, location of walkways, types of walls, and fences (including the use of picket, wrought-iron, and similar materials to promote visibility), to promote crime prevention through environmental design (CPTED).

(c)

Relation of Buildings to Streets. The primary facades of buildings in mixed use areas and commercial areas should face a public or private street. When an anchor store abuts a street but the primary access is provided from a parking area other than the street, the street-facing facade of the store should be articulated and provide pedestrian-scaled architectural features including windows and, if possible, a significant entry feature.

(d)

Primary Entries and Facades. Except for the anchor store, as applicable, the primary entrances of ground floor uses should be visible and accessible directly from a public street ("street" herein may be a public or private street which function as a public street). Building design should be used to call out the location of building entries. For example, greater height can be used to accentuate entries in the form of tower elements, tall voids, or a central mass at an entry plaza. Primary facades that front onto a street should be built parallel or nearly parallel to the public right-of-way except for courtyards, plazas, and corner locations. Generally, the street-facing facades should stay within five feet of the back of the continuous sidewalk.



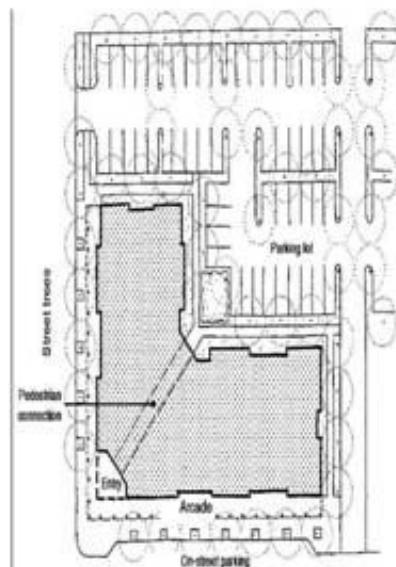
Entrances should be clearly expressed by accentuating openings. In this example, a tower element is used to mark the primary entry.

(e)

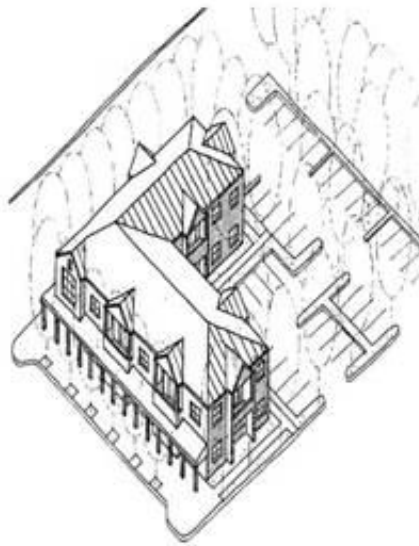
Street-facing Facades. Street-facing facades should be lined with windows. Uninterrupted blank walls and/or garage doors should not occupy over twenty percent of a building's street frontage. With the exception of the larger scaled "anchor" stores or stores with multiple frontages, blank walls should not exceed twenty linear feet without being interrupted by a window, significant architectural feature, or entry. Anchor stores shall provide architectural features and enhancements when sited adjacent to street frontages. Enhancements may include landscaped setbacks, trellis elements, or similar decorative features.



Neighborhood Apartment - Corner Store - Transit Stop - Public Park



**Mixed Use:
Housing over
Commercial**



- Orient retail entries to face public streets and sidewalks.
- Encourage pedestrian connections from rear parking areas to building entries on public streets.
- Provide visitor drop-off areas and on street parking at public building entries.
- Locate secure residential parking for 1 car per dwelling unit to the rear of the building or under the building away from public view.
- Residential parking courtyards and entries may be secure and separate from the commercial uses.
- Provide separate residential entries or lobbies with access from public areas.

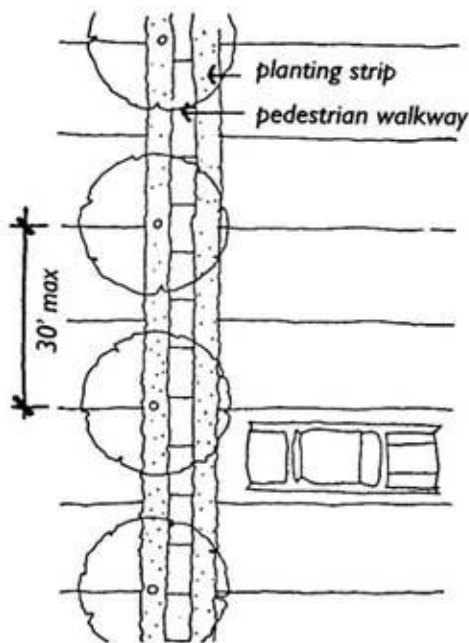
(f)

Walkway—Facing Facades. The main entrance of all buildings without street edge facades should open directly onto a publicly accessible walkway. This walkway must directly connect to an adjacent street's sidewalk. One specific exception includes: village center anchor stores (e.g., supermarkets or major drug stores), where parking may be necessary directly in front or to the side of the building. In this case, the primary pedestrian entry and windows should be visible from the parking area and front onto a publicly accessible walkway that should connect to the street. In the limited circumstances that anchor stores are accessed primarily from the rear-oriented parking area, the street facade of the store should include a significant entry feature and pedestrian-scaled architectural features.

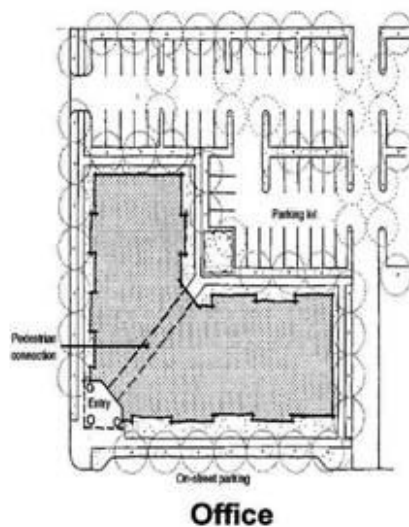
(g)

Connecting Walkways. Connecting walkways should link street sidewalks with building entries. Walkways must be clearly distinguished from the parking lot and have paved surfaces meeting accessibility requirements. Connecting walkways should be landscaped with either shade trees or climbing vines on trellises and should be

equipped with lighting. Lighting standards a maximum of twenty-four feet tall in the parking field and a maximum of sixteen feet tall along the walkway are recommended. Lighting standards shall be spaced to maintain an appropriate illumination level as determined by a photometric study.



- Connecting walkways within parking lot should be clearly distinguished through landscaping and defined location.
- Tree planting should be as close as possible depending on species and conditions, however, they should not conflict with appropriate site illumination.
- Sidewalks between the parking and the storefront maximize walking surfaces while providing complementary landscape features.



- Provide visitor drop-off areas and on-street parking at public areas.
- Encourage pedestrian connections from parking areas to building entries at public streets.
- Locate major on-site parking areas away from public view from the main street.
- Encourage architectural expression of building entry features and structural bays.
- Screen mechanical equipment from view.
- The exclusive use of glass curtain wall construction and reflective glass is prohibited.

(h)

Architecture.

(1)

Projections. Special architectural features, such as bay windows, decorative roofs, overhangs, and major entry features may project up to three feet into front setbacks and conditionally into public rights-of-way, provided that they do not compromise the use of the public right-of-way as determined by the city engineer. Trellises, canopies, blade signs, and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided they are not less than eight feet above the sidewalk. Subject to the approval of the city engineer, arcades may project into the public right-of-way provided a path of travel at least eight feet wide is maintained and ceiling heights are not less than eight feet.

(2)

Recesses. A retail building's first floor may be recessed from the front setback for the purpose of architectural variation or to accommodate an arcade. For variation, the building should stay within five feet of the required setback. An arcade should maintain a minimum of eight feet of clear covered depth.

(3)

Base. All facades should have a recognizable base consisting of (but not limited to):

(A)

Thicker walls;

(B)

Richly textured materials (e.g., tile or masonry treatments);

(C)

Special materials such as ceramic tile, granite, and marble;

(D)

Darker colored materials, mullion, and/or panels; and/or

(E)

Enriched landscaping that is permanently maintained.

(4)

Top. All facades should have a recognizable top consisting of (but not limited to):

(A)

Cornice treatments;

(B)

Roof overhangs with brackets;

(C)

Stepped parapets;

(D)

Richly textured materials (e.g., tile or masonry treatments).

(5)

Ground Level Bays. For mixed use areas, storefronts, and/or other commercial building, bays should be narrow enough to maintain visual interest and variety along the streetscape. Typically, storefronts and bays should be not wider than thirty feet and be defined by vertical architectural features such as columns, pilasters, doors, and windows.

(6)

Storefronts. Display windows should encompass a minimum of forty percent and a maximum of eighty percent of a storefront's linear frontage. This standard is not applicable to a side street or driveway frontage.

(7)

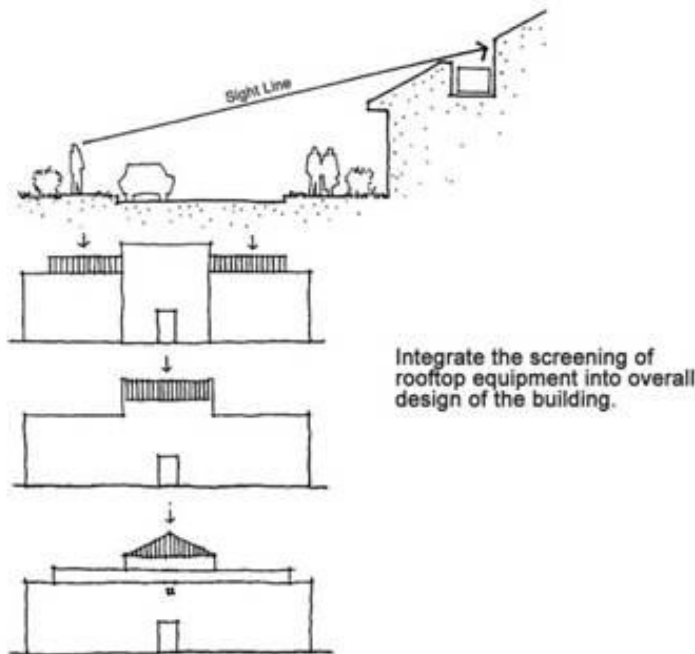
Entries. Primary pedestrian entries should be clearly expressed and be recessed or framed.

(8)

Windows. Windows should generally be vertical or square in proportion and in character with the architectural style of the building. The exclusive use of mirrored glass or glass curtain wall construction is prohibited. Clear or lightly tinted glass should be used for storefront windows and doors.

(9)

Roof-mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be integrated into the overall mass of a building by screening it behind parapets or by recessing equipment into hips, gables, parapets, or similar features in accordance with city standards.



(10)

Building Height. Height will be limited by the number of stories and/or a maximum height depending on the neighborhood location and context. Variation in building height is encouraged to provide visual interest and variety in mixed use areas (see [Section 37-30.450](#): Development regulations). Commercial and retail floors may have no more than twenty feet of floor-to-floor heights. Higher buildings may be considered through a conditional use permit process or as established in the specific plan.

(11)

Massing of Large Buildings. Buildings should provide substantial variations in massing. Variations in massing include changes in height and horizontal plane and should also include substantial architectural elements that either project up or away from the building, such as a tower, bay, lattice, or other architectural feature. Stepping the building can also reduce the apparent scale of the building. Changes in mass should relate to the structural system(s) and the organization of interior space.



Massing shall be varied to provide interest and to reduce the scale of the building.

(12)

Materials. Buildings should support regional traditions and maintain a high level of craft in the process of construction. Buildings should have consistent materials, but not necessarily only one material and detail. Material changes should not occur at external corners, but may occur at "reverse" or interior corners or as a "return" from external corners, provided the "return" is of a sufficient depth to be consistent with and complement the architectural style of the building.

(i)

Village Center Parking Design Standards.

(1)

Vehicle Maneuvering Areas. Vehicle maneuvering areas (such as queuing areas, service station pump islands, and similar vehicle-related areas) shall be located within the interior of developments and be screened from view of adjacent streets. Such areas should not be located between the street and the street facades of buildings.

(2)

Parking Requirements. The parking requirements for the village center districts shall be as established in the specific plan (See [Section 37-30.450](#): Development regulations).

(3)

Shared Parking. A mix of uses creates staggered peak periods of parking demand; shared parking should be provided in accordance with these design standards to reduce the total amount of required parking. Residential, retail, office, and entertainment uses should share parking areas, particularly within the mixed use village centers. To the extent possible, parking facilities should be located on street and in shared lots to serve as many uses and activities as possible in order that customers can park once and be in close proximity to a variety of shops, services, and activities.

(4)

On-street Parking. Adjacent on-street parking shall be counted towards the parking requirement at the time of initial development. It must, however, be acknowledged that this on-street parking may be subject to removal in the event of necessary traffic circulation improvements. The amount of on-street parking should be maximized and diagonal parking may be appropriate in most village center locations.

(5)

Reduce Scale of Parking Lots. Large surface parking lots should be visually and functionally segmented into several smaller lots by the use of drive aisles or walkways where possible. Land devoted to surface parking lots is encouraged to be reduced, over time, through redevelopment and/or construction of structured parking facilities.

(6)

Parking Lot Landscaping (Orchard Parking Landscaping). Surface parking areas should be planted with wide canopy trees at a minimum ratio of one tree for every five parking spaces. Trees should be planted in a landscape planter area with a minimum interior dimension of five feet (inside curb to inside curb) and protected by curbs. Features to enhance the parking area such as bollards or tree guards may also be incorporated into the site. A landscape planter should be provided at the end of each parking isle.

(j)

Landscaping, Screening, and Street Furnishings.

(1)

Parking Lot Frontage. Where parking lots occur along streets, a landscaped buffer shall be provided to minimize views of parked cars from the street and shall be permanently maintained. The landscaped edge at the street shall be at least eight feet wide measured from the property line. Within the landscaped buffer, trees should be planted a minimum of thirty feet on-center and within five feet of the front property line. In addition, the landscaped edge should include a screening feature with a minimum height of thirty-two inches and a maximum height of forty-two inches such as a short wall, fence, hedge, or equivalent feature. Absent this feature, plant materials shall be of sufficient quantity and of a species to meet the minimum height requirement. The screening and landscape features shall not impact visibility at driveway and corner locations.

(2)

Shade Trees. Large species of deciduous trees should dominate in parking areas and public plazas to provide shade in the summer and sun in the winter. Large species of evergreen trees are also appropriate in locations where year-round foliage is desirable and when needed to visually screen unsightly views.

(3)

Screening. Loading areas, transformers, heating units, trash enclosures, and other ground-mounted equipment shall be adequately screened from public view with walls or fences and plantings such as evergreen vines, shrubs, and trees in accordance with city standards.

(4)

Benches, Street Furniture, and Transit Shelter. These items should be made of durable and high quality materials that harmonize with the nearby buildings and complement the public realm.

(Ord. No. 2463 (NCS).)

Sec. 37-30.500. - Neighborhood general 2/high density residential (NG-2) district design standards.

(a)

Concept. Neighborhood general 2/high density residential districts as established through the specific plan process are more frequent than village centers and are typically located adjacent to the village center district to create a transition to the neighborhood general 1/medium density residential district or it is used to create a neighborhood center focal point within a five- to ten-minute walk from most dwelling units. They should be typically anchored by an elementary school and/or other civic uses such as a park, day care center, and/or other community facilities. Small, neighborhood-serving retail and mixed use buildings may be considered and could be a neighborhood asset, however, because of the difficult economic constraints for retail at this small scale, is not required. Neighborhood general 2/high density residential districts, which create neighborhood centers, should typically be located at the crossroads of the "connector" street system that are not more than two lanes.

(b)

Mix of Uses. Each neighborhood other than the neighborhood served by the village center should have a neighborhood center that includes a school, park, and/or appropriate civic buildings. In addition, when viable, a neighborhood center may include day care, elderly care, places of worship, recreation facilities, small businesses, and (potentially) neighborhood-focused retail (e.g., small markets with no more than ten thousand square feet of space, convenience stores, delis, small video stores, bakeries, etc.). Buildings within the neighborhood center may include mixed use and flex use buildings that are initially predominately residential occupancies, however, readily adapted for commercial use when economically viable. Live-work units that are a mix of commercial and residential uses may also be considered. Typically, the location of the neighborhood center should be at the intersection of connecting streets and defined through the specific plan.

(c)

Housing. Housing located within or adjacent to the neighborhood center area should be integrated with its design. Appropriate housing types may include mixed use and flex use buildings, stand-alone multifamily dwellings (such as apartment buildings and condominiums), senior housing, townhouses, rowhouses, duplexes, green courts, cottages, small-lot single-family, and, potentially standard-lot single-family dwelling units.

(d)

Pedestrian-oriented Design and Access. Neighborhood centers should create pedestrian-oriented gathering places that help establish the identity and character of the neighborhood. Neighborhood centers require access by autos and, if applicable, truck-loading areas in the rear, but their design should prioritize convenient and comfortable access for pedestrians and bicycles.

(e)

Park and School. The local elementary (and in some cases the middle schools) may form the focus of a neighborhood center. Along with an adjacent neighborhood park, these facilities could provide the identity and common gathering point for the surrounding neighborhood. The school building should be sited and designed as a prominent civic element of the area. Its recreation areas and other facilities should be designed for joint use, community after school programs, and shared, whenever possible, with civic groups. Its main entry should be architecturally significant and located on the street, not behind a parking lot or bus area. Additionally, the design of the school facility should include a suggested school route map incorporating applicable pedestrian enhancing facilities and traffic calming measures.

(Ord. No. 2463 (NCS).)

Sec. 37-30.510. - Neighborhood general 1/medium density residential (NG-1) district design standards.

(a)

Concept. Neighborhood general 1/medium density residential (NG-1) districts are established to create an area for large- and small-lot detached single-family dwellings, green courts, rowhouses, and townhouses, with potentially a few apartments. The average density of dwelling units in each block in the neighborhood general 1/medium density residential (NG-1) district may become gradually less as one proceeds from the adjoining neighborhood general 2/high density residential (NG-2) district near the village center or neighborhood center to the neighborhood edge/low density residential (NE) district farthest from the village and neighborhood centers.

(b)

Housing Diversity. The district should include a variety of housing sizes and styles. In order to maintain the desired density of residential neighborhoods, a variety of housing sizes, lot sizes, and/or patterns should be used in each neighborhood general 1/medium density residential (NG-1) district.

(Ord. No. 2463 (NCS).)

Sec. 37-30.520. - Neighborhood edge/low density residential (NE) district design standards.

(a)

Concept. Neighborhood edge/low density residential (NE) districts are established to create a low density edge for the specific plan area.

(b)

Housing Diversity. Typically, large-lot single-family dwelling units are allowed in this district, however, other dwelling unit types and styles may be allowed as provided for in each specific plan to promote neighborhood diversity and achieve minimum density requirements.

(Ord. No. 2463 (NCS).)

Sec. 37-30.530. - General neighborhood design standards.

The following design standards shall apply to both the neighborhood general 1/medium density residential (NG-1) and neighborhood edge/low density residential (NE) districts except as noted:

(a)

Housing Design and Orientation. New residential neighborhoods should orient buildings to streets and public parks.

(1)

Dwelling units are to be oriented to the local street system and public spaces with entries, balconies, porches, and architectural features to enliven the streets, provide "eyes on the street," and create safe and pleasant walking environments.

(2)

Housing should be "human scale" in massing, setbacks, and character. Residential developments should encourage structures that foster diversity in design and maintain the character of the community.

(3)

In addition to large-lot single-family dwelling units, alternative housing forms, such as small-lot single-family, green court, paseo homes, townhouses, rowhouses, multifamily dwellings generally not larger than sixteen dwelling units, and second dwelling units on appropriate lots containing a detached single-family dwelling unit assist to increase density and provide diversity of housing opportunities that is encouraged in the NG-1 district.

(4)

The design of attached and multifamily dwellings should include features typically associated with detached single-family dwelling units, including human-scaled architectural elements such as doors, windows, balconies, and other design features to provide interest and variety as well as a sense of individuality. The importance of the scale of the multifamily housing must be emphasized, as the scale and the architectural articulation are critical for successful neighborhood integration of multifamily residences.

(5)

Parking lots for higher density multifamily housing shall not be allowed to dominate the frontage and must be located as unobtrusively as possible and be appropriately screened. In no case shall multifamily housing be allowed to back up to a street.

(b)

Neighborhood Design. To create a pedestrian-oriented, safe, livable environment, each neighborhood should demonstrate the following characteristics:

(1)

The average residential densities per net acre should be highest at the village center and should generally decrease through the adjoining neighborhoods and become predominately low density uses at the neighborhood edges. Neighborhoods should be organized to allow the majority of the residents to walk to either a neighborhood center or the village center main street within five to ten minutes.

(2)

Front yard setbacks should decrease and residential densities should increase from the neighborhood edge to the village center.

(3)

Small parks should be distributed throughout the neighborhood and elementary schools should be easily accessible within a five- to ten-minute walking distance to a majority of the residents.

(4)

Where a natural open space corridor or a pedestrian-friendly boulevard borders a neighborhood edge, the dwelling units along the neighborhood edge should face onto these spaces or boulevards. If the neighborhood is adjacent to agricultural operations, a variety of buffering techniques should be used such as tree rows, streets, etc.

(5)

Whenever feasible, design and placement of buildings and other physical features are encouraged to maximize visibility and facilitate natural surveillance from public rights-of-way and other public areas. This includes building orientation, placement of windows, doors, and balconies, building and site entrances and exits, placement of parking, lighting, and refuse containers, placement and type of landscape materials, plazas, and other open space areas, location of walkways, types of walls and fences (including the use of picket, wrought-iron, and similar materials to promote visibility), and other features that promote crime prevention through environmental design (CPTED).

(c)

Neighborhood Parks.

(1)

Pedestrian and bicycle paths and street connections should be placed to allow surrounding residents to easily and safely access public recreational facilities and schools.

(2)

Larger parks with multiple play fields may be located with schools and should be connected to the citywide parks and open space network, whenever possible. All parks should encourage easy access via streets and trails, and foster safety by making it easy to view into parks from streets and surrounding dwelling units (e.g., placing streets along parks and open spaces and facing dwelling units onto these streets.) Small parks should include program elements that make the construction and on-going maintenance of small parks affordable.

(3)

In addition to providing five-acre neighborhood parks, small parks, tot lots, and open space features of one acre or less, however, not smaller than eight thousand square feet are encouraged to provide close parks or open spaces for smaller clusters of dwelling units (not more than one thousand five hundred feet from any dwelling unit to a large or small park). These open space features may be designed as tot lots and/or for passive recreational areas and should generally not include more active uses such as ball fields.

(4)

Dwelling units should not back onto more than twenty-five percent of a five-acre or larger park or public open space. Smaller "pocket" parks and tot lots of eight thousand square feet to five acres may be surrounded on three sides by dwelling units.

(5)

Additionally, appropriately scaled and accessible public parks, plazas, and open space areas should be located in close proximity to high and medium density housing, such as placing that type of use directly across the street from and facing onto a village green or park.

(d)

Nonresidential Facilities.

(1)

Nonresidential facilities such as water well pumping stations and storage, and the like, shall be designed to be compatible with the character of the surrounding neighborhood. Landscaping, decorative walls, or other buffering techniques, as appropriate, shall be used to ensure such facilities blend with and do not adversely impact adjacent uses.

(2)

Any buildings constructed in conjunction with such facilities shall be compatible with the materials, exterior colors, and any distinctive architectural characteristics found in the surrounding neighborhood.

(3)

The operators/property owners of such facilities shall be required (as a condition of approval) to provide regular maintenance for the life of such facilities (e.g., regular watering and care of vegetation (including replacement of any dead plant material or broken irrigation apparatus), trash and graffiti removal, and the repair and replacement of any damaged or worn-out facilities).

(e)

Street Configuration. Local streets will form an interconnected network, including automobile, bicycle, and pedestrian routes, that provide direct connections to local destinations. Local streets will provide for both intra and inter-neighborhood connections and thus knit neighborhoods together, not form barriers between them. Gated entryways into new developments or neighborhoods will not be allowed.

(f)

Street Design. Local and connector streets should be considered to be both public ways and neighborhood amenities. They should have continuous detached sidewalks and large species of street trees on both sides. Individual residential dwelling units should provide entries, gates, porches, and other inviting features that face local streets to help create a sense of community and improve safety. In the limited circumstances where cul-de-sac streets are appropriate, the cul-de-sac should be open at the end to create pedestrian and bicycle access.

(g)

Natural Features. Natural features including creeks, significant trees, sloping topography, and wetlands shall be protected, where reasonably feasible and accentuated through sensitive site planning, landscaping, building placement, and other measures to ensure that these features are assets benefiting the entire community. Dwelling units shall not back up to these natural features; however, cul-de-sac streets may extend to the natural features provided the cul-de-sac is open at the end and provides access to trails and/or activity areas.

(h)

Phasing. Neighborhoods should be livable at all stages of their development. Important developer-provided facilities such as streets, utilities, and local neighborhood parks shall be provided concurrently with neighborhood development. Important public facilities that are beyond the scope of the developer's responsibilities, such as schools, and civic buildings are also encouraged to be provided concurrently with the neighborhood development or as soon as feasible.

(i)

Dwelling Types. A diverse range of housing types are permitted and encouraged within each residential land use designation as established by the applicable district. The following are examples of the various dwelling types:

(j)

Residential Design Guidelines.

(1)

Entrances: Porches and Entries. To build a walkable community, it is essential that most residential front doors or front porches be visible from the street, court, or paseo. This is critical not only for practical purposes, but because an important element of residential environments is the relationship of the private home to the public street and sidewalk. Therefore, all front entrance areas should be easily recognizable from the street, and include a welcoming architectural feature such as a porch or covered entry.

(2)

Porches. Porches should be an integral architectural feature with the main structure. All porches will incorporate railings when required by UBC. Porches may extend up to five feet into the front setback. Porches may be raised or at ground level.

(3)

Entries. A projecting architectural entry feature such as a shed, arch, or gable providing roof coverage and weather protection should accompany entries. Entries should be an integral architectural feature compatible with the main structure.

(4)

Garage Location.

(A)

All garages facing a public street shall be set back at least twenty feet from the property line with a roll-up door or twenty-three feet from the property line with a standard door to provide an adequate parking apron/driveway.

(B)

The face of the garage shall be set back a minimum of five feet from the residence's front facade.

(C)

For single-family dwelling units and duplexes, front loading garage doors shall not be greater than fifty percent of the street-facing width of the dwelling unit. Front-loading garages and parking access shall only be permitted for interior lots at least forty feet in width and for corner lots at least forty-five feet in width.

(D)

No parking shall be permitted within the exterior yard areas (front or corner side yard/setback areas).

(E)

For rowhouses, townhouses, paseo homes, and green court dwelling units, the garage must be accessed from an alley or lane.

(F)

For multifamily dwellings such as apartments and condominiums, garages and/or parking areas shall not amount to more than thirty-three percent of the building's street-facing facade. Parking for multifamily dwellings, garages, carports, or open parking lots, shall generally be located behind the building.

(G)

Alley or lane accessed parking and/or garages shall be set back from the paved travel way a sufficient distance to accommodate the turning radius of a typical vehicle as established by the city engineer.

(5)

Fencing. Fences help define the edges of yards and provide privacy. They are considered background elements that help highlight landscaping and architecture. Front yard fences are allowed up to thirty-six inches in height. All interior side yard privacy fences must be set back a minimum of four feet from the front facade of the building. The following regulations apply to fencing:

(A)

Locations.

(i)

Interior side yard: four feet minimum back from front building facade, perpendicular to the facade of the dwelling unit,

(ii)

Corner side yard: ten feet minimum back from right-of-way and in rear fifty percent of lot only,

(iii)

Alley fences: minimum of one inch behind the face of the garage. However, alley fencing shall not obstruct the visibility from the parking area and shall relate to the setbacks required to allow for turning radius within the alley;

(B)

Height.

(i)

Rear and interior side yard: six feet maximum,

(ii)

Front and corner side yard: three feet maximum,

(iii)

The overall fence height may be exceeded for lots on sloping topography when fencing is combined with a retaining or garden wall. In this instance, the maximum height of the combined fence and wall shall not exceed nine feet measured from the toe of the wall on the downhill side of the fence.

(C)

All fences, wall, and hedges shall be subject to the driveway visibility requirements of [Section 37-50.460](#): Driveway and corner visibility;

(D)

Acceptable materials: wrought iron, wood, vinyl, plastic-wood composite (e.g., Trex), and masonry (including veneer).

(6)

Architecture.

(A)

Materials. New buildings should support regional traditions and maintain a high level of craft in construction and materials. Exterior finishes should be primarily wood, masonry, and/or stucco. In general, imitation materials should be avoided in favor of genuine materials. Where this is not practical, materials (cement board siding, artificial stone, vinyl fencing, etc.) should be as close to their original models as possible.

(B)

Windows. Windows should be compatible with the building design. Window placement should provide each primary room with natural light and effective cross ventilation.

(i)

Provide at least one window that looks out onto the life of the street from an active room. These "eyes on the street" should make each neighborhood a safer place and provide connection to the street to encourage neighborhood interaction.

(ii)

Consider the dwelling unit's solar orientation for window placement. Tailoring window placement to the dwelling unit's location creates alternating elevations that vary for practical, ecologically sound reasons.

(C)

Trim. Although often decorative in appearance, trim originated to fill a functional need. Traditionally, trim occurred to cover the joints between different planes or different materials and to protect the structure of the

dwelling unit from the elements. Corners, soffits, the edges of windows and doors, the edge of the roof, the roof ridge, each had its own distinct type of trim.

(i)

Trim should be applied consistently around the exterior of the dwelling unit.

(ii)

Trim should be appropriately scaled to the size and style of the dwelling unit.

(iii)

Trim should be applied three-dimensionally. Horizontal trim bands should wrap outside corners and only terminate at inside corners. Fascia should wrap gracefully from rake to eave.

(D)

Roofs. The form of the roof is one of the most memorable and characteristic elements of a dwelling unit.

(i)

Keep the overall roof form of each dwelling unit simple and compact. This is particularly important with smaller dwelling units.

(ii)

Visual variety can be achieved with roof forms, overhangs, and shading devices that relate to the solar orientation of a lot. This results in a more livable and energy efficient dwelling unit and brings a subtle and natural variety to a neighborhood's streetscape.

(iii)

Roof materials should be appropriate to the style of the dwelling unit, roof form, and slope. Heavier or more complex roofing materials (tile or concrete tiles) should be placed on simpler roofs. If they are used on complex roofs, they can cause leakage or unnecessary problems. More complex roofs, however, require monolithic, simpler materials (shingles). The allowable materials for roofs include tile, slate, treated wood, concrete tiles, and thicker architectural grade composition shingles.

(Ord. No. 2463 (NCS).)

Sec. 37-30.540. - Streets and streetscape design standards.

(a)

Hierarchy of Streets. The hierarchy of streets within the future growth area modifies the standard street system by establishing the framework to create distinct identifiable neighborhoods that have traditional neighborhood development (TND) characteristics and corresponding circulation systems. The street network within each neighborhood should exhibit the following characteristics:

(1)

Individual blocks should be compact and average less than six hundred feet in length and average less than one thousand eight hundred feet in perimeter measured along the property line;

(2)

Streets should be organized into a comprehensive hierarchical interconnected (grid-like) network;

(3)

Cul-de-sac streets should be avoided unless natural topographic features or other environmental conditions justify their use; and

(4)

The street network design must consider public safety, appropriate transit access and facilities, and pedestrian and bicycle connectivity.

(b)

Street Network. The street network provides for the following roadway conditions:

(1)

Arterial Streets. Arterial streets are major high-volume roadways often occurring at the neighborhood perimeters and include Boronda Road, San Juan Grade Road, Russell Road, Old Stage Road, Williams Road, Sanborn

Road, Natividad Road, and Constitution Boulevard.

(2)

Main Streets. Each village center shall also have a main street of shops. The main street should have two lanes with one lane in each direction with parking on both sides. In addition, areas of intense development within the villages may have commercial streets that have added dimension for more frequent truck delivery and emergency access to taller buildings.

(3)

Connector Streets. Connector streets lead from village to neighborhood centers and from neighborhood to neighborhood. Their frequency is such that they replace minor arterials and collector streets with roads that are typically two travel lanes (turn lanes may be added at intersections if necessary) with on-street parking. Connector streets occur more frequently than traditional collector streets and are integral components of a neighborhood unlike many collector types of streets that have the potential to fracture neighborhood areas.

(4)

Local Streets. Local streets form the basic network of medium and low density neighborhoods. These streets are intended to be as narrow as safety allows, provide primary access to the residences, and are typically lined with parallel parking to reduce traffic speeds.

(c)

Street Sections. Each specific plan shall include neighborhood street sections appropriately sized for the expected demands as identified in Table [37-30.200](#) as follows:

Table 37-30.200 Proposed Future Growth Area Street Sections						
Description	Curb to Curb (b)	Park Lane (b)	Travel Lane (b)	Travel Lane (b)	Park Lane (b)	Recommended Maximum ADT (c)
Local Residential Street 1 (a)	32	7	9	9	7	1,000
Local Residential Street 2	34	7	10	10	7	1,500
Local Residential Street 3	36	7	11	11	7	2,000
Local Residential Street 4 (a)	28	7	10.5	10.5	n/a	2,000
Collector Street without Bike Lanes	40	8	12	12	8	3,000+

Notes:

- (a) Streets were the tested street sections.
- (b) Measurements in feet.
- (c) ADT favors quality of life/convenience and number of dwelling units fronting the street rather than physical capacity.
- (d)

Traffic-calming Features. The design of an interconnected street network must include provisions to discourage fast through-traffic on neighborhood connector and local streets. Traffic measures that restrict traffic at the expense of the overall interconnectedness and coherence of the future growth area should be avoided. While consideration must always be given to specific demands and conditions (e.g., traffic volume, proximity to larger roads, turning movements, special vehicle needs, and intersection spacing), recommended traffic management measures on connecting and local streets may include:

(1)

Appropriate Street Widths. Each street's design should be based on its anticipated role within the project and surrounding neighborhoods. Street widths should be narrow enough to slow traffic, while accommodating demonstrated traffic demand at a reduced speed and providing adequate emergency vehicle access. Streets should not be wider than needed to accommodate demonstrated traffic demand.

(2)

Traffic Circles. To slow and divert traffic, small traffic circles may be placed at the center of intersections. These islands should be landscaped, but foliage should be pruned to avoid obstructing drivers' views. Traffic circles function most efficiently when they are used without stop signs.

(3)

Median Islands. These islands are installed in the center of a street, and can serve to narrow and redirect traffic lanes, manage traffic movements, and provide a safe pedestrian crossing.

(4)

Bulb-outs, Textured Crosswalks, and Raised Intersections. These features can be used singly or in combination. Bulb-outs slow traffic and reduce pedestrian crossing distances by narrowing the curb-to-curb dimension of the street, either at an intersection or mid-block. Bulb-outs are typically created by eliminating the parking area next to the intersection when a turn lane is not needed. Crosswalks can be textured by means of special pavers or other treatment, to alert drivers that the area being traversed has a special identity for pedestrians. Raised intersections raise the entire intersection a few inches to make drivers aware of pedestrian crossings.

(5)

"T" Intersections. Road alignments are generally offset at least one hundred fifty feet, forcing turning movements. If carefully sited, "T" intersections can also create prominent vistas to parks and civic features.

(6)

Inappropriate Measures. Traffic-calming measures not recommended include the following:

(A)

Speed Bumps. Speed bumps traverse travel lanes with raised strips that are typically three to four inches high. The need for speed bumps is symptomatic of road designs that fail to slow traffic. While offering a method for slowing traffic within pre-existing conditions, other methods for slowing traffic should be employed on new streets.

(B)

Street Closure and Forced Turn. Using permanent barriers and diverters work against the creation of an interconnected street network, and is not recommended.

(e)

Street Trees/Groundscaping. The future growth area shall be landscaped with a palette of street trees and groundscaping keyed to each of the differing street types, to help establish the hierarchy of streets and provide a cohesive theme for the area.

(1)

Spacing. Street trees should be planted on both sides of streets and generally be spaced no more than forty feet apart.

(2)

Species. Each street should typically have one dominant species of street tree for the sidewalk parkway planting area, with perhaps an additional street tree type for any in-street parking space trees or planted medians. Large-canopy deep-root street trees should be used on all streets. London Plane, Maple, and Elm are typical street trees used in our beautiful old time traditional neighborhoods.

(3)

Plant Materials. Village center sidewalks are likely to be hardscaped, with generous tree grates around street trees. In residential districts, a common palette of groundscaping such as low plants is recommended for the area between paving and roadway. A judicious selection of plants includes consideration of site-specific conditions such as shade, wind, moisture, drought tolerance, and soils.

(f)

Street Lights. Streets must be lit with light standards (fixtures and poles) with a consistent and high quality appearance throughout the area. Light bollards are also encouraged in areas with high pedestrian activity levels. The height of light standards should correspond to the activities they illuminate:

(1)

Along Pedestrian Streets. Light standards in environments where pedestrians are the primary focus (e.g., main streets and pedestrian walkways) should be lower in height to create an environment that is more human in scale. These poles should be not more than twenty-five feet high and spaced approximately one hundred fifty feet to one hundred seventy-five feet along streets. A photometric plan shall be required to determine the appropriate spacing to achieve acceptable/reasonable lighting levels as approved by the city engineer.

(2)

Along Primarily Automobile-oriented Streets. Light standards along major streets must relate to both vehicles and pedestrians at the edge of street, and may be taller than those on local and connector streets.

(3)

Placement. To the extent feasible, light standards should be placed on both sides of the street in a triangulated pattern.

(g)

Village Center Main Street Treatments.

(1)

Kiosks. Kiosks serve as information booths and/or shelter for small vendors. Kiosk design should be consistent with the architectural style of surrounding buildings and any nearby landscaped frontages.

(2)

Newspaper Racks. Newspaper racks should occur around major pedestrian gathering areas. The design should consolidate all vending boxes into one rack. Rack construction should use masonry elements or metal that complements other site furnishings in the area or the architecture of adjacent buildings. The rack should be attractive on all sides and properly anchored. Individual racks should not be permitted.

(3)

Bicycle Racks. Bicycle racks should be selected that are durable and visually subdued. Based on their performance, "wave type," "loop racks," and "ribbon bars" are required and should be sized according to parking requirements. The color of bicycle racks should coordinate with the color scheme established for all of the street furnishings in the specific plan's main street area.

(4)

Recycling and Solid Waste Disposal. Throughout the village center, solid waste and recycling receptacles should be provided. Receptacles should have vertical metal bars and be painted to match other recommended features. To avoid overflow, receptacles should be sized to be at least a thirty-gallon capacity, especially in commercial areas, and should be properly anchored. Multiple coats of a powder coating or comparable finish are recommended for durability.

(5)

Planters. Planters should be simple in form. Round and square types are typically recommended. The planter's material should be durable and attractive. Planters should be at least three feet in diameter. Where planters are called for, group various sizes in clusters to enrich streetscapes and plazas.

(6)

Street Paving and Furnishings. Paving, plants, and site furnishings should help set the character of the village and neighborhood centers. These features should be consistent with the following recommendations, whether in streets, parks, plazas, or as on-site landscaping:

(A)

Paving. Special pavers are recommended in parks, plazas, and in crosswalks on main streets. Pavers should be durable and of brick, stone, or other materials appropriate to the traditional style of the region. Interlocking pavers should be used to avoid uneven edges. Paving patterns should be simple and should be reviewed to ensure quality and consistency.

(B)

Tree Grates. Tree grates should occur along sidewalks and in plazas where a continuous walking surface is needed. Tree openings should be expandable.

(C)

Tree Guards. Tree guards should extend vertically from tree grates to protect trees in highly active areas. To relate to other site furnishings, tree guard bars should be narrow and vertical, and should be attached to the tree grate. Welds should not be visible. Tree guards should be about four feet in height with openings varying in diameter according to tree species.

(Ord. No. 2463 (NCS).)

Article IV. - Overlay District Regulations.

Division 1. - Flood (F) Overlay District.

Sec. 37-40.010. - Purpose.

The purpose of the flood (F) overlay district regulations is to:

(a)

Protect development from flood-related hazards;

(b)

Protect public health, safety, and general welfare by regulation of development within flood-prone areas;

(c)

Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

(d)

Control filling, grading, dredging, and other development which may alter drainage patterns and/or increase flood damage;

(e)

Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas;

(f)

Control the cumulative effect of development in flood-prone areas that can increase flood heights and velocity, erosion, downstream impacts, and otherwise contribute to flood loss; and

(g)

Enhance water quality and groundwater recharge by identifying areas where resources can be placed for this purpose, such as floodplains or other areas, in accordance with the requirements of the latest adopted edition of the city's National Pollutant Discharge Elimination System (NPDES) permit requirements.

(Ord. No. 2463 (NCS).)

(Ord. No. 2541 (NCS), § 2, 7-23-2013)
Sec. 37-40.020. - Applicability.

(a)

The flood overlay district may be combined with any zoning district and is located within an area designated within the one-hundred-year flood boundary by the Federal Emergency Management Agency (FEMA) as shown on the Flood Insurance Rate Maps (FIRM), as amended. An area designated for the flood overlay district may be amended if map amendments are approved by FEMA, if supplemental studies show such an amendment is appropriate, and if approved by the city council. The flood overlay district shall be shown by adding "F" to the zoning designation (see Figure 37-40.10).

(b)

This division shall be used in conjunction with Ordinance 2383 (NCS) (ordinance to prevent flood damage), adopted on January 23, 2001, as amended. In case of conflict or overlap, whichever imposes the most stringent restrictions/requirements shall prevail. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with this division, with Ordinance 2383 (NCS), and with all other applicable regulations.

(c)

The requirements of this division shall not apply to any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.

(Ord. No. 2463 (NCS).)

Sec. 37-40.030. - Use classifications, development regulations, and design standards.

Use classifications, development regulations, and design standards shall be those of the underlying base zoning district (as identified in Article III: Base District Regulations of the Zoning Code) except as modified by the flood overlay. All new development within the flood overlay district shall comply with the requirements and development regulations of [Chapter 9](#), Article VI: Flood Damage Prevention. New development includes, but is not limited to any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures or modifications thereto which affect the exterior dimensions of a structure, relocation of a building or structure, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(Ord. No. 2463 (NCS).)

Sec. 37-40.040. - Warning and disclaimer of liability.

This division does not imply that land outside of the flood overlay district will be free from flooding or flood damages. This division shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this division or any administrative decision made thereunder.

(Ord. No. 2463 (NCS).)

Sec. 37-40.050. - Conflict between regulations.

Where a conflict occurs between the flood overlay district and the base district or any other section of the Code, the flood overlay district regulations shall prevail.

(Ord. No. 2463 (NCS).)

Sec. 37-40.060. - Adoption, amendment, or repeal.

Adoption, amendment, or the repeal of the flood overlay district shall be conducted in accordance with the provisions of Article VI, [Division 14](#): Rezones/Pre-zones/Zoning Code Amendments.

(Ord. No. 2463 (NCS).)

Division 2. - Specific Plan (SP) Overlay District.

Sec. 37-40.070. - Purpose.

The purpose of the specific plan overlay district regulations is to:

(a)

Ensure orderly planning for the development of new growth areas and the revitalization of existing developed areas;

(b)

Avoid premature or inappropriate development that would result in incompatible uses or create public service demands exceeding the capacity of existing or planned facilities;

(c)

Allow for detailed and flexible planning of larger areas of land;

(d)

Maintain environmental equilibrium consistent with existing soil, groundwater, stormwater, vegetation and air resources; and

(e)

Ensure sensitive site planning and design.

(Ord. No. 2463 (NCS).)

Sec. 37-40.080. - Applicability.

The specific plan overlay district may be combined with any zoning district located in the city. The district with which the specific plan overlay is combined shall be the base zoning district. Each specific plan overlay district shall be shown on the zoning map by adding "SP" to the zoning designation followed by consecutive numbering indicating the order of their establishment. The existing specific plan overlay areas are shown on Figure 37-40.20.

(Ord. No. 2463 (NCS).)

Sec. 37-40.090. - Use classifications, development regulations, and design standards.

Use classifications, development regulations, and design standards shall be those of the underlying base zoning district's use classifications, development regulations, and design standards (as identified in Article III: Base

District Regulations of the Zoning Code) except as modified by a specific plan adopted for the site.

(Ord. No. 2463 (NCS).)

Sec. 37-40.100. - Specific plan required.

The specific plan overlay district shall be preceded by or made concurrent with the adoption of a specific plan in accordance with Article VI, [Division 15](#): Specific Plans setting forth land use, circulation, public facilities, environmental and design standards and guidelines, and any other elements appropriate to the development or revitalization of an area, along with text and maps, all of which must be consistent with the goals and policies of the general plan.

(Ord. No. 2463 (NCS).)

Sec. 37-40.110. - Future growth area.

Approval for land use or development of a site within a future growth area, as designated in the general plan, shall be preceded by or made concurrent with the adoption of a specific plan for that site. Specific plans located in the future growth area shall also be subject to the regulations in Article III, Division 8: New Urbanism Districts.

(Ord. No. 2463 (NCS).)

Sec. 37-40.120. - Conflict between regulations.

Where a conflict occurs between the specific plan overlay district and the base district or any other section of the Code, the specific plan overlay district regulations shall prevail.

(Ord. No. 2463 (NCS).)

Sec. 37-40.130. - Adoption, amendment, or repeal.

Adoption, amendment, or the repeal of the specific plan overlay district shall be conducted in accordance with the provisions of Article VI, [Division 14](#): Rezones/Pre-zones/Zoning Code Amendments and Article VI, [Division 15](#): Specific Plans.

(Ord. No. 2463 (NCS).)

Division 3. - Gateway (G) Overlay District.

Sec. 37-40.140. - Purpose.

The purpose of the gateway overlay district regulations is to:

(a)

Create entrances that announce arrival and set a tone for the part of the city they introduce;

(b)

Establish attractive and inviting entrances to the city in order to form the basis for positive impressions and perceptions of the community;

(c)

Avoid inappropriate development that would result in incompatible uses or design; and

(d)

Ensure site planning and design that is sensitive to the unique gateway district.

(Ord. No. 2463 (NCS).)

Sec. 37-40.150. - Applicability.

The gateway overlay district may be combined with any zoning district. The district with which the gateway overlay is combined shall be the base zoning district. The gateway overlay district shall be shown on the zoning map by adding "G" to the zoning designation. The areas designated in the general plan as gateway overlay districts are shown on Figure 37-40.30.

(Ord. No. 2463 (NCS).)

Sec. 37-40.160. - Use classifications.

The use classifications allowed the gateway overlay district shall be those use classifications allowed in the underlying base zoning district (the CR, CT, MAF, or IGC district, as applicable) except as modified in Table 37-40.10 below. See Article III: Base District Regulations for the base zoning district regulations. The footnotes listed in the applicable base district, as "Additional Use Regulations" shall apply to use classifications located in the gateway overlay district.

Table 37-40.10 Use Classifications as Modified within the Gateway Overlay District
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Land Use	Type of Use					Additional Use Regulations**
	CR	CT	MAF	IGC	IG	
Public and Semipublic Uses						
Public Utility Service Yards	-	-	-	NP	NP	
Schools—Trade	CUP	-	-	-	-	
Schools—Public/Private	CUP	-	-	-	-	
Commercial Uses						
Adult Entertainment Facilities	-	-	-	NP	NP	
Building Materials and Services	-	-	-	CUP	CUP	
Convenience Stores:	-	-	-	-	-	
With Gas Pumps	CUP	CUP	CUP	-	-	
Equipment Sales, Services, and Rentals	-	-	-	CUP	CUP	
Fortunetelling	CUP	-	CUP	-	-	
Hotels and Motels:	CUP	-	-	-	SPR	(1)
Maintenance and Repair Services:						
Major	-	-	-	CUP	-	
Minor	CUP	-	-	-	-	
Marine Sales and Services	CUP	-	-	CUP	CUP	
Pawn Shops	NP	-	NP	-	-	
Recreational Vehicle Parks	CUP	CUP	-	CUP	-	
Recycling Facilities:						

Heavy Processing	-	-	-	-	NP	
Large Collection	-	-	-	CUP	CUP	
Light Processing	-	-	-	CUP	CUP	
Restaurants:	-	-	-	-	-	
With Drive-through or Drive-in Facilities	CUP	CUP	-	CUP	-	
Salvage and Wrecking Operations:						
Nonvehicular	-	-	-	NP	NP	
Vehicular	-	-	-	NP	NP	
Service Stations	CUP	CUP	CUP	CUP	CUP	
Tattoo and/or Body Piercing Parlors	NP	-	NP	-	-	
Vehicle-related Retail Sales and Services	CUP	-	-	CUP	-	
Vehicle Repair Facilities:						
Major	-	-	-	CUP	CUP	
Minor	CUP	-	-	CUP	CUP	
Vehicle Sales and Services	CUP	-	-	NP	-	
Vehicle Storage	-	-	-	NP	NP	
Vehicle Washing	CUP	-	-	CUP	CUP	
Warehousing —Limited	NP	-	-	NP	NP	
Industrial Uses						
Transfer Stations:	-	-	-	-	NP	
Hazardous Waste	-	-	-	-	NP	
Truck Depot	-	-	-	-	CUP	

Notes:

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

"-" = No change to the base Zoning District Use Classification table.

** Footnotes listed in the base Zoning District Use Classification table shall apply unless modified above.

(1) See [Section 37-50.270](#): Single room occupancy (SRO) housing.

(Ord. No. 2463 (NCS).)

Sec. 37-40.170. - Development regulations and design standards.

The development regulations and design standards shall be those of the underlying base zoning district or other applicable section, except as modified by this section, as follows:

(a)

Yards/Setbacks. A minimum fifteen-foot yard shall be provided along any property line abutting U.S. Highway 101 unless the base district requires a greater yard. Such yards shall be landscaped.

(b)

Screening/Walls and Fencing.

(1)

Any outdoor storage, loading, trash enclosures and compactors, service areas, ground-mounted mechanical area, or other conduct of business outdoors visible from public rights-of-way or U.S. Highway 101 shall be screened by a decorative masonry wall and/or a landscaped berm of a height equal to the materials to be screened as approved by the city planner in accordance with [Section 37-50.090](#)(g): Screening.

(2)

Chain link fencing with or without slats or vinyl coating shall not be used for fencing/screening purposes when visible from any public rights-of-way or U.S. Highway 101.

(3)

No barbed wire, razor, electrified fencing, or similar fencing shall be permitted.

(4)

Roll-up doors, drive-through aisles, vehicle bays, car wash entrances/exits, wash stalls, and similar features shall be screened from view of public rights-of-way and the U.S. Highway 101 by orientation of the building and/or the provision of landscaping, berms, trellises, or low walls (that are consistent with the architecture and exterior materials of the building).

(c)

Lighting.

(1)

Lighting (including the lamp, lenses, and reflectors) shall be shielded and directed away from U.S. Highway 101 and interchanges to ensure no adverse lighting impacts occur.

(2)

Lighting fixtures shall be compatible with and complementary to the architectural style of the buildings and structures on the site.

(d)

Landscaping.

(1)

A landscaping planter, a minimum of fifteen feet in depth in all commercial districts and twenty feet in depth in all industrial districts, shall be provided along the frontages of all public streets and U.S. Highway 101.

(2)

The landscaping requirements specified in [Section 37-50.690\(g\)\(7\)](#): Parking Lot Landscaping shall not be waived for properties located in an industrial district that abuts or is visible from U.S. Highway 101.

(e)

Architecture.

(1)

All building elevations shall be architecturally treated. Elevations visible from U.S. Highway 101 or public rights-of-way shall not run over thirty feet in length without being interrupted by windows or other architectural building features such as columns, awnings, etc., and shall be enhanced with the same architectural treatments as those found on the elevations containing the building's primary pedestrian entrances.

(2)

All building facades (elevations) shall have:

(A)

A recognizable base consisting of (but not limited to):

(i)

Richly textured materials (e.g., tile or masonry treatments),

(ii)

Darker colored materials, mullion, and/or panels, or

(iii)

Enhanced landscaping of mature and specimen shrubs and trees with a minimum planter depth of five feet exclusive of curbs;

(B)

A recognizable top consisting of (but not limited to):

(i)

Cornice treatments,

(ii)

Roof overhangs,

(iii)

Stepped parapets, or

(iv)

Richly textured materials (e.g., tile or masonry treatments).

(f)

Enhanced Paving. Colored, textured paving shall be provided at a minimum depth of ten feet at all primary vehicular driveway entrances (immediately behind the street right-of-way line) to the development.

(g)

Signs.

(1)

Menu-type boards shall face away from public rights-of-way and the U.S. 101 Highway.

(2)

Pole-style signs (other than highway signs) shall not be permitted.

(h)

Telecommunication Facilities. Telecommunication facilities must be stealth facilities. Also see [Section 37-50.290](#): Telecommunication facilities.

(Ord. No. 2463 (NCS).)

Sec. 37-40.180. - Conflict between regulations.

Where a conflict occurs between the gateway overlay district and the base district or any other section of the Code, the gateway overlay district regulations shall prevail.

(Ord. No. 2463 (NCS).)

Sec. 37-40.190. - Adoption, amendment, or repeal.

Adoption, amendment, or the repeal of the gateway overlay district shall be conducted in accordance with the provisions of Article VI, [Division 14](#): Rezones/Pre-zones/Zoning Code Amendments.

(Ord. No. 2463 (NCS).)

Division 4. - Focused Growth (FG) Overlay District.

Sec. 37-40.200. - Purpose.

The purpose of the focused growth overlay district regulations is to focus growth at high potential, under-utilized sites ("focused growth overlay areas") within Salinas by providing standards that will enhance the city and its neighborhoods and create incentives for mixed use neighborhoods that are active, pedestrian-friendly, safe, and welcoming. In addition to this general purpose, the more specific purposes of this division are to:

(a)

Create healthy neighborhood centers where residents of all economic and cultural backgrounds can live, work, walk, shop, exercise, and spend quality time outdoors;

(b)

Increase pedestrian activity by creating neighborhood centers that are conveniently accessed by public transit;

(c)

Provide a mixture of uses to keep the neighborhoods active at all times of the day, not just morning and evening (as in the case of residential zones) or business hours (for commercial zones);

(d)

Reduce vehicle trips and traffic by encouraging a mixture of uses and activities in one location;

(e)

Encourage creative architecture and public design that communicate a neighborhood's locale, purpose, priorities, and personality to those who use the space; and

(f)

Create revitalized neighborhoods through infill development and redevelopment activities.

(Ord. No. 2463 (NCS).)

Sec. 37-40.210. - Applicability.

(a)

Focused Growth Overlay Areas. Unless administratively approved by the city planner pursuant to [Section 37-40.210\(b\)](#) below, development located within the following five focused growth overlay areas illustrated in Figure 37-40.40 shall adhere to the regulations of this division, and these regulations shall supersede the base district regulations:

(1)

Focused Growth Overlay Area 1: Laurel Drive at North Main Street. Focused growth area 1 is located north of downtown Salinas and adjacent to the Sherwood Park and Salinas sports complex. This highly visible and well-trafficked commercial district benefits from strong residential neighborhoods both to the east and the west.

(2)

Focused Growth Overlay Area 2: North Main Street/Soledad Street. Focused growth area 2 is centered around the intersection of North Main Street and West Rossi Streets. This area receives high traffic volume and visibility

with its immediate proximity to both the US 101 Highway and the downtown core. A portion of this focused growth area is located within the central city redevelopment project area.

(3)

Focused Growth Overlay Area 3: South Main Street. Focused growth area 3 stretches from generally Geil Street on the north to Blanco Road on the south and contains existing commercial buildings that transition into the surrounding residential neighborhoods. Salinas high school is in close proximity to this area.

(4)

Focused Growth Overlay Area 4: Abbott Street. Focused growth area 4 stretches from John Street in the north to East Romie Lane in the south, and is in proximity to the Salinas Valley Memorial Hospital.

(5)

Focused Growth Overlay Area 5: East Alisal Street/East Market Street. Focused growth area 5 includes properties fronting Alisal and Market Streets from Sanborn Road to Kern Street. Cesar Chavez community park is located to the north of this area. This focused growth area is located within the Sunset Avenue redevelopment project area.

(b)

Exemptions from Development Regulations and Design Standards.

(1)

The city planner may administratively exempt the following projects from the development regulations and design standards of this division:

(A)

Additions expanding existing structures by less than twenty-five percent of the existing gross floor area or two thousand five hundred square feet, whichever is less;

(B)

Exterior or interior remodels involving no increase in gross floor area;

(C)

Parking lot, loading spaces, recycling and solid waste enclosures, open space, landscaping, and similar site improvements on existing developed properties; and

(D)

Additions to structures and site improvements provided to comply with the ADA/Title 24 requirements.

(2)

Exemptions for additions expanding existing structures more than twenty-five percent or two thousand five hundred square feet may be considered subject to the approval of a conditional use permit if the planning commission finds that the addition will not conflict with the purposes of this division, will enhance the existing conditions, and provide site amenities that bring the property closer to achieving consistency with the development regulations and design standards of the district.

(3)

An exemption for additions to architecturally significant historic structures (as determined by the city planner) not meeting the requirements of subsections (b)(1) or (2) above may be considered subject to the approval of a conditional use permit by the city planner. In addition to the required findings in Article VI, Division 8: Conditional Use Permits, the city planner shall also find that the addition will not damage the historic integrity, architecture, or significance of the building.

(4)

As may otherwise be provided for restoration of a damaged nonconforming structure in [Section 37-50.160](#): Nonconforming uses and structures.

(5)

When exempted, the regulations of the underlying base zoning district shall apply.

(6)

These above-referenced exemptions shall not apply to standards or supplemental regulations applicable to all developments in the city and that are not unique to this overlay district, including, but not limited to Division 1: Flood (F) Overlay District and Division 7: Airport (AR) Overlay District regulations.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 30, 5-18-2010; Ord. No. 2537 (NCS), § 2, 4-30-2013; Ord. No. 2569 (NCS), § 21, 4-19-2016)

Sec. 37-40.220. - Use classifications.

The use classifications allowed in the focused growth overlay district shall be those use classifications allowed in the underlying base zoning district (the CO, CO/R, RL 5.5, RM 3.6, RM 2.9, RH [2.1](#), CR, P, PS, IGC, MAF, or MX district, as applicable) except as modified in Table 37-40.20 and Sections [37-40.235](#) and 37.40.240 below.

Table 37-40.20					
Use Classifications as Modified within the Focused Growth Overlay District					
Land Use	CO, CO/R and RM 2.9	CR	IGC	MAF and MX	Additional Use Regulations**
Residential Uses					(1)
Multiple Detached Dwellings	-	-	-	P	(1)(4)
Multifamily Dwellings	-	-	-	P	(1)(4)
Single-family Dwellings—Attached	-	-	-	P	(1)(4)
Single-family Dwellings—Detached	NP	NP	-	-	(1)
Mixed Uses					
Mixed Use Buildings and Developments	-	-	-	-	(1)
Public and Semipublic Uses					
Public Utility Service Yards	-	-	NP	-	
Schools—Public/Private	-	CUP	-	-	
Schools—Trade	NP	NP	-	-	
Commercial Uses					
Adult Entertainment Facilities	-	-	NP	-	
Building Materials and Services	-	NP	CUP	-	
Convenience Stores:	-	-	-	-	
With Gas Pumps	-	CUP	CUP	-	
Equipment Sales, Services, and Rentals	-	-	CUP	-	

Fortunetelling	-	CUP	-	-	
Hotels and Motels:	-	-	-	-	(1)
Extended Stay					
Live-work Units	-	-	NP	-	
Maintenance and Repair Services:					
Major	-	-	CUP	-	
Minor	-	-	-	-	
Marine Sales and Services	-	NP	CUP	-	
Nurseries	-	NP	CUP	-	(2)
Pawn Shops	-	NP	-	-	
Recreational Vehicle Parks	-	NP	CUP	-	
Recycling Facilities:					
Heavy Processing	-	-	-	-	
Large Collection	-	-	CUP	-	
Light Processing	-	-	CUP	-	
Restaurants:	-	-	-	-	(1)
With Drive-through or Drive-in Facilities	-	NP	CUP	-	
Secondhand or Consignment Stores	-	CUP	-	-	
Service Stations	-	CUP	CUP	-	
Tattoo and/or Body Piercing Parlors	-	NP	-	-	
Vehicle-related Retail Sales and Services	-	NP	CUP	-	
Vehicle Repair:					
Major	-	-	CUP	-	
Minor	-	NP	CUP	-	
Vehicle Sales and Services	-	NP	NP	-	
Vehicle Storage	-	-	NP	-	
Vehicle Washing	-	NP	CUP	-	(3)
Warehousing—Limited	-	NP	NP	-	
Industrial Uses					
Salvage and Wrecking Operations:					
Nonvehicular	-	-	NP	-	
Vehicular	-	-	NP	-	

Notes:

P = Permitted Use

NP = Not Permitted Use

CUP = Conditional Use Permit Required

SPR = Site Plan Review Required

"-" = No change to the base Zoning District Use Classification table.

** Footnotes listed in the base Zoning District Use Classification table shall apply unless modified above.

See [Section 37-40.235](#): Additional use classifications and development regulations for focused growth area

(1) 2 and [Section 37-40.240](#): Additional use classifications and development regulations for focused growth area 4.

(2) In the CR district, nursery uses are allowed as an accessory use only to a retail use.

(3) In the CR district, vehicle washing may be considered subject to the approval of a CUP as an accessory use to a service station only.

Listed residential uses are a permitted use only on parcels of one acre or more, and only within the MX

(4) zoning district; site plan review shall be completed prior to issuance of building permit. Residential uses on parcels zoned MAF shall be allowed in accordance with the MAF zoning district regulations.

(Ord. No. 2463 (NCS).)

(Ord. No. 2537 (NCS), §§ 3, 4, 4-30-2013)

Sec. 37-40.230. - Development regulations.

All development in the focused growth overlay district shall comply with the MX design standards as set forth in [Section 37-30.280](#): Design standards and the MX development regulations as set forth in Table [37-30.120](#) in [Section 37-30.250](#): Development regulations except for the following:

(a)

FAR limitations for commercial and industrial uses not contained within mixed use buildings shall be in accordance with the FAR allowed under the base district.

(b)

Residential density limitations for uses not contained within mixed use buildings shall be in accordance with the density allowed under the base district, except when the base district is MX in which case the following development regulations shall apply to every parcel of one acre or larger in size:

(1)

Minimum net density without density bonus shall be thirty dwelling units to the acre.

(2)

Maximum net density without density bonus shall not exceed forty dwelling units to the acre.

(3)

The bedrooms per dwelling unit requirement set forth in Table 37-30.80 shall not apply.

(4)

Parking requirements are reduced to one parking space per dwelling unit for studio, one-bedroom and two-bedroom dwelling units. Parking requirements for residential units containing more than two bedrooms shall be as specified for such units in the R-H-1.8 district. Required parking spaces for single-family attached dwelling units may be tandem.

(5)

Bicycle parking spaces shall be provided for multiple detached dwellings and for multifamily dwellings at a ratio of one bicycle space for every four required parking spaces, with a minimum of four spaces for each residential building.

(6)

Provided each dwelling unit containing one or more bedrooms is provided with a balcony/terrace directly accessible from the unit of at least sixty square feet in size and with no dimension less than six feet, usable open space requirements are reduced to one hundred square feet per dwelling unit for studio, one-bedroom, and two-bedroom dwelling units and to three hundred square feet per dwelling unit for dwelling units containing three or more bedrooms.

(7)

Except for yards adjacent to parcels in the residential low density (R-L) and residential medium density (R-M-3.6) districts, required minimum yards shall be reduced by five feet from the minimums set forth in Table 37-30.80, Residential High Density (R-H) Districts Development Regulations.

(8)

Maximum height shall not exceed fifty feet. [Section 37-50.080](#): Exceptions to height limits shall apply.

(9)

When developing attached single-family dwellings, the minimum lot size may be reduced to no less than one thousand four hundred square feet.

(10)

A management plan shall be submitted for review and approval by the city planner prior to issuance of construction permits for residential structures. At a minimum, the management plan shall describe policies ensuring ongoing exterior maintenance, on-site security measures for residents and property, appropriate posting of emergency evacuation plans, and the adoption of reasonable practices governing the allocation of parking spaces and the use of common open space areas.

(11)

National Pollutant Discharge Elimination System (NPDES) permit. Permitted uses shall provide for inlet protection and trash containment and otherwise comply with applicable federal, state and local water quality regulations including storm water development standards (SWDS) and others established by the city's NPDES permit.

(c)

Development regulations for specified focused growth areas are further modified in Sections [37-40.235](#) and [37-40.240](#).

(d)

Department staff will monitor development applications to ensure that sufficient sites remain within the central city and focused growth overlay districts, or within other designated qualifying sites, to accommodate development sufficient to accommodate one hundred percent of the remaining 2007-2014 Regional Housing Needs Allocation for the city as determined by the Association of Monterey Bay Area Governments.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 31, 5-18-2010; Ord. No. 2537 (NCS), § 5, 4-30-2013)

Sec. 37-40.235. - Additional use classifications and development regulations for focused growth area 2.

(a)

Residential Uses in the MX District. On parcels zoned MX that are one acre in size or larger the only non-discretionary permitted by-right uses shall be multiple detached dwellings, multifamily dwellings, and attached single-family dwellings. In each case the minimum net density shall be no less than thirty dwelling units to the acre and the maximum net density shall be no greater than forty dwelling units to the acre.

(b)

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

(Ord. No. 2537 (NCS), § 6, 4-30-2013)

Sec. 37-40.240. - Additional use classifications and development regulations for focused growth area 4.

(a)

Industrial Projects Exempt. Regardless of size, properties with an underlying base district of industrial-general commercial (IGC) are exempt from the development and design regulations of this division, and shall be subject to the development regulations and design standards of Article III, Division 5: Industrial (I) Districts.

(b)

Residential and Mixed Uses in the CO District. Residential and mixed use residential uses shall be subject to the issuance of a conditional use permit. Single-family detached dwellings shall not be permitted. Live-work units shall be allowed in accordance with the base zoning district regulations.

(c)

Residential Uses in the MX District. On parcels zoned MX that are one acre in size or larger the only non-discretionary permitted by-right uses shall be multiple detached dwellings, multifamily dwellings, and attached single-family dwellings. In each case the minimum net density shall be no less than thirty dwelling units to the acre and the maximum net density shall be no greater than forty dwelling units to the acre.

(d)

Hotels and Motels. Hotels and motels shall be allowed in the CO district subject to the issuance of a site plan review approval and extended stay hotels and motels may be considered subject to the approval of a conditional use permit.

(e)

Outdoor Picnic Areas. An outdoor picnic area with table(s) and seats (with a minimum of eight seats required) shall be provided for commercial and mixed uses that have thirty employees or less. For commercial and mixed uses that have more than thirty employees, a minimum of sixteen seats shall be provided. Such picnic areas shall count toward the required landscaping area.

(f)

Restaurants. In the CO district, restaurant uses (without drive-through or drive-in facilities) shall be permitted subject to the issuance of a SPR.

(Ord. No. 2463 (NCS).)

(Ord. No. 2537 (NCS), § 7, 4-30-2013)
Sec. 37-40.250. - Design standards.

The mixed use (MU) design standards in [Section 37-30.280](#): Design standards shall apply to all development in the focused growth overlay district except as otherwise permitted by this division.

(Ord. No. 2463 (NCS).)

Sec. 37-40.260. - Area design concepts.

The following area design concepts provide examples of potential development scenarios for the various focused growth areas and are intended to assist the designer in understanding the city's goals and objectives for high quality development in the focused growth overlay district. These concepts describe and illustrate the potential types of development and land uses desired for the focused growth overlay areas. These design concepts are intended to be applied in conjunction with the development regulations and design standards found in the mixed use (MU) districts to promote the development of mixed use areas that are pedestrian-oriented, compact, active, vital, and safe.

(a)

Focused Growth Overlay Area 1: Laurel Drive at North Main Street. Figures 37-40.50A and B illustrate a design concept and photo simulation for this area. With the area located at the intersection of Laurel Drive and Main Street, this area should be designed to provide a pedestrian-oriented area adjacent to a major community activity center, the Salinas sports complex. Uses within this design concept could include:

(1)

A grocery store or other large-scale retail establishment located on the southeast corner of the intersection;

(2)

Residential dwelling units located above retail along North Main Street in the form of apartments and/or live-work units;

(3)

A hotel on the southwest corner and retail on the other three corners of the main intersection of Laurel Drive and North Main Street.

(b)

Focused Growth Overlay Area 2: North Main Street/Soledad Street. Figures 37-40.60A and B illustrate a design concept and photo simulation for this area. This neighborhood's visibility, strong social services, entrance to the city's downtown, and the possibility of linking it to the rail corridor and the bus station create a clear opportunity for transit-oriented development (TOD). Revitalization of this area should include rowhouses/townhouses or other high density and mixed use buildings in proximity to the transit station. Given a portion of this area is located in the central city redevelopment project area, additional resources, programs, and incentives exist for existing and new development that are generally not available in other parts of the city, including affordable housing assistance, which can also be used to promote revitalization of the area.

(c)

Focused Growth Overlay Area 3: South Main Street. Figures 37-40.70A and B illustrate a design concept and photo simulation for this area. This area has an abundance of existing parking and can benefit from its proximity to Salinas high school and the foot and automobile traffic that it draws. Its location on the southern entry route to downtown Salinas makes it the gateway to the city. A specialty grocery store or other large-scale retail establishment that draws pedestrians and vehicles to the site would be appropriate where Romie Lane intersects South Main Street. Offices and residences located above the retail establishments would also help focus and generate pedestrian activity in the area.

(d)

Focused Growth Overlay Area 4: Abbott Street. Figures 37-40.80A and B illustrate a design concept and photo simulation for this area. The underutilized land at the intersection of Abbott and Malarin Streets should be consolidated to create sufficient room for a potential hotel along the east side of the street. Visitors to the nearby hospital would be able to use this amenity, and the increased activity on the site would support an increased density of residential above retail/offices along the west side of Abbott Street.

(e)

Focused Growth Overlay Area 5: East Alisal Street/East Market Street. Figures 37-40.90A and B illustrate a design concept and photo simulation for this area. The focus of this area should be on creating neighborhood main streets with a variety of shopping, eating, entertainment, and residential activities above pedestrian-oriented commercial uses. Given this focused growth area is located entirely within the sunset redevelopment project area, additional resources, programs, and incentives exist for existing and new development that are generally not available in other parts of the city, including affordable housing assistance, which can also be utilized to promote revitalization of the area.

(Ord. No. 2463 (NCS).)

Sec. 37-40.270. - Conflict between regulations.

Where a conflict occurs between the focused growth overlay district and the base district or any other section of the Code, the focused growth overlay district regulations shall prevail.

(Ord. No. 2463 (NCS).)

Sec. 37-40.280. - Adoption, amendment, or repeal.

Adoption, amendment, or the repeal of the focused growth overlay district shall be conducted in accordance with the provisions of Article VI, [Division 14](#): Rezones/Pre-zones/Zoning Code Amendments.

(Ord. No. 2463 (NCS).)

Division 5. - Central City (CC) Overlay District.

Sec. 37-40.290. - Purpose.

The purpose of the central city overlay district regulations is to provide development regulations and design standards to:

(a)

Encourage and accommodate the increased development intensity for mixed use, commercial, retail, and office uses within the central city;

(b)

Increase opportunities for infill housing and innovative retail while transforming and aesthetically improving transportation corridors into pedestrian-oriented civic boulevards with mixed use projects;

(c)

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

(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.

(Ord. No. 2463 (NCS).)

Sec. 37-40.300. - Applicability.

(a)

Downtown Core (DC) and Downtown Neighborhood (DN) Areas. The central city overlay district includes regulations applicable to the downtown core and downtown neighborhood areas illustrated in Figure 37-40.100. Unless an exemption is approved in accordance with [Section 37-40.300\(b\)](#) below, development located within the downtown core and downtown neighborhood areas shall adhere to the regulations of this division, and these regulations shall supplement the base district regulations.

(b)

Exemptions from Development Regulations and Design Standards.

(1)

The city planner may administratively exempt the following projects from the development regulations and design standards of this division:

(A)

Additions expanding existing structures by less than twenty-five percent of the existing gross floor area of the existing structure or two thousand five hundred square feet, whichever is less,

(B)

Exterior or interior remodels involving no increase in gross floor area,

(C)

Parking lot, loading spaces, recycling and solid waste enclosures, open space, landscaping, and similar site improvements on existing developed properties, and

(D)

Additions to structures and site improvements provided to comply with the ADA/Title 24 requirements;

(2)

Exemptions for additions expanding existing structures more than twenty-five percent or two thousand five hundred square feet may be considered subject to the approval of a conditional use permit if the planning commission finds that the addition will not conflict with the purposes of this division, will enhance the existing conditions, and provide site amenities that bring the property closer to achieving consistency with the development regulations and design standards of the district;

(3)

An exemption for additions to architecturally significant historic structures (as determined by the city planner) not meeting the requirements of subsection (b)(1) or (2) above may be considered subject to the approval of a conditional use permit by the city planner. In addition to the required findings in Article VI, Division 8: Conditional Use Permits, the city planner shall also find that the addition will not damage the historic integrity, architecture, or significance of the building;

(4)

As may otherwise be provided for restoration of a damaged nonconforming structure in [Section 37-50.160](#): Nonconforming uses and structures;

(5)

When exempted, the regulations of the underlying base zoning district shall apply;

(6)

These above-referenced exemptions shall not apply to standards or supplemental regulations applicable to all developments in the city and that are not unique to this overlay district.

(Ord. No. 2463 (NCS).)

Sec. 37-40.310. - Use classifications.

(a)

Downtown Core Area. The use classifications for properties located in the downtown core (DC) area shall be those of the underlying base district (as identified in Article III: Base District Regulations of the Zoning Code), with the following exceptions:

(1)

Residential Uses. Residential uses are not permitted on the ground floor fronting Main Street regardless of the underlying base district designation.

(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)

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:

(A)

The live entertainment use shall be limited to a musical, theatrical, dance, karaoke, cabaret, or comedy act performed by one or more persons (excludes adult entertainment);

(B)

The venue or location where the live entertainment use will be conducted or performed shall be a restaurant, art gallery, music studio, food and beverage sales establishment, or similar use which is allowed in the applicable zoning district as either a permitted use or as a use permitted subject to the issuance of a site plan review;

(C)

The live entertainment use shall be an accessory use to the principal use;

(D)

The live entertainment use shall be conducted entirely in an enclosed building;

(E)

No admission or cover charge shall be charged for the live entertainment;

(F)

The hours of operation (for the live entertainment) shall be limited to Friday, Saturday, and holidays from 9:00 a.m. to 12:00 a.m. and on Sunday through Thursday from 9:00 a.m. to 10:00 p.m.;

(G)

The principal use and building complies with all applicable Fire and Building Codes, including accessibility requirements for the disabled, including the maximum occupancy established for seated patrons in the room(s) or areas where the entertainment is provided;

(H)

The maximum noise level shall not exceed a maximum of sixty-five decibels at any property line of the lot or parcel where the live entertainment use is being conducted or performed. For mixed use buildings and developments, the applicant shall demonstrate to the satisfaction of the city planner that sound attenuation measures or other buffering features have been incorporated into the building to ensure that the interior noise level (inside any residential dwelling unit) located on the subject site will not exceed a maximum of forty-five decibels;

(I)

The city planner has the authority to require and verify compliance with the requirements of this division and to bring enforcement action in accordance with Article VI, [Division 18](#): Enforcement and Penalties in regard to any live entertainment use, which is not be operated in compliance with the requirements of this Zoning Code; and

(J)

For live entertainment uses that do not meet one or more of the above-referenced requirements, or for which the principal use is not a permitted use or use subject to a site plan review approval in the applicable zoning district, a conditional use permit for a live entertainment permit shall be required.

(b)

Downtown Neighborhood Area. The use classifications for properties located in the downtown neighborhood area shall be those of the underlying base district identified in Article III: Base District Regulations of this Zoning Code.

(Ord. No. 2463 (NCS).)

Sec. 37-40.320. - Development regulations.

(a)

General Provisions. Development located in the DC and DN areas shall be subject to the applicable development regulations identified elsewhere in this Code unless modified by this division.

(b)

Downtown Core Area. Table 37-40.30 identifies the development regulations applicable to all development in the downtown core.

(c)

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

(1)

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

(2)

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

(3)

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

(d)

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

(e)

See [Section 37-50.015](#) for an adaptive reuse project located within the Central City Overlay.

Table 37-40.30 Downtown Core Area Development Regulations		
Development Regulations	Downtown Core (DC)	Additional Regulations
Lot Size—Minimum	7,500 sq. ft.	(A)(K)(L)(P)(Q)
Lot Depth—Minimum	100 ft.	(K)(M)
Lot Width—Minimum	50 ft.	(K)(M)
Lot Frontage—Minimum	40 ft.	(K)(M)
Yards		(H)(I)

Front—Minimum/Maximum	0 ft./10 ft.	
Side	0 ft.	
Interior—Minimum/Maximum	0 ft./10 ft.	
Corner Side—Minimum/Maximum	0 ft./10 ft.	
Rear—Minimum	0 ft.	
Height—Maximum	See Figure 37-40.110 A, B, C	(I)
FAR—Maximum for Nonresidential Development only on a PS, CO or CR district (underlying base district) property.	3.0 FAR	(B)
FAR—Maximum for Nonresidential Developments only on a MX (underlying base district) property.	4.0 FAR	
FAR/Residential Density—Maximum for Mixed Use Buildings and Developments on a CR district (underlying base district) property.	3.0 FAR + 24 d.u. per net acre without density bonus	(C)(P)(Q)
FAR/Residential Density—Maximum for Mixed Use Buildings and Developments on a CO district (underlying base district) property.	3.0 FAR + 20 d.u. per net acre without density bonus	(C)(P)(Q)
FAR/Residential Density—Maximum for Residential—Mixed Use Buildings and Developments on an MX district (underlying base district) property.	4.0 FAR + 80 d.u. per net acre without density bonus	(C)(P)(Q)
Lot Area per Dwelling Unit—Minimum for Residential Developments only on a CO or CR district (underlying base district) property.	1,450 sq. ft.	(P)(Q)
Lot Area per Dwelling Unit—Minimum for Residential Developments only in a MX district (underlying base district) property.	725 sq. ft.	(P)(Q)
Usable Open Space Area per Dwelling Unit—Mixed Use Buildings and Developments:		
Minimum Private Usable Open Space	60 sq. ft.	(D)(F)(G)(J)(N)
Minimum Common Usable Open Space	40 sq. ft.	(D)(E)(G)(J)(N)
Usable Open Space Area per Dwelling Unit—Minimum for Residential Developments Only	500 sq. ft.	(D)(E)(J)(O)
Landscaping	See Article V, Division 4: Landscaping and Irrigation.	
Fences, Walls, and Hedges	See Section 37-50.090 : Fences, walls, and hedges.	
Off-street Parking, Loading, and Outdoor Lighting	See Section 37-40.330 (q): Parking and Article V, Division 2: Parking, Loading, and Outdoor Lighting.	
Driveway and Corner Visibility	See Section 37-50.460 : Driveway and corner visibility.	
Signs	See Section 37-40.330 (w): Signs for Downtown Core Area and Article V, Division 3: Signs.	
Outdoor Facilities	See Section 37-50.170 : Outdoor storage and display.	
Accessory Uses and Structures	See Section 37-50.010 : Accessory uses and structures.	
Screening of Mechanical Equipment	See Section 37-50.240 : Screening of mechanical equipment.	

Swimming Pools, Spas, and Hot Tubs	See Section 37-50.010(k) : Swimming Pools, Spas, and Hot Tubs.
Recycling and Solid Waste Disposal	See Section 37-50.200 : Recycling and solid waste disposal regulations.
Performance Standards	See Section 37-50.180 : Performance standards.
Nonconforming Uses and Structures	See Section 37-50.160 : Nonconforming uses and structures.
Recreational Vehicles, Prohibited Vehicles, and Equipment	See Section 37-50.190 : Recreational vehicles, prohibited vehicles, and equipment parking and storage.
Condominium Conversions	See Section 37-50.050 : Condominium conversions.
Vehicle Trip Reduction	See Section 37-50.330 : Vehicle trip reduction.

Notes:

- (A) See Sections [37-50.070\(a\)](#) and (b): Development on Existing Lots.
- (B) The maximum floor area ratio (FAR) applies to all development on the site excluding structured parking.
- The method of relating floor area ratio and dwelling units per acre equates forty dwelling units per acre to a 1.0 floor area ratio. Any combination of this ratio may be used to determine appropriate residential density on a site, such as 0.25 FAR = 10 dwelling units per acre and 0.5 FAR = 20 dwelling units per acre.
- (C) a 1.0 floor area ratio. Any combination of this ratio may be used to determine appropriate residential density on a site, such as 0.25 FAR = 10 dwelling units per acre and 0.5 FAR = 20 dwelling units per acre.
- (D) Private usable open space shall have a minimum side dimension of six feet.
- (E) Common usable open space may be divided into more than one area; however, each common area shall be a minimum of four hundred square feet, with no dimension less than ten feet.
- (F) One hundred percent of the private usable open space requirement may be provided as common usable open space.
- Development of a total of ten or fewer studio or one-bedroom dwelling units within an existing building envelope may be exempted by the city planner from private and common usable open space requirements when no opportunities for usable open space exist. New developments with a total of ten or fewer dwelling units may be exempted from the common usable open space requirement.
- (G) See [Section 37-40.330\(b\)](#): Yards/Setbacks for additional setback regulations.
- Structures shall not intercept a forty-five-degree inclined plane inward from a height of ten feet above existing grade at an R district boundary line. Single-story structures and ground level parking may encroach a maximum of five feet into required side and rear yards. See [Section 37-40.330\(e\)](#): Mass and Scale.
- (H) See [Section 37-40.330\(n\)](#): Usable Open Space for additional usable open space regulations.
- (I) No minimum lot size, depth or width shall be required to accommodate viable renovation and use of existing historic or architecturally significant buildings, as determined by the city planner.
- (J) The minimum lot size for lots with a single-family attached dwelling may be reduced to one thousand square feet.
- For lots with a single-family attached dwelling, the minimum lot width requirements may be reduced to a minimum of twenty feet and the lot depth may be reduced to fifty feet. The minimum lot frontage requirement for single-family attached dwellings shall be twenty feet except that the minimum lot frontage requirement may be waived for single-family attached (rowhouse) dwellings located on lots, which do not front a street.
- (K) requirement for single-family attached dwellings shall be twenty feet except that the minimum lot frontage requirement may be waived for single-family attached (rowhouse) dwellings located on lots, which do not front a street.

- Applies only to studio, one-bedroom, and two-bedroom dwelling units. If no more than a maximum of thirty percent of the dwelling units in a mixed use building or development are three- or four-bedroom dwelling units, the minimum usable open space may be reduced from five hundred square feet to three hundred square feet (for the three-bedroom dwelling units) and to four hundred square feet (for the four-bedroom dwelling units). If more than thirty percent of the total dwelling units are proposed as three- or four-bedroom dwelling units then a minimum of five hundred square feet of usable open space shall be provided per dwelling unit.
- (N) hundred square feet (for the three-bedroom dwelling units) and to four hundred square feet (for the four-bedroom dwelling units). If more than thirty percent of the total dwelling units are proposed as three- or four-bedroom dwelling units then a minimum of five hundred square feet of usable open space shall be provided per dwelling unit.
 - (O) The usable open space may [be] reduced to two hundred fifty square feet per dwelling unit for residential buildings with only studio, one- and two-bedroom dwelling units.
 - (P) See [Section 37-50.060](#): Density bonus.
 - (Q) See [Chapter 17](#) of the Municipal Code for inclusionary housing requirements for projects with ten or more residential dwelling units.

(Ord. No. 2463 (NCS).)

(Ord. No. 2537 (NCS), § 8, 4-30-2013; Ord. No. 2592 (NCS), § 3; Ord. No. 2605 (NCS), § 3, 7-3-2018; Ord. No. 2607 (NCS), §§ 2, 3, 9-18-2018)

Sec. 37-40.330. - Design standards for the downtown core (DC) area.

(a)

General Provisions.

(1)

The purpose of this section is to facilitate innovative project design in the downtown core (DC) area, particularly for infill development and reuse of existing structures. These standards address site planning, building design, and landscaping particularly as they enhance and promote a pedestrian-oriented district.

(2)

Development located within the downtown neighborhood area shall be subject to the design standards of the underlying base district and not the standards identified in this section.

(b)

Yards/Setbacks.

(1)

Buildings with ground floor residential uses shall have a maximum front yard and corner side yard of ten feet to accommodate stairs, landings, porches, covered architectural entry features, and similar building features. Ground floor residential uses are prohibited on properties fronting Main Street except for entry lobbies, foyers, courtyards, and similar areas that provide access to above ground floor residential dwelling units.

(2)

When provided, the front or corner side yard shall include landscaping and/or a hard-surface expansion of the sidewalk. Walkway connections to building entrances shall include special paving treatment or materials. The use of awnings, canopies, and arcades shall be provided as appropriate to provide visual interest, shade, and, to protect pedestrians from the elements.

(3)

In pedestrian areas, where there is generally no front or corner side yard for mixed use and commercial projects, a portion of the front or corner side building elevation may be set back to allow for pedestrian-oriented outdoor uses and areas only, such as outdoor patio dining areas, public art, fountains, entry forecourts, plazas and courtyards, or other amenities appropriate to an urban setback. In these cases, the city planner may allow the maximum front or corner-side yard to be extended.

(c)

Building Siting, Orientation, and Entrances.

(1)

New buildings shall be sited to avoid random and irregular building relationships, and shall be arranged to create a sense of unity and overall harmony with adjacent structures. To the maximum extent possible, new structures shall be clustered to create plazas and pedestrian malls and avoid the creation of "barrack-like" rows of structures. Where clustering is impractical, a visual link between separate structures on a site shall be established. This link can be accomplished through the use of an arcade system, trellis, or other open structure.

(2)

On parcels fronting Main Street and on parcels fronting Central Avenue and Gabilan Street, Alisal Street and San Luis Streets between Salinas and Monterey Streets, at least fifty percent of the frontage (exclusive of driveways) shall be designed to accommodate appropriate retail uses and enhance pedestrian activity along sidewalks. The ground floor story shall be at least eighteen feet in height (see Figure 37-40.130A). In no event shall blank walls or opaque doors exceed ten feet in length in frontage along the street.

(3)

The main building entrance or entrances shall be oriented to the street or major plazas or open space to maximize natural surveillance and provide "eyes on the street." The main entries to buildings shall be clearly demarcated, visible, and accessible from the street and/or pedestrian walkways. Secondary building entries may be from parking areas.

(4)

Commercial facilities in mixed use projects shall be oriented to the street, with parking located in the rear or side of buildings. The perimeter of parking lots and driveways adjacent to streets and sidewalks shall be screened with an attractive low wall, berm, or landscaping. The entrances to parking lots shall be visually minimized as much as possible from public rights-of-way.

(d)

Natural Surveillance. Whenever feasible, design and placement of buildings and other physical features are encouraged to maximize visibility and facilitate natural surveillance from public rights-of-way and other public areas. This includes building orientation, placement of windows, doors, and balconies, building and site entrances and exits, placement of parking, lighting, and refuse containers, placement and type of landscape materials, plazas, and other open space areas, location of walkways, types of walls and fences (including the use of picket, wrought-iron, and similar materials to promote visibility when appropriate), and other physical obstructions in a manner that discourages the potential for criminal activity.

(e)

Mass and Scale.

(1)

The mass and scale of a new development shall be compatible with neighboring developments and not overwhelm them with disproportionate size or a design that is out of character. Buildings shall step down to lower-profile buildings on adjacent properties.

(2)

Structures shall not intercept a forty-five-degree inclined plane inward from a height of ten feet above existing grade at an R district boundary line. Single story structures and ground level parking may encroach a maximum of five feet into required side and rear yards (see Figure 37-40.120).

(3)

Mandatory height restrictions provide transitions between the downtown core and surrounding properties. The intent is to reduce the apparent height of the building as viewed from the street but to leave flexibility to create interlocking massing rather than "wedding-cake" stacking of progressively smaller floors (see Figures 37-

40.110B and C). On lots with a maximum height of seventy-five feet, no more than fifty percent of the frontage shall rise to the maximum height; the balance of the frontage shall step back below a plane sloping forty-five degrees from the facade starting at the fifty-foot level (see Figure 37-40.110C).

(f)

Roof Treatments.

(1)

Corner Towers. Corner towers are encouraged to enhance the profile of the downtown skyline, to provide identity and orientation to the core area, and to form gateways at prominent intersections. Height and bulk shall be limited to minimize shading of sidewalks and public spaces on the opposite side of the street during the middle of the day.

(2)

Rooftop Equipment Screening. Mechanical equipment must be integrated into the overall mass of the building and screened from public view behind parapets or recessed into hips, gables, parapets, or similar features as appropriate to the architectural building design in accordance with [Section 37-50.240](#): Screening of mechanical equipment. Plain equipment boxes are not acceptable.

(3)

Parapets. For roofs featuring a parapet wall along the building's street frontage, an additional four feet may be added to the maximum facade height to accommodate the parapet, provided that such parapet is architecturally integrated with the building. Additional parapet height along up to twenty-five percent of the building frontage may be approved for roofline articulation and for appropriate architectural enhancements.

(4)

Articulation. At a minimum, the roofline at the top of the structure shall not run in a continuous plane for more than fifty feet without offsetting or jogging the roof plane.

(5)

Roof Materials. Roof materials shall be appropriate to the style of the building, roof form, and slope. The allowable materials for roofs include tile, slate, metal, and composition shingles with an architectural grade shadow shake rather than a simple three-tab. Flat roofs shall be appropriately screened by parapets.

(g)

Facade Articulation.

(1)

Building design shall avoid large monotonous facades, long straight-line building fronts, plain box shapes, and barren exterior treatment. All building elevations visible from a public right-of-way including U.S. Highway 101 shall be highly articulated, and incorporate the chosen design theme in a consistent manner (see Figures 37-40.130A and B).

(2)

For compatibility with historic buildings on parcels fronting Main Street and on parcels fronting Central Avenue and Gabilan Street, Alisal and San Luis Streets between Salinas and Monterey Streets, building design shall use massive walls with "punctured openings" and the ground floor shall be clad and/or accented with traditional

quality materials such as stone, molded plaster, hand-troweled mortar, iron, brick, terra cotta, ceramic tile, brass, or bronze.

(3)

Building facades shall generally be articulated at least every fifty feet by changes in building mass or facade treatment, such as projected entrance windows, roof form, or other architectural features or ornamentation. Use of mirrored glass and dark tinting for windows in ground floor facades facing a public right-of-way is prohibited.

(4)

For residential dwelling units, the facades of the buildings shall be designed so as to give individual identity to each grouping of dwelling units using techniques such as providing a deep notch between the various groupings; varying architectural elements between dwelling units (e.g., roof shape, window shape, stoop detail, or railing type); providing porches and balconies; or varying color or materials of each individual grouping within a harmonious palette of colors and materials.

(5)

Parapets and other utility-related structures exposed to adjoining properties shall be screened and architecturally integrated into the building using similar building materials, accents, and colors.

(h)

Privacy for Residential Dwelling Units.

(1)

To balance privacy, security, and pedestrian friendliness, the primary entrances of ground floor residential dwelling units shall face a public sidewalk, and the finished floor elevation shall be at least eighteen inches but no more than sixty inches above the sidewalk provided that an accessible "at grade" entrance is available.

(2)

Buildings should be oriented to promote privacy to the greatest extent feasible. In mixed use projects, residential windows should face away from loading, service, and recycling and solid waste disposal areas. To the extent residential windows face the windows of an adjacent dwelling unit, the windows shall be offset or use other features to provide privacy.

(3)

Windows, balconies, or similar openings should be oriented to minimize direct line-of-sight into adjacent dwelling units within the development (see Figure 37-40.140). In addition, dwelling units above the ground floor shall generally be designed so that they do not look directly onto private patios or backyards of the adjoining residential property or dwelling units when feasible.

(4)

Landscaping may also be used to aid in privacy screening and as a buffer from commercial development.

(i)

Special Treatment For Uses Abutting Residential Districts.

(1)

To provide privacy for adjacent residential dwelling units, the windows on the second and higher floors of buildings, which directly face residential zoning districts should be designed either as translucent, louvered, be offset from existing residential windows, or utilize another solution achieving privacy for residential dwelling units.

(2)

Development in the downtown core area shall be designed to minimize motor vehicle circulation through local single-family neighborhood streets.

(3)

Parking areas shall be located and designed to be convenient in order to minimize parking in residential neighborhoods; however pedestrian connections are encouraged.

(4)

Building facades and garages that face or abut existing dwelling units shall be designed to be compatible with the setbacks and scale of the existing development.

(j)

Colors.

(1)

Exterior building and roofing colors shall be appropriate to and enhance the architectural style and materials of the structure. Large areas of intense primary color shall generally be avoided, as subdued colors are more appropriate as the dominant overall color for a structure.

(2)

The color palette chosen for new structures shall generally be compatible with the colors of adjacent structures. An exception is when the colors of adjacent structures strongly diverge from these design standards.

(3)

Primary or bold colors may only be used to accent elements, such as door and window frames and architectural details.

(4)

Wherever possible, minimize the number of colors appearing on the structure's exterior. Small structures shall generally use no more than three colors, unless appropriate to the architectural style.

(5)

Roof flashing, rain gutters and downspouts, vents, and other roof protrusions shall be finished to complement the adjacent materials and/or colors.

(k)

Vehicle Circulation and Access.

(1)

Site access and internal circulation shall promote safety, efficiency, and convenience. Vehicular traffic shall be adequately separated from pedestrian circulation. Vehicular entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.

(2)

The number of site access points or driveway aprons shall be minimized. Driveway entrances shall be located as far as possible from street intersections and shall be coordinated with existing or planned median openings and driveways on the opposite side of the roadway. Common driveways that provide vehicular access to more than one site are encouraged.

(l)

Pedestrian Circulation.

(1)

All new uses shall be oriented and designed to enhance pedestrian movement to and between adjacent uses.

(2)

New development shall include pedestrian walkways. Pedestrian circulation shall be adequately separated from vehicular traffic. Pedestrian entrances and walkways shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.

(3)

In mixed use projects, pedestrian walkways shall link dwelling units with the compatible commercial facilities in the project, common open space, plazas and courtyards, parking areas, and public sidewalks.

(4)

Colored, textured paving shall be used to delineate pedestrian crossings at circulation drives and parking aisles.

(m)

Plazas and Courtyards.

(1)

New nonresidential and mixed use projects on sites twenty thousand square feet or larger in size shall incorporate plazas and courtyards into the ground floor of their design. Buildings can be clustered to create usable pedestrian areas. Street furniture shall be required and other public amenities such as fountains and public art should also be provided. Where such development sites include residential development, plazas and courtyards may also be used to meet common usable open space requirements, subject to all criteria for such usable open space are met.

(2)

For such developments, the minimum requirement for plazas and courtyards shall be twenty-five square feet of plaza/courtyard space per each one thousand square feet of nonresidential gross floor area. This minimum square footage requirement shall in no instance require more than five percent of the total lot area to be devoted to plazas/courtyards.

(3)

Where ground floor building space is occupied by pedestrian-oriented retail or other pedestrian-oriented uses with entrances opening directly to the plaza/courtyard area, the city planner may allow the maximum front or corner-side yard to be extended.

(n)

Usable Open Space.

(1)

The design of the common usable open space shall complement the street pedestrian realm with plazas, pocket parks, public gathering spaces, street furniture, and landscaping.

(2)

The design shall provide visual and physical cues that demark the public open space from the private open space.

(3)

To integrate new buildings with the surrounding area, new buildings are encouraged to provide passageways through new buildings that allow for light and air to adjacent buildings.

(4)

In mixed use and residential projects, common usable open space shall be provided in large, meaningful areas that are visible from the residential dwellings they serve. Common open space areas shall be convenient to the majority of dwellings and shall contain amenities appropriate to the project's size (see usable open space requirements in Table 37-40.30 and as illustrated on Figure 37-40.150).

(5)

In mixed use and residential projects, private usable open space shall be contiguous to the dwelling unit it serves and whenever possible, be screened from public view for privacy. All balconies and patios that front a public street shall be designed to screen items being stored on the balcony or patio.

(6)

Rooftop open space may be used as common usable open space or private usable open space, when directly accessible to the dwelling unit(s) it serves.

(o)

Recycling and Solid Waste Disposal.

(1)

In mixed use projects, the residential dwelling units shall have and maintain a recycling and solid waste disposal area that is separate from that used by the commercial uses whenever feasible. It shall be clearly marked for residential use only and use by commercial uses is prohibited.

(2)

All recycling and solid waste disposal areas for commercial uses shall be located so as to be convenient to the commercial users and where associated odors and noise will not adversely impact the residential uses.

(3)

Recycling and solid waste areas and receptacles shall be screened so as to not be visible from the public right-of-way and shall be in accordance with the requirements of [Section 37-50.200](#): Recycling and solid waste disposal.

(p)

Outdoor Storage and Display. Outdoor storage and display in the central city overlay zone shall be subject to the standards and regulations specified in [Section 37-50.170](#): Outdoor storage and display.

(q)

Parking.

(1)

Parking for uses in the downtown core area shall be provided as required in Article V, Division 2: Parking, Loading, and Outdoor Lighting. A reduction in use buildings or developments and/or stand-alone uses in the downtown core area subject to the approval of a shared parking arrangement pursuant to [Section 37-30.280\(q\)](#): Parking.

(2)

No parking structures are permitted on parcels fronting Main Street.

(3)

Both stand-alone structures and parking structures that are integrated with other development in the same building must include appropriate architectural detailing and provide at least fifty percent of their ground floor frontage with commercial uses. Exceptions to this fifty percent ground floor frontage requirement may be considered by the city planner subject to the approval of a conditional use permit. However, to facilitate future conversion to retail or other pedestrian-oriented uses, the sidewalk-facing ground floor of parking structures shall have a minimum fifteen-foot ground story height dimension.

(4)

Both stand-alone structures and parking structures that are integrated with other development in the same building shall be architecturally integrated with the project design and their visual impacts minimized through proper siting and design. Parking structures shall include architectural detailing, facade treatment, artwork, landscaping, or similar features to enhance the street facade (see Figure 37-40.160).

(5)

The ground floor of all parking structures fronting a street shall be horizontal. To facilitate future conversion to retail or other pedestrian-oriented uses, the sidewalk-facing ground floor of parking structures shall have a minimum fifteen feet ground story height dimension.

(6)

To minimize curb cuts and negative impacts on pedestrians, existing alleys shall be used for ingress and egress to parking. Shared driveways and parking arrangements between commercial uses where available are strongly encouraged. On Main Street, driveways and curb cuts shall be prohibited.

(7)

Parking shall be conveniently located near nonresidential uses but visibly minimized from arterial streets and public spaces.

(8)

No existing structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by Article V, Division 2: Parking, Loading, and Outdoor Lighting provided that the number of existing on-site parking and loading spaces as of the date of adoption of this division shall not be reduced.

(9)

Parking Lot Landscaping. Where parking lots abut streets, a minimum eight-foot-wide landscaped frontage shall be provided on the site, adjacent to the sidewalk. Landscaped frontages are not required when parking lots are sited behind buildings or plazas. A minimum number of shade trees are required, equivalent to one tree per five parking stalls. Trees in parking lots shall be spread uniformly throughout the parking area and may not be

located only at the end of parking rows. Trees planted along connecting walkways and adjacent landscaped frontages may also contribute to the one-per-six requirement for parking lots. Trees in parking lots must be set into a tree well or planter having a minimum interior dimension of five feet (exclusive of curbs). Attractive bollards, raised concrete curbing, or tree guards designed to be compatible with the development shall protect trees adjacent to walkways and in plazas.

(10)

Parking Lot Location. All new construction of parking lots shall occur behind structures, to the side or within the interior of the development where it is not visible from the street.

(11)

Vehicle Maneuvering Areas. Vehicle maneuvering areas (including drive-through lanes, queuing areas, service station pump islands, and similar vehicle-related areas) shall be located within the interior of developments and be screened from view of adjacent streets. Such areas shall not be located between the street and the street facades of buildings.

(12)

Electric Vehicle Charging Areas. Whenever possible, electric vehicle charging areas shall be provided in parking areas.

(13)

Off-street parking and loading facilities need not be increased at the time of change in occupancy or use or of major or minor alteration of a structure. Except under the following conditions, no enlargement (e.g., increase in floor area that would increase the number of required parking spaces) of an existing structure nor construction of a new structure shall be permitted unless parking spaces are provided in accordance with Article V, Division 2: Parking, Loading, and Outdoor Lighting or one of the following conditions is met:

(A)

A parking waiver is granted pursuant to [Section 37-50.370](#): Reduction of required number of parking and loading spaces.

(B)

The new replacement structure is no larger in floor area than one or more structures that occupied the same parcel on the date of adoption of this division and which will be demolished concurrently with the construction of the replacement structure.

(14)

Where required for new development, off-street loading spaces shall generally be provided adjacent to existing public alleys. The use of shared loading spaces for several properties is encouraged. The city planner may consider a waiver or modification of the loading space requirements identified in Article V, Division 2: Parking, Loading, and Outdoor Lighting where dictated by existing conditions such as parcel size and dimensions, access, and availability of off-site loading facilities.

(r)

Lighting.

(1)

Building-mounted lighting and freestanding lighting in public areas such as plazas, specifically along Main Street, shall be designed at a pedestrian scale.

(2)

Such lighting shall be architecturally integrated with the building design and shall highlight architectural details of the building.

(s)

Special Treatment for Architecturally/Historically Significant Buildings.

(1)

Architectural/historic character is a significant part of downtown Salinas's image. The character of the buildings located within downtown provides great opportunity to further define the city's image and attraction of new commercial and diverse housing opportunities.

(2)

Protect and maintain significant stylistic features. Architectural/historic features, including original materials, architectural details, and window and door openings, contribute to the character of a structure and shall be preserved when feasible. Continued maintenance is the best preservation method. Preventative measures shall not harm the architecturally/historically significant materials. Only those features that are deteriorated shall be repaired, and only those features that are beyond repair shall be replaced.

(3)

Design additions to architecturally/historically significant buildings so that the difference between the significant fabric and addition is readily apparent. Use offsets in plane (setbacks, stepbacks, or reveals), changes of fenestration, materials, and colors to differentiate old and new. As appropriate and feasible, set back added stories so that the apparent height of the original facade is unchanged.

(4)

Design additions to architecturally/historically significant buildings in a manner that is consistent with the building's predominant architectural style, including the scale, form, features, and finishes. Modifications shall not obstruct significant architectural/historical features of the primary structure. Additions shall also take into consideration the architectural/historic site design and building placement of the primary structure on the lot (see Figures 37-40.170A and B).

(5)

Avoid removing or altering significant architectural features. To the extent feasible, preserve significant features in their original form and position as follows:

(A)

Preserve the size and shape, including glazing and frame shapes of windows and doors. These features have a significant effect on the building character, giving scale and visual interest to individual facades. It is most important to maintain the proportions of the original windows and doors.

(B)

Maintain a storefront and all of its character-defining features. Many of downtown's architectural/historic resources are commercial buildings with clearly defined primary entrances and large display windows. The

repetition of these elements creates visual unity.

(C)

Preserve primary historic building materials whenever feasible. Do not cover or conceal the original facade materials (e.g., wood siding or painting over brick or stone).

(D)

Replace architecturally/historically significant features in-kind when restoration is not an option. If replacement is necessary, the new material shall match that being replaced in design, color, texture, and finish to convey the visual appearance of the original. When reconstruction of an element is impossible, develop a design that replicates the original or a new design that is a simplified interpretation of it.

(t)

Special Treatment for Development of Small Lots (e.g., ten thousand square feet or less).

(l)

Ground Floor Use and Design.

(A)

Although ground floor retail, restaurant, and other pedestrian-oriented neighborhood-serving uses are preferable along the pedestrian realm, residential is permitted on the ground floor with the following standards:

(i)

Residential located on the ground floor facing the pedestrian realm shall be designed with articulated facades, including features such as awnings, elevated steps and entrances, recessed windows, doors and patios, windows treated for privacy and pedestrian interest, and drought-tolerant planting.

(ii)

The more public areas of the residential dwelling units, such as lobbies, exercise rooms, living rooms, or dining areas, shall face the street while more private areas, such as bedrooms, shall be located in the rear of the building or on upper floors.

(iii)

Ground floor residential uses are prohibited on Main Street except for entry lobbies, foyers, courtyards, and similar areas, which provide access to above ground floor residential dwelling units.

(B)

New development located at signalized intersections of major streets shall be designed to accommodate pedestrian-oriented community-serving commercial uses.

(2)

Architectural Character and Massing.

(A)

The form of buildings and architectural details shall be designed to create visual interest at the street level using techniques such as staggering the frontage of the building, recessing doors and windows, providing varied display windows, providing awnings and canopies for weather protection and scale, and visually extending interior spaces outside through paving and glazing.

(B)

Building plans and facades shall vary from building to building and from project to project to create interest along the street.

(C)

Materials and colors shall be selected to unify the building appearance and fit into the pedestrian realm context by creating interest along the street and retaining the general historic theme that is established in the downtown.

(3)

Building Entries and Service Access.

(A)

To promote active, pedestrian-oriented streets, each individual tenant or business establishment and residential lobbies shall be oriented to and accessible from the major street frontage and directly from the public sidewalk.

(B)

Services area shall be located at the rear of the building unless these areas can be concealed within the interior of the building design.

(4)

Access.

(A)

To minimize the number of curb cuts thereby making the streetscape more walkable and attractive for new mixed use projects, consolidation of building sites shall be encouraged to reduce the number of access drives from the major arterials. Shared driveway access between lots is permitted to further reduce driveways cuts from the arterials.

(B)

Vehicular access shall be provided from the side streets, adjacent alleys, and parallel streets. Traffic-calming techniques should be provided to minimize intrusion of traffic into adjacent neighborhoods. Where side streets, alleys, or parallel streets are not available, driveway access shall be limited to no more than one twenty-four-foot wide driveway per two hundred feet of building frontage.

(5)

Lot Consolidations.

(A)

As many of the lots are smaller than ten thousand square feet, lot consolidation is encouraged along the corridors to leave more space along the pedestrian realm for street trees, pedestrian amenities, and on-street parking, as well as providing more efficient private development sites.

(B)

When consolidating lots, new development shall respect the existing fabric of the community by reflecting architectural/historic development patterns through the use of building indentations, breaks in buildings for open space, changes in color, or other methods.

(u)

Accessory Structures. The design of accessory structures shall be architecturally compatible with the principal structure on the site through the use of consistent architectural style, exterior building and roofing colors and materials, and landscaping.

(v)

Kiosks. Kiosk design and exterior color(s) shall be compatible with the architectural style and exterior color(s) of surrounding buildings.

(w)

Signs for the Downtown Core Area.

(1)

Applicability. Signs will be reviewed for their consistency with these standards and the standards provided in Article V, Division 3: Signs. These sign standards are to ensure that signs communicate their message clearly and are of high standards, visually and aesthetically. Preferred sign types are shown in Figure 37-40.180.

(2)

Design.

(A)

Signs must make a positive contribution to the general appearance of the street and the downtown core area in which they are located. High quality, imaginative, and innovative sign design is required.

(B)

The scale of signs shall be appropriate for the building on which they are placed and the area in which they are located. The size and shape of a sign shall be proportional with the scale of the structure. Small storefronts shall have smaller signs than larger storefronts.

(C)

Pedestrian-oriented signs are signs that are designed for and directed toward pedestrians so that pedestrians can easily and comfortably read the sign, as they stand adjacent to the business. Pedestrian-oriented signs are required for at least one of the permitted signs for a business.

(D)

Make signs smaller if they are oriented to pedestrians. The pedestrian-oriented sign is usually read from a distance of fifteen feet to twenty feet and not more than one hundred fifty feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign's viewing distance, the smaller that sign shall be (see Figure 37-40.190).

(E)

Signs shall be designed so that they are integrated with the design of the building. A well-designed building facade or storefront is created by the careful coordination of sign and architectural design, and a coordinated color scheme. Signs in multiple-tenant buildings shall be designed to complement or enhance the other signs in the building.

(F)

Master sign plans serve to create a coordinated project theme of uniform design elements such as color, lettering style, and placement. Master sign plans are required for new multiple-tenant buildings or integrated commercial development and encouraged for existing commercial development.

(G)

Sign materials shall be compatible with the design of the facade on which they are placed. Developers/designers shall consider the architectural design of the building's facade and select materials that complement the design. The selected materials shall also contribute to the legibility of the sign. For example, glossy finishes are often difficult to read because of glare and reflections.

(i)

Sign materials shall be extremely durable. Paper and cloth signs are not suitable for exterior use (except on awnings) because they deteriorate quickly. If wood is used, it shall be properly sealed to keep moisture from soaking into the wood and causing the sign's lettering to deteriorate.

(H)

Sign colors shall complement the colors used on the adjacent buildings and the project as a whole.

(i)

A substantial contrast shall be provided between the color and material of the background and the letters or symbols to make the sign easier to read during both day and night. Light letters on a dark background or dark letters on a light background are most legible. Light letters on a dark background work best for both day and nighttime use.

(I)

Signs must be legible.

(J)

A brief message shall be used whenever possible. The fewer the words, the more effective the sign.

(K)

Letters and words shall not be spaced too closely. Crowding of letters, words, or lines will make any sign more difficult to read. Conversely, over spacing of these elements causes the viewer to read each item individually, again obscuring the message. Letters shall not crowd the margins of the sign area.

(L)

Symbols and logos can be used in place of words whenever appropriate.

(M)

The number of lettering styles that are used on a sign shall be limited in order to increase legibility. As a general rule, limit the number of different letter types to no more than two for small signs and three for larger signs. Intricate typefaces and symbols that are difficult to read reduce the sign's ability to communicate.

(3)

Location.

(A)

The architecture of the building often identifies specific locations for signs, and these locations shall be used, except when these areas are above the main roofline.

(B)

Wall signs shall be placed to establish facade rhythm, scale, and proportion. On buildings that have a monolithic or plain facade, signs can be placed to establish or continue appropriate design rhythm, scale, and proportion.

(C)

To minimize irreversible damage to masonry, all mounting and supports shall be inserted into mortar joints and not into the face of the masonry. This technique does not damage the surface and allows for easy removal.

(D)

Signs that are replaced on stucco exteriors can result in unattractive "patched" areas. These potential maintenance problems shall be addressed during the approval process for the sign replacement.

(4)

Wall Signs. Wall signs are to be mounted flush and fixed securely to a building wall and not extending sideways beyond the building face or above the highest line of the building to which it is attached.

(A)

Wall signs shall be located on the upper portion of the storefront, within or just above the storefront opening. The length of the sign shall not exceed the width of the storefront.

(B)

Wall signs shall be placed within a clear area. These areas are defined as an architecturally continuous wall surface uninterrupted by doors, windows or architectural detail.

(C)

Wall signs shall be mounted in locations that respect the design of a building, including the arrangement of bays and openings.

(D)

Signs shall not obscure windows, grillwork, piers, pilasters, and ornamental features. Typically, wall signs shall be centered on horizontal surfaces (e.g., over a storefront opening).

(E)

Wall-mounted channel letters are encouraged.

(F)

Signs shall be designed to create a clearly defined edge, provide shadow relief, and a substantial appearance. This effect is generally difficult to achieve by painting the sign directly on the building. For this reason, painted signs are discouraged except on awnings.

(5)

Window Signs.

(A)

Window sign copy shall be applied directly to glazed area.

(B)

Window signs shall be created from high quality materials such as paint, gold leaf, or neon. Appropriate techniques for window signs include sandblasting or etched glass.

(C)

Window signs shall be applied directly to the interior face of the glazing or hung inside the window thereby concealing all mounting hardware and equipment.

(D)

Well-designed window graphics shall be used in the construction of the sign to attract attention but still allow pedestrians to view store interiors.

(6)

Can-type Signs. Can-type signs are prohibited. Any existing can-type sign where a change to sign face is proposed may only feature a colored background with lighter contrasting letters or symbols.

(7)

Awning and Canopy Signs. The use of awning and canopy signs are encouraged in the central city overlay to promote signage that is more pedestrian-scaled.

(8)

Projecting/Blade Signs.

(A)

Projecting/blade signs shall not be mounted above the second floor windowsill in multistoried buildings.

(B)

The design of the sign shall consider visually interesting elements such as square or rectangular shapes with painted or applied letters, two- or three-dimensional symbols or icons, irregular outlines, and/or internal cutouts.

(C)

Projecting/blade signs shall be small in scale.

(D)

Projecting/blade signs shall be oriented to pedestrians passing on the sidewalk in front of the buildings rather than to automobiles or pedestrians on the far side of the street.

(E)

Mounting hardware shall be an attractive and integral part of the sign design. Simple round pipe brackets with plugged ends or added decorative end elements are generally appropriate for signs. However, metal brackets of a more decorative and complex shape are encouraged where appropriate to add to the character of the building.

(9)

Hanging Signs—Where Permitted.

(A)

These signs shall be used only at ground floor locations except for upper floor businesses with covered entry porches and balconies.

(B)

These signs shall be treated similar to projecting/blade signs.

(C)

Signs shall be oriented toward the pedestrian and impart a sense of creativity in its design.

(10)

Marquee Signs.

(A)

Marquee signs are to be installed only on buildings occupied by theaters, cinemas or performing arts facilities.

(B)

The sign copy of marquee signs shall be limited to include only the facility's name and changeable copy related to current and future attractions.

(11)

Plaque Signs.

(A)

Plaque signs are to be located only on wall surfaces adjacent to tenant entries.

(B)

Signs are to include the business name and a business logo.

(C)

Plaque signs are encouraged to include unique designs or other visually stimulating decorations and may be irregular in outline shape.

(12)

Freestanding Signs.

(A)

The sign structure shall be architecturally designed and incorporate design details, materials, and colors of the associated buildings.

(B)

Pole signs are prohibited in the downtown core area.

(13)

Sign Illumination.

(A)

Sign illumination is a necessary component for effective visual communication, particularly for establishments conducting business in the after-dark hours. However, too much light can be a nuisance. Applicants shall consider if the sign needs to be lighted at all. Lighted window displays may provide sufficient illumination to identify the business. This can be particularly effective when good window displays and graphics are used.

(B)

Illumination by a projected light (e.g., spotlight) is usually the best arrangement, as signs appear to be integrated with the building's architecture. Projected lighting emphasizes the continuity of the structure's surface, and signs

become an integral part of the facade, which is typically not exhibited with internal illumination. Fixtures illuminating in front of signs cast light onto the signs as well as the building's facade.

(C)

The use of small, unobtrusive fixtures for external (projection) lighting is required. Avoid the use of oversized fixtures that are out of scale with the sign and structure.

(D)

Backlighting, solid letters are encouraged. Signs consisting of opaque, individually cut letters mounted directly on a structure can often use a distinctive element of the structure's facade as a backdrop, thereby providing a better integration of the sign with the structure.

(E)

Individually illuminated letters, either internally illuminated or backlit solid letters (reverse channel), are a preferred alternative to can-type signs, which are prohibited in the downtown core area. Signs comprised of individual letters mounted directly on a structure can often use a distinctive element of the structure's facade as a backdrop, thereby providing a better integration of the sign with the structure.

(F)

Up-lighting refers to a lighting technique used particularly with monument signs where the light source is located typically in the ground, landscaping, or within a projecting wall relief, concealed from view. This technique is encouraged, especially for illuminating monument signs.

(G)

Neon signs are generally discouraged. However, neon back-lighted signs with opaque, reverse channel letters, neon back-lighted signs with dimensional plexiglas letters, and signs with illuminated open-face, channel letters are appropriate forms of illuminated signs in certain situations. Exposed neon tubing script may also be an appropriate alternative, if it fits within the context of a building design.

(H)

Whenever projection lighting is used (fluorescent or incandescent), care shall be taken to properly shield the light source to prevent glare from spilling over into adjacent areas and any public right-of-way. Signs shall be lighted only to the minimum level required for nighttime readability.

(14)

Signs for Historic and Architecturally Significant Buildings.

(A)

Many of the downtown core area's historic and architecturally significant buildings are rich with architectural design elements and details. Extreme care must be taken not to cover or interfere with design elements that contribute to the building's character.

(B)

Signs must not cover over architectural elements. As major elements of the storefront, signs must also fit into the building facade just as if they were one of the architectural elements. Within permitted parameters, use a building's or storefront's architectural elements, such as prominent entranceways, display windows, and lintel bands or friezes above transom windows or cornices, to suggest a location, size, or shape for the sign.

(C)

Signs, themselves, may also be a significant historic architectural feature of a building. The rehabilitation of these signs is strongly encouraged.

(D)

Lighting shall be in accordance with historically appropriate lighting types. This includes neon, individual incandescent bulbs, and overhead gooseneck lighting, subject to compliance with current Electrical Codes.

(E)

These sign standards are intended to allow the construction and installation of signs that are in character with the building or district on/in, which it is proposed to be located. However, the intent of these regulations is not to require all signs on a historic building to be exact replicas of the signs that would have been on the building when it was new. Rather, sign types that would have been applied to the building during its period of historic significance are encouraged. Design parameters such as size, location, font, finish, color, materials, lighting, and method of installation shall be evaluated for character and design consistency.

(Ord. No. 2463 (NCS).)

Sec. 37-40.340. - Conflict between regulations.

Where a conflict occurs between the central city overlay district and the base district or any other section of the Code, the central city overlay district regulations shall prevail.

(Ord. No. 2463 (NCS).)

Sec. 37-40.350. - Adoption, amendment, or repeal.

Adoption, amendment, or the repeal of the central city overlay district shall be conducted in accordance with the provisions of Article VI, [Division 14](#): Rezones/Pre-zones/Zoning Code Amendments.

(Ord. No. 2463 (NCS).)

Division 6. - East Romie Lane Corridor (ERL) Overlay District.

Sec. 37-40.360. - Purpose.

The purpose of the East Romie Lane Corridor (ERL) overlay district regulations is to:

(a)

Ensure that adequate and sufficient off-street parking is provided in the general vicinity of Salinas Valley memorial hospital for office uses; and

(b)

Encourage the provision and location of office and multi-family residential uses in the East Romie Lane Corridor in accordance with the general plan.

(Ord. No. 2463 (NCS).)

Sec. 37-40.370. - Applicability.

The East Romie Lane Corridor overlay district may be combined with any underlying base zoning district. The East Romie Lane Corridor overlay district shall be shown on the zoning map by adding an "ERL" to the zoning

designation for properties located on Figure 37-40.200.

(Ord. No. 2463 (NCS).)

Sec. 37-40.380. - Use classifications, development regulations, and design standards.

The use classifications, development regulations, and design standards shall be those of the underlying base zoning district (as identified in Article III: Base District Regulations of the Zoning Code) except as follows:

(a)

Parking.

(1)

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.

(2)

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.

(b)

Maximum Floor Area Ratio (FAR) and Density. The maximum FAR shall be one plus ten dwelling units per acre for a mix of office and residential uses and up to a maximum of twenty dwelling units per acre for residential projects without office uses.

(Ord. No. 2463 (NCS).)

Sec. 37-40.390. - Conflict between regulations.

Where a conflict occurs between the East Romie Lane Corridor overlay district and the base district or any other section of the Code, the East Romie Lane Corridor overlay district regulations shall prevail.

(Ord. No. 2463 (NCS).)

Sec. 37-40.400. - Adoption, amendment, or repeal.

Adoption, amendment, or the repeal of the East Romie Lane Corridor overlay district shall be conducted in accordance with the provisions of Article VI, [Division 14](#): Rezones/Pre-zones/Zoning Code Amendments.

(Ord. No. 2463 (NCS).)

Division 7. - Airport (AR) Overlay District.

Footnotes:

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Editor's note— Ord. No. 2569 (NCS), § 21, adopted April 19, 2016, changed the title of Div. 7 from "Airport (AP) Overlay District" to read as herein set out.

Sec. 37-40.410. - Purpose.

In addition to the general purposes listed in Article I, Division 1: General Provisions, the purpose of the airport overlay district regulations is to:

(a)

Fulfill the city's obligations, in accordance with requirements of state law (Government Code Section 65302.3), to implement the airport land use compatibility policies adopted by the Monterey County airport land use commission;

(b)

Regulate land use development within the vicinity of Salinas municipal airport to protect it from potential encroachment by land uses which are incompatible with airport activities and which may impair the future

development and use of the airport; and

(c)

Minimize the public's exposure to excessive noise and safety hazards that would result from incompatible land use development within areas around airport.

(Ord. No. 2463 (NCS).)

Sec. 37-40.420. - Applicability.

(a)

Development Review Applications, Structures, and Vegetation. This division shall apply to development review applications, structures, and vegetation if located on or proposed for land situated within the "area of influence" of the Salinas municipal airport as follows (see Figure 37-40.210):

(1)

General plan amendments to the Salinas general plan;

(2)

Rezoning or pre-zoning of any parcel of land;

(3)

Parcel or subdivision maps;

(4)

Sign permits or master sign plans for signs over fifty feet tall;

(5)

Large family day care home permits;

(6)

Site plan review, conditional use permits, variances, and planned unit developments for:

(A)

Any nonresidential project involving the construction of two thousand five hundred square feet or more of new floor area or an increase in the height of an existing structure; (applies to both new construction and additions), or

(B)

Any nonresidential project of any size that involves the conversion to uses that involve the assembly of persons (e.g., classrooms, churches, and gymnasiums),

(C)

Any new construction of a residential dwelling or mixed use building or development, or

(D)

Any increase in the height of an existing residential dwelling or mixed use building or development;

(7)

Building permits for any new construction of a residential dwelling;

(8)

Building permits for additions to residential dwellings involving an increase in the height of the structure, where the structure is located in the runway protection zone; or

(9)

Any structure including those in existence prior to the effective date of this division, the height of which would conflict with Salinas Municipal Code, [Chapter 4: Airport](#), and which is determined by the deputy city manager or their designee to be hazardous to airport operations.

(b)

Tall Structures. This division also applies to any development review application for construction or alteration of a structure (including antennas, poles, or towers) higher than two hundred feet above ground level at the site, regardless of the site's location within the city of Salinas. Any such structure shall comply with the requirements of the Salinas Municipal Code, [Chapter 4: Airport](#).

(c)

Exceptions. Except with respect to height limitation requirements on structures and trees, this division does not apply to:

(1)

Existing development (as of the effective date of this division) for which no expansion or changes of use are proposed even if the existing uses are not in conformance with the standards herein;

(2)

Use of airport property by the city of Salinas; or

(3)

Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions.

(Ord. No. 2463 (NCS).)

Sec. 37-40.430. - Review for airport compatibility.

Any development review application identified in [Section 37-40.420](#)(a) or (b) shall be reviewed by the deputy city manager, or their designee, to ensure conformance with the Salinas Municipal Code, [Chapter 4](#): Airport, prior to approval by the applicable reviewing body.

(Ord. No. 2463 (NCS).)

Sec. 37-40.440. - Use classifications, development regulations, and design standards.

Use classifications, development regulations, and design standards shall be those of the underlying base zoning district (as identified in Article III: Base District Regulations of the Zoning Code) except as modified by the airport overlay. All development activity listed in Sections [37-40.420](#)(a) and (b) of this division shall conform to the requirements and development regulations of Salinas Municipal Code, [Chapter 4](#): Airport.

(Ord. No. 2463 (NCS).)

Sec. 37-40.450. - Avigation easements.

(a)

Avigation Easement Dedication. The city shall require the owner of any property located in the Salinas Municipal Airport "area of influence" to dedicate an avigation easement as a condition of approval of any development review application, or structure identified in [Section 37-40.420](#)(a) or (b). The easement is required to protect the airport airspace from objects which could constitute hazards to air navigation, and to inform future owners and prospective purchasers of the property that aircraft may fly over the location at low altitudes while approaching, departing, or maneuvering near the associated airport. Such easement shall include special provisions, for properties within the clear zone, required for the California International Airshow (see Figure 37-40.210). The easement shall be dedicated prior to the recordation of any land division or if there is no land division prior to the issuance of the first building permit for the development.

(b)

Avigation Easement Provisions. The language of the avigation easement shall be as set forth by resolution of the Salinas city council.

(c)

Recordation. The deputy city manager, or their designee, shall file the avigation easement for recordation with the Monterey County recorder's office.

(Ord. No. 2463 (NCS).)

(Ord. No. 2569 (NCS), § 6, 4-19-2016)

Sec. 37-40.460. - Conflict between regulations.

Where a conflict occurs between the airport overlay district and the base district or any other section of the Code, the airport overlay district regulations shall prevail.

(Ord. No. 2463 (NCS).)

Sec. 37-40.470. - Adoption, amendment, or repeal.

Adoption, amendment, or the repeal of the airport overlay district shall be conducted in accordance with the provisions of Article VI, [Division 14](#): Rezones/Pre-zones/Zoning Code Amendments.

(Ord. No. 2463 (NCS).)

Article V. - Supplemental Regulations Applying to All Districts.

Division 1. - Special Regulations Applying to All Districts.

Sec. 37-50.010. - Accessory uses and structures.

(a)

Purpose. The purpose of this section is to establish regulations governing the location, maximum height, size, and design requirements for accessory structures and uses within all zoning districts.

(b)

Definitions. The following definitions shall apply to this section:

(1)

Accessory Structure. A structure which:

(A)

Is detached from or attached to a principal structure and not designed or used for living or sleeping purposes;

(B)

Is subordinate to and serves a principal structure;

(C)

Is subordinate in area, extent or purpose to the principal structure;

(D)

Contributes to the comfort, convenience, or necessity of the occupants of the principal structure; and

(E)

Is located on the same lot as the principal structure.

(2)

Accessory Use. A use which:

(A)

Is subordinate to and serves a principal use;

(B)

Is subordinate in areas, extent, or purpose denoted to the principal use;

(C)

Contributes to the comfort, convenience, or necessity of occupants of the principal use; and

(D)

Is located on the same lot as the principal use.

(3)

Architectural Entry Features. Unenclosed projecting overhead elements such as a shed, arch, or gable providing roof coverage and weather protection over the doorways of structures. Such entries shall be an integral architectural feature compatible with and attached to the main structure.

(4)

Building Line. The exterior wall surface of the main residential building exclusive of architectural projections or eaves.

(5)

Deck. An unenclosed accessory structure, usually made of wood or similar material built to provide a solid continuous horizontal surface for outdoor use which is separated from the ground by airspace and has ground-mounted supports such as footings, piers, posts, or similar features. Deck railings shall not be considered an enclosure.

(6)

Facade. That portion of any exterior elevation on the building extending from grade to top of parapet, wall, or eaves along the entire width of the building elevation.

(7)

Porch. An unenclosed (open on a minimum of one side) platform with a roof structure and with or without railings that is attached to and accessible from the principal structure. Porches are typically located at the entrance to the principal structure and are not heated or cooled. Porch railings shall not be considered an enclosure.

(8)

Railing. A nonsight-obscuring fence-like barrier (made of wood, metal, or similar material) comprised of one or more horizontal rails, bars, or members supported by two or more spaced vertical posts typically used in conjunction with decks, porches, balconies, and staircases.

(9)

Utility Shed. A one-story accessory structure enclosed on at least three sides and at least four feet in height, with a floor area not exceeding one hundred twenty square feet.

(c)

Accessory Uses. An accessory use may be deemed accessory to a permitted use, conditionally permitted use, or a use allowed with a site plan review.

(d)

Regulations Applying to Accessory Structures in All Districts. The following regulations shall apply to all accessory structures:

(1)

Residential Occupancy. Unless provided for elsewhere in this Zoning Code, accessory structures shall not be used for residential occupancy. Enclosed accessory structures with plumbing and/or gas utility connections shall be required to obtain a conditional use permit except for hot tubs, gazebos used to cover hot tubs, spas or pools, or other similar uses as determined by the city planner. Plumbing for laundry facilities, water heaters and softeners, and HVAC units in garages are exempt.

(2)

All accessory structures shall be subject to the regulations and standards of this section, regardless of whether the accessory structure is allowed as a permitted use, use subject to the approval of a site plan review, or a conditionally permitted use under the applicable base zoning district.

(3)

Nonconforming Uses. Accessory structures shall not be permitted to be constructed on any parcel or lot that has an existing nonconforming use except as permitted in accordance with [Section 37-50.160](#): Nonconforming uses and structures.

(4)

Accessory Structures as Usable Open Space. Unenclosed accessory structures that are designated for and used for open space or recreational purposes may be counted as usable open space if the structure's size and location are consistent with the definition of usable open space contained in [Section 37-10.390](#): "O" definitions. However the square footage of such structures shall also be counted toward the maximum square footage requirements for accessory structures except as provided for in [Section 37-50.010](#)(f)(4).

(5)

Design Standards.

(A)

Accessory structures are subject to the design regulations as specified for the applicable zoning district where the structure is to be located.

(B)

The architectural design of accessory structures shall be compatible with the design of the principal structure by the use of complementary building colors and materials, window and roofing treatments, and architectural detailing.

(C)

The rooflines and pitches of accessory structures shall be compatible and harmonious with those of the principal structure. Flat roofs are discouraged unless appropriate to the architectural style of the principal structure.

(6)

Required Egress. No accessory structure shall be located so as to block pedestrian or vehicular egress from other structures (such as a window or door).

(7)

Distance Between Structures. All accessory structures (except for unenclosed trellises and arbors (no solid roofs or walls), and utility sheds) shall be subject to the minimum distance between structure regulations of the applicable zoning district unless otherwise specified in this section.

(8)

Trampolines, play structures, and similar recreational equipment are subject to the requirements of this section and the applicable zoning district.

(9)

Temporary structures such as carports, tents, and canopies consisting of membrane structures, metal, or similar materials are subject to the requirements of this section and the applicable zoning district.

(10)

Second Dwelling Units. Second dwelling units are not considered accessory structures and are not subject to the regulations of this section.

(e)

Additional Regulations for Residential Accessory Structures Located in R Districts.

(1)

Timing. Residential accessory structures (either attached to or detached from a principal structure) shall not be established or constructed prior to the start of construction of a principal structure on-site, except that construction trailers may be placed on a site not more than fifteen days prior to the time site clearance and grading begins. Construction trailers shall be removed at the completion of construction prior to issuance of a certificate of occupancy. Construction trailers shall not be used for residential occupancy at any time.

(2)

Maximum Height. Except as otherwise provided for in this section, the maximum height of a residential accessory structure shall be twelve feet, subject to the provisions of this subsection, provided that pitched roofs shall not exceed a height of fifteen feet. In no case shall the top of the roof ridge of an accessory structure exceed the top of the roof ridge of the principal structure. For residential accessory structures that are located in the area of historic and architectural merit as indicated on Figure COS-3 (Historic and Architectural Resources) of the general plan conservation/open space element, pitched roofs of accessory structures may exceed the maximum height specified for such structures in order to match the pitch of the roof of the principal structure subject to the approval of the city planner. In order to approve the increased roof height, the city planner must determine the following:

(A)

The exterior walls of the accessory structure do not exceed a maximum of eight feet in height;

(B)

Any portion of the roof structure located within a distance of five feet of the property line does not exceed the maximum height for pitched roofs or other provisions of this section;

(C)

The increased roof height does not contain habitable space;

(D)

The top of the roof ridge of an accessory structure does not exceed the top of the roof ridge of the principal structure or the maximum height for the applicable zoning district, whichever is less; and

(E)

The principal structure has historic or architectural significance.

(3)

Review/Permit Requirements. Residential accessory structures shall be subject to the following review/permit requirements:

(A)

In the R-L and R-M-3.6 districts, residential accessory structures shall be permitted uses on lots with single-family detached dwelling units except as otherwise required in this section. Such structures; however, may be subject to the issuance of a building permit by the development and engineering services department. Residential accessory structures shall require a site plan review or a conditional use permit if required for the principal use by the applicable base zoning district.

(B)

In the R-M 2.9 and R-H districts, residential accessory structures require a site plan review or conditional use permit if required for the principal use. Residential accessory structures on lots located in an R-M-2.9 and R-H district with a single-family detached or attached dwelling unit shall be subject to the regulations in [Section 37-50.010\(f\)](#). Accessory uses shall comply with all regulations applicable to the principal structure on-site.

(f)

Additional Regulations for Residential Accessory Structures Located in R-L and R-M-3.6 Districts—Required Yards—Maximum Square Footage—Exemptions.

(1)

Attached Residential Accessory Structures.

(A)

Front, Corner Side, Interior Side, or Rear Yards. Accessory structures that are attached to the principal structure are subject to the same required yards as the principal structure except that unenclosed porches and architectural entry features may encroach a maximum of five feet into the required front or corner side yard and as specified in [Section 37-50.010\(i\)](#): Utility Sheds.

(2)

Detached Residential Accessory Structures.

(A)

Front or Corner Side Yards. Detached accessory structures shall not be permitted in front or corner side yards or to project beyond the front or corner side yard facade or building line of the principal structure on the site except as specified in [Section 37-50.710](#): Landscape architectural features.

(B)

Rear or Interior Side Yards. Detached accessory structures located in a rear or interior side yard shall be located not less than five feet from a rear or interior side yard property line except:

(i)

As specified in [Section 37-50.010](#)(i): Utility Sheds; and

(ii)

Unenclosed trellises and arbors (no solid roofs or walls), including any portions thereof, that are a maximum of one hundred twenty square feet or less in size and a maximum of eight feet or less in height shall not be located closer than one foot from any property line in the rear yard.

(3)

Maximum Square Footage. Unless otherwise specified as exempt in accordance with Sections [37-50.010](#)(f)(4) (A) and (B): Exemptions, the following shall apply to all detached and attached residential accessory structures:

(A)

The total square footage of all residential accessory structures more than four feet in height shall not exceed four hundred square feet or ten percent of lot area, whichever is more except for lots with single-family attached dwelling units. Lots with single-family attached dwelling units shall not exceed a maximum of one hundred twenty square feet for all residential accessory structures more than four feet in height.

(B)

Any residential accessory structure with a square footage greater than fifty percent of the square footage of the principal structure shall be subject to the approval of a conditional use permit.

(4)

Exemptions. The following residential accessory structures shall be exempt from the requirements of Sections [37-50.010](#)(f)(3)(A) and (B):

(A)

Up to a maximum of four hundred square feet for required off-street covered parking; and

(B)

Unenclosed porches that are attached to the front or corner side facade of a principal structure.

(g)

Additional Regulations for Accessory Structures in A, MU, C, PS, OS, P, and I Districts and for Nonresidential Uses in R Districts. Accessory structures and uses require a site plan review or conditional use permit if required by the principal use. Accessory structures shall comply with all regulations applicable to the principal structure on-site. Residential accessory structures shall be subject to the regulations in [Section 37-50.010\(f\)](#).

(h)

Additional Regulations for Accessory Structures in the NU Districts. Accessory structures located in NU districts shall be subject to the requirements of Article III, Division 8: New Urbanism (NU) Districts.

(i)

Utility Sheds. In an A, R-L, R-M, or R-H district, utility sheds shall be allowed on any lot with a single-family detached dwelling unit, subject to the following:

(1)

Area. A utility shed may not exceed a maximum of one hundred twenty square feet in area, and the aggregate area of utility sheds on any lot shall not exceed two hundred forty square feet. The square footage of all utility sheds shall be included in and not be in addition to the maximum area permitted for all accessory structures as specified in [Section 37-50.010\(f\)\(3\)](#) above.

(2)

Location. Utility sheds shall not occupy a front or corner side yard, nor project beyond the front or corner side yard facade or building line of the principal structure. Utility sheds may be located within other required yards, except that there shall be a minimum one-foot setback from interior property lines within the front half of the lot. In addition to other provisions of this section, placement of utility sheds shall provide on at least three sides, a minimum separation of thirty-six inches from other structures (except fences) and must not impede emergency access.

(3)

Height and Relation to Property Line. Unless allowed by an exception granted in accordance with [Section 37-50.010\(i\)\(7\)](#), the maximum height of a utility shed shall be seven feet within one foot of any property line, and the roof may slope away from adjacent parcels up to a maximum of nine feet high within required yards.

(4)

Rain Runoff. Utility shed roofs within five feet of any property line shall be equipped with a rain gutter, or otherwise designed to prevent roof runoff from draining onto adjacent property.

(5)

Plumbing. Internal plumbing is prohibited within a utility shed.

(6)

Other Codes. An exemption from the requirement to obtain building permits for utility sheds due to their size shall not be interpreted to exempt such sheds from other such building permits or city approvals as required by law.

(7)

Exceptions. The planning commission or city planner may grant minor exceptions from certain height requirements within this subsection. The process for considering exceptions shall be that set forth for minor

exceptions pursuant to [Section 37-60.490\(a\)](#): Conditional Use Permit for a Minor Exception. Exceptions may be considered when a utility shed is screened by existing landscaping or natural features or a utility shed is screened by an adjacent, legal fence. In no case; however, shall a utility shed height exceed the maximum height allowed for accessory structures.

(j)

Satellite Dish Antennas. A satellite dish antenna may be installed on a lot in any zoning district if it complies with the criteria identified in this section. Satellite television antennas less than thirty inches in diameter are permitted in any zone and are not subject to the requirements of this section, provided that such antennas are attached to a permitted main or accessory structure on the lot.

(1)

A, R, and NU (NE, NG-1, NG-2) Districts.

(A)

Locations Prohibited. No satellite dish antenna shall be located in a front or corner side yard or within existing easements;

(B)

Setbacks. Front and corner side property lines: twenty feet; interior side and rear property lines: twenty feet, except that no setback shall be required in interior side and rear setback areas if the antenna does not exceed six feet in height;

(C)

Maximum height: fifteen feet, measured from ground level immediately under the antenna to the highest point of the antenna or any appurtenance attached to it, provided that the city planner may approve mounting an antenna on the rear half of a roof if no other feasible location exists.

(2)

C, I, MU, NU (VC), P, OS, and PS Districts.

(A)

Roof-mounted Antennas. Satellite dish antennas shall be located on the roof of a structure whenever feasible, providing the dish is not visible or can be adequately screened from view of public and private streets;

(B)

Ground-mounted Antennas. All satellite dish antennas that cannot be installed on the roof in a manner that is not visible from a public street shall be located directly adjacent to a building, whenever feasible. Ground-mounted dishes shall be located to the rear or interior side of the building, whenever feasible, in order to be screened from view from the front of the building and public streets. Ground-mounted antennas shall be adequately screened from view from public and private streets, unless required for antenna focusing purposes;

(C)

Location Prohibited. No satellite dish antennas shall occupy a required parking space, adversely impact any vehicle circulation, or be located within existing easements;

(D)

Maximum height: twenty feet measured from ground or roof level immediately under the antenna to the highest point of the antenna or any appurtenance attached thereto;

(E)

Permit Required. A site plan review shall be required for all satellite dish antennas in any C, I, MU, NU (VC), P, OS, or PS district which are visible from public rights-of-way or public areas.

(k)

Swimming Pools, Spas, and Hot Tubs. Swimming pools, spas, and hot tubs may be placed anywhere on a lot except within required front or corner side yards and existing easements, subject to the following:

(1)

Fencing. A fence or wall not less than six feet high shall be provided around the pool, spa, or hot tub. The fence or wall shall enclose the facility completely to prevent unauthorized access. Hedges or other plant materials shall not substitute for a fence or wall.

(2)

Openings in Fence. If a nonsolid fence is provided, fence openings shall not be wider than four inches.

(3)

Latches. Every door or gate opening shall be provided with a self-closing and self-latching device.

(4)

Emergency Access. A three-foot clear path shall be provided around fifty percent or more of the pool perimeter, excepting spas and hot tubs.

(5)

Swimming pool and spa equipment shall be set back a minimum of two and one-half feet from the property line, provided that a screen, which matches the exterior of the principal structure, surrounds such equipment.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), §§ 33, 34, 5-18-2010)

Sec. 37-50.015 - Adaptive reuse project.

(a)

Purpose. Foster the restoration and/or adaptation of existing, nonresidential buildings into residential dwelling units to produce much needed housing in the city, facilitate economic development, preserve historic resources, and create a vibrant downtown.

(b)

Definitions.

(1)

Adaptive reuse project. Adaptation of all or any portion of an existing, eligible building for the purpose of creating residential dwelling units.

(2)

Eligible building. Any non-residential building that was legally constructed at least fifty years prior to the date of application for consideration as an adaptive reuse project in accordance with the building and zoning codes in effect at the time of its original construction and subsequent legally permitted additions. An eligible building must be either:

(A)

Located in the Central City Overlay Zoning District, or

(B)

A historically significant building.

(3)

Historically significant building. Any building that is listed on the National Register of Historic Places, the California Register of Historical Resources, or the City of Salinas list of Historical Properties.

(4)

Nonresidential use. Any use other than dwelling units, guest rooms, or joint live/work units.

(c)

Regulations applying to adaptive reuse projects. The following regulations shall apply to an adaptive reuse project:

(1)

Definition. All projects shall conform to the definitions set forth in [Section 37-50.015\(b\)](#).

(2)

Zoning. All projects shall conform to the use classification regulations applicable to the underlying zoning district.

(3)

Administration. All projects shall obtain site plan review approval or a conditional use permit, as may be required in the underlying zoning district.

(4)

Incentives. Adaptive reuse projects in an eligible building may receive the following incentives:

(A)

The project can exceed the maximum density and minimum lot area per dwelling unit.

(B)

The project can exceed the minimum lot area and dimensions so long as the lot conforms to [Section 37-50.070 Development on Existing Lots](#).

(C)

The project can exceed the maximum floor area ratio (FAR) otherwise established for the zoning district.

(D)

The existing setbacks may remain provided there are no further encroachments.

(E)

The height of the eligible building, if it exceeds the maximum height of the zoning district, may remain with allowance for the addition of new mechanical equipment or appurtenances in conformance with the Zoning Code.

(F)

Usable open space shall not be required for the adaptation of non-residential space for residential units.

(G)

New off street parking spaces shall not be required for any converted residential use within the existing eligible building envelope, but existing parking spaces shall be retained.

(5)

Residential standards. Each residential unit shall be a minimum of three hundred fifty square feet in size and contain at least one full bathroom including a toilet, sink, and shower or tub and a full kitchen including a sink, countertop at least four feet in length, cooking apparatus, and refrigerator.

(6)

Design standards for projects within the central city overlay zoning district.

(A)

Projects that involve changes, alterations, and/or additions to an exterior elevation shall conform to the applicable development regulations in [Section 37-40.320](#) and design standards in [Section 37-40.330](#)

(B)

Projects that involve changes, alterations, and/or additions to site improvements that increase a discrepancy with a nonconforming condition shall conform to the applicable development regulations in [Section 37-40.320](#) and design standards in [Section 37-40.330](#)

(7)

Design standards for projects within the downtown core, central city overlay zoning district.

(A)

Projects in the mixed use zoning district shall maintain at least fifty percent of the ground floor of the building for commercial/retail space.

(B)

Projects in the mixed use zoning district shall be limited to less than fifty percent of the ground floor square footage for common area spaces such as lobbies, and recreation rooms.

(C)

Changes to existing signs or installation of new signs shall conform to the applicable design standards in [Section 37-40.330](#)

(8)

Requirements for adaptive reuse projects of a historically significant building in the downtown core or citywide. Projects shall comply with the Secretary of Interior Standards for Rehabilitation and the review process as required in Article XI—Historic Resources Board in the Salinas Municipal Code.

(9)

Additional design standards for citywide projects.

(A)

All citywide projects must be located in a historically significant building and therefore, any changes, alterations, and/or additions to an eligible building shall comply with the secretary of interior standards for rehabilitation and the applicable review process pursuant to Article XI of the Salinas Municipal Code.

(B)

Projects that involve changes, alterations, and/or additions to site improvements that increase a discrepancy with a nonconforming condition shall conform to the applicable standards of the underlying zoning district.

(C)

Changes to existing signs or installation of new signs shall conform to the applicable provisions in Article V—Supplemental Regulations Applying to all Districts, Division 3: Signs.

(Ord. No. 2605(NCS), § 2, 7-3-2018; Ord. No. 2607(NCS), §§ 1, 4, 5, 9-18-2018)
Sec. 37-50.020. - Adult entertainment facilities.

(a)

Purpose. The purpose of this section is to establish regulations governing adult entertainment facilities. The city council recognizes that certain types of adult entertainment facilities possess certain objectionable operational characteristics, which if such uses are allowed to concentrate, will have adverse effects upon the character of the affected area and adjacent neighborhoods. The city council further recognizes that locating adult entertainment facilities in close proximity to facilities frequented by minors will cause the exposure of minors to adult material that may adversely affect such minors due to their immaturity. Additionally, the city council recognizes that while certain adult entertainment enjoys limited protection under the First Amendment to the United States Constitution, substantial numbers of the citizens of the city are offended by the public display of sexually oriented material. Special and limited regulation of adult entertainment uses, consistent with the First Amendment rights of such uses, is therefore necessary to ensure that the adverse effects of adult entertainment uses will not (1) contribute to the blighting or downgrading of zones in which they are permitted or the downgrading of surrounding neighborhoods; (2) adversely affect minors; and (3) offend those citizens of the city who do not wish to be exposed to sexually oriented material.

(b)

Definitions. The following definitions shall apply to this section:

(1)

Adult Bookstore. An establishment where:

(A)

Twenty percent or more of the establishment's stock, books, magazines, or other periodicals or films are devoted to "specified sexual activities" or "specified anatomical areas"; or

(B)

Twenty percent or more of the establishment's films, peepshows, or other similar devices designed for individual viewing on the premises by up to five persons are devoted to "specified sexual activities" or "specified anatomical areas"; or

(C)

Twenty percent or more of the establishment's actual display areas, including without limitation, the areas for the viewing of films, peepshows, or similar devices are substantially devoted to the exhibition of "specified sexual activities" or "specified anatomical areas." This definition does not apply to displays of up to ten periodicals or films in the premises, by title in which sales or rental of the same are incidental to other businesses. Nor does this definition include any art or photography publications depicting the specified anatomical areas defined in this section when such publication devotes at least twenty-five percent of the lineage of each edition to articles and advertisements dealing with the subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population. Nor does this definition apply to bona fide education or medical publications.

(2)

Adult Entertainment Facility. Any facility which includes an adult bookstore, an adult motion picture theater, an adult live entertainment establishment or any other place of business of any similar purpose, operation, or function regardless of whether any other use is also conducted on the premises.

(3)

Adult Live Entertainment Establishment. A building or structure or portion thereof used or proposed to be used for presenting live entertainment in which more than forty-five days per calendar year there are live entertainment performances which are substantially devoted to the exhibition of the specified sexual activities or the specified anatomical areas, as defined in this section, for the observation and viewing by patrons therein.

(4)

Adult Motion Picture Theater. An establishment, including a building, structure, drive-in theater, or part thereof used for presenting material in the form of motion picture film, video tape, or other similar means, designed for observation by five or more persons, in which more than forty-five days per calendar year any one or more programs are shown which are substantially devoted to the depiction of the specified sexual activities or specified anatomical areas as defined in this section. Whenever more than one screen or theater exists in any single premises, the total number of days that the films described in this section are shown on each screen or in all theaters on the premises shall be added together for the purpose of determining if the premises is an adult motion picture theater.

(5)

Specified Anatomical Areas.

(A)

Less than completely and opaquely covered human genitals, human buttocks, and human female breast below a point immediately above the top of the areola; and

(B)

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(6)

Specified Sexual Activities.

(A)

Human genitals in a state of sexual stimulation or arousal;

(B)

Sexual intercourse, masturbation, oral copulation, or sodomy, whether between humans of the same or opposite sex or between humans and animals; and

(C)

Fondling or other erotic touching or sexual stimulation of human genitals, pubic region, buttock, or female breast.

(c)

Location of Adult Entertainment Facilities.

(1)

No person shall own or operate any adult entertainment facility if that facility is located:

(A)

Within two thousand feet of any other adult entertainment facility;

(B)

Within one thousand feet of any pre-existing public or private school attended primarily by minors under eighteen years of age;

(C)

Within one thousand feet of any pre-existing parcel in the central city overlay (downtown core area) district;

(D)

Within two hundred fifty feet of any pre-existing church;

(E)

Within two hundred fifty feet of any pre-existing public park or recreation facility which is available for use by minors; and

(F)

Within two hundred fifty feet of any pre-existing residential district.

(2)

The distance shall be measured from the closest exterior wall of the building/suite or property line of the site (if there is no building) where the adult entertainment facility is located to the nearest property line of the site containing those uses specified in [Section 37-50.020\(c\)\(1\)\(A\)](#) through (F) above.

(3)

An adult entertainment facility shall only be permitted where the applicable zoning district regulations specifically provide for adult entertainment facilities.

(d)

Public Display of Certain Matter Prohibited. Adult entertainment facilities shall not display or exhibit any material depicting specified anatomical areas or specified sexual activities in a manner that exposes such material to the view of persons outside the building in which such facility is located.

(e)

Notice Required. On or near any public entrance to every adult entertainment facility there shall be a sign with letter sizes of one inch or greater stating:

NOTICE:

THIS ESTABLISHMENT CONTAINS ADULT ENTERTAINMENT MATERIALS.
IF YOU ARE OFFENDED BY SUCH MATERIALS,
PLEASE REFRAIN FROM ENTERING.

(f)

Determining Distances Between/From Adult Entertainment Facilities. For the purpose of determining the distances between the public entrance into the adult entertainment facility, the measurement shall be from the nearest public entrance into the adult entertainment facility (as contrasted with a nonpublic entrance, an exit used solely for egress, the nearest lot line of the parcel upon which the use is located or the nearest part of the structure in which it is housed) then along the nearest public street or streets to the nearest lot line of the use being measured.

(g)

Required Findings. The city planner or planning commission, as applicable, shall approve an application for a conditional use permit for adult entertainment uses as it was applied for or in a modified form if, on the basis of the application and testimony submitted, all of the following findings can be made:

(a)

That the proposed location of the use is in accordance with the objectives of the Salinas General Plan, this Zoning Code and the purposes of the district in which the site is located;

(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

(c)

That the proposed conditional use complies with the provisions of this Zoning Code, including any specific conditions required for the proposed use.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 45, 5-18-2010)

Sec. 37-50.030. - Alcohol license review.

(a)

Purpose. The purpose of this section is to provide for the orderly integration of alcohol-related uses in the city, including the sale of beer, wine, and distilled spirits.

(b)

Definitions. The following definitions shall apply to this section:

(1)

Brew Pubs. An establishment in which beer is manufactured in limited quantities for on-site and off-site sales, distribution, and consumption.

(2)

Downtown Alcohol-related Use License Area. All parcels located within the six-block area bounded by Monterey Street, East and West San Luis Street, Salinas Street, and East and West Market Streets as shown on Figure 37-50.10. Parcels must be contained within the area defined by these streets. Frontage on the listed streets is not sufficient to meet the definition.

(3)

Guests. Persons who, during the hours when meals are regularly served, come to a restaurant for the purposes of ordering and obtaining, in good faith, a meal.

(4)

Meals. The usual assortment of foods commonly ordered at various hours of the day and prepared on the premises.

(5)

Off-sale (Off-premises Consumption) Alcohol-related Use. Alcoholic beverages, including distilled spirits, beer, and wine, sold in original, unopened containers for consumption off the premises where sold.

(6)

On-sale (On-premises Consumption) Alcohol-related Use. Alcoholic beverages, including distilled spirits, beer, and wine, sold on the premises to be consumed on the premises.

(7)

Premises. A lot or parcel, together with all related buildings, structures, open spaces, and parking areas.

(8)

Restaurant. A commercial establishment, with kitchen facilities, which is regularly, and in a bona fide manner, used principally for the preparation, cooking, and serving of food to customers for compensation and where seating or other physical accommodation is provided for on-site dining. May also include accessory catering services.

(9)

Wine Tasting Room. An establishment in which wine and wine-related products are available for off-site sale, distribution, and consumption, and where wine, limited to that offered for sale, is sampled on the premises. Nothing in this Zoning Code shall be construed to require that any food be sold or purchased with any beverage. A wine tasting room may include a boutique winery.

(10)

Winery. A facility used for the purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes crushing, fermenting, blending, aging, storage, bottling, warehousing, wine tasting facilities, administrative offices, and wholesale and accessory retail sales of associated wine and wine-related items. A winery does not include a boutique winery.

(11)

Winery, Boutique. A facility where wine is produced from preprocessed ingredients. Processing permitted at boutique wineries shall be limited to blending ingredients, fermenting wine in sealed containers, bottling of wine, warehousing of ingredients, short-term storage, wine-tasting facilities, administrative offices, and retail and accessory wholesale sales of associated wine and wine-related items. Boutique wineries do not include crushing, pressing, or other processing of fruits or vegetables, and do not include the blending or mixing of ingredients through the use of any machinery or mechanical means.

(c)

Conditional Use Permit Required. A conditional use permit shall be required for all alcohol-related uses (including changes of existing alcohol license type as administered by the state of California Alcoholic Beverage Control Department) except as provided in [Section 37-50.030\(g\)](#): Exceptions below.

(d)

City Planner and Planning Commission Authority.

(1)

The city planner shall have the authority to grant a conditional use permit for:

(A)

Any on-sale alcohol-related use;

(B)

Any off-sale alcohol-related use not located in an area of undue concentration; and

(C)

Any alcohol-related use (such as brew pubs and wine tasting rooms) with both off-sale and on-sale licenses located in the downtown alcohol-related use license area.

(2)

The planning commission shall have the authority to grant a conditional use permit for all other alcohol-related uses.

(e)

Required Findings. In addition to findings required pursuant to Article VI, Division 8: Conditional Use Permits, the following findings shall be made prior to the approval of a conditional use permit for alcohol-related uses:

(1)

The alcohol-related use will neither adversely affect the welfare of the area nor of surrounding residentially zoned neighborhoods, giving due consideration to the distance of the proposed use from other alcohol-related uses, residentially zoned property, public schools, public playgrounds, and other similar uses; and giving further consideration to crime rates, calls for emergency services, and residential densities in the surrounding area.

(2)

For any off-sale alcohol-related use located within an area of undue concentration (as defined by Business and Professions Code Sections 23958.4, 23817.5, and 23817.7, and administered by the State Department of Alcoholic Beverage Control), [Section 37-60.500](#): Administrative conditional use permits shall not apply except as authorized in [Section 37-50.030](#)(e)(3) below. For off-sale alcohol-related uses located in an area of undue concentration, the planning commission shall also make the findings required by Business and Professional Code Section 23958.4, 23817.5, and 23817.7 that public convenience or necessity would be served by the issuance of the alcohol license by the ABC, even though such premises is located within an area of undue concentration. The planning commission is authorized by the city council to make the determination of public convenience or necessity through the conditional use permit process. Such findings are not required or applicable to on-sale alcohol-related uses located in an area of undue concentration.

(3)

For alcohol-related uses that have both on-sale and off-sale alcohol sales (specifically brew pubs and wine tasting rooms) in the downtown alcohol-related use license area, the city council authorizes the city planner in accordance with [Section 37-60.500](#): Administrative conditional use permits to approve an administrative conditional use permit for such uses, if applicable, and to make a determination of public convenience or necessity in conformance with the required findings specified in [Section 37-50.030](#)(e)(2) above. The city council

authorizes this authority in order to facilitate and implement the redevelopment and entertainment goals for the downtown alcohol-related use license area.

(f)

Additional Requirements for Alcohol-related Uses. The following conditions shall be imposed as part of a conditional use permit issued for an alcohol-related use:

(1)

The premises shall be maintained free of litter at all times.

(2)

For on-sale alcohol-related uses, no alcoholic beverages shall be sold, dispensed, or offered for consumption except within the licensed premises.

(3)

For off-sale alcohol-related uses:

(A)

No alcoholic beverages shall be consumed on the premises;

(B)

No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window;

(C)

No display of alcoholic beverages shall be made from an ice tub; and

(D)

No "single-serving" or "one-can" sales of alcoholic beverages shall be made from the premises. A sign to this effect in English and Spanish shall be maintained at the cashier station at all times. Exception: "single serving" or "one-can" non-chilled or non-refrigerated alcoholic beverages may be sold from those premises with at least eight thousand square feet of gross floor area and located in a shopping center with a minimum of ninety thousand square feet of gross floor area.

(4)

For service stations which include off-sale liquor establishments:

(A)

No alcoholic beverage shall be displayed within five feet of the cash register or the front door of the permitted premises unless displayed in a permanently affixed cooler;

(B)

No advertisement of alcoholic beverages shall be displayed at or located on motor fuel islands, nor shall self-illuminated advertising for alcoholic beverages be located on buildings or windows; and

(C)

Alcohol shall not be sold between the hours of 10:00 p.m. and 6:00 a.m. Coolers containing alcoholic beverages shall be locked between the hours of 10:00 p.m. and 6:00 a.m.

(5)

As applicable, conditions including, but not limited to, requirements for employee security, buffering of neighboring uses, exterior lighting, hours of operation, and coin- or token-operated amusement games may be imposed.

(6)

All business owners and managers shall complete a program certified by the Department of Alcoholic Beverage Control (ABC) as a qualified responsible beverage service (RBS) program prior to the commencement of the use. Any business established after the effective date of the ordinance codified in this section shall require such training of all owners and managers within ninety days of ownership transfer or hire. Failure of managers to obtain training shall be the liability of the owner. The owner shall maintain on the premises a file containing the certificates of training and shall present the file and its contents upon request by the city at any time during normal business hours. The provisions of this section regarding responsible beverage training shall be suspended upon a finding by the city planner that the training is not reasonably available.

(g)

Exceptions.

(1)

The following uses are not subject to the requirement to obtain a conditional use permit or a site plan review:

(A)

Any bona fide nonprofit organization which conducts an event or activity not more than twelve days in each calendar year, at which event or activity any alcoholic beverage is to be sold, served, given away, or consumed at such event or activity;

(B)

An establishment that changes business ownership. This exemption shall not apply if the previous (alcohol-related) use has been discontinued for more than six months;

(C)

Wholesale distribution or manufacture of alcoholic beverages.

(2)

An on-sale alcohol use at a restaurant (not located in the downtown alcohol-related use license area) is allowed with a site plan review (in lieu of a conditional use permit) provided all of the following requirements are met:

(A)

The primary use of the restaurant is for sit-down food service of patrons. Seating for sit-down food service of patrons is provided on the premises and constitutes at least fifty percent of the establishment's seating area. The on-sale alcohol use is accessory to the food service use and there is not a distinguishable separate bar area.

(B)

Alcohol shall not be sold on Sunday through Thursday after 11:00 p.m. until 6:00 a.m. the following day, and after 12:00 midnight on Friday and Saturday until 6:00 a.m. the following day.

(C)

The use is not located within one hundred feet of a residence or within three hundred feet of a park or five hundred feet of a school. The distance shall be measured from the closest exterior wall of the building/suite or property line (if there is no building) where the alcohol-related facility is located to the nearest property line of the site containing a residential dwelling unit or zone, school, or park site. This requirement does not apply to restaurants in the downtown alcohol-related use license area.

(3)

Accessory on-sale alcohol-related uses in the downtown alcohol-related use license area are permitted subject to the issuance of a site plan review (in lieu of a conditional use permit) if it meets the following requirements:

(A)

The primary use is limited to a restaurant (including those with outdoor seating), hotel, bed and breakfast inn, or theater and the alcohol-related use is clearly accessory to that use.

(B)

Any bar and related seating area comprises less than fifty percent of the floor area of the principal uses in the building or one thousand square feet, whichever is less.

(C)

For restaurants, the primary use shall be for sit-down food service of patrons. Seating for food service shall be provided on the premises and constitutes at least fifty percent of the establishment's seating area.

(D)

Alcohol shall not be sold on Sunday through Thursday after 11:00 p.m. until 6:00 a.m. the following day, and after 12:00 midnight on Friday and Saturday until 6:00 a.m. the following day.

(4)

The following uses shall not be subject to the requirements of Sections [37-50.030\(f\)\(2\)](#) and [37-50.030\(f\)\(3\)\(A\)](#):

(A)

Wine tasting rooms and brew pubs located in the downtown alcohol-related use license area; and

(B)

Wineries.

(Ord. No. 2463 (NCS); Ord. No. 2482 (NCS), § 2; Ord. No. 2483 (NCS), § 1.)

(Ord. No. 2507 (NCS), § 35, 5-18-2010; Ord. No. 2569 (NCS), § 7, 4-19-2016)
Sec. 37-50.040. - Building projections into yards.

(a)

Building Projections. Projections in required yards shall be permitted as follows unless otherwise provided for in this Zoning Code:

(1)

Fireplaces or chimneys: two and one-half feet into a yard;

(2)

Uncovered and unenclosed stairs, terraces, platforms, decks and subterranean garages (not more than thirty inches in height above site grade): three feet for a length of ten feet parallel to the adjoining property line in a side yard; and six feet for a length of ten feet parallel to the adjoining property line in a rear yard;

(3)

Unenclosed porches and architectural entry features: five feet into a front or corner side yard;

(4)

Cornices, eaves, canopies, awnings, and similar ornamental features: two and one-half feet into a yard. Cornices, eaves, canopies, and similar ornamental features provided in conjunction with ground floor unenclosed porches and architectural entry features may encroach an additional two and one-half feet into a front or corner side yard beyond that permitted in [Section 37-50.040\(3\)](#) above;

(5)

Balconies and protruding windows: five feet into a front, corner side, or rear yard and two and one-half feet into an interior side yard, except in the R-H districts, a balcony may encroach five feet into an interior side yard;

(6)

Other stairs: two and one-half feet into an interior side or rear yard except in the R-H districts; stairs may encroach five feet into an interior side or rear yard. Uncovered and unenclosed stairs, which provide direct pedestrian access to and are only used in conjunction with ground floor unenclosed porches and architectural entry features, may encroach an additional three feet into a front or corner side yard beyond that permitted in [Section 37-50.040\(3\)](#) above;

(7)

In R and NU (NE, NG-1, and NG-2) districts, heating, ventilation, air conditioning, swimming pool and spa equipment, and water heating equipment: two and one-half feet into a yard, provided that such equipment is surrounded by an architectural screen which matches the exterior of the residential structure.

(Ord. No. 2463 (NCS).)

Sec. 37-50.050. - Condominium conversions.

(a)

Permit Required. A planned unit development permit shall be required for all condominium conversions. The following findings are required:

(1)

The applicant has submitted an evaluation report prepared by an architect or civil engineer licensed in California describing the condition and useful life of the roof, foundations, mechanical and electrical systems, plumbing, structural elements, paved surfaces, exterior paint, sprinkler systems for landscaping and utility delivery systems

of all existing buildings and structures and such report indicates that all such elements have been determined to have a remaining useful life of two or more years;

(2)

The elements identified in [Section 37-50.050\(a\)\(1\)](#) with a remaining useful life of less than two years shall be repaired or replaced;

(3)

In the case of a residential conversion, the conversion will not have an adverse impact on the supply of affordable housing, particularly for low and very-low income households as indicated by a vacancy/rent study; and

(4)

Additional improvements will be made consistent with these zoning regulations to the extent feasible.

(b)

Vacancy/Rent Study. A vacancy/rent study shall be provided as part of an application for a residential condominium conversion. The study shall be prepared for the city planner by their designee. The applicant shall be responsible for the cost of the study.

(Ord. No. 2463 (NCS).)

Sec. 37-50.060. - Density bonus.

(a)

Purpose. In accordance with Sections 65915, 65915.5, and 65917 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 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. A reasonable downpayment and an average monthly housing cost during the first calendar year of occupancy, mortgage insurance, property taxes and property assessments, homeowners insurance, homeowners' association dues, if any, and all other dues and fees assessed as a condition of property ownership, which does not exceed:

(A)

Thirty percent of fifty percent of area median income for very-low income households;

(B)

Thirty percent of seventy percent of area median income for lower income households; and

(C)

Thirty percent of one hundred twenty percent of area median income for moderate income households.

Area median income shall be adjusted for assumed household size based on unit size as follows: one person in a studio dwelling unit; two persons in a one-bedroom dwelling unit; three persons in a two-bedroom dwelling unit; four persons in a three-bedroom dwelling unit; five persons in a four-bedroom dwelling unit; and six persons in a five-bedroom dwelling unit. The city council, by resolution, shall establish guidelines for determining affordable ownership cost.

(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:

(A)

Thirty percent of fifty percent of area median income for very-low income households; or

(B)

Thirty percent of sixty percent of area median income for lower income households;

(C)

Area median income shall be adjusted for assumed household size based on dwelling unit size as follows: one person in a studio dwelling unit; two persons in a one-bedroom dwelling unit; three persons in a two-bedroom dwelling unit; four persons in a three-bedroom dwelling unit; and five persons in a four-bedroom dwelling unit. The city council, by resolution, shall establish guidelines for determining affordable rent.

(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.

(4)

Concessions. Such regulatory concessions as listed in [Section 37-50.060\(k\)](#).

(5)

Day Care Center. 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.

(6)

Density Bonus Units. Those residential dwelling units approved pursuant to this section, which exceed the otherwise allowable maximum residential density for the development site. This definition has the same meaning as "density bonus units" defined in [Section 17-8\(g\)](#) of the Salinas Municipal Code.

(7)

Density Bonus. An increase in the number of dwelling units over the otherwise maximum allowable residential density as established in the land use element of the Salinas general plan in accordance with state law and this section.

(8)

Density Bonus Program Guidelines. Guidelines adopted by resolution of the city that outline the criteria and procedures for implementing density bonuses or other regulations.

(9)

Development Standard. Development regulations, design standards, and site/construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation. "Site or construction conditions" are standards that specify the physical development of a site and structures on the site in a residential development.

(10)

First Approval. The first of the following approvals to occur with respect to a residential development: specific plan, development agreement, planned unit development permit, tentative map, minor subdivision, conditional use permit, site plan review, or building permit.

(11)

Incentives. Such regulatory incentives as listed in [Section 37-50.060\(k\)](#).

(12)

Lower Income Households. Households with an annual income that does not exceed the United States Department of Housing and Urban Development's annual determination for lower income households with incomes of approximately eighty percent of area median income, adjusted for household size.

(13)

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

(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.

(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.

(16)

Qualifying Residents. Persons eligible to reside in senior housing as defined in California Civil Code Section 51.3.

(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.

(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 mobilehome 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.

(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.

(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\(g\)](#).

(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.

(1)

Basic Density Bonus in Accordance with State Law (Very-low and Lower Income Units). A residential development is eligible for a twenty percent density bonus if it includes at least five dwelling units, and the applicant seeks a density bonus and agrees to construct at least one of the following:

(A)

Ten percent of the total dwelling units of the residential development as dwelling units affordable to lower income households; or

(B)

Five percent of the total dwelling units of the residential development as dwelling units affordable to very-low income households.

(2)

Basic Density Bonus in Accordance with State Law (Senior Housing Type 1). A senior housing type 1 development is eligible for a twenty percent density bonus if it includes at least thirty-five dwelling units, and the applicant seeks a density bonus. Senior housing type 1 developments are not required under state law to be affordable to very-low, lower, or moderate income households.

(3)

Basic Density Bonus in Accordance with State Law—(Moderate Income Ownership Units). A residential development is eligible for a five percent density bonus if it includes at least five dwelling units, all the dwelling units in the development are offered to the public for purchase, and the applicant seeks a density bonus and agrees to construct ten percent of the total dwelling units as ownership units affordable to moderate income households.

(4)

Additional Density Bonus in Accordance with State Law. 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.

(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.

(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.

(D)

Senior Housing Type 1. No additional state density bonus is provided for senior-only dwelling units.

(5)

Calculation of Density Bonus.

(A)

When calculating the number of permitted density bonus units, any calculations resulting in fractional dwelling units shall be rounded to the next larger whole number.

(B)

The density bonus units shall not be included when determining the number of target units required to qualify for a density bonus. When calculating the required number of target units, any calculations resulting in fractional

dwelling units shall be rounded to the next larger whole number.

(C)

The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required target units pursuant to Sections [37-50.060\(c\)\(1\)](#), [\(c\)\(2\)](#), and [\(c\)\(3\)](#) above. Regardless of the number of target units, no residential development may be entitled to a total density bonus of more than thirty-five percent except an affordable senior housing project pursuant to [Section 37-50.060\(g\)](#).

(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, up to a maximum of thirty-five percent, and an additional square footage bonus for day care centers may be granted as described in [Section 37-50.060\(e\)](#).

(E)

Consistent with [Section 17-11\(c\)](#) of the Salinas Municipal Code, target units do not meet the inclusionary requirements of Article III of [Chapter 17](#) of the Salinas Municipal Code.

(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:

(A)

Very-low Income Units. A residential development is entitled to one incentive or concessions for a project that includes at least five percent of the dwelling units for very-low income households; two incentives or concessions for a project that includes at least ten percent of the dwelling units for very-low income households; and three incentives or concessions for a project that includes at least fifteen percent of the dwelling units for very-low income households.

(B)

Lower Income Units. A residential development is entitled to one incentive or concession if it includes at least ten percent of the dwelling units for lower income households; two incentives or concessions if it includes at least twenty percent of the dwelling units for lower income households; and three incentives or concessions if it includes at least thirty percent of the dwelling units for lower income households.

(C)

Moderate Income Ownership Units. A residential development with ownership units affordable to moderate income households is entitled to one incentive or concession for a project that includes at least ten percent of the ownership units for moderate income households; two incentives or concessions for a project that includes at least twenty percent of the ownership units for moderate income households; and three incentives or concessions for a project that includes at least thirty percent of the ownership units for moderate income households.

(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.

(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.

(d)

State Density Bonus for Land Donation.

(1)

When an applicant for a residential development seeks a density bonus for the donation and transfer of land for the development of units affordable to very-low income households, as provided for in this section, the residential development shall be eligible for a fifteen percent density bonus above the otherwise maximum allowable residential density in accordance with state law. For each one percent increase above the minimum ten percent land donation described in subsection (d)(2) of this section, the maximum density bonus shall be increased by one percent, up to a maximum of thirty-five percent. This increase shall be in addition to any increase in density allowed by [Section 37-50.060\(c\)](#), up to a maximum combined density bonus of thirty-five percent if an applicant seeks both the density bonus authorized by this section and the density bonus authorized by [Section 37-50.060\(c\)](#). When calculating the number of permitted density bonus units, any calculations resulting in fractional dwelling units shall be rounded to the next larger whole number. This density bonus applies only when land is donated for the construction of very-low income housing.

(2)

The city may approve the density bonus described in this section if it makes all of the following findings when approving the residential development:

(A)

The applicant will donate and transfer the land no later than the date of approval of the final map, parcel map, or applicable development review application for the residential development.

(B)

The developable acreage and regulations of the applicable zoning district of the land to be transferred will permit construction of dwelling units affordable to very-low income households in an amount not less than ten percent of the total number of residential dwelling units in the proposed development, or will permit construction of a greater percentage of dwelling units if proposed by the developer to qualify for a density bonus of more than fifteen percent.

(C)

The transferred land is at least one acre in size or is large enough to permit development of at least forty dwelling units, has the appropriate general plan land use designation, has the appropriate zoning and development standards to make feasible the development of very-low income housing, and at the time of project approval is, or at the time of construction will be, served by adequate public facilities and infrastructure.

(D)

No later than the date of approval of the final map, parcel map, or other applicable development review application for the residential development, the transferred land will have all of the applicable development permits and approvals, other than any required building permit approval, necessary for the development of the very-low income dwelling units on the transferred land unless the city council finds that the applicant has provided specific assurances guaranteeing the timely completion of the very-low income units, including satisfactory assurances that construction and permanent financing will be secured for the construction of the dwelling units within a reasonable time.

(E)

The transferred land and the very-low income units constructed on the land will be subject to a recorded density bonus housing agreement ensuring continued affordability of the dwelling units consistent with [Section 37-50.060\(i\)](#), which restriction shall be filed for recordation by the city planner with the Monterey County recorder's office on the property at the time of dedication.

(F)

The land will be transferred to the city, Salinas redevelopment agency, or to a housing developer approved by the city. The city reserves the right to require the applicant to identify a developer for the very-low income units and to require that the land be transferred to that developer.

(G)

The transferred land is within the site boundaries of the proposed residential development. The transferred land may be located within one-quarter mile of the boundary of the proposed residential development provided that the city council finds, based on substantial evidence, that off-site donation will provide as much or more affordable housing at the same or even lower income levels, and of the same or superior quality of design and construction, and will otherwise provide greater public benefit, than donating land on site.

(3)

Consistent with [Section 17-11\(c\)](#) of the Salinas Municipal Code, land dedication qualifying a project for a density bonus does not meet the inclusionary housing requirements of Article III of [Chapter 17](#) of the Salinas Municipal Code.

(e)

State Density Bonus or Incentive or Concession for Day Care Centers.

(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 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)

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

(B)

An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the day care center.

(2)

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\(i\)](#).

(3)

Notwithstanding any other requirement of this section, the city shall not be required to provide a density bonus or incentive or concession for a day care center if it finds, based upon substantial evidence, that the community already has adequate day care center facilities.

(f)

State Density Bonus for Condominium Conversions.

(1)

An applicant shall be eligible for either a density bonus or other incentives or concessions of equivalent financial value in accordance with state law if the applicant for a conversion of existing rental apartments to condominiums agrees to provide thirty-three percent of the total dwelling units of the proposed condominium project as target units affordable to households with moderate incomes or less, or to provide fifteen percent of the total dwelling units in the condominium conversion project as target units affordable to lower income households. All such target units shall remain affordable for the period specified in [Section 37-50.060\(i\)](#).

(2)

For purposes of this subsection, a density bonus means an increase in dwelling units of twenty-five percent over the number of dwelling units to be provided within the existing structure or structures proposed for conversion.

(3)

No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives or concessions were previously provided pursuant to this article or Government Code Section 65915.

(4)

Also see [Section 37-50.050](#): Condominium conversions for additional requirements.

(g)

City Density Bonus for Affordable Senior Housing Type 2.

(1)

A residential development may be considered for a density bonus under this subsection if:

(A)

The applicant seeks a density bonus and the residential development consists entirely of senior housing type 2;

(B)

At least fifty percent of the dwelling units are affordable housing units. For the purposes of this subsection, "affordable housing units" includes dwelling units available at an affordable rent or affordable ownership cost to lower income and very-low income households. A minimum of sixty percent of such affordable housing units shall be available at an affordable rent or affordable ownership cost to very-low income senior households, and forty percent of such affordable housing units shall be available at an affordable rent or affordable ownership cost to lower income senior households. However, a greater percentage of very-low income senior housing units may be provided in lieu of some or all of the lower income senior housing units on a dwelling unit for dwelling unit basis; and

(C)

The density bonus shall be equal to the percentage of affordable housing units in the senior housing type 2 development.

(2)

A conditional use permit shall be required for a density bonus granted pursuant to this subsection. The approval body shall find that the residential development conforms with the property development regulations of the applicable zoning district or has received a planned unit development permit; is compatible with neighboring development; has adequate open space, on-site amenities, and services for the intended residents; is within reasonable walking distance of neighborhood services; and has adequate available infrastructure to accommodate the proposed density.

(3)

Any density bonus granted under this section that is greater than the bonus that the project is eligible for under [Section 37-50.060\(c\)](#) or [37-50.060\(d\)](#) shall be considered an incentive or concession as described in [Section 37-50.060\(k\)](#). Any affordable housing units that qualify a project for a density bonus under [Section 37-50.060\(c\)](#) may not also be used to qualify a project for a density bonus under this subsection.

(4)

At its discretion, the city council may grant up to two incentives or concessions for senior housing type 2 that is eligible for a density bonus under this subsection.

(5)

Consistent with [Section 17-11\(c\)](#) of the Salinas Municipal Code, affordable housing units qualifying a project for a density bonus under this subsection do not meet the inclusionary housing requirements of Article III of [Chapter 17](#) of the Salinas Municipal Code.

(h)

Summary Tables. The following tables [(Table 37-50.10), (Table 37-50.20), (Table 37-50.30), and (Table 37-50.40)] summarize the available density bonuses, incentives, and concessions pursuant to state and city density bonus law:

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 center.				

Very-low income	5%	20%	2.5%	11%
Lower income	10%	20%	1.5%	20%
Moderate income (ownership units only)	10%	5%	1%	40%
Senior housing type 1 (35 dwelling units or more or senior mobilehome park; no affordable units required)	100% senior	20%	-	-
Land donation for very-low income housing	10% of market-rate units	15%	1%	30%
Condominium conversion (moderate income)	33%	25% ^(B)	-	-
Condominium conversion (lower income)	15%	25% ^(B)	-	-
Day care center	-	Sq. ft. in day care center ^(B)	-	-
Pursuant to City Density Bonus				
Senior housing type 2	100% senior; 50% affordable	50% ^(C)	1%	100% (for maximum 100% bonus) ^(C)

Notes:

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

(B) Or an incentive of equal value, at the city's option.

(C) A density bonus may be granted equal to the percentage of affordable senior units (at least fifty percent and up to a maximum of one hundred percent) subject to the approval of a conditional use permit.

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)			
0—4 (less than 5%)	0% (requires minimum 5% very-low income)	0	100
5 (5%)	20%	20	120
8 (8%)	27.5% (20% + (3 × 2.5%))	28 (round up)	128

11 (11%)	35% (20% + (6 × 2.5%))	35	135
More than 11%	35% (maximum possible)	35	135
LOWER INCOME UNITS (FOR SALE OR RENT)			
0—9 (less than 10%)	0% (requires minimum 10% lower income)	0	100
10 (10%)	20%	20	120
15 (15%)	27.5% (20% + (5 × 1.5%))	28 (round up)	128
20 (20%)	35% (20% + (10 × 1.5%))	35	135
More than 20%	35% (maximum possible)	35	135
MODERATE INCOME UNITS (FOR SALE)			
0—9 (less than 10%)	0% (requires minimum 10% lower income)	0	100
10 (10%)	5%	5	105
20 (20%)	15% (5% + (10 × 1%))	15	115
40 (40%)	35% (5% + (30 × 1%))	35	135
More than 40%	35% (maximum possible)	35	135

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

Notes:

(A) A concession or incentive may be requested only if an application is also made for a density bonus.

(B) Concessions or incentives may be selected from only one category (very-low, lower, or moderate).

(C) No concessions or incentives are available for land donation.

(D) Condominium conversions and day care centers may have one concession or a density bonus at the city's option, but not both.

Table 37-50.40 City Density Bonus Incentives and Concessions Summary	
Target Units or Category	Maximum Incentives/Concessions
Senior housing type 2 (at least 50% affordable)	2 (A)

Note:

(A) At the discretion of city council.

(i)

Affordability and Occupancy Standards.

(1)

The city council, by resolution, shall approve standard documents to ensure the continued affordability of target units consistent with Government Code Section 65915 and this section. The documents may include, but are not limited to, regulatory agreements, promissory notes, deeds of trust, resale restrictions, rights of first refusal, options to purchase, and/or other documents, which shall be recorded against all target units. Affordability documents for target units offered for sale may also include subordinate shared appreciation documents permitting the city to capture at resale the difference between the market rate price of the target unit and the affordable price at initial sale, plus a share of appreciation realized from an unrestricted sale in such amounts as deemed necessary by the city to replace the target units.

(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 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 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\(b\)\(8\)](#).

(4)

Any household that occupies a target unit must occupy that dwelling unit as its principal residence.

(5)

No household may begin occupancy of a target unit until the household has been determined by the city or its designee to be eligible to occupy that dwelling unit. The city council, by resolution, shall establish guidelines for determining household income, maximum occupancy standards, affordable ownership cost, affordable rent, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

(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, which fees may be updated periodically, as required.

(7)

The city council, by resolution, shall approve standard documents to ensure the continued affordability of the target units. The documents may include, but are not limited to, density bonus housing agreements, regulatory agreements, promissory notes, deeds of trust, rights of first refusal, options to purchase, resale provisions, and/or other documents, which shall be recorded against all target units.

(8)

All promissory note repayments, shared appreciation payments, or other payments collected under this section shall be deposited in the city of Salinas inclusionary housing trust fund established pursuant to [Section 17-18](#) of the Salinas Municipal Code.

(9)

Any person who is a member of the city council or the planning commission, and their immediate family members, or any person having any equity interest in the residential development, including but not limited to, a developer, partner, investor, or applicant and their immediate family members, is ineligible to rent, lease, occupy, or purchase a target unit. The city council, by resolution, may establish guidelines for determination of "immediate family members."

(j)

Development Standards.

(1)

Target units shall be constructed concurrently with nonrestricted dwelling units or pursuant to a schedule included in the density bonus housing agreement approved pursuant to [Section 37-50.060\(n\)](#).

(2)

Single-family detached target units shall be dispersed throughout the residential development. Townhouse, rowhouse, and multifamily target units shall be located so as not to create a geographic concentration of target units within the residential development.

(3)

Target units shall have the same proportion of dwelling unit types as the market-rate dwelling units in the residential development.

(4)

The quality of exterior design and overall quality of construction of the target units shall meet all site, design, and construction standards included in [Chapter 9](#): Buildings, [Chapter 31](#): Subdivisions, and [Chapter 37](#): Zoning of the Salinas Municipal Code including, but not limited to, compliance with all design guidelines included in applicable specific plans or otherwise adopted by the city council.

(5)

Target units made available for purchase shall include space and connections for a clothes washer and dryer within the dwelling unit. Target units made available for rent shall include either connections for a clothes washer and dryer within the target unit or sufficient on-site self-serve laundry facilities to meet the needs of all tenants without laundry connections in their dwelling units.

(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) that exceeds the following:

(A)

Zero to one bedroom: one on-site parking space;

(B)

Two to three bedrooms: two on-site parking spaces;

(C)

Four and more bedrooms: two and one-half parking spaces;

(D)

If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a residential development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

(k)

Development Incentives or Concessions.

(1)

One to three incentives or concessions may be requested for eligible residential developments pursuant to [Section 37-50.060\(c\)\(6\)](#).

(2)

For purposes of this section, a concession or incentive shall mean any reduction in development standards or any modification of zoning or architectural design requirements necessary pursuant to Government Code Section 65915(d)(3) or 65915(e) to facilitate the construction of residential development at the densities provided for in Section 65915.

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

(A)

Up to fifteen percent deviation from the minimum yard requirement, with each deviation counting as one concession;

(B)

Up to fifteen percent reduction in the usable open space requirement or maximum lot coverage requirement;

(C)

Up to fifteen percent reduction in lot dimensions;

(D)

Up to fifteen percent increase in maximum building height;

(E)

Up to fifteen percent reduction in minimum distance between buildings;

(F)

Reduction in required off-street parking as described in Section 37-060(j)(6);

(G)

Up to fifteen percent reduction in landscaping area requirements;

(H)

Waiver of fee established pursuant to [Section 37-50.060\(i\)\(6\)](#);

(I)

Approval of mixed use buildings or developments in conjunction with the residential development, if nonresidential land uses will reduce the cost of the residential development, and if the city finds that the proposed nonresidential uses are compatible with the residential development and with existing or planned development in the area where the proposed residential development will be located;

(J)

Deferral until occupancy of development impact fees (including, but not limited to, park fees, fire fees, sanitary sewer trunk line fees, storm drain trunk line fees, street tree fees, library fees, or traffic impact fees); and

(K)

Density bonus for senior housing type 2 pursuant to [Section 37-50.060\(g\)](#) that is in excess of the density bonus that the project is entitled to under [Section 37-50.060\(c\)](#) or [37-50.060\(d\)](#).

(4)

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(1)(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 37-50.60(k)(3);

(B)

Reduced parking space dimensions, driveway width, parking aisle width, garage and carport dimension, location of parking spaces within required yards, or reduced bicycle parking requirements;

(C)

Reductions in architectural design standards;

(D)

Other regulatory incentives or concessions that are not listed in this section that result in identifiable, financially sufficient, and actual cost reductions; and

(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 [\(c\)\(3\)](#) 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\(1\)\(4\)](#).

(6)

Nothing in this section requires the city to grant direct financial incentives for the residential development including, but not limited to, the provision of publicly owned land or waiver of fees or dedication requirements.

(l)

Application Requirements. Applications for a density bonus shall include:

(1)

A density bonus housing plan, showing any density bonus, incentive, concession, waiver, modification, or revised parking standard requested pursuant to this section, shall be submitted as part of the first approval of any residential development. The density bonus housing plan shall specify, at the same level of detail as the application for the residential development: the number, dwelling unit type, level of affordability, tenure, number of bedrooms and baths, approximate location, size, and design, construction and completion schedule of all target units, number and location of all density bonus units, phasing of target units in relation to nonrestricted units, and marketing plan. The density bonus housing plan shall also specify the methods to be used to verify

tenant and buyer incomes and to maintain the affordability of the target units. For residential projects with thirty-five dwelling units or more, the density bonus housing plan shall specify a financing mechanism for the on-going administration and monitoring of the target units.

(2)

A description of any requested incentives, concessions, waivers, or modifications of development standards, or modified parking standards.

(3)

For all incentives and concessions except those listed in [Section 37-50.060\(k\)\(3\)](#), 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 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)

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.

(5)

If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in [Section 37-50.060\(d\)\(2\)](#) can be made.

(6)

If a density bonus or concession is requested for a day care center, the application shall show the location and square footage of the 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.

(1)

An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be considered by and acted upon by the approval body with authority to approve the residential development. The density bonus plan may be approved, approved with conditions, or denied pursuant to the findings required by this section. Any decision regarding a density bonus, incentive, concession,

waiver, modification, or revised parking standard may be appealed to the planning commission and from the planning commission to the city council in accordance with the requirements of Article VI, [Division 17: Appeals](#). In accordance with state law, neither the granting of an incentive, concession, waiver, or modification 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, variance, or other discretionary review application approval.

(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 will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation as described in [Section 37-50.060\(l\)](#).

(C)

If the density bonus is based all or in part on donation of land, the approval body has made the findings included in [Section 37-50.060\(d\)\(2\)](#).

(D)

If the density bonus, incentive, or concession is based all or in part on the inclusion of a day care center, the approval body has made the finding included in [Section 37-50.060\(e\)\(2\)](#).

(E)

If the incentive or concession includes mixed use buildings or developments, the approval body has made the finding included in [Section 37-50.060\(k\)\(3\)\(l\)](#).

(F)

If a waiver or modification is requested, 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 is not required to provide for affordable rents or affordable ownership costs; or

(B)

The incentive or concession would have a specific adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to lower, very-low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions, as they existed on the date that the application was deemed complete.

(4)

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

(A)

The modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to lower, very-low, and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete; or

(B)

The modification would have an adverse impact on any real property that is listed in the California Register of Historic Resources.

(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.

(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. Other modifications to the density bonus housing plan shall be processed in the same manner as the original plan.

(n)

Density Bonus Housing Agreement.

(1)

Following the first approval of a residential development, the city shall prepare a density bonus housing agreement providing for implementation of the density bonus housing plan and conditions of approval and consistent with the provisions of this section and any density bonus program guidelines adopted by city council resolution.

(2)

Prior to the approval of any final or parcel map or issuance of any building permit for a residential development subject to this section, the density bonus housing agreement shall be executed by the city and the applicant and

the density bonus housing agreement shall be recorded against the entire residential development property to ensure that the agreement will be enforceable upon any successor in interest. The density bonus housing agreement shall run with the land, and bind future owners and successors in interest as required to ensure compliance with the provisions of this section.

(Ord. No. 2463 (NCS).)

Sec. 37-50.070. - Development on existing lots.

(a)

Development on Existing Lots of Record. A legally created lot having a width or area less than required for the district in which it is located shall be developed subject to the same property development regulations as a standard lot. No substandard lot shall be further reduced in area or width.

(b)

Development on Lots Divided by District Boundaries. The regulations applicable to each district shall be applied to the area within that district, and no use or structure shall be located in a district unless it is permitted or authorized by permit.

(Ord. No. 2463 (NCS).)

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. Agricultural employee housing is a permitted use in the Agriculture (A) zoning district, subject to all the requirements of [Section 37-50.075](#): Agricultural employee housing. Agricultural employee housing not conforming to this section may be allowed in the A district subject to a non-administrative conditional use permit issued pursuant to Article VI, Division 8: Conditional use permits. Small project employee housing is a permitted use in all R districts, subject to all the requirements in Section XX, Small Project Employee Housing. Medium project employee housing use may be allowed in all R districts subject to all the requirements in Section XX, Medium Project Employee Housing and an administrative conditional use permit issued pursuant to Article VI, Division 8: Conditional use permits. Medium project employee housing 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 XX, 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.

(1)

Capacity. The medium project employee housing facility shall contain a maximum of thirty-six beds, serving no more than one person per bed for a maximum of thirty-six persons, if dormitory style, or a maximum of twelve households if in individual dwellings.

(2)

Occupancy limitation. Occupancy of dormitory-style accommodations shall be limited to agricultural employees only. Occupancy of individual dwellings shall be limited to agricultural employees and their immediate families. The employment site need not be the same as the facility site.

(3)

Parking. On-site parking shall be provided according to the following schedule. For dormitory-style facilities, a minimum of one parking space for every three authorized beds. For individual unit facilities, a minimum of two parking spaces shall be provided for each unit or space. Parking requirements specified in Sections [37-50.350](#), [37-50.370](#), [37-50.390](#), [37-50.410](#) and [37-50.420](#) apply to facilities developed pursuant to this section.

(4)

Emergency contact. Emergency contact information shall be posted on the exterior of the facility adjacent to the main entrance. Street address numbers shall be legibly posted on each building comprising the facility.

(5)

Other development regulations. See Table 37-50.45.

Table 37-50.45			
Employee Housing, Agricultural			
Development Regulation	Dormitory Style	Individual Unit Style	Additional Regulations
Height—Maximum	35 feet	30 feet	
Distance between structures	10 foot minimum	6 foot minimum	
Driveway length—Minimum (from street property line)	23 feet	23 feet	(A)
Minimum usable open space	50 sq. ft. per bed	500 sq. ft. per unit	(B)
Driveway and corner visibility	See § 37-50.460 Driveway and corner visibility		(A)
Fences, walls and hedges	See § 37-50.090 Fences, walls and hedges		(A)
Performance standards	See § 37-80.180 Performance standards		
Recycling and waste disposal	See § 37-50.200 Recycling and waste disposal		(C)

Notes:

(A) Applicable to projects that abut public rights-of-way.

For dormitory style developments, up to one-half the required usable open space may be replaced, on a

(B) one-to-one basis, by interior common area designed and furnished for use of all residents. Common areas shall not include hallways, common kitchens, laundry facilities, or storage space.

- Development shall provide for inlet protection and trash containment and otherwise comply with federal,
- (C) state and local water quality regulations including those established by the city's National Pollutant Discharge Elimination System permit.
 - (D) Administrative Fee. The city may charge an administrative fee for monitoring compliance with the provisions of this section as determined from time to time by the city council.
 - (E) Application Fee. The city may charge an application fee for processing approval of an agricultural employee housing facility as determined from time to time by the city council.
- Revocation of Permit. The city planner shall reserve the right to revoke permits authorized by this section if
- (F) the city planner determines that the facility is in violation of any of the provisions in this section. Revocations shall be conducted in accordance with [Section 37-60.1330](#): Revocation of permits.
- Conflict Between Regulations. Except as modified by this [Section 37-50.075](#): Employee housing, medium
- (G) 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.

(d)

Small Project Employee Housing Regulations

Development Regulations.

(1)

New construction. Small project employee housing 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.

(3)

Performance Standards. Small project employee housing is subject to Section 37-80.180 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.

(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.

(1)

Conditional Use Permit.

(a)

Medium project employee housing with an occupancy of 7 to 14 employees per lot in any R district shall require an administrative conditional use permit issued pursuant to Article VI, Division 8: Conditional Use Permits, which may be subject to additional conditions to ensure neighborhood compatibility and minimize impacts to adjacent properties.

(b)

Medium project employee housing in R-M districts and an occupancy of seven to fourteen employees per dwelling unit shall require a non-administrative conditional use permit issued pursuant to Article VI, Division 8: Conditional use permits, which may be subject to additional conditions to ensure neighborhood compatibility and minimize impacts to adjacent properties.

(2)

New construction. Medium project employee housing 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.

(3)

Occupancy limitation. Medium project employee housing shall be limited to between seven and fourteen employees per lot in all R-L and R-M districts subject to approval of an Administrative CUP. A Medium project employee housing of seven to fourteen employees per dwelling unit may be permitted if approved through a Non-administrative CUP by the Planning Commission.

(4)

Dwelling requirements. Medium project employee housing must include the following:

(a)

A minimum of two full bathroom per dwelling unit.

(b)

A full kitchen including a sink, countertop at least four (4) feet in length, cooking apparatus, and refrigerator.

(c)

Sleeping areas of at least fifty square feet per occupant consistent with the California Employee Housing Act.

(5)

Parking. A minimum of three parking spaces will be provided on-site. Additional spaces shall be required for occupancy greater than fourteen persons per lot based upon a parking ratio of one space for every seven employees. Parking spaces that are not required to be covered under the Zoning Code may be provided in tandem but shall not be located within the front yard setback. An applicant may request a parking reduction through the CUP process by demonstrating that the neighborhood impact is mitigated by providing alternatives such as transportation.

(6)

Compatibility. Medium project employee housing shall be operated in a manner that will not adversely affect adjoining residences or be detrimental to the character of the residential neighborhood.

(7)

Signs. No on-site signs advertising the employer shall be permitted.

(8)

Performance Standards. Medium project employee housing is subject to Section 37-80.180 Performance standards.

(9)

Registration. The property owner must register the medium project employee housing with the City and provide the following: 1) any California Housing and Community Development (HCD) approvals pursuant to the California Health & Safety Code § 17008 Health and Safety Code, 2) emergency contact information, 3) contact for property maintenance, and 4) a transportation plan outlining how employees will get to and from work.

(10)

Emergency contact. Emergency contact information shall be posted on the exterior of the facility adjacent to the main entrance. Street address numbers shall be legibly posted on each building comprising the facility.

(11)

Transportation. No buses are permitted to pick up and drop off at the property. Only passenger vans or vehicles are permitted to conduct passenger loading onsite.

(12)

Property Management. The City Planner may require an onsite property manager, which can be a designated employee, at the expense of the employer and annual building inspections through the approval of a Conditional Use Permit to ensure employee and neighbor safety.

(13)

Administrative Fee. The city may charge an administrative fee for monitoring compliance with the provisions of this section as determined from time to time by the city council.

(14)

Application Fee. The city shall charge an application fee for processing a Conditional Use Permit based upon an approved fee schedule.

(15)

Revocation of Permit. The city planner shall reserve the right to revoke permits authorized by this section if the city planner determines that the facility is in violation of any of the provisions in this section. Revocations shall be conducted in accordance with [Section 37-60.1330](#): Revocation of permits.

(16)

Conflict Between Regulations. Except as modified by this [Section 37-50.075](#): Employee housing, medium 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.

(Ord. No. 2532 (NCS), § 15, 11-13-2012; Ord. No. 2623 (NCS), § 8, 11-5-2019)
Sec. 37-50.080. - Exceptions to height limits.

(a)

Permitted Exceptions. Towers, cornices, spires, cupolas, and similar architectural features, chimneys, elevator penthouses, water tanks, flagpoles, monuments, radio and television antennas, transmission towers, fire towers, and similar structures, and necessary mechanical appurtenances covering not more than ten percent of the ground areas covered by the structure to which they are accessory may exceed the maximum permitted height in the district in which the site is located. Exceptions do not apply to satellite dish antennas, which are included under [Section 37-50.010](#): Accessory uses and structures or to telecommunications facilities, which are included under [Section 37-50.290](#): Telecommunication facilities.

(b)

Structures in the Airport Overlay District. Structures located in the airport overlay district are subject to the height limitations of Article IV, Division 7: Airport (AR) Overlay District.

(Ord. No. 2463 (NCS).)

(Ord. No. 2569 (NCS), § 21, 4-19-2016; Ord. No. 2623 (NCS), § 8, 11-5-2019)

Sec. 37-50.085. - Extended stay for hotel/motel uses.

(a)

Purpose. To provide additional options for the workforce, residents, and travelers in need of longer Hotel/Motel stays that will advance Salinas' economic growth and relieve housing shortages. To ensure that Hotel/Motel, extended stay is operated in a manner that provide the highest possible livability standards of design, environment, and security and achieve overall neighborhood compatibility.

(b)

General. Extended Stay for Hotels/Motels may be permitted in the Commercial Thoroughfare, Commercial Retail, Mixed Arterial Frontage, Mixed Use, and Village Center Zoning Districts subject to all the requirements of [Section 37-50.085](#) and a Conditional Use Permit issued pursuant to Article VI, Division 8: Conditional use permits.

(c)

Administration. Extended Stay for Hotels/Motels may be permitted through an Administrative conditional use permit pursuant to [Section 37-60.500](#) and subject to additional conditions to ensure neighborhood compatibility and minimize impacts to adjacent properties.

(d)

Development Regulations.

(1)

Extended Stay for New Hotel/Motels. New Hotel/Motel, Extended Stay shall comply with development regulations and design standards of the applicable Zoning District and [Section 37-50.085](#).

(2)

Maximum Stay. Length of stay per occupant(s) shall not exceed ten months within a three hundred sixty-five day period.

(3)

Parking Requirements. For new construction, 1.25 off-street parking spaces per guest room shall be provided plus one parking space per fifty square feet of banquet seating area. In addition, parking for other uses and facilities shall be provided as required by [Section 37-50.360](#): Off-street parking and loading spaces regulations. For conversion of an existing hotel/motel to extended stay, with no additional guest rooms, existing parking spaces shall be retained, and no additional parking spaces would be required.

(4)

Floor Area. A minimum one hundred fifty square feet per room, including bathroom. Kitchen floor area is not included in the minimum calculation.

(5)

Bathroom. Each room shall contain a bathroom including a toilet, sink, and shower or tub.

(6)

Common Area. A minimum of five hundred square feet of common area shall be provided, which could include a dining area.

(7)

Laundry Facilities. Laundry facilities consisting of individual or common washer and dryer shall be provided. A minimum of one washer and one dryer shall be provided for every twenty-five (25) rooms.

(8)

Existing Structures. Existing hotel/motel rooms may be converted to extended stay and exempted from the development standards contained in this section provided the following findings are established:

(A)

There is substantial compliance with the development standards.

(B)

Alternative means of compliance with development standards are provided which contribute to livability.

(C)

Strict compliance with development standards would render conversion of the hotel/motel to extended stay is impractical.

(9)

Operating Standards.

(A)

Management and Security Plan. A management and security plan shall be required as part of the conditional use permit (CUP) application and include on-site twenty-four hour property management or alternative which affords guests essentially the same level of service and security. This Management and Security Plan shall be reviewed and approved by the Salinas Police Department to ensure site safety and minimize potential negative neighborhood impacts.

(B)

Master Leasing. The hotel/motel operator may lease the entire hotel/motel to a single user.

(C)

Transient Occupancy Tax. Hotel/motel rooms that are not in use as Extended Stay shall be registered with the City and are subject to the transient occupancy tax (TOT).

(D)

Compatibility. Hotel/Motel, Extended Stay shall be operated in a manner that will not adversely affect or be detrimental to properties in the immediate vicinity.

(E)

Outdoor Activity. For the purpose of neighborhood compatibility, on-site outdoor activities except food and transportation services shall be conducted between the hours of 7:00 a.m. and 10:00 p.m. Outdoor activity may include recreational games and activities, musical performances, and such other similar activities as deemed appropriate by the city planner. The city planner may approve a management plan that allows for the loading and unloading of transportation and provision of food services beyond the hours of 7:00 a.m. to 10:00 p.m. if findings can be made that it will not adversely impact the surrounding neighborhood.

(F)

Performance Standards. Hotel/Motel, Extended Stay shall be subject to Section 37-80.180 Performance standards.

(G)

Emergency Contact. Emergency contact information shall be posted on the exterior of the facility adjacent to the main entrance. Street address numbers shall be legibly posted on each building comprising the facility as required by the Fire Department.

(H)

Parking Restrictions. Overnight parking shall be limited to cars, passenger vans, and other vehicles that can be accommodated in designated parking space. Storage of buses, unmanned trailers, and portable toilets shall be prohibited.

(I)

Temporary Storage/Structure. Temporary storage and structures shall be prohibited unless otherwise approved through a separate Temporary Use of Land Permit (TULP).

(J)

Food Service. One catering vehicle, not to exceed fifty feet, shall be permitted for the purposes of providing food service to those living onsite for a ninety minutes, no more than three times per day. The catering vehicle shall be licensed with the health department. The city planner may approve a larger catering vehicle if a

designated space can be provided on site that does not impede traffic and circulation, emergency access, pedestrian pathways and sidewalks, and/or ADA access. A hotel/motel operator may obtain a separate CUP for a Food Truck on private property, which is not subject to this section.

(K)

Passenger Loading. Passenger loading may be permitted if located in an area that does not impede traffic and circulation, emergency access, pedestrian pathways and sidewalks, and/or ADA access as shown on a site plan as part of a CUP application.

(L)

Alcohol. Outdoor consumption of alcohol shall be prohibited except in conjunction with a restaurant that has been fully permitted by the City.

(M)

Trash. Trash and recycling cans shall be provided on site and emptied daily by the hotel/motel operator. Trash cans shall have adequate lids or other devices to prevent airborne trash. The operator also shall provide documentation that regular commercial trash service is being provided on site pursuant to city regulations.

(N)

Maintenance. The site shall be maintained and kept free of weeds, litter, and debris. All landscaped areas shall be maintained free of weeds, trash, and debris, and all plant material shall be continuously maintained in a healthy, growing condition. All exterior building and wall surfaces shall be regularly maintained, and any damage caused by weathering, vandalism, or other factors shall be repaired.

(e)

Inspections. The City shall conduct a joint Community Development/Fire Department inspection of the Hotel/Motel Extended Stay use prior to issuance of the CUP.

(f)

Application. In addition to the CUP application, the applicant shall submit:

(1)

Emergency contact information.

(2)

Contact for property maintenance.

(3)

A written management and security plan including an emergency evacuation plan.

(4)

A site plan outlining circulation, emergency access, pedestrian and ADA pathways, location of loading and catering areas, and open space and common areas.

(5)

Any additional information requested by the city planner to determine compliance with the development regulations and operating standards.

(g)

Administrative Fee. The City may charge an administrative fee for monitoring compliance with the provisions of this section as determined from time to time by the City Council.

(h)

Application Fee. The city shall charge a base application fee for processing a Conditional Use Permit (CUP) based upon the adopted fee schedule at the time of application submittal.

(i)

Revocation of Conditional Use Permit. The city planner shall reserve the right to revoke permits authorized by this section if the city planner determines that the facility is in violation of any of the provisions in this section. Revocations shall be conducted in accordance with [Section 37-60.1330](#): Revocation of permits.

(j)

Conflict Between Regulations. Except as modified by this Section, 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.

(Ord. No. 2646 (NCS), § 5, 8-10-2021; Ord. No. 2655 (NCS), § 4, 2-15-2022)
Sec. 37-50.090. - Fences, walls, and hedges.

(a)

Purpose. The purpose of this section is to establish regulations governing the location and maximum height of fences, walls, and hedges within all zoning districts.

(b)

Definitions. The following definitions shall apply to this section:

(1)

Fence. A barrier enclosing or bordering a yard, boundary, or an object (or any portion thereof) primarily made of wood, vinyl, metal, or similar material.

(2)

Hedge. A row of bushes, small trees, or similar vegetation planted close together to form a barrier enclosing or bordering a yard, boundary, or an object (or any portion thereof).

(3)

Nonsight-obscuring. Something that does not interrupt or interfere with the line of sight.

(4)

Wall. A solid barrier enclosing or bordering a yard, boundary, or an object (or any portion thereof) typically made of stone, masonry, stucco, concrete, or similar material. Excludes retaining or building walls or walls made of wood.

(c)

Height Measurement. The maximum height of a fence, wall, or hedge shall be measured from the existing or finished grade, as applicable, except within the front or corner side yard, the maximum height of a fence, wall, or hedge shall be measured from the top of the nearest street curb elevation. When there is a difference in the ground level between two adjoining lots, the height of any wall or fence constructed along any interior side or rear property line shall be determined by measuring from the lot with the higher finished grade directly abutting the fence, wall, or hedge.

(d)

Location and Maximum Height. The maximum height of fences, walls, and hedges in required yards (also see [Section 37-50.090](#)(e): Required Walls) shall be as follows:

(1)

Residential and Agricultural Districts (See Figure 37-50.20).

(A)

Front yards: three feet;

(B)

Corner side yards:

(i)

Within ten feet of a corner side property line: three feet, or

(ii)

If setback a minimum of ten feet from the corner side yard property line: eight feet. Such a fence, wall, or hedge may extend along the corner side yard portion of the lot as well as the length of the house until the fence, wall, or hedge meets the required front yard setback. At no time shall such fence, wall, or hedge encroach into any area of unrestricted visibility as specified in [Section 37-50.460](#): Driveway and corner visibility;

(C)

Interior side or rear yards: eight feet.

(2)

Commercial and Mixed Use Districts.

(A)

Front yards and corner side yards and within required landscape planters adjoining a street pursuant to [Section 37-50.690](#)(g)(2)(A): three feet;

(B)

Interior side and rear yards: eight feet.

(3)

Industrial Districts.

(A)

Front yards and corner side yards and within required landscape planters adjoining a street pursuant to [Section 37-50.690\(g\)\(2\)\(A\)](#): three feet if sight-obscuring. If nonsight-obscuring and set back a minimum of ten feet from the front or corner side yard property line: eight feet, except that electrically-charged wires or fences, subject to the approval of a conditional use permit in accordance with [Section 37-50.090\(l\)](#), shall not exceed a maximum height of ten feet;

(B)

Interior side and rear yards: eight feet, except that electrically-charged wires or fences, subject to the approval of a conditional use permit in accordance with [Section 37-50.090\(l\)](#), shall not exceed a maximum height of ten feet.

(4)

Public/Semipublic, Parks and Open Space Districts. The maximum height of fences, walls, and hedges in required yards shall be determined at the time of the approval of the site plan review or conditional use permit (as required by the applicable zoning district) for the principal use where the fence, wall or hedge is proposed to be located. If no such approval is required under the applicable zoning district or if the principal use is existing and no use, building or site modifications are proposed for the site other than the installation of a fence, wall, or hedge, the city planner shall make the determination of the maximum fence, wall, or hedge height permitted for the site based on site conditions, use of the site, and surrounding uses and zoning districts.

(5)

New Urbanism Districts. Fences, walls, and hedges located on properties in the new urbanism (NU) districts shall be subject to the requirements of Article III, Division 8: New Urbanism (NU) Districts.

(e)

Required Walls. Solid walls shall be required to be installed as follows:

(1)

An eight-foot-high solid wall shall be required along any property line of an R-H district that abuts an R-L or R-M zoning district except in required front or corner side yards where the maximum height shall be three feet.

(2)

A six-foot-high solid wall shall be required along any property line of an R-M-2.9 district that abuts an R-L-5.5 or R-M-3.6 zoning district except in required front or corner side yards where the maximum height shall be three feet.

(3)

An eight-foot-high solid wall shall be required along any property line of a C or MU district that abuts an R district except in required front and corner street side yards where the maximum height shall be three feet.

(4)

An eight-foot-high solid wall shall be required along any property line of an I district that abuts an R, C, MU, or PS district, except in required front and corner side yards where the maximum height shall be three feet.

(5)

Required walls shall be installed by the developer or property owner of the parcel with the more intensive zoning designation at the time such parcel is developed; or at the time of a major modification of an existing structure or use located on such parcel. For purposes of this section, higher density residential zoning districts are more intensive than lower density residential zoning districts; commercial, mixed use, and industrial zoning districts are more intensive than residential zoning districts; and industrial zoning districts are more intensive than all other zoning districts.

(f)

Exceptions. Decorative fence features such as entry arbors, posts (including caps), pilasters, picket fence scallops, pedestrian gates, and similar features may exceed the maximum height limitations specified for maximum three-foot-high fences located in required front yards and corner side yards (and in required landscape planters) if the fence/feature is nonsight-obscuring and there is no view obstruction as follows:

(1)

Posts, Post Caps, Pilasters, and Similar Features. These features may extend a maximum of twelve inches above the maximum fence height (to a maximum height of forty-eight inches if the features are located a minimum of five feet apart as shown on Figure 37-50.30. The features shall have a consistent design and be constructed of the same materials. The maximum width, length, or depth dimension of the feature shall be eight inches.

(2)

Picket Fence Scallops. A picket fence may extend a maximum of six inches above the maximum fence height to accommodate a scallop fence design (a series of concave or convex picket projections as shown on Figure 37-50.30. The maximum width of a picket shall be no greater than three and one-half inches. A minimum one inch separation shall be provided between pickets that are less than two inches in width and a minimum one and three-quarters inch separation shall be provided between pickets that are two inches or greater in width.

(3)

Entryway Arbors. One entryway arbor substantially open not exceeding a maximum of twenty square feet in total area and eight feet in height is permitted in either a front or corner side yard (whichever yard provides the primary pedestrian access to the principal building) as shown on Figure 37-50.40A. The square footage of the arbor shall be determined by measuring the length and width of the area located within the rectangle formed around the posts of the arbor or the roof portion of the arbor whichever dimension is larger as shown on Figure 37-50.40B. This exception shall only apply to an entryway arbor. All other freestanding arbors are subject to the provisions of [Section 37-50.710](#): Landscape architectural features. No entryway arbor shall be located in an area of unrestricted visibility pursuant to [Section 37-50.460](#): Driveway and corner visibility.

(4)

Pedestrian Gates. A pedestrian gate not exceeding a maximum width of five feet may extend a maximum of twelve inches above the maximum fence height (to a maximum of forty-eight inches in height) if constructed of nonsight-obscuring material consistent with the fence or entryway arbor material and not located in an area of unrestricted visibility pursuant to [Section 37-50.460](#): Driveway and corner visibility.

(g)

Screening. Walls or fences used for screening purposes in commercial, mixed use, and industrial zoning districts in accordance with [Section 37-50.170](#): Outdoor storage and display may be higher than eight feet upon a determination by the city planner as part of the site plan review or conditional use permit approval that no adverse visual or aesthetic impacts will affect adjacent properties and public rights-of-way and that the height is the minimum needed to accomplish the screening or buffering purpose for which it is constructed.

(h)

Tennis Courts. Tennis court fencing shall generally be nonsight-obscuring, shall not exceed a maximum height of fifteen feet, and shall observe the setback of accessory structures within the zones where they are located. However, in no case shall such a fence be located closer than five feet from an interior side or rear property line.

(i)

Driveway and Corner Visibility Requirements. All fences, walls, and hedges shall be subject to the driveway visibility requirement of [Section 37-50.460](#): Driveway and corner visibility.

(j)

Noise Mitigation. The city planner may allow the maximum height of fences and walls to be increased above the maximums in order to mitigate noise levels that exceed the maximum levels permitted in [Section 37-50.180\(a\)](#): Noise, subject to the approval of a site plan review. Such an exception may be granted by the city planner upon his/her approval of an acoustic noise study meeting the requirements of [Section 37-50.180\(a\)](#): Noise.

(k)

Prohibited Fences.

(1)

No barbed wire or razor wire or similar fencing is permitted in any district, except that barbed wire may be allowed for security or safety purposes in the IG (General Industrial) district (when not visible from an arterial, collector street, or U.S. Highway 101), and in the IBP (Industrial-Business Park), and in the IGC (Industrial-General Commercial) districts if not visible from any public right-of-way subject to the approval of a Site Plan Review.

(2)

No electrically-charged wires or fences are permitted in any district, except that electrically-charged wires or fences may be allowed for security purposes in the IG (Industrial-General), IBP (Industrial-Business Park), and IGC (Industrial-General Commercial) districts subject to the approval of a conditional use permit in accordance with [Section 37-50.090\(1\)](#).

(3)

Chain link fencing shall be prohibited in any front or corner side yard or in any required landscape planter pursuant to [Section 37-50.690\(g\)\(2\)\(A\)](#) in an R, C or MU district.

(1)

Electrically-Charged Wires and Fences. It shall be unlawful for any person to install, maintain, or operate any electrically-charged wires or fences in violation of this section.

(1)

Conditional Use Permit Required. A conditional use permit, issued in accordance with Article VI, Division 8, Conditional Use Permits, shall be required for all electrically-charged wires or fences. conditional use permit applications for electrically-charged wires or fences shall be subject to review and approval by the fire chief, the police chief, the building official, the city engineer, and the city planner, or their designees, and shall be subject to conditions as deemed reasonable and appropriate to ensure the protection of public health, safety, and welfare.

(2)

Building Permit Required. A building permit, issued in accordance with [Chapter 9](#) of the City Code, shall be obtained prior to installation of electrically-charged wires or fences. Applicable listing(s) along with other pertinent information and applications shall be provided to the building official prior to approval for building permit issuance.

(3)

Allowable Zoning Districts. Installation of electrically-charged wires or fences is limited to the following zoning districts: IG (Industrial-General), IBP (Industrial-Business Park), and IGC (Industrial-General Commercial).

(4)

Location. Electrically-charged wires or fences shall be prohibited on sites adjacent to existing or planned residential development.

(5)

Public Access. Electrically-charged wires or fences shall be restricted to sites with limited public access.

(6)

Security Purposes. Electrically-charged wires or fences may be allowed for security purposes only including, but not limited to, equipment, vehicles, and the like in outdoor storage areas.

(7)

Energizer Requirements. The energizer for electrically-charged wires or fences shall be driven by a commercial storage battery not to exceed 12 volts direct current. The storage battery shall be charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger.

(8)

Maximum Height. Electrically-charged wires or fences shall not exceed a maximum height of ten feet.

(9)

Perimeter Fence or Wall. Perimeter fencing shall be required for all electrically-charged wires or fences as follows:

(A)

A perimeter fence or wall a minimum of six feet in height shall be installed on the exterior side (the side facing the abutting public right-of-way and/or abutting properties) of any and all electrically-charged wires or fences.

(B)

The perimeter fence or wall shall be in conformance with requirements including, but not limited to, height and setbacks pursuant to [Section 37-50.090](#).

(C)

The perimeter fence or wall shall be in conformance with the industrial design standards pursuant to [Section 37-30.330](#) or public/semipublic design standards pursuant to [Section 37-30.400](#), as applicable depending on the zoning district.

(10)

Minimum Safe Distance Between Fences. Electrically-charged wires or fences shall be installed a minimum distance of at least twelve inches from the perimeter wall or fence as a safety measure to prevent contact with the electrically-charged wires or fences from the perimeter fence or wall.

(11)

Warning Signs. Electrically-charged wires or fences shall be clearly identified with warning signs, on both sides of the electrically-charged wires or fences, at intervals of not greater than sixty feet. The warning signs shall contain the words "Warning—Electric Fence" in both English and Spanish and shall include the international safety symbol that signifies "Caution, Risk of Electric Shock/High Voltage."

(12)

Knox Box. A "Knox Box" or other similar device approved by the fire department and the police department shall be installed for emergency access purposes. The "Knox Box" shall be designed such that activation of the "Knox Box" will de-energize the electrically-charged wires or fences.

(13)

Automatic De-energizing. Electrically-charged wires or fences shall be designed to automatically de-activate/de-energize upon manual cutting of the wires.

(14)

Hours of Operation. Electrically-charged wires or fences shall not be allowed in operation when the uses are open to the public.

(15)

Prevention of Fire Hazards. All weeds, brush, trees, and other vegetation in proximity to any electrically-charged wires or fences shall be maintained such that they will not pose a fire hazard, as determined by the fire department.

(Ord. No. 2463 (NCS).)

(Ord. No. 2506 (NCS), §§ 1—3, 4-27-2010)
Sec. 37-50.095. - Food trucks.

(a)

Purpose. The provisions of this section are intended to provide conditions and requirements under which food trucks may be permitted to operate by a conditional use permit (see Article VI Division 8: Conditional Use Permits) on private property within certain areas of the city.

(b)

Definitions. The following definitions shall apply to this section:

(1)

Food truck. Any vehicle that may be moved under its own power or a vehicle not easily or readily moved by any person, or which must be hauled or moved by another vehicle, and which is used, designed, or outfitted to dispense ready-to-eat food or beverages to patrons. Does not include:

(A)

Vehicles used solely to deliver food or beverage previously requested by a patron, home, or business establishment, such as "Meals-on Wheels" or delivery trucks.

(B)

Vehicles used for the display, sale or dispersal of food or beverages as part of an organized community event for which permission has been granted by the city.

(c)

Conditional Use Permit Required. Prior to operating a food truck, a conditional use permit (CUP) (see Article VI Division 8: Conditional Use Permits) shall be required pursuant to Sections: [37-30.200](#), Table 37-30.90; [37-30.240](#), Table [37-30.110](#); and [37-30.310](#), Table [37-30.130](#).

(d)

Additional Vendor Permit Required. Prior to operating a food truck on private property, a vendor permit shall also be obtained pursuant to [Chapter 20](#), Article XVI—Food Trucks, Ice Cream Trucks, Nonmotorized Pushcarts and Street Vendors—Stopping, Standing and Parking. Food trucks shall comply with requirements set forth by the vendor permit and all applicable local and state laws, rules, and regulations.

(e)

Administration. A detailed site plan shall be submitted with the conditional use permit application and at minimum shall include the following information:

(1)

The land area included within the site with dimensions and property lines clearly shown on the plan, the zoning classification of adjacent sites, and all public and private right-of-way and easements bounding and intersecting the site; and

(2)

The location of each permanent structure on the site and designated location and orientation of the food truck; and

(3)

The location, width, and surface material of drive aisles including fire lanes when required by the fire department; and

(4)

The location and dimension of parking and loading areas including number of spaces; and

(5)

The location of fire hydrants; and

(6)

The location of landscaping and height of all walls, fences, and screening along all street frontages; and

(7)

The location of any electrical outlet(s) provided for food truck operations; and

(8)

Any other information requested by the city planner as deemed necessary to evaluate the conditional use permit.

(f)

Regulations. The following regulations shall apply to Food trucks:

(1)

The site shall be developed in accordance with the development regulations specified in the applicable zoning district including landscaping standards (See Division 4.—Landscaping and Irrigation).

(A)

If the site does not comply with Division 4.—Landscaping and Irrigation, the city planner may allow alternative means of complying provided the alternative achieves results comparable to those achieved through strict application of the provisions of this section (see [Section 37-50.690\(i\)](#)).

(2)

Food trucks shall not be located in required yards or within existing landscape areas.

(3)

Only food and non-alcoholic beverages shall be displayed, sold, or exchanged.

(4)

Alcohol sales shall be prohibited.

(5)

Operations shall be conducted entirely on the property identified in the conditional use permit application.

(6)

Operations shall be prohibited on undeveloped lots and unpaved surfaces.

(7)

A food truck shall be located in a designated space and in a manner that does not block drive aisles, driveways or otherwise create a traffic hazard by preventing adequate circulation and fire access.

(8)

A food truck shall be located in a designated space that protects customers that are ordering or picking up food from potential hazards such as parked cars with a width of at least six feet between the truck and other site obstructions including but not limited to curbs, landscaped areas, trash enclosures, buildings, and other parking spaces. The food truck vendor shall be responsible for managing customer queuing and ensuring pedestrian access is maintained.

(9)

Incorporation of a drive-through lane as a part of food truck operations shall be prohibited; operation shall be strictly limited to walk-up service.

(10)

Required parking shall be two spaces per food truck pursuant to [Section 37-50.360](#) (C), Table [37-50.100](#), Schedule A: Off-Street Parking and Loading Spaces Required. In addition to this parking standard, existing required parking on site shall be maintained.

(A)

A parking reduction up to thirty percent of the number of parking and loading spaces may be allowed subject to the approval of an administrative conditional use permit (see [Section 37-50.370](#)(a). Reductions Allowed by the City Planner).

(B)

A parking reduction greater than thirty percent of the number of parking and loading spaces may be allowed subject to planning commission approval of a non-administrative conditional use permit (see [Section 37-50.370](#)(b). Reductions Allowed by the Planning Commission).

(11)

Hours of operation shall be limited to Sunday through Thursday from 9:00 a.m. to 10:00 p.m. and Friday, Saturday, and holidays from 9:00 a.m. to 12:00 a.m.(midnight).

(12)

Outdoor furniture including tables, chairs, and shaded structures shall be prohibited; condiments and utensil dispensers must be shown on the site plan and may be permitted based upon approval of the conditional use permit.

(13)

Outside storage of items related to the operation of a food truck shall be prohibited.

(14)

Portable toilets shall be prohibited.

(15)

Signage shall be limited to the exterior surfaces of the food truck and shall not be mounted in a manner that extends beyond the top, bottom, or side lines of the vehicle.

(16)

Lighting associated with food truck operations shall comply with [Section 37-50.480](#)—Outdoor Lighting.

(17)

Amplified sound or the use of any loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of the food truck operation shall be prohibited.

(18)

Use of exterior generators for the operation of the food truck shall be prohibited. A generator may be permitted if enclosed within the food truck or if a permanently mounted, weatherproof damage protected GFCI outlet is installed in close proximity to the food truck for use when operating.

(19)

Food truck operations shall be subject to performance standards in [Section 37-50.180](#) Performance Standards.

(20)

The area surrounding the food truck and within a twenty-five foot radius shall be maintained in a clean condition free of trash, debris, oil, and grease.

(A)

Solid waste and recycle container(s) shall be maintained immediately adjacent to the food truck for use by customers; and

(B)

All garbage, refuse or litter consisting of food waste, wrappers, materials dispensed, and any residue deposited on the property from the operation shall be promptly removed.

(21)

The Food Truck shall be continuously maintained in good operating condition with no visual appearance of deterioration such as peeling paint or rust.

(g)

Revocation of Conditional Use Permit. The city planner shall reserve the right to revoke any conditional use permit authorized via this section if the city planner determines that the food truck is operating in violation of any of the provisions in this section. Revocations shall be conducted in accordance with [Section 37-60.1330](#): Revocation of permits.

(Ord. No. 2649 (NCS), § 6, 9-21-2021)
Sec. 37-50.100. - Home occupations.

(a)

Purpose. The purpose of this section is to:

(1)

Allow home enterprises that are incidental to and compatible with surrounding residential uses;

(2)

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

(3)

To allow for limited education and recreational activities in residential zones where such activities would not be detrimental to the neighborhood.

(b)

Definitions. The following definitions shall apply to this section:

(1)

Home Occupation. A business activity conducted in a dwelling unit in compliance with this section, which use does not alter the character of the property and is clearly incidental to a residential use.

(2)

Instructional and Educational Services. A business that solely provides instructional or tutoring services. Includes academic assistance, lessons (such as music, art, language, swim, etc.), and similar services. Excludes counseling, psychological, medical or dental offices, day care homes or facilities, personal services, and schools.

(c)

Permit Required. A home occupation permit (see Article VI, Division 4: Administrative Permits) obtained from community planning and development shall be required to operate any home occupation. Live-work units (see [Section 37-50.130](#): Live-work units) shall not be subject to the requirements of this section.

(d)

Revocation of Permit. The city planner shall reserve the right to revoke any home occupation permit if the city planner determines that the home occupation is in violation of any of the provisions in this section. Revocation shall be conducted in accordance with [Section 37-60.1330](#): Revocation of permits.

(e)

Operating Standards.

(1)

A home occupation shall comply with each of the following regulations:

(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.

(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.

(C)

No outdoor storage of materials or equipment used in the home occupation shall be permitted.

(D)

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

(E)

A home occupation may be granted only to a resident of the dwelling unit and 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.

(F)

A home occupation shall not create pedestrian or vehicle traffic in excess of the normal amount in the zoning district.

(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.

(H)

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

(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.

(J)

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

(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.

(f)

Instructional and Educational Services. In addition to the operating standards in [Section 37-50.100](#)(e) above, instructional and educational services shall be subject to the following provisions:

(1)

There shall be no more than a maximum of two clients/students (excluding guardians) per hour and a maximum of six clients/students per day;

(2)

The hours of operation as related to client/student visitations per day shall be limited to no earlier than 9:00 a.m. and no later than 7:00 p.m. Monday through Friday, and no earlier than 10:00 a.m. and no later than 4:00 p.m. on a Saturday. No clients/students may come to the home on Sundays;

(3)

Clients/students shall make appointments in advance (e.g., no walk-in business);

(4)

Swim lessons may only be conducted if the pool used for such lessons is located in an enclosed accessory structure, and the pool and related facilities meet all applicable Uniform Building Code, National Electrical Code, and Monterey County Health Department requirements for such use; and

(5)

Home occupations involving instructional and educational services with a maximum of five clients/students per hour (excluding guardians) and thirty-five clients/students per day may be considered as a conditional use permit in lieu of a home occupation permit. In addition to the requirements specified in Sections [37-50.100](#)(e) and (f), and any other conditions the city planner determines are necessary to mitigate significant adverse impacts on the surrounding neighborhood, a conditional use permit may be considered only if the following additional conditions can be met:

(A)

Primary vehicular access to the property is from a street designated as a collector or arterial street by the Salinas general plan;

(B)

Clients/students and their guardians shall remain at the site for the duration of the lessons, and no client/student shall be dropped off by any person who does not remain on-site for the duration of the lesson;

(C)

The subject parcel is not located within three hundred feet of another parcel with an instructional and education services use as measured from the nearest property lines of the respective sites; and

(D)

There shall be a minimum of fifteen minutes between each class to minimize overlapping parking impacts.

(g)

Fortunetelling. In addition to the operating standards in [Section 37-50.100\(e\)](#) above, fortunetelling by a single practitioner is permitted as a home occupation subject to the following provisions:

(1)

The hours of operation as related to client/customer visitations per day shall be limited to no earlier than 7:00 a.m. and no later than 9:00 p.m.;

(2)

There shall be no more than a maximum of three client/customer visitations per day, one at a time for no more than sixty minutes each; and

(3)

Clients/customers shall make appointments in advance (e.g. no walk-in business).

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), §§ 2, 36, 5-18-2010; Ord. No. 2644(NCS), § 1, 6-8-2021)
Sec. 37-50.110. - Infill residential development in the R-L district.

(a)

Purpose. The purpose of this section is to establish infill residential development regulations and design standards to protect the character of the city's established (built-out) single-family residential neighborhoods and is intended to supplement the base zoning district regulations to ensure that all new single-family detached residential dwelling units and applicable residential additions constructed in such areas:

(1)

Preserve existing residential patterns and development, and reinforce the character and functional relationships of established neighborhoods;

(2)

Are compatible in scale and height with the neighboring single-family detached residential dwelling units through the use of similar proportions, level of details, and scale; and

(3)

Reflect some of the best characteristics of adjacent dwelling units in the choice of materials and colors, windows, height, and roofline.

(b)

Definitions. The following definitions shall apply to this section:

(1)

Neighboring Block Face. Those single-family detached dwelling units situated on lots or parcels located within one hundred fifty feet of the nearest property line of the subject site. Such lots or parcels shall include, but not be limited to, those lots or parcels that abut, face, or are located on the same street as the subject site. If a lot or parcel is vacant, undeveloped, or contains another use other than a single-family detached dwelling unit within the neighboring block face, the next closest lot with a single-family detached dwelling unit shall be deemed to be part of the neighboring block face. If any piece or portion of a lot or parcel is located within the neighboring block face, the entire parcel or lot shall be deemed to be in the neighboring block face.

(2)

Addition. Any construction that increases the size of a building or structure in terms of FAR, height, length, width, or gross floor area.

(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)

New single-family detached dwelling units that are constructed on:

(A)

Lots where an existing single-family detached dwelling unit has been or will be demolished, or

(B)

Vacant or undeveloped lots in otherwise established residential neighborhoods;

(2)

Second story additions to existing single-family detached dwelling units;

(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.

(d)

Exceptions. This section shall not apply to the following:

(1)

Building permits for building, electrical, plumbing, mechanical, sidewalk or driveway repairs, or to other activities that do not increase the square footage or height of the existing dwelling unit;

(2)

The construction of new single-family detached dwelling units on lots or parcels located in a specific plan area or in a subdivision tract development with an approved phasing plan, or which is located on a lot or parcel subject to a planned unit development permit or other development review approval that has specific development regulations or design standards applicable to the subject lot or parcel;

(3)

Accessory structures (including garages and carports); however, such structures shall be subject to the requirements of [Section 37-50.010](#): Accessory uses and structures;

(4)

Second dwelling units not specified in subsection (c) above.

(e)

Permit Required. A conditional use permit for a residential design review shall be required for all the residential infill development specified in subsection (c) above.

(f)

Development Regulations. The following supplementary regulations shall apply:

(1)

Yards (Minimum).

(A)

Front and Corner Side Yards. The minimum front and corner side yards shall be determined based on the average of the existing front and corner side yards for single-family detached dwelling units located within the neighboring block face. For purposes of calculating the average, the smallest yard and the greatest yard shall be disregarded. For an addition to an existing single-family detached dwelling unit, the existing front or corner side yard may be maintained, if less than the average for the neighboring block face.

(B)

Rear Yards. The rear yard shall be in accordance with the base district regulations.

(C)

Interior Side Yards.

(i)

For new dwelling units and residential additions that will not exceed the maximum height of the tallest single-family dwelling unit located within the residential block face: The minimum interior side yard shall be in accordance with the base district regulations.

(ii)

For all other new dwelling units and residential additions: The minimum interior side yard shall be five feet for the first twenty feet in building height with an additional two and one-half feet of yard required for each additional five feet, or a fraction thereof, of building height as measured to the peak of the roof.

(2)

Dwelling Unit Size (Maximum).

(A)

For a new dwelling unit or a lot with a pre-existing single-family detached dwelling unit which was demolished: .40 FAR; or two thousand five hundred square feet; or twenty percent more square feet than the existing or pre-existing dwelling unit, whichever is greater;

(B)

For additions: .40 FAR or two thousand five hundred square feet or the square footage of the existing house plus one thousand square feet, whichever is greater;

(C)

The square footage of an attached second story second dwelling unit shall be counted toward the maximum size requirements specified for the principal single-family detached dwelling unit.

(3)

Height (Maximum).

(A)

The maximum height to the peak of the roof shall not exceed the height of the highest roof peak on the neighboring block face, or thirty feet, whichever is more.

(B)

A maximum of two stories shall be permitted (excluding basements).

(C)

Towers, cornices, spires, cupolas, and similar architectural features (excluding chimneys) may not exceed the maximum height limitation specified in [Section 37-50.080](#): Exceptions to height limits.

(g)

Design Standards. The following design standards shall supplement the low density residential design standards contained in the R-L base zoning district (See [Section 37-30.080](#): Design standards):

(1)

Height and Scale.

(A)

The height and scale of new dwelling units and additions shall follow the context of the neighboring residential block face and not overwhelm existing dwelling units with disproportionate size.

(B)

New dwelling units and additions shall preserve and reinforce the character of established streetscapes by maintaining similar horizontal and vertical proportions with adjacent facades. First and second floor plate heights shall generally be consistent with those of existing dwelling units in the neighborhood.

(C)

The dominant existing scale of an established neighborhood should be maintained. Special attention shall be given to the design of a new two-story dwelling units or an addition constructed in a predominately one-story neighborhood to ensure that it is similar in scale and mass with surrounding structures and contributes to a harmonious transition between the new development and the existing development. In neighborhoods with both one-story and two-story dwelling units, second story additions shall generally reflect the scale, bulk, and height of other two-story dwelling units located in the neighborhood.

(D)

The perceived scale of new dwelling units and additions should be minimized. To achieve this, two-story buildings should be stepped back from streets and adjacent smaller residential dwellings units, broken up into smaller architectural components, or include a substantial single-story element.

(E)

New dwelling units and additions should maintain a proportional relationship with buildings on adjacent properties including roof ridge height and eave height.

(F)

Accent materials or varied wall planes are encouraged to break up the vertical mass of two-story units and additions.

(2)

Site Planning.

(A)

Placement of new dwelling units and additions on a lot shall reflect the prevailing pattern in the established neighborhood.

(B)

Site planning and design should complement any mature vegetation on the site. Special emphasis shall be placed on the preservation of on-site large specimen trees (ten-inch diameter or larger).

(3)

Roof Forms and Pitch.

(A)

For new dwelling units, roof forms should be similar to existing single-family dwelling units found in the surrounding neighborhood.

(B)

For additions, roof forms and pitch shall match the existing dwelling unit.

(C)

Multiple roof forms and pitches on smaller structures are generally undesirable. However, on large dwelling units and second story additions varying roof places can add visual interest and decrease the scale of the dwelling unit.

(D)

Artificial roof forms, such as mansards, are discouraged.

(4)

Privacy Considerations.

(A)

The placement of second story windows and balconies should consider the privacy of adjacent dwelling units.

(B)

Placement of windows and openings should not create a direct line sight into the living space or the backyard of adjacent properties. Where privacy is a concern, windows should be staggered, frosted, louvered, or placed above eye level at the top third of the wall.

(5)

General.

(A)

New dwelling units shall support the distinctive architectural characteristics and style (scale/level of detail/proportion) of single-family dwelling units in the surrounding neighborhood, or if a residential addition, the characteristics of the existing dwelling unit, including building mass, scale, proportion, decoration and detail, door and window spacing and rhythm, exterior materials, finished floor heights, porches, roof pitch, and style. In areas where there is no prevailing architectural style exists, the general neighborhood character should be maintained by the use of similar forms and materials. The style of individual houses can be varied to reflect the mix of forms and materials that characterize the existing established neighborhood.

(B)

The design of dwelling units should incorporate an appropriate mixture of the predominant materials in the surrounding neighborhood.

(C)

Exterior color schemes for structures shall consider the color schemes of existing structures in the surrounding neighborhood in order to maintain compatibility and harmony.

(h)

Modification of Standards. The planning commission may authorize modifications to the requirements in this section if the following finding (in addition to the findings required in [Section 37-60.500](#): Administrative conditional use permit) can be established:

(1)

The modification does not represent an exception to the standards of this Zoning Code but rather an alternative resulting in an equal or superior design or neighborhood compatibility in comparison to development that strictly complies with the requirements of this section.

(Ord. No. 2463 (NCS).)

Sec. 37-50.120. - Large family day care homes.

(a)

Permit Required. A large family day care home permit (see Article VI, Division 4: Administrative Permits) obtained from community planning and development shall be required to operate any large family day care home.

(b)

Revocation of Permit. The city planner shall reserve the right to revoke any permit authorized by this section if the city planner determines that the large family day care home is in violation of any of the provisions in this section. Revocations shall be conducted in accordance with [Section 37-60.1330](#): Revocation of permits.

(c)

Development Regulations.

(1)

The site is the principal residence of the operator and is clearly incidental and secondary to the use of the property for residential purposes.

(2)

Temporary conversion and the use of a residential garage so designated for day care activities is subject to compliance with all requirements of the Uniform Building Code or Uniform Housing Code. A "notice of restriction on temporary conversion of garage" shall be completed and signed by the applicant and submitted to the city planner for filing and recordation with the Monterey County recorder's office prior to the issuance of a building permit for the temporary conversion of the garage.

(3)

Temporary garage conversions shall remain valid for the duration of a licensed day care home. The garage shall be returned to its original intended use within forty-five days following cessation of an authorized day care home.

(4)

Residences located on arterial streets (as denoted in the circulation element of the general plan) shall provide a drop-off/pickup area designed to prevent vehicles from backing onto the street.

(5)

The operator shall comply with all applicable regulations or other requirements of the Salinas fire department regarding health and safety requirements and all other applicable codes and regulations.

(6)

No on-site signs advertising the day care home shall be permitted.

(d)

Operational Standards.

(1)

The facility shall be operated in a manner that will not adversely affect adjoining residences or be detrimental to the character of the residential neighborhood.

(2)

The facility shall comply with the provisions of [Section 37-50.180](#): Performance standards.

(Ord. No. 2463 (NCS).)

Sec. 37-50.130. - Live-work units.

(a)

Purpose. The purpose of this section is to:

(1)

Provide for the development of live-work units that have both working and living spaces for the use of the business operators or their employees and their households who reside in the live-work units;

(2)

Foster and encourage the development of small businesses;

(3)

Enliven the vitality of commercial corridors by encouraging on-site residential uses through the use of incentives that ease parking and floor area ratio (FAR) requirements for accessory residential uses; and

(4)

Ensure the use and design of the structures with live-work units are compatible with the use and design of surrounding structures and development.

(b)

Definition. The following definition shall apply to this section:

(1)

Live-work Units. A commercial unit designed and intended to function as a work and living space for the person(s) (business operators or their employees and their households) who reside there and where the residential use is secondary or accessory to the primary use as a place of work. A live-work unit has adequate working space available for and is regularly used by the person(s) residing in the live-work unit and one or more rooms with cooking and sanitation facilities in conformance with Building Code and disabled access (A.D.A. and state of California [Title 24](#)) requirements.

(c)

Residential Density. The residential density limitations of the general plan and the Zoning Code are not applicable to the live-work units.

(d)

Development Regulations. Development regulations for live-work units shall be in accordance with the development regulations specified in the applicable zoning district for commercial uses except as provided below:

(1)

Unit Size.

(A)

Minimum. The minimum size of a live-work unit shall be eight hundred fifty square feet.

(B)

Maximum. The maximum size of a live-work unit shall be five thousand square feet of gross floor area.

(2)

Minimum/Maximum Floor Area of Commercial Work and Residential Living Areas.

(A)

Work Area. A minimum of fifty-one percent of the total gross floor area of the live-work unit shall be designated and regularly used for the commercial use or activity by the persons residing in the unit.

(B)

Living Area. A maximum of forty-nine percent of the total gross floor area of the live-work unit may be designated for and used as residential living area (consisting of living, kitchen, bathroom, laundry facilities, and closet facilities). In no case shall less than four hundred square feet of residential living area be provided in a unit.

(C)

Maximum Floor Area. The total gross floor area designated as work areas, shall be subject to the maximum floor area ratio (FAR) specified for the applicable zoning district. The gross floor area designated as residential living area shall not be subject to this limitation.

(D)

The living and the work areas shall be in the same unit and may not be located in a separate building.

(3)

Storefront Required. A live-work unit with floor area located on the ground floor of a building shall have a storefront that is readily visible to, regularly open to, and accessible by pedestrians.

(4)

Separation Between Units. Each live-work unit shall be separated from other live-work units and other uses in the building.

(5)

Pedestrian Access. Pedestrian access shall be provided to each live-work unit as follows:

(A)

For individual live-work units with any floor area on the ground floor of the building, public access to the live-work unit shall be provided directly from a street(s) or public open space area (such as a plaza, courtyard, etc.) via a storefront entrance. Where multiple street frontages exist, the city planner shall determine which frontage is the appropriate location for the storefront(s). Secondary resident access to parking areas and other areas that are not intended to serve the general public and which are not located on a street frontage (excluding alleys) or other public open space area shall not be subject to this requirement.

(B)

For live-work units with no floor area on the ground floor (such as second story or higher floors), public access to individual units shall be from the street, parking area, or public open space area via a separate common access area (such as a hall or corridor).

(C)

The access provided to each live-work unit from common access areas shall be clearly separated from other live-work units in the building.

(D)

Access to a live-work unit shall not be provided through another live-work unit.

(6)

Loading. No loading space shall be required for live-work unit uses occupying less than thirty thousand square feet of gross floor area in a building or for those uses that do not require a loading zone pursuant to [Section 37-50.360](#): Off-street parking and loading space regulations. For live-work uses that occupy thirty thousand square feet to fifty thousand square feet of gross floor area in a building, a minimum of one twelve-foot-wide by thirty-five-foot-long by sixteen-foot-high loading space shall be provided. For live-work uses occupying more than fifty thousand square feet in gross floor area in a building one additional loading space measuring twelve feet wide by thirty-five feet long by sixteen feet high shall be provided.

(7)

Parking. For live-work units with less than one thousand square feet of commercial gross floor area, a minimum of two spaces shall be provided per unit. For live-work units with more than one thousand square feet of commercial gross floor area, one additional parking space shall be provided for each three hundred fifty square feet of commercial gross floor area over one thousand square feet. No additional parking is required for the residential use.

(8)

Usable Open Space. A minimum of sixty square feet of usable open space per live-work unit shall be provided; however, conversions of existing structures into live-work units shall not be subject to this requirement.

(e)

Establishment of Live-work Unit. The establishment and operation of a live-work unit shall require the approval of a site plan review or a conditional use permit as required by the applicable base zoning district.

(f)

Uses. The nonresidential use shall be limited to those commercial uses allowed within the use classifications of the applicable zoning district. Live-work units shall not be established in conjunction with the following uses or located in any building with such uses:

(1)

Adult entertainment facilities;

(2)

Animal sales and services;

(3)

Any vehicle-related use including repair, sales, service, storage, and washing;

(4)

Bars;

(5)

Bingo parlors;

(6)

Commercial recreation;

(7)

Live entertainment;

(8)

Major maintenance and repair services;

(9)

Outdoor activities;

(10)

Tattoo and body piercing parlors;

(11)

Warehousing, limited and wholesale distribution; and

(12)

Any use that involves open flame work, or the storage of flammable liquids or hazardous materials beyond that normally associated with a residential use or which is classified as an H occupancy by the California Building Code; or which the city planner determines would be hazardous to or would adversely affect the health, safety, or welfare of the occupants of the live-work unit due to the materials, processes, products, or wastes used in conjunction with the business.

(g)

Deed Restriction. The city shall require the following deed restriction to be recorded on any land with a building containing a live-work unit to notify any future purchaser, property owners, or tenants of potential land use impacts associated with such units and of the city of Salinas regulations governing the use and operation of such units. The deed shall be filed by the city planner for recordation with the Monterey County recorder's office prior to the issuance of any building permits for a live-work unit. The language of the deed restriction shall be as follows:

Notice of Live-Work Unit

You are hereby notified that the live-work unit/property you own, reside in, are purchasing or are renting/leasing is located within a structure or on a parcel of land that allows and has both commercial and residential land uses in individual units (called live-work units) and further is located in a zoning district that allows commercial uses and activities. As a result of the proximity of your unit/property to these activities and uses, you may experience inconvenience or discomfort associated with the activities and uses including, but not limited to, noise, odor, fumes, dust, smoke, vibration, and the operation of machinery or equipment during any twenty-four (24) hour period, seven (7) days a week. If these activities and uses are conducted in a manner consistent with the

applicable City, State, and local laws, said inconveniences and discomforts shall not be considered a nuisance. As you live in proximity to commercial uses and areas, you should be prepared to accept such inconveniences and discomfort as a normal and necessary aspect of living in an area with commercial operations and uses. Live-work units are subject to specific limitations and requirements in regard to occupancy, operation, and use in accordance with the Live-Work Unit provisions of the City of Salinas Zoning Code and the applicable development application approval issued by the City for the live-work unit(s), including restrictions on who may occupy the live-work unit.

You are further notified that any owner of a building that leases any portion of a building or parcel with live-work units shall be required to provide this notice to each tenant as part of and at the time of the lease or rental agreement for the unit or land.

This notice does not exempt the owners, tenants, and employees of any live-work unit from compliance with any applicable local, State, or Federal law.

(h)

Fire and Building Code Requirements. Live-work units shall comply with Fire and Building Codes, including accessibility requirements for the disabled, as applicable, and shall provide the same type of building improvements as required for applicable commercial and residential uses.

(i)

Limitation on Outside Employees. No more than two employees other than the residents of the live-work unit shall be employed in the operation of the business during the same work shift unless authorized by a conditional use permit.

(j)

Residential Occupancy. Only the business operators or their employees and their households who conduct the business located in the live-work unit may reside in the live-work unit. If the business ceases to operate in the live-work unit or the persons residing in the unit are no longer conducting the business, the residential occupancy of the live-work unit shall cease within ninety days of the date of either occurrence unless a time extension is otherwise authorized by the city planner to extend the residential occupancy of the unit.

(k)

Conversion of Live-work Unit to a Residential or Commercial Use. A live-work unit shall not be subsequently converted to a residential or commercial use unless authorized subject to the approval of a conditional use permit. For such a conversion, the city planner or planning commission, as applicable, must find, in addition to the findings required for the conditional use permit, that:

(1)

The conversion to a residential or commercial use will not impair the ability of existing commercial or live-work uses on and adjacent to the site to continue operating because of potential health, safety, or nuisance concerns; and

(2)

The proposed commercial or residential use will meet the minimum requirements specified for the use in the applicable district (such as off-street parking and loading, usable open space, affordable housing requirements, bedrooms per dwelling unit, etc.).

(l)

Business License. A business license shall be required for any live-work unit. A live-work unit shall be considered a commercial use and not a home occupation.

(m)

Change of Use. Any change of use from the previous business conducted in a live-work unit shall require the approval of the city planner prior to occupancy of the unit or, if building permits are required, prior to the issuance of any building permit for the use.

(n)

Inclusionary Housing and Bedroom Per Dwelling Unit Requirements. Live-work units shall not be subject to the city's inclusionary housing ordinance or bedroom per dwelling unit requirements of the Zoning Code.

(o)

Required Findings. In addition to the findings required for approval of a conditional use permit, the following additional findings shall apply for approval of live-work units that are subject to the approval of a conditional use permit by the applicable base zoning district:

(1)

The proposed live-work unit has been designed and is intended to be used predominantly as a commercial work space with accessory residential living space intended solely for the occupancy and use of the business operators, their employees, and their households who reside in the unit; and

(2)

The proposed live-work unit complies with the regulations and criteria established in this section.

(p)

Deviation from Standards. Minor deviations from the standards in this section may be granted by the city planner or planning commission, as applicable, subject to the approval of a conditional use permit if the following findings (in addition to those listed above and required for the approval of a conditional use permit) are made:

(1)

The proposed deviation is consistent with and not contrary to the purpose of this section; and

(2)

The proposed deviation would achieve the same or better results than if the standard regulation was strictly applied.

(Ord. No. 2463 (NCS).)

Sec. 37-50.140. - Mobilehome parks.

(a)

Purpose. The purpose of this section is to establish the basis for evaluating the adequacy of a mobilehome park in residential areas. Provisions are intentionally general with the intent of allowing flexibility and further detailed evaluation on a case-by-case basis.

(b)

Permit Required. Mobilehome parks are allowed in all residential zoning districts subject to the approval of a conditional use permit.

(c)

Development Regulations.

(1)

A mobilehome park shall not be less than three acres in size.

(2)

A mobilehome park development shall meet or exceed the minimum standards set forth in the zoning district in which it is located. This includes, but is not limited to, density consistent with the Salinas general plan, yards, distance between structures, height, usable open space, fences and walls, off-street parking and loading, signs, outdoor facilities, refuse storage areas, design standards, performance standards, nonconforming uses, and recreational vehicle storage, except that such development regulations and design standards may be changed to allow for unique site design requirements for mobilehome parks.

(Ord. No. 2463 (NCS).)

Sec. 37-50.150. - Mural exhibits.

(a)

Purpose. The purpose of this section is to support art in public places and provide opportunities for noncommercial mural exhibits of a social, cultural, or historical event that beautifies and appeals to all segments of the community.

(b)

Definition. The following definition shall apply to this section:

(1)

Mural or Mural Exhibit. A noncommercial painted or mosaic tile style exhibit which covers all or a major portion of a wall or a building facade and which contains no sign, gang affiliation symbols, or "specified anatomical areas."

(c)

Where Permitted. Mural exhibits are permitted in C, I, MU, NU (VC), P, and PS zoning districts.

(d)

Permit Required. All mural exhibits shall be subject to the approval of site plan review prior to installation.

(e)

Review—Administrative Procedure. Mural exhibits shall be subject to review by the city planner for the sole purpose of ensuring that such exhibits are consistent with the provisions of this section. In recognition of the subjective nature of mural exhibits, should the city planner find the proposed mural exhibit to be in conflict with the provisions of this section, the applicant may request that the planning commission make the final determination in regard to this issue.

(f)

Requirements for Issuance. Prior to the approval of the site plan review for a mural exhibit, the city planner shall determine compliance with the following provisions:

(1)

Mural exhibits shall not have specified anatomical areas or specified sexual activities as defined in [Section 37-50.020](#): Adult entertainment facilities; and

(2)

Gang affiliation symbols shall not be used in mural exhibits.

(g)

Mural Exhibits as Signs.

(1)

Mural exhibits containing an advertising message, announcement/declaration, insignia, surface, or space, which is erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service, shall be considered a sign.

(2)

Mural exhibits containing any sign message shall be considered a sign and shall be subject to the provisions of Article V, Division 3: Signs.

(Ord. No. 2463 (NCS).)

Sec. 37-50.160. - Nonconforming uses and structures.

(a)

Purpose. The purpose of this section is to limit the number and extent of nonconforming uses by controlling their enlargement, their reestablishment following abandonment, their alteration, and their restoration after cessation due to destruction of the structures containing them. This section, while permitting the use and maintenance of nonconforming structures, limits them by prohibiting their restoration following destruction and by prohibiting alteration, enlargement or relocation upon the site in any manner that would increase the discrepancy between the standards contained in this division and the conditions existing on the subject property.

(b)

Continuation and Maintenance of Nonconforming Uses.

(1)

A use, lawfully occupying a structure or a site on the effective date of the ordinance codified in this chapter, or of amendments thereto, that does not conform with the use regulations for the district in which it is located or the applicable lot area per dwelling unit regulations shall be deemed a nonconforming use. Nonconforming uses may only be continued subject to the requirements of this division.

(2)

A use that does not conform with the parking, loading, screening, open space, or planting area regulations of the zoning district in which it is located shall not be deemed a nonconforming use solely on the basis of these deficiencies.

(3)

No nonconforming use shall be enlarged or extended to occupy any part of a structure or site that it did not occupy on the effective date of the ordinance codified in this chapter, or of the amendments hereto that cause it to become a nonconforming use.

(4)

No structure or use that fails to meet the performance standards of [Section 37-50.180](#): Performance standards, shall be enlarged or extended unless conditions are imposed and implemented, which will result in elimination of the nonconformity with the required conditions.

(5)

A structure containing or serving a nonconforming use shall not be relocated, enlarged, or structurally altered unless required by law or for health/safety reasons, or unless the relocation, enlargement, or alteration eliminates or reduces the extent of the nonconformity.

(6)

No structure partially occupied by a nonconforming use shall be relocated, altered, or enlarged in such a way as to permit the enlargement or the expansion of the space occupied by the nonconforming use.

(7)

A structure containing or serving a nonconforming use may be maintained and repaired, provided that the cost of the maintenance and repair does not exceed fifty percent of the cost to replace the structure as determined by the city planner in the same manner as the building official determines final valuation for the purposes of building permit fees.

(c)

Continuation and Maintenance of Nonconforming Structures.

(1)

A structure, lawfully occupying a site on the effective date of the ordinance codified in this chapter, or amendments thereto, which fails to meet certain development standards established in this chapter and enumerated in this section shall be deemed a nonconforming structure. Nonconforming structures may be continued, maintained, and expanded subject to the requirements of this division. Development standards addressed by this paragraph include: size of yards, height of structures, driveways, distance between structures, maximum floor area, and required parking or open space.

(2)

A nonconforming structure may be structurally altered, enlarged, or reconstructed provided there is no increase in the discrepancy with the standards referenced in the section for the zoning district in which the structure is located and the structure is similar in character to the original structure. Routine maintenance and repairs may be performed on nonconforming structures.

(3)

In the case of an enlargement or an addition, the development standards referenced in this section shall only be applicable to the enlargement or addition and not the entire structure.

(d)

Restoration of a Damaged Structure.

(1)

Where Damage Causes Less Than Fifty Percent of Replacement Cost. Whenever a structure that does not comply with the standards for front yards, side yards, rear yards, height of structures, maximum floor area, distances between structures, driveways, or usable open space prescribed in the regulations for the district in which the structure is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity to the extent of less than fifty percent of replacement cost, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within twelve months and diligently pursued to completion. Floodplain management requirements must also be met.

(2)

Where Damage Causes Fifty Percent or Greater of Replacement Cost. Whenever a structure that does not comply with the standards for front yards, side yards, rear yards, height of structures, maximum floor area, distances between structures, driveways or usable open space prescribed in the regulations for the district in which it is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, to an extent fifty percent or greater of replacement cost, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed except as follows:

(A)

A property containing a single-family dwelling unit, multifamily consisting of up to four dwelling units, or a residential condominium structure in R, NU (NE, NG-1, and NG-2), and CO/R districts which does not conform to standards for setbacks, height of structures, distance between structures, usable open space, or lot area per dwelling unit may be rebuilt with the same floor area, whatever the extent of the damage, provided that the nonconformity is not enlarged to the extent it would increase the discrepancy between conditions existing at the time of the damage and the standards prescribed in this chapter.

(B)

Commercial office structures which conform to parking requirements in effect prior to the adoption of this Zoning Code shall not be considered nonconforming structures as a result of the adoption of this Zoning Code and may be rebuilt with the same floor area, whatever the extent of the damage, provided that parking or parking lot landscaping is the only nonconformity.

(3)

The extent of damage or partial destruction shall be determined by the city planner in the same manner as the building official determines final valuation for the purposes of building permit fees. Valuation shall be based upon the cost to replace the structure at the time the damage occurs. The determination of the city planner may be appealed in accordance with Article VI, [Division 17](#): Appeals.

(e)

Elimination of Nonconforming Uses and Structures.

(1)

Nonconforming Use When No Structure Involved. In any district the nonconforming use of land shall be discontinued within one year from the date of notification in accordance with the provisions of this section.

(2)

Nonconforming Use of a Structure. All nonconforming uses of a structure shall be discontinued within the time periods specified below, unless an exception is granted pursuant to [Section 37-50.160\(e\)\(3\)](#) below:

(A)

R and NU (NE, NG-1, and NG-2) districts: three years from the date of notification in accordance with the provisions of this section, except that nonconforming residential uses located in residential zoning districts shall not be required to be discontinued as a result of this section;

(B)

A, C, MU, NU (VC), I, OS, P, and PS districts: ten years from the date of notification in accordance with the provisions of this section.

(3)

Notification and Exception Procedures. The city planner may determine those properties for which lawfully existing uses were rendered nonconforming by reason of adoption of the ordinance codified in this chapter and the zoning map. Written notice of the city planner's determination of such nonconformance, the termination procedures, and the requirements of this section shall be mailed to all owners of record and to the occupant of each such property. Within one year of the date of mailing of such notice, any property owner, lessee with the consent of the owner, or purchaser of such property acting with the consent of the owner may apply to have such property excepted from the provisions of this section as follows:

(A)

Application Requirements. An exception from the requirements of this section shall be initiated by submitting an application to community planning and development.

(B)

Commission Action. The planning commission shall hold a duly noticed public hearing within a reasonable time on each application for an exception from the termination requirements of this section. Following the hearing, the commission may determine whether the use of the property on the date of adoption of the ordinance codified in this Zoning Code is compatible with and not detrimental to the land uses designated in the general plan for the surrounding area and properties, and may issue a certificate of exception. The commission may recommend such conditions as it may find necessary to ensure compatibility including, but not limited to, required improvement of or modifications to existing improvements on the property; limitations on hours of operations; limitations on the nature of operations; and a specified term of years for which the exception shall be granted.

(C)

Appeal of Commission Action. The decision of the planning commission may be appealed in accordance with Article VI, [Division 17](#): Appeals.

(f)

Abandonment of Nonconforming Use.

(1)

A nonconforming use that is abandoned, discontinued, or changed to a conforming use for a continuous period of one hundred eighty days or more shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located.

(2)

The city planner may extend the one-hundred-eighty-day limit for re-establishing a nonconforming use if a property owner can demonstrate to the city planner's satisfaction based on substantial evidence that the use has not been abandoned, discontinued, or changed and that the re-establishment of the use is being diligently pursued or that a building permit for reconstruction, without alteration or enlargement, has been issued. The decision of the city planner may be appealed to the planning commission in accordance with [Division 17: Appeals](#).

(g)

Minor Exceptions.

(1)

The planning commission or city planner may grant minor exceptions from certain regulations contained in this section as follows:

(A)

Construction of raised grade stairways, architectural archways, architectural entry features and covered porches in required yards and required open space;

(B)

Construction of a residential addition including a second or third story that will be equal to or less than the existing legal nonconforming setback. A residential addition includes attached or detached covered parking (garages and carports);

(C)

Alteration of historic resources and landmarks whereby the structure's historical or architectural integrity may be affected;

(D)

Replacement of an existing detached accessory structure that encroaches into required setbacks, when all of the following findings are made:

(i)

The replacement detached accessory structure's encroachment(s) into the required setback(s) will be equal to or less than the existing detached accessory structure's respective setback(s) encroachment,

(ii)

The roof of a detached accessory structure located within five feet of any property line shall be equipped with a rain gutter or otherwise designed to prevent roof runoff from draining onto adjacent property,

(iii)

The replacement structure will not exceed the maximum square footage permitted for accessory structures under [Section 37-50.010\(f\)\(3\)](#),

(iv)

The replacement structure will be of the same nature as the original detached accessory structure (e.g., garage to garage, gazebo to gazebo).

(2)

Application. Applications for a minor exception shall be initiated by submitting an application for a minor conditional use permit for a minor exception to community planning and development.

(Ord. No. 2463 (NCS).)

Sec. 37-50.170. - Outdoor storage and display.

(a)

Purpose. The purpose of this section is to establish regulations governing the outdoor storage and display of merchandise, materials, equipment, or the conduct of business outdoors on private property except as otherwise provided for in this section.

(b)

Prohibitions. Unless otherwise permitted in this section, outdoor storage and display of merchandise, materials, or equipment, or the conduct of business outdoors, is prohibited unless allowed as a temporary use in accordance with [Section 37-50.300](#): Temporary use of land or authorized by a conditional use permit. Unless specifically authorized, outdoor facilities shall not be located within the public right-of-way.

(c)

Permitted Exceptions. The outdoor storage or display of the following merchandise, materials, or equipment, or the conduct of business outdoors, is permitted:

(1)

Automobiles, boats, recreational vehicles, motorcycles, and construction vehicles, provided outdoor storage and display shall be limited to vehicles or equipment offered for sale or rent only, excepting such vehicles in the R or NU (NE, NG-1 and NG-2) districts in accordance with [Section 37-50.190](#): Recreational vehicles, prohibited vehicles, and equipment parking and storage;

(2)

Nurseries, provided that nonplant materials be screened from an abutting public street in a C district and any adjoining R or NU (NE, NG-1, and NG-2) district;

(3)

Building materials and services, public utility service yards and utilities, provided that such uses be screened from an abutting public street and any adjoining R or NU (NE, NG-1, and NG-2) district and provided that a landscaping planter shall be provided adjoining any street property line which is equal to ten percent of lot width with a minimum of eight feet and maximum of fifteen feet;

(4)

Fruit and vegetable stands in an A district;

(5)

Restaurants, including accessory on-sale (on-premises) alcohol sales, in accordance with all of the following conditions:

(A)

There is no outdoor preparation of food or beverages,

(B)

The premises shall be maintained in a way that prevents the accumulation of waste paper and other debris, and the blowing of such paper and debris off the premises,

(C)

Adequate restroom facilities are provided pursuant to various requirements of this Zoning Code,

(D)

Adequate measures will be taken to prevent the use from becoming a nuisance to adjoining properties or uses;

(6)

Merchandise displayed within a completely roofed alcove, kiosk, or entryway and inside the line of the building face, which does not impact pedestrian circulation, parking, or landscaped areas in the central city overlay (downtown core area);

(7)

Industrial uses in the IG district, provided such uses shall be screened from an abutting IBP, C, R, MU, P, OS, or A district and from an abutting public or private street or U.S. Highway 101;

(8)

Temporary uses, in accordance with [Section 37-50.300](#): Temporary use of land;

(9)

Automobile service stations, repair, and washing, in accordance with [Section 37-50.260](#): Service stations, vehicle repair, and vehicle washing;

(10)

Automatic teller machines (ATMs), in C, MU, and I districts;

(11)

Farmers' markets, street fairs, and swap meets, which do not otherwise qualify as a temporary use in accordance with [Section 37-50.300](#): Temporary use of land, may be allowed in a C, MU, or PS district subject to a conditional use permit;

(12)

Reverse vending machines and small collection facilities, in the C, I, and PS districts.

(d)

Outdoor Uses in the Central City Overlay (Downtown Core Area) District. Outdoor display of the following specialty merchandise, materials, or equipment, or the conduct of business outdoors may be allowed on a public sidewalk in the central city overlay (downtown core area) district upon issuance of an encroachment permit from the development and engineering services permit center:

(1)

Display for the sale of flowers and plants;

(2)

Newspaper and magazine stands operated by an employee;

(3)

Restaurant seating, including accessory on-sale (on-premises) alcohol sales;

(4)

Other specialty services or specialty items for display or sale, intended to enhance the pedestrian orientation of the downtown core area.

(e)

Screening. A solid fence or wall shall be required for all uses requiring a screen. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall. The city planner may require additional screening in highly visible areas and may impose reasonable restrictions on the type of storage or display, or the location of outdoor storage and display areas to avoid adverse visual effects.

(Ord. No. 2463 (NCS).)
Sec. 37-50.180. - Performance standards.

The following performance standards shall apply to all use classifications in all zoning districts:

(a)

Noise. No use shall create ambient noise levels which exceed the following standards (see Table 37-50.50), as measured at the property boundary:

(1)

Duration and Timing. The noise standards in Table 37-50.50 shall be modified as follows to account for the effects of time and duration on the impact of noise levels:

(A)

In residential zones, the noise standard shall be 5.0 dBA lower between 9:00 p.m. and 7:00 a.m.

(B)

Noise that is produced for no more than a cumulative period of five minutes in any hour may exceed the standards above by 5.0 dBA.

Table 37-50.50 Maximum Noise Standards	
Zone of Property Receiving Noise	Maximum Noise Level (CNEL, dBA)
Agricultural District	70 dBA
Residential Districts	60 dBA
Commercial Districts	65 dBA
Industrial Districts	70 dBA
Mixed Use Districts	65 dBA ^(A)

Parks/Open Space Districts	70 dBA
Public/Semipublic District	60 dBA

Note:

(A) The interior noise level in any residential dwelling unit located in a mixed use building or development shall not exceed a maximum of forty-five dBA from exterior ambient noise.

(C)

Noise that is produced for no more than a cumulative period of one minute in any hour may exceed the standards above by 10.0 dBA.

(2)

Acoustic Study. The city planner may require an acoustic study for any proposed project or use that has the potential to create a noise exposure greater than that deemed acceptable by this section and require appropriate mitigation measures. The city planner or their designee shall prepare the study. The applicant shall be responsible for the cost of the study.

(3)

Noise Measurement. Noise shall be measured with a sound level meter, which meets the standards of the American National Standards Institute (ANSI Section S1.4-1979, type 1 or type 2). Noise levels shall be measured in decibels from the property line closest to the noise source. The unit of measure shall be designated as dBA. A calibration check shall be made of the instrument at the time any noise measurement is made.

(4)

Noise Attenuation Measures. The city planner may require the incorporation into a project of any noise attenuation measures deemed necessary and feasible to ensure that noise standards are not exceeded.

(5)

Exceptions. Sporting events and the like shall be exempt from these noise standards. Events issued a special event permit by the city may also be exempted from these noise standards as part of the review and approval process for that permit.

(6)

Delivery Hours. The hours of delivery for commercial/industrial uses with loading areas/docks and related service areas that abut or have direct street access from adjoining residential districts or other noise sensitive uses shall be limited to 7:00 a.m. to 9:00 p.m., seven days a week, unless an acoustic study is prepared for the city planner by their designee which demonstrates that the proposed use and related delivery activities will not exceed the maximum noise levels established in Table 37-50.50.

(b)

Glare.

(1)

From Glass. Mirror or highly reflective glass shall not significantly increase glare visible from adjacent streets and property or pose a hazard for motor vehicles.

(2)

From Roofs. Highly reflective roof surfaces shall be prohibited in the airport overlay district unless it can be demonstrated to the satisfaction of the deputy city manager or their designee, that such surfaces will not pose a hazard to aircraft.

(3)

From Outdoor Lighting. Parking lot and security lighting in any district shall be shielded or directed away from any R or NU (NE, NG-1, or NG-2) district properties located within one hundred feet. Lighting for outdoor court or field games within three hundred feet of an R or NU (NE, NG-1, or NG-2) district shall require approval of a conditional use permit.

(c)

Combustibles and Explosives. The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of the most recently adopted Uniform Fire Code.

(d)

Radioactive Materials. The use, handling, storage, and transportation of radioactive materials shall comply with the provisions of the California radiation control regulations (California Administrative Code, Title 17).

(e)

Hazardous and Extremely Hazardous Materials. The use, handling, storage, and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California hazardous materials regulations (California Administrative Code, Title 22, Division 4).

(f)

Heat and Humidity. Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity, at the property line of the site on which they are situated, that cause material distress, discomfort, or injury to the average person.

(g)

Electromagnetic Interference. Uses, activities, and processes shall not cause electromagnetic interference with normal radio or television reception in R or NU (NE, NG-1, and NG-2) districts, or with the function of other electronic equipment beyond the property line of the site on which they are situated.

(h)

Ecological and Biological Resources.

(1)

Riparian/Wetland Habitat.

(A)

A one-hundred-foot setback shall be established along Gabilan and Natividad Creeks and other unnamed creeks (including the reclamation ditch) within the city. The setback shall be measured from the top of bank or outside

edge of the riparian woodland, whichever is greater.

(B)

A one-hundred-foot setback area shall be established along wetlands not associated with creeks (e.g., seasonal wetland swales or ponds) within the city. The setback shall be measured from the outside edge of the wetland.

(C)

For properties located in the future growth areas of the city as indicated on Figure LU-1 (future growth area) of the general plan land use element, development activities shall be prohibited in the setback area except for recreational uses such as trails, playfields and play equipment, picnic areas, and related activities. No buildings, structures, or parking lots shall be constructed in the required setback area.

(D)

For properties located in the city's existing boundary as indicated on Figure LU-1 (future growth area) of the general plan land use element, development activities may be considered within the setback area if the city planner determines the encroachment will not have a significant adverse impact on the riparian and wetland resources either because: (1) the implementation of alternative mitigation measures will achieve a comparable or a better level of mitigation than the strict application of the one-hundred-foot setback, or (2) the property being developed is adjacent to a reclamation ditch, and no riparian or wetland resources are identified outside of the areas of the improved ditch, as demonstrated and confirmed in either case by a biotic resources study prepared for the city planner by their designee. The applicant shall be responsible for the costs of the study, feasible mitigation, and monitoring during project implementation.

(E)

Prior to the initiation of site construction and grading activities, fencing shall be temporarily placed at the outside edge of the setback area. This fencing shall remain in place until construction is completed.

(F)

If any site grading is proposed in the setback area to accommodate the development activities specified above, a riparian/wetland revegetation, preservation, maintenance and monitoring plan shall be required and prepared for the city planner by their designee for the area of disturbance. Such plan must be prepared and processed/approved concurrent with the grading plan. The applicant shall be responsible for the costs of the plan, feasible mitigation, and monitoring during project implementation.

(G)

Prior to any site grading that may occur in a creek, wetland, or in the setback area, the applicant shall receive authorization/approval to fill wetlands and "other" waters (Section 404 Permit) from the U.S. Army Corps of Engineers, pursuant to the requirements of the Clean Water Act. The applicant shall also obtain a water quality certification from the Regional Water Quality Control Board, and a 1601/1603 streambed alteration agreement from the California Department of Fish and Game. The project shall also comply with the city's stormwater master plan, develop a SWPP approved by the city engineer, and obtain a national pollutant discharge elimination system (NPDES)/stormwater pollution prevention plan (SWPPP) permit.

(H)

Where feasible, creeks and wetlands shall be retained in their natural channels rather than placing them in culverts or in underground pipes. If streambanks must be deepened, widened, or straightened, a riparian/wetland habitat mitigation and management plan shall be required. FEMA floodplain amendments may also be required. The plan shall be prepared for the city planner and city engineer by their designee prior to the approval of the project. The plan shall identify measures for the applicant to compensate for unavoidable impacts to riparian or

wetland resources and indicate the appropriate replacement ratio for the impacts to the riparian and wetland resource, pursuant to current state and federal policies. The plan shall include a five-year maintenance and monitoring program. The applicant shall be responsible for the costs of the plan, feasible mitigation, and monitoring during project implementation.

(I)

The applicant shall also receive authorization from the National Marine Fisheries Service for a "take" of steelhead and from the U.S. Fish and Wildlife Service for "take" of California red-legged frog if adverse impacts to creek resources and/or these species can not be avoided.

(2)

Oak Tree Retention.

(A)

Coast live oak and valley oak trees shall not be removed in conjunction with development activities. Prior to any development activities adjacent to or within an oak woodland as indicated in Figure COS-4 (vegetative communities) of the conservation/open space element of the general plan, all coast live oak and valley oak trees shall be surveyed prior to construction activities to determine if any raptor nests are present and active. If active nests are observed, the construction shall be postponed until the end of the fledgling period. The survey shall be prepared for the city planner by their designee. The applicant shall be responsible for the costs of the survey, feasible mitigation, and monitoring during project implementation.

(B)

If such an oak tree must be removed for health or safety reasons, a survey shall be prepared for the city planner by their designee prior to its removal to determine: (1) if any raptors are nesting in the oak woodland, and (2) if the tree is a potential bat roost site. If raptors are found, removal of the tree must be postponed until the end of the fledgling period. If the tree is a potential bat roost site, measures shall be implemented to avoid impacts to bats, such as exclusionary devices. The applicant shall be responsible for the costs of the survey, feasible mitigation, and monitoring during project implementation.

(3)

Special Status Species.

(A)

A biological assessment shall be conducted for the city planner by their designee prior to development activities located within sensitive habitat areas as identified on Figure COS-4 (vegetative communities) of the conservation/open space element of the general plan to assess the potential for the following special status species: Congdon's tarplant, Contra Costa goldfields, Pinnacles buckwheat, Alkali milk-vetch, Santa Cruz clover, Hutchison's larkspur, Kellogg's horkelia, burrowing owl, California tiger salamander, California red-legged frog, southwestern pond turtle, and other species which are subsequently listed by a federal or state resource agency. If suitable habitat for any of these species is observed, then focused surveys during the appropriate season shall be conducted. Such surveys, as applicable, will include winter and spring surveys for tiger salamander, protocol presence/absence surveys for burrowing owl, and spring/summer surveys for special status plant species. The applicant shall be responsible for the costs of the assessment/surveys, feasible mitigation, and monitoring during project implementation.

(B)

The California Department of Fish and Game shall be consulted regarding the appropriate level of effort and protocol prior to conducting focused wildlife species surveys. If any of the above-mentioned species are found to

inhabit the survey area, the city planner may require the preparation and implementation of a mitigation plan to provide protection for the habitat. If impacts to occurrences are deemed unavoidable, the plan shall identify mitigation measures to compensate for impacts to the species. As part of the mitigation plan, a one-hundred-foot buffer shall be established around rare plant occurrences. The mitigation plan shall include measures to manage the rare plant occurrences for their protection and persistence at the site. The plan shall be reviewed and approved by California Department of Fish and Game prior to the approval of the project. The plan shall be prepared for the city planner by their designee. The applicant shall be responsible for the costs of the plan, feasible mitigation, and monitoring during project implementation.

(C)

Prior to any proposed development within one hundred fifty feet of the stream corridors, protocol presence/absence surveys for California red-legged frog, southwestern pond turtle, and nesting birds shall be conducted and a mitigation measure plan recommended to avoid or mitigate potential adverse impacts. The city shall not approve a project prior to obtaining written approval from the California Department of Fish and Game that the proposed mitigation plan has been approved. The surveys shall be conducted and the plan prepared for the city planner by their designee. The applicant shall be responsible for the costs of the survey, plan, feasible mitigation, and monitoring during project implementation.

(D)

The requirements of this section shall not apply to those species that are subsequently de-listed by a federal or state resource agency.

(i)

Cultural Resources. The following requirements shall apply to discretionary development review application proposals only:

(1)

Historic Resources. For structures that potentially have historic significance, a study shall be conducted for the city planner by their designee to determine whether the structure is a historical resource, the actual significance of the structure, and potential impact of the proposed development in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15064.5. The applicant shall be responsible for the costs of the study, feasible mitigation, and monitoring during project implementation.

(2)

Archaeological Resources. For all development proposals within the Carr Lake/Natividad Creek Corridor as indicated on Figure COS-4 (vegetative communities) of the conservation/open space element of the general plan, a study shall be conducted for the city planner by their designee to determine if significant archaeological resources are potentially present and if the project will significantly impact the resources. If significant impacts are identified, the city planner may require the project to be modified to avoid the impacts, or require mitigation measures to mitigate the impacts. Mitigation may involve archaeological investigation and resources recovery. The applicant shall be responsible for the costs of the study, feasible mitigation, and monitoring during project implementation.

(3)

Paleontological Resources. Development proposals will be assessed by the city planner for potential impacts to paleontological resources in accordance with the CEQA guidelines. If the project involves earthwork, the city planner may require a study to be conducted to determine if paleontological assets are present, and if the project will significantly impact the resources. The study shall be prepared for the city planner by their designee. The

applicant shall be responsible for the costs of the study, feasible mitigation, and monitoring during project implementation.

(j)

Dust Control. To reduce dust and particulate matter, implement fugitive dust control measures such as:

(1)

Restrict the outdoor storage of fine particulate matter. The use of tarps, soil surfactants, watering, or other appropriate dust control measures shall be required in conjunction with the storage of such materials;

(2)

Provide tree buffers between residential and agricultural uses. Requirements related to location, minimum spacing, height, and appropriate tree type shall be determined by the city planner or their designee based on the type of adjacent agricultural operation(s) currently existing and assumed to exist in the foreseeable (ten-year) future, distance of closest residential dwelling unit from the nearest agricultural activities, and any other existing or proposed buffers (such as roads, easements, berms, walls, etc.) located between the residential subdivision or development and the ongoing agricultural operation;

(3)

Monitor construction of agricultural activities and emissions;

(4)

Pave areas used for vehicular maneuvering in accordance with the requirements of [Section 37-50.350](#): Basic requirements for off-street parking and loading; and

(5)

Other fugitive dust control measures as approved by the city planner.

(k)

Stormwater and Water Quality Management. Parking lot and site design for new and improved developments shall conform to the city's National Pollutant Discharge Elimination System (NPDES) permit requirements; most recent edition adopted by the State Water Quality Control Board. Such requirements shall also include those contained in the most recently adopted/approved Salinas design standards, development standards, grading ordinance, stormwater management plan, Storm Water Design Standards (SWDS), and stormwater management and discharge control ordinance. Measures to reduce surface runoff from individual sites, encourage low impact development strategies/design, and ensure high quality water discharges therefrom shall be included in all site designs to meet the goals, objectives, and standards of such city NPDES permit.

(l)

Evidence of Compliance. The city planner shall require such evidence of compliance with performance standards as deemed necessary prior to approval of the development review application.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 37, 5-18-2010; Ord. No. 2541 (NCS), § 3, 7-23-2013; Ord. No. 2569 (NCS), § 8, 4-19-2016)

Sec. 37-50.190. - Recreational vehicles, prohibited vehicles, and equipment parking and storage.

(a)

Purpose. The purpose of this section is to minimize adverse aesthetic impacts that large vehicles have in R, NU (NE, NG-1, and NG-2), CO/R, P, OS, and PS districts by limiting the type of such vehicles, their numbers, and the location such vehicles may be parked or stored.

(b)

Definitions. The following definitions shall apply to this section:

(1)

Heavy Equipment. Any special mobile equipment not used primarily for the transportation of persons or property, and which is only incidentally operated or moved over a highway including, but not limited to, ditch-digging apparatus, asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls, scrapers, power shovels, draglines, self-propelled cranes, and earth-moving equipment.

(2)

Inoperable Vehicle and Equipment. Any inoperable vehicle, any vehicle, or equipment included in this subsection which are not legally registered to operate on a public street, or any dismantled portions thereof.

(3)

Prohibited Vehicle. Any commercial vehicle, truck tractor, semi-trailer, independent trailer, walk-in van, walk-in truck, panel truck, tow truck, any flat bed pickup, any utility box mounted on a vehicle chassis, any vehicle designed to provide food or equipment sales or transport, any vehicle equipped with power attachments or tools, any vehicle which exceeds a gross vehicle weight rating (GVWR) of five tons, and any school bus or passenger carrying vehicle which exceeds sixteen persons in capacity or twenty-one feet in length.

(4)

Recreational Vehicle. Any travel trailer or other vehicular portable structure designed to be used as a temporary occupancy for travel or recreation use, including, but not limited to, any motor home, truck slide-in camper, fifth wheel trailer, tent trailer, animal trailer, any trailer used for transporting recreational vehicles, any type of three- or four-wheeled sport racing vehicle, any boat or boat trailer, any raft, aircraft, dune buggy, snowmobile, jet skis, all-terrain vehicle, and vehicle dolly. Such term does not include mobilehomes regulated under [Section 37-50.140](#): Mobilehome parks, motorized coaches and truck slide-in campers which do not exceed seven feet in height or twenty feet in length, camper shells, and motorcycles.

(c)

Parking and Storage—Where Allowed. Table 37-50.60 illustrates where parking and storage is allowed:

Table 37-50.60						
Vehicle and Equipment Parking and Storage						
in R, NU (NE, NG-1 and NG-2), CO/R, P, OS and PS Districts						
Yard						
Type of Vehicle/Equipment	Front	Corner Side	Rear	Interior Side	Street	Additional Regulations**

Heavy Equipment	No	No	No	No	No	(d) 1
Inoperable Vehicles and Equipment	No	No	No	No	No	(d) 1
Prohibited Vehicles	No	No	No	No	No	(d) 1, 2, 3
Recreational Vehicles	No	No	Yes	Yes	No	(d) 4, 5, 6, 7

Additional Standards:

** See subsection (d): Additional Parking and Storage Regulations of this section.

(d)

Additional Parking and Storage Regulations.

(1)

Temporary parking or storage is allowed and shall be limited to twenty-four hours in a seven-day period.

(2)

Excludes up to one prohibited vehicle parked on a rear or interior side yard and which does not exceed a gross vehicle weight rating (GVWR) of five tons or twenty feet in length and is screened from view from adjoining lots and any public street by a solid fence or wall six feet in height.

(3)

One vehicle not exceeding a gross vehicle weight rating (GVWR) of five tons which is owned and operated by a water, gas, electric, or telephone public utility and used for emergency service to prevent injury or hazard to the general public may be parked on any lot in a residential district. One light-duty class A tow truck with a manufacturer's gross vehicle weight rating (GVWR) of ten thousand to nineteen thousand five hundred pounds, and used for emergency service to prevent injury or hazard to the general public may be parked on any lot in a residential district. Such tow trucks must be registered with a city, county, or state agency to provide emergency towing services.

(4)

Temporary parking or storage on any front yard or corner side yard is allowed provided such temporary parking or storage complies with all of the following:

(A)

Recreational vehicle parking or storage shall be limited to forty-eight hours in a seven-day period for purposes of loading and unloading;

(B)

Recreational vehicles shall be parked on a paved driveway (which provides access to the required parking for the site and meets the requirements of [Section 37-50.450: Driveways](#)) when parked in the front yard or corner side yard;

(C)

Recreational vehicles shall not be parked over or onto a public sidewalk; and

(D)

See [Section 20-49](#) of the Salinas Municipal Code regarding parking on public streets.

(5)

Parking or storage on any rear yard or interior side yard is allowed provided such parking or storage complies with all of the following:

(A)

Recreational vehicles shall be screened from view of public or public streets and other lots by a solid fence or wall six feet in height;

(B)

No such recreational vehicle shall be located so as to impede safe entry to or exit from any residential structure or be so located so as to inhibit emergency access to and from any structure;

(C)

The storage of a junked or derelict recreational vehicle is prohibited. Recreational vehicles shall be junked or derelict when the cost of repairs to restore such vehicles to operating condition exceeds twenty-five percent of the replacement cost of the recreational vehicles in good working condition; and

(D)

The use of recreational vehicles for living or sleeping purposes is prohibited, unless otherwise provided in this section.

(6)

Guests with recreational vehicles may occupy and park temporarily on a residential lot, provided:

(A)

Temporary occupancy does not exceed seventy-two hours each calendar month;

(B)

The recreational vehicle shall be parked on a paved driveway (which provides access to the required parking for the site and meets the requirements of [Section 37-50.450](#): Driveways) when parked on a corner front or front yard; and

(C)

The recreational vehicle shall not be parked over or onto a public sidewalk.

(7)

Occupancy of any recreational vehicle is permitted on a public street or on any lot during an officially declared state of emergency.

(Ord. No. 2463 (NCS).)

Sec. 37-50.200. - Recycling and solid waste disposal regulations.

(a)

Purpose. The purpose of this section is to:

(1)

Ensure the provision of adequate locations, which are compatible with surrounding land uses, for the collection, separation, processing, and shipping of recyclable materials including newspapers, plastic, glass, and aluminum;

(2)

Regulate the location of recycling and trash containers and enclosures in order to provide adequate, convenient space for the collection, storage, and loading of recycled materials at multifamily residential, commercial, and industrial land use sites;

(3)

Increase the recycling of reusable materials consistent with statewide goals to reduce solid waste disposal; and

(4)

Decrease the impact of the consumption of renewable and nonrenewable resources on the environment.

(b)

Applicability. Table 37-50.70 describes the applicability of the regulations contained within this section:

Table 37-50.70	
Applicability of Recycling and Solid Waste Disposal Regulations	
Zoning District	Applicability
R	5 or more dwelling units
C	All development ^(A)
I	All development
MU	All development ^(A)
NU	All development ^(A)
PS	All development

Note:

(A) For residential developments in these districts, applies only to five or more dwelling units.

(c)

Development Regulations.

(1)

Materials, Construction, Design, and Location.

(A)

The walls of each recycling and solid waste enclosure shall be constructed of solid masonry material with an exterior surface finish compatible with the main structure(s).

(B)

Each recycling and solid waste enclosure shall have a solid gate capable of screening the contents of the enclosure. A chain link fence with slats is not permissible except for industrial uses location in the IG zoning district when the trash enclosure will not be visible from any public rights-of-way or public areas (such as parking lots). In such case, the fence shall be black, vinyl coated with black slats unless the city planner approves another type.

(C)

The walls of each recycling and solid waste enclosure shall be a minimum of six feet in height.

(D)

Enclosures shall be adequate in capacity, number, and distribution to achieve fifty percent or greater recycling of the total recyclable wastes generated on-site.

(E)

Each recycling and solid waste enclosure shall be designed to allow walk-in pedestrian access without having to open the main enclosure gate. An example of walk-in pedestrian access is demonstrated in Figure 37-50.50.

(F)

The property owner shall supply and maintain adequate bins and containers for recycling and waste disposal.

(G)

Whenever feasible, the recycling collection area and the trash collection area shall be adjacent to one another and in one enclosure.

(H)

Recycling and solid waste enclosure dimensions shall be in conformance with the city's recycling and solid waste contractor's requirements.

(2)

Instructional Signs. Signs shall be conspicuously posted on each recycling and trash enclosure giving instructions on the use of the recycling bins and containers.

(3)

Landscaping. A two-foot perimeter surrounding each recycling and solid waste enclosure, exclusive of access to the enclosure, shall be planted with landscaping.

(4)

Setbacks. No recycling or solid waste enclosures shall be located in any front or corner side yard.

(5)

Use of Parking Spaces. No recycling or solid waste enclosures (including access doors, when open) shall be located in any required parking space, except as provided for in this section.

(6)

Waiver of Parking, Landscaping Areas, or Open Space Requirements. In order to meet the required recycling and trash enclosure requirements, an existing development may use one parking space, landscaping area, or open space area for the location of the recycling containers if the city planner can find that the loss of the parking, landscaping area, or open space area will not have a deleterious effect on the need for such areas or the aesthetics of the existing development. Such a waiver shall be obtained in accordance with the site plan review process.

(d)

Exceptions. The city planner may grant exceptions to this section when the city planner finds that existing conditions prevent its practical application.

(Ord. No. 2463 (NCS).)

Sec. 37-50.210. - Recycling facilities.

(a)

Purpose. The purpose of this section is to establish regulations governing recycling consistent with the requirements of the California Beverage Container Recycling and Litter Reduction Act.

(b)

Definitions. The following definitions shall apply to this section:

(1)

Mobile Recycling Unit. An automobile, truck, trailer, van, and appurtenant bins, boxes, or containers used for the collection of recyclable materials.

(2)

Recyclable Material. Material including, but not limited to, metals, glass, plastic, and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials, but may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

(3)

Recycling Collection Facility, Large. A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying more than five hundred square feet in area and may include permanent structures as well as mobile units, bulk reverse vending machines, and kiosk-type units.

(4)

Recycling Collection Facility, Small. A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying less than five hundred square feet in area, which may include:

(A)

A mobile unit;

(B)

Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty square feet;

(C)

Small freestanding structures; and

(D)

Unattended containers placed for the donation of recyclable materials.

(5)

Recycling Facility. A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. On-site storage containers or processing facilities used solely for the recycling of material generated by residential property, business, or manufacturer are not recycling centers for the purposes of this section.

(6)

Recycling Processing Facility. A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, or remanufacturing.

(7)

Recycling Processing Facility, Heavy. A processing facility other than a light-processing facility.

(8)

Recycling Processing Facility, Light. A processing facility occupying less than fifty thousand square feet and including equipment for baling, briquetting, crushing, compacting, grinding, shredding, or sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers and repairing of reusable materials.

(9)

Reverse Vending Machine. An automated mechanical device that accepts at least one or more types of empty beverage containers including aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine.

(10)

Reverse Vending Machine, Bulk. A reverse vending machine designed to accept more than one container at a time and to compute the refund or credit due on the basis of weight.

(11)

Reverse Vending Machine, Single Feed. A reverse vending machine designed to accept individual containers one at a time.

(c)

Permits Required. No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit as identified in Table 37-50.80:

Table 37-50.80 Recycling Facility Permit Requirements		
Type of Facility	Districts Permitted	Permit Required
Single-feed reverse vending machines	All C, MU, NU (VC), I and PS	Site Plan Review ^(A)
Bulk reverse vending machines Small collection	All C, MU, NU (VC), I and PS	Site Plan Review ^{(A)(B)}
Large collection Light processing	IGC and IG	Site Plan Review ^(A)
Heavy processing	IG	Conditional Use Permit ^(A)

Notes:

(A) Additional regulations apply within the gateway and focused growth overlay districts. A CUP is required for any large collection or light processing facility within the IGC or IG districts in the gateway overlay district or within the IGC district in the focused growth overlay district. Heavy processing is not permitted in the gateway overlay or focused growth overlay districts.

(B) A CUP shall be required for any small collection facility in the MX district.

(d)

Permits for Multiple Sites.

(1)

The city planner may grant a single site plan review to allow more than one reverse vending machine or small collection facility located on different sites under the following conditions:

(A)

The operator of each of the proposed facilities is the same.

(B)

The proposed facilities are determined by the city planner to be similar in nature, size and intensity of activity.

(C)

All the applicable criteria and standards set forth in this section are met for each proposed facility.

(e)

Development Regulations and Design Standards.

(1)

Reverse Vending Machines.

(A)

No machine shall obstruct pedestrian or vehicular circulation.

(B)

No required parking space shall be occupied.

(C)

Each machine shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

(D)

The maximum sign area is four square feet per machine, exclusive of operating instructions.

(E)

Adequate nighttime lighting shall be provided.

(F)

No machine located within one hundred feet of an R or NU (NE, NG-1 and NG-2) district shall be visible from residences or public right-of-way located in an R or NU (NE, NG-1, and NG-2) district.

(2)

Small Recycling Collection Facilities.

(A)

Small recycling collection facilities shall be no larger than five hundred square feet in area, shall be set back at least ten feet from a front or corner side property line, and shall not obstruct pedestrian or vehicular circulation.

(B)

No power-driven processing equipment shall be used except for reverse vending machines.

(C)

All containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected.

(D)

All recyclable material shall be stored in containers or in a mobile unit vehicle.

(E)

Attended facilities located within one hundred feet of the boundary of an R or NU (NE, NG-1, and NG-2) district shall operate only between 9:00 a.m. and 7:00 p.m.

(F)

Containers shall be clearly marked to identify the type of material that may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator, and the hours of operation, and shall display a notice stating that no material shall be left outside the recycling enclosure or containers.

(G)

The maximum sign area shall be sixteen square feet exclusive of informational requirements and operational instruction. Directional sign bearing no advertising message may be installed with the approval of the city planner if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.

(H)

No additional parking spaces will be required for customers of a small collection facility located at the established site of a host use. One space will be provided for the attendant, if needed.

(I)

No required parking spaces shall be occupied by the facility.

(3)

Large Recycling Collection Facilities.

(A)

A large recycling collection facility shall be located at least three hundred feet from an R or NU (NE, NG-1, and NG-2) district.

(B)

Each facility shall be in an enclosed building or within an area enclosed by a solid masonry wall at least eight feet in height with landscaping.

(C)

Six parking spaces shall be for customers and one parking space shall be provided for each commercial vehicle operated by the recycling facility.

(D)

Power-driven processing, including aluminum foil and can compacting, bailing, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material may be allowed if noise mitigation and other conditions are met.

(4)

Recycling Processing Facilities (Light and Heavy Processing).

(A)

Processors will operate in a wholly enclosed building except for incidental storage, or within an area enclosed on all sides by an opaque fence or wall not less than eight feet in height and landscaped on all street frontages located at least five hundred feet from an R or MU district except that such facilities may be located closer provided a conditional use permit is obtained.

(B)

Power-driven processing shall be permitted provided all noise-level requirements are met in accordance with [Section 37-50.180](#): Performance standards. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.

(5)

All Recycling Collection and Processing Facilities.

(A)

No facility shall occupy a required front or corner side yard, and all regulations applicable to the principal structure on the site shall apply to collection and processing facilities except as provided in this section.

(B)

Facilities shall be designed to be compatible with the architectural character of adjacent structures.

(C)

A large collector or processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.

(D)

All exterior storage of material shall be in sturdy containers or enclosures that are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing where screening is required.

(E)

All facilities shall be administered by on-site personnel during hours the facility is open. If a processing facility is located within five hundred feet of an R or NU (NE, NG-1, and NG-2) district, it shall not be in operation between 7:00 p.m. and 7:00 a.m. unless such operating hours are extended by a conditional use permit.

(F)

Any containers provided for after-hours donation of recyclable materials shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

(G)

The site of the facility shall be kept free of litter and any other undesirable material. Containers shall be clearly marked to identify the type of material that may be deposited. A notice shall be displayed stating that no material shall be left outside the recycling containers.

(H)

Sign requirements shall be those provided for in the zoning district in which the facility is located. In addition, each facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

(Ord. No. 2463 (NCS).)

Sec. 37-50.220. - Right to farm.

(a)

Purpose. The purpose of this section is to:

(1)

Demonstrate the city's support for the preservation of agricultural land and operations;

(2)

Limit the effects of land use conflicts created by the proximity of urban development to agricultural operations located in and adjacent to the city; and

(3)

Provide notice to purchasers, property owners, and tenants of nonagricultural property and uses of their proximity to agricultural land and operations and that they may experience inconveniences and discomforts related to normal farming activities including, but not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, the application of pesticide, herbicide and fertilizer application, and/or the operation of farm machinery, equipment, and vehicles (including aircraft).

(b)

Farm Operations and Nuisance.

(1)

No agricultural operation, use, or any of its appurtenances conducted in a manner consistent with accepted standards on agricultural land shall be considered a nuisance, provided the agricultural operation, use, or any of its appurtenances complies with all applicable sections of the Salinas Municipal Code and all other applicable local, state, and federal laws.

(2)

The provisions of this section shall not apply whenever a nuisance results from the negligence or improper operation of any agricultural operation, use, or any of its appurtenances.

(3)

This is not intended to be construed as modifying existing law relative to nuisance, but is only to be used in the interpretation and enforcement of this section.

(c)

Deed Restriction/Notice of Right to Farm. As a condition of all discretionary review application approvals, the city shall require the following deed restriction to be recorded on any land located within one thousand feet of agricultural land, agricultural processing, or agricultural farming operations to notify any purchaser, property owners, or tenants of the right to farm. The deed shall be filed by the city planner for recordation by the Monterey County recorder's office prior to the recordation of a final map or issuance of the first building permit (if there is no map) for the project. The language of the deed restriction shall be as follows:

Notice of Right to Farm

The City of Salinas and the County of Monterey permit the operation of properly conducted agricultural operations within the City and the County. You are hereby notified that the property you own, reside in, are purchasing, or are renting/leasing is located within one thousand feet (1,000') of agricultural land, agricultural processing, and/or agricultural farming operations. As a result of the proximity of your property to these activities and uses, you may experience inconveniences or discomfort associated with these activities and uses including, but not limited to, noise, odor, fumes, dust, smoke, burning, vibration, insects, rodents, the application of pesticides, herbicides, and fertilizers, and/or the operation of machinery and farm equipment (including aircraft) during any twenty-four (24) hour period. If these farming activities and uses are conducted in a manner consistent with applicable State and local laws, said inconveniences and discomforts shall not be considered a nuisance. One or more of the inconveniences described may occur as a result of agricultural operations that are in compliance with existing laws and regulations and accepted customs and standards. As you live in proximity to agricultural areas or uses, you should be prepared to accept such inconveniences and discomfort as a normal and necessary aspect of living in an area with agricultural operations and uses. Lawful ground rig or aerial application of pesticides, herbicides, and fertilizers occur in farming operations. Should you be concerned about spraying you should contact the Monterey County Agricultural Commissioner.

The City of Salinas Right to Farm Ordinance does not exempt farmers, agricultural processors, and others from compliance with any applicable Local, State, or Federal laws.

(Ord. No. 2463 (NCS).)

Sec. 37-50.230. - Salvage and wrecking operations.

(a)

Purpose. The purpose of this section is to provide opportunities for locating salvage and wrecking operations in industrial areas so as not to have an adverse impact on adjacent land uses or groundwater supplies.

(b)

Definitions. The following definition shall apply to this section:

(1)

Salvage and Wrecking Operations. A place where used motor vehicles or trailers, or portions thereof, are discarded, bought, sold, exchanged, baled, packed, disassembled, stored, displayed, or handled; house-wrecking operations; used lumber or other used building material yards; and places for storage of salvaged building materials, structural steel materials, and equipment. Excludes the sale of used motor vehicles in operable condition, establishments for the sale, purchase, or storage of used furniture, and household fixtures when

conducted entirely within an enclosed building, or those facilities included in [Section 37-50.210](#): Recycling facilities.

(c)

Development Regulations and Design Standards.

(1)

Salvage and wrecking operations shall not be located any closer than five hundred feet from any A, R, C, MU, NU, P, OS, or PS district or any such land so designated in the Salinas general plan;

(2)

Salvage and wrecking operations shall be conducted wholly within an area enclosed by a solid masonry wall at least eight feet in height;

(3)

Any outdoor storage shall not exceed the height of the solid masonry wall within seventy-five feet of such wall;

(4)

No hazardous substances or hazardous wastes, as defined in 42 U.S.C. Section 9601 (22), shall be released on, under, or about the site and no material shall be discharged on, under, or about the site that could affect the quality of the ground or surface waters within the meaning of the California Porter-Cologne Water Quality Act, as amended, Water Code Section 13000, et seq.;

(5)

Any other criteria or standards necessary to minimize adverse impacts on adjacent land uses and to protect the environment.

(Ord. No. 2463 (NCS).)

Sec. 37-50.235. - School district or community college district housing.

(a)

Purpose. Facilitate the acquisition, construction, rehabilitation, and preservation of affordable rental housing for teachers, faculty, school district employees, and community college district employees to allow teachers, faculty, school district employees, or community college district employees to access and maintain housing stability.

(b)

Definitions.

(1)

Affordable rental housing. A rental housing development, as defined in the Teacher Housing Act of 2016 with a majority of its rents restricted to levels that are affordable to persons and families of low or moderate income.

(2)

Local public employees. Includes employees of a city, county, city and county, charter city, charter county, charter city and county, special district, or any combination thereof.

(3)

Teacher, faculty, school district employee, or community college district employee. Any person employed by a unified school district maintaining prekindergarten, transitional kindergarten, and grades one to twelve, inclusive, an elementary school district maintaining prekindergarten, transitional kindergarten, and grades one to eight, inclusive, a high school district maintaining grades nine to twelve, inclusive, or a community college district, including, but not limited to, certificated and classified staff.

(c)

Applicability. These provisions only apply to teacher, faculty, school district employee, and community college district employee housing as defined by the State of California, Teacher Housing Act of 2016 and as may be amended from time to time.

(d)

Requirements.

(1)

A school district or community college district may develop or provide employee housing for a teacher, faculty, school district employee, or community college district employee consistent with the Teacher Housing Act of 2016 and as may be amended from time to time.

(2)

Teacher, faculty, school district employee, or community college district employee housing may be developed or managed by a party other than the school or college district (employer), provided the employer retains control and ultimate responsibility for the facility.

(3)

Housing shall be restricted to teacher, faculty, school district employees, or community college district employees, except that a school district or community college district may allow local public employees or other members of the public consistent with the Teacher Housing Act of 2016 and federal Fair Housing law.

(4)

A school district or community college district shall retain the right to prioritize school district or community college district employees over local public employees or other members of the public to occupy housing as allowed by the Teacher Housing Act of 2016 and as may be amended from time to time.

(e)

Relocation assistance. If acquisition of occupied housing would result in displacement of tenants, the school district or community college district shall provide notification and relocation assistance as outlined below:

(1)

Notification. All tenants shall be given written notice at least 90 days before the date the property must be vacated. Notice shall comply with the legal requirements for service by mail contained in Code of Civil Procedure, Sections 1012, 1013, and 1013a or as otherwise required by law or shall be made by personal delivery to each tenant or other person entitled to receive notice. Confirmation of written acknowledgement of receipt of the notice is required. If a rental agreement was negotiated in another language such as in Spanish, all required notices to that tenant shall be issued in that language. The school district or community college district shall provide the City proof of noticing of tenants to comply with the provisions of this section.

(2)

The district shall provide relocation assistance of two times the monthly rent for any tenant household living in any unit before notification of intent to vacate is provided. Relocation assistance shall be in addition to and shall not affect or be affected by any other monetary amounts due to or by the tenant that are payable as a result of the termination of tenancy, including security deposits. Eligible tenants shall be paid relocation assistance at least fourteen days before the tenant is scheduled to vacate the unit. Tenants who have given notice of their intent to vacate prior to receipt of required notification shall not be eligible for relocation assistance.

(Ord. No. 2656 (NCS), § 8, 5-10-2022)

Sec. 37-50.240. - Screening of mechanical equipment.

(a)

Purpose. To ensure all mechanical equipment whether building, roof, or ground-mounted is adequately screened from public view.

(b)

Exterior Building and Roof-mounted Mechanical Equipment.

(1)

Except for solar collectors, all exterior building and roof-mounted mechanical equipment shall be screened from view of adjacent streets (including U.S. Highway 101) and properties by architectural building features or other screening elements that are compatible in color, texture, and design with the primary structure.

(2)

Screening for roof-mounted mechanical equipment shall be integrated into the overall architectural and roof design and shall include the use of parapet walls or other architectural screening features. For new structures and building additions, the design of such screening shall be taken into consideration during the initial design phase for the structure and shall not consist of a separate screening device, which is not part of the overall architectural design of structure.

(3)

The screening shall be of the same (or greater) height as the height of the roof-mounted equipment unless the city planner determines that because of the size, height, or location of the proposed equipment/associated building, it will be fully screened from view of adjacent properties and streets (including U.S. Highway 101). In such case, a line of sight graphic shall be provided by the applicant that demonstrates to the satisfaction of the city planner that the proposed screening will fully screen views of the equipment as required by this section.

(4)

Such graphic shall be submitted to planning and development prior to the approval of any building permit for the structure. The line of sight graphic shall illustrate the sight line of the mechanical equipment as viewed from a minimum height of six feet above grade level from all adjacent properties and streets (including U.S. Highway 101) (see Figure 37-50.60).

(5)

For existing buildings that do not have existing parapets or other screening features of sufficient height to adequately screen roof-mounted or building-mounted equipment, a solid screen shall be constructed around any new or replacement roof or building-mounted equipment and/or the equipment shall be painted to generally match the color and texture of the nearest building element immediately below or behind the equipment, as applicable, when viewed from any particular direction. The city planner shall determine whether such equipment shall be painted or otherwise screened based on the roof type and architectural design of the structure.

(6)

If roof-mounted equipment will be visible from existing taller buildings with occupied floors adjacent to the subject site, it shall be painted to match the rooftop color.

(7)

In the IG district, building and roof-mounted mechanical equipment screening shall only be required when the mechanical equipment screening will be visible from adjacent streets (including U.S. Highway 101) or when the mechanical equipment will be visible from an adjacent C, R, or MU district.

(c)

Ground-mounted Mechanical Equipment. Ground-mounted mechanical equipment shall be screened by the use of landscaping, low walls, or similar screening features.

(d)

Mechanical Equipment Required to be Screened. Mechanical equipment that shall be screened in accordance with this section includes, but is not limited to, heating, cooling, refrigeration equipment, plumbing lines, ductwork, transformers, and similar equipment. Satellite dish antennas and microwave equipment are not subject to the requirements of this section and shall be screened in accordance with [Section 37-50.010\(j\)](#): Satellite Dish Antennas.

(Ord. No. 2463 (NCS).)

Sec. 37-50.250. - Accessory dwelling units.

(a)

Purpose. The purpose of this section is to comply with the requirements of the California Government Code relating to accessory dwelling units. In the event of any conflict between this section and the California Government Code, the California Government Code shall prevail. An accessory dwelling unit conforming to the provisions of this section shall be approved ministerially within the time limits specified by Government Code Section 65852.2 or any successor provisions.

(b)

Where Permitted.

(1)

Accessory dwelling units, interior are allowed as a permitted use in the R-L district.

(2)

Accessory dwelling units, other are allowed as a permitted use in an A, R, or NU district, subject to subsection (d) below. All accessory dwelling units are permitted only on lots with one single-family detached dwelling unit and no other dwelling units.

(3)

No accessory dwelling units shall be permitted in a development subject to a planned unit development permit approved under Article IV, [Division 13](#) of [Chapter 37](#), or any applicable predecessor or successor sections of this Code, unless accessory dwelling units are expressly authorized by such planned unit development permit.

(4)

A maximum of one accessory dwelling unit shall be permitted per lot or parcel. An accessory dwelling unit shall not be sold separately from the principal dwelling unit.

(c)

Development Regulations and Design Standards—Accessory dwelling unit, interior.

(1)

The accessory dwelling unit must have exterior access independent from the existing single-family detached dwelling unit.

(2)

Side and rear setbacks must be determined to be sufficient for fire safety by the building official.

(3)

No new or separate utility connection directly between the accessory dwelling unit and the utility may be required.

(4)

Sprinklers may not be required for the accessory dwelling unit unless they are required for the existing single-family detached dwelling unit.

(5)

The total floor area of an accessory dwelling unit, interior, shall not exceed the greater of one-thousand two-hundred square feet or fifty percent of the existing living area of the primary residence.

(d)

Development Regulations and Design Standards - Accessory dwelling unit, other.

(1)

Floor Area.

(A)

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

(B)

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

(C)

Accessory dwelling units that require additional floor area for the unit are prohibited on the second floor of a single-family detached dwelling unit. Accessory dwelling units may be located within an existing second floor of a single-family detached dwelling unit subject to the requirements of subsection (c) of this section.

(2)

Design. The exterior design of the accessory dwelling unit shall be in harmony with the principal dwelling unit. This shall be accomplished through the use of building materials, architectural design, height, scale, exterior colors, and finishes that are compatible with the principal dwelling unit. Accessory dwelling units shall be designed so as not to adversely affect the character of the surrounding neighborhood. The design standards of the base zoning district shall apply. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(3)

Sprinklers. Sprinklers may not be required for the accessory dwelling unit unless they are required for the existing single-family detached dwelling unit.

(e)

Other Development Standards. Except as modified by this section, the accessory dwelling unit shall conform to all applicable development regulations established for single-family detached dwelling units in the underlying zoning district, including without limitation, the maximum height, required yards, minimum usable open space requirements for single-family detached dwelling units in the applicable zoning district, and distance between structures.

(f)

Parking. One off-street parking space shall be provided for each bedroom in the accessory dwelling unit, and parking required for the single-family dwelling units shall be provided on the same site in accordance with [Section 37-50.360](#), off-street parking and loading spaces regulations. A minimum of one off-street parking space shall be provided for an efficiency unit off-street parking for accessory dwelling units may be provided as tandem parking on an existing legal driveway or in setbacks, excluding the front or side-corner setbacks of a site; however off-street parking spaces for accessory dwelling units are not required in any of the following instances:

(1)

The accessory dwelling unit is located within one-half mile of a public transit stop.

(2)

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

(3)

The accessory dwelling unit is an "accessory dwelling unit, interior" as defined in this [Chapter 37](#).

(4)

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

(5)

When there is a car share vehicle pickup location located within one block of the accessory dwelling unit.

Notwithstanding the above, if the accessory dwelling unit replaces an existing garage, carport, or covered parking structure, replacement spaces must be provided to meet the requirements of Division 2 of this [Chapter 37](#). Such replacement spaces may be provided as garaged spaces, covered spaces, uncovered spaces on a legal driveway, tandem spaces, or mechanical parking lifts on the same lot as the primary residence. As used in this subsection (f), "driveway" shall mean a private roadway or travel way and its access point from a public street for the exclusive use of the occupants of a property and their guests.

(g)

Density. An accessory dwelling unit which conforms to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use, consistent with the Salinas general plan and zoning designation for the lot.

(h)

Deed Restriction. The owner of the parcel of land upon which the accessory dwelling unit is proposed to be located shall execute a deed restriction, running with the land, in a form satisfactory to and approved by the city, which states that the second dwelling unit shall not be rented for terms less than thirty days, that the lot shall be developed and maintained in conformance with this section, and that the requirements of this section are binding upon any successor in ownership of the property. Such deed restriction shall be filed by the city planner for recordation by the Monterey County recorder's office prior to issuance of any building permits for the accessory dwelling unit.

(i)

Administrative Fee. The city may charge an administrative fee for monitoring compliance with the provisions of this section as determined by the city council.

(Ord. No. 2463 (NCS).)

(Ord. No. 2581 (NCS), § 10, 12-6-2016; Ord. No. 2626 (NCS), § 1, 11-5-2019)

Editor's note— The title of § 37-50.250 was amended by Ord. No. 2581 (NCS), § 10, adopted Dec. 6, 2016. Sec. 37-50.260. - Service stations, vehicle repair, and vehicle washing.

The following supplementary development regulations shall apply to the service station, vehicle repair, and vehicle washing use classifications:

(a)

Limitations on Use.

(1)

Unless otherwise permitted in the district in which the service station is located, service stations shall be limited to the sale of motor vehicle fuels and lubricants, tires, batteries, accessory items, and minor motor vehicle repair.

(2)

All servicing shall be conducted in an enclosed building except that the following is permitted outside an enclosed building:

(A)

Pumping motor vehicle fluids;

(B)

Checking and supplementing various fluids; and

(C)

Mechanical inspection and adjustments not involving any disassembly.

(3)

Any vehicle washing, drying, or vacuuming done by mechanical means located within one hundred feet of an R or NU (NE, NG-1, and NG-2) district shall be subject to the approval of a conditional use permit. The distance shall be measured from the closest exterior wall of the building/suite or property line of the site (if there is no building) where the car wash is located to the nearest property line of the site containing a residential dwelling or zone.

(4)

All vehicle service stations, repair and washing shall comply with the noise standards contained in [Section 37-50.180](#): Performance standards.

(b)

Outdoor Storage. The outside storage or display of merchandise or equipment shall be prohibited, except that the following shall be permitted:

(1)

Tire display: one display rack per pump island but not exceeding a total of two such tire racks per automobile service station. A maximum of twenty-four tires may be displayed on a service station site;

(2)

Wiper display: two such wiper racks per automobile service station;

(3)

Lubricant display: one lubricant display per pump island;

(4)

Vending machines: three per automobile service station.

(c)

Signs. All signage and outside advertising shall be in accordance with Article V, Division 3: Signs.

(Ord. No. 2463 (NCS).)

Sec. 37-50.270. - Single room occupancy (SRO) housing.

(a)

Purpose. The purpose of this section is to:

(1)

Provide affordable and long-term housing for small households and for people with special needs;

(2)

Provide high density housing in close proximity to transportation and services in a commercial environment; and

(3)

Provide the highest possible livability standards of design, environment, and security given the constraints of limited living space and the need to maintain affordability.

(b)

Development Regulations. Single room occupancy housing shall conform to the following development and design regulations:

(1)

Density. Single room occupancy housing that conforms to the requirements of this section shall not be considered to exceed the allowable lot area per dwelling unit for the lot upon which it is located;

(2)

Floor Area. Minimum one hundred fifty square feet per living unit, including bathrooms. Maximum five hundred square feet per living unit, including bathrooms;

(3)

Kitchen. Each living unit shall contain kitchen facilities including a sink, cooking apparatus, and a refrigerator;

(4)

Bathroom. Each living unit shall contain a bathroom including a toilet, sink, and shower or tub;

(5)

Entryways. Living units shall not have separate external entryways;

(6)

Common Area. Fifty square feet per living unit, designed and furnished for the use and comfort of all residents. No common area shall be less than five hundred square feet in size. Common areas shall not include storage

rooms, laundry facilities, common kitchens, dining rooms, or hallways;

(7)

Maximum Occupancy. Two persons per living unit;

(8)

Manager's Unit. An on-site manager's unit shall be provided; such unit may exceed the maximum floor area and occupancy limitations in this section;

(9)

Telephone/Cable Television. Living units shall be pre-wired for both telephone and cable television service;

(10)

Laundry Facilities. Laundry facilities consisting of individual or common washer and dryer facilities shall be provided.

(c)

Design Standards. The following standards are intended to assist the designer and operator in understanding the city's purposes in allowing single room occupancy housing that meets the purposes stated in this section. These standards are intended to be interpreted with some flexibility in their application to each project. The standards will be used in conjunction with other regulations and within the discretion afforded the city through a conditional use permit.

(1)

Unit Design. Living units should have amenities sufficient to sustain daily living including, but not limited to, furnishings designed for smaller spaces, built-in cabinets, closets, miscellaneous storage, and individually controlled heating and ventilation.

(2)

Physically Disabled Access. There should be a greater percentage of living units designed for persons with disabilities than required by the California Building Code.

(3)

Janitor Closet. Storage space should be provided for janitorial supplies on each floor.

(4)

Supply Room. A supply room should be provided adjacent to the manager's unit.

(5)

Security. There should be a security plan emphasizing residents' safety without unreasonably imposing on residents' activities.

(d)

Exemptions.

(1)

Property Development Regulations. The requirements for lot area/unit, bedrooms per unit and usable open space applicable to residential uses shall not apply to single room occupancy housing.

(2)

Existing Structures. Existing structures may be converted to single room occupancy housing and exempted from the development standards contained in this section provided the following findings can be made:

(A)

There is substantial compliance with development standards.

(B)

Alternative means of compliance with development standards are provided which contribute to livability.

(C)

Strict compliance with development standards would render conversion of the structure to single room occupancy housing impractical.

(e)

Operating Standards.

(1)

Management Plan. Single room occupancy housing shall have a management plan included as a condition of the conditional use permit, which will ensure:

(A)

The presence of an on-site twenty-four-hour manager or an alternative which affords residents essentially the same level of service and security;

(B)

Short- and long-term physical maintenance of the building and its grounds;

(C)

That operations, rental procedures and staffing contribute to and promote a high quality of life for residents; and

(D)

The safety and security of residents and their property.

(2)

Tenancy. Tenancy shall be limited to a minimum of twenty-nine or more days, and thereafter no less than on a monthly basis.

(f)

Affordability.

(1)

Percent Affordable. A minimum of fifty percent of the living units shall be affordable and available to very-low or low income households, as defined in the State Health and Safety Code, or low income households, as defined in Section 50079.5 of the Health and Safety Code.

(2)

Affordable Housing Plan. An affordable housing plan shall be included as a condition of a conditional use permit, which shall include:

(A)

The number of units to be affordable to very-low and low income households.

(B)

A deed restriction shall be recorded prior to issuance of the first building permit for a project by which permanent maintenance and affordability of the units will be achieved.

(g)

Deed Restriction. The owner of the parcel of land upon which the single room occupancy is located shall execute a deed restriction running with the land in a form satisfactory to and approved by the city, which states that the project shall be developed and maintained in conformance with this section. The language and form of the deed restriction is subject to the approval of the city planner. Such deed restriction shall be filed by the city planner for recordation by the Monterey County recorder's office prior to the issuance of a building permit for the single room occupancy housing.

(h)

Administrative Fee. The city may charge an administrative fee for monitoring compliance with the provisions of this section as determined by the city council.

(Ord. No. 2463 (NCS).)

(Ord. No. 2569 (NCS), § 9, 4-19-2016)
Sec. 37-50.280. - Speculative buildings.

Buildings that are erected, expanded or altered without a specific use or occupant identified shall comply with the following:

(a)

Parking and Loading. Parking and loading shall be provided based on the maximum required for anticipated uses. The total parking required for individual uses shall not exceed the parking provided.

(b)

Site Development Standards. Site development standards shall be the minimum required for any single use regardless of the number of uses contained within the speculative building.

(Ord. No. 2463 (NCS).)

Sec. 37-50.290. - Telecommunication facilities.

(a)

Purpose. The purpose of this section is to encourage appropriate development of new and significantly modified telecommunication facilities throughout the city and to prescribe the standards for evaluating telecommunication facilities.

(b)

Definitions. The following definitions shall apply to this section:

(1)

Antenna, Dish (also known as a parabolic antenna). A bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern. Dish antennas generally measure four to six feet in diameter and one and one-half to three feet deep.

(2)

Antenna, Panel (also known as a directional antenna). An antenna that has vertical and horizontal planes that aim signals in specific directions. Panel antennas generally measure three feet to eight feet in height, six inches to twelve inches in width, and six inches to eight inches in depth.

(3)

Antenna, Whip (also known as omnidirectional antenna). An antenna that transmits and/or receives signals in a three-hundred-sixty-degree radial pattern. Shaped cylindrically, they generally have diameters between two inches and six inches, and measure between one foot and eighteen feet in height.

(4)

Building-mounted Facility. A telecommunication facility that is constructed in two general forms: (A) roof-mounted, in which antennas are placed on or above the roof, or (B) facade-mounted, in which antennas are mounted to the sides of buildings. Building-mounted facilities can be located on or inside various structures such as water tanks, church steeples, or other creative locations.

(5)

Lattice Tower. A support structure, typically erected on the ground, consisting of metal crossed strips or bars to support antennas and related equipment.

(6)

Monopole. A support structure, typically erected on the ground, consisting of a single pole to support antennas and related equipment.

(7)

Stealth Telecommunication Facility. A wireless telecommunication facility that is not readily visible or apparent because it has been designed to blend into the surrounding environmental and is visually unobtrusive. Examples may include: architecturally screened building-mounted antennas and facilities in steeples; building-mounted facilities that are painted and treated as architectural features to blend with existing buildings; support structures that are disguised as flag poles, public art, windmills, or similar features; or camouflaged with artificial vegetation to resemble a tree.

(8)

Telecommunications Facilities. Public, commercial, and private electromagnetic and photoelectrical transmission and receiving facilities. Includes antennas for cellular, enhanced specialized mobile radio (ESMR),

personal communications services (PCS), earth stations for satellite-based communications, and similar facilities, but does not include satellite dish antennas, which are included under "accessory structures and uses."

(9)

Telecommunications Facilities, Major. Freestanding or attached monopoles and lattice towers, microwave dish antennas, repeater and receiving stations for radio, television, telegraph, telephone, data network, microwave applications, and similar facilities as determined by the city planner.

(10)

Telecommunications Facilities, Minor. Building-mounted panel antennas, building or roof-mounted whip antennas, and similar facilities as determined by the city planner. Roof-mounted panel antennas may be considered "minor" provided the antennas do not intercept a forty-five-degree inclined plane inward from the edge of the roof or top of the parapet roof and do not exceed ten feet in height.

(c)

Development Regulations. The following supplementary development standards shall apply to proposed and significantly modified facilities:

(1)

Setbacks.

(A)

Major Facilities. The antenna, related support structures, and accessory buildings shall maintain minimum setbacks as follows: front yard and corner side yard property lines: twenty feet; interior side yard and rear yard property lines: ten feet.

(B)

Major and Minor Facilities. When located within three hundred feet of an R or NU (NE, NG-1, and NG-2) district, the antenna, related support structures, and accessory buildings shall not intercept a forty-five-degree inclined plane inward from the height of ten feet above existing grade at the R or NU (NE, NG-1, and NG-2) district boundary line.

(2)

Maximum Height. Height is measured from ground level immediately under the antenna to the highest point of the antenna or any appurtenance attached to it. Building-mounted panel antennas shall not extend above the portion of the building to which they are attached, except as provided in this section with required mounting hardware not to exceed four inches above the roof or top of parapet wall. Whip antennas may extend above buildings and exceed maximum height limits. All telecommunication facilities shall meet the requirements of Part 77 of the Federal Aviation regulations and Article IV, Division 7: Airport (AR) Overlay District. Maximum height shall be in accordance with the following standards:

(A)

Major Facilities.

(i)

A district: thirty feet;

(ii)

OS and P districts: thirty feet (only stealth telecommunication facilities permitted);

(iii)

R, NU (NE, NG-1, and NG-2) and CO/R districts: not permitted;

(iv)

MU and NU (VC) Districts. In no case shall the telecommunications facility be higher than the portion of the building to which they are attached, or fifty feet, whichever is less (only stealth telecommunications facilities permitted). The city planner may allow stealth telecommunication facilities, including but not limited to faux chimneys, church steeples or other architectural features which project above the building to which they are attached;

(v)

Focused Growth Overlay, Gateway Overlay, and Central City Overlay (Downtown Core and Downtown Neighborhood Areas). In no case shall the telecommunication facility be higher than the portion of the building to which they are attached, or fifty feet, whichever is less (only stealth telecommunication facilities permitted). The city planner may allow stealth telecommunication facilities which project above the building to which they are attached;

(vi)

C (except for CO/R) and PS districts: one hundred feet; one hundred twenty feet for facilities which are co-located with two or more carriers;

(vii)

I districts: one hundred fifty feet.

(B)

Minor Facilities.

(i)

A district: no higher than the portion of the building to which they are attached, or fifty feet, whichever is less. The city planner may allow stealth telecommunication facilities which project above the building to which they are attached;

(ii)

OS and P districts: thirty feet (only stealth telecommunication facilities permitted);

(iii)

R, NU (NE, NG-1, NG-2) and CO/R districts: thirty feet (only stealth telecommunications facilities are permitted in all NU districts);

(iv)

MU and NU (VC) districts: thirty feet (only stealth telecommunication facilities permitted);

(v)

Focused growth overlay and central city overlay districts: thirty feet (only stealth telecommunication facilities permitted);

(vi)

C (except for CO/R), I, and PS districts, no higher than the building to which they are attached, or the height limit in the applicable district, whichever is less. The city planner may allow stealth telecommunication facilities which project above the building to which they are attached;

(3)

Compatibility—Major and Minor Facilities. Telecommunication facilities shall be aesthetically and architecturally compatible with adjacent structures and features in terms of shape, materials, and colors. The city planner may require stealth telecommunication facilities to achieve compatibility with surrounding uses.

(4)

Stealth Telecommunication Facilities. Only stealth telecommunication facilities are allowed on properties located in the gateway overlay district, central city overlay (downtown core and downtown neighborhood areas) district, focused growth overlay district, and in the P, OS, NU (VC), or MU districts.

(5)

Screening—Major and Minor Facilities. A fence or wall shall be required to secure the facility and to provide screening for equipment. The city planner may consider waiving the requirement for fencing provided all of the following apply: the facility is secured by existing fencing; existing screening is adequate (structures, vegetation, etc.); and no reasonable benefit would be achieved by requiring the fencing.

(6)

Colors.

(A)

Major Facilities. Major facilities, unless otherwise required as part of a stealth communication facility, shall be finished with a non-glare grey colored treatment, unless Federal Aviation Administration (FAA) regulations require otherwise.

(B)

Minor Facilities. Minor facilities, unless otherwise required as part of a stealth communication facility, shall be painted or finished to match the existing structure to which they are attached.

(7)

Antenna Projections. Antennas and mounting hardware shall not extend beyond an imaginary cylinder of five-foot radius, measured from the center of the support structure and running perpendicular to the ground. A maximum seven-foot radius may be considered with a conditional use permit authorized by the planning commission. An exception to the seven-foot maximum radius may be approved by the planning commission for the installation of microwave dish or parabolic antennas. This exception allows up to a nine-foot radius. The exception shall only be granted for a maximum of five microwave antennas per facility with a required separation between the microwave antennas of twelve feet measured between the antenna centerlines.

(8)

Co-location. Where the result is less visual impact and the engineering of the service network permits it, antennas should be co-located with other telecommunications facilities.

(9)

Existing Electrical Transmission Towers. Installation of antennas on existing electrical transmission towers in any zoning district may be considered minor facilities subject to the following standards:

(A)

Antenna projection shall not exceed four feet measured from the nearest edge of the transmission tower.

(B)

Antennas shall not extend more than ten feet measured from the top of the tower.

(C)

Panel antenna(s) shall not exceed eight feet in length.

(D)

Antennas, mounting hardware, and conduit, shall be treated or painted to match the tower.

(E)

Ground equipment shall be screened in accordance with [Section 37-50.290\(c\)\(5\)](#) above.

(10)

Unused Facilities. All obsolete or unused facilities shall be removed within twelve months of cessation of telecommunications operations at the site. If any telecommunication facility is not removed within twelve months after the cessation of such operations, the city may remove the facilities at the applicant's cost. The city also reserves the right to require any applicant of a telecommunication application to post a bond with the city to cover the cost of removal of any such facility.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), §§ 16—19, 5-18-2010; Ord. No. 2569 (NCS), § 21, 4-19-2016)
Sec. 37-50.300. - Temporary use of land.

(a)

Purpose. The purpose of a temporary use of land permit is to ensure that any land use activity conducted for a specific and finite time period does not become permanent.

(b)

General. Any use conducted on an intermittent or temporary basis or for a specific and finite period of time, not intended to become permanent, shall not necessarily be listed as a use within a zoning district in which it is located.

(c)

Permit Required. A temporary use of land permit (see Article VI, Division 4: Administrative Permits) is required for all temporary uses, unless otherwise indicated.

(d)

Requirements for Issuance. Prior to the issuance of a temporary use of land permit, the city planner shall determine compliance with the provisions of this Zoning Code as evidenced by all of the following to the extent that they are relevant to the particular use:

(1)

The use is temporary as provided for in this Zoning Code;

(2)

The use complies with the provisions of this section;

(3)

The use will not have adverse parking or pedestrian and vehicular circulation impacts; and

(4)

The temporary use site will be completely clean of all evidence of the use within three days (or as otherwise specified by the permit) following termination of the use.

(e)

Limitations—C, MU, NU (VC), PS, and I Districts.

(1)

Temporary uses may include temporary tract offices, model homes, or building yards, parking lots, animal shows, Christmas tree sales, circuses and carnivals, commercial filming, personal property sales, religious assembly, outdoor retail sales, street fairs, swap meets, trade fairs and other temporary uses deemed appropriate by the city planner.

(2)

For the purposes of this section, the term "site" includes a shopping center.

(3)

For shopping centers, the number of temporary use of land permits allowable each calendar year shall be calculated for the entire shopping center irrespective of the number or ownership pattern of parcels.

(f)

Limitations—R and NU (NE, NG-1, and NG-2) Districts. Temporary uses shall be limited to temporary tract offices, model homes, building yards, or special events on public school grounds, public parks, churches, and other public or semipublic grounds.

(g)

Duration.

(1)

Pumpkin Patches. The sale of pumpkins between October 1 and November 1;

(2)

Sales Office, Housing. No longer than thirty days following sale of last dwelling unit in the project;

(3)

Parking Lots. Parking lots associated with a special event or other temporary use for a period of not more than allowed for the temporary use being served;

(4)

Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure, on the same site, for a maximum of five continuous days, twice each calendar year;

(5)

Christmas Tree Sales. Retail sales of Christmas trees between Thanksgiving Day and December 31;

(6)

Farmer's Markets. The sale of fresh vegetables, fruit, grains, meat, fish, and poultry, for a maximum of three continuous days and no more than twice during each calendar year, unless otherwise allowed by a conditional use permit, or as allowed in the central city overlay (downtown core area) district;

(7)

Religious Assembly. Religious services conducted on a site that is not permanently occupied by a religious assembly use, for a maximum of five days each calendar year;

(8)

Outdoor Retail Sales. Retail sales of new merchandise on the site of a shopping center, or individual use not part of a shopping center, for a maximum of four continuous days six times each calendar year;

(9)

Street Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities located within a private street, not requiring use of roofed structures for a maximum of five days, unless otherwise allowed by a conditional use permit;

(10)

Swap Meets. Retail sale or exchange of new, hand crafted, or secondhand merchandise, on the same site, for a maximum of three continuous days and no more than twice during each calendar year, unless otherwise allowed by a conditional use permit;

(11)

Temporary Signs. In accordance with Article V, Division 3: Signs;

(12)

Trade Fairs. Display and sale of goods, vehicles, or equipment related to a specific trade or industry, on the same site, for a maximum period of five continuous days each event and not to exceed three such events each calendar year;

(13)

Tract Offices, Model Homes or Building Yards. Offices and building yards necessary for the sale of homes and the conduct of construction administration, fabrication, and storage of materials and equipment incidental to major construction projects. The use of any tract office or building yard shall end within thirty days following sale of last dwelling unit or completion of construction. Development and use of temporary tract offices or building yards shall be subject, but not limited to, approval of the following conditions:

(A)

Location,

(B)

Type and placement of temporary structures,

(C)

Site improvements including parking, circulation, landscaping, signage, lighting, and screening,

(D)

Hours of operation,

(E)

Maintenance, and

(F)

Post construction clean-up;

(14)

Other Temporary Uses. Uses deemed appropriate by the city planner, for a maximum duration commensurate with other temporary uses.

(h)

Extensions. If the city planner makes a finding of special circumstances to warrant the extension, the city planner may consider the extension of a temporary use for one additional increment of time.

(i)

Frequency of Permits. The total maximum number of all temporary use of land permits allowed on a site in a calendar year is:

(1)

For a single land use (uses that do not meet the definition of a shopping center): six;

(2)

For shopping centers with two hundred thousand square feet of gross floor area or less: ten;

(3)

For shopping centers with more than two hundred thousand square feet of gross floor area: twelve.

(Ord. No. 2463 (NCS).)

(Ord. No. 2617(NCS), § 1, 3-19-2019; Ord. No. 2646 (NCS), § 6, 8-10-2021; Ord. No. 2655 (NCS), § 5, 2-15-2022)

Sec. 37-50.305. - Emergency shelters.

(a)

Purpose. Emergency shelter standards are intended to allow the development and operation of shelters in specified zoning districts in a manner compatible with surrounding areas, in accordance with California Government Code § 65583 and § 65589.5.

(b)

General. Type A emergency shelters are a permitted use in the Mixed Arterial Frontage (MAF) 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.

(c)

Development Regulations—Type A Emergency Shelters.

(1)

Capacity. Shelter shall contain a maximum of fifty beds and shall serve no more than fifty persons nightly.

(2)

Maximum stay. Length of stay per individual shall not exceed one hundred eighty days within a three hundred sixty-five day period.

(3)

Staffing. Management shall be provided on-site during all hours of operation. Emergency contact information shall be posted on the exterior of the facility adjacent to the main entrance, as well as on the interior in a location accessible to all residents.

(4)

Enclosed waiting/intake area. Shelter shall provide a minimum of four square feet of on-site, covered waiting and resident intake space per authorized bed. Queuing within the public right-of-way is not permitted. Waiting/intake areas may be used for other purposes as needed during shelter operation.

(5)

Outdoor activity. For the purpose of neighborhood compatibility, on-site outdoor activities may only be conducted between the hours of 7:00 a.m. and 10:00 p.m. Outdoor activity may include recreational games and activities, musical performances, food service restricted to shelter residents and employees, and such other similar activities as deemed appropriate by the city planner; all outdoor activity shall be subject to [Sec. 37-50.180](#): Performance standards and all other applicable law.

(6)

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

(7)

Parking. 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.

(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.

(d)

Exemptions.

(1)

Type A emergency shelters approved pursuant to this section shall not be required to provide loading spaces.

(e)

Operating Standards. Shelter provider shall provide a written management plan to the city planner for review and approval prior to commencing operation. At a minimum, the management plan shall include the following:

(1)

Description of services to be provided on-site;

(2)

Contact information for shelter administrative staff;

(3)

Staff training plan;

(4)

Security plan and weapons policy;

(5)

Neighborhood outreach program;

(6)

Client code of conduct, including provisions for expulsion and re-admittance;

(7)

Emergency evacuation plan;

(8)

Exterior lighting plan;

(9)

Procedures for temporary storage of client personal belongings;

(10)

Agreement to cooperate with periodic census of homeless population; and

(11)

Commitment to annually update and submit management plan to city planner. Failure to submit updated annual management plans within a reasonable time shall be grounds to initiate revocation of permit.

(f)

Administrative Fee. The city may charge an administrative fee for monitoring compliance with the provisions of this section as determined from time to time by the city council.

(g)

Application Fee. The city may charge an application fee for processing an application for an emergency shelter as determined from time to time by the city council.

(h)

Revocation of Permit. The city planner shall reserve the right to revoke any permit authorized via this section if the city planner determines that the shelter is in violation of any of the provisions in this section. Revocations shall be conducted in accordance with [Section 37-60.1330](#): Revocation of permits.

(i)

Salinas Municipal Airport. Type A emergency shelters shall not be located on the Salinas Municipal Airport, nor within any Runway Protection Zone as delineated in Figure 37-40.210.

(j)

Conflict Between Regulations. Except as modified by this [Section 37-50.305](#): Emergency shelters, 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.

(k)

Nuisance Conditions. Emergency shelters shall be operated or maintained in such a way that they do not constitute a nuisance to the use and enjoyment of surrounding properties or the city. The conduct of any emergency shelter within the city in violation of any of the applicable terms or provisions of the code is hereby found and declared to be a public nuisance and the city may utilize any available legal or equitable remedies to

abate, remove or enjoin the nuisance and restrain and enjoin any person from conducting, operating or maintaining an emergency shelter contrary to the provisions of this code.

(1)

All activities associated with an emergency shelter shall be conducted entirely within the site of the emergency shelter.

(2)

All sidewalks adjacent to the emergency shelter must be kept free of all obstructions to the free flow of pedestrian traffic. No person associated with the emergency shelter or receiving services from the emergency shelter shall obstruct or create a nuisance on any public sidewalk adjacent to the emergency shelter in such a manner as to prevent or obstruct the free flow of pedestrian traffic thereon, prevent or hinder the ingress or egress to or from any place of business, or create a nuisance by congregating and hindering the free passage of pedestrian traffic.

(3)

All sidewalks adjacent to the emergency shelter must be kept free and clear of all debris, trash or other similar items and no person associated with the emergency shelter or receiving services from the emergency shelter shall damage, defoul or disturb public property or property of another so as to create a nuisance or a hazard, unhealthy or physically offensive condition.

(Ord. No. 2532 (NCS), § 16, 11-13-2012)

Sec. 37-50.310. - Transfer of development rights.

Reserved.

Sec. 37-50.320. - Warehousing limited.

The following additional regulations shall apply to all limited warehousing uses:

(a)

All storage shall be kept within an enclosed building, except propane or gasoline powered engines or storage tanks or any boats or vehicles incorporating such components shall be stored only in designated screened areas.

(b)

One on-site dwelling unit shall be permitted for exclusive use as a manager's quarters.

(c)

Offices, animal-related uses and animal storage, manufacturing, assembly of goods, and retail or wholesale distribution of any item stored within the facility shall be prohibited at the limited warehouse facility.

(d)

The repair, construction, or reconstruction of any boat, engine, motor vehicle, furniture, appliance, machinery and the storage of any propane or gasoline storage tank is prohibited within any structure used for limited warehousing or on the premises of such limited warehousing, unless otherwise provided for in this Zoning Code.

(Ord. No. 2463 (NCS).)

Sec. 37-50.330. - Vehicle trip reduction.

(a)

Purpose. The purpose of this section is to:

(1)

Meet the state of California air quality and congestion management mandates in accordance with Section 65088 of the Government Code;

(2)

Implement Salinas general plan policies related to achieving and maintaining acceptable level of service standards, supporting Monterey-Salinas transit goals, and encouraging the use of bicycles and walking activities;

(3)

Implement the Salinas bikeways plan and Salinas pedestrian plan;

(4)

Achieve a one and six-tenths percent per year trip reduction; one and thirty-five hundredths average vehicle ridership rate; and/or a sixty percent drive-alone rate; and

(5)

Ensure that new development, redevelopment, and expansion of existing uses contain the needed infrastructure and programs to reduce single-occupant vehicle trips.

(b)

Definitions. The following definitions shall apply to this section:

(1)

Alternative Transportation Modes. Any mode of travel or activity that serves as an alternative to a single occupant vehicle trip. This includes, but is not limited to, all forms of ridesharing such as carpooling or vanpooling, train/rail, public transit, bicycling, walking, or alternative methods of trip reduction such as telecommuting, electronic banking, and on-site employee services.

(2)

Average Daily Trip (ADT). The anticipated weekday vehicle trips generated by a specific land use as established by the Salinas traffic fee ordinance and any implementing resolution.

(3)

Average Vehicle Ridership. The figure derived by dividing the number of employees at a regulated work site who commute to and from work between 6:00 a.m. to 10:00 p.m. Monday through Fri-day, by the number of vehicles driven by these employees between home and the work site over that five-day period.

(4)

Carpool. A motor vehicle, usually privately owned, occupied by at least two individuals traveling together.

(5)

Development Approval. Any land use approval for a specific project granted by the city which allows the developer to apply for and receive a building permit for the intended use including, but not limited to, site plan reviews, conditional use permits, and variances.

(6)

Facilities Trip Reduction Plan. A plan of measures intended to reduce vehicle trips, implemented through the development approval process.

(7)

Park-and-ride Lot. A parking lot conveniently located near residential communities or along highways which is served by a transit route or can be used by commuters as a staging area for carpool formation or for catching a bus or, on occasion, by visitors as a staging area for tourist/special event shuttle buses as approved by the city engineer.

(8)

Reviewing Authority. Unless otherwise specified, the city planner, planning commission, city council, or designee as indicated by the applicable development review application.

(9)

Single Occupant Vehicle. A vehicle occupied by one person.

(10)

Telecommuting. A method of conducting work without leaving one's residence when the residence is not the primary work site.

(11)

Tourist-oriented Development. A development that primarily attracts nonresidents to the city.

(12)

Transportation Demand Management. Strategies that result in efficient use of the city's transportation resources through the implementation of programs, plans, or policies designed to encourage changes in individual travel behavior. These strategies may include, but are not limited to, improved transportation options; incentives to use alternative modes of travel; parking and land use management; implementation of TDM programs such as carpools and vanpools; encouraging transit use or non-peak hour trips to/from an origin/destination; pricing to affect travel mode change; encouraging the reduction or elimination of vehicle trips; and shifts in vehicle commute times to non-peak periods.

(13)

Transportation Management Association. A group of employers or other entities who have joined together in a formal association with the intent to reduce single occupant vehicle trips.

(14)

Trip. Travel taken by an individual between one origin and one destination, by any mode.

(15)

Trip Reduction. Reducing the number of vehicle trips primarily by single occupants.

(16)

Vanpool. Any vehicle, usually provided by an employer or organization used to reduce single occupancy vehicle trips and made available specifically for commuting. Vanpool vehicles generally have larger passenger capacity than a sedan, typically nine or more, and are occupied by two or more individuals traveling together.

(17)

Vehicle Trip. A point-to-point journey or trip in one direction using a motorized vehicle. In the example of an employed mother driving a car and dropping off two children at two day care facilities, then going to an instant cash facility on the way to her job, and finally returning home, five vehicle trips have occurred.

(18)

Worksite. The place of employment, base of operation, or predominant work location of an employee.

(c)

Facilities Trip Reduction Plan Required.

(1)

No applicable development shall be approved without an approved facilities trip reduction plan. Applicable development is any residential development of more than twenty-five dwelling units; or any new tourist, commercial, or industrial development with an anticipated trip generation of two thousand five hundred average daily trips (ADT) or greater; or any existing tourist, commercial, or industrial development with a proposed expansion which is anticipated to generate two thousand five hundred ADTs or more. Trip generation shall be determined by rates established in the Salinas traffic fee ordinance and any implementing resolution. The city engineer shall establish vehicle trip generation factors for applicable development to determine the total number of vehicle trips that would otherwise occur without trip reduction measures. The facilities trip reduction plan shall address achievement of a one and six-tenths percent per year trip reduction, one and thirty-five hundredths average vehicle ridership rate, and/or a sixty percent drive-alone rate.

(2)

A facilities trip reduction plan is not required for mixed use buildings and developments.

(d)

Applicability to Residential Developments.

(1)

The facilities trip reduction plan is applicable to all residential developments with twenty-five or more dwelling units.

(2)

The reviewing authority shall determine the necessary programs to be required of the project as part of the development approval process. The reviewing authority shall consider the nature and size of the project when reviewing the facilities trip reduction plan. Following review of the facilities trip reduction plan, the reviewing authority may require any of the following measures in order to meet the trip reduction required in this section:

(A)

Provide ridesharing, public transportation, and nearby licensed child care facility information to tenants/buyers as part of move-in materials;

(B)

Print transit scheduling and bicycle accessibility information on all promotional materials;

(C)

Bicycle amenities and system improvements, such as bicycle racks, lockers, bicycle lanes, and paths (where appropriate);

(D)

Bus pull-outs, pedestrian access, transit stops, shelters, and amenities as part of the site plan;

(E)

Locked and secure transportation information centers or kiosks with bus route/schedule information, as part of common areas;

(F)

Pedestrian facilities and system improvements linking transit stops and common areas;

(G)

Park-and-ride facilities;

(H)

On-site day care facilities;

(I)

Facilities to encourage telecommuting;

(J)

Transit-oriented development design and/or pedestrian-oriented design; or

(K)

Other measures for reducing single-occupant vehicle trips shall be considered.

(e)

Applicability to Commercial, Industrial and Tourist-Oriented Developments.

(1)

The facilities trip reduction plan is applicable to all commercial, industrial, and tourist-oriented development anticipated to generate two thousand five hundred ADTs or more. In the case of commercial, industrial, and tourist-oriented developments, trip reduction measures shall be implemented to reduce trips by employees, customers, and/or tourists.

(2)

The reviewing authority shall determine the necessary programs to be required of the project as part of the development approval process. The reviewing authority shall consider the nature and size of the project when reviewing the facilities trip reduction plan. Following review of the facilities trip reduction plan, the reviewing authority may require any of the following measures in order to meet the trip reduction required in this section:

(A)

On-site day care facilities for employees and customers;

(B)

Transit scheduling and bicycle accessibility information on all promotional materials;

(C)

Bicycle amenities and system improvements, such as bicycle racks, lockers, bicycle lanes, and paths (where appropriate), as part of common areas and intermodal connection points;

(D)

Bus pull-outs, pedestrian access, transit stops, shelters, and amenities as part of the development;

(E)

Locked and secure transportation information centers or kiosks with bus route/schedule information and a Salinas bicycle facilities map, as part of common areas and at intermodal connection points;

(F)

Pedestrian facilities and system improvements linking transit stops and common areas and at intermodal connection points;

(G)

Park-and-ride facilities;

(H)

Local transportation system management improvements defined as shuttle bus services/bus pools or improved transit service as part of the development;

(I)

Educational and marketing strategies designed to induce employees, customers, and tourists to reduce their vehicle trips;

(J)

On-site banking ATMs, restaurants, dry cleaners, grocery and other typically needed services to reduce the need to travel. Link these uses with convenient and pedestrian-oriented paths. Provide transit access that allows bus passengers convenient access to uses with a minimum of walking distance; or

(K)

Other measures for reducing single-occupant vehicle trips shall be considered such as preferential parking for employees who rideshare; educational and marketing strategies; or other facilities and policies to encourage

telecommuting.

(3)

Submittal of an annual facilities trip reduction plan monitoring report to the city engineer on January 31 of each year for three years from the date of occupancy of the project.

(Ord. No. 2463 (NCS).)

Division 2. - Parking, Loading, and Outdoor Lighting.

Sec. 37-50.340. - Purpose.

The purpose of this section is to:

(a)

Ensure that adequate parking and loading facilities, and outdoor lighting are provided for new land uses, and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use; and

(b)

Ensure that off-street parking and loading facilities, and outdoor lighting are designed in a manner that will ensure efficiency, protect the public safety, and, where appropriate, insulate surrounding land uses from adverse impacts.

(Ord. No. 2463 (NCS).)

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

(a)

When Required. At the time of initial occupancy of a site, change in occupancy or use, construction of a structure, or major alteration or enlargement of a structure, off-street parking facilities, and off-street loading facilities shall be provided in accord with the regulations prescribed in this division. For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use. For purposes of determining parking requirements, a change in occupancy is not a change of use unless the new occupant is considered in a different use classification than the former occupant.

(b)

Required Parking. Except as otherwise provided in this section or as allowed by the new urbanism (NU) districts, mixed use (MU) districts, central city overlay (downtown core area) district, or focused growth overlay district regulations, all parking required by [Section 37-50.360](#): Off-street parking and loading spaces regulations shall be off-street.

(c)

Spaces Required for Alteration or Enlargement. The number of parking spaces or loading berths required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces or berths existing prior to the alteration, enlargement or change of occupancy unless the pre-existing number is greater than the number required by this division. In this case, the number of spaces or berths in excess of the required minimum shall be counted as a credit in determining the additional number (if any) of spaces or berths required. Additions to detached single-family residential structures exceeding five hundred square feet in gross floor area shall provide required off-street parking facilities in accordance with [Section 37-50.360\(c\)](#) below.

(d)

Nonconforming Parking or Loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading spaces required by this division, provided that facilities being used for off-street parking and loading as of the effective date of this Zoning Code shall not be reduced.

(e)

Spaces Required for Multiple Uses. Except as otherwise provided in this section for shopping centers or industrial complexes or as allowed by the new urbanism (NU) districts, mixed use (MU) districts, central city overlay (downtown core area) district, or focused growth overlay district, if more than one use is located on a site, the number of off-street parking spaces and loading berths to be provided shall be equal to the sum of the requirements prescribed for each use. This requirement applies not only to multiple uses under separate ownership but also to multiple uses in the same ownership. If the gross floor area of individual uses on the same site is less than that for which a loading berth would be required, but the aggregate gross floor area of all uses is greater than the minimum for which loading berths would be required, the aggregate gross floor area shall be used in determining the required number of loading berths.

(f)

Joint Use/Shared Parking. Off-street parking and loading facilities required by this division for any use shall not be considered as providing parking spaces or loading berths for any other use except where the provisions of [Section 37-50.370](#): Reduction of required number of parking and loading spaces, and/or new urbanism (NU) districts, mixed use (MU) districts, central city overlay (downtown core area) district, or focused growth overlay district regulations apply. Joint use facilities shall contain not less than the total number of loading berths as determined individually, subject to the provisions of [Section 37-50.350\(i\)](#) below.

(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:

(1)

On-street parking which counts toward the required off-street parking requirements for a use in accordance with the new urbanism (NU) districts, mixed use (MU) districts, central city overlay (downtown core area) district, or focused growth overlay district regulations.

(2)

Parking for interim housing may be located on a different site under the same or different ownership within one hundred fifty feet of the use served, measured from the parking facility to the public entrance, or primary entrance in the case of a private facility, of the use served via the shortest pedestrian route as approved by the city planner.

(3)

Parking required to serve a nonresidential use may be on the same or a different site, provided that a minimum of fifty percent of such parking shall be within two hundred feet of the use served, measured from the nearest corner of the parking facility to the public entrance of the use served via the shortest pedestrian route or as otherwise provided in this Zoning Code.

(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 ADU replacement parking per [Section 37-50.250](#) .

(h)

Life of Facility. Facilities for off-site parking shall be restricted to that use by a recorded deed, lease, or agreement, acceptable to the city planner and for a period of time consistent with the site plan review requiring the parking, provided that the city planner may lift the restriction upon finding that substitute parking facilities meeting the requirements of this division are provided. No use shall be continued if the required parking is removed, unless substitute parking facilities are provided to the satisfaction of the city planner.

(i)

Common Loading Facilities. The off-street loading facilities requirements of this division may be satisfied by the permanent allocation of the prescribed number of berths for each use in a common truck loading facility, provided that the total number of berths shall not be less than the sum of the individual requirements. As a requirement of approval, an attested copy of a contract between the parties concerned setting forth an agreement to allow joint use of a common loading facility shall be filed with the application for a site plan review. The city may record the contract.

(j)

Computation of Spaces Required. If, in the application of the requirements of this division, a fractional number equal to or greater than one-half is obtained for any use or facility, one additional parking space or loading berth shall be required for that use or facility.

(k)

Paving. Any area used for the parking, loading, maneuvering, storage, dismantling, wrecking, salvage, or sale of vehicles, recreational vehicles, or machinery shall be surfaced and maintained with asphaltic, concrete, or other permanent surfacing material sufficient to prevent mud, dust, and loose material from escaping the paved areas; and to control hazardous substances or wastes from affecting the quality of the ground or surface waters, subject to the approval of the city engineer. Parking and loading spaces shall be required independent of any paved surface area used for storage, dismantling, wrecking, salvage, or sale of vehicles, recreational equipment, or machinery.

(l)

Prohibited Locations. No vehicle may be parked within a front or corner side yard in an R or NU (NE, NG-1, and NG-2) zoning district except on a paved driveway which provides direct access to the required parking serving the site and which meets the requirements of [Section 37-50.450](#): Driveways.

(Ord. No. 2463 (NCS).)

(Ord. No. 2626 (NCS), § 2, 11-5-2019)
Sec. 37-50.360. - Off-street parking and loading spaces regulations.

(a)

Schedule Descriptions. Off-street parking and loading spaces shall be provided in accord with the schedules identified in Table 37-50.90:

Table 37-50.90	
Off-Street Parking and Loading Schedules	
Schedule	Description
Schedule A	Off-street parking and loading spaces required

Schedule B	Off-street loading spaces required
------------	------------------------------------

(b)

General Provisions.

(1)

References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, and maintenance areas, but shall exclude area for vertical circulation, mechanical equipment, stairs, or elevators.

(2)

Where the use is undetermined, or not specified in this section, the city planner shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the city planner may require the submission of survey or other data from the applicant or have data collected at the applicant's expense.

(3)

For uses located in the new urbanism (NU) districts, mixed use (MU) districts, central city overlay (downtown core area) district, or focused growth overlay district, on-street parking may be counted towards the required off-street parking requirement if it meets the requirements of the applicable district.

(c)

Schedule A—Number of Spaces Required. Table [37-50.100](#) identifies the minimum number of off-street parking spaces required by use classification. These minimum space requirements shall be applied to each project except as otherwise provided in this section or as allowed by the new urbanism (NU) districts, mixed use (MU) districts, central city overlay (downtown core area) district, or focused growth overlay district 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		
Accessory Dwelling Units	See Section 37-50.250	
Employee Housing, Medium Project	Per § 37-50.075	
Employee Housing, Small Project	Consistent with that required of the dwelling type occupied by the small project employee housing	

Emergency Shelter, Type A	Per § 37-50.305	
Emergency Shelter, Type B	4 spaces plus 1 per each 8 authorized beds	
Interim Housing	1 per private sleeping room; plus 1 per 100 sq. ft. used for common sleeping areas.	
Single-family Dwellings (Detached and Attached Units) Duplex Dwellings, Green Court Dwellings	4-bedrooms or less: 2 per dwelling unit (2 garaged*).	
	5+ bedrooms: 3 per dwelling unit (2 garaged*), 3rd space may be tandem.	
	*Single-family attached dwelling unit spaces may be tandem.	
Multifamily Dwellings (except for condominiums), Multiple Detached Dwellings	Studio: 1 per unit.	
	1- bedroom: 1.5 per dwelling unit.	
	2- or 3- bedrooms: 2.0 per dwelling unit.	
	4+ bedrooms: 3.0 per dwelling unit.	
Condominiums	4- bedrooms or less: 2 per dwelling unit (2 covered).	
	5+ bedrooms: 3 per dwelling unit (2 covered), 3rd space may be tandem.	
Mobilehome 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.	
Large Residential Care and Residential Service Facilities	1 per 3 licensed beds.	B
Senior Housing	1.0 per dwelling unit. 0.5 per dwelling unit for congregate housing.	
Single Room Occupancy Housing	0.25 per dwelling unit.	
Mixed Use		
Mixed Use Buildings: Central City (Downtown Core Area) and Focused Growth Overlay Districts and the MX, MAF, and NU (VC) Districts only. ⁽¹⁾	Residential Dwelling Units: Studios, 1- bedroom and 2- bedrooms: 1 per dwelling unit; plus Nonresidential Uses: 1 per 400 sq. ft. of nonresidential floor area. Loading requirement only applicable to buildings with 30,000 sq. ft. of nonresidential gross floor area or more. For mixed use buildings that have dwelling units with more than 2- bedrooms, the mixed use development parking and loading standard shall apply.	A
C Districts	Residential Dwelling Units (applicable to mixed use buildings with a max. of 3 dwelling units only): Studios, 1- bedroom and 2- bedrooms: 1 per dwelling unit; plus Nonresidential Uses: 1 per 400 sq. ft. of nonresidential floor area. For mixed use buildings with more than 3 dwelling	A

	units or with dwelling units with more than 2-bedrooms, the mixed use development parking and loading standard shall apply.	
Mixed Use Developments	The number of off-street parking and loading spaces to be provided shall be equal to the sum of the requirements prescribed for each residential and nonresidential use.	
Public/Semipublic		
Airports, Airport-related Facilities, and Heliports	Hangars, commercial or multiple T: 1 per 400 sq. ft. Hangars, corporate: 1 per 700 sq. ft. For other uses, as specified by the applicable development review application approval.	
Clubs and Lodges	1 per 50 sq. ft. used for assembly purposes.	C
Convalescent Hospitals/Nursing Homes	As specified by the applicable development review application approval.	A
Cultural Institutions	1 per 300 sq. ft.	C
Day Care Centers	1 per 6 children; maximum enrollment based on maximum occupancy load.	
Government Offices	1 per 200 sq. ft.	C
Hospitals	4 per licensed bed.	A
Park and Recreation Facilities	As specified by the applicable development review application approval.	
Public Safety Facilities	As specified by the applicable development review application approval.	
Public Utility Service Yards	1 per 1,000 sq. ft. of developed site.	A
Religious Assembly	1 per 50 square feet of assembly area.	
Schools, Public or Private: K through 8th Grade 9th through 12th Grade	3 per classroom; plus an off-street bus and passenger loading area. 7 per classroom; plus an off-street bus and passenger loading area.	
Schools, Trade	1 per 50 sq. ft. of gross floor area used for instructional purposes and 1 per instructor.	
Telecommunications Facilities	As specified by the applicable development review application approval.	
Utilities, Major	As specified by the applicable development review application approval.	
Commercial		
Adult Entertainment Facilities	1 per 250 sq. ft. of retail area; plus 1 per 50 sq. ft. for any seating area.	A
Ambulance Services	1 per 500 sq. ft.; plus 1 space for each emergency vehicle based at the site.	A
Animal Sales and Services:		
Animal Boarding	1 per 400 sq. ft.	A

Animal Grooming	1 per 400 sq. ft.	A
Animal Hospitals	1 per 400 sq. ft.	A
Animal Retail Sales	1 per 300 sq. ft.	A
Antique and Collectibles Shops	1 per 300 sq. ft.	
Art Galleries	1 per 500 sq. ft.	
Artists' Studios	1 per 1,000 sq. ft.	
Bakeries, wholesale	1 per 500 sq. ft.	
Bars	1 per 50 sq. ft. of seating area; plus 1 per 50 sq. ft. of area used for live entertainment/dancing.	A
Bed and Breakfast Inns	1 per resident/manager; plus 1 per guest room.	
Building Materials and Services	1 per 1,000 sq. ft. of lot area.	A
Catering Services	1 per 400 sq. ft.	A
Commercial Filming	1 per 500 sq. ft.	A
Commercial Recreation:		
Amusement Centers or Arcades	1 per 400 sq. ft.	
Bingo Parlors	1 per 2 seats.	
Bowling Alleys	5 per alley; plus 2 per pool table; plus 1 per 250 sq. ft. of public assembly, restaurant, bar, and retail areas.	A
Fitness Centers	1 per 200 sq. ft.	
Skating or Ice Rinks	1 per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 per 250 sq. ft. of additional public assembly and retail areas (excluding rink area).	A
Theaters	1 per 4 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats.	B
Other Commercial Recreation Uses	As specified by the applicable development review application approval.	
Convenience Stores:		
with gas pumps	1 per 250 sq. ft. of retail space.	
without gas pumps	1 per 300 sq. ft. of retail space.	
Day Care Centers	1 per 6 children; maximum enrollment based on maximum occupancy load.	
Equipment Sales, Service, and Rentals	1 per 1,000 sq. ft. of lot area.	
Financial Services	1 per 200 sq. ft.; 1 space for each walk-up teller window and automatic teller machine; and queue space for 5 cars for all drive-up services.	B
Food and Beverage Sales	1 per 250 sq. ft.	A
Food Trucks	2 spaces per food truck.	
Fortunetelling	1 per 500 sq. ft.	
Funeral Services	1 per 50 sq. ft. seating area.	A

Furniture and Appliance Stores	1 per 600 sq. ft.	A
Hardware Stores	1 per 600 sq. ft.	A
Hotels and Motels	1 per guest room; plus 1 per 50 sq. ft. banquet seating area; plus parking for other uses and facilities as required by this schedule.	A
Hotels, Motels (Extended Stay)	1.25 per guest room; plus 1 per 50 sq. ft. banquet seating area; plus parking for other uses and facilities as required by this schedule.	
Laboratories	1 per 500 sq. ft.	A
Laundries:		
Limited	1 per 300 sq. ft.	
Unlimited	1 per 500 sq. ft.	
Maintenance and Repair Services, other than Vehicular	1 per 400 sq. ft.	A
Marine Sales and Services	1 per 2,000 sq. ft. of outdoor display area; plus 2 customer spaces. 2 spaces minimum per site.	
Music Studios	1 per 600 sq. ft.	
Nurseries	1 per 1,000 sq. ft. of lot area for first 10,000 sq. ft.; 1 per 5,000 sq. ft. thereafter; plus 1 per 250 sq. ft. sales floor area.	A
Offices, Business and Professional, except Medical and Dental	1 per 300 sq. ft. ⁽²⁾	B
Offices, Medical and Dental	1 space per 200 sq. ft./1 space per 250 sq. ft. ⁽²⁾	
Pawn Shops	1 per 500 sq. ft.	
Personal Improvement Services	1 per 300 sq. ft.	
Personal Services	1 per 300 sq. ft.	
Printing and Publishing	1 per 400 sq. ft.	C
Recycling Facilities	As specified by the applicable development review application approval.	C
Research and Development Services	1 per 400 sq. ft. of gross leasable floor area, which excludes facilities such as lunchrooms and restrooms.	A
Restaurants	1 per 50 sq. ft. of seating area (including outdoor seating); plus a queuing area for 5 cars for drive-up service; plus 1 space per 50 sq. ft. of dance floor.	A
Retail Sales Not Listed Under Another Use Classification	1 per 300 sq. ft.	A
Secondhand and Consignment Stores	1 per 500 sq. ft.	A
Service Stations	1 per 5,000 sq. ft. of lot area, with a minimum of 4 spaces per site.	
Shopping Centers	1 per 300 sq. ft. up to 15,000 square feet of floor area; 1 per 250 sq. ft. for over 15,000 square feet of floor area.	C

Speculative Buildings	1 per 300 sq. ft.	C
Swap Meets (Outdoor)	1 per 1,000 sq. ft. of lot area.	
Tattoo and/or Body Piercing Parlors	1 per 2 seats.	
Vehicle-related Sales and Services	1 per 300 sq. ft.	
Vehicle Repair: Major or Minor	1 per 250 sq. ft., but not less than 5 spaces per site.	
Vehicle Rentals	1 per 400 sq. ft. indoor space; plus 1 per 2,000 sq. ft. of outdoor display area; plus 2 vehicle drop-off spaces. 3 spaces minimum per site.	C
Vehicle Sales and Services	1 per 2,000 sq. ft. of outdoor display area; plus 2 customer spaces. 2 spaces minimum per site.	
Vehicle Storage	1 per 5,000 sq. ft. of lot area; plus a minimum of 2 spaces outside any perimeter fence or secure area.	
Vehicle Washing	1 per 200 sq. ft. of sales, office, or waiting area; plus queue length for 6 cars per washing station.	
Industrial		
Transfer Stations including Hazardous Waste	As specified by the applicable development review application approval.	
Industrial Complexes	1 per 500 sq. ft.; plus 1 per 300 sq. ft. of auxiliary office.	
Industry, Limited and General:		
Agricultural Produce Processing	1 per 2,000 sq. ft. of cold storage area; plus 1 per 500 sq. ft. of processing/packaging area; plus 1 per 300 sq. ft. of auxiliary office area.	C
Other Industrial	1 per 500 sq. ft.; plus 1 per 300 sq. ft. of auxiliary office.	
Labor Camps	As specified by the applicable development review application approval.	
Public Recycling Centers	As specified by the applicable development review application approval.	C
Salvage and Wrecking Yards	1 per 5,000 sq. ft. of lot area; plus 1 per 300 sq. ft. of office and sales area, unless modified by conditional use permit.	
Speculative Buildings	1 per 500 sq. ft.; plus 1 per 300 sq. ft. of auxiliary office.	C
Truck Depots	As specified by the applicable development review application approval.	
Warehousing and Storage:		
Wholesale Distribution	1 per 1,000 sq. ft.; plus 1 per 300 sq. ft. of auxiliary office.	C
Limited	1 space for the exclusive use of a resident manager; plus 4 for up to 150 storage units, 6 for 151 to 500 storage units, 10 for 501 to 1,000 storage units, and	B

one additional for each 500 storage units (or portion thereof) in excess of 1,000.
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Notes:

(1) On-street parking may be used to satisfy the off-street parking requirements in accordance with the provisions of [Section 37-30.280\(q\)\(3\)](#): On-street Parking.

(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) 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) 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.

(d)

Schedule B—Number and Type of Off-street Loading Spaces Required. Table [37-50.110](#) identifies the minimum number of off-street loading spaces required by the use classification group (Note: please refer to the last column of Table [37-50.100](#) above for the applicable use classification group). These minimum space requirements shall be applied to each project except as otherwise provided in this section or as allowed by the new urbanism (NU) districts, mixed use (MU) districts, central city overlay (downtown core area) district, or focused growth overlay district regulations.

Table 37-50.110			
Schedule B: Off-Street Loading Spaces Required			
	Number of Spaces Required ^(A)		
Gross Floor Area (sq. ft.)	10'×20'×10'	12'×35'×16'	12'×50'×16'
Use Classification Group A			
15,000 to 50,000 sq. ft.	-	1	-
50,001 sq. ft. and greater	-	1	1
Use Classification Group B			
10,001 to 20,000 sq. ft.	1	-	-
20,001 sq. ft. and greater	1	1	-
Use Classification Group C			
Up to 30,000 sq. ft.	-	1	-
30,001 to 100,000 sq. ft.	-	1	1
100,000 sq. ft. and greater	-	2	1

Notes:

(A) Measurements shown = width × length × height

"-" = None required

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), §§ 20, 38, 5-18-2010; Ord. No. 2532 (NCS), § 17, 11-13-2012; Ord. No. 2569 (NCS), §§ 10, 11, 4-19-2016; Ord. No. 2581 (NCS), § 11, 12-6-2016; Ord. No. 2649 (NCS), § 5, 9-21-2021)
Sec. 37-50.370. - Reduction of required number of parking and loading spaces.

(a)

Reductions Allowed by the City Planner. The city planner may consider a reduction from zero to a maximum of twenty percent subject to the approval of a site plan review and a reduction of greater than twenty percent to a maximum of thirty percent subject to the approval of an administrative conditional use permit of the number of parking and loading spaces required by Schedules A and B in [Section 37-50.360](#): Off-street parking and loading spaces regulations if the city planner determines/finds any of the following conditions exist:

(1)

Parking and loading requirements for an existing building(s), due to the exceptional shape or size of the site or other unusual site conditions, are burdensome to the point where they prevent a reasonable range of uses similar to other properties in the same zoning district;

(2)

The use or activity is participating in a facilities trip reduction plan in accordance with [Section 37-50.330](#): Vehicle trip reduction;

(3)

Multiple uses with different peak parking hours are sharing the same parking and loading spaces; or

(4)

Survey or other data exists which supports a reduction in parking and loading spaces for uses which, by their nature, are not likely to be converted to another use with greater parking requirements.

(b)

Reductions Allowed by the Planning Commission. Except as otherwise provided for this section, the planning commission may approve reductions greater than thirty percent of the number of parking and loading spaces required by Schedules A and B in [Section 37-50.360](#): Off-street parking and loading spaces regulations, as part of a conditional use permit, and the commission finds any of the conditions listed in subsection [37-50.370\(a\)](#) of this section.

(c)

Reductions Allowed for Structures with Historical or Architectural Merit. For structures that are located in the area of historic and architectural merit as indicated on Figure COS-3 (historic and architectural resources) of the general plan conservation/open space element, and which are proposed to be converted to a use with a higher parking requirement, the city planner may approve reductions up to a maximum of fifty percent of the number of parking and loading spaces required by Schedules A and B subject to the approval of a site plan review. Reductions greater than fifty percent of the required parking for a site may be considered subject to approval of an administrative conditional use permit. In approving such reductions, the city planner must determine/find, as applicable, that such reduction is required due to existing site factors which prevent the provision of all or some

of the parking required for use, and that the proposed reduction is necessary to ensure the historical or architectural significance of the structure is maintained.

(d)

Reductions for Conversions of Existing Residential Dwelling Units into Nonresidential Uses. For conversions of single-family dwelling units into nonresidential uses with a higher parking requirement, the city planner may authorize parking waivers up to a maximum of fifty percent of the number of parking and loading spaces required by Schedules A and B subject to the approval of a site plan review. Reductions greater than fifty percent of the required parking for a site may be considered subject to the approval of an administrative conditional use permit. In approving such reductions, the city planner or planning commission, as applicable, must determine/find, as applicable, that such reduction is required due to existing site factors which prevent the provision of all or some of the parking required for the conversion of the residential structure to a nonresidential land use, and that the proposed reduction is necessary to ensure the character of the structure is maintained.

(Ord. No. 2463 (NCS).)

Sec. 37-50.380. - Parking in-lieu payments.

(a)

Within designated parking districts established by the city council a parking requirement serving nonresidential uses on a site may be met by a cash in-lieu payment to the city prior to issuance of a building permit or a certificate of occupancy, if no building permit is required. The fee shall be to provide public off-street parking in the vicinity of the use.

(b)

The city planner may accept a fee for no greater than twenty spaces. City council approval is required to accept a fee for more than twenty spaces.

(c)

In establishing such parking districts, the city may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered. Determinations as to whether an in-lieu fee will be accepted and the factors used to calculate the amount of the fee, e.g., estimated values for land and improvement costs for parking spaces, shall be at the sole discretion of the city.

(d)

As an alternative to cash in-lieu payments, the city, at its discretion, may consider alternative assessments or financing mechanisms to achieve the intent of this section.

(Ord. No. 2463 (NCS).)

Sec. 37-50.390. - Accessible parking spaces.

All parking facilities shall comply with the requirements of the California Code of Regulations, Title 24, and the Americans with Disabilities Act of 1990, in regard to the provisions of accessible parking spaces for people with disabilities. One parking space shall be provided for each dwelling unit designed for people with disabilities. Parking for people with disabilities shall be provided for all other projects on the basis of total parking provided on-site as identified in Table [37-50.120](#) :

Table [37-50.120](#)

Accessible Parking Spaces Required

Total Parking Spaces in Lot	Minimum Number of Accessible Spaces
1—25	1 (A)
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total
More than 1,000	20 plus 1 per each 100 spaces over 1,000

Note:

(A) When fewer than five total parking spaces are provided at buildings and facilities subject to these regulations, the space shall be a minimum of fourteen feet wide or larger if otherwise required by this section, and shall be lined to provide a nine-foot parking area and a five-foot loading and unloading area. There shall be no requirement that the accessible space is van-accessible or that it be reserved exclusively or identified for use only by persons with disabilities.

(Ord. No. 2463 (NCS).)

Sec. 37-50.400. - Bicycle parking.

(a)

Where Required. Bicycle parking spaces shall be provided for all commercial, industrial, mixed use, and public/semipublic uses with the exception of airport-related uses at the Salinas municipal airport. Bicycle parking shall be in addition to automobile parking spaces.

(b)

Number Required.

(1)

Public/semipublic zoning district use classifications: as specified by the conditional use permit or a site plan review;

(2)

Commercial, mixed use (MU), and industrial zoning districts use classifications: ten percent of the requirement for automobile parking spaces where parking space requirements are ten or more spaces. The maximum required number of bicycle parking spaces need not exceed fifty spaces.

(c)

Design Standards.

(1)

For each bicycle parking space required, a U-lock compatible, wave type (see Figure 37-50.70), or other type bike rack approved by the city engineer shall be provided on-site, to which a user can secure one wheel and the frame of a bicycle. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket. For long-term parking needs, such as employees wishing to secure bicycle parking for the workday, an alternative is to install bicycle lockers on the site to match the required bicycle parking requirements.

(2)

Bicycle parking shall be provided in a manner that does not interfere with pedestrian or vehicular circulation and shall be located near building entrances (not to exceed one hundred feet from the primary building entrance and clearly visible from such entrance). Such parking may be provided in a required landscape area provided the bicycle parking area is mounted on a concrete pad and direct access to/from the bicycle parking area is paved.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 14, 5-18-2010)
Sec. 37-50.410. - Application of parking space dimensional requirements.

(a)

Number of Small Parking Spaces Allowed. Small parking spaces, with dimensions of eight feet by sixteen feet, shall be allowed in accordance with Table [37-50.130](#) . Such parking shall be dispersed throughout the parking lot:

Table 37-50.130	
Percent of Small Parking Spaces Allowed	
Use Classification	Percent Small Parking Allowed
Residential	0%
Commercial	10%
Industrial	40%
Mixed Use	10%*

Public/Semipublic	20%
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Note:

* Applied to commercial use parking spaces only.

(b)

Dimension Requirements for Obstructed Spaces. Each parking space adjoining a wall, column, or other obstruction higher than one-half foot shall be increased by one foot on each obstructed side.

(c)

Vertical Clearance. Vertical clearance for parking spaces shall be seven feet. For residential uses, nonstructural improvements including wall-mounted shelves, storage surface racks, or cabinets may encroach into the vertical clearance in the front five feet of a parking space, provided a minimum of four and one-half feet of vertical clearance is maintained above the finished floor of the garage.

(d)

Wheel Stops. All spaces shall have wheel stops or a six-inch continuous concrete curb three feet from a building, fence, wall, or walkway. Concrete curbs are preferred over individual wheel stops for maintenance and safety concerns. When no pedestrian passage through the parking spaces is possible, a continuous six-inch concrete curb shall be provided. When a parking space abuts a landscaped planter, no curb is necessary provided that the planter is expanded three feet to allow the parked vehicle to overhang the planter. When a parking space abuts a sidewalk, a minimum of four feet of unobstructed travel path along the sidewalk shall be provided.

(e)

Dimension Requirements for Residential Garages and Carports. The minimum interior dimension (unobstructed) for two car garages or carports shall be twenty feet long by twenty feet wide.

(Ord. No. 2463 (NCS).)
Sec. 37-50.420. - Parking configuration and aisle dimensions.

(a)

Each parking space shall be independently accessible to aisles and driveways in accordance with Table [37-50.140](#)

(1)

Angle Parking. Parking dimensions and aisle widths for angle parking shall conform to the dimensions indicated in the table titled "Parking Space Requirements at Various Parking Angles."

(2)

Parallel Parking. Parking dimensions shall be eight feet by twenty-four feet. End stalls may be eight feet by twenty feet. Aisle shall be twelve feet for one-way aisles, and twenty-four feet for two-way aisles.

Table 37-50.140
Parking Space Requirements at Various Parking Angles

Space Angle A	Space Width B	Space Projection Curb C	Space Projection Overlap ⁽¹⁾ C	Aisle Width (2)(3) D	Curb Length E	Bay Width Curb F	Bay Width Overlap G
30°	8'6"	16'11"	13'3"	12'0"	17'0"	44'10"	37'6"
30°	9'0"	17'4"	13'6"	12'0"	18'0"	45'8"	38'0"
30°	9'6"	17'9"	13'8"	12'0"	19'0"	46'6"	38'4"
30°	10'0"	18'2"	13'10"	12'0"	20'0"	47'4"	38'8"
45°	8'6"	19'6"	16'6"	13'6"	12'1"	52'6"	46'6"
45°	9'0"	19'10"	16'8"	13'0"	12'9"	52'8"	46'4"
45°	9'6"	20'2"	16'10"	13'0"	13'6"	53'4"	46'4"
45°	10'0"	20'6"	17'0"	13'0"	14'2"	54'0"	47'0"
60°	8'6"	20'8"	18'8"	18'6"	9'10"	59'10"	55'10"
60°	9'0"	21'0"	18'4"	18'0"	10'5"	60'0"	55'6"
60°	9'6"	21'2"	18'11"	18'0"	11'0"	60'4"	55'10"
60°	10'0"	21'6"	19'0"	18'0"	11'7"	61'0"	56'0"
90°	8'6"	19'0"	19'0"	25'0"	8'6"	63'0"	63'0"
90°	9'0"	19'0"	19'0"	24'0"	9'0"	62'0"	62'0"
90°	9'6"	19'0"	19'0"	24'0"	9'6"	62'0"	62'0"
90°	10'0"	19'0"	19'0"	24'0"	10'0"	62'0"	62'0"

Notes:

(1) Excludes overhang allowance.

(2) Twenty-four-foot minimum aisle width for two-way circulation.

(3) The interior dimension requirements for residential garages and carports shall be subject to [Section 37-50.410\(e\)](#).

(Ord. No. 2463 (NCS).)
Sec. 37-50.430. - Specific parking area design.

(a)

When an applicant can demonstrate to the satisfaction of the city planner the necessity for variations on the dimensions otherwise required by this division, a specific parking area design may be approved, subject to a site plan review, under the following limitations:

(1)

The area affected by the specific design shall be for parking by persons employed on the site only. Visitor parking spaces shall meet the dimensions required;

(2)

The surface area available for parking shall not be less than would be required to accommodate the minimum required number of spaces for large and small cars; and

(3)

The parking area design will not impede the flow of vehicles, reduce pedestrian safety, or hinder loading or unloading.

(Ord. No. 2463 (NCS).)

Sec. 37-50.440. - Parking access from street.

All spaces in a parking facility, except single-family dwelling units and dwelling units with up to two attached dwelling units shall be accessed via an internal driveway system which does not require a vehicle to re-enter or back over a public right-of-way to access the space unless it is determined by the city engineer to be physically impossible to provide for such access. However, an alley may be used as maneuvering space for access to off-street parking.

(Ord. No. 2463 (NCS).)

Sec. 37-50.450. - Driveways.

(a)

Driveway[s]. Driveways shall be designed pursuant to the following standards identified in Table [37-50.150](#) unless otherwise specified by the new urbanism (NU) districts, mixed use (MU) districts, focused growth overlay district, or central city overlay (downtown core area) district regulations:

Table 37-50.150				
Driveways				
Use	Width	Max. Street Frontage (%)	Max. No. of Driveways Allowed	Additional Regulations (A)
Residential (1—2 d.u.)				
1 garage	10 ft. Max.	50%	2	1, 2, 3, 4, 6, 8
2 car garages	20 ft. Max.	50%	2	1, 2, 3, 4, 6, 8

3 car garages	28 ft. Max.	50%	2	2, 3, 4, 5, 6, 8
Residential (3+ d.u.)	15—20 ft. (one-way)	50%	No limit	2, 3, 4, 5, 7
	24—30 ft. (two-way)	50%	No limit	2, 3, 4, 5
Commercial	15—24 ft. (one-way)	40%	No limit	4, 5, 7
	24—40 ft. (two-way)	40%	No limit	4, 5
Industrial	15—30 ft. (one-way)	40%	No limit	4, 5, 7
	24—40 ft. (two-way)	40%	No limit	4, 5

Notes:

(1)

Driveways located within cul-de-sac "bulbs" or "knuckles" shall not exceed eighteen feet in width.

(2)

A maximum driveway frontage of seventy-five percent, including flares, shall be permitted on parcels with less than forty feet of street frontage and located within a cul-de-sac "bulb" or "knuckle."

(3)

A minimum of twenty feet of full height curb shall be maintained between driveways serving the same property.

(4)

Adjacent driveways on abutting properties may be combined if the total throat width of such combination does not exceed thirty feet.

(5)

No portion of any driveway shall be permitted between:

(A)

The points of curvature of any curb return; and

(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.

(6)

Circular ends of cul-de-sacs and curb radial over one hundred feet shall not be considered as curb returns for purposes of this section.

(7)

Minimum one-way driveway width may be increased if required for fire department access.

(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\(b\)](#).

(b)

Street Access. Approval of the city engineer shall be required for the location of driveways for the following classification of traditional streets except as otherwise provided for in the specific plan located in the NU districts:

(1)

Major arterials: one hundred feet or more right-of-way;

(2)

Minor arterials: eighty-four feet of right-of-way or more;

(3)

Collectors: sixty feet to sixty-six feet of right-of-way; and

(4)

Local: sixty feet or less of right-of-way.

(c)

Driveway Clearance. No parking space shall be located so that a vehicle will maneuver within twenty feet of a vehicular entrance measured from the street property line. Deviations from this requirement may be considered in order to accommodate pre-existing conditions if approved by the city engineer and city planner, taking into consideration the effect on traffic flow both on and off-site.

(d)

Safe and Efficient Traffic Flow. The city engineer shall:

(1)

Give consideration to the effect of each driveway upon a safe and efficient flow of traffic upon the street and into and from each driveway;

(2)

Give consideration to the necessity of installing raised median islands at intersections where accidents and congestion may be caused by left turn movements into or from driveways, or across traffic lanes; and

(3)

Make certain that driveways are positioned to assure the best obtainable flow of street traffic, commensurate with the size and configuration of the property involved.

(e)

Variation from Regulations and Standards.

(1)

The city engineer may require driveways in excess of the above widths where unusual traffic, grade, or site conditions prevail.

(2)

The city engineer may approve narrower driveways to accommodate preexisting conditions and allow for adaptive reuse of older structures.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 7, 5-18-2010; Ord. No. 2569 (NCS), § 12, 4-19-2016; Ord. No. 2627(NCS), § 1, 11-5-2019)

Sec. 37-50.460. - Driveway and corner visibility.

Visibility at street corners and at driveways connecting with a public street shall be maintained as an area of unrestricted visibility as follows (see Figure 37-50.80):

(a)

For Street Corners. That area between three feet and ten feet above grade which lies twenty-five feet from the intersection of the street rights-of-way measured along both the right-of-way lines, except in the central city overlay (downtown core area) district;

(b)

For Driveways. That area between three feet and ten feet above the driveway grade which lies fifteen feet from the intersection of the edge of the driveway and the property line measured along both the driveway and the property line;

(c)

Exceptions. The city planner may allow exceptions to the unrestricted visibility for street corners and driveways, following a determination by the city engineer that such exceptions will not adversely affect sight distance or pose a hazard to motorists and pedestrians.

(Ord. No. 2463 (NCS).)

Sec. 37-50.470. - Parking lot landscaping.

Parking lots shall be landscaped in accordance with Article V, Division 4: Landscaping and Irrigation.

(Ord. No. 2463 (NCS).)

Sec. 37-50.480. - Outdoor lighting.

The following shall apply to all on-site outdoor lighting:

(a)

Outdoor lighting shall employ cutoff optics that allows no light emitted above a horizontal plane running through the bottom of the fixture. Parking lots shall be illuminated to no more than an average maintained two and four-tenths footcandles at ground level with uniform lighting levels. All building-mounted and freestanding parking lot lights (including the fixture, base, and pole) shall not exceed a maximum of twenty-five feet (a maximum of forty feet in the IG district) in height in all districts. Illumination at an R or NU (NE, NG-1, and NG-2) district property line shall not exceed one-half footcandle maximum. Lighting adjacent to other property or public rights-of-way shall be shielded to reduce light trespass. No portion of the lamp (including the lens and reflectors) shall extend below the bottom edge of the lighting fixture nor be visible from an adjacent property or public right-of-way. A point to point lighting plan showing horizontal illuminance in footcandles and demonstrating compliance with this section shall be submitted for review and approval prior to issuance of a building permit.

(b)

In the IGC (industrial-general commercial) district, vehicle display areas associated with automobile sales and services may employ a light source of up to twenty-five feet in height maximum. Illumination within vehicle display areas shall not exceed fifteen footcandles at ground level during hours of operation; maximum footcandles shall not exceed five footcandles between 10:00 p.m. and 7:00 a.m. Illumination shall not exceed one-half footcandle at an adjacent R or NU (NE, NG-1, and NG-2) district boundary. Outdoor lighting shall be shielded or directed away from an R or NU (NE, NG-1, and NG-2) district.

(c)

Illumination levels for auto service station canopy lighting, which is located on the underside of the canopy, shall not exceed an average maintained twenty footcandles (maximum of thirty footcandles) with uniform lighting levels at ground level directly under the canopy. All canopy lighting shall be recessed so that no light is emitted above a horizontal plane running through the bottom of the lighting fixture. Illumination shall not exceed one-half footcandle at an adjacent R or NU (NE, NG-1, and NG-2) district boundary. Outdoor lighting shall be shielded or directed away from an R or NU (NE, NG-1, and NG-2) district and public rights-of-way. All parking lot and other building-mounted lighting shall conform with the above standards.

(d)

Outdoor lighting within the airport overlay district shall be subject to the provisions of Article IV, Division 7: Airport (AR) Overlay District.

(e)

Lighting in the focused growth overlay district, central city overlay (downtown core area) district, mixed use (MU), and new urbanism (NU) districts shall be supplemented by the lighting standards and regulations specified for these districts.

(Ord. No. 2463 (NCS).)

(Ord. No. 2569 (NCS), § 21, 4-19-2016)

Sec. 37-50.490. - Additional design standards for parking lots, parking structures, and driveways.

(a)

Parking lots, parking structures, and driveways shall have paving, drainage, wheel stops, curbing, lighting, space marking, and directional signs, which shall be subject to approval of the city planner and the city engineer.

(b)

In reviewing the design of parking lots, parking structures, and driveways in connection with a zoning approval, the city planner or the planning commission, as the case may be, shall consider the compatibility of the design with adjacent buildings or uses.

(Ord. No. 2463 (NCS).)

Sec. 37-50.500. - Location and design of off-street loading spaces.

Off-street loading spaces are subject to the following regulations:

(a)

Required spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site.

(b)

On a site adjoining an alley, a required loading space shall be accessible from the alley unless the city planner and city engineer approve an alternative access.

(c)

A required loading space shall be accessible without backing a truck across a street property line unless the city engineer determines that provision of turn-around space is infeasible and approves alternative access.

(d)

An occupied loading space shall not prevent access to a required off-street parking space.

(e)

A loading area shall not be located in a required front or corner front yard.

(f)

Except in an I district, a loading area visible from a public or private street or right-of-way shall be screened on three sides by a landscape fence, landscape berm or wall, or hedge at least eight feet in height.

(Ord. No. 2463 (NCS).)

Sec. 37-50.510. - Parking area plan required.

Prior to the construction of an off-street parking area for a nonresidential use or for multifamily dwellings with more than three dwelling units, a plan shall be submitted to the city planner for the purpose of indicating compliance with the provisions of this division. This plan shall include:

(a)

The location and placement of required landscaped areas, including a computation of the required area;

(b)

A planting plan including a list of plants by name and size keyed to their location on the parking area;

(c)

Location and description of fencing and architectural screen walls;

(d)

Layout and method of irrigation of landscaped areas;

(e)

Location and placement of parking stalls, including bumpers, striping, and circulation, directional signs, and all dimensions to permit comparison with approved parking standards;

(f)

Placement and illumination data of parking area lights; and

(g)

Method of drainage and compliance with NPDES requirements.

(Ord. No. 2463 (NCS).)

Sec. 37-50.520. - Parking design standards.

(a)

Purpose.

(1)

The following design standards are intended as a reference to assist the designer in understanding the city's goals and objectives for parking and loading design. These standards complement the parking and loading regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of various regulations.

(2)

The design standards are general and may be interpreted with some flexibility in their application to specific projects. The standards will be used in conjunction with a site plan review or conditional use permit, as applicable, to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

(3)

Projects located within the new urbanism (NU) districts, mixed use (MU) districts, central city overlay (downtown core area) district, or focused growth overlay district are also subject to the parking design standards contained in those sections. Where conflicts between the standards in this section and the parking design standards in the new urbanism districts, mixed use districts, central city overlay (downtown core area) district, or focused growth overlay district exist, the parking standards in those districts shall prevail.

(b)

General Design Principles. A well designed parking facility depends on a variety of desirable elements, including:

(1)

Ease and convenience for drivers, bicyclists, and pedestrians;

(2)

The best utilization of available space;

(3)

Ease of access;

(4)

Good internal circulation;

(5)

Easy parking maneuvers;

(6)

Nearby and accessible public transit;

(7)

Vehicular and pedestrian safety; and

(8)

Well designed landscaping and lighting.

(c)

Access.

(1)

Locate driveways with left-turn entry/exit movements paying special attention to their location relative to the nearest point of street traffic control, especially a signal. Left turn movements can provide unique and special challenges.

(2)

Locate driveways with right-turn entry/exit movements paying special attention to their location relative to street traffic control. Such movements may not impede through traffic.

(3)

Driveway throat distance shall be sufficient to prevent vehicles from backing into the public street.

(4)

Driveway design shall be directly related to the layout of the parking area, amount of reservoir space (e.g., drive-through or drive-in service facilities), type of loading facilities, circulation pattern, placement of any buildings, and relation to the design of the public street, traffic control devices, traffic volumes, and placement of other driveways.

(5)

Avoid locating entry and exit points where vehicles entering or leaving the site would conflict with large numbers of pedestrians.

(6)

The number of access points should be limited to only those absolutely necessary to serve the property and to minimize the number of potential conflict points with public streets.

(7)

Driveway throat distance shall be sufficient to minimize any effect on traffic movements on adjacent streets.

(8)

Access roads and aisles for parking should be kept at the maximum distance possible from residential dwelling units.

(d)

Parking Lot Layout.

(1)

When feasible, segregate employee parking from customer parking.

(2)

When feasible, larger parking lots shall be broken into smaller parking modules to reduce the size and visual impact of expansive parking areas.

(3)

Minimize the number of continuous parking spaces without interruption.

(4)

Consolidated parking lots for multiple uses are encouraged where practical.

(5)

Parking shall be designed so that backing and turning movements associated with parking layout will not obstruct or conflict with traffic, either on- or off-site.

(6)

Parking lots shall be designed with adequate room to allow vehicles to turn around within the parking lot and enter an adjoining street in a forward direction.

(7)

Parking shall be provided with concrete curbs, wheel stops, or other barriers to prevent vehicles from extending beyond the perimeter of the parking lot and to prevent vehicles from contacting a wall, a fence, or a sidewalk.

(8)

Access aisles shall be designed to allow the user to walk directly toward, rather than parallel to, the building front.

(9)

End islands shall be used to enhance the functional and aesthetic qualities of a parking lot in the following ways:

(A)

Delineating on-site circulation roadways;

(B)

Ensuring adequate sight distance at the intersections of the parking aisles and driveways;

(C)

Defining the area and geometry of intersections of parking aisles and driveways;

(D)

Protecting the vehicle at the end of a parking bay; and

(E)

Providing aesthetic enhancement of the site design.

(10)

When feasible, parking lots shall be located behind or to the rear of buildings. Parking areas shall not dominate the street frontage.

(e)

Parking Spaces.

(1)

In multifamily dwelling unit developments parking lots, parking spaces shall be generally located to protect the privacy of residents by providing buffers, e.g., fences, walls, or landscaping, from the effects of engine noise, automobile headlights, and vehicle fumes.

(2)

Multifamily dwelling unit parking spaces shall be generally located no further than one hundred fifty feet from the entrance to each dwelling unit to avoid cars from parking on the street unless approved by the city planner.

(3)

Whenever feasible all parking spaces shall be aligned with the same orientation. Having one section at right angles to another tends to create confusion and can produce accident-prone intersections.

(f)

Loading.

(1)

Loading and unloading facilities shall take place on site and not on public right-of-way. There shall be no backing of vehicles onto the public right-of-way from loading areas.

(2)

Loading facilities shall be screened from public entrances, view of public rights-of-way, and other highly visible areas of the site in accordance with the requirements of the base zoning district regulations. Adequate turn-around and backing areas shall be provided without disruption of circulation or parking facilities.

(g)

Lighting.

(1)

All parking lots and loading facilities shall be shielded so that substantially all the directly emitted light falls within the property line;

(2)

No illumination is to be designed or used which produces direct, incident, or reflected light that interferes with the safe movement of motor vehicles on public streets, including any light fixture not designed for street illumination which produces light that could interfere with the operation of a motor vehicle;

(3)

Any light that may be confused with or construed as a traffic control device; or

(4)

Any animated, flashing, or changing intensity lights, except for temporary holiday displays.

(h)

Pedestrian.

(1)

A system of interior pedestrian paths or sidewalks integrated with the parking lot shall link the different parts of the development with one another and with transit stops.

(2)

Provide clearly discernible pedestrian walkways where there is adequate vehicular sight distance. The use of textured or colored pavement and signage shall be used and shall comply with ADA/Title 24 Requirements.

(i)

Transit.

(1)

Large-scale commercial developments and employment centers shall provide transit access as near as possible to the main entrance to the facility.

(2)

Transit stops should be designed as an integrated component of the site and feature pedestrian amenities and shelter. Secured transit information centers or kiosks with bus routes and schedule information should be provided.

(3)

Nonresidential development shall orient the front or main entrance to the facility toward major streets with transit facilities.

(4)

When parking areas separate the front or main entrance to the facility from the transit facility, a separate pedestrian walkway or sidewalk should be provided.

(5)

Bus stop layout shall be designed in accordance with MST (Monterey-Salinas transit) guidelines in effect at the time of development and shall be subject to the approval of the city engineer.

(j)

Bicycles.

(1)

Bicycle parking facilities shall be located adjacent to the building entrance it serves. Those facilities located in parking lots and parking structures shall be located in areas closest to the building.

(2)

Bicycle parking facilities shall be located outside of a vehicular or pedestrian way and be protected and separated from motor vehicle traffic and parking lots by a five-foot separation distance, curb, or other physical barrier.

(3)

Bicycle parking facilities should be made out of a durable and strong material, be permanently anchored to the ground, and be designed so as to allow bikes to be locked to it.

(4)

Bicycle parking facilities shall be sufficiently illuminated.

(k)

Landscaping. See [Section 37-50.690\(g\)](#): Parking Lot Landscaping.

(Ord. No. 2463 (NCS).)

Division 3. - Signs.

Sec. 37-50.530. - Purpose.

The purpose of this division is to establish uniform sign regulations that are intended to:

(a)

Implement the city's community design and safety standards as set forth in the general plan;

(b)

Maintain and enhance the city's appearance by regulating the design, character, location, number, type, quality of materials, size, illumination, and maintenance of signs;

(c)

Protect and improve pedestrian and vehicular traffic safety by balancing the need for signs which facilitate the safe and smooth flow of traffic (e.g., traffic directional signs) without an excess of signage which may distract motorists, overload their capacity to quickly receive information, visually obstruct traffic signs, or otherwise create congestion and safety hazards;

(d)

Eliminate the traffic safety hazards to pedestrians and motorists posed by off-site signs bearing commercial messages;

(e)

Generally limit commercial signage to on-site locations in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public;

(f)

Allow the communication of information for commercial and noncommercial purposes without regulating the content of noncommercial messages;

(g)

Allow the expression of political, religious, and other noncommercial speech at all times and allow for an increase in the quantity of such speech in the period preceding elections;

(h)

Respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational, and other noncommunicative aspects of signs, generally for the public health, safety, welfare, and, specifically, to serve the public interests in traffic and pedestrian safety and community aesthetics;

(i)

Minimize the possible adverse effects of signs on nearby public and private property;

(j)

Serve the city's interests in maintaining and enhancing its visual appeal for tourists and other visitors, by preventing the degradation of visual quality which can result from excess signage;

(k)

Defend the peace and tranquility of residential zones and neighborhoods by prohibiting commercial signs on private residences, while allowing residents the opportunity, within reasonable limits, to express political, religious, and other noncommercial messages from their homes; and

(l)

Enable the fair, consistent, and efficient enforcement of the sign regulations of the city.

(Ord. No. 2463 (NCS).)

Sec. 37-50.540. - Definitions.

The following definitions shall apply to this division:

Abandoned Sign. A sign that no longer directs advertises or identifies a legal business establishment, product, or activity on the premises where such sign is displayed.

Alteration (Sign). To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders that will prolong the life of the structure.

Animated Sign. Any sign, which is designed to give a message through a sequence of progressive changes of parts or lights or degree of lighting.

Area of Sign. The surface area of a sign as measured in accordance with [Section 37-50.610](#): Measurement of sign area and height.

Awning. A roof-like structure, attached to and supported entirely by the exterior wall of a building, often made of canvas or similar material that serves as a shelter over a storefront, window, door, or deck.

Awning Sign. A sign painted or printed on or attached flat or otherwise incorporated onto the valance of an awning.

Banner. A visual display device, with or without copy, usually rectangular in shape made of flexible material, usually cloth, paper, or plastic.

Building Signs. All signs mounted, painted, or otherwise attached to a building such as wall signs, projecting/blade signs, hanging signs, awning and canopy signs, multistory tenant identification signs, marquee signs, and window signs. Excludes freestanding signs.

Cabinet Sign. See "Can-type Sign."

Canopy. A permanent projecting roof-like structure (other than an awning) with or without ground supports extending from part or all of a building face that serves as a shelter over a storefront, window, door, or deck.

Canopy Sign. A sign painted or printed on or attached flat or otherwise incorporated onto a canopy. Does not include hanging signs that are suspended from or below a canopy.

Can-type Sign. A sign affixed to, or an integral part of, a cabinet, which is designed as a single unit.

Changeable Copy Sign. A sign which in which the copy is changed manually or electrically.

Channel Letters. Individual letters or figures, illuminated or nonilluminated, affixed to a building or freestanding sign structure.

Commercial Signage or Commercial Message. Any sign or sign copy with wording, logo, color, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity, or which proposes a transaction or relates primarily to commercial interests.

Construction Sign. A temporary sign identifying the persons, firms or businesses directly connected with a construction or development project.

Directional Sign. A sign that provides information or direction to the viewer and contains no advertising message. Excludes menu and pre-menu boards.

Electronic Readerboard. A changeable copy sign consisting of a matrix of lamps that are computer controlled.

Fascia. A flat usually horizontal member of a building having the form of a flat band or broad fillet used as a molding covering the joint between the top of a wall and the projecting eaves.

Flashing Sign. An illuminated sign, which contains an intermittent or sequential flashing light source or any other such means to attract attention. This definition is not intended to include changeable copy signs or animated signs.

Freestanding Sign. A sign supported by the ground, landscape/hardscape features, or by freestanding frames, braces, or poles, and not attached to any building. This includes signs that are detached from a building, pole signs, and monument signs.

Grand Opening. A promotional activity not exceeding thirty calendar days used by newly established businesses to inform the public of their location and services.

Ground Sign. See "Freestanding Sign."

Hanging Sign. A sign that is suspended below or from a canopy or marquee.

Incidental Sign. A small sign pertaining to goods, products, services or facilities that are available on the premises where the sign occurs and intended primarily for the convenience of the public. Examples include "Open for Business" signs, hours of operation signs, credit card acceptance signs, and the like.

Indirect Illumination. A light cast on the surface of a sign from an exterior source.

Interior Illumination. Any sign face that is lit from the inside.

Item of Information. Each word, design, symbol, or figure used within a sign.

Logo. A registered trademark, copyright, brand name, or symbol of an organization or business designed for ready recognition by the public.

Marquee. See "Canopy."

Marquee Sign. A changeable copy sign located on or affixed to a canopy for a theater or cinema.

Menu Board Sign. A changeable copy sign displayed in conjunction with a drive-through or drive-in business, which advertises the goods, products, or services offered for sale, and which is provided as a convenience for on-site customers using the drive-through or drive-in lane.

Monument Sign. A low profile freestanding sign with a solid base intended to be viewed at eye level.

Moving Sign. Any sign or device that has any visible moving part, visible revolving part, or visible mechanical movement.

Mural Exhibits. See [Section 37-50.150](#): Mural exhibits for this definition.

Noncommercial Message Sign. Any sign, which is intended to convey a noncommercial message including, by way of example and not limitation, commentary on social, political, educational, religious, scientific, artistic, philosophical, or charitable commentary subjects. It also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit concerns.

Occupancy Frontage. The lineal length of a building wall (excluding eaves, awnings/canopies, or roof overhangs) that faces a public or private street, an alley, a pedestrian plaza, walkway, drive aisle, or parking area, shall be considered the occupancy frontage, except for building walls that face an R district. For buildings that do not face a public or private street, alley, or which have multiple nonresidential tenant occupancies (such as shop buildings), the exterior portion of the building wall which fronts a pedestrian plaza, walkway, drive aisle, or parking area, and provides the primary pedestrian (public) entrance to the tenant shall be considered an occupancy frontage.

Open House Sign. A sign that identifies a building for sale or lease, which is open and available for inspection by the public.

Off-site Sign. Any sign that advertises goods, products, services, or facilities not sold, produced, manufactured, or furnished on the premises on which the sign is located. These signs are also known as outdoor advertising, off-site subdivision directional or advertising signs, off-site open house signs, and billboards.

On-site Sign. Any sign that advertises goods, products, services, or facilities sold, produced, manufactured, or furnished on the premises on which the sign is located.

Plaque Sign. A sign attached to a building that designates the name and/or address of a business or the words entrance or exit.

Pole Sign. See "Freestanding Sign."

Portable Sign. Any movable sign not permanently attached to the ground or a building including a human sign.

Projecting/Blade Sign. A sign that is attached to and projects from the structure or building face and is not parallel to the structure to which it is attached.

Public Service Information Sign. Any sign intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news, traffic control, and the like.

Real Estate Sign. Any temporary sign pertaining to the sale, exchange, lease, or rental of land or buildings.

Roof Sign. Any sign erected upon or above a roof or parapet wall of a building.

Rotating Sign. Any sign, or portion thereof, that physically revolves about an axis.

Sign or Signage. A visual communications device used to convey a message to its viewers. A sign shall mean and include every advertising message, announcement, declaration, insignia, color, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service.

Sign Area. The total area used for the display of a sign as determined by [Section 37-50.610\(a\)](#): Sign Area.

Sign Copy. Any words, letters, numbers, figures, designs, graphics, colors (including background colors), or other symbolic representation incorporated into a sign for the purpose of attracting attention.

Shop Building. A building, typically located in a shopping center, that has two or more separate and clearly distinct tenant spaces or occupancies that share common parking, landscaping, and other exterior amenities. A

defining characteristic of this type of building is that each space or occupancy has its own public entrance that opens directly to the outside of the building rather than into an interior common area or hall. Excludes buildings with multiple tenants in the same space or suite, enclosed shopping malls, and indoor swap meets.

Street Frontage. See Article I, Division 2: [Section 37-10.430](#): "S" definitions for this definition.

Subdivision Directional Sign. A temporary sign providing direction to a land development project within the city pursuant to this division.

Temporary Sign. A sign that is installed or erected for a limited time period in conjunction with the duration of a specific event or activity as specified elsewhere in this division or, for a maximum of thirty days each calendar year unless specified elsewhere.

Temporary Window Sign. A sign painted or constructed of paper or other lightweight material and affixed to the interior or exterior side of a window or glass area on a building for a limited time.

Wall Sign. Any sign posted, painted, or suspended from or otherwise affixed to the wall or fascia of any building or structure in an essentially flat position or with the exposed face of the sign in a plane approximately parallel to the plane of such a wall.

Window Sign. A sign applied directly to the window of a business.

(Ord. No. 2463 (NCS).)

(Ord. No. 2569 (NCS), § 13, 4-19-2016)
Sec. 37-50.550. - Applicability.

Signs shall only be erected or maintained in any zoning district in compliance with this division. The sign regulations outlined in this division are intended to be maximum standards. The sign design standards are intended to ensure the architectural and visual compatibility of signs. Therefore, the review and approval of sign permits and master sign plan in compliance with [Section 37-50.570](#): Sign permits and master sign plan required shall be consistent with the sign regulations and design standards of this division.

(Ord. No. 2463 (NCS).)

Sec. 37-50.560. - General provisions.

(a)

Owner's Consent Required. The consent of the property owner is required before any sign may be displayed on any real or personal property within the city. In the case of public property, the owner's consent shall be pursuant to a policy adopted by the city council.

(b)

Substitution of Noncommercial Message. Subject to the owner's consent, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed pursuant to this division.

(c)

Substitution of Commercial Messages. Replacing sign copy on a commercial sign due to age, wear, or other aesthetic or safety purposes, or replacing the sign copy panel of an existing can-type sign with sign copy panel of the same size which requires no other modifications in the location, height, or size of the sign cabinet or support structure, or other structural, attachment, or electrical modifications shall not require a sign permit. This

substitution provision does not allow the free substitution of a commercial message in a place where only a noncommercial message is allowed.

(d)

Legal Nature of Sign Rights and Duties. All rights, duties, and responsibilities related to permanent signs attached to the land on which the sign is mounted, affixed, or displayed and run with the land or personal property. The city may demand compliance with this division and with the terms of any sign permit from the permit holder, the owner of the sign, the property owner, or the person mounting the sign.

(e)

Transfer of Signage Rights. Rights and duties relating to permanent signs may not be transferred between different parcels of real property except as part of a master sign plan approved for a shopping center or multi-parcel development. All duly issued and valid sign permits for permanent signs affixed to land shall automatically transfer with the right to possession of the real property on which the sign is located.

(f)

Sign Authorized by Lease Agreement with the City. Signs authorized by lease agreement with the city are not subject to the requirements of this section because the city council has determined such signs are proper and in the public interest due to the unique services or other benefit they provide the community.

(Ord. No. 2463 (NCS).)

Sec. 37-50.570. - Sign permits and master sign plan required.

(a)

Sign Permit. No sign unless otherwise exempt by this division shall be erected, constructed, displayed, or structurally altered unless a sign permit (or other applicable permit as required by this division) is approved by the city planner authorizing the sign in accordance with the following:

(1)

Application Filing. Sign permit applications (including temporary permits) shall be filed on the forms provided by community planning and development and shall include all information described in the city's sign permit application instructions (and other applicable application requirements as required by this division), and the required filing fee.

(2)

Review and Decision. A sign permit shall be approved or disapproved by the city planner in compliance with [Section 37-50.570\(c\)](#) below. The following additional conditions for review may apply:

(A)

The sign permit or temporary sign permit shall contain any conditions on which approval was granted.

(B)

The city planner may require submittal of a master sign plan in accordance with [Section 37-50.570\(c\)](#) below prior to approval of a sign permit.

(C)

The city planner may allow exceptions to these sign regulations as part of a master sign plan, or where such signs would be consistent with [Section 37-50.620\(h\)](#): Highway Signs, or where such exceptions would allow signs that would be better integrated with the architecture or historic character of the existing or proposed building, the project site, or the surrounding neighborhood.

(D)

For temporary signs (that are not exempt) complying with the sign area and sign standards of this article, the city planner may issue a temporary sign permit for up to thirty days, if it is found that the temporary sign is necessary to establish or maintain identity until a permanent sign can be erected. The city planner may approve a temporary sign necessary to avoid a dangerous condition, and may approve temporary signs pertaining to a use permitted by a temporary use of land permit.

(E)

No permit for any sign shall be issued by any department, official, or public employee of the city without meeting the requirement of this division, and any permit issued that does not comply with the requirements of this division shall be null and void. It shall be the duty of the city planner to enforce the provisions of this division pertaining to the use of any property for a sign.

(b)

Master Sign Plan. A master sign plan shall be required for any site having two or more nonresidential tenants and shall be submitted and approved by the city planner prior to the issuance of any sign permit. The master sign plan must be approved by the city planner prior to issuance of a sign permit.

(1)

Applications for a master sign plan shall be submitted to community planning and development and shall include the following:

(A)

A site plan drawn to scale, delineating the site proposed to be included within the signing program, the lineal street frontage of the site, the lineal occupancy frontage of all buildings, and the locations of all existing and proposed signs;

(B)

Drawings indicating the exterior surface details (elevations) of all buildings on the site on which wall signs, directory signs, or projecting signs are proposed (including any existing signs to be retained);

(C)

Drawings indicating typical sign design, height, colors, faces, and methods of construction (including method of attachment for wall signs) for all proposed signs;

(D)

A statement of the reasons for any requested modifications to the regulations or standards of this division;

(E)

A summary indicating the maximum total sign area allowed for the site, the sign area of all existing signs, the allocation of the sign area by sign type (freestanding, building, directional, etc.), and location in the development; and

(F)

The plan shall have provisions for sign maintenance and removal, replacement of nonconforming signs, and other items as determined by community planning and development.

(2)

A master sign plan may include deviations from the standards of this article, provided that the total sign area shall not exceed the area otherwise permitted by [Section 37-50.620](#): On-site sign regulations for both building and freestanding signs, unless consistent with the provisions of the highway signing plan. In approving a master sign plan, the city planner shall determine that such master sign plan:

(A)

Would be consistent with the style and character of existing signs on the site;

(B)

Would be compatible with the character of signs on adjacent properties;

(C)

Would not detract or adversely impact the use and enjoyment of adjacent properties; and

(D)

Would not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic.

(3)

The city planner may require any reasonable conditions necessary to carry out the intent of the master sign plan requirement.

(4)

An alternate means of compliance with this section may be approved by the city planner.

(5)

A master sign plan may be part of a site plan review, a conditional use permit, or a planned unit development. If such an application requires the approval of the planning commission or city council, that approval authority may approve the master sign plan in lieu of the city planner.

(6)

The applicant may appeal a decision of the city planner to the planning commission in accordance with Article VI, [Division 17](#): Appeals.

(c)

Findings for Approval. The city planner may approve and/or modify a sign permit, temporary sign permit, or master sign plan application in whole or in part, with or without conditions, only if the following findings are made:

(1)

The proposed sign is permitted within the zoning district and complies with all applicable provisions of this chapter, and any other applicable standards;

(2)

The sign is in proper proportion to the structure or site on which it is located and as an identification device does not excessively compete for the public's attention;

(3)

The sign materials, color, texture, size, shape, height, and placement are compatible with the design of the structure, property, and neighborhood of which it is a part;

(4)

The sign's illumination is at the lowest reasonable level to ensure adequate identification and readability, as determined by the city planner, and is directed solely at the sign or is internal to it;

(5)

The sign is not detrimental to the public interest, health, safety or welfare; and

(6)

The sign is in compliance with [Section 37-50.640](#): Sign design standards.

(Ord. No. 2463 (NCS).)

Sec. 37-50.580. - Exempt signs.

A sign permit shall not be required for exempt signs. Such signs shall be exempt from the regulations and design standards of this division except for those regulations related to prohibited sign locations in [Section 37-50.590](#): Prohibited signs. Exempt signs include:

(a)

Traffic, danger, emergency, or other municipal signs;

(b)

Official notices of any court, public body, utility, or public or quasi-public agent or officer, or any person giving legal notice as required by law;

(c)

Any signage required by state or federal law or local ordinance to be affixed to a vehicle;

(d)

Street address numbers;

(e)

Monumental citations, commemorative tablets, and the like made an integral part of the structure, and not exceeding twenty square feet in sign area;

(f)

Temporary on-site barricades and other signs within commercial and industrial districts that inform the public of potential hazards resulting from construction or remodeling activities occurring on the same site as the temporary barricades are located. These signs must be removed at the time of the completion of the construction or remodeling activities;

(g)

One temporary construction sign with a maximum sign area of sixty-four square feet per street frontage and not exceeding a maximum of eight feet in height located on a construction site during the course of construction and which is removed prior to final occupancy of the building;

(h)

One temporary on-site real estate sign per street frontage that advertises the sale, lease, or rental of a structure or land, per Table [37-50.160](#) . If freestanding, the sign shall not exceed six feet in height. The sign shall be removed within fifteen days following the sale, lease, or rental of the property;

Table 37-50.160 Temporary On-site Real Estate Signs	
District	Square Feet
A and NU (NI)	32 sq. ft.
R-L, R-M, and NU (NE and NG-1)	8 sq. ft.
R-H, NU (NG-2), CO/R, CO, P, OS, and PS	16 sq. ft.
CR, CT, MAF, MX, NU (VC), IGC, IBP, and IG	32 sq. ft.

(i)

One temporary on-site open house sign, not exceeding six square feet in area. If freestanding, the sign shall not exceed four feet in height. An open house sign may be erected only on the day on which the property is available for public showing. Portable signs are permitted for use as open house signs;

(j)

Two temporary off-site directional open house signs per parcel being offered for sale. Such off-site real estate signs may be erected only on the day(s) on which the property is available for public showing and may not exceed six square feet each and, if freestanding, four feet in height. Such a sign may not be located on a wall or fence in the public right-of-way, on a utility pole, nor on a public sidewalk, street, median strip, traffic island, or public landscaped area. Only one sign per parcel being offered for sale may be placed at any intersection. Portable signs are permitted for use as open house signs;

(k)

On-site parking and other directional signs, not exceeding one double-faced sign per entrance and not exceeding six square feet in total sign area and four feet in height or ten square feet if more than one hundred feet from a public way, subject to review and design approval by the city planner. If the sign is not readable from a public or private street there shall be no limitation on the number of direction signs within a site. Directional signage may not include advertising materials;

(l)

One on-site official state inspection sign constructed of a permanent material for each type of inspection service offered on-site, located flat against the wall of a building, and not exceeding four square feet in area;

(m)

Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semipublic use, including telephone booths, vending machines, automated teller machines, and gasoline pumps;

(n)

Credit card, trading stamp, or trade association signs not exceeding one-half square foot each;

(o)

Governmental flags of any governmental entity;

(p)

Signs located within the interior of buildings and structures (including enclosed malls) that are not visible from the outside of such building or structure;

(q)

Window signs not exceeding twenty-five percent of the visible area of a window in a C, PS, MU, NU (VC), or I zoning district;

(r)

Holiday lights and displays not advertising a product or sale on-site, erected no sooner than forty-five days before the holiday and removed within fourteen days following the holiday;

(s)

Non-helium-filled balloons of a nonadvertising nature and not exceeding two feet in any dimension, used for decorative purposes for not more than twenty days during a calendar year to celebrate a special event;

(t)

Plaque signs not exceeding one square foot in area;

(u)

Temporary noncommercial message signs, not exceeding thirty-two square feet may be placed on private property or in a portion of the public right-of-way located between the sidewalk and the right-of-way line of a parcel or lot as permitted by [Chapter 3](#) of the Salinas Municipal Code, in any zoning district, for a maximum of ninety days prior to an election. Such signs shall be removed within ten days after the election; however, signs posted in conjunction with a primary election may be maintained until ten days following the final election. In the event of cancellation or postponement of an election, such signs shall be removed within ten days following the official action declaring the election canceled or postponed;

(v)

Works of art containing no advertising matter;

(w)

[Reserved];

(x)

Temporary signs and banners for the noncommercial promotion of civic, charitable, religious, educational, or service organizations are permitted in any zoning district when the signs are erected no earlier than thirty days prior to the event and removed within ten days after completion of the event. Such signs shall not exceed sixteen square feet in any A, R, NU (NE, NG-1, or NG-2), P, OS, or PS district, or thirty-two square feet in any C, MU, NU (VC), or I district. Such signs promoting the same event shall be located no closer than twenty-five feet from each other;

(y)

Two on-site freestanding or wall menu/pre-menu board signs not exceeding a maximum fifty square feet in total sign area and a maximum of eight feet in height for commercial drive-through or drive-in uses.

(z)

Projecting/Blade Signs and Hanging Signs: One on-site two-sided, pedestrian oriented, blade sign not exceeding a maximum of four square feet per sign face, which may include advertising material including logos and business names in accordance with [Section 37-50.610](#): Measurement of sign area and height; subject to city planner approval and building permit issuance, sign must comply with California Building Codes in effect at the time of submittal.

(aa)

Business Directory Signs: One wall-mounted single-sided, pedestrian oriented business directory sign not exceeding four square feet may be permitted per building access frontage.

(bb)

Awning Signs: Awning signs affixed to the flap of the awning not exceeding a maximum of four square feet in area. In the event the awning does not incorporate a flap into its design, an exempt awning sign may be located on the lowest ten inches of the awning.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), §§ 3, 5, 5-18-2010)
Sec. 37-50.590. - Prohibited signs.

The following signs are prohibited:

(a)

Canvas signs (excluding awning signs), banners, pennants, flags, streamers, balloons, or other temporary or wind signs except as otherwise provided in Sections [37-50.580](#): Exempt signs, [37-50.620](#): On-site sign regulations, and [37-50.630](#): Off-site sign regulations of this division;

(b)

Mobile, A-frame, and portable signs except as provided in [Section 37-50.580](#): Exempt signs;

(c)

Roof or canopy signs extending above a building roof, except that with approval of a master sign plan, a wall sign may be architecturally integrated into a sloping roof fascia or mansard roof;

(d)

Signs that resemble any official marker erected by the city, state, or any governmental agency, or that, by reason of position, shape, color, or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to vehicular or pedestrian traffic;

(e)

Signs which produce odor, sound, smoke, fire, or other such emissions;

(f)

Animated signs, flashing signs, moving signs, or rotating signs, except as otherwise allowed in this division;

(g)

Window signs that exceed twenty-five percent of the visible window glass panel area of a window;

(h)

Off-site advertising signs except as provided for in [Section 37-50.630](#): Off-site sign regulations;

(i)

Signs advertising commercial uses, day care homes, residential care facilities, and similar uses on sites where the principal use is a residential dwelling unit unless otherwise allowed in accordance with state law.

(Ord. No. 2463 (NCS).)

Sec. 37-50.600. - Prohibited locations.

(a)

At street intersections, no sign shall create a visual obstruction within a vertical space between three feet above the adjacent curb and a maximum height of ten feet above the adjacent curb, which area lies between the intersecting street right-of-way lines, twenty-five feet from the point of their intersection, or the intersection of the prolongation of such right-of-way lines.

(b)

No sign shall be affixed to any vehicle or trailer on a public right-of-way or public or private property unless the vehicle or trailer is currently and regularly being used in its normal business capacity and is not for the sole purpose of attracting business.

(c)

The city engineer may require additional offset or setback than identified in this section to clear site visibility when a site visibility analysis indicates the need for such additional clearance to promote public safety.

(Ord. No. 2463 (NCS).)

Sec. 37-50.610. - Measurement of sign area and height.

For the purposes of determining compliance with this division, the area and height of signs shall be measured as provided below.

(a)

Sign Area. The area of a sign shall be computed as follows:

(1)

Wall, Awning, Marquee, Canopy, and Window Signs. Sign area shall be computed by measuring the square or rectangle that will encompass the extreme limits of the writing, graphic representation, emblem, or other display, together with any material or color forming an integral part of the background of the message or display or otherwise used to differentiate the sign from the backdrop or structure against which it is placed including any supporting framework. When signs are composed of individual elements, the area of all sign elements, which together convey a single complete message, shall be considered a single sign (see Figure 37-50.90A).

(2)

Monument Signs. Sign area shall be computed by measuring the entire area contained within the frame or cabinet but excluding the monument base if it contains no advertising and is clearly distinguishable from the sign copy area through the use of different texture, color, and design (see Figure 37-50.90B).

(3)

Projecting/Blade Signs and Hanging Signs. Sign area shall be computed by measuring the entire area contained within the frame or cabinet (see Figure 37-50.90C).

(4)

Pole Signs. Sign area shall be computed as the entire area of the surface(s) upon which the sign message is placed including the supporting column(s) if decorated or displayed with advertising (see Figure 37-50.90D).

(5)

Multifaced Signs. The sign area for a two-sided or multifaced sign shall be computed by adding together the area of all sign faces (see Figure 37-50.90E).

(6)

Flags, Banners, Pennants, etc. Sign area shall be computed as the surface area of both sides of the flag or pennant. For banners, the side(s) containing sign copy shall be counted as sign area (see Figure 37-50.90F).

(b)

Sign Height. Sign height shall be measured as the greatest vertical distance from the finished grade adjacent to the sign footing or wall or below a suspended sign, to the top of the sign, including the support structure and any design elements (see Figure 37-50.100).

(Ord. No. 2463 (NCS).)

Sec. 37-50.620. - On-site sign regulations.

The following regulations shall apply to all on-site nonexempt signs in each zoning district. Such signs shall require a sign permit unless otherwise indicated in this division:

(a)

Maximum Sign Area for Building and Freestanding Signs. The maximum sign area and height allowed for building and freestanding signs on a site shall be as identified in Table [37-50.170](#) and shall be subject to the following:

(1)

The maximum sign area allowed for building signs shall be calculated based on the occupancy frontage of a building. A maximum of two occupancy frontages shall be used to determine the total maximum sign area allowed for building signs. Where a building has multiple occupancy frontages, the applicant shall determine which occupancy frontages shall be used to calculate the maximum building sign area. The maximum sign area for building signs may be allocated to any occupancy frontage as determined by the applicant.

(2)

The maximum sign area allocated for building signs may be distributed among wall signs, projecting/blade signs, awning and canopy signs, hanging signs, marquee signs, and window signs as determined by the applicant provided that such signs comply with [Section 37-50.620\(b\)](#): Additional Regulations for Building Signs.

(3)

All freestanding signs shall comply with [Section 37-50.620\(c\)](#): Additional Regulations for Freestanding Signs.

(4)

All building and freestanding signs shall comply with [Section 37-50.640](#): Sign design standards.

Table 37-50.170		
Maximum Total Sign Area and Height ⁽¹⁾⁽²⁾⁽³⁾⁽⁷⁾		
Zoning District	Maximum Building Sign Area	Maximum Freestanding Sign Area and Height
A, R, and NU (NE, NG-1, and NG-2) districts	Multifamily developments with 20 or more dwelling units and nonresidential uses: 20 square feet per street frontage for all building and freestanding signs. ⁽⁵⁾⁽⁶⁾	
	Other Residential Uses: 4 square feet for all building and freestanding signs. ⁽⁶⁾	
	If freestanding, the maximum sign height shall be 5 feet. ⁽⁵⁾	
CO/R	Multifamily developments with 20 or more dwelling units and nonresidential uses: 20 square feet per street frontage for all building and freestanding signs. ⁽⁵⁾⁽⁶⁾	
	For nonresidential uses on sites with more than 250 lineal feet of street frontage or with 5 or more nonresidential tenants: 32 square feet per street frontage for all building and freestanding signs. ⁽⁵⁾	
	Other Residential Uses: 4 square feet for all building and freestanding signs. ⁽⁶⁾	
CO	If freestanding, the maximum height shall be 5 feet. ⁽⁵⁾	
	.50 square feet per lineal feet of occupancy frontage with a minimum of 10 square feet permitted per occupancy frontage. ⁽⁴⁾⁽⁶⁾	20 square feet per street frontage. ⁽⁴⁾⁽⁵⁾⁽⁶⁾
		For nonresidential uses on sites with more than 250 lineal feet of street frontage or with 5 or more nonresidential tenants: 32 square feet per street frontage. ⁽⁵⁾
C and I Districts (except for the CO and CO/R districts)		The maximum height shall be 6 feet. ⁽⁵⁾
	1.25 square feet per lineal feet of occupancy frontage with a minimum of 15 square feet permitted per occupancy frontage.	(A) One freestanding sign not exceeding 50 square feet in sign area per sign face and 20 feet (15 feet in the IBP district) in height is permitted per site; or
		(B) Two monument signs not exceeding 32 square feet in sign area per sign face and 8 feet in height is permitted per site. Sites with more than 250 feet of lineal street frontage may have one additional monument sign not exceeding 32 square

		feet in sign area per sign face, and 8 feet in height for every additional 250 lineal feet of street frontage on the site.
MU and NU (VC) districts	1.00 square feet per lineal feet of occupancy frontage with a minimum of 15 square feet permitted per occupancy frontage.	One monument sign not exceeding 32 square feet in sign area per sign face and 8 feet in height is permitted per street frontage.
		For sites with more than 250 feet of lineal street frontage: One additional monument sign, not exceeding 32 square feet in sign area per sign face and 8 feet in height is permitted for every additional 250 lineal feet of street frontage.
PS, OS, and P	The maximum total sign area and height for building and freestanding signs in a PS, OS, or P district shall be determined by the city planner based on the identification needs of the use, the nature of the use, the uses in the surrounding area, and the sign requirements of adjacent zoning districts. If a use is pre-existing, the following standard may be used in lieu of a master sign plan:	
	.50 square feet per lineal feet of occupancy frontage.	One freestanding sign not exceeding a maximum of 32 square feet in sign area per sign face and 8 feet in height is permitted per street frontage. ⁽⁵⁾

Notes:

- (1) Unless a greater sign area is approved as part of a conditional use permit, as reasonable and necessary for identification of a development or use on a site of more than two acres in size.
- (2) Temporary signs may exceed one hundred fifty percent of the maximum total sign area allowed for both wall and freestanding signs in accordance with [Section 37-50.620\(c\)\(10\)](#): Temporary Signs (Not Exempt).
- (3) Signs located within six hundred sixty feet of U.S. Highway 101 may exceed the maximum total sign area in accordance with [Section 37-50.620\(c\)\(11\)](#): Highway Signs.
- (4) Multifamily developments with twenty or more dwelling units shall be allowed a maximum of twenty square feet of total sign area per street frontage for all building and freestanding signs. Other Residential Uses: A maximum of four square feet in total sign area.
- (5) Religious assembly may have one freestanding sign not exceeding sixty-four square feet of total sign area and a maximum eight feet in height.
- (6) Signs advertising commercial uses, day cares homes, residential care facilities, and similar uses are prohibited in conjunction with residential dwelling units.
- (7) Sign area allowed for freestanding signs may be allocated to wall signs in lieu of a freestanding sign subject to the approval of a master sign plan; however, in no case shall the sign area allocated for wall signs be allowed to be transferred to freestanding signs.
- (8) Pursuant to Zoning Code [Section 37-40.170\(g\)\(2\)](#), no pole signs (other than highway signs) are permitted in gateway districts.

(b)

Additional Regulations for Building Signs.

(1)

General Regulations.

(A)

Buildings signs shall not project above an apparent eave or parapet, including the eave of a mansard roof, except that with approval of a master sign plan, a building sign may be located on an architectural building feature such as a clock tower or similar feature if the city planner determines the location and design of such signs to be compatible with and complementary to the architectural design of the building.

(B)

Building signs for tenants located within shop buildings shall be placed on that portion of the building where the establishment being advertised is located and which provides the primary pedestrian (public) access to the establishment unless otherwise authorized by a master sign plan.

(C)

Building signs shall only be located on the occupancy frontages of a building unless otherwise authorized by a master sign plan.

(2)

Wall Signs.

(A)

Wall signs shall not project more than twelve inches from the face of the building on which such signs are placed, except that wall signs, any portion of which is less than eight feet above grade, shall not project more than six inches from the face of the building.

(B)

Wall signs shall not occupy more than seventy-five percent of the height or length of a building fascia, including any architectural features so as to create adequate space between the edges of the sign and the surrounding edges of the wall and any architectural elements.

(C)

Logo can-type wall signs shall not exceed thirty percent of the total wall sign area.

(3)

Projecting/Blade Signs.

(A)

The maximum size of projecting blade signs shall not exceed four square feet per sign face in A, OS, CO/R, R and NU (NE, NG-1 and NG-2).

(B)

No portion of an awning/canopy or projecting/blade sign shall be less than eight feet above the surface of a sidewalk, drive-through lane, or walkway upon which it projects or shall project more than five feet into a public right-of-way. No awning/canopy or projecting/blade sign shall project closer than two feet to a curb. An encroachment permit is required for any awning/canopy or projecting/blade sign (or a portion thereof) located within the public right-of-way and must be fourteen feet above a roadway surface (see Figure 37-50.110).

(C)

No projecting/blade sign shall project into an alley or truck service driveway more than two feet.

(D)

Projecting/blade signs shall be set back at least five feet from an interior property line.

(E)

No portion of a projecting/blade sign shall project above an apparent eave or parapet, including the eave of a simulated mansard roof.

(F)

No portion of a projecting/blade sign shall exceed twenty feet in height measured from finished grade.

(G)

A fabric banner of two dimensions that is suspended perpendicular to a wall from a pole may be displayed in lieu of a projecting/blade sign, provided that a banner shall not be less than six square feet or more than forty square feet in size.

(4)

Awning and Canopy Signs.

(A)

Sign area shall not occupy more than sixty percent of the length or height of any portion of an awning or canopy. The limitation on sign area shall apply to each portion of the valance of an awning or canopy (including the shed, ends, and flap) (see Figure 37-50.120).

(B)

Awning or canopy signs with backlit graphics or otherwise internally illuminated is not permitted. Lighting directed downward that does not illuminate an awning or canopy may be allowed if the lighting is complementary to and compatible with the architectural design of the building.

(C)

Awnings or canopies shall not project above an apparent eave or parapet including the eave of a mansard roof.

(D)

No portion of an awning/canopy or projecting/blade sign shall be less than eight feet above the surface of a sidewalk, drive-through lane, or walkway upon which it projects or shall project more than five feet into a public right-of-way. No awning/canopy or projecting/blade sign shall project closer than two feet to a curb. An encroachment permit is required for any awning/canopy or projecting/blade sign (or a portion thereof) located within the public right-of-way and must be fourteen feet above a roadway surface (see Figure 37-50.110).

(E)

Awnings or canopies must be permanently attached to the building.

(F)

Awnings or canopies without sign area or copy are not subject to the issuance of a sign permit.

(5)

Hanging Signs.

(A)

The maximum size of a hanging sign shall be two square feet per sign face in an A, CO/R, R, and NU (NE, NG-1, and NG-2) district and six square feet per sign face in all other zoning districts. A hanging sign shall be perpendicular to the building.

(B)

A minimum distance of fifteen feet shall be provided between hanging signs.

(C)

A hanging sign shall only be used at ground-floor locations except for upper floor businesses with covered porches/entries or balconies.

(D)

A hanging sign shall not project above an apparent eave or parapet including the eave of a mansard roof.

(E)

A hanging sign shall not be internally illuminated.

(F)

No portion of a hanging sign shall be less than eight feet above the surface (fourteen feet above a roadway surface) over which it hangs. An encroachment permit is required for any hanging sign (or a portion thereof) located within the public right-of-way.

(6)

Multistory Building Tenant Identification Signs.

(A)

Additional sign area for wall signs identifying commercial tenants in multistory buildings with three or more full stories, beyond that allowed in this section may be allowed as identified in Table [37-50.180](#)

Table 37-50.180	
Multistory Building Tenant Identification Signs	
Building Height (Stories)	Sign Size Per Elevation (Sq. Ft.)
3	64
4	81
5	100
6	121
7 or more	144

(B)

For multistory building tenant identification signs, the following shall apply:

(i)

Only a single company name or logo of an organization or enterprise occupying office space within the office building shall be permitted.

(ii)

Subject to approval of the city planner, multistory building tenant identification signs shall be located below the parapet at a height and scale architecturally in harmony with the building.

(iii)

Individual channel-letters, internally illuminated letters, and/or logos (not exceeding thirty percent of the sign area) are allowed. Can-type signs are prohibited.

(c)

Additional Regulations for Freestanding Signs.

(1)

Decorative architectural features such as cornices and pediments may exceed the maximum sign area specified for a monument sign by twenty-five percent and the maximum height by two feet.

(2)

A freestanding sign shall be at least ten feet from the nearest curb and be placed within a landscaped area of not less than seventy-five square feet in the CO, CO/R, IBP, and PS districts and fifty square feet in other districts.

(3)

A freestanding sign shall not extend over a public right-of-way and shall not be located on the same street frontage as a projecting/blade sign that extends over a public right-of-way. The supports for any freestanding sign shall be located entirely in or upon private property.

(4)

A freestanding sign shall not be closer to an interior property line than one-half its height (see Figure 37-50.130A).

(5)

A freestanding sign shall not be closer than one hundred-feet to another freestanding sign or projecting/blade sign on the same site (see Figure 37-50.130B).

(6)

For freestanding signs located within six hundred sixty feet of the outer limits of the U.S. Highway 101, see [Section 37-50.620\(h\)](#): Highway Signs.

(7)

A commercial identification on a permanent flagpole may be substituted for an allowed freestanding sign within any C, NU (VC), PS, or I district and counted toward the allowable freestanding sign area.

(8)

A freestanding sign shall have a maximum of two sides; however, additional sides may be considered subject to the approval of a master sign plan.

(d)

Illuminated and Moving Signs.

(1)

Signs in an A, R, NU (NE, NG-1, and NG-2), CO, CO/R, P, OS, or PS district shall, if lighted, be indirectly and continuously illuminated.

(2)

Signs shall not have exposed fluorescent tubes or incandescent bulbs, unless such signs are approved as part of a master sign plan or a site plan review for a cinema or theater.

(3)

Signs visible from and within one hundred feet of an R or NU (NE, NG-1, and NG-2) district shall not be illuminated between 10:00 p.m. and 7:00 a.m. unless approved as part of a master sign plan. In order to approve the master sign plan, the city planner shall determine that the proposed sign:

(A)

Identifies a business or use that is open for business during those hours; and

(B)

Has been oriented, sited, or otherwise designed to minimize glare or lighting impacts on the adjacent R or NU zoning district.

(4)

No movement or apparent movement of or in a sign or change in intensity of illumination of a sign shall be permitted (including no changeable copy) except for public service information signs, marquee signs, and changeable copy signs for theaters, cinemas, religious assembly uses, and service station price signs as provided for in this division.

(e)

Theater, Cinema, and Religious Assembly Signs. Signs deviating from the standards of this division may be allowed for theaters, cinemas, or religious assembly uses subject to the approval of a master sign plan. The master sign plan may allow marquee signs (for theaters and cinemas only), changeable copy signs, and other signs for cinema, theater, or religious assembly uses not otherwise authorized by this division, if the city planner or other applicable approval authority determines that such modifications:

(1)

Would be consistent with the style and character of existing signs on the site;

(2)

Would be compatible with the character of signs on adjacent properties;

(3)

Would not detract from the use and enjoyment of adjacent properties; and

(4)

Would not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic.

(f)

Service Station Signs.

(1)

Price Signs. A maximum of two double-faced signs per street frontage, of not more than twenty-five square feet per face, and having a maximum height of six feet. Such signs may only be used to indicate the actual current price of fuel, the brand of the gas station, or other information required in accordance with state law requirements. No other advertising is permitted on the sign. Such signs may be changeable copy if permitted in accordance with state law. The use of red, green, or yellow illuminated letters or numbers is prohibited for changeable copy signs for traffic safety reasons, unless approved by the City Engineer taking into consideration the distance to traffic signals and field of view.

(2)

Island Canopy Signs. A logo sign, affixed to a canopy or other rigid roof structure directly above a pump island, the sign area of which shall not exceed fifteen square feet to accommodate a company or brand logo. Island canopy logo signs shall be limited to a maximum of two signs per gas station.

(3)

Fuel pump identification and/or price signs located on the pump face and not exceeding two square feet in area.

(4)

A single- or double-faced sign of not more than twelve inches by twenty inches constructed of motionless materials and mounted to the top of a fuel pump and used for identifying products or services available on the premises. No more than one pump-topper sign per pump shall be allowed.

(5)

The area of signs in Sections [37-50.620](#)(f)(1), (3), and (4) above shall not be counted toward the maximum total sign area allowed for the site.

(g)

Temporary Signs (Not Exempt).

(1)

Temporary Signs, Banners, Flags, Decorations, and Other Advertising Devices (excluding temporary subdivision directional signs and exempt temporary signs). Such signs may be placed on a site for a maximum of thirty days each calendar year subject to the issuance of a temporary use of land permit, provided the total temporary and permanent sign area shall not exceed one hundred fifty percent of permitted permanent sign area, and provided that temporary devices do not create safety hazards or block signs identifying adjoining establishments.

(2)

On-site Subdivision Direction Signs. One on-site unlighted temporary subdivision directional sign not to exceed sixty-four square feet in area for each ten acres in a subdivision, up to a maximum of one hundred twenty-eight square feet, for the purpose of providing necessary travel directions to the subdivision subject to the approval of a temporary use of land permit. If a subdivision has less than ten acres, one such sign not to exceed sixty-four square feet shall be permitted. The city planner may allow joint subdivision directional signs for more than one subdivision. Joint signs may not exceed sixty-four square feet for every ten acres of total subdivision area, not to exceed a total of two hundred square feet in sign area. Where the total area of all subdivisions is less than ten acres, one joint sign, not to exceed sixty-four square feet, is allowed. No more than one on-site subdivision directional sign shall be allowed on any property. The maximum height of an on-site directional sign shall be eight feet. On-site subdivision directional signs may contain, in addition to travel directions, the name of the land development project to which it pertains, including a characteristic trademark or other identifying insignia. Such signs shall be located at least seven hundred feet from any other such sign. The temporary use of land permit shall expire upon the sale of the last residential dwelling unit in the subdivision. The applicant shall remove all on-site subdivision directional signs from the property within seven days from the sale of the last residential dwelling unit in the subdivision. The applicant of any on-site subdivision directional signage shall post a bond to ensure removal of the sign. The city planner may impose any additional conditions that it deems necessary to make the sign, to the extent feasible, compatible to the development in the vicinity. Such conditions may include the requirement of a signed statement by the applicant, owner of the signs, and the owner or lessee of the property on which the signs are to be placed, agreeing that if such signs are not removed within seven days after expiration of permit, they may be removed by the city without further notice.

(h)

Highway Signs. The allowable height, number of freestanding signs, and the total maximum sign area may be increased for on-site freestanding signs located within six hundred sixty feet of U.S. Highway 101 subject to the issuance of a conditional use permit. One-half of the area of the highway sign shall be deducted from the

maximum total sign area allowed for the site. Highway signs shall be in addition to the number of otherwise allowable freestanding signs on a site. In addition to findings required for a conditional use permit, the following findings shall also apply:

(1)

Photo studies have been provided by the applicant and site distance/speed of travel or other data exists which supports the determinations that a safe exiting distance is provided and that the sign is the minimum necessary to convey its intended message;

(2)

The increase in sign height or sign area is not primarily for the purpose of giving the business a competitive advantage over another. Criteria for establishing this finding may include an evaluation of signs on neighboring properties;

(3)

The increase in sign height or sign area shall not contribute to visual clutter;

(4)

The need for the increased sign height or sign area cannot be met through changing the location of the sign on the site or the design of the sign, consistent with good site design;

(5)

The sign structure is coordinated with the architecture of the buildings on the property on which the sign is located and is well proportioned as to height in comparison with width and as to design/width of supporting structure in comparison with design/width of sign message. Sign illumination has accounted for adjacent uses;

(6)

The use advertised is a restaurant, service station, hotel, or motel, and is required by the traveling public. The site has immediate access to U.S. Highway 101; and

(7)

The sign area does not exceed one hundred twenty-five square feet per face and contains a maximum of two faces; height does not exceed fifty feet.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), §§ 4, 6, 21, 5-18-2010; Ord. No. 2569 (NCS), §§ 14—17, 4-19-2016)
Sec. 37-50.630. - Off-site sign regulations.

(a)

Off-site Subdivision Directional Signs. One off-site unlighted temporary directional sign shall only be allowed on vacant, undeveloped property, subject to approval of a temporary use land permit. Such signage shall not exceed sixty-four square feet in area for each ten acres in a subdivision, up to a maximum of one hundred twenty-eight square feet. Directional signs for subdivisions with a combined total area less than ten acres shall not exceed sixty-four square feet. The maximum height of an off-site directional sign shall be eight feet. Off-site directional signs may contain, in addition to travel directions to the subdivision, the name of the land development project to which it pertains, including a characteristic trademark or other identifying insignia. Such signs shall be located at least seven hundred feet from any other such sign. The temporary use of land permit

shall expire seven days after the sale of the last residential dwelling unit in the advertised subdivision. The applicant shall remove the off-site subdivision direction sign from the property within seven days of the sale of last residential dwelling unit in the advertised subdivision. The applicant of any off-site subdivision directional signage shall post a bond to ensure removal of the sign. The city planner may impose any additional conditions that it deems necessary to make the sign, to the extent feasible, compatible to the development in the vicinity. Such conditions shall include, but not be limited to, the requirement for a signed statement by the applicant, owner of the signs, and the owner or lessee of the property on which the signs are to be placed, agreeing that if such signs are not removed within seven days after expiration of permit, they may be removed by the city without further notice.

(b)

Off-site Temporary Open House Real Estate Signs. See [Section 37-50.580](#): Exempt signs.

(c)

Other Off-site Advertising Signs. Except for temporary off-site subdivision directional signs and specified exempt signs, off-site advertising signs are not permitted within the city. Existing off-site advertising signs shall be considered nonconforming. Nonconforming off-site advertising signs may only be reconstructed or relocated pursuant to the following:

(1)

In accordance with a relocation agreement between the city and the sign owner, consistent with Section 5412 of the California Business and Professional Code;

(2)

Relocation is allowed only if the sign is located within the IGC district; and

(3)

If the sign area (including the sign structure) does not exceed a maximum dimension of twelve feet by twenty-five feet per sign face and twenty-two feet in height above existing or street grade, whichever is higher. Both sides of off-site advertising signs may be used for purposes of advertising.

(Ord. No. 2463 (NCS).)

Sec. 37-50.640. - Sign design standards.

(a)

Purpose. The following design standards are intended to assist the designer in understanding the city's requirements for sign design. These standards complement the sign regulations contained in this division by providing good examples of potential design solutions and by providing design interpretations of various regulations. The design standards are general and may be interpreted with some flexibility in their application to specific projects. The standards will be utilized in conjunction with other regulations to ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

(b)

General Design Principles.

(1)

Sign colors, design and materials shall be compatible and complementary with the architectural theme or design of the principal building(s) at the site.

(2)

The use of graphics consistent with the nature of the product to be advertised is encouraged (e.g., hammer symbol for a hardware store, mortar and pestle for a drug store).

(3)

Place signs to indicate the location of access to a business. Signs shall be placed at or near the entrance to a building or site to indicate the most direct access to the business.

(4)

Avoid signs with strange shapes. Signs that are unnecessarily narrow or oddly shaped can restrict the legibility of the message. If an unusual shape is not symbolic, it is probably confusing.

(5)

Make signs smaller if they are oriented to pedestrians. The pedestrian-oriented sign is usually read from a distance of fifteen feet to twenty feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign's viewing distance, the smaller that sign needs to be.

(6)

Where there is more than one sign, all signs shall be complementary to each other in the following ways:

(A)

Type of construction materials (sign copy, supports, etc.);

(B)

Letter size and style of copy;

(C)

Method used for supporting or attaching sign (wall or ground base);

(D)

Configuration and shape of sign area and related components; and

(E)

Height, location, and spacing of signs on a building or site shall be generally consistent.

(c)

Wall Signs.

(1)

Wall signs shall be compatible with the predominant visual architectural elements of the building facade.

(2)

Place wall signs to establish facade rhythm, scale, and proportion where such elements are weak. In many existing buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.

(3)

Wall sign raceways shall be painted to match the exterior color of the building where the sign is located.

(4)

Wall signs shall be sized appropriately and in proportion to the scale of the building or fascia.

(5)

Direct and indirect lighting methods are allowed provided that they are not harsh or unnecessarily bright.

(6)

The use of individually cut or channel letter signs are preferred over can-type signs in new development.

(d)

Awning and Canopy Signs.

(1)

Sign area/copy shall be proportional to and complementary with the style and scale of the awning canopy.

(2)

Awnings/canopies used in conjunction with awning/canopy signs shall not be located so as to obscure transom windows, piers, pilasters, and other architectural building features and shall generally be designed to project over individual doors and window openings, where feasible. Awnings/canopies that are a continuous feature extending over several windows, doors, or similar architectural features are generally discouraged.

(3)

The size of the awning/canopy shall be proportional in scale with the building to which it is attached.

(4)

The style of the awning/canopy shall complement the architectural style of the building to which it is attached. Awnings should generally have a simple horizontal valance if located over rectangular or square window/door openings. Domed or barrel shaped awnings are appropriate for buildings with arched window/door openings.

(5)

An awning with a single, solid color is preferred. The color of the awning/canopy shall be compatible with and complement the exterior color(s) of the building. Awning/canopy colors that call more attention to the awning than the building are inappropriate. Awnings/canopies with highly contrasting corporate/franchise identity colors are not allowed.

(6)

Awnings/canopies shall be regularly cleaned and kept free of visible defects and wear.

(e)

Freestanding Signs.

(1)

Freestanding signs are intended to provide street addresses, and identification for the freestanding building or commercial center development as a whole.

(2)

All tenant freestanding signs on a site shall be generally uniform in size, height, type, and color and shall be compatible with the architectural design or theme of the principal building(s) at the site.

(3)

Freestanding signs should be placed perpendicular to approaching vehicular traffic.

(4)

Low scale monument type signs are preferred over pole type signs in new development. Pole signs may be utilized in new development when the city planner finds as part of a master sign plan that existing site factors (such as site orientation or location, building and driveway locations, existing vegetation, surrounding development, or other factors) warrant the use of such signs for visibility considerations.

(5)

Each freestanding sign shall be located within a planted landscaped area, which is of a shape and design that will provide a compatible setting and ground definition to the sign. Raised planters are encouraged.

(Ord. No. 2463 (NCS).)

Sec. 37-50.650. - Nonconforming signs.

(a)

Purpose. The purpose of this section is to establish that the eventual elimination of existing signs that are not in conformity with the provisions of this division is as important as the prohibition of new signs that would violate these regulations.

(b)

General Regulations.

(1)

Except for normal repair and maintenance and any modification required for National Electric Code (NEC) compliance in accordance with [Chapter 9](#) of the Salinas Municipal Code, no nonconforming sign shall be expanded, structurally altered (not including a change in sign face or sign copy), moved, or relocated, unless it is brought into conformance with all current provisions of this chapter. When a sign, which was in compliance with all applicable laws in effect at the time it was originally erected, is physically damaged, whether by vandalism, forces of nature, or other causes, the sign may be repaired or restored to its original size, shape, height, orientation, and message; however, the repair or restoration must be done in a manner which complies with current Building and Electrical Codes.

(2)

The owner of a nonconforming sign, excepting an off-site advertising sign in accordance with [Section 37-50.630](#): Off-site sign regulations, shall within three months of notification of nonconformity either:

(A)

Remove the sign; or

(B)

Obtain a new permit, with variances to allow the nonconforming aspect; or

(C)

Obtain a new permit subject to modification of the sign to achieve conformity with this division; or

(D)

Obtain an extension of time within which the sign must be moved under the amortization provisions of [Section 37-50.650\(c\)](#) below; or

(E)

Establish to the satisfaction of the city planner that the special restrictions of Business and Professions Code Sections 5490 through 5499 apply.

(c)

Amortization.

(1)

An owner of a nonconforming sign may delay removal or modification of the sign for a reasonable period in order to recover the original costs where, at the time specified for removal, the costs were not yet fully amortized. The amortization period shall be proportionate with the investment involved.

(2)

The owner of a nonconforming sign may apply to the city planner for an extension of time within which the sign must be removed. The application shall contain the following information:

(A)

Name and address of the sign;

(B)

A description of the sign;

(C)

The date the sign was erected;

(D)

Whether and when a sign permit was issued;

(E)

The cost of construction;

(F)

The remaining term of the sign owner's lease of the real property, if applicable;

(G)

The present value of the sign;

(H)

If the sign is being depreciated under Federal Internal Revenue Code, a copy of the last IRS form showing depreciation;

(I)

A detailed statement of the reasons for the extension requested;

(J)

The length of time for which the extension is requested; and

(K)

Other relevant information, which the city planner may request.

(3)

The city planner shall consider the information presented on the application in acting on the request for extension. If the city planner finds that the circumstances warrant granting an extension of time for amortization of the sign, the city planner may grant the extension for a reasonable time not to exceed three years. No extension shall be granted for a portable sign or sign painted on a building or structure.

(Ord. No. 2463 (NCS).)

(Ord. No. 2569 (NCS), § 18, 4-19-2016)

Sec. 37-50.660. - Nonconforming sign abatement.

(a)

Scope and Authority. This section is enacted to implement [Chapter 2.6](#) of Division 3 of the California Business and Professions Code.

(b)

Definitions. The following definition shall apply to this section:

(1)

Illegal On-premises Advertising Display. Any of the following:

(A)

An on-premises advertising display erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use;

(B)

An on-premises advertising display that was legally erected, but whose use has ceased, or the structure upon which the display is placed has been abandoned by its owner, not maintained, or not used to identify or advertise an ongoing business for a period of not less than ninety days;

(C)

An on-premises advertising display that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display nonconforming has expired, and conformance has not been accomplished;

(D)

An on-premises advertising display that is a danger to the public or is unsafe; or

(E)

An on-premises advertising display that is a traffic hazard not created by relocation of streets or highways or by acts of the city or county.

(2)

On-premises Advertising Display. Any structure, housing sign, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended or used to advertise, or to provide data or information in the nature of advertising, for any of the following purposes:

(A)

To designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located;

(B)

To advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

(c)

Designation of Illegal On-premises Advertising Displays.

(1)

By resolution, the city council may declare as public nuisances and abate all illegal on-premises advertising displays located within the city and identified by an inventory compiled under [Section 37-50.670](#)(b). The resolution shall describe the property upon which or in front of which the nuisance exists. Any number of parcels of private property may be included in one resolution.

(2)

Prior to adoption of the resolution by the city council, the city clerk shall send not less than a ten days' written notice to all persons owning property described in the proposed resolution. The notice shall be mailed to each person on whom the described property is assessed as of the last equalized assessment roll available on the date the notice is prepared. The notice shall state the date, time, and place of the hearing, and generally describe the purpose of the hearing and the nature of the illegality of the display.

(d)

Posted Notice. After adoption of the resolution, the enforcement officer shall cause notices to be conspicuously posted on or in front of the property on which the illegal display exists. The notices shall be posted at least ten days prior to the time for hearing objections by the city council.

(e)

Mailed Notice. The city clerk shall mail written notice of the proposed abatement in the form prescribed by Sections [37-50.660](#)(c) and (d) to all persons owning property described in the resolution, as shown on the last equalized assessment roll, at least ten days prior to the time for hearing objections by the city council.

(f)

Public Hearing and Council Action.

(1)

At the time stated in the notices, the city council shall hear and consider all objections to the proposed removal of the on-premises advertising display. The council may continue the hearing from time to time. By motion or resolution at the conclusion of the hearing, the council shall allow or overrule any objections. Following such determination, council acquires jurisdiction to proceed and perform the work of removal.

(2)

The decision of the council is final. If objections have not been made or after the council has disposed of those made, it shall order, by motion or resolution, the enforcement officer to abate the nuisance by having the display

removed.

(g)

Abatement Procedure. The enforcement officer may enter private property to remove an illegal advertising display. Before the enforcement officer arrives, any property owner may remove the illegal on-premises advertising display at the owner's own expense. Nevertheless, in any case when an order to abate has been issued, the city council, by motion or resolution, may further order that a special assessment and lien be placed upon the property. Such special assessment and lien shall be limited to the costs incurred by the city in enforcing abatement upon the property, including investigation, boundary determination, measurement, clerical, and other related costs.

(h)

Required Cost Accounting.

(1)

The enforcement officer shall keep an account of the cost of abatement of an illegal on-premises advertising display in front of or on each separate parcel of property where the work is done. The officer shall submit to the city council for confirmation an itemized written report showing that cost.

(2)

A copy of the report shall be posted in the city offices for at least three days, prior to its submission to the council, with notice of the time of submission.

(3)

At the time fixed for receiving and considering the report, the city council shall hear it with any objections of the property owners liable to be assessed for the abatement. It may modify the report if it is deemed necessary. The city council shall then confirm the report by motion or resolution.

(i)

Contracting for Services. Abatement of the nuisance may, at the discretion of the city council, be performed by contract awarded on the basis of competitive bids let to the lowest responsible bidder. In that event, the contractor shall keep the account and submit the itemized written report for each separate parcel of property required by [Section 37-50.660\(h\)](#) above.

(j)

Reimbursement of Costs and Special Assessments.

(1)

The enforcement officer may receive the amount due as reimbursement for abatement costs incurred by the city and issue receipts for such payment at any time after the city council has confirmed the abatement costs pursuant to [Section 37-50.660\(h\)](#) above and until ten days before a copy is given to the county assessor and tax collector.

(2)

Liens and special assessments to recover costs of abatement and costs of enforcing abatement, as confirmed by the city council, shall be payable under the provisions of Section 5499.12 of the Business and Professions Code. Requests for refunds shall be subject to the provisions of Section 5499.14 of the Business and Professions Code.

(Ord. No. 2463 (NCS).)

Sec. 37-50.670. - Removal of nonconforming signs.

(a)

Removal Required. Any sign that was illegally installed (e.g., without the required permit or in violation of any provision of this Zoning Code) shall be removed in compliance with [Section 37-50.660](#): Nonconforming sign abatement.

(b)

Illegal and Abandoned Signs Inventory. Should the city council direct that the city planner abate illegal or abandoned signs, the city planner shall compile an inventory of such signs within the city.

(1)

For properties located within the gateway overlay district, should the council direct that the city planner abate illegal or abandoned signs specifically within such overlay district, the city planner shall compile an inventory of such signs located within the gateway overlay district.

(2)

The inventory shall identify the location of each illegal or abandoned sign by lot and block number and by street address, the sign's legal owner or leaseholder, and the specific standards that are violated or the approximate date of abandonment, as the case may be.

(3)

This inventory shall be used to establish an initial date for amortization of nonconforming signs under the provisions of [Section 37-50.660](#): Nonconforming sign abatement.

(4)

The city planner shall regularly update the inventory to include additional illegal signs resulting from zoning map amendments and additional abandoned signs.

(Ord. No. 2463 (NCS).)

Division 4. - Landscaping and Irrigation.

Sec. 37-50.680. - Purpose.

The purpose of this section is to establish landscaping and irrigation regulations that are intended to:

(a)

Enhance the aesthetic appearance of development in all areas of the city;

(b)

Reduce heat and glare generated by urban development;

(c)

Minimize water use;

(d)

Minimize impervious surfaces and meet federal, state and local water quality regulations such as the National Pollutant Discharge Elimination System (NPDES) permit requirements, and storm water development standards (SWDS); and

(e)

Protect public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, promoting natural surveillance, controlling soil erosion and runoff, screening incompatible land uses, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic and safety.

(Ord. No. 2463 (NCS).)

(Ord. No. 2541 (NCS), § 4, 7-23-2013; Ord. No. 2569 (NCS), § 19, 4-19-2016)
Sec. 37-50.690. - General requirements.

(a)

Applicability. Landscaping and required planting areas shall be installed in accordance with the standards and requirements of this section for all zoning districts as well as the conditions and requirements contained in [Chapter 36A](#): Water Conservation of the Salinas Municipal Code. Where more specific requirements are identified by an overlay or zoning district, specific plan, site plan review, or conditional use permit, those requirements shall be met. In addition, new landscape projects shall comply with the city's Model Water Efficient Landscape Ordinance if any the following conditions apply:

(1)

New construction projects with an aggregate landscape area equal to or greater than five hundred square feet requiring a building or landscape permit, plan check, or design review;

(2)

Rehabilitated landscape projects with an aggregate landscape area equal to or greater than two thousand five hundred square feet requiring a building or landscape permit, plan check, or design review;

(3)

Existing landscapes limited to Sections 493, 493.1, and 493.2 of the city's Model Water Efficient Landscape Ordinance; and

(4)

Cemeteries. Recognizing the unique landscape management requirements of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11, and 492.12 of the city's Model Water Efficient Landscape Ordinance; existing cemeteries are limited to Sections 493, 493.1, and 493.2 of the city's Model Water Efficient Landscape Ordinance.

(b)

Where Required. Yards shall be landscaped in accordance with Table [37-50.190](#) to the extent that such yards are provided or required:

Table 37-50.190
Landscaping and Irrigation

		Yards		
District	Front	Interior Side	Corner Side	Rear
A	No	No	No	No
RL	Yes	No	Yes	No
RM 3.6	Yes	No	Yes	No
RM 2.9	Yes	Yes	Yes	Yes
RH (all)	Yes	Yes	Yes	Yes
C (all)	Yes	Yes	Yes	Yes
MU (all)	Yes	Yes	Yes	Yes
NU (all)	Yes	Yes	Yes	Yes
IGC	Yes	Yes	Yes	Yes
IG	Yes	No	Yes	No
IBP	Yes	Yes	Yes	Yes
P	Yes	Yes	Yes	Yes
OS	No	No	No	No
PS	Yes	Yes	Yes	Yes

(c)

Development Regulations.

(1)

All new development shall apply xeriscape principles including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems, and timing devices.

(2)

Required planting areas shall be permanently maintained. As used in this section, "maintained" includes: watering, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials.

(3)

Landscape materials shall not be located such that, at maturity:

(A)

They interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;

(B)

They conflict with overhead utility lines, overhead lights, or walkway lights; or

(C)

They block pedestrian and bicycle ways.

(d)

Landscaping Plans Required. Landscaping plans that show the location of all turf, plant materials, and irrigation systems shall be required for all uses, which include landscaping.

(e)

Materials. Landscape plans shall demonstrate a recognizable pattern or theme for the overall development. To accomplish this, landscape plans shall conform to the following:

(1)

Plant materials shall be selected for energy efficiency and drought tolerance and adaptability and relationship to Salinas' environment. A minimum of ninety percent of nonturf material shall be drought-resistant. All plant materials shall comply with [Chapter 36A](#): Water Conservation of the Salinas Municipal Code.

(2)

In all C, MU, NU (VC), PS, and I districts, and for all multifamily developments, plant materials shall be sized and spaced to achieve immediate effect and shall normally not be less than a fifteen-gallon container for trees, a five-gallon container for shrubs, and a one-gallon container for mass planting. Nonturf areas, such as shrub beds, shall be top-dressed with a bark chip mulch mixed into the topsoil or approved alternative. Dressing material shall be maintained within planter areas and shall not be allowed to migrate onto hard surfaces, such as sidewalks and parking lots.

(3)

Turf shall be limited to twenty-five percent of the total landscaping area. No turf shall be permitted in areas with a dimension of less than eight feet, or on slopes exceeding ten percent.

(f)

Irrigation.

(1)

Turf. Sprinklers shall be installed with a separate irrigation valve from irrigation valves used for other vegetation.

(2)

Sprinklers. All new automatic irrigation systems shall have sprinkler heads with application rates that do not exceed the infiltration rate of the soil. Such systems shall be installed with dual or multiple program controllers that permit cycles of five to ten minutes per hour. Landscaping requiring intensive watering shall be watered by hand or drip irrigation. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(g)

Parking Lot Landscaping.

(1)

All areas within the perimeter of parking lots not used for buildings, parking, loading, circulation, transit, or pedestrian facilities shall be landscaped to minimize the feeling of expansive hard surfaced areas, to improve the parking lot appearance.

(2)

Parking lots, parking structures, and the outdoor display of automobiles, boats, recreational vehicles, motorcycles, or construction vehicles shall have perimeter landscaping areas as prescribed by the following:

(A)

Parking Lots or Parking Structures Adjoining Street Property Line. Where parking lots occur along streets, a landscaped planter shall be provided to minimize views of parked cars from the street and shall be permanently maintained. The landscaped planter at the street shall be at least ten feet wide. Within the landscaped planter, trees should be planted at least thirty feet on center. The landscaped planter shall include a screening feature with a minimum height of thirty-two inches and a maximum height of forty-two inches, such as a short wall, fence, hedge, berm, or equivalent feature. Whenever walls or fences are used to create the screening feature, plants shall be located on the sides of the walls or fences that can be seen from surrounding streets, sidewalks, parks, and other public areas. The maximum height of fences and walls in required landscape planters shall be in accordance with [Section 37-50.090](#): Fences, walls, and hedges;

(B)

Other property lines: five feet;

(C)

Vehicle Overhang. Vehicle overhang may encroach three feet into a landscape planter adjoining a street property line.

(3)

Interior landscaped areas shall have a minimum dimension of five feet, exclusive of curbs, shall equal to five percent of the total parking area, and shall be so located as to interrupt parking rows. When a parking space abuts a landscape planter, no curb is necessary provided that the planter is expanded three feet to allow the vehicle to overhang the planter.

(4)

A minimum of one tree for every five parking spaces shall be provided in landscape islands (see Figure 37-50.140). The islands shall have a minimum dimension of five feet exclusive of curbs.

(5)

Landscaping shall be provided on the upper levels of parking structures, where feasible, when these structures are visible from public streets, pedestrian pathways, or adjacent buildings.

(6)

Use landscaping planters to control access to parking lots, to make traffic diverters prominent, to direct the flow of traffic within the lot, and to enhance the safety of parking lots by guiding the circulation of vehicles and people.

(7)

The end of each row of parking stalls shall be separated from driveways by a landscaped planter, sidewalk, or similar means.

(8)

Two feet at the end of landscape islands shall be left unplanted when adjacent to drive aisles and driveways to prevent plant materials from being run over by vehicles. The use of cobbles, patterned concrete, or brick pavers shall generally be installed in these end areas.

(9)

In the IGC and IG zoning districts, landscaping shall not be required for areas of a site that are not substantially visible (as determined by the city planner) from a street or other public area, and which are not public parking area. In such areas the landscaping requirements above may be waived.

(h)

Driveway and Corner Visibility. All landscaping material shall be maintained in accordance with the provisions of [Section 37-50.460](#): Driveway and corner visibility. Landscaped materials shall not be located such that, at maturity:

(1)

They interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;

(2)

They conflict with overhead utility lines, overhead lights, or walkway lights; or

(3)

They block pedestrian or bicycle ways.

(i)

Alternative Means of Compliance. The city planner may allow alternative means of complying with the requirements of this section provided the alternative achieves results comparable to those achieved through strict application of the provisions of this section.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), §§ 39, 40, 5-18-2010; Ord. No. 2569 (NCS), § 20, 4-19-2016)
Sec. 37-50.700. - Landscaping design standards.

(a)

Applicability. These design standards are intended to assist the designer in understanding the city's goals and objectives for landscaping. These standards complement the landscaping regulations found in Article V, Division 4: Landscaping and Irrigation and the requirements of [Chapter 36A: Water Conservation](#) of the Salinas Municipal Code by providing good examples of potential design solutions and by providing design interpretations of various regulations. The design standards are general and may be interpreted with some flexibility in their application to specific projects. The standards will be applied in conjunction with other regulations to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

(b)

Design Standards.

(1)

Landscaping and open spaces shall be designed as an integral part of the overall site plan design. Landscaping and open spaces shall enhance the building design, enhance public views and spaces, provide buffers and transitions, provide for a balance of solar uses, and provide screening.

(2)

Landscape design shall accent the overall design theme through the use of structures such as arbors and trellises that are appropriate to the particular architectural style of adjacent structures.

(3)

Landscape areas shall use xeriscape concepts that: minimize the amount of turf area; use plant materials that have a low water demand; and use a segmented irrigation system calibrated to the specific water demands of various turf, plant, and tree groups.

(4)

Landscaped areas shall incorporate plantings using a three-tier system:

(A)

Grasses and ground covers;

(B)

Shrubs; and

(C)

Trees.

(5)

The following are common planting design concepts that shall be used whenever feasible:

(A)

Specimen trees used in informal grouping and rows at major focal points;

(B)

Extensive use of flowering vines both on walls and arbors;

(C)

Pots, vases, or raised planters;

(D)

The use of planting to create shadow and patterns against walls;

(E)

Large broadleaf deciduous trees to create canopy and shade in the summer and sun in the winter, particularly in parking areas;

(F)

The use of flowering trees in informal groups to provide color;

(G)

Informal massing of colorful plantings;

(H)

Use of distinctive plants as focal points; and

(I)

Plantings and low walls to screen parking areas from view of public rights-of-way while allowing filtered views of larger buildings beyond.

(6)

Planting areas between walls and streets shall be landscaped with a hierarchy of plants in natural formations and groupings. Solid walls over three feet high shall receive vines or hedge when adjacent to public streets.

(7)

A colorful landscape edge should be established at the base of buildings. Avoid asphalt edges at the base of structures as much as possible. Plant materials located in containers are appropriate.

(8)

Planting masses on-site should assume a simple, non-uniform arrangement. The diversity of massing types should be great enough to provide interest, but kept to a level which evokes a relaxed natural feeling.

(c)

Xeriscape Guidelines.

(1)

All landscaping shall employ features and techniques that, in the aggregate, reduce the demand for and consumption of water, including appropriate low-water-using plants, nonliving ground cover, a low percentage

of lawn coverage, a high degree of paving permeability, and water conserving irrigation techniques and systems.

(2)

The use of turf shall be minimized or substituted altogether with groundcovers. Turf should generally be excluded from median or sidewalk strips and similar areas that are difficult to irrigate. Low-water-using grass varieties are encouraged. Turf is not allowed on slopes greater than twenty-five percent where the toe of the slope is adjacent to an impermeable hardscape and where twenty-five percent means one foot of vertical elevation change for every four feet of horizontal length (rise divided by run \times 100 = slope percent).

(3)

Water efficient irrigation systems, such as drip, low output sprinkler heads, zonal systems, and automatic timers, shall be provided. Planting shall be according to water needs, and the irrigation system matched to these needs.

(4)

Plant varieties shall predominately be low water consuming, suited to the local soil and climate, and grouped according to their water requirements.

(5)

Mulches shall be used generously and reapplied as part of a regular maintenance program to reduce evaporation, soil compaction, and weeds.

(6)

A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. Stabilizing mulching products shall be used on slopes. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(d)

Installation and Maintenance.

(1)

Trees shall be adequate in trunk diameter to support the top area of the tree. Trees, shrubs, and vines should have body and fullness that is typical of the species.

(2)

All ground cover shall be healthy, densely foliated, and well-rooted cuttings, or one-gallon container plants.

(3)

The spacing of trees and shrubs shall be appropriate to the species used. The plant materials shall be spaced so that they do not interfere with the adequate lighting of the premises or restrict access to emergency apparatus such as fire hydrants or fire alarm boxes. Proper spacing shall also insure unobstructed access for vehicles and pedestrians in addition to providing clear vision of the intersections from approaching vehicles.

(4)

Plant material shall conform to the following spacing standards:

(A)

A minimum of thirty feet from the property corner at a street intersection to the center of the first tree or large shrub;

(B)

A minimum of fifteen feet between center of trees and ten feet between large shrubs to light standards;

(C)

A minimum of ten feet between center of trees or large shrubs and fire hydrants;

(D)

A minimum of fifteen feet from the intersection of a driveway (for commercial, mixed use, or public/semipublic and industrial uses) with a street right-of-way to the center of any tree having a diameter larger than eighteen inches at maturity or large shrub and a minimum of ten feet for residential uses.

(5)

Trees and bushes shall be staked as shown in Figure 37-50.150.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), §§ 41—43, 5-18-2010)
Sec. 37-50.710. - Landscape architectural features.

(a)

Purpose. The purpose of this section is to establish regulations governing freestanding landscape-related architectural features such as arbors, decorative lampposts, fountains, and similar features within required front or corner side yards. Play structures, barbeques, sports apparatus, carports, fences, swimming pools, and other structures used for storage, athletic, or recreational purposes shall not be considered landscape architectural features.

(b)

Development Regulations. Landscape architectural features may be permitted to encroach into required front and corner side yards specified for all zoning districts subject to site plan review approval and the following standards:

(1)

Setback. The feature must be setback a minimum of three feet from the front or corner side property lines of the subject parcel, as applicable. No portion of the structure may encroach into the public right-of-way or an easement.

(2)

Height and Bulk. The maximum height of the feature shall be eight feet and have no solid horizontal surface with dimensions of more than twenty-four inches, above a three-foot height as measured from ground level. Arbors shall be substantially open (no solid walls or roof).

(3)

Area. The maximum area of a feature shall be twenty square feet. The area shall be determined by a rectangle formed around the extreme outer limits of the feature.

(4)

Visibility Triangle. The feature shall not be located in an area of unrestricted visibility as defined by [Section 37-50.460](#): Driveway and corner visibility.

(c)

Application. Applications for a landscape architectural feature shall be initiated by submitting an application for a site plan review.

(d)

Public Hearing Notice. No public hearing shall be required if an applicant has obtained the prior approval in writing from all property owners abutting the boundaries of the site and directly across the street or alley from the project site to allow the proposed landscape architectural feature. Such approval shall be in a form approved by the city planner.

(e)

Public Hearing. In the event that the adjacent property owners do not approve the subject application, the planning commission shall hold a public hearing on the application after providing notice in accordance with the provisions of Article VI, Division 7: Public Hearing Notice.

(f)

Standards of Approval. In approving the landscape architectural feature, the city planner or planning commission, as applicable, shall determine:

(1)

The scale, size, and design of the proposed feature is compatible with the existing architectural design and development located on the subject property and on adjoining properties; and

(2)

That the feature is consistent with the general purposes and design standards of the zoning district in which the subject property is located.

(g)

Exceptions. Fences and entryway arbors are subject to the requirements of [Section 37-50.090](#): Fences, walls, and hedges and shall not be subject to the requirements of this section.

(Ord. No. 2463 (NCS).)

Article VI. - Administration.

Division 1. - General Provisions.

Sec. 37-60.010. - Procedures.

All development proposals within the city of Salinas may be subject to one or more development application processing procedures contained in this article. The exact application processing procedures applicable to a specific project will be determined by the city planner based on the provisions of the general plan, the Zoning Code, and an understanding of the project specifics.

(Ord. No. 2463 (NCS).)

Sec. 37-60.020. - Type of review procedures.

Table 37-60.10 outlines the primary types of development review applications and review procedures:

Table 37-60.10					
Application Types, Review Bodies and Responsibilities					
	City Planner		Planning Commission		City Council
Type of Application	Authority to Approve or Deny	Authority to Approve or Deny	Advisory to City Council Only	Public Hearing Required	Final Authority/ Public Hearing Required
Administrative Permits	X ⁽³⁾				
Annexations			X	X	X ⁽⁴⁾
Conditional Use Permits (Non-administrative)		X ⁽³⁾		X	
Conditional Use Permits (Administrative)	X ⁽¹⁾⁽³⁾⁽⁵⁾	X ⁽²⁾⁽³⁾		X ⁽²⁾	
(For Live Entertainment Permits and Residential Design Reviews)	X ⁽¹⁾⁽³⁾⁽⁵⁾	X ⁽²⁾⁽³⁾		X ⁽²⁾	
Conditional Use Permits (Minor)	X ⁽¹⁾⁽³⁾⁽⁵⁾⁽⁶⁾	X ⁽²⁾⁽⁶⁾		X ⁽⁶⁾	
Development			X	X	X

Agreements					
General Plan Amendments			X	X	X
Lot Line Adjustments	X				
Parcel Maps	X ⁽¹⁾⁽³⁾⁽⁵⁾⁽⁷⁾				
Planned Unit Development Permits			X	X	X
Site Plan Review	X ⁽³⁾				
Specific Plans			X	X	X
Tentative Maps			X ⁽⁷⁾	X ⁽⁷⁾	X ⁽⁷⁾
Rezoning, Pre-zoning, and Zoning Code Amendments			X	X	X
Variances (Non-administrative)		X ⁽³⁾		X	
Variances (Administrative)	X ⁽¹⁾⁽³⁾⁽⁵⁾	X ⁽²⁾⁽³⁾		X ⁽²⁾	

Notes:

- (1) Provided no protest of the city planner's decision is received prior to or on the date intended for approval.
- (2) Unless authority for a decision is specifically assigned to the city planner.
- (3) Unless appealed to the appellate body pursuant to Article VI. Administration, [Division 17](#): Appeals.
- (4) Requires LAFCO approval.
- (5) The city planner reserves the right to refer any decision on an application to the planning commission if the application raises substantial land use issues.
- (6) Minor conditional use permit applications for minor exceptions and residential design review shall require a public hearing and decision by the planning commission unless the applicant has provided the written approval of all required property owners in accordance with [Section 37-60.490](#): Minor conditional use permits.
- (7) Application and review procedures for parcel maps and tentative maps shall be in accordance with [Chapter 31](#): Subdivisions of the Municipal Code.

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 18, 11-13-2012)

Sec. 37-60.030. - Review bodies and responsibilities.

The following three review bodies shall make decisions on the applications authorized by this Zoning Code as illustrated in Table 37-60.10 and as described in this article and in Sections 37-10.160: City planner authority,

[37-10.170](#): Planning commission authority, and [37-10.180](#): City council authority of this Zoning Code:

(a)

The city planner;

(b)

The planning commission;

(c)

The city council.

(Ord. No. 2463 (NCS).)

Sec. 37-60.040. - Majority vote of commission.

(a)

The presence of a majority of the total appointed members of the planning commission shall constitute a quorum.

(b)

With the exception of the adoption or amendment of the general plan or a specific plan, the affirmative vote of a majority of a quorum of the planning commission shall be required to constitute a decision to approve, conditionally approve, or deny an application authorized by this Zoning Code for which it is the decision-making body. A recommendation of the planning commission to the council on the adoption or amendment of the general plan or a specific plan shall require the affirmative vote of a majority (no less than four votes) of the total membership of the planning commission.

(c)

In the event that a majority of a quorum of the planning commission fails to vote to approve, conditionally approve, or deny an item or application authorized by this Zoning Code for which it is the decision-making body, the result shall be no action taken by the planning commission, and the item or application shall be forwarded without a recommendation directly to the city council with a record of the commission's vote and the commission's proceeding thereon.

(d)

In the event that a majority of the total membership of the planning commission fails to vote in favor of a recommendation to the council on the adoption or amendment of the general plan or a specific plan, the item shall be forwarded without a recommendation directly to city council with a record of the commission's vote and the commission's proceeding thereon.

(Ord. No. 2463 (NCS).)

Sec. 37-60.050. - Environmental review.

(a)

A project application that is subject to a discretionary approval and is not statutorily or categorically exempt from the California Environmental Quality Act shall be subject to environmental review prior to consideration of the project by the planning commission or city council, as applicable. As part of the environmental review of a project, the city planner shall determine, based upon the information contained in the initial study whether a

negative declaration, a negative declaration with mitigation, or an environmental impact report shall be prepared and may at their discretion, select a private consultant to prepare the appropriate environmental document at the applicant's expense.

(b)

For nondiscretionary project applications, the city planner shall determine if environmental review and documentation is required, in accordance with the California Environmental Quality Act. When required, such review and documentation shall be completed prior to issuance of a building permit for the project.

(Ord. No. 2463 (NCS).)

Sec. 37-60.060. - Record of proceedings.

The official record of a public hearing shall include oral testimony, public hearing notices, the minutes of the meeting, all applications, exhibits and papers submitted, and all staff reports and recommendations. The city planner shall maintain the record of the planning commission, and the city clerk shall maintain the record of the city council.

(Ord. No. 2463 (NCS).)

Division 2. - Application Procedures.

Sec. 37-60.070. - Applications required.

Applications shall be required on forms provided by community planning and development for all land use actions subject to the provisions of this Zoning Code.

(Ord. No. 2463 (NCS).)

Sec. 37-60.080. - Who may initiate an application.

(a)

Development review applications and public review proceedings may be initiated by the city council, planning commission, or by application of any interested party. The city council may also initiate an application on behalf of an interested party upon the interested party's written request. In such case, all application and related costs and expenses, including staff costs, shall be the responsibility of the interested party.

(b)

Applications shall be signed by the interested party, and those applications involving real property (excluding those applications initiated by the city council or planning commission) shall also include the property owner's or their authorized agent's signature except that applications involving three or more properties with different ownerships shall be required to include the signatures of those property owners or their authorized agents who own fifty-one percent or more of the total land area in the application project area. In such case, the interested party, at the time of the application submittal, shall also provide written documentation that all owners of real property (as shown on the latest equalized assessment roll) within the project area have been given notice by certified mail of the interested party's intent to submit the subject application.

(c)

If an application involves multiple real properties with different ownerships, a map identifying the ownership of those properties shall be submitted with the application.

(d)

The authorized agent of any person with a legal or equitable interest may also initiate an application.

(e)

The city planner may require proof of ownership, notice to property owner by certified mail or authorization to apply as required in this section prior to the acceptance of any application.

(Ord. No. 2463 (NCS).)

(Ord. No. 2541 (NCS), § 1, 7-23-2013)

Sec. 37-60.090. - Acceptance of applications by the city planner.

(a)

All applications shall be submitted to community planning and development.

(b)

The city planner shall accept applications made by those persons with standing to make such an application. Applications shall be deemed received upon receipt of fees prescribed by resolution of the city council.

(c)

For discretionary applications subject to California Government Code Section 65943, the city planner shall determine whether the submitted application materials are complete and shall notify the applicant of the decision in writing and identify in writing any additional information required to complete the application, no later than thirty days after an application has been received. No application shall be considered complete until all additional information required by the city planner is received.

(d)

For administrative and all other nondiscretionary applications, an application shall not be considered complete until all additional information required by the city planner is received.

(e)

A determination of completeness shall not constitute a determination of compliance with the regulations of this Zoning Code.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 47, 5-18-2010)

Sec. 37-60.100. - Official filing date.

(a)

The time for processing applications for development applications or acting on applications established by California law or by this Zoning Code shall commence on the date that the application is deemed complete. Material modifications of any application by the applicant following the filing of the application and prior to the expiration of the period during which the city is required to take action shall extend the period for thirty days following the city planner's determination that the modified application is complete and the application has been refiled.

(b)

Applications that have been deemed incomplete by the city planner and for which there has been no re-submittal of the required materials by the applicant within one hundred eighty days from the date of the incompleteness letter shall be considered withdrawn and a new application and fees shall be required to be submitted to community planning and development to further process the project.

(Ord. No. 2463 (NCS).)

Sec. 37-60.110. - Multiple applications.

When one or more discretionary actions are required for a single project, all required applications may be filed concurrently. When filed concurrently, the applications will be reviewed and processed concurrently and will be subject to the processing requirements of the application requiring the most stringent review.

(Ord. No. 2463 (NCS).)

Sec. 37-60.120. - Content of applications.

The accuracy of all information, maps, and lists submitted shall be the responsibility of the applicant. The city planner may reject as incomplete an application that does not supply the required information or that includes inaccurate or incomplete information.

(Ord. No. 2463 (NCS).)

Sec. 37-60.130. - Withdrawal of an application.

(a)

Any application or petition for a land use action may be withdrawn at any time prior to a public hearing by filing a written request for withdrawal with the city planner.

(b)

The request for withdrawal shall be signed by all persons who signed the original application, or their designated agents or successors.

(c)

Any such application or petition may be withdrawn after commencement of a hearing thereon, with approval of the appropriate hearing body.

(d)

With a request for withdrawal, the applicant may request a refund of fees; however, the refund of fees shall be less any staff and administrative costs incurred by the city. No refund shall be made where the development application has been noticed for hearing.

(Ord. No. 2463 (NCS).)

Division 3. - Preliminary Project Review.

Sec. 37-60.140. - Purpose.

The purpose of this division is to provide a process to acquaint the applicant with the applicable city procedures, regulations, and standards, and to identify potential development and environmental issues associated with a proposed or conceptual development project. Preliminary project review shall be an optional review process available to the applicant on a voluntary basis.

(Ord. No. 2463 (NCS).)
Sec. 37-60.150. - Application.

An application for a preliminary project review shall be initiated by submitting an application to community planning and development in accordance with Division 2: Application Procedures of this article. The submittal of an application for a preliminary project review does not constitute a formal filing of a project and is intended solely to assist the project applicant and city in the review of conceptual development plans.

(Ord. No. 2463 (NCS).)

Sec. 37-60.160. - Review meeting.

Following receipt of a complete preliminary project review application, the city planner will notify the applicant of the date, time, and location of the meeting. No public notice or hearing is required or will be provided in conjunction with such meeting. At the meeting, staff will discuss the proposal with the applicant and provide preliminary comments in regard to the proposal. No approval or denial of the subject application will be provided in conjunction with such meeting.

(Ord. No. 2463 (NCS).)

Division 4. - Administrative Permits.

Sec. 37-60.170. - Purpose.

The purpose of this division is to provide an administrative review process for applications for minor land use actions that:

(a)

Have little potential for affecting surrounding properties;

(b)

Are statutorily or categorically exempt from the California Environmental Quality Act; and

(c)

Are not subject to discretionary or review requirements of this article, including home occupation permits, temporary use of land permits, large family day care home permits, master sign plans, sign permits, medium project employee housing, and Type A emergency shelters. Site plan review applications, although administrative in nature, shall be subject to the requirements of Division 5: Site Plan Review. Figure 37-60.10 illustrates the administrative permit process.

(Ord. No. 2463 (NCS).)

(Ord. No. 2532 (NCS), § 19, 11-13-2012)

Sec. 37-60.180. - Application.

An application for an administrative permit shall be initiated by submitting an application to community planning and development pursuant to Division 2: Application Procedures of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.190. - City planner duties.

The city planner shall approve or approve with modifications to comply with applicable regulations, an administrative permit that conforms to the regulations established in this Zoning Code or deny a permit that does not. The city planner shall render a decision on an administrative permit without public notice or hearing.

(Ord. No. 2463 (NCS).)

Sec. 37-60.200. - Expiration—Transferability—Rescission—Revocation.

(a)

Expiration. An administrative permit shall expire one year after its effective date, or at an alternative time as specified in the approval, unless any one of the following occurs first:

(1)

A building permit has been issued and construction diligently pursued;

(2)

A certificate of occupancy has been issued;

(3)

The use is established; or

(4)

The city planner determines that other substantial action has been commenced to carry out the terms and intent of the administrative permit.

(b)

Transferability. An administrative permit shall not be affected by changes in ownership.

(c)

Rescission. The city planner may rescind an administrative permit in accordance with [Section 37-60.1340](#):
Rescission of permits.

(d)

Revocation. A revocation of an administrative permit shall be in accordance with [Section 37-60.1330](#):
Revocation of permits.

(Ord. No. 2463 (NCS).)

Sec. 37-60.210. - Effective date—Appeals.

An administrative permit shall become effective on the date of approval by the city planner. Appeals of the city planner's decision shall be in accordance with [Division 17](#): Appeals of this article.

(Ord. No. 2463 (NCS).)

Division 5. - Site Plan Review.

Sec. 37-60.220. - Purpose.

The purpose of this division is to:

(a)

Provide a streamlined administrative review process for verifying a project's compliance with this Zoning Code's development, design, and use standards; and

(b)

Assure landowners, business owners, and developers that proposed uses, structures, and site improvements comply with the provisions of this Zoning Code before preparation of plans for building permits. Figure 37-60.20 illustrates the site plan review process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.230. - Applicability.

Site plan review shall be applicable to the following unless otherwise provided in this Zoning Code:

(a)

All new permitted structures and site improvements subject to the regulations in this Zoning Code;

(b)

The use or reuse of existing structures or land, except as provided in [Section 37-60.250](#): Exceptions to site plan review; or

(c)

The addition of floor area to a site containing an existing structure.

(Ord. No. 2463 (NCS).)

Sec. 37-60.240. - Site improvements required for site plan review.

All uses and improvements subject to site plan review as noted in use classification tables shall conform to the regulations established in this Zoning Code.

(Ord. No. 2463 (NCS).)

Sec. 37-60.250. - Exceptions to site plan review.

Site plan review shall not be required for those uses shown in the use classification tables in Article III: Base District Regulations, for any of the following:

(a)

A change of occupancy which does not result in a change of the existing use classification;

(b)

An existing structure which changes from a use classification requiring site plan review to another use classification requiring site plan review, as provided by the use classification table for the district in which it is located, and where no floor area is added and parking demand is not increased by the change in use;

(c)

Changes of use classification on site which meet current development standards; or

(d)

Minor site improvements that do not increase floor area by more than ten percent of the gross floor area, add features that contribute to the use such as, but not limited to, parking lot lighting, loading spaces, loading docks, mechanical equipment, stairs, elevator shafts, carports, recycling and solid waste enclosures

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 12, 5-18-2010)

Sec. 37-60.260. - Application.

An application for a site plan review shall be initiated by submitting an application to community planning and development in accordance with Division 2: Application Procedures of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.270. - City planner duties.

The city planner shall approve or approve with modifications to comply with applicable provisions of this Zoning Code, a site plan review application that conforms to the regulations established in this Zoning Code or

deny an application that does not. The city planner shall render a decision on a site plan review application without public notice or hearing.

(Ord. No. 2463 (NCS).)

Sec. 37-60.280. - Expiration—Transferability—Rescission—Revocation.

(a)

Expiration. Site plan review shall expire one year after its effective date, or at an alternative time as specified in the approval, unless any one of the following occurs first:

(1)

A building permit has been issued and construction diligently pursued;

(2)

A certificate of occupancy has been issued;

(3)

The use is established in conformance with the provisions of this Zoning Code;

(4)

The city planner determines that substantial action has commenced to carry out the terms and intent of the site plan review; or

(5)

The project is one hundred percent very-low or low income or otherwise qualifying pursuant to Civil Code Section 51.3.

(b)

Transferability. Site plan review shall not be affected by changes in ownership.

(c)

Rescission. The city planner may rescind a site plan review approval in accordance with [Section 37-60.1340](#): Rescission of permits.

(d)

Revocation. A revocation of a site plan review approval shall be in accordance with [Section 37-60.1330](#): Revocation of permits.

(Ord. No. 2463 (NCS).)

Sec. 37-60.290. - Phasing of improvements.

Improvements required as a result of site plan review may be constructed after the establishment of a permitted use provided all of the following conditions exist:

(a)

Applicability.

(1)

Existing development: applicable only to parcels with existing structures;

(2)

Zoning: parcels within C, I, MU, NU (VC), and PS districts;

(3)

Site size: one acre or more;

(4)

Spaces available for occupancy by tenants: two or more existing;

(5)

Existing level of compliance: lacking fifty percent of any required site improvement.

(b)

Timetable for Improvements.

(1)

Fifty percent of the improvements required to bring the site into conformance shall be completed within one year following certification by the city planner that site plan review has been completed.

(2)

All required improvements shall be completed within two years following certification by the city planner that site plan review has been completed.

(c)

Prohibition to Operate. Any use of property subject to site plan review shall cease if the timetable for improvements is not met.

(d)

Assurances. The city planner shall require the building official to withhold future building, electrical, plumbing, or mechanical permits or certificates of occupancy for the site if any of the improvements required as part of site plan review are not made within the timetables established in this section. Building, electrical, plumbing, mechanical, and other such permits necessary to correct hazardous conditions shall not be affected.

(Ord. No. 2463 (NCS).)

Sec. 37-60.300. - Modified plans.

A request for a modification of an approved site plan review shall be subject to the requirements of [Division 16: Modification of Approved Plans](#) of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.310. - Effective date—Appeals.

A site plan review shall become effective on the date of approval by the city planner if signed by the permittee(s) and returned to the city planner within ninety days of the approval date. Appeals of the city planner's decision shall be in accordance with [Division 17](#): Appeals of this article.

(Ord. No. 2463 (NCS).)

Division 6. - Lot Line Adjustments.

Sec. 37-60.320. - Purpose.

This division establishes a review process for lot line adjustments (including lot consolidations) in accordance with the Subdivision Map Act. Figure 37-60.30 illustrates the lot line adjustment process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.330. - Application.

An application for a lot line adjustment shall be initiated by submitting an application to community planning and development in accordance with Division 2: Application Procedures of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.340. - City planner duties.

Following acceptance of an application, the city planner shall have the authority to approve, conditionally approve, or disapprove an application for a lot line adjustment without public notice or hearing.

(Ord. No. 2463 (NCS).)

Sec. 37-60.350. - Required findings.

(a)

The city planner shall approve a lot line adjustment if, on the basis of the complete application, all of the following findings can be made:

(1)

The lot line adjustment is consistent with the Salinas general plan and the regulations of this Zoning Code;

(2)

The lot line adjustment shall not impair existing easements or shall facilitate the relocation of existing easements, utilities, or infrastructure serving adjacent lots, parcels, or public lands and streets;

(3)

The lot line adjustment shall not impair existing access or create a need for access to adjacent lots or parcels;

(4)

The lot line adjustment shall not require alteration of existing improvements or buildings, create a need for any building improvements, or otherwise create noncompliance with the Uniform Building Codes; and

(5)

The lot line adjustment shall not adjust or remove the boundary between parcels for which an improvement agreement has been recorded and all required improvements have not been completed, unless the city planner determines that the proposed adjustment or removal will not significantly affect the improvement agreement.

(b)

The city planner may attach conditions of approval on the lot line adjustment in order to:

(1)

Comply with the provisions of the Salinas general plan and this Zoning Code;

(2)

Require pre-payment of real property taxes prior to approval of the lot line adjustment; or

(3)

Facilitate relocation of existing utilities, infrastructure, or easements.

(c)

No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

(Ord. No. 2463 (NCS).)

Sec. 37-60.360. - Certificate of compliance.

Upon a determination by the city planner that the proposed lot line adjustment meets all the requirements or approval or conditional approval, the city planner shall execute a certificate of compliance as provided for in [Chapter 31](#): Subdivisions of the Salinas Municipal Code. The approved lot line adjustment and the certificate of compliance shall be filed by the city planner for recordation with the Monterey County recorder's office.

(Ord. No. 2463 (NCS).)

Division 7. - Public Hearing Notice.

Sec. 37-60.370. - Purpose.

The purpose of this division is to provide a standard for the conduct of public hearings that complies with state public hearing requirements and afford the public due process through notification and participation in zoning and development proposals.

(Ord. No. 2463 (NCS).)

Sec. 37-60.380. - Public notice requirements.

When a provision of this Zoning Code requires notice of a public hearing pursuant to this article, such notice shall be made at least once in a newspaper of general circulation within Salinas designated by the Salinas city council at least ten calendar days prior to the hearing.

(Ord. No. 2463 (NCS).)

Sec. 37-60.390. - Setting of hearing.

The city planner shall set the date, time, and place for the public hearing.

(Ord. No. 2463 (NCS).)

Sec. 37-60.400. - Notification procedures.

When a provision of this Zoning Code requires notice of a public hearing pursuant to this article, such notice shall be given in all of the following ways:

(a)

Notice of the public hearing shall be mailed or delivered at least ten calendar days prior to the hearing to the owner of the subject real property or their duly authorized agent, to the project applicant, and to any other person as required by this article;

(b)

Notice of the public hearing shall be mailed or delivered at least ten calendar days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;

(c)

Notice of the public hearing shall be mailed or delivered at least ten calendar days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred feet of the real property that is the subject of the hearing. In lieu of utilizing the assessment roll, records of the county assessor or tax collector (or other reliable method approved by the city council) may also be used. If the number of owners to whom notice would be mailed or delivered is greater than one thousand, notice may be provided by placing a display advertisement of at least one-eighth page in a newspaper of general circulation within Salinas at least ten calendar days prior to the hearing; and

(d)

If the notice of the public hearing is mailed or delivered pursuant to this section, the notice shall also be:

(1)

Published at least once in a newspaper of general circulation within Salinas at least ten calendar days prior to the hearing, and

(2)

Posted at least ten calendar days prior to the hearing in at least three public places within Salinas, including at least one at the subject property, which is the subject of the proceeding. The notice shall meet all posting requirements as established by community planning and development.

(Ord. No. 2463 (NCS).)

Sec. 37-60.410. - Request for notification.

When a provision of this Zoning Code requires notice of a public hearing, the notice shall be mailed or delivered at least ten calendar days prior to the hearing to any person who has filed a written request for notice with either the city clerk or with any other person designated by the city council to receive these requests.

(Ord. No. 2463 (NCS).)

Sec. 37-60.420. - Additional notification.

Compliance with these provisions shall be deemed sufficient for the city to act regardless of actual receipt of notice.

(Ord. No. 2463 (NCS).)

Sec. 37-60.430. - Failure to receive notice.

The failure of any person or entity to receive notice given pursuant to this division shall not constitute grounds for any court to invalidate the actions for which the notice was given. No action, inaction, recommendation, or decision of the city planner, the planning commission, the city council, or any of its officials on any matter subject to this Zoning Code shall be invalid or set aside by reason of any error, irregularity, informality, neglect, or omissions as to any notice or method of procedure pursuant to this Zoning Code unless a finding is made based on substantial evidence in the record that the complaining party suffered substantial injury from that error, irregularity, neglect, or omission, and that a different result would have been probable if the error, irregularity, informality, neglect, or omission had not occurred in accordance with Government Code Section 65010(b).

(Ord. No. 2463 (NCS).)

Sec. 37-60.440. - Hearing continuations.

Any public hearing conducted pursuant to this division may be continued from time to time and shall not require additional notification.

(Ord. No. 2463 (NCS).)

Division 8. - Conditional Use Permits.

Sec. 37-60.450. - Purpose.

(a)

The purpose of this division is to provide flexibility in the application of land use and development regulations necessary to achieve the purposes of the Zoning Code by establishing procedures for the approval, conditional approval, or disapproval of minor, administrative, and non-administrative conditional use permit applications; and

(b)

To ensure that use classifications that typically have unusual site development features or operating characteristics receive special consideration so that they will be designed, located, and operated in a manner, which is compatible with uses on adjoining properties and in the surrounding area. Figure 37-60.40 illustrates the conditional use permit process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.460. - Application.

An application for a conditional use permit (minor, administrative, or non-administrative) shall be initiated by submitting an application to community planning and development in accordance with Division 2: Application Procedures of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.470. - Authority.

The city planner and the planning commission shall have authority to grant minor, administrative, and non-administrative conditional use permits in accordance with the requirements of this division.

(Ord. No. 2463 (NCS).)

Sec. 37-60.480. - City planner duties.

(a)

Minor Conditional Use Permits. The city planner shall have the authority to administratively grant conditional use permits for minor exceptions in accordance with the requirements of [Section 37-60.490](#): Minor conditional use permits.

(b)

Administrative Conditional Use Permits. The city planner shall have the authority to administratively grant conditional use permits (including, but not limited to, live entertainment permits and residential design reviews) without the requirement for a public hearing in accordance with [Section 37-60.500](#): Administrative conditional use permits subject to the following:

(1)

In addition to those findings required in [Section 37-60.520](#): Required findings and [Section 37-60.500](#)(f): Residential Design Review of this division, the city planner determines in written findings that the proposed use or structure is statutorily or categorically exempt from the California Environmental Quality Act;

(2)

The city planner determines the proposed conditional use permit meets all of the applicable requirements of [Section 37-60.500](#): Administrative conditional use permits; and

(3)

No protest of the city's planner's decision is received prior to or on the date intended for approval as indicated in [Section 37-60.500](#)(b): Notice of Intent to Approve of this section.

(c)

Non-administrative Conditional Use Permits. The city planner shall not have the authority to grant non-administrative conditional use permits in accordance with [Section 37-60.505](#): Non-administrative conditional use permits; however, the city planner shall:

(1)

Set the time, date, and location of the planning commission hearing for non-administrative conditional use permits.

(2)

Undertake environmental review in regard to such proposals, and, upon completion of such review, transmit the application, together with a staff report containing a recommendation to the planning commission.

(Ord. No. 2463 (NCS).)

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

(a)

Conditional Use Permit for a Minor Exception.

(1)

Applicability. An application for a conditional use permit for a minor exception shall apply to development in accordance with the requirements of [Section 37-50.160\(g\)](#): Minor Exceptions.

(2)

Notice of Intent to Approve to Adjacent Property Owners. An application for a conditional use permit for a minor exception 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 minor exception 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 minor exception is received by the city planner prior to the noticing deadline and the application for the conditional use permit for a minor exception 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 a minor exception shall be effective ten days after the date of the decision unless appealed in accordance with Article VI, [Division 17](#): Appeals.

(b)

Conditional Use Permit for Driveway Width Increase.

(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.

(Ord. No. 2463 (NCS).)

(Ord. No. 2507 (NCS), § 13, 5-18-2010; Ord. No. 2627(NCS), § 1, 11-5-2019)

Sec. 37-60.500. - Administrative conditional use permits.

(a)

City Planner Review of Administrative Conditional Use Permits. The city planner shall have the authority to administratively grant a conditional use permit (including, but not limited to, a live entertainment permit or a residential design review) without a public hearing based on their review of the application, plans, materials, and use if the proposed project meets the following requirements:

(1)

In addition to those findings required by [Section 37-60.520](#): Required findings of this division and subsection (f) below, the city planner determines in written findings that the proposed use or structure is statutorily or categorically exempt from the California Environmental Quality Act; and

(2)

No protest of the city planner's decision is received prior to or on the date intended for approval as indicated in [Section 37-60.500\(b\)](#) of this division.

(b)

Notice of Intent to Approve. Following acceptance of a completed application and the city planner's determination to approve the application without a public hearing, notice shall be mailed or delivered by the city planner to all owners of real property as shown on the latest equalized assessment roll (or other reliable method as approved by the city council) within three hundred feet of the subject property at least ten days prior to the city planner's intended date of approval of the conditional use permit.

(c)

Decision. Following the conclusion of the ten-day notice period and if no protest is received, the city planner shall approve or conditionally approve the application and make written findings supporting the reason for the decision in accordance with [Section 37.60-520](#): Required findings of this division. The city planner's decision shall be subject to a ten-day appeal period in accordance with [Division 17](#): Appeals. The city planner shall have

the discretion to refer any decision on an application for a conditional use permit to the planning commission if the city planner determines that a public hearing would better serve the public's interest or if the application raises substantial land use issues.

(d)

Effective Date. The effective date of the conditional use permit shall be in accordance with [Section 37-60.530](#): Effective date—Appeals of this division.

(e)

Live Entertainment Permit. A conditional use permit for a live entertainment permit shall be subject to the review and approval by the city planner in accordance with the requirements of this section.

(f)

Residential Design Review.

(1)

Applicability. A conditional use permit for a residential design review shall be subject to the review and approval by the city planner in accordance with the requirements of this section and [Section 37-50.110](#): Infill residential development in the R-L district.

(2)

Findings for Approval. In approving the application, the city planner or planning commission, as applicable, shall establish the following findings in addition to the findings contained in subsection (a) above and in [Section 37-60.520](#): Required findings:

(A)

The proposed dwelling, addition, or land division will not adversely impact the character of the existing residential neighborhood; and

(B)

The proposed dwelling or addition will be compatible with the scale, bulk, height, and location of existing single-family detached dwellings located on the neighboring block face.

(Ord. No. 2463 (NCS).)

Sec. 37-60.505. - Non-administrative conditional use permits.

Non-administrative conditional use permits are subject to the review and approval of the planning commission in accordance with [Section 37-60.510](#): Planning commission duties. Non-administrative conditional use permits typically apply to development review proposals that the city planner has determined are not statutorily or categorically exempt from the California Environmental Quality Act (CEQA) and/or may involve substantial land use issues that warrant a public hearing. The city planner is not authorized to grant non-administrative conditional use permits.

(Ord. No. 2463 (NCS).)

Sec. 37-60.510. - Planning commission duties.

(a)

Review of Non-administrative Conditional Use Permits. The planning commission shall approve, approve with conditions or modifications, or deny applications for non-administrative conditional use permits subject to the general purposes of the Salinas general plan, this Zoning Code, the specific purposes of the base or overlay zoning district in which a development site is located, and the provisions of this division, unless authority for a decision on a conditional use permit is specifically assigned to the city planner in accordance with [Section 37-60.480](#): City planner duties of this division.

(b)

Public Hearing Required. Following acceptance of an application, the planning commission shall conduct a public hearing for consideration of the application.

(c)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(d)

Public Hearing. The planning commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(e)

Decision. Following the conclusion of a public hearing, the planning commission shall approve, approve with conditions or modifications, or deny the application and make written findings supporting the reason for the decision in accordance with [Section 37-60.520](#): Required findings.

(Ord. No. 2463 (NCS).)

Sec. 37-60.520. - Required findings.

The city planner or planning commission, as applicable, shall approve an application for a conditional use permit as it was applied for or in modified form if, on the basis of the application and testimony submitted, all of the following findings can be made:

(a)

That the proposed location of the use is in accordance with the objectives of the Salinas general plan, this Zoning Code, and the purposes of the district in which the site is located;

(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, 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

(c)

That the proposed conditional use complies with the provisions of this Zoning Code, including any specific conditions required for the proposed use.

(Ord. No. 2463 (NCS).)

Sec. 37-60.530. - Effective date—Appeals.

A conditional use permit which has been signed by the permittee(s), returned to the city planner within ninety days from the date of approval by the city planner or planning commission, and filed for recordation with the Monterey County recorder's office, shall become effective at the end of the appeal period unless appealed in accordance with [Division 17](#): Appeals of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.540. - Expiration—Transferability—Recordation—Rescission—Revocation.

(a)

Expiration of Approval. A conditional use permit shall expire one year after its effective date, or at an alternative time as specified in the approval, unless any one of the following occurs first:

(1)

A building permit has been issued and construction diligently pursued;

(2)

A certificate of occupancy has been issued;

(3)

The use is established;

(4)

The city planner determines that other substantial action has been commenced to carry out the terms and intent of the conditional use permit; or

(5)

The project is one hundred percent very-low or low income or otherwise qualifying pursuant to Civil Code Section 51.3.

(b)

Transferability. A conditional use permit shall not be affected by changes in ownership.

(c)

Recordation. The city planner shall file a conditional use permit for recordation with the Monterey County recorder's office.

(d)

Rescission. The city planner may rescind a conditional use permit in accordance with [Section 37-60.1340](#): Rescission of permits.

(e)

Revocation. A revocation of a conditional use permit shall be in accordance with [Section 37-60.1330](#): Revocation of permits.

(Ord. No. 2463 (NCS).)

Sec. 37-60.550. - Modified plans.

A request for a modification of an approved conditional use permit shall be subject to the requirements of [Division 16](#): Modification of Approved Plans of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.560. - Other required licensing or permits.

The issuance of a conditional use permit shall not relieve the permittee of any requirement to obtain other permits or licensing from the city, or any county, regional, state, or federal agencies.

(Ord. No. 2463 (NCS).)

Division 9. - Variances.

Sec. 37-60.570. - Purpose.

(a)

The purpose of this division is to establish procedures for the approval, conditional approval, or disapproval of administrative and non-administrative variance applications;

(b)

To achieve flexibility in application of land use and development regulations necessary to achieve the purposes of the Zoning Code; and

(c)

To provide a process for resolving practical difficulties or unusual physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site. Figure 37-60.50 illustrates the variance process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.580. - Application.

An application for a variance (administrative or non-administrative) shall be initiated by submitting an application to community planning and development in accordance with Division 2: Application Procedures of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.590. - Authority.

The city planner and the planning commission shall have authority to grant administrative and non-administrative variances as provided in this division.

(Ord. No. 2463 (NCS).)

Sec. 37-60.600. - City planner duties.

(a)

Administrative Variances. The city planner shall have the authority to administratively grant variances without a public hearing in accordance with the requirement of [Section 37-60.605](#): Administrative variances subject to the following requirements:

(1)

In addition to those findings required by [Section 37-60.620](#): Required findings of this division, the city planner determines in written findings that the proposed use or structure is statutorily or categorically exempt from the California Environmental Quality Act; and

(2)

No protest of the city planner's decision is received prior to or on the date intended for approval as indicated in [Section 37-60.605](#)(b) of this division.

(b)

Non-administrative Variances. The city planner shall not have the authority to grant non-administrative variances in accordance with [Section 37-60.607](#): Non-administrative variances; however, the city planner shall:

(1)

Set the time, date, and location of the planning commission hearing.

(2)

Undertake environmental review in regard to the proposal, and, upon completion of such review, transmit the application, together with a staff report containing a recommendation to the planning commission.

(Ord. No. 2463 (NCS).)

Sec. 37-60.605. - Administrative variances.

(a)

City Planner Review of Administrative Variances. The city planner shall have the authority to administratively grant a variance without a public hearing based on their review of the application, plans, materials, and use if the proposed project meets the following requirements:

(1)

In addition to those findings required by [Section 37-60.620](#): Required findings of this division, the city planner determines in written findings that the proposed uses or structure is statutorily or categorically exempt from the California Environmental Quality Act; and

(2)

No protest of the city planner's decision is received prior to or on the date intended for approval as indicated in [Section 37-60.605\(b\)](#) of this division.

(b)

Notice of Intent to Approve. Following acceptance of a completed application and the city planner's determination to approve the application without a public hearing, notice shall be mailed or delivered by the city planner to all owners of real property as shown on the latest equalized assessment roll (or other reliable method as approved by the city council) within three hundred feet of the subject property at least ten days prior to the city planner's intended date of approval of the variance.

(c)

Decision. Following the conclusion of the ten-day notice period and if no protest is received, the city planner shall approve or approve with conditions or modifications, the application for a variance and shall make written findings supporting the reason for the decision in accordance with [Section 37-60.620](#): Required findings. The city planner's decision shall be subject to a ten-day appeal period in accordance with [Division 17](#): Appeals. The city planner shall have the discretion to refer any decision on an application for a variance to the planning commission if the city planner determines that a public hearing would better serve the public's interest or if the application raises substantial land use issues.

(d)

Effective Date. The effective date of the variance shall be in accordance with [Section 37-60.630](#): Effective date—Appeals of this division.

(Ord. No. 2463 (NCS).)

Sec. 37-60.607. - Non-administrative variances.

Non-administrative variances are subject to the review and approval of the planning commission in accordance with [Section 37-60.610](#): Planning commission duties. Non-administrative variances typically apply to development review proposals that the city planner has determined are not statutorily or categorically exempt from the California Environmental Quality Act (CEQA) and/or may involve substantial land use issues that warrant a public hearing. The city planner is not authorized to grant non-administrative variances.

(Ord. No. 2463 (NCS).)

Sec. 37-60.610. - Planning commission duties.

(a)

Planning Commission Authority. The planning commission shall approve, conditionally approve, or deny applications for non-administrative variances subject to the general purposes of this Zoning Code, the specific purposes of the base or overlay zoning district in which the development site is located, and the provisions of this division, unless authority for a decision on a variance is specifically assigned to the city planner in accordance with [Section 37-60.600](#): City planner duties of this division.

(b)

Public Hearing Required. Following acceptance of an application, the planning commission shall conduct a public hearing for consideration of the application.

(c)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(d)

Public Hearing. The planning commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(e)

Decision. Following the conclusion of a public hearing, the planning commission shall approve, approve with conditions or modifications, or deny the application for a variance and shall make written findings supporting the reason for the decision in accordance with [Section 37-60.620](#): Required findings of this division.

(Ord. No. 2463 (NCS).)

Sec. 37-60.620. - Required findings.

The city planner or planning commission, as applicable, shall approve an application for a variance as it was applied for or in modified form if, on the basis of the application and testimony submitted, all of the following findings can be made:

(a)

That because of special circumstances or conditions applicable to the development site, including size, shape, topography, location, or surroundings, strict application of the requirements of this Zoning Code deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

(b)

That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare;

(c)

That granting the application is consistent with the purposes of the Salinas general plan and this Zoning Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district;

(d)

That any variance shall not be granted which authorizes a use or activity which is not otherwise expressly authorized within the zoning district;

(e)

That the hardship peculiar to the property was not created by any act of the current owner; and

(f)

That personal, family, or financial difficulties and loss of prospective profits are not hardships or reasons justifying a variance.

(Ord. No. 2463 (NCS).)

Sec. 37-60.630. - Effective date—Appeals.

A variance which has been signed by the permittee(s), returned to the city planner within ninety days from the date of approval by the city planner or planning commission, and filed for recordation with the Monterey County recorder's office, shall become effective at the end of the appeal period unless appealed in accordance with [Division 17](#): Appeals of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.640. - Expiration—Transferability—Recordation—Rescission—Revocation.

(a)

Expiration of Approval. A variance shall expire one year after its effective date, or at an alternative time as specified in the approval, unless any one of the following occurs first:

(1)

A building permit has been issued and construction diligently pursued;

(2)

A certificate of occupancy has been issued;

(3)

The use is established;

(4)

The city planner determines that other substantial action has been commenced to carry out the terms and intent of the variance; or

(5)

The project is one hundred percent very-low or low income or otherwise qualifying pursuant to Civil Code Section 51.3.

(b)

Transferability. A variance shall not be affected by changes in ownership.

(c)

Recordation. The city planner shall file a variance for recordation with the Monterey County recorder's office.

(d)

Rescission. The city planner may rescind a variance in accordance with [Section 37-60.1340](#): Rescission of permits.

(e)

Revocation. A revocation of a variance shall be in accordance with [Section 37-60.1330](#): Revocation of permits.

(Ord. No. 2463 (NCS).)

Sec. 37-60.650. - Modified plans.

A request for a modification of an approved variance shall be subject to the requirements of [Division 16: Modification of Approved Plans](#) of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.660. - Other required licensing or permits.

The issuance of a variance shall not relieve the permittee of any requirement to obtain other permits or licensing from the city, or any county, regional, state, or federal agencies.

(Ord. No. 2463 (NCS).)

Division 10. - Annexations.

Sec. 37-60.670. - Purpose.

The purpose of this division is to:

(a)

Assure orderly growth and development, which are essential to the social, fiscal, and economic well-being of the city and its residents;

(1)

Promote the logical formation and determination of city boundaries as an important factor in promoting orderly development,

(2)

Implement the Salinas general plan, and

(3)

Assure that the need for services and facilities are weighed against the total financial resources available for securing such services and facilities;

(b)

Provide a process for the annexation of land into the city limits. Figure 37-60.60 illustrates the annexation process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.680. - Application.

An application for an annexation shall be initiated with the city by submission of an application to community planning and development in accordance with Division 2: Application Procedures of this article. The application for annexation shall also include:

(a)

A map and legal description of the boundaries of land proposed to be annexed;

(b)

A plan for providing and financing public services and facilities; and

(c)

Other information deemed applicable by the city planner to facilitate a full and accurate assessment of the proposed annexation.

(Ord. No. 2463 (NCS).)

Sec. 37-60.690. - Pre-zoning.

All areas to be annexed to the city shall be assigned a pre-zoning designation in accordance with [Division 14: Rezones/Pre-zones/Zoning Code Amendments](#) of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.700. - City planner duties.

(a)

The city planner shall set the time, date, and location of public hearings.

(b)

The city planner shall undertake environmental review in regard to the proposal, and, upon completion of such review and a review of the required finding ([Section 37-60.730](#): Required finding of this division), transmit the application, together with a staff report containing a recommendation to the planning commission and city council, as applicable.

(Ord. No. 2463 (NCS).)

Sec. 37-60.710. - Planning commission duties.

(a)

Public Hearing Required. Following acceptance of an application, the planning commission shall conduct a public hearing for consideration of the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. The planning commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(d)

Decision.

(1)

Following the conclusion of the public hearing, the planning commission shall make written recommendations to the city council to approve, approve with conditions or modifications, or deny the application as submitted or in modified form and shall make written findings supporting the reason for the recommendation in accordance with [Section 37-60.730](#): Required finding of this division.

(2)

In the event that the planning commission is unable to make a recommendation to the city council on the application because a motion on the application fails to receive majority vote resulting in no action being taken by the planning commission, the application shall be forwarded directly to the city council with a record of the planning commission's vote and the commission proceedings thereon.

(Ord. No. 2463 (NCS).)

Sec. 37-60.720. - City council duties.

(a)

Public Hearing Required. After the planning commission makes a recommendation on the application, the city council shall hold a public hearing on the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. The city council shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(d)

Decision. Following the conclusion of the public hearing, the city council shall approve, modify, or reject the planning commission's recommendation, provided that a substantial modification not previously considered by the planning commission shall be referred to the planning commission for a written recommendation prior to consideration of an amendment (such a modification may require additional environmental review in accordance with CEQA if determined applicable by the city planner). Prior to adoption of an annexation, the city council shall make written findings supporting the reason for the decision in accordance with [Section 37-60.730](#): Required finding of this division. Approval of the annexation shall be by adoption of a resolution of application in accordance with Section 56700 of the Government Code.

(e)

Property Tax Exchange Resolution. If the city council adopts a resolution of application in accordance with Section 56700 of the Government Code, the council shall also adopt a property tax exchange resolution in accordance with Section 99 of the Revenue and Taxation Code establishing the amount of property tax revenues to be exchanged between and among local agencies whose service area or service responsibility will be altered

by the amount of, and allocation factors with respect to, property tax revenue estimated from the proposed annexation.

(f)

Filing. The city council shall direct the Salinas city clerk to file a certified copy of the resolution of application and a copy of the property tax exchange resolution with the executive officer of the Monterey County local agency formation commission (LAFCO).

(Ord. No. 2463 (NCS).)

Sec. 37-60.730. - Required finding.

The planning commission, prior to making written recommendations to the city council, and the city council, prior to approving, or approving with modifications a proposed resolution of application for annexation shall on the basis of the application and testimony submitted make the following finding:

(a)

The amendment is consistent with the Salinas general plan and other plans and policies adopted by the Salinas city council.

(Ord. No. 2463 (NCS).)

Sec. 37-60.740. - Monterey County local agency formation commission (LAFCO).

Following approval of the resolution of application by the city council, the applicant shall submit an application to the Monterey County local agency formation commission in order to initiate annexation proceedings with that agency.

(Ord. No. 2463 (NCS).)

Sec. 37-60.750. - Taxation authorization.

In addition to any and all fees, all property annexed to the city shall be subjected to taxation equally with property within the city, and to pay and bonded indebtedness outstanding or authorized on the effective date of the annexation.

(Ord. No. 2463 (NCS).)

Division 11. - Development Agreements.

Sec. 37-60.760. - Purpose.

The purpose of this division is to provide a process so that, upon approval of a project, the applicant may proceed with the project in accordance with existing policies, rules, and regulations, subject to the conditions of approval, thus vesting certain development rights in the property. Figure 37-60.70 illustrates the development agreement process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.770. - Application.

An applicant may propose that the city consider entering into a development agreement pursuant to [Article 2.5, Chapter 4](#), Title 7 of the Government Code (Section 65864 et seq.), by filing an application with community planning and development in accordance with Division 2: Application Procedures of this article. The completed application form shall be accompanied by the following:

(a)

A proposed agreement, which shall contain the following:

(1)

A legal description of the property sought to be covered by the agreement,

(2)

A statement of concurrence in the application by the owner(s) if the applicant is not the fee owner(s),

(3)

A description of the proposed uses, the maximum height and size of building(s), density or intensity of use, and provision for reservation or dedication of land for public purposes,

(4)

The application may include proposed conditions, terms, restrictions, and requirements for subsequent city discretionary actions, provided that such conditions, terms, restrictions, and requirements shall not prevent development of the land for the uses and to the density or development set forth in the agreement, and

(5)

The duration date for the agreement;

(b)

A written statement documenting how the project is consistent with the Salinas general plan and all applicable adopted plans;

(c)

Such other information as community planning and development may require by policy or to satisfy other requirements of law.

(Ord. No. 2463 (NCS).)

Sec. 37-60.780. - City planner duties.

(a)

The city planner shall set the time, date, and location of public hearings.

(b)

The city planner shall undertake environmental review in regard to the proposal, and, upon completion of such review and a review of the required finding ([Section 37-60.810](#): Required finding of this division), transmit the application, together with a staff report containing a recommendation to the planning commission and city council, as applicable.

(Ord. No. 2463 (NCS).)

Sec. 37-60.790. - Planning commission duties.

(a)

Public Hearing Required. Following acceptance of an application, the planning commission shall conduct a public hearing for consideration of the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. The planning commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(d)

Decision.

(1)

Following the conclusion of the public hearing, the planning commission shall make written recommendations to the city council to approve, approve with conditions or modifications, or deny the application as submitted or in modified form and shall make written findings supporting the reason for the recommendation in accordance with [Section 37-60.810](#): Required finding of this division.

(2)

In the event that the planning commission is unable to make a recommendation to the city council on the application because a motion on the application fails to receive a majority vote resulting in no action being taken by the planning commission, the application shall be forwarded directly to the city council with a record of the planning commission's vote and the commission proceedings thereon.

(Ord. No. 2463 (NCS).)

Sec. 37-60.800. - City council duties.

(a)

Public Hearing Required. After the planning commission makes a recommendation on the application, the city council shall hold a public hearing on the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. The city council shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(d)

Decision. Following the conclusion of the public hearing, the city council shall approve, modify, or reject the planning commission's recommendation, provided that a substantial modification not previously considered by the planning commission shall be referred to the planning commission for a written recommendation prior to consideration of an amendment (such a modification may require additional environmental review in accordance with CEQA if determined applicable by the city planner). Prior to the adoption of a development agreement, the city council shall make written findings supporting the reason for the recommendation in accordance with [Section 37-60.810](#): Required finding of this division. Any approval of a proposed development agreement shall be made by ordinance. The modification or approval of a development agreement is subject to the approval of the applicant.

(Ord. No. 2463 (NCS).)

Sec. 37-60.810. - Required finding.

The planning commission, prior to making written recommendations to the city council, and the city council, prior to approving, or approving with conditions or modifications a development agreement, shall on the basis of the application and testimony submitted make the following finding:

(a)

The development agreement is consistent with the Salinas general plan, any applicable specific plan, and other applicable plans and policies adopted by the Salinas city council.

(b)

A development agreement that includes a subdivision shall not be approved unless the agreement provided that any tentative map prepared for the subdivision will comply with the provisions of Government Code Section 66473.7.

(Ord. No. 2463 (NCS).)

Sec. 37-60.820. - Amendment and cancellation by mutual consent.

(a)

Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. Any such amendment or cancellation shall be by mutual consent of the parties or successors in interest, except as provided in [Section 37-60.850](#): Modification or termination by city, or [Section 37-60.860](#): Modification or suspension to comply with state or federal laws or regulations.

(b)

The procedure for the proposal and adoption of an amendment to or cancellation in whole or in part of the development agreement is the same as the procedure for entering into a development agreement in the first instance.

(Ord. No. 2463 (NCS).)

Sec. 37-60.830. - Recordation.

No later than ten days after the city council enters into the development agreement, the city clerk shall file the agreement for recordation with the Monterey County recorder's office. If parties to the agreement or their successors in interest amend or cancel the agreement, or if the city terminates or modifies the development agreement for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the city clerk shall file such action for recordation with the Monterey County recorder.

(Ord. No. 2463 (NCS).)

Sec. 37-60.840. - Annual review.

The city shall review the development agreement at least every twelve months from the date of the executed agreement. The city planner shall be responsible for such periodic review. If, as a result of such periodic review, the city planner determines, on the basis of substantial evidence, that the applicant or successor in interest has complied in good faith with terms or conditions of the development agreement, the review for that period is concluded.

(Ord. No. 2463 (NCS).)

Sec. 37-60.850. - Modification or termination by city.

(a)

If the city planner determines that the applicant or successor in interest has not complied in good faith with terms and conditions of the agreement, the city planner shall cause the matter to be set for a public hearing with the city council to consider termination or modification of the agreement.

(b)

The city council shall conduct a public hearing at which the applicant or successor in interest must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the applicant or successor in interest.

(c)

The city council shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.

(d)

During the public hearing, the applicant, successor in interest and the public shall be given an opportunity to be heard. The city council may refer the matter to the planning commission for further proceedings or for report and recommendations. The city council may impose those conditions to the action it takes, as it considers necessary to protect the interests of the city. The decision of the city council is final.

(e)

If the city council finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the procedure is concluded.

(f)

Modification or termination of the development agreement by the city council shall be filed by the city clerk for recordation with the Monterey County recorder's office.

(Ord. No. 2463 (NCS).)

Sec. 37-60.860. - Modification or suspension to comply with state or federal laws or regulations.

In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent, or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

(Ord. No. 2463 (NCS).)

Sec. 37-60.870. - Other required licensing or permits.

The issuance of a development agreement shall not relieve the permittee of any requirement to obtain other permits or licensing from the city, or any county, regional, state, or federal agencies.

(Ord. No. 2463 (NCS).)

Division 12. - General Plan Amendments.

Sec. 37-60.880. - Purpose.

The purpose of this division is to provide a process to amend the city's general plan. Amendments may be considered appropriate in response to changes in city policies, economic conditions, and other factors affecting Salinas. Figure 37-60.80 illustrates the general plan amendment process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.890. - Application.

An application for a general plan amendment shall be initiated by submitting an application to community planning and development pursuant to Division 2: Application Procedures of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.900. - Frequency of general plan amendments.

No mandatory element of the general plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the general plan.

(Ord. No. 2463 (NCS).)

Sec. 37-60.910. - City planner duties.

(a)

The city planner shall set the time, date, and location of public hearings.

(b)

The city planner shall undertake environmental review in regard to the proposal, and upon completion of such review and a review of the required findings ([Section 37-60.940](#): Required findings of this division), transmit the application, together with a staff report containing a recommendation to the planning commission and city council, as applicable.

(Ord. No. 2463 (NCS).)

Sec. 37-60.920. - Planning commission duties.

(a)

Public Hearing Required. Following acceptance of an application, the planning commission shall conduct a public hearing for consideration of the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. The planning commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(d)

Decision.

(1)

Following the conclusion of the public hearing, the planning commission shall make written recommendations to the city council to approve, approve with conditions or modifications, or deny the application as submitted or in modified form and shall make written findings supporting the reason for the recommendation in accordance with [Section 37-60.940](#): Required findings of this division. An affirmative vote of a majority (not less than four votes) of the planning commission's total membership shall be required to forward the recommendation of the city council.

(2)

In the event that the planning commission is unable to make a recommendation to the city council on the application because a motion on the application fails to receive an affirmative vote of a majority (not less than four votes) of its total membership resulting in no action being taken by the planning commission, the application shall be forwarded directly to the city council with a record of the planning commission's vote and the proceedings thereon.

(Ord. No. 2463 (NCS).)

Sec. 37-60.930. - City council duties.

(a)

Public Hearing Required. After the planning commission makes a recommendation on the application, the city council shall hold a public hearing on the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. The city council shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(d)

Decision. Following the conclusion of the public hearing, the city council shall approve, modify, or reject the planning commission's recommendation, provided that a substantial modification not previously considered by the planning commission shall be referred to the planning commission for a written recommendation prior to consideration of an amendment (such a modification may require additional environmental review in accordance with CEQA if determined applicable by the city planner). Prior to adoption of an amendment, the city council shall make written findings in [Section 37-60.940](#): Required findings of this division. An affirmative vote of not less than four votes of the city council's total membership shall be required for the decision to be final. The failure of the planning commission to report within forty-five days after the referral or within such time as is set by the city council, shall be deemed a recommendation for approval in accordance with Government Code Section 65356.

(Ord. No. 2463 (NCS).)

Sec. 37-60.940. - Required findings.

The planning commission, prior to making written recommendations to the city council, and the city council, prior to approving or approving with conditions or modifications a proposed general plan amendment, shall on the basis of the application and testimony submitted make all of the following findings:

(a)

The proposed general plan amendment is consistent with all other goals, policies, programs, and land uses of applicable elements of the general plan; and

(b)

The proposed general plan amendment promotes the public necessity, convenience, and general welfare.

(Ord. No. 2463 (NCS).)

Sec. 37-60.950. - Modifications.

The planning commission or the city council, as part of their consideration and evaluation of the application, may determine the public interest would be served by:

(a)

Revising the boundaries of an area proposed for a general plan amendment;

(b)

Considering general plan designations not originally presented in a motion, application, or planning commission's recommendation; and

(c)

Considering general plan texts not originally presented in a motion, petition, or planning commission's recommendation.

(Ord. No. 2463 (NCS).)

Division 13. - Planned Unit Development Permits.

Sec. 37-60.960. - Purpose.

The purpose of this division is to:

(a)

Provide a process for the development of land in order to reduce design rigidity that otherwise would result from strict application of zoning standards and procedures designed primarily for small parcels;

(b)

Ensure orderly and thorough planning and review procedures that will result in quality urban design;

(c)

Encourage variety and avoid monotony in developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenities;

(d)

Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods and commercial and industrial areas; and

(e)

Allow freedom of design in order to obtain developments which will be a community asset or environmentally superior by equaling or surpassing the quality required by strict application of the zoning regulations. Figure 37-60.90 illustrates the planned unit development permit process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.970. - Relationship to other permits and subdivisions.

(a)

Any use authorized by the underlying zoning district may be included in an approved planned unit development permit consistent with the general plan.

(b)

A planned unit development permit may be granted in combination with any permit authorized by this Zoning Code or subdivision approved in accordance with [Chapter 31](#): Subdivisions of the Salinas Municipal Code.

(Ord. No. 2463 (NCS).)

Sec. 37-60.980. - Development regulations.

(a)

Development regulations shall be as prescribed by the planned unit development permit.

(b)

The total number of dwelling units in a planned unit development shall not exceed the maximum number permitted by the underlying zoning district.

(Ord. No. 2463 (NCS).)

Sec. 37-60.990. - Application.

An application for a planned unit development permit shall be initiated by submitting an application to community planning and development in accordance with Division 2: Application Procedures of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1000. - City planner duties.

(a)

The city planner shall set the time, date, and location of public hearings.

(b)

The city planner shall undertake environmental review in regard to the proposal, and, upon completion of such review and a review of the required findings ([Section 37-60.1030](#): Required findings of this division), transmit the application, together with a staff report containing a recommendation to the planning commission and city council, as applicable.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1010. - Planning commission duties.

(a)

Public Hearing Required. Following acceptance of an application, the planning commission shall conduct a public hearing for consideration of the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. The planning commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(d)

Decision.

(1)

Following the conclusion of a public hearing, the planning commission shall make a written recommendation to the city council to approve, approve with conditions or modifications, or deny the application as submitted or in modified form and shall make written findings supporting the reason for the recommendation in accordance with [Section 37-60.1030](#): Required findings of this division.

(2)

In the event that the planning commission is unable to make a recommendation to the city council on the application because a motion on the application fails to receive a majority vote resulting in no action being taken by the planning commission, the application shall be forwarded directly to the city council with a record of the planning commission's vote and the proceedings thereon.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1020. - City council duties.

(a)

Public Hearing Required. After the planning commission provides a recommendation on the application for a planned unit development permit, the city council shall hold a public hearing on the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. At the time and place set for the public hearing, the city council shall consider the recommendations of the planning commission and shall hear evidence presented for and against the proposed planned unit development permit. The city council may continue a public hearing without additional public notice.

(d)

Decision. Following the conclusion of the public hearing, the city council shall approve, modify, or reject the planning commission's recommendation, provided that a substantial modification not previously considered by the planning commission shall be referred to the planning commission for a written recommendation prior to consideration of an amendment (such a modification may require additional environmental review in accordance with CEQA if determined applicable by the city planner). Prior to the adoption of the planned unit development, the city council written findings supporting the reason for the decision in accordance with [Section 37-60.1030](#): Required findings of this division.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1030. - Required findings.

The planning commission, prior to making written recommendations to the city council, and the city council prior to approving or approving with conditions or modifications a planned unit development permit shall, on the basis of the application and testimony submitted, make all of the following findings:

(a)

The location of the planned unit development is in accord with the objectives of this Zoning Code and the purposes of the district in which the site is located;

(b)

The planned unit development and the proposed conditions under which it would be developed or maintained are consistent with the Salinas general plan, applicable specific plan, and other plans and policies adopted by the Salinas city council and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the planned unit development, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city; and

(c)

The planned unit development does not represent an exception to the standards of this Zoning Code but rather an alternative resulting in an equal or superior design in comparison to development, which strictly complies with base district property development regulations.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1040. - Effective date—Appeals.

A planned unit development permit, which has been signed by the permittee(s), returned to the city planner within ninety days from the date of approval, and filed for recordation within the Monterey County recorder's office, shall become effective at the end of the appeal period unless appealed in accordance with [Division 17](#): Appeals of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1050. - Expiration—Transferability—Recordation—Rescission—Revocation.

(a)

Expiration of Approval. A planned unit development permit shall expire one year after its effective date, or at an alternative time as specified in the approval, unless any one of the following occurs first:

(1)

A building permit has been issued and construction diligently pursued;

(2)

A certificate of occupancy has been issued;

(3)

The city planner determines that other substantial action has been commenced to carry out the terms and intent of the planned unit development permit; or

(4)

The project is one hundred percent very-low or low income or otherwise qualifying pursuant to Civil Code Section 51.3.

(b)

Transferability. A planned unit development permit shall not be affected by changes in ownership.

(c)

Recordation. The city planner shall file a planned unit development permit for recordation with the Monterey County recorder's office.

(d)

Rescission. The city planner may rescind a planned unit development permit in accordance with [Section 37-60.1340](#): Rescission of permits when the city planner determines the following:

(1)

The project as approved in the planned unit development permit is built-out;

(2)

The structures and improvements will generally conform to and will not be in conflict with the development regulations of the base zoning district;

(3)

The use is not a conditional or nonconforming use;

(4)

There is no mitigation monitoring plan, mitigation measures, or conditions of approval that require on-going monitoring or review that if rescinded would adversely impact the public health, safety, and welfare; and

(5)

The rescission will not have an adverse impact on surrounding land uses.

(e)

Revocation. A revocation of a planned unit development permit shall be in accordance with [Section 37-60.1330](#): Revocation of permits.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1060. - Modified plans.

A request for modification of an approved planned unit development permit shall be subject to the requirements of [Division 16](#): Modification of Approved Plans of this article.

(Ord. No. 2463 (NCS).)

Division 14. - Rezones/Pre-zones/Zoning Code Amendments.

Sec. 37-60.1070. - Purpose.

The purpose of this division is to provide a process to change the boundaries of zoning districts on the zoning map (including the pre-zoning of areas that will be annexed to the city) and to change regulations of this Zoning Code. Figure 37-60.100 illustrates the rezone, pre-zone, and Zoning Code amendment process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1080. - Application.

An application for a rezone, pre-zone, or Zoning Code amendment shall be initiated by submitting an application to community planning and development in accordance Division 2: Application Procedures of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1090. - City planner duties.

(a)

The city planner shall set the time, date, and location of public hearings.

(b)

The city planner shall undertake environmental review in regard to the proposal, and, upon completion of such review and a review of the required findings ([Section 37-60.1120](#): Required findings of this division), transmit the application, together with a staff report containing a recommendation to the planning commission and city council, as applicable.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1100. - Planning commission duties.

(a)

Public Hearing Required. Following acceptance of an application, the planning commission shall conduct a public hearing for consideration of the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. The planning commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(d)

Decision.

(1)

Following the conclusion of the public hearing, the planning commission shall make written recommendations to the city council to approve or deny the application as submitted or in modified form and shall make written findings supporting the reason for the recommendation in accordance with [Section 37-60.1120](#): Required findings of this division.

(2)

In the event that the planning commission is unable to make a recommendation to the city council on the application because a motion on the application fails to receive a majority vote resulting in no action being taken by the planning commission, the application shall be forwarded directly to the city council with a record of the planning commission's vote and the proceedings thereon.

(3)

Failure of the planning commission to render its report and recommendation within forty days or within the time period designated by the city council, shall be deemed a recommendation for approval in accordance with

Government Code Section 65853.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1110. - City council duties.

(a)

Public Hearing Required. After the planning commission makes a recommendation on the application, the city council shall hold a public hearing on the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. The city council shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(d)

Decision. Following the conclusion of the public hearing, the city council shall approve, modify, or reject the planning commission's recommendation, provided that a substantial modification not previously considered by the planning commission shall be referred to the planning commission for a written recommendation prior to consideration of an amendment (such a modification may require additional environmental review in accordance with CEQA if determined applicable by the city planner). Prior to adoption of a rezone, pre-zone, or Zoning Code amendment, the city council shall make written findings supporting the reason for the decision in accordance with [Section 37-60.1120](#): Required findings of this division.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1120. - Required findings.

The planning commission, prior to making written recommendations to the city council, and the city council, prior to approving or approving with modifications a proposed rezone, pre-zone, or Zoning Code amendment, shall on the basis of the application and testimony submitted make all of the following findings:

(a)

The amendment is consistent with the Salinas general plan, any applicable specific plan, and other plans and policies adopted by the Salinas city council;

(b)

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;

(c)

The amendment would not create an isolated district unrelated to adjacent zoning districts; and

(d)

The city has the capability to provide public utilities, roads, and services to serve the uses allowed by the proposed amendment.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1130. - Modifications.

The planning commission or the city council, as part of their consideration and evaluation of the application, may determine the public interest would be served by:

(a)

Revising the boundaries of an area proposed for a rezone, pre-zone, or Zoning Code amendment;

(b)

Considering zoning map designations not originally presented in a motion, application, or planning commission's recommendation; and

(c)

Considering zoning regulation amendments not originally presented in a motion, petition, or planning commission's recommendation.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1140. - Pre-zoning required.

Areas located outside of the city limits shall be assigned pre-zoning designations prior to annexation to the city. Areas annexed into the city limits having a single general plan land use designation shall be pre-zoned in accordance with the general plan designation for the areas. Areas located in the future growth area located generally north of East Boronda Road annexed into the city limits shall be pre-zoned to the NI (new urbanism interim) zoning district with an "SP" (specific plan) overlay district. All other areas annexed into the city having a variety of general plan land use designations shall be pre-zoned to the agricultural (A) zoning district. Upon annexation of the areas to the city, the pre-zoning designation(s) shall become zoning districts for the area. The zoning map shall be amended to show the new city limits and zoning district(s) of the area, as applicable.

(Ord. No. 2463 (NCS).)

Division 15. - Specific Plans.

Sec. 37-60.1150. - Purpose.

The purpose of this division is to provide a process for the development, adoption, and amendment of specific plans and to ensure that the Zoning Code is consistent with state law regulating specific plans, and in particular, Article 8 of Chapter 3 of the California Government Code, commencing with Section 65450 as may be subsequently amended by the state of California. Figure 37-60.110 illustrates the specific plan process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1160. - Applicability.

(a)

A specific plan is required for any areas shown on the zoning map and in Article IV, Division 2: Specific Plan (SP) Overlay District as "specific plan (SP)."

(b)

Specific plans in future growth areas shall be prepared in accordance with the new urbanism design standards contained in Article III, Division 8: New Urbanism (NU) Districts of this Zoning Code.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1170. - Application.

(a)

An application for a specific plan and a specific plan amendment shall be initiated by submitting an application to community planning and development in accordance with Division 2: Application Procedures of this article.

(b)

As part of the application process, applicants shall inform the city in writing of their intent to prepare a specific plan for an area at least sixty days prior to submittal of an application to community planning and development.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1180. - General consistency requirements.

(a)

Specific plans shall be consistent with the general plan.

(b)

Following adoption of a specific plan, developments and uses of land, subdivisions (including tentative tract and parcel maps), public works projects, and development agreements shall be consistent with the specific plan.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1190. - Content of specific plan.

(a)

A specific plan shall include a statement of its relationship and consistency with the general plan and compliance with Article 8 of Chapter 3 of the California Government Code, commencing with Section 65450 as may be subsequently amended by the state of California. The city maintains full authority and discretion to determine how a specific plan will be prepared.

(b)

The specific plan must address the following issues:

(1)

The existing uses of land within the planning area must be analyzed to determine the influence the land will have under the specific plan. Existing agriculture, flood plain, environmentally sensitive areas, slopes over ten percent, seismic, sensitive biotic and wildlife communities may substantially affect the type of uses planned for the area. Land uses surrounding the planning area should also be analyzed and connection/transitions/buffers between uses designed to ensure compatibility with those uses identified by the specific plan;

(2)

The proposed distribution, location, intensity, and extent of the uses of land within the planning area, including residential development, economic development, commercial/industrial development, parks, open space, lands to be dedicated for public use, and any easements to accommodate utilities or protect environmental resources;

(3)

The proposed distribution, location, extent, and intensity of major infrastructure components including public and private transportation (including pedestrian ways, bike paths, bus turnouts, parking, public and private rights-of-way, and other transportation systems), parks and recreational facilities (including provision of public access ways), sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the planning area needed to support the land uses described in the plan;

(4)

Development conditions and construction by which development will proceed (including architectural design and landscape concepts), how the project will address the city's new urbanism design concepts, and standards for the conservation, development and use of natural resources (including soils, vegetation and wildlife habitats, water, and energy) where applicable;

(5)

Description of provisions to ensure compatibility with surrounding land uses and resources addressing geologic and fire hazards;

(6)

A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the provisions of the preceding requirements; and

(7)

Any other subject that is necessary or desirable for general plan implementation.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1200. - City planner duties.

(a)

The city planner shall set the time, date, and location of public hearings.

(b)

The city planner shall undertake environmental review in regard to the proposal, and, upon completion of such review and a review of the required findings ([Section 37-60.1230](#): Required findings of this division), transmit the application, together with a staff report containing a recommendation to the planning commission and city council, as applicable.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1210. - Planning commission duties.

(a)

Public Hearing Required. Following acceptance of an application, the planning commission shall conduct a public hearing for consideration of the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. The planning commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(d)

Decision.

(1)

Following the conclusion of the public hearing, the planning commission shall make written recommendations to the city council to approve, approve with conditions or modifications, or deny the application as submitted or in modified form and shall make written findings supporting the reason for the recommendation in accordance with [Section 37-60.1230](#): Required findings of this division. An affirmative vote of a majority (not less than four votes) shall be required to forward the recommendation to the city council.

(2)

In the event that the planning commission is unable to make a recommendation to the city council on the application because a motion on the application fails to receive an affirmative vote of a majority (not less than four votes) of its total membership resulting in no action being taken by the planning commission, the application shall be forwarded without a recommendation directly to the city council with a record of the planning commission's vote and the proceedings thereon. The failure of the planning commission to report within forty-five days after the referral or within such time as is set by the city council shall be deemed a recommendation of approval in accordance with Government Code Section 65356.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1220. - City council duties.

(a)

Public Hearing Required. After the planning commission makes a recommendation on the application, the city council shall hold a public hearing on the application.

(b)

Notice. Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Public Hearing. The city council shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.

(d)

Decision. Following the conclusion of the public hearing, the city council shall approve, modify, or deny the planning commission's recommendation, provided that a substantial modification not previously considered by the planning commission shall be referred to the planning commission for a written recommendation prior to consideration of the specific plan (such a modification may require additional environmental review in accordance with CEQA as determined by the city planner). Prior to adoption of the specific plan, the city council shall make written findings supporting the reason for the decision in accordance with [Section 37-60.1230](#): Required findings of this division. An affirmative vote of a majority (not less than four votes) of the city council's total membership shall be required for the decision to be final.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1230. - Required findings.

The planning commission, prior to making written recommendations to the city council, and the city council prior to approving or approving with conditions or modifications a specific plan or specific plan amendment shall, on the basis of the application and testimony submitted, make all of the following findings:

(a)

The proposed location of the development and proposed conditions under which it will be operated or maintained is consistent with the goals and policies embodied in the Salinas general plan and other applicable plans and policies adopted by the city council.

(b)

The development will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to such a development, nor detrimental to properties or improvements in the vicinity or the general welfare of the city.

(c)

The specific plan and resulting development will be consistent with the provisions of Article 8 of Chapter 3 of the California Government Code, commencing with Section 65450 as may be subsequently amended by the state of California.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1240. - Amendments to an adopted specific plan.

(a)

Minor amendments to the specific plan may be approved administratively by the city planner. Minor amendments shall generally be limited to the following:

(1)

An amendment that involves minor changes in building location, design, floor area ratio, floor plan, signage, landscaping, parking, or driveway orientation; and

(2)

Does not involve a change of use, density, or intensity of development (including FAR), or introduction of new or intensified environmental impacts not previously analyzed, and does not change the character of the project.

(b)

All other amendments to the specific plan shall be processed in the same manner as an application for the original approval of the specific plan unless otherwise authorized by the specific plan.

(Ord. No. 2463 (NCS).)

Division 16. - Modification of Approved Plans.

Sec. 37-60.1250. - Minor modification.

An applicant may initiate a request for a minor modification of an approved development review application by submitting an application to community planning and development in accordance with Division 2: Application Procedures of this article. Minor modifications must be granted in writing by the city planner prior to the issuance of a building permit for any modified plans. To grant the request, the city planner must determine that the requested modification is substantially in compliance with the original approval plans. Minor modifications shall generally be limited to the following:

(a)

A modification that involves minor changes in color, material, signage, design, landscape material, or parking or driveway orientation; or

(b)

A modification that involves minor design changes that represent an improvement to previous engineering, site design, or building practices provided the request does not change the character of the project or result in negative impacts to adjoining properties, drainage facilities, or rights-of-way.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1260. - Major modification.

All modifications that do not meet the criteria in [Section 37-60.1250](#): Minor modification shall be considered major modifications and shall be subject to the same review procedures established for the original development review application.

(Ord. No. 2463 (NCS).)

Division 17. - Appeals.

Sec. 37-60.1270. - Purpose.

(a)

The purpose of this division is to provide a process to govern the appeals of discretionary decisions of the city planner and planning commission; and

(b)

To avoid results inconsistent with the purposes of this Zoning Code, decisions of the city planner may be appealed to the planning commission, and decisions of the planning commission may be appealed to the city council. Figure 37-60.120 illustrates the appeals process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1280. - Initiation of appeal.

(a)

Filing of Appeal. An appeal shall be initiated by submitting an application to community planning and development in accordance with Division 2: Application Procedures of this article. The appeal application shall state, as appropriate, any of the following:

(1)

A determination or interpretation that is not in accord with the purposes of this article;

(2)

There was an error or abuse of discretion;

(3)

The record includes inaccurate information; or

(4)

A decision is not supported by the record.

(b)

Effect on Decisions. Decisions that are appealed shall not become effective until the appeal is resolved.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1290. - Time limits.

(a)

Appeals by Applicant or Interested Parties. Appeals of decisions by an applicant or any interested party shall be initiated within ten days of the decision. The city manager may be considered an interested party on behalf of the city of Salinas.

(b)

Time Limits. When the appeal period ends on a day that community planning and development is not open to the public for business, the time limits shall be extended to the next full working day.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1300. - Appellate authority.

(a)

Hearing Date for Appeal. An appeal shall be scheduled for a hearing before the appellate body within sixty days of the city's receipt of an appeal unless both applicant and appellant consent to a later date.

(b)

Notice and Public Hearing. An appeal hearing shall be a public hearing. Notice of the public hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

(c)

Hearing. The hearing before the appellate body shall be de novo. At a de novo hearing, the appellate body may hear all such testimony and evidence on the entirety of the application as may be presented by any person at that appeal hearing. If relevant new evidence that was not known and could have been known at the original hearing is presented at the appeal hearing the application may be returned to the planning commission. At the appeal hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.

(d)

Decision and Notice.

(1)

The appellate body may reject an appeal for failure of the appellant to present all the evidence available to him or her at the time of the original hearing on the application if the appellant had notice of the original hearing.

(2)

After the hearing, the appellate body shall affirm, affirm with conditions, modify, or reverse the original decision. When a decision is modified or reversed, the appellate body shall state the specific reasons and make findings as necessary to support its decision.

(3)

The appellate body may designate such conditions, as it deems necessary to secure the purposes of this Zoning Code. Such conditions may include monitoring to assure compliance with the conditions set forth in the decision. Other conditions may include, but are not limited to, health and safety requirements, architectural and site approval, time limitations, street dedications, and street and drainage improvements. The appellate body may also require such security and guarantees, as it deems appropriate to assure compliance with the conditions imposed.

(4)

The city planner shall mail notice of a planning commission decision and the city clerk shall mail notice of a city council decision. Such notice shall be mailed within ten working days after the date of the decision to the applicant, the appellant, and any other party requesting such notice.

(5)

In the event that the planning commission is unable to affirm, modify, or reverse the original decision because a motion on the appeal fails to receive majority vote resulting in no action being taken by the planning commission, the appeal shall be forwarded directly to the city council with a record of the planning commission's vote and the proceedings thereon.

(6)

A planning commission decision on an appeal may be appealed to the city council in accordance with the provisions of Sections [37-60.1280](#): Initiation of appeal and [37-60.1290](#): Time limits.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1310. - Effective date.

A decision by the city council regarding an appeal shall become final on the date the decision is announced to the public. A decision by the planning commission regarding an appeal shall become final on the date the decision is announced to the public, unless appealed to the city council.

(Ord. No. 2463 (NCS).)

Division 18. - Enforcement and Penalties.

Sec. 37-60.1320. - Compliance required.

All persons empowered by this Zoning Code to grant permits, licenses, certificates, or other approvals shall comply with the regulations of this Zoning Code and grant no permit, license, certificate, or approval in conflict with such regulations. Any permit, license, certificate, or approval granted in conflict with any provision of this Zoning Code shall be null and void.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1330. - Revocation of permits.

(a)

Duties of the City Planner. Upon determination by the city planner that there are reasonable grounds for revocation of a conditional use permit, variance, planned unit development permit, administrative permit, or site plan review authorized by this Zoning Code, a revocation hearing shall be scheduled for consideration before the planning commission or the city council, whichever originally took final action on the permit. If the city planner approved the permit, then the hearing shall be scheduled before the planning commission. For purposes of this division, the term "permit" shall include the development review application approvals noted above.

(b)

Notice and Public Hearing. Notice of the revocation hearing for a permit shall be given to the property owners, tenants, lessees, and mortgagees in the subject property as shown in a preliminary title report, any person who has filed a written request for such notice, and any other person required to receive notice in accordance with Division 7: Public Hearing Notice of this article. The notice shall be provided in accordance with Division 7: Public Hearing Notice of this article.

(c)

Hearing. The body conducting the hearing shall hear testimony from the owner or authorized agent of the use or structure for which the permit was granted, if present. At a public hearing, the testimony of any other interested person shall also be heard.

(d)

Required Findings. A permit may be revoked or modified if any one of the following findings can be made:

(1)

That the permit was obtained by misrepresentation or fraud;

(2)

That the terms or conditions of approval of the permit have not been met;

(3)

That the improvement, use, or activity authorized by the permit is in violation of any statute, ordinance, law, or regulation or constitutes a nuisance;

(4)

That the owner or occupant of the property is conducting the use or any associated or other use of the property in violation of any statute, ordinance, law, or regulation or in a manner that constitutes a nuisance; or

(5)

That there has been a discontinuance of the exercise of the entitlement granted by the permit for a period of one hundred eighty days or longer.

(e)

Decision and Notice. After the conclusion of the hearing, the body that conducted the hearing shall announce a decision, and shall mail notice of the decision to the property owners, tenants, lessees, and mortgagees in the subject property as shown in a preliminary title report, and to any person who has filed a written request for such notice. The city planner shall file a notice of the revocation decision for recordation with the Monterey County recorder's office.

(f)

Effective Date—Appeals. A decision to amend or revoke a discretionary permit shall become final ten days after the date of the decision is announced, unless appealed in accordance with [Division 17](#): Appeals of this article.

(g)

Cumulative Rights. The city's right to amend or revoke a discretionary permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1340. - Rescission of permits.

The city planner has the authority to administratively rescind without public notice or public hearing, a conditional use permit, variance, administrative permit, or site plan review authorized by this Zoning Code where the use or activity has been discontinued and where all property owners, tenants, lessees, and mortgagees of the subject property as indicated in a preliminary title report, request rescission of the permit approval. The city planner additionally has the authority to administratively rescind, without public notice or public hearing, a planned unit development permit where all property owners, tenants, lessees, and mortgagees of the subject property, as indicated in a preliminary title report, request rescission of the permit approval, and where the city planner determines that the planned unit development meets the requirements of [Section 37-60.1050\(d\)](#): Rescission. The city planner shall file a notice of the permit rescission for recordation with the Monterey County recorder's office.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1350. - Termination of nonconforming uses and structures.

A nonconforming use or structure shall be terminated in accordance with the requirements of [Section 37-50.160](#): Nonconforming uses and structures.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1360. - Enforcement by city attorney.

(a)

The city attorney shall be authorized to enforce the provisions of the Zoning Code and all related agreements, covenants, resale restrictions, promissory notes, deeds of trust, and other requirements placed on project approvals by civil action and any other proceeding or method permitted by law. The city may, at its discretion, take such enforcement action as is authorized under the Salinas Municipal Code and/or any other action authorized by law or by any regulatory document, restriction, or agreement executed under this Zoning Code.

(b)

Failure of any official or agency to fulfill the requirements of this Zoning Code shall not excuse any applicant or owner from the requirements of this Zoning Code.

(c)

No permit, license, map, or approval or entitlement shall be issued, including without limitation a final inspection of occupancy, until all applicable requirements of the article have been satisfied.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1370. - Violations unlawful.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Zoning Code, and any use of any land, building or premises established, conducted, operated, or maintained contrary to the provisions of this Zoning Code, shall be declared to be unlawful and a public nuisance. The city attorney shall, upon order of the Salinas city council, immediately commence action or proceedings for the abatement, removal, and injunction thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building, structure, or property contrary to the provisions of this chapter. The remedies provided for in this division shall be cumulative and not exclusive.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1380. - Penalties assigned.

Except as otherwise provided, any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing or maintaining the violation of any of the provisions of this chapter shall be guilty of a misdemeanor or an infraction, as charged. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation of this Zoning Code is committed or permitted. The remedies provided herein shall be cumulative and not exclusive and shall not preclude the city from any other remedy or relief to which it otherwise would be entitled under law or equity including administrative remedies available under the Salinas Municipal Code.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1390. - Recovery of costs.

Any violation of this Zoning Code or condition of any permit, certification, license, agreement, or other entitlement granted in accordance with this Zoning Code, may be redressed in accordance with Section 1.8.1: Civil action enforcement and Section 1.8.2: Liability for costs of the Salinas Municipal Code.

(Ord. No. 2463 (NCS).)

Sec. 37-60.1400. - Indemnification and hold harmless.

The applicant(s) for any permit included in this Zoning Code shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the city, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of any use, permit, or entitlement provided for in this chapter. The city shall promptly notify the applicant(s) of any such claim, action, or proceeding. The city shall cooperate in the defense. Nothing contained in this section shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

(Ord. No. 2463 (NCS).)