

W13a

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California Coastal Commission
725 Front Street, Suite 300
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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST

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SUBJECT: Monterey County LCP Amendment No. 1-11 (Housing)
March 6, 2013 Coastal Commission hearing

Dear Ms. Cavalieri and Mr. Watson:

The County of Monterey respectfully requests to withdraw the above-referenced application for an LCP Amendment to allow more time to review the recent modifications proposed by Coastal Commission staff. The County did not receive the March 6, 2013 Coastal Commission staff report on the LCP amendment until February 25, 2013, which is insufficient time to obtain direction from the Board of Supervisors on suggested policy changes. Although staff received an email on February 12 with some of the proposed changes, it did not contain all of the proposed modifications. The County would prefer, if possible, to continue the March 6 hearing to a later date to permit time for County review of the modifications; however, Coastal Commission staff has stated that a continuance of the hearing to a later date is not possible due to the Coastal Commission's deadlines for hearing the LCP amendment. Given the short notice on the suggested revisions, and timing limitations that preclude the ability to request a later hearing date, County requests to withdraw the LCP amendment, with the understanding that the County plans to resubmit the LCP amendment following County review of the modifications proposed in the Coastal Commission staff report.

Thank you for your consideration, and we look forward to working with you.

Sincerely,

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W13a

Prepared February 21, 2013 for March 6, 2013 Hearing

To: Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager
Mike Watson, Coastal Planner

Subject: Monterey County LCP Amendment Number 1-11 (Housing Ordinance)

SUMMARY OF STAFF RECOMMENDATION

Monterey County is requesting an amendment to three Coastal Land Use Plan (LUP) segments and the Coastal Zoning Ordinance (Implementation Plan, IP) portion of its certified Local Coastal Program (LCP) to add provisions/regulations related to reasonable accommodation measures and density bonus provisions for affordable housing, and to add or update provisions related to homeless shelters, transitional and supportive housing, single room occupancy facilities, family day care centers, agricultural employee housing, and accessory dwelling units. The goals of the amendment are to add allowances for reasonable accommodations, and to encourage the development of affordable housing to meet the requirements of Government Code Section 65580.

The Commission must assess whether the proposed LUP amendment conforms with the policies of Chapter 3 of the Coastal Act. The LUP portion of this amendment is relatively minor and replaces one housing term in the LUP with another term. Staff is therefore recommending that the Commission approve the LUP amendment as submitted.

The Commission reviews IP amendments for their consistency with and ability to carry out the policies of the certified LUP. As proposed, this IP amendment would allow exceptions to the provisions of the certified LCP that could result in potential conflicts with the provisions of the LUP. In addition, there are a few areas where staff believes that minor modifications are necessary (e.g., making explicit certain implicit requirements, fixing typos, and making minor coastal zone-specific clarifications) to ensure the IP is adequate to carry out the LUP. Staff is recommending that the Commission suggest modifications to the proposed amendment including: 1) additional requirements that all reasonable accommodation requests in the coastal zone must fundamentally comply with LCP and coastal development permit requirements, 2) additional requirements that the proposed density bonus incentives and concessions must avoid adverse impacts to coastal resources and that they must be consistent with the LCP, with the exception of the related density requirements, and 3) prohibiting accessory dwelling unit uses in

areas of North Monterey County with known resource limitations including availability of public water.

As discussed in the findings set forth in this report, Staff recommends that the Commission find that the proposed LUP amendment conforms with the policies of Chapter 3 of the Coastal Act and approve the LUP amendment as submitted. Staff further recommends that the Commission reject the proposed amendment to the Implementation Program/Zoning Ordinance as submitted but that it approve the IP amendment with suggested modifications so that it will conform with, and be adequate to carry out, the relevant provisions of the County's certified Land Use Plan. The motions and resolutions are found on page 4 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on December 13, 2011. The proposed amendment affects both the LCP's Land Use Plan (LUP) and Implementation Plan (IP), and the original 90-day action deadline was March 12, 2012. On March 8, 2012, the Commission extended the action deadline by one year to March 12, 2013. Thus, the Commission has until March 12, 2013 to take a final action on this LCP amendment.

TABLE OF CONTENTS

I. MOTIONS AND RESOLUTIONS4

II. SUGGESTED MODIFICATIONS5

III. FINDINGS AND DECLARATIONS.....8

 A. DESCRIPTION OF PROPOSED LCP AMENDMENT 8

 B. PUBLIC PARTICIPATION..... 9

 C. STANDARD OF REVIEW 9

 D. CONSISTENCY ANALYSIS 10

 E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)..... 22

EXHIBITS

- Exhibit 1: Proposed LUP Amendment
- Exhibit 2: Proposed IP Amendment

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LUP amendment as submitted and approve the proposed Implementation Plan amendment only if modified. Thus, to follow the staff recommendation, the Commission needs to make three motions, one on the LUP amendment and two on the IP amendments, in order to act on this recommendation.

A. Certify the LUP Amendment As Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in the certification of the LUP amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of the majority of the appointed Commissioners.

***Motion:** I move that the Commission **certify** Land Use Plan Amendment MCO-1-11 as submitted by Monterey County, and I recommend a yes vote.*

***Resolution:** The Commission hereby certifies Land Use Plan Amendment 1-11 as submitted by Monterey County and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.*

B. Deny the IP Amendment As Submitted

Staff recommends a **YES** vote on the following motion. Following the staff recommendation will result in rejection of the IP and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission **reject** Implementation Plan MCO 1-11 as submitted by the Monterey County. I recommend a yes vote.*

***Resolution:** The Commission hereby denies certification of the Implementation Plan submitted for Monterey County and adopts the findings set forth below on grounds that the Implementation Plan as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the Implementation Plan would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted.*

C. Approval of the IP with Suggested Modifications

Staff recommends a **YES** vote on the following motion. Passage of this motion will result in certification of the IP with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission **certify** Implementation Plan MCO 1-11 for Monterey County if it is modified as suggested in this staff report. I recommend a yes vote.*

***Resolution:** The Commission hereby certifies the Implementation Plan for Monterey County if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed IP amendment, which are necessary to make the requisite Land Use Plan consistency findings. If Monterey County accepts the suggested modification within six months of Commission action (i.e., by September x, 2013), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director’s finding that this acceptance has been properly accomplished. Text in underline format denotes text Monterey County proposes to be added and text in ~~strikeout~~ denotes text Monterey County proposes to be deleted. Double underline and double ~~strikeout~~ refers to Commission suggested modifications to the County’s proposed amendment.

1. Modify IP section 20.64.030 “Regulations for Accessory Dwelling Units” as follows:

D. ...Accessory Dwelling Units will not be permitted in the following areas:

2. In the North County Land Use Plan area ~~outside of the area of benefit of the Salinas Valley Water Project (Zone 2C).~~

3. ~~In the North County Land Use Plan area within the area of benefit of the Salinas Valley Water Project (Zone 2C), on lots less than 5 acres in areas not served by public sewer systems.~~

E. Regulations:

3a. ~~In areas not served by public sewers shall be two acres, except in North County, within zone 2C, where the minimum lot size shall be five acres in areas not served by public sewer systems.~~

2. Modify IP Section 20.64.180 “Density of Development” as follows:

E. On-site density for Accessory Dwelling Units caretaker quarters, guesthouses, senior citizen units, farm worker housing, farm employee housing facilities, farm employee quarters and employee housing accessory to an allowed use, shall be determined as follows:

Type of Unit	North County	Big Sur Coast	Carmel Area	Del Monte Forest
<u>Caretaker Accessory Dwelling Unit</u>	Based on parcel zoning. Within Zone 2C only. Excluded from density. Not Permitted.	Maximum of 50 in planning areas. <u>Excluded from density</u>	Excluded from density, <u>40 acre minimum</u>	Subject to overall buildout, LUP Table A. Excluded from density
Senior Citizen Units	Subject to LUPs overall buildout cap	Not Permitted	Not Permitted	Subject to overall buildout; LUP Table A
Guesthouses	Excluded from density	Excluded from density	Excluded from density	Excluded from density
Commercial Employee Housing	Subject to LUPs overall buildout Cap	Maximum of 300 in planning area	Permitted per Section 20.146.120.B.3	Not Permitted
<u>Agricultural Employee Housing Ranch/Farm Worker Housing</u>	Based on parcel zoning	Permitted per Section 20.145.140.B.4. C.1	Excluded from density	Not Permitted

All other residential development, including but not limited to small residential care facilities, large residential care facilities, supportive housing, and transitional housing is subject to the residential density established by the parcel’s zoning district (i.e. these uses cannot be approved if they would exceed the LCP’s density restrictions), except if provided elsewhere in this Chapter.

“Excluded from density” means that the units may be considered in addition to the density allowed by the parcel’s zoning classification.

3. Modify Proposed Changes to IP Section 20.64.030 as follows:

- a. Misspelled “Sur”; Replace the text “Sure” with the text “Sur” in subsection D.5.
- b. Misspelled “Unit”; Replace the text “unites” with the text “unit” in subsection D.5.
- c. Misspelled “Within”; Replace the text “with” with the text “within” in subsection E.11.e.

4. Add new section 20.65.045 to the proposed new “Density Bonus and Incentives” Chapter (20.65) of the IP as follows:

20.65.045 Residential Density Bonus for Affordable Housing

The Approving Body (or the Coastal Commission on appeal) may approve a density greater than that allowed by the underlying land use and zone district designations for affordable residential projects if the following criteria are met:

- (a) The proposed increased density is consistent with Coastal Act Section 30604(f), Government Code Section 65915 and Chapter 20.65; and
- (b) If located within the coastal zone, the project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions.

5. Modify proposed new Section 20.61.040.B.6 as follows:

The zoning code regulation from which Reasonable Accommodation is being requested, including an explanation of how application of the zoning code requirement precludes a reasonable accommodation.

6. Add New Section 20.61.050.C.7 as follows:

The accommodation minimizes inconsistencies with and will not require a fundamental alteration of the County’s LCP.

7. Modify Section 20.64.030.E.8 as follows:

Accessory Dwelling Units shall conform to all of the zoning and development standards (lot coverage, height, setbacks, design, floor area ratio, etc.) of the zoning district which governs the lot. All development standards of the applicable zone district are cumulative. An Accessory Dwelling Unit attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principle residence. An Accessory Dwelling Unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height, and setbacks. ~~Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.~~

8. Delete sentence two of Section 20.64.030, as follows:

~~A public hearing shall not be required to consider a Coastal Administrative Permit for an~~

~~Accessory Dwelling Unit~~

III. FINDINGS AND DECLARATIONS

A. DESCRIPTION OF PROPOSED LCP AMENDMENT

Monterey County proposes to amend both the Coastal Land Use Plan and Zoning Ordinance portion of its certified Local Coastal Program to: 1) add procedures related to reasonable accommodation for disabled or handicapped individuals, 2) establish density bonus provisions for affordable housing to comply with state density bonus law, 3) update housing-related land use and zoning ordinance provisions including those related to development standards and permitted and conditional uses for emergency shelters, transitional housing, supportive housing, agricultural employee housing, single room occupancies, small and large family day care facilities, and add housing-related definitions, and 4) add regulations for accessory dwelling units.

Land Use Plan Amendment

References to Caretaker's units in the affected Land Use Plans (i.e., Big Sur and Carmel Area) would be replaced by the term Accessory Dwelling Units (or ADUs) to ensure consistency with the proposed new regulations related to ADUs. In addition, the existing limit on the size of a Caretaker's unit (now ADU) would be increased from 850 square feet to a maximum of 1,200 square feet in both planning areas. Note that the portions of the proposed amendment related to the Del Monte Forest LCP segment are now moot because the LCP sections related to that section were separately amended (via LCPA MCO-1-12). As a result, they are not currently proposed for amendment, and the proposed LCP amendment exhibit, Exhibit 1, has been annotated to acknowledge that they are not under consideration in this current LCPA.

Implementation Plan Amendment

Reasonable Accommodation

The County proposes to add Chapter 20.61 Requests for Reasonable Accommodation into the Coastal Zoning Ordinance portion of its certified Implementation Plan. Chapter 20.61 is designed to provide a process by which a person with a disability or disabilities can request reasonable accommodation from the strict application of LCP standards if required to ensure equal access to housing. Accommodations typically involve such things as reducing the required front yard setback to allow construction of a ramp for wheelchair access. The reasonable accommodations ordinance differs from a variance ordinance in that the deviation from LCP standards is not related to the configuration of the property, but rather to the needs of the disabled person in terms of his/her ability to use housing in the County. See Exhibit 2 for the proposed text of new Zoning Chapter 20.61.

Density Bonus

The County proposes to add Chapter 20.65 Density Bonus and Incentives into the Coastal Zoning Ordinance (IP) portion of its certified Local Coastal Program. Chapter 20.65 includes relevant definitions, bonus calculations, affordability covenants, and specific incentives and regulatory concessions offered by the County for affordable housing consistent with current State Density Bonus law (California Government Code Section 65915). Individual sections are added regarding land donation requirements and child care facility requirements. The regulations allow

for a density bonus (up to 35%), establish a threshold for triggering a density bonus (5% for very low income, 10% for low and moderate income, and 100% for senior affordable housing), define a clear process for pursuing certain development standard variations, define prescribed reduced parking standards, and provide more opportunities for density bonuses through land donation and the construction of childcare centers.

Transitional and Supportive Housing, Single Room Occupancy Housing, Homeless Shelters, Family Day Care Facilities, and Agricultural Employee Housing

The County is required to amend and update its zoning regulations with regard to housing programs and options pursuant to Senate Bill 2 (Chapter 633, Statutes of 2007). Senate Bill 2 requires zoning laws to allow for emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act (Government Code Section 65583 et seq.), and the proposed amendment would make changes to the existing LCP in order to comply with these requirements. Additionally, the County proposes to amend the permitted uses and conditional uses in residential zones related to small and large family day care homes, consistent with the current State Child Family Day Care Home Program (California Health and Safety Code Section 1597.30 et seq.). The amendment also updates the County's Agricultural Employee Housing Ordinance to address siting, sizing, and permitting.

Accessory Dwelling Units

The County proposes to amend the certified zoning ordinance to comply with State Law AB 1866, which addresses a number of housing issues, including a change to the law regarding local jurisdictions review of second unit applications. The proposed amendment adds Chapter 20.64.030 (Accessory Dwelling Units) to the certified zoning ordinance. This new chapter defines ADUs, describes the development standards for ADUs and indicates that ADUs are allowed in all residential zoning districts (HDR, MDR, LDR and RDR) as well as the Watershed and Scenic Conservation zone district (WSC). The amendment includes the definition of an accessory dwelling unit (Section 20.06.375).

Please see Exhibit 1 for the proposed LUP amendment text, and Exhibit 2 for the proposed IP amendment text.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires that maximum opportunities for public input be provided in preparation, approval, certification, and amendment of any LCP. The LCP Notice of Availability and Draft Documents were available to the public on February 18, 2011. The County held public hearings for this amendment on May 11, 2011, May 25, 2011, and June 28, 2011, and no verbal or written comments regarding the amendment were received from the public. The hearings were noticed to the public consistent with Sections 13552 and 13551 of the Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. STANDARD OF REVIEW

The proposed amendment affects both the LUP and IP components of the Monterey County LCP. The standard of review for LUP amendments is that they must conform with the

requirements of Chapter 3 of the Coastal Act. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

D. CONSISTENCY ANALYSIS

LUP Consistency Analysis

Coastal Act Section 30250(a) provides for new development in areas with adequate public services that are able to accommodate new development, and states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The existing certified LUP only provides for certain types of second units in the Carmel and Big Sur LUP areas, including caretaker units that can only be utilized by residents that are employed on-site, and senior citizen units that are restricted to residents of a certain age. However, State law currently requires Accessory Dwelling Units (or ADUs), which can be utilized by any potential resident, to be permitted in residential zone districts, unless there are resource or utility constraints. Therefore, to comply with State law, the proposed amendment replaces references to Caretaker's housing, Caretaker's residence, or Caretaker's accommodations in each of the affected Land Use Plan elements with the term Accessory Dwelling Unit (ADU), which is defined as a permanent residence, secondary to an existing main dwelling, which provides complete independent living facilities for one or more persons. In addition, the LUP amendment would eliminate the existing reference to senior citizen units because current State Law does not provide for this type of senior citizen unit, which is restricted for use by occupants of a certain age. These changes result in a reduction in the number of allowed units on each parcel because under the existing LCP, lots may be developed with a main residence, a caretaker unit and a senior citizen unit, without consideration of density limitations, and under the proposed LCP, lots may only be developed with a main residence and one ADU.

With regard to the increase in the size of the unit (i.e., 850 square feet existing, 1,200 square feet proposed), the new larger figure represents a theoretical maximum that could be attained only if the project otherwise met the development standards and resource protection policies of the LCP, including specific restrictions on development in ESHA, critical viewshed, coastal hazards areas, archaeological sites, and areas used for public access. In addition, development on each parcel is considered cumulatively, so that the main residence and the ADU are both counted towards the total allowed building area, through design standards such as floor area ratio and building coverage standards. Therefore, the increased size of the ADU would not alter the design standards of the underlying zoning district and would not otherwise reduce the LCP's coastal resource protections.

Accordingly, the proposed LUP amendment is intended to align the language of the LUP with current State housing law, and the proposed IP amendments, and as proposed, it is consistent with the Coastal Act.

IP Amendment Consistency Analysis

The various Monterey County LUP segments, including the proposed amendments described above, include policy language that supports the continuation and expansion of various housing alternatives and uses throughout unincorporated Monterey County subject to certain conditions, including limitations on the total number of units, minimum and maximum unit size, density requirements, requirements for adequate public services, and requirements that such housing not have significant adverse impacts on coastal resources. The LUP also includes policies that protect coastal resources, including significant views and sensitive habitat areas such as wetland, dune, riparian, woodland, and maritime chaparral ESHA.

The following Monterey County Land Use Plan Policies encourage low cost residential housing:

North County LUP Policy 4.3.6.D Low and Moderate Income Housing

The County is required by State laws mandating the Housing Element of the General Plan, to provide programs to increase the availability of low and moderate income housing. The following policies which are based on the goals of the adopted County Housing Element, reflect those actions that will be most effective in the North County coastal zone.

- 1. The County shall protect existing affordable housing opportunities in the North County coastal area from loss due to deterioration, conversion, or any other reason. ...*
- 2. The County shall encourage the expansion of housing opportunities for low and moderate income households. a) Re-evaluate ordinances and policies which impose constraints to low and moderate income housing opportunities; b) Require employee housing as a condition of all permits related to additions to existing visitor serving facilities or the construction of new facilities. Such housing must be provided prior to or concurrent with the proposed development, and must be permanently linked to the visitor-serving use through appropriate binding guarantees.*
- 3. The County shall provide where feasible, affordable housing through the continuing good faith and the diligent efforts by the public sector. The County will a) Establish a fund, from in-lieu fees, sales of land, and transfer payments, for direct assistance to low and moderate income proposals;... c) Provide means to expedite projects which demonstrate innovative ways to implement housing policy.*
- 4. Consider adopting comprehensive guidelines for farm labor housing in Monterey County including the North County Coastal Zone as a separate entity. This should include an analysis of existing conditions, i.e., social, economic, cumulative impacts, public health concerns, environmental impacts, etc., and programs for alleviating these problems and establishing acceptable housing. ...*

Carmel Area Land Use Plan Policy 4.4.3.H.2

2. *The County shall encourage the expansion of housing opportunities in the Carmel area for low and moderate income households. The County will: a) Adopt an updated housing element with appropriate incentives which will help attain affordable units. This element will be the adopted standard for low and moderate income housing in the Carmel area; b) require employee housing as a condition of all permits related to expansion of existing visitor serving facilities or the construction of new facilities, to be constructed on site, or in the immediate vicinity, and made available to low and moderate income employees; c) Encourage the use of Caretaker's accommodations as an appropriate means of providing affordable housing for caretaker's, ranch hands, convalescent help, and domestic employees. It is preferable that these accommodations be attached to the principal residence. Detached Caretaker's houses shall not exceed 850 square feet in size and shall be limited to parcels of 40 acres or greater. Subdivisions shall not be permitted to divide a principle residence from a Caretaker's house. Additional employee housing is permitted for priority uses (i.e., ranching) in one dormitory/bunkhouse or in temporary structures (i.e., mobile homes) consistent with all other plan policies. Only one Caretaker's unit shall be allowed on a parcel.*

Big Sur Land Use Plan Policy 5.4.3.1

2. *The County shall encourage the expansion of housing opportunities for low and moderate income households. The County shall: a) work cooperatively with Big Sur residents desiring to construct hand-made houses of original design, utilizing native materials. The County encourages this as a contribution to the coast's culture and will assist residents in insuring these designs meet minimum necessary health and safety;... c) Encourage the use of caretaker's accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. Applicants for detached care takers' residences shall demonstrate a need for the unit as part of the development review process. Detached caretaker's residences shall not exceed 850 square feet in size. Subdivisions shall not be permitted to divide a principal residence from a care taker's residence. Only one caretaker's unit shall be allowed on the parcel. All such units shall be considered as part of the residential buildout allowed by this plan.*

A total of 50 such units may be allowed in the area of the Big Sur Land Use Plan.

Carmel Area LUP

2.2.2 Key Policy (Visual)

To protect the scenic resources of the Carmel area perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and development including all structures, the construction of public and private roads, utilities, and, lighting must conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.

2.3.3 General Policy (Environmentally Sensitive Habitat Areas)

1. *Development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be avoided in critical and sensitive habitat areas, riparian corridors, wetlands, sites of known rare and endangered species of plants and animals, rookeries and major roosting and haul-out sites, and other wildlife breeding*

or nursery areas identified as critical. Resource-dependent uses, including nature education and research, hunting, fishing, and aquaculture, shall be allowed within environmentally sensitive habitats and only if such uses will not cause significant disruption of habitat values. Only small-scale development necessary to support the resource-dependent uses may be located in sensitive habitat areas if they can not feasibly be located elsewhere.

Wetlands are defined as lands which may be covered periodically or permanently with shallow water and include saltwater marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats and fens.

Big Sur LUP

3.2.1 Key Policy (Scenic Resources)

Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed), and to condition all new development in areas not visible from Highway 1 or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this plan. This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials.

3.2.2 Definitions

1. Critical viewshed: everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and the following specific locations Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek Turnout, Hurricane Point Overlook, upper Sycamore Canyon Road (Highway 1 to Pais Road), Pfeiffer Beach/Cooper Beach, and specific views from Old Coast Road as defined by policy 3.8.4.4.

3.2.3 Critical Viewshed

A. Policies

1. In order to avoid creating further commitment to development within the critical viewshed all new parcels must contain building sites outside the critical viewshed.

3.3.2 General Policies (Environmentally Sensitive Habitat Areas)

1. Development, including vegetation removal, excavation, grading, filing, and the construction of roads and structures, shall not be permitted in the environmentally sensitive habitat areas if it results in any potential disruption of habitat value. To approve development within any of these habitats the County must find that disruption of a habitat caused by the development is not significant.

3.3.2.4. For developments approved within environmentally sensitive habitats, the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) associated with the development shall be limited to that needed for the structural improvements themselves. The guiding philosophy shall be to limit the area of disturbance, to maximize the

maintenance of the natural topography of the site, and to favor structural designs which achieve these goals.

3.3.3 Specific Policies

A. Terrestrial Plant, Riparian, and Wildlife Habitats

1. Uses of sand dune habitats shall be restricted except for scientific and educational activities. Particular attention shall be given to sites of rare and endangered plants. Recreational access and associated facilities shall be directed away from dune habitats and focused on the beach area. All management agencies shall prohibit off-road vehicle use in dune areas.

3. Development or land use activities shall be sited to protect riparian habitat values. Development adjacent to stream courses shall be restricted to low intensities and constructed to minimize erosion, runoff, and water pollution. In order to protect riparian habitats, land use development activities will not be permitted that will have the effect of diminishing surface flows in coastal streams to levels that will result in loss of plant or wildlife habitat.

North Monterey County LUP

2.2.1 Key Policy (Visual Resources)

In order to protect the visual resources of North County, development should be prohibited to the fullest extent possible in beach, dune, estuary, and wetland areas. Only low intensity development that can be sited, screened, or designed to minimize visual impacts, shall be allowed on scenic hills, slopes, and ridgelines.

2.2.2.4. The least visually obtrusive portion of a parcel should be considered the most desirable site for the location of new structures. Structures should be located where existing topography and vegetation provide natural screening.

2.2.2.5. Structures should be located to minimize tree removal, and grading for the building site and access road. Disturbed slopes should be restored to their previous visual quality. Landscape screening and restoration should consist of plant and tree species complementing the native growth of the area.

2.3.2 General Policies (Environmentally Sensitive Habitat Areas)

1. With the exception of resource dependent uses, all development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be prohibited in the following environmentally sensitive habitat areas: riparian corridors, wetlands, dunes, sites of known rare and endangered species of plants and animals, rookeries, major roosting and haulout sites, and other wildlife breeding or nursery areas identified as environmentally sensitive. Resource dependent uses, including nature education and research hunting, fishing and aquaculture, where allowed by the plan, shall be allowed within environmentally sensitive habitats only if such uses will not cause significant disruption of habitat values.

2. Land uses adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New land uses shall be considered compatible only where they incorporate all site planning and design features needed to prevent habitat impacts, upon habitat values and where they do not establish a precedent for continued land development which, on a cumulative basis, could degrade the resource.

2.5.1 Key Policy (Water Resources)

The water quality of the North County groundwater aquifers shall be protected, and new development shall be controlled to a level that can be served by identifiable, available, long term-water supplies. The estuaries and wetlands of North County shall be protected from excessive sedimentation resulting from land use and development practices in the watershed areas.

2.5.2.3. New development shall be phased so that the existing water supplies are not committed beyond their safe long term yields. Development levels that generate water demand exceeding safe yield of local aquifers shall only be allowed once additional water supplies are secured.

2.5.3.2. The County's long-term policy shall be to limit ground water use to the safe-yield level. The first phase of new development shall be limited to a level not exceeding 50% of the remaining buildout as specified in the LUP. This maximum may be further reduced by the County if such reductions appear necessary based on new information or if required in order to protect agricultural water supplies. Additional development beyond the first phase shall be permitted only after safe-yields have been established or other water supplies are determined to be available by an approved LCP amendment. Any amendment request shall be based upon definitive water studies, and shall include appropriate water management programs.

Reasonable Accommodations

The Federal Fair Housing Act and the California Fair Employment and Housing Act prohibit discrimination against individuals with disabilities and require cities and counties to take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities. Specifically, fair housing laws require that cities and counties provide individuals with disabilities flexibility in the application of land use, zoning, and building regulations, and related practices and procedures, by modifying or waiving certain requirements when it is necessary in order to eliminate barriers to housing.

The proposed amendment will provide a process for the granting of minor modifications to the zoning and land use requirements, such as to parking requirements and/or yard setbacks, to give individuals with disabilities equal access to housing opportunities. The County's proposed language will allow flexibility such that if land use restrictions preclude or limit accessibility to people with disabilities, the relevant restrictions will not be imposed. Although the intent of the amendments is to comply with State laws related to reasonable accommodations, as proposed, the language does not clearly address how the flexibility or complete removal of development restrictions will be approved should those improvements result in impacts to coastal resources. As reflected in the policies cited above, the County's certified LUP places high value on protecting and enhancing scenic views and protecting natural habitats and wildlife. Additionally,

these policies require that impacts to coastal resources be minimized to the maximum extent feasible and require feasible mitigation for any unavoidable impacts. Therefore, because it is not clear how the proposed amendment would ensure coastal resources are protected when reasonable accommodations are granted, it is inconsistent with these LUP policies and the IP amendment must be denied.

With the addition of suggested modifications, however, the IP amendment could be found consistent with the LUP. Accordingly, the Commission is suggesting modifications to the County's proposed amendment. Suggested Modification 5 specifies that requests for reasonable accommodations must include an explanation of how the application of the zoning code would preclude a reasonable accommodation. Requiring this information during the application process will clarify which specific zoning code exceptions are necessary to provide the accommodation required by law, and it will ensure that additional exceptions that are not necessary to provide the accommodation are not granted. In addition, Suggested Modification 6 specifies that reasonable accommodations can only be granted if any resulting LCP inconsistencies are minimized as much as possible and that the requested accommodation does not fundamentally alter application of the County's LCP. This ensures that coastal resources will be protected consistent with the LCP as much as possible, while also providing for reasonable accommodations, as required by State and Federal law.

As modified, the addition of this amendment language will bring Monterey County into compliance with State and Federal law while ensuring consistency with the resource protection policies of the certified LUP.

Density Bonus and Incentives

The proposed density bonus and incentive amendment is intended to encourage the voluntary creation of affordable housing within the County, consistent with the requirements of State housing laws. It has two components: 1) a density bonus which would provide an increase in the number of allowable units established by the zoning regulations in exchange for providing a certain percentage of affordable housing units; and 2) additional incentives for developers, depending on the level of affordability and the percentage of affordable units provided. Incentives may include reductions in the site development standards, modifications of zoning requirements, design criteria modifications, approval of mixed use zonings, or other regulatory concessions that result in benefits that aid in the financial feasibility of a project to create affordable housing.

In general, State regulations (pursuant to Government Code Section 65915) allow for a density bonus (up to 35%), establish a threshold for triggering a density bonus (5% for very low income, 10% for low and moderate income, and 100% for senior affordable housing), define a process for pursuing certain development standard variations, offer an option for a waiver of development standards, define prescribed reduced parking standards, and provide opportunities for density bonuses through land donation and the construction of childcare centers. The proposed amendment would provide density bonuses consistent with State regulations, including providing for a density bonus of up to 35% for the provision of affordable housing units in the zoning districts that allow residential development.

The proposed amendment would add density bonus provisions that comply with Government Code Section 65915 in Title 20 of the County Zoning Ordinance (i.e., Coastal Zoning), Chapter 20.65: Density Bonus and Incentives. The amended LCP would allow for housing to be developed at densities greater than the LCP would allow when certain levels of affordable housing are provided. However, increasing the LCP's allowed densities, and providing for developer incentives that may conflict with existing LCP requirements, may result in adverse impacts to coastal resources and public access to the shoreline. For example, the granting of a density bonus above the density permitted in the zoning ordinance could adversely impact public views (high rises), or permit a development that could adversely affect public access (congestion or traffic due to a higher intensity type of project).

In addition, the proposed offsets or concessions that may be granted to encourage affordable housing could also result in adverse impacts to coastal resources. For example, if offsets, concessions or deviations were granted to new development there is the possibility that development could encroach onto environmentally sensitive habitat areas (i.e., wetlands) or result in reduced buffers next to such habitat areas. If offsets were provided to the required height limit, coastal views may be impacted. If offsets were granted for a reduction in parking, potential impacts to public access could occur. Therefore, absent language that specifically states that the granting of density bonuses, as well as offsets or concessions, to encourage affordable housing, shall be consistent with the respective Land Use Plans, the LCP amendment cannot be found consistent with, or adequate to carry out the policies of the respective land use plans in the certified Monterey County LCP. The IP amendment must therefore be denied as submitted.

To address these inconsistencies Suggested Modification 4 would add a requirement allowing affordable housing density bonuses only if such increased densities were otherwise consistent with the LCP (with the exception of density provisions). In this way, the IP would ensure coastal resources are protected consistent with the LUP policies described above, but it would also implement LUP policies 4.3.6.D, 4.4.3.H, and 5.4.3.I, which encourage the construction of affordable housing in the coastal zone. Further, although the Commission must consider whether the proposed amendment is adequate to implement the LUP, not the Coastal Act, it is still important to note that Coastal Act Section 30604(f) encourages affordable housing and requires local governments to approve greater densities for affordable housing projects, as long as those projects are otherwise in conformity with the certified LCP. Coastal Act Section 30604(f) states:

The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

The suggested modification allows increased densities for affordable housing projects if they are

consistent with Coastal Act Section 30604(f), Government Code Section 65915, the County's density bonus provisions, and the certified LCP (including with respect to LCP provisions protecting sensitive habitats, agriculture, views, public recreational access, and open space). See Suggested Modification 4.

In conclusion, the suggested modification will allow for increased densities consistent with State law to encourage affordable housing in certain situations, and will at the same time ensure that coastal resources are protected from development that would adversely impact coastal resources. Thus, as modified, the proposed amendment can be found consistent with and adequate to carry out the certified LUP.

Homeless Shelters

The requirements of SB2 state that jurisdictions must select a minimum of one zoning district that will permit emergency shelters without conditional use permits. The identified zoning district must provide sufficient capacity to provide the number of emergency shelters needed by the County or, at a minimum, one year-round emergency shelter. Monterey County selected the High Density Residential (HDR) zoning district as the most appropriate zone for shelters because the HDR zoning district areas are located in the more urbanized areas of the unincorporated County, with access to public transportation and services. According to the County, 299 undeveloped parcels are designated HDR, totaling 205 vacant acres. Thus, there is sufficient land in the HDR zoning district available for at least one emergency shelter to accommodate the County's identified need for homeless services. An emergency shelter would be principally-permitted on any HDR-zoned site under the proposed ordinance and would need to comply with all development standards in the HDR zoning district.

The proposed amendment does not require the development of any new homeless shelters; it simply provides the opportunity for a simplified development process in the HDR zoning district. The HDR zoning district primarily applies to parcels that are reserved for residential uses. Adding emergency shelters to the list of permitted uses would allow existing structures to be converted or partially converted for shelter use, and would also allow the construction of new emergency shelter facilities on vacant or underused HDR-zoned parcels. The proposed amendment establishes a process and regulations for review of requests for Emergency Shelters including maximum number of beds per person to be served nightly, off-street parking, provision of onsite management, length of stay, lighting, security, etc.

As submitted, the proposed amendment can be found consistent with the LUP because the proposed amendment will not conflict with or contradict any certified LUP policies. Thus, staff recommends that the Commission approve the IP amendment related to homeless shelters as submitted.

Single Room Occupancy (SRO) Facilities

The County of Monterey is proposing to amend the certified Zoning Ordinance to establish the requirements for the development of Single Room Occupancy (SRO) residential units. SROs are residential units of a smaller size than normally found in multiple dwellings, in which sanitary facilities and kitchen/cooking facilities may be provided within the unit or may be shared among units. The amendment addresses development standards including unit size, common area

requirements, parking, and unit amenities. See Exhibit 2 for full text of the amendment.

SROs would be an allowable use in the HDR (High Density Residential) zoning district. The HDR zone district areas are located in the more urbanized areas of the unincorporated county, along major arterial and mass transit corridors and near grocery stores and other amenities. Under the proposed amendment, SROs would require a coastal development permit subject to certain conditions/parameters, including minimum and maximum unit size, rules regarding private facilities, common areas, and on-site management requirements, etc.

The Housing, Public Services, Land Use, and Circulation policies of the Monterey County LCP provide for infill development in the County and along major transportation corridors and allow for a reduction in automobile parking requirements for mixed-use developments and those that provide for alternative transportation. The proposed amendment provides standards for Single Room Occupancy units that are adequate to implement the land use policies. Staff recommends approval of the related amendment language as submitted.

Agricultural Employee Housing

The proposed amendment modifies the standards for the application and development of Agricultural Employee Housing to ensure consistency with State laws regulating agricultural employee housing. The amendment would allow the construction of an agricultural employee housing facility for up to 12 single-family units or 36 beds in a group quarters as a conditional use in the Scenic and Watershed Conservation (WSC) and Agricultural Industrial (AI) zoning districts, and as a principally permitted use in the Coastal Agricultural Preserve (CAP) and Agricultural Conservation (AC) zone districts. Agricultural Employee Housing developments with more than 12 single family units or 36 beds may be allowed in the CAP and AC zone districts as a conditional use and subject to confirmation that there are adequate public services, that the development avoids prime and productive agricultural lands, includes appropriate erosion and drainage controls, and includes such amenities as laundry facilities, enclosed storage, recreation facilities, open space, etc.

The amendment requires the issuance of a coastal development permit and submittal of a facilities plan for all Agricultural Employee Housing, which includes tenant protections such as identification of the party responsible for housing maintenance and up-keep, description of the nature of the use (i.e., permanent, temporary, seasonal, etc.), total number of people to be housed, costs of units and utilities to workers, and an assessment of public service systems, including the availability, location, and quality of water and methods of sewerage disposal.

The Housing, Public Services, Land Use, and Circulation policies of the Monterey County LCP provide for construction of new agricultural employee housing on lands zoned for agricultural productions and/or grazing. The proposed amendment provides standards for Agricultural Employee Housing facilities that are adequate to implement the land use policies. Staff recommends approval of the related amendment language as submitted.

Accessory Dwelling Units

The County proposes to amend the zoning regulations to provide compliance with State Law AB 1866, which addresses a number of housing issues, including a change to the law regarding local jurisdictions' review of second unit applications. The proposed amendment largely replaces

Chapter 20.64.030 (Regulations for Caretaker's Units) with Regulations for Accessory Dwelling Units. This "new" chapter deletes references to Caretaker's Units.¹ All Senior Citizen or Caretaker's units permitted prior to adoption of these regulations are considered an ADU for the purposes of this Section. Also included in the modified Chapter 20.64.030 is a definition of Accessory Dwelling Units (ADUs) and description of the design and development standards for ADUs. Additionally this chapter notes that ADUs are allowed in all residential zoning districts (HDR, MDR, LDR and RDR) as well as the Watershed and Scenic Conservation zone district (WSC). Proposed ADUs require a coastal administrative permit if they are located in a residential zone district and meet the applicable zoning district development standards (i.e., lot coverage, height, setbacks, design, etc.), as well as the resource protection policies of the applicable LUP segment.² ADUs located in the Watershed and Scenic Conservation zone district would require the issuance of a coastal development permit. Specific resource constraints that may prohibit development of an ADU include the presence of ESHA, including native Cypress habitat within Del Monte Forest, significant visual resources, including the critical viewshed of Big Sur, hazardous locations, archaeological sites, conflicts with public access, and areas determined to have a critically short water supply.

On this last point, the North County Planning area of Monterey County has a critically short water supply. Historically, groundwater has been the source for almost all the water needs in the North Monterey County. Years of water withdrawals from the subsurface aquifer have resulted in severe seawater intrusion and a degradation of the quality of the area's potable water source. The County has responded by implementing water saving measures, including restricting subdivision of land and limiting development to 50% of the remaining buildout, as specified in the LUP, until such a time as a long-term water supply has been developed. Per the language of the amendment, ADUs would not be permitted in areas with severe resource constraints, including areas with severe limitations on water supply.

However, the amendment does provide an exception to this restriction for properties which lie in a North Monterey County subarea coined "Zone 2C." Zone 2C lies within a potential area of benefit of the Salinas Valley Water Supply Project – a water diversion project that diverts water from the Salinas River for use in agricultural irrigation during peak irrigation season, in an effort to benefit groundwater resources. Water that is diverted from the river is delivered to agricultural users for irrigation to offset existing pumping of the groundwater aquifer in the service area. The increased summertime flows that result from managed releases of water from reservoirs in the upper watershed could also provide increased recharge through the riverbed to the groundwater aquifer. Actual diversions of water from the project began in the spring of 2010, and Monterey County Water Resource Agency officials have indicated that it will take up to 10 years to quantify the effects of the diversion project on groundwater levels and seawater intrusion.

¹ The definition of a Caretaker's Unit in Section 20.06 of the Zoning Ordinance has been retained because Caretaker's quarters are an allowed use in other zone districts, such as industrial districts, not affected by the proposed amendment.

² The coastal administrative permit provides the County with a streamlined CDP process that does not require discretionary review, but does require a finding that the subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 20 to ensure approvals are consistent with the LCP.

The North County LUP policies explicitly protect groundwater aquifers and require new development to be restricted to that which can be supplied by an identifiable, available, long-term water supply (i.e., limit groundwater use to the safe yield level). Absent additional information regarding the long-term benefit of the diversion project, it is not appropriate to except ADU development from the development prohibition in North Monterey County. Allowing such an exception would lead to new development in an area that does not have adequate water supply to serve such development, inconsistent with LCP policies 2.5.1, 2.5.2.3, and 2.5.3.2. Therefore, Suggested Modifications 1 and 2 delete the language of the exceptions referring to Zone 2C that are proposed in the text of the ADU Chapter and from the site density Table in Chapter 20.64.180. As modified, the LCP amendment would ensure that ADUs are not allowed in areas with inadequate water supply, as required by the certified LUP. Further, in the future, if the water diversion project is shown to benefit water supply to allow for additional development, the County could then apply to amend the LCP accordingly.

The amendment also would increase the limit on the size of ADUs from 850 square feet existing to a maximum of 1,200 square feet. The size of the units is approximately 40 percent larger than existing, but represents a theoretical maximum allowed (i.e., provided that there aren't any resource constraints). The proposed amendment limits ADUs to one per lot, and requires ADU development to meet minimum lot size, density, and the buildout limitation of the underlying land use plan. The amendment states that ADUs are subject to all the resource protections policies of the applicable Land Use Plans and shall not be permitted to substantially degrade resources at the site or in the area including ESHA, visual resources, forests and trees, beaches and bluffs, historic and archaeological sites, and public access areas. In addition, the development standards of the underlying zone district are intended to apply cumulatively. That is, the primary residence and the ADU taken together must comply with the applicable site coverage, floor area ratio, setbacks, and design standards of the zoning district which governs the lot. Without this requirement, construction of ADUs could lead to adverse impacts on coastal resources such as encroachments into sensitive habitat area, scenic view degradation, and less available parking for public access. To ensure that implementation of this concept is carried out as expected, Suggested Modification 7 makes it explicit that the development standards of the underlying zone district are cumulative, consistent with the County's intent and the resource protection policies of the certified LCP.

Regarding parking requirements, the amendment states that parking for ADUs must comply with the parking regulations included in Chapter 20.58 of the Zoning Ordinance which requires one space per unit in addition to the required parking for the primary residence. Thus, the amendment continues to protect on-street parking for the general public. The amendment also modifies certified Chapters 20.10.040, 20.12.040, 20.14.040, and 20.16.040 by adding accessory dwelling units as a principally permitted use in each corresponding residential zoning district (HDR, MDR, LDR, and RDR). The amendment further modifies Chapter 20.17.050 to add ADUs as a conditional use in the Watershed and Scenic Conservation (WSC) zone district, and includes a new definition of Dwelling Unit, Accessory (20.06.375). See Exhibit 1 for the proposed amendment language.

Finally, State Law AB 1866 removes the requirement for public hearings for ADUs. However, Section 30624.9 of the Coastal Act only allows public hearing requirements to be waived if the proposed development is consistent with the LCP, if it has no adverse effects on coastal resources, and if members of the public have the ability to request a public hearing and no such request is received. Consistent with Section 30624.9, the existing procedure for Coastal Administrative Permits in the certified LCP allows certain CDPs to be authorized without public hearing, unless a public hearing is requested (See IP Section 20.76.060). The proposed amendment requires all ADUs to receive a Coastal Administrative Permit, but it also removes the potential for a public hearing for ADUs entirely. This blanket prohibition on public hearings for all ADUs is inconsistent with Coastal Act public hearing requirements and the existing IP requirements that allow for public hearings, if requested, for developments subject to the CAP process. As such, Suggested Modification 8 deletes language that eliminates the public hearing requirement for ADUs. This suggested modification would allow for some ADU proposals to move through the Coastal Administrative Process without public hearing, while still allowing for a local public hearing if requested, consistent with the Coastal Act and existing IP provisions.

In conclusion, the Land Use and Housing policies of the Monterey County LCP encourage the expansion of housing opportunities for low and moderate income households. The proposed amendment provides for ADU development as a principally permitted use in all residentially zoned and one non-residential zoned district consistent with these policies. As proposed, however, the IP amendment does not adequately protect coastal resources and is not in conformity with nor adequate to carry out the certified LUP. Staff is therefore recommending that the IP amendment be denied as submitted. Staff also recommends, however, approval of the amendment if it is modified as suggested to address public service limitations in North Monterey County and to ensure the proposed ADU regulations will appropriately protect coastal resources.

Clarifications/Other

In addition to those issues detailed above, there are instances where the language of the proposed text needs to be clarified, and typographic errors fixed, to ensure its clear implementation consistent with the LUP. See Suggested Modification 3 for typographic corrections. In addition, although the County intends for the proposed new uses, including supportive and transitional housing, to be subject to the allowed density set forth in the underlying LUP restrictions and zoning district regulations, it is necessary to make this intent explicit to ensure the LCP's density limitations are carried out and related coastal resources are protected. See Suggested Modification 2.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

Monterey County adopted a Negative Declaration for the proposed LCP amendment and in

doing so found that the amendment would not have significant adverse environmental impacts. This report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

RESOLUTION OF INTENTION TO AMEND THE
LOCAL COASTAL PROGRAM
(HOUSING ELEMENT IMPLEMENTATION - REF100044)

Before the Board of Supervisors in and for the
County of Monterey, State of California

Resolution No. 11-242

Resolution of Intent of the Monterey County Board of Supervisors)
to amend:)

1. The Big Sur, Carmel Area, and Del Monte Forest Land Use Plans to remove Caretaker Unit Policies and in their place allow Accessory Dwelling Units;)
2. Monterey County Coastal Implementation Plan, Part 1 (Title 20, Zoning Ordinance); Part 3 (Big Sur Coast Implementation Plan); Part 4 (Carmel Area Implementation Plan); and 5) Part 5 (Del Monte Forest Implementation Plan Area) in order to implement the 2009-2014 Housing Element and to comply with Federal and State law. The amendment topics are as follows: 1) Definition of "Family"; 2) Residential Care Facility; 3) Transitional Housing or Transitional Housing Development; 4) Supportive Housing; 5) Agricultural Employee Housing; 6) Employee Housing; 7) Single Room Occupancy Facility; 8) Homeless Shelter; 9) Accessory Dwelling Unit; 10) Reasonable Accommodation; and 11) Density Bonus and Incentives.)

(REF100044/Housing Coastal Ordinance)

The amendments to the Monterey County Local Coastal Program for implementation of the 2009-2014 Housing Element came on for public hearing before the Monterey County Board of Supervisors on June 21, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

RECITALS

1. On June 15, 2010 the Monterey County Board of Supervisors adopted the 2009-2014 Housing Element of the Monterey County General Plan that contained policy direction to update land use regulations to remove constraints to housing and update County regulations consistent with current State and Federal Laws.
2. Monterey County has a certified and adopted Local Coastal Program pursuant to the California Coastal Act of 1976 that contains land use and development regulations for the coastal areas of the County.
3. Amendments to the Monterey County Local Coastal Program are required to implement the 2009-2014 Housing Element and to maintain consistency with applicable State and Federal laws.
4. All policies of the Local Coastal Program have been reviewed by the Planning Department staff to ensure that the proposed amendments conform to the California Coastal Act and the

applicable State and Federal Laws, and the proposed amendments are intended to be carried out in a manner fully in conformity with the Coastal Act.

5. The regulations of the Land Use Plan include language relating to Caretaker's units, which need to be modified to implement the 2009-2014 Housing Element. The references to Caretaker's Unit will be removed and replaced with Accessory Dwelling Units and the regulations governing Accessory Dwelling Units will be consolidated in Part 1 of Title 20.
6. An Initial Study and Negative Declaration prepared for the zoning amendments and Housing Element implementation analyzed environmental impacts associated with the subject changes to the Local Coastal Program. The Negative Declaration was circulated for public review from February 18, 2011 to March 19, 2011. A comment letter was received from the State of California Department of Transportation, which did not express any concerns or objections.
7. On March 9, 2011, the amendments were reviewed by the Housing Advisory Committee who recommended approval of the amendments by a vote of 6-0.
8. On May 11, 2011, the Monterey County Planning Commission received a presentation and conducted a public workshop on the Preliminary Local Coastal Program Amendments and recommended changes and clarifications.
9. On May 24, 2011, the Board of Supervisors considered and adopted the Negative Declaration prepared for the Amendments to Title 21 and the Local Coastal Program finding that there was not the potential for these amendments to have a significant adverse impact on the environment.
10. On May 25, 2011, the Monterey County Planning Commission held a duly noticed public hearing and adopted a resolution (Resolution No. 11-020) by a vote of 10-0, recommending that the Board of Supervisors approve the proposed amendments to the Local Coastal Program.
11. On June 28, 2011, the Monterey County Board of Supervisors held a duly noticed public hearing to consider the previously adopted Negative Declaration and the proposed amendments to the Local Coastal Program. At least 10 days before the hearing date, notices of the hearing before the Board of Supervisors were published in the Salinas Californian and Monterey County Herald.
12. The proposed amendments will be forwarded to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review. This will be the Second Local Coastal Program Amendment presented to the Coastal Commission in 2011.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby take the following actions:

- a. Adopts a Resolution of Intent to:
 1. Adopt a resolution to amend the Big Sur Land Use Plan, Carmel Area Land Use Plan, and Del Monte Forest Land Use Plan to remove Caretaker Unit Policies and in their place allow Accessory Dwelling Unit; which amendments are attached hereto as Attachment 1
 2. Adopt an ordinance attached hereto as Attachment 2 amending the Monterey County Coastal Implementation Plan, (Title 20 of the Monterey County Code), including: Part 1

(Zoning Ordinance); Part 3 (Big Sur Coast Implementation Plan); Part 4 (Carmel Area Implementation Plan); and 5) Part 5 (Del Monte Forest Implementation Plan) in order to implement the 2009-2014 Housing Element to revise and update definitions of terms and provide regulations and development standards for 1) Residential Care Facilities; 2) Transitional Housing or Transitional Housing Development; 3) Supportive Housing; 4) Agricultural Employee Housing; 5) Employee Housing; 6) Single Room Occupancy Facilities; 7) Homeless Shelters; 8) Accessory Dwelling Units; 9) Reasonable Accommodation; and 10) Density Bonus and Incentives.

- b. Certify that the amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act.
- c. Directs staff to transmit the proposed amendments to the California Coastal Commission for certification, together with materials sufficient for a thorough and complete review.

PASSED AND ADOPTED on this 28th day of June, 2011, upon motion of Supervisor Salinas, seconded by Supervisor Calcagno by the following vote, to wit:

AYES: Supervisors Calcagno, Salinas, and Parker
NOES: None
ABSENT: Supervisors Armenta and Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on June 28, 2011.

Dated: July 6, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy

Attachment 1

Resolution Amending Land Use Plans

ATTACHMENT 1
DRAFT AMENDMENTS TO BIG SUR, CARMEL AREA,
AND DEL MONTE FOREST LAND USE PLANS

(proposed amendments shown in strikethrough and underline)

Amendments to Big Sur Coast Land Use Plan

1. The second paragraph of Section 5.1.2 is amended to read as follows:

A serious housing shortage exists for employees in Big Sur, particularly in the visitor industry. Because there is little housing available, employees have at times been forced to camp-out, live in cars, or move in with friends. The shortage of affordable housing has also made recruitment of skilled employees difficult. Several factors affect solutions to the housing problems: the costs of land and housing precludes the use of traditional housing assistance programs; and year-round employment is not at a high enough level to support traditional single and multiple family housing projects. Employee housing provided by an employer must be a primary source of affordable housing in the area. ~~Caretaker housing~~ Accessory dwelling unit housing, which has traditionally provided shelter from many long-time residents and employees, will also continue to be an important element of the affordable housing supply.

2. Table 1: Land Use and Development Intensity and Buildout is amended to change the term "Caretakers units" to "Accessory Dwelling Units."

3. The first paragraph of Section 5.3.3 is amended to read as follows:

5.3.3 Summary of Development Potential

The plan permits development on existing vacant or partially developed parcels based on conformance to the standards of the plan. It is estimated that there are 800 such parcels and that approximately 100 new parcels could be created through subdivision. The plan also permits up to 50 ~~caretakers houses~~ accessory dwelling units. Expansion of lodging facilities in the Big Sur Valley, Lucia, Pacific Valley and Gorda is possible to some extent. Up to 50 hostel units can be constructed. Employee housing may also be constructed to serve commercial visitor-serving facilities and State and Forest Service facilities. The inn unit density standards are expected to hold inn development to less than 300 new units.

4. Subsection c of subsection 2 of subsection I of section 5.4.3 is amended to read as follows:

- c) Encourage the use of ~~caretaker's accommodations~~ accessory dwelling units as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. ~~Applicants for detached caretakers' residences shall demonstrate a need for the unit as part of the development review process. Detached caretaker's accessory dwelling units residences shall not exceed 850-1,200 square feet in size. Subdivisions shall not be permitted to divide a principal residence from an caretaker's accessory dwelling unit residence. Only~~

DRAFT AMENDMENTS TO BIG SUR, CARMEL AREA,
AND DEL MONTE FOREST LAND USE PLANS

one caretaker's accessory dwelling unit shall be allowed on the parcel. All such units shall be considered as part of the residential buildout allowed by this plan.

A total of 50 such units may be allowed in the area of the Big Sur Land Use Plan.

Amendments to the Carmel Area Land Use Plan

1. Subsection c of subsection 2 of subsection H of section 4.4.3 is amended to read as follows:

- c) Encourage the use of caretaker's accommodations accessory dwelling units as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. It is preferred that these accommodations be attached to the principal residence. Detached caretaker's houses accessory dwelling units shall not exceed 850-1,200 square feet in size and shall be limited to parcels of 40 acres or greater. Subdivisions shall not be permitted to divide a principal residence from an caretaker's house accessory dwelling unit. Additional employee housing is permitted for priority uses (i.e. ranching) in one dormitory/bunkhouse or in temporary structures (i.e., mobile homes) consistent with all other plan policies. Only one caretakers accessory dwelling unit shall be allowed on a parcel.

Amendments to Del Monte Forest Area Land Use Plan

1. Policy 78a is amended to read as follows:

- 78a. Encourage the use of caretakers' accommodations accessory dwelling units as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. Applicants for detached caretakers' residences shall demonstrate a need for the unit as part of the development review process. Detached caretakers' residences accessory dwelling units shall not exceed 850-1,200 square feet in size. Subdivisions shall not be permitted to divide a principle residence from an accessory dwelling unit caretakers' residence. Only one caretakers' accessory dwelling unit shall be allowed on the parcel.

Additional employee housing is permitted for priority uses (e.g. visitor-serving commercial) in one dormitory/bunkhouse or in temporary structures (i.e., former mobile homes) consistent with all other plan policies.

Not Proposed;

Previously Amended per LCPA MCO-1-12 Part 1

DRAFT AMENDMENTS TO BIG SUR, CARMEL AREA,
AND DEL MONTE FOREST LAND USE PLANS

2. The discussion under the heading "Residential Land Use" in Chapter 3 is amended to read as follows:

Residential Land Use

New residential land uses planned for the Del Monte Forest Area range in average density from one to four dwelling units per gross acre. For convenience of designation, they are described in terms of low density (maximum of 1 du/acre), and medium density (maximum of 4 du/acre). Most of the existing and new residential development areas within the Forest fall within the low or medium categories.

~~Caretakers units, servants quarters, and other separate houses, but not senior citizen units, Accessory dwelling units are considered units of residential development for the purpose of calculating density buildout. The County shall not approve such units in excess of the density buildout allocated by this plan for each the Del Monte Forest Land Use planning area.~~

Not
Proposed;
Previously
Amended
per LCPA
MCO-1-12
Part 1

Attachment 2
Ordinance Amending Title 20

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING TITLE 20 (MONTEREY COUNTY COASTAL IMPLEMENTATION
PLAN) OF THE MONTEREY COUNTY CODE TO IMPLEMENT THE 2009-2014
HOUSING ELEMENT OF THE MONTEREY COUNTY GENERAL PLAN AND TO
CONFORM TO STATE LAW REQUIREMENTS.**

County Counsel Summary

This ordinance amends the Monterey County Coastal Implementation Plan (Title 20 of the Monterey County Code) to implement the 2009-2014 Housing Element of the Monterey County General Plan and to conform to State housing law requirements. This ordinance adds Chapter 20.61 (Reasonable Accommodation) and Chapter 20.65 (Density Bonuses and Incentives) and amends Chapters 20.06 (Definitions), 20.58 (Parking), 20.64 (Special Regulations), 20.66 (Development Standards) and 20.70 (Coastal Development Permits) of Title 20. These amendments revise and update definitions of terms and provide regulations and development standards for Requests for Reasonable Accommodation, Accessory Dwelling Units, Agricultural Employee Housing, Transitional Housing and Transitional Housing Development, Supportive Housing, Single Room Occupancy Facilities, Homeless Shelters, and Density Bonuses and Incentives. The ordinance also makes corresponding revisions to regulations for zoning districts, including Chapter 20.10 (High Density Residential), Chapter 20.12 (Medium Density Residential), Chapter 20.14 (Low Density Residential), Chapter 20.16 (Rural Density Residential), Chapter 20.17 (Watershed and Scenic Conservation), 20.24 (Agricultural Industrial) 20.30 (Coastal Agricultural Preserve), and Chapter 20.32 (Agricultural Conservation), to specify whether, in each of these zoning districts, the following forms of housing are allowed uses or require a discretionary permit: Residential Care Facility, Transitional Housing and Transitional Housing Development, Supportive Housing, Agricultural Employee Housing, Employee Housing, Single Room Occupancy Facility, Homeless Shelter, and Accessory Dwelling Unit. This Ordinance also amends Part 2 (North County Coastal Implementation Plan), Part 3 (Big Sur Coastal Implementation Plan), Part 4 (Carmel Area Coastal Implementation Plan), and Part 5 (Del Monte Forest Coastal Implementation Plan) of Title 20 to revise terms and regulations relating to accessory dwelling units. Title 20 is the Monterey County Coastal Implementation Plan and part of Monterey County's certified Local Coastal Program.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Section 20.06.012 is added to the Monterey County Code to read as follows:

20.06.012 Agricultural employee.

“Agricultural employee” means a person engaged in agriculture, including: farming in all its branches, and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, furbearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.

SECTION 2. Section 20.06.014 is added to the Monterey County Code to read as follows:

20.06.014 Agricultural Employee Housing.

“Agricultural employee housing” means any living quarters or accommodations of any type, including mobile homes, which, complying with the building standards in the State Building Standards Code or an adopted local ordinance with equivalent minimum standards for building(s) used for human habitation, and buildings accessory thereto, where accommodations are provided by any person for individuals employed in farming or other agricultural activities including such individuals’ families. The agricultural employee housing is not required to be located on the same property where the agricultural employee is employed.

SECTION 3. Section 20.06.160 of the Monterey County Code is amended as follows:

20.06.160 Caretaker unit.

“Caretaker unit” means a permanent residence, secondary and accessory to an existing ~~main dwelling~~ allowed use for persons employed ~~principally~~ on-site for purposes of care and protection of ~~persons~~, property, plants, animals, equipment, or other circumstances on site or on contiguous lots under the same ownership.

SECTION 4. Section 20.06.375 is added to the Monterey County Code to read as follows:

20.06.375 Dwelling unit, Accessory

“Accessory dwelling unit” means a permanent residence, secondary to an existing main dwelling, which provides complete independent living facilities for one or more persons. It shall include permanent provision for living, sleeping, eating, cooking, and sanitation on the same parcel where the single-family dwelling is situated.

SECTION 5. Section 20.06.427 is added to the Monterey County Code to read as follows:

20.06.427 Employee.

“Employee” means the same as “employee” as defined in Section 17005 of the California Health and Safety Code, as may be periodically amended.

SECTION 6. Section 20.06.429 is added to the Monterey County Code to read as follows:

20.06.429 Employee housing.

"Employee housing" means the same as "employee housing" as defined in Section 17008 of the California Health and Safety Code, as may be periodically amended.

SECTION 7. Section 20.06.450 of the Monterey County Code is amended to read as follows:

20.06.450 Family.

"Family" means one or more non-transient, related or unrelated persons occupying a dwelling unit or other premises and living as a single not for profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. Family includes necessary servants living together in a dwelling unit.

SECTION 8. Section 20.06.455 is added to the Monterey County to read as follows:

20.06.455 Farmworker.

"Farmworker" means the same as "agricultural employee" as defined in this Chapter 20.06.

SECTION 9. Section 20.06.460 of the Monterey County Code is repealed.

SECTION 10. Section 20.06.470 of the Monterey County Code is repealed.

SECTION 11. Section 20.06.641 is added to the Monterey County Code to read as follows:

20.06.641 Homeless Shelter.

"Homeless shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. "Homeless shelter" has the same meaning as "emergency shelter" as defined in Section 50801 (e) of the California Health and Safety Code.

SECTION 12. Section 20.06.925 is added to the Monterey County Code to read as follows:

20.06.925 Reasonable Accommodation.

"Reasonable Accommodation" means providing flexibility in the application of this Title including the modification or waiver of certain requirements, when such modification or waiver is necessary to eliminate barriers to housing opportunities for individuals with disabilities.

SECTION 13. Section 20.06.932 is added to the Monterey County Code to read as follows:

20.06.932 Residential care facility, large.

“Large residential care facility” means a living facility for seven to twelve residents, excluding operators, licensed by the State of California, which provides 24-hour residential care and varying levels and intensities of medical or non-medical care, supervision, services or assistance to persons living in a residential setting.

SECTION 14. Section 20.06.933 is added to the Monterey County Code to read as follows:

20.06.933 Residential care facility, small.

“Small residential care facility” means a living facility for up to six residents, excluding operators, licensed by the State of California which provides 24-hour residential care and varying levels and intensities of medical or non-medical care, supervision, services or assistance to people living in a residential setting.

SECTION 15. Section 20.06.1000 of the Monterey County Code is repealed.

SECTION 16. Section 20.06.1115 is added to the Monterey County Code to read as follows:

20.06.1115 Single Room Occupancy (SRO) Facility.

“Single Room Occupancy (SRO) Facility” means a residential facility containing rooms for sleeping purposes, for one or two people, where the room is smaller than normally found in multiple family dwelling units, the room is occupied as a primary residence, and the room is provided for a fixed period of time in exchange for an agreed payment of a fixed amount of money or other compensation based on the period of occupancy.

SECTION 17. Section 20.06.1230 of the Monterey County Code is amended to read as follows:

20.06.1230 Structure, Accessory.

“Accessory structure” means a subordinate structure, the use of which is incidental to that of a main structure on the same building site, ~~including but not limited to caretaker quarters, guesthouses, farm employee family housing, farm employee housing facility, farm employee quarters, and employee housing accessory to an allowed use.~~

SECTION 18. Section 20.06.1276 is added to the Monterey County Code to read as follows:

20.06.1276 Supportive housing.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the “target population” (as “target population” is defined in this Chapter 20.06), and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

SECTION 19. Section 20.06.1278 is added to the Monterey County Code to read as follows:

20.06.1278 Target population.

"Target population" means persons with Low Income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (California Welfare and Institutions Code, section 4500 et seq.) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

SECTION 20. Section 20.06.1305 is added to the Monterey County Code to read as follows:

20.06.1305 Transient.

"Transient" means temporary, of limited duration or for a short period of time.

SECTION 21. Section 20.06.1315 is added to the Monterey County Code to read as follows:

20.06.1315 Transitional Housing and Transitional Housing Development.

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but 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, which shall be no less than six months. (Reference: California Health and Safety Code section 50675.2.)

SECTION 22. Section 20.10.040 of the Monterey County Code is amended to read as follows:

20.10.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE- (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. The first single family dwelling per legal lot of record;
- B. Single family dwellings, between 5-8 dwelling units/acre, gross;
- C. Duplexes, between 5-8 dwelling units/acre, gross;
- D. Multiple dwellings and dwelling groups, between 5-8 dwelling units/acre gross
- E. The keeping of pets, but not more than 2 dogs per dwelling unit;
- F. Guesthouses meeting the development standards of Section 20.64.020;
- G. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;
- H. Small family day care homes conducted within an existing structure;
- I. ~~Licensed residential care homes for aged persons or hospices of not more than 6 persons including any permitted rooming and boarding conducted within an existing structure;~~ Small Residential Care Facility;

- J. Non-habitable ~~Accessory~~ structures and accessory uses to any principal permitted use;
- K. Small water systems facilities including wells and storage tanks serving of up to 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- L. Cultivation, cutting and removal of Christmas trees;
- M. Home occupations, pursuant to Section 20.64.090;
- N. ~~Senior citizen units meeting the development standards of Section 20.64.010;~~ [Repealed];
- O. Tract sales or rental offices;
- P. Reduction in setback requirements of 10% or less of the required setbacks;
- Q. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.010;
- R. Accessory Dwelling Unit meeting the development standards of Section 20.64.030;
- S. Homeless Shelter pursuant to Section 20.64.330;
- T. Employee Housing providing accommodations for up to six employees;
- U. Supportive Housing contained within the housing types of this Section;
- V. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section.

SECTION 23. Section 20.10.050 of the Monterey County Code is amended to read as follows:

20.10.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Any residential use, except the first single family dwelling on a vacant lot, exceeding 8 dwelling units/acre gross;
- B. Mobile home parks pursuant to Section 20.64.210 (Not in Del Monte Forest);
- C. Resthomes, sanitariums, convalescent homes;
- D. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- E. Parking lots used in conjunction with an adjoining commercial use (ZA);
- F. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and breakfast facilities, pursuant to Section 20.64.100;
- I. Commercial and noncommercial wind energy systems;
- J. Time share uses, pursuant to Section 20.64.110;
- K. Ridgeline development;
- L. Water system facilities including wells and storage tanks serving fifteen or more service connections;

M. Reserved Transitional Housing or Transitional Housing Development contained within the housing types of this Section;

N. Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding 10 days, and not involving construction of permanent facilities (ZA);

O. Accessory structures and accessory uses prior to establishment of main use or structure (ZA);

P. Large family day care homes;

Q. Reserved Supportive Housing contained within the housing types of this Section;

R. Conditional Certificates of Compliance;

S. Cottage industries, pursuant to Section 20.64.095 (ZA);

T. Planned Unit Developments;

U. Condominiums;

V. Detached structures accessory to any conditional use;

W. Other residential uses of a similar character, density and intensity to those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plans;

X. Rooming and boarding houses;

Y. Subdivisions;

Z. Lot Line Adjustments.

AA. Wireless communications, pursuant to Section 20.64.310-;

BB. Large Residential Care Facility (ZA);

CC. Single Room Occupancy Facility, pursuant to Section 20.64.033 (ZA).

SECTION 24. Section 20.12.040 of the Monterey County Code is amended to read as follows:

20.12.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE- (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

A. The first single family dwelling per legal lot of record;

B. The keeping of pets, but not more than 4 dogs per dwelling unit;

C. Guesthouses meeting the development standards of Section 20.64.020;

D. Temporary residences pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;

E. Small family day care home conducted within an existing structure;

F. ~~Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding conducted within an existing structure~~
Small Residential Care Facility;

G. Water system facilities including wells and storage tanks serving up to 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;

H. Non-habitable A accessory structures and accessory uses to any principal allowed use;

I. Cultivation, cutting and removal of Christmas trees;

- J. Home occupations, pursuant to Section 20.64.090;
- K. Rooming and boarding of not more than two persons;
- L. Intermittent livestock farming or animal husbandry uses such as "4-H" projects on a minimum of 20,000 square feet.
- M. Second single family dwelling provided the gross density does not exceed the dwelling units/acre specified on the Sectional District Map;
- N. The first duplex on a vacant lot, not exceeding 2 dwelling units/acre provided the gross density does not exceed the dwelling units/acre specified on the Sectional District Map.
- O. ~~Senior citizen units meeting the development standards of Section 20.64.010 [Repealed];~~
- P. Tract sales or rental offices;
- Q. Reduction in setback requirements of 10 percent or less of the required setbacks;
- R. Additions to existing approved wireless communications facilities, pursuant to Section 20.64.310;
- S. Accessory Dwelling Unit meeting the development standards of Section 20.64.030;
- T. Employee Housing providing accommodations for up to six employees;
- U. Supportive Housing contained within the housing types of this Section;
- V. Transitional Housing or Transitional Housing Development contained within the housing types of this Section.

SECTION 25. Section 20.12.050 of the Monterey County Code is amended to read as follows:

20.12.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Any residential use, except the first single family dwelling on a vacant lot, exceeding 2 dwelling units/acre, gross, and not exceeding four units, total;
- B. Rooming houses and boarding houses (ZA);
- C. Resthomes (ZA);
- D. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- E. Parking lots used in conjunction to an adjoining commercial or retail use (ZA);
- F. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and breakfast facilities, pursuant to Section 20.64.100;
- I. Commercial and noncommercial wind energy conversion systems;
- J. Ridgeline development;
- K. Water system facilities including wells and storage tanks serving 15 or more service connections;
- L. Reserved;

- M. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);
- N. Accessory structures and uses prior to establishment of main use or structure (ZA);
- O. Large family day care homes;
- P. Cottage industries, pursuant to Section 20.64.095 (ZA);
- Q. Reserved Large Residential Care Facility;
- R. Detached structures accessory to any conditional use;
- S. Planned Unit Developments;
- T. Conditional Certificates of Compliance;
- U. Other residential uses of a similar nature, density and intensity as those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and applicable land use plan;
- V. Condominiums;
- W. Mobile Home Parks, pursuant to Section 20.64.210 (Not in Del Monte Forest);
- X. Subdivisions;
- Y. Lot Line Adjustments;
- Z. ~~Golf Courses (in Del Monte Forest only);~~
- AA. Wireless communication facilities, pursuant to Section 20.64.310;
- BB. Supportive Housing contained within the housing types of this Section;
- CC. Transitional Housing or Transitional Housing Development contained within the housing types of this Section.

Per
MCO-1-12
Part 1

SECTION 26. Section 20.14.040 of the Monterey County Code is amended to read as follows:

20.14.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. The first single family dwelling per legal lot of record;
- B. Guesthouses meeting the development standards of Section 20.64.020;
- C. The keeping of pets;
- D. Animal husbandry and small livestock farming, provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand square feet of land area;
- E. Rooming and boarding of not more than 2 persons (Not in DMF);
- F. Non-habitable ~~Accessory~~ structures and accessory uses to any principal use;
- G. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;
- H. Small family day care homes conducted within an existing structure;
- I. ~~Licensed residential care homes for aged persons or hospices of not more than 6 persons including any permitted rooming and boarding conducted within an existing structure~~
Small Residential Care Facility;
- J. Water system facilities including wells and storage tanks serving up to 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any

tanks and associated structures shall be approved by the Director of Planning and Building Inspection;

- K. Cultivation, cutting and removal of Christmas trees;
- L. Home occupations, pursuant to Section 20.64.090;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- N. Crop farming, tree farming, viticulture and horticulture;
- O. Intermittent livestock farming or animal husbandry uses such as "4-H" projects;
- P. Senior citizen units meeting the development standards of Section 20.64.010[Repealed];
- Q. Tract sales or rental offices;
- R. Detached structures accessory to any conditional use;
- S. ~~Farm employee housing facility for not more than two families or five single persons;~~[Repealed];
- T. Second residential units not exceeding the zoning density of the property;
- U. Reduction in setback requirements of 10% percent or less of the required setbacks;
- V. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;
- W. Accessory Dwelling Unit meeting the development standards of Section 20.64.030;
- X. Employee Housing providing accommodations for up to six employees;
- Y. Supportive Housing contained within the housing types of this Section;
- Z. Transitional Housing or Transitional Housing Development contained within the housing types of this Section.

SECTION 27. Section 20.12.050 of the Monterey County Code is amended to read as follows:

20.14.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Additional residential units to a maximum of 4 on any lot and not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities or corporation yards;
- C. Commercial kennels (ZA) (Not in DMF);
- ~~D. Golf Courses (in Del Monte Forest only);~~
- E. Legal nonconforming use of a portion of the structure extended throughout the structure (ZA);
- F. Legal nonconforming use changed to a use of a similar or more restricted nature;
- G. Bed and breakfast facilities, pursuant to Section 20.64.100;
- H. Commercial and noncommercial wind energy conversion systems;

Per
MCO-1-12
Part 1

- I. ~~Caretaker units meeting the development standards of Section 20.64.030~~ ~~[Repealed]~~;
- J. Ridgeline development;
- K. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan only);
- L. ~~Farm worker housing facility~~; ~~[Repealed]~~;
- M. ~~Farm employee housing facilities for more than two families or five single persons~~; ~~[Repealed]~~;
- N. Keeping and raising of mink (ZA);
- O. Any building, structure, or enclosure for the purpose of maintaining a zoo or zoological garden or for the purpose of raising, maintaining or exhibiting any wild animal or animals;
- P. Water system facilities including wells and storage tanks serving 15 or more service connections;
- Q. Reserved;
- R. Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding 10 days and not involving construction of permanent facilities (ZA);
- S. ~~Non-habitable A~~ accessory structures and uses prior to establishment of main use or structure (ZA);
- T. Large family day care facilities (ZA);
- U. Cottage industries, pursuant to Section 20.64.095 (ZA);
- V. Reserved;
- W. Public stables on a minimum of ten acres (ZA);
- X. Mobile Home Parks, pursuant to Section 20.64.210 (Not in Del Monte Forest);
- Y. Conditional Certificates of Compliance;
- Z. Other residential uses of a similar character, density and intensity to those uses listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- AA. Subdivisions;
- BB. Lot Line Adjustments;
- CC. Large Residential Care Facility;
- DD. Supportive Housing contained within the housing types of this Section;
- EE. Transitional Housing or Transitional Housing Development contained within the housing types of this Section.

SECTION 28. Section 20.16.040 of the Monterey County Code is amended to read as follows:

20.16.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE- (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. The first single family dwelling per legal lot of record;
- B. Guesthouses meeting the development standards of Section 20.64.020;
- C. The keeping of pets;
- D. Rooming and boarding of not more than 2 persons;
- E. ~~Non-habitable A~~ accessory structures and accessory uses to any principal use;

- F. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Cultivation, cutting and removal of Christmas trees;
- H. Small family day care homes conducted within an existing structure;
- I. ~~Licensed residential care homes for aged persons or hospices of not more than 6 persons including any permitted rooming and boarding conducted within an existing structure~~
Small Residential Care Facility;
- J. Water system facilities including wells and storage tanks serving up to 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- K. Animal husbandry and small livestock farming, provided that not more than 1 horse, mule, cow, or similar livestock shall be kept for each 20,000 square feet of land area;
- L. All agricultural uses on a minimum of ten acres including crop and tree farming, livestock farming, animal husbandry, apiaries, aviaries, except for those uses requiring a Coastal Development Permit;
- M. Home occupations, pursuant to Section 20.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- O. Crop farming, tree farming, viticulture and horticulture;
- P. Intermittent livestock farming or animal husbandry such as "4-H" projects;
- Q. ~~Senior citizen units meeting the development standards of Section 20.64.010~~[Repealed];
- R. Tract sales or rental offices;
- S. ~~Farm employee housing facility for not more than two families or five single persons;~~[Repealed];
- T. Second residential units not exceeding the zoning density of the property;
- U. Reduction in setback requirements provided the proposed reduction is 10 percent or less of the required setbacks;
- V. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;
- W. Accessory Dwelling Unit meeting the development standards of Section 20.64.030;
- X. Employee Housing providing accommodations for up to six employees;
- Y. Supportive Housing contained within the housing types of this Section;
- Z. Transitional Housing or Transitional Housing Development contained within the housing types of this Section.

SECTION 29. Section 20.16.050 of the Monterey County Code is amended to read as follows:

20.16.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Additional residential units to a maximum of 4 on any lot, and not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, schools, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- C. Commercial kennels (ZA);
- D. Public stables on a minimum of 10 acres (ZA);
- E. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- F. Legal nonconforming use changed to a use of a similar or more restricted nature;
- G. Bed and Breakfast facilities, pursuant to Section 20.64.100;
- H. Commercial and noncommercial wind energy conversion systems;
- I. ~~Caretaker units meeting the development standard of Section 20.64.030 (not in Big Sur)~~ [Repealed];
- J. Ridgeline development;
- K. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan only);
- L. Agricultural support services (ZA);
- M. ~~Farm worker housing facility;~~[Repealed];
- N. ~~Farm employee housing facility for more than two families or five single persons;~~[Repealed];
- O. Keeping and raising of mink (ZA);
- P. Water system facilities including wells and storage tanks serving 15 or more service connections (ZA);
- Q. Reserved;
- R. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);
- S. Accessory structures and uses prior to establishment of main use or structure (ZA);
- T. Large family day care facilities (ZA);
- U. Agricultural processing plants (ZA);
- V. Frog farms (ZA);
- W. Commercial hog and turkey raising on a minimum of 10 acres (ZA);
- X. Livestock feed yards on a minimum of 20 acres (ZA);
- Y. Animal sales yards on a minimum of 10 acres (ZA);
- Z. Dairies on a minimum of 40 acres (ZA);
- AA. Airports, heliports or landing strips for aircraft;
- BB. Animal hospitals (ZA);
- CC. Poultry farms on a minimum of 5 acres (ZA);
- DD. Sale of hay and grain not grown on the premises, on a minimum of 5 acres (ZA);
- EE. Riding and roping arena operations (ZA);
- FF. Greenhouses either on-site soil dependent or not on-site soil dependent (North County only);

- GG. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- HH. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving (ZA);
- II. Cottage industries, pursuant to Section 20.64.095 (ZA);
- JJ. Reserved;
- KK. Creation or use of Transfer Development Credits pursuant to Chapter 20.64.90 of this Ordinance (Big Sur only);
- LL. Conditional Certificates of Compliance;
- MM. Detached structures accessory to any conditional use;
- NN. Other residential or agricultural uses of a similar nature, intensity and density as those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- OO. Mobile Home Parks, pursuant to Section 20.64.210;
- PP. Subdivisions;
- QQ. Lot Line Adjustments.
- RR. Wireless communication facilities, pursuant to Section 20.64.310;
- SS. Large Residential Care Facility;
- TT. Supportive housing contained within the housing types of this Section;
- UU. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section.

SECTION 30. Section 20.17.040 of the Monterey County Code is amended to read as follows:

20.17.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE, (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. The first single family dwelling per legal lot of record;
- B. Guesthouses meeting the development standards of Section 20.64.020;
- C. The keeping of pets;
- D. Rooming and boarding of not more than 2 persons;
- E. Non-habitable ~~Accessory~~ structures and accessory uses to any principal use;
- F. Temporary residences, pursuant to Section 20.64.070, used as living quarters the construction of the first dwelling on a lot;
- G. Cultivation, cutting and removal of Christmas trees;
- H. Small family day care homes conducted within an existing structure;
- I. ~~Licensed residential care homes for aged persons or hospices of not more than 6 persons including any permitted rooming and boarding conducted within an existing structure~~
Small Residential Care Facility;
- J. Water system facilities including wells and storage tanks serving 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- K. Animal husbandry and small livestock farming, provided that not more than 1 horse, mule, cow, or similar livestock shall be kept for each 20,000 square feet of land area;

L. All agricultural uses on a minimum of 10 acres including crop and tree farming, livestock farming, animal husbandry, apiaries, aviaries, except for those uses requiring a Coastal Administrative or Coastal Development Permit;

M. Home occupations, pursuant to Section 20.64.090;

N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health (ZA);

O. Crop farming, tree farming, viticulture and horticulture;

P. Intermittent livestock farming or animal husbandry such as "4-H" projects;

Q. ~~Senior citizen units meeting the development standards of Section 20.64.010~~[Repealed];

R. ~~Farm employee housing facility for not more than two families or five single persons~~[Repealed];

S. Second residential units not exceeding the zoning density of the property;

T. Reduction in setback requirements provided the proposed reduction is 10% or less of the required setbacks;

U. ~~The use of mobilehomes for farm employee quarters~~[Repealed];

V. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

W. Supportive Housing contained within the housing types of this Section;

X. Transitional Housing or Transitional Housing Development contained within the housing types of this Section;

Y. Employee Housing providing accommodations for up to six employees.

SECTION 31. Section 20.17.050 of the Monterey County Code is amended to read as follows:

20.17.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

A. Additional residential units to a maximum of 4 on any lot, and not exceeding the zoning density of the property;

B. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, schools, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;

C. Commercial kennels (ZA);

D. Public stables on a minimum of 10 acres (ZA);

E. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);

F. Legal nonconforming use changed to a use of a similar or more restricted nature;

G. Bed and breakfast facilities, pursuant to Section 20.64.100;

H. Commercial and noncommercial wind energy conversion systems;

I. ~~Caretaker units meeting the development standard of Section 20.64.030~~[Repealed];

J. Agricultural support services (ZA);

K. ~~Farm worker housing facility~~[Repealed];

- L. ~~Farm employee housing facility for more than two families or five single persons; [Repealed];~~
- M. Keeping and raising of mink (ZA);
- N. Water system facilities including wells and storage tanks serving 15 or more service connections;
- O. Reserved;
- P. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);
- Q. Accessory structures and uses prior to establishment of main use or structure (ZA);
- R. Large family day care facilities (ZA);
- S. Frog farms (ZA);
- T. Commercial hog and turkey raising on a minimum of 10 acres (ZA);
- U. Livestock feed yards on a minimum of 20 acres (ZA);
- V. Animal sales yards on a minimum of 10 acres (ZA);
- W. Dairies on a minimum of 40 acres (ZA);
- X. Animal hospitals (ZA);
- Y. Poultry farms on a minimum of 5 acres (ZA);
- Z. Riding and roping arena operations on a minimum of 10 acres (ZA);
- AA. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- BB. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving;
- CC. Cottage industries, pursuant to Section 20.64.095 (ZA);
- DD. Reserved;
- EE. Creation or use of Transfer Development Credits pursuant to Chapter 20.64.90 of this Ordinance (Big Sur only);
- FF. Conditional Certificates of Compliance;
- GG. Detached structures accessory to any conditional use;
- HH. Other residential or agricultural uses of a similar nature, intensity and density as those listed in this Section determined by the Planning Commission to be consistent and compatible with this Chapter and the applicable land use plan;
- II. Subdivisions;
- JJ. Lot Line Adjustments.
- KK. Wireless communications facilities, pursuant to Section 20.64.310-;
- LL. Supportive Housing contained within the housing types of this Section;
- MM. Transitional Housing or Transitional Housing Development contained within the housing types of this Section;
- NN. Accessory Dwelling Unit meeting the development standards of Section 20.64.030;
- OO. Agricultural employee housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

SECTION 32. Section 20.24.060 of the Monterey County Code is amended to read as follows:

20.24.060 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Contractors plants and storage yards including garages and sheds for the storage of vehicles, equipment and materials when such contractor is engaged in the servicing of the production of agricultural or horticultural products, including spraying, trimming, fertilizing, smudging, drainage, tree removal, and crop harvesting and marketing, as the principal activity of such plant or storage yard (ZA);
- B. Warehouses for the collection, packaging and distribution of agricultural and horticultural products (ZA);
- C. Wholesale and retail establishments distributing materials and products essential to agriculture and farming operations, except manure (ZA);
- D. Sales and repair services for agricultural equipment (ZA);
- E. Offices accessory to permitted on-site uses not to exceed 25% of the overall floor area of the project (ZA)
- F. Agricultural processing plants (ZA);
- G. Processing for market of poultry, rabbits and small animals, but not including canning, rendering, tanning or reduction of meat or animal products (ZA)
- H. Manufacture of insecticides and pesticides;
- I. Fertilizer plants and yards;
- J. RESERVED;
- K. Public and quasi-public structures and uses and public utility structures and uses (ZA);
- L. Conditional Certificates of Compliance;
- M. Water system facilities including wells and storage tanks serving 15 or more service connections.
- N. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- O. Legal nonconforming use changed to a use of a similar or more restricted nature;
- P. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- Q. Public and quasi-public uses including churches, parks, playgrounds, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- R. Any lots or establishments where alcoholic beverages are served, commercial places of amusement or recreation or any places where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- S. Reserved;
- T. Ridgeline development;
- U. Wholesale stores, storage and warehouses for agricultural purposes (ZA);
- V. Chemical laboratories, electronic products and instrument manufacturing for agricultural purposes;
- W. Food processing, fish canning and other uses of a similar character for agricultural purposes;
- X. Propane distributorships, sales and service of appliances and related equipment for agricultural purposes;

- Y. Research laboratories, provided such use does not produce undue odor, smoke, noise or other objectionable effects for agricultural purposes;
- Z. Wholesale distributors of petroleum products, contractors yards, welding shops and other uses of a similar character for agricultural purposes;
- AA. Trucking operations, including office and facilities for repair, servicing, fueling, storage and dispatching of commercial trucks for agricultural purposes;
- BB. Reserved;
- CC. Other agricultural or agricultural industrial uses of a similar character, intensity and density as those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- DD. Animal Hospitals;
- EE. Kennels;
- FF. Employee Housing accessory to a permitted use;
- GG. Subdivisions;
- HH. Lot Line Adjustments-;
- II. Agricultural employee housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

SECTION 33. Section 20.30.040 of the Monterey County Local Coastal Program is amended to read as follows:

20.30.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE- (CHAPTER 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. Except for those uses requiring a Coastal Development Permit, all soil dependent agricultural uses, including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings accessory to the agricultural use of the property for an owner, operator or employees employed on-site (not in Carmel);
- C. All non-habitable accessory structures such as barns, stables, storage structures, and farm shops;
- D. Guesthouses meeting the development standards of Section 20.64.020;
- E. Cultivation, cutting or removal of Christmas trees;
- F. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small family day care homes conducted within an existing structure;
- H. Water system facilities including wells and storage tanks serving 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;
- I. Rooming and boarding of not more than 2 persons;
- J. Hunting and fishing;
- K. Reserved;
- L. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- M. Home occupations, pursuant to Section 20.64.090;
- N. The keeping of pets;

O. ~~Senior citizen units meeting the development standards of Section 20.64.010 [Repealed];~~

P. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;

Q. ~~Farm Agricultural employee housing consisting facility for not more than five families or twelve single persons; of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household;~~

R. Reduction in setback requirements for main structures, provided the proposed reduction is 10% or less of the required setback;

S. Reduction in setback requirements for accessory structures, provided the proposed reduction is 80% or less of the proposed setback;

T. Small Residential Care Facility, subject to the same standards as a single family dwelling;

SECTION 34. Section 20.30.050 of the Monterey County Code is amended to read as follows:

20.30.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.70) UNLESS EXEMPT (Section 20.70.120)

A. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan only);

B. Public utilities and infrastructure;

C. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);

D. Legal nonconforming use changed to a use of a similar or more restricted nature;

E. Commercial and noncommercial wind energy conversion systems;

F. Conditional Certificates of Compliance;

G. Genetic Engineering Experiments, pursuant to Section 20.64.140;

H. Ridgeline development;

I. Agricultural support facilities (ZA);

J. Large family day care facilities (ZA);

K. Water system facilities including wells and storage tanks serving 15 or more service connections;

L. Reserved;

M. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);

N. Frog farms (ZA);

O. Commercial hog and turkey raising on a minimum of 10 acres (ZA);

P. Livestock feed yards on a minimum of 20 acres (ZA);

Q. Animal sales yards on a minimum of 10 acres (ZA);

R. Dairies on a minimum of 40 acres (ZA);

S. Heliports or landing strips for aircraft;

T. Animal hospitals (ZA);

U. Poultry farms on a minimum of 5 acres (ZA);

- V. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- W. ~~Farm worker housing facility; [Repealed];~~
- X. ~~Farm Agricultural employee housing consisting of facilities for more than five families or more than twelve single persons; 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household;~~
- Y. Non-soil dependent greenhouses and nurseries (ZA);
- Z. Reserved;
- AA. Other agricultural uses of a similar character, density and intensity to those uses listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- BB. Subdivisions;
- CC. Lot Line Adjustments;
- DD. Wireless communications facilities, pursuant to Section 20.64.310.

SECTION 35. Section 20.32.040 of the Monterey County Code is amended to read as follows:

20.32.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. Except for those uses requiring a Coastal Development Permit, all soil dependent agricultural uses including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings for an owner, operator or employees employed on-site;
- C. All non-habitable necessary, appurtenant accessory structures such as barns, stables, storage structures and farm shops;
- D. Guesthouses meeting the development standards of Section 20.64.020;
- E. Cultivation, cutting or removal of Christmas trees;
- F. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small family day care homes conducted within an existing structure;
- H. Water system facilities including wells and storage tanks serving 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;
- I. Rooming and boarding of not more than 2 persons;
- J. The keeping of pets;
- K. Reserved;
- L. Home occupations, pursuant to Section 20.64.090;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- N. Hunting and fishing;
- O. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;

P. ~~Senior citizen units meeting the development standards of Section 20.64.010 [Repealed];~~

Q. ~~Farm Agricultural employee housing consisting of facility for not more than five families or twelve single persons; not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household;~~

R. Reduction in setback requirements for main structures, provided the proposed reduction is 10% or less of the required setback;

S. Reduction in setback requirements for accessory structures, provided the proposed reduction is 80% or less of the required setback;

T. Additions to existing approved wireless communications facilities pursuant to Section 20.64.310.

U. Small Residential Care Facility, subject to the same standards as a single family dwelling.

SECTION 36. Section 20.32.050 of the Monterey County Code is amended to read as follows:

20.32.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.70) UNLESS EXEMPT (Section 20.70.120)

A. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan only);

B. Public utilities and infrastructure;

C. Commercial and noncommercial wind energy conversion systems;

D. Conditional Certificates of Compliance;

E. Genetic Engineering Experiments, pursuant to Chapter 20.64.140;

F. Ridgeline development;

G. Agricultural support facilities (ZA);

H. Large family day care homes accessory to the agricultural uses on site (ZA);

I. Keeping and raising of mink (ZA);

J. Any building, structure, or enclosure for the purpose of maintaining a zoo or zoological garden for the purpose of raising, maintaining or exhibiting any wild animal or animals;

K. Reserved;

L. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);

M. Agricultural processing plants (ZA);

N. Commercial hog and turkey raising on a minimum of 10 acres (ZA);

O. Livestock feed yards on a minimum of 20 acres (ZA);

P. Animal sales yards on a minimum of 10 acres (ZA);

Q. Dairies on a minimum of 40 acres (ZA);

R. Mushroom farms (North County Only);

S. Poultry farms on a minimum of 5 acres (ZA);

T. Water system facilities including wells and storage tanks serving 15 or more service connections;

- U. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- V. Legal nonconforming use changed to a use of a similar or more restricted nature;
- W. Reserved;
- X. Hunting and fishing facilities (ZA);
- Y. Public or private riding or hiking clubs with accessory structures and trails developed for such uses (ZA);
- Z. Commercial kennel;
- AA. ~~Farm worker housing; [Repealed];~~
- BB. Farm Agricultural employee housing consisting of facilities for more than five families or more than twelve single persons; 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household;
- CC. Cottage industries, pursuant to Section 20.64.095 (ZA);
- DD. Non-soil dependent nurseries and greenhouses;
- EE. Other agricultural uses of a similar character, density and intensity to those uses listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- FF. Subdivisions;
- GG. Lot Line Adjustments;
- HH. Wireless communication facilities pursuant to Section 20.64.310.

SECTION 37. Section 20.58.040 of the Monterey County Code is amended to read as follows:

20.58.040 PARKING SPACES REQUIRED.

The number of off-street parking spaces shall be not less than:

Use	Parking Spaces Required
<u>Agricultural Employee Housing</u>	<u>1 space/dwelling unit or 1 space/4 beds</u>
Agricultural Processing Plant	1 space/500 square feet
Amusement Park	1 space/4 occupant
Appliance Repair	1 space/500 square feet
Art Gallery	1 space/500 square feet
Auditorium	1 space/4 seat. If no fixed seating, 1 space/35 square feet
Automobile Repair	1 space/500 square feet of floor area
Automobile Sales	1 space/500 square feet of floor area plus 1 space/2,000 square feet outdoor sales, display or storage area
Automobile Services Station	1 space/500 square feet floor area

Bank	1 space/ 200 square feet
Bar, Lounge, Night Club,	1 space/ 3 seats.
Cocktail Lounge	Where seating is not fixed, 1 space 50 square feet
Barber Shop, Beauty Parlor	2 spaces/chair
Baseball Park	1 space/4 seats
Bed and Breakfast Facility	1 space/unit
Billiard Hall	2 spaces/table
Bowling alley	5 spaces/lane
Building Materials	1 space/500 square feet floor area plus 1 space/2000 square feet outdoor use area
Bus Depot	1 space/20 square feet waiting area plus 1 space/300 square feet office area
Cabinet Shop	1 space/500 square feet
Caretaker Unit	1 space/unit
Children's Home, Orphanage	1 space/4 beds plus 1 space/employee
Church	1 space/4 seat. If no fixed seating, 1 space/35 square feet
Cleaners	2 space plus spaces/1,000 square feet
Community Center	1 space/4 seats. If no fixed seating, 1 space/35 square feet
Contractor's Yard	1 space/ 3,000 square feet lot area
Convalescent Home, Nursing Home, Rest Home, Home for the Aged	1 space/3 beds
Convention Center, Meeting Hall, Exhibit Facility	1 space /4 seats or 1 space/ 50 square feet
Dance Hall	1 space/50 square feet
Dental Clinic/Office	1 space/200 square feet
Driving Range	1 space/tee
Equipment Rental	1 space/500 square feet floor area plus 1 space/2,000 square feet outdoor use area
Family Day Care Facility	1 space/employed plus 1 space/10 children
Farm Equipment and Supplies	1 Space/500 square feet floor area plus 1 space/2000 square feet outdoor use area.
Farm Labor Housing	1 space/bedroom

Flea Market/Open Air Sales	1 space/200 square feet sales area
Freight Terminals	2 spaces/loading bay plus 1 space/250 square feet office space
Funeral Home, Mortuary	1 space/4 seats. If no fixed seating, 1 space/356 square feet
Golf Course	4 space/hole
Guesthouse	1 space/unit
Gymnasium, Spa, Health Studio	1 space/50 square feet
Heating, Air Conditioning, Electrical Shop	1 space/500 square feet
<u>Homeless Shelter</u>	<u>1 space/employee and 1 space/6 beds or portion thereof</u>
Hospital	12 spaces/bed
Hotel	1 space/unit plus 2 spaces/3 employees on largest shift plus other applicable requirement (i.e. restaurant, lounge, etc.)
Industrial Office	1 space/300 square feet
Laboratory	1 space/250 square feet
Laundromat	1 space/2 machines
Library	1 space/200 square feet
Manufacturing	1 space/500 square feet
Marina	3 spaces/4 boat slips
Medical Clinic/Office	1 space/200 square feet
Miniature Golf	2 spaces/hole
Mini-Storage	2 spaces for manager plus 2 customer spaces
Motel	2 spaces for manager plus 1 space/unit
Museum	1 space/200 square feet
Nursery	1 space/2,000 square feet
Office	1 space/250 square feet
Open Air Sales	1 space/200 square feet sales area
Photography Studio	1 space/400 square feet
Post Office	5 spaces/services window plus 1 space/500 square feet of non-customer area
Printer, Copying, Reproduction	1 space/400 square feet

Race Track	1 space/4 seats
Recreational Enterprises	1 space/4 occupants capacity
Recreational Vehicle Park	1 standard vehicle space/1 R.V. space
Residential	
<u>Accessory dwelling unit</u>	<u>1 space/unit</u>
Single-Family Detached	2 spaces /unit
Duplex	2 spaces/unit
Triplex	2 spaces/unit
Multiple-Family Residential,	1 space/studio unit
Apartments, Townhouses, Condominiums, Cluster Homes	1.5 spaces/1 bedroom unit 2 spaces/2 bedroom unit 2.2 spaces/3 or more bedroom unit In addition, 1 guest parking space shall be provided for every 4 units
Boarding House, Rooming	1 space/guest room
House, Organizational	1 space/100 sq. ft. of guest room
<u>Large Residential Care Facility</u>	<u>1 space/employee plus 2 additional spaces</u>
<u>Small Residential Care Facility</u>	<u>1 space/employee plus 2 additional spaces</u>
Senior Citizen Housing complexes	1 space/2 units plus 1 guest space/8 units
<u>Single Room Occupancy Facility</u>	<u>.5 spaces/unit (Within 2,000 feet of Public Transit)</u>
<u>Single Room Occupancy Facility</u>	<u>1 space/unit (Not within 2,000 feet of Public Transit)</u>
Handicapped Housing	1 space/2 units plus 1 guest space/8 units
Mobile Home Park	2 spaces/unit plus 1 guest parking space/4 units
Restaurant	1 space/4 seats. Where seating is not fixed, 1 space/50 square feet of seating, waiting, or cocktail lounge area
Restaurant, Drive-In	1 space/3 seats enclosed plus 3 and Drive-Through spaces/ services window and 3 employee spaces
Retail, General	1 space/250 square feet
Retail, Large Item	1 space/500 square feet (i.e. Appliance Stores)

Savings and Loan	1 space/200 square feet
Schools:	
Pre-School, Day Care	1 space/employee plus 1 space/10 children
Kindergarten through Grade Nine	2 spaces/classroom plus 1 space/50 square feet in the Auditorium
High School	2 spaces/classroom plus 1 space/5 students
College, University	1 space/employee plus 1 space/3 students
Trade School, Vocational School, Business School, Professional School, Art Academy, Craft School, Music School, Dancing School	1 space/ employee plus 1 space/3 students
Shopping Center	1 space/250 square feet
Skating Rink	1 space/250 square feet
Social Care Facility	1 space/3 beds plus
Sanitarium, Welfare Institution, Asylum	1 space/employee on the largest shift
Social Club	1 space/50 square feet
Stable, Public	1 space/3 horses
Stadium, Sports Area	1 space/4 seats
Swimming Pool	1 space/100 square feet pool area
Tennis Court, Racquetball Courts	2 spaces/court
Theater	1 space/3 seats
Veterinary Hospital	1 space/250 square feet
Warehouse	1 space/500 square feet

SECTION 38. Chapter 20.61 is added to the Monterey County Code to read as follows:

**Chapter 20.61
REQUESTS FOR REASONABLE ACCOMMODATION**

Sections:

- 20.61.010 Purpose.
- 20.61.020 Applicability.
- 20.61.030 Appropriate Authority.
- 20.61.040 Application.
- 20.61.050 Action by Appropriate Authority.
- 20.61.060 Revocation.
- 20.61.070 Effect.

20.61.010 Purpose.

The purpose of this Chapter is to provide a procedure for the County to modify or waive requirements of this Title in order to provide a Reasonable Accommodation to individuals with a disability if necessary to eliminate barriers to housing opportunities.

20.61.020 Applicability.

A. The provisions of this Chapter shall apply to all housing types in any zoning district within the unincorporated coastal areas of the County.

B. This Chapter is intended to apply to any person who requires a reasonable accommodation because of a disability.

C. A request for Reasonable Accommodation may include, but it is not limited to, a modification or exception to the rules, standards and practices of this Title for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his or her choice.

20.61.030 Appropriate Authority.

The Director of Planning is the Appropriate Authority to review and decide on all Requests for Reasonable Accommodation, unless said Reasonable Accommodation application is combined with another permit pursuant to Chapter 20.82 (Combined Development Permits) of this Title.

20.61.040 Application.

A. A request for Reasonable Accommodation may be made by any person with a disability, his or her representative, or any entity such as a developer or provider of housing for individuals with disabilities, when the application of this Title acts as a barrier to fair housing opportunities.

B. A Request for a Reasonable Accommodation shall be made in writing on a form prescribed by the Director of Planning and filed with the Director of Planning and shall contain the following information:

1. Name, mailing address, contact information of individual(s) requesting Reasonable Accommodation;
2. Name, Mailing Address, Contact Information of property owner;
3. Physical address and Assessor's Parcel Number of the property for which the Reasonable Accommodation is requested;
4. The current actual use of the property;
5. A statement setting forth the basis for the request, including verifiable third-party documentation of disability status.
6. The zoning code regulation from which Reasonable Accommodation is being requested;
7. Reason that the requested Reasonable Accommodation is necessary for the individual(s) with the disability to use and enjoy the dwelling; and
8. Any such additional information as the Director of Planning may request consistent with fair housing laws to evaluate the request for Reasonable Accommodation.

20.61.050 Action by Appropriate Authority.

A. A decision by the Appropriate Authority for a Reasonable Accommodation, not combined with another permit pursuant to Chapter 20.82 (Combined Development Permits) of this Title, shall be rendered in writing within thirty (30) days of the date the application is filed. If necessary to reach a determination on the request for Reasonable Accommodation, the Appropriate Authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stopped until the applicant provides the information requested.

B. A decision by the Appropriate Authority for a Reasonable Accommodation combined with another permit pursuant to Chapter 20.82 (Combined Development Permits) shall have the same timeline for a decision rendered by the Appropriate Authority as that of the concurrent discretionary permit.

C. The Appropriate Authority in its consideration of a request for Reasonable Accommodation may grant, deny, or modify, in whole or in part, said accommodation, subject to making the following findings based on substantial evidence:

1. The housing, which is the subject of the request for Reasonable Accommodation, will be used by an individual(s) with a disability protected under fair housing laws;
2. The requested accommodation is necessary to make housing available to an individual with a disability protected under the fair housing laws;
3. The requested accommodation would not impose an undue financial or administrative burden on the County;
4. The requested accommodation is the minimum necessary to address the circumstances;
5. The Reasonable Accommodation would not negatively impact property;
6. Alternative accommodations which may provide an equivalent level of benefit do not exist.

D. If granted, the Reasonable Accommodation shall run with the land, unless the Appropriate Authority determines at the time of granting the Reasonable Accommodation that the accommodation should be of a temporary nature and requires that it be removed at a specified time or event.

E. In granting a request for Reasonable Accommodation, the Appropriate Authority may impose any conditions of approval which he or she determines are necessary to make the findings required by Section 20.61.050.C.

F. Notwithstanding Section 20.90.120, if there is an outstanding violation of this Title involving the property upon which there is a pending Request for Reasonable Accommodation, the County may issue a Reasonable Accommodation, not associated with a discretionary permit, if necessary to provide an individual with a disability fair housing opportunities in compliance with this Section and provided that the existing violation does not pose a risk to health and safety. The granting of the Reasonable Accommodation does not preclude the County from pursuing resolution of the violation, including code enforcement action.

G. An appeal to the Board of Supervisors from the action of the Appropriate Authority may be taken by the applicant if the request for Reasonable Accommodation was not combined with another permit. If the Request for Reasonable Accommodation was combined

with another permit pursuant to Chapter 20.82 (Combined Development Permit), then an appeal may be taken pursuant to the requirements for appeals of actions on Combined Development Permits.

20.61.060 Revocation.

A. Where one or more of the conditions of a Reasonable Accommodation have not been, or are not being complied with, or when a Reasonable Accommodation was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Reasonable Accommodation following public hearing pursuant to Chapter 20.84 of this Title.

B. An appeal may be taken from such revocation or modification pursuant to Chapter 20.86.

20.61.070 Effect.

No building permit shall be issued nor any structure constructed otherwise than in accordance with the conditions and terms of the Reasonable Accommodation granted, nor until ten days after the mailing of notice of granting of such Reasonable Accommodation by the Appropriate Authority, or by the Appeal Authority in the event of an appeal.

SECTION 39. Section 20.64.010 of the Monterey County Code is repealed.

SECTION 40. Section 20.64.030 of the Monterey County Code is amended to read as follows:

20.64.030 REGULATIONS FOR CARETAKER UNITS. REGULATIONS FOR ACCESSORY DWELLING UNITS.

A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which an Accessory Dwelling Unit, accessory to the main residence on a lot may, be permitted, established for the purpose of providing continuous on-site care for persons and property.

B. Applicability: The provisions of this Section are applicable in all zoning districts which allow single family residences the HDR, MDR, LDR, RDR, and WSC zoning districts.

C. Permit Requirement: Accessory Dwelling Units shall require a Coastal Administrative Permit, or Coastal Development Permit if applicable, in all cases due to significant water, sewer, habitat, visual, and traffic resource constraints that exist within the Monterey County Coastal Zone. A public hearing shall not be required to consider a Coastal Administrative Permit for an Accessory Dwelling Unit. In non-residential zoning districts such as the Watershed and Scenic Conservation Zoning District, Accessory Dwelling Units shall require a Coastal Development Permit.

D. Accessory Dwelling Units Prohibited in certain areas: Accessory Dwelling Units would pose a hazard to public health, safety and welfare in certain unincorporated coastal areas of the County because of known infrastructure and resource limitations. These infrastructure limitations are recognized in the Land Use Plans for the North County, Big Sur, Carmel Area, and Del Monte Forest (See North County Land Use Plan Section 4.2, Big Sur Land Use Plan Section 5.2, Carmel Area Land Use Plan Section 4.2, and Del Monte Forest Land Use Plan Chapter Three-- Introduction), and zoning restrictions (B-8 overlay). The County acknowledges

prohibiting Accessory Dwelling Units in these areas may limit the housing opportunities of the region; however, specific adverse impacts on the public health, safety and welfare that would result from allowing Accessory Dwelling Units in these areas justify these limitations.

Accessory Dwelling Units will not be permitted in the following areas:

1. In any zoning district combined with a B-8 zoning overlay.
2. In the North County Land Use Plan area outside of the area of benefit of the Salinas Valley Water Project (Zone 2C).
3. In the North County Land Use Plan area within the area of benefit of the Salinas Valley Water Project (Zone 2C), on lots less than 5 acres in areas not served by public sewer systems.
4. In the Carmel Area Land Use Plan area, on lots less than 40 acres in area.
5. In the Big Sur Coast Land Use Plan area, no Accessory Dwelling Units beyond the first 50 (including previously permitted caretaker units) approved in the Plan area from the time of certification of the Big Sure Coast Land Use Plan. A maximum of 50 Accessory Dwelling units (including previously permitted caretaker units) approved in the Big Sur Planning Area from the time of certification of the Big Sur Coast Land Use Plan (April 9, 1986).

CE. Regulations: Caretaker Accessory Dwelling Units may be allowed subject to a Coastal Administrative Permit or Coastal Development Permit if applicable in designated districts and subject in all cases to the following regulations:

1. Only one caretaker Accessory Dwelling unit per lot of shall be allowed.
2. Accessory Dwelling Units shall not be permitted prior to a main residence and shall be located on the same lot as the main residence. Accessory Dwelling Units must provide complete independent living facilities for one or more persons and shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation. An Accessory Dwelling Unit may be rented. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on site or on contiguous lots under the same ownership.

3. The minimum lot size for establishment of an Accessory Dwelling Unit shall be as follows:

- a. In areas not served by public sewers shall be two acres, except in North County, within zone 2C, where the minimum lot size shall be five acres in areas not served by public sewer systems.
- b. In the Big Sur Coast Land Use Plan area, the minimum lot size shall be two acres
- c. In the Carmel Area Land Use Plan area, the minimum lot size shall be forty acres. The minimum lot size for establishment of a caretaker unit in areas not served by public sewers shall be two acres. The minimum lot size for establishment of a caretaker unit in the Carmel Planning Area shall be 40 acres.

4. Accessory dwelling units are subject to the build out limitations established by each Land Use Plan but are not subject to density requirements of the zoning district in which a lot is located. Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located, except in North County. In North County, caretakers units shall not be permitted on lots less than 5 acres if located in an area not served by public sewer systems.

5. The maximum floor area for an caretaker Accessory Dwelling unit is 850 1,200 square feet.

6. Parking for accessory dwelling units shall be consistent with the Parking Regulations of this Title (Chapter 20.58). A minimum of 1 covered off street parking space shall be provided for the caretaker unit.

7. Within the applicable areas, units permitted as a Senior Citizen unit or a Caretaker unit prior to adoption of these regulations for Accessory Dwelling Units shall be considered an Accessory Dwelling Unit for the purposes of this section. The caretaker unit shall not be separately rented lot, or leased to other than the caretaker whether compensation be direct or indirect.

8. Accessory Dwelling Units shall conform to all of the zoning and development standards (lot coverage, height, setbacks, design, etc.) of the zoning district which governs the lot. An Accessory Dwelling Unit attached to the principal residence shall be subject to the height, setback and coverage regulations of the principal residence. An Accessory Dwelling Unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height, and setbacks. Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.

9. Accessory Dwelling Units shall be designed in such a manner as to be visually consistent and compatible with the principal residence on-site and other residences in the area. Caretaker units are not permitted on any lot less than 10 acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to a Coastal Administrative Permit.

10. Accessory Dwelling Units are subject to review and approval by the Director of Environmental Health to ensure adequate sewage disposal and water supply facilities exist or are readily available to serve the unit. The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to other than the caretaker.

11. Accessory Dwelling Units are subject to all the resource protection policies of the applicable Land Use Plan and shall not be permitted to substantially degrade resources at the site or in the area. Some of the resources constraints that may preclude development of an Accessory Dwelling Unit include but are not limited to:

- a. Areas containing environmentally sensitive habitat.
- b. In no case shall Accessory Dwelling Units be permitted within native Cypress habitat (Del Monte Forest).
- c. Areas where the Accessory Dwelling Unit would cause a substantial adverse impact on visual resources.
- d. In no case shall an Accessory Dwelling Unit be permitted with the critical viewshed (Big Sur);
- e. Areas determined to have a critically short water supply.
- f. Forest health and tree resources;
- g. Hazards including slopes, beach and bluff erosion, fire, traffic and other health and safety conditions;
- h. Potential impacts to historic and archaeological resources; and
- i. Conflicts with public access.

DF. In order to grant the Coastal Administrative Permit or Coastal Development Permit the Appropriate Authority shall make the following findings.

1. That the establishment of the caretaker Accessory Dwelling unit Unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace,

morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County; and

2. ~~That the proposed caretaker Accessory Dwelling Unit complies with all of the applicable requirements of Section 20.64.030(C) of this Title. The Accessory Dwelling Unit as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.~~

3. ~~That the subject property upon which the caretaker Accessory Dwelling Unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.~~

4. ~~The site is physically suitable for the use proposed. That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.~~

~~EG. Any caretaker Accessory Dwelling Unit proposal which does not comply with the provisions of this Section with regard to size, height, or setbacks shall require a Variance pursuant to Chapter 20.78. The Zoning Administrator shall be the Appropriate Authority to consider said permits.~~

~~F. There shall be a maximum of 50 Caretaker Units approved in the Big Sur Planning Area from the time of certification of the Big Sur Coast Land Use Plan (April 9, 1986).~~

~~G. Caretaker Units shall not be allowed on parcels under 40 acres in the Carmel Planning Area and shall not count towards maximum density.~~

~~H. Caretaker Units shall count towards density in the North County Planning Area.~~

~~I. Caretaker Units shall be subject to the overall buildout in Del Monte Forest as defined by Table A in the Del Monte Forest Land Use Plan.~~

SECTION 41. Section 20.64.033 is added to the Monterey County Code to read as follows:

20.64.033 REGULATIONS FOR SINGLE ROOM OCCUPANCY (SRO) FACILITIES

A. Purpose: The purpose of this Section is to establish the development standards for Single Room Occupancy (SRO) Facilities. SRO Facilities meeting these development standards are allowed subject to a Coastal Development Permit in specified Zoning Districts, thus providing additional affordable housing opportunities.

B. Applicability. The provisions of this section are applicable in the High Density Residential Zoning District.

C. Regulations. A Single Room Occupancy Facility may be allowed, subject to a Coastal Development Permit in each case, and subject to the following standards:

1. Unit Size. Excluding the bathroom area and closet, the Single Room Occupancy unit must be a minimum of 150 square feet in floor area and the maximum size shall be not more than 400 square feet. Each unit shall be designed to accommodate a maximum of two people.

2. Private Facilities. Each Single Room Occupancy Unit must include a closet and may contain either kitchen facilities or bath facilities but not both.

a. Complete common cooking facilities/kitchens must be provided if any unit within the SRO Facility does not have a kitchen. One complete cooking facility/kitchen shall be provided within the SRO Facility for every twenty SRO units or portion thereof that do not have kitchens, or have one kitchen on any floor where SRO units without kitchens are located.

b. Common bathrooms must be located on any floor with units that do not have full bathrooms. Common bathrooms shall be either single occupant use with provisions for privacy or multi-occupant use with separate provisions for men and women. Common bathrooms shall have shower or bathtub facilities at a ratio of one for every seven units or fraction thereof. Each shared shower or bathtub facility shall be provided with an interior lockable door.

3. Common Space. Each SRO Facility shall have at least ten square feet of common usable area per unit; however no SRO facility shall provide less than two hundred square feet of common outdoor area and two hundred square feet of common indoor area. Maintenance areas, laundry facilities, storage (including bicycle storage), and common hallways shall not be included as usable indoor common space. Landscape areas that are less than eight feet wide shall not be included as outdoor common space.

4. Management. A SRO Facility with twelve or more units shall provide twenty-four-hour on-site management, and include a dwelling unit designated for the manager. All SRO Facilities must have a management plan approved by the Appropriate Authority. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.

5. Laundry Facilities. Single Room Occupancy Facilities shall include laundry facilities.

SECTION 42. Subsection E of Section 20.64.180 of the Monterey County Code is amended to read as follows:

E. On-site density for: ~~caretaker quarters~~ Accessory Dwelling Units, guesthouses, ~~senior citizen units, farm worker housing, a~~ Agricultural farm employee-Employee Hhousing facilities, farm employee quarters and Employee Hhousing accessory to an allowed use, shall be determined as follows:

<i>Type of Unit</i>	<i>North County</i>	<i>Big Sur Coast</i>	<i>Carmel Area</i>	<i>Del Monte Forest</i>
<u>Caretaker Accessory Dwelling Units</u>	Based on parcel zoning <u>Within Zone 2C only.</u> Excluded from density	Maximum of 50 in planning areas. Excluded from density	Excluded from density. <u>40 acre minimum</u>	Subject to overall buildout, LUP Table A. Excluded from density.
Senior Citizen Units	Subject to LUPs overall buildout cap	Not Permitted	Not Permitted	Subject to overall buildout, LUP Table A
Guesthouses	Excluded from density	Excluded from density	Excluded from density	Excluded from density
Commercial Employee Housing	Subject to LUPs overall buildout cap	Maximum of 300 in planning area	Permitted per Section 20.146.120.B.3	Not permitted
<u>Agricultural</u>	Based on	Permitted per	Excluded from	Not permitted

<u>Employee Housing Ranch/Farm Employee/Farm Worker Housing</u>	parcel zoning	Section 20.145.14.0.B4c1	density	
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All other residential development is subject to the density established by the parcel's zoning district, except if provided elsewhere in this Chapter.

"Excluded from density" means that the units may be considered in addition to the density allowed by the parcel's zoning classification.

SECTION 43. Subsection F of Section 20.64.180 of the Monterey County Code is amended to read as follows:

F. For the purposes of calculating residential density, ~~eEmployee hHousing~~ units, including ~~Agricultural farm eEmployee and farm worker hHousing facilities~~, shall be considered a residential unit at the following ratio:

1 unit/850 square feet of floor area. Where the building contains non-residential uses, such as equipment storage or tack rooms, the calculation of floor area shall not include those non-residential areas.

SECTION 44. Subsection G of Section 20.64.180 of the Monterey County Code is amended to read as follows:

G. Buildout Limitations

1. In North County, a total of 2, 043 new lots or units may be created from the date of certification of the North County Land Use Plan. Also see build-out explanation and further information in Section 20.144.140.B.3.a. Approval of new residential units and lots may not exceed the build-out figure, as per the development standard.

2. In Big Sur, a total of 100 new residential lots may be created by new subdivisions and 50 new ~~caretaker Accessory dDwelling uUnits~~ may be permitted from the date of certification of the Big Sur Coast Land Use Plan, as provided in Table 1 of the Big Sur Coast Land Use Plan.

3. Where this ordinance establishes a numerical cap on a type of unit in a certain area, the Planning and ~~Building Inspection~~ Department shall maintain a running tally of the number of units permitted since certification of the relevant land use plan. Findings for approval shall include the following: "This is the () out of a maximum of () (e.g., Accessory Dwelling Units ~~caretaker units~~) to be approved for the () Land Use Plan Area.

SECTION 45. Section 20.64.330 is added to the Monterey County Code to read as follows:

20.64.330 REGULATIONS FOR HOMELESS SHELTERS.

A. Purpose: The purpose of this Section is to provide development standards for Homeless Shelters in the unincorporated coastal areas of Monterey County.

B. Applicability. The provisions of this section are applicable in the High Density Residential Zoning District.

C. Regulations. A Homeless Shelter is a principal use allowed, subject to a Coastal Administrative Permit, in the High Density Residential Zoning District, subject to the following standards in each case:

1. Location: Homeless Shelters shall be permitted only where adequate water supply and sewage disposal facilities exist as determined by the Director of Environmental Health, and Homeless Shelters shall be located no further than 2,500 feet from a public transit stop.

2. Size Limits. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the facility or one person per 125 square feet of floor area, which ever is less.

3. Management. At a minimum, one on-site manager and one supporting staff member shall be provided in each sleeping area that is in use. Managers and supporting staff shall not be counted for the purpose of calculating the size limits pursuant to this Section.

4. Operations Plan. The operator of the Homeless Shelter shall submit an operations plan to the Director of Planning for review and approval prior to the issuance of any construction permits. The Operations Plan shall contain, at a minimum, the following elements:

a. Security Plan. The security plan shall include provisions for onsite security including lighting, security cameras, and other measures appropriate to provide for adequate health and safety of clients and management and to aid in avoiding the potential for nuisances near the site. The operator shall also demonstrate that emergency service providers including the Sheriff's Office, the local Fire Department and the appropriate Ambulance operators have been adequately notified and will provide services to the shelter.

b. Neighborhood Relations Plan. The Plan shall include provisions for addressing potential neighborhood concerns, including regular meetings with abutting neighbors and contact information in case of emergency.

5. Proximity to other homeless shelters. No homeless shelter shall be within a 300 foot radius from another homeless shelter.

6. Length of stay. Individual occupancy is limited to six or fewer consecutive months and shall not exceed 300 days within a 12 month period.

7. Segregated Sleeping Areas. Segregated lavatory and bathing areas shall be provided if the Homeless Shelter accommodates both men and women in the same building. Segregated sleeping, lavatory and bathing areas for families may also be provided.

8. Onsite waiting and intake areas. A minimum of 5 percent of the total square footage of a homeless shelter shall be designated for indoor on-site waiting and client intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

9. Off-street parking shall be provided, in accordance with Section 20.58.040.

SECTION 46. Chapter 20.65 is added to the Monterey County Code to read as follows:

Chapter 20.65
Density bonus and incentives

Sections:

- 20.65.010 – Purpose**
- 20.65.020 – Applicability**
- 20.65.030 – Definitions**
- 20.65.040 – Density Bonus Application Requirements**
- 20.65.050 – Eligibility for Density Bonus**
- 20.65.060 - Density Bonus Calculations**
- 20.65.070 – Eligibility and Application Requirements for Incentives**
- 20.65.080 – Child Care Facilities**
- 20.65.090 – Donation of Land**
- 20.65.100 – General Requirements**
- 20.65.110 – Density bonus and Inclusionary Housing Ordinance**
- 20.65.120 – Qualifying Units – Agreement Required.**

20.65.010 Purpose.

The purpose of this Chapter is to implement California Government Code Sections 65915 through 65917. These regulations are intended to work in conjunction with the requirements of the Inclusionary Housing Ordinance (Chapter 18.40 of the Monterey County Code) and shall not be interpreted to alter or in any way diminish the requirements of the Inclusionary Housing Ordinance.

20.65.020 Applicability.

The provisions of this Chapter are applicable in all residential zoning districts (HDR, MDR, LDR, RDR).

20.65.030 Definitions.

The following definitions shall apply for purposes of this Chapter:

- A. "Affordable Rent" means a monthly amount which, together with utility allowance, does not exceed the following:
1. For very low income Qualifying Units, one-twelfth of thirty (30) percent of the maximum income for a very low income household, adjusted by household size.
 2. For low income Qualifying units, one-twelfth of thirty (30) percent of sixty (60) percent of median income, adjusted for household size.
 3. For moderate income Qualifying Units, one-twelfth of thirty (30) percent of one hundred ten (110) percent of median income, adjusted for household size.
- B. "Affordable Sales Price" means a sales price at which Moderate, Low or Very Low Income Households can qualify for the purchase of Qualifying Units, calculated on the basis of the same underwriting criteria utilized by the County for the County's Inclusionary Housing Ordinance.

C. "Base Units" means the number of units that would be allowed under the Land Use/General Plan land use designation and zoning ordinance for the subject site before calculation of the Density Bonus.

D. "Child Care Facility" means a facility, other than a day care home, licensed by the State of California to provide non-medical care to children under 18 years of age in need of personal services, supervision or assistance on less than a 24-hour basis.

E. "Density Bonus" means an increase in density over the otherwise maximum allowable residential density under the applicable Zoning Ordinance and Land Use/General Plan Land Use designation taking into account all applicable limitations.

F. "Density Bonus Housing Agreement" means a legally binding agreement between the County and an applicant, governing how the applicant shall comply with this Chapter.

G. "Household" means one or more individuals who occupy one dwelling unit.

H. "Housing Development" means a project providing residential units including, without limitation, a subdivision, a planned unit development, multifamily dwellings, or condominium project. Housing developments consist of development of residential units or creation of unimproved residential lots and also include either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, where the result of the rehabilitation would be a net increase in available residential units.

I. "Incentive" means enticements for providing affordable housing proposed by the developer or the County that result in identifiable, financially sufficient, and actual cost reductions for a qualified Housing Development.

J. "Inclusionary Unit" means a dwelling unit which is restricted for affordability pursuant to the County's Inclusionary Housing Ordinance.

K. "Low Income Household" or "Lower Income Household" means a household, with an annual income which does not exceed the United States Department of Housing and Urban Development annual determination for Low Income Households with incomes of up to eighty (80) percent of the Median Income, adjusted for household size.

L. "Low Income Unit" or "Lower Income Unit" means a qualifying unit or Inclusionary Unit reserved for occupancy by Low Income Households at an affordable rent or sales price.

M. "Maximum allowable residential density" means the density allowed under the Land Use/General Plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project. Maximum allowable residential density takes into account limitations to density pursuant to Land Use/General Plan policies and Zoning Ordinance regulations.

N. "Median Income" means the median income as determined periodically by the United States Department of Housing and Urban Development for the Salinas Metropolitan Statistical Area and updated on an annual basis.

O. "Moderate Income Household" means a household, with an annual income which does not exceed the United States Department of Housing and Urban Development annual determination for moderate income households with incomes of one hundred twenty (120) percent of the Median Income, adjusted for household size.

P. "Moderate Income Unit" means a Qualifying Unit or Inclusionary Unit reserved for occupancy by moderate income households at an affordable rent or sales price.

Q. "Qualifying Units" means a dwelling or dwellings designated for occupancy by very low, low, or moderate income households, within a housing development, which make the housing development eligible for a Density Bonus.

R. "Senior Citizen Housing Development" means a housing project where residency is restricted to persons 62 years of age or older, or 55 years of age or older and that is designed to meet the physical and social needs of senior citizens. A housing development shall be presumed to meet those needs when it does the following:

1. Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.

2. Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.

3. Walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.

4. Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.

5. The development shall be designed to encourage social contact by providing at least one common room and at least some common open space.

6. Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents; and

7. The development complies with all the applicable requirements for accessibility.

S. "Very Low Income Household" means a household with an annual income which does not exceed the United States Department of Housing and Urban Development annual determination for Very Low Income Households earning fifty (50) percent of the Median Income, adjusted for household size.

T. "Very Low Income Unit" means a Qualifying Unit or Inclusionary Unit reserved for occupancy by Very Low Income Households at an affordable rent or sales price.

20.65.040 Density Bonus Application Requirements.

An applicant who is seeking a Density Bonus for a Housing Development shall submit to the Planning Department the following information:

A. A site plan that identifies all units in the project including the location of all Base Units, Qualifying Units and Inclusionary Units.

B. A narrative briefly describing:

1. The project;

2. The number of Base Units permitted under the Land Use/General Plan and zoning;

3. The number of Qualifying Units based on Density Bonus criteria of this Chapter;

4. The total number of units proposed in the project (Base Units plus Density Bonus Units);

5. A breakdown of units proposed for very low, low, and moderate income, senior citizen, and/or market rate units;

6. Any requested Incentive(s) including an explanation as to why the Incentive(s) is required for the housing development; and

7. A description of how the proposal complies with the requirements of the Inclusionary Housing Ordinance (Chapter 18.40).

C. Information demonstrating that appropriate and sufficient infrastructure capacity (e.g. water, sewer, roadway) and water supply are available to serve the project at the density proposed.

D. At the option of the applicant, a written request to meet with the County to discuss applicant's Density Bonus and Incentives request including any request for a waiver or reduction of development standards.

E. Any such additional information as may be requested by the Director of Planning or the Director of the Redevelopment and Housing Office to evaluate the request for a Density Bonus or Incentive(s). This additional information may include but is not limited to financial studies.

20.65.050 Eligibility for Density Bonus

An application for a Housing Development containing five or more residential units shall qualify for a Density Bonus and at least one other Incentive as provided by this Chapter if the applicant does one or more of the following:

A. Agrees to construct and maintain at least five (5) percent of the Base Units for Very Low Income households;

B. Agrees to construct and maintain at least ten (10) percent of the Base Units for Low Income households;

C. Agrees to construct and maintain at least ten (10) percent of the Base Units in a condominium project or Planned Development project dedicated to Moderate Income households, provided that all units in the development are offered to the public for purchase;

D. Agrees to construct and maintain a Senior Citizen Housing Development;

E. Donates land to the County for the construction of Very Low Income units pursuant to the provisions of this Chapter; or

F. Includes a qualifying Child Care Facility in addition to providing housing described in subsections A, B, or C of this Section.

20.65.060 Density Bonus Calculations.

A. The granting of a Density Bonus or the granting of a Density Bonus together with an Incentive(s) shall not be interpreted, in and of itself, to require a Land Use Plan/General Plan amendment, specific plan amendment, rezone, or other discretionary approval.

B. An applicant must choose a Density Bonus from only one applicable affordability category of this Chapter and may not combine categories, with the exception of a Child Care Facility or land donation. The Child Care Facility or land donation may be combined with an affordable housing development for an additional Density Bonus up to a combined maximum of thirty five (35) percent.

C. The calculation of Qualifying Units shall be based on the number of Base Units. In no event shall a Density Bonus exceed 35 percent of Base Units. A Housing Development that satisfies all applicable provisions of this Chapter shall be allowed the following applicable Density Bonuses:

1. The Density Bonus for Very Low Income Units shall be calculated as follows:

Percentage of Very Low Income Units	Maximum Density Bonus (Percent of Base Units)
5	20
7	25
8	27.5
9	30
10	32.5
11	35

2. The Density Bonus for Low Income Units shall be calculated as follows:

Percentage of Low Income Units	Maximum Density Bonus (Percent of Base Units)
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

3. The Density Bonus for Moderate Income Units shall be calculated as follows:

Percentage of Moderate Income Units	Maximum Density Bonus (Percent of Base Units)
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19

25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

4. Senior Citizen Housing Developments qualify for a 20 percent Density Bonus.
5. An applicant for an apartment conversion to a condominium project that provides at least 33 percent of the total units of the proposed condominium project to persons and families of Low or Moderate Income, or 15 percent of the total units of the project to Lower Income households, and agrees to pay for the reasonable necessary administrative costs incurred by the County, qualify for a 25 percent Density Bonus or other Incentives of equivalent financial value. An applicant shall be ineligible for a Density Bonus or other Incentives if the apartments proposed for conversion constitute a Housing Development for which a Density Bonus or other Incentives were provided under the other provisions of this Section.

20.65.070 Eligibility and Application Requirements for Incentives

- A. A Housing Development qualifying for a Density Bonus is entitled to at least one Incentive in addition to the Density Bonus. Incentives are available for qualifying Housing Developments as follows:
 1. One (1) Incentive for a Senior Citizen Housing Development or for a Housing Development that restricts at least:
 - a. Five (5) percent of Base Units for Very Low Income Households;
 - b. Ten (10) percent of Base Units for Low Income Households; or
 - c. Ten (10) percent of Base Units for Moderate Income Households within a Condominium project or a Planned Unit Development.
 2. Two (2) Incentives for a Housing Development that restricts at least:
 - a. Ten (10) percent of the Base Units for Very Low Income Households;
 - b. Twenty (20) percent of the Base Units for Low Income Households; or
 - c. Twenty (20) percent of the Base Units for Moderate Income Households within a Condominium project or a Planned Unit Development.
 3. Three (3) Incentives for a Housing Development that restricts at least:
 - a. Fifteen (15) percent of Base Units for Very Low Income Households;
 - b. Thirty (30) percent of Base Units for Low Income Households; or

c. Thirty (30) percent of Base Units for Moderate Income Households within a Condominium project or a Planned Unit Development.

B. The Appropriate Authority for the Housing Development shall grant the Incentive unless the Appropriate Authority makes a written finding, based upon substantial evidence, of any of the following:

1. That the Incentive is not necessary in order to provide for affordable housing costs; or

2. That the Incentive would result in specific adverse impacts upon the public health, safety, or the physical environment for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low, and Moderate Income Households.

3. That the Incentive would be contrary to the County's certified Local Coastal Program or State or Federal law.

C. Where a Housing Development qualifies for Incentives pursuant to this Chapter the applicant may request any of the following Incentives:

1. A reduction in site development standards such as:

a. Reduced minimum lot sizes and/or dimensions

b. Reduced minimum setbacks

c. Increased Lot Coverage

d. Increased Maximum building heights; or

e. Reduced on-site parking requirements

2. Approval of a mixed use zoning in conjunction with the Housing Development if commercial, office, or other land uses will reduce the cost of the housing development and if the commercial, office or other land uses are compatible with the Housing Development and the existing or planned development in the area where the proposed Housing Development will be located; or

3. Other regulatory Incentives proposed by the developer or the County, which result in identifiable, financially sufficient and actual cost reductions.

4. In addition to the requested Incentives above, and not counting toward the eligible number of Incentives, any applicant qualifying for a Density Bonus may request, inclusive of handicapped and guest parking, the following parking ratios:

a. Zero to one bedrooms: One onsite parking space

b. Two to three bedrooms: Two onsite parking spaces

c. Four or more bedrooms: Two and one-half parking spaces

If the total number of parking spaces for the development is other than a whole number, the number shall be rounded up to the next whole number.

20.65.080 Child Care Facilities

A. When an applicant proposes a Housing Development that is eligible for a Density Bonus under this Chapter and includes a Child Care Facility on the premises or adjacent to the Housing Development, the applicant shall receive an additional Density Bonus that is in an amount of square feet of residential space that is equal to the square footage of the child care facility; or the applicant may receive another incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility, provided that, in both cases, the following conditions are incorporated in the conditions of approval for the Housing Development:

1. The Child Care Facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to the terms of the Density Bonus Housing Agreement required by Section 20.65.120 of this Chapter.

2. Attendance of children at the Child Care Facility shall have an equal percentage or greater of children from Very Low, Low, and Moderate Income Households than the percentage of affordable units in the Housing Development.

B. The County may deny the request for a Density Bonus or Incentive for a Child Care Facility if the County finds, based upon substantial evidence, that the community has adequate Child Care Facilities without the facilities being considered as part of the subject Housing Development.

20.65.090 Donation of Land

A. When an applicant for a tentative subdivision map, parcel map or other residential development donates land to the County, the applicant shall be entitled to a Density Bonus above the Maximum Allowable Residential Density, up to a maximum of thirty five (35) percent depending on the amount of land donated. This increase shall be in addition to any increase in density permitted by this Chapter up to a maximum combined density increase of 35 percent. A Density Bonus for donation of land shall only be considered if all of the following conditions are met:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to Very Low Income households in the amount not less than 10% of the residential units in the proposed development.

3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate Land Use Plan/General Plan designation, is appropriately zoned for development as affordable housing, and is, or will be, served by adequate public facilities and infrastructure. The transferred land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the Very Low Income Units on the transferred land, except that the County may subject the proposed development to subsequent design review if the design is not reviewed by the County prior to the time of transfer.

4. The transferred land and the units constructed on said land shall be subject to a deed restriction ensuring continued affordability of the units for a period of at least 30 years and subject to restrictions consistent with California Government Code Section 65915 (c)(1) and (2), as may be periodically amended.

5. The land is transferred to the County or to a housing developer approved by the County.

6. The transferred land shall be within the boundary of the proposed development or, if the County determines appropriate, within one-quarter mile of the boundary of the proposed development.

20.65.100 General Requirements.

A. An applicant may request a meeting with the Planning Department and the Redevelopment and Housing Office of the County prior to the submittal of a development application to discuss incentive requests.

B. The Appropriate Authority to consider the Density Bonus is the Appropriate Authority for the qualifying Housing Development of which the Density Bonus is a component.

20.65.110 Density Bonus and Inclusionary Housing Ordinance.

A. All residential development shall comply with the Inclusionary Housing Ordinance contained in Chapter 18.40 of the Monterey County Code, and nothing in this Chapter relieves an applicant from complying with the Inclusionary Housing Ordinance. The County's granting of a Density Bonus by itself does not satisfy the applicant's responsibility to comply with the Inclusionary Housing Ordinance.

B. The total number of Inclusionary Units is calculated based upon the total number of units within the Housing Development (Base Units plus Density Bonus). The number of Qualifying Units used to determine eligibility for Density Bonus is based upon the number of Base Units.

20.65.120 Qualifying Units – Agreement Required.

A. Qualifying units may be used to satisfy the Inclusionary Housing requirements of Chapter 18.40 of the Monterey County Code. If Qualifying Units are applied to the Inclusionary Housing requirements, those units will be subject to the affordability provisions of the Inclusionary Housing Ordinance. The applicant will be required to enter into an Inclusionary Housing Developer Agreement governing these units pursuant to the County's Inclusionary Housing Ordinance.

B. All Qualifying Units not included within the Inclusionary Housing Developer Agreement shall be subject to the following provisions:

1. Duration of Affordability. The applicant shall agree to, and the County shall ensure, the continued availability of the Qualifying Units and other Incentives for a period of at least 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

2. Unit Affordability Requirements.

a. Rental Units. Rents for the Low income and Moderate income Qualifying Units shall be set at an Affordable Rent as defined in section 20.65.030.

b. Owner-occupied Units. Owner-occupied Qualifying Units shall be available at an Affordable Housing Sales Price as defined in section 20.65.030

3. Occupancy and Resale of Very Low, Low, and Moderate Income for sale units.

a. An applicant shall agree to, and the County shall ensure, that the occupant of Very Low, Low, or Moderate Income units are persons and families of the appropriate income and that the units are offered at an affordable housing cost.

b. The County shall enforce an equity sharing agreement as specified in California Government Code Section 65915(c)(2), as may be periodically amended.

4. Location and Type of Qualifying Units.

a. Location/Dispersion of Units. Qualifying units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to the market rate units within the Housing Development. The Qualifying Units shall be considered as part of the Housing

Development for which the Density Bonus is being considered. To the greatest extent feasible, the Qualifying Units shall be located throughout the Housing Development that also includes market rate units. Qualifying Units may be clustered or located off-site subject to the approval of the Appropriate Authority, if such clustering or off-site location furthers affordable housing opportunities.

b. Phasing. If a project is to be phased, the Qualifying Units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the County. The Qualifying Units shall be constructed concurrently with or prior to construction of the market rate units.

c. Exterior Appearance. The exterior appearance and quality of the Qualifying Units shall generally be similar to the market rate units, with exterior materials and improvements similar to and architecturally compatible with the market rate units in the development.

5. The Applicant will be required to enter into and record a Density Bonus Housing Agreement with the County, either as a separate agreement or combined with the Inclusionary Housing Developer Agreement, containing and implementing these requirements.

SECTION 47. Section 20.66.060, of the Monterey County Code is amended to read as follows:

20.66.060 STANDARDS FOR AGRICULTURAL EMPLOYEE FARM EMPLOYEE AND FARM WORKER HOUSING.

A. Purpose: The purpose of this Section is to provide the minimum standards for the application and development of agricultural employee farm employee and farm worker housing.

B. Applicability: The regulations of this Section are applicable in those zoning districts which allow agricultural employee farm employee and farm worker housing.

C Regulations:

1. Development of agricultural employee farm employee and farm worker housing or additions to or renewal of permits for existing agricultural employee farm labor housing shall require a Coastal Development Permit or a Coastal Administrative Permit. The Coastal Development Permit application shall include, at a minimum, the following elements is subject to the following requirements based on the size of the facility and zoning district of the subject property:

a. In the Coastal Agricultural Preserve and Agricultural Conservation Districts, agricultural employee housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household requires a Coastal Administrative Permit;

b. In the Agricultural Industrial District, agricultural employee housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household requires a Coastal Development Permit;

c. In the Coastal Agricultural Preserve and Agricultural Conservation Districts, agricultural employee housing consisting of 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household requires a Coastal Development Permit.

2. Prior to the issuance of a Coastal Development Permit for Agricultural Employee Housing, the operator of the Agricultural employee housing facility shall submit a facility plan to the Director of Planning consisting of the following information:

- a. Entity responsible for housing maintenance and up-keep;
- b. Description of whether the housing will be used on a permanent, temporary, and/or seasonal basis;
- c. Total number of people to be housed on-site at any one time;
- d. Description of the housing, including whether the structures will be permanent and/or temporary, intended as units for families, one person, or several persons, and cost of the units and utilities to the laborers;
- e. Location of where the employees will work;
- f. Assessment of how much water will be used by the proposed development and description of how water is proposed to be supplied to the housing, including water source location and type, water quality, water quantity, and storage; and,
- g. Description of the sewage disposal method, such as septic systems, to be used to service the housing.

2.3. Agricultural employee Farm employee and farm worker housing consisting of 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household shall meet the following criteria, which shall be made conditions of project approval where appropriate shall not be issued a Coastal Development Permit unless the following criteria are satisfied::

- a. There must be adequate water and sewer available to service the development, as determined by the Director of Environmental Health.
- b. In "CAP (CZ)" (Coastal Agricultural Preservation) zoning districts the housing must be located off prime and productive agricultural land, or on a lot where no other alternatives exist on site, on the least viable portion of the lot.
- c. In "AC (CZ)" (Agricultural Conservation) zoning districts, the housing must be located off of viable agricultural land.
- ~~d. In "LI" (Light Industrial) zoning districts, the housing may be located on any portion of the parcel subject to conformance with the policies of the North County Land Use Plan and standards of this ordinance.~~
- ed. The development shall incorporate proper erosion and drainage controls and shall not be located on Critical Erosion Areas.
- fe. Enclosed storage facilities shall be provided for each housing or dwelling unit.
- gf. Laundry facilities, including washers and dryers, shall be provided on-site.
- hg. The housing shall meet the density requirements of the zoning district in which it is to be located. The minimum parcel size for the establishment of ~~farm labor~~ Agricultural Employee Housing shall be 2.5 acres.
- ~~ih. Parking shall be provided at the ratio of two spaces per family unit, and/or one space per single person. Such spaces need not be covered. The parking areas shall be designated on the approved site plan.~~
- ji. The site design of the facilities shall be subject to the approval of the Director of ~~Planning and Building Inspection.~~
- kj. The development of ~~more than 124 units or 36 beds or more units~~ shall require inclusion of recreation facilities and open space, proportional to the amount and type of facilities to be provided. Inclusion of family units in the facilities shall require children's play equipment. Adult housing shall require the inclusion of appropriate recreational areas, such as for baseball, basketball, soccer or horseshoe pitching.

k. The development shall be landscaped pursuant to a landscaping plan approved by the Director of Planning and Building Inspection prior to issuance of building permits for the facility.

m. All recreational areas and landscaping shall be installed prior to occupancy of the facilities. Landscaped areas shall be maintained.

D. All permits for agricultural employee farm employee or farm worker housing shall be conditioned to expire at a time to be specified by the decision making body at the time of permit approval. Renewal of the permit shall require on-site inspections by the Planning and Building Inspection Department and Health Department, prior to public hearing, to assess compliance with the previous conditions of project approval.

E. All renewals of permits for existing agricultural employee farm employee or farm worker housing shall be subject to the criteria of this section. New conditions of project approval shall be applied in order to assure compliance with the criteria where feasible.

SECTION 48. Subsection C of Section 20.70.120 is amended to read as follows:

C. Use of existing or permitted structures for keeping of pets, small family day care homes, ~~licensed residential care homes for not more than 6 people~~ Small Residential Care Facilities, Employee Housing providing accommodations for up to six employees, Supportive Housing, Transitional Housing/Transitional Housing Development, rooming and boarding, home occupations pursuant to Section 20.64.090, and animal husbandry and small livestock farming.

SECTION 49. Subsection N of Section 20.144.020 of Chapter 20.144 (Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area) of the Monterey County Code is repealed.

SECTION 50. Paragraph 2 of Subsection a of Subsection 3 of Subsection B of Section 20.144.140 of Chapter 20.144 (Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area) of the Monterey County Code is amended to read as follows:

Between the time of LUP certification (June, 1982) and Coastal Implementation Plan preparation (July, 1987), a total of 168 lots were approved and a total of 119 final building permits were issued. As well, there were a total of 405 vacant residential parcels as of July, 1987. (These figures were calculated through use of County Planning Department and Assessor computer records.) Subtracting these figures from the 2,043 new lots or units provides the remaining build-out that may be permitted after County assumption of coastal development permitting authority, exclusive of one single family dwelling on a vacant lot of record. That remaining build-out figure is 1,351 new lots or units. This figure shall include ~~senior citizen units, caretaker accessory dwelling~~ units, multiple family dwellings, employee housing, and lots created through subdivision approved after County assumption of permitting authority, but shall exclude development of a single-family dwelling on a vacant lot of record. (Ref. Policy 2.5.3.A.2 & 4.3.3)

SECTION 51. Subsection b of Subsection 3 of Subsection B of Section 20.144.140 of Chapter 20.144 (Monterey County Coastal Implementation Plan, Part 2, Regulations for

Development in the North County Land Use Plan Area) of the Monterey County Code is repealed.

SECTION 52. Subsection N of Section 20.145.020 of Chapter 20.145 (Monterey County Coastal Implementation Plan, Part 3, Regulations for Development in the Big Sur Coast Land Use Plan Area) of the Monterey County Code is repealed.

SECTION 53. Subsection b of Subsection 4 of Subsection B of Section 20.145.140 of Chapter 20.145 (Monterey County Coastal Implementation Plan, Part 3, Regulations for Development in the Big Sur Coast Land Use Plan Area) of the Monterey County Code is repealed.

SECTION 54. Subsection c of Subsection 2 of Subsection C of Section 20.145.150 of Chapter 20.145 (Monterey County Coastal Implementation Plan, Part 3, Regulations for Development in the Big Sur Coast Land Use Plan Area) of the Monterey County Code is amended to read as follows:

c. Development of commercial, visitor-serving, and residential (more than one unit per parcel exclusive of ~~caretakers~~ accessory dwelling units or other non-principal residences) uses shall provide for dedicating and installing access through the parcel.

SECTION 55. Subsection 2 of Subsection E of Section 20.146.120 of Chapter 20.146 (Monterey County Coastal Implementation Plan, Part 4, Regulations for Development in the Carmel Area Land Use Plan Area) of the Monterey County Code is repealed.

SECTION 56. Subsection 1 of Subsection N of Section 20.147.020 of Chapter 20.147 (Monterey County Coastal Implementation Plan, Part 5, Regulations for Development in the Del Monte Forest Land Use Plan Area) of the Monterey County Code is amended to read as follows:

1) Residential Land Use: New residential land uses planned for the Del Monte Forest Area range in average density from one to four dwelling units per gross acre. For convenience of designation, they are described in terms of low density (maximum of 1 dwelling unit/acre), and medium density (maximum of 4 dwelling unit/acre). Most of the existing and new residential development areas within the Forest fall within the low or medium categories. ~~Caretakers units, servants quarters, and other separate houses, but not senior citizen units, Accessory dwelling units are considered units of residential development for the purpose of calculating density buildout. The County shall not approve such units in excess of the density buildout allocated by this plan for each the Del Monte Forest Land Use planning area.~~

SECTION 57. Subsection 4 of Subsection B of Section 20.147.090 of Chapter 20.147 (Monterey County Coastal Implementation Plan, Part 5, Regulations for Development in the Del Monte Forest Land Use Plan Area) of the Monterey County Code is repealed.

SECTION 58. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would

NOT Proposed;
Previously Amended per LCFA MCO-1-12 PART 1

have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 59. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2011, by the following vote:

AYES: Supervisors
NOES:
ABSENT:
ABSTAIN:

Jane Parker, Chair
Monterey County Board of Supervisors

ATTEST:

GAIL T. BORKOWSKI
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

Leroy W. Blankenship

LEROY W. BLANKENSHIP
Assistant County Counsel