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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

**October 23, 2015**

Craig Spencer
Monterey County Resource Management Agency
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Subject: *Coastal Commission Action on Monterey County Local Coastal Program Amendment No. LCP-3-MCO-15-0022-1 (Housing Regulations Update)*

Dear Craig:

At its meeting of October 7, 2017 in Long Beach, the Coastal Commission took action on Monterey County Local Coastal Program Amendment No. LCP-3-MCO-15-0022-1 (Housing Regulations Update). The Commission approved the proposed amendments to the County's certified Local Coastal Program, if modified as suggested. A copy of the adopted findings and suggested modifications is enclosed.

This letter formally transmits to you the Commission's resolution of certification and adopted findings pursuant to Section 13544 of Title 14 of the California Code of Regulations. Pursuant to Section 13544, effective certification of LCP Amendment No. LCP-3-MCO-15-0022-1, whereby the County may begin issuing coastal development permits subject to this amendment, will occur after:

1. The County, by action of the Board of Supervisors: (a) acknowledges receipt of this resolution of certification, including the suggested modifications; (b) accepts and agrees to the modifications and takes whatever formal action is required to satisfy the modifications (e.g., implementation of ordinances); and (c) agrees to issue coastal development permits subject to the approved amendment.
2. The Commission's Executive Director reports to the Commission his determination that the County's actions are legally adequate and the Commission does not object to the Executive Director's determination.
3. Notice of the certification of the LCP amendment is filed with the Secretary of the Resources Agency.

Coastal Commission staff will take care of items #2 and #3 above, following completion of item #1 by the County. Note that the Commission's regulations provide that the Commission's action of certification with the suggested modifications shall expire six months from the date of the Commission's action, or on April 7, 2016.

Please let me know if I can assist you in any way in completing action on this LCP amendment, or if you have any questions. Thanks for all your help during this process.

To: Craig Spencer
Re: LCP Amendment LCP-3-MCO-15-0022-1 (Housing Regulations Update)
October 23, 2015
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Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Kahn". The signature is fluid and cursive, with the first name "Kevin" and last name "Kahn" clearly distinguishable.

Kevin Kahn
District Supervisor
Central Coast District Office

Enclosure

CALIFORNIA COASTAL COMMISSION

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SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
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WEB: WWW.COASTAL.CA.GOV



W12a

Prepared September 24, 2015 for October 7, 2015 Hearing

To: Commissioners and Interested Persons
From: Susan Craig, Central Coast District Manager
Kevin Kahn, Central Coast District Supervisor
Subject: **Monterey County LCP Amendment Number LCP-3-MCO-15-0022-1 (Housing Regulations Update)**

SUMMARY OF STAFF RECOMMENDATION

Monterey County is requesting to amend all four Land Use Plan (LUP) segments and the Implementation Plan (IP) portion of its certified Local Coastal Program (LCP) to modify the LCP's housing regulations, including prohibiting accessory dwelling units in the North County coastal zone, and updating standards related to agricultural employee housing, homeless shelters, transitional/supportive housing, density bonuses/incentives, and reasonable accommodations.

With respect to the LUP, the amendment makes minor changes to the standards related to accessory dwelling units (ADUs), or second units, including increasing their maximum allowable size to 1,200 square feet from the current 850, as well as changing their name to "accessory dwelling unit" from the current "caretaker's unit." While a caretaker's unit must be occupied by someone who works predominantly on the property on which the unit is located, an accessory dwelling unit does not contain such restriction and is therefore available for anyone to reside. The amendment retains the LUP's existing development standards for such units, thereby ensuring that such units are built in a manner that respects coastal resources. The amendment also adds news language allowing for increases in density above that which is normally allowed per the underlying land use and zoning district regulations. The proposed density bonus language would ensure that the increase in density is otherwise consistent with the LCP, including its requirements for adequate public services, visual resource protection, and others. The proposed LUP amendment therefore allows for additional affordable housing, including accessory dwelling units and density bonuses, while ensuring that such housing is built in a manner consistent with the LCP's coastal resource protection standards, and is therefore consistent with the Coastal Act as submitted.

The IP amendments allow for additional housing types (including homeless shelters, transitional/supportive housing, and single-room occupancy facilities) within the LCP's residential zoning districts, and make it easier to accommodate housing for people with lower

incomes, disabilities, and with particular health and safety needs within those existing residential districts, all consistent with LUP requirements in this regard. The amendment also ensures that accessory dwelling units are located in areas able to accommodate them, including in areas with adequate services such as water and sewer. Notably, the amendment prohibits ADUs within the North County LUP planning area due to known deficiencies in potable water supply. The prohibition is an appropriate response to the area's groundwater overdraft situation, and will ensure that scarce water supplies are not usurped by additional residential development.

Finally, while the amendment includes many appropriate implementing standards for density bonuses and agricultural employee housing, certain modifications are necessary to ensure LUP conformance. First, while the amendment states that an allowed incentive to encourage affordable housing development shall be granted only so long as it is consistent with the LCP, some of the listed incentive types, including reductions in building setbacks, increases in height, and reductions in parking, are specifically identified in the LCP for the four residential zoning districts in which the density bonus provisions would apply. In order to incentivize affordable housing construction and to eliminate the internal inconsistency, **Suggested Modification 1** requires any development standard deviation to be consistent with the policies of the LUP. Second, with respect to agricultural employee housing, the amendment would weaken existing standards that such housing must meet. Whereas the existing IP requires all farmworker housing to meet requisite standards, including that such housing have adequate water and sewer and be located off productive agricultural land, the proposed language requires such findings only for housing consisting of 37 or more beds in group quarters or 13 or more units designed for a single family. Since the LUP requires all development to be located off of productive agricultural land, and requires all development to have adequate water and sewer to serve it, and the existing IP language requires the same, **Suggested Modification 2** requires that agricultural employee housing consisting of not more than 36 beds (for group quarters) or 12 units or spaces designed for use by a household be located on the least agriculturally viable portion of the lot, shall avoid critical erosion areas to the extent feasible, and shall be supported by adequate water and sewer services. Staff has worked closely with the County on the suggested modification language, and County staff and Commission staff are in agreement on the recommended modifications.

As modified, the LCP amendment will ensure that housing opportunities of all types are provided in the Monterey County coastal zone in a manner that protects coastal resources. Staff recommends that the Commission find that the proposed LUP amendment conforms with 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 Plan as submitted, but then 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 August 20, 2015. The proposed amendment affects both the LCP's Land Use Plan (LUP) and Implementation Plan (IP), and the 90-day action deadline is November 18, 2015. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until November 18, 2015 to take a final action on this LCP amendment.

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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 LCP-3-MCO-15-0022-1 as submitted by Monterey County, and I recommend a yes vote.*

Resolution: *The Commission hereby certifies Land Use Plan Amendment LCP-3-MCO-15-0022-1 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 Amendment LCP-3-MCO-15-0022-1 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 Amendment LCP-3-MCO-15-0022-1 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 April 7, 2016), 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 the Commission suggests to be added, and text in ~~strikeout~~ denotes text suggested to be deleted.

Modify IP Section 20.65.070(B)(3) “Density Bonus and Incentives” as follows:

That the incentive would be contrary to the County’s certified ~~Local Coastal Program~~ Land Use Plan (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections) or State or Federal law.

2. Modify Implementation Plan Section 20.66.060(C)(1)(a) “Standards for Agricultural Employee Housing” as follows:

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. Such housing shall be located on the least agriculturally viable portion of the lot; shall avoid Critical Erosion Areas to the extent feasible; and shall be supported by adequate water and wastewater services.

III. FINDINGS AND DECLARATIONS

A. DESCRIPTION OF PROPOSED LCP AMENDMENT

Monterey County proposes to amend the four Land Use Plans (LUPs)¹ and Implementation Plan (IP) of its certified Local Coastal Program (LCP) to: 1) prohibit accessory dwelling units within the North County LUP area; 2) add procedures related to reasonable accommodation for disabled or handicapped individuals; 3) establish density bonus provisions for affordable housing to comply with the State density bonus law; 4) update development standards for emergency shelters, transitional housing, supportive housing, agricultural employee housing, single room occupancies, small and large family day care facilities, and accessory dwelling units; and 4) add housing-related definitions.

Land Use Plan Amendments

The proposed LUP amendments include changes to standards for caretakers' units and density bonuses. With respect to caretakers' units, only the Big Sur and Carmel Area LUPs currently include standards for the allowance of caretakers' units on residential property as a mechanism to increase the supply of affordable, workforce housing.² These units are defined in the certified IP as permanent residences that are accessory to a main dwelling for persons employed principally on the same site, including for the care and protection of persons or property. The Big Sur and Carmel Area LUPs include standards for such units including: 1) a maximum of 50 caretakers' units in the Big Sur planning area; 2) allowing only one caretakers' unit per parcel; 3) a prohibition on the units being subdivided from the primary residence; 4) an 850-square-foot size limit; and, 5) allowing caretakers' units only on parcels 40 acres or larger within the Carmel Area. The amendment changes the terminology from "caretakers' unit" to "accessory dwelling unit" (ADU). In addition, the limits on the size of an ADU are increased from 850 square feet to a maximum of 1,200 square feet in both the Big Sur and Carmel planning areas. All other standards, including those for lot size in the Carmel area, the cap in Big Sur, and the subdivision prohibition in both areas, remain the same.

The amendment also adds new language for all four LUP areas that allows for the granting of a density bonus per California Government Code Section 65915. The standard allows for the granting of an increase in density above that which would normally be allowed if the additional density can be accommodated on the site in a manner consistent with all other standards of the LUPs.

See Exhibit 1 for the proposed LUP amendment text.

¹ Monterey County divides its coastal zone into four areas, each with its own Land Use Plan: North County, Del Monte Forest, Carmel Area, and Big Sur.

² The Del Monte Forest LUP was amended in 2012 via LCP amendment MCO-1-12 Part 1, replacing caretakers' units with accessory dwelling units as an allowable land use. The North County LUP does not include caretakers' unit standards.

Implementation Plan Amendments

Reasonable Accommodation

The County proposes to add a new chapter (Chapter 20.61: Requests for Reasonable Accommodation) into its certified IP. 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 such an accommodation is necessary to ensure equal access to housing. Accommodations typically involve such measures 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 IP Chapter 20.61.

Accessory Dwelling Units

The County proposes to amend IP Section 20.64.030. First, the amendment deletes reference to “caretakers’ units” and now includes standards for “accessory dwelling units” (ADUs). The amendment defines an accessory dwelling unit in IP Section 20.06.375 as a unit meant for complete independent living with cooking and sanitation facilities on a parcel with an existing primary single-family residence. While caretakers’ units were allowed in all zoning districts, the amendment allows ADUs only within all residential zoning districts (High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential (LDR), and Rural Density Residential (RDR)) as well as the Watershed and Scenic Conservation (WSC) zone district. The amendment requires all ADUs to conform with all of the zoning and development standards that govern the given lot, including those for lot coverage, height, and setback on a cumulative basis with the primary residence (e.g., the primary residence and the ADU must together meet the zoning district’s lot coverage requirements). In addition, the amendment adds new ADU restrictions, including that ADUs are not permitted within native Monterey cypress habitat within the Del Monte Forest area, are not permitted within the defined critical viewshed area within Big Sur, are not permitted on any parcel with a “B-8” zoning overlay³, and are prohibited within the North County LUP area.

Density Bonus

The County proposes to add a new chapter (Chapter 20.65: Density Bonus and Incentives) into the certified IP. Chapter 20.65 includes relevant definitions, bonus calculations, affordability covenants, and specific incentives and regulatory concessions for the provision of affordable housing units, mirroring the requirements specified in the State’s Density Bonus law (California Government Code Section 65915). 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 the process for pursuing certain development standard variations and incentives, and require that any allowed density bonus and development incentive be otherwise in conformity with the LCP.

³ The B-8 zoning overlay prohibits additional development beyond the first single-family residence on parcels with water supply, water quality, sewage disposal, traffic capacity, or other public service constraints.

Agricultural Employee Housing

The County proposes to amend IP Chapter 20.66.060: Standards for Farm Employee and Farm Worker Housing. The amendment replaces the term “farm worker housing” with “agricultural employee housing,” and allows such housing within four zoning districts: Coastal Agricultural Preserve (CAP), Agricultural Conservation (AC), Agricultural Industrial (AI), and Watershed and Scenic Conservation (WSC), whereas farm worker housing was previously allowed in additional agricultural, as well as certain residential and industrial, zoning districts. Whereas the existing IP requires that specific findings be made for any proposed farm worker housing, including that such housing have adequate water and sewer service, be located off prime and productive agricultural land within the CAP zoning district, and be allowed only on parcels 2.5 acres or greater in size, among others, the proposed amendment requires such findings only for housing consisting of 37 or more beds in group quarters or 13 or more units designed for a single family.

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

Finally, 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.). The proposed amendment would make changes to the existing LCP in order to comply with these requirements. Specifically, the amendment adds homeless shelters as an allowable use within the High Density Residential (HDR) zoning district, and includes permitting requirements, including findings that adequate water and sewage disposal is available to serve the shelter, among others. Additionally, the County proposes to add small and large family day care homes as allowable uses in residential zones, consistent with the current State Child Family Day Care Home Program (California Health and Safety Code Section 1597.30 et seq.).

See Exhibit 1 for the proposed LUP amendment text and Exhibit 2 for the proposed IP amendment text.

B. 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.

C. 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.

Finally, while not an applicable standard of review for an LUP amendment, it should be noted that the Coastal Act encourages the provision of affordable housing:

***Section 30604(f).** 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.*

***Section 30604(g).** The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.*

The existing certified LUP only provides for certain types of secondary dwelling units in the Carmel and Big Sur LUP areas, including caretakers' units that can only be used by residents that are employed on-site, and senior citizen units that are restricted to residents of a certain age. However, recent changes to the State's accessory dwelling unit laws broaden such units' residency criteria beyond solely caregivers and seniors, and, reflecting such changes, the Del Monte Forest LUP was already previously amended to allow ADUs without occupancy restrictions. Therefore, the proposed amendment replaces references to caretakers' units and senior citizen units with accessory dwelling units within the Big Sur and Carmel area LUPs. The proposed LUP changes therefore ensure consistency with State laws in this regard, and ensure that a broader reach of society is allowed access to this form of affordable housing.

With respect to the proposed increase in the allowable size of the ADU (i.e., 850 square feet existing to 1,200 square feet proposed), the new larger square footage represents a theoretical maximum that could be attained only if the project otherwise meets 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, per the IP, 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 lot coverage. Therefore, the increased size of the ADU would not alter the design standard requirements of the underlying zoning district and would not otherwise reduce the LCP's coastal resource protections. Furthermore, the

amendment retains the other existing standards for accessory units, including the 50 unit cap in the Big Sur planning area, requirements that only one ADU be allowed per parcel, a prohibition on an ADU being subdivided from the primary residence, and allowance for ADUs only on parcels 40 acres or larger within the Carmel Area. The proposed LUP amendment therefore allows for affordable accessory dwelling unit housing within existing developed areas with appropriate resource protection standards, and is therefore consistent with the Coastal Act.

Finally, the proposed LUP amendment's allowance for density bonuses within the four planning areas would allow for increases in density consistent with the Density Bonus provisions specified in Government Code 65915 if such density is otherwise consistent with the LUP's standards. The proposed policy language is therefore consistent with Coastal Act Section 30604(f) because it offers a tool for the provision of affordable housing if such housing meets all other LUP coastal resource protections. The proposed LUP amendment is therefore consistent with the Coastal Act.

In conclusion, as submitted, the LUP amendment's accessory dwelling unit and density bonus policies are consistent with Chapter 3 of 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 prime and productive agricultural land, significant public 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.

c) If a project qualifies for a density bonus under Government Code Section 65915, the density bonuses shall be granted unless the additional density sought by the applicant cannot feasibly be accommodated on the site in manner that, for reasons other than density, is in conformity with this plan.

- 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

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 accessory dwelling units 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 accessory dwelling units shall not exceed 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 principle residence from an 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 accessory dwelling unit shall be allowed on a parcel.

d) If a project qualifies for a density bonus under Government Code Section 65915, the density bonuses shall be granted unless the additional density sought by the applicant cannot feasibly be accommodated on the site in manner that, for reasons other than density, is in conformity with this plan.

Big Sur Land Use Plan Policy 5.4.3.I

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 accessory dwelling units as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. Detached accessory dwelling units shall not exceed 1,200 square feet in size. Subdivisions shall not be permitted to divide a principal residence from an accessory dwelling unit. Only one 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. ...

e) If a project qualifies for a density bonus under Government Code Section 65915, the density bonuses shall be granted unless the additional density sought by the applicant cannot feasibly be accommodated on the site in manner that, for reasons other than density, is in conformity with this plan.

The following Monterey County Land Use Plan Policies protect the County's significant visual and scenic resources:

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.

The following Monterey County Land Use Plan Policies protect the wide variety of sensitive habitats that are located in the County.

Big Sur LUP 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 2.3.2 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.

The following Monterey County Land Use Plan Policies protect water resources in North County:

North Monterey County LUP

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.

The following North Monterey County Land Use Plan Policy protects prime and productive soils for agricultural use:

2.6.3.7 Specific Policies (Agriculture)

Greenhouses and other agriculture-related operations that are not on-site soil-dependent or which degrade soil capabilities shall not be located on prime and productive agricultural soils in the areas designated for Agricultural Preservation land use. Greenhouses that are on-site soil-dependent shall be located to allow the fullest use of the land for agricultural production. Greenhouses and other agriculture-related operations that do not require on-site soils may be located on Agriculture Conservation and Rural Residential lands on the less agriculturally viable areas of the parcel or in Light Industrial areas or Agricultural Industrial areas (the location of commercial mushroom facilities is specifically defined in Policy 2.6.3.9).

Homeless Shelters, Single-Room Occupancy Facilities, Transitional/Supportive Housing, and Reasonable Accommodations

The proposed amendment allows for additional types of housing within the LCP's residential zoning districts, and makes it easier to accommodate housing for people with lower incomes, disabilities, and with particular health and safety needs within those existing residential districts. For example, the amendment's allowance for homeless shelters and single-room occupancy facilities within the High Density Residential (HDR) zoning district allows for these State-required uses to be built within the coastal zone's urban areas. The County selected the HDR district as the most appropriate zone for these uses because the zone is assigned to areas located in the more urbanized portions of the coastal zone with access to public transportation and other essential services. Furthermore, the amendment's allowance for transitional housing and supportive housing within residential zones simply allows for a different housing type within areas that already allow and provide for housing opportunities. Finally, with respect to reasonable accommodations, the proposed amendment will provide a process for the granting of minor modifications to 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 language also 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. In essence, the amendment does not introduce new uses within the LCP's residential zoning districts, but rather adds additional standards for particular subsets of already allowed uses. The LCP encourages development within these urbanized areas, particularly for affordable housing and housing that targets an underserved populace, and allowing for these housing types is therefore consistent with the above-cited LUP policies. Therefore, these components of the proposed IP amendment are approved as submitted.

Accessory Dwelling Units

The Commission has traditionally found the allowance for accessory dwelling units (ADUs), or second units, to be generally consistent with Coastal Act and LUP requirements that call for development to be located within existing developed areas able to accommodate it. Existing developed communities, in general, do not implicate sensitive coastal resources, such as prime agricultural land or environmentally sensitive habitat areas, like more rural locales do. Therefore, placing ADUs, which tend to be more affordable than standard housing, on already developed parcels can help provide additional housing opportunities in areas that typically do not have sensitive coastal resource concerns. However, regardless of location, ADUs must still be found consistent with the Coastal Act or LCP's coastal resource protection standards, including those that require adequate services be available to serve the ADU, protection of scenic and visual resources, and water quality protections, among others. In this case, the proposed amendment places specific restrictions on ADUs to ensure that they are sited and designed in a manner that respects the coastal zone's unique constraints, including a prohibition on ADU development: 1) in native Monterey cypress habitat within the Del Monte Forest/Pebble Beach area; 2) within the defined critical viewshed of Big Sur, and; 3) on parcels with a B-8 zoning, i.e. parcels with known service limitations. Furthermore, the amendment requires ADUs to meet the applicable zoning regulations on a cumulative basis with the primary residence. For example, the Low Density Residential (LDR) zoning district allows a maximum 15% building site coverage. An applicant must ensure that the primary residence *and* the ADU meet the LCP's maximum 15% building site coverage. The cumulative zoning requirement helps ensure that ADU allowance does not authorize additional development beyond the zoning district's articulated development footprint. Finally, all ADUs must be found to have adequate water supply and sewage disposal.

On this last point, due to known water supply inadequacies, the amendment prohibits ADU development within the entire North County LUP planning area. The North County area has had a known water supply deficiency for decades. Groundwater is the source for almost all water needs in North County, including both for potable residential purposes but also for the area's extensive agricultural operations, and years of water withdrawals from the subsurface aquifer have resulted in a severe overdraft, seawater intrusion, and a degradation of water quality. The County has responded by implementing water saving measures, including instituting an emergency ordinance in the early 2000s that temporarily prohibited the 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. 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). The County found that allowing ADUs 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. In fact, the water supply limitations are so acute in this area that the amendment describes directly in the ordinance's language why the public health, safety, and welfare benefit from eliminating additional water extractions exceeds the public benefit provided from additional affordable housing opportunities. Proposed IP Section 20.64.030(D) states:

...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... (See North County Land Use Plan Section 4.2....). 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....

Due to water limitations, North County LUP Policy 2.5.3.2 only authorizes development at 50% of that which the area could accommodate per existing subdivided legal lots (i.e. the potential buildout). Therefore, the LUP already states that water supplies are not sufficient to accommodate the area's *existing* maximum potential growth, and certainly could not accommodate additional development beyond that maximum. Thus, the Commission concurs with the County's determination that allowing for additional growth beyond that which is already allowed within the North County coastal zone, including through such measures as authorizing accessory dwelling units and the subdivision of land, is not supportable by the area's potable water supply. The Commission concurs with the amendment's prohibition of ADUs within the North County coastal zone, and finds that doing so is consistent with LUP policies that do not allow development in areas with inadequate water supply.

Density Bonus and Incentives

The proposed density bonus and incentive provisions are intended to encourage the voluntary creation of affordable housing, consistent with the requirements of State housing laws. In general, State regulations (pursuant to Government Code Section 65915, and reflected in the proposed amendment) allow for a density bonus of up to 35% additional housing units above that which the underlying land use and zoning designation would ordinarily allow depending on the percentage of housing units that qualify as low income. The law and the proposed amendment also define a process for pursuing certain development incentives in order to further encourage affordable housing opportunities. The incentives include certain development standard variations and financial concessions that result in project cost reductions.

Similar to accessory dwelling units, the Commission has, in general, found that the allowance for density bonuses can be an effective tool to provide for affordable housing. In fact, Coastal Act Section 30604(f) specifically encourages the Commission to approve an increase in density for affordable housing when such housing can be accommodated in manner otherwise consistent with the resource protection policies of the Coastal Act or a local government's certified LCP. In this case, the proposed IP amendment implements corresponding LUP density bonus policy language by requiring all such affordable housing density bonuses to be granted unless the additional density cannot be accommodated in a manner that is otherwise in conformance with

the LCP. Therefore, the housing must have adequate public services, including water and sewer, cannot be located within significant public view corridors, and cannot be located on lands designated as ESHA, among other LCP standards. Furthermore, the amendment requires any allowed incentives to also be LCP consistent, thereby ensuring that any additional regulatory measures to incentivize and accommodate an affordable housing development do not violate LCP standards.

However, with respect to the incentives, the amendment contains an internal inconsistency. Proposed Section 20.65.070(B)(3) states that an incentive shall not be granted if it “would be contrary to the County’s certified Local Coastal Program or State or Federal law.” Section (B)(4) then describes the types of incentives, including the approval of a mixed-use development or other regulatory measures that provide cost reductions, including reduced permitting fees or expedited permitting review. These potential incentives are appropriate measures to accommodate affordable housing because they do not result in LCP inconsistencies. However, the section also lists “a reduction in site development standards” as a type of potential incentive, including reductions in building setbacks, increases in height, and reductions in parking. These standards are specifically identified in the LCP for the four residential zoning districts in which the density bonus provisions would apply; therefore, granting an increase in height as an allowed incentive would “be contrary to the LCP.” In order to both encourage and incentivize the construction of affordable housing, and to eliminate the internal inconsistency, **Suggested Modification 1** requires all incentives to be consistent with the Land Use Plan, including its sensitive habitat, agriculture, public views and access, and public service protections. In this way, a zoning district development restriction, such as site setbacks, may be modified to accommodate the affordable housing, but not at the expense of the LUP’s core coastal resource protection standards.

In conclusion, the proposed density bonus amendment, as suggested to be modified, will allow for increased densities consistent with State law, the Coastal Act, and LUP policies that encourage affordable housing, and will do so in a manner that protects coastal resources. Thus, as modified, the proposed amendment can be found consistent with and adequate to carry out the certified LUP.

Agricultural Employee Housing

Finally, with respect to agricultural employee housing, the amendment would weaken existing standards that such housing must meet. Whereas the existing IP requires that requisite findings be made for all proposed farm worker housing - including that such housing have adequate water and sewer, be located off prime and productive agricultural land, among others - the proposed language requires such findings only for housing consisting of 37 or more beds in group quarters or 13 or more units designed for a single family. Because the Land Use Plan (including North County LUP Agriculture Policy 2.6.3.7) requires all development to be located off of prime and productive agricultural land, and requires all development to have adequate water and sewer to serve it, and the existing IP language requires the same, the proposed amendment needs to be modified. **Suggested Modification 2** requires that agricultural employee housing consisting of not more than 36 beds (for group quarters) or 12 units or spaces designed for use by a household be located on the least agriculturally viable portion of the lot, shall avoid critical erosion areas to the extent feasible, and shall be supported by adequate water and sewer services. As modified, the amendment would allow for agricultural worker housing that would help foster Coastal Act

and LUP-priority agricultural production, but also requires such housing to be sited and designed in a manner that respects the sensitive coastal resources that are implicated with productive agricultural lands. As modified, the amendment's agricultural employee housing policies are consistent with the LUP.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The County, acting as lead CEQA agency, adopted a Negative Declaration for the proposed amendments. This staff 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.

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. Specifically, Section 21080.9 of the California Public Resources Code – within CEQA – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program amendment. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. The Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP amendment.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with certain CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. (CEQA Guidelines Sections 13542(a), 13540(f), and 13555(b)).

The County's LCP amendment consists of both and Land Use Plan (LUP) and Implementation Plan (IP) amendment. The Commission incorporates its findings on LUP and IP conformity into this CEQA finding as it is set forth in full. As discussed herein, the proposed amendment as originally submitted does not conform with and is not adequate to carry out the policies of the Coastal Act and certified LUP. The Commission, therefore, has suggested modifications to bring the IP amendment into full conformance with the LUP. As modified, the Commission finds that approval of the LUP and IP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

Thus, the proposed amendment is consistent with CEQA Section 21080.5(d)(2)(A).

ATTACHMENT 1
DRAFT AMENDMENTS TO BIG SUR, CARMEL AREA,
DEL MONTE FOREST, AND NORTH COUNTY 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 care takers' 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~~

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

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~~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 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.

5. Subsection e of subsection 2 of subsection I of section 5.4.3 is added to read as follows:

e) If a project qualifies for a density bonus under Government Code Section 65915, the density bonuses shall be granted unless the additional density sought by the applicant cannot feasibly be accommodated on the site in a manner that, for reasons other than density, is in conformity with this 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.

2. Subsection d) is added to subsection 2 of subsection H of section 4.4.3 to read as follows:

d) If a project qualifies for a density bonus under Government Code Section 65915, the density bonuses shall be granted unless the additional density sought by the applicant cannot feasibly be accommodated on the site in a manner that, for reasons other than density, is in conformity with this plan.

Amendments to Del Monte Forest Area Land Use Plan

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

1. Policy 119 is amended to read as follows:

119. The County shall encourage the expansion of housing opportunities for low and moderate-income households, including a requirement that all new residential subdivisions contribute to the provision of low and moderate-income housing. If a project qualifies for a density bonus under Government Code Section 65915, the density bonuses shall be granted unless the additional density sought by the applicant cannot feasibly be accommodated on the site in a manner that, for reasons other than density, is in conformity with this plan. The allowance of accessory dwelling units may also serve to further this objective in the Del Monte Forest.

Amendments to the North County Land Use Plan

1. Subsection c) of subsection 2 of the Low and Moderate Income Housing discussion of subsection D of Section 4.3.6 is added to read as follows:

c) If a project qualifies for a density bonus under Government Code Section 65915, the density bonuses shall be granted unless the additional density sought by the applicant cannot feasibly be accommodated on the site in a manner that, for reasons other than density, is in conformity with this plan.

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.

*Ordinance amending Title 20 (coastal housing amendments)
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“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 allowed use for persons employed on-site for purposes of care and protection of 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 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.

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. 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. [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. 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. 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. 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 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. [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. 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. [Repealed]
- 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.

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. 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. [Repealed];
- Q. Tract sales or rental offices;
- R. Detached structures accessory to any conditional use;
- S. [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. [Repealed];
- 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;
- I. [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. [Repealed];
- M. [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 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 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. 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. [Repealed];
- R. Tract sales or rental offices;
- S. [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. [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. [Repealed];
- N. [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 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. 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. [Repealed];
- R. [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. [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. [Repealed];
- J. Agricultural support services (ZA);
- K. [Repealed];
- M. L. [Repealed]; 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. [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. 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;
- 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. [Repealed];
- X. 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;
- 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. [Repealed];
- Q. 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;
- 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. [Repealed];
- BB. 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;
- 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
Agricultural Employee Housing	1 space/dwelling unit or 1 space/4 beds
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	<u>bedroom</u>
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
Homeless Shelter	1 space/employee and 1 space/6 beds or portion thereof
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	
Accessory dwelling unit	1 space/unit
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
Large Residential Care Facility	<u>1 space/employee plus 2 additional spaces</u>
Small Residential Care Facility	<u>1 space/employee plus 2 additional spaces</u>
Single Room Occupancy Facility	.5 spaces/unit (Within 2,000 feet of Public Transit)
Single Room Occupancy Facility	1 space/unit (Not within 2,000 feet of Public Transit)
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 sapce/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, including an explanation of how application of the zoning code requirement precludes a reasonable accommodation;
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 request for Reasonable Accommodation. A grant of Reasonable Accommodation shall require 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; and
7. The accommodation minimizes inconsistencies with and will not require a fundamental alteration of the County's Local Coastal Program.

D. In no case shall the Appropriate Authority apply the requirements of this section in a manner that is inconsistent with the federal Fair Housing Act.

E. 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.

F. 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.

G. 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.

H. 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 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. .

B. **Applicability:** The provisions of this Section are applicable in 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. 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.
3. In the Carmel Area Land Use Plan area, on lots less than 40 acres in area.
4. 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 Sur Coast Land Use Plan (April 9, 1986).

E. **Regulations:** 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 Accessory Dwelling Unit per lot 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.
3. The minimum lot size for establishment of an Accessory Dwelling Unit shall be as follows:
 - a. Two acres in areas not served by public sewers.
 - b. In Big Sur the minimum lot size shall be two acres.
 - c. In Carmel the minimum lot size shall be forty 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.
5. The maximum floor area for an Accessory Dwelling Unit is 1,200 square feet.
6. Parking for accessory dwelling units shall be consistent with the Parking Regulations of this Title (Chapter 20.58).

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.

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. Development standards shall be applied to Accessory Dwelling Units based on the cumulative development on the parcel. 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.

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.

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.

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 resource 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 within 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.

F. 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 Accessory Dwelling 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. 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 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..

G. Any 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.

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 Accessory Dwelling Units, guesthouses, Agricultural Employee Housing, and Employee Housing 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>
Accessory Dwelling Units	Not Permitted	Maximum of 50 in planning area. Excluded from density	Excluded from density. 40 acre minimum	Excluded from density.
Guesthouses	Excluded from density	Excluded from density	Excluded from density	Excluded from density
Employee Housing	Subject to LUPs overall buildout cap	Maximum of 300 in planning area	Permitted per Section 20.146.120.B.3	Not permitted
Agricultural Employee Housing	Based on parcel zoning	Permitted per Section 20.145.14.0.B4c1	Excluded from density	Not permitted

All other residential development, including but not limited to Small Residential Care Facilities and Large Residential Care Facilities, 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, Employee Housing units, including Agricultural Employee Housing, 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 Accessory Dwelling Units 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, Planning 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) 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 65918. 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. If rental dwelling units are located on the site, or have been located at the site within the five year period preceding the application for a Housing Development, the application shall contain the following information:
 1. The maximum number of units that exist or existed within the preceding five years on the site;
 2. The number of units that are or were subject to any recorded covenant, ordinance, law, or other form of rent or price control that restricts rents to levels affordable to persons and families of lower or very low income; and
 3. If the units were not subject to an affordability restriction on rents, the rental rates of each unit in the five year period preceding the application.
 - E. 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.
 - F. 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

- A. Except as provided in subsections B and C of this Section, 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:
 1. Agrees to construct and maintain at least five (5) percent of the Base Units for Very Low Income households;
 2. Agrees to construct and maintain at least ten (10) percent of the Base Units for Low Income households;
 3. 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;
 4. Agrees to construct and maintain a Senior Citizen Housing Development;

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

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

B. If an application for a Housing Development is located on a parcel or parcels that contains, or within the five years preceding the application contained, rental dwelling units that have been occupied by Low or Very Low Income Households, or were subject to a recorded covenant, ordinance, or law or other form of rent or price control that restricts rents to Low or Very Low Income Households, then the application shall be ineligible for a Density Bonus or any other Incentives provided by this Chapter unless the proposed Housing Development replaces those units pursuant to California Government Code Section 65915(c)(3), as may be periodically amended.

C. For applicants who qualify for and seek a Density Bonus pursuant to Section 20.65.050.A, the County may not reduce residential densities below the density sought by the applicant if the density is within the permitted density or range of density provided in this Chapter, unless the Appropriate Authority makes a finding, based on substantial evidence, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with the County's certified Local Coastal Program.

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
6	22.5
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. Except as provided in Subsection 6 of Subsection C of this Section, 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, qualifies for a 25 percent Density Bonus or other Incentives of equivalent financial value.

6. An application to convert apartments to a condominium project shall be ineligible for a Density Bonus or other Incentives if either of the following apply:

a. 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; or

b. The proposed condominium project is located on a parcel or parcels that contain, or within the five years preceding the application contained, rental dwelling units that have been occupied by Low or Very Low Income Households, or were subject to a recorded covenant, ordinance, or law or other form of rent or price control that restricts rents to Low or Very Low Income Households, unless the proposed condominium project replaces those units pursuant to California Government Code Section 65915.5(g), as may be periodically amended.

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 55 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 Economic Development Department 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 55 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 Lower 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/Dispersal 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 HOUSING.

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

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

C Regulations:

1. Development of agricultural employee housing or additions to or renewal of permits for existing agricultural employee 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.

3. 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 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. The development shall incorporate proper erosion and drainage controls and shall not be located on Critical Erosion Areas.

e. Enclosed storage facilities shall be provided for each housing or dwelling unit.

f. Laundry facilities, including washers and dryers, shall be provided on-site.

g. 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 Agricultural Employee Housing shall be 2.5 acres.

h. The parking areas shall be designated on the approved site plan.

i. The site design of the facilities shall be subject to the approval of the Director of Planning.

j. The development of more than 12 units or 36 beds 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 prior to issuance of building permits for the facility.

l. 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 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 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 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, 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 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 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. Accessory dwelling units are considered units of residential development for the purpose of calculating buildout. The County shall not approve such units in excess of the buildout allocated by this plan for 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 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 ___th day of ____, 20__, by the following vote:

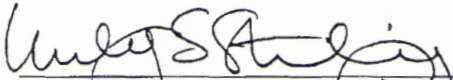
AYES:
NOES:
ABSENT:
ABSTAIN:

Chair
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM BY:


Wendy S. Strimling
Senior Deputy County Counsel