

**MONTEREY COUNTY BOARD OF SUPERVISORS**

**MEETING:** June 28, 2011 at

**AGENDA NO:** S-4

**SUBJECT:** Public hearing to consider the following actions:

- a. Adopt a Resolution of Intent to:
  - 1. Adopt a resolution to amend the Big Sur Land Use Plan, Carmel Area Land Use Plan, and Del Monte Forest Land Use Plan to remove Caretaker Unit Policies and in their place allow Accessory Dwelling Units;
  - 2. Adopt an ordinance amending the Monterey County Coastal Implementation Plan, (Title 20 of the Monterey County Code), including: Part 1 (Zoning Ordinance); Part 3 (Big Sur Coast Implementation Plan); Part 4 (Carmel Area Implementation Plan); and 5) Part 5 (Del Monte Forest Implementation Plan) in order to implement the 2009-2014 Housing Element to revise and update definitions of terms and provide regulations and development standards for 1) Residential Care Facilities; 2) Transitional Housing or Transitional Housing Development; 3) Supportive Housing; 4) Agricultural Employee Housing; 5) Employee Housing; 6) Single Room Occupancy Facilities; 7) Homeless Shelter; 8) Accessory Dwelling Units; 9) Reasonable Accommodation; and 10) Density Bonus and Incentives, and
- b. Direct staff to transmit the proposed amendments to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

(Amendments to Local Coastal Program to correspond to and implement Housing Element – REF100044, County of Monterey, County-wide (Coastal Areas))

<b>Project Location:</b> County-wide (Coastal Areas)	<b>APN:</b> County-wide
<b>Planning Number:</b> REF100044	<b>Name:</b> County of Monterey
<b>Plan Area:</b> County-wide (Coastal Areas)	<b>Flagged and No</b>
<b>Zoning Designation:</b> Various	
<b>CEQA Action:</b> Negative Declaration	<b>Staked:</b>
<b>DEPARTMENT:</b> RMA – Planning Department	

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Adopt a Resolution of Intent to:
  - 1. Adopt a resolution to amend the Big Sur Land Use Plan, Carmel Area Land Use Plan, and Del Monte Forest Land Use Plan to remove Caretaker Unit Policies and in their place allow Accessory Dwelling Units;
  - 2. Adopt an ordinance amending the Monterey County Coastal Implementation Plan, (Title 20 of the Monterey County Code), including: Part 1 (Zoning Ordinance); Part 3 (Big Sur Coast Implementation Plan); Part 4 (Carmel Area Implementation Plan); and 5) Part 5 (Del Monte Forest Implementation Plan) in order to implement the 2009-2014 Housing Element to revise and update definitions of terms and provide regulations and development standards for 1) Residential Care Facilities; 2) Transitional Housing or Transitional Housing Development; 3) Supportive Housing; 4) Agricultural Employee Housing; 5) Employee Housing; 6) Single Room Occupancy Facilities; 7) Homeless Shelter; 8) Accessory Dwelling Units; 9) Reasonable Accommodation; and 10) Density Bonus and Incentives, and
- b. Direct staff to transmit the proposed amendments to the California Coastal Commission for review and certification.

## SUMMARY:

The Board of Supervisors adopted the 2009-2014 Housing Element on June 15, 2010. The Housing Element identified the need to amend and update the County Zoning ordinances in the following areas in order to conform to and implement Federal and State law:

- Density Bonuses and Incentives
- Second Dwelling Units
- Agricultural Employee Housing Facilities
- Residential Care Facilities
- Emergency Shelters
- Transitional Housing
- Supportive Housing
- Single Room Occupancy (SRO) Units
- Definition of "Family"
- Reasonable Accommodation

These changes are required for both Title 21 (non-coastal zoning) and Title 20 (coastal zoning). An amendment to Title 21 implementing these provisions was adopted by the Board on May 24, 2011.

Implementing these regulations in the Coastal Zone requires a slightly broader action than implementing Title 21. In the Coastal Zone, regulations related to housing are found in both the area-specific land use plans and in the Coastal Implementation Plan (Title 20 of the Monterey County Code.) Both the Land Use Plans and the Development Regulations in the Coastal Implementation Plan include regulations for caretaker's units. Consistent with the approach to Title 21, caretaker's units and senior citizen units are being replaced by Accessory Dwelling Units. Therefore, changes are proposed to both the Zoning Ordinance and the Land Use Plans of the Local Coastal Program. The following summarizes the changes which need to be made:

1. An ordinance amending the Monterey County Coastal Implementation Plan (CIP). The CIP consists of several parts. Part 1 is Title 20 (Zoning Ordinance). Parts 2-5 include Development Regulations for each of the plan areas in the Coastal Zone. The caretaker's regulations are duplicative to the existing Caretaker's Unit regulations in Chapter 20.64. In order to minimize confusion, the regulations for Accessory Dwelling Units will be consolidated in Chapter 20.64 and the references to Caretakers units in the Development Regulations will be largely repealed. The only references to Accessory Dwelling Units in the Development Regulations will be to replace Caretaker's Unit references with Accessory Dwelling Unit in the context of more general regulations. These are shown in the proposed ordinance.
2. A Resolution amending the Land Use Plan. Each of the Land Use Plan includes regulations for caretakers units in residential districts. The references to caretaker's unit regulations are being replaced by regulations for Accessory Dwelling Units. This is the limit of the changes.

Most of the regulations for the different housing related ordinances will be carried out in Title 20 in the same manner as adopted in the amendment to Title 21. Title 20 is different than Title 21 in that almost all activity requires some type of permits. This results in slight differences which can be summarized as follows:

- Accessory Dwelling Units in the Coastal zone (Title 20) will require a Coastal Administrative Permit without a public hearing. In the Coastal Zone the minimum permit requirement is a Coastal Administrative Permit; however State Second Unit Law is specific about not requiring a public hearing for second units in residential zones, Accordingly, the approach proposed in the attached ordinance is to require a Coastal Administrative Permit but not require a public hearing for these units and is similar to the approach implemented successfully by other coastal counties.

- Agricultural Employee Housing, Residential Care Facilities, Emergency Shelters, Transitional and Supportive Housing are allowed uses (ministerial uses) in the non-coastal zone (Title 21), but in the Coastal Zone the minimum permit requirement is a Coastal Administrative Permit (discretionary permit). These uses will typically be housed in existing structures, thus would not create a potential to adversely impact coastal resources. To address these types of circumstances, Title 20 has Chapter 20.70.120 entitled *Exemptions from Coastal Development Permits*, where uses can move into existing structures without a discretionary process. These housing types have been added to this exemption.

The response to the ordinance being presented to the Board of Supervisors has been favorable, and no outstanding issues exist. On May 25, 2011, the Monterey County Planning Commission recommended approval to the Board of Supervisors of the Land Use Plan and Title 20 amendments with a unanimous vote (**Exhibit B**).

The proposed amendment would modify the certified Local Coastal Program (LCP) and thus require the approval of the California Coastal Commission prior to becoming effective. Monterey County normally adopts a resolution of intent to approve amendments to the LCP and then forwards the proposed amendments to the Coastal Commission for their certification prior to final Board action. Following certification, the Board of Supervisors would consider and adopt the amendments as certified by the Coastal Commission. For this reason, the recommendation to the Board is to adopt a resolution of intent to approve the Ordinance amending Title 20 and a resolution of intent to adopt a resolution amending the Monterey County Land Use Plans. Upon certification by the Coastal Commission these amendments will be presented to the Board for final action.

**CEQA DETERMINATION:**

The Board of Supervisor reviewed and adopted a Negative Declaration prepared for the amendments to both Title 21 and the Local Coastal Program on May 24, 2011, prior to adopting the ordinance amending Title 21. The Initial Study evaluated the potential environmental impacts for both the inland and coastal ordinances and no potentially significant environmental impacts were identified. The action by the Board of Supervisors for this action is to consider that the previously adopted Negative Declaration. Copies of the Negative Declaration are available at the Clerk of the Board's office and have been provided to Board members on CD.

**RECOMMENDATION**

Staff recommends the Board of Supervisors consider the previously adopted Negative Declaration which adequately addresses potential environmental impacts associated with the amendments to the Local Coastal Program implementing the Housing Element and adopt the attached resolution of intent to adopt the amendments to the Land Use Plans and Coastal Implementation Plan to implement the Housing Element.

**OTHER AGENCY INVOLVEMENT:**

The following agencies have reviewed the project and those that are checked ("✓") have participated in the development of these ordinances:

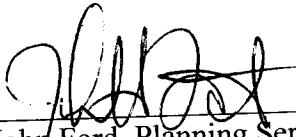
✓	Redevelopment and Housing Office
✓	County Counsel

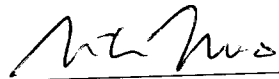
**FINANCING:**

Funding for staff time associated with this project is included in FY10-11 Budget for the Planning Department.

Prepared by:

Approved by:

  
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John Ford, Planning Services Manager  
796-6049 fordjh@co.monterey.ca.us

  
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Mike Novo, Director of Planning

cc: Front Counter Copy; Board of Supervisor's (14); County Counsel; Environmental Health Division; Public Works; Monterey County Water Resources Agency; Marti Noel, Housing and Redevelopment, Mike Novo; Carl Holm; Nadia Amador, Associate Planner; John H. Ford, Planning Services Manager; Project File REF100044

Attachments:    Exhibit A        Board of Supervisors Resolution of Intent  
   Attachment 1 - Resolution Amending Land Use Plans  
   Attachment 2 - Ordinance Amending Title 20

The following attachments are on file with the Clerk of the Board:  
                 Exhibit B        Planning Commission Resolution No 11-020, May 25, 2011  
                 Exhibit C        Negative Declaration