

# Attachment H

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**Before the Planning Commission  
in and for the County of Monterey, State of California**

In the matter of the application of:

**REF240016 – COASTAL ZONE UPDATED ACCESSORY DWELLING UNITS (ADU)  
AND JUNIOR ACCESSORY DWELLING UNITS (JADU) REGULATIONS**

**RESOLUTION NO. 24-036**

Resolution of the Monterey County Planning Commission  
recommending that the Monterey County Board of  
Supervisors:

1. Find the project statutorily exempt pursuant to  
CEQA Guidelines section 15265; and
2. Adopt a Resolution of Intent to:
  - a. Amend the Big Sur Coast Land Use Plan to  
add development standards for accessory  
dwelling units and junior accessory  
dwelling units, including a 1,000 square  
foot size limitation on accessory dwelling  
units and a prohibition on renting  
accessory dwelling units for less than 90  
days;
  - b. Amend the Carmel Area Land Use Plan  
policies regarding accessory dwelling units  
and junior accessory dwelling units,  
including removing a 40-acre minimum lot  
size requirement as a development standard  
for accessory dwelling units;
  - c. Amend the North County Land Use Plan to  
add policies regarding accessory dwelling  
units and junior accessory dwelling units,  
including a 1,200 square foot size  
limitation on accessory dwelling units and  
incorporation of water conservations  
standards for accessory dwelling units and  
junior accessory dwelling units; and
  - d. Adopt an ordinance amending Monterey  
County Coastal Implementation Plan Part  
1, the coastal Zoning Ordinance (Monterey  
County Code Title 20), to update  
regulations relating to accessory dwelling  
units and junior accessory dwelling units;  
and Part 6, Appendices, to add Appendix  
15.

**The proposed amendments to the Monterey County Code modifying regulations applicable to ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS in the unincorporated areas of Monterey County came before the Monterey County Planning Commission at a duly noticed public hearing on August 14, 2024, September 25, 2024, and November 13, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors with reference to the following facts:**

### **RECITALS**

1. Section 30500 of the Public Resources Code requires each County and City to prepare a Local Coastal Program for that portion of the coastal zone within its jurisdiction, and the County has a certified Local Coastal Program, which contains four Land Use Plans, the Monterey County Coastal Implementation Plan, and additional appendices.
2. Section 30514 of the Public Resources Code provides procedures for amendments to adopted Local Coastal Program.
3. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.
4. Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”) have the potential to increase the stock of affordable housing in Monterey County by creating a wider range of smaller and lower cost housing options within unincorporated communities.
5. Monterey County Coastal Implementation Plan Part 1 the Coastal Zoning Ordinance (Monterey County Code Title 20) and applicable Land Use Plans contain policies and regulations pertaining to ADUs and JADUs.
6. Monterey County Coastal Implementation Plan Part 6 contains additional appendices to the County’s Coastal Implementation Plan.
7. On September 15, 2020, the Board of Supervisors adopted Ordinance No. 5343 amending Title 20 County Code to conform to enacted state law requirements for ADUs and JADUs at the time. However, the Title 20 amendments did not receive certification from the California Coastal Commission.
8. Monterey County Code section 20.94.030.D.6 states an amendment to Title 20 of the Monterey County Local Coastal Program as certified by the Coastal Commission shall not become effective after Board of Supervisors adoption until the amendment is also certified by the Coastal Commission pursuant to Chapter 6, Article 2 of the Coastal Act.
9. Per amendments to Government Code sections 66310 through 66342 adopted by the state legislature, the County desires to amend its existing regulations pertaining to ADUs and enact regulations related to JADUs to conform to all state law requirements.

10. Per Government Code sections 65854 and 65855, amendments to Title 20 (coastal zoning) require the Planning Commission to conduct a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendments.
11. On August 14, 2024, the Monterey County Planning Commission conducted a duly noticed public hearing to continue the hearing regarding the proposed ADU and JADU regulation updates to a date certain of September 25, 2024. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the Monterey County Weekly.
12. On September 25, 2024, the Monterey County Planning Commission conducted a duly noticed public hearing to consider and make recommendation to the Board of Supervisors regarding the proposed ADU and JADU regulation updates. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the Monterey County Weekly.
13. This amendment is statutorily exempt from the California Environmental Quality Act (“CEQA”), which provides that CEQA does not apply to activities and approvals involving the preparation and adoption of local coastal program amendments (CEQA Guidelines section 15265).
14. The County intends to carry out the amendments in a manner fully in conformity with the Coastal Act (Public Resources Code section 30000 et seq.).
15. The amendments to the Monterey County Local Coastal Program to align with all state law requirements for ADUs and JADUs are attached to this Resolution and are incorporated herein by reference.

## **DECISION**

**NOW, THEREFORE, BE IT RESOLVED** It is recommended that the Planning Commission adopt a resolution recommending that the Board of Supervisors:

1. Find the project statutorily exempt pursuant to CEQA Guidelines section 15265; and
2. Adopt a Resolution of Intent to:
  - a. Amend the Big Sur Coast Land Use Plan to add development standards for accessory dwelling units and junior accessory dwelling units, including a 1,000 square foot size limitation on accessory dwelling units and a prohibition on renting accessory dwelling units for less than 90 days;
  - b. Amend the Carmel Area Land Use Plan policies regarding accessory dwelling units and junior accessory dwelling units, including removing a 40-acre minimum lot size requirement as a development standard for accessory dwelling units;
  - c. Amend the North County Land Use Plan to add policies regarding accessory dwelling units and junior accessory dwelling units, including a 1,200 square foot size limitation on accessory dwelling units and incorporation of water conservations standards for accessory dwelling units and junior accessory dwelling units; and
  - d. Adopt an ordinance amending Monterey County Coastal Implementation Plan Part 1, the coastal Zoning Ordinance (Monterey County Code Title 20), to update regulations relating to accessory dwelling units and junior accessory dwelling units; and Part 6, Appendices, to add Appendix 15.


**PASSED AND ADOPTED** this 13<sup>th</sup> day of November 2024, upon motion of Commissioner Work, seconded by Commissioner Getzelman, by the following vote:

AYES: Getzelman, Work, Mendoza, Monsalve, Gonzales, Gomez, Diehl, Roberts, Daniels

NOES: None

ABSENT: Shaw

ABSTAIN: None

By    
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Melanie Beretti, AICP  
Planning Commission Secretary

# Exhibit G

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**DRAFT AMENDMENTS TO CARMEL AREA, BIG SUR COAST  
AND NORTH COUNTY LAND USE PLANS**  
**(Proposed amendments shown in strikethrough and underline)**

**Amendments to Carmel Area Land Use Plan**

1. Subsection c) is added to subsection 2 of subsection H of section 4.4.3 is amended to read as follows:
  - c) Encourage the use of accessory dwelling units and junior accessory dwelling units as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. Subdivisions shall not be permitted to divide a principal residence from an accessory dwelling unit.

**Amendments to Big Sur Coast Land Use Plan**

1. The first paragraph of subsection 2 of section 5.3.1, is amended to read as follows:

Protection of watersheds, streams, plant communities, and scenic values is the primary objective. Principal uses in this category include agriculture/grazing and supporting ranch houses and related ranch buildings. Recreational facilities permitted in the Outdoor Recreation category including rustic inn or lodging units, hostels; forestry, mineral extraction, aquaculture and related facilities; and accessory dwelling units, junior accessory dwelling units, rural residential and employee housing associated with any of these uses are secondary, conditional uses that will be considered on their individual merits. Where on-site dining facilities are allowed for the inn units, they must be limited to that which is needed to serve on-premises overnight guests.
2. Subsection 6 of section 5.3.1, is amended to read as follows:

Rural residences are considered a principal use on vacant parcels where applicable resource protection policies can be met. Secondary uses appurtenant to rural residences include accessory dwelling units, junior accessory dwelling units, garages, work or storage sheds, and art or craft studios. Accessory dwelling units and junior accessory dwelling units are allowed in this land use category for the purpose of creating long term housing.
3. Section 5.3.3 is amended to read as follows:

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

## **Exhibit G - Draft Amendments to Carmel Area, Big Sur Coast, and North County Land Use Plans**

that approximately 100 new parcels could be created through subdivision. The plan also permits accessory dwelling units and junior 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.

The policies that follow establish a slope density formula as the determinant of potential residential development. A conversion factor is available in the Watershed and Scenic Conservation land use designation that permits potential residential units to be developed as inn units at the rate of two inn units per residence (up to a maximum of 8 per parcel), thereby establishing potential buildout for this major land use category.

Consequently, long range development of the coast will depend upon the choices made by landowners over time. A strong response to demand for visitor facilities will result in a reduction in residential construction potential. For example, if 100 additional residential units are ultimately approved for development in the Watershed and Scenic Conservation area, this could result in 100 residences. It could also result in 50 residences and 100 inn units, or no residences and 200 inn units, etc. While this is only illustrative, it shows the relationship of visitor-serving facilities and residential development based on the conversion factor. An important condition of the plan is that property can be devoted to either residential or visitor-serving overnight accommodations, or a combination of both, but that density credit cannot be applied for both uses from the same acreage.

The plan is flexible concerning the siting of new development, allowing a range of land use proposals to be made at any particular location. Yet the plan's resource protection standards, and slope and road requirements, are stringent, ultimately causing new development to be sited on the most physically suitable locations and limiting buildout to a level that can be accommodated on those sites that can meet all of the plan's requirements.

Table 1 summarizes the major categories of development according to the locations at which the use could take place and provides standards to guide the density at which campgrounds can be clustered on the site. No limitation is established in the plan for the number of campsites that could be developed.

Accessory dwelling units, consistent with State law, are allowed but must comply with all the resource protection provisions, including but not limited to the Critical Viewshed Policy of this LUP. Accessory dwelling units in the Big Sur Coastal Planning Area shall not exceed 1,000 square feet. Rental of an entire accessory dwelling unit or portion of an accessory dwelling unit for less than 90 days shall be prohibited.

## **Exhibit G - Draft Amendments to Carmel Area, Big Sur Coast, and North County Land Use Plans**

4. Subsection c (1) of section 1 of Table 1 is repealed.
5. Subsection e) and subsection f) of subsection 1 of subsection I of section 5.4.3 are added to read as follows:
  - e) Allow existing guesthouse units to be converted to accessory dwelling units and junior accessory dwelling units for long term housing.
  - f) Allow new accessory dwelling units and junior accessory dwelling units to be permitted for long term housing.
6. Subsection c of subsection 2 of subsection I of section 5.4.3 is amended to read as follows:
  - c) Encourage the use of accessory dwelling units and junior accessory dwelling units as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees. Subdivision shall not be permitted to divide a principal residence from an accessory dwelling unit.

### **Amendments to North County Land Use Plan**

1. Subsection c) of subsection 2 of subsection *Low and Moderate Income Housing* of subsection D of section 4.3.6 is added to read as follows:
  - c) Encourage the use of accessory dwelling units and junior accessory dwelling units as an appropriate means of providing affordable housing. Subdivisions shall not be permitted to divide a principal residence from an accessory dwelling unit. All such units shall not be considered as part of the residential buildout allowed by this plan.

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# Exhibit C

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,  
AMENDING TITLE 20 (COASTAL ZONING) OF THE MONTEREY COUNTY CODE  
RELATING TO ACCESSORY AND JUNIOR DWELLING UNITS**

**County Counsel Summary**

*This ordinance amends the County's zoning regulations for accessory and junior dwelling units in the unincorporated coastal zone of Monterey County. The ordinance updates Section 20.64.030 and other sections of Title 20 of the Monterey County Code to conform to recently enacted state law concerning accessory and junior accessor dwelling units, as well as amending Part 6 of the Monterey County Coastal Implementation Plan to add a new Appendix 15 concerning accessory dwelling unit parking. Such changes include provisions allowed under California Government Code sections 66314 and 66333, including, but not limited to, restrictions on zoning locations, objective standards on parking, height, setback, landscape, and rental restrictions. This ordinance will require certification by the California Coastal Commission because this ordinance would amend the County of Monterey's certified Coastal Implementation Plan.*

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

**SECTION 1. Findings and Declarations.**

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. Per amendments to Government Code sections 66310 through 66342 adopted by the state legislature, the County desires to amend its existing regulations pertaining to Accessory Dwelling Units ("ADUs") and enact regulations related to Junior Accessory Dwelling Units ("JADUs") to conform to all state law requirements.

C. ADUs and JADUs have the potential to increase the stock of affordable housing in Monterey County by creating a wider range of smaller and lower cost housing options within unincorporated communities.

D. This ordinance is statutorily exempt from the California Environmental Quality Act ("CEQA"), which provides that CEQA does not apply to activities and approvals involving the preparation and adoption of local coastal program amendments (CEQA Guidelines section 15265).

E. The County intends to carry out the amendments in a manner fully in conformity with the California Coastal Act (Public Resources Code section 30000 *et seq.*).

F. This Ordinance amends the Monterey County Coastal Implementation Plan, which is part of the County's Local Coastal Program. Pursuant to the Coastal Act, the County may amend the certified Local Coastal Program provided the County follows certain procedures. The procedures include the following: the County's Planning Commission holds a notice public hearing and make a recommendation to the Board of Supervisors on the proposed amendment; the Board of Supervisors holds a noticed public hearing, adopts a resolution of intent, and submits the proposed amendment to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review; the Coastal Commission certifies the amendment; the Board of Supervisors takes subsequent final action on the ordinance after the Coastal Commission acts; and the Coastal Commission confirms the County's action. Accordingly, this ordinance will not go into effect until after the Coastal Commission certifies the amendment and confirms the Board's action.

**SECTION 2.** Section 20.06.375 of the Monterey County Code is amended to read as follows:

20.06.375 – Dwelling Unit, Accessory.

“Accessory Dwelling Unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multifamily dwelling is or will be situated. An Accessory Dwelling Unit also includes the following: (1) an efficient unit, as defined in Section 17958.1 of the California Health and Safety Code; (2) a manufactured home, as defined in Section 18007 of the Health and Safety Code; and (3) a tiny home, if the tiny home meets the requirements of Section 18007 of the Health and Safety Code.

**SECTION 3.** Section 20.06.376 is added to the Monterey County Code to read as follows:

20.06.376 – Dwelling Unit, Junior Accessory.

“Junior Accessory Dwelling Unit” or “JADU” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the single-family residence.

**SECTION 4.** Subsection R of Section 20.10.040 of the Monterey County Code is amended to read as follows:

R. Accessory Dwelling Units and Junior Accessory Dwelling Units meeting the development standards of Section 20.64.030;



**SECTION 5.** Subsection S of Section 20.12.040 of the Monterey County Code is amended to read as follows:

S. Accessory Dwelling Units and Junior Accessory Dwelling Units meeting the development standards of Section 20.64.030;

**SECTION 6.** Subsection W of Section 20.14.040 of the Monterey County Code is amended to read as follows:

W. Accessory Dwelling Units and Junior Accessory Dwelling Units meeting the development standards of Section 20.64.030;

**SECTION 7.** Subsection W of Section 20.16.040 of the Monterey County Code is amended to read as follows:

W. Accessory Dwelling Units and Junior Accessory Dwelling Units meeting the development standards of Section 20.64.030;

**SECTION 8.** Subsections Y and Z are hereby amended and added to Section 20.17.040 of Monterey County Code to read as follows:

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

Z. Accessory Dwelling Units and Junior Accessory Dwelling Units meeting the development standards of Section 20.64.030.

**SECTION 9.** Subsection NN of Section 20.17.050 of the Monterey County Code is amended to read as follows:

NN. [Repealed];

**SECTION 10.** Subsections Z and AA are hereby amended and added to Section 20.18.050 of Monterey County Code to read as follows:

Z. Storage, rental and sale of irrigation equipment;

AA. Accessory Dwelling Units and Junior Accessory Dwelling Units meeting the development standards of Section 20.64.030.

**SECTION 11.** Subsection U is hereby added to Section 20.20.050 of Monterey County Code to read as follows:

U. Accessory Dwelling Units and Junior Accessory Dwelling Units meeting the development standards of Section 20.64.030.

**SECTION 12.** Subsection G is hereby added to Section 20.22.050 of Monterey County Code to read as follows:

G. Accessory Dwelling Units and Junior Accessory Dwelling Units meeting the development standards of Section 20.64.030.

**SECTION 13.** Subsections T and U are hereby amended and added to Section 20.30.040 of Monterey County Code to read as follows:

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

U. Accessory Dwelling Units and Junior Accessory Dwelling Units meeting the development standards of Section 20.64.030.

**SECTION 14.** Subsections U and V are hereby amended and added to Section 20.32.040 of Monterey County Code to read as follows:

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

V. Accessory Dwelling Units and Junior Accessory Dwelling Units meeting the development standards of Section 20.64.030.

**SECTION 15.** Section 20.58.040 of the Monterey County Code is amended to read as follows:

The number of off-street parking spaces shall not be 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  |
| Children's Home, Orphanage                                    | 1 space/4 seats. If no fixed seating, 1 space/35 square feet                       |
| 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 spaces/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 |

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|--|---|
| 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/2,000 square feet outdoor use area  |
| 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 <i>Park</i>   | 1 standard vehicle space/1 R.V. space   |
| <b>Residential</b>   |   |
| Accessory dwelling unit  | See Section 20.64.030 of this Title and Appendix 15 of the Monterey County Coastal Implementation Plan  |
| Junior accessory dwelling unit   | No parking space required   |
| Single-Family Detached   | 2 spaces/unit   |
| Duplex   | 2 spaces/unit   |
| Triplex  | 2 spaces/unit   |
| Multiple-Family Residential, Apartments, Townhouses, Condominiums, Cluster Homes | 1 space/studio unit<br>1.5 spaces/1 bedroom unit<br>2 spaces/2 bedroom unit<br>2.2 spaces/3 or more bedroom unit.<br>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 square feet of guest room   |
| Large Residential Care Facility  | 1 space/employee plus 2 additional spaces   |
| Small Residential Care Facility  | 1 space/employee plus 2 additional spaces   |
| 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 space/5 students   |
| College, University  | 1 space/employee plus 1 space/3 students   |
| Trade School, Vocational School, Business School, Professional School, Art Academy, Craft School, Music School, Dancing School | 1 space/employee plus 1 space/3 students   |
| Shopping Center  | 1 space/250 square feet  |
| Skating Rink   | 1 space/250 square feet  |
| Social Care Facility   | 1 space/3 beds plus  |
| Sanitarium, Welfare Institution, Asylum  | 1 space/employee on the largest shift  |
| Social Club  | 1 space/50 square feet   |
| Stable, Public   | 1 space/3 horses   |

|                                  |                                   |
|----------------------------------|-----------------------------------|
| Stadium, Sports Area             | 1 space/4 seats                   |
| Swimming Pool                    | 1 space/100 square feet pool area |
| Tennis Court, Racquetball Courts | 2 spaces/court                    |
| Theater                          | 1 space/3 seats                   |
| Veterinary Hospital              | 1 space/250 square feet           |
| Warehouse                        | 1 space/500 square feet           |

**SECTION 16.** Section 20.64.030 of the Monterey County Code is hereby repealed and replaced in its entirety to read as follows:

**20.64.030 - Regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units.**

A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which Accessory Dwelling Units also known as ADUs, and Junior Accessory Dwelling Units also known as JADUs may be allowed and to establish a means for creating additional affordable housing in Monterey County.

B. Definitions: Unless otherwise expressly stated, whenever used in this Section, the following terms shall have the meanings set forth below:

1. “Efficiency Kitchen” means a kitchen that includes each of the following: (a) a cooking facility with appliances; (b) a food preparation counter; and (c) food storage cabinets that are of reasonable size in relation to the size of the dwelling unit.

2. “High-quality transit corridor” means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

3. “Major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

C. Applicability:

1. This Section is applicable in all zoning districts which allow Single Family or Multiple Family Dwellings or both Single and Multiple Family Dwellings, subject to the requirements of this Section, as follows:

- a. High Density Residential (HDR(CZ))
- b. Medium Density Residential (MDR(CZ))
- c. Low Density Residential (LDR(CZ))
- d. Rural Density Residential (RDR(CZ))

- e. Watershed and Scenic Conservation (WSC(CZ))
- f. Coastal General Commercial (CGC(CZ))
- g. Moss Landing Commercial (MLC(CZ))
- h. Visitor-Serving Commercial (VSC(CZ))
- i. Coastal Agricultural Preserve (CAP(CZ))
- j. Agricultural Conservation (AC(CZ))

2. County plans and regulations to limit residential growth, including unit caps, do not apply to ADUs and JADUs.

3. Units previously permitted in the HDR, MDR, LDR, and WSC zoning districts in the North County, Del Monte Forest, and Carmel Area Land Use Plan areas as a “Senior Citizen” unit or a “Caretaker” unit prior to the adoption of these regulations shall be considered an ADU for the purposes of this Section.

4. Units previously permitted by the County as a “Guesthouse” may be converted to an ADU or JADU subject to this Section.

D. Regulations for ADUs and JADUs:

1. All ADUs and JADUs that will connect to a private sewage disposal system or that will obtain their water supply from a private well and/or a water system with two to 199 service connections are subject to review and approval by the County’s Environmental Health Bureau to ensure adequate sewage disposal facilities and adequate water supply exist or have been demonstrated feasible to construct to serve the unit. The Director of Environmental Health shall evaluate adequacy of water quality and quantity for ADUs and evaluate adequacy of water quality for JADUs. If either adequate sewage disposal facilities or adequate water supply is not available, an ADU or JADU shall be prohibited.

2. An ADU or JADU may be separately rented, provided such rental is for 31 consecutive calendar days or longer. Rental of an ADU, a JADU, or a portion of an ADU or JADU for 30 consecutive calendar days or fewer is prohibited.

3. ADUs and JADUs shall require a design approval when zoning district is combined with a “D” district. The appropriate authority to take action on design approvals will be the Chief of Planning. Such Design approval decisions are not appealable.

4. For the Protection of Groundwater Resources in the North County Land Use Plan Area, when an ADU or JADU is proposed, water efficiency and conservation standards must be implemented. Before any building permit may be issued for such new construction, the applicant shall submit documentation for review and approval by the Director of Building Services to demonstrate conformity with the following water efficiency and conservation measures:

- a. All structures on that lot must incorporate the following water efficiency and conservation standards:



- i. Toilets with a maximum tank size or flush capacity of 1.28 gallons;
- ii. Shower heads with a maximum flow capacity of 1.8 gallons per minute;
- iii. Bathroom faucets with a maximum flow capacity of 1.2 gallons per minute;
- iv. All cloth washers and dish washers shall be Energy Star certified; and
- v. Kitchen faucets with a maximum flow capacity of 1.8 gallons per minute shall be installed.

b. Proposed and existing landscaping must consist of either of the following: open space, native vegetative areas, use of drought tolerant native and/or non-invasive landscape plants with preferences given to native plants, and/or pervious or non-pervious hardscapes that do not require a permanent irrigation system. Pervious hardscapes shall be preferred over non-pervious options where feasible. Proposed or existing subsistence gardens such as family gardens, community gardens, or fruit/nut trees must employ water efficiency measures as drip irrigation to the greatest extent feasible.

c. Additional water conservation measures may include one or more of the following, as applicable:

- i. Installation of a rainwater catchment system in compliance with Chapter 18.05 of this Code; or
- ii. Installation of a greywater system in compliance with Chapter 18.05 of this Code.

E. Regulations for ADUs:

1. Limitation on the number of ADUs:

a. A legal lot with an existing or proposed single-family dwelling is limited to one ADU, regardless of the number of single-family dwellings allowed on that lot.

b. A legal lot with an existing multiple family dwelling is allowed at least one ADU within the multiple family dwelling and be allowed up to 25 percent of the existing multiple family dwelling units. However, any ADU within a multiple family dwelling must be created by conversion of non-livable space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

c. A legal lot with an existing or proposed multiple family dwelling is allowed up to two detached ADUs.

2. Height Limitations:

a. An ADU attached to the main structure shall be subject to the height regulations of the zoning district for the main structure.

b. An ADU detached from the main structure shall be allowed to be up to 16 feet in height on a legal lot with an existing or proposed single-family dwelling, and be allowed up to 18 feet in height if there is an existing or proposed multiple family dwelling. Additional height allowances may be allowed for detached ADUs as follows:

i. If a lot that is within one-half mile walking distance of a major transit stop or high-quality transit corridor, ADUs shall be allowed up to 18 feet in height. For such lots, an additional two feet in height (up to 20 feet) shall be allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the main structure.

ii. Regardless of whether a lot is within one-half mile walking distance of a major transit stop or high-quality transit corridor, increases in height for detached ADUs may be considered with a Coastal Development Permit (ZA) when intended to provide for architectural consistency and compatibility with the main structure.

3. Setbacks:

a. Newly constructed ADUs shall comply with the front setback requirements of the applicable zoning district and shall have a four foot minimum side and rear setbacks.

b. No setback shall be required for ADUs created by converting existing structures to ADUs. Additionally, no setback shall be required for ADUs created by demolishing and reconstructing an existing structure or a portion thereof in the same location and to the same dimensions. ADUs created by converting an existing accessory structure and which include an addition of up to 150 square feet to accommodate ingress and egress shall have setbacks sufficient for fire and safety.

4. Size Limitation:

a. In the Carmel Area Land Use Plan area and Del Monte Forest Land Use Plan area newly constructed attached ADUs, newly constructed detached ADUs, and

conversions of legally constructed accessory structures built after March 25, 2024, shall not exceed 1,200 square feet.

b. For the protection of coastal resources, in the Big Sur Coast Land Use Plan, North County Land Use Plan area, and any area with “B-8” combining zoning district, newly constructed attached ADUs, newly constructed detached ADUs, and conversions of legally constructed accessory structures built after March 25, 2024, shall not exceed 1,000 square feet.

c. ADUs created through conversion of space in an existing main structure shall not be allowed to exceed 50 percent of the total square footage of the existing main structure.

5. Parking Requirements:

a. On lots within the designated areas shown in the Monterey County Coastal Implementation Plan, Appendix 15, “ADU Parking Required,” at least one off-street parking space shall be required for each ADU, and all other off-street parking requirements for other uses onsite shall be met.

b. On lots that are not within the designated areas shown in Monterey County Coastal Implementation Plan, Appendix 15, “ADU Parking Required,” no off-street parking spaces shall be required for each ADU, and no replacement parking spaces will be required if a garage, carport, or other covered parking structure is converted or removed to accommodate an ADU.

6. ADUs shall comply with building site coverage and the floor area ratio requirements of the applicable zoning district, and the setback requirements set forth in this Section, except where they would preclude the following:

a. Establishment of a newly constructed ADU of up to 800 square feet with four foot side and rear yard setbacks.

b. Expansion of an existing accessory structure of not more than 150 square feet for the purpose of accommodating ingress and egress.

7. An attached ADU shall not have internal circulation with the main structure.

8. The County may issue a building permit for an ADU prior to issuance of building permit for the primary dwelling.

9. An ADU shall comply with all local building code requirements that apply to detached dwellings, provided, however, that County may approve a delay in enforcement of building standards in accordance with the parameters and procedures set forth in Health and

Safety Code section 17980.12, as may be periodically amended, if compliance with the building standard is not necessary to protect health and safety.

10. ADUs are prohibited in the Big Sur Critical Viewshed as they would be inconsistent with the Scenic Resources policies of the Big Sur Coast Land Use Plan and due to their impact on traffic flow and safety.

11. An ADU shall not be sold or otherwise conveyed separate from the primary dwelling unless it meets the criteria of Government Code section 66341, including all the following:

- a. The ADU or the primary dwelling was built or developed by a qualified nonprofit corporation.
- b. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation.
- c. The property is held pursuant to a recorded tenancy in common agreement.
- d. A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in Monterey County. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed.
- e. If requested by a utility providing service to the primary residence, the ADU has a separate water, sewer, or electrical connection to that utility.

F. Regulations for JADUs:

1. Limitation on the number of JADUs: A legal lot with an existing or proposed single-family dwelling is limited to one JADU, regardless of the number of single-family dwellings allowed on that lot.
2. Height Limitations: JADUs shall be subject to the height regulations of the applicable zoning district for the main structure.
3. Setbacks: JADUs shall comply with the setback requirements of the applicable zoning district for the main structure.
4. Size Limitation: JADUs shall not exceed 500 square feet.
5. Parking Requirements: No off-street parking is required for JADUs.
6. JADUs shall have an efficiency kitchen.

7. JADUs shall have a separate entrance from the main structure.
8. JADUs shall include an interior entry into the main structure if it will share a bathroom with the main structure.
9. Prior to the issuance of building permits for a JADU, the owner shall record a deed restriction which shall run with the land and include both of the following:
  - a. A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
  - b. A restriction on the size and attributes of the JADU that conforms with this Section.
10. The owner must reside in either the remaining portion of the structure or the newly created JADU, unless the owner is another governmental agency, land trust, or housing organization.
11. JADUs may share a bathroom and central systems (such as heating, ventilation, air conditioning, water service, power service, wastewater service) with the main structure.

G. Requirement for Coastal Administrative Permit for ADUs and JADUs:

1. ADUs and JADUs may be exempt from a Coastal Administrative Permit or a Coastal Development Permit, if the ADU or JADU is directly attached to an existing residence or is fully within an existing residence, and does not fall under any of the locational exceptions of California Code of Regulations, Title 14, Section 13250, as may be amended.
2. An application for a Coastal Administrative Permit for an ADU or JADU shall be processed in accordance with the requirements of Chapter 20.76 of this Code, except that no public hearing shall be required for Coastal Administrative Permit, and applications shall be processed within 60 calendar days after receiving a completed application. Appeals to Coastal Administrative Permits pursuant to this Section shall be processed pursuant to Chapter 20.86 of this Code.
3. A Coastal Development Permit may be required in addition to a Coastal Administrative Permit if the project includes components that require a Coastal Development Permit pursuant to other sections of Monterey County Code in addition to the ADU and JADU. This Chapter does not affect the requirements or process for such permits.

**SECTION 17.** Subsection E of Section 20.64.180 of the Monterey County Code is amended 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:

| Type of Unit   | North County                         | Big Sur Coast                             | Carmel Area                          | Del Monte Forest      |
|--|--------------------------------------|---|--------------------------------------|-----------------------|
| Accessory Dwelling Units and Junior Accessory Dwelling Units | Excluded from density                | Excluded from density                     | Excluded from density                | 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.B.4.c.1 | 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 18:** 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 two thousand forty-three (2,043) new lots or units may be created from the date of certification of the North County Land Use Plan. Accessory Dwelling units and Junior Accessory Dwelling units do not count towards this number. 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 one hundred (100) new residential lots may be created by new subdivisions 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 Section establishes a numerical cap on a type of unit in a certain area, the 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., residential lots) to be approved for the ( ) Land Use Plan Area."

**SECTION 19.** Subsection A of Section 20.70.120 of the Monterey County Code is amended as follows:

A. The maintenance, alteration, or addition to existing single-family dwellings, including the establishment or expansion of accessory structures not exceeding one thousand (1,000) square feet and normally associated with residential uses such as garages, decks, workshops, and storage buildings; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:

1. Improvements to a single-family structure on a beach, wetland or seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within fifty (50) feet of a coastal bluff edge.
2. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland or sand dune, or within fifty (50) feet of the edge of a coastal bluff, or in an environmentally sensitive habitat area.
3. The expansion or construction of water wells or septic systems.
4. On property located between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas, an improvement that would result in an increase of ten (10) percent or more of internal floor area of an existing structure, the construction of an additional story (including lofts) in an existing structure, and/or any significant non-attached structure such as garages in excess of one thousand (1,000) square feet, fences over six feet in height, shoreline protective works, docks or trees or satellite dishes.
5. In areas determined to have critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or construction or extension of any landscaping irrigation system.

6. Additions or expansions to developments which, by condition of previous permit issued by the County of Monterey or Coastal Commission, which by condition of such permit requires development permits for such addition or expansion.

**SECTION 20.** Part 6 of the Monterey County Coastal Implementation Plan is hereby amended to add a new Appendix 15 titled Accessory Dwelling Unit Parking Required. This new Appendix 15 is attached here.

**SECTION 21. 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 22. EFFECTIVE DATE.** This ordinance shall become effective on the thirty-first day following its adoption by the County if certified by the California Coastal Commission or thereafter upon certification by the California Coastal Commission.

**PASSED AND ADOPTED** on this \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Glenn Church, Chair  
Monterey County Board of Supervisors

ATTEST

VALERIE RALPH  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

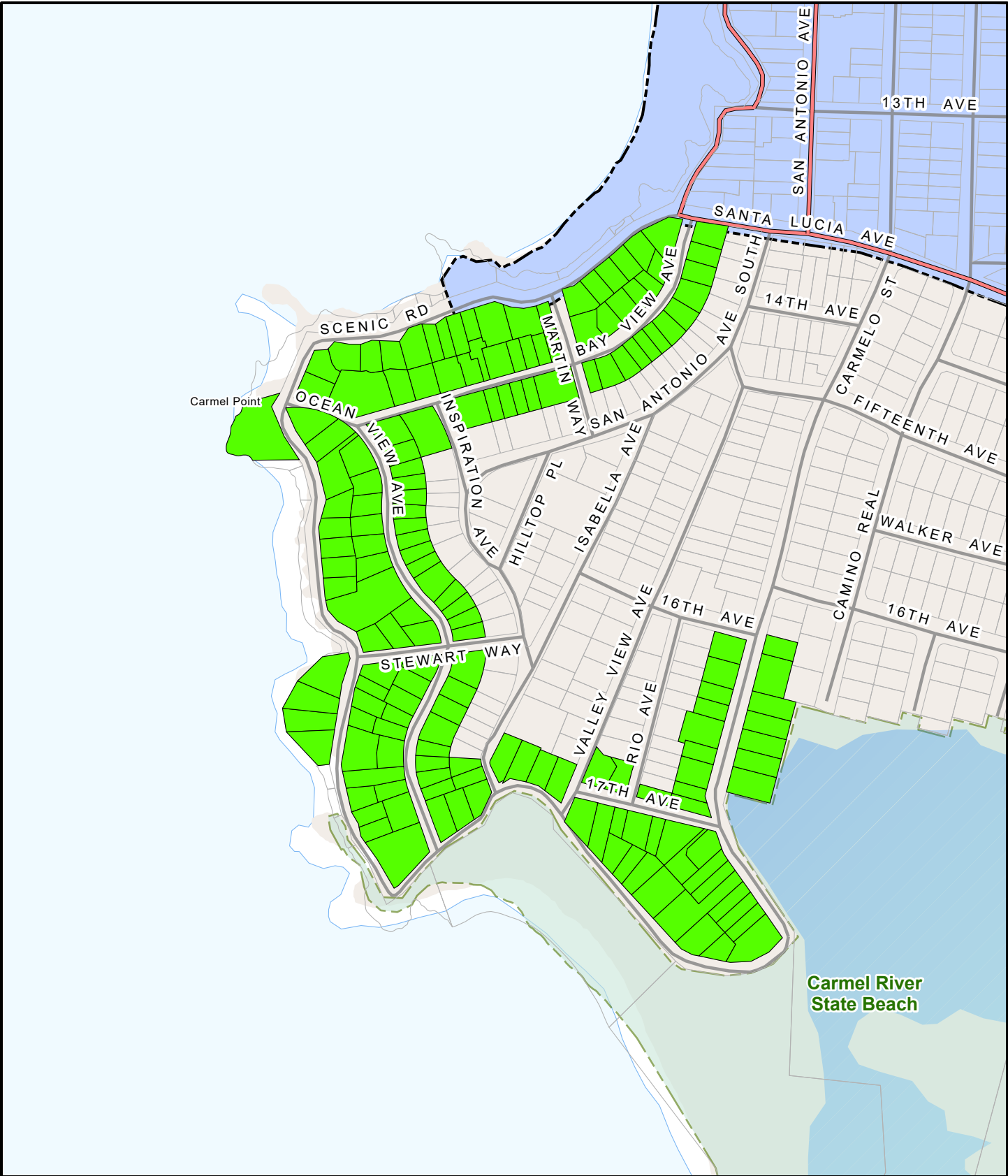
KELLY L. DONLON  
Chief Assistant County Counsel









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## **Appendix 15 Accessory Dwelling Unit Parking Required**



**Appendix 15 - Parcels Subject to ADU Parking Requirements**

**Legend**

-  Requires Parking
-  Major Roads
-  Parcels
-  City Limits

