

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

Resolution No.

- Resolution of the Monterey County Board of Supervisors:)
a) Acknowledging receipt of the California Coastal Commission’s)
resolution of certification with two suggested modifications;)
b) Certifying that the Board has considered the Addendum together with)
the previously adopted Negative Declaration for the Housing)
Amendments;)
c) Amending the County of Monterey’s certified Local Coastal Program,)
specifically the Big Sur Land Use Plan, the North County Land Use)
Plan, the Del Monte Forest Land Use Plan, and Carmel Area Land Use)
Plan to replace the term “Caretaker Unit” with “Accessory Dwelling)
Unit” and to add new language that will allow the granting of a)
Density Bonus;)
d) Certifying that future Coastal Development Permits will be subject to)
the Local Coastal Program as amended herein; and)
e) Directing staff to notify the Executive Director of the Coastal)
Commission of the Board of Supervisors’ action.)

Proposed amendments to the Local Coastal Program came before the Monterey County Board of Supervisors at a duly noticed public hearing on December 8, 2015. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony and other evidence presented, the Board of Supervisors hereby finds and decides as follows:

I. FINDINGS

1. On June 15, 2010 the Monterey County Board of Supervisors adopted the 2009-2014 Housing Element for Monterey County.
2. In a letter dated August 18, 2010 the State of Housing and Community Development determined that the Housing Element 2009-2014 was in full compliance with the State Housing Element law (Article 10.6 of the Government Code).
3. *Goal H.4* of the 2009-2014 Housing Element was to reduce government constraints to housing production in order to help address housing needs in the County by facilitating the provision of a variety of housing types and lowering development costs. The Housing Element identified the need to amend the current definition of “*Family*” and to develop new ordinances in the following areas in order to comply with *Goal H.4: Residential Care Facility; Transitional Housing or Transitional Housing Development; Supportive Housing; Agricultural Employee Housing Facility; Employee Housing; Single Room Occupancy (SRO) Unit; Homeless Shelters; Accessory Dwelling Units; Reasonable Accommodation; Density Bonuses and Incentives.*

4. The County has a certified Local Coastal Program (LCP) pursuant to the California Coastal Act that contains land use and development regulations for the coastal zone of the County.
5. Amendments to the Monterey County Local Coastal Program are required to implement the 2009-2014 Housing Element and to maintain consistency with applicable State and Federal laws.
6. All policies of the Local Coastal Program have been reviewed to ensure that the proposed amendments are consistent with the California Coastal Act, comply with applicable State and Federal Laws, and maintain internal consistency within the Local Coastal Program.
7. The Monterey County Local Coastal Program includes four Land Use Plans, the North County Land Use Plan, Big Sur Land Use Plan, Carmel Area Land Use Plan, and Del Monte Forest Land Use Plan. All four Land Use Plans are amended as described in Exhibit 1. The amendments to the Land Use Plans include replacing the term “caretaker unit” with the term “accessory dwelling unit” and adding enabling policy language that provides for the granting of a density bonus and incentives pursuant to California Government Code Section 65915. These amendments are necessary to ensure consistency in terminology and implementation between the Land Use Plans and the amendments proposed to the Coastal Implementation Plans as part of a separate ordinance.
8. On January 27, 2011, the Monterey County Agricultural Advisory Committee received a presentation on the preliminary draft ordinance amendments and recommended approval of the ordinance to the Monterey County Board of Supervisors.
9. On March 9, 2011, the Housing Advisory Committee (HAC) received a presentation on the preliminary draft ordinance amendments and the HAC recommended approval of the ordinance to the Monterey County Board of Supervisors.
10. On June 21, 2011, the Board of Supervisors adopted a resolution of intent to: 1) amend the Local Coastal Program (LCP) including the Big Sur Land Use Plan, Carmel Area Land Use Plan and the Del Monte Forest Land Use plan to remove Caretaker Unit policies and in their place allow Accessory Dwelling Units ensure consistency throughout the LCP; 2) Adopt an ordinance amending the Monterey County Local Coastal Program, Parts 1 (Title 20 – Coastal Zoning Ordinance), 2 (North County Coastal Implementation Plan), 3 (Big Sur Coastal Implementation Plan), 4 (Carmel Area Coastal Implementation Plan), and 5 (Del Monte Forest Coastal Implementation Plan) to implement changes required by Goal H.4 of the 2009-2014 Housing Element. The action included direction to staff to submit the proposed amendments to the California Coastal Commission for certification.
11. On November 29, 2011, staff submitted the Local Coastal Program amendments to the California Coastal Commission for certification.
12. On February 21, 2013, the Coastal Commission staff issued a staff report for the Coastal Commission hearing on March 6, 2013. The staff report contained eight suggested

modifications to the amendments. At least one of those eight modifications involved a significant change in policy from the Board's proposed amendments..

13. On March 4, 2013, the County withdrew the Local Coastal Program amendment in order to provide time for the Board of Supervisors to evaluate the suggested modifications.
14. On July 30, 2013, the Board of Supervisors considered the Coastal Commission staff report with the suggested modifications, and directed staff to work with stakeholders and the Coastal Commission to explore options.
15. Staff met with citizens from North Monterey County and explored options with the California Coastal Commission. Based upon the suggestion of some of the citizens from North Monterey County, staff explored the potential to allow Accessory Dwelling Units in North County, within the area of benefit of the Salinas Valley Water Project (Zone 2C). Staff also discussed proposed ordinance language with the Coastal Commission staff and negotiated acceptable alternative language for suggested Modification Numbers 4 and 6 of the February 21, 2013 Coastal Commission staff report, pertaining to Density Bonus and Incentives and Reasonable Accommodations.
16. It is necessary to adopt local land use regulations for Accessory Dwelling Units in the near future because, without such amendments, there is potential conflict between state housing law and the County's Local Coastal Program. As reflected in a letter from the California Coastal Commission staff dated June 12, 2014, without results from a definitive groundwater study demonstrating an identifiable, available, long term water supply consistent with North County Land Use Plan policy 2.5.1, the California Coastal Commission staff will not support an amendment that allows second units or Accessory Dwelling Units in North County Land Use Plan area due to long term water supply constraints, until a definitive groundwater study is provided showing an identifiable, available, long-term water supply. Monterey County can revisit the Accessory Dwelling Unit restriction in the North County Land Use Plan area, Zone 2C, once the County has definitive groundwater study results. In restricting Accessory Dwelling Units in the North County Land Use Plan area due to resource constraints, the County acknowledges that this restriction will limit housing opportunities in the area.
17. Following consultation with the North County Citizens Advisory Committee, all of the coastal Land Use Advisory Committees, the Del Monte Forest Property Owner's Association, and negotiations with California Coastal Commission staff, staff revised the Land Use Plan amendments (Exhibit 1) and the Coastal Housing Ordinance to address Coastal Commission staff concerns and remain in conformance with recent changes in state law.
18. On February 25 and May 27, 2015 the Monterey County Planning Commission held duly noticed public hearings on the proposed revised amendments. The Monterey County Planning Commission adopted a resolution recommending that the Board of Supervisors adopt a resolution of intent to approve the proposed Local Coastal Plan amendments by a vote of 10-0.

19. On June 23, 2015, the Board of Supervisors adopted a resolution of intent to approve the revised amendments, including amendments of the Big Sur, North County, Del Monte Forest, and Carmel Area Land Use Plans and a revised ordinance amending the Coastal Implementation Plan.
20. On August 3, 2015, staff submitted the updated Local Coastal Program amendments to the California Coastal Commission for certification.
21. On October 7, 2015, the California Coastal Commission approved the proposed amendments to the County's certified Local Coastal Program with two modifications.
22. The County has received the California Coastal Commission resolution, considered the two suggested modifications to the Local Coastal Program amendment, and has accepted the modifications suggested by the Coastal Commission. By this resolution, the Board is acting upon the amendments to the four Land Use Plans. By separate action on this same date, the Board is scheduled to adopt by ordinance the amendments to Title 20, with the modifications suggested by the Coastal Commission.
23. Pursuant to the Coastal Act, the County may amend the certified Local Coastal Program, provided the County follows certain procedures. The procedures include: that the County's Planning Commission hold a notice public hearing and make a recommendation to the Board of Supervisors; that the Board of Supervisors hold a noticed public hearing, adopt a resolution of intent, and submit the proposed amendment to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review; that the Board of Supervisors take subsequent final action on the ordinance after the Coastal Commission acts; and that the Coastal Commission confirms County's action. Accordingly, the ordinance will not go into effect until after the California Coastal Commission confirms this action.
24. The County intends to carry out the amendments in a manner fully in conformity with the California Coastal Act.
25. On May 24, 2011, the Board of Supervisors adopted a Negative Declaration for the proposed Housing Element amendments. Following adoption of the Negative Declaration, there have been some minor changes made to the proposed ordinance as a result of the modifications suggested by Coastal Commission staff. These changes primarily clarify language within the ordinance and do not introduce significant environmental impacts or make previously identified impacts more severe than analyzed in the Negative Declaration. The changes do not require major revisions to the Negative Declaration, there have been no substantial changes to the circumstances that would require revision to the Negative Declaration, and there is no new information of substantial importance that would require revision to the Negative Declaration. Therefore, an Addendum to the previously adopted Negative Declaration has been prepared pursuant to Section 15164 of the California Environmental Quality Act Guidelines. The Board of Supervisors has considered the Addendum together with the Negative Declaration prior to rendering its decision adopting the amendments to the Land Use Plans and adopting the ordinance amending Title 20 of the County Code.

26. On December 8, 2015, the Board of Supervisors held a duly noticed public hearing to consider the proposed amendments to the Local Coastal Program. At least 10 days before the hearing date, notice of the hearing was published in the *Monterey County Weekly*, a newspaper of general circulation.

II. DECISION:

NOW, THEREFORE, BE IT RESOLVED, based on all of the above findings and evidence, the Board of Supervisors does hereby:

- a) Acknowledge receipt of the California Coastal Commission's resolution of certification with two suggested modifications;
- b) Certify that the Board of Supervisors has considered the Addendum together with the previously adopted Negative Declaration for the Housing Amendments;
- c) Amend the County of Monterey's certified Local Coastal Program, specifically the Big Sur Land Use Plan, the North County Land Use Plan, the Del Monte Forest Land Use Plan, and Carmel Area Land Use Plan to replace the term "Caretaker Unit" with "Accessory Dwelling Unit" and to add new language that will allow the granting of a Density Bonus, as shown on Exhibit 1, attached hereto and incorporated herein by reference;
- d) Certify that future Coastal Development Permits will be subject to the Local Coastal Program as amended herein; and
- e) Direct staff to notify the Executive Director of the Coastal Commission of the Board of Supervisors' action.

PASSED AND ADOPTED on this 8th day of December, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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

Dated:

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

By _____
Deputy