



# Monterey County

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## Board Report

Legistar File Number: ORD 15-022

December 08, 2015

Introduced: 11/24/2015

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

Public hearing to consider:

- 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. Adopting a resolution amending the Big Sur Land Use Plan, the North County Land Use Plan, the Del Monte Forest Land Use Plan, and the Carmel Area Land Use Plan of the County's Local Coastal Program to remove Caretaker Unit Policies and in their place allow Accessory Dwelling Units and to add new language that will allow the granting of Density Bonus;
- d. Adopting an ordinance amending the Monterey County Coastal Implementation Plan, (Title 20 of the Monterey County Code), including: Part 1 (Zoning Ordinance); Part 2 (North County Land Use Plan Area Implementation Plan); Part 3 (Big Sur Coast Implementation Plan); and Part 4 (Carmel Area Implementation Plan) in order to implement the 2009-2014 Housing Element to review 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, including the modifications suggested by the Coastal Commission;
- e. Certifying that Coastal Development Permits will be subject to the Local Coastal Program as amended; and
- f. Directing staff to notify the Executive Director of the Coastal Commission of the Board of Supervisors' action.  
(Coastal Zone; File Number: REF140049)

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Acknowledge receipt of the California Coastal Commission's resolution of certification with two suggested modifications;
- b. Certify that the Board has considered the Addendum together with the previously adopted Negative Declaration for the Housing Amendments;
- c. Adopt a resolution amending the Big Sur Land Use Plan, the North County Land Use Plan, the Del Monte Forest Land Use Plan, and the Carmel Area Land Use Plan to remove Caretaker Unit Policies and in their place allow Accessory Dwelling Units and to add new language that will allow the granting of Density Bonus (Exhibit B);
- d. Adopt an ordinance amending the Monterey County Coastal Implementation Plan, (Title 20 of the Monterey County Code), including: Part 1 (Zoning Ordinance); Part 2 (North County Land Use Plan Area Implementation Plan); Part 3 (Big Sur Coast Implementation Plan); and

Part 4 (Carmel Area Implementation Plan) in order to implement the 2009-2014 Housing Element to review 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, including the modifications suggested by the Coastal Commission (Exhibit C);

e. Certify that future Coastal Development Permits subject to the amendments will be subject to the Local Coastal Program as amended; and

f. Directing staff to notify the Executive Director of the Coastal Commission of the Board of Supervisors' action.

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's 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
- Residential Care Facilities
- Supportive Housing
- Definition of "Family"
- Reasonable Accommodation
- Transitional Housing
- Emergency Shelters
- Single Room Occupancy (SRO) Units

These changes were required for both Title 21 (Inland Zoning ordinance) and Title 20 (Coastal Zoning ordinance). An amendment to Title 21 implementing these provisions was adopted by the Board of Supervisors on May 21, 2011 and is now in effect.

Staff proposed amendments to the Local Coastal Program (LCP) that were substantially the same as the inland version, and on June 21, 2011 the Board of Supervisors adopted a resolution of intent to approve the coastal amendments. Following Board action, the coastal amendments were submitted to the Coastal Commission for certification on November 29, 2011. On March 4, 2013, the County withdrew the LCP amendment application to the Coastal Commission after learning of significant policy changes being discussed by Coastal Commission staff including a recommended change to the ordinance that would prohibit second units (or accessory dwelling units) in the North County Land Use Plan area, among other things.

After withdrawing the Coastal Commission application, staff returned to the Board of Supervisors to seek direction on the proposed changes to the LCP amendments. Following direction from the Supervisors, staff began another round of stakeholder outreach and public hearings to review the proposed coastal amendments together with the Coastal Commission staff-recommended modifications. After months of stakeholder outreach, negotiations with the

Coastal Commission staff, and another round of public hearings, the Board of Supervisors adopted another resolution of intent on June 23, 2015 to amend the LCP with updated language addressing the edits recommended by the Coastal Commission staff. Staff resubmitted the revised LCP amendment for certification in August of 2015. As part of their review of the LCP amendment on this second round, the Coastal Commission staff recommended two additional edits that were not identified in the first round of edits. The two new edits include:

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

The incentive would be contrary to the County’s certified 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 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.

On October 7, 2015, the Coastal Commission approved the latest amendments to the County’s Local Coastal Program if modified as suggested. To take effect, the coastal amendments as modified required adoption by the Board of Supervisors and confirmation by the Coastal Commission.

DISCUSSION:

Detailed discussion is provided in **Attachment A**.

OTHER AGENCY INVOLVEMENT:

County Counsel has approved the ordinance as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY15-16 Adopted Budget for RMA-Planning.

Prepared by: Craig Spencer, Associate Planner ext. 5233

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

This report was reviewed by Jacqueline R. Onciano, RMA Services Manger

All attachments are on file with the Clerk of the Board:

Attachment A Discussion

Attachment B Draft Resolution amending the North County, Del Monte Forest, Carmel,

and Big Sur Land Use Plans

- Attachment C Draft Ordinance amending the Coastal Implementation Plan
- Attachment D Negative Declaration (adopted May 24, 2011)
- Attachment E Addendum to the Negative Declaration
- Attachment F Coastal Commission Resolution
- Attachment G Draft ordinance showing revisions to Title 20 (redline edits)

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Jacqueline R. Onciano, RMA Services Manager; Craig Spencer, Project Planner; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; Janet Brennan; Planning File REF140049