

# Attachment F

This page intentionally left blank.

**CALIFORNIA COASTAL COMMISSION**

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



# W13a

Prepared February 21, 2013 for March 6, 2013 Hearing

To: Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager  
Mike Watson, Coastal Planner

Subject: Monterey County LCP Amendment Number 1-11 (Housing Ordinance)

## SUMMARY OF STAFF RECOMMENDATION

Monterey County is requesting an amendment to three Coastal Land Use Plan (LUP) segments and the Coastal Zoning Ordinance (Implementation Plan, IP) portion of its certified Local Coastal Program (LCP) to add provisions/regulations related to reasonable accommodation measures and density bonus provisions for affordable housing, and to add or update provisions related to homeless shelters, transitional and supportive housing, single room occupancy facilities, family day care centers, agricultural employee housing, and accessory dwelling units. The goals of the amendment are to add allowances for reasonable accommodations, and to encourage the development of affordable housing to meet the requirements of Government Code Section 65580.

The Commission must assess whether the proposed LUP amendment conforms with the policies of Chapter 3 of the Coastal Act. The LUP portion of this amendment is relatively minor and replaces one housing term in the LUP with another term. Staff is therefore recommending that the Commission approve the LUP amendment as submitted.

The Commission reviews IP amendments for their consistency with and ability to carry out the policies of the certified LUP. As proposed, this IP amendment would allow exceptions to the provisions of the certified LCP that could result in potential conflicts with the provisions of the LUP. In addition, there are a few areas where staff believes that minor modifications are necessary (e.g., making explicit certain implicit requirements, fixing typos, and making minor coastal zone-specific clarifications) to ensure the IP is adequate to carry out the LUP. Staff is recommending that the Commission suggest modifications to the proposed amendment including: 1) additional requirements that all reasonable accommodation requests in the coastal zone must fundamentally comply with LCP and coastal development permit requirements, 2) additional requirements that the proposed density bonus incentives and concessions must avoid adverse impacts to coastal resources and that they must be consistent with the LCP, with the exception of the related density requirements, and 3) prohibiting accessory dwelling unit uses in

MCO-1-11 (Housing Ordinance)

areas of North Monterey County with known resource limitations including availability of public water.

As discussed in the findings set forth in this report, Staff recommends that the Commission find that the proposed LUP amendment conforms with the policies of 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 Program/Zoning Ordinance as submitted but that it 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 December 13, 2011. The proposed amendment affects both the LCP's Land Use Plan (LUP) and Implementation Plan (IP), and the original 90-day action deadline was March 12, 2012. On March 8, 2012, the Commission extended the action deadline by one year to March 12, 2013. Thus, the Commission has until March 12, 2013 to take a final action on this LCP amendment.

## TABLE OF CONTENTS

I. MOTIONS AND RESOLUTIONS .....	4
II. SUGGESTED MODIFICATIONS .....	5
III. FINDINGS AND DECLARATIONS .....	8
A. DESCRIPTION OF PROPOSED LCP AMENDMENT .....	8
B. PUBLIC PARTICIPATION .....	9
C. STANDARD OF REVIEW .....	9
D. CONSISTENCY ANALYSIS .....	10
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) .....	22

### 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 MCO-1-11 as submitted by Monterey County, and I recommend a yes vote.*

*Resolution: The Commission hereby certifies Land Use Plan Amendment 1-11 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 MCO 1-11 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 MCO 1-11 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 September x, 2013), 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 Monterey County proposes to be added and text in ~~strikeout~~ denotes text Monterey County proposes to be deleted. Double underline and double ~~strikeout~~ refers to Commission suggested modifications to the County's proposed amendment:

### 1. Modify IP section 20.64.030 "Regulations for Accessory Dwelling Units" as follows:

D. ... Accessory Dwelling Units will not be permitted in the following areas:

2. In the North County Land Use Plan area outside of the area of benefit of the Salinas Valley Water Project (Zone 2C).

3. In the North County Land Use Plan area within the area of benefit of the Salinas Valley Water Project (Zone 2C), on lots less than 5 acres in areas not served by public sewer systems.

E. Regulations:

3a. In areas not served by public sewers shall be two acres, except in North County, within zone 2C, where the minimum lot size shall be five acres in areas not served by public sewer systems.

MCO-1-11 (Housing Ordinance)

2. Modify IP Section 20.64.180 "Density of Development" as follows:

E. On-site density for Accessory Dwelling Units caretaker quarters, guesthouses, senior citizen units, farm worker housing, farm employee housing facilities, farm employee quarters 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
Caretaker Accessory Dwelling Unit	Based on parcel zoning <del>Within Zone 2C only</del> . Excluded from density. Not Permitted.	Maximum of 50 in planning areas. Excluded from density	Excluded from density, 40 acre minimum	Subject to overall buildout, LUP Table A. Excluded from density
Senior Citizen Units	Subject to LUPs overall buildout cap	Not Permitted	Not Permitted	Subject to overall buildout, LUP Table A
Guesthouses	Excluded from density	Excluded from density	Excluded from density	Excluded from density
<del>Commercial</del> 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 Ranch/Farm Worker Housing	Based on parcel zoning	Permitted per Section 20.145.140.B.4. C.1	Excluded from density	Not Permitted

All other residential development, including but not limited to small residential care facilities, large residential care facilities, supportive housing, and transitional housing is subject to the residential density established by the parcel's zoning district (i.e. these uses cannot be approved if they would exceed the LCP's density restrictions), 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.

3. Modify Proposed Changes to IP Section 20.64.030 as follows:



- a. Misspelled "Sur"; Replace the text "Sure" with the text "Sur" in subsection D.5.
  - b. Misspelled "Unit"; Replace the text "unites" with the text "unit" in subsection D.5.
  - c. Misspelled "Within"; Replace the text "with" with the text "within" in subsection E.11.e.
4. Add new section 20.65.045 to the proposed new "Density Bonus and Incentives" Chapter (20.65) of the IP as follows:

20.65.045 Residential Density Bonus for Affordable Housing

The Approving Body (or the Coastal Commission on appeal) may approve a density greater than that allowed by the underlying land use and zone district designations for affordable residential projects if the following criteria are met:

- (a) The proposed increased density is consistent with Coastal Act Section 30604(f), Government Code Section 65915 and Chapter 20.65; and
  - (b) If located within the coastal zone, the project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions.
5. Modify proposed new Section 20.61.040.B.6 as follows:

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.

6. Add New Section 20.61.050.C.7 as follows:

The accommodation minimizes inconsistencies with and will not require a fundamental alteration of the County's LCP.

7. Modify Section 20.64.030.E.8 as follows:

Accessory Dwelling Units shall conform to all of the zoning and development standards (lot coverage, height, setbacks, design, floor area ratio, etc.) of the zoning district which governs the lot. All development standards of the applicable zone district are cumulative. An Accessory Dwelling Unit attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principle residence. An Accessory Dwelling Unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height, and setbacks. Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.

8. Delete sentence two of Section 20.64.030, as follows:

A public hearing shall not be required to consider a Coastal Administrative Permit for an

Accessory Dwelling Unit

### III. FINDINGS AND DECLARATIONS

#### A. DESCRIPTION OF PROPOSED LCP AMENDMENT

Monterey County proposes to amend both the Coastal Land Use Plan and Zoning Ordinance portion of its certified Local Coastal Program to: 1) add procedures related to reasonable accommodation for disabled or handicapped individuals, 2) establish density bonus provisions for affordable housing to comply with state density bonus law, 3) update housing-related land use and zoning ordinance provisions including those related to development standards and permitted and conditional uses for emergency shelters, transitional housing, supportive housing, agricultural employee housing, single room occupancies, small and large family day care facilities, and add housing-related definitions, and 4) add regulations for accessory dwelling units.

##### **Land Use Plan Amendment**

References to Caretaker's units in the affected Land Use Plans (i.e., Big Sur and Carmel Area) would be replaced by the term Accessory Dwelling Units (or ADUs) to ensure consistency with the proposed new regulations related to ADUs. In addition, the existing limit on the size of a Caretaker's unit (now ADU) would be increased from 850 square feet to a maximum of 1,200 square feet in both planning areas. Note that the portions of the proposed amendment related to the Del Monte Forest LCP segment are now moot because the LCP sections related to that section were separately amended (via LCPA MCO-1-12). As a result, they are not currently proposed for amendment, and the proposed LCP amendment exhibit, Exhibit 1, has been annotated to acknowledge that they are not under consideration in this current LCPA.

##### **Implementation Plan Amendment**

###### *Reasonable Accommodation*

The County proposes to add Chapter 20.61 Requests for Reasonable Accommodation into the Coastal Zoning Ordinance portion of its certified Implementation Plan. 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 required to ensure equal access to housing. Accommodations typically involve such things 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 Zoning Chapter 20.61.

###### *Density Bonus*

The County proposes to add Chapter 20.65 Density Bonus and Incentives into the Coastal Zoning Ordinance (IP) portion of its certified Local Coastal Program. Chapter 20.65 includes relevant definitions, bonus calculations, affordability covenants, and specific incentives and regulatory concessions offered by the County for affordable housing consistent with current State Density Bonus law (California Government Code Section 65915). Individual sections are added regarding land donation requirements and child care facility requirements. 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 a clear process for pursuing certain development standard variations, define prescribed reduced parking standards, and provide more opportunities for density bonuses through land donation and the construction of childcare centers.

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

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.), and the proposed amendment would make changes to the existing LCP in order to comply with these requirements. Additionally, the County proposes to amend the permitted uses and conditional uses in residential zones related to small and large family day care homes, consistent with the current State Child Family Day Care Home Program (California Health and Safety Code Section 1597.30 et seq.). The amendment also updates the County's Agricultural Employee Housing Ordinance to address siting, sizing, and permitting.

***Accessory Dwelling Units***

The County proposes to amend the certified zoning ordinance to comply with State Law AB 1866, which addresses a number of housing issues, including a change to the law regarding local jurisdictions review of second unit applications. The proposed amendment adds Chapter 20.64.030 (Accessory Dwelling Units) to the certified zoning ordinance. This new chapter defines ADUs, describes the development standards for ADUs and indicates that ADUs are allowed in all residential zoning districts (HDR, MDR, LDR and RDR) as well as the Watershed and Scenic Conservation zone district (WSC). The amendment includes the definition of an accessory dwelling unit (Section 20.06.375).

Please see Exhibit 1 for the proposed LUP amendment text, and Exhibit 2 for the proposed IP amendment text.

**B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires that maximum opportunities for public input be provided in preparation, approval, certification, and amendment of any LCP. The LCP Notice of Availability and Draft Documents were available to the public on February 18, 2011. The County held public hearings for this amendment on May 11, 2011, May 25, 2011, and June 28, 2011, and no verbal or written comments regarding the amendment were received from the public. The hearings were noticed to the public consistent with Sections 13552 and 13551 of the Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

**C. 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

MCO-1-11 (Housing Ordinance)

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.

**D. 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.*

The existing certified LUP only provides for certain types of second units in the Carmel and Big Sur LUP areas, including caretaker units that can only be utilized by residents that are employed on-site, and senior citizen units that are restricted to residents of a certain age. However, State law currently requires Accessory Dwelling Units (or ADUs), which can be utilized by any potential resident, to be permitted in residential zone districts, unless there are resource or utility constraints. Therefore, to comply with State law, the proposed amendment replaces references to Caretaker's housing, Caretaker's residence, or Caretaker's accommodations in each of the affected Land Use Plan elements with the term Accessory Dwelling Unit (ADU), which is defined as a permanent residence, secondary to an existing main dwelling, which provides complete independent living facilities for one or more persons. In addition, the LUP amendment would eliminate the existing reference to senior citizen units because current State Law does not provide for this type of senior citizen unit, which is restricted for use by occupants of a certain age. These changes result in a reduction in the number of allowed units on each parcel because under the existing LCP, lots may be developed with a main residence, a caretaker unit and a senior citizen unit, without consideration of density limitations, and under the proposed LCP, lots may only be developed with a main residence and one ADU.

With regard to the increase in the size of the unit (i.e., 850 square feet existing, 1,200 square feet proposed), the new larger figure represents a theoretical maximum that could be attained only if the project otherwise met 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, 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 building coverage standards. Therefore, the increased size of the ADU would not alter the design standards of the underlying zoning district and would not otherwise reduce the LCP's coastal resource protections.

Accordingly, the proposed LUP amendment is intended to align the language of the LUP with current State housing law, and the proposed IP amendments, and as proposed, it is consistent with 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 significant 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.*
- 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*

MCO-1-11 (Housing Ordinance)

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 Caretaker's accommodations 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 Caretaker's houses shall not exceed 850 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 a Caretaker's house. 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 Caretaker's unit shall be allowed on a parcel.*

**Big Sur Land Use Plan Policy 5.4.3J**

2. *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 caretaker's accommodations 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 residences shall not exceed 850 square feet in size. Subdivisions shall not be permitted to divide a principal residence from a care taker's residence. Only one caretaker's 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.*

**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.*

#### **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*

MCO-1-11 (Housing Ordinance)

*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**

**2.2.1 Key Policy (Visual Resources)**

*In order to protect the visual resources of North County, development should be prohibited to the fullest extent possible in beach, dune, estuary, and wetland areas. Only low intensity development that can be sited, screened, or designed to minimize visual impacts, shall be allowed on scenic hills, slopes, and ridgelines.*

*2.2.2.4. The least visually obtrusive portion of a parcel should be considered the most desirable site for the location of new structures. Structures should be located where existing topography and vegetation provide natural screening.*

*2.2.2.5. Structures should be located to minimize tree removal, and grading for the building site and access road. Disturbed slopes should be restored to their previous visual quality. Landscape screening and restoration should consist of plant and tree species complementing the native growth of the area.*

**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.*

**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.*

**Reasonable Accommodations**

The Federal Fair Housing Act and the California Fair Employment and Housing Act prohibit discrimination against individuals with disabilities and require cities and counties to take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities. Specifically, fair housing laws require that cities and counties provide individuals with disabilities flexibility in the application of land use, zoning, and building regulations, and related practices and procedures, by modifying or waiving certain requirements when it is necessary in order to eliminate barriers to housing.

The proposed amendment will provide a process for the granting of minor modifications to the 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 County's proposed language will allow flexibility such that if land use restrictions preclude or limit accessibility to people with disabilities, the relevant restrictions will not be imposed. Although the intent of the amendments is to comply with State laws related to reasonable accommodations, as proposed, the language does not clearly address how the flexibility or complete removal of development restrictions will be approved should those improvements result in impacts to coastal resources. As reflected in the policies cited above, the County's certified LUP places high value on protecting and enhancing scenic views and protecting natural habitats and wildlife. Additionally,

## MCO-1-11 (Housing Ordinance)

these policies require that impacts to coastal resources be minimized to the maximum extent feasible and require feasible mitigation for any unavoidable impacts. Therefore, because it is not clear how the proposed amendment would ensure coastal resources are protected when reasonable accommodations are granted, it is inconsistent with these LUP policies and the IP amendment must be denied.

With the addition of suggested modifications, however, the IP amendment could be found consistent with the LUP. Accordingly, the Commission is suggesting modifications to the County's proposed amendment. Suggested Modification 5 specifies that requests for reasonable accommodations must include an explanation of how the application of the zoning code would preclude a reasonable accommodation. Requiring this information during the application process will clarify which specific zoning code exceptions are necessary to provide the accommodation required by law, and it will ensure that additional exceptions that are not necessary to provide the accommodation are not granted. In addition, Suggested Modification 6 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.

As modified, the addition of this amendment language will bring Monterey County into compliance with State and Federal law while ensuring consistency with the resource protection policies of the certified LUP.

### **Density Bonus and Incentives**

The proposed density bonus and incentive amendment is intended to encourage the voluntary creation of affordable housing within the County, consistent with the requirements of State housing laws. It has two components: 1) a density bonus which would provide an increase in the number of allowable units established by the zoning regulations in exchange for providing a certain percentage of affordable housing units; and 2) additional incentives for developers, depending on the level of affordability and the percentage of affordable units provided. Incentives may include reductions in the site development standards, modifications of zoning requirements, design criteria modifications, approval of mixed use zonings, or other regulatory concessions that result in benefits that aid in the financial feasibility of a project to create affordable housing.

In general, State regulations (pursuant to Government Code Section 65915) 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 a process for pursuing certain development standard variations, offer an option for a waiver of development standards, define prescribed reduced parking standards, and provide opportunities for density bonuses through land donation and the construction of childcare centers. The proposed amendment would provide density bonuses consistent with State regulations, including providing for a density bonus of up to 35% for the provision of affordable housing units in the zoning districts that allow residential development.

The proposed amendment would add density bonus provisions that comply with Government Code Section 65915 in Title 20 of the County Zoning Ordinance (i.e., Coastal Zoning), Chapter 20.65: Density Bonus and Incentives. The amended LCP would allow for housing to be developed at densities greater than the LCP would allow when certain levels of affordable housing are provided. However, increasing the LCP's allowed densities, and providing for developer incentives that may conflict with existing LCP requirements, may result in adverse impacts to coastal resources and public access to the shoreline. For example, the granting of a density bonus above the density permitted in the zoning ordinance could adversely impact public views (high rises), or permit a development that could adversely affect public access (congestion or traffic due to a higher intensity type of project).

In addition, the proposed offsets or concessions that may be granted to encourage affordable housing could also result in adverse impacts to coastal resources. For example, if offsets, concessions or deviations were granted to new development there is the possibility that development could encroach onto environmentally sensitive habitat areas (i.e., wetlands) or result in reduced buffers next to such habitat areas. If offsets were provided to the required height limit, coastal views may be impacted. If offsets were granted for a reduction in parking, potential impacts to public access could occur. Therefore, absent language that specifically states that the granting of density bonuses, as well as offsets or concessions, to encourage affordable housing, shall be consistent with the respective Land Use Plans, the LCP amendment cannot be found consistent with, or adequate to carry out the policies of the respective land use plans in the certified Monterey County LCP. The IP amendment must therefore be denied as submitted.

To address these inconsistencies Suggested Modification 4 would add a requirement allowing affordable housing density bonuses only if such increased densities were otherwise consistent with the LCP (with the exception of density provisions). In this way, the IP would ensure coastal resources are protected consistent with the LUP policies described above, but it would also implement LUP policies 4.3.6.D, 4.4.3.H, and 5.4.3.I, which encourage the construction of affordable housing in the coastal zone. Further, although the Commission must consider whether the proposed amendment is adequate to implement the LUP, not the Coastal Act, it is still important to note that Coastal Act Section 30604(f) encourages affordable housing and requires local governments to approve greater densities for affordable housing projects, as long as those projects are otherwise in conformity with the certified LCP. Coastal Act Section 30604(f) states:

*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.*

The suggested modification allows increased densities for affordable housing projects if they are

## MCO-1-11 (Housing Ordinance)

consistent with Coastal Act Section 30604(f), Government Code Section 65915, the County's density bonus provisions, and the certified LCP (including with respect to LCP provisions protecting sensitive habitats, agriculture, views, public recreational access, and open space). See Suggested Modification 4.

In conclusion, the suggested modification will allow for increased densities consistent with State law to encourage affordable housing in certain situations, and will at the same time ensure that coastal resources are protected from development that would adversely impact coastal resources. Thus, as modified, the proposed amendment can be found consistent with and adequate to carry out the certified LUP.

### Homeless Shelters

The requirements of SB2 state that jurisdictions must select a minimum of one zoning district that will permit emergency shelters without conditional use permits. The identified zoning district must provide sufficient capacity to provide the number of emergency shelters needed by the County or, at a minimum, one year-round emergency shelter. Monterey County selected the High Density Residential (HDR) zoning district as the most appropriate zone for shelters because the HDR zoning district areas are located in the more urbanized areas of the unincorporated County, with access to public transportation and services. According to the County, 299 undeveloped parcels are designated HDR, totaling 205 vacant acres. Thus, there is sufficient land in the HDR zoning district available for at least one emergency shelter to accommodate the County's identified need for homeless services. An emergency shelter would be principally permitted on any HDR-zoned site under the proposed ordinance and would need to comply with all development standards in the HDR zoning district.

The proposed amendment does not require the development of any new homeless shelters; it simply provides the opportunity for a simplified development process in the HDR zoning district. The HDR zoning district primarily applies to parcels that are reserved for residential uses. Adding emergency shelters to the list of permitted uses would allow existing structures to be converted or partially converted for shelter use, and would also allow the construction of new emergency shelter facilities on vacant or underused HDR-zoned parcels. The proposed amendment establishes a process and regulations for review of requests for Emergency Shelters including maximum number of beds per person to be served nightly, off-street parking, provision of onsite management, length of stay, lighting, security, etc.

As submitted, the proposed amendment can be found consistent with the LUP because the proposed amendment will not conflict with or contradict any certified LUP policies. Thus, staff recommends that the Commission approve the IP amendment related to homeless shelters as submitted.

### Single Room Occupancy (SRO) Facilities

The County of Monterey is proposing to amend the certified Zoning Ordinance to establish the requirements for the development of Single Room Occupancy (SRO) residential units. SROs are residential units of a smaller size than normally found in multiple dwellings, in which sanitary facilities and kitchen/cooking facilities may be provided within the unit or may be shared among units. The amendment addresses development standards including unit size, common area

requirements, parking, and unit amenities. See Exhibit 2 for full text of the amendment.

SROs would be an allowable use in the HDR (High Density Residential) zoning district. The HDR zone district areas are located in the more urbanized areas of the unincorporated county, along major arterial and mass transit corridors and near grocery stores and other amenities. Under the proposed amendment, SROs would require a coastal development permit subject to certain conditions/parameters, including minimum and maximum unit size, rules regarding private facilities, common areas, and on-site management requirements, etc.

The Housing, Public Services, Land Use, and Circulation policies of the Monterey County LCP provide for infill development in the County and along major transportation corridors and allow for a reduction in automobile parking requirements for mixed-use developments and those that provide for alternative transportation. The proposed amendment provides standards for Single Room Occupancy units that are adequate to implement the land use policies. Staff recommends approval of the related amendment language as submitted.

#### **Agricultural Employee Housing**

The proposed amendment modifies the standards for the application and development of Agricultural Employee Housing to ensure consistency with State laws regulating agricultural employee housing. The amendment would allow the construction of an agricultural employee housing facility for up to 12 single-family units or 36 beds in a group quarters as a conditional use in the Scenic and Watershed Conservation (WSC) and Agricultural Industrial (AI) zoning districts, and as a principally permitted use in the Coastal Agricultural Preserve (CAP) and Agricultural Conservation (AC) zone districts. Agricultural Employee Housing developments with more than 12 single family units or 36 beds may be allowed in the CAP and AC zone districts as a conditional use and subject to confirmation that there are adequate public services, that the development avoids prime and productive agricultural lands, includes appropriate erosion and drainage controls, and includes such amenities as laundry facilities, enclosed storage, recreation facilities, open space, etc.

The amendment requires the issuance of a coastal development permit and submittal of a facilities plan for all Agricultural Employee Housing, which includes tenant protections such as identification of the party responsible for housing maintenance and up-keep, description of the nature of the use (i.e., permanent, temporary, seasonal, etc.), total number of people to be housed, costs of units and utilities to workers, and an assessment of public service systems, including the availability, location, and quality of water and methods of sewerage disposal.

The Housing, Public Services, Land Use, and Circulation policies of the Monterey County LCP provide for construction of new agricultural employee housing on lands zoned for agricultural productions and/or grazing. The proposed amendment provides standards for Agricultural Employee Housing facilities that are adequate to implement the land use policies. Staff recommends approval of the related amendment language as submitted.

#### **Accessory Dwelling Units**

The County proposes to amend the zoning regulations to provide compliance with State Law AB 1866, which addresses a number of housing issues, including a change to the law regarding local jurisdictions' review of second unit applications. The proposed amendment largely replaces

MCO-1-11 (Housing Ordinance)

Chapter 20.64.030 (Regulations for Caretaker's Units) with Regulations for Accessory Dwelling Units. This "new" chapter deletes references to Caretaker's Units.<sup>1</sup> All Senior Citizen or Caretaker's units permitted prior to adoption of these regulations are considered an ADU for the purposes of this Section. Also included in the modified Chapter 20.64.030 is a definition of Accessory Dwelling Units (ADUs) and description of the design and development standards for ADUs. Additionally this chapter notes that ADUs are allowed in all residential zoning districts (HDR, MDR, LDR and RDR) as well as the Watershed and Scenic Conservation zone district (WSC). Proposed ADUs require a coastal administrative permit if they are located in a residential zone district and meet the applicable zoning district development standards (i.e., lot coverage, height, setbacks, design, etc.), as well as the resource protection policies of the applicable LUP segment.<sup>2</sup> ADUs located in the Watershed and Scenic Conservation zone district would require the issuance of a coastal development permit. Specific resource constraints that may prohibit development of an ADU include the presence of ESHA, including native Cypress habitat within Del Monte Forest, significant visual resources, including the critical viewshed of Big Sur, hazardous locations, archaeological sites, conflicts with public access, and areas determined to have a critically short water supply.

On this last point, the North County Planning area of Monterey County has a critically short water supply. Historically, groundwater has been the source for almost all the water needs in the North Monterey County. Years of water withdrawals from the subsurface aquifer have resulted in severe seawater intrusion and a degradation of the quality of the area's potable water source. The County has responded by implementing water saving measures, including restricting 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. Per the language of the amendment, ADUs would not be permitted in areas with severe resource constraints, including areas with severe limitations on water supply.

However, the amendment does provide an exception to this restriction for properties which lie in a North Monterey County subarea coined "Zone 2C." Zone 2C lies within a potential area of benefit of the Salinas Valley Water Supply Project – a water diversion project that diverts water from the Salinas River for use in agricultural irrigation during peak irrigation season, in an effort to benefit groundwater resources. Water that is diverted from the river is delivered to agricultural users for irrigation to offset existing pumping of the groundwater aquifer in the service area. The increased summertime flows that result from managed releases of water from reservoirs in the upper watershed could also provide increased recharge through the riverbed to the groundwater aquifer. Actual diversions of water from the project began in the spring of 2010, and Monterey County Water Resource Agency officials have indicated that it will take up to 10 years to quantify the effects of the diversion project on groundwater levels and seawater intrusion.

---

<sup>1</sup> The definition of a Caretaker's Unit in Section 20.06 of the Zoning Ordinance has been retained because Caretaker's quarters are an allowed use in other zone districts, such as industrial districts, not affected by the proposed amendment.

<sup>2</sup> The coastal administrative permit provides the County with a streamlined CDP process that does not require discretionary review, but does require a finding that the subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 20 to ensure approvals are consistent with the LCP.

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). Absent additional information regarding the long-term benefit of the diversion project, it is not appropriate to except ADU development from the development prohibition in North Monterey County. Allowing such an exception 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. Therefore, Suggested Modifications 1 and 2 delete the language of the exceptions referring to Zone 2C that are proposed in the text of the ADU Chapter and from the site density Table in Chapter 20.64.180. As modified, the LCP amendment would ensure that ADUs are not allowed in areas with inadequate water supply, as required by the certified LUP. Further, in the future, if the water diversion project is shown to benefit water supply to allow for additional development, the County could then apply to amend the LCP accordingly.

The amendment also would increase the limit on the size of ADUs from 850 square feet existing to a maximum of 1,200 square feet. The size of the units is approximately 40 percent larger than existing, but represents a theoretical maximum allowed (i.e., provided that there aren't any resource constraints). The proposed amendment limits ADUs to one per lot, and requires ADU development to meet minimum lot size, density, and the buildout limitation of the underlying land use plan. The amendment states that ADUs are subject to all the resource protection policies of the applicable Land Use Plans and shall not be permitted to substantially degrade resources at the site or in the area including ESHA, visual resources, forests and trees, beaches and bluffs, historic and archaeological sites, and public access areas. In addition, the development standards of the underlying zone district are intended to apply cumulatively. That is, the primary residence and the ADU taken together must comply with the applicable site coverage, floor area ratio, setbacks, and design standards of the zoning district which governs the lot. Without this requirement, construction of ADUs could lead to adverse impacts on coastal resources such as encroachments into sensitive habitat area, scenic view degradation, and less available parking for public access. To ensure that implementation of this concept is carried out as expected, Suggested Modification 7 makes it explicit that the development standards of the underlying zone district are cumulative, consistent with the County's intent and the resource protection policies of the certified LCP.

Regarding parking requirements, the amendment states that parking for ADUs must comply with the parking regulations included in Chapter 20.58 of the Zoning Ordinance which requires one space per unit in addition to the required parking for the primary residence. Thus, the amendment continues to protect on-street parking for the general public. The amendment also modifies certified Chapters 20.10.040, 20.12.040, 20.14.040, and 20.16.040 by adding accessory dwelling units as a principally permitted use in each corresponding residential zoning district (HDR, MDR, LDR, and RDR). The amendment further modifies Chapter 20.17.050 to add ADUs as a conditional use in the Watershed and Scenic Conservation (WSC) zone district, and includes a new definition of Dwelling Unit, Accessory (20.06.375). See Exhibit 1 for the proposed amendment language.

## MCO-1-11 (Housing Ordinance)

Finally, State Law AB 1866 removes the requirement for public hearings for ADUs. However, Section 30624.9 of the Coastal Act only allows public hearing requirements to be waived if the proposed development is consistent with the LCP, if it has no adverse effects on coastal resources, and if members of the public have the ability to request a public hearing and no such request is received. Consistent with Section 30624.9, the existing procedure for Coastal Administrative Permits in the certified LCP allows certain CDPs to be authorized without public hearing, unless a public hearing is requested (See IP Section 20.76.060). The proposed amendment requires all ADUs to receive a Coastal Administrative Permit, but it also removes the potential for a public hearing for ADUs entirely. This blanket prohibition on public hearings for all ADUs, is inconsistent with Coastal Act public hearing requirements and the existing IP requirements that allow for public hearings, if requested, for developments subject to the CAP process. As such, Suggested Modification 8 deletes language that eliminates the public hearing requirement for ADUs. This suggested modification would allow for some ADU proposals to move through the Coastal Administrative Process without public hearing, while still allowing for a local public hearing if requested, consistent with the Coastal Act and existing IP provisions.

In conclusion, the Land Use and Housing policies of the Monterey County LCP encourage the expansion of housing opportunities for low and moderate income households. The proposed amendment provides for ADU development as a principally permitted use in all residentially zoned and one non-residential zoned district consistent with these policies. As proposed, however, the IP amendment does not adequately protect coastal resources and is not in conformity with nor adequate to carry out the certified LUP. Staff is therefore recommending that the IP amendment be denied as submitted. Staff also recommends, however, approval of the amendment if it is modified as suggested to address public service limitations in North Monterey County and to ensure the proposed ADU regulations will appropriately protect coastal resources.

### Clarifications/Other

In addition to those issues detailed above, there are instances where the language of the proposed text needs to be clarified, and typographic errors fixed, to ensure its clear implementation consistent with the LUP. See Suggested Modification 3 for typographic corrections. In addition, although the County intends for the proposed new uses, including supportive and transitional housing, to be subject to the allowed density set forth in the underlying LUP restrictions and zoning district regulations, it is necessary to make this intent explicit to ensure the LCP's density limitations are carried out and related coastal resources are protected. See Suggested Modification 2.

### **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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. Local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

Monterey County adopted a Negative Declaration for the proposed LCP amendment and in



doing so found that the amendment would not have significant adverse environmental impacts. This 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.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

