



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

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February 04, 2025

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REF240016 - COASTAL ZONE UPDATED ACCESSORY DWELLING UNITS (ADU) AND JUNIOR ACCESSORY DWELLING UNITS (JADU) REGULATIONS.

Public Hearing to consider adopting a Resolution of Intent to modify policies and regulations in the Big Sur Coast Land Use Plan, Carmel Area Land Use Plan, North County Land Use Plan and Monterey County Coastal Implementation Plan, Part 1 the coastal zoning ordinance (Title 20), Coastal Zoning, and Part 6, Appendices, establishing regulations applicable to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

Project Location: All unincorporated areas of the County in the Coastal Zone

Proposed CEQA action: Find that the proposed project involves adoption of regulations applicable to ADUs and JADUs which is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15265 of the CEQA Guidelines for the purpose of local government activities and approvals involving the preparation and adoption of local coastal program amendments.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

1. Find the project statutorily exempt pursuant to CEQA Guidelines section 15265;
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 and junior accessory dwelling units for less than 90 days (Attachment G).
 - 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 (Attachment G).
 - 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 (Attachment G).
 - 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 (Attachment C).

3. Certify that the amendment is intended to be carried out in a manner fully in conformity with the Coastal Act;
4. Direct staff to transmit the proposed ordinance to the California Housing and Community Development Department for review; and
5. Direct staff to transmit the proposed ordinance to the California Coastal Commission for consideration of certification.

PROJECT INFORMATION:

File Number: REF240016

Project Location: All unincorporated areas of the County in the Coastal Zone

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SUMMARY:

In 2020, the County adopted ordinances amending both its coastal and inland zoning ordinances (Titles 20 and 21 of Monterey County Code, respectively) to implement California Planning and Zoning Law governing Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The coastal zoning ordinance (Title 20), which is Part 1 of the Monterey County Coastal Implementation Plan and is part of the County's certified Local Coastal Program (LCP), was subsequently submitted to the California Coastal Commission (CCC) for certification. Upon review, CCC staff provided the County comments regarding the updated regulations, and recommended modifications intended to ensure greater conformity with the Coastal Act. During that same time in 2021, 2022, and 2024, state law regarding ADUs was further updated.

The draft Local Coastal Program amendment (Attachment B) is designed to bring the County into alignment with current state law, while also incorporating appropriate coastal resource protections in conformance with the Coastal Act. In summary, the draft ordinance and resolution of intent include:

- Amendments to ADU and JADUs regulations in Title 20 to update objective design standards, revise existing definitions, streamline the permit process, adjust the allowed locations for ADUs and JADUs, and introduce parking requirements for ADUs in specific coastal areas.
- Amendments to the Big Sur Coast Land Use Plan to add development standards for ADUs and JADUs, including a 1,000 square foot size limitation on ADUs and a prohibition on renting accessory dwelling units and junior accessory dwelling unit for less than 90 days.
- Amendments to the Carmel Area Land Use Plan policies regarding ADUs and JADUs, including removing a 40-acre minimum lot size requirement as a development standard.
- Amendments to the North County Land Use Plan to add policies regarding ADUs and JADUs, including a 1,200 square foot size limitation and incorporation of water conservations standards.

On November 13, 2024, the Planning Commission unanimously recommended that the Board of Supervisors adopt a resolution of intent to amend the Local Coastal Program, as detailed above. As part of the Commission's recommendation, staff was directed to increase the maximum size for ADUs

in the North County Land Use Plan area from 1,000 square feet to 1,200 square feet. Staff also incorporated clarifying modifications to the ordinance based on public feedback. These modifications include defining "Housing Organizations" and ensuring consistent language throughout the ordinance. The ordinance attached as **Attachment C** incorporates the changes recommended by the Planning Commission and the clarifications made by staff.

The California Department of Housing and Community Development (CA HCD) has an oversight and approval role to ensure that local ADU ordinances are consistent with State housing law and if the Board of Supervisors recommends adoption of the resolution of intent to adopt the LCP amendments, staff will submit to CA HCD for review, and subsequently will submit to CCC for consideration of certification. If the CCC certifies the ordinance, staff would then return to the Board for final adoption of the LCP amendments.

DISCUSSION:

To read the full discussion and background for the policy, please refer to the Detailed Discussion included as **Attachment A**.

CEQA:

CEQA Guidelines section 15265 statutorily exempts local government activities and approvals involving the preparation and adoption of local coastal program amendments. As stated in Section 15265, "CEQA shall apply to the certification of a local coastal program... by the California Coastal Commission" and the burden of CEQA compliance is shifted "from the local agency... to the California Coastal Commission". The Coastal Land Use Plan and coastal Zoning Ordinance amendments proposed under the Coastal ADU updates affect portions of the County located within the Coastal Zone and constitute an amendment to the LCP. The LCP Amendment will ultimately be certified by the California Coastal Commission and, if not, would not become operative. Therefore, the proposed amendments to the Land Use Plans and coastal Zoning Ordinance are statutorily exempt from CEQA pursuant to State CEQA Guidelines Section 15265.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has approved the ordinance as to form. Staff have collaborated with CCC staff to develop the proposed regulations. If the Board of Supervisors recommends adoption of the resolution of intent, staff will submit to CA HCD for review, and subsequently will submit to CCC for certification.

FINANCING:

Funding for staff time associated with bringing this Local Coastal Program amendment to the Board is included in the FY2024-25 Adopted Budget for HCD, Appropriation Unit HCD002, Unit 8543. As proposed, the ordinance would make certain ADUs and JADUs exempt from a Coastal Permit that would reduce cost recovery from the associated permit fees. However, the exemption would also not require Planning staff time for review of these permits. Overall, the adoption of this LCP amendment would result in no net change.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The LCP amendment supports the Board of Supervisors' Strategic Initiative for Administration by

promoting efficient and streamlined processes for regulating and permitting ADUs and JADUs in the coastal zone. Additionally, adopting updated ADU and JADU policies and regulations for the coastal zone supports the Health and Human Services initiative by increasing affordable housing, reducing overcrowding, and promoting equitable access to healthy living environments. Further, as permits for these types of projects will be processed in a more streamlined manner, which will help to increase the overall housing stock in Unincorporated Monterey County.

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

X Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer service, accountability, and transparency.

X Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services, promoting access to equitable opportunities for healthy choices and health environments in collaboration with communities.

 Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

 Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Edgar Sanchez, Assistant Planner x7058

Reviewed by: Melanie Beretti, AICP, Chief of Planning

Reviewed and Approved by: Craig Spencer, Director

The following Attachments are on file with the Clerk of the Board:

Attachment A - Discussion

Attachment B - Draft Resolution of Intent

Attachment C - Draft Coastal ADU Ordinance (clean)

Attachment D - Draft Coastal ADU Ordinance (redline)

Attachment E - Existing Coastal ADU Ordinance

Attachment F - Draft Amendments to Carmel Area, Big Sur and North County Land Use Plans (redline)

Attachment G - Draft Amendments to Carmel Area, Big Sur and North County Land Use Plans (clean)

Attachment H - Planning Commission Resolution

cc: Craig Spencer, Director of Housing and Community Development; Melanie Beretti, Chief of Planning, Philip Angelo, Senior Planner; Edgar Sanchez, Assistant Planner; Kelly Donlon, County Counsel; California Coastal Commission; Breylene Ammen; Kevin Kahn; Katie Butler; Belinda Taluban; Taluban Engineering; Martha Chavarria; Christina McGinnis; Aidee Fonseca; Jordan

Caballero; Elsa Mendoza Jimenez; William Schramm; Nicole Fowler; EHB; John Hale; The Open Monterey Project (Molly Erickson); LandWatch; Keep Big Sur Wild; Lozeau Drury LLP; Big Sur LUP Update Public Distribution List; David Elliot, Casey Meusel, Brian Lockwood, Jeannie, Meredith Camp, Sarah Hardgrave, Jennifer Swanson, Diane Mesiroff, Robin Brown, Project File REF240016.