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Addendum Pursuant to the California Environmental Quality Act Article 11, Section 15164

Monterey County Coastal Housing Ordinance Planning File No. REF140049 Local Coastal Plan Amendments

1. Introduction

On February 15, 2011, the County of Monterey prepared an Initial Study/Negative Declaration for a project that consisted of amending various sections of the Zoning ordinance, Title 20 (Coastal) and Title 21 (Inland) related to implementation of the 2009-2014 Housing Element. The Housing Element required amendments to the existing zoning ordinance in the following topic areas:

- Density Bonuses and Incentives
- Second Dwelling Units
- Farm/Agricultural Worker housing
- Residential Care Facilities
- Emergency Shelters
- Transitional and Supportive Housing
- Single Room Occupancy (SRO) units
- Definition of “Family”
- Reasonable Accommodations

Following the adoption of the Negative Declaration by the Board of Supervisors on May 25, 2011, the Board of Supervisors adopted an ordinance amending the Inland Zoning Ordinance (Title 21) and adopted a resolution of intent to adopt an ordinance amending the Coastal Zoning Ordinance (Title 20). The Coastal Ordinance amendments were submitted to the Coastal Commission for certification on November 29, 2011. Coastal Commission staff reviewed the proposed amendments and recommended approval of the amendments with eight specific modifications to the Coastal Housing ordinance. The modifications to the coastal ordinance are as follows:

1. Modify Section 20.64.030 “Regulations for Accessory Dwelling Units” to prohibit Accessory Dwelling Units in the North County Land Use Plan area. The ordinance analyzed in the original Negative Declaration allowed Accessory Dwelling Units within the Zone 2C area of the North County Land Use Plan subject to other regulations within Section 20.64.030.

2. Modify Section 20.64.180 “Density of Development” to reflect the change resulting from modification number 1 regarding Accessory Dwelling Units in the North County Land Use Plan area and to clarify that care facilities and transitional housing types are subject to the residential density limitations of the LCP.
3. Modify Section 20.64.030 “Regulations for Accessory Dwelling Units” to fix three typographical errors.
4. Add new Section 20.65.045 to the proposed new “Density Bonus and Incentives” Chapter to insert Coastal Act and LCP consistency considerations prior to granting a Density Bonus for a project. This modification was negotiated with Coastal Commission staff to include a new subsection in Section 20.65.050 rather than a new Section 20.65.045. The effects of these edits are that the County can make a finding that the project, inclusive of the Density Bonus, is not consistent with Local Coastal Plan and therefore deny the Density Bonus request. The original ordinance required the County to provide a Density Bonus for a qualified project if requested (without a process for denial of the request).
5. Modify Section 20.61.040.B.6 “Reasonable Accommodations” to add a requirement for requests for a Reasonable Accommodation to include an explanation from the applicant regarding how the existing zoning code precludes the requested accommodation.
6. Modify Section 20.61.050.C.7 “Reasonable Accommodations” to add a finding that would be required in order to grant an accommodation that the requested accommodation minimizes inconsistencies with, and will not require a fundamental alteration of, the County’s Local Coastal Plan. This change was negotiated with the Coastal Commission staff to further clarify that the findings required for a Reasonable Accommodation will not be applied in a manner that would deny a Reasonable Accommodation that is necessary to afford an individual with disabilities an equal opportunity to use or enjoy housing consistent with current housing laws.
7. Modify Section 20.64.030.E.8 “Accessory Dwelling Units” to clarify that Accessory Dwelling Units will be treated as habitable accessory structures for the purposes of applying setbacks and height restrictions and they are subject to cumulative site development standards for the lot on which they will be located including lot coverage and floor area.
8. Delete sentence two of Section 20.64.030 “Accessory Dwelling Units”. The sentence that existed in the original ordinance stated that “*A public hearing shall not be required to consider a Coastal Administrative Permit for an Accessory Dwelling Unit*”. Deletion of this sentence will require that Coastal Administrative Permits for Accessory Dwelling Units follow the regular Coastal Administrative Permit provisions and requirements.

In addition to the suggested changes from the California Coastal Commission staff, the following edits became necessary as a result of changes that have occurred since the time the original ordinance was drafted:

9. Golf Courses were removed from the Uses Allowed subject to a Coastal Administrative Permit in each case in Sections 20.12.050.Z (Medium Density Residential) and 20.14.050.D (Low Density Residential) as a result of updates that were approved to the Del Monte Forest Land Use Plan in 2012.
10. A reference to the Redevelopment and Housing Office of Monterey County in Section 20.65.100.A was replaced with reference to the Economic Development Agency due to the elimination of the Redevelopment Agency in 2012.
11. Standards for Density Bonuses and Incentives have been amended pursuant to Assembly Bill 2222 (AB2222). The continued affordability of all very low and low income units that qualified an applicant for a density bonus was changed from 30 years to 55 years or longer in Sections 20.65.090.A.4 and 20.65.120.B.1 and new language was added to the Density Bonus eligibility criteria in Sections 20.65.050 and 20.65.060 requiring an applicant for a housing development to comply with State law when the housing development would demolish or vacate low or very low income rental units.

An updated ordinance, containing the edits listed above, was submitted to the Coastal Commission for certification on August 3, 2015. This time there were two additional edits recommended by the Coastal Commission. The two new edits are:

12. Modify Section 20.65.070(B)(3) “Density Bonus and Incentives” to add language clarifying the types of coastal resources that, if impacted, would be included in findings for the denial of an incentive requested by an applicant under the Density Bonus and Incentive law.
13. Modify Section 20.66.060(C)(1)(a) “Standards for Agricultural Employee Housing” to add criteria for agricultural employee housing consisting of 36 beds or less in a group quarters or 12 or fewer single family units in the agricultural zoning districts including location on the least agriculturally viable portion of the site, avoidance of critical erosion areas, and provision of adequate water and wastewater services.

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes to the project analyzed in the Negative Declaration, certified May 25, 2011, by the Board of Supervisors (Resolution No 11-020). None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

2. Scope and Purpose of this Addendum

The revisions to the ordinance described above do not require major revisions to the previously adopted Negative Declaration. There have been no substantial changes in circumstances which would require revisions to the adopted Negative Declaration and there are no new effects to the environment as a result of the changes or as a result of new information. The changes listed above are summarized as follows:

- Prohibiting Accessory Dwelling Units in the North County Land Use Plan area (Modifications 1 and 2); a change that lessens the impacts analyzed in the adopted Negative Declaration but does not change the less than significant determination or analysis in any substantial way.
- Clarifying that new uses added in the ordinance are subject to density (modification 2), that ADU's are subject to cumulative site development standards and must follow the regular Coastal Administrative Permit Process (modifications 7 and 8), adding an application requirement for Reasonable Accommodation request regarding how the existing code precludes regular enjoyment of housing (modification 5), fixing typographical errors (modification 3), and updating the ordinance to reflect decisions made in 2012 (Modifications 9 and 10), do not result in substantial changes to the ordinance or the impacts of the ordinance on the environment. In these cases, the effect and intent of the ordinance have not changed. The new language simply clarifies the procedure and intent of the ordinance and do not result in significant changes or new environmental effects.
- New additions to the proposed ordinance recommended by the California Coastal Commission staff for the protection of Coastal Resources consistent with the California Coastal Act such as the ability to deny a request for a density bonus or incentive (modifications 4 and 12); The ability to deny a request for a reasonable accommodation (modification 6); and criteria for the appropriate siting and provision of adequate water and wastewater for agricultural employee housing (modification 13). These edits ensure that development will not be inconsistent with the County's Local Coastal Program. These changes strengthen environmental protections and lessen the impacts analyzed in the adopted Negative Declaration but do not change the less than significant determination or analysis contained in the Negative Declaration in any substantial way.

3. Conclusion

As described above, the suggested edits to the ordinance do not require substantial changes to the adopted Negative Declaration. Changes that occurred since adoption of the Negative Declaration, including updates the Del Monte Forest Land Use Plan and the elimination of the Redevelopment Agency, have resulted in only minor changes to the ordinance and these changes do not result in any new or more severe impacts on the environment. The changes to the proposed ordinance clarify the procedures and intent of the previous ordinance and in some cases lessen the effect of the ordinance on the environment. None of these edits to the ordinance require changes to the analysis or determinations provided in the previously certified Negative Declaration. Therefore, none of the circumstances described in Section 15162 of the California Environmental Quality Act Guidelines exist and this Addendum has been prepared pursuant to Section 15164 of the CEQA guidelines for the minor changes and additions described herein.

Attachment: Negative Declaration for the Zoning Ordinance Amendments/Housing Element Implementation prepared February 15, 2011 and adopted by the Board of Supervisors on May 25, 2011.

