Exhibit D

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COUNTY OF MONTEREY
HOUSING AND COMMUNITY DEVELOPMENT
CRAIG W. SPENCER, DIRECTOR

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MEMORANDUM

Date: 27 July 2026

To: Edgar Sanchez, Assistant Planner, HCD Planning Division

From: Sarah Wikle, Principal Planner, HCD Planning Division

Subject: Request for Consistency Analysis from the Airport Land Use Commission actions required to implement the County of Monterey's General Plan Sixth Cycle (2023-2031) Housing Element Update Draft

cc: Fionna Jensen, Principal Planner, HCD Planning Division; Melanie Beretti, Chief of Planning, County of Monterey; Craig Spencer, HCD Director, County of Monterey

The County of Monterey is requesting review of the rezoning required to implement the County of Monterey's General Plan Housing Element Sixth Cycle (2023-2031) Update Draft (HEU6) for consistency analysis by the Airport Land Use Commission (Commission). The County is returning to the Commission to discuss the required actions to implement HEU6. These actions include:

1. Rezoning Opportunity Sites 31, 46, 47, 52, and 53.
2. Adoption of a By-Right Housing Ordinance.
3. Adoption of Objective Design Standards.
4. Adoption of Amendments to County of Monterey Regulations to Implement the HEU6

Background

The County of Monterey (County) has been in the process of updating the County's Housing Element (HEU6) since late 2022. County Housing and Community Development (HCD) staff presented to the Airport Land Use Commission (Commission) on January 13, 2025 and December 12, 2025 requesting that the Commission find various Housing Element Programs and Opportunity Sites consistent with applicable land use compatibility plans. For the HEU6, the applicable land use compatibility plans are the Monterey Regional Airport Land Use Compatibility Plan and Marina Regional Airport Land Use Compatibility Plan (ALUCPs).

On May 12, 2026, the California Department of Housing and Community Development (CA HCD) found the HEU6 in statutory compliance with state housing law. On July 17, 2026, the County released a draft Programmatic Environmental Impact Report (Draft PEIR) for a 45-day public review period. The draft PEIR includes discussion of the potential environmental effects of implementing the HEU6.

Currently, HCD staff are now preparing various amendments to the County's municipal code, 2010 General Plan, and Land Use Plans to implement the HEU6 and to obtain certification from CA HCD. This includes rezoning of Opportunity Sites, adoption of a By-Right Housing Ordinance, adoption of Objective Design Standards, and various amendments to the 2010 General Plan and Local Coastal Program, to implement the HEU6. A detailed discussion is included below.

Rezoning Opportunity Sites

Part of implementation of the HEU6 includes rezoning Opportunity Sites to appropriate densities to accommodate higher density residential development. The Commission reviewed Opportunity Sites that were within the Airport Influence Area of the Marina Municipal Airport and Monterey Regional Airport on January 13, 2025 and December 12, 2025. See Table 1 for the proposed rezoning of the Opportunity Sites.

Table 1. Opportunity Sites Proposed for Rezone

Site No.	Assessor's Parcel Number(s)	Current Zoning	Planned Rezone	Vacant/ Non-Vacant	Total Capacity[1]
Greater Monterey Peninsula Area Plan					
52	259-011-064-000, 259-011-072-000	RDR/10-UR-VS	Split Zone – HDR/30 and RC	Vacant	725
46	173-071-008-000	PQP-D-S	Split Zone – HDR/30 and PQP-D-S	Non-Vacant	92
47	031-131-006-000	PQP-D-S	Split Zone – HDR/30 and PQP-D-S	Non-Vacant	60
Site No.	**Assessor's Parcel Number(s)**	**Current Zoning**	**Planned Rezone**	**Vacant/ Non-Vacant**	**Total Capacity[1]**
City of Marina Jurisdiction					
53	031-101-018-000	C-R (City of Marina)	HDR/30 (City of Marina equivalent is R-4)	Vacant	476
Site No.	**Assessor's Parcel Number(s)**	**Current Zoning**	**Planned Rezone**	**Vacant/ Non-Vacant**	**Total Capacity[1]**
Fort Ord Master Plan					
31	031-101-016-000	PQP-D-S	HDR/30	Vacant	131

Sites 31, 52 and 53

Site 52 is located within the Airport Influence Area of Monterey Regional Airport. Sites 31 and 53 are located within the Airport Influence Area of the Marina Municipal Airport. The Commission made a consistency determination regarding the inclusion of Sites 52, 31 and 53 in the Opportunity Sites inventory on the January 23, 2025 and December 12, 2025 Commission meetings (ALUC Resolution Nos. 25-001, 25-006 and 25-007).

The properties are proposed to be rezoned to High Density Residential (HDR) with a propose density of 30 dwelling units per acre (HDR/30). The maximum allowable height in HDR/30 is 35 feet from average natural grade. Sites 31 and 53 are proposed to be rezoned to HDR/30. Site 52 is proposed to be split zoned, with a portion of the property zoned to HDR/30 and a portion of the property proposed to be zoned to Resource Conservation (RC). RC zoning limits residential development potential in order to preserve more significant and substantial resources in these areas such as viewshed, watershed, plant and wildlife habitat.

As such, HCD Staff is returning with a more detailed zoning map and requesting that the Commission review and make a consistency determination on the rezoning of Sites 31, 52 and 53 as shown in **Attachment 1.**

Sites 46 and Site 47 – York School

The Commission did not support inclusion of Sites 46 and 47 in the Sites Inventory due to concerns related to Land Use compatibility and encroachment into Part 77 Airspace at the January 13, 2025 Commission meeting (ALUC Resolution No. 25-002). On March 12, 2025, the Board of Supervisors provided direction to HCD staff to include Site 46 and 47 in the Opportunity Sites Inventory for the HEU6. As such, HCD staff are returning with additional information on the proposed rezoning of these sites and requesting that the Commission reconsider their prior decision and make a consistency determination on these sites inclusion in the Opportunity Sites inventory of the HEU6 and the proposed rezoning as shown in **Attachment 1**.

Site 46 is located within Safety Zone 4 and Safety Zone 7 of Monterey Regional Airport. Site 47 is located in Safety Zone 7 of Monterey Regional Airport. Sites 46 and 47 are proposed to be split zoned to identify portions of the property that would be rezoned to High Density Residential (HDR) with a maximum density of 30 dwelling units per acre (HDR/30) and where ridge height restrictions would apply to avoid penetration into Part 77 Airspace. Sites 46 and 47 include ridge height restrictions for specific portions of the sites that exceed an elevation of 370 feet above mean sea level (i.e. no ridge height restrictions for portions below 370 feet above mean sea level as maximum height in HDR/30 is 35 feet which would be below Part 77 elevation of 406 feet, restricted height to a maximum of 2 stories for areas between 370 to 390 feet above mean sea level (2-story ridge height cannot exceed Part 77 elevation of 406 feet), or 1 story as for portions of the properties at 390 to 400 feet above mean sea level (1-story ridge height cannot exceed Part 77 elevation of 406 feet). The remaining portions of the sites will continue to be zoned Public-Quasi Public (PQP) with Design Control (D) and Site Control (S) overlay districts. PQP-D-S limits residential development potential.

The rezoning for Sites 46 and 47 will include a Special Treatment Area (STA) Policy in the 2010 General Plan and rezone the property with a Special Treatment Zoning Designation which memorializes the height requirements to ensure consistency with Part 77 Airspace requirements of the 2019 Monterey Regional ALUCP as described above. See **Attachment 2** for proposed draft Policy language to be added into the 2010 General Plan for the STA.

Adoption of By-Right Housing Ordinance

As discussed at the December 2025 meeting of the ALUC, the HEU6 includes Programs (Program H-3.A and Program H-2.H – See **Attachment 3**) that allow for qualifying housing developments be processed as a "Use By Right" as outlined in Government Code Section 65583.2(i). "Use By Right" means that the County "…cannot require a conditional use permit, planned unit development permit, or other discretionary local government review…". Therefore, qualifying projects would be considered ministerially and approved at a staff level. HCD staff have included a draft By-Right Housing Ordinance (see **Attachment 4**) that includes information on the review and approval process for qualifying projects. Attachment 4 also includes a draft ordinance for a Zoning Clearance, which is the required permit for projects qualifying for a ministerial approval. Housing projects that would qualify for a by-right or ministerial approval, including:

- Housing development on Opportunity Sites that are a minimum project density of 20 units per acre and deed restrict a minimum of 20% of the total units to low or very low income households; or
- Housing development on an Opportunity Site that deed restricts 100% of the units to very-low, low-, or moderate income households; or
- Housing developments that are 100% affordable to very-low, low-, or moderate income households located in a Community Plan area, Rural Center, or Affordable Housing Overlay as identified in the 2010 General Plan; or
- Housing developments that are located on land owned by religious institutions or non-profit independent institution of higher education that meets the requirements of Government Code section 65913.6; or
- Other "use by right" housing development that may be required by the Legislature.

The draft ordinance requires compliance with objective standards, including the County's draft objective design standards (**Attachment 5**) and other objective codes and requirements. This includes compliance with objective safety requirements and standards as outlined in the Monterey Regional and Marina Municipal Airport Compatibility Plans (i.e. ensure height maximums for future development comply with Part 77 airspace requirements).

It is important to note that future development projects that provide certain levels of affordability can also modify local development standards through state law (such as Density Bonus Law) in which applicants can request modification of local development standards. However, if there are clear public health and safety issues (such as a conflict with ALUCP requirements related to height or noise) a local jurisdiction can deny the modification if findings can be made that the modification would adversely impact public health and safety for occupants and the community. Ultimately, projects need to demonstrate consistency with the requirements of ALUCP or design the project to mitigate any potential impacts to the health and safety of occupants or members of the public, regardless if a by-right approval process is requested.

Adoption of Amendments to County of Monterey Regulations to Implement the HEU6

Attachment 6 includes a list of the anticipated amendments required to the Monterey County Code, 2010 General Plan, and the Local Coastal Program. Amendments are solely focused on implementation of the HEU6 and centered specifically on allowing for adequate development standards and capacity for development on Opportunity Sites.

HCD staff are also proposing to add a policy to the County's 2010 General Plan to memorialize the

conditions of approval on ALUC Resolution Nos. 25-001 and 25-002 requiring that the County amend its Airport Approach Zoning Regulations in Title 21 to be consistent with the 2019 Marina Municipal ALUCP and the Monterey Regional ALUCP (**Attachment 7**). Staff anticipate work on these zoning ordinances amendments beginning in the Fall of 2026. The zoning code amendments for the Airport Approach Zoning Regulations will return to the Commission for review prior to adoption as required by the Monterey Regional and Marinan Municipal ALUCPs.

Next Steps

The public comment period for the draft PEIR closes on August 31, 2026. Staff will continue to refine draft amendments to County of Monterey regulations in preparation for future Planning Commission hearing (anticipated date of October 14, 2026) and Board of Supervisor hearing (anticipated November 3, 2026). Upon adoption of the HEU6, Staff will submit the HEU6 and associated amendments to implement the HEU6 to CA HCD. Once HEU6 is certified by CA HCD, the County will no longer be subject to Builder's Remedy law[1].

Attachments

1. Draft Rezoning Maps for Opportunity Sites 31, 46, 47, 52 and 53
2. Draft 2010 General Plan Special Treatment Area Language for York School Sites
3. HEU6 Programs H-3.A and H-2.H
4. Draft By-Right Housing Ordinance with Draft Zoning Clearance Ordinance
5. Draft Objective Design Standards
6. Draft of anticipated amendments to implement the HEU6
7. Proposed 2010 General Plan Land Use Element Language

[1] Builder's Remedy law allows applicants to propose housing development projects (including mixed use projects) in any zoning district, at densities that would typically be allowed, or that otherwise do not comply with local development standards. Builder's Remedy also limits jurisdictions without a state certified Housing Element the ability to deny these housing projects that meet specific affordability criteria, even if those projects do not comply with local General Plan and zoning standards.

Attachment 1

Housing Element 6th Cycle Sites

Site 31 (APN 031-101-016-000) and
Site 53 (APN 031-101-018-000)

2026

Sources: NAD 1983 StatePlane California IV FIPS 0404 Feet

N

0 0.07 0.15 Mi

0 0.13 0.25 Km

Housing Element 6th Cycle Sites

Site 52 (APNs 259-011-064-000 and 259-011-072-000)

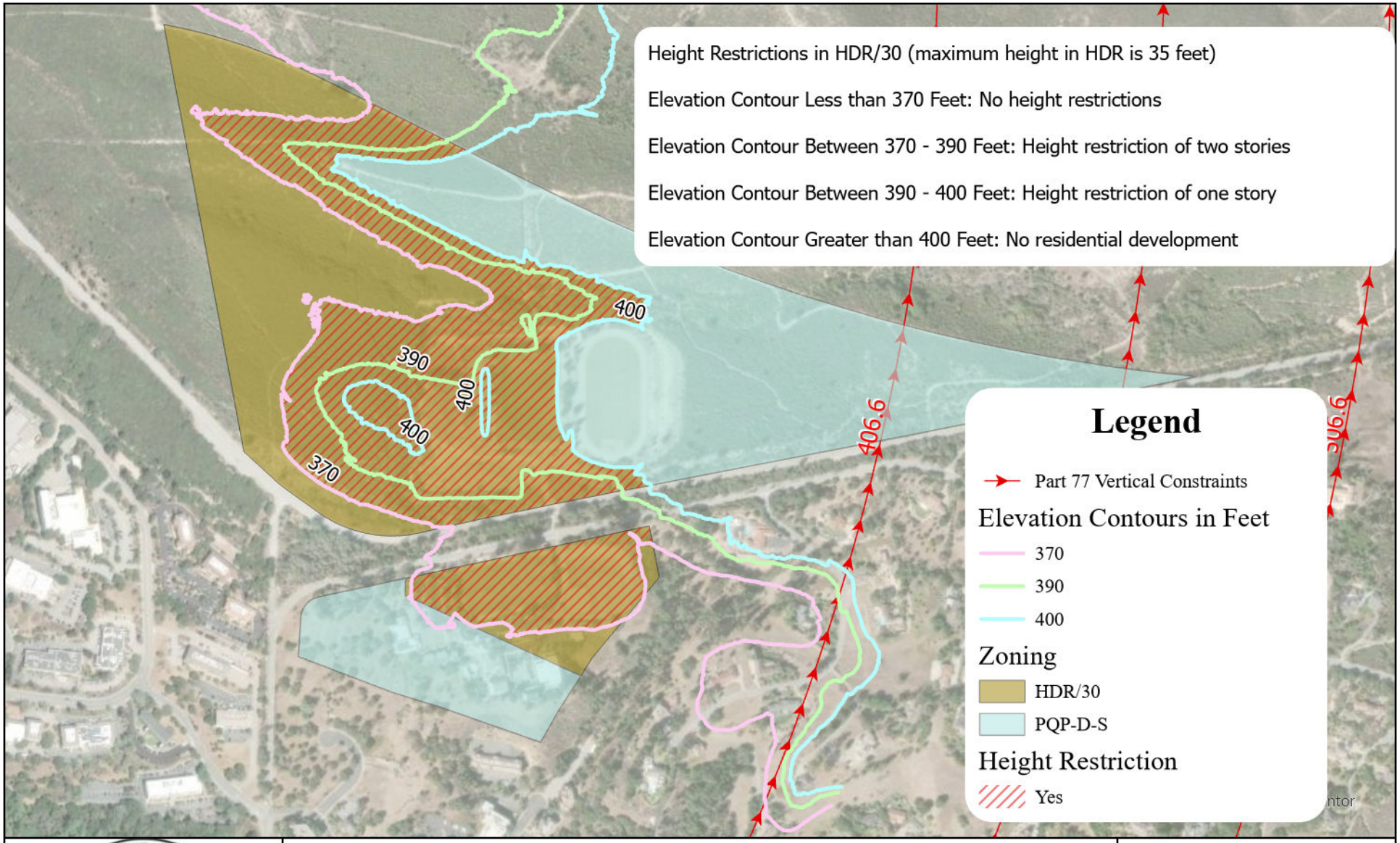
2026

Sources: NAD 1983 StatePlane California IV FIPS 0404 Feet

N

0 0.07 0.15 Mi

0 0.13 0.25 Km



York School Sites

Sites 46 (APN 173-071-008) and 47 (APN 031-131-006)

2026

Sources: NAD 1983 StatePlane California IV FIPS 0404 Feet

N

0 0.07 0.15 Mi

0 0.13 0.25 Km

Attachment 2 – Draft Special Treatment Area (STA) Policy Language to be included in the 2010 General Plan for York School Sites (Opportunity Sites 46 and 47)

GMP 4-3: The York School Sites (46/47), located at APNs 173-071-008-000 and 031-131-006-000, shall be designated as a Special Treatment Area. To ensure that development complies with applicable airspace protection regulations under 14 CFR Part 77, the Special Treatment Area requires the following height limitations for all structures, notwithstanding the underlying zoning district or any other applicable requirements of the Monterey County Code:

Existing terrain below 370 feet AMSL: No additional height restriction.

Existing terrain between 370 and 390 feet AMSL: Maximum of two stories and a maximum ridge height of 406 feet AMSL.

Existing terrain between 390 and 400 feet AMSL: Maximum of one story and a maximum ridge height of 406 feet AMSL.

Existing terrain above 400 feet AMSL: No structural development, except fences, hardscape, and similar development, shall be permitted.

Development that does not conform to this policy may be allowed, subject to a Use Permit, if the Appropriate Authority finds, after consideration by the Airport Land Use Commission, that the proposed development is 1) consistent with the goals and policies of the ALUCP and 2) will not adversely affect public health and safety.

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Attachment 3

H-2.H. By-Right Approval for Affordable Housing Development

The County will streamline and expedite the approval process for affordable housing developments, including allowing "by-right" approval in accordance with Government Code Sections 65583.2(i), 65913.4, and SB4. This includes sites identified in the Sites Inventory (Opportunity Sites), 2010 General Plan designated growth areas, Affordable Housing Overlay zones, Rural Centers and Community Areas), and on lands owned by religious organizations and nonprofit colleges and universities in alignment with Senate Bill 4 (2023). These efforts support the state and local goals to facilitate development of affordable housing that meets the needs of lower-income residents in the community. Actions will include:

- Update Monterey County Code: The County will establish the following affordable housing development as an allowed ("by right") use, in zoning districts where housing is allowed and subject to objective standards and criteria:
  - 100% affordable housing developments on sites identified as Opportunity Sites in this Housing Element (§ 65583.2(i));
  - 100% affordable housing developments on properties within a 2010 General Plan identified Community Plan Area, Rural Center and Community Area, or Affordable Housing Overlay (§ 65913.4); and
  - Housing development on land owned by religious organizations and nonprofit colleges that meets the provisions of Senate Bill 4.
- Guidelines and Procedures: Develop comprehensive guidelines and procedures delineating the by-right approval process.
- Technical Assistance: Provide technical assistance and permit processing support to faith-based groups, public institutions of higher learning, and affordable housing developers, for navigating the by-right approval process efficiently and effectively.
- Monitoring and Evaluation: Periodically monitor and evaluate the effectiveness of the program. Adjust policies and procedures as needed to optimize outcomes and ensure alignment with broader housing goals and objectives.

Schedule of Action: Approval process implemented by the end of 2026. Modifications will be considered after Mid-Cycle Review.

Objective: Streamline the approval process for affordable housing development and expedite the production of housing units affordable to low-income residents.

H-3.A. Rezoning for Higher-Density Residential Development

For the sixth cycle Housing Element, the County has been assigned a Regional Housing Needs Allocation (RHNA) of 3,326, including 1,070 very low-income, 700 low-income, 420 moderate-income, and 1,136 above moderate-income units. Based on the capacity provided entitled or proposed projects, projected Accessory Dwelling Units (ADUs), the

County has identified a shortfall in capacity to accommodate 1,863 units (813 very low-income, 487 low-income, and 263 moderate-income, and 300 above moderate-income).

To address a shortfall in lower-income RHNA capacity identified in the Housing Element, the County will rezone the Opportunity Sites listed in the sites inventory that are not currently zoned for residential development at the necessary densities. The rezoned sites will meet the requirements of Government Code Sections 65583(f), 65583.2(h) and (i)., including:

- Permit owner-occupied and rental multifamily uses by right for developments in which 20 % or more of the units are affordable to lower-income households. By right means local government review must not require a conditional use permit, planned unit development permit, or other discretionary review or approval.
- Ensure sites require a minimum of 20 dwelling units per acre
- Ensure at least 50% of the shortfall of low- and very low-income regional housing need can be accommodated on sites designated for exclusively residential uses.

As part of the rezoning, the County will undertake the following actions to implement these requirements while maintaining consistency and flexibility:

- Amend the 2010 General Plan Land Use Element and Local Coastal Program to increase the maximum allowable density for the High-Density Residential (HDR) designation from 20 to 30 dwelling units per acre, to allow for the rezoning of Opportunity Sites to HDR/25 or up to 30 dwelling units per acre (HDR/30) where public sewer service and water is available.
- Establish appropriate site development standards (including but not limited to setbacks, lot coverage, height, and parking, among other standards) to ensure the allowable maximum density of each zone can be achieved.
- For identified Opportunity Sites listed in the site inventory that are currently not zoned for residential development at the planned densities, the County will conduct evaluations and initiate rezoning processes through ordinances. These sites will be rezoned from their current zoning designation (ex. Farmlands (F/40), commercial, etc.) to a high-density residential zone that permits a maximum of 25 dwelling units per acre (HDR/25). or up to 30 dwelling units per acre (HDR/30) if they can connect to public sewer service and water is available.
- Implement a two-tier entitlement structure that meets the following criteria:
    - Tier 1: Permit projects that achieve a minimum project density of 20 dwelling units per acre and deed restrict a minimum of 20% of the units to be affordable for lower-income households through a ministerial approval process as required by Government Code Section 65583.2(h);
    - Tier 2: Permit projects that achieve a project density less than 20 dwelling units per acre through a discretionary approval process, consistent with No Net Loss Law as outlined in Government Code Section 65863.

- For Site 51, if housing does not develop by 8/31/2031, the County will reassess rezoning to allow for commercial or mixed-use, if property owner and developer interest indicates that housing could be built under mixed-use zoning.

Above and beyond the Opportunity Sites inventory, the County will look for opportunities for rezoning beyond the planning period for other sites to use for mixed-use based on developer interest and progress towards climate goals.

Schedule of Action: The County will complete the rezoning process within one year of the compliance deadline for Housing Element certification, December 31, 2024, or concurrent with adoption of the Housing Element, whichever is later.

Objectives: Rezone sufficient land to accommodate at least 1,863 RHNA units, as identified in the shortfall calculation, through increased housing density and enhanced land use optimization in targeted areas.

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING ____ TO THE MONTEREY COUNTY CODE RELATING TO APPROVAL PROCESS FOR BY-RIGHT AFFORDABLE HOUSING DEVELOPMENT

ORDINANCE NO. ___

County Counsel Summary

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1: Findings [to come: refer to implementation of Housing Element, goal of streamlining and expediting the approval process for affordable housing]

SECTION 2: Chapter 21.55 is added to the Monterey County Code to read as follows:

CHAPTER 21.55

BY-RIGHT APPROVAL

21.55.010 Purpose.

21.55.020 Applicability.

21.55.030 Definitions.

21.55.040 Permit requirements.

21.55.050 Development standards.

21.55.070 Adoption of development standards.

Section 21.55.010 – Purpose.

The purpose of this chapter is to establish procedures for approval of affordable housing developments that meet certain criteria and that are located on certain sites identified in the 2023-2031 Sixth Cycle Housing Element, in accordance with California Government Code sections 65583.2(i), 65913.4, and 65913.6, to be treated as "uses by right". The procedures herein are intended to implement Programs H-2.D, H-2.H, and H-3.A of said Housing Element to streamline and expedite the approval process for housing affordable to lower income households.

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Section 21.55.020 – Applicability.

This chapter applies to "use by right" as defined in Government Code Section65583.2(i), which includes, but is not limited to, the following:

A. Opportunity Sites identified in the 2023-2031 Sixth Cycle Housing Element that meet an affordability requirement of 20% lower-income household and meets a project density of 20 dwelling units to the acre;
B. Opportunity Sites identified in the 2023-2031 Sixth Cycle Housing Element that are located in a Community Plan area, Rural Center, or Affordable Housing Overlay as identified by the 2010 General Plan with a housing development project that is designated 100% affordable;
C. Housing development projects that are 100% affordable on properties within a Community Plan area, Rural Center, or Affordable Housing Overlay as identified by the 2010 General Plan;
D. Housing development projects on land owned by a religious institution or a non-profit independent institution of higher education where the project meets the affordability requirements and other requirements of Government Code section 65913.6; and
E. Other "use by right" housing development that may be required by the Legislature, as that term is defined in Government Code Section 65583.2(i), as periodically amended .

Section 21.55.030 – Definitions.

For purposes of this chapter, these definitions shall apply:

A. "Lower income household" means persons and families meeting the definition of "lower income household" set forth in California Health and Safety Code section 50079.5.
B. "Moderate income household" means persons and families meeting the definition of "moderate income household" set forth in California Health and Safety Code section 50079.5.
C. "Opportunity Site" means the opportunity sites identified in the 2023-2031 Sixth Housing Element to meet the County's regional housing need allocation (RHNA).
D. "Use by Right". For purposes of this section, "use by right" means the County's review shall not require a Conditional Use Permit, General Development Plan, environmental review under the California Environmental Quality Act, or other discretionary review or approval pursuant to Government Code Section 65583.2(i) and Government Code Section 65589.5 for owner-occupied or multifamily

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residential housing. Housing developments shall be subject to all objective standards in Monterey County Code, including the County of Monterey's Model Objective Design Standards as adopted by the Board of Supervisor's resolution and amended from time to time. Any subdivision of a site shall continue to be subject to all laws, including, but not limited to, discretionary review and approval in compliance with County Code Chapter 19 (Subdivisions) and the Subdivision Map Act.

Section 21.55.040 - Permit Requirements.

Housing developments that comply with all of the development standards in Section 21.55.050 (Development standards), below, shall be allowed as a use by right subject to the issuance of a Zoning Clearance in compliance with Chapter 21.70 (Zoning Clearances).

Section 21.55.050 - Development standards.

Qualifying housing developments listed in Section 21.55.020 above shall comply with the following development standards:

A. Housing Type. The housing development shall consist of owner-occupied and/or rental multifamily residential uses.
B. Affordability. The applicant shall record a restrictive covenant that ensures the continued affordability of all very low, low, and moderate income rental units for 55 years and all very low, low and moderate income for-sale units for 45 years, unless a different affordability term is required by low-income tax credit regulations or other applicable law.
C. Objective standards. The housing development shall comply with all objective land use policies, regulations, development standards, and design review standards in effect at the time a complete application is submitted, including but not limited to objective design standards provided in the County's Objective Design Standards, adopted by the Board of Supervisors by Resolution and amended from time to time, and other applicable sections of the Monterey County Code.
D. Program Environmental Impact Report mitigation measures. The housing development shall comply with all applicable mitigation measures identified as objective ("OBJ") of the Mitigation Monitoring and Reporting Program of the 2023-2031 Housing Element Update Program Environmental Impact Report (State Clearinghouse Number: 2024100963)

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E. Replacement Units. Existing or previously existing dwelling units on housing development sites shall be replaced in the manner provided in Government Code Section 65583.2(g)(3), as periodically amended, or successor statute.

Section 21.55.070 – Adoption of development standards.

The Board of Supervisors may, by separate resolution, adopt objective, quantifiable, written development standards. Other relevant policies, including standard conditions of approval, that would be applicable to affordable housing development projects, shall be ministerially reviewed and approved under this Chapter.

SECTION 3. E**FFECTIVE DATE.** This ordinance shall become effective on thirty-first day following its adoption.

PASSED AND ADOPTED on this ___ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Chair,

Monterey County Board of Supervisors

ATTEST:

Valerie Ralph

Clerk of the Board of Supervisors

By: _____

Deputy

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AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING ____ TO THE MONTEREY COUNTY CODE RELATING TO APPROVAL PROCESS FOR ZONING CLEARANCES
ORDINANCE NO. ___

County Counsel Summary

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1: Findings [to come: refer to processing of ministerial permits including "use by right", goal of streamlining and expediting the approval process for affordable housing]

SECTION 2: Chapter 21.71 is added to the Monterey County Code to read as follows:

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CHAPTER 21.71
REGULATIONS FOR ZONING CLEARANCES

21.71.010 Purpose.
21.71.020 Applicability.
21.71.030 Appropriate authority.
21.71.050 Application.
21.71.070 Action by appropriate authority.
21.71.080 Revocation.
21.71.100 Expiration.
21.71.110 Effect.
21.71.130 Filing fee.
21.71.140 Extension to zoning clearances.
21.71.150 Amendments to zoning clearances.

21.71.010 Purpose.

The purpose of this Chapter is to provide a ministerial process for projects identified as needing approval of a "Zoning Clearance" in the Monterey County Code. The ministerial process will verify that the proposed land use or structure complies with the list of uses allowed in the applicable zoning district, the development standards within Monterey County Code, and is consistent with the County of Monterey regulations.

21.71.020 Applicability.

Any development identified within the zoning district regulations as being a permitted use requiring a zoning clearance is subject to the provisions of this Chapter.

21.71.030 Appropriate authority.

The Chief of Planning or designee is the Appropriate Authority to consider zoning clearances.

21.71.050 Application.

Application for a zoning clearance shall be made to the Appropriate Authority in writing on a form prescribed by the Chief of Planning and shall be accompanied by statements, plans, and elevations necessary to show the detail of the proposed use or structure.

21.71.070 Action by appropriate authority.

A. The Appropriate Authority shall deem the permit application complete if it contains all required information, documents, and all required application fees have been paid.

B. In acting on zoning clearance, the Appropriate Authority shall find that the proposed use or development is in conformance with all applicable provisions of this Title or other adopted policies of the County.

21.71.080 Grounds for revocation.

A. Any of the following shall be grounds for revocation of a zoning clearance:

1. Any act or omission by an operator in contravention of federal law, state law, or the Monterey County Code;

2. If such clearance was granted on the basis of false material information, written or oral, given willfully or negligently by the operator;

3. If the use or structure is operated or maintained in an unlawful manner or in such a manner as to be a nuisance to the health, safety, or welfare of the public; and

4. Failure to pay all applicable taxes, fees, and penalties required by the County.

B. If the Appropriate Authority determines that grounds for revocation of the zoning clearance exist pursuant to this Section, the Appropriate Authority shall issue a

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written notice of intention to revoke the zoning clearance. The notice of intention shall describe the property, the intention to revoke the zoning clearance, the grounds for revocation, the action necessary to abate the violation, and the time limit for compliance.

21.71.100 Expiration.

A. Any zoning clearance issued under the terms of this Chapter shall be valid until the date of expiration stated on the zoning clearance. If no date of expiration is stated or any zoning clearance which allows a use without the construction of buildings or other structures, shall expire 180 days from the date of granting the zoning clearance unless use of the property has begun within this period.

B. If no date of expiration is stated, or any zoning clearance granted under this Chapter which allows for the construction of buildings or other structures shall remain valid as long as actual construction has begun within 180 days from the date of the granting of the zoning clearance.

21.71.110 Effect.

A zoning clearance shall be obtained before the County issues new or modified Building Permits, Grading Permits, and any other Permits that may be required for operation of the use. Permits shall not be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the zoning clearance granted by the Appropriate Authority.

21.71.130 Filing fee.

The application fee for zoning clearance shall be established from time to time by the Board of Supervisors, a part of such fee shall be refundable, unless said refund is requested in writing concurrent with the withdrawal of zoning clearance and provided that the applicant has not yet been sent written notice of the applications completeness or incompleteness. In such cases, fifty (50) percent of the filing fee shall be refunded.

21.71.140 Extension to zoning clearances.

A. The Appropriate Authority may extend a zoning clearance upon receipt of a written request from the applicant, provided such request is made at least 30 days prior to the expiration of the zoning clearance. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

B. The extension request shall be subject to the provisions of Chapter 21.71.040 of this Title.

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21.71.150 Amendments to zoning clearances.

Proposed amendments to any zoning clearance issued under the provisions of this Chapter shall be submitted to the Appropriate Authority in writing and in sufficient detail to adequately assess the nature of the amendment and any potential impacts of the amendment. Proposed amendments shall be handled in the following manner:

The Appropriate Authority shall determine if the amendment is of a minor nature by reviewing the following standards: 1) the amendment would not result in any environmental impacts, 2) the amendment is consistent with the prior action of the Appropriate Authority, 3) the amendment would result in minimal impacts to the land in relation to the approved zoning clearance, and 4) the amendment would meet all relevant site development standards. If these standards are met, then the amendment shall be approved by the Appropriate Authority. All other amendments are considered major in nature and would require a discretionary permit.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this_____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:_____

Chair,
Monterey County Board of Supervisors

ATTEST

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____

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Deputy

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County of Monterey Model Objective Design Standards

Purpose and Intent

A. **Purpose and Intent.** The purpose of this Chapter is to provide the public, building and design professionals, and decision-makers with objective criteria for multiple-unit and mixed-use housing development projects in the county. The intent is to provide clear design direction that enhances an area's unique character and sense of place, respects existing neighborhood compatibility and privacy, and ensures a high-quality living environment. It is also intended that this Chapter establish "objective" design standards, as that term is defined under state housing law, that apply to multiple-unit residential and mixed-use development projects where state housing law restricts County review of such projects to objective standards, to the fullest extent permitted under state housing law.

B. **Applicability.** The provisions of this Chapter apply to multiple-unit residential and mixed-use development in all Zone Districts, including such development that constitutes a "housing development project" under Government Code Section 65589.5 (Housing Accountability Act), qualifying "multifamily housing development" under Government Code Section 65913.4 (SB 35), and "supportive housing" under Government Code Section 65651 (AB 2162), as well as any other multiple-unit residential or mixed-use development project for which the Department may require compliance with "objective" standards under applicable state housing law.

C. **Consistency with All Objective Standards.** In addition to the objective design standards established in this Chapter, multiple-unit residential and mixed-use development projects shall also comply with all other applicable objective standards and policies, including, but not limited to: development standards as listed in the base zoning district (Title 21 (inland) or Title 20 (coastal), requirements from other departments and outside agencies as outlined in the Monterey County Code, and all adopted design guidelines per the 2010 General Plan, Local Coastal Program, applicable area plans, community plans, and master plans.

   1. **Exception.** Applicants may request concessions, incentives, or waivers of development standards pursuant to Chapter 21.65 (Density Bonus Program).
   2. **Conflicting Standards.** If there is any conflict between the objective standards set forth in this Chapter and any existing County or State objective standards, the objective standard that would permit the allowable maximum density as noted on the sectional district map (i.e. HDR/25 or HDR/30) shall apply.
   3. **Consistency with Design Guidelines.** In addition to compliance with the County's Objective Design Standards, projects shall also be consistent with Design Guidelines outlined in the Castroville Community Plan, Carmel Valley Master Plan, and Carmel Valley Village Development Criteria.
   4. **By-Right Approval and By-Right Uses.** Projects that qualify for processing under Chapter 21.55 (By-Right Approval) shall comply with additional standards identified in that Chapter.

   Nothing in this Chapter is intended to limit the County's discretion, to the fullest extent permitted under law, to condition the approval of multi-unit residential and mixed use development projects, as authorized under state housing law and this code.

D. **Design Review Exemption.** Multi-unit and mixed-use projects that are subject to these Standards, which comply with all applicable objective design review standards, shall not be subject to separate Design Approval under Monterey County Code Title 21. In the event that any other provision of Monterey County Code Title 21, in conflict with this provision, requires Design Approval for a project subject to these Standards, these Standards shall apply. However, a maximum of one non-binding conceptual review by the appropriate appointed authority may occur to improve project design.

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E. **Design Standards Compliance.** Department staff may consult with the appropriate department appointed representative, designee, or other design professional to assist in determining a project's compliance with the objective design standards contained in this Chapter.

Building Design

A. **Building Form, Massing, and Articulation.**

1. **Building Form and Vertical Hierarchy.** Buildings that are three stories or more in height shall be designed to differentiate between a defined base; a middle or body; and a top, cornice, or parapet cap. Buildings two stories or less shall include a defined base and a top, cornice, or parapet cap. All buildings shall achieve this effect through at least two of the following:
    a. Color, texture, or material changes.
    b. Variations, projections, or reveals in the wall plane.
    c. Variations in fenestration size or pattern.
    d. Decorative architectural details, such as cornices and columns.
    e. Landscaping screening
2. **Wall Plane Variation.** Building façades visible from the primary street shall not extend more than 50 feet in length without either an architectural element or a two-foot variation in depth in the wall plane. Architectural elements include: building entrances, front porches, balconies, upper-story setbacks, projections, and recessions, such as stoops, bay windows, overhangs, and trellises.
3. **All-Sided Architecture.** Buildings shall be designed and articulated with common details, articulation, materials, and elements on all sides.
4. **Roof Line Variation.** Roof lines shall not extend more than a length of 50 feet without at least one prominent change as described below:
    a. Variation in roof form, such as hip, mansard, gable, shed, and flat with parapet.
    b. Variation in architectural elements, such as parapets or varying cornices.
    c. Variation of roof height of at least 24 inches for buildings of two stories or less and 30 inches for buildings of three stories or more (as measured from the highest point of each roof line).
5. **Roof Slopes.**
    a. For buildings of three or more stories or roof spans of 30 feet or greater, sloped roofs shall have a minimum pitch of 4:12.
6. **Parapets.**
    a. Where rooftop equipment is located within 10 feet of a roof edge, a parapet shall be provided that is a minimum of six inches taller than all roof-top equipment.
    b. Interior side of parapet walls shall not be visible from a common open space or public right-of-way.
    c. Parapets shall be capped with precast treatment, continuous banding, projecting cornices, dentils, or similar edge treatment.

B. **Building and Dwelling Unit Entrances.**

1. **Primary Building Entrance.**
    a. **Street-Facing Entrance.** Buildings located within 20 feet of the primary street right-of-way shall have a ground-level primary building entrance facing the primary street.

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2. **Exterior Individual Dwelling Unit Entrance.**

    a. **General Requirement.** All individual unit entrances shall have either a projected sheltering element or be recessed from the main facade; the projection or recess shall have a minimum depth of 24 inches.

    b. **Visibility.** All individual unit entrances shall be illuminated or shall face towards a common area or public street.

    c. **Street-Facing Unit Entrance.** Each dwelling unit located within 20 feet of a primary street right-of-way shall include at least one street-facing porch, balcony, or patio unless a setback of five feet or less is provided.

    d. **Upper-Floor Unit Entrance.** Exterior entrances to individual dwelling units on upper floors are permitted.

3. **Architectural Treatments.** Entrances for buildings and individual dwelling units shall incorporate at least two of the following architectural treatments:

    a. Feature window details;

    b. Towers;

    c. Decorative veneer or siding;

    d. Porches or stoops; or

    e. Changes in roof line or wall plane.

C. **Windows.**

1. **Privacy.** Where windows are proposed within 10 feet of a window on another building, the design and placement shall avoid unfiltered/direct views into the adjacent site and shall be designed with one or more of the following:

    a. Use non-transparent or obscured glazing, such as frosted/patterned glass. Reflective glazing is not permitted.

    b. Provide permanent architectural screens or affixed louvers at windows.

    c. Offset windows horizontally at least 12 inches from any windows in adjacent buildings (edge to edge), so as not to have a direct line-of-sight into adjacent units.

    d. Permanent landscaping screening.

2. **Window Treatment.**

    a. **Design Treatment.** Windows shall either be recessed at least three inches from the plane of the surrounding exterior wall or shall have a trim or windowsill at least one-half inch in depth.

    b. **Windows Facing a Public Street.** Windows facing a public street shall feature enhanced window treatments, such as decorative architectural brackets, trim, shutters, awnings, and/or trellises.

D. **Materials and Colors.**

1. **Wall Material.** The primary exterior siding material for buildings shall be wood, composite wood, stone, stone veneer, granite, slate, brick, brick veneer, stucco, plaster, fiber cement, vinyl, or metal including aluminum or steel. The use of exposed plywood and reflective materials is prohibited.

2. **Window Consistency.** Window frame materials and color shall be used on all elevations.

3. **Accent Material.** Use of two or more accent materials, such as glass, tile, brick, stone, concrete, wood, metal, or plaster, shall be incorporated to highlight building features.

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4. **Colors.** Material colors shall consist of materials and paint shall be consistent with the County's adopted area Design Guidelines and rural character. Paints shall be non-reflective.

5. **Architectural Consistency.** Affordable units and market rate units in the same development shall be constructed of the same exterior materials and details such that the units are not distinguishable from one another in quality and detail.

E. **Parking Structures.**

1. **Wall Plane Variation.** Building façades visible from the primary street shall not extend more than 50 feet in length without at least one of the following: a two-foot variation in depth in the wall plane, architectural element, or other prominent feature that provides visual interest.

2. **Materials and Colors.** The parking structure shall utilize the same colors and materials as the primary buildings.

3. **Articulation.** The exterior of the parking structure shall apply at least one of the following as articulation:

    a. Applied materials, such as brick, stone, and/or siding, which extend at least two inches from the face of the structure to the face of the applied materials. Painted concrete, smooth concrete, or stucco walls shall not be considered sufficient articulation.

    b. Decorative architectural features, such as cut metal screens, awnings, trellises, louvers, and/or decorative security grills.

4. **Vertical Plantings.** Vertical plantings shall be located between openings, entrances, and architectural accent features. Plantings shall be evergreen vegetation that will grow to a minimum height equivalent to 75 percent of the height of the parking structure; container size shall be selected to achieve a height of at least 50 percent of the height of the parking structure within at least two years from the time of installation.

F. **Garages and Carports.**

1. **Garages.**

    a. Garage doors shall be recessed a minimum of six inches from the surrounding wall plane.

    b. Garages shall feature at least one of the following treatments:

        i. Garage door windows.

        ii. Paneled garage door surface.

        iii. Two different colors.

        iv. Alternative architectural materials, finishes, or treatments.

2. **Carports.** Carports shall incorporate the same colors and materials as the primary residential or mixed-use building design.

Site Design

A. **Building Placement and Orientation.**

1. **Street Facade.** If buildings on adjacent properties establish a contiguous street facades along the primary street frontage, new buildings shall be located to maintain the contiguous street wall, with allowances for variation in facade and entrances which are projected or recessed.

2. **Visibility of Entrances.** On all lots 60 feet or less in width, at least one primary building entrance or individual unit entrance shall be visible from the front or street side lot line.

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3. **Buffer for Adjacent Single Family Homes.** When developing multi-family buildings of three or more stories adjacent to single-family residential zones, site design shall utilize parking areas, common open space, landscaping, and/or other site features to provide a buffer for adjacent development.

B. **Vehicular Parking and Access.** Vehicular parking and access shall comply with the provisions of Chapter 21.58 Regulations for Parking of the Monterey County Code. Specific design criteria listed here shall be provided and supersede any conflict requirements in Chapter 21.58:

1. **Primary Access.** Side street or alley access shall serve as the primary vehicular access to parking areas, if available. If not available, the primary street shall serve vehicular access.

2. **Number of Access Points.**

    a. **Normal Lots.** A maximum of one vehicle access point from the street is permitted per 100 feet of street frontage.

    b. **Corner Lots.**

        i. One vehicular access point is permitted per lot where all street frontages are less than 100 linear feet.

        ii. Two vehicular access points are permitted on lots where at least one street has a frontage of 100 linear feet or more.

3. **Parking Location.** Parking areas shall not be located within any front or street side setback.

4. **Mixed-Use Loading and Service Areas.** In addition to the provisions below, loading and service areas shall comply with the standards of Chapter 21.58 Regulations for Parking of the Monterey County Code, as applicable.

    a. All required loading and service areas shall be located adjacent to a façade other than the primary street frontage.

    b. Loading and service areas shall be located so as to not disrupt or block the flow of on-site and off-site vehicular traffic.

    c. Loading and service areas shall not be located adjacent to residential dwelling units or common open space areas.

    d. Loading and service areas shall be screened from view with walls, solid fencing, and/or landscape privacy screening as described in Section E: Landscaping.

    e. On-Site Loading Spaces. Every nonresidential use shall provide and maintain on-site loading and unloading spaces for vehicles as required by Chapter 212.58 Regulations for Parking and Loading.

5. **Enhanced Paving for Entrance Driveways.** Paving treatment using patterned and/or colored pavers, brick, or decorative colored and/or scored concrete shall be used for entrance driveways, a minimum of 14 feet in length, and spanning the width of the entrance driveway.

6. **Vehicle Light Intrusion.** Vehicle headlights shall be obstructed from direct alignment with habitable interior spaces with a minimum 3-foot high evergreen shrub or vine and/or features such as fencing or walls.

C. **Pedestrian Circulation and Access.**

D. **General.** The following pedestrian walkways shall be provided and interconnected within the site:

    a. Pedestrian walkways shall connect residential dwelling units to areas throughout the site, such as vehicle parking areas, bicycle parking areas, common open space, waste and recycling enclosures, and other amenities.

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b. Pedestrian walkways shall connect public sidewalks, building entrances, and vehicle parking areas.

c. Pedestrian walkways shall connect building entrances and vehicle parking areas through the site interior to all transit stops directly adjacent to the site.

E. **Pedestrian Walkways.** Pedestrian walkways shall be provided with a minimum width of four feet along their entire length and shall be designed as follows:

a. **Through Lot Connection.** Through lots located more than 300 feet from a street intersection, measured from the closest point of the lot, shall provide a publicly accessible sidewalk or walkway connecting the two streets.

b. **Materials.** Walkways shall be constructed of firm, stable, and slip-resistant materials, such as poured-in-place concrete (including stamped concrete), permeable paving, decomposed granite, or concrete pavers.

c. **Paving for Pedestrian Crossings.** Where an intersection of pedestrian and vehicle access exists, the pedestrian walkway shall be clearly identifiable with a raised crosswalk, a contrasting paving material, striping or similar method.

d. **Maintenance.** Pedestrian walkways shall be maintained in good condition for the life of the project and shall not be allowed to fall into disrepair so as to constitute a nuisance or hazard to the public.

F. **Common Open Space.** Common open spaces for multiple-unit developments shall comply with the minimums required by the base Zone District in which they are located in accordance with Chapter 21. Rooftops may be used to satisfy up to 75% of the common open space requirements.

G. **Landscaping.** Landscaping shall be used for all outdoor areas that are not specifically used for parking, driveways, walkways, or open space.

1. **Additional Landscaping Requirements.** Landscaping must comply with Chapter 16.63 (Landscaping), including all requirements of the State and County's Water Efficient Landscaping Ordinance (WELO) including the submittal of irrigation plans.

2. **Plant Materials.** Plant materials are limited to California native, non-invasive Mediterranean, and other drought-tolerant species.

3. **Parking and Loading Area Landscaping.** Parking and loading area landscaping must comply with the following standards:

a. **Screening between residential and nonresidential uses.** Where nonresidential parking areas abut residentially zoned or developed property, a wall or solid fence not less than five feet in height shall be constructed and maintained between the parking area and the adjoining residentially zoned or developed property.

b. **Existing trees.** The design of the parking area should make the best use of the growth and shade provided by existing trees on the project site.

c. **Screening requirements and authority.** Screening shall be provided adjacent to all lot lines consisting of a five-foot wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height. Fences or walls abutting streets shall be ornamental in texture, pattern, or shadow relief. Planting, fences, or walls abutting streets shall not exceed 30 inches in height for a distance of 25 feet on either side of entrances or exits to the property. This requirement for screening may be waived or modified by the review authority if the adjacent property already has provided a solid wall not less than four feet in height.

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d. **Additional requirements for uncovered parking areas exceeding 3,600 square feet.** When the total uncovered parking area on the project site (including adjoining lots over which the project has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this Section, as part of a landscape plan:1.Trees, shrubbery, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands for these trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.2.Landscape islands shall be provided at the ends of all parking lanes.

4. **Landscape Buffer.** A landscape buffer of a minimum width of five feet shall be located between all ground-level restricted open spaces and pedestrian walkways. The buffer shall be planted to create a barrier while ensuring visibility. Plants shall be selected to enhance security (e.g. spines or thorny plants) and shall be demonstrated to grow to a minimum height of four feet.
5. **Pedestrian Walkways.** Pedestrian walkways shall be flanked on at least one side with landscaping, and may include a mix of turf, groundcover, and shrubs. Trees shall be provided along walkways in order to shade at least 50 percent of the overall walkway length at maturity.
6. **Number of Plants.** A minimum of one 15-gallon tree or equivalent box size and 10 five-gallon shrubs shall be planted for every 1,000 square feet of required landscape area.
7. **Groundcover.** Groundcover shall be sized and located to cover at least 75 percent of all landscape areas that are not planted with shrubs or trees within 5 years of installation.
    a. While groundcovers and shrubs are establishing, a minimum layer of 3-inch bark mulch or decorative gravel shall be placed within all landscape areas to provide 100 percent coverage of such landscape areas.
8. **Plant Selection.** Artificial or synthetic plants, except for turf, are prohibited. Artificial turf is not permitted in front or street side setbacks.
9. **Solar Access.** Landscaping shall not obstruct solar access to adjacent solar collectors for water heating, space heating or cooling, or electricity generation.
10. **Privacy.** Landscape screening shall obscure direct sight lines into dwelling units and open space areas from communal areas such as parking areas, common mailboxes, and pedestrian walkways. Landscape screening may be used in combination with walls, fencing, and/or trellises to screen views.
    a. **Location.** Landscape screening shall fit within associated planting areas and canopy sizes must not overlap with building foundations or eaves.
    b. **Plant Selection.** Landscape screening shall use evergreen trees, shrubs, and/or vines located and sized to buffer views. Deciduous species, perennials, and grasses or grass-like plants are not permitted for privacy screening.
    c. **Minimum Sizes.** Landscape screening and vegetation shall use the following minimum container sizes at the time of planting:
        i. Trees 15-gallon size.
        ii. Shrubs 5-gallon size.
        iii. Vines 5-gallon size.

Mixed Use Standards

A. **Ground Floor Height.** The ground floor of a mixed-use building shall have a minimum floor height of 12 feet, measured from the finished ground floor to the bottom of the finished second floor.

B. **Ground Floor Transparency.** Exterior walls facing a public street shall include transparent windows and doors for at least 50 percent of the building wall area located between three and seven feet above the

elevation of the sidewalk. Parking garages are not required to meet the ground floor transparency requirement.

C. **Street-Facing Setbacks.** Street-facing setbacks shall be landscaped and/or prepared for use by pedestrians. The setback area on each lot shall contain at least two amenities per 50 linear feet, such as benches, drinking fountains, shade structures, or other design element (e.g., public art, planters, kiosks, etc.).

D. **Street-Facing Entrance.** Mixed-use buildings located within 20 feet of a primary street right-of-way shall incorporate at least one primary building entrance directly from the public sidewalk or right-of-way. The primary building entrance shall include weather protection that is a minimum of six feet wide and four feet deep by recessing the entrance or providing an awning or similar weather protection element.

Utilitarian Elements

A. **Bicycle Parking.** Bicycle parking shall be provided as follows:

1. **Parking Spaces Required.** One (1) space for every two (2) dwelling units. A minimum of two (2) spaces shall be provided.

2. **Parking Location.** Bicycle parking must be located on the same lot as the use it serves.

    a. Located at surface levels near main pedestrian entrances to nearby facilities or structures, or in the parking garages of such facilities or structures;

    b. Located so as not to block pedestrian entrances, walkways, or circulation patterns in or around nearby facilities or structures;

    c. Accessible to and from nearby public streets and sidewalks for the target users of the bicycle parking;

    d. Accessible only to residents and owners, operators, and managers of a residential facility when the involved use is residential.

3. **Size and Accessibility.** Each bicycle parking space must be a minimum of two feet in width and six feet in length and must be accessible without moving another bicycle. Two feet of clearance must be provided between bicycle parking and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways, and at least five feet from vehicle parking spaces.

4. **Anchoring and Security.**

    a. Bicycle parking must be located in one or more of the following:

        i. An enclosed bicycle locker;

        ii. An illuminated, fenced, covered, and locked or guarded bicycle storage area;

        iii. A secure area within a building or structure.

    b. Bicycle Locker. When using bicycle lockers, they shall be:

        i. Of sufficient size to hold an entire bicycle; and

        ii. Securely anchored to a permanent surface.

    c. Bicycle Rack. When using bicycle racks, they shall be:

        i. Located and installed to support an entire bicycle, including the frame and wheels, so that the frame and wheels can be locked without damage when using a customary, heavy-duty cable, or U-shaped bicycle lock, or any other security device.

B. **Trash, Recycling, and Green Waste Container Enclosures.** Enclosures for recycling, green waste, and any other waste containers required by law are required for multiple-unit and mixed-use developments, and shall comply with the provisions of Chapter 10.41 (Solid Waste Collection and Disposal) and the applicable zoning district regulations in Section 21.10.070 (HDR Special Regulations) or Section 21.12.070 (MDR Special Regulations). Enclosures shall be located within a building, incorporated into the exterior building design, or located within a detached enclosure designed and placed as follows:

1. **Location.** The enclosure shall be located to the rear or side of the building(s) and located outside of view from a public right-of-way.
2. **Materials.** The enclosure shall incorporate the materials and colors of the primary residential or mixed-use building design.

C. **Fences and Walls.** Fences and walls shall comply with the provisions of Title 21 applicable to Fences and Walls and the following standards:

1. Fences can be a maximum of 6 feet in height and shall comply wit the setbacks for accessory structures as defined in the HDR and MDR regulations.

D. **Lighting.** Lighting shall comply with the provisions of Section 21.63.020 (Design Guidelines for Exterior Lighting).

E. **Screening of Mechanical Equipment.** The following development standards shall apply to new development projects subject to this Chapter, as well as to the replacement or provision of new equipment that is added to serve existing building(s) that are subject to this Chapter.

1. **General Requirements.** All exterior mechanical equipment, whether on a roof, on the side of a structure, or located on the ground, must be screened from public view. Exterior mechanical equipment to be screened includes, without limitation, heating, ventilation, air conditioning, refrigeration equipment, plumbing lines, ductwork, transformers, smoke exhaust fans, water meters, backflow preventers, service entry sections, and similar utility devices.
    a. Screening must be architecturally integrated into the main structure with regard to materials, color, shape, and size to appear as an integral part of the building or structure.
    b. Equipment must be screened on all sides.
    c. The use of expanded metal lath or chain link for the purpose of screening is prohibited.
2. **Requirements for Specific Types of Mechanical Equipment.** The following additional screening standards apply to the specified types of mechanical equipment.
    a. **Ground-Mounted Equipment.** Ground-mounted equipment that faces a public viewing area must be screened to a height of 12 inches above the equipment and designed and painted to blend in with the surrounding area, unless such screening conflicts with utility access, in which case screening shall comply to the greatest extent that is technically feasible. Acceptable screening devices consist of decorative walls, berms, and/or plant materials.
    b. **Exterior Wall Equipment.** Screening for wall-mounted equipment, (e.g., electrical meters, cable-connection boxes, electrical distribution cabinets, etc.) must incorporate elements of the building design (e.g., shape, color, texture, material, etc.). For screen walls that are three feet in height or lower, vegetative materials may be substituted for the screening device. This requirement does not apply to equipment that has accessibility and visibility requirements for health and safety.

F. **Vents and Exhaust.** All wall-mounted vent and exhaust elements shall be located at interior corners of building walls or behind building elements that conceal them from public view. All flashing, sheet metal vents, exhaust fans or ventilators, and pipe stacks shall be painted a color to match the adjacent roof or wall material.

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Definitions.

For the purpose of the County of Monterey Design Standards, the following definitions apply. Any terms used in the Design Standards that are undefined below, but that are defined in Chapter 21.06 (Definitions), shall have the meaning ascribed to them in Chapter 21.06.

Bracket. A projection from a vertical surface providing structural or visual support, typically found under cornices, balconies, windows, or any other overhanging element.

Cornice. A projecting shelf along the top of a wall supported by a series of brackets; the exterior trim where a roof and wall meet, consisting of soffit, fascia, and crown molding.

Fenestration. The arrangement, proportioning, and design of windows, doors, and other exterior openings in a building.

Groundcover. Low-growing herbaceous or woody vegetation, other than turf, which typically grows less than two feet high and is used for understory planting under shrubs and trees. Generally grows with a creeping or spreading habit and is used to cover bare soil areas within landscape planter areas.

Multiple-Unit. A housing development that contains two or more residential units (See Section 21.06.390 (Dwelling, duplex.) and Section 21.06.410 (Dwelling, multiple family.))

Objective Design Standard. A standard that involves no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal.

Parking Structure. A wholly or partly enclosed structure, comprised of one or more stories, used exclusively for the parking and storage of vehicles. A parking structure may be totally below-grade or subterranean, partially above-grade, or totally above-grade.

Reveal. An inner surface of an opening or recess in a wall, typically in relation to a window or door.

Roof, Gable. A roof which slopes downward in two opposite directions from an upper, central ridge.

Roof, Hip. A roof which slopes downward in four directions from an upper, central point.

Roof, Mansard. A roof with a steep lower slope and flatter upper slope on all sides, either of convex or concave shape.

Roof, Shed. A roof which slopes downward in one direction and has no hips, ridges, or valleys.

Street Facade. The wall plane or facade of buildings facing a street, comprised of one or more contiguous buildings. Often used to describe a pedestrian-oriented environment.

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Amendments to Monterey County Land Use Regulations and Code Amendments required to implement the County's Sixth Cycle (2023-2031) Housing Element ("HEU6").

The following list contains the anticipated amendments to the Monterey County Code, 2010 General Plan, and Local Coastal Program to implement the County's HEU6 (the "Project"). This list is may not be comprehensive and is intended to disclose the key topics that need to be addressed to implement the Project.

Adoption via Resolution

- Adoption of County of Monterey Objective Design Standards for multifamily development projects

Amendments to Monterey County Code

Title 21 – Zoning (Inland)

- Adoption of a By-Right Housing Ordinance for Opportunity Sites
- Amendments to HDR District Regulations to incorporate Objective Design Standards for qualifying developments
- Amendments to HDR District Regulations to allow for development of sites up to 25 or 30 dwelling units to the acre on Opportunity Sites
- Amend Zoning Sectional Maps

Title 20 – Zoning (Coastal)

- Adoption of a By-Right Housing Ordinance for Opportunity Sites
- Amend HDR Regulations to allow for development of sites up to 25 or 30 dwelling units to the acre on Opportunity Sites
- Amend Coastal Implementation Plans (CIPs) for North County and Carmel Area to allow for By-Right Development on select Opportunity Sites
- Amend Zoning Sectional Maps

Amendments to 2010 General Plan

Land Use Maps

Amend Land Use Designation Maps to reflect rezoning of sites to HDR/25 or HDR/30, and to reflect split land uses for safety or environmental reasons.

Land Use Element - The following policies in the Land Use Element will be amended to implement the Project: LU-1.19, LU-1.20, LU-2.3, LU-2.10, LU-2.11, LU-2.25, LU-2.28, LU-2.29, LU-2.30, and LU-2.33b. Proposed new policy to note that the County's Code shall be updated to reflect requirements of Airport Land Use Compatibility Plans.

Circulation Element – No anticipated amendments to implement the project.

Public Services Element – No anticipated amendments to implement the Project.

Agriculture Element – No anticipated amendments to implement the Project.

Conservation and Open Space Element – No anticipated amendments to implement the Project.

Circulation – No anticipated amendments to implement the project.

Area Plan, Master Plan, and Community Plans

Carmel Valley Master Plan – The following policies in the Carmel Valley Master Plan are anticipated be amended to implement the Project: CV-1.6, CV-1.10, CV-1.11, CV-1.13, CV-1.20, CV-1.24.

North County Inland Area Plan – The following policies in the North County Inland Area Plan are anticipated to be amended to implement the Project: NC-1.5.

Greater Salinas Area Plan - The following policies in the Greater Salinas Area Plan are anticipated to be amended to implement the Project: GS-1.13.

Greater Monterey Peninsula Area Plan – The following policies in the Greater Monterey Peninsula Area Plan are anticipated to be amended to implement the Project: GMP-1.1, and GMP-1.5. Addition of a new policy related to allowed development on Sites 46 and 47 (York School sites) to be consistent with the safety requirements of the Monterey Regional Airport Land Use Compatibility Plan (ALUCP).

Toro Area Plan – No anticipated amendments to implement the Project.

Central Salinas Area Plan - No anticipated amendments to implement the Project.

Fort Ord Master Plan - The following policies in the Fort Ord Master Plan are anticipated to be amended to implement the Project: Description of Base Land Use Designations – High Density Residential, Policy A-1.

Castroville Community Plan - The following policies and sections in the Castroville Community Plan are anticipated to be amended to implement the Project: Land Use Designation for Opportunity Sites, HDR Land Use Designation, and incorporate of By-Right Ordinance and County Design Standards by reference.

<u>Amendments to Local Coastal Program</u>

Land Use Designation Maps

Amend Land Use Designation Maps to reflect rezoning of sites to HDR/25 or HDR/30, and to reflect split land uses for safety or environmental reasons (as needed).

Land Use Plans

North County Land Use Plan – The following policies and sections of the North County Land Use Plan are anticipated to be amended to implement the Project: Various sections and policies that need to be modified to allow for the Project (rezoning of one Opportunity Site 48), and amendments to buildout numbers (as needed) to allow for the development called for in the Project.

Carmel Area Land Use Plan - The following policies and sections for the Carmel Area Land Use Plan anticipated to be amended to implement the project: Creation of an HDR land use designation, amendments to build out numbers (as needed) to allow for the development called for in the Project (rezoning of Opportunity Sites 16 and 43).

Attachment 7: Draft Land Use Element Policy Language to be added to the 2010 General Plan

LU-1.22: The County shall ensure consistent application of the 2019 Monterey and Marina Airport Land Use Compatibility Plans (ALUCP) and establish regulations for each Airport Influence Area (AIA). Development proposals that have the potential to conflict with ALUCP noise, airspace, safety, and/or land use compatibility requirements shall be referred to the Airport Land Use Commission (ALUC) for an advisory review. The County shall refer these amendments to the General Plan and zoning changes to ALUC for consideration.

DRAFT

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