

Exhibit A

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**Before the Planning Commission in and for the
County of Monterey, State of California**

Resolution No.

Recommendation to the Board of Supervisors
Related to Proposed Ordinance to Amend
Section 21.64.030 of Title 21 relating to
Accessory Dwelling Units

This resolution is made with reference to the following facts:

I. RECITALS

1. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

2. The County's coastal and non-coastal zoning ordinances (Title 20 and Title 21 of the County Code respectively) contain regulations pertaining to accessory dwelling units.

3. The state adopted amendments to Government Code section 65852.2 in 2016 and 2017 relating to accessory dwelling units, thereby necessitating an update of County zoning regulations to ensure that County's regulations include and incorporate all recent state law requirements.

4. Per Government Code sections 65854 and 65855, amendments to the County zoning ordinance require the Planning Commission to conduct a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendments to the zoning ordinance.

5. On June 27, 2018 and October 10, 2018, the Monterey County Planning Commission conducted a duly noticed public hearing on a proposed ordinance to amend section 21.64.030 of Title 21 (non-coastal zoning) of the Monterey County Code relating to accessory dwelling units.

6. The ordinance amends parking and setback requirements for ADUs and addresses conversion of existing space within a single family residences and accessory structures to an ADU.

7. The ordinance is statutorily exempt from the California Environmental Quality Act which provides that CEQA does not apply to adoption of an ordinance by a county to implement the provisions of Government Code section 65852.2. (Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h)).

II. DECISION

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the Board of Supervisors:

- a) Find that the proposed ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h); and

b) Adopt an ordinance, in the same or substantially the same form as the attached ordinance, to amend Title 21 (non-coastal zoning ordinance) of the Monterey County Code to update the regulations for accessory dwelling units in the inland unincorporated area of Monterey County.

PASSED AND ADOPTED on this ____ day of_____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

By: _____
Jacqueline R. Onciano, Secretary

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTION 21.64.030 OF TITLE 21 (NON-COASTAL ZONING) OF THE
MONTEREY COUNTY CODE RELATING TO ACCESSORY DWELLING UNITS.**

County Counsel Summary

This ordinance amends the County's zoning regulations for accessory dwelling units applicable in the non-coastal unincorporated area of Monterey County. The ordinance updates section 21.64.030 of Title 21 (non-coastal zoning) of the Monterey County Code to conform to recently enacted state law requirements for accessory dwelling units.

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

SECTION 1. Findings and Declarations.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. Per amendments to Government Code section 65852.2 adopted by the state legislature in 2016 and 2017, the County desires to amend its existing regulations pertaining to Accessory Dwelling Units to ensure that its regulations include and incorporate all state law requirements.

C. This ordinance is statutorily exempt from the California Environmental Quality Act which provides that CEQA does not apply to adoption of an ordinance by a county to implement the provisions of Government Code section 65852.2. (Public Resources Code section 21080.17.)

SECTION 2. Section 21.64.030. of the Monterey County Code is amended to read as follows:

21.64.030 Regulations for Accessory Dwelling Units

A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which an Accessory Dwelling Unit, accessory to the main residence on a lot, may be permitted.

B. Definitions:

Unless otherwise expressly stated, whenever used in this section 21.64.030, the following terms shall have the meanings set forth below:

1. "Accessory dwelling unit" has the same meaning as "dwelling unit, accessory" set forth in section 21.06.372.

2. "Legally constructed structure" means a structure that was constructed with all land use and construction permits that were required at the time of construction.

BC. Applicability: This Section is applicable in all residential zoning districts and in other districts where an Accessory Dwelling Unit may be allowed subject to a Use Permit.

CD. Accessory Dwelling Units (New Construction) are prohibited in certain areas of the inland unincorporated area of the County. Accessory Dwelling Units would pose a hazard to public health, safety and welfare in certain unincorporated non-coastal areas of the County because of known infrastructure limitations, including adequacy of water and sewer and the impact of new construction -of ADUs on traffic in traffic-impacted areas. These infrastructure limitations are recognized in the 2010 General Plan (See Policy ies NC-1.5, CV-1.6, T-1.7, and GS-1.13), zoning districts (B-8 overlay) and adopted specific plans. The County acknowledges prohibiting Accessory Dwelling Units in these areas may limit the housing opportunities of the region; however, specific adverse impacts on the public health, safety and welfare that would result from allowing Accessory Dwelling Units in these areas justify these limitations. Accordingly, except as provided by subsection G below, Accessory Dwelling Units will not be permitted in the following areas:

1. Within a B-8 zoning overlay.
2. North County Planning Area, not including except the Castroville Community Plan area where Accessory Dwelling Units may be allowed.
3. All lots in the Carmel Valley Master Plan Area; created after October 26, 2010 and all existing legal lots of record containing less than 5 acres.
4. That portion of the Toro Planning Area which is shown on Figure LU-10 of the 2010 General Plan as being limited to the first single family home on a legal lot of record per General Plan Policy T-1.7.
5. That portion of the Greater Salinas Planning Area with residential land use designations north of the City of Salinas, generally between Williams Road and Highway 101 which is shown on Figure LU-7 of the 2010 General Plan as being limited to the first single family home on a legal lot of record per General Plan Policy GS-1.13.
6. Areas for which the County has adopted a Specific Plan, except as allowed by the Specific Plan.

7. Lots that are less than two acres and not served by public sewer.

DE. Regulations: Accessory Dwelling Units are subject to the following regulations standards:

1. Only one Accessory Dwelling Unit per lot shall be allowed.
2. An Accessory Dwelling Unit shall not be permitted prior to a main residence and shall be located on the same lot as the existing or proposed primary dwelling main residence.
3. An Accessory Dwelling Unit must provide complete independent living facilities for one or more persons and shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation.
4. An Accessory Dwelling Unit may be separately rented, provided such rental is for more than 30 days.
5. An Accessory Dwelling Unit is prohibited to be used as a Vacation Rental.
6. The minimum lot size for establishment of an Accessory Dwelling Unit in areas not served by public sewers shall be two acres, except in the Carmel Valley Master Plan area where the minimum lot size shall be five acres.
7. An Accessory Dwelling Unit shall not be subject to density requirements of the zoning district in which the lot is located.
8. An Accessory Dwelling Unit shall not be sold or otherwise conveyed separate from the primary residence.

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98. The maximum floor area for an Accessory Dwelling Unit is one thousand two hundred (1,200) square feet.

95. 2. Within the residentially zoned areas, units permitted as a Senior Citizen unit or a Caretaker unit prior to the adoption of these regulations for Accessory Dwelling Units shall be considered an Accessory Dwelling Unit for the purposes of this section.

~~6. An Accessory Dwelling Unit shall conform to all of the following standards:~~

100. An Accessory Dwelling Unit attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principal residence. An Accessory Dwelling Unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height, ~~and setbacks.~~

11. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

~~Parking for an Accessory Dwelling Unit shall conform to the parking regulations for Accessory Dwelling Units set forth in Chapter 21.58.~~

12.7 An Accessory Dwelling Unit shall be designed in such a manner as to be visually consistent and compatible with the principal residence on-site and other residences in the area.

13. 8 Accessory Dwelling Units are subject to review and approval by the Director of Environmental Health to ensure adequate sewage disposal and water supply facilities exist or are readily available to serve the unit.

149. An Accessory Dwelling Unit shall comply with local building code requirements that apply to detached dwellings, as appropriate.

EF. An Accessory Dwelling Unit may be allowed in the Resource Conservation zone subject to an Administrative Permit in each case. In order to grant the Administrative Permit, the Appropriate Authority shall make all of the following findings:

1. The establishment of the Accessory Dwelling Unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

2. The proposed Accessory Dwelling Unit complies with all of the applicable requirements of this Section.

3. That the subject property upon which the Accessory Dwelling Unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.

4. That adequate sewage disposal and water supply facilities exist or are readily available, as determined by the Director of Environmental Health.

G. Any Accessory Dwelling Unit which does not comply with height ~~or setback~~ regulations for the district in which it is proposed shall require a Use Permit. The Zoning Administrator is the appropriate authority to consider said permit. The Use Permit may only be approved if the Appropriate Authority finds that the deviation from the height ~~and/or setback~~ requirements better achieves the policies of the General Plan and regulations of this Title.

H.. Regulations for Conversion of Legally Constructed Structures into Accessory Dwelling Units:

Notwithstanding subsections A through F above, within a zone for single-family use, the County shall ministerially approve an application for a building permit for one Accessory Dwelling Unit per lot if all of the following criteria are met:

1. the Accessory Dwelling Unit is contained within the existing space of a single family dwelling or existing accessory habitable structure;
2. the existing single family dwelling or accessory habitable structure proposed for conversion to Accessory Dwelling Unit was legally permitted and has no existing code violations;
3. the total area of floorspace of the Accessory Dwelling Unit does not exceed one thousand two hundred (1,200) square feet;
4. the Accessory Dwelling Unit has independent exterior access from the existing residence; and
5. the side and rear setbacks are sufficient for fire safety;
6. the primary residence or Accessory Dwelling Unit is owner-occupied.
7. the Accessory Dwelling Unit shall not be rented for a period of less than 30 consecutive calendar days.

SECTION. 3. Section 21.58.040 of the Monterey County Code is amended to read as follows:

21.58.040 PARKING SPACES REQUIRED

The number of off-street parking spaces shall not be less than:

Use	Parking Spaces Required
Agricultural Employee Housing	1 space/dwelling unit or 1 space/4 beds
Agricultural Processing Plant	1 space/500 square feet
Amusement <i>Park</i>	1 space/4 occupant
Appliance Repair	1 space/500 square feet
Art Gallery	1 space/200 square feet
Auditorium	1 space/4 seat. If no fixed seating, 1 space/35 square feet
Automobile Repair	1 space/500 square feet of floor area
Automobile Sales	1 space/500 square feet of floor area plus 1 space/2,000 square feet outdoor sales, display or storage area
Automobile Services Station	1 space/500 square feet floor area
Bank	1 space/200 square feet
Bar, Lounge, Night Club	1 space/3 seats.
Cocktail Lounge	Where seating is not fixed, 1 space 50 square feet
Barber Shop, Beauty Parlor	2 spaces/chair

Baseball <i>Park</i>	1 space/4 seats
Bed and Breakfast Facility	1 space/unit
Billiard Hall	2 spaces/table
Bowling alley	5 spaces/lane
Building Materials	1 space/500 square feet floor area plus 1 space/2000 square feet outdoor use area
Bus Depot	1 space/20 square feet waiting area plus 1 space/300 square feet office area
Cabinet Shop	1 space/500 square feet
Caretaker Unit	1 space/unit
Children's Home, Orphanage	1 space/4 seats. If no fixed seating, 1 space/35 square feet
Church	1 space/4 seat. If no fixed seating, 1 space/35 square feet
Cleaners	2 space plus spaces/1,000 square feet
Community Center	1 space/4 seats. If no fixed seating, 1 spaces/35 square feet
Contractor's Yard	1 space/3,000 square feet lot area
Convalescent Home, Nursing Home, Rest Home, Home for the Aged	1 space/3 beds
Convention Center, Meeting Hall, Exhibit Facility	1 space/4 seats or 1 space/50 square feet
Dance Hall	1 space/50 square feet
Dental Clinic/Office	1 space/200 square feet
Driving Range	1 space/tee
Equipment Rental	1 space/500 square feet floor area plus 1 space/2,000 square feet outdoor use area
Family Day Care Facility	1 space/employed plus 1 space/10 children
Farm Equipment and Supplies	1 space/500 square feet floor area plus 1 space/2,000 square feet outdoor use area
Flea Market/Open Air Sales	1 space/200 square feet sales area
Freight Terminals	2 spaces/loading bay plus 1 space/250 square feet office space
Funeral Home, Mortuary	1 space/4 seats. If no fixed seating, 1 space/356 square feet
Golf Course	4 space/hole
Guesthouse	1 space/unit

Gymnasium, Spa, Health Studio	1 space/50 square feet
Heating, Air Conditioning, Electrical Shop	1 space/500 square feet
Homeless Shelter	1 space/employee and 1 space/6 beds or portion thereof
Hospital	12 spaces/bed
Hotel	1 space/unit plus 2 spaces/3 employees on largest shift plus other applicable requirement (i.e. restaurant, lounge, etc.)
Industrial Office	1 space/300 square feet
Laboratory	1 space/250 square feet
Laundromat	1 space/2 machines
Library	1 space/200 square feet
Manufacturing	1 space/500 square feet
Marina	3 spaces/4 boat slips
Medical Clinic/Office	1 space/200 square feet
Miniature Golf	2 spaces/hole
Mini-Storage	2 spaces for manager plus 2 customer spaces
Motel	2 spaces for manager plus 1 space/unit
Museum	1 space/200 square feet
Nursery	1 space/2,000 square feet
Office	1 space/250 square feet
Open Air Sales	1 space/200 square feet sales area
Photography Studio	1 space/400 square feet
Post Office	5 spaces/services window plus 1 space/500 square feet of non-customer area
Printer, Copying, Reproduction	1 space/400 square feet
Race Track	1 space/4 seats
Recreational Enterprises	1 space/4 occupants capacity
Recreational Vehicle <i>Park</i>	1 standard vehicle space/1 R.V. space
Residential:	
Single-Family Detached	2 spaces/unit
Accessory Dwelling Unit	1 space/unit
Duplex	2 spaces/unit
Triplex	2 spaces/unit
Multiple-Family Residential,	1 space/studio unit
Apartments, Townhouses,	1.5 spaces/1 bedroom unit

Condominiums, Cluster Homes	2 spaces/2 bedroom unit; 2.2 spaces/3 or more bedroom unit; In addition, 1 guest <i>parking</i> space shall be provided for every 4 units
Boarding House, Rooming	1 space/guest room
House, Organizational	1 space/100 sq. ft. of guest room
Large Residential Care Facility	1 space/employee plus 2 additional spaces
Small Residential Care Facility	1 space/employee plus 2 additional spaces
Single Room Occupancy Facility	.5 spaces/unit (Within 2,000 feet of Public Transit)
Single Room Occupancy Facility	1 space/unit (Not within 2,000 feet of Public Transit)
Handicapped Housing	1 space/2 units plus 1 guest space/8 units
Mobile Home <i>Park</i>	2 spaces/unit plus 1 guest <i>parking</i> space/4 units
Restaurant	1 space/4 seats. Where seating is not fixed, 1 space/50 square feet of seating, waiting, or cocktail lounge area
Restaurant, Drive-In	1 space/3 seats enclosed plus 3 and Drive-Through spaces/services window and 3 employee spaces
Retail, General	1 space/250 square feet
Retail, Large Item	1 space/500 square feet (i.e. Appliance Stores)
Savings and Loan	1 space/200 square feet
Schools:	
Pre-School, Day Care	1 space/employee plus 1 space/10 children
Kindergarten through Grade Nine	2 spaces/classroom plus 1 space/50 square feet in the Auditorium
High School	2 spaces/classroom plus 1 space/5 students
College, University	1 space/employee plus 1 space/3 students
Trade School, Vocational School, Business School, Professional School, Art Academy, Craft School, Music School, Dancing School	1 space/employee plus 1 space/3 students
Shopping Center	1 space/250 square feet

Skating Rink	1 space/250 square feet
Social Care Facility	1 space/3 beds plus
Sanitarium, Welfare Institution, Asylum	1 space/employee on the largest shift
Social Club	1 space/50 square feet
Stable, Public	1 space/3 horses
Stadium, Sports Area	1 space/4 seats
Swimming Pool	1 space/100 square feet pool area
Tennis Court, Racquetball Courts	2 spaces/court
Theater	1 space/3 seats
Warehouse	1 space/500 square feet
Veterinary Hospital	1 space/250 square feet

SECTION.4. Section 21.06.372 of the Monterey County Code is amended to read as follows:

21.06.372 “Dwelling Unit, Accessory”

"Accessory dwelling unit" means an attached or detached residential dwelling unit, which is secondary to a proposed or existing primary dwelling, and which provides complete independent living facilities for one or more persons. It shall include permanent provision for living, sleeping, eating, cooking, and sanitation on the same parcel ~~where-as~~ the single-family dwelling is situated. Accessory dwelling unit includes:

- a. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code; and
- a-b. A manufactured home, as defined in Section 18007 of the California Health and Safety Code. The term “manufactured home” includes “tiny home” if the tiny home meets the requirements of Section 18007 of the California Health and Safety Code.

SECTION 6. 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 7. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Luis A. Alejo, Chair
Monterey County Board of Supervisors

A T T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
Senior Deputy County Counsel

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