

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> March 9, 2011    Time: 9:30 A.M.		<b>Agenda Item No.:</b> 3 & 4	
<b>Project Description:</b> Workshop to introduce preliminary draft zoning ordinance amendments relative to the implementation of the 2009-2014 County of Monterey Housing Element. Zoning Ordinances Title 20 (Coastal) and Title 21 (Inland) will be amended to add provisions for: 1) Density Bonuses and Incentives; 2) Second Dwelling Units; 3) Farm or Agricultural Employee Housing; 4) Residential Care Facilities; 5) Emergency Shelters; 6) Transitional Housing; 7) Supportive Housing; 8) Single Room Occupancy (SRO) Units; 9) Definition of "Family"; and 10) Reasonable Accommodation.			
<b>Project Location:</b> Unincorporated Countywide (Coastal and Non-Coastal areas)		<b>APN:</b> Countywide	
<b>Planning File Number:</b> REF100044 (Coastal areas); REF100052 (Inland areas)		<b>Owner:</b> N/A <b>Agent:</b> N/A	
<b>Planning Area:</b> Countywide		<b>Flagged and staked:</b> N/A	
<b>Zoning Designation:</b> : Multiple Zoning Designations (see below)			
<b>CEQA Action:</b> Not required for Workshop			
<b>Department:</b> RMA - Planning Department			

**RECOMMENDATION:**

Staff recommends that the Planning Commission conduct a workshop to accomplish the following:

1. Staff introduction of various preliminary draft zoning ordinance amendments to Title 20 (Coastal) and Title 21 (Inland) relative to the implementation of the 2009-2014 County of Monterey Housing Element;
2. Receive public comment;
3. Discuss proposed preliminary draft zoning ordinance amendments; and
4. Provide direction to staff in finalizing changes to the preliminary draft zoning ordinance amendments.

**PROJECT OVERVIEW:**

The County of Monterey adopted the Housing Element for 2009-2014 on June 15, 2010. *Goal H.4* of the Housing Element is to reduce government constraints to housing production in order to help address housing needs in the County by facilitating the provision of a variety of housing types and lowering development costs. The Housing Element identified the need to develop new ordinances in the following areas and to amend the current definition of *Family* in order to comply with *Goal H.4* and with Federal and State law:

- Density Bonuses and Incentives
- Second Dwelling Units
- Farm or Agricultural Employee Housing Facilities
- Residential Care Facilities
- Emergency Shelters
- Transitional Housing
- Supportive Housing
- Single Room Occupancy (SRO) Units
- Definition of "Family"
- Reasonable Accommodation

Separate ordinances have been prepared for Title 21 (Inland) to address these topics. Ordinances to amend Title 20 will be prepared based upon the input of the Planning Commission. See **Exhibit A** for a full description of each ordinance and the affected zoning districts in both Title 20 and Title 21. **Exhibits B thru H** contains the preliminary draft zoning ordinance amendments for Title 21. Staff is not including Title 20's preliminary draft zoning ordinance amendments to this report, but will discuss proposed changes in detail at the workshop on March 9, 2011. A description of Title 20 amendments for each proposed ordinance is included in **Exhibit A**.

*Timeline:*

The Certified Housing Element requires that the Ordinances be in place within a year of adoption of the Housing Element. The allocation of State and Federal money could be impacted if these ordinances are not adopted in compliance with the Certified Housing Element. These ordinances need to be in effect no later than June 15, 2011. This requires adoption of the ordinances by the Monterey County Board of Supervisors by no later than May 3, 2011 (scheduled meeting date). The effective date of the ordinances would be 30 days following the adoption date. In order for the Board to take action, they must receive a recommendation from the Planning Commission. To allow for a comprehensive review of the ordinances, this workshop is being scheduled. The workshop will give the public the opportunity to comment on the preliminary draft zoning ordinances and allow for the Commission to discuss the ordinances and then provide direction, prior to formally considering them at a public hearing.

In preparing the preliminary draft zoning ordinance amendments, staff consulted with the California Coastal Commission, the Monterey County Agricultural Advisory Committee and the Central Coast Center for Independent Living (CCCIL). In addition, an Initial Study was prepared, resulting in a Negative Declaration which is currently circulating for public review (public review period: February 18, 2011 to March 19, 2011). Staff has scheduled meetings in early March of 2011 with the Monterey County Housing Advisory Committee (HAC) and with the Housing Alliance for People with Disabilities (HAPD) to discuss the proposed ordinances.

Subsequent to the Planning Commission workshop on March 9, 2011, the schedule for consideration of the Ordinances will be as follows:

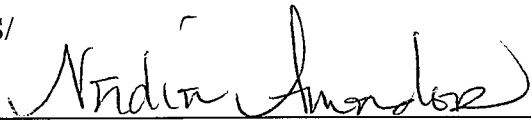
**March 30, 2011:** Monterey County Planning Commission. Planning Commission conducts public hearing and makes recommendation on the Ordinances to the Board of Supervisors.

**May 3, 2011:** Monterey County Board of Supervisors. Board Consideration of the proposed Ordinances. If adopted, Ordinances will be in effect on June 4, 2011.

*Conclusion:*

Staff is recommending the Planning Commission conduct this workshop, open the workshop for public comment and provide direction to staff relative to preparation of draft zoning ordinances for consideration at a public hearing before the Planning Commission on March 30, 2011.

/S/



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February 28, 2011

cc: Front Counter Copy; Planning Commission; RMA-Redevelopment and Housing Office; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; Agricultural Commissioner; Parks Department; Sheriff's Office; Department of Social Services; California Coastal Commission; Central Coast Center for Independent Living (CCCIL) Attn: Denika S. Boardman; Housing Alliance for People with Disabilities (HAPD) Attn: Shelly Smith; Gateway Center of Monterey County; Shelter Outreach Plus; John H. Ford, Planning Services Manager; Nadia Amador, Project Planner; Carol Allen, Senior Secretary; Planning File REF100044 and REF100052.

Attachments:

- Exhibit A Description of Zoning Ordinance Amendments to Title 20 (Coastal) and Title 21 (Inland) pursuant to the implementation of the 2009-2014 County of Monterey Housing Element
- Exhibit B *Density Bonuses and Incentives* Preliminary Draft Zoning Ordinance Amendments for Title 21
- Exhibit C *Second Dwelling Units* Preliminary Draft Zoning Ordinance Amendments for Title 21
- Exhibit D *Farm or Agricultural Employee Housing Facilities* Preliminary Draft Zoning Ordinance Amendments for Title 21
- Exhibit E *Residential Care Facilities, Transitional and Supportive Housing and Definition of Family* Preliminary Draft Zoning Ordinance Amendments for Title 21
- Exhibit F *Emergency Shelters* Preliminary Draft Zoning Ordinance Amendments for Title 21
- Exhibit G *Single Room Occupancy (SRO) Units* Preliminary Draft Zoning Ordinance Amendments for Title 21
- Exhibit H *Reasonable Accommodation* Preliminary Draft Zoning Ordinance Amendments for Title 21

This report was reviewed by John H. Ford, Planning Services Manager



## Exhibit A

### **Description of Zoning Ordinance Amendments to Title 20 (Coastal) and Title 21 (Inland) pursuant to the implementation of the 2009-2014 County of Monterey Housing Element**

#### *A. Density Bonuses and Incentives*

(see **Exhibit B** for Title 21 preliminary draft ordinance)

The Density Bonuses and Incentives Ordinance is intended to encourage the voluntary creation of affordable housing within the County. It has two components: 1) a density bonus which would provide an increase in the number of allowable units established by the General Plan in exchange for providing a certain percentage of affordable housing units; and 2) when a developer qualifies for a Density Bonus they may qualify for 1, 2, or 3 additional incentives depending on the level of affordability and the percentage of affordable units. Incentives include reductions in site development standards, modifications of zoning requirements, design criteria modifications, approval of mixed use zonings, or other regulatory concessions that result in identifiable, financially sufficient, and actual cost reductions that aid in the financial feasibility of a project to create affordable housing. No new development is being contemplated in conjunction with the proposed Density Bonuses and Incentives Ordinance and it is difficult to predict the scope and location of future development in the County that might potentially occur as a result of this Ordinance. To the extent that new development is proposed at a future date, the County will be required to assess the development project's potential impacts at that time.

The ordinance will:

- 1) Add a new chapter to Title 20 (Coastal) and Title 21 (Inland) establishing a process and regulations for review of requests for Density Bonuses and Incentives associated with housing developments that create three (3) or more dwelling units and which provide for the creation of affordable units based on a percentage of the total number of market rate units in the development;
- 2) Add applicable definitions to Title 20 and Title 21;
- 3) Be applicable in all zoning districts, except in those districts that are combined with an Affordable Housing Overlay (AHO).

#### *B. Second Dwelling Units*

(see **Exhibit C** for Title 21 preliminary draft ordinance)

The County will be adding a new chapter to Title 20 and 21 addressing the provisions for Second Dwelling Units in Residentially Zoned Districts. State Law currently requires that Second Dwelling Units be permitted in Single Family Residential Areas, unless there are resource or utility constraints. The State Law also removed the requirement to allow Senior Citizen Units. In response the proposed modifications to Title 20 and 21 would remove the provisions for Senior Units and Caretakers Units. The current chapter allowing Caretakers Units would be replaced by the Second Unit Provisions. As

proposed, a Caretakers unit in a residential zone could be permitted as a second unit. This approach will remove the current loophole that allows three units to be approved on a single family lot without consideration of density limitations (First house, Caretakers Unit, and Senior Unit.) Caretakers Units in some non-residential zoning districts will continue to be allowed and a definition for these types of Caretakers Units is being added.

C. Farm or Agricultural Employee Housing Facilities

(see **Exhibit D** for Title 21 preliminary draft ordinance)

The Farm or Agricultural Worker Housing Ordinance is for the purpose of facilitating the availability of affordable farm or agricultural employee housing. The Ordinance would allow the establishment of a farm/agricultural employee housing facility for up to 12 dwelling units or 36 beds in a group quarters as an allowed use, by right, in agricultural land use designations in Title 21 (Inland areas). Pursuant to State law, this use is to be treated as any other agricultural use of the property. The farm or agricultural employee housing is not required to be located on the same property where the farm or agricultural employee is employed. For Title 20 (Coastal areas), the establishment of this use would be allowed, subject to a discretionary permit, in the agricultural zoning districts. No discretionary permit will be required in Title 20, if the use of existing permitted structures is used for farm or agricultural employee housing in the agricultural zoning districts. The *Farm or Agricultural Employee Housing Ordinance* will also eliminate the use for these facilities in those non-agricultural zoning districts for both Title 20 and Title 21.

No new development is being contemplated in conjunction with the proposed *Farm or Agricultural Employee Housing Facilities Ordinance* and it is difficult to predict the scope and location of future development in the County that might potentially occur as a result of this Ordinance. The County will be required to assess any future development project's potential impacts at that time. Below is a list of specific changes this Ordinance will make to Title 20 and 21.

The ordinance will:

- 1) Amend *Definitions* chapters of Title 20 and Title 21 by adding, deleting or modifying applicable definitions;
- 2) Amend Title 21 (Inland) to allow *Farm or Agricultural Employee Housing Facilities consisting of no more than 12 dwelling units or 36 beds* by right in the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts; and allow *Farm Employee Housing Facilities consisting of 13 or more dwelling units or 37 or more beds* in the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts with a Use Permit.
- 3) Amend Title 20 to allow, subject to a Coastal Administrative Permit *Farm or Agricultural Employee Housing Facilities consisting of no more than 12 dwelling units or 36 beds* in the Coastal Agricultural Preserve and the Agricultural Conservation Zoning Districts; and allow, subject to a Coastal Development Permit *Farm or Agricultural Employee Housing Facilities consisting of 13 dwelling units or 37 or more beds* in the Coastal Agricultural Preserve and the Agricultural Conservation Zoning Districts.

- 4) In Title 20, amend the section for exemptions from a Coastal Development Permit, to allow *Farm or Agricultural Employee Housing Facilities consisting of no more than 12 dwelling units or 36 beds* without the requirement of a discretionary permit, if the use of existing permitted structures is used for farm or agricultural employee housing in the agricultural zoning districts.
- 5) Amend Title 21 and 20 to delete any reference of the existing allowed uses for “farm employee” and “farm worker housing” in agricultural zoning districts since these terms and subject permit requirements have been superseded by content in items 2 and 3 above.
- 6) Amend Title 21 and 20 to delete any reference of the existing allowed uses for “farm employee” and “farm worker housing” in non-agricultural zoning districts because the intent of State law is to allow for *Farm or Agricultural Employee Housing Facilities* in agricultural zoning districts as the use is to be treated as an agricultural activity. Allowing *Farm or Agricultural Employee Housing Facilities* in non-agricultural zoning districts would be an incompatible use.
- 7) Amend Title 21 to modify Chapter 21.66.060 *Standards for Farm Employee and Farm Worker Housing* and modify Chapter 21.58 *Regulations for Parking*, where appropriate. Amend Title 20 to modify Chapter 20.66.060 *Standards for Farm Employee and Farm Worker Housing* and modify Chapter 20.58 *Regulations for Parking*, where appropriate.

#### D. *Residential Care Facilities*

(see **Exhibit E** for Title 21 preliminary draft ordinance)

The Residential Care Facilities Ordinance is for the purpose of facilitating housing for people with disabilities, the elderly and children. The County will be amending Title 20 and 21 by defining *Residential Care Facilities* to be consistent with the types of State-licensed residential care facilities. The County currently limits the use of these facilities to *aged persons or hospices*, which excludes persons with disabilities, children and other special population needs groups. Residential Care Facilities, serving 6 or less (excluding operators), will be allowed in those zoning districts where family dwellings are allowed with no conditional use permit, zoning variance, or other zoning clearance that is not required of a family dwelling of the same type in the same zone. Residential Care Facilities serving 7 or more residents will be allowed, subject to a discretionary permit in residential zoning districts. No new development is being contemplated in conjunction with the proposed Residential Care Facilities Ordinance and it is difficult to predict the scope and location of future development in the County that might potentially occur as a result of this Ordinance. The County will be required to assess any future development project’s potential impacts at that time. Below is a list of specific changes this Ordinance will make to Title 20 and 21.

The ordinance will:

- 1) Amend *Definitions* chapters of Title 20 and Title 21 by adding, deleting or modifying applicable definitions;

- 2) Amend Title 21 (Inland) to allow *Residential Care Facilities serving 6 or fewer (excluding operators)* by right in the High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential and Resource Conservation Zoning Districts and in the Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential and Mixed Use Zoning Districts of the Community Plan Zoning Districts; and allow *Residential Care Facilities serving 7 or more residents* in above same zoning districts subject to a Use Permit;
- 3) Amend Title 20 (Coastal) to allow *Residential Care Facilities serving 6 or fewer (excluding operators)* with a Coastal Administrative Permit in the High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential, and Watershed and Scenic Conservation Residential Zoning Districts; and allow *Residential Care Facilities serving 7 or more residents* in above same zoning districts subject to a Coastal Development Permit.
- 4) Amend Title 20 and 21 to delete the current use of “*Licensed residential care homes for aged persons or hospices...*” since this excludes other special needs groups. Furthermore, the deletion of this use in the agricultural zoning districts of Title 20 and 21 will be done because currently these districts have a separate category of use allowed for “*Licensed residential care homes for aged persons or hospices of not more than six persons...*”, which inappropriately allows this type of residential use, without the requirement of the use being *accessory to the agricultural use of the property*.
- 5) Amend Title 20 and 21 to modify Chapters 20.58 and 21.58, respectively, *Regulations for Parking*, where appropriate.
- 6) Amend Title 20, Section 20.70.120. *Exemptions from Coastal Development Permit*, subsection C. to modify use of existing permitted residential dwelling for residential care facilities serving 6 or fewer residents.

#### E. Emergency Shelters

(see **Exhibit F** for Title 21 preliminary draft ordinance)

The Emergency Shelters Ordinance would allow establishment of Emergency Shelters by in the Mixed Use (MU) and High Density Residential (HDR) Zoning Districts. State law defines Emergency Shelters as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or fewer by a homeless person. The County was required to identify at least one zoning district where emergency shelters will be permitted by right. The County identified that properties zoned MU and HDR were appropriate for an Emergency Shelter use because these zones are generally located in the more urbanized areas of the unincorporated County, with access to public transportation and services. According to the 2009-2014 Monterey County Housing Element, 299 undeveloped parcels are designated High Density Residential, totaling 205 vacant acres. In addition, 44 undeveloped parcels are designated Mixed Use totaling 56.5 vacant acres. Therefore, adequate land capacity exists in these two zones to accommodate the homeless population in the unincorporated areas. No new development is being contemplated in conjunction with the proposed Emergency Shelters Ordinance. The County will be

required to assess any future development project's potential impacts at that time. Below is a list of specific changes this Ordinance will make to Title 20 and 21.

The ordinance will:

- 1) Amend the *Definitions* chapters of Title 20 (Coastal) and Title 21 (Inland) by adding applicable definitions (i.e. *Emergency Shelters* consistent with the State law definition);
- 2) Add a new chapter to Title 20 and Title 21 establishing a process and regulations for review of requests for Emergency Shelters including: maximum number of beds/person permitted to be served nightly; off-street parking; the size/location of exterior and interior onsite waiting and client intake areas; the provision of onsite management; the proximity of other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart; the length of stay; lighting; and security during hours that the emergency shelter is in operation;
- 3) Amend Title 20 and 21 to allow the use of Emergency Shelters in the HDR and MU Zoning Districts. In Title 21, Emergency Shelters in these zoning districts will be permitted uses. In Title 20, Emergency Shelters will be allowed subject to a discretionary permit in the HDR Zoning District. No MU Zoning District exists in the Coastal zone (Title 20).
- 4) Amend Title 20 and 21 to modify Chapters 20.58 and 21.58, respectively, *Regulations for Parking*, to include parking standards for Emergency Shelters.

#### F. Transitional and Supportive Housing

(see **Exhibit E** for Title 21 preliminary draft ordinance)

Transitional Housing units or facilities provide a residence for homeless individuals or families for an extended period of time, usually six months or longer, which also offers other social services and counseling to assist residents in achieving self-sufficiency. Supportive Housing provides housing to persons with low incomes having one or more disabilities that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. The Transitional and Supportive Housing Ordinance will allow for transitional and/or supportive housing that function as group housing facilities permitted according to the provisions for *Residential Care Facilities* (see above). For example, transitional and supportive housing functioning as a group home for 6 or fewer residents (excluding operators) will be allowed in those zoning districts where family dwellings are allowed with no conditional use permit, zoning variance, or other zoning clearance that is not required of a family dwelling of the same type in the same zone. Transitional and supportive housing functioning as a group home for 7 or more residents will be allowed, subject to a discretionary permit in residential zoning districts. For those transitional and supportive housing facilities that function as regular housing, such uses will be permitted consistent with other traditional forms of housing. No new development is being contemplated in conjunction with the proposed Transitional and Supportive Housing Ordinance and it is difficult to predict the scope and location of future development in the County that might potentially occur as a result of this Ordinance. The County will be required to assess any future development



project's potential impacts at that time. Below is a list of specific changes this Ordinance will make to Title 20 and 21.

The ordinance will:

- 1) Amend *Definitions* chapters of Title 20 and Title 21 by adding applicable definitions, including the following:
  - *Supportive Housing* is housing with no limit on length of stay, that is occupied by the **target population**, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.
  - *Target population* means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.
  - *Transitional housing* means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.
- 2) Amend Title 21 (Inland) to allow *Transitional or Supportive Housing serving 6 or fewer (excluding operators) residents* as a permitted use in the High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential and Resource Conservation Zoning Districts Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential and Mixed Use Zoning Districts of the Community Plan Zoning Districts; and allow *Transitional or Supportive Housing serving 7 or more residents* in above same zoning districts, subject to a Use Permit.
- 3) Amend Title 20 (Coastal) to allow *Transitional or Supportive Housing serving 6 or fewer (excluding operators) residents* with a Coastal Administrative Permit in the High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential, and Watershed and Scenic Conservation Residential Zoning Districts; and allow *Transitional or Supportive Housing serving 7 or more residents* in above same zoning districts, subject to a Coastal Development Permit.
- 4) Amend Title 20 and 21 to modify Chapters 20.58 and 21.58, respectively, *Regulations for Parking* for the Transitional or Supportive Housing use.

- 5) Amend Title 20, Section 20.70.120. *Exemptions from Coastal Development Permit*, subsection C. to add use of existing permitted structures for *Transitional or Supportive Housing* serving 6 or fewer residents.

#### G. Single Room Occupancy (SRO) Units

(see **Exhibit G** for Title 21 preliminary draft ordinance)

The Single Room Occupancy (SRO) Units Ordinance allows this type of housing to operate in the County's Mixed Use (MU) and Commercial Zoning Districts, subject to a discretionary permit. Single Room Occupancy Units or SROs are one-room units intended for occupancy by a single individual. An SRO unit usually is small, between 200 to 350 square feet, and although not required to have a kitchen or bathroom, many SROs today have one or the other. These units provide a valuable source of affordable housing and can serve as an entry point into the housing market for formerly homeless people. The County identified that properties zoned MU and Commercial include properties that are generally located in the more urbanized areas of the unincorporated County, with access to public transportation and services either in the unincorporated areas or in nearby incorporated jurisdictions, which are amenities that individuals residing in SRO's benefit from. No new development is being contemplated in conjunction with the proposed Single Room Occupancy (SRO) Units Ordinance. The County will be required to assess any future development project's potential impacts at that time. Below is a list of specific changes this Ordinance will make to Title 20 and 21.

The ordinance will:

- 1) Amend the *Definitions* chapters of Title 20 (Coastal) and Title 21 (Inland) by adding applicable definitions (i.e. Single Room Occupancy Units);
- 2) Add a new chapter to Title 20 and Title 21 establishing a process and regulations for review of requests for Single Room Occupancy Units;
- 3) Amend Title 20 to allow the use of Single Room Occupancy Units in the following commercial districts subject to a Coastal Development Permit: Coastal General Commercial, Moss Landing Commercial, Institutional Commercial, and Visitor Serving Commercial Zoning Districts;
- 4) Amend Title 21 to allow the use of Single Room Occupancy Units in Mixed Use and in the following commercial zoning districts subject, to a Use Permit: Light Commercial, Heavy Commercial, and Visitor Serving/Professional Office Zoning Districts;
- 5) Amend Title 20 and 21 to modify Chapters 20.58 and 21.58, respectively, *Regulations for Parking*, to include parking requirements for SRO's.

#### H. Definition of Family

(see **Exhibit E** for Title 21 preliminary draft ordinance)

The County's definition of "family" will be amended in Title 20 and 21 in order to comply with fair housing laws. State law requires that the County's definition of family does not restrict housing access to people with disabilities or special needs populations.

Congregate living arrangements among non-related persons with disabilities are often necessary to enable people with disabilities to secure the supports they need to live in the community. The definition of family will emphasize the functioning of the members as a cohesive household, whether the persons are related or unrelated. The County will revise the definition of *family* and add a definition for *single housekeeping unit* as follows definitions:

- *Family: One or more persons, related or unrelated, living together as a single housekeeping unit in a dwelling unit.*
- *Single Housekeeping Unit: One or more persons, related or unrelated, living together as a single integrated household (a household that functions as a united group) in a dwelling unit.*

I. Reasonable Accommodation

(see **Exhibit H** for Title 21 preliminary draft ordinance)

The Reasonable Accommodation Ordinance will add applicable definitions and a new chapter to Title 20 and Title 21 to establish procedures for individuals with disabilities to request Reasonable Accommodations from planning and land use regulations. Reasonable Accommodations will be defined to mean providing individuals with disabilities, flexibility in the application of planning and land use regulations or policies, including the modifications or waiver of certain requirements, when it is necessary to eliminate barriers to housing opportunities. The Ordinance will apply to all housing-types.

# Exhibit B

## Density Bonus and Incentives

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 21 (ZONING ORDINANCE) OF THE MONTEREY COUNTY CODE TO ESTABLISH A PROGRAM TO IMPLEMENT CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918 COMMONLY KNOWN AS "DENSITY BONUS AND INCENTIVES"

### County Counsel Summary

*This ordinance adds Section 21.64.190 to the Zoning Ordinance of the County of Monterey (Title 21) to establish a program for review and consideration of requests for Density Bonuses and Incentives pursuant to the requirement of California Government Code Section 65915(a). Density Bonuses allow additional residential units beyond the maximum allowed by the General Plan Designation, when requested by a developer of qualifying housing projects. The number of Density Bonus Units depends on the size of the project and the ratio of affordable housing units provided in the development and on the level of affordability of such units. When an applicant qualifies for a Density Bonus, incentives or concessions from the County may be requested that would result in identifiable cost reductions for the developer of a qualified Housing Development. The number of incentives depends on the project and the ratio of affordable housing units provided in the development and also the level of affordability of the Density Bonus Units. The ordinance is intended to work separately but in conjunction with the Inclusionary Housing Ordinance codified in Chapter 18.40 of the Monterey County Code.*

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

SECTION 1. Section 21.64.190 of the Monterey County Code is added to read as follows:

#### **21.64.190 DENSITY BONUS AND INCENTIVES**

- A. Purpose: The purpose of this Section is to encourage affordable housing by providing the incentive of increased density and such other incentives provided by this chapter. The provisions of this Section are intended to comply with the California Government Code Sections 65915-65948 and to work in conjunction with the requirements of the Inclusionary Housing Ordinance (Chapter 18.40 of Monterey County Code) and shall not be interpreted to alter or in any way diminish the requirements of that chapter.
- B. Applicability: The provisions of this Section are applicable in all zoning districts except those zoning districts combined with an Affordable Housing Overlay zone (AHO)

C. Definitions:

1. "Affordable Rent" means a monthly amount which, together with utility allowance, does not exceed the following:
  - a. For very low income Density Bonus Units, one-twelfth of thirty (30) percent of the maximum income for a very low income household, adjusted by household size.
  - b. For low income Density Bonus units, one-twelfth of thirty (30) percent of sixty (60) percent of median income, adjusted for household size.
  - c. For moderate income Density Bonus Units, one-twelfth of thirty (30) percent of one hundred ten (110) percent of median income, adjusted for household size.
2. "Affordable Sales Price" means a sales price at which Low or Very Low Income Households can qualify for the purchase of Density Bonus Units, calculated on the basis of underwriting standards of mortgage financing available for the development.
3. "Child Care Facility" means a facility, other than a day care home, licensed by the State of California to provide non-medical care to children under 18 years of age in need of personal services, supervision or assistance on less than a 24-hour basis.
4. "Density Bonus" means an increase in density of at least twenty (20) percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable Zoning Ordinance and General Plan Land Use designation taking into account all applicable limitations including the provisions of Section 21.64.180 of this Title. A density bonus request shall be considered as a component of a qualified housing development.
5. "Density Bonus Housing Agreement" means a legally binding agreement between the County and an applicant, governing how the applicant shall comply with this Chapter.
6. "Density Bonus Units" means those residential units granted pursuant to the provisions of this Section which exceed the otherwise Maximum Residential Density for the development site. Density Bonus Units may also include Inclusionary units as those units are defined in Chapter 18.40 of Monterey County Code.
7. "Household" means one or more individuals who occupy one dwelling unit as a single housekeeping unit, whether or not related by blood or marriage.
8. "Housing Development" means any project requiring any subdivision of land, use permit, discretionary permit or building permit, or combination thereof, for which an application or applications are submitted to the County and which would by construction or alteration of structures create three or more new or additional dwelling units and/or lots.

9. "Incentive" means concessions proposed by the developer or the County that result in identifiable, financially sufficient, and actual cost reductions for a qualified Housing Development.
10. "Low Income Household" or "Lower Income Household" means a household, including a very low income household, with an annual income which does not exceed The United States Department of Housing and Urban Development annual determination for low income Households with incomes of eighty (80) percent of the Median Income, adjusted for household size.
11. "Low Income Unit" or "Lower Income Unit" means a Density Bonus Unit or Inclusionary Unit reserved for occupancy by low income households at an affordable rent or sales price.
12. "Median Income Household" means the median household income as determined periodically by the United States Department of Housing and Urban Development for the Salinas Metropolitan Statistical Area and updated on an annual basis.
13. "Moderate Income Household" means a household, including a low income household and a very low income household, with an annual income which does not exceed one hundred twenty (120) percent of the Median Income, adjusted for household size.
14. "Moderate Income Unit" means a Density Bonus Unit or Inclusionary Unit reserved for occupancy by moderate income households at an affordable rent or sales price.
15. "Senior Citizen Housing Development" means a housing project where residency is restricted to persons 62 years of age or older, or 55 years of age or older in a senior citizen housing development per Sections 51.3 and 51.12 of the California Civil Code.
16. "Very Low Income Household" means a household with an annual income which does not exceed The United States Department of Housing and Urban Development annual determination for very low income Households earning fifty (50) percent of the Median Income, adjusted for household size.
17. "Very Low Income Unit" means a Density Bonus Unit or Inclusionary Unit reserved for occupancy by very low income households at an affordable rent or sales price.

**D. Regulations for Density Bonus requests:**

1. A Density Bonus may be approved pursuant to a request for approval of a density bonus, provided the request complies with the provisions of this Chapter.
2. Each request for a density bonus shall be accompanied by the following:
  - a. A site plan that identifies all units in the project including the location of the affordable units and the bonus units.

- b. A narrative briefly describing:
    - i. The project
    - ii. The number of units permitted under the zoning
    - iii. The total number of units proposed in the project
    - iv. The number of bonus units requested based on Density Bonus criteria of this Chapter
    - v. A breakdown of units proposed for very low, lower, and moderate income, senior citizen, and/or market rate units
    - vi. Any requested incentive(s) including an explanation as to why the incentive(s) is required for the housing development; and
    - vii. A description of how the proposal complies with the requirements of the Inclusionary Housing Ordinance (Chapter 18.40).
  - c. Information indicating that appropriate and sufficient infrastructure capacity (e.g. water, sewer, roadway) and water supply is available to serve the project including the bonus units.
  - d. If desired by the applicant, a written request to meet with the County to discuss the Density Bonus and Incentives request including any request for a waiver or reduction of development standards.
  - e. Any such additional information in support of a request for a density bonus as may be requested by the Director of Planning or the Director of the Housing and Redevelopment Agency. This may include but is not limited to requests for financial studies.
3. An applicant may submit to the Planning Department and Redevelopment Agency of Monterey County a preliminary proposal for a Housing Development pursuant to this Chapter prior to the submittal of any formal application for a Density Bonus. The County shall, within ninety (90) days of the receipt of a written proposal, notify the applicant in writing of either one of the following:
- a. Any specific requirements or procedures under this Chapter or under the Inclusionary Housing Ordinance which the proposal has not met; or
  - b. The proposal is sufficient for preparation of an application for a Density Bonus pursuant to this Chapter and the Inclusionary Housing Ordinance.

4. An application for a Housing Development containing three/five or more units may qualify for a density bonus and at least one other incentive as provided by this Chapter if the applicant does one or more of the following:
  - a. Agrees to construct and maintain at least five (5) percent of the units dedicated to very low income households;
  - b. Agrees to construct and maintain at least ten (10) percent of the units dedicated to lower income households’
  - c. Agrees to construct and maintain at least ten (10) percent of the units in a condominium project or Planned Development project dedicated to moderate income households, provided that all units in the development are offered to the public for purchase;
  - d. Agrees to construct and maintain a Senior Citizen Housing Development;
  - e. Donates land to the County for the construction of very low income units pursuant to the provisions of this Chapter; or
  - f. Includes a qualifying Child Care Facility in addition to providing housing described in subsections a, b, or c of this section.
  
5. The granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted, in and of itself, to require a General Plan amendment, specific plan amendment, rezone, or other discretionary approvals.
  
6. An applicant must choose a density bonus from only one applicable affordability category in subsection 7 below and may not combine categories with the exception of a Child Care Facility or land donation, which may be combined with an affordable housing development, for an additional Density Bonus up to a combined maximum of thirty five (35) percent.
  
7. Density Bonus Units are calculated based on the maximum number of units allowed by the General Plan designation and the Zoning Ordinance and are additive to that, thereby providing for a greater number of units allowed; however, the total number of units including the Density Bonus Units is the basis for calculating the number of Inclusionary Units required pursuant to the Inclusionary Housing Ordinance of the County of Monterey (Chapter 18.40 of Monterey County Code). In no event shall a density bonus exceed thirty five (35) percent. A Housing Development that satisfies all applicable provisions of this Chapter shall qualify for the following Density Bonuses:
  - a. The Density Bonus for Very Low Income Units shall be calculated as follows.

Percentage of Very Low Income Units	Percentage Density Bonus
--	--------------------------



5	20 <sup>1</sup>
6	22.5
7	25
8	27.5
9	30
10	32.5 <sup>2</sup>
11	35

b. The Density Bonus for Low Income Units shall be calculated as follows:

Percentage of Low Income Units	Percentage Density Bonus
10	20 <sup>1</sup>
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35 <sup>2</sup>

c. The Density Bonus for Moderate Income Units shall be calculated as follows:

Percentage of Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15 <sup>1</sup>
21	16
22	17
23	18
24	19
25	20
26	21

27	22
28	23
29	24
30	25 <sup>2</sup>
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

<sup>1</sup> Project meets the minimum requirements for 1 incentive

<sup>2</sup> Projects meets the minimum requirements for 2 incentives

8. Senior Citizen Housing Developments<sup>1</sup> qualify for a 20 % Density Bonus.
9. Apartment Conversions to a Condominium projects that provide at least 33% of the total units of the proposed condominium project to persons and families of low or moderate income; or 15% of the total units of the project to lower income households, and agrees to pay for the reasonably necessary administrative costs incurred by the County, qualify for a 25% density bonus or other incentives of equivalent financial value. An applicant shall be ineligible for a Density Bonus or other incentives if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under the other provisions of this section.

Percentage of Moderate Income Units	Percentage of Lower Income Units	Percentage Density Bonus
33	(inclusive)	25
X	15	25

10. When an application for a tentative subdivision map, parcel map or other residential development donates land to the County, the applicant shall be entitled to a density bonus above the otherwise maximum allowable residential density, up to a maximum of thirty five (35) percent depending on the amount of land donated. This increase shall be in addition to any increase in density permitted by this Section up to a maximum combined density increase of 35 percent. A Density Bonus for Donation of Land shall only be considered if all of the following conditions are met:
- a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

- b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in the amount not less than 10% of the residential units in the proposed development.
  - c. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The transferred land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, their transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income units on the transferred land, except that the County may subject the proposed development to subsequent design review if the design is not reviewed by the County prior to the time of transfer.
  - d. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 65915 (c)(1) and (2) [At least a period of 30 years and subject to restrictions].
  - e. The land is transferred to the County or to a housing developer approved by the County. The County may require the applicant to identify and transfer the land to the developer.
  - f. The transferred land shall be within the boundary of the proposed development or, if the County determines appropriate, within one-quarter mile of the boundary of the proposed development.
11. The Density Bonus for Land Donations meeting the criteria of subsection 10 above shall be calculated as follows:

Percentage of Very Low Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25

21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

12. When an applicant proposes a Housing Development that is eligible for a Density Bonus under this Section and includes a Child Care Facility on the premises or adjacent to the Housing Development, the applicant shall receive an additional Density Bonus that is in an amount of square feet of residential space that is equal to the square footage of the child care facility; or the applicant may receive an other incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility, provided in both cases, that the following conditions are incorporated in the conditions of approval for the Housing Development:

- a. The Child Care Facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to the terms of the Affordable Housing Agreement required by Subsection E of this Chapter.
- b. Attendance of children at the Child Care Facility shall have an equal percentage or greater of children from very low, low, and moderate income households than the percentage of affordable units in the Housing Development.

The County may deny the request for a Density Bonus or Incentive for a Child Care Facility if the County finds, based upon substantial evidence, that the community has adequate Child Care Facilities without the facilities being considered as part of the subject Housing Development.

13. Density Bonus Units shall be subject to the provisions of the Monterey County General Plan, the Zoning Ordinance requirements, and any other applicable County Code or Ordinance unless waived as part of an approved incentive request. Criteria to be considered includes: but is not limited to availability and capacity of infrastructure, utilities, and public services.

14. Density Bonus units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to the market rate units within the Housing Development. The Density Bonus units shall be considered as part of the Housing Development for which the Density Bonus Units are being considered. To the extent feasible, the Bonus Units shall be scattered throughout the Housing Development that also includes market rate units. Density Bonus Units may be clustered or located off-site

subject to the approval of the Director of Planning when this furthers affordable housing opportunities.

15. The Density Bonus Units must be developed either prior to or concurrent with the development of the market rate units.
16. A Density Bonus Housing Agreement shall be required as a condition of approving a Housing Development with Density Bonus Units permitted by this Chapter. The Agreement shall be recorded with the Monterey County Recorders Office as a restriction on the parcel or parcels on which the Density Bonus Units will be constructed. The agreement shall be consistent with Section E of this Chapter.

**D. Regulations for Incentive Requests:**

1. A Housing Development qualifying for a Density Bonus may be entitled to at least one Incentive. Incentives are available to an applicant as follows:
  - a. One (1) Incentive for a Senior Citizen Housing Development or for a Housing Development that is restricts at least:
    - i. Five (5) percent of units for Very Low Income Households;
    - ii. Ten (10) percent of units for Low Income Households; or
    - iii. Ten (10) percent of units for Moderate Income Households within a Condominium project or a Planned Unit Development.
  - b. Two (2) Incentives for a Housing Development that is restricts at least:
    - i. Ten (10) percent of units for Very Low Income Households;
    - ii. Twenty (20) percent of units for Low Income Households; or
    - iii. Twenty (20) percent of units for Moderate Income Households within a Condominium project or a Planned Unit Development.
  - c. Three (3) Incentives for a Housing Development that restricts at least:
    - i. Fifteen (15) percent of units for Very Low Income Households;
    - ii. Thirty (30) percent of units for Low Income Households; or
    - iii. Thirty (30) percent of units for Moderate Income Households within a Condominium project or a Planned Unit Development.
2. One or all of the Incentives may be denied if the appropriate Authority for the Housing Development makes at least one of the following findings:

- a. That the Incentive is not necessary in order to provide for affordable housing costs, or for rents for the Density Bonus Units to be set as required by this Chapter; or
  - b. That the Incentive would result in specific adverse impacts upon health, safety, or the physical environment for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low, and Moderate Income Households.
  - c. That the Incentive would conflict with the Certified Local Costal Program.
3. Where a Housing Development qualifies for Incentives pursuant to this Section the applicant may request any of the following Incentives:
- a. A reduction in site development standards such as:
    - i. Reduced minimum lot sizes and/or dimensions
    - ii. Reduced minimum setbacks
    - iii. Increased Lot Coverage
    - iv. Increased Maximum building heights; or
    - v. Reduced on-site parking requirements
  - b. A Density bonus greater than the amount provided for in this Chapter not exceeding a combined maximum of thirty five (35) percent.
  - c. Streamlined permitted process, including assigning experienced staff, hiring outside contract planners, plan checkers and building inspectors.
  - d. Waiver or deferral of planning fees.
  - e. Approval of a mixed use zoning in conjunction with the Housing Development if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, industrial, or other land use are compatible with the housing project and the existing or planned development in the area where the proposed Housing Development will be located; or
  - f. Such other Incentive that the Director of Planning deems reasonable to accomplish the purpose of reducing the cost of a development to make the project financially feasible without resulting in undo impacts.

4. In addition to the requested incentives above, and not counting toward the eligible number of incentives, any applicant qualifying for a Density Bonus may request, inclusive of handicapped and guest parking, the following parking ratios:
  - a. Zero to one bedrooms: one onsite parking space
  - b. Two to three bedrooms: Two onsite parking spaces
  - c. Four or more bedrooms: two and one-half parking spaces

If the total number of parking spaces for the development is other than a whole number, the number shall be rounded up to the next whole number.

**E. Affordable Housing Agreement Required:**

1. For all Density Bonus Units approved pursuant to this Chapter an Affordable Housing Agreement shall be required between the County and the applicant for the Housing Development Project. For the purposes of this Section Density Bonus Units are those Units in excess of the minimum Inclusionary Units required pursuant to Chapter 18.40 of Monterey County Code.
2. Affordable Housing Agreements entered with an applicant pursuant to this Section shall be in a form acceptable to County Counsel and shall contain the following minimum requirements:
  - a. The number, location, and affordability level of all Density Bonus Units approved
  - b. A description of the Density Bonus Units including the number of bedrooms, size, and unit type (i.e. detached single family or attached multi-family).
  - c. A schedule for compliance with project requirements and construction of Density Bonus Units. Density Bonus Units shall be constructed prior to or concurrent with Market Rate Units.
  - d. Restrictions on the sale of Density Bonus Units to insure that the initial occupants are qualified within the appropriate income categories.
  - e. Restrictions on sales prices to ensure affordability of Density Bonus Units to the targeted income category.
  - f. Resale restrictions that ensure continued affordability of Density Bonus Units for a minimum period of thirty (30) years and require agreements with qualified buyers of Density Bonus Units consistent with subsection 4 of this Section.

- g. Provisions for monitoring and reporting to ensure compliance with the requirements of this Chapter and the terms of the Affordable Housing Agreement.
        - h. Provisions for default with the terms of the agreement including remedial actions that may be taken to correct any deficiencies
        - i. A clause, in a form acceptable to County Counsel that requires the Owner to defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, and employees arising in connection with the Affordable Housing Agreement.
3. When Title to Density Bonus Units approved pursuant to this Chapter, is transferred to an eligible buyer, an Affordable Housing Agreement shall be entered with the buyer. Entering an agreement with a buyer will relieve the applicant from the initial agreement pursuant to Subsection 2 of this Section. For the purposes of this Section Density Bonus Units are those Units in excess of the minimum Inclusionary Units required pursuant to Chapter 18.40 of Monterey County Code.
4. Affordable Housing Agreements entered with an eligible buyer pursuant to this Section shall be in a form acceptable to County Counsel and shall contain the following minimum requirements:
  - a. A Description of the Density Bonus Unit(s)
  - b. Occupancy and income restrictions applicable to the property
  - c. Restriction on rental of the subject Unit(s)
  - d. Terms and restrictions on re-sale or transfer of the subject property
  - e. Terms of re-sale or transfer of the property consistent with California Government Code Section 65915(c).
  - f. Buyers insurance and lender information
5. Agreements with the applicant shall be entered prior to recordation of any final maps or issuance of any permits. Agreements with buyers shall be entered prior to transfer of Title.

## SECTION 2. 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 3. EFFECTIVE DATE. This Ordinance shall become effective on the 30th day after its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of May, by the following vote, to-wit:

AYES: Supervisors

NOES:

ABSENT:

\_\_\_\_\_  
JANE PARKER, CHAIR  
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Leroy W. Blankenship  
Assistant County Counsel

# Exhibit C

## Second Dwelling Units

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 21.06 TO AMEND THE DEFINITION OF CARETAKER'S UNIT AND ADD A DEFINITION FOR SECOND DWELLING UNIT, DELETING SECTION 21.64.010 AND 21.64.030 ELIMINATEING PROVISIONS FOR SENIOR CITIZEN, AND CARETAKER UNITS, ESTABLISHING NEW SECTION 21.64.030 REQUIREMENTS FOR SECOND UNITS AND AMENDING SECTIONS 21.10, 21.12, 21.14, 21.16, 21.30, 21.32, 21.34, and 21.36 ALLOWING SECOND DWELLING UNITS IN CERTAIN ZONES IN TITLE 21 (ZONING) OF THE MONTEREY COUNTY CODE

### County Counsel Summary

*This ordinance amends the Zoning Ordinance of the County of Monterey (Title 21) to eliminate provisions for Senior Citizen Units and to establish permitting criteria for Second Units. The ordinance includes revisions to Definitions (Chapter 21.06), Zoning Districts (Chapters 21.10, 21.12, 21.14, 21.16, 21.30, 21.32, 21.34, and 21.36), Special Regulations for Caretaker Units (21.64.030), Parking requirements (21.58) and deletion of the Special Regulations for Senior Citizen Units (21.64.010), in conjunction with establishing Second Units as uses allowed within residential zoning districts subject to the new provisions established in Section 21.64.030 of the Zoning Ordinance.*

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

SECTION 1. Section 21.06.160 of the Monterey County Code relating to Definitions is amended to read as follows:

#### 21.06.160 CARETAKER UNITS.

Caretaker units means a permanent residence, secondary and accessory to an existing ~~main dwelling permitted use~~ for persons employed principally on-site for purposes of care and protection of ~~persons~~, property, plants, animals, equipment, or other circumstances on site or on contiguous lots under the same ownership.

SECTION 2. Section 21.06.1000 of the Monterey County Code relating to Definitions is added to read as follows:

#### 21.06.1000 SECOND UNITS

Second unit" means a permanent residence, secondary to an existing main dwelling 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 as the single-family dwelling is situated and may be rented.

SECTION 3. Subsection 21.10.030.N of the Monterey County Code relating to Regulations for High Density Residential Zoning Districts, Uses Allowed is added to read as follows:

N. A Second Unit meeting the development standards of Section 21.64.030

SECTION 4. Subsection 21.10.040.D of the Monterey County Code relating to High Density Residential Zoning Districts, Uses Allowed, Administrative Permit Required is deleted as follows:

~~D. Senior citizen units meeting the development standards of Section 21.64.010~~

SECTION 5. Subsection 21.12.030.N of the Monterey County Code relating to Medium Density Residential Zoning Districts, Uses Allowed is added to read as follows:

N. A Second Unit meeting the development standards of Section 21.64.030

SECTION 6. Subsection 21.12.040.C of the Monterey County Code relating to Medium Density Residential Zoning Districts, Uses Allowed, Administrative Permit Required is deleted as follows:

~~C. Senior citizen units meeting the development standards of Section 21.64.010~~

SECTION 7. Subsection 21.14.030.Q of the Monterey County Code relating to Low Density Residential Zoning Districts, Uses Allowed is added to read as follows:

Q. A Second Unit meeting the development standards of Section 21.64.030

SECTION 8. Subsections 21.14.040.A and 21.14.040.C of the Monterey County Code relating to Low Density Residential Zoning Districts, Uses Allowed, Administrative Permit Required are deleted as follows:

~~A. Senior citizen units meeting the development standards of Section 21.64.010~~

~~C. Caretaker unit meeting the development standards of Chapter 21.64.030~~

SECTION 9. Subsection 21.16.030.S of the Monterey County Code relating to Rural Density Residential Zoning Districts, Uses Allowed is added to read as follows:

S. A Second Unit meeting the development standards of Section 21.64.030

SECTION 10. Subsections 21.16.040.A and 21.16.040.C of the Monterey County Code relating to Rural Density Residential Zoning Districts, Uses Allowed, Administrative Permit Required are deleted as follows:

~~A. Senior citizen units meeting the development standards of Section 21.64.010~~

~~C. Caretaker unit meeting the development standards of Chapter 21.64.030~~

SECTION 11. Subsection 21.30.040.A of the Monterey County Code relating to Farmlands Zoning Districts, Uses Allowed, Administrative Permit Required is deleted as follows:

~~A. Senior citizen units meeting the development standards of Section 21.64.010~~

SECTION 12. Subsection 21.32.040.B of the Monterey County Code relating to Rural Grazing Zoning Districts, Uses Allowed, Administrative Permit Required is deleted as follows:

~~B. Senior citizen units meeting the development standards of Section 21.64.010~~

SECTION 13. Subsection 21.34.040.A of the Monterey County code relating to Permanent Grazing Zoning Districts, Uses Allowed, Administrative Permit Required is deleted as follows:

~~A. Senior citizen units meeting the development standards of Section 21.64.010~~

SECTION 14. Subsections 21.36.040.A and 21.36.040.B of the Monterey County Code relating to Resource Conservation Zoning Districts, Uses Allowed, Administrative Permit Required are deleted as follows:

~~A. Senior citizen units meeting the development standards of Section 21.64.010~~

~~B. Caretaker unit meeting the development standards of Chapter 21.64.030~~

SECTION 15. Subsection 21.58.040 of the Monterey County Code relating to Parking Spaces Required, Residential is amended to read as follows:

Residential	
<u>Second Unit</u>	<u>1 space/unit</u>

SECTION 16. Section 21.64.010 of the Monterey County Code relating to Special Regulations, Regulations for Senior Citizens is deleted as follows:

~~**21.64.010 REGULATIONS FOR SENIOR CITIZEN UNITS.**~~

~~A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which certain ancillary housing units may be developed on residential lots where multiple residential units may not otherwise have been permitted.~~

~~B. Applicability: The provisions of this Section are applicable in all zoning districts which allow single family residences.~~

~~C. Regulations: A senior citizen unit shall be allowed on any lot or parcel in any zoning district (unless combined with a "B 8" district) that allows single family dwellings, subject to an Administrative Permit in each case, and subject to the following regulations:~~

~~1. An attached senior citizen unit shall not exceed 700 square feet. A detached senior citizen unit shall not exceed 850 square feet.~~

~~2. The senior citizen unit shall not be occupied by more than two persons, one of whom shall be sixty years of age or handicapped.~~

- ~~3. Not more than one senior citizen unit shall be permitted on any lot or parcel.~~
- ~~4. The senior citizen unit shall conform with all of the zoning and development standards (lot coverage, height, setbacks, design, etc.) of the zoning district which governs the lot. A senior citizen unit attached to the principal residence shall be subject to the height, setback and coverage regulations of the principal residence. A senior citizen unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height, and setbacks.~~
- ~~5. The senior citizen 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.~~
- ~~6. One usable and accessible parking space shall be provided in addition to the parking required for the other uses on-site. Any garage or carport constructed in connection with the senior citizen unit is not considered part of the area of the unit, but is considered in the overall lot coverage.~~
- ~~7. In areas not served by public sewer systems, senior citizen units shall not be permitted on lots of less than two acres.~~
- ~~8. Senior citizen units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.~~
- ~~9. Senior citizen units are not permitted on any lot less than 10 acres where a guesthouse or a caretaker unit already exists. Such existing units may be converted to a senior citizen unit, subject to an Administrative Permit.~~
- ~~10. Subsequent subdivisions which divide the main residence from a senior citizen unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.~~
- ~~11. Prior to the issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the senior citizen unit.~~

~~D. In order to grant the Administrative Permit, the Appropriate Authority shall make the following findings:~~

- ~~1. That the establishment of the senior citizen 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; and~~
- ~~2. That the proposed senior citizen unit complies with all applicable requirements of Section 21.64.010(C) of this Title.~~
- ~~3. That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.~~

~~4. That the proposed senior citizen unit will not adversely impact traffic conditions in the area.~~

~~5. That the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any, have been paid.~~

~~E. 1. Any senior citizen unit which does not comply with the provisions of this section shall require a Use Permit. If the modifications to this section are for size, height, or setbacks a Variance shall also be required. The Zoning Administrator is the appropriate authority to consider said permit.~~

~~2. Conversion of an existing structure, or portion of a structure, to a senior citizen unit when that structure exceeds the allowable height for a habitable accessory structure does not require a Variance for an addition to height, provided no additional height is proposed for that structure.~~

SECTION 17. Section 21.64.030 of the Monterey County Code relating to Special Regulations, Regulations for Caretaker Units is deleted and replaced to read as follows:

~~21.64.030 REGULATIONS FOR CARETAKER UNITS.~~

~~A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which a dwelling unit accessory to the main residence on a lot may be established for the purpose of providing continuous on-site care for persons and property.~~

~~B. Applicability: The provisions of this Section are applicable in all zoning districts which allow single family residences.~~

~~C. Regulations: Caretaker units may be allowed subject to an Administrative Permit in designated districts and subject in all cases to the following regulations:~~

~~1. Only one caretaker unit per lot of shall be allowed.~~

~~2. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership.~~

~~3. The minimum lot size for establishment of a caretaker unit in areas not served by public sewers shall be two acres.~~

~~4. Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located.~~

~~5. The maximum floor area for a caretaker unit is 1,000 square feet on lots of ten acres or less and 1,200 square feet on lots greater than ten acres.~~

~~6. A minimum of one covered off street parking space shall be provided for the caretaker unit.~~

~~7. The caretaker unit shall not be separately rented let, or leased to other than the caretaker whether compensation be direct or indirect.~~

~~8. Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.~~

~~9. Caretaker units are not permitted on any lot less than ten acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to an Administrative Permit.~~

~~10. The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to other than the caretaker.~~

~~D. In order to grant the Administrative Permit the Appropriate Authority shall make the following findings.~~

~~1. That the establishment of the caretaker 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; and~~

~~2. That the proposed caretaker unit complies with all of the applicable requirements of Section 21.64.030(C) of this Title.~~

~~3. That the subject property upon which the caretaker 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 approved by the Director of Environmental Health.~~

~~E. Any caretaker unit proposal which does not comply with the provisions of this Section shall require a Use Permit. If the modification to the provisions of this Section are for other than the height of the caretaker unit, a Variance shall also be required. The Zoning Administrator shall be the Appropriate Authority to consider said permits.~~

#### **21.64.030 REGULATIONS FOR SECOND UNITS.**

A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which a dwelling unit accessory to the main residence on a lot may be established.

B. Applicability: The provisions of this Section are applicable in all residentially zoned districts.

C. Regulations: Second units may be allowed in designated districts subject in all cases to the following regulations:

1. Only one second unit per lot shall be allowed.
2. The minimum lot size for establishment of a second unit in areas not served by public sewers shall be two acres, except in the Carmel Valley Master Plan area. The minimum lot size for establishment of a second unit in the Carmel Valley Master Plan area shall be five acres and shall only be allowed on lots created prior to October 26, 2010.
3. Second units shall not be subject to density requirements of the zoning district in which the lot is located.
4. The maximum floor area for a second unit is 1,200 square feet.
5. Second units shall not be allowed in the North County Planning Area outside of the Castroville Community Plan area, the Toro Planning Area, or in any zoning district combined with a B-8 zoning overlay.
6. Units permitted as a senior unit or a Caretaker Unit prior to adoption of the Second Unit provisions shall be considered second units for the purposes of this section.
7. Second units shall conform to all of the zoning and development standards (lot coverage, height, setbacks, design, etc.) of the zoning district which governs the lot. A second unit attached to the principal residence shall be subject to the height, setback and coverage regulations of the principal residence. A second unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height, and setbacks.
8. Second units 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.
9. Second 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.

E. Any second unit proposal which does not comply with the provisions of this Section shall require a Use Permit. If the request for a Second Unit request deviations from this Section for other than the setbacks or height of the caretaker unit, a Variance shall also be required. The Zoning Administrator is the appropriate authority to consider said permit.

SECTION 18. Subsection 21.64.180.E of the Monterey County Code relating to Special Regulations, Density of Development is amended to read as follows:



E. For the purpose of calculating on-site density for zoning purposes, ~~caretakers quarters,~~ guesthouses, ~~senior citizen~~ second units, farm employee housing, farm employee housing facilities, farm employee quarters and employee housing accessory to an allowed use, shall not be included.

SECTION 19. 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 20. EFFECTIVE DATE. This Ordinance shall become effective on the 30th day after its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of May, by the following vote, to-wit:

AYES: Supervisors

NOES:

ABSENT:

\_\_\_\_\_  
JANE PARKER, CHAIR  
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Leroy W. Blankenship  
Assistant County Counsel

# Exhibit D

## Farm or Agricultural Employee Housing Facilities

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 21 (INLAND ZONING) RELATING TO THE DEVELOPMENT AND STANDARDS FOR AGRICULTURAL EMPLOYEE HOUSING IN ACCORDANCE WITH THE CALIFORNIA EMPLOYEE HOUSING ACT, SECTION 17000, ET SEQ., OF THE CALIFORNIA HEALTH AND SAFETY CODE.

### County Counsel Summary

*This ordinance amends Chapters 21.06 to modify and amend definitions relative to farm/agricultural employee housing; amends Chapters 21.14 Low Density Residential (LDR), 21.16 Rural Density Residential (RDR), 21.30 Farmlands (F), 21.32 Rural Grazing (RG), 21.34 Permanent Grazing (PG), 21.36 Resources Conservation (RC), 21.58 (Regulations for Parking), and 21.66 (Development Standards, Section 21.66.060, Standards for Farm Employee Housing) of Title 21 (Zoning) of the Monterey County Code.*

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

SECTION 1. Section 21.06.460 of the Monterey County Code relating to Definitions is deleted as follows:

~~21.06.460 FARM EMPLOYEE FAMILY HOUSING.~~

~~Farm employee family housing means any place, area, or piece of land under one ownership where more than three farm employee families including the owner or operator of the farm are provided living quarters or housing accommodations.~~

SECTION 2. Section 21.06.470 of the Monterey County Code relating to Definitions is modified to read as follows:

21.06.470 FARM or AGRICULTURAL EMPLOYEE HOUSING FACILITY. ~~Farm or agricultural employee housing facility means any living quarters or accommodations of any type, including mobile homes, which meet the requirements of the Uniform Building Code and Uniform Housing Code, building(s) used for human habitation, and buildings accessory thereto, complying with the building standards in the State Building Standards Code or an adopted local ordinance, where accommodations are provided by any person for employees individuals or families employed principally in farming or other agricultural activities on the land and contiguous land occupied by the farm employee housing facility. The farm or agricultural employee housing facility is not required to be located on the same property where the farm or agricultural employee is employed.~~

SECTION 3. Section 21.06.480 of the Monterey County Code relating to Definitions is deleted as follows:

~~21.06.480 — FARM WORKER HOUSING FACILITY.~~

~~Farm worker housing facility means any living quarters or accommodations of any type, including mobile homes, which meet the requirements of the Uniform Building Code and Uniform Housing Code, provided by any person for individuals or families employed principally in farming or other agricultural activities off the property on which the farm worker housing facility is to be located.~~

SECTION 4. Subsection 21.14.040.D of the Monterey County Code relating to Low Density Residential Zoning Districts, Uses Allowed, Administrative Permit Required is deleted as follows:

~~D. — Farm employee housing facility for not more than two families or more than five single persons;~~

SECTION 5. Subsections 21.14.050.M and 21.14.050.N of the Monterey County Code relating to Low Density Residential Zoning Districts, Uses Allowed, Use Permit Required are deleted as follows:

~~M. — Farm worker family housing facility;~~

~~N. — Farm employee housing facility for more than two families or no more than five single persons.~~

SECTION 6. Subsection 21.16.040.D of the Monterey County Code relating to Rural Density Residential Zoning Districts, Uses Allowed, Administrative Permit Required is deleted as follows:

~~D. — Farm employee housing facility for not more than two families or five single persons.~~

SECTION 7. Subsections 21.16.050.O and 21.16.050.P of the Monterey County Code relating Rural Density Residential Zoning Districts, Uses Allowed, Use Permit Required are deleted as follows:

~~O. — Farm worker family housing facility;~~

~~P. — Farm employee housing facility for more than two families or five or more single persons;~~

SECTION 8. Subsection 21.30.030.Q of the Monterey County Code relating to Farmlands Zoning Districts Uses Allowed is added to read as follows:

Q. Farm or agricultural employee housing facility for not more than 12 dwelling units or 36 beds in a group quarters;

SECTION 9. Subsection 21.30.040.E of the Monterey County Code relating to Farmlands Zoning Districts, Uses Allowed, Administrative Permit Required is deleted as follows:

~~E. Farm employee housing facility for not more than five families or twelve single persons;~~

SECTION 10. Subsection 21.30.050.Z of the Monterey County Code relating to Farmlands Zoning Districts, Use Permit Required is deleted as follows:

~~Z. Farm worker housing facility;~~

SECTION 11. Subsection 21.30.050.AA of the Monterey County Code relating to Farmlands Zoning Districts, Use Permit Required is amended to read as follows:

AA. Farm or agricultural employee housing facility for more than five families or more than twelve single persons 13 or more dwelling units or 37 or more beds in a group quarters;

SECTION 12. Subsection 21.32.030.Q of the Monterey County Code relating to Rural Grazing Zoning Districts, Uses Allowed is added to read as follows:

Q. Farm or agricultural employee housing facility for not more than 12 dwelling units or 36 beds in a group quarters;

SECTION 13. Subsection 21.32.040.E of the Monterey County Code relating to Rural Grazing Zoning Districts, Uses Allowed, Administrative Permit Required is deleted as follows:

~~E. Farm employee housing facility for not more than five families or twelve single persons;~~

SECTION 14. Subsection 21.32.050.BB of the Monterey County Code relating to Rural Grazing Zoning Districts, Uses Allowed, Use Permit Required are deleted as follows:

~~BB. Farm worker housing facility;~~

SECTION 15. Subsection 21.32.050.CC of the Monterey County Code relating to Rural Grazing Zoning Districts, Uses Allowed, Use Permit Required is amended to read as follows:

CC. Farm or agricultural employee housing facility for more than five families or more than twelve single persons 13 or more dwelling units or 37 or more beds in a group quarters;

SECTION 16. Subsection 21.34.030. of the Monterey County Code relating to Permanent Grazing Zoning Districts, Uses Allowed is amended to read a follows:

P. Farm or agricultural employee housing facility for not more than 12 dwelling units or 36 beds in a group quarters;

SECTION 17. Subsection 21.34.050.AA of the Monterey County Code relating to Permanent Grazing Zoning Districts, Uses Allowed, Use Permit Required is amended to read as follows:

AA. ~~Farm employee housing facility for more than five families or more than twelve single persons~~ 13 or more dwelling units or 37 or more beds in a group quarters;

SECTION 18. Subsection 21.34.040.C of the Monterey County Code relating to Permanent Grazing Zoning Districts, Uses Allowed, Administrative Permit Required is deleted to read as follows:

C. ~~Farm employee housing facility for not more than five families or twelve single persons;~~

SECTION 19. Subsection of 21.34.050 Z of the Monterey County Code relating to Permanent Grazing Zoning Districts, Uses Allowed, Use Permit Required is deleted as follows:

Z. ~~Farm worker housing facility;~~

SECTION 20. Subsection of 21.34.050.AA of the Monterey County Code relating to Permanent Grazing Zoning Districts, Uses Allowed, Use Permit Required is amended to read as follows:

AA. ~~Farm or agricultural employee housing facility for more than five families or more than twelve single persons~~ 13 or more dwelling units or 37 or more beds in a group quarters;

SECTION 21. Subsection 21.36.040.D of the Monterey County Code relating to Resource Conservation Zoning Districts, Uses Allowed, Administrative Permit Required is deleted to read as follows:

D. ~~Farm employee housing facility for not more than five families or twelve single persons;~~

SECTION 22. Subsection 21.36.050. AA of the Monterey County Code relating to Resource Conservation Zoning Districts, Uses Allowed, Use Permit Required is deleted as follows:

AA. ~~Farm worker family housing facility;~~

SECTION 23. Subsection 21.36.050. BB of the Monterey County Code relating to Resource Conservation Zoning Districts, Uses Allowed, Use Permit Required is deleted as follows:

BB. ~~Farm employee housing facility for more than five families or more than twelve single persons~~

SECTION 24. Section 21.58.040 of the Monterey County Code relating to Parking Spaces Required, *Farm Labor Housing* is amended to read as follows:

Farm Labor Housing or Agricultural Employee Housing Facility  
1 space/bedroom dwelling unit or 1 space/4 beds

SECTION 25. Section 21.66.060 of the Monterey County Code relating to Standards for Farm Employee and Farm Worker Housing is amended to read as follows:

21.66.060 – STANDARDS FOR FARM OR AGRICULTURAL EMPLOYEE HOUSING FACILITY AND FARM WORKER HOUSING

A. Purpose: The purpose of this Section is to provide the minimum standards for the application and development of farm or agricultural employee and ~~farm worker~~ housing facilities.

B. Applicability: The regulations of this Section are applicable in those zoning districts which allow farm or agricultural employee housing or ~~farm worker~~ housing.

C. Regulations:

1. Development of farm or agricultural employee housing facilities and farm worker housing and renewal of permits for existing farm labor housing are subject to the required permits, based on the size of the facility and the zoning district of the subject property. In the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts, farm or agricultural employee housing facilities for not more than 12 dwelling units or 36 beds in a group quarters is an allowed use; shall require a Use Permit or an Administrative Permit. The application shall include, at a minimum, the following elements:

2. In the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts, farm or agricultural employee housing facilities for 13 dwelling units or 37 or more beds in a group quarters shall require a Use Permit.

3. Prior to the issuance of any permits, the operator of the farm or agricultural employee housing facility shall submit a facility plan to the Planning Director consisting of the following information:

a. Entity responsible for housing maintenance and up-keep;

b. Description of whether the housing will be used on a permanent, temporary, and/or seasonal basis;

~~BB. Farm employee housing facility for more than five families or more than twelve single persons~~

SECTION 24. Section 21.58.040 of the Monterey County Code relating to Parking Spaces Required, *Farm Labor Housing* is amended to read as follows:

~~Farm Labor Housing or Agricultural Employee Housing Facility~~  
~~1 space/bedroom dwelling unit or 1 space/4 beds~~

SECTION 25. Section 21.66.060 of the Monterey County Code relating to Standards for Farm Employee and Farm Worker Housing is amended to read as follows:

21.66.060 – STANDARDS FOR FARM OR AGRICULTURAL EMPLOYEE HOUSING FACILITY AND FARM WORKER HOUSING

A. Purpose: The purpose of this Section is to provide the minimum standards for the application and development of farm or agricultural employee and ~~farm worker~~ housing facilities.

B. Applicability: The regulations of this Section are applicable in those zoning districts which allow farm or agricultural employee housing ~~or farm worker housing~~.

C. Regulations:

1. Development of farm or agricultural employee housing facilities and farm worker housing and renewal of permits for existing farm labor housing are subject to the required permits, based on the size of the facility and the zoning district of the subject property. In the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts, farm or agricultural employee housing facilities for not more than 12 dwelling units or 36 beds in a group quarters is an allowed use; shall require a Use Permit or an Administrative Permit. The application shall include, at a minimum, the following elements:

2. In the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts, farm or agricultural employee housing facilities for 13 dwelling units or 37 or more beds in a group quarters shall require a Use Permit.

3. Prior to the issuance of any permits, the operator of the farm or agricultural employee housing facility shall submit a facility plan to the Planning Director consisting of the following information:

a. Entity responsible for housing maintenance and up-keep;

b. Description of whether the housing will be used on a permanent, temporary, and/or seasonal basis;

- c. Total number of people to be housed on-site at any one time;
- d. Description of the housing, including whether the structures will be permanent and/or temporary, intended as units for families, one person, or several persons, and cost of the units and utilities to the laborers;
- e. Location of where the employees will work;
- f. Assessment of how much water will be used by the proposed development and description of how water is proposed to be supplied to the housing, including water source location and type, water quality, water quantity, and storage; and,
- g. Description of the sewage disposal method, such as septic systems, to be used to service the housing.

4. ~~Farm or agricultural employee and farm worker housing facilities shall meet the following criteria, which shall be made conditions of project approval where appropriate~~ not be approved or issued any permits unless the following criteria is satisfied:

- a. There must be adequate water and sewer available to service the development, as determined by the Director of Environmental Health.
- b. The housing must be located off prime and productive agricultural land, or on the parcel where no other alternatives exist on site, on the least viable portion of the parcel.
- c. The development shall incorporate proper erosion and drainage controls.
- d. Enclosed storage facilities shall be provided for each housing or dwelling unit.
- e. Laundry facilities, including washers and dryers, shall be provided on-site.
- f. The site design of the facilities shall be subject to the approval of the Director of Planning and Building Inspection.
- g. The development of three or more dwelling units shall require inclusion of recreation facilities and open space, proportional to the amount and type of facilities to be provided. ~~Inclusion of family units in~~ The facilities shall require children's play equipment. Adult housing shall require the inclusion of appropriate recreational areas, such as for baseball, basketball, soccer or horseshoe pitching.
- h. The development shall be landscaped pursuant to a landscaping plan approved by the Director of Planning and Building Inspection prior to issuance of building permits for the facility.



i. All recreational areas and landscaping shall be installed prior to occupancy of the facilities. Landscaped areas shall be maintained.

D. ~~When applicable, all permits for farm or agricultural employee or farm worker housing facilities shall be conditioned to expire at a time to be specified by the decision making body appropriate authority at the time of permit approval. Renewal of the permit shall require on-site inspections by the Planning and Building Inspection Department and Health Department, prior to public hearing, to assess compliance with the previous conditions of project approval.~~

E. ~~All renewals of permits for existing farm employee or farm worker housing shall be subject to the criteria of this section. New conditions of project approval shall be applied in order to assure compliance with the criteria where feasible.~~

SECTION 26. 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 27. EFFECTIVE DATE. This Ordinance shall become effective on the 30th day after its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of May, by the following vote, to-wit:

AYES: Supervisors  
NOES:  
ABSENT:

\_\_\_\_\_  
JANE PARKER, CHAIR  
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI  
Clerk of the Board

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Leroy W. Blankenship  
Assistant County Counsel

By: \_\_\_\_\_  
Deputy

# Exhibit E

## Residential Care Facilities, Transitional and Supportive Housing and Definition of Family

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 21.06 TO AMEND AND ADD DEFINITIONS, AMENDING CHAPTERS 21.10, 21.12, 21.14, 21.16, 21.30, 21.32, 21.34, 21.36 AND 21.58 TO ALLOW THE USE OF RESIDENTIAL CARE FACILITIES, SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING IN CERTAIN ZONING DISTRICTS OF TITLE 21 (INLAND ZONING) OF THE MONTEREY COUNTY CODE.

### County Counsel Summary

*This ordinance amends Chapter 21.06 to modify the definition of Family, adds definitions of Single Housekeeping Unit, Residential Care Facilities, Supportive Housing, Target Population and Transitional Housing; and amends Chapters 21.10 (HDR), 21.12 (MDR), 21.14 (LDR), 21.16 (RDR), 21.30 (F), 21.32 (RG), 21.34 (PG), 21.36 (RC) and 21.58 (Regulations for Parking) to allow the use of Residential Care Facilities, Supportive Housing and Transitional Housing in certain zoning districts of Title 21 (Zoning) of the Monterey County Code.*

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

SECTION 1. Section 21.06.450 of the Monterey County Code relating to Definitions is amended to read as follows:

#### 21.06.450 FAMILY

Family means one or more persons related or unrelated occupying a dwelling unit or other premises and living as a single not for profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. Family includes necessary servants living together as a single housekeeping unit in a dwelling unit.

SECTION 2. Section 21.06.1112 of the Monterey County Code relating to Definitions is added to read as follows:

#### 21.06.1112 SINGLE HOUSEKEEPING UNIT

One person or two or more individuals living together sharing household responsibilities and activities which may include, sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

SECTION 3. Section 21.06.932 of the Monterey County Code relating to Definitions is added to read as follows:

21.06.932 RESIDENTIAL CARE FACILITIES

A living facility licensed by the State of California which provides varying levels and intensities of medical or non-medical care, supervision, services or assistance for people with disabilities, elders, or children.

SECTION 4. Section 21.06.1276 of the Monterey County Code relating to Definitions is added to read as follows:

21.06.1276 SUPPORTIVE HOUSING

Supportive Housing is housing with no limit on length of stay, that is occupied by the target population (see definition for TARGET POPULATION), and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (California Health & Safety Code Section 50675.14)

SECTION 5. Section 21.06.1279 of the Monterey County Code relating to Definitions is added to read as follows:

21.06.1279 TARGET POPULATION

Target population means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (California Health & Safety Code Section 50675.14)

SECTION 6. Section 21.06.1312 of the Monterey County Code relating to Definitions is added to read as follows:

21.06.1312 TRANSITIONAL HOUSING

Transitional Housing are rental housing, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (California Health & Safety Code Section 50675.2)

SECTION 7. Subsection 21.10.030 H of the Monterey County Code relating to High Density Residential, Uses Allowed is amended to read as follows:

H. Residential Care Facilities serving 6 or fewer residents (excluding operators). Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding.

SECTION 8. Subsection 21.10.030 N of the Monterey County Code relating to High Density Residential, Uses Allowed is added to read as follows:

N. Supportive or Transitional Housing serving 6 or fewer residents (excluding operators).

SECTION 9. Subsection 21.10.050 W of the Monterey County Code relating to High Density Residential, Uses Allowed, Use Permit Required is added to read as follows:

W. Residential Care Facilities serving 7 or more residents (ZA).

SECTION 10. Subsection 21.10.050 X of the Monterey County Code related to High Density Residential, Uses Allowed, Use Permit Required is added to read as follows:

X. Supportive or Transitional Housing serving 7 or more residents (ZA).

SECTION 11. Subsection 21.12.030 F of the Monterey County Code relating to Medium Density Residential, Uses Allowed is amended to read as follows:

F. Residential Care Facilities serving 6 or fewer residents (excluding operators). Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding.

SECTION 12. Subsection 21.12.030 N of the Monterey County Code relating to Medium Density Residential, Uses Allowed is added to read as follows:

N. Supportive or Transitional Housing serving 6 or fewer residents (excluding operators).

SECTION 13. Subsection 21.12.050 V of the Monterey County Code relating to Medium Density Residential, Uses Allowed, Use Permit Required is added to read as follows:

V. Residential Care Facilities serving 7 or more residents (ZA).

SECTION 14. Subsection 21.12.050 W of the Monterey County Code relating to Medium Density Residential, Uses Allowed, Use Permit Required is added to read as follows:

W. Supportive or Transitional Housing serving 7 or more residents (ZA).

SECTION 15. Subsection 21.14.030 I of the Monterey County Code relating to Low Density Residential, Uses Allowed is amended to read as follows:

I. Residential Care Facilities serving 6 or fewer residents (excluding operators). Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding.

SECTION 16. Subsection 21.14.030 Q of the Monterey County Code relating to Low Density Residential, Uses Allowed is added to read as follows:

Q. Supportive or Transitional Housing serving 6 or fewer residents (excluding operators).

SECTION 17. Subsection 21.14.050 BB of the Monterey County Code relating to Low Density Residential, Uses Allowed, Use Permit Required is added to read as follows:

BB. Residential Care Facilities serving 7 or more residents (ZA).

SECTION 18. Subsection 21.14.050 CC of the Monterey County Code relating to Low Density Residential, Uses Allowed, Use Permit Required is added to read as follows:

CC. Supportive or Transitional Housing serving 7 or more residents (ZA).

SECTION 19. Subsection 21.16.030 I of the Monterey County Code relating to Rural Density Residential, Uses Allowed is amended to read as follows:

I. Residential Care Facilities serving 6 or fewer residents (excluding operators). Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding.

SECTION 20. Subsection 21.16.030 S of the Monterey County Code relating to Rural Density Residential, Uses Allowed is added to read as follows:

S. Supportive or Transitional Housing serving 6 or fewer residents (excluding operators).

SECTION 21. Subsection 21.16.050 OO of the Monterey County Code relating to Rural Density Residential, Uses Allowed, Use Permit Required is added to read as follows:

OO. Residential Care Facilities serving 7 or more residents (ZA).

SECTION 22. Subsection 21.16.050 PP of the Monterey County Code relating to Rural Density Residential, Uses Allowed, Use Permit Required is added to read as follows:

PP. Supportive or Transitional Housing serving 7 or more residents (ZA).

SECTION 23. Subsection 21.30.030 H of the Monterey County Code relating to Farmlands, Uses Allowed is deleted as follows:

~~H. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding.~~

SECTION 24. Subsection 21.32.0030 G of the Monterey County Code relating to Rural Grazing, Uses Allowed is deleted as follows:

~~G. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding.~~

SECTION 25. Subsection 21.34.030 G of the Monterey County Code relating to Permanent Grazing, Uses Allowed is deleted as follows:

~~G. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding.~~

SECTION 26. Subsection 21.36.030 I of the Monterey County Code relating to Resource Conservation, Uses Allowed is amended to read as follows:

I. Residential Care Facilities serving 6 or fewer residents (excluding operators). ~~Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding.~~

SECTION 27. Subsection 21.36.030 S of the Monterey County Code relating Resource Conservation, Uses Allowed is added to read as follows:

S. Supportive or Transitional Housing serving 6 or fewer residents (excluding operators).

SECTION 28. Subsection 21.36.050 HH of the Monterey County Code relating to Resource Conservation, Uses Allowed, Use Permit Required is added to read as follows:

HH. Residential Care Facilities serving 7 or more residents (ZA).

SECTION 29. Subsection 21.36.050 II of the Monterey County Code relating to Resource Conservation, Uses Allowed, Use Permit Required is added to read as follows:

II. Supportive or Transitional Housing serving 7 or more residents (ZA).

SECTION 30. Subsection 21.39.030 E of the Monterey County Code relating to Community Plan Zoning Districts, Uses Allowed is added to read as follows:

E. Residential Care Facilities serving 6 or fewer residents (excluding operators) may be considered within the Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential and Mixed Use Zoning Designations.

SECTION 31. Subsection 21.39.030 F of the Monterey County Code relating to Community Plan Zoning Districts, Uses Allowed is added read as follows:

F. Supportive or Transitional Housing serving 6 or fewer residents (excluding operators) may be considered within the Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential and Mixed Use Zoning Designations.

SECTION 32. Subsection 21.39.030 G of the Monterey County Code relating to Community Plan Zoning Districts, Uses Allowed is added to read as follows:

G. Residential Care Facilities serving 7 or more residents may be considered within the Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential and Mixed Use Zoning Designations subject to the approval of a Use Permit (ZA).

SECTION 33. Subsection 21.39.030 H of the Monterey County Code relating to Community Plan Zoning Districts, Uses Allowed is added to read as follows:

H. Supportive or Transitional Housing serving 7 or more residents may be considered within the Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential and Mixed Use Zoning Designations subject to the approval of a Use Permit (ZA).

SECTION 34. Subsection 21.58.040 of the Monterey County Code related Parking Spaces Required, Residential the following is amended to read as follows:

Residential (this includes Residential Care Facilities, Transitional or Supportive Housing serving 6 or less residents dependant upon the type of housing)

SECTION 35. Subsection 21.58.040 of the Monterey County Code relating to Parking Spaces Required, the following is added, below Residential and above Restaurant, to read as follows:

Residential Care Facilities, 7 or more residents:

1 space/employee; plus 1 space/7 resident

SECTION 36. Subsection 21.58.040 of the Monterey County Code relating to Parking Spaces Required, the following is added, below Stadium, Sports Area and above Swimming Pool, to read as follows:

Supportive Housing serving 7 or more residents:

1 space/employee; plus 1 space/7 resident

SECTION 37. Subsection 21.58.040 of the Monterey County Code relating to Parking Spaces Required, the following is added, below Theater and above Warehouse, to read as follows:

Transitional Housing serving 7 or more residents:

1 space/employee; plus 1 space/7 resident

SECTION 38. 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 39. EFFECTIVE DATE. This Ordinance shall become effective on the 30<sup>th</sup> day after its adoption.

PASSED AND ADOPTED on this \_\_\_\_\_ day of May, by the following vote, to-wit:

AYES: Supervisors  
NOES:  
ABSENT:

\_\_\_\_\_  
JANE PARKER, CHAIR  
Monterey County Board of Supervisors

ATTEST:

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Leroy W. Blankenship  
Assistant County Counsel



# Exhibit F

## Emergency Shelters

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING SECTION 21.06.427, AMENDING SECTIONS 21.10, 21.39, 21.58 AND ADDING SECTION 21.64.320 TO THE MONTEREY COUNTY CODE TO ALLOW EMERGENCY SHELTERS IN CERTAIN ZONES WITHIN THE COUNTY OF MONTEREY.**

### County Counsel Summary

*This ordinance amends Chapter 21.06 of Title 21 (Inland Zoning) of the Monterey County Code to add a definition for Emergency Shelter, modifies Section 21.10.030 to allow Emergency Shelters in the High Density Residential Zoning District, modifies Section 21.39.030 to allow Emergency Shelters in the Community Plan Zoning District, modifies Section 21.58.050 to develop parking requirements for Emergency Shelters and adds Section 21.64.320 to establish performance criteria for the establishment of emergency shelters within the MU – Mixed Use and HDR High Density Residential Zoning Districts to Title 21 (Zoning) of the Monterey County Code*

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

SECTION 1. Subsection 21.06.427 is added to the Monterey County Code as follows:

#### 21.06.427 EMERGENCY SHELTER

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

SECTION 2. Subsection 21.10.030.N of the Monterey County Code relating to High Density Residential, Uses Allowed is added to read as follows:

#### N. Emergency Shelters, pursuant to Section 21.64.320

SECTION 3. Subsection 21.39.030.D of the Monterey County Code relating to High Density Residential, Uses Allowed is added to read as follows:

D. Emergency Shelters, pursuant to Section 21.64.320 may be considered within the High Density Residential and the Mixed Use Land Use Designations as Uses Allowed.

SECTION 4. Section 21.64.320 of the Monterey County Code relating to Special Regulations is added to read as follows:

**Section 21.64.320**  
**REGULATIONS FOR EMERGENCY SHELTERS**

**Sections:**

**21.64.320 A. Purpose.**

**21.64.230 B. Applicability.**

**21.64.320 C. Regulations.**

**A. PURPOSE:** The purpose of this Section is to provide regulations for the siting and operation of Emergency Shelters in the unincorporated areas of Monterey County.

**B. APPLICABILITY.** The provisions of this section are applicable in the Mixed Use, High Density Residential and Community Plan Zoning Districts.

**C. REGULATIONS.** An Emergency Shelter may be conducted in the Mixed Use (MU) or High Density Residential zoning district subject to the following standards:

1. **Location:** Emergency Shelters are only permitted in Community Areas where a Community Plan has been adopted.

2. **Size Limits.** The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed 1 person per 125 square feet of floor area. There shall be one bed provided for each client.

3. **Management.** At a minimum one on site manager and one supporting staff member of the same sex shall be provided in each segregated sleeping area being used.

4. **Operations Plan.** The operator of the Emergency Shelter shall submit an operations plan to the Director for review and approval consisting of the following elements:

a. **Security Plan.** The security plan shall include provisions for onsite security including lighting, security cameras or other measures as deemed necessary.

b. **Neighborhood Relations Plan.** The Plan shall include regular meetings between the Emergency Shelter Operator and the surrounding neighborhood, a 24 hour contact number for questions and complaints and other provisions for addressing potential neighborhood concerns.

5. **Proximity to other emergency shelters.** No emergency shelter shall be within a 300 foot radius from another emergency shelter.

6. **Length of stay.** Individual occupancy is limited to six consecutive months or less and shall not exceed 300 days within a 12 month period.

7. **Segregated Sleeping Areas.** Segregated sleeping, lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Reasonable accommodations shall be made to provide segregated sleeping, lavatory and bathing areas for families.

8. **Onsite waiting and intake areas.** A minimum of 5 percent of the total square footage of an emergency shelter shall be designated for indoor onsite waiting and client intake areas. In addition, an outside waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

SECTION 5. Section 21.58.040 of the Monterey County Code relating to Parking Spaces Required, the following is added, below Equipment Rental and above Family Day Care Facility, to read as follows:

Emergency Shelter 1 space/employee and 1 space/each 6 beds or portion thereof

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. EFFECTIVE DATE. This Ordinance shall become effective on the 30th day after its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of May, by the following vote, to-wit:

AYES: Supervisors

NOES:

ABSENT:

\_\_\_\_\_  
JANE PARKER, CHAIR  
Monterey County Board of Supervisors

ATTEST:

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Leroy W. Blankenship  
Assistant County Counsel

# Exhibit G

## Single Room Occupancy (SRO) Units

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 21.06 TO ADD A DEFINITION, AMENDING SECTIONS 21.10, 21.39, 21.58 AND ADDING CHAPTER 21.33 OF TITLE 21 (ZONING) OF THE MONTEREY COUNTY CODE TO ALLOW SINGLE ROOM OCCUPANCY FACILITIES IN CERTAIN ZONING DISTRICTS.

### County Counsel Summary

*This ordinance amends Chapter 21.06 of Title 21 (Zoning) of the Monterey County Code to add a definition for Single Room Occupancy Facility, modifies Section 21.10.030 to conditionally allow Single Room Occupancy Facilities in the High Density Residential Zoning District, modifies Section 21.39.030 to conditionally allow Single Room Occupancy Facilities in the Community Plan Zoning District, modifies Section 21.58.050 to develop parking requirements for Single Room Occupancy Facilities and adds Chapter 21.64.32 to establish performance criteria for the establishment of Single Room Occupancy Facilities in Title 21 (Zoning) of the Monterey County Code.*

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

SECTION 1. Section 21.06.1115 of the Monterey County Code relating to Definitions is added to read as follows:

#### 21.06.1115 SINGLE ROOM OCCUPANCY (SRO) FACILITY

A "Single Room Occupancy (SRO) Facility" is a residential facility where individuals secure rooms of a smaller size than normally found in multiple dwellings that are rented to a one or two-person household. SRO Living Units are provided for a weekly or monthly period of time, in exchange for an agreed payment of a fixed amount of money or other compensation based on the period of occupancy.

SECTION 2. Subsection 21.10.050.W of the Monterey County Code relating to High Density Residential Uses Allowed, Use Permit Required is added to read as follows:

#### W. Single Room Occupancy Facilities, pursuant to Section 21.64.33 (ZA)

SECTION 3. Subsection 21.39.030.C of the Monterey County Code relating to Definitions is added to read as follows:

C. Single Room Occupancy Facilities pursuant to Section 21.64.33 may be considered within the High Density Residential and the Mixed Use Land Use Designations subject to approval of a Use Permit.ZA)

SECTION 4. Chapter 21.64.33 of the Monterey County Code relating to Special Regulations is added to read as follows:

**Chapter 21.64.33**  
**REGULATIONS FOR SINGLE ROOM OCCUPANCY FACILITIES**

**Sections:**

**21.64.33. A Purpose.**

**21.64.33. B Applicability.**

**21.64.33. C Regulations**

**A. PURPOSE:** The purpose of this Section is to allow the development of reduced-size dwelling units, defined as Single Room Occupancy Facilities, with limited parking requirements to provide additional options for affordable housing opportunities.

**B. APPLICABILITY.** The provisions of this section are applicable in all Zoning Districts where Single Room Occupancy facilities are conditionally allowed.

**C. REGULATIONS.** A Single Room Occupancy Facility may be conditionally approved subject to the following standards:

1. **Unit Size.** Excluding the bathroom area and closet the Single Room Occupancy unit must be a minimum of one hundred fifty (150) square feet in floor area and the maximum size shall be not more than four hundred square feet. Each unit shall be designed to accommodate a maximum of two people.

2. **Private Facilities.** Each Single Room Occupancy Unit must include a closet. A SRO Unit is not required to, but may contain partial or complete kitchen and bath facilities.

a. Complete common cooking facilities/kitchens must be provided if any unit within the project does not have a kitchen. One complete cooking facility/kitchen shall be provided within the project for every twenty units or portion thereof or have one kitchen on any floor where units without kitchens are located.

b. Common bathrooms must be located on any floor with units that do not have full bathrooms. Common bathrooms shall be either single occupant use with provisions for privacy or multi-occupant use with separate provisions for men and women. Common bathrooms shall have shower or bathtub facilities at a ratio of one for every seven units or fraction thereof. Each shared shower or bathtub facility shall be provided with an interior lockable door.

3. **Common Space.** SRO facilities shall have at least ten square feet of common usable open space per unit however no SRO project shall provide less than two hundred square feet of common outdoor open space and two hundred square feet of common indoor open space. Maintenance areas, laundry facilities, storage (including bicycle storage), and common hallways shall not be included as usable indoor common space. Landscape areas that are less than eight feet wide shall not be included as outdoor common space.

4. **Management.** An SRO facility with twelve or more units shall provide twenty-four-hour on-site management, and include a dwelling unit designated for the manager. All SRO facilities must have a management plan approved by the Appropriate Authority. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures

5. **Laundry Facilities.** Laundry facilities that have a minimum of two washers and two dryers must be provided in a separate room. Additional washers and dryers must be provided for any development that has more than twenty units at the ratio of one washer and one dryer for every additional twenty units

SECTION 4. Chapter 21.58.040 of the Monterey County Code relating to Parking Spaces Required, Residential is amended to read as follows:

Residential

<u>Single Room Occupancy</u>	<u>.5 spaces/unit</u>
<u>(Within 2000 feet of Public Transit)</u>	
<u>Single Room Occupancy</u>	<u>1 space/unit</u>
<u>(Not within 2000 feet of Public Transit)</u>	

SECTION 5. 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 6. EFFECTIVE DATE. This Ordinance shall become effective on the 30th day after its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of May, by the following vote, to-wit:

AYES: Supervisors  
NOES:  
ABSENT:

\_\_\_\_\_  
JANE PARKER, CHAIR  
Monterey County Board of Supervisors

ATTEST:

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Leroy W. Blankenship  
Assistant County Counsel

DRAFT

# Exhibit H

## Reasonable Accommodation

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 21.06 OF TITLE 21 (ZONING) OF THE MONTEREY COUNTY CODE TO ADD DEFINITIONS AND ADDING CHAPTER 21.61 TO TITLE 21 (ZONING) OF THE MONTEREY COUNTY CODE TO ESTABLISH PROCEDURES FOR INDIVIDUALS WITH DISABILITIES TO REQUEST REASONABLE ACCOMMODATIONS FROM PLANNING AND LAND USE REGULATIONS IN ORDER TO OBTAIN EQUAL OPPORTUNITY TO USE AND ENJOY A RESIDENTIAL USE.

### County Counsel Summary

*This ordinance amends Chapter 21.06 of Title 21 (Zoning) of the Monterey County Code to add definitions and adds Chapter 21.61 to Title 21 (Zoning) of the Monterey County Code to establish procedures for individuals with disabilities to request Reasonable Accommodations from planning and land use regulations. Reasonable Accommodation means providing individuals with disabilities, flexibility in the application of planning and land use regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities.*

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

SECTION 1. Section 21.06.923 of the Monterey County Code relating to Definitions is added to read as follows:

#### 21.06.923 REASONABLE ACCOMMODATION

Reasonable Accommodation means providing individuals with disabilities, flexibility in the application of planning and land use regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities.

SECTION 2. Section 21.06.353 of the Monterey County Code relating to Definitions is added to read as follows:

#### 21.06.353 DISABILITY, INDIVIDUAL WITH A

21.06.353 An individual with a disability (as defined by the Fair housing laws) means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment, but not including an individual's current, illegal use of a controlled substance, unless the individual has a separate disability. "Fair housing laws" means the "Fair Housing Amendments Act of 1988" (42 U.S.C. Section 3601, et seq.), including Reasonable Accommodation required by 42 U.S.C. Section 3604(f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, et seq.), including



Reasonable Accommodation required specifically by California Government Code Sections 12927(c)(1) and 12955(l), as any of these statutory provisions now exist or may be amended from time to time.

SECTION 3. Chapter 21.61 of the Monterey County Code relating to Title 21 (Zoning Ordinance) is added to read as follows:

**Chapter 21.61  
REQUESTS FOR REASONABLE ACCOMMODATION**

**Sections:**

- 21.61.010 Purpose.**
- 21.61.020 Applicability.**
- 21.61.030 Appropriate Authority.**
- 21.61.040 Application.**
- 21.61.050 Action by Appropriate Authority.**
- 21.61.060 Revocation.**
- 21.61.070 Effect.**
- 21.61.080 Filing Fee.**

**21.61.010 PURPOSE.**

The purpose of this Chapter is to provide a procedure for individuals with disabilities to request Reasonable Accommodation in seeking fair access to housing.

**21.61.020 APPLICABILITY.**

- A. The provisions of this Chapter shall apply to all housing-types (development and use) in any zoning district.
- B. This Chapter is intended to apply to *individuals with a disability* as defined in Chapter 21.06-*Definitions*.
- C. A request for Reasonable Accommodation may include, but it is not limited to, a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice.

**21.61.030 APPROPRIATE AUTHORITY.**

The Director of Planning is the Appropriate Authority to review and decide on all applications for Reasonable Accommodation, unless said Reasonable Accommodation application is combined with another permit pursuant to Chapter 21.76 (Combined Development Permits) of this Title.

#### **21.61.040 APPLICATION.**

A. A request for Reasonable Accommodation may be made by any individual with a disability, their representative, or any entity such as a developer or provider of housing for individuals with disabilities, when the application of this Title acts as a barrier to fair housing opportunities.

B. An application for a Reasonable Accommodation shall be made in writing on a form prescribed by the Director of Planning and shall contain the following information:

1. Name, Mailing Address, Contact information of individual(s) requesting Reasonable Accommodation;
2. Name, Mailing Address, Contact Information of property owner;
3. Physical Address and Assessor's Parcel Number of the property for which the Reasonable Accommodation is requested;
4. The current actual use of the property;
5. The zoning code provision from which Reasonable Accommodation is being requested; and
6. Reason that the requested Reasonable Accommodation is necessary for the individual(s) with the disability to use and enjoy the dwelling.

C. Any information related to a disability status and identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

#### **21.61.050 ACTION BY APPROPRIATE AUTHORITY.**

A. A decision by the Appropriate Authority for a Reasonable Accommodation, not combined with another permit pursuant to Chapter 21.76 (Combined Development Permits) of this Title, shall be rendered in writing within thirty (30) days of the date of the application. If necessary to reach a determination on the request for Reasonable Accommodation, the Appropriate Authority, may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stopped until the applicant provides the information requested.

B. A decision by the Appropriate Authority for a Reasonable Accommodation combined with another permit pursuant to Chapter 21.76 (Combined Development Permits) shall have the same timeline for a decision rendered by the Appropriate Authority as that of the concurrent discretionary permit.

C. The Appropriate Authority in its consideration of a request for Reasonable Accommodation may grant in whole, or in part, deny, or modify said accommodation, based on the facts demonstrating the following findings:

1. The housing, which is the subject of the request for Reasonable Accommodation, will be used by an individual(s) with disabilities protected under fair housing laws;
2. The requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
3. The requested accommodation would not impose an undue financial or administrative burden on the County;
4. The requested accommodation would not require a fundamental alteration in the nature of the County's land use and zoning;
5. The Reasonable Accommodation would not negatively impact property;
6. There are not alternative accommodations which may provide an equivalent level of benefit.

D. An accommodation is granted to an individual and shall not run with the land unless the Appropriate Authority finds that the modification is physically integrated on the property and cannot be removed or altered.

E. In granting a request for Reasonable Accommodation, the Appropriate Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required by Section 21.61.050.C.

F. An appeal may be taken from the action of the Appropriate Authority pursuant to Chapter 21.80., except that only an aggrieved applicant (as listed in 21.61.040.A.) may appeal.

#### **21.61.060 REVOCATION.**

A. Where one or more of the conditions of a Reasonable Accommodation have not been, or are not being complied with, or when a Reasonable Accommodation was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Reasonable Accommodation following public hearing pursuant to Chapter 21.78 of this Title.

B. An appeal may be taken from such revocation or modification pursuant to Chapter 21.80.

**21.71.070 EFFECT.**

No building permit shall be issued nor any structure constructed otherwise than in accordance with the conditions and terms of the Reasonable Accommodation granted, nor until ten days after the mailing of notice of granting of such Reasonable Accommodation by the Appropriate Authority, or by the Appeal Authority in the event of an appeal.

**21.61.080. FILING FEE.**

A. There shall be no application fee for a request for Reasonable Accommodation.

B. In the event an appeal is filed by an aggrieved applicant, the fee for such appeal is subject to Chapter 21.80 (Appeals).

**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 30<sup>th</sup> day after its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of May, by the following vote, to-wit:

AYES: Supervisors

NOES:

ABSENT:

\_\_\_\_\_  
JANE PARKER, CHAIR  
Monterey County Board of Supervisors

**A T T E S T:**

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Leroy W. Blankenship  
Assistant County Counsel