

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> March 30, 2011    Time: 9:00 A.M.		<b>Agenda Item No.:</b> 2 & 3	
<b>Project Description:</b> Workshop to receive introduction to preliminary draft zoning ordinances to amend the Zoning Ordinances, Title 20 (Coastal Zoning) and Title 21 (Non-Coastal Zoning) to implement the 2009-2014 Housing Element. The proposed ordinances would amend Title 20 and Title 21 to add provisions for: 1) Density Bonuses and Incentives; 2) Second Dwelling Units; 3) Agricultural Employee Housing; 4) Residential Care Facility; 5) Emergency Shelters; 6) Transitional Housing; 7) Supportive Housing; 8) Single Room Occupancy (SRO) Facilities; 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 (Non-Coastal 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> Categorically Exempt (15306 – Information Collection)			
<b>Department:</b> RMA - Planning Department			

**RECOMMENDATION:**

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

1. Staff introduction of preliminary draft zoning ordinance amendments to Title 20 (Coastal) and Title 21 (Non-Coastal) relative to the implementation of the 2009-2014 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.

**SUMMARY:**

On March 9, 2011, the County began a workshop with the Planning Commission in the attempt to introduce preliminary draft zoning ordinances amending Title 20 (Coastal Zoning Ordinance) and Title 21 (Non-Coastal Zoning Ordinance), implementing the 2009-2014 Housing Element. At the March 9th workshop, staff made a brief presentation discussing the overall housing amendments. At that time, the staff report included exhibits containing topic-related ordinances. The Planning Commission discussed the first topic on the list: *Density Bonuses and Incentives Ordinance*. No other ordinances were discussed and the workshop was continued to March 30, 2011 to allow for adequate time for review of each ordinance.

At the March 9th Planning Commission Hearing workshop, the Commission requested clarification on the requirements of State law and where there was discretion on policy issues with respect to the preliminary draft ordinances. On the Density Bonuses and Incentives Ordinance, the Planning Commission raised concerns about the definition of "Density Bonus Unit", the requirements relative to "Senior Citizen Housing Development" and how the Density Bonuses and Incentives Ordinance regulations would work in conjunction with the current Inclusionary Housing Ordinance.

Staff has made revisions to the ordinances originally introduced at the workshop, taking into consideration the Commission's comments and the comments from the Housing Advisory Committee (HAC). **Exhibit A- Discussion** provides information on each amendment to Title 21, including clarification to the Commission's questions on the Density Bonuses and Incentives Ordinance.

Staff has also changed the format of the ordinances and consolidated the various ordinances into one comprehensive ordinance (see **Exhibit B**). This ordinance lists all of the amendments to Title 21 in numerical order, following the format of Title 21 (i.e. starting with Definitions (Chapter 21.06) followed by High Density Residential HDR Zoning District (Chapter 21.10), etc). The ordinance (**Exhibit B**) shows the changes to Title 21 in the following manner: deletions in ~~stricken~~ text; additions in underline text.

As you will note, the ordinance in **Exhibit B** is for Title 21 amendments. Ordinance to amend Title 20 will be prepared based upon the input of the Planning Commission, but it is anticipated that both Title 20 and Title 21 ordinances will be similar.

#### **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:

- A. Definition of "Family"
- B. Residential Care Facility
- C. Transitional Housing/ Supportive Housing
- D. Agricultural Employee Housing Facilities (includes "Employee Housing")
- E. Single Room Occupancy (SRO) Unit
- F. Emergency Shelters
- G. Second Dwelling Units
- H. Reasonable Accommodation
- I. Density Bonuses and Incentives

**Exhibit A** (Discussion) provides an itemized discussion of the above-listed ordinance amendments. **Exhibit C** includes the enabling State legislation for the above-listed ordinance amendments.

#### *Timeline:*

The Certified Housing Element requires that these zoning ordinance amendments 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. According to the Housing Element, these are required to be adopted no later than June 15, 2011.

In preparing the preliminary draft zoning ordinance amendments (**Exhibit B**), staff consulted with the California Coastal Commission, the Monterey County Agricultural Advisory Committee, the Monterey County Housing Advisory Committee (HAC), and with the Central

Coast Center for Independent Living (CCCIL). In addition, an Initial Study was prepared, resulting in a Negative Declaration which circulated for public review from February 18, 2011 to March 19, 2011.

*Conclusion:*

Staff is recommending the Planning Commission conduct this workshop, open the workshop for public comment and provide direction to staff relative to any changes, in content and/or formatting, to the preliminary draft zoning amendments ordinance (**Exhibit B**). Staff would then prepare a final draft ordinance for Title 20 and Title 21, for formal consideration at a public hearing before the Planning Commission on April 13, 2011.

/S/

---

Nadia Amador, Craig Spencer and Steve Mason, Planners  
(831) 755-5025  
March 22, 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; Blind and Visually Impaired Center of Monterey County; Deaf and Hard of Hearing Service Center; Interim Inc.; John XXIII AIDS Ministry; Monterey County AIDS Project (MCAP); Multiple Sclerosis Community Services (MSCS); San Andreas Regional Center for the Developmentally Disabled; Easter Seals Central California; Health Projects Center/Del Mar Caregiver Resource Center; Amy L. White, LandWatch Monterey County; Dale Ellis, Lombardo and Gilles; John H. Ford, Planning Services Manager; Nadia Amador, Project Planner; Carol Allen, Senior Secretary; Planning File REF100044 and REF100052.

---

Attachments:

Exhibit A	Discussion
Exhibit B	Preliminary Draft Zoning Ordinance (Amendments to Title 21)
Exhibit C	Applicable State Legislation

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

# Exhibit A

## Discussion

### A. Definition of Family

**Legal basis:** To comply with federal and state housing laws, the definition of “family” must be defined in a non-discriminatory manner for the purpose of **not** restricting housing access to people with disabilities or other special needs populations. The definition can not distinguish between related or unrelated persons or impose numerical limitations on the number of persons that may constitute a family.

**Approach:** The current definition of “family” in Title 21 needs to be revised in order to be consistent with federal and state housing laws. In **Exhibit B, SECTION 7** the definition of “Family” has been amended to achieve the intent of the housing laws. Staff has chosen to define “family” with respect to the functioning of the members as a cohesive household. The amended definition includes the term “single housekeeping unit”, which is an integral term in that it defines the household as a cohesive unit. “Single housekeeping unit” is separately defined in **Exhibit B, SECTION 16**.

**Alternative Approach:** An alternative approach in amending the current definition of “family” is to define single housekeeping unit within the definition of family, instead of two separate terms as shown in **Exhibit B, SECTION 7 AND SECTION 16** (explained above). With this alternative approach, the definition of “family” would be defined as follows (or very similar to the following definition):

### B. Residential Care Facility

**Legal basis:** A Residential Care Facility is a State-licensed housing facility for the purpose of providing housing to people with disabilities, the elderly and children. State law requires that a Residential Care Facility serving six or less persons (excluding caregivers/operators) are 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.

The law also states that residents and caregivers/operators of a Residential Care Facility serving 6 or less persons shall be considered a family for the purposes of any law or zoning ordinance.

**County’s interpretation of the law:** The intent of State law to treat Residential Care Facilities serving six or less persons no differently than a family living arrangement derives from the Lanterman Development Disabilities Act. The Act established the right of Californians with developmental and physical disabilities to receive treatment and live in the least restrictive environment as opposed to living in institutional facilities. Residential Care Facilities are intended to operate in a residential setting where persons

with disabilities or other special needs population can live and experience maximum independence and participate in community life while receiving services and care. The County cannot require a discretionary permit for the use of a Residential Care Facility serving six or less people, excluding the operators/caregivers. The County is limited to requiring other “non-use” related permits, required of that zoning district, if such permit requirements are triggered.

**Existing Regulation in Title 21:** The County’s Title 21 Zoning Ordinance (Non-Coastal) currently allows, by right, “*Licensed residential care homes...*” serving up to six persons, in those districts that allow for family dwellings (see table below of zoning districts that currently allow *licensed residential care homes*), but limits the use “*aged persons or hospices,*” which excludes persons with disabilities, children and other special population needs groups. There is no current definition in Title 21 for “Licensed residential care homes” nor does this use-type have specific parking standards under *Chapter 21.58 Regulations for Parking*. Larger “licensed residential care homes” serving more than 6 people are not listed as a use allowed, with or without a discretionary permit, in any zoning district of Title 21.

Existing Zoning Districts that allow “Licensed Residential Care Homes” by Right in Title 21		
Use:	Allowed by “right” in the following zoning districts in Title 21:	Regulations for Parking Chapter 21.58:
<i>Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding.</i>	High Density Residential: Section 21.10.030.H Medium Density Residential: Section 21.12.030.F Low Density Residential: Section 21.14.030.I Rural Density Residential: Section 21.16.030.I Farmlands: Section 21.30.030.H Rural Grazing: Section 21.32.030.G Permanent Grazing: Section 21.34.030.G Resource Conservation: Section 21.36.030.I	No specific parking standards for “Licensed residential care homes”

**Approach:**

Residential care facilities of six or few individuals are defined as “Small Residential Care Facilities” (See **Exhibit B, SECTION 14**) and will be permitted in all residential zones. The reference to existing *licensed residential care homes* will be deleted from all zones where it appears. This involves removing these from the Farmlands, Rural Grazing, Permanent Grazing and Resource Conservation Zones (See **Exhibit B, SECTIONS 34, 37, 40 and 43**, respectively). As “residential uses” these are not consistent with the purpose of these Zoning Districts. Provision for Large Residential Care Facilities (See definition in **Exhibit B, SECTION 13**) is being added for 7-13 residents subject to approval of a Use Permit.

**Alternative Approach:** There are a couple of discussion points here:

1. Whether to allow the larger facilities or limit them to fewer zoning districts. This is not required by law, but is merely an opportunity for somebody with a larger home the opportunity to have more than six residents.

2. Allowing Residential Care Facilities in the Farmlands, Rural Grazing, Permanent Grazing and Resource Conservation Zones.

C. Transitional Housing, Supportive Housing

**Legal basis:** State law requires that the County find transitional and supportive housing a residential use of property and which shall be subject only to those restrictions that apply to other residential dwellings of the same type of the same zone. State law did not impose a numerical limit of residents to these housing types, such as the limitations of six residents for the Residential Care Facility (see Item B above). 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.

**Existing Regulation in Title 21:** Transitional Housing or Supportive Housing is not defined currently in Title 21 and the use is not currently allowed.

**Approach:**

Minimum law requirement- To be consistent with State law, the County will be amending Title 21 in the following manner:

- 1) Define Transitional Housing and Supportive Housing, subject to the State definitions. Within the same definition, specify that these are to be considered residential use property, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. (See **Exhibit B, SECTIONS 19, 20 and 21**).

**Alternative approach:** There are not any alternatives to discuss.

D. Agricultural Employee Housing and Employee Housing

**Legal basis:** Pursuant to State law, the establishment of an agricultural employee housing facility for up to 12 dwelling units or 36 beds in a group quarters is to be treated as any other agricultural use of the property in Agricultural Land Use Designations. The Agricultural Employee Housing is not required to be located on the same property where the agricultural employee is employed.

Furthermore, State law also provides that “employee housing” providing accommodations for six or fewer employees shall be deemed a “single-family structure with a residential land use designation for the purposes of this section” (Source: State Health and Safety Code Section, 17021.5) and that no conditional use permit, zoning variance or other zoning clearance shall be required of a family dwelling of the same type in the same zone.

**Existing Regulation in Title 21:**

Farm Worker/Farm Employee Housing: The County's Title 21 Zoning Ordinance (Non-Coastal) currently allows "farm employee housing facilities" and "farm worker family housing facilities" of different specified resident numbers. Permit requirements vary depending on the occupancy limitations. These are allowed in the following Zoning Districts: Low Density Residential, Rural Density Residential, Farmlands, Rural Grazing, Permanent Grazing, and Resource Conservation. The difference between "farm employee housing facility" and "farm worker family housing facility" is that the latter facility is located off the land where the farm employee is employed, while the "farm worker family housing facility" is located on the land or contiguous to the land where the farm worker employee is employed.

Employee Housing: The County does not currently define Employee Housing. The only reference to "employee housing" as an allowed use is in the Agricultural Industrial Zoning District. This is allowed subject to an Administrative Permit.

**Approach:** The County will be amending Title 21 in the following manner:

Agricultural Employee Housing

- 1) Define *Agricultural Employee*, *Agricultural Employee Housing* and *Farmworker* (See **Exhibit B, SECTIONS 1, 2 and 8**). *Agricultural Employee* term is used in State statutes and the County would like to be consistent with the State's term and definition. Because Title 21 makes various references to "farm worker" in Title 21, *Farmworker* is being defined as well, referencing that the term has the same meaning as *Agricultural Employee*.
- 2) Deleting definitions of *Farm Employee Family Housing*, *Farm Employee Housing Facility*, *Farm Worker Housing Facility* (See **Exhibit B, SECTIONS 9, 10 and 11**). The terms will be replaced with *Agricultural Employee Housing* (see *Item 1* above). Since State law no longer makes a differentiation between on-site or off-site agricultural employee housing (i.e. the housing does not have to be located on the same land where employee works), two "housing" terms are not required.
- 3) In the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts:
  - a) Allow *Agricultural Employee Housing Facilities consisting of no more than 12 dwelling units or 36 beds by right*;
  - b) Allow *Agricultural Employee Housing Facilities consisting of 13 or more dwelling units or 37 or more a Use Permit*;
  - c) Modify Parking Regulations to provide parking regulations for Agricultural Employee Housing Facilities; and
  - d) Modify *Chapter 21.64, Special Regulations, Section 21.66.060 Standards for Farm Employee and Farm-Worker* to incorporate amendments described in this section

### Employee Housing

- 1) Define *Employee* and *Employee Housing* consistent with State definitions (See **Exhibit B, SECTIONS 5 and 6**);
- 2) Allow *Employee Housing providing accommodations for six or fewer employees by right* in residential districts.

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

**Legal basis:** State law requires that local jurisdictions address the provision of housing for extremely low income individuals or households, including Single Room Occupancy (SRO) Units. Single Room Occupancy Units or Facility is a residential facility containing rooms used for sleeping purposes, where each such room is occupied as a primary residence and lacks either a kitchen or bathroom or both, 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 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.

**Existing Regulation in Title 21:** SRO Units are currently not defined or allowed in Title 21.

#### **Approach:**

**Background:** The County identified that properties zoned High Density Residential and Mixed Use in Community Plan Areas as appropriate land use designations for SRO Facilities. Community Plan areas are typically more urbanized areas of the unincorporated County, with access to public transportation and services. The High Density Residential and Mixed Use Zones are the compatible zones for this type of use.

Amendments proposed: The following is the approach to allow SRO Facilities in Title 21:

- 1) Define Single Room Occupancy Facility (See **Exhibit B, SECTION 17**);
- 2) Allow Single Room Occupancy Facility, subject to a Use Permit in High Density Residential and Mixed Use Zoning Districts (See **Exhibit B, SECTIONS 24 and 46**, respectively);
- 3) Add parking requirements for Single Room Occupancy Facility (See **Exhibit B, SECTION 47**);
- 4) Add provisions for Single Room Occupancy Facility (See **Exhibit B, SECTION 51**).

**Alternative Approach:** In some places these types of uses are allowed in converted motels/hotels and are thus permitted in commercial zones. We could expand the zoning district in which these are permitted.



F. Emergency Shelters

**Legal basis:** 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.

**Existing Regulation in Title 21:** Emergency Shelters are currently not defined or allowed in Title 21.

**Approach:**

Staff identified that properties zoned High Density Residential and Mixed Use in Community Plan Areas as appropriate locations for Emergency Shelters 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.

Amendments proposed: The following is the approach to allow Emergency Shelters in Title 21:

- 1) Define *Emergency Shelter* consistent with the State law definition (See **Exhibit B, SECTION 4**);
- 2) Allow Emergency Shelters, by right in High Density Residential and Mixed Use Zoning Districts (See **Exhibit B, SECTIONS 22 and 46**, respectively);
- 3) Add parking requirements for Emergency Shelters (See **Exhibit B, SECTION 47**);
- 4) Add provisions for Emergency Shelters (See **Exhibit B, SECTION 53**).

**Alternative Approach:** Allow Emergency Shelters by right, only in HDR or MU Zoning Districts.

F. Second Dwelling Units

**Legal basis:** To comply with California Government Code Section 65852.2, local agencies may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones. When a local agency has not adopted an ordinance governing second units, applications for second units must be considered pursuant to the applicable section of the law (subsection (b) of Section 65852.2). Unique circumstances exist in Monterey County that support consideration of a Monterey County specific ordinance implementing the State Law. The basic requirement of the State law is to allow second units magisterially without discretionary review. Other limitations on regulations that may be imposed by ordinance are provided to prevent or discourage local agencies from adopting provisions that make it infeasible to develop second units in residential zones (e.g. second units shall not count toward density at the site). The intent of the law is to provide affordable housing opportunities. The second unit law replaces the "Senior Citizen unit" law which was the legal basis for allowing "senior citizen units" as they exist in our current zoning ordinances.

**Approach:** As presented, senior citizen units would be repealed as a use allowed, discretionary or otherwise, and removed from the Zoning Ordinance altogether (definition, uses, and special regulations). Caretaker units would be removed from the allowable uses within the residential zoning districts (HDR, MDR, LDR, and RDR) and the Resource Conservation (RC) zoning district. Second units would be added to the Uses Allowed section within each residential zoning district (HDR, MDR, LDR, and RDR). The special regulations relating to Caretaker Units (21.64.030) would be replaced with regulations for second units (See **Exhibit B, SECTION 50**). Caretaker Units for on-site security would still be allowed within the commercial and industrial zoning districts and will be evaluated through the general development plan process rather than regulated by the special regulations. Units previously permitted as a “senior citizen unit” or “caretaker unit” would be automatically considered a second unit. Where both a senior citizen unit and caretaker unit were permitted on a lot, the property will become non-conforming.

Regulations have been included that would limit second units in North County, Carmel Valley, and in areas having a Building Site (B-8) overlay consistent with the policies of the 2010 General Plan. Table below illustrates changes to accessory habitable structures by zoning.

<b>PERMIT REQUIREMENTS BY ZONE</b>			
	<b>Senior Units (To be deleted)</b>	<b>Caretaker Units (To be amended)</b>	<b>Second Unit (Proposed)</b>
<b>HDR</b>	AP	NA	A
<b>MDR</b>	AP	NA	A
<b>LDR</b>	AP	AP	A
<b>RDR</b>	AP	AP	A
<b>LC</b>	*	UP	NA
<b>HC</b>	*	AP	NA
<b>VO</b>	*	AP	NA
<b>AI</b>	*	AP	NA
<b>LI</b>	*	AP	NA
<b>HI</b>	*	AP	NA
<b>F</b>	AP	NA	NA
<b>RG</b>	AP	NA	NA
<b>PG</b>	AP	NA	NA
<b>RC</b>	AP	AP	NA
<b>O</b>	NA	NA	NA
<b>PQP</b>	NA	AP	NA
<b>B-8</b>	NA	NA	NA
<b>Legend:</b>			
AP = Administrative Permit Required			
UP = Use Permit Required			
NA = Not Allowed			
A = Use Allowed			
* = All Residential Uses are allowed provided the gross square footage does not exceed the square footage of the principally permitted use.			

The definition of caretakers unit will be modified to continue to be an allowed use in non-residential zoning districts.

**Alternative Approach:**

There are many different ways to implement the requirements of the second unit law starting with not creating a local ordinance and continuing to apply subsection (b) of Section 65852.2. If we do elect to update the zoning ordinance, the form and content of are within the discretion of Monterey County. Some of the main decision points are:

1. Applicability – We are required to consider second units ministerially in residential zones but we are not prohibited from allowing them in other zones.
2. Other uses – We are not required to remove caretaker units in any zone and we may allow second units in addition to caretaker units.
3. Resource Conservation (RC) Zonings – Caretaker units are proposed to be removed from RC zoning through the overall revisions being made to caretaker uses and second units are not proposed to be allowed because of the purpose of this zone. It is in the discretion of Monterey County to allow or not caretaker units and/or second units in the RC zone.

Development Standards – It is in our discretion to limit the size of second units (the size must permit at least an “efficiency unit”), establish setbacks, height, design criteria, lot coverage, and floor area requirements. For instance the size of the second unit can be limited to a specific maximum size or a ratio of the size of the main dwelling and setbacks and height can be the same as the main structure or the same as an accessory structure or other.

H. Reasonable Accommodation

**Legal basis:** State housing law directs local governments to make reasonable accommodations in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standards of the Zoning Ordinance to ensure that homes are accessible for the physically impaired. Whether the accommodation is reasonable depends on the circumstances.

**Existing Regulation in Title 21:** *Reasonable Accommodation* is not currently defined and there are no provisions for this in Title 21.

**Approach:** A Reasonable Accommodation chapter will be added to Title 21:

- 1) Define Reasonable Accommodation (See **Exhibit B, SECTION 12**);
- 2) Add new Chapter to Title 21 establishing procedure and criteria for individuals with disabilities to request a Reasonable Accommodation. (See **Exhibit B, SECTION 48**).

I. Density Bonuses and Incentives

**Legal Basis:**

California Government Code Sections 65915 through 65918 establishes regulations for Density Bonuses and Incentives. Section 65915(a) states “All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will

be implemented.” The law provides complicated and extensive detail on the content required within local ordinances. The law is intended to encourage the voluntary creation of affordable housing. To this end the law sets definitions, mandates when a housing development qualifies for a density bonus, how the density bonuses are calculated, when a housing development qualifies for an incentive, what an incentive is, when an incentive may be denied, density bonus unit affordability restrictions, agreements, and financing.

**Approach:**

As presented, regulations for Density Bonuses and Incentives would be added to the Special Regulations Chapter (21.64) of the Zoning Ordinance (Title 21) (See **Exhibit B, SECTION 52**). Staff has made an effort in developing the Density Bonus and Incentives regulations to address overlapping regulations of the Inclusionary Housing Ordinance (Chapter 18.40 of the Monterey County Code) and the 2010 General Plan while at the same time attempting to implement state law in a fashion that is as user friendly as possible. References on when to apply the requirements of the Inclusionary Housing Ordinance, when to apply the Density Bonus and Incentives requirements and how to apply both of the regulations where they overlap have been incorporated in the proposed ordinance.

It is important to note that the Inclusionary Housing Ordinance in Monterey County requires a level of affordable housing that could qualify developments for a Density Bonus pursuant to the requirements of State Law (provided a housing development provides affordable housing to comply with the Inclusionary Housing Ordinance rather than an in-lieu fee or other method). The two regulations can work together to provide a greater number of affordable units than required by the Inclusionary Housing Ordinance alone. In addition, the Density Bonus and Incentives regulations target very low income households by providing a higher ratio of very low income units to density bonus unit than other income categories. Housing for extremely low and very low income households is lacking more than any other income category based on population needs in Monterey County according to the Housing Element. The following calculation (from a current project being considered) shows the relationship of the two overlapping regulations:

**Calculations for a project containing 7.92 acres and zoned to allow 4 units per acre:**

**Area Plan: 23 Market Rate and 8 affordable without Density Bonus**

7.92 acres x 4 = 31.68 units (round down to 31 without Density Bonus on top)

31.68 x 25% = 7.92 affordable units (round up to 8)

**Density Bonus on top of Area Plan: provide 34 Market Rate, 4 very low and 4 other affordable**

31.68 units x 11% = 3.48 very low units (round up to 4)

31.68 x 35% = 11.09 bonus units

31.68 + 11.09 = 42.77 total units (round down to 42)

**Inclusionary: 34 Market Rate and 8 Inclusionary units of which provide at least: 2 very low, 2 low and 4 moderate with .4 as a fee**

42 – 1 exempt (existing) unit = 41

41 units x 20% = 8.2 Inclusionary Units required

$41 \times 6\% = 2.46$  very low (round down to 2)

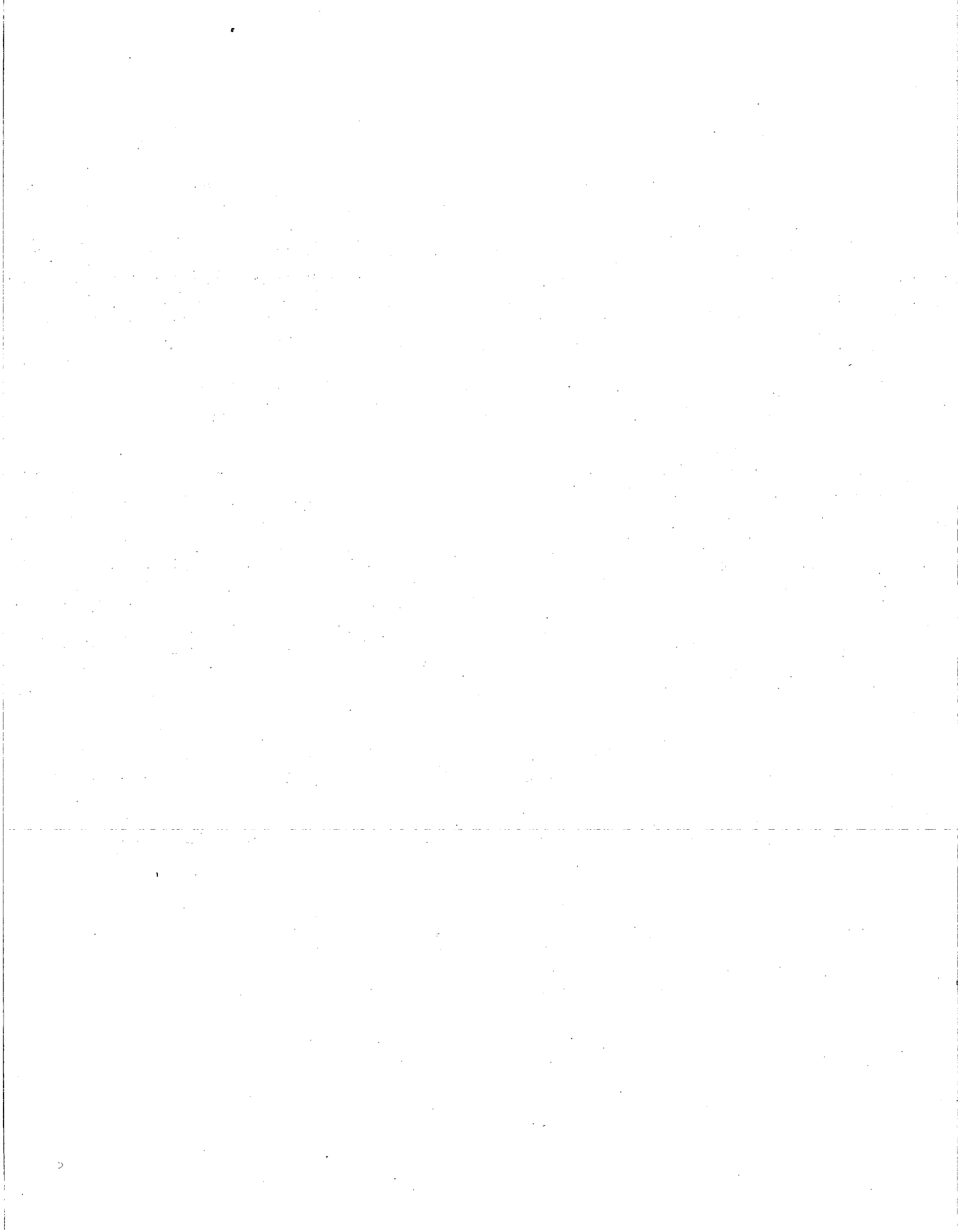
$41 \times 6\% = 2.46 + .46 = 2.92$  low (round down to 2)

$41 \times 8\% = 3.28 + .92 = 4.2$  moderate (round down to 4 with .2 remaining)

**Alternative Approach:**

As mentioned previously the content of the ordinance is highly regulated. The main area of discretion relating to Density Bonuses and Incentives are:

1. Where to add the regulations. We can create a new chapter within the Zoning Ordinance or add a Section within an existing Chapter; and
2. Wording within the ordinance. Much of the regulation language can be reworded so that the requirement or content remains the same but the wording clearer or more appropriate for ease of understanding.



**EXHIBIT B**

**PRELIMINARY DRAFT ORDINANCE**  
**AMENDMENTS TO TITLE 21**

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

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 21 (NON-COASTAL ZONING ORDINANCE) TO IMPLEMENT THE 2009-2014 HOUSING ELEMENT. [May be revised]**

**County Counsel Summary**

*This ordinance amends Title 21 (Non-Coastal Zoning) of the Monterey County Code to implement the 2009-2014 Housing Element. The ordinance amends Chapter 21.06 (Definitions), Chapter 21.10 (High Density Residential Zoning Districts), Chapter 21.12 (Medium Density Residential Zoning Districts), Chapter 21.14 (Low Density Residential Zoning Districts), Chapter 21.16 (Rural Density Residential Zoning Districts), Chapter 21.30 (Farmlands Zoning Districts), Chapter 21.32 (Rural Grazing Zoning District), Chapter 21.34 (Permanent Grazing Zoning Districts), Chapter 21.36 (Resource Conservation Zoning Districts), Chapter 21.39 (Community Plan Zoning Districts), Chapter 21.58 (Regulations for Parking), and Chapter 21.64 (Special Regulations) and adding Chapter 21.61 (Requests for Reasonable Accommodation). [May be revised]*

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

**[21.06 – Definitions]\***

SECTION 1. Section 21.06.012 is added to the Monterey County Code to read as follows:

**21.06.012 Agricultural Employee.**

“Agricultural Employee”, means a person engaged in agriculture, including: farming in all its branches, and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, furbearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.

\* Titles inserted for context only, will not be included in final ordinance.

SECTION 2. Section 21.06.014 is added to the Monterey County Code to read as follows:

**21.06.014 Agricultural Employee Housing.**

“Agricultural Employee Housing” means any living quarters or accommodations of any

\* Note: The [bracketed] items appearing throughout this draft are for referential purposes only. They will not appear in the final draft of the Ordinance.

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 is not required to be located on the same property where the farm or agricultural employee is employed.

SECTION 3. Section 21.06.160 of the Monterey County Code is amended as follows:

**21.06.160 - Caretaker unit.**

“Caretaker unit” 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 4. Section 21.06.426 is added to the Monterey County Code to read as follows:

**21.06.426- Emergency shelter.**

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less.

SECTION 5. Section 21.06.427 is added to the Monterey County Code to read as follows:

**21.06.427 – Employee.**

“Employee” means the same as defined in section 17005 of the California Health and Safety Code. [May be revised]

SECTION 6. Section 21.06.429 is added to the Monterey County Code to read as follows:

**21.06.429- Employee housing.**

“Employee housing” means the same as defined in section 17008 (a) of the California Health and Safety Code. [May be revised]



SECTION 7. Section 21.06.450 of the Monterey County Code is amended to read as follows:

**21.06.450 – Family.**

“Family” means one or more related or unrelated persons 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 8. Section 21.06.455 is added to the Monterey County Code to read as follows:

**21.06.455 – Farmworker.**

“Farmworker” (see definition of Agricultural Employee).

SECTION 9. Section 21.06.460 of the Monterey County Code is repealed to read as follows:

**21.06.460 – [Repealed]. 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 providing living quarters or housing accommodations.

SECTION 10. Section 21.06.470 of the Monterey County Code is repealed to read as follows:

**21.06.470 – [Repealed]. Farm employee housing facility.**

“Farm 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, provided by any person for employees or families employed principally in farming or other agricultural activities on the land and contiguous land occupied by the farm employee housing facility.

SECTION 11. Section 21.06.480 of the Monterey County Code is repealed to read as follows:

**21.06.480 – [Repealed]. 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 12. Section 21.06.925 is added to the Monterey County Code to read as follows:

**21.06.925 – Reasonable accommodation.**

“Reasonable accommodation” means providing flexibility in the application of this Title including the modification or waiver of certain requirements, when such modification or waiver is necessary to eliminate barriers to housing opportunities for individuals with disabilities. [May be revised]

SECTION 13. Section 21.06.932 is added to the Monterey County Code to read as follows:

**21.06.932 – Residential care facility, large.**

“Large residential care facility” means a living facility for seven to twelve residents, licensed by the State of California, which provides 24-hour residential care and varying levels and intensities of medical or non-medical care, supervision, services or assistance to persons living in a residential setting.

SECTION 14. Section 21.06.933 is added to the Monterey County Code to read as follows:

**21.06.933 – Residential care facility, small.**

“Small residential care facility” means a living facility for up to six residents, excluding operators, licensed by the State of California which provides 24-hour residential care and varying levels and intensities of medical or non-medical care, supervision, services or assistance to people living in a residential setting.

SECTION 15. Section 21.06.1000 of the Monterey County Code is amended to read as follows:

**21.06.1000 - Senior citizen unit. Second unit.**

“Senior citizen unit” means an independent, self-contained living unit attached or detached from other residences for senior citizens and handicapped persons in addition to a residence on site. The senior citizen unit may be rented.

“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 16. Section 21.06.1114 is added to the Monterey County Code to read as follows:

**21.06.1114 – Single housekeeping unit.**

“Single housekeeping unit” means, 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 17. Section 21.06.1116 is added to the Monterey County Code to read as follows:

**21.06.1115 Single Room Occupancy (SRO) Facility.**

“Single Room Occupancy (SRO) Facility” means 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 18. Section 21.06.1230 of the Monterey County Code is amended to read as follows:

**21.06.1230 – Structure, Accessory.**

“Accessory structure” means a subordinate structure, the use of which is incidental to that of a main structure on the same building site, including but not limited to caretaker quarters, guesthouses, farm employee housing facilities, farm worker housing facilities, agricultural employee housing, and employee housing accessory to an allowed use.

SECTION 19. Section 21.06.1276 is added to the Monterey County Code to read as follows:

**21.06.1276 – Supportive housing.**

“Supportive housing” means 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. [Source: California Health & Safety Code Section 50675.1] Supportive housing shall be considered under this Title as a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

SECTION 20. Section 21.06.1278 is added to the Monterey County Code to read as follows:

**21.06.1278 – Target population.**

"Target population" means persons with low income 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. (Source: California Health & Safety Code Section 50675.14)

SECTION 21. Section 21.06.1312 is added to the Monterey County Code to read as follows:

**21.06.1312 – Transitional Housing.**

"Transitional housing" and "transitional housing development" 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. (California Health & Safety Code Section 50675.2) Transitional housing and transitional housing development shall be considered under this Title as a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

**[21.10 – High-Density Residential Zone]**

SECTION 22. Section 21.10.030 of the Monterey County Code is amended to read as follows:

**21.10.030 Uses Allowed.**

- A. The first single family dwelling per lot;
- B. Single family dwellings, not exceeding a density of five dwelling units/acre, gross;
- C. Duplexes, not exceeding five dwelling units/acre, gross;
- D. Multiple dwellings not exceeding five dwelling units/acre gross;
- E. The keeping of pets, but not more than two dogs per dwelling unit;
- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small family day care home;
- H. Small Residential Care Facilities; Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;

- I. Accessory structures and accessory uses to any permitted use;
- J. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning;
- K. Cultivation, cutting and removal of Christmas trees;
- L. Home occupations, pursuant to Section 21.64.090;
- M. Other uses of a similar character, density and intensity to those listed in this Section.
- N. Second units meeting the development standards of Section 21.64.030
- O. Emergency Shelters, pursuant to Section 21.64.320.
- P. Employee Housing providing accommodations for up to six employees.

SECTION 23. Section 21.10.040 of the Monterey County Code is amended to read as follows:

**21.10.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. Single family dwellings, between five to ten (10) dwelling units/acre, gross, except for the first single family dwelling on a lot;
- B. Duplexes, between five to eight dwelling units/acre, gross;
- C. Multiple dwellings and dwelling groups, between five to eight dwelling units/acre, gross;
- D. ~~Senior citizen units meeting the development standards of Section 21.64.010 [Repealed];~~
- E. Tract sales or rental offices;
- F. Reduction in setback requirements of ten (10) percent or less of the required setbacks;
- G. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- H. Other uses of a similar character, density and intensity to those listed in this Section.
- I. Multiple dwellings and dwelling groups for affordable housing projects in Development Incentive Zones, pursuant to Section 21.10.070D.
- J. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

SECTION 24. Section 21.10.050 of the Monterey County Code is amended to read as follows:

**21.10.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Any residential use, except the first single family dwelling on a vacant lot, exceeding ten (10) dwelling units/acre gross;
- B. Mobilehome parks, pursuant to Section 21.64.210;
- C. Rest homes, sanitariums, convalescent homes;
- D. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- E. Parking lots used in conjunction with an adjoining commercial use (ZA);
- F. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);

- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and breakfast facility, pursuant to Section 21.64.100;
- I. Commercial and noncommercial wind energy systems;
- J. Time share uses, pursuant to Section 21.64.110;
- K. Ridgeline development;
- L. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections (ZA);
- M. Removal of minerals or natural materials for commercial purposes;
- N. Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten (10) days, and not involving construction of permanent facilities (ZA);
- O. Accessory structures and accessory uses prior to establishment of main use or structure (ZA);
- P. Large family day care home;
- Q. The exploration for and the removal of oil and gas (ZA);
- R. Development in the Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- S. Other uses of a similar character, density and intensity as those listed in this Section;
- T. Cottage industries, pursuant to Section 21.64.095 (ZA);
- U. Rooming and boarding houses (ZA).
- V. Wireless communications facilities, pursuant to Section 21.64.310.
- W. Large Residential Care Facilities;
- X. Single Room Occupancy Facilities, pursuant to Section 21.64.33 (ZA).

**[21.12 – Medium-Density Residential Zone]**

SECTION 25. Section 21.12.030 of the Monterey County Code is amended to read as follows:

**21.12.030 Uses Allowed.**

- A. The first single-family dwelling per lot;
- B. The keeping of pets, but not more than four dogs per dwelling unit;
- C. Guesthouses meeting the development standards of Section 21.64.020;
- D. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- E. Small family day care home;
- F. Small Residential Care Facilities; Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- G. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning;
- H. Accessory structures and accessory uses to any permitted use;
- I. Cultivation, cutting and removal of Christmas trees;
- J. Home occupations, pursuant to Section 21.64.090;
- K. Rooming and boarding of not more than two persons;

- L. Other uses of a similar character, density and intensity to those listed in this Section;
- M. Intermittent livestock farming or animal husbandry uses such as "4-H" projects on a minimum of twenty thousand (20,000) square feet;
- N. Second units meeting the development standards of Section 21.64.030;
- O. Employee Housing providing accommodations for up to six employees.

SECTION 26. Section 21.12.040 of the Monterey County Code is amended to read as follows:

**21.12.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. Second single family dwelling provided the gross density does not exceed the dwelling units/acre specified on the Sectional District Map (Not in Del Monte Forest);
- B. The first duplex on a vacant lot, not exceeding two dwelling units/acre provided the gross density does not exceed the dwelling units/acre specified on the Sectional District Map (Not in Del Monte Forest);
- C. ~~Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~
- D. Tract sales or rental offices;
- E. Reduction in setback requirements of ten (10) percent or less of the required setbacks;
- F. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- G. Other uses of a similar character, density and intensity to those listed in this Section.
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

SECTION 27. Section 21.12.050 of the Monterey County Code is amended to read as follows:

**21.12.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Any residential use, except the first single family dwelling on a vacant lot, exceeding two dwelling units/acre, gross, and not exceeding four units, total (Not in Del Monte Forest);
- B. Rooming houses and boardinghouses (ZA);
- C. Rest homes (ZA);
- D. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- E. Parking lots used in conjunction to an adjoining commercial or retail use (ZA);
- F. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and breakfast facilities, pursuant to Section 21.64.100;
- I. Commercial and noncommercial wind energy conversion systems;
- J. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- K. Ridgeline development;
- L. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections (ZA);

- M. Removal of minerals and natural materials for commercial purposes;
- N. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days and not involving construction of permanent facilities (ZA);
- O. Accessory structures and uses prior to establishment of main use or structure (ZA);
- P. Large family day care home;
- Q. Cottage industries, pursuant to Section 21.64.095 (ZA);
- R. Other uses of a similar nature, density and intensity as those listed in this Section;
- S. The exploration for and the removal of oil and gas (ZA).
- T. Mobile home parks, pursuant to Section 21.64.210.
- U. Wireless communications facilities, pursuant to Section 21.64.310.
- V. Large Residential Care Facilities;

**[21.14 – Low-Density Residential Zone]**

SECTION 28. Section 21.14.030 of the Monterey County Code is amended to read as follows:

**21.14.030 Uses Allowed.**

- A. The first single family dwelling per lot;
- B. Guesthouses meeting the development standards of Section 21.64.020;
- C. The keeping of pets;
- D. Animal husbandry and small livestock farming; provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand (20,000) square feet of land area;
- E. Rooming and boarding of not more than two persons;
- F. Accessory structures and accessory uses to any permitted use;
- G. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- H. Small family day care home;
- I. Small Residential Care Facilities; Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- J. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning;
- K. Cultivation, cutting and removal of Christmas trees;
- L. Home occupations, pursuant to Section 21.64.090;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- N. Crop farming, tree farming, viticulture and horticulture;
- O. Other uses of a similar character, density and intensity to those listed in this Section;
- P. Intermittent livestock farming or animal husbandry uses such as "4-H" projects;
- Q. Second units meeting the development standards of Section 21.64.030;
- R. Employee Housing providing accommodations for up to six employees.



SECTION 29. Section 21.14.040 of the Monterey County Code is amended to read as follows:

**21.14.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. ~~Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~
- B. Tract sales or rental offices;
- C. ~~Caretaker unit meeting the development standards of Section 21.64.030; [Repealed];~~
- D. ~~Farm employee housing facility for not more than two families or more than five single persons; [Repealed];~~
- E. Second residential unit not exceeding the zoning density of the property;
- F. Reduction in setback requirements of ten (10) percent or less of the required setbacks;
- G. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- H. Other uses of a similar character, density and intensity to those listed in this Section.
- I. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

SECTION 30. Section 21.14.050 of the Monterey County Code is amended to read as follows:

**21.14.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Additional residential units to a maximum of four on any lot and not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities or corporation yards;
- C. Country clubs;
- D. Golf courses;
- E. Commercial kennel (ZA);
- F. Legal nonconforming use of a portion of the structure extended throughout the structure (ZA);
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and breakfast facilities, pursuant to Section 21.64.100;
- I. Commercial and noncommercial wind energy conversion systems;
- J. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- K. Ridgeline development;
- L. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent—twenty-five (25) percent slopes (North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- M. ~~Farm worker family housing facility; [Repealed];~~
- N. ~~Farm employee housing facility for more than two families or no more than five single persons; [Repealed];~~
- O. Keeping and raising of mink (ZA);

- P. Any building, structure, or enclosure for the purpose of maintaining a zoo or zoological garden or for the purpose of raising, maintaining or exhibiting any wild animal or animals;
- Q. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections;
- R. Removal of minerals and natural materials for commercial purposes;
- S. Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten (10) days and not involving construction of permanent facilities (ZA);
- T. Accessory structures and uses prior to establishment of main use or structure (ZA);
- U. Large family day care facilities (ZA);
- V. Cottage industries, pursuant to Section 21.64.095 (ZA);
- W. The exploration for and the removal of oil and gas (ZA);
- X. Other uses of a similar character, density and intensity to those uses listed in this Section;
- Y. Public stables on a minimum of ten (10) acres (ZA);
- Z. Mobile home parks, pursuant to Section 21.64.210.
- AA. Wireless communications facilities, pursuant to Section 21.64.310.
- BB. Large Residential Care Facilities:**

**[21.16 – Rural-Density Residential Zone]**

SECTION 31. Section 21.16.030 of the Monterey County Code is amended to read as follows:

**21.16.030 Uses Allowed.**

- A. The first single family dwelling per lot;
- B. Guesthouses meeting the development standards of Section 21.64.020;
- C. The keeping of pets;
- D. Rooming and boarding of not more than two persons;
- E. Accessory structures and accessory uses to any permitted use;
- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Cultivation, cutting and removal of Christmas trees;
- H. Small family day care home;
- I. Small Residential Care Facilities; Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- J. Water system facilities including wells and storage tanks serving four or fewer service connections; pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning;
- K. Animal husbandry and small livestock farming; provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand (20,000) square feet of land area;
- L. All agricultural uses on a minimum of ten (10) acres including crop and tree farming, livestock farming, animal husbandry, apiaries, aviaries, except for those uses requiring an Administrative or Use Permit;

- M. Home occupations, pursuant to Section 21.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- O. Single family dwellings not exceeding three in total on a minimum of ten (10) acres for an owner, operator or employees employed on the site;
- P. Crop farming, tree farming, viticulture and horticulture;
- Q. Other uses of a similar character, density and intensity to those listed in this Section;
- R. Intermittent livestock farming or animal husbandry such as "4-H" projects.
- S. Second unit meeting the development standards of Section 21.64.030;
- T. Employee Housing providing accommodations for up to six employees.

SECTION 32. Section 21.16.040 of the Monterey County Code is amended to read as follows:

**21.16.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. ~~Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~
- B. Tract sales or rental offices;
- C. ~~Caretaker unit meeting the development standards of Section 21.64.030; [Repealed];~~
- D. ~~Farm employee housing facility for not more than two families or more than five single persons; [Repealed];~~
- E. Second residential unit not exceeding the zoning density of the property;
- F. Reduction in setback requirements provided the proposed reduction is ten (10) percent or less of the required setbacks;
- G. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- H. Reserved;
- I. Other uses of a similar character, density and intensity to those listed in this Section;
- J. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

SECTION 33. Section 21.16.050 of the Monterey County Code is amended to read as follows:

**21.16.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Additional residential units to a maximum of four on any lot, and not exceeding the zoning density of the property;
- B. ~~Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, schools, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;~~
- C. Country clubs;
- D. Golf courses;
- E. Commercial kennel (ZA);

- F. Public stables on a minimum of ten (10) acres (ZA);
- G. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- H. Legal nonconforming use changed to a use of a similar or more restricted nature;
- I. Bed and breakfast facilities, pursuant to Section 21.64.100;
- J. Commercial and noncommercial wind energy conversion systems;
- K. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- L. Ridgeline development;
- M. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent - twenty-five (25) percent slopes (North County Area Plan, Cachagua Area Plan, Central Salinas Valley Area Plan, only);
- N. Agricultural support services (ZA);
- O. ~~Farm worker family housing facility; [Repealed];~~
- P. ~~Farm employee housing facility for more than two families or no more than five single persons; [Repealed];~~
- Q. Keeping and raising of mink (ZA);
- R. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections;
- S. Removal of minerals and natural materials for commercial purposes;
- T. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days and not involving construction of permanent facilities (ZA);
- U. Accessory structures and uses prior to establishment of main use or structure (ZA);
- V. Large family day care facilities (ZA);
- W. Agricultural processing plants (ZA);
- X. Frog farms (ZA);
- Y. Commercial hog and turkey raising on a minimum of ten (10) acres (ZA);
- Z. Livestock feed yards on a minimum of twenty (20) acres (ZA);
- AA. Animal sales yards on a minimum of ten (10) acres (ZA);
- BB. Dairies on a minimum of forty (40) acres (ZA);
- CC. Airports, heliports or landing strips for aircraft;
- DD. Animal hospitals (ZA);
- EE. Poultry farms on a minimum of five acres (ZA);
- FF. Sale of hay and grain not grown on the premises, on a minimum of five acres (ZA);
- GG. Riding and roping arena operations (ZA);
- HH. Other uses of a similar nature, intensity and density as those listed in this Section;
- II. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- JJ. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving (ZA);
- KK. Cottage industries, pursuant to Section 21.64.095 (ZA);
- LL. The exploration for and the removal of oil and gas (ZA);
- MM. Mobile home parks, pursuant to Section 21.64.210.
- NN. Wireless communications facilities, pursuant to Section 21.64.310.
- OO. Large Residential Care Facilities;

**[21.30 – Farmlands Zone]**

SECTION 34. Section 21.30.030 of the Monterey County Code is amended to read as follows:

**21.30.030 Uses Allowed.**

- A. Except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses, including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings accessory to the agricultural use of the property not exceeding three in total, for an owner, operator or employees employed on-site;
- C. All accessory structures such as barns, stables, storage structures, and farm shops;
- D. Guesthouses meeting the development standards of Section 21.64.020;
- E. Cultivation, cutting or removal of Christmas trees;
- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small family day care homes;
- H. ~~[Repealed] Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;~~
- I. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;
- J. Rooming and boarding of not more than two persons;
- K. Hunting and fishing;
- L. Reserved;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- N. Home occupations, pursuant to Section 21.64.090;
- O. The keeping of pets;
- P. Other uses of a similar character, density and intensity to those listed in this Section;
- Q. Agricultural employee housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

SECTION 35. Section 21.30.040 of the Monterey County Code is amended to read as follows:

**21.30.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. ~~Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~
- B. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- C. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;

- D. Other uses of a similar character, density and intensity to those listed in this Section;
- E. ~~Farm employee housing facility for not more than five families or twelve (12) single persons; [Repealed];~~
- F. Reduction in setback requirements for main structures, provided the proposed reduction is ten (10) percent or less of the required setback;
- G. Reduction in setback requirements for accessory structures, provided the proposed reduction is eighty (80) percent or less of the proposed setback;
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310;

SECTION 36. Section 21.30.050 of the Monterey County Code is amended to read as follows:

**21.30.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent—twenty-five (25) percent slopes (North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- B. Public and quasi-public uses including churches, parks, playgrounds, schools public safety facilities, schools, public utilities, but not including uses such as jails, detention facilities, rehabilitation centers or corporation yards;
- C. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- D. Legal nonconforming use changed to a use of a similar or more restricted nature;
- E. Commercial and noncommercial wind energy conversion systems;
- F. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- G. Genetic Engineering Experiments, pursuant to Section 21.64.140;
- H. Ridgeline Development;
- I. Agricultural support facilities (ZA);
- J. Large family day care facilities (ZA);
- K. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections (ZA);
- L. Removal of minerals or natural materials for commercial purposes;
- M. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days and not involving construction of permanent facilities (ZA);
- N. Agricultural processing plants (ZA);
- O. Frog farms (ZA);
- P. Commercial hog and turkey raising on a minimum of ten (10) acres (ZA);
- Q. Livestock feed yards on a minimum of twenty (20) acres (ZA);
- R. Animal sales yards on a minimum of ten (10) acres (ZA);
- S. Dairies on a minimum of forty (40) acres (ZA);
- T. Airports, heliports or landing strips for aircraft;
- U. Animal hospitals (ZA);
- V. Poultry farms on a minimum of five acres (ZA);
- W. Other uses of a similar character, density and intensity to those uses listed in this Section;
- X. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;

- Y. Commercial kennel (ZA);
- Z. ~~Farm worker housing facility; [Repealed]~~
- AA. ~~Farm Agricultural employee housing consisting of facility for more than five families or more than twelve (12) single persons 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household;~~
- BB. Bed and breakfast facility, pursuant to Section 21.64.100;
- CC. Cottage industries, pursuant to Section 21.64.095 (ZA);
- DD. Non-soil dependent greenhouses and nurseries (ZA);
- EE. The exploration for and the removal of oil and gas (ZA);
- FF. The division of property to create a one acre minimum lot to accommodate housing for members of the immediate family of the property owner who earn their livelihood from the agricultural use of the family land immediately contiguous to the lot being created by the subdivision.
- GG. Farm worker parking facilities (ZA);
- HH. Farm equipment storage facilities (ZA);
- II. Wireless communications facilities, pursuant to Section 21.64.310.

**[21.32 – Rural Grazing Zone]**

SECTION 37. Section 21.32.030 of the Monterey County Code is amended to read as follows:

**21.32.030 Uses Allowed.**

- A. Except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings accessory to the agricultural use of the property not exceeding three in total, for an owner, operator or employees employed on-site;
- C. All necessary, appurtenant accessory structures such as barns, stables, storage structures and farm shops;
- D. guesthouses meeting the development standards of Section 21.64.020;
- E. Cultivation, cutting or removal of Christmas trees;
- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. ~~Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding [Repealed]~~
- H. Small family day care homes;
- I. ~~Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;~~
- J. Rooming and boarding of not more than two persons;
- K. The keeping of pets;
- L. Reserved;

- M. Home occupations, pursuant to Section 21.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- O. Other uses of a similar character, density and intensity to those listed in this Section;
- P. Hunting and fishing.
- Q. Agricultural employee housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

SECTION 38. Section 21.32.040 of the Monterey County Code is amended to read as follows:

**21.32.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- B. [Repealed]C. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- D. Other uses of a similar character, density and intensity to those listed in this Section;
- E. [Repealed];
- F. Reduction in setback requirements for main structures, provided the proposed reduction is ten (10) percent of less of the required setback;
- G. Reduction in setback requirements for accessory structures, provided the proposed reduction is eighty (80) percent or less of the required setback;
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

SECTION 39. Section 21.32.050 of the Monterey County Code is amended to read as follows:

**21.32.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent—twenty-five (25) percent slopes (North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- B. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, schools, public utilities, but not including uses such as jails, detention facilities, rehabilitation centers, or corporation yards;
- C. Commercial and noncommercial wind energy conversion systems;
- D. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- E. Genetic Engineering Experiments, pursuant to Chapter 21.64.140;
- F. Ridgeline development;
- G. Agricultural support facilities (ZA);
- H. Large family day care homes (ZA);
- I. Keeping and raising of mink (ZA);



- J. Any building, structure, or enclosure for the purpose of maintaining a zoo or zoological garden for the purpose of raising, maintaining or exhibiting any wild animal or animals;
- K. Removal of minerals or natural materials for commercial purposes;
- L. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days and not involving construction of permanent facilities (ZA);
- M. Agricultural processing plants (ZA);
- N. Commercial hog and turkey raising on a minimum of ten (10) acres (ZA);
- O. Livestock feed yards on a minimum of twenty (20) acres (ZA);
- P. Animal sales yards on a minimum of ten (10) acres (ZA);
- Q. Dairies on a minimum of forty (40) acres (ZA);
- R. Airports, heliports or landing strips for aircraft (ZA);
- S. Poultry farms on a minimum of five acres (ZA);
- T. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections (ZA);
- U. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- V. Legal nonconforming use changed to a use of a similar or more restricted nature;
- W. Other uses of a similar character, density and intensity to those uses listed in this Section;
- X. Hunting and fishing facilities (ZA);
- Y. Public or private rifle and pistol ranges, trap or skeet fields, archery ranges or other similar use (ZA);
- Z. Public or private riding or hiking clubs with accessory structures and trails developed for such use (ZA);
- AA. Commercial kennel (ZA);
- BB. [Repealed]
- CC. Agricultural employee housing consisting of 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household;
- DD. Bed and breakfast facility, pursuant to Section 21.64.100;
- EE. Cottage industries, pursuant to Section 21.64.095 (ZA);
- FF. Non soil dependent nurseries and greenhouses.
- GG. The exploration for and the removal of oil and gas (ZA);
- HH. Farm worker parking facilities (ZA);
- II. Wireless communications facilities, pursuant to Section 21.64.310;
- JJ. Farm equipment storage facilities (ZA);

**[21.34 – Permanent Grazing Zone]**

SECTION 40. Section 21.34.030 of the Monterey County Code is amended to read as follows:

**21.34.030 Uses Allowed.**

- A. Except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;

- B. Single family dwellings accessory to the agricultural use of the property not exceeding three in total, for an owner, operator or employees employed on-site;
- C. All accessory structures such as barns, stables, storage structures and farm shops;
- D. Guesthouses meeting the development standards of Chapter 21.64.020 (Special Regulations);
- E. Cultivation, cutting or removal of Christmas trees;
- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. ~~[Repealed] Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;~~
- H. Small family day care homes;
- I. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;
- J. Rooming and boarding of not more than two persons;
- K. Hunting and fishing;
- L. Home occupations, pursuant to Section 21.64.090;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- N. The keeping of pets;
- O. Other uses of a similar character, density and intensity to those listed in this Section;
- P. Agricultural employee housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

SECTION 41. Section 21.34.040 of the Monterey County Code is amended to read as follows:

**21.34.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. ~~Senior citizen units meeting the development standards of Section 21.64.010; [Repealed]~~
- B. Small water system facilities including wells and storage tanks of five to fourteen (14) service connections;
- C. ~~Farm employee housing facility for not more than five families or twelve (12) single persons; [Repeal];~~
- D. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving;
- E. Other uses of a similar character, density and intensity to those listed in this Section;
- F. Reduction in setback requirements for main structures, provided the proposed reduction is ten (10) percent or less of the required setback;
- G. Reduction in setback requirements for accessory structures, provided the proposed reduction is eighty (80) percent or less of the required setback.
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

SECTION 42. Section 21.34.050 of the Monterey County Code is amended to read as follows:

**21.34.050 Uses Allowed, Use Permit Required In Each Case. (Chapter 21.74)**

- A. Commercial hog and turkey raising (ZA);
- B. Dairies (ZA);
- C. Airports, heliports, or landing strips for aircraft (ZA);
- D. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, schools, public utilities, but not including uses such as jails, detention facilities, rehabilitation centers or corporation yards;
- E. Large animal hospitals (ZA);
- F. Poultry farms (ZA);
- G. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- H. Legal nonconforming use changed to a use of a similar or more restricted nature;
- I. Commercial and noncommercial wind energy conservation system;
- J. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- K. Genetic engineering experiments, pursuant to Chapter 21.64.140;
- L. Ridgeline development;
- M. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent - twenty-five (25) percent slopes ( North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- N. Agricultural support facilities (ZA);
- O. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections;
- P. The division of property to create a one-acre minimum lot to accommodate housing for members of the immediate family of the property owner who earn their livelihood from agricultural use of the family land immediately contiguous to the lot being created by the subdivision;
- Q. Large family day care homes (ZA);
- R. Agricultural processing plants (ZA);
- S. Hunting and fishing facilities (ZA);
- T. Public or private rifle and pistol ranges, trap or skeet fields, archery ranges or other similar uses (ZA);
- U. Public or private riding or hiking clubs with accessory structures and trails developed for such use (ZA);
- V. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- W. Commercial kennel (ZA);
- X. Other uses of a similar character, density and intensity to those uses listed in this Section;
- Y. Removal of minerals and natural materials for commercial purposes;
- Z. ~~Farm workers housing facility; [Repealed];~~
- AA. ~~Farm Agricultural employee housing consisting of facility for more than five families or more than twelve single persons 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household;~~
- BB. Bed and breakfast facility, pursuant to Section 21.64.100;

- CC. Cottage industries, pursuant to Section 21.64.095 (ZA);
- DD. Non-soil dependent nurseries and greenhouses (ZA);
- EE. The exploration for and the removal of oil and gas (ZA);
- FF. Farm worker parking facilities (ZA);
- GG. Wireless communications facilities, pursuant to Section 21.64.310.

**[21.36 – Resource Conservation Zone]**

SECTION 43. Section 21.36.030 of the Monterey County Code is amended to read as follows:

**21.36.030 Uses Allowed.**

- A. One single family dwelling per lot;
- B. Guesthouses meeting the development standards of Chapter 21.64.020;
- C. The keeping of pets;
- D. Rooming and boarding of not more than two persons;
- E. Accessory structures and accessory uses to any permitted use;
- F. Cultivation, cutting or removal of Christmas trees;
- G. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- H. Small family day care facilities;
- I. ~~[Repealed] Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;~~
- J. Animal husbandry and small livestock farming, on lots less than ten (10) acres provided not more than one horse, mule, cow, steer or similar livestock may be kept for each twenty thousand (20,000) square feet of land area;
- K. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Chapter 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created;
- L. On lots of ten (10) acres or more, except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses including crop and tree farming, livestock farming, greenhouses and vineyards;
- M. Home occupations, pursuant to Section 21.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- O. Farm shops;
- P. Hunting and fishing;
- Q. Other uses of a similar character, density and intensity to those listed in this Section;
- R. Intermittent livestock farming or animal husbandry such as "4-H" projects.

SECTION 44. Section 21.36.040 of the Monterey County Code is amended to read as follows:

**21.36.040 Uses Allowed, Administrative Permit Required In Each Case. (Chapter 21.70)**

- A. ~~Senior citizen units meeting the development standards of Section 21.64.010; [Repealed];~~
- B. ~~Caretaker unit meeting the development standards of Section 21.64.030; [Repealed];~~
- C. Second residential unit meeting the density limit of the district;
- D. ~~Farm employee housing facility for not more than five families or twelve (12) single persons; [Repealed];~~
- E. Small water system facilities and systems of five to fourteen (14) services;
- F. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving;
- G. Reserved;
- H. Other uses of a similar character, density and intensity to those listed in this Section;
- I. Reduction in setback requirements for accessory structure, provided the proposed reduction is ten (10) percent or less of the required setback.
- J. Reduction in setback requirements for accessory structures, provided the proposed reduction is eighty (80) percent or less of the required setback.

SECTION 45. Section 21.36.050 of the Monterey County Code is amended to read as follows:

**21.36.050 Uses Allowed - Use Permit Required In Each Case. (Chapter 21.74)**

- A. Additional residential units to a maximum of four units per lot not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, parks, playgrounds, schools public safety facilities, public utility facilities, but not including jails, detention facilities, rehabilitation centers or corporation yards;
- C. Commercial kennel (ZA);
- D. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- E. Legal nonconforming use changed to a use of a similar or more restricted nature;
- F. Commercial and noncommercial wind energy conversion systems;
- G. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- H. Ridgeline development;
- I. Conversion of uncultivated land to cultivated agricultural use on land with fifteen (15) percent - twenty-five (25) percent slopes ( North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan only);
- J. Agricultural support facilities (ZA);
- K. Country clubs;
- L. Keeping and raising of mink (ZA);
- M. Removal of minerals, or natural materials for commercial purposes;
- N. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten (10) days and not involving construction of permanent facilities (ZA);
- O. Accessory structures and uses prior to establishment of main use or structure (ZA);

- P. Golf courses;
- Q. Dairies on a minimum of forty (40) acres (ZA);
- R. Poultry farms on a minimum of five acres (ZA);
- S. Sale of hay and grain not grown on the premises on a minimum of five acres (ZA);
- T. Water system facilities including wells and storage tanks serving fifteen (15) or more service connections (ZA);
- U. Large family day care homes (ZA);
- V. Other uses of a similar character, density and intensity to those uses listed in this Section;
- W. Hunting and fishing facilities (ZA);
- X. Public or private rifle and pistol ranges, trap or skeet fields, archery ranges or other similar uses (ZA);
- Y. Public or private riding or hiking clubs with accessory structures and trails developed for such use (ZA);
- Z. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- AA. ~~Farm worker housing facility; [Repealed];~~
- BB. ~~Farm Agricultural employee housing consisting of facility for more than five families or more than twelve single persons 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household;~~
- CC. Bed and breakfast facility, pursuant to Section 21.64.100;
- DD. Cottage industries, pursuant to Section 21.64.095 (ZA);
- EE. Non-soil dependent nurseries and greenhouses (ZA);
- FF. The exploration for and the removal of oil and gas (ZA);
- GG. Wireless communications facilities, pursuant to Section 21.64.310.

**[21.39 – Community Plan Zone]**

SECTION 46. Section 21.39.030 of the Monterey County Code is amended read as follows:

**21.39.030 - Uses Allowed**

- A. Uses allowed within the “CP” district are those uses for which the Community Plan specifically provides.
- B. Other uses allowed by this Title may be considered provided:
  1. Such uses are not inconsistent or incompatible with the Community Plan; and
  2. Such uses comply with all the requirements and standards of this Title.
- C. Single Room Occupancy Facilities pursuant to Section 21.64.33 may be considered within areas designated by a Community Plan as Mixed Use or High Density Residential subject to approval of a Use Permit (ZA).
- D. Emergency Shelters, pursuant to Section 21.64.320 are allowed uses within areas designated by a Community Plan as Mixed Use or High Density Residential as an allowed use.
- E. Small Residential Care Facilities may be considered within the areas designated by a Community Plan as Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential or Mixed Use as an allowed use.

- F. Large Residential Care Facilities may be considered, through a Use Permit in each case, within areas designated by a Community Plan as Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential or Mixed Use.
- G. Employee Housing providing accommodations for up to six employees may be considered within the areas designated by a Community Plan as Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential or Mixed Use as an allowed use.

**[21.58 – Parking]**

SECTION 47. Section 21.58.040 of the Monterey County Code is amended to read as follows:

**21.58.040 – Parking spaces required.**

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

Use	Parking Spaces Required
Agricultural Processing Plant	1 space/500 square feet
Amusement Park	1 space/4 occupant
Appliance Repair	1 space/500 square feet
Art Gallery	1 space/200 square feet
Auditorium	1 space/4 seat. If no fixed seating, 1 space/35 square feet
Automobile Repair	1 space/500 square feet of floor area
Automobile Sales	1 space/500 square feet of floor area plus 1 space/2,000 square feet outdoor sales, display or storage area
Automobile Services Station	1 space/500 square feet floor area
Bank	1 space/ 200 square feet
Bar, Lounge, Night Club,	1 space/ 3 seats.
Cocktail Lounge	Where seating is not fixed, 1 space 50 square feet
Barber Shop, Beauty Parlor	2 spaces/chair
Baseball Park	1 space/4 seats
Bed and Breakfast Facility	1 space/unit
Billiard Hall	2 spaces/table
Bowling alley	5 spaces/lane
Building Materials	1 space/500 square feet floor area plus 1 space/2000 square feet outdoor use area
Bus Depot	1 space/20 square feet waiting area plus 1 space/300 square feet office area
Cabinet Shop	1 space/500 square feet
Caretaker Unit	1 space/unit
Children's Home, Orphanage	1 space/4 seats. If no fixed seating, 1

	space/35 square feet
Church	1 space/4 seat. If no fixed seating, 1 space/35 square feet
Cleaners	2 space plus spaces/1,000 square feet
Community Center	1 space/4 seats. If no fixed seating, 1 spaces/35 square feet
Contractor's Yard	1 space/ 3,000 square feet lot area
Convalescent Home, Nursing Home, Rest Home, Home for the Aged	1 space/3 beds
Convention Center, Meeting Hall, Exhibit Facility	1 space /4 seats or 1 apace/ 50 square feet
Dance Hall	1 space/50 square feet
Dental Clinic/Office	1 space/200 square feet
Driving Range	1 space/tee
Equipment Rental	1 space/500 square feet floor area plus 1 space/2,000 square feet outdoor use area
Emergency Shelter	1 space/employee and 1 space/6 beds or portion thereof
Family Day Care Facility	1 space/employed plus 1 space/10 children
<del>Farm Labor Housing</del> Agricultural Employee Housing Facility	1space/bedroom dwelling unit or 1 space/4 beds
Flea Market/Open Air Sales	1 space/200 square feet sales area
Freight Terminals	2 spaces/loading bay plus 1 space/250 square feet office space
Funeral Home, Mortuary	1 space/4 seats. If no fixed seating, 1 space/356 square feet
Golf Course	4 space/hole
Guesthouse	1 space/unit
Gymnasium, Spa, Health Studio	1 space/50 square feet
Heating, Air Conditioning, Electrical Shop	1 space/500 square feet
Hospital	12 spaces/bed
Hotel	1 space/unit plus 2 spaces/3 employees on largest shift plus other applicable requirement (i.e. restaurant, lounge, etc.)
Industrial Office	1 space/300 square feet
Laboratory	1 space/250 square feet
Library	1 space/200 square feet
Manufacturing	1 space/500 square feet
Marina	3 spaces/4 boat slips
Medical Clinic/Office	1 space/200 square feet
Miniature Golf	2 spaces/hole
Mini-Storage	2 spaces for manager plus 2 customer spaces
Motel	2 spaces for manager plus 1 space/unit
Museum	1 space/200 square feet



Nursery	1 space/2,000 square feet
Office	1 space/250 square feet
Open Air Sales	1 space/200 square feet sales area
Photography Studio	1 space/400 square feet
Post Office	5 spaces/services window plus 1 space/500 square feet of non-customer area
Printer, Copying, Reproduction	1 space/400 square feet
Race Track	1 space/4 seats
Recreational Enterprises	1 space/4 occupants capacity
Recreational Vehicle Park	1 standard vehicle space/1 R.V. space
Residential	
Single-Family Detached	2 spaces /unit
Duplex	2 spaces/unit
Triplex	2 spaces/unit
Multiple-Family Residential, Apartments, Townhouses,	1 space/studio unit 1.5 spaces/1 bedroom unit
Condominiums, Cluster Homes	2 spaces/2 bedroom unit 2.2 spaces/3 or more bedroom unit
	In addition, 1 guest parking space shall be provided for every 4 units
Boarding House, Rooming House, Organizational	1 space/guest room 1 space/100 sq. ft. of guest room
Large Residential Care Facility	1 space/employee plus 2 additional spaces
Senior-Citizen Housing complexes Second Unit	1 space/2 units plus 1 guest space/8 units 1 space/unit
Single Room Occupancy Facility	.5 spaces/unit (Within 2,000 feet of Public Transit)
Single Room Occupancy Facility	1 space/unit (Not within 2,000 feet of Public Transit)
Handicapped Housing	1 space/2 units plus 1 guest space/8 units
Mobile Home Park	2 spaces/unit plus 1 guest parking space/4 units
Restaurant	1 space/4 seats. Where seating is not fixed, 1 space/50 square feet of seating, waiting, or cocktail lounge area
Restaurant, Drive-In	1 space/3 seats enclosed plus 3 and Drive-Through spaces/ services window and 3 employee spaces
Retail, General	1 space/250 square feet
Retail, Large Item	1 space/500 square feet (i.e. Appliance Stores)
Savings and Loan	1 space/200 square feet
Schools:	
Pre-School, Day Care	1 space/employee plus 1 space/10 children
Kindergarten through Grade Nine	2 spaces/classroom plus 1 space/50 square

	feet in the Auditorium
High School	2 spaces/classroom plus 1 space/5 students
College, University	1 space/employee plus 1 space/3 students
Trade School, Vocational School, Business School, Professional School, Art Academy, Craft School, Music School, Dancing School	1 space/ employee plus 1 space/3 students
Shopping Center	1 space/250 square feet
Skating Rink	1 space/250 square feet
Social Care Facility	1 space/3 beds plus
Sanitarium, Welfare Institution, Asylum	1 space/employee on the largest shift
Social Club	1 space/50 square feet
Stable, Public	1 space/3 horses
Stadium, Sports Area	1 space/4 seats
Swimming Pool	1 space/100 square feet pool area
Tennis Court, Racquetball Courts	2 spaces/court
Theater	1 space/3 seats
Warehouse	1 space/500 square feet
Veterinary Hospital	1 space/250 square feet

SECTION 48. Chapter 21.61 is added to the Monterey County Code to read as follows:

**Chapter 21.61**

**REQUESTS FOR REASONABLE ACCOMMODATION**

[NOTE: This Chapter may be revised pending County Counsel's Review]

**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 the County to modify or waive requirements of this Title in order to provide a reasonable accommodation to individuals with a disability if necessary to eliminate barriers to housing opportunities.

**21.61.020 Applicability.**

A. The provisions of this Chapter shall apply to all housing types in any zoning district within the unincorporated non-coastal areas of the County.

B. This Chapter is intended to apply to any person who requires a reasonable accommodation, because of a disability.

C. An application 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 person with a disability, his or her 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. A statement setting forth the basis for the request, including verifiable 10 documentation of disability status.

6. The zoning code provision from which Reasonable Accommodation is being requested; and

7. Reason that the requested Reasonable Accommodation is necessary for the individual(s) with the disability to use and enjoy the dwelling.

**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 49. Section 21.64.010 of the Monterey County Code is repealed to read as follows:

**21.64.010 – [Repealed] 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 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 seven hundred (700) square feet. A detached senior citizen unit shall not exceed eight hundred fifty (850) square feet.~~

- ~~2. The senior citizen unit shall not be occupied by more than two persons, one of whom shall be sixty (60) 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 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 ten (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 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 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 21.64.010C 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. Variances:~~

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

**21.64.030 Regulations for Second Units ~~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.

- A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which a second unit, accessory to the main residence on a lot, may be permitted.
- B. Applicability: This Section is applicable in the HDR, MDR, LDR, and RDR zoning districts.
- C. Exclusions to Applicability: Second unit housing opportunities are limited in the following areas due to specific adverse impacts on the public health, safety, and welfare that may result from allowing second units in these areas:
  1. Any zoning district combined with a B-8 zoning overlay.
  2. Due to limitations on water supply, within the North County Planning Area, not including the Castroville Community Plan area, second units shall not be allowed.
  3. Due to limitations of water supply and traffic, within the Carmel Valley Master Plan second units shall only be permitted on legal lots of record created prior to October 26, 2010 containing 5 or more acres.
  4. Any area not residentially zoned.
- D. 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. Second units shall not be permitted prior to a main residence and shall be located on the same lot as the main residence. Second units must provide complete independent living facilities for one or more persons and shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation. Second units may be rented.
  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.
  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. Within the residentially zoned areas, units permitted as a Senior Citizen unit or a Caretaker unit shall be considered Second units for the purposes of this section. Caretaker units and Senior Citizen units permitted on lots not zoned residential shall be considered legal non-conforming.
  6. 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. Parking for second units shall be consistent with the Parking Regulations Chapter
  7. 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.
  8. 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 to serve the unit.

E. Any second unit proposal which does not comply with height or setback regulations for the district in which it is located shall require a Use Permit. The Zoning Administrator is the appropriate authority to consider said permit.

SECTION 51. Section 21.64.033 is added to the Monterey County Code to read as follows:

**21.64.033 – Regulations for single room occupancy (SRO) Facilities**

- A. Purpose: The purpose of this Section is to establish the development standards for Single Room Occupancy (SRO) Facilities. SRO Facilities meeting these development standards are allowed subject to a Use Permit in specified zoning districts, thus providing additional affordable housing opportunities.
- B. Applicability. The provisions of this section are applicable in the High Density Residential and Mixed Use Zoning Districts and in the Community Plan Zoning Districts.
- C. Regulations. A Single Room Occupancy Facility may be allowed, subject to a Use Permit in each case, and subject to the following standards:
1. Unit Size. Excluding the bathroom area and closet, the Single Room Occupancy unit must be a minimum of 150 square feet in floor area and the maximum size shall be not more than 400 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 and may contain either kitchen facilities or bath facilities but not both.
    - a. Complete common cooking facilities/kitchens must be provided if any unit within the SRO Facility does not have a kitchen. One complete cooking facility/kitchen shall be provided within the SRO Facility for every twenty SRO units or portion thereof that do not have kitchens, or have one kitchen on any floor where SRO 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. Each SRO Facility shall have at least ten square feet of common usable area per unit; however no SRO facility shall provide less than two hundred square feet of common outdoor area and two hundred square feet of common indoor area. 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. A 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. Single Room Occupancy Facilities shall include laundry facilities.

SECTION 52. Section 21.64.190 is added to the Monterey County Code 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 other incentives in accordance with California Government Code Sections 65915 through 65917. These regulations are intended 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 the Inclusionary Housing Ordinance.
- B. Applicability: The provisions of this Section are applicable in all Residential 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. Density Bonuses are calculated based on the existing maximum allowable density at the time of the application and are not based on any action that may be combined with the development to amend the general plan designation or zoning on the property.
  5. “Density Bonus Housing Agreement” means a legally binding agreement between the County and an applicant, governing how the applicant shall comply with this Section.

6. “Density Bonus Units” means those affordability restricted 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 for the purpose of calculating a “Density Bonus”.
7. “Household” means one or more individuals who occupy one dwelling unit as a single housekeeping unit.
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. “Maximum allowable residential density” means the density allowed under the zoning ordinance, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project.
13. “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.
14. “Moderate Income Household” means a household, including a low income household or 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.
15. “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.
16. “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.
17. “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.
18. “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 by the Appropriate Authority as part of an approval of a discretionary permit, provided the request complies with the requirements of this Section.
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 Section
    - 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. At the option of 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 as may be requested by the Director of Planning or the Director of the Housing and Redevelopment Agency to evaluate the request for a Density Bonus or Incentive(s). This additional information may include but is not limited to financial studies.
3. An application for a Housing Development containing five or more units shall qualify for a density bonus and at least one other incentive as provided by this Section 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.

4. 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.
  5. An applicant must choose a density bonus from only one applicable affordability category of this Section 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.
  6. Except for the density bonus and incentives allowed pursuant to the requirements of this Section, Density Bonus units are subject to all other provisions of the Monterey County General Plan, the Zoning Ordinance, and any other applicable regulations.
  7. 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 greatest extent feasible, the Bonus Units shall be located 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.
  8. The Density Bonus Units must be developed either prior to or concurrent with the development of the market rate units.
  9. A Density Bonus Housing Agreement shall be required as a condition of approving a Housing Development with Density Bonus Units permitted by this Section. 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 N of this Section. Density Bonus housing agreements apply to those units in excess of the units required to comply with the Inclusionary Housing Ordinance for a housing development. Units identified in a housing development as "Inclusionary housing" meeting the requirements of Chapter 18.40 of the Monterey County Code are subject to the Inclusionary Housing agreement requirements of that Chapter.
  10. Density Bonus Units are calculated based on the maximum allowable residential density as that term is defined in this Section and are additive to the maximum allowable residential density, thereby providing for a greater number of units allowed. Inclusionary Units provided in a housing development count toward qualifying for a Density Bonus; 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).
  11. In no event shall a density bonus exceed thirty five (35) percent of the maximum allowable residential density.
  12. A Housing Development that satisfies all applicable provisions of this Section shall qualify for a Density Bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Subsection 3 of this Section.
- E. The Density Bonus for Very Low Income Units shall be calculated as follows.

<u>Percentage of Very Low Income Units</u>	<u>Maximum Density Bonus (Percent of Maximum Allowable Residential Density)</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>22.5</u>
<u>7</u>	<u>25</u>
<u>8</u>	<u>27.5</u>
<u>9</u>	<u>30</u>
<u>10</u>	<u>32.5</u>
<u>11</u>	<u>35</u>

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

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

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

<u>Percentage of Moderate Income Units</u>	<u>Maximum Density Bonus (Percent of Maximum Allowable Residential Density)</u>
<u>10</u>	<u>5</u>
<u>11</u>	<u>6</u>
<u>12</u>	<u>7</u>
<u>13</u>	<u>8</u>
<u>14</u>	<u>9</u>
<u>15</u>	<u>10</u>
<u>16</u>	<u>11</u>
<u>17</u>	<u>12</u>
<u>18</u>	<u>13</u>
<u>19</u>	<u>14</u>
<u>20</u>	<u>15</u>
<u>21</u>	<u>16</u>

<u>22</u>	<u>17</u>
<u>23</u>	<u>18</u>
<u>24</u>	<u>19</u>
<u>25</u>	<u>20</u>
<u>26</u>	<u>21</u>
<u>27</u>	<u>22</u>
<u>28</u>	<u>23</u>
<u>29</u>	<u>24</u>
<u>30</u>	<u>25</u>
<u>31</u>	<u>26</u>
<u>32</u>	<u>27</u>
<u>33</u>	<u>28</u>
<u>34</u>	<u>29</u>
<u>35</u>	<u>30</u>
<u>36</u>	<u>31</u>
<u>37</u>	<u>32</u>
<u>38</u>	<u>33</u>
<u>39</u>	<u>34</u>
<u>40</u>	<u>35</u>

**H.** Senor citizen housing developments qualify for a 20 % Density Bonus.

**I.** Apartment conversions to 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 reasonable 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.

<u>Percentage of Moderate Income Units</u>	<u>Percentage of Lower Income Units</u>	<u>Percentage Density Bonus</u>
<u>33</u>	<u>(inclusive)</u>	<u>25</u>
<u>X</u>	<u>15</u>	<u>25</u>

**J.** When an applicant 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:

1. 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.
2. 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.

3. 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.
4. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units for a period of at least 30 years and subject to restrictions consistent with California Government Code Section 65915 (c)(1) and (2).
5. 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.
6. 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.

**K.** The Density Bonus for land donations meeting the criteria of subsection J above shall be calculated as follows:

<u>Percentage of Very Low Income Units</u>	<u>Maximum Density Bonus (Percent of Maximum Allowable Residential Density)</u>
<u>10</u>	<u>15</u>
<u>11</u>	<u>16</u>
<u>12</u>	<u>17</u>
<u>13</u>	<u>18</u>
<u>14</u>	<u>19</u>
<u>15</u>	<u>20</u>
<u>16</u>	<u>21</u>
<u>17</u>	<u>22</u>
<u>18</u>	<u>23</u>
<u>19</u>	<u>24</u>
<u>20</u>	<u>25</u>
<u>21</u>	<u>26</u>
<u>22</u>	<u>27</u>
<u>23</u>	<u>28</u>
<u>24</u>	<u>29</u>
<u>25</u>	<u>30</u>
<u>26</u>	<u>31</u>

<u>27</u>	<u>32</u>
<u>28</u>	<u>33</u>
<u>29</u>	<u>34</u>
<u>30</u>	<u>35</u>

**L.** 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 another 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:

- 1.** 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 N of this Section.
- 2.** 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.

**M.** Regulations for Incentive Requests:

- 1.** A Housing Development qualifying for a Density Bonus may be entitled to at least one Incentive in addition to the Density Bonus. Incentives are available to an applicant as follows:
  - a.** One (1) Incentive for a Senior Citizen Housing Development or for a Housing Development that 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 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 any of the following findings are made by the Appropriate Authority for the Housing Development:

- 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 Section not exceeding a combined maximum of thirty five (35) percent.
  - c. Streamlined permitting 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.
5. An applicant may request a meeting with the Planning Department and the Housing and Redevelopment Agency of Monterey County prior to the submittal of a development application to discuss incentive requests.

**N. Density Bonus Housing Agreement Required:**

- 1. For all Density Bonus Units in excess of the Inclusionary Housing unit requirements of Chapter 18.40 of the Monterey County Code, a Density Bonus Housing

Agreement shall be required between the County and the applicant for the Housing Development Project.

2. Density Bonus 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 ensure 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 Section and the terms of the Density Bonus 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 Density Bonus Housing Agreement.

3. When Title to Density Bonus Units approved pursuant to this Chapter is transferred to an eligible buyer, a Density Bonus 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 Subsection. 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. Density Bonus 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. Buyer's 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 53. Section 21.64.330 is added to the Monterey County Code to read as follows:

**21.64.330 – Regulations for Emergency Shelters.**

- A. Purpose: The purpose of this Section is to provide development standards for Emergency shelters in the unincorporated areas of Monterey County.
- B. Applicability. The provisions of this section are applicable in areas designated by a Community Plan for Mixed Use or High Density Residential, and in areas of the County zoned Mixed Use and High Density Residential.
- C. Regulations. An Emergency Shelter is an allowed use in any area designated by a Community Plan for Mixed Use or High Density Residential, and in areas of the County zoned Mixed Use or High Density Residential, subject to the following standards in each case:
1. Location: Emergency Shelters shall be allowed only where adequate water supply and sewage disposal facilities exist and shall be located no further than 2500 feet from a public transit stop.
  2. Size Limits. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the facility or one person per 125 square feet of floor area, which ever is less.
  3. Management. At a minimum, one on-site manager and one supporting staff member shall be provided in each sleeping area that is in use. Managers and supporting staff shall not be counted for the purpose of calculating the size limits pursuant to this Section.
  4. Operations Plan. The operator of the Emergency Shelter shall submit an operations plan to the Director of Planning for review and approval prior to the issuance of any construction permits. The Operations Plan shall contain, at a minimum, the following elements:
    - a. Security Plan. The security plan shall include provisions for onsite security including lighting, security cameras, and other measures appropriate to provide for adequate health and safety of clients and management and to aid in avoiding the potential for nuisances within near the site. The operator shall also demonstrate that emergency service providers including the Sheriff's Office, the local Fire Department and the appropriate Ambulance operator's have been adequately notified and will provide services to the shelter.
    - b. Neighborhood Relations Plan. The Plan shall include provisions for addressing potential neighborhood concerns, including regular meetings with abutting neighbors and contact information in case of emergency.
  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 or fewer consecutive months and shall not exceed 300 days within a 12 month period.

7. Segregated Sleeping Areas. Segregated lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Segregated sleeping, lavatory and bathing areas for families may also be provided.
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 on-site waiting and client intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.
9. Off-street parking shall be provided, in accordance with Section 21.58.040.

SECTION 54. Section 21.66.060 of the Monterey County Code is amended to read as follows:

**21.66.060 – Agricultural employee housing.** ~~Standards for farm employee and farmworker housing.~~

- A. Purpose: The purpose of this Section is to provide the minimum standards for the application and development of ~~farm agricultural employee and farm worker~~ housing.
- B. Applicability: The regulations of this Section are applicable in those zoning districts which allow ~~farm agricultural~~ employee housing ~~or farm worker~~ housing.
- C. Regulations:
  1. Development of ~~farm agricultural~~ employee housing and ~~farm worker~~ housing and renewal of permits for existing farm labor housing is subject to the required permits, based on the size of the facility and the zoning district of the subject property.
    - a. In the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts, ~~agricultural employee~~ housing consisting of not more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household is an allowed use; shall require a Use Permit or an Administrative Permit. The application shall include, at a minimum, the following elements:
      - b. In the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts, ~~agricultural employee~~ housing consisting of 37 or more beds in a group quarters or 13 or more units or spaces designed for use by a single family or household shall require a Use Permit.
  2. Prior to the issuance of any permits, the operator of the 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.
3. ~~Farm Agricultural employee and farm worker housing 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.
  - 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 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 agricultural employee or farm worker housing 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 55. Subsection E of Section 21.64.180 of the Monterey County Code 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~~

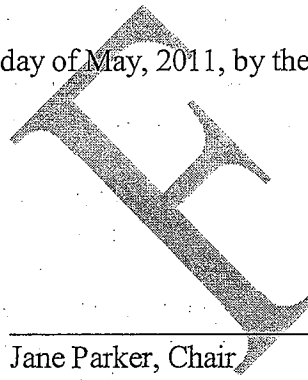
~~facilities, farm employee quarters agricultural employee housing~~ and employee housing accessory to an allowed use, shall not be included.

SECTION 56. 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 57. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day following its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of May, 2011, by the following vote:

AYES: Supervisors  
NOES:  
ABSENT:  
ABSTAIN:

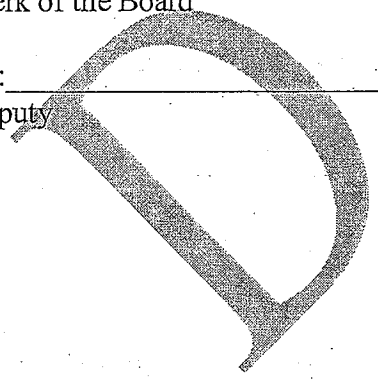


\_\_\_\_\_  
Jane Parker, Chair  
Monterey County Board of Supervisors

ATTEST:

GAIL T. BORKOWSKI  
Clerk of the Board

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



APPROVED AS TO FORM BY:

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



# Exhibit C

## Applicable State Legislation (Excerpts)

### Residential Care Facilities Legislation (Welfare and Institutions Code; Health and Safety Code)

Department of Social Services	
Facility Type	Relevant State Code Sections and Applicable Definitions
<p><b>Community Care Facility</b></p> <ul style="list-style-type: none"> <li>• Residential Facility               <ul style="list-style-type: none"> <li>o Adult Residential Facility</li> <li>o Group Home</li> </ul> </li> <li>• Adult Residential Facility for Persons with Special Health Care Needs</li> <li>• Community Treatment Facility</li> <li>• Foster Family Home</li> <li>• Small Family Home</li> <li>• Social Rehabilitation Facility</li> <li>• Transitional Housing Placement Facility</li> <li>• Transitional Shelter Care Facility</li> </ul> <p><i>(See Definitions for Community Care Facility section for each category)</i></p>	<p><i>Health &amp; Safety Code Sections 1500-1567.5:</i></p> <p>"1500. (a) This chapter shall be known and may be cited as the California Community Care Facilities Act.</p> <p>"1501. (a) The Legislature hereby finds and declares that there is an urgent need to establish a coordinated and comprehensive statewide service system of quality community care for <u>mentally ill, developmentally and physically disabled, and children and adults who require care or services</u> by a facility or organization issued a license or special permit pursuant to this chapter."</p>
<p><b>Residential Care Facility for Persons with Chronic, Life-Threatening Illness</b></p>	<p><i>Health &amp; Safety Code Sections 1568.01-1569.17</i></p> <p>"1568.01. For purposes of this chapter, the following definitions shall apply: ... (c) "Chronic, life-threatening illness" means HIV disease or AIDS."</p> <p>"<u>1568.02.</u> (a) (1) The department shall license residential care facilities for persons with chronic, life-threatening illness under a separate category. (2) A residential care facility for persons with chronic, life-threatening illness may allow a person who has been diagnosed by his or her physician or surgeon as terminally ill, as defined in subdivision (1) of Section 1568.01, to become a resident of the facility if the person receives hospice services from a hospice certified in accordance with federal Medicare conditions of participation and is licensed pursuant to Chapter 8 (commencing with Section 1725) or Chapter 8.5 (commencing with Section 1745)."</p>
<p><b>Residential Care Facility for the Elderly</b></p>	<p><i>Health &amp; Safety Code sections 1569-1569.889</i></p> <p>"1569. This chapter shall be known and may be cited as the California Residential Care Facilities for the Elderly Act."</p> <p>"1569.1. The Legislature hereby finds and declares: (a) The Legislature has taken steps in recent years to develop a continuum of long-term social and health support services for older persons in the community that provide a range of options for long-term care and residential care facilities for the elderly are central in that continuum."</p> <p>"... (h) It is, therefore, the intent of the Legislature to require that residential care facilities for the elderly be licensed as a separate category within the existing licensing structure of the</p>

	<p>State Department of Social Services.”</p> <p>“1569.2(k) "Residential care facility for the elderly" means a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, or personal care are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Section 1569.316.”</p>
<p>Wards of the State</p>	<p><i>Health &amp; Safety Code sections 1567-1567.8</i></p> <p>“1567. It is the intent of the Legislature that each county be encouraged to provide, in the county, a number and variety of licensed community care facilities, as defined in Sections 1502 and 1503 of the Health and Safety Code, commensurate to the needs of minors adjudged wards of the juvenile court pursuant to Section 601 or 602 of the Welfare and Institutions Code, hereinafter in this article referred to as wards of the juvenile court, who are residents of the county.”</p> <p>“1567.1. It is further the intent of the Legislature that, where city or county zoning restrictions unreasonably impair the ability of a county to serve the needs of its residents who are wards of the juvenile court, the removal of these restrictions is hereby encouraged and is a matter of high state interest.”</p> <p>“1567.2. As used in this article, the term "wards of the juvenile court" shall include minors who have been found by the juvenile court to be described by Section 601 or 602 of the Welfare and Institutions Code, as well as minors who are described by Section 601 or 602 of the Welfare and Institutions Code who have been diverted from formal juvenile court proceedings. It is further the intent of the Legislature to encourage that wards of the juvenile court be placed in licensed community care facilities within their county of residence, unless an individual ward has identifiable needs requiring specialized care which cannot be provided in a local facility, or unless the needs of the individual ward dictate physical separation from his family.</p> <hr/> <p><i>Welfare &amp; Institutions Code Sections 601 and 602</i></p> <p>“601. (a) Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his or her parents, guardian, or custodian, or who is beyond the control of that person, or who is under the age of 18 years when he or she violated any ordinance of any city or county of this state establishing a curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court.”</p> <p>“602. (a) Except as provided in subdivision (b), any person who is under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the</p>

	jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court."
Hospice	<p><i>Health &amp; Safety Code sections 1745-1759</i></p> <p>"1745. (a) The purposes of this chapter are to provide for the licensure of hospices by the state department in order to ensure the health and safety of patients, who by definition, are experiencing the last phases of life due to the existence of a terminal disease, and to permit qualified persons, political subdivisions of the state, and governmental agencies to comply with requirements of federal law regarding the provision of hospice care."</p> <p>"1746.(b) "Hospice" means a specialized form of interdisciplinary health care that is designed to provide palliative care, alleviate the physical, emotional, social, and spiritual discomforts of an individual who is experiencing the last phases of life due to the existence of a terminal disease, and provide supportive care to the primary caregiver and the family of the hospice patient..."</p>
<p><u>Definitions for Community Care Facility section</u></p> <p><u>Community Care Facility:</u> "1502. As used in this chapter: (a) "Community care facility" means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:"</p> <p><u>Residential facility</u> means any family home, group care facility, or similar facility determined by the director, for 24-hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. (State Distance Regulation applies pursuant to <i>Health &amp; Safety Code section 1250.5</i>: 300 feet from Community Care Facilities (except Residential Care Facilities for the Elderly)</p> <p><u>Community treatment facility</u> means any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment. Program components shall be subject to program standards developed and enforced by the State Department of Mental Health pursuant to Section 4094 of the Welfare and Institutions Code.</p> <p><u>Foster family home</u> means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means a foster family home described in Section 1505.2.</p> <p><u>Small family home</u> means any residential facility, in the licensee's family residence, that provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs, pursuant to subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the department may approve placement of children without special health care needs, up to the licensed capacity. (State Distance Regulation applies pursuant to <i>Health &amp; Safety Code section 1250.5</i>: 300 feet from Community Care Facilities (except Residential Care Facilities for the Elderly))</p> <p><u>Social rehabilitation facility</u> means any residential facility that provides social rehabilitation services for</p>	

no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

(State Distance Regulation applies pursuant to *Health & Safety Code section 1250.5*:

300 feet from Community Care Facilities (except Residential Care Facilities for the Elderly)

**Transitional housing placement facility** means a community care facility licensed by the department pursuant to Section 1559.110 to provide transitional housing opportunities to persons at least 17 years of age, and not more than 18 years of age unless the requirements of Section 11403 of the Welfare and Institutions Code are met, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.

**Transitional shelter care facility** means any group care facility that provides for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Program components shall be subject to program standards developed by the State Department of Social Services pursuant to Section 1502.3.

WELFARE AND INSTITUTIONS CODE

SECTION 4684.50.(a)(1)

**Adult Residential Facility for Persons with Special Health Care Needs (ARFPSHN)** means any adult residential facility that provides 24-hour health care and intensive support services in a homelike setting that is licensed to serve up to five adults with developmental disabilities as defined in Section 4512.

Residential Care Facilities with the State Dept. Responsibility for Licensing  
(continued)

Department of Alcohol and Drug Programs	
Facility Type	Relevant State Code Sections and Applicable Definitions
Residential Alcohol and Drug Abuse Recovery or Treatment Facility	<p><i>Health &amp; Safety Code sections 11834.01-11834.50</i></p> <p>"11834.02. (a) As used in this chapter, "alcoholism or drug abuse recovery or treatment facility" or "facility" means any premises, place, or building that provides 24-hour residential non-medical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services. (b) As used in this chapter, "adults" may include, but is not limited to, all of the following:</p> <ol style="list-style-type: none"> <li>(1) Mothers over 18 years of age and their children.</li> <li>(2) Emancipated minors, which may include, but is not limited to, mothers under 18 years of age and their children.</li> </ol> <p>(c) As used in this chapter, "emancipated minors" means persons under 18 years of age who have acquired emancipation status pursuant to Section 7002 of the Family Code.</p> <p>(d) Notwithstanding subdivision (a), an alcoholism or drug abuse recovery or treatment facility may serve adolescents upon the issuance of a waiver granted by the department pursuant to regulations adopted under subdivision (c) of Section 11834.50."</p> <p>"11834.23. Whether or not unrelated persons are living together, an alcoholism or drug abuse recovery or treatment facility which serves six or fewer persons shall be considered a residential use</p>

	<p>of property for the purposes of this article. In addition, the residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property pursuant to this article. For the purpose of all local ordinances, an alcoholism or drug abuse recovery or treatment facility which serves six or fewer persons shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or the mentally infirm, foster care home, guest home, rest home, sanitarium, mental hygiene home, or other similar term which implies that the alcoholism or drug abuse recovery or treatment home is a business run for profit or differs in any other way from a single-family residence. This section shall not be construed to forbid any city, county, or other local public entity from placing restrictions on building heights, setback, lot dimensions, or placement of signs of an alcoholism or drug abuse recovery or treatment facility which serves six or fewer persons as long as the restrictions are identical to those applied to other single-family residences.</p>
--	---

Residential Care Facilities with the State Dept. Responsibility for Licensing  
(continued)

Department of Public Health	
Facility Type	Relevant State Code Sections and Applicable Definitions
<b>Intermediate Care Facility/ Developmentally Disabled</b>	<p><i>Health &amp; Safety Code sections 1250(g)</i>            "Intermediate care facility/developmentally disabled" means a facility that provides 24-hour personal care, habilitation, developmental, and supportive health services to persons with developmental disabilities whose primary need is for developmental services and who have a recurring but intermittent need for skilled nursing services.</p>
<b>Intermediate Care Facility/ Developmentally Disabled- Habilitative</b>	<p><i>Health &amp; Safety Code sections 1250(e)</i>            "Intermediate care facility/developmentally disabled habilitative" means a facility with a capacity of 4 to 15 beds that provides 24-hour personal care, habilitation, developmental, and supportive health services to 15 or fewer persons with developmental disabilities who have intermittent recurring needs for nursing services, but have been certified by a physician and surgeon as not requiring availability of continuous skilled nursing care.</p>
<p>(State Distance Regulation applies pursuant to <i>Health &amp; Safety Code section 1267.9</i>:            300 feet (as measured from any point upon the outside walls of the structures housing the facilities) between Intermediate care facility/developmentally disabled-nursing, Intermediate care facility/developmentally disabled habilitative, and Residential Care Facilities defined in Section 1502)</p>	
<b>Intermediate Care Facility/ Developmentally Disabled-Nursing</b>	<p><i>Health &amp; Safety Code sections 1250(h)</i>            "Intermediate care facility/developmentally disabled-nursing" means a facility with a capacity of 4 to 15 beds that provides 24-hour personal care, developmental services, and nursing supervision for persons with developmental disabilities who</p>
<p>State Distance Regulation applies pursuant to <i>Health &amp; Safety Code</i></p>	

<p><i>section 1267.9:</i> 300 feet (as measured from any point upon the outside walls of the structures housing the facilities) between Intermediate care facility/developmentally disabled-nursing, Intermediate care facility/developmentally disabled habilitative, and Residential Care Facilities defined in Section 1502</p>	<p>have intermittent recurring needs for skilled nursing care but have been certified by a physician and surgeon as not requiring continuous skilled nursing care. The facility shall serve medically fragile persons with developmental disabilities or who demonstrate significant developmental delay that may lead to a developmental disability if not treated.</p>
<p><b>Congregate Living Health Facility</b></p> <p>State Distance Regulation applies pursuant to <i>Health &amp; Safety Code section 1267.9:</i> 1000 feet (as measured from any point upon the outside walls of the structures housing the facilities) between other Congregate Living Health Facility serving persons who are terminally ill, diagnosed with life-threatening illness, or catastrophically and severely disabled, as defined in Section 1250</p>	<p><i>Health &amp; Safety Code sections 1250(i)</i></p> <p>(1) "Congregate living health facility" means a residential home with a capacity, except as provided in paragraph (4), of no more than 12 beds, that provides inpatient care, including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social, recreational, and at least one type of service specified in paragraph (2). The primary need of congregate living health facility residents shall be for availability of skilled nursing care on a recurring, intermittent, extended, or continuous basis. This care is generally less intense than that provided in general acute care hospitals but more intense than that provided in skilled nursing facilities.</p> <p>(2) Congregate living health facilities shall provide one of the following services:</p> <p>(A) Services for persons who are mentally alert, persons with physical disabilities, who may be ventilator dependent.</p> <p>(B) Services for persons who have a diagnosis of terminal illness, a diagnosis of a life-threatening illness, or both. Terminal illness means the individual has a life expectancy of six months or less as stated in writing by his or her attending physician and surgeon. A "life-threatening illness" means the individual has an illness that can lead to a possibility of a termination of life within five years or less as stated in writing by his or her attending physician and surgeon.</p> <p>(C) Services for persons who are catastrophically and severely disabled. A person who is catastrophically and severely disabled means a person whose origin of disability was acquired through trauma or non-degenerative neurologic illness, for whom it has been determined that active rehabilitation would be beneficial and to whom these services are being provided. Services offered by a congregate living health facility to a person who is catastrophically disabled shall include, but not be limited to, speech, physical, and occupational therapy.</p>

## Farmworker/Agricultural Employee Housing Legislation

California State Employee Housing Act, under Health and Safety Code Section 17000-17062.5: 17021.5.

(b) Any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation for the purposes of this section. ...No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone.

17021.6.

(b) Any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use designation\* for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in an agricultural zone shall include agricultural employees who do not work on the property where the employee housing is located.

## Reasonable Accommodation Legislation

California Government Code Section 12927 (c) (1) "Discrimination" includes refusal to sell, rent, or lease housing accommodations; includes refusal to negotiate for the sale, rental, or lease of housing accommodations; includes representation that a housing accommodation is not available for inspection, sale, or rental when that housing accommodation is in fact so available; includes any other denial or withholding of housing accommodations; includes provision of inferior terms, conditions, privileges, facilities, or services in connection with those housing accommodations; includes harassment in connection with those housing accommodations; includes the cancellation or termination of a sale or rental agreement; includes the provision of segregated or separated housing accommodations; includes the refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the disabled person, if the modifications may be necessary to afford the disabled person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification (other than for reasonable wear and tear), and includes refusal to make reasonable accommodations in rules, policies, practices, or services when these accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling.

California Government Code Section 12955 (l) To discriminate through public or private land use practices, decisions, and authorizations because of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry. Discrimination includes, but is not limited to, restrictive covenants, zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law (Title 7 (commencing with Section 65000)), that make housing opportunities unavailable. Discrimination under this subdivision also includes the existence of a restrictive covenant, regardless of whether accompanied by a statement that the restrictive covenant is repealed or void. This paragraph shall become operative on January 1, 2001.

## Single Room Occupancy Legislation

California Government Code Section 65580-65589.8

(Excerpt from this section)

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

## Emergency Shelter Legislation

California Health & Safety Code Section 50800. (a) It is the intent of the Legislature to encourage the provision of shelter, with effective personal rehabilitation and self-sufficiency development services, to homeless persons at as low a cost and as quickly as possible, without compromising the health and safety of shelter occupants. It is also the intent of the Legislature to encourage the move of homeless persons from shelters to a self-supporting environment as soon as possible, to encourage provision of services for as many persons at risk of homelessness as possible, to encourage compatible and effective funding of homeless services, and to encourage coordination among public agencies that fund or provide services to homeless individuals, as well as agencies that discharge people from their institutions, including, but not limited to, child welfare agencies, health care programs, and jails and prisons. Because many communities currently provide shelter and limited services to individuals who are unable or unwilling to comply with traditional housing programs only during cold and wet weather and because year-round shelter will encourage these individuals to accept services and move toward permanent housing, it is also the intent of the Legislature to increase the availability of year-round shelter to meet the special needs of those individuals, including a Safe Haven that provides supportive housing for seriously mentally ill homeless persons.

California Health & Safety Code Section 50801 (e)

"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.

## Density Bonus Legislation

California Government Code Section

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:



(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

## **Second Unit Legislation**

### **California Government Code Section**

65852.2. (a) (1) Any local agency may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones. The ordinance may do any of the following:

(A) Designate areas within the jurisdiction of the local agency where second units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow.

(B) Impose standards on second units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Provide that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.