

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> April 27, 2011 <b>Time:</b> 9:00 AM		<b>Agenda Item No.:</b> 2
<b>Project Description:</b> An ordinance amending Title 21 (Non-Coastal Zoning) of the Monterey County Code to implement the 2009-2014 Housing Element. The amendment topics are as follows: 1) Definition of "Family"; 2) Residential Care Facility; 3) Transitional Housing or Transitional Housing Development; 4) Supportive Housing; 5) Agricultural Employee Housing; 6) Employee Housing; 7) Single Room Occupancy Facility; 8) Homeless Shelter; 9) Accessory Dwelling Unit; 10) Reasonable Accommodation; and 11) Density Bonus and Incentives. The topics would amend the following areas in Title 21: 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 Districts), 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), Chapter 21.64 (Special Regulations), Chapter 21.66 (Development Standards) and adding Chapters for Requests for Reasonable Accommodation and Density Bonus and Incentives.		
<b>Project Location:</b> Unincorporated Countywide (Non-Coastal areas)		<b>APN:</b> Countywide
<b>Planning File Number:</b> 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		
<b>CEQA Action:</b> Negative Declaration		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution to recommend that the Board of Supervisors:

1. Adopt the Negative Declaration; and
2. Adopt the Ordinance amending Title 21 (Non-Coastal Zoning Ordinance) to implement the 2009-2014 Housing Element.

### PROJECT OVERVIEW:

Attached for Planning Commission consideration is a Draft Ordinance amending Title 21, Non-Coastal Zoning Ordinance (see **Exhibit A, Attachment 1**), implementing the 2009-2014 Housing Element. The County adopted the Housing Element for 2009-2014 on June 15, 2010. *Goal H.4* of the Housing Element was 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 and/or amending existing zoning definitions, uses and/or regulations in the following areas:

1. Amending the County's current zoning definition of "Family"
2. Residential Care Facility

3. Transitional Housing or Transitional Housing Development;
4. Supportive Housing
5. Agricultural Employee Housing Facilities
6. Employee Housing
7. Single Room Occupancy (SRO) Unit
8. Homeless Shelters
9. Accessory Dwelling Units
10. Reasonable Accommodation
11. Density Bonuses and Incentives

These ordinances/amendments require adoption by the Board of Supervisors within a year of adoption of the Housing Element. The Housing Element was adopted on June 15, 2010. The allocation of State and Federal money to the County of Monterey could be impacted if these ordinances are not adopted within this timeframe. The Planning Commission is required to provide a recommendation to the Board of Supervisors prior to their action.

Title 20- Coastal Zoning Ordinance Amendments. The County of Monterey will also be amending Title 20 (Coastal Zoning) in order to implement the same housing ordinances as listed in items A thru J (above). The Draft Ordinance amending Title 20 is anticipated to come before the Planning Commission for consideration on May 11, 2011.

## **BACKGROUND:**

Drafting of the attached Draft Ordinance to implement the 2009-2014 Housing Element involved the following steps and consultations:

- Review of Housing Element. The first stage was to identify the Housing Element requirements and to review the background information which led to the policies being implemented.
- Research Federal and State law. Staff verified that the requirements of the Housing Element adequately captured State and Federal legislation.
- Monterey County General Plan / Examples of Ordinances by Other Planning Departments. Staff began to draft the Housing Ordinances based on the law research, consistency with the General Plan and by reviewing examples of similar ordinances, recently adopted by other local agencies throughout the State.
- Consultation with Agencies and Committees. In the preparation of the Draft Housing Ordinance, staff also 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). Comments from these agencies and/or committees were taken into consideration and incorporated into the Draft Ordinance.
- Planning Commission Workshop. Planning Commission workshops on the Housing Ordinances were conducted on March 9th and 30<sup>th</sup>, 2011. The workshop offered the opportunity for public input and allowed the Commission to ask questions and give direction prior to being presented with a draft ordinance for formal consideration..

- Refinement of Draft Ordinance- Staff has reviewed the Commission's comments and incorporated many of them into the Draft Ordinance presented in **Exhibit A, Attachment 1**. Some changes were not made based upon the policy direction of the General Plan or for other technical or legal reasons. The comments and changes are discussed in more detail below (in the Analysis section).

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

An Initial Study was prepared, resulting in a Negative Declaration, circulated for public review from February 18, 2011 to March 19, 2011. A comment letter was received from the State of California Department of Transportation (see **Exhibit C**).

## **ANALYSIS:**

### **1. Definition of Family**

The Zoning Ordinance definition of family needs to be changed to be non-discriminatory. In the Planning Commission's workshop draft ordinance, staff proposed language that relied on internal relationships within a housekeeping unit as the basis for defining a family. At the workshop, it was discussed that the County did not want to be in such an intrusive position. In the current draft, staff is presenting a definition which places the emphasis on "non-transient" people living together in a dwelling unit. This provides the distinction between a hotel/motel and also provides the broader definition of family.

### **2. Residential Care Facility**

State law requires that a Residential Care Facility serving six or less persons (excluding caregivers/operators); be allowed in those zoning districts where family dwellings are allowed. At the workshop the primary concern expressed was with allowing these facilities in other non-residential zones, where appropriate. The Planning Commission favored allowing these uses in non-residential zones subject to a discretionary permit. Specifically, there was interest in allowing these uses in the Agricultural zones and in the Watershed and Scenic Conservation District of the Coastal Zone.

Allowing Residential Care Facilities in Agricultural Zones has two components. Allowing the use in the same manner that residences are permitted by the Zoning Ordinance, and maintaining consistency with the 2010 Monterey County General Plan. The Farmlands (F), Rural Grazing (RG), and Permanent Grazing (PG) Zoning Districts allow three (3) single family dwellings *accessory to the agricultural use of the property* (emphasis added) for an owner, operator, or employees employed on the site. Residential Care Facilities should then be "accessory to the agricultural use of the property."

The 2010 General Plan adopted the Agricultural Element, specifically Policy AG-1.7 which states:

*In the Agricultural land use designations, housing facilities for family members and/or employees and their families employed on-site or off-site are allowed. Such housing shall be sited to minimize the conversion of viable agricultural lands, and is subject to approval of a discretionary permit. The clustering of residential uses accessory to the agricultural use of the land in locations that will have minimal impact on the most productive land shall be encouraged.*

This policy requires that all new dwellings in agricultural zones receive approval of a discretionary permit, prior to construction. Staff recommends that this policy be implemented now by moving the allowance of single family dwellings from "Uses Allowed" to "Uses Allowed, Administrative Permit required in each case." An Administrative Permit is a discretionary permit and would allow staff to review the permit to insure that any new dwellings are sited to minimize to conversion of viable agricultural lands. To be consistent, staff recommends that the Residential Care Facility also be allowed subject to approval of an administrative permit, provided the facility is "accessory to the agricultural use of the land." The attached ordinance reflects these changes.

An advantage of making this change is it will give the County and agricultural property owners greater flexibility in processing agricultural subdivisions for financing purposes. The subdivision of agricultural land requires that the County evaluate the resulting impacts for the newly created lots. This includes development of three new dwellings per lot. The Administrative Permit requirement would add a degree of discretion associated with the construction of future dwellings, which would lessen the need to evaluate that as part of the subdivision.

#### 3/4. Transitional Housing or Transitional Housing Development and Supportive Housing

State law requires that the County find transitional and supportive housing a residential use of property which is subject only to those restrictions that apply to other residential dwellings of the same type of the same zone. Staff had proposed to address this by defining Transitional and Supportive Housing as the type of residential structure in which it will be housed. The Planning Commission expressed a positive opinion for this approach and encouraged this approach for other housing related applications such as Residential Care Facilities. Unfortunately, it is not an acceptable practice to use regulatory language in definitions, so staff has developed an alternative approach. The new approach allows Transitional and Supportive housing as a specific residential use type, consistent with how that particular use type is currently permitted in each zone (e.g. single family dwelling, duplex or multiple family dwelling.) The definition for the Transitional and Supportive Housing defines these uses consistent with State Law.

#### 5. Agricultural Employee Housing

State law requires the establishment of agricultural employee housing facilities for up to 12 dwelling units or 36 beds in a group quarters, to be treated as an 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. 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 Low Density Residential, Rural Density Residential, Farmlands, Rural Grazing, Permanent Grazing, and Resource Conservation Zoning Districts. In order to reduce confusion and remain consistent with the State Law, the existing Farm Worker Housing references are being removed. In their place will be the Agricultural Employee Housing of 12 units or 36 beds permitted in agricultural zones as an allowed use. Larger facilities will be permitted subject to a use permit. In the proposed ordinance, smaller facilities will be addressed by allowing "employee housing", as addressed below. This combination of housing types effectively replaces the existing Farm Worker Housing Types in both Agricultural Zones and in Residential Zones.

#### 6. Employee Housing

State law requires that "employee housing" providing accommodations for six or fewer employees be deemed a "single-family structure with a residential land use designation and that no conditional use permit, zoning variance or other zoning clearance be required of a family dwelling of the same type in the same zone. The Commission expressed concern that employee housing should not be limited to agricultural areas, because employee housing is an important form of affordable housing, particularly in the Coastal Zone.

Employee Housing in the current draft has been defined with reference to the State Law, which defines employee housing very broadly. It is included as a permitted use in the residential districts. It is not called out separately in the agricultural districts because these districts already allow single family dwellings for employees.

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

State law requires that local jurisdictions address the provision of housing for extremely low income individuals or households, including Single Room Occupancy (SRO) Units. Staff identified properties zoned High Density Residential and Mixed Use in Community Plan Areas, as appropriate land use designations for SRO Facilities. These would require approval of a Use Permit. Community Plan areas are typically more urbanized areas of the unincorporated County, with access to public transportation and services. At the Planning Commission workshop, there did not seem to be any concern with this approach.

#### 8. Homeless Shelters

State law defines Emergency Shelters as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or fewer. The County was required to identify at least one zoning district where Emergency Shelters will be permitted by right. 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.

At the Planning Commission workshop, it was identified that the name "Emergency Shelter" is misleading and in response, the name of the use has been changed to "Homeless Shelter", so as to not be confused with shelters that are established in response to natural disasters.

There was also concern with only allowing these in Community Areas because this seems to target Castroville. The ordinance has been modified to include Rural Centers (Rural Centers are discussed in the 2010 General Plan). This should expand the location of Homeless Shelters beyond Castroville and the name change from *Emergency Shelters* to *Homeless Shelters*, should minimize misunderstandings.

#### 9. Accessory Dwelling Units

California Government Code Section 65852.2 eliminated the provisions for Senior Citizens Units and required that second units be allowed in single-family and multifamily residential zones. A local agency may either use the state law or adopt local regulations.

The existing Zoning Ordinance has two types of accessory dwelling units: caretakers units and senior citizens units. The ordinance presented at the workshop proposed to remove senior citizen units from the Zoning Ordinance entirely. Caretaker unit regulations would be replaced by Second Unit regulations, applicable in residential zones. Caretaker Units for on-site security would still be allowed within non-residential 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.

At the workshop the Planning Commission seemed in agreement that removal of the Senior Citizen Unit regulations and replacing the Caretaker Unit regulations with second unit regulations was appropriate. However, the Commission did express concern with doing away with Caretaker Units and Senior Citizen Units in non-residential zones where these could be a form of affordable housing. The primary concern was with agricultural zones in the inland area, Watershed Scenic Conservation and Resource Conservation districts in the coastal areas and Public/Quasi Public in both areas.

The name has been changed from Second Dwelling Units to Accessory Dwelling Units. The 2010 General Plan refers to Accessory Dwelling Units, and there are references in Title 20 to "secondary units" which staff thought could be confusing. Accessory Dwelling Units is consistent with the 2010 General Plan and removes potential confusion with Title 20 references, as well.

The agricultural zoning districts in Title 21 (Non-Coastal Zoning), currently allows three (3) single family dwellings accessory to the agricultural use of the property. Senior Citizen Units were allowed separately subject to an Administrative Permit. Senior Citizen Units were accessory units limited to a two-person occupancy, with the requirement that at least one of the two occupants, was a senior citizen or a person with a disability. The same restrictions do not apply to Accessory Dwelling Units. An Accessory Dwelling Unit will not have any occupancy limitations other than related to the agricultural use of the property. Functionally the Accessory Dwelling Unit would become a fourth unit. Staff has not added

Accessory Dwelling Units to the list of permitted uses because the code currently allows up to three units.

The PQP zone does not currently allow a single family residence as an allowed use with any type of permit in the PQP district, so an Accessory Dwelling Unit would not be appropriate. The PQP does allow a Caretaker's unit, and this fits the revised definition of Caretaker Unit, so no additional change is needed to the PQP.

#### 10. Reasonable Accommodation

State housing law requires local governments to make reasonable accommodations in their zoning laws and other land use regulations to provide disabled persons equal access to housing. The Draft Housing Ordinance has been written so that Reasonable Accommodation requests would be applicable to "housing types" in any zoning district. The reasoning behind the "type" and not the "zoning district" is that dwelling units may exist in non-residential zoning districts, such as in Commercial, Agricultural or Industrial Districts. The draft presented to the Planning Commission workshop generated only one comment related to expanding Reasonable Accommodation to include non-residential structures, such as businesses, in order to provide accessibility to disabled persons. Staff considered this comment, and has not expanded the scope of the ordinance to include non-residential structures at this time for two primary reasons. First, non-residential structures are required to provide access to people with disabilities as part of the Building Code and as part of the American with Disabilities Act (ADA). Residences are not subject to the same regulations and so often need to be retrofitted to provide access. This is when zoning restrictions can become a complication. Second, the zoning restrictions for non-residential districts (setbacks, yard areas and coverage) are much less for non-residential districts than for residential districts. The need for relief in non-residential districts is not the same as in residential districts. If the Commission feels strongly that this should be addressed, it is recommended that the Planning Commission direct staff to incorporate this into a future update.

#### 11. Density Bonuses and Incentives

California Government Code Sections 65915 through 65917 establishes regulations for Density Bonuses and Incentives and requires that the County adopt an ordinance specifying how State law will be complied with. The ordinance presented to the Planning Commission at the workshop attempted to reconcile the provision of the State Density Bonus regulations with the County of Monterey Inclusionary Housing Regulations contained in Chapter 18.40 of the Monterey County Code. The Planning Commission expressed concern with the definitions used in the ordinance because the definitions did not adequately differentiate between the affordable units from the units received as part of the density bonus.

In response to the concerns expressed by the Commission, staff has done a significant amount of work on this ordinance. The following changes have been made:

- i. New Chapter. Redrafting this ordinance as a separate section allowed the regulations to be broken down into more discrete sections for organization and clarity.

- ii. Definitions. Three new definitions have been added. "Base units" are the units allowed under the General Plan and zoning. "Qualifying units" are the units affordable to very low, low or moderate income individuals. "Density Bonus Units" are the additional units received above the base units.
- iii. Qualifying Units – Agreement Required. This section has been modified to explain that the Qualifying Units may be used to satisfy the Inclusionary Housing Requirements and if so are then subject to the Inclusionary Housing Agreement. Any additional Qualifying Units required as a result of the Density Bonus would then need to be subject to an agreement fulfilling the density bonus requirements. The Inclusionary Units are affordable in perpetuity, while density bonus units are required to be affordable for 30 years.

## CONCLUSION:

The Draft Ordinance in **Exhibit A, Attachment 1**, shows deletions as ~~strike through~~ and additions as underline text. Staff recommends that the Planning Commission adopt a resolution to recommend that the Board of Supervisors adopt the Negative Declaration and approve the Resolution in **Exhibit A**, amending Title 21 to implement the 2009-2014 Housing Element.

/S/



Nadia Amador, Associate Planner

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April 18, 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 REF100052.

## Attachments:

- Exhibit A Planning Commission Resolution recommending to the Board of Supervisors approval of the Amendments to Title 21 (with *Attachment 1- Draft Housing Ordinance*)
- Exhibit B Negative Declaration/Initial Study
- Exhibit C Comments received relative to the Negative Declaration/Initial Study

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

# **Exhibit A**

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

### **Resolution No.**

Resolution of the Monterey County Planning Commission )  
recommending that the Monterey County Board of Supervisors )  
1). Adopt the Negative Declaration prepared for the Amendment to )  
Title 21 related to implementation of the 2009-2014 Housing )  
Element. )  
2) Adopt an ordinance amending Title 21 (Non-Coastal Zoning) of the )  
Monterey County Code as follows: 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 )  
Districts), 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), Chapter 21.64 (Special Regulations), )  
Chapter 21.66 (Development Standards) and adding Chapters for )  
Requests for Reasonable Accommodation and Density Bonus and )  
Incentives. (REF100052) )

Proposed amendments to Title 21 (Non-Coastal Zoning) came before the Monterey County Planning Commission at a duly noticed public hearing on April 27, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors with reference to the following facts:

### **I. RECITALS:**

1. The Monterey County Housing Element 2009-2014 was adopted by the Monterey County Board of Supervisors on June 15, 2010.
2. In a letter dated August 18, 2010 the State of Housing and Community Development determined that the Housing Element 2009-2014 was in full compliance with the State housing element law (Article 10.6 of the Government Code).
3. *Goal H.4* of the 2009-2014 Housing Element was 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 amend the current definition of “*Family*” and to develop new ordinances in the following areas in order to comply with *Goal H.4: Residential Care Facility; Transitional Housing or Transitional Housing Development; Supportive Housing; Agricultural Employee Housing Facility; Employee Housing; Single Room Occupancy (SRO) Unit; Homeless Shelters; Accessory Dwelling Units; Reasonable Accommodation; Density Bonuses and Incentives.*

4. Pursuant to the California Environmental Quality Act (CEQA), the County prepared an Initial Study, Notice of Intent to Adopt a Negative Declaration, and draft Negative Declaration for the Ordinance amendments to Title 21 (Non-Coastal Zoning), pursuant to the implementation of the Monterey County Housing Element 2009-2014. The Initial Study concluded that the adoption of the Ordinance amendments would not have a significant impact on the environment. The Initial Study and draft Negative Declaration were circulated for public review from February 18, 2011 to March 19, 2011. A Comment letter was received from the State of California Department of Transportation. The letter did not request any changes or disagree with the findings of the Negative Declaration.
5. On January 27, 2011, the Monterey County Agricultural Advisory Committee received a presentation on the Preliminary Draft Ordinance Amendments to Title 21 (Non-Coastal Zoning) and recommended approval of the Ordinance to the Monterey County Board of Supervisors.
6. On March 9, 2011, the Housing Advisory Committee (HAC) received a presentation on the Preliminary Draft Ordinance Amendments to Title 21 (Non-Coastal Zoning) and the HAC recommended approval of the Ordinance to the Monterey County Board of Supervisors.
7. On March 9, 2011 and March 30, 2011, the Monterey County Planning Commission received a presentation and conducted a public workshop on the Preliminary Draft Ordinance Amendments for Title 21 (Non-Coastal Zoning).
8. The Draft Ordinance amending Title 21 (Non-Coastal Zoning) has been reviewed for consistency with the goals and policies of the 2010 Monterey County General Plan and the Draft Ordinance is consistent with the 2010 Monterey County General Plan.
9. On April 27, 2011 the Monterey County Planning Commission conducted a public hearing on the draft Negative Declaration and the Draft Ordinance amending Title 21 (Non-Coastal Zoning) in order to implement the 2009-2014 Housing Element, at which all persons were provided the opportunity to appear and be heard. The hearing was duly noticed in the Salinas Californian and the Monterey County Herald at least 10 days prior to the hearing.

## II. DECISION:

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission hereby recommends that the Board of Supervisors adopt a Negative Declaration and approve the attached Ordinance amending Title 21 (Non-Coastal Zoning Ordinance)(Attachment 1)).

PASSED AND ADOPTED on this 27<sup>th</sup> day of April, 2011, by the following vote:

AYES:

NOES:

ABSENT:

By: \_\_\_\_\_  
Mike Novo, Secretary

# ATTACHMENT 1

## 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 AND TO COMPLY WITH FEDERAL AND STATE LAW.

### County Counsel Summary

*This ordinance amends Title 21 (Non-Coastal Zoning) of the Monterey County Code to implement the 2009-2014 Housing Element of the Monterey County General Plan and to conform to State housing law requirements. The ordinance amends Chapter 21.06 to update various definitions of terms used in Title 21. This Ordinance also amends 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), to specify whether, in each of these zoning districts, the following forms of housing are allowed uses or require a discretionary permit: Residential Care Facility, Transitional Housing or Transitional Housing Development, Supportive Housing, Agricultural Employee Housing, Employee Housing, Single Room Occupancy Facility, Homeless Shelters, and Accessory Dwelling Unit. This Ordinance also amends Chapter 21.58, Chapter 21.64, Chapter 21.66 and adds Chapter 21.61 to provide parking requirements for these housing forms; provide regulations and development standards for Requests for Reasonable Accommodation, Accessory Dwelling Units, Agricultural Employee Housing, Transitional Housing or Transitional Housing Development; Supportive Housing; Single Room Occupancy Facility; and Homeless Shelters. Lastly, the Ordinance adds Chapter 21.65 providing regulations for Density Bonus and Incentives.*

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,

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

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.

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 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 agricultural employee housing facility. The agricultural employee housing is not required to be located on the same property where the 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 21.06.372 is added to the Monterey County Code to read as follows:

**21.06.372 Dwelling Unit, Accessory**

“Accessory Dwelling 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.

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.

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.

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 non-transient, 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 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" means Agricultural Employee.

SECTION 9. Section 21.06.460 of the Monterey County Code is repealed.

**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.

**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.

**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 21.06.641 is added to the Monterey County Code to read as follows:

**21.06.641- Homeless shelter.**

"Homeless shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. *Homeless shelter* has the same meaning as "emergency shelter" as defined in Section 50801 (e) of the California Health and Safety Code.

SECTION 13. 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.

SECTION 14. 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, 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 persons living in a residential setting.

SECTION 15. 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 16. Section 21.06.1000 of the Monterey County Code is repealed.

**21.06.1000 – [Repealed] Senior citizen 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.~~

SECTION 17. Section 21.06.1115 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 occupy 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 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.

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.

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

21.06.1312- Transitional Housing and Transitional Housing Development.

“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.

**[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 Facility; 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. Accessory Dwelling Unit meeting the development standards of Section 21.64.030;
- O. Homeless Shelter, pursuant to Section 21.64.330;
- P. Employee Housing providing accommodations for up to six employees;
- Q. Supportive Housing contained within a dwelling unit if the dwelling unit is an allowed use under this section.
- R. Transitional Housing or Transitional Housing Development contained within a dwelling unit if the dwelling unit is an allowed use under this section.

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;
- K. Supportive Housing, contained within the housing types of this Section;
- L. Transitional Housing or Transitional Housing Development contained within the housing types of this Section.

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 Facility (ZA);
- X. Single Room Occupancy Facility, pursuant to Section 21.64.033 (ZA);
- Y. Supportive Housing, contained within contained within the housing types of this Section;
- Z. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section.

## **[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 Facility; 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. Accessory Dwelling Unit meeting the development standards of Section 21.64.030;
- O. Employee Housing providing accommodations for up to six employees;

- P. Supportive Housing, contained within a dwelling unit if the dwelling unit is an allowed use under this section.
- Q. Transitional Housing or Transitional Housing Development, contained within a dwelling unit if the dwelling unit is an allowed use under this section.

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;
- I. [Intentionally left vacant]
- J. Supportive Housing, contained within the housing types of this Section;
- K. Transitional Housing or Transitional Housing Development contained within the housing types of this Section;

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 Facility (ZA);
- W. Supportive Housing, contained within the housing types of this Section;
- X. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section;

**[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 Facility; 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. Accessory Dwelling Unit meeting the development standards of Section 21.64.030;
- R. Employee Housing providing accommodations for up to six employees;
- S. Supportive Housing, contained within a dwelling unit if the dwelling unit is an allowed use under this section;
- T. Transitional Housing or Transitional Housing Development, contained if the dwelling unit is a dwelling unit which is an allowed use under this section.

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.
- J. [Intentionally left vacant]
- K. Supportive Housing, contained within the housing types of this Section;
- L. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section.

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 Facility (ZA);
- CC. Supportive Housing, contained within the housing types of this Section;
- DD. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section.

## **[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 Facility; 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. Accessory Dwelling Unit meeting the development standards of Section 21.64.030;
- T. Employee Housing providing accommodations for up to six employees;
- U. Supportive Housing, contained within a dwelling unit if the dwelling unit is an allowed use under this section;
- V. Transitional Housing or Transitional Housing Development, contained within a dwelling unit if the dwelling unit is an allowed use under this section;

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.
- K. Supportive Housing, contained within the housing types of this Section;
- L. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section.

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 Facility (ZA);
- PP. Supportive Housing, contained within the housing types of this Section;
- QQ. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section.

### [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;~~ [Repealed]
- 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. ~~Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding; [Repealed]~~
- 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;
- I. Single family dwellings accessory to the agricultural use of the property not exceeding three in total, for an owner, operator or employees;
- J. Small Residential Care Facility accessory to the agricultural use of the property

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~~ Agricultural employee 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;~~[Repealed]
- 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. ~~Senior citizen units meeting the development standards of Section 21.64.010; [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 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.
- I. Single family dwellings accessory to the agricultural use of the property not exceeding three in total, for an owner, operator or employees;
- J. Small Residential Care Facility, accessory to the agricultural use of the property;

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. ~~Farm worker housing facility;~~[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~~ Agricultural Employee 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;~~[Repealed];
- 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. Small Residential Care Facility; accessory to the agricultural use of the property; 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; [Repealed];~~
- 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.
- I. Single family dwellings accessory to the agricultural use of the property not exceeding three in total, for an owner, operator or employees;

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 Agricultural employee 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. Small Residential Care Facility; 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.
- S. Supportive Housing, contained within the housing types of this Section;
- T. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section;
- U. Employee Housing providing accommodations for up to six employees;

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;~~ Accessory Dwelling Unit meeting the development standards of Section 21.64.030;
- 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.
- K. Supportive Housing, contained within the housing types of this Section;
- L. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section;

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.
- HH. Supportive Housing, contained within the housing types of this Section;
- II. Transitional Housing or Transitional Housing Development, contained within the housing types of this Section;

### **[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. Homeless Shelter, pursuant to Section 21.64.320 is an allowed use within areas designated by a Community Plan as Mixed Use or High Density Residential.
- E. Small Residential Care Facility is an allowed use within areas designated by a Community Plan as Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential or Mixed Use.

- F. A Large Residential Care Facility may be considered, subject to 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 is an allowed use within areas designated by a Community Plan as Low Density Residential, Medium Density Residential, High Density Residential, Mixed Density Residential or Mixed Use.
- H. Supportive Housing, contained within the housing types of this Section, pursuant to those permitting requirements of the specific housing type:
- J. Transitional Housing or Transitional Housing Development contained within the housing types of this Section, pursuant to those permitting requirements of the specific housing type.

## **[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
Family Day Care Facility	1 space/employed plus 1 space/10 children
<del>Farm Labor Housing</del> Agricultural Employee Housing Facility	<del>1space/bedroom dwelling unit or 1 space/4 beds</del>
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
<u>Homeless Shelter</u>	<u>1 space/employee and 1 space/6 beds or portion thereof</u>
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
<u>Accessory Dwelling Unit</u>	<u>1 space/unit</u>
Duplex	2 spaces/unit
Triplex	2 spaces/unit
Multiple-Family Residential,	1 space/studio unit
Apartments, Townhouses,	1.5 spaces/1 bedroom unit
Condominiums, Cluster Homes	2 spaces/2 bedroom unit
	2.2 spaces/3 or more bedroom unit
	In addition, 1 guest parking space shall be provided for every 4 units
Boarding House, Rooming	1 space/guest room
House, Organizational	1 space/100 sq. ft. of guest room
<u>Large Residential Care Facility</u>	<u>1 space/employee plus 2 additional spaces</u>
<u>Senior Citizen Housing complexes</u>	<u>1 space/2 units plus 1 guest space/8 units</u>
<u>Single Room Occupancy Facility</u>	<u>.5 spaces/unit (Within 2,000 feet of Public Transit)</u>
<u>Single Room Occupancy Facility</u>	<u>1 space/unit (Not within 2,000 feet of Public Transit)</u>
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 sapce/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

## **[21.61 – New Chapter- Reasonable Accommodation]\*\***

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

### **Chapter 21.61** **REQUESTS FOR REASONABLE ACCOMMODATION**

#### **Sections:**

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

#### **21.61.010 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. A request for Reasonable Accommodation may include, but it is not limited to, a modification or exception to the rules, standards and practices of this Title 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 Requests 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. A request 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 third-party documentation of disability status.

6. The zoning code regulation 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, deny, or modify, in whole or in part, said accommodation, subject to making the following findings based on substantial evidence:

1. The housing, which is the subject of the request for Reasonable Accommodation, will be used by an individual(s) with a disability protected under fair housing laws;

2. The requested accommodation is necessary to make housing available to an individual with a disability 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. Alternative accommodations which may provide an equivalent level of benefit do not exist.

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 to the Board of Supervisors from the action of the Appropriate Authority, may be taken by the applicant if the Request for Reasonable Accommodation was not combined with another permit. If the Request for Reasonable Accommodation was combined with another permit pursuant to Chapter 21.76 (Combined Development Permit), then an appeal may be taken pursuant to the requirements for appeals of actions on Combined Development Permits.

#### **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.

### **[21.64.010 –Section to be repealed-Senior Citizen Units]\*\***

SECTION 49. Section 21.64.010 of the Monterey County Code is repealed:

#### **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.~~

**[21.64.030 -Accessory Dwelling Unit]\*\***

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

**21.64.030      Regulations for Accessory Dwelling Unit ~~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 an Accessory Dwelling Unit, accessory to the main residence on a lot, may be permitted.

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

C. Accessory Dwelling Units Prohibited in certain areas. There are areas of the County where Accessory Dwelling Units due to infrastructure limitations would pose a hazard to public health, safety and welfare. The County acknowledges prohibiting Accessory Dwelling Units in these areas may limit the housing opportunities of the region; however, the public health, safety and welfare exceeds the need to additional housing. Accessory Dwelling Units will not be permitted in the following areas:

1. Within a B-8 zoning overlay. The B-8 zoning overlay is imposed when there are infrastructure limitations.
2. North County Planning Area, not including the Castroville Community Plan area. General Plan Policy NC-1.5 limits development on properties with residential land use to the first single family dwelling on an existing lot of record.
3. In the Carmel Valley Master Plan of the General Plan Policy CV-1.6 limits Accessory Dwelling Units to legal lots of record created prior to October 26, 2010 containing 5 or more acres.
4. In the Toro Planning Area, General Plan Policy T-1.7 limits development to the first single family dwelling for that area shown on Figure LU-10.

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

1. Only one Accessory Dwelling Unit per lot shall be allowed. An Accessory Dwelling Unit shall not be permitted prior to a main residence and shall be located on the same lot as the main residence. An Accessory Dwelling Unit must provide complete independent living facilities for one or more persons and shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation. An Accessory Dwelling Unit may be rented.
2. The minimum lot size for establishment of an Accessory Dwelling Unit in areas not served by public sewers shall be two acres, except in the Carmel Valley Master Plan area where the minimum lot size shall be five acres.
3. An Accessory Dwelling Unit shall not be subject to density requirements of the zoning district in which the lot is located.
4. The maximum floor area for an Accessory Dwelling 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 an Accessory Dwelling Unit for the purposes of this section.

6. An Accessory Dwelling Unit shall conform to all of the zoning and development standards (lot coverage, height, setbacks, design, etc.) of the zoning district which governs the lot. An Accessory Dwelling Unit attached to the principal residence shall be subject to the height, setback and coverage regulations of the principal residence. An Accessory Dwelling Unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height, and setbacks. Parking for an Accessory Dwelling Unit shall be consistent with the Parking Regulations in Chapter 21.58.
7. An Accessory Dwelling Unit shall be designed in such a manner as to be visually consistent and compatible with the principal residence on-site and other residences in the area.
8. Accessory Dwelling Units are subject to review and approval by the Director of Environmental Health to ensure adequate sewage disposal and water supply facilities exist or are readily available to serve the unit.
- E. An Accessory Dwelling Unit may be allowed in the Resource Conservation zone subject to an Administrative Permit in each case. In order to grant the Administrative Permit, the Appropriate Authority shall make all of the following findings:
  1. The establishment of the Accessory Dwelling Unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
  2. That the proposed Accessory Dwelling Unit complies with all of the applicable requirements of this Section.
  3. That the subject property upon which the Accessory Dwelling Unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.
  4. That adequate sewage disposal and water supply facilities exist or are readily available, as determined by the Director of Environmental Health.
- F. Any Accessory Dwelling Unit which does not comply with height or setback regulations for the district in which it is proposed shall require a Use Permit. The Zoning Administrator is the appropriate authority to consider said permit. The Use Permit may only be approved if it can be found that the deviation from the height and/or setback requirements better achieves the policies of the General Plan and regulations of the Zoning Ordinance.

### **[21.64.033 –Section to be added-Single Room Occupancy]\*\***

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.

**[21.64.330 –New section- Homeless Shelter]\*\***

SECTION 52. Section 21.64.330 is added to the Monterey County Code to read as follows:

**21.64.330 – Regulations for Homeless Shelter.**

- A. Purpose: The purpose of this Section is to provide development standards for Homeless 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. A Homeless 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: Homeless Shelters shall be allowed only where adequate water supply and sewage disposal facilities exist as determined by the Director of Environmental Health and Homeless Shelters 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, whichever 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 Homeless 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 operators 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 homeless shelters. No homeless shelter shall be within a 300 foot radius from another homeless 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 Homeless 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 a homeless 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.

**[21.65– New Chapter- Density Bonus and Incentives]\*\***

SECTION 53. Chapter 21.65 is added to the Monterey County Code to read as follows:

**Chapter 21.65**  
**Density bonus and incentives**

**Sections:**

**21.65.010 – Purpose**

**21.65.020 – Applicability**

**21.65.030 – Definitions**

**21.65.040 – Application Requirements**

**21.65.050 – Eligibility for Density Bonus**

**21.65.060 - Density Bonus Calculations**

**21.65.070 – Eligibility and Application Requirements for Incentives**

**21.65.080 – Child Care Facilities**

**21.65.090 – Donation of Land**

**21.65.100 –General Requirements**

**21.65.110 – Qualifying Units – Agreement Required.**

**21.65.010 – Purpose.**

The purpose of this Chapter is to implement 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.

**21.65.020 – Applicability.**

The provisions of this Chapter are applicable in all residential zoning districts.

**21.65.030 – Definitions.**

A. “Affordable Rent” means a monthly amount which, together with utility allowance, does not exceed the following:

1. 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.
2. For low income Density Bonus units, one-twelfth of thirty (30) percent of sixty (60) percent of median income, adjusted for household size.
3. 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.

B. “Affordable Sales Price” means a sales price at which moderate, Low or Very Low Income Households can qualify for the purchase of Qualifying Units, calculated on the basis of the same underwriting criteria utilized by the County for the County’s Inclusionary Housing Ordinance.

- C. "Base Units" means the number of units allowed under the land use and zoning designation included within the Housing Development.
- D. "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.
- E. "Density Bonus" means an increase in density over the otherwise maximum allowable residential density under the applicable Zoning Ordinance and General Plan Land Use designation taking into account all applicable limitations.
- F. "Density Bonus Housing Agreement" means a legally binding agreement between the County and an applicant, governing how the applicant shall comply with this Section.
- G. "Household" means one or more individuals who occupy one dwelling unit.
- H. "Housing Development" means a project providing residential units including a subdivision, a planned unit development, multifamily dwellings, or condominium project. Housing developments consist of development of residential units or creation of unimproved residential lots and also include either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, where the result of the rehabilitation would be a net increase in available residential units.
- I. "Incentive" means enticements for providing affordable housing proposed by the developer or the County that result in identifiable, financially sufficient, and actual cost reductions for a qualified Housing Development.
- J. "Inclusionary Unit" means a dwelling unit which is restricted for affordability by pursuant to the County's Inclusionary Housing Ordinance.
- K. "Low Income Household" or Lower 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 low income Households with incomes of up to eighty (80) percent of the Median Income, adjusted for household size.
- L. "Low Income Unit" or "Lower Income Unit" means a qualifying unit or Inclusionary Unit reserved for occupancy by Low Income Households at an affordable rent or sales price.
- M. "Maximum allowable residential density" means the density allowed under the General Plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project. Maximum allowable residential density takes into account limitations to density pursuant to General Plan policies and Zoning Ordinance regulations.
- N. "Median Income" means the median 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.
- O. "Moderate 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 moderate income households with incomes of one hundred twenty (120) percent of the Median Income, adjusted for household size.
- P. "Moderate Income Unit" means a qualifying unit or Inclusionary Unit reserved for occupancy by moderate income households at an affordable rent or sales price.
- Q. "Qualifying Units" means a dwelling or dwellings designated for occupancy by very low, low, or moderate income households, within a housing development, in connection with a request for a Density Bonus.

- R. “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. A housing development shall be presumed to meet the meet the physical and social needs of senior citizens if it includes all of the following elements:
1. Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.
  2. Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.
  3. Walkways and hallways in the common areas shall have lighting conditions which area of sufficient brightness to assist persons who have difficulty seeing.
  4. Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.
  5. The development shall be designed to encourage social contact by providing at least one common room and at least some common open space.
  6. Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents; and
  7. The development complies with all the applicable requirements for accessibility.
- S. “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.
- T. “Very Low Income Unit” means a qualifying unit or Inclusionary Unit reserved for occupancy by Very Low Income Households at an affordable rent or sales price.

**21.65.040 – Density Bonus Application Requirements.**

An applicant who is seeking a Density Bonus for a Housing Development: shall submit to the Planning Department the following information:

- A. A site plan that identifies all units in the project including the location of all base units, qualifying units and inclusionary units.
- B. A narrative briefly describing:
1. The project
  2. The number of base units permitted under the General Plan and zoning
  3. The number of qualifying units based on Density Bonus criteria of this Chapter
  4. The total number of units proposed in the project (Base Units plus Density Bonus Units)
  5. A breakdown of units proposed for very low, low, and moderate income, senior citizen, and/or market rate units
  6. Any requested incentive(s) including an explanation as to why the incentive(s) is required for the housing development; and
  7. A description of how the proposal complies with the requirements of the Inclusionary Housing Ordinance (Chapter 18.40).
- C. Information demonstrating that appropriate and sufficient infrastructure capacity (e.g. water, sewer, roadway) and water supply are available to serve the project at the density proposed.

- 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 Redevelopment and Housing Office to evaluate the request for a Density Bonus or Incentive(s). This additional information may include but is not limited to financial studies.

**21.65.050 – Eligibility for Density Bonus**

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 Chapter if the applicant does one or more of the following:

- A. Agrees to construct and maintain at least five (5) percent of the base units for very low income households;
- B. Agrees to construct and maintain at least ten (10) percent of the base units for low income households;
- C. Agrees to construct and maintain at least ten (10) percent of the base 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.

**21.65.060 - Density Bonus Calculations.**

- A. 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 approval.
- B. An applicant must choose a density bonus from only one applicable affordability category of this Chapter 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.
- C. The calculation of Qualifying units shall be based on the number of Base Units. In no event shall a Density Bonus exceed 35 percent of Base Units. A Housing Development that satisfies all applicable provisions of this Chapter shall be allowed the following applicable Density Bonuses:

1. 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 Base Units)</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>

2. 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 Base Units)</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>

3. 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 Base Units)</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>

4. Senor citizen housing developments qualify for a 20 % Density Bonus.
5. 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.

#### **21.65.070 – Eligibility and Application Requirements for Incentives**

- A. A Housing Development qualifying for a Density Bonus is entitled to at least one Incentive in addition to the Density Bonus. Incentives are available for qualifying Housing Developments as follows:
  1. One (1) Incentive for a Senior Citizen Housing Development or for a Housing Development that restricts at least:
    1. Five (5) percent of base units for Very Low Income Households;
    2. Ten (10) percent of base units for Low Income Households; or
    3. Ten (10) percent of base units for Moderate Income Households within a Condominium project or a Planned Unit Development.
  2. Two (2) Incentives for a Housing Development that restricts at least:
    - a. Ten (10) percent of the base units for Very Low Income Households;
    - b. Twenty (20) percent of the base units for Low Income Households; or
    - c. Twenty (20) percent of the base units for Moderate Income Households within a Condominium project or a Planned Unit Development.
  3. Three (3) Incentives for a Housing Development that restricts at least:
    - a. Fifteen (15) percent of base units for Very Low Income Households;
    - b. Thirty (30) percent of base units for Low Income Households; or
    - c. Thirty (30) percent of base units for Moderate Income Households within a Condominium project or a Planned Unit Development.

- B. The Appropriate Authority for the Housing Development shall grant the incentive unless the Appropriate Authority makes a written finding, based upon substantial evidence, of any of the following::
1. That the Incentive is not necessary in order to provide for affordable housing costs; or
  2. That the Incentive would result in specific adverse impacts upon the public 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.
  3. That the Incentive would be contrary to the County's Certified Local Costal Program or State or Federal law.
- C. Where a Housing Development qualifies for Incentives pursuant to this Chapter the applicant may request any of the following Incentives:
1. A reduction in site development standards such as:
    - a. Reduced minimum lot sizes and/or dimensions
    - b. Reduced minimum setbacks
    - c. Increased Lot Coverage
    - d. Increased Maximum building heights; or
    - e. Reduced on-site parking requirements
  2. Approval of a mixed use zoning in conjunction with the Housing Development if commercial, office, or other land uses will reduce the cost of the housing development and if the commercial, office or other land uses are compatible with the Housing Development and the existing or planned development in the area where the proposed Housing Development will be located; or
  3. Other regulatory incentives proposed by the developer or the County, which result in identifiable, financially sufficient and actual cost reductions.
  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.

#### **21.65.080 – Child Care Facilities**

- A. When an applicant proposes a Housing Development that is eligible for a Density Bonus under this Chapter 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 that, in both cases, 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.

B. 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.

#### **21.65.090 – Donation of Land**

A. 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 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 Chapter 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, the 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 units constructed on said land 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.
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.

#### **21.65.100 –General Requirements.**

A. An applicant may request a meeting with the Planning Department and the Redevelopment and Housing Office of Monterey County prior to the submittal of a development application to discuss incentive requests.

- B. The Appropriate Authority to consider the Density Bonus is the Appropriate Authority for the qualifying Housing Development of which the Density Bonus is a component.
- C. Qualifying 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 qualifying units shall be considered as part of the Housing Development for which the density bonus is being considered. To the greatest extent feasible, the qualifying units shall be located throughout the Housing Development that also includes market rate units. Qualifying units may be clustered or located off-site subject to the approval of the Appropriate Authority when this furthers affordable housing opportunities.
- D. The qualifying units must be developed either prior to or concurrent with the development of the market rate units.
- E. The Affordable Housing Overlay (AHO) zone provides density bonus and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other development incentives granted pursuant to the AHO zone includes the incentives offered in this Chapter, and shall not be in addition to the development incentives offered in this Chapter.

**21.65.110 – Qualifying Units – Agreement Required.**

- A. Qualifying units may be used to satisfy the Inclusionary Housing requirements of Chapter 18.40 of the Monterey County Code. If qualifying units are applied to the Inclusionary Housing requirements, those units will be subject to the affordability provisions of the Inclusionary Housing Ordinance. The applicant will be required to enter into an Inclusionary Housing Developer Agreement governing these units pursuant to the County's Inclusionary Housing Ordinance.
- B. All qualifying units not included within the Inclusionary Housing Developer Agreement shall be subject to the following provisions:
  - 1. Duration of Affordability. The applicant shall agree to, and the County shall ensure, the continued availability of the Qualifying Units and other incentives for a period of at least 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
  - 2. Unit Affordability Requirements.
    - a. Rental Units. Rents for the low income and moderate income qualifying units shall be set at an affordable rent as defined in section 21.65.030.
    - b. Owner-occupied Units. Owner-occupied qualifying units shall be available at an affordable housing sales price as defined in section 21.65.030
  - 3. Occupancy and Resale of Very Low, Low, and Moderate Income for sale units.
    - a. An applicant shall agree to, and the County shall ensure, that the occupant of very low, low, or moderate income units are persons and families of the appropriate income and that the units are offered at an affordable housing cost.
    - b. The County shall enforce an equity sharing agreement as specified in California Government Code Section 65915(c)(2).
  - 4. Location and Type of Qualifying Units.
    - a. Location/Dispersal of Units. Qualifying 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 qualifying units shall be considered as

part of the Housing Development for which the density bonus is being considered. To the greatest extent feasible, the qualifying units shall be located throughout the Housing Development that also includes market rate units. Qualifying units may be clustered or located off-site subject to the approval of the Appropriate Authority, if such clustering or off-site location furthers affordable housing opportunities.

- b. Phasing. If a project is to be phased, the qualifying units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the County. The qualifying units shall be constructed concurrently with or prior to construction of the market rate units.
- c. Exterior Appearance. The exterior appearance and quality of the reserved units shall generally be similar to the market rate units, with exterior materials and improvements similar to and architecturally compatible with the market rate units in the development.

- 5. Applicant shall enter into and record an agreement with the County containing and implementing these provisions.

### **[21.66.060 –To be amended-Agricultural Employee Housing]\*\***

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 following requirements, 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 a Use Permit for Agricultural Employee Housing exceeding 12 units or 36 Bed, 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 for more than 12 units or 36 beds shall meet the following criteria, which shall be made conditions of project approval where appropriate not be issued a Use Permit 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 Use 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 accessory dwelling 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

A T T E S T:

GAIL T. BORKOWSKI  
Clerk of the Board

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

APPROVED AS TO FORM BY:

Leroy W. Blankenship  
Assistant County Counsel



## Exhibit B

County of Monterey  
State of California

### NEGATIVE DECLARATION

FILED

FEB 15 2011

STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

<b>Project Title:</b>	Zoning Ordinance Amendments/Housing Element Implementation
<b>File Number:</b>	REF100044 and REF100052
<b>Owner:</b>	County of Monterey
<b>Project Location:</b>	County-wide
<b>Primary APN:</b>	County-wide
<b>Project Planner:</b>	Nadia Amador and Craig Spencer, Associate Planners
<b>Permit Type:</b>	Zoning Amendments
<b>Project Description:</b>	The project consists of amending various sections of the Zoning Ordinances, Title 20 (Coastal) and Title 21 (Inland), related to <i>Density Bonuses and Incentives, Second Dwelling Units, Farm/Agricultural Worker Housing, Residential Care Facilities, Emergency Shelters, Transitional and Supportive Housing, Single Room Occupancy (SRO) Units, Definition of "Family", Reasonable Accommodation</i> in order to implement the recently approved Housing Element update for 2009-2014. Each of the ordinance amendments is housing-related and each addresses different needs. The Project does not involve any physical improvements or development that could result in physical changes to the environment.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

<b>Decision Making Body:</b>	Monterey County Board of Supervisors
<b>Responsible Agency:</b>	County of Monterey
<b>Review Period Begins:</b>	February 18, 2011
<b>Review Period Ends:</b>	March 19, 2011

Further information, including a copy of the application and Initial Study are available at the RMA-Monterey County Planning Department, 168 West Alisal St, 2<sup>nd</sup> Floor, Salinas, CA 93901; (831) 755-5025

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

### PLANNING DEPARTMENT

168 WEST ALISAL ST., 2<sup>nd</sup> FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



## ***INITIAL STUDY/DRAFT NEGATIVE DECLARATION***

### ***I. BACKGROUND INFORMATION***

**Project Title:** Zoning Ordinance Amendments/Housing Element Implementation

**File No.:** REF100052 (Inland areas); REF100044 (Coastal areas)

**Project Location:** County-wide

**Name of Property** N/A

**Owner:**

**Name of Applicant:** County of Monterey

**Assessor's Parcel** N/A  
**Number(s):**

**Acreage of Property:** N/A

**General Plan** Various  
**Designation:**

**Zoning District:** Various

**Lead Agency:** County of Monterey

**Prepared By:** Nadia Amador, Associate Planner and  
Craig W. Spencer, Associate Planner

**Date Prepared:** February 15, 2011

**Contact Person:** Nadia Amador, Associate Planner

**Phone Number:** (831) 755-5114; [amadorn@co.monterey.ca.us](mailto:amadorn@co.monterey.ca.us)

## *II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING*

### *A. Description of Project:*

The County of Monterey recently approved its Housing Element update for 2009-2014. The Housing Element identified the need to develop new ordinances in the following areas:

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

The Project consists of amending various sections of the Zoning Ordinances, Title 20 (Coastal) and Title 21 (Inland), related to the above bulleted ordinances in order to comply with Federal and State law. Each of the ordinances is housing related and each addresses different needs. The Project does not involve any physical improvements or development that could result in physical changes to the environment.

Ordinances. This initial study treats the group of ordinances as one project, but each of the ordinances are defined separately as follows:

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

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

The ordinance will:

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

B. *Second Dwelling Units.*

Ordinances adopted pursuant to California Government Code Section 65852.2 are Statutorily exempt from environmental review pursuant to Section 15282 (h) of CEQA and is therefore not evaluated in this document. However, the County will be adding a new chapter to Title 20 and 21 addressing the provisions for Second Dwelling Units in Residentially Zoned Districts. Furthermore, the County will be amending Title 20 and 21 by abolishing the use of Senior Units and Caretakers Units. Caretakers Units in some non-residential zoning districts will continue to be allowed and a definition for these types of Caretakers Units will be added.

C. *Farm/Agricultural Worker Housing.*

The Farm/Agricultural Worker Housing Ordinance is for the purpose of facilitating the availability of affordable farmworker housing. The Ordinance would allow the establishment of a farm/agricultural employee housing facility for up to 12 single-family units or 36 beds in a group quarters as an allowed use, by right, in agricultural land use designations in Title 21. This use will be treated as any other agricultural use of the property. The farm/agricultural employee housing is not required to be located on the same property where the farm/agricultural employee is employed. For Title 20, the establishment of this use would be allowed, subject to a discretionary permit, in the Agricultural Zoning Districts. No new development is being contemplated in conjunction with the proposed *Farm/Agricultural Worker Housing* and it is difficult to predict the scope and location of future development in the County that might potentially occur as a result of this Ordinance. The County will be required to assess any future development project's potential impacts at that time. Below is a list of specific changes this Ordinance will make to Title 20 and 21.

The ordinance will:

- 1) Amend *Definitions* chapters of Title 20 and Title 21 by adding, deleting or modifying applicable definitions;
- 2) Amend Title 21 (Inland) to allow *Farm Employee Housing Facility consisting of no more than 12 single-family units or 36 beds* by right in the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts; and allow *Farm Employee Housing Facility*

*consisting of more than 12 single-family units or 36 beds* in the Farmlands, Rural Grazing and Permanent Grazing Zoning Districts with a Use Permit.

- 3) Amend Title 20 to allow, subject to a Coastal Administrative Permit an *Employee Housing Facility consisting of no more than 12 single-family units or 36 beds* in the Coastal Agricultural Preserve and the Agricultural Conservation Zoning Districts; and allow, subject to a Coastal Development Permit *Farm Employee Housing Facility consisting of more than 12 single-family units or 36 beds* in the Coastal Agricultural Preserve and the Agricultural Conservation Zoning Districts.
- 4) Amend Title 21 and 20 to delete any reference of the existing allowed uses for farm employee and farm worker housing in the applicable zoning districts since the amendments will be consistent with item 3 above.
- 5) Amend Title 21 to modify Chapter 21.66.060 *Standards for Farm Employee and Farm Worker Housing* and modify Chapter 21.58 *Regulations for Parking*, where appropriate. Amend Title 20 to modify Chapter 20.66.060 *Standards for Farm Employee and Farm Worker Housing* and modify Chapter 20.58 *Regulations for Parking*, where appropriate.

D. *Residential Care Facilities.*

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

The ordinance will:

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

- 2) Amend Title 21 (Inland) to allow *Residential Care Facilities serving 6 or fewer (excluding operators)* by right in the High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential and Resource Conservation Zoning Districts; and allow *Residential Care Facilities serving 7 or more residents* in above same zoning districts subject to a Use Permit.
- 3) Amend Title 20 (Coastal) to allow *Residential Care Facilities serving 6 or fewer (excluding operators)* with a Coastal Administrative Permit in the High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential, and Watershed and Scenic Conservation Residential Zoning Districts; and allow *Residential Care Facilities serving 7 or more residents* in above same zoning districts subject to a Coastal Development Permit.
- 4) Amend Title 20 and 21 to delete the current use of “*Licensed residential care homes for aged persons or hospices...*” since this excludes other special needs groups.
- 5) Amend Title 20 and 21 to modify Chapters 20.58 and 21.58, respectively, *Regulations for Parking*, where appropriate.
- 6) Amend Title 20, Section 20.70.120. *Exemptions from Coastal Development Permit*, subsection C. to modify use of existing permitted residential dwelling for residential care facilities serving 6 or fewer residents.

E. *Emergency Shelters.*

The Emergency Shelters Ordinance would allow establishment of Emergency Shelters by in the Mixed Use (MU) and High Density Residential (HDR) Zoning Districts. State law defines Emergency Shelters as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or fewer by a homeless person. The County was required to identify at least one zoning district where emergency shelters will be permitted by right. The County identified that properties zoned MU and HDR were appropriate for an Emergency Shelter use because these zones are generally located in the more urbanized areas of the unincorporated County, with access to public transportation and services. According to the 2009-2014 Monterey County Housing Element, 299 undeveloped parcels are designated High Density Residential, totaling 205 vacant acres. In addition, 44 undeveloped parcels are designated Mixed Use totaling 56.5 vacant acres. Therefore, adequate land capacity exists in these two zones to accommodate the homeless population in the unincorporated areas. No new development is being contemplated in conjunction with the proposed Emergency Shelters Ordinance. The County will be required to assess any future development project’s potential impacts at that time. Below is a list of specific changes this Ordinance will make to Title 20 and 21.

The ordinance will:

- 1) Amend the *Definitions* chapters of Title 20 (Coastal) and Title 21 (Inland) by adding applicable definitions (i.e. *Emergency Shelters* consistent with the State law definition);

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

F. *Transitional and Supportive Housing.*

Transitional Housing units or facilities provide a residence for homeless individuals or families for an extended period of time, usually six months or longer, which also offers other social services and counseling to assist residents in achieving self-sufficiency. Supportive Housing provides housing to persons with low incomes having one or more disabilities that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. The Transitional and Supportive Housing Ordinance will allow for transitional and/or supportive housing that function as group housing facilities permitted according to the provisions for *Residential Care Facilities* (see above). For example, transitional and supportive housing functioning as a group home for 6 or fewer residents (excluding operators) will be allowed in those zoning districts where family dwellings are allowed with no conditional use permit, zoning variance, or other zoning clearance that is not required of a family dwelling of the same type in the same zone. Transitional and supportive housing functioning as a group home for 7 or more residents will be allowed, subject to a discretionary permit in residential zoning districts. For those transitional and supportive housing facilities that function as regular housing, such uses will be permitted consistent with other traditional forms of housing. No new development is being contemplated in conjunction with the proposed Transitional and Supportive Housing Ordinance and it is difficult to predict the scope and location of future development in the County that might potentially occur as a result of this Ordinance. The County will be required to assess any future development project's potential impacts at that time. Below is a list of specific changes this Ordinance will make to Title 20 and 21.

The ordinance will:

- 1) Amend *Definitions* chapters of Title 20 and Title 21 by adding applicable definitions, including the following:

- *Supportive Housing* is housing with no limit on length of stay, that is occupied by the **target population**, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.
  - *Target population* means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.
  - *Transitional housing* means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.
- 2) Amend Title 21 (Inland) to allow *Transitional or Supportive Housing serving 6 or fewer (excluding operators) residents* as a permitted use in the High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential and Resource Conservation Zoning Districts; and allow *Transitional or Supportive Housing serving 7 or more residents* in above same zoning districts, subject to a Use Permit.
  - 3) Amend Title 20 (Coastal) to allow *Transitional or Supportive Housing serving 6 or fewer (excluding operators) residents* with a Coastal Administrative Permit in the High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential, and Watershed and Scenic Conservation Residential Zoning Districts; and allow *Transitional or Supportive Housing serving 7 or more residents* in above same zoning districts, subject to a Coastal Development Permit.
  - 4) Amend Title 20 and 21 to modify Chapters 20.58 and 21.58, respectively, *Regulations for Parking*, where appropriate.
  - 5) Amend Title 20, Section 20.70.120. *Exemptions from Coastal Development Permit*, subsection C. to add use of existing permitted structures for *Transitional or Supportive Housing* serving 6 or fewer residents.

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

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

The ordinance will:

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

H. *Definition of Family.*

The County's definition of "family" will be amended in Title 20 and 21 in order to comply with fair housing laws. State law requires that the County's definition of family does not restrict housing access to people with disabilities or special needs populations. Congregate living arrangements among non-related persons with disabilities are often necessary to enable people with disabilities to secure the supports they need to live in the community. The definition of family will emphasize the functioning of the members as a cohesive household, whether the persons are related or unrelated. The County will revise

the definition of *family* with one of the following *or* very similar to the following definitions:

- *One or more persons, related or unrelated, living together as a single housekeeping unit in a dwelling unit.*
- *Any group of individuals living together in a dwelling unit as the functional equivalent of a family where the residents may share living expenses, chores, eat meals together and are a close group with social, economic and psychological commitments to each other. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or nunneries.*
- *One or more persons, related or unrelated, living together as a single integrated household (a household that functions as a united group) in a dwelling unit.*

**I. Reasonable Accommodation.**

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

**B. Surrounding Land Uses and Environmental Setting:**

The proposed Zoning Ordinance amendments will be applicable County-wide including the Inland and Coastal areas of the unincorporated areas of Monterey County. Monterey County is over 3,300 square miles in size and is bordered to the west by the Pacific Ocean, to the North by Santa Cruz County, to the South by San Luis Obispo County, and to the east by San Benito County, Fresno County, and Kings County.

There are 12 incorporated cities within the County of Monterey where the Zoning Amendments would not be applicable. Monterey County contains a large variety of built and natural settings including rich farmland, mountain ranges, the Los Padres National Forest, a scenic coastline, and residential, commercial, and industrial developments.

**C. Other public agencies whose approval is required:**

Prior to the proposed Ordinance amendments to Title 20 taking effect, certification by the California Coastal Commission pursuant to the Coastal Act is required.

### **III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS**

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input type="checkbox"/>	Local Coastal Program-LUP	<input checked="" type="checkbox"/>

General Plan/Area Plan The proposed Ordinance amendments are being developed pursuant to the requirements of the Housing Element. The 2009-2014 Housing Element was adopted to be consistent with both the 1982 and the recently adopted 2010 General Plan. The 2010 General Plan is applicable in the inland areas, while the 1982 General Plan is applicable in the coastal zone. In addition, the zoning amendments have been developed consistent with State and Federal Laws. In some cases, the governing legislation expressly prohibits applying General Plan Policies that would conflict with the provisions of the law. Monterey County has recently adopted a new General Plan (2010) and implementation work will occur between 2011 to 2013. The new General Plan recognizes various legislative requirements and has provided policies and flexibility to comply with current laws and the Housing Element requirements without direct conflict. The proposed Ordinance amendments have been drafted in compliance with the goals and policies of the 2010 and the 1982 General Plans. **CONSISTENT**

Local Coastal Program – LUP The Local Coastal Program (LCP) includes Monterey County Zoning Ordinance Title 20 which is proposed to be amended as part of this project. The LCP was adopted pursuant to the California Coastal Act of 1973. With the exception of some involvement of Federal Law, the governing legislation stems from State Laws. Generally, the resource protection policies of the Coastal Act take precedent where conflicts with other State Law exist. In fact, other State Laws acknowledge this and include statements that “Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act.” For this reason, the Ordinance amendments to Title 20 (Coastal) are different than the proposed amendments to Title 21 (Inland). In the Coastal Zone the proposed amendments reflect this hierarchy and amendments are structured to be consistent with the existing Local Coastal Program for Monterey County. All amendments to Title 20 will require certification by the Coastal Commission who evaluates all LCP amendments pursuant to the Coastal Act. **CONSISTENT**

### **IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION**

#### **A. FACTORS**

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- |                                                            |                                                               |                                                                        |
|------------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Aesthetics             | <input type="checkbox"/> Agriculture and Forest Resources     | <input type="checkbox"/> Air Quality                                   |
| <input type="checkbox"/> Biological Resources              | <input type="checkbox"/> Cultural Resources                   | <input type="checkbox"/> Geology/Soils                                 |
| <input type="checkbox"/> Greenhouse Gas Emissions          | <input type="checkbox"/> Hazards/Hazardous Materials          | <input type="checkbox"/> Hydrology/Water Quality                       |
| <input checked="" type="checkbox"/> Land Use/Planning      | <input type="checkbox"/> Mineral Resources                    | <input type="checkbox"/> Noise                                         |
| <input checked="" type="checkbox"/> Population/Housing     | <input checked="" type="checkbox"/> Public Services           | <input checked="" type="checkbox"/> Recreation                         |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

☐ Check here if this finding is not applicable

**FINDING:** For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

**EVIDENCE:**

2. Agricultural and Forest Resources. The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21), such as definitions, uses permitted in various zoning districts and establishment of procedures relative to the following in order to comply with Federal and State laws: Density Bonuses and Incentives, Second Dwelling Units, Farm/Agricultural Worker Housing, Residential Care Facilities, Emergency Shelters, Transitional and Supportive Housing, Single Room Occupancy (SRO) Units, Definition of "Family", and Reasonable Accommodation (for people with disabilities). Although the County of Monterey contains a large variety of natural settings including, rich farmland and forest resources (i.e. Los Padres National Forest), no specific development or construction is proposed for any of the above Ordinance Amendments.

The Farm/Agricultural Worker Housing Ordinance proposes to amend Zoning Ordinances by removing discretionary permit requirements for Farm/Agricultural Worker Housing in

agriculturally designated zoning districts (see description in Section II). The governing law mandates that these types of housing are agricultural uses and that they should not be restricted differently from the agricultural use of the site. It is envisioned that structures developed pursuant to the updated provisions would not be placed in areas where a significant amount of row-crops or grazing land would be impacted. Provisions are proposed within the ordinance to address this. In Title 20 (Coastal), new construction (development) for Farm/Agricultural Worker Housing proposed in the coastal zone's agriculturally designated zoning districts, would be analyzed as "development" and be subject to the same limitations as an "agricultural activity" of the same type in the same zone. The proposed Zoning Amendments (the project) would have *no impact* on conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and the project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The project would not conflict with existing zoning for, or cause rezoning of forest land or timberland. The project would not result in the loss of forest land to non-forest land or result in a conversion of farmland to non-agricultural use.

3. Air Quality. The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21) in order to comply with Federal and State laws and comply with the adopted Monterey County Housing Element. No construction of any type is proposed with the project. As a result, the project will not conflict or obstruct implementation of the air quality plan, violate any air quality standard or contribute substantially to an existing or projected air quality violation. The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable ambient quality standards. The project will not result in construction related air quality impacts, expose sensitive receptors to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people.

4. Biological Resources. The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21) in order to comply with Federal and State laws and comply with the adopted Monterey County Housing Element. No construction of any type is proposed with the project. As a result, the project will not have a substantial adverse effect, either directly or through habitat modification on any species, have a substantial adverse effect on any riparian habitat or other natural community, have a substantial adverse effect on federally protected wetlands, or interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The project will not conflict with any other local policies or ordinances protecting biological resources.

5. Cultural Resources. The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21) in order to comply with Federal and State laws and comply with the adopted Monterey County Housing Element. Because no construction of any type is proposed with the project, the project will not cause a substantial adverse change in the significance of a historical resource, or a change in the significance of an archaeological resource or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Any future development pursuant to the project (Zoning Amendments) would have to be evaluated independently in order to ascertain that the future development would not impact cultural resources.

6. Geology and Soils. The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21) in order to comply with Federal and State laws and comply with the adopted Monterey County Housing Element. No construction of any type is proposed with the project. As a result, the project will not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, landslides, result in substantial soil erosion or loss of topsoil, be located on a geologic unit or unstable soil, be located on expansive soil, or have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. Any future development pursuant to the project (Zoning Amendments) would have to be evaluated independently against geological and soil criteria.

7. Greenhouse Gas Emissions. The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21) in order to comply with Federal and State laws and comply with the adopted Monterey County Housing Element. No construction of any type is proposed with the project. As a result, the project will not generate greenhouse gas emissions or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

8. Hazards and Hazardous Materials. The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21) in order to comply with Federal and State laws and comply with the adopted Monterey County Housing Element. No construction of any type is proposed with the project. As a result, the project will not create a significant hazard to the public or the environment through routine transport, use or disposal of hazardous materials; through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school or be located on a site which is included on a list of hazardous materials sites. The project is not located within an airport land use plan, or located on a private airstrip. The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

9. Hydrology and Water Quality. The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21), such as definitions, uses permitted in various zoning districts and establishment of procedures relative to the following topics in order to comply with Federal and State laws: Density Bonuses and Incentives, Second Dwelling Units, Farm/Agricultural Worker Housing, Residential Care Facilities, Emergency Shelters, Transitional and Supportive Housing, Single Room Occupancy (SRO) Units, Definition of "Family" and Reasonable Accommodation. No specific development or construction is proposed for any of the above Ordinance Amendments. As a result, the project will not result in any impacts to hydrology or water quality such as violation of any water quality standards or waste discharge requirements, substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted), substantially alter the existing drainage pattern of the site or area, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or create or provide additional sources of polluted runoff, substantially degrade water quality, place housing within a 100-year flood hazard area, expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam or inundation by seiche, tsunami, or mudflow.

11. Mineral Resources. The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21) in order to comply with Federal and State laws and comply with the adopted Monterey County Housing Element. No construction of any type is proposed with the project. As a result, the project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.


12. Noise. The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21) in order to comply with Federal and State laws and comply with the adopted Monterey County Housing Element. No construction of any type is proposed with the project. As a result, the project will not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, generation of excessive groundborne vibration or noise levels, have a substantial permanent increase in ambient noise levels, have a substantial temporary or periodic increase in ambient noise levels. The project is not located within an airport land use plan, within two miles of a public airport or within the vicinity of a private airstrip.

## **B. DETERMINATION**

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- ☐ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

 Feb. 15, 2011  
 Nadia Amador and Craig Spencer,  
 Associate Planners February 15, 2011

## **V. EVALUATION OF ENVIRONMENTAL IMPACTS**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than

significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: IX. 1 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: IX. 1,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

#### Aesthetics 1(a)-(d) – Less than Significant Impact.

In the case of Farm Worker Housing and Reasonable Accommodations, the proposed Zoning Amendments would remove current permit requirements that allow for administrative or discretionary review by the Planning Department of projects in the inland area. Planning review of projects includes review of location, design, setting, and lighting consistent with applicable General Plan policies. There would continue to be discretionary review in the coastal zone to ensure compliance with the Local Coastal Program.

The 2010 General Plan identified that farmland in Monterey County is a visual resource. Allowing additional units on agriculturally designated properties could foreseeably result in the construction of structures and driveways on agricultural properties where no structures currently exist. It is envisioned that structures developed pursuant to the updated provisions would be placed near existing roads and at the periphery of productive farmland. Locating the potential farmworker housing in such a manner would minimize the impact to the visual resource of productive farmland and thus would be considered part of the agricultural landscape and would have a *less than significant impact* on agricultural views. No mitigation measures are necessary.

## 2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: IX. 1, 2, 3, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: IX. 1, 2, 3, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: IX. 1, 2, 3, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: IX. 1, 2, 3, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: IX. 1, 2, 3, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

See Section II. (*Description of Project and Environmental Setting*) and Section IV. (*Environmental Factors Potentially Affected and Determination*)

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: IX. 1,3,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: IX. 1,3,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: IX. 1,3,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: IX. 1,3,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: IX. 1,3,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: IX. 1,3,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

See Section II. (*Description of Project and Environmental Setting*) and Section IV. (*Environmental Factors Potentially Affected and Determination*)

4. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section II. (*Description of Project and Environmental Setting*) and Section IV. (*Environmental Factors Potentially Affected and Determination*)

5. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: IX. 1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: IX. 1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section II. (*Description of Project and Environmental Setting*) and Section IV. (*Environmental Factors Potentially Affected and Determination*)

6. GEOLOGY AND SOILS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: IX.1,3) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: IX.1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: IX.1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: IX.1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil? (Source: IX.1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: IX.1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: IX.1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: IX.1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section II. (*Description of Project and Environmental Setting*) and Section IV. (*Environmental Factors Potentially Affected and Determination*)

7. GREENHOUSE GAS EMISSIONS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: IX.1,3,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: IX.1,3,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section II. (*Description of Project and Environmental Setting*) and Section IV. (*Environmental Factors Potentially Affected and Determination*)

8. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX. 1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: IX. 1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: IX.1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX. 1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: IX. 1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

See Section II. (*Description of Project and Environmental Setting*) and Section IV. (*Environmental Factors Potentially Affected and Determination*)

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HYDROLOGY AND WATER QUALITY				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow? (Source: IX. 1,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section II. (*Description of Project and Environmental Setting*) and Section IV. (*Environmental Factors Potentially Affected and Determination*)

10. LAND USE AND PLANNING				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Land Use and Planning 10 (a) – No Impact.**

The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21), such as definitions, uses permitted in various zoning districts and establishment of procedures relative to the following in order to comply with Federal and State laws: Density Bonuses and Incentives, Second Dwelling Units, Farm/Agricultural Worker Housing, Residential Care Facilities, Emergency Shelters, Transitional and Supportive Housing, Single Room Occupancy (SRO) Units, Definition of “Family” and Reasonable Accommodation. The project does not propose any development or other types of physical changes. Therefore, the project would not physically divide an established community.

**Land Use and Planning 10 (b) and (c) – Less than Significant Impact.**

The project involves updating Monterey County Zoning Ordinances (Title 20 and 21) pursuant to the adopted 2009-2014 Housing Element. The Housing Element identified that the Monterey County Zoning Ordinances needed to be updated consistent with changes in State Law and to

reduce or remove government constraints in the following areas: *Density Bonuses and Incentives*; *Second Dwelling Units*; *Farm/Agricultural Worker Housing*; *Residential Care Facilities*; *Emergency Shelters*; *Transitional and Supportive Housing*; *Single Room Occupancy (SRO) Units*; *Definition of "Family"*; and *Reasonable Accommodation*.

Each topic has different requirements and legislation which govern the development of Land Use policies associated with them. A description of the required changes and County's proposed zoning changes to both Title 20 and 21 is described in *Section II. Description of Project and Environmental Setting*. The approach the County has taken in amending Title 20 and 21, described in Section II, would have a *less than significant impact* on any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance, adopted for the purpose of avoiding or mitigating an environmental effect and any applicable habitat conservation plan or natural community conservation plan.

11. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: IX. 1,3 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section II. (*Description of Project and Environmental Setting*), and Section IV. (*Environmental Factors Potentially Affected and Determination*)

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: IX.1,2,3,4 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: IX. 1,2,3,4 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1,2,3,4 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1,2,3,4 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX. 1,2,3,4 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX. 1,2,3,4 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section II. (*Description of Project and Environmental Setting*) and Section IV. (*Environmental Factors Potentially Affected and Determination*)

13. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Population and Housing 13 (a) – Less than Significant Impact.**

The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21), such as definitions, uses permitted in various zoning districts and establishment of procedures relative to the following, in order to comply with Federal and State laws: Density Bonuses and Incentives, Second Dwelling Units, Farm/Agricultural Worker Housing, Residential Care Facilities, Emergency Shelters, Transitional and Supportive Housing, Single Room Occupancy (SRO) Units, Definition of “Family” and Reasonable Accommodation.

The proposed modifications may eventually lead to additional housing opportunities and possibly the creation of employment opportunities to serve residents living in the housing facilities (i.e. Residential Care Facilities, Emergency Shelters, Single Room Occupancy Units). However, with the exception of the Farm/Agriculture Worker Housing which is allowed in the agricultural zoning districts, all other zoning amendments are targeted in the County’s community centers and primarily in areas where residential uses are allowed, subject to same requirements as other residential uses. In addition, secondary units will be replacing caretakers and senior citizen units, limiting the construction of “accessory habitable units” to two units on any residentially zoned parcel in Monterey County. Therefore, the project will result in a less than significant impact on substantial population growth in an area, either directly or indirectly.

**Population and Housing 13 (b) and (c) – No Impact.**

The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21) in order to comply with Federal and State laws and comply with the adopted Monterey County Housing Element. No development, construction, or demolition is proposed including any displacement of existing housing or displacement of people needing replacement housing elsewhere. Therefore, no impact to housing and/or people is anticipated.

14. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>					
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a)	Fire protection? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Police protection? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Schools? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Parks? (Source: 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Other public facilities? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Public Services 14 (a) thru (e) – Less than Significant Impact.**

The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21), such as definitions, uses permitted in various zoning districts and establishment of procedures relative to the following, in order to comply with Federal and State laws: Density Bonuses and Incentives, Second Dwelling Units, Farm/Agricultural Worker Housing, Residential Care Facilities, Emergency Shelters, Transitional and Supportive Housing, Single Room Occupancy (SRO) Units, Definition of “Family” and Reasonable Accommodation.

The proposed modifications may eventually lead to necessitating additional public services such as fire and police protection, schools and parks and other community based governmental services. However, the zoning amendments are targeted in the County’s community centers and primarily in areas where residential uses exist where these public facilities are already in place with acceptable service ratios. If new construction or expansion of residential dwellings is a result of the applicable zoning amendments, school district impact fees are due to the particular school district where the development is taking place. The school impact fees are the method in which school districts collect monies for anticipation of student growth from the new (or expanded) dwelling. Therefore, the project will result in a less than significant impact on public services.

15. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Recreation 15 (a) and (b) – Less than Significant Impact.**

The project consists of amending various sections of the Monterey County Zoning Ordinances (Title 20 and 21), such as definitions, uses permitted in various zoning districts and establishment of procedures relative to the following, in order to comply with Federal and State laws: Density Bonuses and Incentives, Second Dwelling Units, Farm/Agricultural Worker Housing, Residential Care Facilities, Emergency Shelters, Transitional and Supportive Housing, Single Room Occupancy (SRO) Units, Definition of "Family" and Reasonable Accommodation. These amendments could have the indirect effect of allowing new housing units within existing developed areas and some undeveloped agricultural areas (i.e. Farm/Agricultural Worker Housing). There will not be any significant increase in the use of existing and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated. The project does not include facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, the project will have *a less than significant impact* on recreation.

16. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Transportation/Traffic 16 (a) and (b) – Less than Significant Impact.**

While the proposed zoning amendments do not contemplate any specific development project that would generate traffic impacts at any particular location within the County, the zoning amendments would allow emergency shelters in Mixed Use (MU) or High Density Residential (HDR) Zoning Designations by right in Title 21 (Inland areas); Single Room Occupancy Units in the Mixed-Use and Commercial Zoning Designations (subject to discretionary permits); Second Dwelling Units in Residential Zoning Districts (by right in the Title 21 and with a discretionary permit in Title 20, both subject to Health and Safety standards); Residential Care Facilities and Transitional and Supportive Housing in all zoning districts in Title 21 where residential dwellings are allowed subject to the same requirements of residential dwellings in the same zone

(note: 6 or fewer residents allowed by right in Title 21). Residential Care Facilities and Transitional and Supportive Housing in all residential zoning districts in Title 20, subject to those same requirements of a residential dwelling unit in that zone; Farm/Agricultural Worker Housing allowed in all agricultural zoning districts (see descriptions in Section II). The establishment of such uses within each of these zoning districts could increase the number of vehicle trips on roadways and intersections serving the districts. However, the location and size of any such particular use would be minor in scope. The County expects that any, Secondary Housing Unit, Residential Care Facility (serving 6 or less residents), Supportive and Transitional Housing Facility (serving 6 or less residents) and Farm/Agricultural Worker Housing would be largely ancillary uses to existing uses and would be fairly insignificant. Emergency shelters would be allowed in the MU and HDR zoning districts and Single Room Occupancy Units would be allowed in MU and Commercial zoning districts. These zoning districts are primarily located in Community Areas where public services already exist, such as mass transit, streets, highways and freeways, pedestrian and bicycle paths. The County has not identified any potentially significant direct or indirect traffic impacts that could result from the proposed amendments. Therefore, the project would result in a *less than significant* impact to transportation and traffic.

**Transportation/Traffic 16 (c) thru (f) – Less than Significant Impact.**

The project consisting of amendments to various sections of the zoning ordinances will not result in any change in air traffic patterns, substantially increase hazards due to design feature or incompatible uses. Uses allowed would be those pursuant to its zoning designation. The project would not result in inadequate emergency access and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities.

17. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

17. UTILITIES AND SERVICE SYSTEMS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste? (Source: IX. 1,2,3,4,5,6 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Utilities and Service Systems 17 (a) thru (g) – Less than Significant Impact.**

The project, consisting of various zoning amendments to the County's zoning codes in order to comply with State and Federal law, does not propose development that would directly affect utilities and service systems. However, the amendments would indirectly lead to future development in the specific zoning districts that may affect utilities and service systems. Future projects would be evaluated at the time of application submittal. For those projects that will not require a discretionary permit and if construction is needed, those projects would be evaluated during the building/grading permit process and be subject to health and safety regulations of the particular area, including water, wastewater, storm water drainage and solid waste disposal. At this early stage, the County has not identified any potentially significant direct or indirect utility and service system impacts that could result from the proposed amendments. Therefore, the project would result in a *less than significant* impact to utility and service system impacts.

## VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: ) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: IX. 1,2,3,4,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

### Discussion/Conclusion/Mitigation:

#### **Mandatory Findings of Significance VII. (a) thru (c) – Less than Significant Impact.**

The project consists of amending various sections of the Zoning Ordinances in order to comply with State and Federal law. As explained throughout the document, any environmental impacts associated with these amendments would be an indirect effect, since the amendments would lead to future development in the specific zoning districts. Since no development is anticipated at this time, the specific effects to the quality of the environment, any cumulative impact or any adverse effects on human beings would be speculative at this time. The analysis of these factors would be done at the time of submittal of a project. However, at this early stage of the analysis, given the amendments are primarily in areas where growth is concentrated (i.e. Community Areas) or areas of existing residential nature with infrastructure for such uses, the County has not

identified any potentially significant environmental impact. Furthermore, none of the proposed zoning amendments would have a direct impact on the environment, since the changes are only administrative regulations rather than actual development. As a result, the project will have a *less than significant impact* in degrading the quality of the environment. The project will not be cumulatively considerable nor have an environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

## ***VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES***

### **Assessment of Fee:**

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at [www.dfg.ca.gov](http://www.dfg.ca.gov).

**Conclusion:** The project will not be required to pay the fee.

**Evidence:** Based on the record as a whole as embodied in the Planning Department files pertaining to REF100052 and PLN100044 and the attached Initial Study / Proposed Negative Declaration.

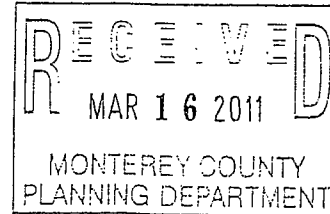
## ***IX. REFERENCES***

1. 2010 Monterey County General Plan
2. 2009-2014 Housing Element, County of Monterey
3. 2009-2014 Housing Element Initial Study and Negative Declaration (Adopted BOS Resolution No. 10-150)
4. Technical Background Report for 2009-2014 Monterey County Housing Element, January 2009
5. Monterey County Zoning Ordinance, Title 20 (Coastal)

6. Monterey County Zoning Ordinance, Title 21 (Inland)
7. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2004.

**DEPARTMENT OF TRANSPORTATION**

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*Flex your power!  
Be energy efficient!*

March 11, 2011

MON-County-Wide  
SCH# 2011021043

Ms. Nadia Amador  
Monterey County Resource Management Agency  
Planning Department  
168 West Alisal Street  
Salinas, CA 93901

Dear Ms. Amador:

**COMMENTS ON THE ZONING ORDINANCE AMENDMENTS/2009-2014 HOUSING  
ELEMENT IMPLEMENTATION**

The California Department of Transportation (Department), District 5, Development Review, has reviewed the above referenced project and offers the following comments.

1. Although development is not proposed at this time, any future traffic studies and subsequent findings of mitigation for proposed construction should clearly indicate that in addition to mitigating project specific impacts, applicants will be required to pay their pro-rata share of cumulative impact mitigation. This mitigation can be accomplished either through participation in the Fort Ord Reuse Authority's impact fee program, or the Transportation Agency for Monterey County Regional Fee Program.

If you have any questions or need further assistance, please contact me at (805) 549-3099 or e-mail [jennifer.calate@dot.ca.gov](mailto:jennifer.calate@dot.ca.gov).

Sincerely,

Jennifer Calaté  
Associate Transportation Planner  
District 5 Development Review Coordinator