

3 HOUSING CONSTRAINTS

Through federal, State of California (State), and local laws, development can be constrained, in addition to internal processes that affect project permitting complexity, timelines, and costs. Additional nongovernmental constraints take the form of market factors (e.g., land costs, construction costs, ability to obtain financing, and development feasibility of housing projects), and environmental constraints.

This Housing Element makes use of multiple definitions of Monterey County to convey its different meanings. For purposes of this Housing Element, Monterey County will be defined in the following ways:

- County of Monterey Government (County) – Represents Monterey County as the government entity responsible for the preparation of this Housing Element and its implementation.
- Unincorporated Monterey County (UMC) – Represents the geographic area overseen by the County as a government entity.
- Monterey County – Represents the entire Monterey County geographic area, including incorporated and unincorporated communities.

The County works to reasonably reduce governmental constraints to development and influence nongovernmental constraints, where and when possible, to support housing development. However, the pace of new housing supply has not kept up with demand. According to U.S. Census data provided by the Association of Monterey Bay Area Governments (AMBAG), the increase in the number of homes between 2010 and 2020 was only 3% for the Unincorporated Monterey County as well as Monterey County as a whole. This Chapter includes a summary of constraints and discusses past and planned initiatives to reduce them where possible.

3.1 Nongovernmental Constraints

Nongovernmental constraints are market and environmental forces that act as impediments to building housing. The County has less control over these factors but can take actions to help mitigate burdens to housing production.

3.1.1 Land Costs

Land costs in Monterey County’s unincorporated areas depend on a number of factors, such as the location of the property and proximity to services. In addition to location, development factors such as

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lot size, the presence of services and utilities, topography, other environmental constraints, and the quality of nearby developments can affect land costs.

Generally, the average price per acre for vacant land varies by community. According to 2012-2019 data published by the Federal Housing Finance Agency in October 2020, the average land price in Monterey County is \$2,707,833.

The cost of residential land in Unincorporated Monterey County is further increased by the limited availability of developable land and numerous resource constraints. Agricultural and open space preservation (e.g., prime farmland, federal forests, state parks, and other preserved open space lands), coupled with significant water supply constraints, have limited the location and development capacity of residential land, thereby adding considerably to land costs in Monterey County. Additionally, the majority of development activities in Monterey County occur on established lots or in subdivisions comprising fewer than 20 lots, where the subdivider exclusively sells lots rather than fully constructed homes. Consequently, prospective homebuyers often need to secure financing for the land acquisition independently from the construction expenses associated with building a home. The local development market exhibits minimal economies of scale.

3.1.2 Construction Costs

Residential construction costs have increased significantly since the Great Recession which occurred generally between 2007-2010. According to a report by the University of California, Berkeley, Turner Center (Turner Center) in March 2020, construction costs in California increased by 25% between 2008 and 2018. The Turner Center notes that construction costs fell immediately following the Great Recession but rose 80% between 2014 and 2018. Furthermore, the Turner Center report poses that “the per square foot hard cost to construct multifamily homes climbed 25% over the last decade” and “the cost of wood, plastics, and composites rose by 110% after inflation, with finishes rising over 65%.”

Locally, an analysis of prototypical developments in Monterey County using Marshall & Swift construction cost estimates suggests that construction costs for single-family and multifamily developments can be approximately \$168 and \$217 per square foot, respectively, while the California Tax Credit Allocation Committee approved four Monterey County projects in 2021, with an average per square foot construction cost of \$339. These estimates represent significant increases from construction costs in the 5th Cycle Housing Element, which the County estimated to be \$119 and \$152, respectively. Significant increases in lumber and other construction materials, as well as the high demand for housing, will likely further increase residential construction costs.

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3.1.3 California Government Code Section 65583(a)(6), Development Analysis

Government Code Section 65583(a)(6) requires an analysis of requests to develop housing at densities below those anticipated in the Sites Inventory and the length of time between receiving approval for housing development and submittal of an application for building permit. The analysis must also look at local efforts to remove nongovernmental constraints that create a gap in the jurisdiction's ability to meet the Regional Housing Needs Allocation (RHNA) by income category. In Unincorporated Monterey County, there were no requests to develop housing on sites identified in the 5th Cycle Housing Element Update at densities below those anticipated in the 5th Cycle Sites Inventory.

The length of time between receiving approval for a housing development and approval of an application for building permits can range anywhere from a few months to a few years or more depending on the circumstances. The permit approval time frame varies depending on project complexity, the type of permitting, level of review required, and the time the developer takes to complete construction documents. Incomplete construction documents or construction documents that do not clearly demonstrate compliance with state and local building codes can require additional review time and potentially require additional rounds of review, which can delay projects. Items like changes to construction costs or other development costs that affect the feasibility, financing, or negotiations with design professionals are outside the County's control and may delay projects.

This analysis is required to examine local efforts to remove nongovernmental constraints that create a gap in the jurisdiction's ability to meet the RHNA by income category. The primary nongovernmental constraint to the development of affordable housing (very low-, low- and moderate-income housing) is the lack of public funding sources to subsidize the development of these units. Scarce or difficult to access public funding to subsidize affordable housing development deters the private sector from committing resources to achieve no financial benefit. Given current construction costs and rents/sales prices that are affordable to the very low-, low-, and moderate-income households, even with by-right density bonuses pursuant to California's Density Bonus Law, constructing affordable housing (particularly for households with low- and very low-incomes) costs more to develop than the revenues derived from the project, requiring public funding sources to fill the gap for funding/financing. Developers requiring funding from investors and lending institutions are required to submit a pro forma analysis (i.e., an analysis showing the costs to develop and the revenues available to fund the development) demonstrating financial feasibility or costs that are less than or equal to revenues.

Therefore, public subsidies are required to develop affordable housing. The subsidy typically comes from multiple sources in the form of Low-Income Housing Tax Credits (LIHTC), State grants, HOME Investment Partnerships Program (HOME), funds, dedication of land for projects, and/or other public

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sources. The lack of funding options can result in affordable projects that are more concentrated in areas with lower development and land costs. Importantly, note that the County can offer concessions, such as expedited permit processing; development impact fee deferrals; reduction in park dedication standards (as permitted by the Subdivision Ordinance); and financial subsidies, such as Community Development Block Grants (CDBG), HOME, and in-lieu fee funds, to offset the cost impacts of development and planning fees; however, the County cannot fill the gap in funding for affordable housing developments on its own. State and federal regulations that require payment of prevailing wage or Davis-Bacon wages when using these subsidies typically means that the narrow segment of developers building affordable housing exclusively can take advantage of these resources which contributes to concentrated islands of affordable housing that are not integrated into the larger community.

These challenges (permit processing delays, developer-related timelines, and lack of available public subsidies) can significantly hinder the County's ability to meet its RHNA targets, particularly for very low-, low-, and moderate-income housing. The complexity of financing, combined with the high cost of development relative to affordable rents or sale prices, has resulted in under-production of housing units and inadequate supply to house residents and workforce throughout the County.

To address concerns related to approval timeframes and their potential to hinder RHNA production, the County has strengthened several Housing Element programs to better support the timely development of housing, particularly for lower-income categories. Program modifications focus on reducing permit processing delays, improving early coordination, addressing nongovernmental funding constraints, and providing ongoing monitoring to proactively identify and resolve barriers. Specific programs include: **Program H-4.E – Streamline Permit Processing and Approval Process for Residential Development** offers optional pre-submittal reviews to expedite approvals for affordable and multifamily projects. **Program H-2.E – Mid-Cycle Review Program** includes annual monitoring of housing project delays to enable early corrective action and maintain RHNA progress. **Program H-2.M – Pursue State and Federal Funding for Affordable Housing** tracks projects delayed by funding gaps and adjusts the County's funding strategy to improve project feasibility. **Program H-2.G – Comprehensive Suite of Incentives/Concessions for Developers** will assess incentive and concession effectiveness by 2028. **Program H-2.K – Assist with the Development of Affordable Housing** initiates early coordination with developers on large or complex projects, with priority for lower-income housing. Together, these actions demonstrate the County's commitment to removing or reducing constraints on RHNA construction.

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3.1.4 Availability of Financing

The availability of capital to finance new residential development is a significant factor that can affect both the cost and supply of housing. Two types of capital are involved in the housing market: (1) capital used by developers for initial site preparation and construction; and (2) capital for financing the purchase of units by homeowners and investors. Interest rates substantially affect home construction, purchase, and improvement costs and interest rates have increased substantially since 2021. A fluctuation in rates of just 2.5% can make a dramatic difference in the annual income needed to qualify for a loan. While financing for new residential development is available at standard rates, economic fluctuations due to the COVID-19 pandemic and recent inflation patterns have caused caution among lenders and may have lasting effects through this Housing Element Planning Period. Interest rates have climbed in recent years, making home prices and the cost of lending for projects more expensive.

In the current lending landscape, financial institutions are adopting a more meticulous approach when evaluating loan applicants, imposing a higher level of scrutiny than witnessed in previous periods. This intensified scrutiny involves a more thorough examination of the applicant's financial history, creditworthiness, and overall risk profile. Despite the presence of affordable interest rates in the market, this stringent vetting process has resulted in a decline in the number of approved mortgages. Consequently, prospective borrowers may face increased challenges in securing mortgage approvals, as lenders prioritize a more cautious and risk-averse approach in their lending practices.

Importantly, note that the availability of financing for developers of market-rate housing units does not appear to be a constraint as evidenced by the large number of housing units developed in the County at the “above moderate” income levels (pursuant to the County’s 2022 Annual Progress Report). However, the availability of financing for affordable housing to moderate- and lower-income households represents a governmental constraint as the lack of sufficient public subsidies required by affordable housing developers prevents more affordable units from being constructed. This topic is covered in Section 3.3, Governmental Constraints, in this Chapter.

3.1.4.1 Homeownership

Federal Reserve Economic Data show home mortgage interest rates rising steadily from January 2022 after experiencing historic lows of January 2021 due to the COVID-19 pandemic and peaking in June 2022. High demand combined with a low supply of housing has led to significant increases in home prices. According to Zillow Home Price Data, the median sale price for single-family residences in Monterey County increased by 38% between 2020 and 2022. These trends create barriers to homeownership for residents with lower incomes because wage growth has not kept up with rising home prices. For instance, median home prices for ownership residences in Monterey County increased

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93% between 2014 and 2022 (according to Zillow home price data), while median household income (reported by the U.S. Census Bureau) only increased 31% during the same period. The U.S. Census Data provided by AMBAG presented in Chapter 2, Community Profile and Needs, of this Housing Element, also show that production has not been able to keep up with the housing demand in Monterey County, with just 3% of Monterey County housing stock being built since 2010.

3.1.4.2 Rental Housing

According to the Comprehensive Housing Affordability Strategy (CHAS) 2015-2019 American Community Survey (ACS) data provided by AMBAG, 15% of households in the Unincorporated Monterey County spend 50% or more of their income on rent compared to 18% for Monterey County. More specifically, 49% and 56% of the extremely low- and very low-income renter households in Unincorporated County and Monterey County, respectively, spend 50% or more of their gross income on housing costs.

Although the percentage of severely cost-burdened renter households in Unincorporated Monterey County is smaller than in Monterey County, housing demand is expected to increase across the State as a result of housing unaffordability. This increase in demand could lead to rent increases across Monterey County. According to a 2023 report published by the California Housing Partnership (CHP Report):

- Renters in Monterey County need to earn \$37.98 per hour – 2.5 times the state minimum wage – to afford the **average monthly asking rent of \$1,975**.
 - Note that the asking rent data utilized in the CHP report was obtained from the ACS, which typically underestimates asking rents. Contrastingly, Section 2.5.5, Median Rent, in Chapter 2 of this Housing Element reports a **median monthly rent of \$2,500 across all unit sizes**, as reported by Zillow. A studio apartment averages \$1,800 while a 4+ bedroom averages \$6,500.
- 14,038 low-income renter households in Monterey County do not have access to an affordable home.

Section 2.5.5, Median Rent, in Chapter 2 of this Housing Element also reports that the median rent in Monterey County has increased by 65% between 2015 and 2022, while the median income has only grown by 31% over roughly the same time period. This is an important distinction as it illustrates growth in the previously existing high demand for affordable housing, placing residents at risk of displacement and/or limited access to affordable housing.

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3.1.5 Availability of Mortgage Financing

Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The data for Unincorporated Monterey County was compiled by aggregating census tracts to approximate the boundaries of Unincorporated Monterey County. Conventional financing involves market-rate loans provided by private lending institutions such as banks, mortgage companies, savings and loans, and thrift institutions.

Mortgage lenders typically have strict qualification criteria, including credit score requirements, income verification, and debt-to-income ratios. These criteria may exclude individuals with lower incomes or those who may not meet conventional credit standards. Some government-backed mortgage programs and affordable housing initiatives have eligibility criteria and income limits. If individuals exceed these limits or do not meet specific requirements, they may not qualify for these programs, limiting their access to affordable financing options. Additionally, many mortgage programs require a substantial down payment, which can be a significant barrier for individuals or families with limited funds.

In 2021, 239 households applied for government-backed mortgage loans, 1,197 households applied for conventional home mortgage loans, 6,816 households applied to refinance, and 450 households applied for home improvement loans in Monterey County (see **Table 3-1. Disposition of Home Purchase and Improvement Loan Applications (2021)**, below). Of the applications for conventional purchase loans, 10% were approved, 29% were denied, and 61% were withdrawn or closed for incompleteness. Government-backed applications in 2021 decreased from 702 in 2011 to 239 (or 66%).

Conventional mortgage loan applications, on the other hand, increased from 778 in 2011 to 1,197 in 2021 (or 54%). The 2021 conventional mortgage loan approval rate decreased from 20% in 2011 to 10% in 2021 (**Table 3-1. Disposition of Home Purchase and Improvement Loan Applications (2021)**, below). Approximately 6% of refinance applications were approved in 2021, almost half of the 12% approval rate in 2011. The denial rate for home improvement loans (66%) in 2021 remained the same as compared to 2011 (66%).

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Table 3-1. Disposition of Home Purchase and Improvement Loan Applications (2021)

	Loan Type							
	Govt-Backed Purchase		Conventional Purchase		Refinance		Home Improvement	
	#	%	#	%	#	%	#	%
Approved ¹	15	6.3%	122	10.2%	426	6.3%	18	4.0%
Denied	79	33%	349	29.2%	2,095	30.7%	295	65.6%
Other ²	145	60.7%	726	60.7%	4,295	63.0%	137	30.4%
Total Applicants	239	100%	1,197	100%	6,816	100%	450	100%

¹ Includes applications approved by lenders but not accepted by the applicants.

² Includes files closed for incompleteness and withdrawal applications

Source: FFIEC MSA/MD 2021 Aggregate Report for Census Tracts in Monterey County

Table 3-2. Disposition of Home Purchase and Improvement Loan Applications (2011)

	Loan Type							
	Govt-Backed Purchase		Conventional Purchase		Refinance		Home Improvement	
	#	%	#	%	#	%	#	%
Approved ¹	132	18.8%	156	20.1%	383	12.0%	10	5.0%
Denied	299	42.6%	283	36.4%	1,506	47.1%	132	66.0%
Other ²	271	38.6%	339	43.6%	1,310	41.0%	58	29.0%
Total Applicants	702	100%	778	100%	3,199	100%	200	100%

¹ Includes applications approved by lenders but not accepted by the applicants.

² Includes files closed for incompleteness and withdrawal applications

Source: FFIEC MSA/MD 2011 Aggregate Report for Census Tracts in Monterey County

3.1.6 Requests to Develop Housing at Lower Densities

In order to account for potential requests to develop housing at densities below those anticipated in the Sites Inventory, the County performed an analysis of sites included in the County's 5th Cycle Housing Element Update. The County found that no projects were completed at densities below those identified in the 5th Cycle Housing Element Update during the Planning Period. Therefore, it does not appear that requests to develop housing at densities below those anticipated in the Sites Inventory present a constraint.

3.1.7 Summary of Nongovernmental Constraints

A summary of the nongovernmental constraints discussed in this section are as follows:

- Land costs have increased due to various factors affecting development potential, including limited availability of developable land, numerous resource constraints, agricultural and open space preservation, and water supply constraints.

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- Residential construction costs have increased substantially since the Great Recession of the late 2000s, including the cost of materials such as wood, plastics, and composites. Today, estimated construction costs for new developments are significantly higher than the 5th Cycle Housing Element estimated construction costs.
- Government Code Section 65583(a)(6) requirements can significantly delay the process of receiving approval for a housing development and approval of an application for building permits.
- Limited availability of financing for new housing projects:
 - Economic fluctuations due to COVID, and increased inflation, have led to increased caution among lenders;
 - Fewer approved mortgages due to increased scrutiny from lenders;
 - Lack of sufficient public subsidies for affordable housing developers;
 - Barriers to homeownership: Monterey County home prices have increased at significant rates since 2020, while wages have not increased at the same rates;
 - High demand for housing with low supply; and
 - Rent increases due to increases in demand for housing.
- Limited availability of mortgage financing.

3.2 Environmental Constraints

A community's environmental setting affects the feasibility and cost of developing housing. Environmental issues range from the conservation of biological resources to the suitability of land for development due to potential exposure to seismic, flooding, wildfire, and other hazards. This section summarizes these potential constraints in Monterey County. (Refer to the Safety Element of the General Plan for more detailed analyses and mitigating policies that address environmental issues or hazards within the planning area.)

3.2.1 General Environmental Setting

As one of the largest counties in the State of California geographically, Monterey County covers more than 3,300 square miles and comprises diverse natural habitats and residential communities. Monterey County is bordered by Santa Cruz County to the north; San Benito, Fresno, and King Counties to the east; San Luis Obispo County to the south; and the Pacific Ocean to the west. Among the more prominent features within Monterey County are the Santa Lucia and Gabilan Mountain Ranges, the Salinas and Carmel Valleys, and about 100 miles of coastline. Of special note are such features as the Elkhorn Slough (North County), Monterey and Carmel Bays, and the rocky shores and cliffs of the Monterey Peninsula and the Big Sur coast.

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3.2.2 Biological Resources

Plants representative of almost all parts of California (except for the highest mountains and driest deserts) are found in Monterey County. Monterey County is the biological center of California; many plant species that find either their northern or southern limits can be found in Monterey County. In addition, a high number of plant species are native only to Monterey County. The county's coast offers a wide range of habitats, including sandy beaches, rocky shoreline, kelp beds, estuaries, wetlands, and sub-marine canyons. Some notable biological resources in the county include:

- **Marine Biodiversity:** The coastal areas of Monterey County are renowned for their rich marine biodiversity. The Monterey Bay National Marine Sanctuary, one of the nation's largest marine protected areas, is home to a vast array of marine life, including sea otters, seals, sea lions, and diverse fish species.
- **Endangered Species:** The region is habitat to several endangered and threatened species. For example, the California condor, once on the brink of extinction, is making a comeback with conservation efforts. The county is also home to rare plants, such as the Yadon's piperia orchid.
- **Unique Flora and Fauna:** The diverse ecosystems, ranging from coastal habitats to inland forests and grasslands, support a wide variety of plant and animal species. Notable flora includes the Monterey pine and cypress, while fauna includes unique birds like the California quail and various reptiles and amphibians.
- **River and Riparian Habitats:** The county's rivers and riparian areas, such as the Salinas River, provide critical habitats for numerous species, including migratory birds and amphibians. These areas contribute to the overall biodiversity of the region.
- **Oak Woodlands:** Monterey County features extensive oak woodlands, which are vital ecosystems supporting various wildlife species. The California black walnut, valley oak, and blue oak are among the prominent tree species in these woodlands.
- **Monterey Pine Forests:** The rare Monterey pine forest, found in certain coastal areas, is of ecological significance. These forests provide habitat for specific plant and animal species adapted to this unique environment.

An abundance of sea life and coastal marine life off the Monterey County coast is directly related to the variety and quality of habitat. The County's inland areas support a highly varied terrain, with habitats such as coastal scrub, mixed chaparral, oak woodlands, and annual grasslands. Biological resources are protected by the County's land use regulations and by the State and Federal Endangered Species Act.

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3.2.3 Air Quality

Monterey County, along with the Counties of Santa Cruz and San Benito, lies within the North Central Coast Air Basin. Air quality within this basin is monitored by the Monterey Bay Air Resources District (MBARD). MBARD maintains seven air quality monitoring stations (San Lorenzo Valley Middle School, Santa Cruz, Hollister, Salinas, Carmel Valley, Pinnacles National Park, and King City) in Monterey County. MBARD sets limits on the quantities of air pollution which may be emitted and has permit authority over new or major modifications to existing stationary sources of air pollution. Control of mobile sources is exercised at the State (California Air Resources Board) and Federal (U.S. Environmental Protection Agency [USEPA]) levels for the Monterey Bay area.

The Federal Clean Air Act requires the USEPA to set National Ambient Air Quality Standards (NAAQS) for six common air pollutants (also known as "criteria air pollutants"). Criteria pollutants include ozone (O₃), particulate matter equal to or less than ten microns in diameter (PM₁₀), and 2.5 microns in diameter (PM_{2.5}), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), carbon monoxide (CO), and lead (Pb). Monterey County is currently in maintenance for CO under the NAAQS and in attainment for all other criteria air pollutants. Under the California Ambient Air Quality Standards (CAAQS), Monterey County is in nonattainment for PM₁₀ as of 2020.

3.2.4 Seismic Hazards

Granite and metamorphic rocks form the Gabilan and Santa Lucia mountains, which are characterized by steep slopes and complex drainage patterns. The Salinas Valley, although underlain by granite, contains several thousand feet of sediment subject to seismic hazard and is the source of productive agricultural soils. Although the County contains useful minerals, the tremendously complex geology caused by extensive faulting and deformation makes investigation difficult and inconclusive.

Monterey County lies within a region of high seismic activity in the form of frequent medium earthquakes with nearby epicenters, as well as infrequent major earthquakes. Earthquakes can cause two types of hazards: primary and secondary. Primary seismic hazards include ground shaking and ground displacement, which in turn can induce secondary hazards. Secondary hazards include ground failure (lurch cracking, lateral spreading, and slope failure), liquefaction, seismic induced water waves (tsunamis and seiches), and dam failure. In addition to the hazards from seismic activity, Monterey County's varied landforms (rugged mountains, river-cut valleys, and wetlands) are subject to landslides, erosion, and subsidence.

The San Andreas Fault runs through the southeastern portion of the County for approximately 30 miles and poses the single greatest seismic hazard to the County. Two other active faults affecting Monterey County include the Palo Colorado-San Gregorio Fault zone and the Monterey Bay Fault zone. The Palo

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Colorado-San Gregorio Fault zone connects the Palo Colorado Fault near Point Sur, south of Monterey, with the San Gregorio Fault near Point Año Nuevo in Santa Cruz County. The Monterey Bay Fault lies seaward of the City of Seaside extending northwesterly to the Pacific Ocean.

3.2.5 Flood

Development in the flood-prone fertile valleys has resulted in property damage and losses mostly in the Salinas Valley, Pajaro, and Arroyo Seco, but also in the Carmel, and the Big and Little Sur River Valleys. Factors that contribute most significantly to potential flooding risk are development within the 100-year floodplain, levee failure, localized drainage problems (e.g., estuaries, marshes, wetlands, and river basins), wildlife, and dam failure. The Salinas River originates in San Luis Obispo County and runs through the entire length of Monterey County. The northern coastal area (including the communities of Boronda, Castroville, Moss Landing) and the Salinas Valley face the greatest risk of dam failure in Monterey County by two Monterey County Water Resources Agency (MCWRA) owned dams (Nacimiento and San Antonio). The Carmel Valley also faces flood risk from failure of the Los Padres dam. Additionally, all impacts from failure of the Forest Lake Dam would occur in the Pebble Beach community. The most likely location of a damaging levee failure would be at the Pajaro River Levee (which failed in 1955, 1958, 1995, 1998, and 2023), or at one of the many non-engineered earthen levees along the Salinas River and Carmel River.

Spanning four counties, the Pajaro River watershed covers around 1,300 square miles, directing its flow into the Pajaro River. Originating in San Benito and southern Santa Clara counties, it serves as the boundary between Monterey and Santa Cruz counties before reaching the Monterey Bay National Marine Sanctuary. Notably, the river intersects the San Andreas fault, with the upper watershed situated on the North American plate and the lower on the Pacific plate.

Beginning at an elevation of 4,000 feet in the Santa Ynez Mountains, the Salinas River watershed spans 4,600 square miles. It is fed by three primary tributaries: Arroyo Seco, Nacimiento, and San Antonio Rivers. The Salinas River meanders for 90 miles, ultimately converging into the Monterey Bay National Marine Sanctuary. Notably, dams such as Nacimiento and San Antonio are strategically positioned along tributaries of the Salinas River.

Originating at an elevation of 3,500 feet on the western slopes of the Sierra de Salinas mountain range, the Carmel River drainage basin spans 225 square miles. It flows through Carmel Valley, extending for 25 miles before reaching the Monterey Bay National Marine Sanctuary at Carmel Bay. The upper reaches of the Carmel River are home to the San Clemente and Los Padres Dams.

Shallow (1- to 3-foot) and sheet flooding conditions generally occur in the Salinas, Carmel, Pajaro, and Big and Little Sur Valleys. In addition, coastal flooding can occur along the beach, where winter storms

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can produce 15-foot breakers. Flooding in these areas generally occurs during the rainy season, from October to April. MCWRA reviews hydrological data, and performs services related to flood control.

MCWRA performs three services related to flood control. First, flows in the Salinas River along its entire length through Monterey County are regulated by the operation of the Nacimiento and San Antonio Reservoirs. These operations are engineered to maintain adequate storage space to simultaneously store winter water for summer release for groundwater recharge and provide flood control. Nevertheless, some storm events will still cause flooding in the Salinas Valley depending on the amount of rainfall.

Second, MCWRA also maintains an Automated Local Evaluation in Real Time (ALERT) Flood Warning system to monitor rainfall and streamflow throughout the major watersheds of Monterey County during storm events. The ALERT system allows MCWRA to collect real-time data on rainfall and stream conditions and to provide a system of early flood warning (flood alerts) to emergency managers and local law enforcement throughout Monterey County at any hour of the day or night.

Thirdly, MCWRA performs maintenance of some irrigation ditches and channels that drain the Salinas Valley. As permitted, regular clearing of debris and overgrown vegetation is performed by private property owners to maintain the Salinas River channels' ability to convey floodwaters. The Pajaro Regional Flood Management Agency (PRFMA) performs vegetation management for select areas of the Pajaro River, and the Monterey Peninsula Water Management District (MPWMD) conducts vegetation management activities for much of the Carmel River channel.

3.2.6 Fire Hazards

Over half of the land area in Monterey County is mountainous and covered with highly combustible vegetation. Wildland fires are part of the ecosystem and are both a beneficial and destructive force. Monterey County has some older communities (Chualar, Spreckels, San Lucas, Bradley, North County, and Carmel Valley Village) where structural fires could occur as a result of outdated electrical or mechanical conditions. In addition to wildland and structural fires, Monterey County is subject to fire hazards from oil and natural gas fields, gasoline storage wells, and flammable chemicals. The California Department of Forestry and Fire Protection (CAL FIRE) maps Fire Hazard Severity Zones (FHSZs) based on factors such as fuel, slope, and fire weather with varying degrees of fire hazard (i.e., moderate, high, and very high). FHSZs identify areas where wildfire hazards could be more severe and therefore are of greater concern. A large portion of the west side of Monterey County is a Federal Responsibility Area. The remainder of the county is primarily categorized as high and very high FHSZ. CAL FIRE also maps fire threats, which combines expected fire frequency with potential fire behavior.

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Approximately 80 percent of land in Monterey County is categorized as high, very high, or extreme fire threat. Given this distinction, there are considerations to be made when it comes to identifying land able to be developed that does not exist within a high fire hazard area. An option, while a contentious one, is looking to the development of prime farmland. While the development of prime farmland mitigates the risk of development in high-fire hazard areas, prime farmland is central to Monterey County's economic engine and is protected under the Farmland Protection Policy Act.

CAL FIRE is charged with wildland fire protection for much of Monterey County, including within the Aromas Tri-County Fire Protection District, Carmel Highlands Fire Protection District, Cypress Fire Protection District, Mission Soledad Rural Fire Protection District, Pebble Beach Community Services District, and South Monterey County Fire Protection District. However, CAL FIRE cannot provide uniform ground response protection to all areas of the County. In addition to CAL FIRE, seven additional special districts and community service districts provide fire protection services, covering approximately 1,497 square miles, or almost half of the 3,281 square miles of land area in Monterey County. The additional seven fire districts include Big Sur Volunteer Fire Brigade, Cachagua Fire Protection District, Gonzales Rural Fire Protection District, Greenfield Fire Protection District, Mid-Coast Volunteer Fire Brigade, Monterey County Regional Fire Protection District, and North County Fire Protection District.

3.2.7 Cultural Resources

Monterey County has a rich history with extensive historical, archaeological, and other cultural resources. Conservation of cultural resources is an important public policy goal for the County, and archaeological sites and resources are protected by federal and state statutes.

The County encourages the conservation and identification of native Californian cultural sites, sacred places, and burial sites as well as places of historical and cultural significance. Chapter 18, Historic Preservation, of the Monterey County Code is a countywide historic preservation ordinance with policies that incentivize preservation, maintenance, and rehabilitation of sites with proven historical or cultural significance as part of the County's Historic Preservation Plan.

Areas with sensitive archaeological resources have been mapped, and development with the potential to impact these resources must comply with standards established in the Zoning Ordinances. Some development projects may require an archaeological review and report. However, the requirement may be waived if a report is already on file for the area subject to development.

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3.2.8 Tribal Cultural Resources

3.2.8.1 Costanoan/Ohlone

The Costanoan peoples, now commonly referred to as the Ohlone, consisted of over 50 tribal groups, speaking eight different but related languages that included Karkin (northern and southern portions of the Carquinez Strait); Chochenyo (east shore of San Francisco between Richmond and Mission San Jose and probably Livermore Valley); Tamien (southern San Francisco Bay and lower Santa Clara Valley); Ramaytush (San Mateo and San Francisco Counties); Awaswas (Santa Cruz Costanoan between Davenport and Aptos); Mutsun (Pajaro River drainage); Achastan/Rumsen (lower Carmel, Sur, and lower Salinas Rivers); and Chalon (Salinas River). This territory encompasses a lengthy coastline as well as several inland valleys.

The Ohlone relied on gathering, hunting, and fishing to procure a wide variety of flora and fauna for subsistence and material needs. The Ohlone had both permanent village locations and seasonal camps to take advantage of the diverse terrain along the central coast. The first Spanish encounters with the Ohlone occurred as early as 1602 with the Sebastian Vizcaino navigational expedition, followed by the inland exploratory expedition of Gaspar de Portola in 1769. Seven missions were established in the Ohlone territory between 1770 and 1797. The Ohlone people were forcibly brought to the missions along with other tribes, including Yokuts, Miwoks, Esselen, and Patwin. Once part of the mission system, the Ohlone were forced from practicing their traditional rituals and social activities. Contact with Europeans resulted in a drastic reduction in population due to disease, violence, and a declining birth rate. The Ohlone population fell from an estimated 10,000 in 1770 to fewer than 2,000 by 1832. Following the secularization of the missions in 1834, most of the remaining Ohlone moved into growing towns and surrounding ranchos to work as laborers or domestic servants. By the mid-twentieth century, the Ohlone population was reduced to 130 in the San Francisco Bay area, although some research suggests that in the early 1970s, there may have been approximately 200 surviving Ohlone.

There have been continued efforts to document genealogies by using mission records to reconstruct family and tribal history. The groups mentioned above, as well as other individuals, have been actively involved in the management and preservation of their heritage and are frequently involved in the management of cultural resources. Ohlone descendants continue to conduct ceremonies and traditional practices such as the gathering of plant materials for basket making. Some of these activities are known to take place on Fort Ord Public Lands in the Central Coast Management Area.

3.2.8.2 Esselen

Peoples of the Esselen language group inhabited the area south of Monterey, including the upper drainage of the Carmel River south to the vicinity of Junipero Serra Peak and west to the Sierra de

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Salinas. The area encompassed a 25-mile stretch along the Pacific Coast. Research in the early 1970s recognized six Esselen tribelets: Excelen, (Carmel Valley), Echilatg (Santa Lucia Mountains), El Pino (lower Arroyo Seco), Cuchunu (Arroyo Seco), Eslenajan (near Soledad Mission), and Tucutnut (Carmel River) (Hester 1978). Very little is known about the lifeways of the Esselen prior to European contact. Documentation of Esselen lifeways has been minimal, and much of what is known about the group is gleaned from archaeological research and mission records. The population of the Esselen in the eighteenth century is estimated at 500 to 1,285 persons. With the founding of Mission San Carlos Borroméo de Monterey at Carmel in 1770, many Esselen were moved to the mission. It has been suggested that by the mid-1800s they were totally absorbed into the mission population, where many also perished. Families have taken steps to preserve their history and identities as Esselen by founding the Ohlone Costanoan Esselen Nation and the Esselen Tribe of Monterey County. The Ohlone Costanoan Esselen Nation, currently located in and around Carmel Valley, consists of 500 members and has been petitioning the federal government to regain recognition as a formal Federally Recognized Tribe. The Esselen Tribe of Monterey County is located in and around the Carmel Valley and Big Sur area. The primary focus of the Esselen Tribe of Monterey County is as a Tribal Group dedicated to the continuation of cultural traditions and the preservation of the cultural heritage of historical tribes within Monterey County. Registered as a nonprofit organization, the ETMC was founded with a central objective of safeguarding cultural traditions and heritage. Additionally, it aims to protect and preserve both recognized and unrecognized sacred lands and archaeological sites.

3.2.8.3 Tule River Indian Tribe

The Tule River Indian Tribe is a federally recognized Native American tribe based in the central part of California. While the Tule River Indian Tribe is located in Tulare County, the tribe has historical ties to the Monterey County territory. As a federally recognized tribe, Monterey County must consult with the tribe as part of the National Environmental Policy Act (NEPA) review process for new development. The tribe's reservation, the Tule River Indian Reservation, is located in the Sierra Nevada foothills near Porterville. With a rich cultural heritage, the Tule River Indian Tribe is known for their connection to the land and traditions. The tribe engages in various economic activities, including gaming operations, to support their community and promote self-sufficiency. They are actively involved in cultural preservation, environmental stewardship, and community development initiatives.

3.2.9 Drought

Monterey County is isolated from state and federal water supplies and must rely solely on its local water resources, historically, groundwater and surface water from watersheds with negligible influence from snowpack. The Monterey County Water Resources Agency owns and operates two large reservoirs: San

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Antonio and Nacimiento, which provide water to recharge aquifers within the Salinas Valley. The Monterey Peninsula depends on two water sources: the Carmel River, which drains a 255-square-mile watershed and runs 36 miles from its source in the Santa Lucia mountains to the sea; and the Seaside Basin, which is recharged by local rain, and which underlies the City of Seaside as well as parts of the former Fort Ord and Highway 68 corridor.

Groundwater is the major source of water for many water users in more rural areas of Monterey County with the exception of residents along the Big Sur coast, who depend entirely on surface water and shallow wells for their water supply, and of residents in an area near Greenfield in the Salinas Valley, who have a diversion from the Arroyo Seco River.

High demands on water resources during severe drought can limit water supply. During critically dry years, the California State Water Resources Control Board can mandate water conservation by water users, local agencies, and Groundwater Sustainability Agencies to address statewide water shortages.

The U.S. Drought Monitor uses a five-category system to label the severity of droughts (abnormally dry, moderate drought, severe drought, extreme drought, and exceptional drought). Drought categories show experts' assessments of conditions related to dryness and drought including observations of how much water is available in streams, lakes, and soils compared to usual for the same time of year. As of December 2023, the National Oceanic and Atmospheric Administration's National Integrated Drought Information System (Drought.gov) shows the entirety of Monterey County as drought-free.

3.2.10 Groundwater Availability & Quality

Monterey County relies significantly on groundwater as a crucial water source for agriculture, residential, and industrial purposes. The primary groundwater basins in Monterey County include the Salinas Valley Groundwater Basin, the Pajaro Valley Groundwater Subbasin of the Corralitos Basin, and others. Sustainable groundwater management is essential to ensure a balance between extraction and recharge to prevent overdraft and depletion of aquifers.

Groundwater quality can be influenced by various factors, including natural geological conditions, human activities, and land use. Agriculture, in particular, can contribute to groundwater contamination through the use of fertilizers and pesticides. In some areas, naturally occurring constituents like metals, minerals and salts may affect groundwater quality. Monitoring and managing groundwater quality are critical to safeguarding drinking water supplies and preserving the overall health of aquifers.

The Sustainable Groundwater Management Act (SGMA) is a state law that requires local agencies to develop and implement sustainable groundwater management plans to ensure the long-term reliability of California's groundwater. Agencies in Monterey County, as well as across the state, have been actively working on SGMA compliance to achieve sustainable groundwater management. A more in-

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depth discussion on Groundwater Sustainability Agencies within Monterey County can be found in Section 3.3.3.8 within this chapter.

3.2.11 Summary of Environmental Constraints

A summary of the environmental constraints discussed in this section are as follows:

- Air Quality Constraints: Monterey Bay Air Resources District sets limits on air pollution within Monterey County.
- Significant seismic hazards within Monterey County, including medium and major earthquakes.
- Flooding hazards in several portions of the County.
 - Dam failure can worsen potential flood damage.
 - Increased risk with development within the 100-year floodplain.
 - Localized drainage problems (e.g., estuaries, marshes, wetlands, and river basins).
- Fire Hazards: Approximately 80% of Monterey County is deemed a high, very high, or extreme fire threat by the California Department of Forestry and Fire Protection:
 - Environmental: highly combustible vegetation in more than half of the County’s land area, leading to wildland fire hazards.
 - Structural fire hazards in certain areas due to outdated electrical or mechanical conditions.
 - Additional fire hazards due to presence of oil and gas fields, gasoline storage wells, and flammable chemicals.
- Conservation of Cultural Resources: many areas of Monterey County are deemed historically or culturally significant. Chapter 18, Historic Preservation of the Monterey County Code is designed to promote the preservation, maintenance, and rehabilitation of these sites across the County.
- Additional efforts to preserve cultural resources relating to present and former tribes within Monterey County including the Ohlone and Esselen communities.
- Prior drought conditions across the vast majority of the County resulting in restrictions.

3.3 Governmental Constraints

Housing affordability is influenced by factors in both the private and public sectors. The policies that guide residential development in the County and the processes for building or expanding housing influence the amount of housing developed and its type, form, location, and ultimate price. Land use controls, development standards, fees, and other local programs can have the unintended consequence of serving as a constraint to housing development for Unincorporated Monterey County.

The development of housing in Monterey County is especially challenging as a result of inadequate regional infrastructure, public controversy over land use decisions, and the prevalence of agricultural

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and environmental resources. These factors have influenced the fees that are charged for all new development as well as the County's historical land use plans and zoning regulations. Overcoming these constraints will require developing and implementing programs identified in the Housing Element to assist with infrastructure funding, modifying some County development regulations, and providing other incentives for affordable, workforce, and senior housing.

Monterey County has historically been planned as a rural county. The County's planning documents have reflected a preference that the County remains rural in character. While large geographic areas were designated for residential uses, these areas were zoned at rural residential densities. No regional water, sewer, or road systems were planned to accommodate housing construction beyond the lowest densities. Housing in many areas is served by independent wells and septic systems. This residential pattern was also thought to be a pattern that would provide the most protection for the scenic and environmental resources within the County. When developments were approved, frequently the number of housing units to be built was even further reduced in order to provide a higher level of environmental protection. Implementation of the California Coastal Act has further limited residential development density within the County's coastal zones.

3.3.1 State and Federal Constraints

In addition to local governmental constraints (described later in this Chapter), federal and state barriers and disincentives also exist that limit the production of housing. These constraints include national economic and job market conditions, federal and state laws and regulations, a significant lack of funding and subsidies needed to support housing that lower- and moderate-income families can afford, and environmental protections.

3.3.1.1 Environmental Protection

State law (California Environmental Quality Act, California Endangered Species Act) and federal law (National Environmental Protection Act, Federal Endangered Species Act) regulations require environmental review of proposed discretionary projects (e.g., subdivision maps, use permits, etc.). Costs resulting from the environmental review process are also added to the cost of housing and are passed on to the consumer to the extent that the market can bear. These costs include fees charged by local government and private consultants needed to complete the environmental analysis, costs to mitigate impacts, and costs from delays caused by the mandated public review periods. However, the presence of these regulations helps preserve the environment and ensure environmental safety to Monterey County residents.

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3.3.1.2 California Coastal Act of 1976

The State legislature enacted the Coastal Act (Act) in 1976 to protect California’s coastline from development encroachment through long-term and comprehensive planning. The Act establishes a coastal zone, outlines standards for development in the coastal zone, and created the Coastal Commission – the State agency tasked with implementing the Act in partnership with local governments. Approximately 197,343 acres, or 10% of the County’s land area, are located within the coastal zone.

The Local Coastal Program (LCP) is the primary planning tool used to guide development within the coastal zone. The LCP, developed in consultation with and certified by the Coastal Commission, identifies the location, type, and density of development, and contains other policies for resource protection. Under the Act, once an LCP is certified by the Coastal Commission as capable of regulating development in conformance with policies of the Coastal Act, the local government assumes the primary responsibility for issuing most coastal permits. The Commission maintains some permit jurisdiction, monitors local actions, and retains authority to appeal certain decisions.

Monterey County’s LCP was certified by the Coastal Commission in 1988 and is implemented by Title 20 of the Monterey County Code. Nearly 3,000 coastal permits have been issued under the LCP, most of which were for some type of residential construction. Appeals of permits issued by the County to the Coastal Commission are not uncommon and the appeals process can be lengthy and create a significant amount of uncertainty in the development process.

The Coastal Act provides numerous regulatory requirements and limitations on the types and densities of new construction in the coastal zone, and potential for appeals resulting in an additional layer of project review by an outside agency, are a significant constraint on housing development in Monterey County. North Monterey County areas within the Coastal Zone depend upon over-drafted water basins, resulting in a tendency for project appeals to the Coastal Commission and ceasing development without proof of residential water.

Development Within the Coastal Zone

Government Code Section 65588(d) requires jurisdictions located within a coastal zone to provide an analysis of units constructed, demolished, and replaced within three miles of a coastal zone to ensure the affordable housing stock within the coastal zone is being protected and provided as required by Government Code Section 65590.

Section 6.2. Housing in the Coastal Zone, found in Chapter 6 of this Housing Element includes the required analysis of coastal-zone affordable housing obligations, including the preservation of existing occupied units affordable to low- or moderate-income households.

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Infrequent removal of prime farmland from production, as indicated by this analysis, has the potential to hinder development significantly in the Salinas Valley. Moving forward, it will increasingly pose a barrier to development in groundwater basins that are either on the verge of, or already, experiencing issues related to nitrate intrusion.

3.3.2 National and State Economic and Job Market Conditions

Technology and globalization have changed the economy significantly in the last two decades. Federal laws and policies have allowed U.S. companies to move manufacturing and service jobs overseas and outsource for much lower costs to maintain or increase profits, leading to a significant stagnation in wages for lower-skilled workers, while the cost of living (including housing costs) has continued to increase. The Congressional Research Service published a study titled “Wage Inequality and the Stagnation of Earnings of Low-Wage Workers: Contributing Factors and Policy Options” (February 5, 2020) that states the following:

Over the 1979–2018 period, real wages at the 10th percentile of the hourly wage distribution grew by 1.6%, whereas wages at the 50th percentile grew by 6.1% and wages at the 90th percentile grew by 37.6%.

The Massachusetts Institute for Technology published a study called “The Work of the Future: Shaping Technology and Institutions” (2019), which states that, with automation, technology changes, and globalization, workers lacking some form of college degree suffer stagnating wages and significantly less economic security. This study states that employment is “polarizing” in both the United States and the industrialized world for the following reason:

At the top end, high-education, high-wage occupations offer strong career prospects and rising lifetime earnings. At the other end, low-education, low-wage occupations provide little economic security and limited career earnings growth. As a result, the pathways to economically stable and secure careers for workers without college degrees are becoming narrower and more precarious. Simply put: we see no shortage of good careers for highly educated workers. And we see no shortage of jobs for less educated workers. But we do find a paucity of good careers for workers without significant post-secondary training—strong technical or vocational training, associate’s degree level certification in a credentialed field, or attainment of a traditional four-year college or graduate degree.

As documented above, and in numerous articles and studies in recent years, as automation, technology changes, and globalization of jobs and manufacturing have occurred, lower-skilled and less-educated workers are not experiencing wage growth that is sufficient to keep up with rising housing costs. This

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has exacerbated the affordable housing need and crisis currently affecting California and many other states.

The University of California, Berkeley, Labor Center also reports the following information on low-wage earners on their website (<https://laborcenter.berkeley.edu/low-wage-work-in-california/>):

- One of every three California workers earns low wages.
- 30% of California workers earned less than \$18.02 per hour in 2021.
- Nearly 5 million low-wage workers are in California.

Changes in the employment market and wage growth are experienced on a local level. Median home prices in the County were recorded at \$788,062 in 2022, according to Zillow home price data. From 2020 to 2022, median home prices in the County increased 38%, from approximately \$500,000 to \$800,000. As housing expenses increase, it is important for wages to keep up with such costs. Limited wage growth is a significant barrier to individuals and families who are currently housed or seek housing and has created a large need for affordable housing.

3.3.2.1 Lack of Federal and State Funding and Subsidies for Affordable Housing

Market factors and government regulations contribute to increased costs toward the development of affordable housing, making it even more costly than market-rate housing development. These factors include the need to secure multiple funding sources (which delays project development), prevailing wage premiums, and sustainable development standards (which help to address sustainability but increase costs). As detailed in Chapter 4, At-Risk Affordable Housing, of this Housing Element, the County does not have any income-restricted affordable housing covenants expiring during the 6th Cycle Planning Period.

As discussed in Section 3.1.2, Construction Costs, of this Chapter 3, an analysis of prototypical developments in Monterey County using Marshall & Swift construction cost estimates suggests that construction costs for single-family and multifamily developments can be approximately \$168 and \$217 per square foot, respectively, while the California Tax Credit Allocation Committee approved four Monterey County projects in 2021, with an average per square foot construction cost of \$339. In addition to the costs of materials, high costs of development can result from high land and labor costs, density restrictions, development fees, and the complexity of financing. As documented in Chapter 4, Housing Resources and Opportunities, of this Housing Element, affordable housing relies on a multitude of state and federal subsidies.

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While the need for affordable housing is significant across California, neither the State nor the federal government allocate sufficient funding subsidies for the number of affordable units required by RHNA. Furthermore, public subsidies are rarely sufficient to fully fund an individual affordable housing project. Therefore, developers must leverage and apply for several state and federal sources of funds, in addition to private lending; all of which can be an extremely time-consuming process. More specifically, a multi-family affordable housing development can require five to 10 funding sources to finance its construction and developers generally layer financing from state and federal tax credits, federal and state housing programs, local land donations, and private loans from a financial institution.

Federal funding represents a large portion of California’s financial resources to support affordable housing development. However, with pressures to cut spending at the federal level, funding for housing has declined in recent years, while the number of severely cost-burdened (i.e., those spending 50% or more of their income on housing), low-income renter households continue to increase. More specifically, CDBG and HOME funds allocated to California for the development of affordable housing declined by 28% and 23% between 2010 and 2023, respectively. These decreases in public subsidies, paired with increased demand for affordable housing, have made funding sources for affordable housing incredibly competitive.

3.3.2.2 Redevelopment Dissolution

As a result of legislation in 2011, all redevelopment agencies in the State were dissolved, which has had a profound effect on the quantity and complexity of affordable housing development in the State. Redevelopment was a tax increment financing tool that allowed cities and counties to retain a higher share of the growth in property taxes in designated “blighted” areas to invest in those areas to remediate blight. Referred to as “urban renewal” before 1979, over 400 cities and counties in the State used this tool. Redevelopment projects were required to allocate 20% of all tax increment for affordable housing in the community. On a Statewide level, over \$2 billion generated on an annual basis for affordable housing was lost due to this State law change.

Despite State legislative efforts to replace Redevelopment with Enhanced Infrastructure Financing Districts (EIFDs) and Community Revitalization Investment Areas (CRIAs), these financing tools generate a tiny fraction of the local funding that redevelopment did previously, which is the reason only a few EIFDs and no CRIAs have been adopted over the last 10 years.

Despite State efforts to provide annual grants and other programs, these sources are not a guaranteed stream of income that is needed to build more affordable housing in the State.

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3.3.2.3 State Regulations and Development Challenges

Other regulatory challenges that present barriers to development include the following:

- **Compliance with state regulations** and energy standards, GHG emissions reduction requirements, and other environmental conditions (needed to preserve the environment but add to development costs).
- **Compliance with the California Environmental Quality Act (CEQA)** can, in some cases, create challenges and constraints for the development of housing. While CEQA serves important environmental protection purposes, meeting compliance can result in time delays due to the timely review process, increased costs for developers addressing EIRs and mitigation measures, land use planning constraints, litigation risks, and project opposition.
- **Prevailing wages** (a federal and state legal requirement for publicly funded projects) that can add 13–25% to hard construction costs (these additional costs are added to very high construction and materials costs and can push an affordable housing project to be financially infeasible).
- **Trained and Skilled Workforce** are an emerging requirement that publicly funded works, including affordable housing development using public subsidies, employ a skilled and trained workforce, the development of which, is constrained by limited apprenticeship programs and enough journey level trades people to provide on-the-job supervision of apprentices.

3.3.3 Local Constraints

The Land Use Element sets forth County policies for local land development. These policies, together with existing zoning regulations, establish the amount and distribution of land allocated for different uses.

The intent of local government regulations is to protect public health and safety, and to ensure a decent quality of life for the community. However, local policies and regulations may affect positively or negatively the price and availability of housing and in particular, the provision of affordable housing. Land use controls, site improvement requirements, fees, and exactions, permit processing procedures, and other factors can constrain the maintenance, development, and improvement of housing.

State and federal regulations also affect the availability of land for housing and the cost of producing housing. Regulations related to environmental protection, building codes, and other topics are designed to protect public health and safety, but often, these regulations have adverse impacts on housing costs and availability. Perhaps one of the greatest constraints to the production of housing affordable to lower-income households is the chronic shortage of state and federal financial assistance for affordable

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housing. While constraints exist at other levels of government, the County has little or no control over these regulations and no ability to directly mitigate their effects on housing. Therefore, the County's efforts emphasize policies and regulations that can be mitigated by the County.

The General Plan for the County of Monterey consists of both inland and coastal components as well as a countywide Housing Element. On October 26, 2010, the County adopted the 2010 Monterey County General Plan. The 2010 General Plan applies in the unincorporated non-coastal area of the County and takes the place of the prior 1982 General Plan in the non-coastal area of the County. Within the coastal zone, the governing general plan is the County's certified Local Coastal Program; to the extent the LCP relies upon General Plan policies for subject matter not addressed by the LCP, the County's 1982 General Plan governs in the coastal zone. The Housing Element for 2023-2031 applies in both the non-coastal and coastal unincorporated areas of the County.

The 2010 General Plan Land Use Element establishes policies to designate the general distribution and intensity of residential, commercial, industrial, agricultural, public facilities, and open space uses of the land in the unincorporated area of the County outside the coastal zone. The main vision of the Land Use Element is to create a general framework that directs growth to designated Community Areas to reduce impacts on agricultural production and natural resources, and to facilitate the provision of public services. These Community Areas would then be subject to additional levels of planning through the preparation of community plans or specific plans.

In addition, the 2010 General Plan designates Rural Centers, as discussed fully below, where development has started that will allow growth in a semi-rural character. To encourage the development of affordable and workforce housing, the 2010 General Plan also establishes Affordable Housing Overlay (AHO) districts throughout the Unincorporated Monterey County. Community Areas, Rural Centers and AHO districts have been designated as top priorities for residential development in the 2010 General Plan.

3.3.3.1 Land Use Policies

2010 Land Use Element (Non-Coastal Unincorporated Land)

The current Land Use Element of the 2010 Monterey County General Plan contains the primary policies that guide residential development in non-coastal unincorporated lands. These policies are implemented primarily through the Zoning Ordinance (Title 21 of the Monterey County Code), which establishes the amount and distribution of different land uses in the County, and the Subdivision Ordinance (Title 19), which regulates the division and improvement of land. The Land Use Element establishes both Urban Residential and Rural Residential designations, which include:

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- Medium Density Residential (MDR)
- High-Density Residential (HDR)
- Low-Density Residential (LDR)
- Rural Density Residential (RDR)
- Mixed-Use (MU)

Table 3-3. 2010 General Plan Land Use Categories and Densities – Inland, presents a breakdown of density and typical residential types for each General Plan Land Use category.

Table 3-3. 2010 General Plan Land Use Categories and Densities – Inland

LAND USE CATEGORY	DENSITY	TYPICAL RESIDENTIAL TYPE(S)
Rural Density Residential (RDR)	1 du/5-40 ac.	Rural Residential Land: Provide for residential uses, recreational, public, and quasi-public, and a broad range of agricultural uses
Low-Density Residential (LDR)	1 du/1-5 ac.	Rural Residential Land: Areas are reserved for residential units as well as recreational, public, and quasi-public, and limited agricultural activities that are incidental and subordinate to the residential uses
Medium Density Residential (MDR)	1-5 du/ac.	Urban Residential Land: Provide for residential uses, recreational, and public and quasi-public uses
High-Density Residential (HDR)	5-20 du/ac.	Urban Residential Land: Provide for a broad range of higher intensity residential uses in a variety of housing types as well as recreational, public, and quasi-public uses, and residential incidental uses
Mixed-Use (MU)	30 du/ac.	Urban Residential Land: Provide for a mix of residential and non-residential (mainly commercial retail and office) to encourage activity centers and pedestrian orientation. Residential uses in the MU areas can be separate developments on the same site but are encouraged to be residential use above non-residential uses in the same building, or clustered in separate buildings to accommodate a variety of housing types, as appropriate

Source: 2010 General Plan Land Use Element.

Title 20 and Title 21 of the Monterey County Code

The County of Monterey has two Zoning Ordinances: Title 20 for the **unincorporated areas within the coastal zone** and Title 21 for all **inland unincorporated areas** of the County. These ordinances (Title 20 and Title 21) regulate the type, location, density, and scale of residential development for areas of the County not covered by a Community Plan or Specific Plan.

Table 3-4. Allowed Residential Uses – Coastal (Title 20) summarizes the housing types permitted within zoning categories that permit residential development in **coastal unincorporated areas**.

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Table 3-4. Allowed Residential Uses – Coastal (Title 20)

LAND USE	DENSITY	PRINCIPAL USE / ACCESSORY TO PRINCIPAL USE/ CONDITIONAL USE
Rural Density Residential	1 du/5-40 ac.	Single-family development, small residential care facility, Accessory Dwelling Unit, employee housing, supportive housing, transitional housing
Low Density Residential	1 du/1-5 ac.	Single-family development, small residential care facility, Accessory Dwelling Unit, employee housing, supportive housing, transitional housing
Medium Density Residential	1-5 du/ac.	Single-family development, small residential care facility, duplex, Accessory Dwelling Unit, employee housing, supportive housing, transitional housing
High Density Residential	5-20 du/ac.	Duplex, Multi-family, Single-family development, small residential care facility, employee housing, supportive housing, transitional housing
Watershed and Scenic Conservation	1 du/ 40-80 ac.	Single-family development, small residential care facility, supportive housing, transitional housing, Employee Housing
Coastal Agricultural Preservation	1 du/ 40 ac.	Single-family development, small residential care facility, Agricultural Employee Housing
Agricultural Conservation	1 du/ 40 ac.	Single-family development, Agricultural Employee Housing, small residential care facility
Coastal General Commercial	N/A	Single-family development, small residential care facility, duplex, Accessory Dwelling Unit, employee housing, supportive housing, transitional housing, employee housing, multi-family*
Visitor Serving Commercial	N/A	Single-family development, Employee Housing**
Agricultural Industrial	N/A	Employee Housing, Agricultural employee housing***
Open Space Recreation	N/A	Employee Housing (not in North County Coastal)****
<p>*20.18.060.L - Coastal development permit required. Residential use tied to commercial use. All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use (ZA).</p>		
<p>**CDP Required.</p>		

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LAND USE	DENSITY	PRINCIPAL USE /ACCESSORY TO PRINCIPAL USE/CONDITIONAL USE
***20.40.060.FF is Employee Housing accessory to a permitted use.		
20.40.060.II is Agricultural employee housing consisting of not more than thirty-six (36) beds in group quarters or twelve (12) units or spaces designed for use by a single family or household.		
CDP required.		
***Title 20 - 20.38.050.O Coastal Devel. Permit required unless exempt per Sec. 20.70.120.		

Source: Monterey County Zoning Ordinance, 2022.

Table 3-5. Allowed Residential Uses – Inland (Title 21) summarizes the housing types permitted within zoning categories that permit residential development in non-coastal unincorporated areas.

Table 3-5. Allowed Residential Uses – Inland (Title 21)

LAND USE	DENSITY	PRINCIPAL USE /ACCESSORY TO PRINCIPAL USE
Rural Density Residential	1 du/5-40 ac.	Single-family development, small residential care facility, Accessory Dwelling Unit, employee housing, supportive housing, transitional housing
Low Density Residential	1 du/1-5 ac.	Single-family development, small residential care facility, Accessory Dwelling Unit, employee housing, supportive housing, transitional housing
Medium Density Residential	1-5 du/ac.	Single-family development, small residential care facility, duplex, Accessory Dwelling Unit, employee housing, supportive housing, transitional housing
High Density Residential	5-20 du/ac.	Duplex, Multi-family, single-family development, small residential care facility, employee housing, supportive housing, transitional housing
Mixed-Use	30 du/ac max	Single-family development, Accessory Dwelling Unit, homeless shelter, employee housing, supportive housing, transitional housing
Agricultural Industrial	n/a	Employee Housing*
Farmlands	1 du/40-160 ac	SFD, small residential care facility, Agricultural Employee Housing
Rural Grazing, Permanent Grazing	1 du/10-160 ac	SFD, small residential care facility, Agricultural Employee Housing
Light Commercial, Heavy Commercial	n/a	Multi-family, Duplex, condominium, SFD

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LAND USE	DENSITY	PRINCIPAL USE /ACCESSORY TO PRINCIPAL USE
Visitor Serving/ Professional Office	n/a	Multi-family, Duplex, Condominium, SFD**
Light Industrial, Heavy Industrial	n/a	Multi-family, Duplex, Condominium, SFD****
<p>*21.24.060.N All residential uses (ZA) allowed with use permit</p> <p>**Uses allowed with use permit include Employee Housing accessory to allowed use, and all residential uses in which less than 50% of total square footage is commercial space.</p> <p>***21.28.060.R All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the industrial use (ZA) allowed with use permit.</p> <p>****Use permit required for agricultural employee housing, supportive housing, and transitional housing.</p>		

Source: Monterey County Zoning Ordinance, 2022.

Butterfly Village (Rancho San Juan Specific Plan-Special Treatment Area)

The 2010 General Plan designates Special Treatment Areas, such as the Butterfly Village Special Treatment Area (Greater Salinas Area Plan, Policy GS-1.1.) The revised Rancho San Juan Specific Plan, dated November 7, 2005, provides a concept and development framework for a 671-acre residential community, known as Butterfly Village. A Combined Development Permit, as amended on July 30, 2008, includes approval of a Vesting Tentative Map for 1,147 units on approximately 224 acres. Residential units include a range of densities from large estate lots at 0.5 to 1.0 dwelling units per acre to attached units at 20 dwelling units per acre. See **Table 3-6. Allowed Residential Uses – Revised Rancho San Juan Specific Plan.**

Table 3-6. Allowed Residential Uses – Revised Rancho San Juan Specific Plan Area

RESIDENTIAL USE	LAND USE DESIGNATION				
	RE	RL-1	RL-2/ RM-1	RH-2	MU
Density	0.5-1 du/ac.	1-3 du/ac.	3-5 du/5-9 ac.	16-20 du/ac.	---
Estate Residential	•				
Residential Low – 1		•			
Residential Low – 2			•		
Residential Medium – 1			•		
Residential High – 2				•	
Mixed-Use					•

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Source: *Rancho San Juan Specific Plan, November 7, 2005.*

Affordable Housing and Workforce Housing Requirements

Residential development within the Butterfly Village will include 367 affordable units (32% of total units) at the following affordability levels:

- 65 very low-income units
- 71 low-income units
- 93 moderate-income units
- 35 Workforce I units (affordable to households with incomes up to 150% AMI)
- 103 Workforce II units (affordable to households with incomes up to 180% AMI)

Carmel Valley Master Plan

The Carmel Valley Master Plan (CVMP) comprises objectives, guidelines, and maps specifying suitable land uses and intensity levels. These elements are designed to provide direction for future land use within the planning area. Specifically, a previous lawsuit between the County and the Carmel Valley Association resulted in regulations to limit development in the Carmel Valley Master Plan Area. The Carmel Valley Association alleged that the County violated the California Environmental Quality Act (CEQA) when it adopted changes to the Carmel Valley Master Plan during the 2010 General Plan update, which included a different traffic volume calculation methodology along Carmel Valley Road. Both parties reached a settlement in 2010, which included the consideration of changes to the CVMP resulting in limiting the unit caps for residential units beyond those originally included. As of 2013, the CVMP has been amended to reflect the settlement agreement including limiting new residential subdivision in Carmel Valley to creation of 190 new lots or units.

Local Coastal Program

Pursuant to the Coastal Act (Public Resources Code section 30000 et seq.), a portion of Monterey County is designated as a “coastal zone.” The coastal zone is governed by four Land Use Plans (LUP) and the Coastal Implementation Plan (CIP), which together constitute the “Local Coastal Program” (LCP) certified by the California Coastal Commission. The four Land Use Plans include **Big Sur Coast, Carmel Area, Del Monte Forest (coastal portion), and North County Coastal**, the latter of which also includes the Moss Landing Community Plan. These plans were certified by the California Coastal Commission in the 1980s, with periodic amendments that have also been certified by the Coastal Commission. To the extent that the LCP relies upon General Plan policies, not in the LCP itself, the 1982 General Plan governs in the coastal zone. The LCP requires proof that adequate water is available before entitlements/permits for residential development can be approved. Groundwater is the only water

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source in the North County area and the LCP limits increased residential development (beyond one home per parcel) to less than 50% of the maximum buildout until there is a new water source.

Big Sur Land Use Plan

The Big Sur Land Use Plan describes several key issues directly affecting planning for the Big Sur coast. These issues concern the effects of intensified land use and development on the environment and character of the coast. Continued residential development and subdivision for residential purposes is a trend at odds with the preservation of the natural, scenic, and rural character of the coast. The remaining capacity on Highway 1 at peak use periods to serve further land development is extremely limited. The California Coastal Act states that the remaining road capacity shall be used to serve coastal dependent uses such as agriculture and coastal recreation and shall not be precluded by residential development. Thus, a major constraint exists in the:

- Availability of capacity on Highway 1 to accommodate further residential development or subdivision presenting as a major limitation to these uses.

According to the LUP, full development of vacant parcels in rural residential areas may be undesirable or infeasible because of resource limitations. No opportunity sites are proposed in this area but a detailed planning review of the Big Sur Land Use Plan, including opportunities for employee housing in the area, should be completed within the next few years.

Most residents on the coast obtain water from natural springs, wells, or divert water directly from a stream. The most favored sites for development are those with dependable year-round water, either on the parcel or close by. Yet, in some locations, the number of existing vacant parcels appears to exceed the capability of available water supplies. Informal water systems have been developed to bring water to “dry” parcels. Increasingly, property owners without a source of surface water on the property are installing wells to pump groundwater. In some cases, these wells are being constructed in groundwater basins feeding springs that serve existing users lower down the mountain slopes. Such wells can jeopardize spring supplies for existing users.

In order to mitigate the above constraints, the County is adopting the following programs, found in Chapter 8, Housing Plan, of this Housing Element:

- H-2.A. Encourage, Incentivize, and Monitor Accessory Dwelling Units (ADUs)
- H-2.F. Annual Review with County Supervisors

Carmel Area Land Use Plan

According to the Carmel Area Land Use Plan, low vacancy rates, high housing costs, and lack of rentals appear to be the key factors in reducing the accessibility of the Carmel coastal area to low- and

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moderate-income persons. Two groups that are particularly affected are employees of the visitor-serving sector and persons employed as domestic service personnel. There are two major constraints, however, to providing adequate low- and moderate-income housing in the Carmel Area:

- High costs of land and housing, which preclude the general use of traditional housing assistance programs;
- Lack of suitable locations for accommodating single-family and multi-family housing projects. These constraints indicate that, for the foreseeable future, employee housing provided by an employer may be the major source of affordable housing in the area;
- Small parcel sizes;
- Lack of access to water ;
- Archaeological sensitivity;
- Flooding along Carmel River Lagoon, sea level rise and coastal bluff setbacks; and
- Lack of infrastructure in Carmel Highlands (wells and septic systems).

A final issue to be resolved is the adequacy and capacity of water supplies, wastewater disposal facilities, and transportation facilities. The Coastal Act states that where the remaining capacity of existing or planned public works facilities is limited, such capacity shall be reserved for coastal-dependent land uses such as agriculture and coastal recreation and shall not be precluded by residential development. This mandate has a direct bearing on the potential for continued residential development and subdivision within the Carmel Area. The capacity of existing water supplies and wastewater disposal facilities is limited.

In order to mitigate the above constraints, the County is adopting the following programs, found in Chapter 8, Housing Plan, of this Housing Element:

- H-2.A. Encourage, Incentivize, and Monitor Accessory Dwelling Units (ADUs)
- H-2.L. Collaboration with Water Resources Agencies
- H-2.Q. Ensure Adequate Sewer Resources for New Development
- H-3.B Promote Optimal Utilization of Sites Permitting High-Density Residential Development, Small Lot Sites, and Sites Subject to Subdivision
- H-5.C. Facilitate Access to Affordable Housing for Residents

Del Monte Land Use Plan

Development in the Del Monte Forest may be unfeasible due to a number of constraints including Coastal Commission oversight, the approval of the “Pebble Beach Buildout Plan”, the high cost of water credits; environmentally sensitive habitats including sand dune habitat, pine forest habitat, and watershed limitations, significant homeowner association costs, large lot zoning and lack of unrestricted

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land for development which saw the "Pebble Beach Buildout Plan" place many large areas into open space/habitat protection).

Existing water sources for Del Monte Forest development are generally in overdraft and the limited availability via the Pebble Beach Company water credits is costly. The use of these sources is leading to adverse resource impacts and such use is subject to specific legal requirements related to continued use, including State Water Resources Control Board (SWRCB) orders. As a result, the lack of adequate, long-term public water sources and supplies is a significant constraint to development in the Del Monte Forest. So as not to exacerbate resource impacts from water withdrawals, development in the Del Monte Forest can thus only be approved if it is first clearly demonstrated that the development will be served by an adequate, long-term public water supply, and where such development incorporates all necessary measures to assure no net increase in water demand from Cal-Am sources where extraction is leading to resource degradation.

The only exception is the remaining portion of the Pebble Beach Company's MPWMD Water Entitlement consistent with all applicable laws for such use, including as circumstances surrounding such use change over time (e.g., in relation to SWRCB order or otherwise). Thus, the LUP recognizes the validity of the Pebble Beach Company's MPWMD Water Entitlement and recognizes that new development, which relies on the remaining entitlement, is allowable provided other applicable law does not dictate otherwise.

There is adequate wastewater collection and treatment capacity for future expected Del Monte Forest development. The SWRCB permit requires annual sampling of Carmel Bay waters and comprehensive reports to the SWRCB at ten-year intervals. The first comprehensive report (2002-2003) showed no evidence of a measurable effect of the treatment plant discharge on the Carmel Bay Area of Special Biological Significance (ASBS). The most recent report completed in March 2023 found that measurements of Fecal Indicator Bacteria (FIB) from further discharges into the Carmel Bay ASBS indicate that all Ocean Plan exceedances determined were related to FIB indicators in waters at Carmel Bay near Ocean Avenue. Since there were no identified connections with Carmel Area Wastewater District (CAWD) discharge, it was recommended that future analyses incorporate FIB data from other potential sources, including the Carmel River and stormwater discharges. The SWRCB will continue to monitor and evaluate Carmel Bay waters for CAWD discharge effects on the ASBS, including as it relates to increased wastewater discharge from new development.

In order to mitigate the above constraints, the County is adopting the following programs, found in Chapter 8, Housing Plan, of this Housing Element:

- H-2.L. Collaboration with Water Resources Agencies
- H-2.Q. **Ensure Adequate Sewer Resources for New Development**

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North County Land Use Plan

The North County Land Use Plan aims to effectively manage and protect the valuable natural resources of the region. It recognizes the significance of areas like Elkhorn Slough, wetlands, beaches, and dunes, as well as the oak and chaparral-covered hills. The plan emphasizes the need for sensitive and responsive land use, development, and conservation to preserve the natural balance and protect environmentally sensitive habitats.

Furthermore, the North County Land Use Plan recognizes the importance of housing development in the North County coastal area while taking into account the constraints imposed by the sensitivity of natural resources and the need for resource protection. The plan acknowledges the existing residential land use patterns, including low-density and higher-density developments in various locations. It also highlights the need to address housing issues such as vacancies, affordability, housing conditions, and the unique circumstances of farmworkers in the area. Creating a balance between housing development and resource protection creates some constraints to housing development, including:

- **Sensitivity of Natural Resources**: The sensitivity of natural resources, such as wetlands and environmentally sensitive habitats, limits the extent to which residential development can encroach upon these areas. Continued residential development may harm the abundance and diversity of these resources.
- **Lack of Public Services**: Some areas in North County lack community sewer or water service, making residential development in these areas challenging and potentially hazardous to public health. The absence of essential services acts as a constraint to housing development.
- **Saltwater Intrusion and Groundwater Contamination**: Overdraft of aquifers has caused saltwater intrusion from Monterey Bay into groundwater, which is a significant concern. This issue limits the development of housing in affected areas due to the compromised quality of groundwater. The Coastal Commission has determined that development in the North County Land Use Plan area is not feasible until a long-term water supply is identified for the area.
- **Infrastructure Limitations**: The limited capacities of roads, highways, schools, and public wastewater treatment systems pose constraints on potential growth and housing development in the area. Insufficient infrastructure hinders the expansion of housing options and state, and federal financing sources are highly limited in areas that have been subject to repeated flooding by the Pajaro River.

The need for additional affordable housing is a growing concern in the region. Identifying suitable areas for concentrated development that provide affordable housing while maintaining the overall rural character is a challenge. The land use plan aims to address these challenges by planning for appropriate levels of land use and development, protecting coastal resources, and maintaining the rural character

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of North County. It emphasizes clustering medium and high-density residential development in areas with available water, sewer, and transportation services, while commercial and industrial growth is concentrated in existing population centers.

In order to mitigate the above constraints, the County is adopting the following programs, found in Chapter 8, Housing Plan, of this Housing Element:

- H-2.K. Assist with the Development of Affordable Housing
- H-2.L. Collaboration with Water Resources Agencies
- H-2.Q. **Ensure Adequate Sewer Resources for New Development**
- H-5.B. Housing Mobility
- H-5.C. Facilitate Access to Affordable Housing for Residents
- H-5.F. Housing Opportunities

3.3.3.2 Community Areas – Specific and Community Plans

Community Areas are planned population centers where new development in the non-coastal unincorporated area is actively supported as the County’s primary planning priority. Designated Community Areas in Monterey County are:

- Boronda
- Castroville
- Chualar
- Fort Ord/East Garrison
- Pajaro

Planning for these Community Areas, except for the East Garrison portion of Fort Ord, will be accomplished through the adoption of Community Plans (Development of East Garrison is governed by a Specific Plan that has already been adopted.) The completion of Community Plans for all the County’s Community Areas is actively supported as the County’s planning priority, with Pajaro and Chualar being the highest priorities.

Due to the predominantly rural nature of Monterey County and significant resource constraints (e.g., public lands, farmlands, water supply), typical state housing laws are difficult to apply since they are often written in terms of urban cities using public infrastructure. The County looks to unincorporated Community Areas to develop to their fullest the areas that are already in residential use by encouraging redevelopment and conversion of low-density areas to higher residential densities or mixed-use areas. The potential for intensification of existing Community Areas is considered in the development of Community Plans.

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Boronda Community Plan

The County has an existing Boronda Neighborhood Improvement Plan and has been in the process of preparing a draft Community Plan. Existing land uses in this area include low-density single-family residential neighborhoods and commercial and industrial uses, with large portions of the land being unimproved or agricultural lands. Included in the draft Community Plan is a development concept for the undeveloped South Boronda area. In 2007, a developer applied for a project called Boronda Meadows located in South Boronda. However, the application has subsequently been withdrawn, primarily due to the downturn in the economy, including during the Great Recession. After the Boronda Meadows project was withdrawn, the County completed a revised draft Community Plan which incorporated some of the concepts from the Boronda Meadows Project. However, due to the elimination of redevelopment agencies, the Boronda Community Plan and EIR were put on hold. County staff has begun discussions with the City of Salinas to annex the undeveloped area located in South Boronda.

Several factors act as constraints to housing development in Boronda, including:

- **Groundwater Contamination**: The deterioration of groundwater quality in Boronda poses a significant constraint to housing development. Septic system failures, agricultural runoff, high groundwater levels, and low soil permeability have resulted in elevated levels of nitrates and fecal coliform bacteria in the groundwater. This contamination poses health hazards and necessitates the closure of groundwater wells. Any new housing development must address these issues and ensure a safe and reliable water supply.
- **Inadequate Circulation Infrastructure**: The residential streets in Boronda, as well as other public streets like Boronda Road and Madison Lane, suffer from substandard conditions. They lack the necessary infrastructure such as curbs, gutters, and sidewalks. The existing roads exhibit cracked and uneven surfaces, which can impede traffic flow and pedestrian safety. Additionally, increased commercial truck traffic along Madison Lane further exacerbates the circulation challenges. Housing development needs to consider improvements to the road infrastructure to accommodate the increased population and ensure efficient transportation.
- **Flood Risk and Drainage Issues**: Boronda experiences challenges related to stormwater drainage and flood control. Surface runoff from the area drains into Markley Swamp, which can lead to flooding during heavy rainfall events. The existing drainage systems, including the Reclamation Ditch, may not have adequate capacity to handle increased runoff from new development. It is crucial for housing development plans to incorporate proper stormwater management techniques, including the installation of additional storm drains and maintaining open space areas to preserve floodwater carrying capacity.

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- **Aging Housing Stock:** The housing stock in Boronda is relatively old, with approximately 20% of the dwelling units built before 1940. This aging housing infrastructure can contribute to poor housing conditions and may require significant renovations or replacements. Redevelopment efforts should address the need for upgrading existing housing units and increasing the availability of low- and moderate-income housing options.
- **Sphere of Influence:** Boronda is within the City of Salinas’ Sphere of Influence and any proposed development is subject to the City’s review and consent. The City of Salinas also provides wastewater treatment for the community, providing influence over development. If a large residential project were proposed within the County, it would likely be annexed to the City and not count toward Unincorporated Monterey County’s RHNA. An amendment to the existing Memorandum of Understanding (MOU) would be required to change this.

In order to mitigate the above constraints, the County is adopting the following programs, found in Chapter 8, Housing Plan, of this Housing Element:

- H-1.B. Replacement Housing Stock
- H-2.K. Assist with the Development of Affordable Housing
- H-2.L. Collaboration with Water Resources Agencies
- H-2.Q. Ensure Adequate Sewer Resources for New Development

Castroville Community Plan

Castroville places a high value on well-designed housing that offers a range of residential opportunities within mixed-income neighborhoods. A community plan was adopted in 2007 and is currently in place for the non-coastal areas. The variety of housing allowed in the Low, Medium, and High-Density residential land use designations, along with some residential development to be included in the mixed-use designation, will accommodate the community’s future housing needs. Following is a list of the land use designations in the Castroville Community Plan that illustrates the different residential uses per land use designation:

Table 3-7. Allowed Residential Uses – Castroville Community Plan

LAND USE DESIGNATION	ZONE	USES	DENSITY
Low Density Residential	LDR-C	Intended for detached single-family units and duplex units	5-8 du/ac
Medium Density Residential	MDR-C	Intended for attached and detached single-family units on standard size residential lots, including clustered development and duplexes	8.1-12 du/ac

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High Density Residential	HDR-C	Intended for higher density, small lot single-family detached dwellings and duplexes, townhomes, attached multi-family units, and clustered development	12.1-20 du/ac
Mixed Density Residential	MXDR-C	Mixed density residential provides for a mix of Medium Density and High-Density Residential development within an integrated cohesive neighborhood. The types of residential units include detached small-lot single-family units and multi-family units	8-20 du/ac
Mixed-Use	MU-C	The Mixed-Use designation provides for residential development on the same site or in the same building as commercial uses. Residential uses will generally be high-density multi-family product types including flats, condos, and townhomes.	15-30 du/ac

Source: *Castroville Community Plan, 2007*

The County has developed zoning districts that correspond to the Castroville Community Plan land use designations. On February 23, 2010, the Board of Supervisors amended Title 21 (non-coastal areas) to incorporate into the Zoning Ordinance regulations for reviewing development of areas that have an adopted Community Plan.

Constraints to housing development in Castroville include the following:

- **Traffic Congestion:** The convergence of three state highways (Highways 1, 156, and 183) in Castroville leads to significant traffic congestion and poor levels of service. This heavy truck traffic, especially along Merritt Street, the community’s main thoroughfare, hinders pedestrian activity and creates an environment that is not pedestrian-friendly.
- **Environmental Factors:** The presence of the Tembladero Slough, located south of Merritt Street, poses potential flooding risks, particularly in the southern part of Castroville. Special engineering and development standards are required for properties in flood-prone areas, affecting future development patterns. However, integrating engineering solutions can reclaim these areas for aesthetic, recreational, and development purposes, creating a distinctive visual and physical edge for the community.
- **Incompatibilities with Agricultural Land:** Castroville proximity to agricultural land raises challenges in balancing urban development with the need to protect and enhance the agricultural landscape. Incompatibilities between urban uses and agricultural activities must be addressed to ensure a harmonious coexistence.
- **Infrastructure Limitations:** While Castroville water, sewer, and storm drainage infrastructure is relatively well-developed, certain improvements are necessary to support new development

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and enhance the quality of life. Upgrades to the existing pumping station are required to accommodate the full buildout of the plan. Special engineering and site development standards may also be necessary in specific areas to address minor deficiencies in the drainage system.

- **Limited Economic Base:** Castroville’s economy, primarily reliant on the agricultural and tourist industries, poses challenges in expanding and diversifying employment opportunities. The community needs to attract new industries and provide move-up jobs for residents and workers to meet the demand for expanded employment opportunities. An increased economic base would also pave the way for an increase in population to allow for the development of open spaces, parks, and other amenities needed.
- **Development Impact Fees:** Current development impact fees (including traffic impact fees) run on the higher end and are associated with a plan that was not certified by the California Coastal Commission (CCC), resulting in a constraint to housing in Castroville. The County is currently in the process to update the Castroville Community Plan to exclude the coastal zone and right size the development impact fees, with a traffic fees nexus study to help inform traffic impact fees. Completion is expected prior to certification of the Housing Element Update.

In order to mitigate the above constraints, the County is adopting the following programs, found in Chapter 8, Housing Plan, of this Housing Element:

- H-1.C. Energy Efficiency and Conservation
- H-1.E. Reduce Exposure to Environmental Pollution
- H-2.G. Comprehensive Suite of Incentives/Concessions for Developers
- H-2.J. Technical Assistance to Developers
- H-2.K. Assist with the Development of Affordable Housing
- H-2.Q. Ensure Adequate Sewer Resources for New Development
- H-3.F. Community and Specific Plans

Affordable Housing Requirements

The County’s former Redevelopment Agency (RDA) assisted Mid-Peninsula Housing Corporation (MidPen) with the development of Cynara Court in downtown Castroville. The RDA provided \$2.49 million in direct funding assistance for this project, as well as staff assistance in obtaining required land use entitlements. Located on two separate sites, the 58-unit Cynara Court was completed in 2012 and provides a total of 57 rental units for low- and very low-income households. About one-quarter of these affordable units are reserved for farmworkers. This project has helped address the need for affordable rental housing in Castroville where there are overcrowding problems and limited affordable housing opportunities.

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In 2013, Community Housing Improvement Systems and Planning Association, Inc. (CHISPA) completed the 59-unit Sea Garden Apartments, located at Preston and Axtell streets in Castroville. The project consists of 58 affordable apartments and a manager's unit. The RDA approved a \$2.277 million loan to assist CHISPA with the acquisition of the project.

In 2015, the County provided grants and loans totaling \$561,503 to MidPen to purchase the 11-unit Geil St. Affordable Housing Development. This project, built in the early 1990s had affordability covenants that were due to expire in 2020, and the project required extensive rehabilitation work. The project has units at the following income levels: 2 Extremely Low, 4 Very Low, and 1 Low. The County investment preserved and extended the affordability covenants through 2070.

East Garrison Specific Plan

A Specific Plan was approved in 2005 for the East Garrison portion of the County's Fort Ord Planning Area. The Specific Plan serves as the area Community Plan. The approved East Garrison Specific Plan (EGSP) provides for the construction of up to 1,400 residential units plus up to 70 accessory (carriage house) units, in conjunction with commercial uses, public amenities (such as a library and fire station), and the rehabilitation of historic buildings to provide spaces for arts and cultural activities. The EGSP area comprises 244 acres on a bluff along the northern edge of Fort Ord. The residential land uses in the EGSP are characterized by three residential neighborhoods that intersect at the Town Center. Upon buildout, the three neighborhoods will include a full spectrum of housing opportunities that are affordable by design, including 20% dedicated to Inclusionary Housing and 10% dedicated to Workforce II Housing. As part of the Specific Plan, 350 affordable units (84 very low-income units, 112 low-income units, and 154 moderate-income units) are expected to be developed.

To date, East Garrison has developed into a community consisting of 1,060 homes with supporting infrastructure and public improvements, including: 809 market-rate units; 130 affordable apartments (very low- and low-income); 51 moderate-income units; 70 work force II units; fire station with community room; and approximately 37 acres of community, neighborhood and dog parks, open space and trails. An additional 65 affordable apartments are under construction and anticipated to be completed in 2023. Remaining housing and public facilities to be built (not-yet-under construction) per the development approvals at East Garrison include: 1) 341 housing units (172 market rate, 70 work force II, 33 moderate-income, 66 very low- and low-income apartments) plus 70 optional ADUs; 2) Library with Sheriff sub-station; 3) a minimum 34,000 square feet (sf) Town Center (of which 4,000 sf is the Library/Sheriff sub-station); 4) the 1-acre Town Center Park; and 5) rehabilitation and reuse of 23 historic buildings.

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Century Communities, the Master Developer for the East Garrison Project, has submitted an amended final phase application for what it considers to be minor modifications to the existing approvals for the Final Phase of the East Garrison Community. Century’s goal for the revisions is to enable the community to be completed in a timely manner and to help expedite the implementation of the remaining development while respecting the goals and intent of the original vision. Century cites a number of challenges to developing the final phase at East Garrison that, in the aggregate, have created a very different development environment than what existed when the Specific Plan was conceived over 20 years ago. To realize the intended goals for East Garrison, Century Communities believes that the Specific Plan and approval documents need to be updated to optimize and expedite the ability to receive tax credit funding for the Phase 3 Affordable Apartment Project, match the current commercial and housing markets and most importantly, expeditiously complete the final phase of the community. The completion of East Garrison requires addressing the issues previously discussed, which East Garrison proposes to do by modifying housing unit mix and locations.

In order to mitigate the above constraints, the County is adopting the following programs, found in Chapter 8, Housing Plan, of this Housing Element:

- H-2.K. Assist with the Development of Affordable Housing
- H-4.E. Streamline the Permit Processing and Approval Process for Residential Development
- H-4.G. Zoning Ordinances and General Plan Efficiencies for Housing

Affordable Housing Requirements:

The County, the developer, and two non-profits (MidPen and CHISPA) entered into Memorandums of Agreement (MOAs) to provide the very low- and low-income rental units required (196 units) to fulfill the inclusionary housing requirements.

In 2008, the initial developer informed the County that the downturn in the local and statewide housing market had reached significant proportions, and the development was shortly foreclosed upon. A new developer purchased the property and assumed the obligations of the Development and Disposition Agreement (DDA), pursuant to an implementation agreement. Under the DDA, 84 very low-income units, 112 low-income units, and 154 moderate-income units will be provided by the developer. The new developer group for the project, UCP East Garrison LLC, is aggressively working to complete entitlements for the final phase of the Specific Plan. Housing units in the first phase began coming on the market in 2013. The project provides housing for an important segment of the County workforce that was previously priced out of homeownership opportunities.

In 2010, the County and MidPen applied for and were awarded a \$10 million Neighborhood Stabilization Program (NSP1-3) grant. The grant was used as the primary funding source of permanent financing for

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Manzanita Place, the first of the three affordable housing rental projects in East Garrison. The project comprises 66 units with just over one-half of the units affordable to very low-income households, and the remaining units affordable to those earning between 50 to 60 percent of the Area Median Income (AMI). The project began construction in May 2011 and was completed in 2013.

In 2022, CHISPA secured all necessary funding and commenced construction of the Alfred Diaz-Infante Apartments, the second of the three affordable housing rental projects at East Garrison. Similar to Manzanita Place, the Alfred Diaz-Infante Apartments comprises 66 units (65 affordable plus 1 managers unit) with just over one-half of the units affordable to very low-income households. The project was completed in December 2023.

As of now, East Garrison has developed 130 affordable apartments catering to very low- and low-income residents, 51 moderate-income units, and 70 workforce II units. Future developments, as outlined by approved plans for East Garrison, involve the construction of an additional 70 workforce II, 33 moderate-income, and 66 very low- and low-income apartments, along with an optional 70 Accessory Dwelling Units (ADUs).

Other Community Plans

In the 2010 General Plan, the County designated Pajaro and Chualar as Community Areas. Completion of Community Plans for all Community Areas designated in the General Plan is the County's primary planning priority. County staff plans to initiate the preparation of a Chualar Community Plan in 2024 with Pajaro to follow. In response to the Pajaro Levee breach and flooding that occurred in March 2023, the County is working to develop a recovery plan for the community. Plans to move the Pajaro community plan forward are set to begin in 2025 as referenced in the County's Long Range Work Program.

Prior to the adoption of a Community Plan for a Community Area, interim development, limited in scale and in accordance with the following criteria, may be allowed:

- Affordable housing consistent with the density criteria established for Community Areas in the Housing Element if such projects do not impede the overall development of the Community Area according to the design goals listed in Policy LU-2.22 of the 2010 General Plan;
- One single-family home on a legal lot of record;
- Commercial use at a neighborhood-serving scale consistent with the underlying land use designation;
- Subdivision or lot line adjustment of agricultural parcels for agricultural uses; and

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- Minor subdivisions as long as such projects do not impede overall development of the Community Area according to the design goals listed in Policy LU-2.23 of the 2010 General Plan.

Interim development allowed by this policy may proceed provided the project-related infrastructure improvements are constructed concurrent with the development and that an adequate means of providing water and wastewater disposal exist or are provided.

The boundaries for the Chualar Community Area are to be developed by a citizen group with recommendations to the Board of Supervisors but shall not exceed 350 acres over the life of the General Plan (20 years). Planning for the Chualar Community Area and any Community Plan ultimately adopted for Chualar shall be consistent with that certain Settlement Agreement between Chualar Area Concerned Citizens, *et al.* and the County of Monterey in *Chualar Area Concerned Citizens, et al. v. County of Monterey* (Monterey County Superior Court Case no. 107519), executed on or about October 16, 2001.

3.3.3.3 Rural Centers

Rural centers are existing areas containing concentrations of development that include higher intensity uses than typically found in rural areas. Rural Centers are typically located more than 15 miles from communities with grocery stores, pharmacies, and public transit. Rural centers with the potential for improved infrastructure could develop into a future Community Area over the life of the General Plan. New development other than within Community Areas is encouraged within Rural Centers. Residential development in Rural Centers is anticipated to range from one to five units per acre but may be developed at a density of 10 to 15 units per acre if processed as part of the Affordable/Workforce Housing Incentive program. The development of Rural Centers is a secondary planning priority for the County, after the development of Community Plans for Community Areas. Rural Centers in Monterey County are listed below:

- Bradley
- Lockwood
- Pine Canyon (Kings City)
- Pleyto
- River Road
- San Ardo
- San Lucas

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3.3.3.4 Affordable Housing Overlay

The 2010 General Plan established an Affordable Housing Overlay Program (Policy LU-2.11) to encourage the development of affordable and workforce housing in the County. If a property located within the overlay meets all of the suitability criteria established in the Land Use Element, owners may voluntarily choose to develop an Affordable Housing Overlay (AHO) project, rather than a project with a use otherwise allowed by the underlying land use designation. Residential densities of up to 30 units per acre are permitted for projects in these districts, with a minimum density of six units per acre. The County has three Affordable Housing Overlays, listed below.

- Mid-Carmel Valley
- Monterey Peninsula Airport Land Vicinity
- Highway 68/ Reservation Road

Since the AHO was adopted in October 2010, one property owner has expressed interest in using this tool. The County was approached by a property owner within the Monterey Peninsula Airport AHO about developing affordable housing. The County used Regional Early Action Planning (REAP 1.0) grant funds to conduct a resource availability study in support of the proposal. However, the studies indicate there is insufficient water available for residential development at the densities required by the AHO designation. No property owners outside of AHOs identified in the General Plan have sought this designation.

In addition, several incentives were established to promote development in AHO districts, including:

- Density bonuses;
- Streamlined permitting processes, including assigning experienced staff to such projects; or hiring outside contract planners, plan checkers and building inspectors (at the cost of the developer);
- Waiver or deferral of planning and building permit fees (not including fees for the purpose of financing infrastructure);
- Priority allocation of resource capacity such as water and sewer over other projects not yet approved;
- Modified development standards; and
- Grant funding assistance.

The Affordable Housing Overlay offers additional opportunities for affordable housing in areas not normally available to affordable housing development. It is not intended to be the primary strategy for meeting the County's affordable housing needs. The County's progress toward meeting Regional

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Housing Needs Allocation (RHNA) for lower-income households is accomplished through the County’s Inclusionary Housing Program and direct funding assistance to nonprofit developers.

This Affordable Housing Overlay works to complement the State Density Bonus law and County Density Bonus Incentives. The Affordable Housing Overlay is targeted at lower-intensity development that does not necessarily meet the State Density Bonus requirements. Higher-density multi-family housing development most likely will utilize the State Density Bonus law.

3.3.3.5 Urban Growth Boundary Agreements

Salinas

Ensuring the protection of agricultural lands and helping direct the growth of cities into areas least impactful to agricultural areas led to the adoption of a handful of urban growth boundary agreements within the County of Monterey. In 2006 a Memorandum of Understanding (MOU) was established between the County of Monterey and the City of Salinas (“Salinas”) in which specific objectives were outlined regarding the preservation of certain agriculture land, the provision of future growth areas, and the provision of adequate financing for the services and facilities of benefit to the residents of the Greater Salinas Area Plan area and Salinas. The MOU outlines a number of agreements including:

- The joint agreement to the creation and implementation of agricultural conservation easements in the unincorporated areas to the west and south of the City of Salinas’s Sphere of Influence (SOI) providing the easements are consistent with the adopted General Plans of the two jurisdictions;
- Developments within the Greater Salinas Planning Area as designated by the County’s General Plan will only occur after consultation with Salinas in the planning process, and the County will not process any proposals for development in contiguous areas to the Salinas city boundary if those proposals would require a general plan amendment or rezoning; and
- The development and implementation of a County Traffic Impact Fee, and implementation of impact fees to address the impact of land uses (including future) in the Reclamation Ditch Watershed Area.

A 2019 amendment to the MOU established the understanding that the County would work with Salinas regarding the potential future development of undeveloped lands located within the County’s jurisdiction in the Northern Area. Both the County and Salinas seek to potentially develop land to help achieve longer-term economic development needs. Additionally, Salinas and the County will work together on assessing future development of undeveloped lands located in the South Boronda Area. Under the amendment, the County may also consider proposals for development of farmworker housing on lands located within the County’s jurisdiction and proximate to the Salinas city boundary, including within its sphere of influence.

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The MOU and subsequent amendment between the County and Salinas do not represent a direct constraint to housing development given the specific outlined objectives both parties agreed to in which there was an understanding that both Salinas and the County would support each other's efforts to construct affordable housing throughout the County to help ensure achievement of AMBAG's fair share housing allocation. Additionally, Salinas and the County agreed that if the 100% affordable housing project on Rogge Road is annexed to Salinas, the project shall remain as a credit to the County's AMBAG housing allocation.

Greenfield

The 2013 Memorandum of Agreement (MOA) between the City of Greenfield ("Greenfield") and the County outlines a number of agreements including:

- Development requiring discretionary permits on unincorporated lands within the SOI shall occur only after the annexation of such lands to Greenfield and that Greenfield shall consult with the County in the planning process with special consideration of development in the unincorporated areas (a) to the west of Highway 101 and south of Espinosa Road to approximately Underwood Road and (b) to the north of Thorne Road (and west of Highway 101) to the bluff top; and
- The County will not process any development proposals in areas contiguous (immediately adjacent) to the then-existing Greenfield city boundary that would require either a general plan amendment or a rezoning without first referring the proposal to Greenfield for its consideration and possible annexation; and
- Greenfield and County agree that the County will develop a County-wide Traffic Impact Fee program for the improvement of major County roads in accordance with the County's adopted General Plan. The County fee program is being developed in consultation with TAMC and Monterey County cities. The parties agree in principle that the City of Greenfield will mitigate the impact of City development on County roads, and County will mitigate the impact of County development on City roads.

Gonzales

The 2014 Memorandum of Agreement (MOA) between the City of Gonzales ("Gonzales") and the County outlines a number of agreements including:

- Preserve agricultural land to maintain physical separation between Gonzales and Soledad (and the prison) to the south and Chualar to the north; and
- The County's implementation of potential traffic impact fees for any development within Gonzales Planning Area Boundary in which the developer will need to pay their pro rata fair share to Gonzales as mitigation of impacts.

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Soledad

The 2016 Memorandum of Agreement (MOA) between the City of Soledad (“Soledad”) and the County outlines a number of agreements including:

- Consult with Soledad on development projects that are proposed within a referral area as illustrated in the MOA, intending to minimize potentially competing development within Soledad’s Planning Area Boundary, limiting approval of new agricultural-industrial or commercial projects by directing such development to Soledad’s agricultural business parks and/or light industrial areas, and referring any discretionary development proposals within the planning area boundary to Soledad for comment or potential annexation; and
- The County’s preparation and consideration of a traffic impact fee that would include a zone that includes the Greater Soledad Area within 18 months of the effective date of the adoption of the Sphere of Influence by LAFCO.

The MOAs and MOU detailed above generally do require the County to consult with adjacent cities prior to the general plan, zone changes, and development. This consultation can extend the time frame to develop housing but does not prevent it. The assessment of traffic impact fees is in alignment with the legal requirements for enactment of a development impact fee program as set forth in California Government Code sections 66000-66025 (Mitigation Fee Act), the bulk of which was adopted as the 1987 Assembly Bill (AB) 1600. The requirement to pay possible mitigation fees along with an enhanced review of development proposals pertaining to specific plan areas may potentially delay or disincentivize development.

3.3.3.6 Airport Land Use Compatibility Plan

State law requires that land use commissions adopt an Airport Land Use Compatibility Plan (ALUCP), and use it to review the plans, regulations, and other actions by local agencies. The Monterey County Airport Land Use Commission (ALUC) is responsible for maintaining ALUCPs for airport facilities located within Monterey County. An ALUCP is a long-term planning document that by state law must anticipate a time horizon of at least 20 years. An ALUCP projects long-range airport configurations and activity levels, and addresses compatibility concerns related to noise, overflight, safety, and airspace protection. The goal of the ALUC is to protect the health and safety of County residents and visitors while supporting the continued success and safety in the operation of local and regional airports.

Although there are only a few small municipal airports (Marina Municipal Airport, Monterey Bay Academy Airport, Monterey Regional Airport, Salinas Municipal Airport, and Mesa Del Rey Airport) with limited potential to affect residential land uses in Monterey County, applicable ALUCPs have the potential to constrain residential development. For instance, a General Plan land use or any future residential development could be deemed incompatible with an ALUCP, posing a constraint to

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development. In addition, if an ALUCP precludes a significant portion of a community being used for residential development, it could pose a constraint for housing development. **Despite the potential constraints, no incompatibility has been identified with existing General Plan land uses and none is anticipated in the future.** Furthermore, sites identified in the residential sites inventory are not constrained by land use compatibility requirements of any ALUCP. As such, **ALUCPs are not considered a significant constraint in Monterey County.** Furthermore, major residential developments are expected to occur in the adopted Community Plan areas where consistency with the ALUCPs has been verified.

3.3.3.7 Density Bonus

Under state law (Government Code Sections 65915–65918), developers are entitled to a density bonus and/or equivalent concessions or incentives for the provision of affordable units to encourage the development of affordable and senior housing, including up to a 50% increase in project densities for most projects, depending on the amount of affordable housing provided, and an 80% increase in density for projects that consist of 100% affordable units.

Cities and counties are required to grant a density bonus and other incentives and concessions to projects that contain one of the following:

- **5%** or more of units are restricted to very low-income residents, as defined in Section 50105 of the Health and Safety Code.
- **10%** or more of units are restricted to lower-income residents, as defined in Section 50079.5 of the Health and Safety Code.
- **10%** of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.
- **100%** of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower-income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20% of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.
- **10%** of units or more are for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units

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described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units.

- **20%** of units or more are for lower-income students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code and attend an accredited college full-time.
- Donation of at least one acre of land or of sufficient size to permit the development of at least 40 units (with appropriate General Plan designation, zoning, permits, approvals, and access to the public facilities) to the County for very low-income units.
- Senior housing (no affordable units required).
- Mobile home park age-restricted units for seniors (no affordable units required).

The amount of the density bonus is set on a sliding scale that is based on the percentage of affordable units at each income level and ranges from 5% to 80%. In general, the deeper the levels of affordability of a project, the higher the density bonus.

Assembly Bill 2345 went into effect on January 1, 2021, amending California Government Code Section 65915, and reducing the percentage of affordable units that a developer must provide to receive a density bonus. Under the law, developers can receive a maximum density bonus of 50% when a project provides one of the following:

- **15%** of total units for Very Low-Income households.
- **24%** of total units for Low-Income households.
- **44%** of total units for Moderate-Income households.

Eligibility for Density Bonus

The County grants density bonuses for non-coastal and coastal unincorporated areas of the county. According to Monterey County Code Sections 21.65.050 and 20.65.050, an applicant for a housing development project containing five or more residential units is eligible for a density bonus and at least one other incentive if the project does one or more of the following:

- A. Agrees to construct and maintain at least 5% of the base units for very low-income households;
- B. Agrees to construct and maintain at least 10% of the base units for low-income households;

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- C. Agrees to construct and maintain at least 10% 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; or
- F. Includes a qualifying childcare facility in addition to providing housing described in (A), (B), or (C) above.

For coastal areas, if an application for a housing development is located on a parcel that contains rental dwelling units occupied by low or very low income households, or were subject to a recorded covenant, ordinance, or law or other form of rent or price control that restricts rents to low or very low income households, then the application shall be ineligible for a density bonus or any other incentives unless the proposed housing development replaces those units pursuant to Government Code Section 65915(c)(3), as may be periodically amended.

For coastal areas, the County may not reduce residential densities below the density sought by the applicant if the density is within the permitted density or range unless the Appropriate Authority makes a finding, based on substantial evidence, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with the County's certified Local Coastal Program.

Eligibility for Incentives

In addition to the density bonus, jurisdictions are required to provide one or more incentives or concessions to projects that qualify for a density bonus (except for market-rate senior projects, or land donated for very low-income housing).

Assembly Bill 2345 amended Government Code 65915(d)(2), reducing the threshold for concessions and incentives for projects with affordable units. As of January 21, 2021:

A housing development qualifying for a density bonus is entitled to at least one incentive in addition to the density bonus. According to Monterey County Code Sections 21.65.070 and 20.65.07, incentives are available for qualifying housing developments in non-coastal and coastal areas as follows:

1. **One** incentive for a senior citizen housing development or for a housing development that restricts at least:
 - a. **5%** of base units for very low-income households
 - b. **10%** of base units for low-income households; or

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developments to receive four incentives if they are 100% affordable (with no more than 20% moderate-income units). ***As such, Chapter 8, Housing Plan, of this Housing Element includes Programs H-2.O. Additional Density Bonus Incentives, H-4.H. Update Density Bonus Ordinance, and H-5.B. Housing Mobility to enable additional allowances for density bonuses.***

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 Coastal Program, or state or federal law.

Where a housing development qualifies for incentives, 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:

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- a. 0-1 bedroom: One on-site parking space.
- b. 2-3 bedrooms: 2 on-site parking spaces.
- c. 4 or more bedrooms: 2½ 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.

Waiver or Reduction of Development Standards

If a jurisdiction’s development standard would physically prevent a project from being built at the permitted density and with the granted concessions/incentives, a developer may propose to have those standards waived or reduced. Jurisdictions are not allowed to apply any development standard that physically precludes the construction of the project at its permitted density and with the granted concessions/incentives. However, a jurisdiction is not required to waive or reduce development standards that would cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to state law. The waiver or reduction of a development standard does not count as an incentive or concession and can apply to setback, lot coverage and open space, and building height requirements.

Parking Requirements

State law dictates that if a developer requests lower parking standards, a city or county may not require more than the following parking ratios for density bonus projects:

Table 3-8. Maximum Parking Requirements for Density Bonus Projects

UNIT SIZE	MAXIMUM PARKING REQUIREMENT
Studio	1
One Bedroom	1
Two Bedroom	1.5
Three Bedroom	1.5
Four Bedroom	2.5

Source: Meyers Nave, 2023 Guide to the California Density Bonus Law

Density Bonus and Inclusionary Housing Ordinance

Importantly, note that all residential development creating 3 or more new or additional lots or dwelling units must comply with the Inclusionary Housing Ordinance (Chapter 18.40 of the Monterey County

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Code) and the **Density Bonus ordinance does not relieve an applicant from complying with the Inclusionary Housing Ordinance.**

Rather, complying with the County’s local inclusionary housing requirements and qualifying for state density bonuses are parallel but distinct processes:

- **Inclusionary Housing Ordinance:** Developers must satisfy local inclusionary housing requirements regardless of any state density bonus they may be eligible to receive. The total number of inclusionary units is calculated based upon the number of units originally proposed number of units within a housing project (“Base Units”), not including any units allowed by the Density bonus. ‘Bonus’ units are not subject to inclusionary requirements.
- **State Density Bonus Qualification:** Eligibility for a state density bonus is determined based on the project’s original (base) unit mix before the application of a density bonus. Units built to satisfy local inclusionary housing requirements can be used to meet State Density Bonus Law eligibility criteria. The County has included Program H-4.H Update Density Bonus Ordinance, as part of Chapter 8. Housing Plan, of the Housing Element update to ensure compliance with State Density Bonus Law, Government Code section 65915(o)(8)(A).

Units satisfying local inclusionary requirements can also be used to meet State Density Bonus Law (SDBL) eligibility criteria.

Application Requirements for Density Bonus

Application requirements for a density bonus are provided in Monterey County Code Sections 21.65.040 and 20.65.040 for non-coastal and coastal areas. 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;

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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 applicant's 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.

Please note that per County Code Section 2.30.020 "...The Chief of Planning may also be known as the Director of Planning or the Planning Director. References in the Monterey County Code to the Director of Planning or the Planning Director shall be understood to refer to the Chief of Planning."

For coastal areas, if rental dwelling units are located on the site, or have been located at the site within the five-year period preceding the application for housing development, the application shall contain the following information:

1. The maximum number of units that exist or existed within the preceding five years on the site;
2. The number of units that are or were subject to any recorded covenant, ordinance, law or other form of rent or price control that restricts rents to levels affordable to persons and families of lower or very low income, and
3. If the units were not subject to an affordability restriction on rents, the rental rates of each unit in the five-year period preceding the application.

Density Bonus Calculations

The density bonus calculations for non-coastal and coastal areas are described in Monterey County Code Sections 21.65.060 and 20.65.060. The calculation of qualifying units shall be based on the number of base units. In no event shall a density bonus exceed 35 % of base units. A housing development that satisfies the eligibility and application requirements shall be allowed the applicable density bonuses, as calculated in Table 3-9 through Table 3-11 below:

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Table 3-9. Density Bonus Calculation - Very Low-Income Units

PERCENTAGE OF VERY LOW-INCOME UNITS	MAXIMUM DENSITY BONUS (% OF BASE UNITS)
5%	20%
6%	22.5%
7%	25%
8%	27.5%
9%	30%
10%	32.5%
11%	35%

Source: Monterey County Zoning Ordinance, 2022.

Table 3-10. Density Bonus Calculation - Low-Income Units

PERCENTAGE OF LOW-INCOME UNITS	MAXIMUM DENSITY BONUS (% OF BASE UNITS)
10%	20%
11%	21.5%
12%	23%
13%	24.5%
14%	26%
15%	27.5%
16%	29%
17%	30.5%
18%	32%
PERCENTAGE OF LOW-INCOME UNITS	MAXIMUM DENSITY BONUS (% OF BASE UNITS)
19%	33.5%
20%	35%

Source: Monterey County Zoning Ordinance, 2022.

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Table 3-11. Density Bonus Calculation - Moderate-Income Units

PERCENTAGE OF MODERATE INCOME UNITS	MAXIMUM DENSITY BONUS (% OF BASE UNITS)	PERCENTAGE OF MODERATE INCOME UNITS	MAXIMUM DENSITY BONUS (% OF BASE UNITS)
10%	5%	26%	21%
11%	6%	27%	22%
12%	7%	28%	23%
13%	8%	29%	24%
14%	9%	30%	25%
15%	10%	31%	26%
16%	11%	32%	27%
17%	12%	33%	28%
18%	13%	34%	29%
19%	14%	35%	30%
20%	15%	36%	31%
21%	16%	37%	32%
22%	17%	38%	33%
23%	18%	39%	34%
24%	19%	40%	35%
25%	20%	N/A	N/A

Source: Monterey County Zoning Ordinance, 2022.

1. Senior citizen housing developments qualify for a 20% density bonus.
2. An applicant for an apartment conversion to a condominium project that provides 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 low-income households and agrees to pay for the reasonably necessary administrative costs incurred by the County, qualify for a 25% density bonus or other incentives of equivalent financial value.
3. 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 Section 21.65.060 and 20.65.060. For

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coastal areas, if the proposed project is located on a parcel that contains, or within the five years preceding the application contained, rental dwelling units that have been occupied by low or very low-income households, or were subject to a recorded covenant, ordinance, law, or other form of rent or price control that restricts rents to low or very low-income households, unless the proposed project replaces those units pursuant to California Government Code Section 65915.5(g), as may be periodically amended.

Density Bonus in the Coastal Zone

Conflicts between the Density Bonus Law and the California Coastal Act can arise when affordable housing projects are proposed in the coastal zone. The Density Bonus Law aims to promote the development of affordable housing, while the California Coastal Act prioritizes environmental protection. In 2019, new legislation was enacted to ensure that the administration of density bonuses in the Coastal Zone aligns with the principles of the California Coastal Act. This legislative change overturns a 2016 appellate court ruling (*Kalnel Gardens, LLC v. City of Los Angeles*) that allowed the denial of a housing project violating the Coastal Act due to the application of a density bonus. The court in the *Kalnel Gardens* case determined that the Coastal Act takes precedence over the Density Bonus Law. The updated language in the recent legislation attempts to strike a balance between the state's goals of promoting housing development and safeguarding the coastal environment.

3.3.3.8 Utility and Public Service Constraints

The development of housing in Unincorporated Monterey County is especially challenging as a result of inadequate regional infrastructure including water availability and wastewater service. The County has the opportunity and responsibility to collaborate with supporting agencies and coordinate programs to address challenges for residential development.

Water Quality, Supply, and Distribution

Water availability has been and continues to be the primary constraint in Unincorporated Monterey County. This section of the Constraints chapter provides the current conditions of water resources and the challenges related to housing development. Monterey County is dependent on its own local sources of water and does not receive imported water from other regions of California. Monterey County derives its water supply from groundwater and surface water, with minor exceptions. The three major watersheds in Monterey County – Salinas River, Carmel River and Pajaro River – all have significant constraints. Much of the unincorporated area of the County is served by private individual water wells, local and state small water systems (2-14 connections), or small public water systems (15-199 connections), with limited areas served by large public water systems (200 or more connections). Where

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public water is available, infrastructure for new housing is limited and adds substantial costs for construction.

Water supply is severely constrained in parts the County. The Pajaro Valley Groundwater Basin in the northernmost section of the County is in overdraft, impacting the community of Pajaro. Portions of the Salinas Valley Groundwater Basin are also in overdraft, impacting the communities of Castroville, Laguna Seca/Highway 68, and Toro areas, but there are infrastructure projects in place or under consideration to address this condition, and further study is underway. The Monterey Peninsula area has severe water shortage resulting in over-pumping of groundwater from the Carmel River system, impacting unincorporated areas near Monterey, Carmel and in Carmel Valley, but projects are under consideration to address this condition. Given the prior drought condition, some private and water system wells may have previously experienced a marked reduction in water capacity. Note that as of December 2023, the National Oceanic and Atmospheric Administration’s National Integrated Drought Information System (Drought.gov) shows the entirety of Monterey County as drought-free.

Water availability for housing is further constrained by quality issues throughout the County. Seawater intrusion as a result of groundwater overdraft is a significant problem in North County, including Castroville, Las Lomas, Moss Landing and Pajaro. Erosion associated with agriculture has deteriorated surface water quality in the Salinas and Pajaro Valleys. High nitrate levels have been recorded in the Salinas Valley and in North Monterey County (North County). Also, arsenic exceeding the maximum contaminant level (MCL) in water systems is becoming an issue in North County and in the El Toro basin. Treatment for arsenic is expensive and can be complex. In South County heavy metals exceeding the MCL such as cadmium and selenium are beginning to appear in new wells and high levels of secondary contaminants is common. Secondary contaminants are associated with aesthetic nuisances such as odor, taste, and staining (i.e., laundry and porcelain fixtures) but are not a health hazard. However, treatment for secondary contaminants, or Total Dissolved Solids (TDS), can be expensive. State and local policies include development restrictions in some areas where there is a known water issue.

Water Management Agencies and Districts

There are four management agencies with primary oversight of water resources in the unincorporated areas of Monterey County: Monterey County Water Resources Agency (MCWRA); Monterey Peninsula Water Management District (MPWMD); Pajaro Valley Water Management Agency (PVWMA); and Marina Coast Water District (MCWD). There are other agencies with varying water control in Unincorporated Monterey County, now including groundwater sustainability agencies which are enabled by the state to sustainably manage local groundwater basins. A number of special districts are established to provide water services to certain communities in Unincorporated Monterey County: Aromas Water District; Castroville Community Services District; Pajaro Sunny Mesa Community Services

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District; San Ardo California Water District; and San Lucas County Water District. The County of Monterey has a regulatory role through its Health Department and its Housing and Community Development Department. The County of Monterey Health Department (MCHD), through its Environmental Health Bureau, permits and regulates construction/destruction of water wells and water systems (2 – 199 connections). The County of Monterey Housing and Community Development (HCD) administers the County’s permit and planning functions. These agencies and districts have somewhat overlapping areas of authority and therefore must coordinate their programs and policies closely.

Monterey County Water Resources Agency

Monterey County Water Resources Agency (MCWRA) has regulatory authority over Monterey County and works in conjunction with other water agencies in certain areas of the County. MCWRA is governed by a 9-member Board of Directors who are appointed by the 5-member MCWRA Board of Supervisors. The County of Monterey Board of Supervisors is the *ex officio* Board of Supervisors of MCWRA.

MCWRA oversees the development and implementation of water quality, water supply, and flood control projects in Monterey County. Primary responsibilities are management of water supply resources in the reservoir system, including San Antonio and Nacimiento Reservoirs, groundwater level and quality monitoring, flood warning (ALERT), and management of the Salinas River Diversion Facility and the Castroville Seawater Intrusion Project (CSIP).

The MCWRA and its predecessor, the Monterey County Flood Control and Water Conservation District, implemented a long-term strategy to combat seawater intrusion in the northern portions of the Salinas Valley Groundwater Basin. The strategy was and continues to be: 1) develop a new water source, 2) move that new water to the coast to replace the water being pumped, and 3) reduce pumping along the coast.

Monterey Peninsula Water Management District

Monterey Peninsula Water Management District (MPWMD) was formed in 1978 to augment the water supply and manage water resources for communities on the Monterey Peninsula, including Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Seaside, Sand City, Monterey Peninsula Airport District, and portions of Unincorporated Monterey County, including Pebble Beach and Carmel Valley. MPWMD provides integrated management of the ground and surface water resources within the Monterey Peninsula area, encompassing the waters of the Carmel River and Seaside Subbasin. Integrated management responsibilities include control over both water supply and demand, causing the District to act both as a planning agency and a regulatory body.

Near-term goals of MPWMD focus on the preservation and replenishment of the existing water supply, which is drawn from the Carmel Basin Aquifer (the Carmel River), and the Seaside Groundwater Basin.

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To this end, MPWMD maintains an extensive conservation program that involves reducing the amount of water used, reclaiming, and recycling wastewater, and recharging the aquifers.

Pajaro Valley Water Management Agency

Pajaro Valley Water Management Agency (PVWMA) was formed in 1984 to manage existing and supplemental water supplies to reduce long-term overdraft and to provide sufficient water supplies for present and anticipated needs within the boundaries of PVWMA. The jurisdictional boundary encompasses the Pajaro Valley subbasin, which includes areas in North County. The Agency is responsible for developing and utilizing supplemental water and available underground storage to manage the groundwater supplies. The Pajaro Valley Basin Management Plan identifies a suite of water supply projects that are complemented by a valley-wide water conservation program, and PVWMA is working to develop additional projects that are described in the Plan.

Marina Coast Water District

Marina Coast Water District (MCWD) serves municipal and industrial water uses within the City of Marina and the former Fort Ord, including the unincorporated community of East Garrison. MCWD is also a key potable and recycled water transmission hub owner connecting the North Marina and North Ord areas with the yet to be developed South Ord area, which includes portions of the Cities of Seaside, Del Rey Oaks, and Monterey. MCWD owns the potable water transmission pipeline, which MCWD will use to serve the South Ord area.

Groundwater Sustainability Agencies

On September 16, 2014, the California legislature enacted the Sustainable Groundwater Management Act (SGMA) whose primary purpose is to achieve and/or maintain sustainability within the state's high and medium priority groundwater basins. Key tenets of SGMA are the concept of local control, use of best available data and science, and active engagement and consideration of all beneficial uses and users of groundwater. **Within UMC, there are five different** Groundwater Sustainability Agencies (GSAs):

- Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA);
- **Arroyo Seco Groundwater Sustainability Agency (ASGSA);**
- Marina Coast Water District Groundwater Sustainability Agency (MCWD-GSA);
- Pajaro Valley Water Management Agency Groundwater Sustainability Agency; and
- **Monterey County Groundwater Sustainability Agency (MCGSA).**

In addition to the GSAs, the Monterey Peninsula Water Management District (MPWMD) manages water resources for communities on the Monterey Peninsula.

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SGMA empowers certain local agencies to form Groundwater Sustainability Agencies (GSAs) whose purpose is to manage basins sustainably through the development and implementation of Groundwater Sustainability Plans (GSPs). Under SGMA, GSPs are required to contain certain elements, the most significant of which include: a Sustainability Goal; groundwater conditions and a water budget; locally defined sustainability criteria and protocols for monitoring sustainability indicators; and a description of projects and/or management actions that will be implemented to achieve or maintain sustainability. In addition, GSAs must coordinate with land use agencies to ensure land use and groundwater management goals align.

Aromas Water District

The Aromas Water District is a multi-county (Monterey and San Benito) special district that serves 972 connections from three groundwater wells in the Aromas area.

Castroville Community Services District

The Castroville Community Services District is a multi-function district that serves approximately 7,250 customers through 1,984 water connections from three wells providing approximately 800 acre-feet per year to government, residential, commercial and industrial customers in the Castroville area. At this time, CCSD receives 100 percent of its water from three active wells in the 400-foot aquifer and has drilled a new fourth well that will supply water from the 900-foot, or "deep" aquifer.

Pajaro/Sunny Mesa Community Services District

The Pajaro Sunny Mesa Community Services District is a public agency with ten owned and operated water systems, providing public potable water services in the Pajaro, Elkhorn, and Prunedale areas of North County.

San Ardo California Water District

The San Ardo Water District serves approximately 550 residents from one well in the San Ardo area that has 161 water connections.

San Lucas County Water District

The San Lucas County Water District (SLCWD) serves approximately 350 residents from one well in the San Lucas Area that has 94 water connections. The San Lucas community is served by one well that is located on an adjacent agricultural property and is working with state and local agencies to identify a long-term replacement water supply.

Water Service Providers

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There are multiple water utility service providers regulated by the State within UMC. These include both private water utility companies and public community services districts. Additionally, the County's Environmental Health Bureau and the State Water Resources Control Board regulate over 1,250 domestic water systems that serve between 2-199 connections (small water systems). There are many more single connection wells on private property throughout UMC. Nearly all of these systems rely on wells that in turn rely on groundwater to pull from the wells so there is overlap with the GSAs.

County of Monterey

The Environmental Health Bureau of the County of Monterey Health Department (MCHD) is responsible for the enhancement, promotion, and protection of the health of the County's individuals, families, communities and environment. With regard to water resources, MCHD is responsible for drinking water protection. This includes carrying out the local drinking water program, which regulates water quality, and regulation over the construction, repair, and reconstruction of all groundwater wells. The Housing and Community Development Department is responsible for planning and building permitting of residential development in Unincorporated Monterey County.

Water as a Constraint

Adequate water supply (quantity and quality) to serve new development has been a significant constraint to development in Unincorporated Monterey County (or UMC). The County of Monterey does not directly own or operate water utilities in UMC. The County is also not connected to the state water supply aqueduct system or other sources of water beyond the jurisdictional boundaries of the County. Most of the water within UMC comes from wells that tap into the groundwater. The majority of UMC is also not served by a water utility company. Due to these factors, the ability to provide an adequate source of water for new residential development creates a constraint.

Constraints to housing development due to water constraints vary, and often include:

- Establishment of new water systems to serve a development;
- Annexation (service area boundary extensions) into an existing water service or utility provider boundary;
- Consideration of potential impacts to groundwater and surface water pursuant to requirements of the Sustainable Groundwater Management Act and the California Environmental Quality Act;
- Limits on water allocations in areas where water supplies are restricted to finite availability; and
- Increased risks and uncertainty for the discretionary process which requires a finding of adequate long-term water supply to serve development.

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These constraints often manifest in either the avoidance of development by a landowner or developer, or substantial costs and added time, to go through permitting processes that include preparation of technical reports and development proposal reviews associated with permitting.

Water supply in UMC is complex and varies significantly based on geography. State drinking water laws and local County regulations require that an adequate source of water in both quantity and quality be demonstrated prior to approving new development. Due to Monterey County's reliance on groundwater to serve development and no other infrastructure available for receiving state or federal water, local water management entities have limited options for expanding and providing new water service. Where possible, the County of Monterey encourages connection of new development to existing water utility services as the larger systems have better technical and financial resources to manage a water system than do individual small systems that are often managed by homeowners. Most of the existing systems are capable of providing services to new customers/connections, with a couple notable limitations described below. The following discussion provides an overview of the various water conditions and capacities by geographic area which is then related to housing opportunity sites.

Water Constraints - Pajaro Valley Groundwater Subbasin Area

In the Pajaro Valley, the northernmost area of Monterey County, the Pajaro Valley Water Management Agency (PVWMA) has jurisdiction over the lower portion of the Pajaro River that extends into Monterey County. The subbasin includes the communities of Pajaro, Aromas, and Las Lomas in North Monterey County. The Pajaro Valley Groundwater Subbasin (of the Corralitos Basin), which is separated from the rest of the watershed's groundwater basins by the San Andreas Fault, is affected by overdraft and seawater intrusion that are impacting the quality of groundwater. Ninety percent of total water demand is from agriculture and 8,500 acres of land near the coast are either experiencing or are threatened by seawater intrusion. Other Pajaro Valley groundwater quality concerns include nutrients, manganese, Methyl Tertiary Butyl Ether (MTBE), from underground gasoline storage tank leaks), and other contaminants.

As part of the Pajaro River Watershed Integrated Regional Watershed Management (IRWM) Plan Update, a focused study of the water resource issues and needs in the Pajaro Sunny Mesa Community Services District (PSMCS) service area was completed. PSMCS serves a Disadvantaged Community (DAC), and the study was conducted as part of the focused outreach and technical support to DACs in the Pajaro River Watershed IRWM region. The study documented the existing systems owned and/or operated by PSMCS, identified critical water supply issues facing the PSMCS systems, and recommended projects that will begin to resolve these issues. As documented in the study, the PSMCS service area is distributed across portions of the southernmost Pajaro Valley Groundwater Basin and portions of the northernmost Salinas Valley Groundwater Basin. Current monitoring and reporting on

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groundwater conditions is provided by PVWMA and MCWRA. Both agencies report seawater intrusion in the PSMCSD area. To the north of Elkhorn Slough, PVWMA has reported the gradual encroachment of seawater intrusion (100 mg/L chloride) from 1951 to 2011. The Springfield MWC service area of PSMCSD is within the intruded zone. To the south of Elkhorn Slough, MCWRA has reported seawater intrusion in the 180-foot aquifer (500 mg/L chloride) from 1944 to 2022 and in the 400-Foot Aquifer from 1959 to 2022. The Moss Landing Harbor service area of PSMCSD is within the intruded zone.

In the portions of Pajaro Valley that are in the Coastal Zone, including the community of Las Lomas, the County's North County Coastal Land Use Plan requires new subdivision and development dependent upon groundwater to be phased over time until an adequate long-term sustainable water supply (LTSWS) can be assured. The California Coastal Commission (CCC) staff position is that a finding of long-term water supply cannot be made to support the approval of a Coastal Development Permit for new residential development "...until groundwater levels return to historically safe levels above sea-level and are sustained at that level...our [CCC staff] position is that North Monterey County remains without a LTSWS." This position limits the County's ability to approve new housing development in the coastal areas of North County, including single-family residences, subdivisions, and most recently resulted in the suggestion by CCC staff the County prohibit accessory dwelling units in its zoning code.

The region's water supplies consist of predominantly groundwater, some local surface water, and recycled water. Major water supply and quality issues in the Pajaro Valley include:

- Pajaro Valley Groundwater Subbasin overdraft;
- Contaminated or poor groundwater quality throughout the watershed;
- Sediment and nutrient in surface water throughout the watershed;
- Seawater intrusion and nitrate contamination in the Pajaro/Sunny Mesa Community Service area; and
- District service area limits.

Pajaro Valley and RHNA:

- Within Chapter 7, there is the planned capacity for 150 units in the Pajaro Valley Groundwater Subbasin.
- Water supply within the Pajaro Valley Groundwater Basin has the potential to constrain future development. To address water constraints and accommodate the planned growth in this over-drafted basin, Program H-2.L. Collaboration with Water Resources Agencies, Program H-2.Q. Ensure Adequate Sewer Resources for New Housing Development, and Policy H-2.12 Assist in infrastructure and public facility improvements that support existing and new affordable housing

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have been added. These Programs/Policies require the County coordinate with the PVWMA and others to assist with the implementation of projects and policies identified in adopted GSPs to achieve sustainability of the subbasin inclusive of the potential future growth.

Water Constraints - Salinas Valley Groundwater Basin Area

The Salinas Valley Groundwater Basin is the source for much of the water throughout the County and is the largest coastal groundwater basin in Central California. It lies within the southern Coast Ranges between the San Joaquin Valley and the Pacific Ocean and is drained by the Salinas River to the Monterey Bay coastal waters. The valley extends approximately 150 miles from the La Panza Range north-northwest to its mouth at Monterey Bay, draining approximately 5,000 square miles in Monterey and San Luis Obispo Counties. The valley is bounded on the west by the Santa Lucia Range and Sierra de Salinas and on the east by the Gabilan and Diablo Ranges. The Monterey Bay acts as the northwestern boundary of the Basin.

There are nine subbasins within the Salinas Valley Groundwater Basin that serve as source water to Unincorporated Monterey County. Two are entirely within San Luis Obispo County and are managed by non-Monterey County entities. The Seaside Subbasin is in adjudication, under management by a court appointed Watermaster (discussed below in Monterey Peninsula Area Water Constraints). Six aquifer subbasins fall partially or entirely within the jurisdiction of the SVBGMA within Monterey County. The aquifers within these six subbasins are recharged by precipitation, streams, and releases from Nacimiento and San Antonio Reservoirs along the Salinas River.:

Subbasins include:

- 180/400 Subbasin;
- Eastside Subbasin;
- Forebay Subbasin;
- Langley Subbasin;
- Monterey Subbasin; and
- Upper Valley Subbasin.

Each subbasin has some groundwater in storage, but in certain subbasins groundwater use has exceeded the rate of recharge which leads to overdraft. The 180/400 Subbasin has been designated as a critically over drafted subbasin. Overdraft conditions also exist within the Monterey Subbasin, the Langley Subbasin, and the Eastside Subbasin. Water supply within these areas have the potential to constrain future development. The Forebay and Upper Valley Subbasins are not over-drafted and development within these subbasins would not be constrained. Issues of water quality, supply, and distribution within each of the six subbasins are discussed in more detail below.

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Northern Portion of Salinas Valley Groundwater Basin

From the City of Gonzales north to the Monterey Bay, the Salinas Valley Basin includes four subbasins, of which the 180/400-Foot is a critically over drafted basin, the Eastside and Langley Area are high priority basins, and the Monterey is a medium priority basin.

The **Monterey Subbasin** encompasses approximately 48.2 square miles in the northwestern Salinas Valley Groundwater Basin, bounded on the northeast by the 180/400 Foot Subbasin and on the southwest by the Seaside Subbasin. The Monterey Subbasin has been divided, for purposes of implementing SGMA, into the Marina-Ord and Corral de Tierra Management Areas, each with its respective challenges in meeting domestic water demands. The County of Monterey is the GSA for one site in UMC; the former CEMEX plant site north of the City of Marina. The County has a cooperation agreement with the SVBGSA to include this area in the 180/400 GSP. MCWD manages much of the Marina-Ord Area which includes the former Fort Ord. Restrictions in the Marina-Ord Area include Groundwater Protection (Contamination) Zones and a moratorium on new water wells. The Subbasin is covered by the Marina Coast Water District (MCWD) GSA and SVBGSA. As a service provider, MCWD prepares an Urban Water Management Plan every five years. The UWMP prepared by MCWD projects the ability to serve existing and projected growth MCWD within the area. As a GSA, MCWD also co-developed a GSP with the SVBGSA for the Monterey Subbasin. The MCWD GSA and SVBGSA are the same GSAs covering the adjacent 180/400-Foot Subbasin and will be directly leading joint efforts to achieve sustainability and mitigate any residual overdraft. Multi-subbasin projects and management actions will need to be coordinated.

Within the MCWD area, the County of Monterey was provided an allocation of water that was developed through the redevelopment process for the former Fort Ord Military Base area. The County of Monterey was allocated 710 acre feet per year (AFY) of groundwater and 134 AFY of recycled water for use within the former Fort Ord area which can be used for development in the MCWD territory. Of that allotment, approximately 185 AFY groundwater and 134 AFY recycled water remain that can be allocated to development.

MCWD most recently updated its Urban Water Management Plan (UWMP) in June 2021, which identifies historical and projected water demand by category and describes the distribution system and identifies losses. Water use during 2021 within the MCWD service area was approximately 3,100 AFY. The UWMP anticipates that projected water demand within the entire District would be 9,584 AFY by 2040, including 2,974 AFY within the City of Marina and 6,610 AFY for the existing and future developments within the Ord Community (i.e., former Fort Ord). The projected water demand by 2035 outlined in the 1993 Annexation Agreement within the Ord Community is 1,693 AFY, short of the 6,600 AFY groundwater supply estimated in the UWMP. Additional water supplies such as recycled water will

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be used to meet this potential shortfall within the Ord Community. Prior to the development of the 2021 UWMP, MCWD conducted a joint study with former Fort Ord Reuse Authority and Monterey One Water (M1W) that identified a new indirect potable reuse project to develop an additional 927 AFY water supply for planned development on the former Fort Ord lands.

Seawater intrusion in the Monterey Subbasin primarily exists in the lower 180-Foot Aquifer and 400-Foot Aquifer of the northern portion of the Subbasin, whereas groundwater in the Dune Sand and upper 180-Foot Aquifers remains fresh water. The Deep Aquifers are significantly lower than those in the 400-Foot Aquifer and are at risk of seawater intrusion from locations where these formations outcrop on the ocean floor and from leakage from the overlying seawater intruded portions of the 180-Foot and 400-Foot Aquifers. Beginning around 2014, groundwater levels in the Deep Aquifers began declining resulting from increased groundwater pumping from the Deep Aquifers, and there is a downward hydraulic gradient between the impaired 400-Foot Aquifer and the Deep Aquifers. While this is primarily occurring in the 180/400-Foot Aquifer Subbasin immediately north of the Monterey Subbasin, there is no alternative water source available for domestic or urban usage at this time.

The Salinas Valley Basin Groundwater Sustainability Agency manages the eastern portion of the Monterey Subbasin, the Corral de Tierra Area. Constraints in this area include a partially fractured water management landscape and low storage contribution by stream flows. A portion of the California Water Service (Cal Water) area extends into the area located along the northern portion of State Route 68 in the Corral de Tierra Area of the Monterey Subbasin. There is currently one active Cal Water production well and four inactive production wells within the Subbasin. The stream-aquifer exchanges are not thought to be significant to either the groundwater budget or to the response of the groundwater basin to pumping. Due to the intermittent nature and minimal amount of streamflow, there are no surface water rights registered with the state.

The Corral de Tierra Area downward trend in groundwater elevations has been averaging about 27 feet annually since 2000 and resultant decline in water storage. Groundwater production potential is poor or negligible. The most prevalent non-point source water quality concern is arsenic. In addition, TDS typically exceeds secondary drinking water standards. Nitrate and coliform bacteria may also present problems in areas with more dense occurrences of septic tanks and shallow wells. Consequently, additional development of groundwater resources will typically require treatment for arsenic. Operation of water treatment plants and regulation of water systems to protect human health is likely more efficient and affordable for larger water systems than for numerous small water systems.

The **180/400 Foot Aquifer Subbasin** lies in northwestern Monterey County and includes the northern end of the Salinas Valley. The Subbasin covers approximately 140 square miles sharing boundaries to the east with the Eastside Aquifer and Langley Area, to the south with the Forebay Aquifer Subbasin, to

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the west with Monterey Subbasin, and to the north with Monterey Bay. The 180/400 Foot Subbasin contains the municipalities of Salinas and Gonzales, part of Marina, and the unincorporated communities of Castroville, Moss Landing, Elkhorn, Boronda, Spreckels, and Chualar.

Water issues within the 180/400 Foot Aquifer Subbasin include a partially fractured water management landscape, chronic overdraft, seawater intrusion, reduced storage due to seawater intrusion, and poor water quality due to nitrate concentration. The 180/400-Foot Aquifer Subbasin and adjacent Monterey Subbasin have been subject to seawater intrusion for more than 70 years, with approximately 85% of the seawater intruded area occurring in the 180/400-Foot Subbasin (see above for details). Groundwater elevations have been chronically lowered due to pumping and are lowest during higher irrigation seasons throughout the 180/400 Foot Aquifer Subbasin. Elevated nitrate concentrations in groundwater were locally present in the 1960s and significantly increased in 1970s and 1980s. Other constituents found at levels of concern for either potable or irrigation uses include vinyl chloride, iron, 1,2,3-trichloropropane, specific conductance, and total dissolved solids.

The Castroville Community Services District (CCSD) provides water services for the Castroville area. Wells operated by CCSD are drilled in the over drafted 180/400 subbasin. Existing wells are susceptible to contamination by sea water intrusion as a result of the location near the coast and the chronic groundwater overdraft conditions in the area. This situation is being reviewed by CCSD in coordination with SVBGSA. When the drinking water well has gone salty, Castroville CSD has had to drill a new well to serve existing residents of Castroville. To help address seawater intrusion, MCWRA and M1W jointly manage the Castroville Seawater Intrusion Project (CSIP), which uses recycled wastewater, diverted river water, and groundwater to service 12,000 acres of irrigated agricultural land in the Castroville area to reduce groundwater pumping near the coast. Expansion of CSIP is being analyzed to further reduce groundwater pumping near the coast.

In the portions of Subbasin that are in the Coastal Zone, including the community of Moss Landing and portions of the Castroville community, the California Coastal Commission (CCC) staff position regarding LTSWS for new housing limits the County's ability to approve new housing development (described in detail above in Pajaro Valley Water Constraints).

The **Langley Area Subbasin** lies in the northeastern corner of Monterey County and the Salinas Valley Groundwater Basin covering an area of approximately 27.5 square miles and sharing boundaries to the east with the Gabilan Range, to the north with the Pajaro Groundwater Basin, to the west with the 180/400 Foot Aquifer Subbasin, and to the south with Eastside Subbasin. Most of the Subbasin comprises undeveloped land and rural homes, although there is some agriculture, mainly in the south and southeast where the land is flatter. The Subbasin contains small unincorporated communities, the largest of which is Prunedale.

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Seawater intrusion has been observed in the two subbasins adjacent: the Pajaro Valley Subbasin and the 180/400-Foot Aquifer Subbasin. The single aquifer in the Langley Area Subbasin appears to be hydraulically connected to the 180- and 400-Foot Aquifers, but the seawater intrusion has not reached the Langley Area Subbasin. The Langley Area Subbasin has historically been over drafted, and seawater intrusion could threaten the Langley Subbasin in the future so MCWRA will periodically monitor and assess this potential threat. Groundwater recharge is solely from deep percolation of precipitation in the hills and small drainages of the Subbasin.

The **Eastside Subbasin** lies in northeastern Monterey County covering an area of approximately 90 square miles, sharing boundaries to the east with the Gabilan Range, to the south with the Forebay Subbasin, to the west with the 180/400-Foot Aquifer Subbasin, and to the north with the Langley Area Subbasin. The Eastside Subbasin is predominantly agricultural lands and contains portions of the municipalities of Salinas and Gonzales and a small portion of unincorporated community of Chualar.

Groundwater elevations have been chronically lowered in both the Shallow and Deep Zones of the aquifer, due to pumping, and are lowest during peak irrigation season. Based on prior reports, groundwater elevations, and modeling, average historical overdraft is considered to be approximately 10,000 AF/yr. There is no seawater intrusion in the Eastside Subbasin. However, the neighboring 180/400-Foot Subbasin has been subject to seawater intrusion for more than 70 years. Constituents found at levels of concern for either potable or irrigation uses include nitrates, 1,2,3-trichloropropane, iron, specific conductance, and TDS.

Major water supply and quality issues in the Northern Salinas Valley include:

- Seawater intrusion in the lower 180-Foot Aquifer and 400-Foot Aquifer portions of the Monterey Subbasin with “no alternative water source available for domestic or urban usage at this time”;
- Partially fractured water management landscapes in Corral de Tierra Area / 180/400-Foot Aquifer;
- Poor groundwater production in Corral de Tierra Area, with water quality concerns including arsenic:
 - Arsenic treatment required for most new developments of groundwater resources;
- 180/400 Foot Subbasin suffers from additional issues including overdraft, seawater intrusion and reduced storage, and nitrate concentration which has reduced water quality;
- Insufficient water allocation to the County in the Marina-Ord area to accommodate the planned growth in that area;
- District service area limits; and

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- Limited water sources available for domestic / urban usage.

Northern Salinas Valley and RHNA:

- Within Chapter 7, there is the planned capacity for a total 2,888 units, including: 339 units in the 180/400 subbasin; 867 units in the Eastside subbasin; 377 units in the Langley subbasin; and 1,305 units in the Monterey subbasin.
- To address water constraints and accommodate the planned growth in over drafted subbasin, Program H-2.L. Collaboration with Water Resources Agencies, Program H-2.Q. Ensure Adequate Sewer Resources for New Housing Development, and Policy H-2.12 Assist in infrastructure and public facility improvements that support existing and new affordable housing have been added. These Programs/Policies require the County coordinate with the SVBGSA, MCWD (in Marina-Ord Area) and others to assist with the implementation of projects and policies identified in adopted Groundwater Sustainability Plans (GSPs) to achieve sustainability of the subbasin inclusive of land use agency plans to accommodate potential future growth.

Central and Southern Portions of Salinas Valley Groundwater Basin

From the City of Gonzales south to the San Luis Obispo County boundary, the Salinas Valley Basin includes the Forebay and Upper Valley Aquifers, both of which are medium priority basins.

The **Forebay Subbasin** lies in the middle of the Salinas Valley Groundwater Basin in the middle of Monterey County covering approximately 147 square miles and sharing boundaries to the east with the Gabilan Range, to the north with 180/400 Foot Aquifer and Eastside Aquifer Subbasins, to the west with the Sierra de Salinas, and to the south with the Upper Valley Subbasin. The Forebay Subbasin is predominantly agricultural lands and contains portions of the municipalities of Soledad and Greenfield.

The Arroyo Seco Groundwater Sustainability Agency (ASGSA) covers 22,310 acres in the southwestern part of the Forebay Aquifer Subbasin (Forebay Subbasin) and is part of the larger Salinas Valley Groundwater Basin that is managed by the SVBGSA. The ASGSA area is located in the southwestern part of the Forebay Subbasin, where the Arroyo Seco enters the Salinas Valley from the Sierra de Salinas mountains. The Arroyo Seco is the largest tributary to the Salinas River, provides substantial amounts of groundwater recharge, and has adequate groundwater supplies.

High nitrate levels are a significant problem in the Forebay. Nitrate is a surficial constituent derived from such sources as fertilizer, livestock, and septic systems. Because the sources are all near the surface, nitrate is usually highest near ground surface, and decreases with depth. Raising groundwater levels may mobilize additional nitrate. Other constituents found at levels of concern for either potable or irrigation uses include 1,2 dibromo-3-chloropropane, iron, manganese, specific conductance, sulfate, TDS, and vinyl chloride. In 2021, the Central Coast Regional Water Quality Control Board (CCRWQCB)

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issued Agricultural Order No. R3-2021-0040, the Proposed General Waste Discharge Requirements for Discharges from Irrigated Lands requiring growers implement practices to reduce nitrate leaching into groundwater and improve receiving water quality. This order is currently in an appeal process. Various new requirements are put on growers to reduce nitrate leaching into groundwater and improve receiving water quality.

The **Upper Valley Subbasin** lies in the southern portion of the Salinas Valley Groundwater Basin in southeastern Monterey County covering approximately 371 square miles and sharing boundaries to the east with the Gabilan Range, to the north with Forebay Subbasin, to the west with the Santa Lucia Range, and to the south with the Paso Robles Area Subbasin. The Upper Valley Subbasin is predominantly agricultural (irrigated and dry land) and contains the municipality of King City and the unincorporated communities of San Lucas and San Ardo.

Overall, there is no chronic decline in water levels and the Upper Valley Subbasin is in balance, however, there are a few areas away from the Salinas River where groundwater elevations have been declining. The main groundwater inflows into the subbasin are: (1) deep percolation of precipitation and applied agricultural irrigation water, and (2) streambed recharge. The Subbasin has several tributaries most of which drain into the Salinas River, as do releases from the Nacimiento and San Antonio Reservoirs. Changes in groundwater storage are strongly correlated with changes in deep percolation of precipitation and streamflow. High nitrate levels are a significant problem in the Upper Valley Subbasin. Other constituents found at levels of concern for either potable or irrigation uses include 1,2 dibromo-3-chloropropane, iron, manganese, specific conductance, sulfate, TDS, and vinyl chloride.

King City is the one urban area in the Subbasin, and its water is provided by Cal Water. The community of San Lucas is approximately eight miles south of King City. The San Lucas community water system is owned and operated by the San Lucas County Water District (SLCWD). The community of San Lucas has had persistent drinking water quality problems since 2006, with a “do not drink” order issued in 2011 and again in 2016 due to nitrate contamination. In 2012, the County entered into agreement with SLCWD to act on its behalf to seek funding and conduct all activities necessary to identify, plan and implement a long-term replacement water supply. In 2022, regulatory oversight for the SLCWD transferred to the State Water Resource Control Board (State Water Board), and in July 2023 the State Water Board approved funding to provide technical assistance to continue work to develop/finance/implement a long-term replacement water supply for the community addressing the nitrate contamination and TDS, iron, and manganese issues. Development in San Lucas is dependent on implementation of an acceptable solution to address the nitrates and other water quality issues.

Major water supply and quality issues in the Central and Southern Salinas Valley include:

- High nitrate levels in the Forebay Subbasin:

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- Risk of additional nitrate mobilization due to raising groundwater levels ;
- 1,2 dibromo-3-chloropropane, iron, manganese, specific conductance, sulfate, TDS, and vinyl chloride at levels of concern for potable or irrigation uses;
- Declining groundwater elevations in areas away from Salinas River;
- High nitrate levels in Upper Valley Subbasin; and
- Drinking water quality problems in San Lucas, with past “do not drink” orders due to nitrate contamination;

Central and Southern Salinas Valley and RHNA:

- Within Chapter 7, there is the planned capacity for a total of 51 units, including: No units in the Forebay subbasin; and 51 units in the Upper Valley subbasin.
- To address water constraints and accommodate the planned growth in over drafted subbasins, Program H-2.L. Collaboration with Water Resources Agencies, Program H-2.Q. Ensure Adequate Sewer Resources for New Housing Development, and Policy H-2.12 Assist in infrastructure and public facility improvements that support existing and new affordable housing have been added. These Programs/Policies require the County coordinate with the SVBGSA, SLCWD, the State and others to assist with the implementation of projects and policies identified in adopted Groundwater Sustainability Plans (GSPs) to achieve sustainability of the subbasin inclusive of land use agency plans to accommodate potential future growth.

Water Constraints - Monterey Peninsula Area

The largest water service provider within the Monterey Peninsula Areas is California American Water Company (Cal-Am). Cal-Am owns and operates the water system for most of Carmel, all of Del Monte Forest, and much of Carmel Valley and Greater Monterey Peninsula Planning areas. The adjudicated Seaside Subbasin is the source for much of the water that Cal-Am purveys throughout these areas of the County. Since 1995, Cal-Am has been under a cease-and-desist order from the State Water Board to reduce pumping of the Carmel River to the legally established levels. This has resulted in a moratorium on new service connections in the main Cal-Am service area. Since that time, Cal-Am has sought approval of its Monterey Peninsula Water Supply Project (MPWSP) that would consist of a desalination facility, a well field, water transmission pipelines, pump station, and other related infrastructure.

Cal-Am received conditional approvals of the MPWSP from the California Public Utilities Commission and California Coastal Commission. However, the MPWSP is currently being litigated. Additionally, Cal-Am has worked with Monterey One Water and Monterey Peninsula Water Management District for

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additional water supply from the Pure Water Monterey Groundwater Replenishment project and expansion project, which includes injecting water into the Seaside Groundwater Basin for use on the Monterey Peninsula. The Pure Water Expansion Project is currently moving forward with anticipated completion near the end of 2025, but there are questions of whether it alone would be an adequate long-term water supply for the Peninsula. MPWMD has authority over water in the main service area of Cal-Am and reviews “water permit applications” based on available water credits for a property and a water fixture count for each water fixture on a property. New development in the Cal-Am service area must obtain a water permit from MPWMD before a building permit is issued.

Del Monte Forest has a special situation under the cease-and-desist order. The Pebble Beach Company of Del Monte Forest previously financed a water recycling project with the Carmel Area Wastewater District to treat wastewater for golf course irrigation and as a result, the Pebble Beach Company has water credits that can be purchased from the Company for development in Del Monte Forest. These water credits are limited and expensive, but some allocation remains. The other planning areas (Carmel, Carmel Valley, and Monterey) do not have water credits available for purchase at this time.

In anticipation of the completion of an expansion to the Pure Water Monterey project and the projected benefits of this project to provide additional supplies of groundwater recharge, MPWMD has approved new allocations of water to local jurisdictions within the MPWMD area. The County of Monterey was allocated 72 acre feet of water in 2025, adding to the approximately 10 acre feet that the County already had from historic allocations. This allocation of water cannot be used for new lots of record in the Monterey Peninsula due to the cease and desist order in place. Additional allocations may be available in the near future depending on the outcome of the Pure Water Monterey expansion project and/or the future development of a desalinization facility. Assuming a conservative 0.20 acre feet of water per unit for future development, approximately 82 acre feet of water would not be sufficient to accommodate the planned capacity within the MPWMD area even if the cease and desist order is lifted. This represents a constraint to future development in the area.

Major water supply and quality issues in the Monterey Peninsula Area include:

- Moratorium on new service connections in the main Cal-Am (California American Water Company) Service Area, based on a cease-and-desist order from State Water Board dating back to 1995.
- Pure Water Monterey Groundwater Replenishment project and expansion project may not provide sufficient water supply for the Peninsula.

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- Insufficient water allocation to the County in the Monterey Peninsula Area to accommodate the planned growth in that area.
- Limited and expensive water credits for Pebble Beach Company, with no water credits available for purchase in other planning areas.

Monterey Peninsula Area and RHNA:

- Within Chapter 7, there is the planned capacity for a total 1,345 planned units, including: 468 in the Carmel Valley Alluvial Basin; and 877 in the adjudicated Seaside Basin.
- To address water constraints and accommodate the planned growth in the MPWMD area, Program H-2.L. Collaboration with Water Resources Agencies, Program H-2.Q. Ensure Adequate Sewer Resources for New Housing Development, and Policy H-2.12 Assist in infrastructure and public facility improvements that support existing and new affordable housing have been added. These Programs/Policies require the County coordinate with MPWMD on projects and policies that can make possible new water allocations.

Wastewater Treatment

Wastewater treatment and disposal in Monterey County are managed by various entities using a variety of treatment technologies. Much of the unincorporated rural area utilizes onsite wastewater treatment systems (OWTS, also known as septic systems) which are regulated by the Monterey County Health Department. State and County regulations can constrain development because of lot size requirements for septic use.

On June 19, 2012, pursuant to California Water Code section 13290 et seq., the California Water Resources Control Board (State Water Board) adopted Resolution No. 2012-0032, adopting the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (“OWTS Policy”). The OWTS Policy establishes a statewide, tiered approach for regulation and management of onsite wastewater treatment systems (OWTS). The OWTS Policy authorizes local implementation of the OWTS Policy. In accordance with Tier 2 of the OWTS Policy, on April 3, 2018, the County of Monterey adopted the County’s Local Agency Management Program for Onsite Wastewater Treatment Systems (“LAMP”). On May 10-11, 2018, the Central Coast Regional Water Quality Control Board approved the County’s LAMP. (Central Coast Regional Water Quality Control Board Resolution No. R3-2018-0004). The LAMP establishes standards for all new, replacement and expansion OWTS and for OWTS demolition within Monterey County.

Limitations of the LAMP for developing or expanding residential OWTS include restricted depth of dispersal fields, restriction on the use of seepage pits, and more comprehensive site evaluation

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requirements such as groundwater monitoring borings, soil profile analysis for new systems, and percolation testing.

Development in the more densely populated areas of the County is served by regional or municipal treatment and collection systems. In Unincorporated Monterey County, special districts provide wastewater treatment services including Sanitation or Wastewater Districts, Community Services Districts, and County Service Areas. In Unincorporated Monterey County, independent sanitation service providers include Carmel Area Wastewater District, Castroville Community Services District, Marina Coast Water District, Monterey One Water, Pajaro/Sunny mesa Community Services District, and Pebble Beach Community Services District.

Traditionally, the County has been responsible for wastewater treatment and disposal in certain unincorporated areas through its County Sanitation Districts (CSD) and County Service Areas (CSA). Currently, the County has two CSDs (Pajaro and Boronda) and 41 CSAs of which two are assessed for funding (Chualar and Las Palmas). The CSDs and CSAs have historically been difficult for the County to operate in an efficient and cost-effective manner. The County recognizes that private operators would more successfully run its wastewater operations. The County has sold some of the CSAs and CSDs to Cal-Am, a private operator. The County continues to pursue buyers for existing wastewater facilities under the jurisdiction of a CSD or CSA. Further, the construction, operation and maintenance of all new wastewater facilities will be the responsibility of private service providers.

Dry Utilities

Dry utilities encompass telecommunication infrastructure (such as broadband internet, television, and phone services) and access to electricity. Various telecommunications providers serve the Unincorporated Monterey County, and Pacific Gas and Electric Company (PG&E) provides energy services. Both telecommunications and PG&E services are readily accessible in developed and semi-rural areas of the County, though access is more limited in rural regions. Because a large portion of the County, including Unincorporated Monterey County, is more rural in nature, additional infrastructure improvements may be required to support the development of housing in rural areas.

Infrastructure Coordination

The development of housing in Monterey County is especially challenging as a result of inadequate regional infrastructure including water availability, wastewater service, and lack of roadways. The County has the opportunity and responsibility to collaborate with supporting agencies and coordinate programs to address challenges for residential development.

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Adequate Sites for Farmworker Housing

The County will continue to work with the stakeholders to map locations with adequate infrastructure and in suitable locations to support the development of employer sponsored housing, and specifically farmworker housing.

Water Agencies

The County is committed to working closely with water agencies to support their ability to 1) improve the existing domestic water system; and 2) expand its capacity. The County can collaborate with water agencies to develop programs that address water availability by maintaining regular contact with water agencies to support the expansion of water availability in unincorporated areas.

In order to mitigate the above constraints, the County is adopting the **Program H-2.L. Collaboration with Water Resources Agencies** to bolster water availability for residential development in Monterey County through collaborative efforts with water resource agencies, increasing efforts to:

- Increase infrastructure to implement groundwater recharge
- Support Conservation to Reduce Groundwater Demand
- Provide Alternative Supplies

3.3.4 Development Standards

The Monterey County Code Titles 20 (coastal unincorporated) and 21 (inland unincorporated) set forth zoning and development standards with the purpose of safeguarding and enhancing the well-being, safety, and overall welfare of residents. These standards serve to implement the policies outlined in the General Plan and Local Coastal Program, while also ensuring the preservation of the unique character and integrity of established neighborhoods.

To increase transparency and certainty in the development application process as required by Government Code Section 65940.1(a)(1), the County's website provides a variety of information and resources to help property owners and developers navigate the development process. Examples of information provided includes:

- California Building Standard Codes (<https://www.countyofmonterey.gov/government/departments-a-h/housing-community-development/permit-center/forms-applications/residential-standard-plan-notes>)
- Planning Guidelines (<https://www.countyofmonterey.gov/government/departments-a-h/housing-community-development/development-services/building-services/plan-check>)

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- Land Use Regulations and Zoning Ordinance Information
(<https://www.countyofmonterey.gov/government/departments-a-h/housing-community-development/planning-services/current-planning/land-use-regulations-11559>)
- Affordable / Inclusionary Housing Requirements
(<https://www.countyofmonterey.gov/government/departments-a-h/housing-community-development/planning-services/housing-programs/affordable-housing-programs>)
- Permit Fees & Types (<https://www.countyofmonterey.gov/government/departments-a-h/housing-community-development/permit-center/permits-fees-types>)
- Fees & Exactions, as noted in Section 3.3.5
- Processing & Permitting Procedures, as noted in Section 3.3.6

A webpage for the Housing and Community Development (HCD) Department of the County located at: <https://www.countyofmonterey.gov/government/departments-a-h/housing-community-development> provides additional information about development services, planning services including grants, housing programs, and inclusionary housing, and permitting processes. Title 20 and Title 21 regulate the type, location, density, and scale of residential development for areas of the County not covered by a Community Plan or Specific Plan. However, much of the future residential development is anticipated to occur within Community/Specific Plan areas with specific development standards, land use objectives, design criteria, and improvement requirements.

Table 3-12. Development Standards in Permitted Residential Uses – Inland (Title 21) and **Table 3-13. Development Standards in Permitted Residential Uses – Coastal (Title 20)** provide a summary of development standards in permitted residential uses for non-coastal and coastal areas, pursuant to Titles 20 and 21.

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Table 3-12. Development Standards in Permitted Residential Uses – Inland (Title 21)

	RURAL DENSITY RESIDENTIAL (RDR)	LOW DENSITY RESIDENTIAL (LDR)	MEDIUM DENSITY RESIDENTIAL (MDR)	HIGH DENSITY RESIDENTIAL (HDR)	MIXED-USE (MU)	AGRICULTURAL INDUSTRIAL (AI)	RESOURCE CONSERVATION (RC)	FARMLANDS (F)	RURAL GRAZING (RG)	PERMANENT GRAZING (PG)	
Lot Area (min.)	5 ac	1 ac	6000 sf	5000 sf	N/A	>1 ac ¹	10 ac	40-160 ac	10-160 ac ²	40 ac	
Density (max.)	1 du/5+ ac	1 du/1-5 ac	1-5 du/ac	5-20 du/ac	30 du/ac	N/A	1 du/10 ac ³	1 du/40-160 ac	1 du/10-160 ac	1 du/10-160 ac	
Setbacks (min.)											
Front	30 ft	30 ft	20 ft	20 ft	GDP + minimum req's	GDP, if required	30 ft	30 ft	30 ft	30 ft	
Side	20 ft	10% avg. ⁴	5 ft	5 ft			20 ft	20 ft	20 ft	20 ft	20 ft
Rear	20 ft	20 ft	10 ft	10 ft			20 ft ⁵	20 ft ⁵	20 ft	20 ft ⁵	
Distance between Structures (min.)	20 ft	20 ft	10 ft	10 ft	GDP		20 ft	10 ft	10 ft	10 ft	
Landscape Coverage	N/A	N/A	>2 du/lot, 10% min.	>2 du/lot, 10% min.	GDP	10% min.	N/A/	N/A	N/A	N/A	
Lot Coverage (max.)	25%	Varies ⁶	35%	60%	60%	50%	25%	5%	5%	5%	
Height (max.)	30 ft	30 ft	20-30 ft ⁷	35 ft	35 ft ⁸	35 ft ³	30 ft ³	35 ft ³	35 ft ³	35 ft ³	

Source: Monterey County Zoning Ordinance, 2022

Notes: 1. >1 ac. then GDP required ; 2. Unless CRD; 3. Unless other ZD; 4. 10% of average lot width, to max 20 ft.; 5. Unless "B" district; 6. <20,000 sf. lot, 35% max.; 20,000+ sf. lot, 25% max; 7. 30; 20 (DMF)

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Table 3-13. Development Standards in Permitted Residential Uses – Coastal (Title 20)

	RURAL DENSITY RESIDENTIAL (RDR)	LOW DENSITY RESIDENTIAL (LDR)	DEL MONTE FOREST (DMF): LDR/1, LDR/1.5, LDR/2	MEDIUM DENSITY RESIDENTIAL (MDR)	DMF: MDR/2	CARMEL AREA: MDR/2	DMF: MDR/4	HIGH DENSITY RESIDENTIAL (HDR)	RESOURCE CONSERVATION (RC)	WATERSHED & SCENIC CONSERVATION (WSC)	COASTAL AGRICULTURAL PRESERVATION (CAP)	AGRICULTURAL CONSERVATION (AC)
Lot Area (min.)	5 ac	1 ac	1 ac	6000 sf	6000 sf	6000 sf	6000 sf	5000 sf	10 ac	1 ac	40 ac	40 ac
Density (max.)	1 du/ 5+ ac	1 du/1-5 ac	1 du/1-5 ac	1-5 du/ac	1-5 du/ac	1-5 du/ac	1-5 du/ac	5-20 du/ac	1 du/10 ac ¹	1 du/ 40-80 ac	2 du/ 40 ac	2 du/ 40 ac
Setbacks (min.)	RDR Main Structure-- Front: 50 ft; Side: 20 ft; Rear: 20 ft RDR Accessory (Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft RDR Accessory (Non-Habitable) - Front: 50 ft; Side: 6 ft on front 1/2 of property and 1 ft on rear 1/2 of property; Rear: 1 ft	LDR Main Structure - Front: 30 ft; Side: 20 ft; Rear: 20 ft LDR Accessory (Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft LDR Accessory (Non-Habitable) - Front: 50 ft; Side: 6 ft on front 1/2 of property and 1 ft on rear 1/2 of property; Rear: 1 ft	LDR Main Structure - Front: 30 ft; Side: 20 ft; Rear: 20 ft LDR Accessory (Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft LDR Accessory (Non-Habitable) - Front: 50 ft; Side: 6 ft on front 1/2 of property and 1 ft on rear 1/2 of property; Rear: 1 ft	MDR Main Structure - Front: 20 ft; Side: 5 ft; Rear: 10 ft MDR Accessory (Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft MDR Accessory (Non-Habitable) - Front: 50 ft or behind the main structure, whichever is less; Side: 6 ft on front 1/2 and 1 ft on rear 1/2 of property; Rear: 1 ft	DMF MDR/2 Main Structure - Front First Floor: 10 ft, Front Second Floor; Side: 5 ft; Rear: 10 ft DMF MDR/2 Accessory (Habitable) - Same as MDR DMF MDR/2 Accessory (Non-Habitable) - Same as MDR	MDR Main Structure - Front: 20 ft; Side: 5 ft; Rear: 10 ft MDR Accessory (Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft MDR Accessory (Non-Habitable) - Front: 50 ft or behind the main structure, whichever is less; Side: 6 ft on front 1/2 and 1 ft on rear 1/2 of property; Rear: 1 ft	DMF MDR/4 Main Structure - Front First Floor: 10 ft, Front Second Floor; Side: 5 ft; Rear: 10 ft DMF MDR/4 Accessory (Habitable) - Same as MDR DMF MDR/4 Accessory (Non-Habitable) - Same as MDR	HDR Main Structure - Front: 20 ft; Side: 5 ft; Rear: 10 ft HDR Accessory (Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft HDR Accessory (Non-Habitable) - Front: 50 ft or behind the main structure, whichever is less; Side: 6 ft on front 1/2 of property; 1 ft on rear 1/2 of property	RC Main Structure - Front: 30 ft; Side: 20 ft; Rear: 20 ft RC Accessory (Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft RC Accessory (Non-Habitable) - Front: 50 ft; Side: 6 ft on front 1/2 of property and 1 ft on rear 1/2 of property; Rear: 1 ft	WSC Main Structure - Front: 30 ft; Side: 20 ft; Rear: 20 ft WSC Accessory (Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft WSC Accessory (Non-Habitable) - Front: 50 ft; Side: 6 ft on front 1/2 of property and 1 ft on rear 1/2 of property; Rear: 1 ft	CAP Main Structure - Front: 30 ft; Side: 20 ft; Rear: 20 ft CAP Accessory (Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft CAP Accessory (Non-Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft	AC Main Structure - Front: 30 ft; Side: 20 ft; Rear: 20 ft AC Accessory (Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft AC Accessory (Non-Habitable) - Front: 50 ft; Side: 6 ft; Rear: 6 ft
Front	30 ft	30 ft	30 ft	20 ft	varies ²	20 ft	varies ²	20 ft	30 ft	30 ft	30 ft	30 ft
Side	20 ft	varies ³	20 ft	5 ft	5 ft	5 ft	5 ft	5 ft	20 ft ⁴	20 ft	20 ft	20 ft
Rear	20 ft	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	20 ft	20 ft	20 ft	20 ft

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	RURAL DENSITY RESIDENTIAL (RDR)	LOW DENSITY RESIDENTIAL (LDR)	DEL MONTE FOREST (DMF): LDR/1, LDR/1.5, LDR/2	MEDIUM DENSITY RESIDENTIAL (MDR)	DMF: MDR/2	CARMEL AREA: MDR/2	DMF: MDR/4	HIGH DENSITY RESIDENTIAL (HDR)	RESOURCE CONSERVATION (RC)	WATERSHED & SCENIC CONSERVATION (WSC)	COASTAL AGRICULTURAL PRESERVATION (CAP)	AGRICULTURAL CONSERVATION (AC)
Distance between Structures (min.)	20 ft	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	20 ft	20 ft	10 ft	10 ft
Landscape Coverage	N/A	N/A	N/A	>2 du/lot, 10% min.	>2 du/lot, 10% min.	>2 du/lot, 10% min.	>2 du/lot, 10% min.	>2 du/lot, 10% min.	N/A	N/A	N/A	N/A
Lot Coverage (max.)	25%	varies ⁵	15%	35%	25%	35%	35%	60%	25%	10%	3%	3%
FAR	N/A	N/A	varies	N/A	25%	45%	35%	N/A	N/A	N/A	N/A	N/A
Height (max.)	30 ft	30 ft	30 ft	30 ft	20 ft	30 ft	20 ft	35 ft	30 ft ¹	24 ft ¹	35 ft ¹	35 ft ¹

Source: Monterey County Zoning Ordinance, 2022.

Notes:

1. Unless other ZD
2. 20 feet; 1st floor- 10 feet
3. 10% of avg. lot width, to max. 20 ft.
4. 20, unless "B" overlay district
5. <20,000 sf. lot, 35% max.; 20,000+ sf. lot, 25% max.

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3.3.4.1 Residential Density

Non-Coastal

As shown in **Table 3-12. Development Standards in Permitted Residential Uses – Inland (Title 21)**, the maximum residential density varies across zoning districts in Unincorporated Monterey County’s non-coastal areas. Rural Density Residential (RDR) limits density to one dwelling unit per five or more. Low-Density Residential (LDR) limits density to one dwelling unit per one to five acre(s). Medium Density Residential (MDR) limits density to one to five dwelling units per acre and High-Density Residential (HDR) limits density to five to 20 dwelling units per acre. The Mixed-Use (MU) district limits density to 30 dwelling units per acre. **According to a 2019 study by the Mercatus Center at George Mason University (Mercatus Center Study)¹, the median multi-family density in California is 24 units per acre. The County’s residential density limit for medium-density developments in the non-coastal area ranges from one to five, making the County’s allowable densities lower than the median in the State. As such, the County included Program H-4.G. Zoning Ordinances and General Plan Efficiencies for Housing in Chapter 8, Housing Plan, of this Housing Element.**

Coastal

As shown in **Table 3-13. Development Standards in Permitted Residential Uses – Coastal (Title 20)**, the maximum density for residential districts Rural Density Residential (RDR), Low-Density Residential (LDR), Medium Density Residential (MDR), and High-Density Residential (HDR) in coastal areas are similar to requirements in the non-coastal zones. The Del Monte Forest (DMF) Land Use Plan limits residential density to one dwelling unit per one to five acre(s) in LDR zones, and one to five dwelling units per acre in the MDR zones. The Carmel Area Land Use Plan limits residential density to one to five dwelling units per acre in the MDR/2 zone. **According to the Mercatus Center Study, the median multi-family density in California is 24 units per acre. The County’s residential density limit for all densities in the coastal area ranges from one to five, making the County’s allowable densities lower than the median in the State. The Coastal Commission requires certification of all land use designation and zoning within the LCP areas. The Coastal Act prioritizes public access to and protection of coastal resources which precludes the intensification of residential use. As such, the County included Program H-4.G. Zoning Ordinances and General Plan Efficiencies for Housing in Chapter 8, Housing Plan, of this Housing Element.**

¹ Furth, Salim, and Olivia Gonzalez. “California Zoning: Housing Construction and a New Ranking of Local Land Use Regulation.” SSRN, 8 Oct. 2019.

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3.3.4.2 Lot Size and Area

Non-Coastal

As shown in **Table 3-12. Development Standards in Permitted Residential Uses – Inland (Title 21)**, the minimum lot area varies across residential districts in Unincorporated Monterey County’s non-coastal areas. The Rural Density Residential (RDR) districts permit a minimum lot area of five acres. The Low-Density Residential (LDR) district permits a minimum lot area of one acre. The Medium Density Residential (MDR) district permits a minimum lot area of 6,000 square feet. The High-Density Residential (HDR) district permits a minimum lot area of 5,000 square feet. **According to the Mercatus Center Study, the median minimum lot area in California is 6,000 square feet. The County’s residential density limit in the non-coastal area ranges from 5,000 square feet for HDR to one acre (43,560 sq. ft.) for LDR, making the County’s minimum lot area requirements in the non-coastal higher than the median in the State. As such, the County included Program H-3.B. Promote Optimal Utilization of Sites Permitting High-Density Residential Development, Small Lot Sites, and Sites Subject to Subdivision in Chapter 8, Housing Plan, of this Housing Element.**

Coastal

As shown in **Table 3-13. Development Standards in Permitted Residential Uses – Coastal (Title 20)**, the minimum lot area for residential districts Rural Density Residential (RDR), Low-Density Residential (LDR), Medium Density Residential (MDR), and High-Density Residential (HDR) in coastal areas are similar to requirements in the non-coastal zones. The Del Monte Forest Land Use Plan requires a minimum lot area of one acre in the LDR zones and 6,000 square feet in the MDR zones. The Carmel Area requires a minimum of 6,000 square feet in the MDR/2 zone. **According to the Mercatus Center Study, the median minimum lot area in California is 6,000 square feet. The County’s residential density limit in the coastal area ranges from 5,000 square feet for HDR to one acre (43,560 sq. ft.) for LDR, making the County’s minimum lot area requirements in the coastal areas higher than the median in the State. Protection of coastal resources requires land use decisions that allow human activity on the land that minimizes impacts to coastal habitats and water quality. OR and WSC zones that allow lower density tend to be larger in size than higher density zones that allow greater intensity of development than land uses zoned OR and WSC. While land use decisions are also important for larger parcels inland, these are predominantly zoned agricultural or grazing lands with federal and state protections for preservation. As such, the County included Program H-3.B. Promote Optimal Utilization of Sites Permitting High-Density Residential Development, Small Lot Sites, and Sites Subject to Subdivision in Chapter 8, Housing Plan, of this Housing Element.**

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3.3.4.3 Setbacks

Non-Coastal

As shown in **Table 3-12. Development Standards in Permitted Residential Uses – Inland (Title 21)**, the minimum front setback in non-coastal areas is 30 feet in the Low-Density Residential (LDR) and Rural Density Residential (RDR) zones and 20 feet in Medium Density Residential (MDR) and High-Density Residential (HDR) zones. The minimum side setbacks are 20 feet in RDR and LDR zones and five feet in MDR and HDR zones. The minimum rear setbacks are 20 feet in RDR and LDR zones and 10 feet in MDR and HDR zones. **According to the Mercatus Center Study, the median setback requirement in California is 20 feet. The County’s residential setback requirements in the non-coastal area range from five feet for MDR side setbacks to 30 feet for LDR front setbacks, making the County’s setback requirements comparable to the median in the State. Non-coastal setback requirements do not pose a constraint to development.**

Coastal

As shown in **Table 3-13. Development Standards in Permitted Residential Uses – Coastal (Title 20)**, the minimum setbacks for front, side, and rear in Unincorporated Monterey County’s coastal districts Rural Density Residential (RDR), Low-Density Residential (LDR), Medium Density Residential (MDR), and High-Density Residential (HDR) are similar to Unincorporated Monterey County’s non-coastal residential zones. The Del Monte Forest Land Use Plan has required minimum front setbacks of 30 feet in LDR zones and 20 feet in MDR zones, side setbacks of 20 feet in LDR zones and five feet in MDR zones, and rear setbacks of 20 feet in LDR zones and 10 feet in MDR zones. The Carmel Area has minimum front setbacks of 20 feet, side setbacks of 5 feet, and rear setbacks of 10 feet. **According to the Mercatus Center Study, the median setback requirement in California is 20 feet. The County’s residential setback requirements in the coastal area range from five feet for MDR side setbacks to 30 feet for LDR front setbacks, making the County’s setback requirements comparable to the median in the State. Coastal setback requirements do not pose a constraint to development.**

Agriculture

Per Monterey County Code section 21.66.030(F)(2)(a), the easement width shall be sufficient to protect agriculture from impacts of new residential or other incompatible development and to mitigate against the effects of agricultural operations on the proposed uses. For development adjacent to "F", "PG" or "RG" Zoning Districts, the easement shall be a width of two hundred (200) feet, or wider where necessary to mitigate adverse impacts between agricultural and adjacent land uses. In all other zoning districts, the easement may be reduced to a width of not less than fifty (50) feet. The setback poses a constraint to development through the setback’s objective of protecting the agriculture land.

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3.3.4.4 Lot Coverage

Non-coastal

As shown in **Table 3-12. Development Standards in Permitted Residential Uses – Inland (Title 21)**, the maximum lot coverage ranges from 25% to 35% in Rural Density Residential (RDR), Low-Density Residential (LDR), and Medium Density Residential (MDR) zones and 60% in High-Density Residential (HDR) and Mixed-Use zones. **According to the Mercatus Center Study, the median lot coverage requirement in California is 60%. The County’s residential lot coverage requirements in the non-coastal area range from 25% to 35%, making the County’s lot coverage requirements lower than the State’s median. Unincorporated Monterey County is intended to be rural and agricultural in nature which has been thought to be supported by the lower-intensity residential zones. Lower lot coverages have served to provide a suburban sensibility to residential development in Unincorporated Monterey County communities while supporting an aversion to higher density as too crowded and urban. As such, the County included Program H-3.B. Promote Optimal Utilization of Sites Permitting High-Density Residential Development, Small Lot Sites, and Sites Subject to Subdivision in Chapter 8, Housing Plan, of this Housing Element.**

Coastal

As shown in **Table 3-13. Development Standards in Permitted Residential Uses – Coastal (Title 20)**, residential districts Rural Density Residential (RDR), Low-Density Residential (LDR), Medium Density Residential (MDR), and High-Density Residential (HDR), and Mixed-Use in the coastal areas have the same requirements for lot coverage as residential districts in the non-coastal areas. The Del Monte Forest Land Use Plan requires a maximum lot coverage of 15% in LDR zones, 25% in MDR/2 zone, and 35% in MDR/4 zone. The Carmel Area requires a maximum lot coverage of 35% in the MDR/2 zone. **According to the Mercatus Center Study, the median lot coverage requirement in California is 60%. The County’s residential lot coverage requirements in the coastal area range from 15% to 35%, making the County’s lot coverage requirements lower than the State’s median. Unincorporated Monterey County is intended to be rural and agricultural in nature which has been thought to be supported by the lower-intensity residential zones. Lower lot coverages have served to provide a suburban sensibility to residential development in Unincorporated Monterey County communities while supporting an aversion to higher density as too crowded and urban. As such, the County included Program H-3.B. Promote Optimal Utilization of Sites Permitting High-Density Residential Development, Small Lot Sites, and Sites Subject to Subdivision in Chapter 8, Housing Plan, of this Housing Element.**

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3.3.4.5 Maximum Floor Area Ratio

Non-coastal

Title 21 of the Monterey County Code does not stipulate any maximum Floor Area Ratio (FAR) for residential properties in the non-coastal zone. **As such, maximum FAR requirements do not pose a constraint to development in the inland areas of Unincorporated Monterey County.**

Coastal

As shown in **Table 3-13. Development Standards in Permitted Residential Uses – Coastal (Title 20)**, the DMF Land Use Plan has a maximum FAR of 20% in the LDR/1 zone, 17.5% in the LDR/1.5 and LDR/2 zones, 25% in MDR/2 zone, and 35% in MDR/4 zone. The Carmel Area has an FAR of 45% in the MDR/2 zone. **According to a 2021 policy analysis published by the UC Berkeley Turner Center (UC Berkeley Study)², nearly 70% of localities reported a maximum multi-family FAR between 0.26-1.0. Meanwhile, nearly 94% reported a maximum single-family FAR between 0.26-1.0. The County’s maximum coastal FAR ranges from 0.18 in LDR zones to 0.45 in the MDR zones, which are fairly comparable to the majority of jurisdictions in California. Therefore, the County’s maximum coastal FAR requirements are typical and do not pose a constraint to development.**

3.3.4.6 Parking

The Monterey County Code establishes specific requirements for off-street parking spaces in various types of residential developments. These requirements play a crucial role in ensuring the convenience, safety, and accessibility of parking for residents. By addressing the parking needs associated with different housing types, the county aims to promote efficient land use, maintain neighborhood character, and support the overall well-being of residents.

Table 3-14. Off-Street Residential Parking Requirements outlines the specific off-street parking space requirements for different residential uses, offering a comprehensive overview of the standards set forth in the Monterey County Code. Parking requirements are reasonably adjusted for unit size and housing type. **According to the Mercatus Center Study, the median parking requirement in California is two spaces per unit. The County’s minimum parking requirements range from one to two spaces per unit, making the County’s parking requirements comparable to the State’s minimum. As such, parking requirements do not pose a constraint to development.**

² Garcia, David, and Julian Tucker. “Potential Impact of SB 478 on Local Far and Minimum Lot Size Requirements.” Turner Center, 5 Apr. 2021, turnercenter.berkeley.edu/research-and-policy/sb-478-far-lot-size-requirements/.

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Table 3-14. Off-Street Residential Parking Requirements

USE	PARKING SPACE (OFF-STREET) REQUIRED
Accessory dwelling unit	1 space/unit
Single-Family Detached	2 spaces/unit
Duplex	2 spaces/unit
Triplex	2 spaces/unit
Multiple-Family Residential,	1 space/studio unit
Apartments, Townhomes, Condominiums, Cluster Homes	1.5 spaces/1 bedroom unit 2 spaces/2 bedroom unit 2.2 spaces/3 or more bedroom unit In addition, 1 guest <i>parking</i> space shall be provided for every 4 units
Boarding House, Rooming	1 space/guest room
House, Organizational	1 space/100 sq. ft. of guest room
Large Residential Care Facility	1 space/employee plus 2 additional spaces
Small Residential Care Facility	1 space/employee plus 2 additional spaces
Single Room Occupancy Facility	.5 spaces/unit (Within 2,000 feet of Public Transit)
Single Room Occupancy Facility	1 space/unit (Not within 2,000 feet of Public Transit)
Handicapped Housing	1 space/2 units plus 1 guest space/8 units
Mobile Home Park	2 spaces/unit plus 1 guest parking space/4 units
Accessory dwelling unit	1 space/unit

Source: [Monterey County Zoning Ordinance 20.58.040](#) - Parking spaces required, 2022.

While the County’s parking requirements are comparable to the State’s minimum, the County acknowledges that there may be instances in which the parking requirement for smaller bedroom-type developments (studios and one bedrooms) may pose a constraint given possible impacts on the following:

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1. **Cost:** Requiring one parking space per unit typically increases development costs. Parking spaces, especially structured or underground parking, are expensive to construct and maintain. These costs can add significantly to the overall expense of a project, which can then be passed on to tenants or buyers, thereby increasing the cost of housing.
2. **Supply:** Parking requirements can limit the number of residential units that can be built on a property. Since the land used for parking cannot be used for additional housing units, this can lead to lower overall housing supply, especially in areas where land is scarce and expensive.
3. **Housing Choice:** By mandating parking spaces, developments may become less flexible in terms of design and type of housing offered. This can impact the variety of housing choices available, as developments might be tailored more towards meeting parking requirements than providing a diverse range of housing options.
4. **Affordability:** The additional costs associated with providing parking can make housing less affordable. In areas where transit options are available, or where car ownership is lower, such parking requirements can unnecessarily burden developers and residents, leading to higher rental or purchase prices.
5. **Timing and Approval Certainty:** Stringent parking requirements can complicate the approval process for new developments. Projects may face delays as developers negotiate variances or attempt to redesign projects to fit required parking spaces into their plans. This can extend the development timeline and add uncertainty to project approvals.
6. **Ability to Achieve Maximum Densities:** Similar to height restrictions, mandatory parking requirements can conflict with efforts to increase density. High-density developments are often more viable in settings with reduced parking requirements, as they allow more space to be dedicated to residential units rather than parking.

In an effort to mitigate the possible impact of parking requirements on development, particularly for smaller bedroom-type units such as studios and one-bedrooms, while recognizing the limited public transportation options available to unincorporated Monterey County residents, the County has included the following programs that consider flexibility in parking standards, in Chapter 8. Housing Plan:

- **H-2.G. Comprehensive Suite of Incentives/Concessions for Developers** – This program will develop development standard concessions, which may include reduced parking requirements, for projects that provide deeper levels of affordability or higher densities.
- **H-3.B. Promote Optimal Utilization of Sites Permitting High-Density Residential Development, Small Lot Sites, and Sites Subject to Subdivision** – This program supports adjustments to parking standards for small or constrained sites and encourages shared or centralized parking systems to reduce land and infrastructure costs associated with individual unit parking.

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Density Bonus Projects Parking Requirements

As discussed in Section 3.3.3.7, state law dictates that if a developer requests lower parking standards, a city or county may not require more than one space for a studio or one-bedroom unit, 1.5 spaces for a two or three-bedroom unit, or 2.5 spaces for a four-bedroom unit (See **Table 3-8. Maximum Parking Requirements for Density Bonus Projects**). It should be mentioned that during a stakeholder interview conducted with market rate developers, it was noted that some developments may not have the ability to reduce parking in a realistic capacity, leaving these developments unable to utilize the density bonus incentive of reduced parking requirements.

Parking Requirements for Developments Near Transit Stops

Assembly Bill (AB) 2097 removes all parking requirements for most new development located within one-half mile of specified transit stops, though in some cases cities and counties can require higher parking ratios if supported by a specified parking study and findings. These parking requirements are summarized in **Table 3-15. Special Parking Requirements for Near-Transit Developments**.

Table 3-15. Special Parking Requirements for Near-Transit Developments

PROJECT TYPE	PARKING MAXIMUM
Rental/for sale projects with at least 11% very low-income or 20% lower-income units, within 1/2 mile of accessible major transit stop	0.5 spaces/du
Rental projects 100% affordable to lower income, within 1/2 mile of accessible major transit stop	0 spaces/du
Rental senior projects 100% affordable to lower-income, either with paratransit service or within 1/2-half mile of accessible bus route (operating at least eight times per day)	0 spaces/du
Rental special needs projects 100% affordable to lower-income households, either with paratransit service or within 1/2-half mile of accessible bus route (operating at least eight times per day)	0 spaces/du
Rental supportive housing developments 100% affordable to lower-income households	0 spaces/du
For sale projects with at least 40% moderate-income units, within 1/2 mile of accessible major transit stop	0.5 spaces/bd

Source: Meyers Nave, 2023 Guide to the California Density Bonus Law

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3.3.4.7 Height Limits

Non-coastal

As shown in **Table 3-12. Development Standards in Permitted Residential Uses – Inland (Title 21)**, Title 21 of the Monterey County Code details the following height limits for different residential zoning districts in the non-coastal area:

- Rural Density Residential (RDR): Maximum height limit is 30 feet.
- Low Density Residential (LDR): Maximum height limit is 30 feet.
- Medium Density Residential (MDR): Height limits range from 20 to 30 feet.
- High Density Residential (HDR): Maximum height limit is 35 feet.
- Mixed-use (MU): Maximum height limit is 35 feet.
- Agricultural Industrial (AI): Maximum height limit is 35 feet.
- Resource Conservation (RC): Maximum height limit is 30 feet.
- Farmlands (F): Maximum height limit is 35 feet.
- Rural Grazing (RG): Maximum height limit is 35 feet.
- Permanent Grazing (PG): Maximum height limit is 35 feet.

These height limits determine the maximum allowable height for structures within each respective zoning district. Importantly, note that specific regulations for setbacks, lot coverage, FAR, and landscape coverage also apply and should be considered in conjunction with the height limits. **According to the Mercatus Center Study, the median of the min/max height requirement in California is 35 feet. The County’s residential requirements in the non-coastal area range from 20 to 35 feet, making the County’s height requirements comparable to the median in the State. As such, non-coastal height requirements do not pose a constraint to development.**

Coastal

As shown in **Table 3-13. Development Standards in Permitted Residential Uses – Coastal (Title 20)**, Title 20 of the Monterey County Code details the following height limits for different residential zoning districts in the coastal area:

- Rural Density Residential (RDR): Maximum height limit is 30 feet.
- Low Density Residential (LDR): Maximum height limit is 30 feet.

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- Del Monte Forest (DMF) - LDR/1, LDR/1.5, LDR/2: Maximum height limit is 30 feet.
- Medium Density Residential (MDR): Maximum height limit is 30 feet.
- Del Monte Forest (DMF) - MDR/2: Maximum height limit is 20 feet.
- Carmel Area: MDR/2: Maximum height limit is 30 feet.
- Del Monte Forest (DMF) - MDR/4: Maximum height limit is 20 feet.
- High Density Residential (HDR): Maximum height limit is 35 feet.
- Resource Conservation (RC): Maximum height limit is 30 feet.
- Watershed & Scenic Conservation (WSC): Maximum height limit is 30 feet.
- Coastal Agricultural Preservation (CAP): Maximum height limit is 30 feet.
- Agricultural Conservation (AC): Maximum height limit is 30 feet.

These height limits determine the maximum allowable height for structures within each respective zoning district. Importantly, note that specific regulations for setbacks, lot coverage, FAR, and landscape coverage also apply and should be considered in conjunction with the height limits. **According to the Mercatus Center Study, the median of the min/max height requirement in California is 35 feet. The County’s residential setback requirements in the coastal area range from 20 to 35, making the County’s height requirements comparable to the median in the State. As such, coastal height requirements do not pose a constraint to development.**

Height Limit Requirement Impacts on Multifamily Development

While the County’s residential height requirements are comparable to the median of the State and do not appear to generally pose a constraint to development, it is acknowledged that there may be some instances in which the limit of a 35-foot height maximum on multifamily developments in the County could have impacts on various aspects of housing development, including cost, supply, housing choice, affordability, timing, approval certainty, and the ability to achieve maximum densities:

1. **Cost:** Imposing height limits can raise construction costs per unit. Developers may find it challenging to distribute the high land and development expenses over as many units as they could in a taller building. As a result, projects may become less financially viable unless significant density bonuses or other incentives are provided.
2. **Supply:** A height restriction of 35 feet typically limits buildings to about three stories. This restriction can significantly reduce the number of units that can be constructed on a given parcel

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of land. Consequently, it may lower the overall supply of new housing units in areas that have the potential for higher-density development.

3. **Housing Choice:** Limiting the height of buildings restricts the variety of housing types that can be developed. As a result, there may be a dominance of low-rise structures, which may not meet the diverse needs of different population segments. For instance, larger families or those seeking affordable housing could benefit from high-density, multi-story apartment complexes.
4. **Affordability:** When there are fewer units constructed on the same land area, the cost per unit often rises, which can make these units less affordable. Furthermore, the types of units built under height restrictions may not match the lower-cost housing options that higher density developments can provide due to economies of scale.
5. **Timing and Approval Certainty:** Height restrictions can streamline the planning and approval process by decreasing the number of variances or exceptions that developers must request. This may speed up the approval timeline. However, if developers believe that these density constraints render a project economically unviable, it might result in delays or a reluctance to move forward with development, ultimately impacting overall housing availability.
6. **Ability to Achieve Maximum Densities:** A height limit of 35 feet significantly affects a developer's ability to take full advantage of density bonuses provided by state or local regulations. These regulations often encourage or mandate higher densities in return for concessions, such as the inclusion of affordable housing units. Limitations on building height can thus undermine the effectiveness of these programs. However, the 35-foot height limit is not a constraint to achieving the maximum density of 20 dwelling units per acre (du/ac) in the HDR zone because a 35-foot height limit typically allows for three-story buildings, which is sufficient to achieve the required density.

In an effort to mitigate the possible impact of height limit requirements on development, including multifamily, while maintaining the rural character and nature of the unincorporated areas, the County has included the following programs that consider allowances to adhering to height limitation requirements, in **Chapter 8. Housing Plan:**

- **H-2.G. Comprehensive Suite of Incentives/Concessions for Developers** – This program includes the County establishing density bonus policies that exceed state density bonus law, including development standard concessions for developments with demonstrated financial burden of necessity to achieve additional density and affordability.
- **H-3.B. Promote Optimal Utilization of Sites Permitting High-Density Residential Development, Small Lot Sites, and Sites Subject to Subdivision** – This program includes adjusting property

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development standards (e.g., height, setbacks, parking standards) for small developments below the Density Bonus law threshold when affordable units for the elderly or persons with disabilities are provided.

- **H-5.B. Housing Mobility** – This program includes amending development standards related to sites that meet the statutory requirements for transit-rich areas and urban infill site requirements pursuant to SB-10, if necessary to facilitate maximum densities as part of housing mobility actions.

Airport Approaches

Chapters 21.86 and 20.92 of the Monterey County Code establish the "Airport Approaches Zoning" ordinance for both non-coastal and coastal properties, respectively. The purpose of these regulations is to promote the safety and well-being of the residents and users of airports in Monterey County by preventing the creation of hazards and protecting the airspace required for aircraft landing and takeoff. Airport Land Use Compatibility Plans have been prepared for each airport. These plans include provisions for the establishment of different zones, such as Instrument Approach Zones, Non-Instrument Approach Zones, Transitional Zones, Horizontal Zones, and Conical Zones, which are based on federal aviation regulations.

The instrument approach zone has a gradually decreasing height limit, starting from 200 feet from the runway centerline and decreasing to 1 foot for every 50 feet in horizontal distance at 5,200 feet from the runway. The non instrument approach zone has a constant height limit of 1 foot for every 20 feet horizontal distance, from 200 to 5,200 feet from the runway. Transition zones have varying height limits indicated on zoning maps. The horizontal zone is a plane 150 feet above the airport elevation, with height limits determined by swinging arcs from the runway ends. The conical zone extends outward and upward from the horizontal zone for 4,000 feet with a slope of 20 to one. These limits help regulate building heights near the airport to ensure safe air traffic operations and the safety of residents.

3.3.4.8 Regulations for “B” Districts

Chapters 21.42 and 20.42 of the Monterey County Code include regulations for building site zoning districts or “B” Districts for both inland and coastal areas. The “B” District provides a manner in which areas of approved subdivisions and areas impacted by public facility constraints may be identified. The regulations set forth in Chapters 21.42 and 20.42 shall apply in all districts which are combined with a “B” District and shall be applied in lieu of the building site area and setbacks in the combined district, except that in no case shall setback requirements be less than specified in “MDR” Districts and shall be subject to the provisions of Chapters 21.62 (Height and Setback Exceptions) and 20.62 (Height and Setback Exceptions).

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According to Sections 21.42.030 and 20.42.030 of the Municipal Code, the building site areas, and setbacks for combining designations B-1, B-2, B-3, B-4, B-5, B-6, B-7, and B-8 are as follows.

Table 3-16. Building Site Area and Setbacks

	COMBINING DESIGNATIONS							
	B-1	B-2	B-3	B-4	B-5	B-6	B-7	B-8
MINIMUM LOT SIZE	8,000 sf	10,000 sf	20,000 sf	1 ac	--	--	--	--
MINIMUM SETBACKS								
FRONT	25 ft	25 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
SIDE	10% of avg. lot width	10% of avg. lot width	10% of avg. lot width	10%	10%	10%	10%	10%

Source: Monterey County Zoning Ordinance, 2022.

According to Sections 21.42.030(H) and 20.42.030(H), the purpose of the "B-8" Zoning District is to restrict development and/or intensification of land use in areas where, due to water supply, water quality, sewage disposal capabilities, traffic impacts or similar measurable public-facility type constraints, additional development and/or intensification of land use if found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole. **Note that the lack of water and sewer capacity and availability are the primary constraint to development in unincorporated Monterey County, as detailed earlier in this Chapter.**

For the purpose of Sections 21.42.030 and 20.42.030, "intensification" means the change in the use of a building site which increases the demand on the constraint(s) which caused the "B-8" District to be applied over that use existing at that time the "B-8" District is applied to the property. The "B-8" District does not affect:

1. Construction of the first single-family dwelling on a building site or additions to dwellings, guesthouses, non-habitable structures accessory to a dwelling use;
2. Construction or expansion of commercial uses where such construction or expansion can be found to not adversely affect the constraints which caused the "B-8" District to be applied to the property;
3. The minimum building site shall be that which is recognized as an existing legal lot at the time the "B-8" Zoning District is imposed on the property, or lots that are created by minor or standard subdivision for which an application was received by the Monterey County Planning Department prior to the imposition of the "B-8" Zoning District on the property; and

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4. Reclassification of an area from "B-8" zoning may be considered when the constraints existing at the time of placing "B-8" zoning on the area zoned "B-8" no longer exist and additional development and/or intensification of land use will not be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole.

3.3.4.9 Regulations for Specific Plans

Castroville Community Plan

In the inland areas of Castroville, the development standards were established specifically to facilitate more urbanized development in the Community Plan area and were created in consultation with planning professionals and the development community. As discussed throughout Sections 3.3.4.1 through 3.3.4.7, the following are the median development standards in the State, as determined by the Mercatus Center Study and the UC Berkeley Study, and the requirements in the Castroville Community Plan:

- **Density:**
 - ***California Mean:*** 24 units per acre
 - ***Castroville:*** 7 - 30 units per acre
- **Lot Size:**
 - ***California Mean:*** 6,000 square feet
 - ***Castroville:*** 3,000 – 13,500 square feet
- **Setbacks:**
 - ***California Mean:*** 20 feet
 - ***Castroville:*** 10 – 20 feet
- **Parking:**
 - ***California Mean:*** 2 spaces per unit
 - ***Castroville:*** 1 – 2 spaces per unit
- **Height:**
 - ***California Mean:*** 35 feet
 - ***Castroville:*** 30 – 42 feet

As shown above, the Castroville Community Plan standards are typical to those of other California jurisdictions and do not constrain housing development. Furthermore, as shown in **Table 3-19. Approved and Proposed Units by Community or Planning Area**, this Housing Element does not include

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any sites with proposed residential units in the Castroville Community Plan area. As a result, sites in the 6th Cycle Sites Inventory will not be affected by any possible constraints in the Castroville Community Plan area. **Table 3-17. Residential Development Standards - Castroville Community Plan** illustrates the development standards in the Castroville Community Plan area, including parking standards.

Table 3-17. Residential Development Standards - Castroville Community Plan

BUILDING TYPE	MIN. LOT AREA	LAND USE DESIGNATION/PERMITTED USES					MAX. BLDG. HEIGHT	PARKING
		LDR-C	MDR-C	HDR-C	MXDR-C	MU-D		
Density (du/ac)	---	7-8	8-12	12-20	8-20	15-30	---	
Single-Family Detached	5,000 sf	•	•				2 Stories /30'	SFH: 2 spaces ADU: 1 space
Small Lot Single-Family	3,000 sf			•	•			
Single-Family Attached	n/a	•	•	•				
Multi-Family, Townhome	13,500 sf			•	•	•	2 Stories /35'	Studio: 1 space 1-Bd: 1.5 spaces 2-4 Bd: 2 spaces Guest: 1space/ 4 units
Multi-Family, Apartments	13,500 sf			•	•	•		
Mixed-Use Dev.	10,000 sf				•	•	3 Stories /42' with ground floor parking	Studio: 1 space Bd: 1.5 spaces Bd: 2 spaces 3+ Bd: 2.2 spaces Guest: 1 per 4 units

Source: Castroville Community Plan, 2008.

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Table 3-17. Residential Development Standards - Castroville Community Plan (Continued)

BUILDING TYPE	MIN. LOT WIDTH	SETBACKS				MIN. DISTANCE BETWEEN STRUCTURES	
		FRONT MIN.	REAR MIN.	SIDE MIN.	CORNER SIDE	FROM HABITABLE STRUCTURE	FROM NON-HABITABLE STRUCTURE
Single-Family Detached	50'	20'	15'	5'	10'	10'	6'
Small Lot Single-Family	30'	15'	10'	Note 1	10'	10'	6'

Source: Castroville Community Plan, 2008.

Notes:

1. A small lot single-family home may be constructed at the zero-lot line provided it maintains the standards for minimum distance between buildings on adjacent properties.
2. Bd = Bedroom(s)

Table 3-17. Residential Development Standards - Castroville Community Plan (Continued)

BUILDING TYPE	MIN LOT WIDTH	SETBACKS				FROM NON-HABITABLE STRUCTURE	
		FRONT MIN.	REAR MIN.	SIDE MIN.	FROM SIDEWALK TO COMMUNITY OPEN SPACE		
					MIN.	MAX.	
Multi-Family, Townhome	n/a	10'	5'	5'	10'	15'	20'
Multi-Family, Apartments	n/a	10'	10'	10'	10'	20'	20'
Mixed-Use Development	50'	0	0	0	n/a	n/a	10'

Source: Castroville Community Plan, 2008.

Note: A small lot single-family home may be constructed at the zero-lot line provided it maintains the standards for minimum distance between buildings on adjacent properties.

Bd = Bedroom(s)

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East Garrison Specific Plan (Fort Ord)

The Combined Development Permit for the East Garrison area within the former Fort Ord encompasses a comprehensive set of approvals and permits required for the development of the area. The permit includes a general plan amendment to prepare a specific plan, allowing for focused and tailored development guidelines. Additionally, amendments to Title 21 are proposed to incorporate new regulations, specifically related to mixed-use zoning districts and regulations within the specific plan area. The Combined Development Permit itself comprises various components, such as a standard subdivision to create parcels for approximately 1,400 dwelling units, as well as commercial and public uses. Use permits are sought for tree removal, development of public facilities, and a range of commercial uses. Moreover, the permit covers general development plans, use permits for development on slopes over 30 percent, and use permits for signs. The approval process also includes design review to ensure adherence to established design standards. Further details and information about the project can be accessed by referring to the provided link.

Table 3-18. Residential Development Standards - East Garrison Specific Plan

LAND USE DESIGNATION	ZONE	USES	DENSITY	HEIGHT	OFF-STREET PARKING
Residential Medium	RM	Detached SF	5-29 du/acre	2 stories plus a 3 rd floor tower	2 spaces*
Residential Medium	RM	Attached Townhome	5-29 du/acre	3 stories	2 spaces*
Town Center	TC	Mixed-Use	5 du/acre	3 stories	1.25 spaces
Live/Work	LW	Mixed-Use	16-38 du/acre	3 stories	2 spaces
Residential High-1	RH-1	Attached SF and MF	14-32 du/acre	3 Stories	2 spaces
Residential High-2	RH-2	Attached SF and MF	18-32 du/acre	4 Stories	2 spaces

Source: *East Garrison Specific Plan, 2011.*

* Accessory units require one additional parking space.

As discussed throughout Sections 3.3.4.1 through 3.3.4.7, the following are the median development standards in the State, as determined by the Mercatus Center Study and the UC Berkeley Study, and the requirements in the East Garrison Specific Plan:

- **Density:**
 - **California Mean:** 24 units per acre
 - **East Garrison:** 5 - 32 units per acre
- **Parking:**

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- **California Mean:** 2 spaces per unit
- **East Garrison:** 1.5 – 2 spaces per unit
- **Height:**
 - **California Mean:** 35 feet
 - **East Garrison:** 30 – 60 feet

As shown above, the East Garrison Specific Plan standards are typical to those of other California jurisdictions and do not constrain housing development. Furthermore, as shown in **Table 3-19. Approved and Proposed Units by Community or Planning Area**, this Housing Element plans for 1,448 units (with 325 units under the East Garrison Specific Plan), equating to 23 percent of the total planned units in Fort Ord. In addition, 825 (or 47.5 percent of the total approved units from the 5th Cycle and prior) were built. The volume of units that have been built in the past, as well as the amount planned for future 6th Cycle development, is a testament to the fact that design standards do not pose any housing development.

3.3.4.1 Cumulative Impacts of Development Standards

The cumulative impacts of the County's development standards established in the Monterey County Code Titles 20 and 21 do not unduly constrain achieving the densities permitted by the County. This is evident as multi-family developments in the County's multi-family zones and specific plan areas have achieved and significantly exceeded the maximum permitted densities in the following zones (See **Table 7-12. Proposed and Recently Built Development Projects**, in **Chapter 7 – Sites Inventory** of this Housing Element).

Densities are also frequently achieved pursuant to State Density Bonus Law or other provisions, as also shown on **Table 7-12**. The components of the County's development standards are described as follows:

- Residential density limits in Unincorporated Monterey County's non-coastal areas vary across zoning districts, ranging from one dwelling unit per five or more acres in RDR to five to 20 dwelling units per acre in HDR. In coastal areas, density requirements are similar to non-coastal zones, with specific limits in Del Monte Forest and Carmel Area. These density limits do not pose significant constraints on development.
- Lot size and area requirements in Unincorporated Monterey County's non-coastal and coastal areas vary across residential districts but generally do not pose significant constraints on development. In non-coastal zones, the minimum lot sizes range from five acres to 5,000 square feet. Coastal areas have similar requirements, with minimum lot sizes of one acre or 6,000 square feet. These requirements are manageable for development purposes. These lot size and area requirements do not pose significant constraints on development.

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- In non-coastal zones, front setbacks range from 30 to 20 feet, side setbacks range from 20 to 5 feet, and rear setbacks range from 20 to 10 feet. The coastal districts have similar setback requirements, with front setbacks of 30 to 20 feet, side setbacks of 20 to 5 feet, and rear setbacks of 20 to 10 feet. Setback requirements for residential properties in Unincorporated Monterey County 's non-coastal and coastal areas are generally typical and do not pose a constraint to development.
- In Unincorporated Monterey County 's non-coastal zones, there are no maximum Floor Area Ratio (FAR) requirements for residential properties, allowing flexibility in development (Title 21). In coastal areas, the DMF Land Use Plan sets maximum FAR limits ranging from 17.5% to 45% in various residential zones, including LDR/1, LDR/1.5, LDR/2, MDR/2, and MDR/4. These maximum FAR requirements are typical and do not impose significant constraints on development.
- Titles 20 and 21 of the Monterey County Code specify off-street parking requirements for different residential developments. The parking space requirements vary depending on the residential use. For example, single-family dwellings, including duplexes and triplexes, require two parking spaces per dwelling unit. Accessory dwelling units have no parking requirement. Multi-family buildings have a parking requirement of one space per studio, while apartments and townhouses require 1.5 spaces per 1-bedroom dwelling. Condominiums and cluster housing have varying parking requirements, such as two spaces per 2-bedroom dwelling or 2.2 spaces per 3+ bedroom dwelling, along with additional guest spaces. Density Bonus Projects and developments near transit stops may have reduced or no parking requirements, as mandated by state law.
- Titles 20 and 21 of the Monterey County Code specify height limits for residential developments in both non-coastal and coastal areas. In non-coastal zones, height limits range from 20 to 35 feet depending on the zoning district. Similarly, in coastal areas, height limits vary from 20 to 35 feet, with some specific zones having a maximum height of 30 feet. These height limits determine the maximum allowable height for structures within each zoning district. Additionally, specific regulations for setbacks, lot coverage, and landscape coverage should be considered alongside the height limits. Moreover, the County has established "Airport Approaches Zoning" ordinances to ensure safety near airports by regulating building heights. These ordinances include instrument approach zones, non-instrument approach zones, transitional zones, horizontal zones, and conical zones, each with specific height limit provisions. These height requirements aim to safeguard air traffic operations and do not pose a significant constraint to development. **Overall, the County's maximum height requirements are typical and do not pose a constraint to development.**

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3.3.4.2 Approved and Proposed Units in Monterey County Community or Planning Areas

Unincorporated Monterey County is composed of 13 planning areas, including Cachagua, Carmel Valley, Central Salinas Valley, Fort Ord, Greater Monterey Peninsula, Greater Salinas, North County, South County, and Toro (Inland) and North County Coastal, Del Monte Forest, Carmel Area, and Big Sur Land Use Plans Coastal. Over the past 10 years, the County has approved a total of 1,784 units within these areas. Such development in Unincorporated Monterey County is a testament to the possibility of residential development within the existing development standards.

Table 3-19. Approved and Proposed Units by Community or Planning Area presents the number of units built in each of the community planning areas over the last 10 years, as well as the number of units proposed by the County in this 6th Cycle Housing Element.

Table 3-19. Approved and Proposed Units by Community or Planning Area

PLANNING AREA	APPROVED (5 TH CYCLE AND PRIOR)	PROPOSED (6 TH PLANNING CYCLE)
Cachagua Area Plan	10	-
Carmel Area Land Use Plan (Coastal)	43	75
Carmel Valley Master Plan	51	840
Central Salinas Valley Area Plan	62	546
Big Sur Coast Land Use Plan (Coastal)	34	-
Del Monte Forest Land Use Plan (Coastal)	102	-
Fort Ord Master Plan	825	1,448
Greater Monterey Peninsula Area Plan	82	1,124
Greater Salinas Area Plan	437	889
North County Inland Area Plan	25	772
North County Land Use Plan (Coastal)	27	252
South County Area Plan	32	-
Toro Area Plan	16	146

Source: Monterey County

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3.3.5 Fees and Exactions

Housing developers typically conduct a financial feasibility analysis, or a pro forma analysis, which compares the cost of developing with the revenues received in rent or sales prices prior to embarking on a housing project. This analysis also calculates the rate of return on the project or investment. Like all businesses, developers require a minimum profit (and not a loss) or rate of return on housing projects, and revenues must exceed costs to the level where this rate of return is achieved. Housing development requires investors, who in turn require a rate of return on their investment. Fees and exactions add to the cost of developing housing, and developers include these fees in the financial feasibility/pro forma analysis mentioned above. If revenues do not outweigh costs (including a required rate of return), developers will not build projects. Development impact fees and community development services fees can add significant costs to development projects.

3.3.5.1 Development Impact Fees

Development impact fees are assessed on new development projects to help offset the costs of public capital facilities and infrastructure needed to serve new demand that is created by development projects. The Mitigation Fee Act, Section 66000 *et seq.* of the Government Code, requires public agencies to satisfy the following requirements when establishing, increasing, or imposing a fee as a condition of approval of a development project:

- Identify the purpose of the fee.
- Identify the use for the fee.
- Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
- Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

In addition to permit processing fees, residential development in Unincorporated Monterey County is also subject to fees that are intended to offset direct impacts to public services and infrastructure. Development impact fees may be levied directly by the County or imposed by the County on behalf of another governmental agency, and/or fees imposed by another governmental agency within Monterey County boundaries. New residential development is subject to transit, traffic, sewer and wastewater,

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fire mitigation, and school impact fees. All of which are necessary to ensure the continued provision of public services that protect the public health, safety, and welfare.

In 2019, the Board of Supervisors adopted updated development impact fees. These fees are subject to annual indexing every five years and are posted on the County’s website. As shown in **Table 3-20. Countywide Development Impact Fees** and **Table 3-21. Summary of Countywide and Development Impact Fees (Average Per Unit)**, there are different types of development impact fees. A description of each fee is provided below.

- **Regional Development Impact Fee:** The purpose of the Regional Development Impact Fee (RDIF) is to fund adequate transportation infrastructure to serve population growth and land use development throughout the county. The County of Monterey participates in the RDIF program, established by the Transportation Agency for Monterey County (TAMC), under which all new development proposals are evaluated for assessment of regional fee amounts. The RDIF assessment generally depends on the number of vehicle trips a development is expected to contribute to the area.
- **Countywide Traffic Impact Fee:** The countywide fee program will collect fees from development/project applications that have direct impact on Unincorporated Monterey County roadways that are not regional roadways. The fee program nexus study identifies the projects to be funded by the fee program, the fees to be implemented, and documents the nexus between the impacts of development and those fees. Fees are assessed based on the general location of development and its respective impact on deficient segments within the County-wide transportation network.
- **Castroville Community Plan Impact Fee:** The Castroville Community Plan (CCP) Impact Fees were established in 2007 to fund public improvements throughout the CCP area. At the time of fees adoption, the CCP included inland and coastal portions of the North County region of Monterey County. While the CCP for the inland portion was adopted, the coastal portion was not, and is not foreseeably expected, to be adopted. With fees based on a larger development footprint (inclusive of the coastal zone) than will actually develop inland, these impact fees have had a dampening effect on the pace of development within the community, especially in meeting housing needs. Therefore, the CCP is currently being updated to exclude the coastal portion, thereby allowing reduction of development fees assessment. The update is expected to be completed in 2024.
- **Carmel Valley Road Traffic Mitigation Fee:** The Carmel Valley Road Traffic Mitigation Fee is imposed on all development proposals within the Carmel Valley Master Plan Area and Greater Carmel Valley Area to fund road and street improvements to Carmel Valley Road generally consistent with the Carmel Valley Master Plan. Fees are assessed in accordance with the

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mitigation financing program as adopted by the 1995 Board of Supervisors resolution. Assessment of the fee for residential development generally depends on a legal lot of record being new or existing.

Table 3-20. Countywide Development Impact Fees

COUNTYWIDE DEVELOPMENT IMPACT FEES					
Dwelling Type (New Development)	North County	Greater Salinas	Peninsula/South Coast	South County	East Garrison
Single-family	\$4,485	\$3,791	\$4,599	\$2,195	\$4,630
Single-family (Moderate Income)	\$3,501	\$2,959	\$3,590	\$1,713	\$3,614
Single-family (Low Income)	\$2,587	\$2,186	\$2,653	\$1,266	\$2,671
Apartment	\$3,149	\$2,662	\$3,229	\$1,541	\$3,251
Apartment (Moderate Income)	\$2,458	\$2,078	\$2,521	\$1,203	\$2,538
Apartment (Low Income)	\$1,816	\$1,535	\$1,863	\$889	\$1,875
Condo/Townhome	\$2,746	\$2,321	\$2,816	\$1,344	\$2,835
Condo/Townhome (Moderate Income)	\$2,144	\$1,812	\$2,198	\$1,049	\$2,213
Condo/Townhome (Low Income)	\$1,584	\$1,339	\$1,624	\$775	\$1,635
Multi-family/Auxiliary Unit	\$1,739	\$1,469	\$1,783	\$851	\$1,795
Senior Housing	\$1,739	\$1,469	\$1,783	\$851	\$1,795
Accessory Dwelling Unit (over 750 sf)	Calculate based on proportion of the ADU to main residence.				
Dwelling Type (Infill Development)	North County	Greater Salinas	Peninsula/South Coast	South County	East Garrison
Single-family	\$4,036	\$3,412	\$4,139	\$1,976	\$4,167
Single-family (Moderate Income)	\$3,151	\$2,663	\$3,231	\$1,542	\$3,253
Single-family (Low Income)	\$2,328	\$1,968	\$2,387	\$1,140	\$2,404
Apartment	\$2,834	\$2,396	\$2,906	\$1,387	\$2,926
Apartment (Moderate Income)	\$2,212	\$1,870	\$2,269	\$1,083	\$2,284
Apartment (Low Income)	\$1,635	\$1,382	\$1,676	\$800	\$1,688

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COUNTYWIDE DEVELOPMENT IMPACT FEES					
Condo/Townhome	\$2,472	\$2,089	\$2,535	\$1,210	\$2,552
Condo/Townhome (Moderate Income)	\$1,929	\$1,631	\$1,978	\$944	\$1,992
Condo/Townhome (Low Income)	\$1,426	\$1,205	\$1,462	\$698	\$1,472
Multi-family/Auxiliary Unit	\$1,565	\$1,323	\$1,605	\$766	\$1,615
Senior Housing	\$1,565	\$1,323	\$1,605	\$766	\$1,615
Accessory Dwelling Unit (over 750 sf)	Calculate based on proportion of the ADU to main residence.				
CASTROVILLE COMMUNITY PLAN IMPACT FEES					
Dwelling Type	Per Unit		Fee		
Single-family	1,500 sf		\$28,707		
Multi-family	800 sf		\$17,434		
CARMEL VALLEY ROAD IMPACT FEES					
Existing Legal Lot of Record (prior to 8/25/1992)	Carmel Valley Master Plan Area		Expanded Area		
Market Rate Unit	\$18,640		\$9,320		
Senior Unit	\$9,320		\$4,660		
Caretaker Unit	\$18,640		\$9,320		
2nd Unit/ Apartment	\$18,640		\$9,320		
Low/Moderate Income Unit	\$0		\$0		
New Legal Lot of Record (8/25/1992 and after)	Carmel Valley Master Plan Area		Expanded Area		
Market Rate Unit	\$37,280		\$18,640		
Senior Unit	\$18,640		\$9,320		
Caretaker Unit	\$37,280		\$18,640		
2nd Unit/ Apartment	\$37,280		\$18,640		
Low/Moderate Income Unit	\$0		\$0		

Source: Monterey County Development Impact Fees

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Table 3-21. Summary of Countywide and Development Impact Fees (Average Per Unit)

Location	Single-Family	Multifamily
Monterey County	\$3,940	\$2,589.40
Castroville Community Plan	\$28,707 ¹	\$17,434 ¹
OTHER		
Carmel Valley Road	Market Rate Unit: \$18,640 Senior Unit: \$9,320 Caretaker Unit: \$18,640 2 nd Unit/Apartment: \$18,640 Low/Moderate Income Unit: \$0	

Source: Monterey County Development Impact Fees

¹ Assumes 1,500 sf for single-family and 800 sf for a multi-family dwelling unit.

Additional Note: At this time County Board has adopted Resolution No. 22-502 to stay the collection of Castroville Traffic Impact Fees until such time that the Board of Supervisors adopts and updated fee or provides further direction. Castroville Community Plan is being updated and traffic (other) impact fees are being “right sized” for a reduced community plan area.

3.3.5.2 Planning Fees

While development impact fees offset the costs of improvements serving the development, planning fees cover review and processing of the development by County staff. The County’s fee schedule is based on typical anticipated costs associated with review and approval of proposed projects. The County’s current planning and development fee schedule for residential projects is summarized in **Table 3-22. Planning and Development Fees for Residential Projects.**

Table 3-22. Planning and Development Fees for Residential Projects

FEE TYPE	ONSITE WASTEWATER TREATMENT SYSTEMS / SEPTIC SYSTEMS (OWTS)	PUBLIC UTILITY
Design Review	Admin - \$1,841; Hearing \$3,792	Admin \$2,154; Hearing \$4,105
Administrative Permit or Coastal Administrative Permit	\$7,682	\$6,273
Development Review Conference	\$3,569	\$4,352
Use Permit (Inland General)	\$8,017	\$6,608
Coastal Development Permit	\$14,132	\$12,723

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FEE TYPE	ONSITE WASTEWATER TREATMENT SYSTEMS / SEPTIC SYSTEMS (OWTS)	PUBLIC UTILITY
Combined Development Permit	\$14,132	\$12,723
General Development Plan	\$13,630	\$12,847
Minor/Minor & Trivial Amendment	\$4,464	\$3,681
Lot Line Adjustment	varies ¹	\$4,750
Environmental Review + Notice of Determination	Note ²	
Variance	\$8,551	
Subdivision – Minor or Standard – Amend Final Map	\$16,868 deposit	
Subdivision – Tentative/Vesting Tentative Map	\$33,524 deposit ³	
Zone Change/Code Amendment	\$26,024 deposit	
Specific Plan/Specific Plan Amendment	\$26,024 deposit	
General Plan/Land Use Amendment	\$28,524 deposit	
Coastal Implementation Plan Amendment	\$26,024 deposit	
Development Agreement	\$26,024 deposit	
Extraordinary Development Application	\$33,524 deposit	
Parcel Legality Determination	\$4,907	
Permit Extension	\$6,844	
Permit Amendment, Renewal, or Revision	\$7,576	
Condition Compliance (1-10 Conditions)	\$4,724 deposit	
Condition Compliance (11-20 Conditions)	\$7,724 deposit	
Condition Compliance (>20 Conditions)	\$10,724 deposit	
Condition Compliance/Mitigation Monitoring (1-10 Conditions)	\$4,496 deposit	
Condition Compliance/Mitigation Monitoring (11-20 Conditions)	\$7,946 deposit	

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FEE TYPE	ONSITE WASTEWATER TREATMENT SYSTEMS / SEPTIC SYSTEMS (OWTS)	PUBLIC UTILITY
Condition Compliance/Mitigation Monitoring (>20 Conditions)	\$10,946 deposit	

Source: Monterey County Zoning Ordinance, 2022.

Notes:

1. Amendment, Revision, Extension - \$3,967; General - \$6,816
2. Addendum - \$7,154
 - Initial Study - \$14,212
 - EIR - \$33,524 deposit
 - NOD – \$50
 - NOD – Negative Declaration prepared - \$2,598
 - NOD – EIR prepared - \$3,589.25
3. Application, Amendment, Extension, Improvement Agreement Extension

3.3.5.3 Typical Cost for Development Impact Fees and Building Permit Fees

As shown in **Table 3-23. Overall Development Cost for Typical Residential Unit**, combining planning/processing fees and development impact fees, a developer can expect to pay approximately \$18,711 in fees per single-family unit and \$6,775 to \$7,074 in fees per multi-family unit, depending on the size of the project and location within Unincorporated Monterey County. Furthermore, **Table 3-24. Typical Building Permit and Development Impact Fees (Recent Developments)** shows the fees paid by two recent developments. **As shown in Table 3-24. Typical Building Permit and Development Impact Fees (Recent Developments)**, the actual fees per unit are similar to the estimated fees per unit shown in **Table 3-23**, supporting the fact that the current fees are financially feasible for developers and, therefore, not a constraint to development.

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Table 3-23. Overall Development Cost for Typical Residential Unit

DEVELOPMENT COST	SINGLE-FAMILY	MULTI-FAMILY
Estimated Fees Per Unit	\$18,711	\$6,775 - \$7,074
Estimated Cost of Development per Unit	\$38,957	\$4,604-\$7,485
Estimated Percent Fee Cost to Overall Development Cost	48%	154% - 91%

Table 3-24. Typical Building Permit and Development Impact Fees (Recent Developments)

FEE NAME	SINGLE-FAMILY (ROGGE COMMONS)	MULTI-FAMILY (MAZANITA PLACE)
Development Impact Fees (per dwelling unit)	TAMC \$1,502(VARIED) Fire \$230 - \$1,334	TAMC \$1,154 Fire \$570
Building Permit Fees (per dwelling unit)	\$0 - \$2,404	\$1,060 - \$1,400
Total Fees (per dwelling unit)	\$1,732 - \$5,240	\$2,784 - \$3,124

3.3.5.4 Comparable Fees (Other Cities)

In exploring the existence of current development costs as a possible hurdle to the Unincorporated Monterey County’s ability to develop more affordable housing, a review of comparative costs among select neighboring cities was done. **Table 3-25. Comparison of Development Fees for Residential Projects**, outlines the various planning related fees charged by the County, with a comparison of similar fees charged by select neighboring jurisdictions. The County’s fee structure reflects the types of developments in Unincorporated Monterey County, and the necessary costs associated with proper review and project mitigation.

Different jurisdictions have varying fees and requirements for development. These fees are adopted at different times, and recently adopted development impact fees within the past 1-2 years are significantly higher due to increased land, construction, material, and labor costs. The discrepancy in fees between jurisdictions is not necessarily indicative of a significant difference in the actual cost of providing facilities and infrastructure. Instead, it is often a result of the timing of fee updates. All jurisdictions must comply with the requirements of the Mitigation Fee Act and conduct a legally compliant nexus study to establish or update fees.

Note that the information presented in this section is not a true “apples to apples” comparison due to the following factors:

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- Some jurisdictions have not updated the development impact fees on their websites.
- There is a lack of information publicly available, including the most recent nexus studies.
- Not all jurisdictions have the same types of fees or provide the same level of clarity on how fees apply to different-sized projects.

However, the information below is based on information contained on each jurisdiction’s website, publicly available staff reports, and publicly available nexus studies.

As presented in **Table 3-25**, the County’s development fees appear to be higher than those in the Cities of Monterey, Salinas, Seaside, and Soledad. This is primarily due to the County’s impact fees being established over the last two years whereas similar fees in other cities have not been updated in many years. Additionally, many of the cities do not provide the most recent nexus study establishing development impact fees and reference fees are anywhere from two to eight years old.

A well-established fact is that the cost of land, labor, and materials has skyrocketed during the last 5-6 years. In fact, the most recent annual Consumer Price Index increase (2021 to 2022) in California was 7% compared to annual increases of 2% or less for the last decade. While the fee variance between the County and surrounding jurisdictions is a result of the County’s recent update to its fees, note that the County has thousands of miles of roads to maintain and limited public infrastructure in many areas.

Table 3-25. Comparison of Development Fees for Residential Projects

JURISDICTION	MULTI-FAMILY DESIGN REVIEW	GENERAL PLAN AMENDMENT	ZONE CHANGE	TENTATIVE TRACT MAP	VARIANCE
Monterey County (Unincorporated County)	\$3,792 (OWTS)	\$28,524 (Deposit)	\$26,024 (Deposit)	\$33,524 (Deposit) (Application, Amendment, Extension, Improvement Agreement Extension)	\$8,551
Monterey (City)	\$4,400 (Major) \$2002.50 (Minor)	\$4,000 (Deposit)	\$4,000 (Deposit)	\$6,000 (Deposit)	\$1,804 (Major) \$964 (Minor)
Salinas	\$1,927 (10+ units)	\$7,375.25	\$3,481	\$9,743.25 (Up to 25 lots)	\$2,320.75
Seaside	\$1,200	\$8,825	\$8,825	\$8,714 (4+ lots) \$5,889 (Up to 4 lots)	\$4,505

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JURISDICTION	MULTI-FAMILY DESIGN REVIEW	GENERAL PLAN AMENDMENT	ZONE CHANGE	TENTATIVE TRACT MAP	VARIANCE
Soledad	\$1,081.25	\$5,946 (>1 AC)	\$3,459.75 (Major) \$811 (Minor)	\$10,811.85 (5+ lots)	\$2,703

Source: City of Millbrae Service and Fee Schedule, January 1, 2020;
 City of Salinas Schedule of Fees and Charges for City Services- July 1, 2022
 City of Soledad Master Fee Schedule 2022-2023
 City of Monterey Master Fee Schedule, FY 2023
 City of Seaside Master Fee Schedule, September 15, 2022

Table 3-26. Development Fees Summary

DEVELOPMENT COST	SINGLE-FAMILY	MULTIFAMILY
Estimated Fees Per Unit	\$18,711	\$7,074-\$6,775
Estimated Cost of Development per Unit	\$38,957	\$4,604-\$7,485
Estimated Percent Fee Cost to Overall Development Cost	48%	154% - 91%

In exploring the existence of current development costs as a possible hurdle to the Unincorporated Monterey County’s ability to develop more affordable housing, a review of comparative costs among select neighboring cities was done. **Table 3-25. Comparison of Development Fees for Residential Projects**, outlines the various development-related fees charged by the Unincorporated Monterey County in comparison to select cities nearby. The Unincorporated Monterey County fee structure reflects the types of developments in the unincorporated areas and necessary costs associated with proper review and project mitigation.

Note that different cities have different fees and requirements, and these fees are adopted at different times. Additionally, and very significantly, development impact fees adopted within the last 1-2 years are significantly higher than those originally adopted in 2014 when land, construction, materials, and labor costs were a fraction of what they are today. If fees are lower in one city versus another, this is due to the fact that the city with lower fees has not had a fee update for several years while the city with higher fees has completed a recent update, rather than because the actual cost of providing facilities and infrastructure is significantly different. All cities must adhere to the requirements of AB 1600 and prepare a legally compliant nexus study in order to establish or update fees.

A well-established fact is that the cost of land, labor and materials has skyrocketed during the last 5-6 years. In fact, the most recent annual Consumer Price Index increase (2021 to 2022) in California was 7

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percent compared to annual increases of 2 percent or less for the last decade. Therefore, if a nexus study establishing development impact fees was completed more than one to two years ago, the cost of providing facilities, services, and infrastructure (how the fees are calculated and determined) is significantly understated.

3.3.6 Processing and Permitting Procedures

Processing and permit procedures for the County of Monterey, as in many jurisdictions, can pose significant constraints on housing development in various ways.

- **Processing timing:** Lengthy processing timelines can delay the construction of housing units, lowering the rate at which new supply meets demand. Complex approval processes, particularly for large or multi-family developments, may discourage developers from pursuing projects, further reducing overall supply. For example, in unincorporated Monterey County, larger single-family subdivision projects can take anywhere between 140 to 2,740 days (7 ½ years) in both inland and coastal areas. Environmental and CEQA reviews for development applications in unincorporated Monterey County can take years, especially if there are appeals or lawsuits involved. Coordination with multiple agencies, such as the California Coastal Commission and water management districts, can slow down progress, particularly for developments in coastal zones or agricultural areas.
- **Cost:** High permit and impact fees (e.g., for water, sewer, schools, and transportation) significantly increase development costs, which are ultimately passed on to buyers or renters. Furthermore, the requirement for additional studies or reports (such as environmental impact reports and traffic studies) during the permitting process can inflate project budgets. Delays caused by lengthy reviews can also raise financing costs due to extended loan terms or higher interest rates. In the County of Monterey, **current fees are financially feasible for developers and, therefore, not a constraint to development.**
- **Feasibility:** Delays and high costs can render certain projects financially unfeasible, particularly affordable or workforce housing. Stringent requirements for infrastructure improvements (like road widening or water system upgrades) can make projects in rural areas of the County prohibitively expensive. Additionally, strict zoning regulations and discretionary approvals may limit creative solutions, such as higher-density developments, mixed-use projects, or adaptive reuse of existing structures.
- **Approval Certainty:** A heavy reliance on discretionary review creates unpredictability for developers, particularly if projects require variances or conditional use permits. Public opposition or appeals, often driven by concerns about environmental impacts, traffic, or neighborhood character, can delay or block approvals. Compliance with state-mandated

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housing laws (such as the Housing Accountability Act) may be applied inconsistently, leading to legal risks and uncertainty. Less streamlined approval processes for affordable or mixed-income projects undermines confidence in securing timely approvals.

Despite impacts as potential constraints, development review and permit processing are necessary steps to ensure that residential construction proceeds in an orderly manner. These steps ensure that development standards of the County are met, as well as those of outside agencies that have vested interests in projects. However, the time and cost of permit processing and review can be a constraint to housing development.

Additional information regarding permit process requirements is available on the County’s Housing and Community Development Department’s website [Housing and Community Development | Monterey County, CA](#) and the table shows the application processing requirements and estimated timelines for Inland and Coastal Areas.

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Table 3-27: Application Processing Requirements and Estimated Processing Time-Inland

Approval Process (Inland) by Unit Type		Single-Family Dwelling	Qualifying Small Single-Family Subdivision	Larger Single-Family Subdivision	Multi-Family Residential
Application Processing	Application and Site Plan Review	X	X	X	X
	Planner feedback within _ days	X	X	X	X
	Application Completeness Review within _ days	30	30	30	30
	Design Review	“D” district overlay	“D” district overlay	“D” district overlay	“D” district overlay
	Consistency with land use code regulations	X	X	X	X
	Consistency with Comprehensive Plan policies including community plans	X	X	X	X
Environmental Review	Categorical Exemption	80-150 days includes the NOE prep	90-120 days includes the NOE prep	100-190 days includes the NOE prep	90-120 days includes the NOE prep
	Prepare/post Notice of Exemption	5 days after hearing approval	5 days after hearing approval	5 days after hearing approval	5 days after hearing approval
	Prepare Initial Study/Draft Negative Declaration OR Draft Environmental Impact Report (EIR)	IS/ND/MND 90-235 days	IS/ND/MND 90-235 days	IS/ND/MND: 210-365 days EIR: 500-2,750 days	IS/ND/MND: 150-450 EIR: 760 days
	Environmental Hearing	Presented with the project at a hearing with	Presented with the project at a hearing with	Presented with the project at a hearing with	Presented with the project at a

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Approval Process (Inland) by Unit Type		Single-Family Dwelling	Qualifying Small Single-Family Subdivision	Larger Single-Family Subdivision	Multi-Family Residential
		the decisionmaker	the decisionmaker	the decisionmaker	hearing with the decisionmaker
	Prepare final document	N/A	N/A	X	X
	If EIR, prepare a response to comments	N/A	N/A	X	X
Hearing(s)	Staff Report Preparation	X	X	X	X
	Chief of Planning	X	X	N/A	X
	Zoning Administrator	N/A	X	N/A	X
	Planning Commission	N/A	NA	Review, recommend to Board	X
Estimated Total Processing Time		120-275 days	130-275 days	140-2,790 days	130-180 days
"X" indicates the requirement is applicable, N/A indicates requirement is not applicable.					

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Table 3- 28: Application Processing Requirements and Estimated Processing Time- Coastal

Approval Process (Coastal) by Unit Type		Single-Family Dwelling	Qualifying Small Single-Family Subdivision	Larger Single-Family Subdivision	Multi-Family Residential
Application Processing	Application and Site Plan Review	X	X	X	X
	Planner feedback within _ days	Ten business days	Ten business days	Ten business days	Ten business days
	Application Completeness Review within _ days	30 days	30 days	30 days	30 days
	Design Review	“D” district overlay	“D” district overlay	“D” district overlay	“D” district overlay
	Consistency with land use code regulations	X	X	X	X
	Consistency with Comprehensive Plan policies including community plans	X	X	X	X
Environmental Review	Categorical Exemption	85-120 days includes the NOE prep	100-190 days includes the NOE prep	100-190 days includes the NOE prep	90-120 days includes the NOE prep
	Prepare/post Notice of Exemption	Five days after hearing approval	Five days after hearing approval	Five days after hearing approval	Five days after hearing approval
	Prepare Initial Study/Draft Negative Declaration OR Draft Environmental Impact Report (EIR)	IS/ND/MND 340 days	IS/ND/MND 650 days EIR: 110-500 days	IS/ND/MND 650 days EIR: 110-500 days	IS/ND/MND 150-240 days EIR: 450 days
	Environmental Hearing	Presented with the project at a hearing with	Presented with the project at a hearing with	Presented with the project at a hearing with	Presented with the project at a hearing with

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Approval Process (Coastal) by Unit Type		Single-Family Dwelling	Qualifying Small Single-Family Subdivision	Larger Single-Family Subdivision	Multi-Family Residential
		the decisionmaker	the decisionmaker	the decisionmaker	the decisionmaker
	Prepare final document	N/A	X	X	X
	If EIR, prepare a response to comments	N/A	X	X	X
Hearing(s)	Staff Report Preparation	X	X	X	X
	Chief of Planning	X	X	N/A	X
	Zoning Administrator	N/A	X	N/A	X
	Planning Commission	N/A	NA	Review, recommend to Board	X
Estimated Total Processing Time		120-275 days	130-275 days	140-2,790 days	130-180 days

“X” indicates the requirement is applicable, N/A indicates requirement is not applicable.

3.3.6.1 Processing Times

The development community commonly cites processing times needed to obtain development permits and approvals as a prime contributor to the high cost of housing and a constraint to housing.

Depending on the magnitude and complexity of each development proposal, the time that elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review on a proposed project include completeness of the development application submittal, backlog of permits caused by the ratio of applications for development per staff person (including staff turnover), the complexity of land use regulations in the County, and the responsiveness of developers to staff comments and requests for information.

Certainty and consistency in permit processing procedures and reasonable processing times are important to ensure that the development review/approval process does not discourage developers or

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add excessive costs (including carrying costs on property) that would make projects economically infeasible.

Table 3-29. Timelines for Entitlement Procedures outlines the standard processing times for some of the County’s typical approvals and permits. *The timelines provided are estimates; actual processing time may vary due to the volume of applications, the type and number of changes made to the project by the applicant to address impacts, the level of environmental review required (County must implement CEQA processes), and the size and complexity of the projects.*

Table 3-29. Timelines for Entitlement Procedures

TYPE OF APPROVAL OR PERMIT	TYPICAL PROCESSING TIME (BASED ON WORKING DAYS)
Use Permit	30 - 600 days
Zone Change	475 days
Design Review	15 - 575 days
Admin. Permit/ Coastal Admin. Permit	25 – 950 days
Use Permit (Inland)	90 – 350 days
Coastal Dev. Permit	90 - 800 days
Combined Dev. Permit	45 – 180 days
General Dev. Plan	70 – 600 days
General Plan/Land Use Amend.	950 days
Coastal Plan Amend.	470 – 946 days
Variance	120 - 995 days

Source: County of Monterey Housing and Community Development Department

Residential development projects are processed by County of Monterey Planning Services Division in the Housing and Community Development Department and generally consist of subdivisions, administrative and/or use permit applications. Listed below are the general steps in the development approval process. Single-family and multi-family subdivision applications typically follow this process:

1. The **prospective applicant files for Development Review Committee (DRC) review** by completing and submitting DRC application with concept plans of what is being proposed. The DRC is a process the County uses to give application packets and to provide early issue identification prior to submittal of a formal application. The DRC meeting will include staff from affected departments and agencies (Public Works, Environmental Health, Building, Water

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Resources, Fire, etc.), who will provide information on what is needed to submit a complete application package and an identification of any concerns associated with the proposed project. A planner is assigned who reviews the DRC Application, visits the site, and reviews the regulations. The planner sends the application materials to affected land use departments and/or outside agencies prior to the DRC meeting for their review in preparation of the DRC meeting. The meeting is scheduled with the applicant. The applicant will leave with an Application Packet, which will include a checklist of information, including application materials and an understanding of how to resolve any issues. When the Application Package is ready, the applicant makes an appointment with the planner to submit the materials. The planner will review the application before submittal and collect the application fees. The DRC process is optional for developers, not mandatory.

2. The **California Permit Streamlining Act 30-day mandated review period begins** when an application and fee is submitted. The Housing and Community Development Department, as well as other County land use departments and outside agencies, review the application during this initial 30-day period to determine completeness of the application or recommended conditions of approval. The project planner deems the application complete or incomplete, in which case the planner will provide the applicant a list of missing items. Concurrent with this review, but not required during the 30-day period, a Land Use Advisory Committee (LUAC) may be scheduled to consider the request for how the proposal meets policies of the applicable Area Plan, Land Use Plan, or Community Plan. These meetings are open to the public and the County posts agendas, but the action is limited to recommendations to the decision-making body regarding any issues the public may request to have addressed through the review process.
3. **Once the application is deemed complete, it will be reviewed for CEQA compliance.** The project falls into one of four categories: Statutorily Exempt, Categorically Exempt, require a Negative Declaration (or Mitigated Negative Declaration), or an Environmental Impact Report.
4. **If the project is determined to be exempt from CEQA, the hearing is set for no more than two months after the project is deemed complete.** The applicant is required to post hearing notices in the neighborhood. Projects that are not exempt from CEQA require additional environmental review which can substantially lengthen the time required for a project to be set for a hearing depending on the impacts and potential need for additional technical data.
5. **The appropriate authority (Chief of Planning, Zoning Administrator, Planning Commission, or Board of Supervisors) is designated under the Monterey County Code** based on the type of project. Where the Monterey County Code may require more than one review, the project is set for the highest-level hearing body to reduce the number of hearings. At the hearing, the applicant can make a presentation on the project and the public has the opportunity to

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comment. After the hearing, a resolution (including the decision), legal findings, and conditions of approval are mailed to the applicant, the owners of the property, and anyone who has submitted a written request for notification of action.

6. **The applicant, or an aggrieved party, can appeal the decision of the hearing within 10 days of the resolution being mailed.** In the coastal zone, a second appeal period is initiated with the County sending a Final Local Action Notice (FLAN) to the Coastal Commission. An appeal period of 10 working days begins the day after the Coastal Commission receives the FLAN. Coastal appeals can be filed by any person or can be initiated at the request of two Coastal Commissioners. The Coastal Act provides that there be no fee for coastal zone appeals.
7. Project approvals may be subject to certain conditions and/or mitigation measures. Applicants are responsible to ensure all applicable conditions of approval are satisfied. Most planning permits expire after two years unless otherwise specified in the project resolution. Certain conditions must be satisfied before a permit for construction will be issued. The applicant may file for extensions.

Table 3-30. Typical Processing Procedures by Entitlement- Inland

INLAND	ADMIN PERMIT	USE PERMIT	COMB. DEVEL. PERMIT	LOT LINE ADJUSTMENT	SUBDIVISION
Typical Approval Requirements	<ul style="list-style-type: none"> • Site Plan • Floor Plan • Landscape Plan • Grading Plan • Building Plan • Erosion Control Plan • Geotechnical Report • Design Review (D district) • Planning staff Review • Planning Director Approval 	<ul style="list-style-type: none"> • Site Plan • Floor Plan • Landscape Plan • Grading Plan • Building Plan • Erosion Control Plan • Geotechnical Report • Design Review (D district) • Other Technical Reports (as needed) • Planning staff Review • Public Hearing (Zoning Administrator or Planning Commission) 	<ul style="list-style-type: none"> • Site Plan • Floor Plan • Landscape Plan • Grading Plan • Building Plan • Erosion Control Plan • Geotechnical Report • Design Review (D district) • Other Technical Reports (as needed) • Planning staff Review • Public Hearing (Zoning Administrator or Planning Commission) 	<ul style="list-style-type: none"> • Lot Line Adjustment Map • Planning staff Review • Planning Director Approval (Admin Permit) 	<ul style="list-style-type: none"> • Tentative or Vesting Tentative Map (Minor and Standard) • Final Map (Standard) • Planning staff Review • Planning Director Approval (Minor) • Public Hearing (Planning Commission) • Final Approval from Board of Supervisors

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Est. Total Processing Time	No Env. Rev.: 80-150 days Addendum: No Data Initial Study: 90-235 EIR: NA	No Env. Rev.: 90-120 days Addendum: 145-495 days Initial Study: 150-450 days EIR: 760 days	No Env. Rev.: 120 days Addendum: 115 days Initial Study: 280-330 days EIR: 2,280	No Env. Rev.: 80-120 days Addendum: N/A Initial Study: No Data EIR: N/A	No Env. Rev.: 100-190 days Addendum: N/A Initial Study: 210-365 days EIR: 500-2,750 days
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Table 3-31. Typical Processing Procedures by Entitlement- Coastal

COASTAL	ADMIN PERMIT	USE PERMIT	COMB. PERMIT	DEVEL. LOT ADJUSTMENT	LINE SUBDIVISION
Typical Approval Requirements	<ul style="list-style-type: none"> • Site Plan • Floor Plan • Landscape Plan • Grading Plan • Building Plan • Erosion Control Plan • Geotechnical Report • Design Review (D district) • Planning staff Review • Planning Director Approval • Final Local Action Notice (FLAN) appeal period for CA Coastal Commission 	<ul style="list-style-type: none"> • Site Plan • Floor Plan • Landscape Plan • Grading Plan • Building Plan • Erosion Control Plan • Geotechnical Report • Design Review (D district) • Other Technical Reports (as needed) • Planning staff Review • Public Hearing (Zoning Administrator or Planning Commission) • Final Local Action Notice (FLAN) appeal period for CA Coastal Commission 	<ul style="list-style-type: none"> • Site Plan • Floor Plan • Landscape Plan • Grading Plan • Building Plan • Erosion Control Plan • Geotechnical Report • Design Review (D district) • Other Technical Reports (as needed) • Planning staff Review • Public Hearing (Planning Commission) • Final Local Action Notice (FLAN) appeal period for CA Coastal Commission 	<ul style="list-style-type: none"> • Lot Line Adjustment Map • Planning staff Review • Public Hearing (Planning Commission) • Final Local Action Notice (FLAN) appeal period for CA Coastal Commission 	<ul style="list-style-type: none"> • Tentative or Vesting Tentative Map (Minor and Standard) • Final Map (Standard) • Planning staff review • Public Hearing (Planning Commission) • Final Approval from Board of Supervisors • Final Local Action Notice (FLAN) appeal period for CA Coastal Commission
Est. Total Processing Time	No Env. Rev.: 85-120 days Addendum: Initial Study: 340 days EIR: N/A	No Env. Rev.: 90-120 days Addendum: 410 days Initial Study: 150-240 days EIR: 450 days	No Env. Rev.: Addendum: 80-130 days Initial Study: 280-330 days EIR: 2,280 days	No Env. Rev.: 90-200 days Addendum: Initial Study: EIR: N/A	No Env. Rev.: 100-190 days Addendum: No Data Initial Study: 650-days EIR: 110-500 days

Source: Monterey County

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Table 3-32. Review Processes

PROJECT TYPE	REVIEWING BODIES	PUBLIC HEARING REQUIRED	APPEAL BODY	ESTIMATED TOTAL PROCESSING TIME (WORKING DAYS)
Single-Family Units (Design Review, Use Permit)	Planning Commission	Yes	Board of Supervisors	Design Review: 15 - 575 days Use Permit: 30 - 600 days
Mixed-Use, Commercial (Design Review, Use Permit)	Planning Commission	Yes	Board of Supervisors	Design Review: 15 - 575 days Use Permit: 30 - 600 days
Other applications (Conditional Use Permit, Variance, General Plan Amendment, Zoning Text Amendment)	Planning Commission (for CUP, Variances, or Planning Commission and Board (for General Plan Amendment, Zoning Text Amendment)	Yes	Board of Supervisors	Processing time varies

Notes: CUP = Conditional Use Permit

Source: Monterey County

3.3.6.2 Design Review

Design Approval is the review and approval of the exterior appearance, location (such as building orientation, relation to neighboring properties), size (such as height, setbacks, and bulk), materials and colors of proposed structures, additions, modification and fences located in areas of the County which are identified for Design Control (e.g., properties marked on the Zoning Map as “D”, “S”, or “VS” as well as all parcels in the Big Sur, Carmel, and Del Monte Forest Coastal Land Use Plans). The purpose of Design Approval (DA) is to protect the public viewshed, neighborhood characteristics, and the visual integrity of development in these areas. Design Approvals are generally required in specific plans, community plans, most coastal areas, historical districts, along scenic highways, and hillsides (including Moss Landing; Oak Hills; Pebble Beach; Carmel; Big Sur; Spreckels; Carmel Valley; Highway 68 Corridor; Las Palmas; Indian Springs; parts of Chualar Canyon; the Carmel Valley Road corridor through Cachagua, the Arroyo Seco River corridor West of Greenfield; and several pockets and subdivisions including Murphy Hill and Foothill Estates).

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The County has established design guidelines for other unincorporated communities subject to design review. The guidelines are available online. Most reviews that are approved over the counter adhere to the guidelines, so outcomes are usually predictable. For example, the Castroville Community Plan has specific guidelines with graphic illustrations and narratives to communicate the preferred treatments in terms of architectural styles and details (such as awnings, windows, color, massing, etc.) and other amenities such as landscaping and lighting. The guidelines provide sufficient details to offer guidance to developers/property owners but without being overly prescriptive to constrain project design or to impact costs. Cost impact associated with design review is limited. Most changes requested by staff do not result in any significant increases in costs.

There are three levels within the Design Review process:

1. **Over the Counter Design Approval** - \$550 for small projects like remodels, reroofs, fences and similar minor modifications where no other issues exist. This design approval may be approved that day by staff over the counter.
2. **Administrative Design Approval** - \$1,650 for small projects that involve review of reports, setbacks, siting, colors, and materials. Time frame is approximately two weeks for Director's decision.
3. **Public Hearing Design Approval** - \$3,300 for larger projects such as new structures or substantial additions or alterations. Time frame is approximately six to eight weeks for Zoning Administrator decision at a public hearing.

Note that public controversy may extend the time frames noted above. Design Approval can be combined with other required permits with little to no impact on time frame.

Approval Findings

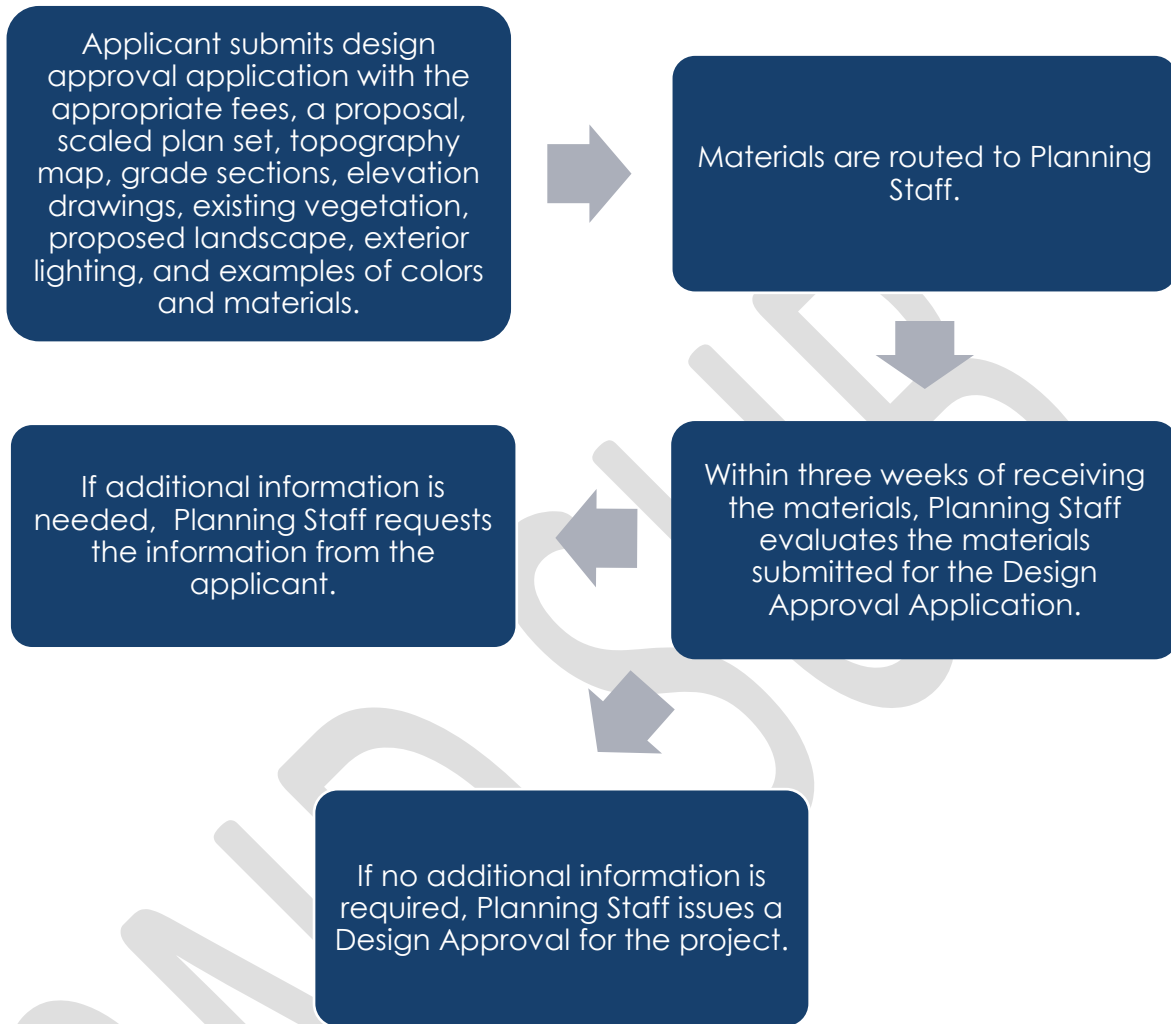
This relates to the HCD findings item - list and analyze approval findings for a typical multifamily development that complies with the general plan and zoning. The County should be addressing this in the data request.

Figure 3-1. Countywide Design Approval Process illustrates the design approval process for both the coastal and non-coastal area of Unincorporated Monterey County. **Figure 3-2. Ministerial Design Approval Process- Non-Coastal** illustrates the ministerial design approval process for inland areas.

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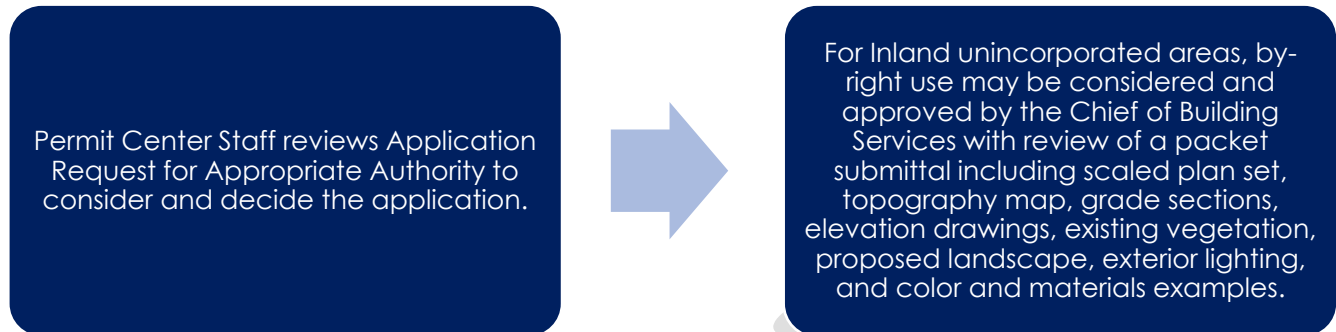
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Figure 3-1. Countywide Design Approval Process



Source: Monterey County

Figure 3-2. Ministerial Design Approval Process- Non-Coastal



Source: Monterey County

For projects in the D, S, and VS Districts, the following guidelines adhere to the design approval process for residential development (Table 3-33. Design Approval Process for D, S, and VS Districts).

Table 3-33. Design Approval Process for D, S, and VS Districts

	INLAND	COASTAL	CASTROVILLE COMMUNITY PLAN
Accessory structure	Administrative Approval	Coastal Administrative Approval	Administrative Approval
Single-Family Development	Public Hearing	Coastal Administrative Approval	Public Hearing

Source: Monterey County

3.3.6.3 Administrative Permit (AP) and Coastal Administrative Permit (CAP)

The Administrative Permit process is intended to expedite workflow, reduce the time needed to process applications and decrease the impact in time, materials, and cost in processing applications for projects that require discretionary review but are of a minor and non-controversial nature. The Chief of Planning generally reviews Administrative Permits unless the application is referred for public hearing to the Zoning Administrator (Inland) or the Planning Commission (Coastal) due to controversy or environmental issues. Hearings are noticed using three methods:

1. The appropriate authority sends notice to all property owners (also tenants in coastal areas) within 300 feet of the subject property at least 10 days prior to the consideration of the Administrative Permit.
2. The County provides the applicant will be provided with at least three public hearing notices which are to be posted in three publicly accessible/visible places near the subject property.

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3. The County publishes the notice in at least one newspaper of general circulation within 10 days of the consideration of the permit.

The County uses consistency with regulations, site suitability, CEQA review, and health and safety concerns as a guide to reviewing, approving, or denying an AP or a CAP. The appropriate authority can grant in whole or in part, deny or modify the permit, but an Administrative Permit cannot be denied by the Chief of Planning without a public hearing. Findings must be consistent with the Area/Land Use Plan, site suitability, environmental issues, and public access. Conditions of approval may be established to ensure that all requirements are met. The County mails notice of the decision to the applicant, owner of the subject property, and anybody who has submitted a written request for notification of action. The County sends a Final Local Action Notice (FLAN) to the Coastal Commission following completion of the County's appeal period for permits in the Coastal zone.

These permits are necessary due to the number and magnitude of resource issues throughout Monterey County. The AP/CAP process is meant to reduce the time and cost to process an application while providing staff the ability to assess resource impacts. The County requires the AP/CAP to be set for hearing within 60 days from completion of an application (unless a mitigated negative declaration is required). **Figure 3-3. Discretionary Permit Approval Process – Coastal and Non-Coastal** in Section 3.3.6.5 illustrates the permit approval process for inland and coastal administrative permits.

3.3.6.4 Use Permit (UP) and Coastal Development Permit (CDP)

Use Permits (UP) for residential uses are reviewed and approved by the decision-maker designated by the Monterey County Code (typically the Zoning Administrator or the Planning Commission). UPs allow jurisdictions to be flexible in allowing special uses that may be essential or desirable by the community. It should be noted that Use Permits are the same as Conditional Use Permits. Uses that require UP approval are summarized in **Table 3-34. Uses that Require Use (non-coastal) or Coastal Development Permits.**

Use Permits are discretionary and subject to appropriate environmental review under CEQA. All Use Permits require a public hearing. Grant of a Use Permit requires the following findings:

- The establishment, maintenance or operation of the use or structure cannot be detrimental to health, safety, peace, morals, comfort, or general welfare of persons in the neighborhood; and
- The property must be in compliance with all the rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions.

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Table 3-34. Uses that Require Use (non-coastal) or Coastal Development Permits

LAND USE	TITLE	HOUSING TYPE
Residential-High Density	Both	Mobile home park, condominiums, large residential care facility, single room occupancy facility
Residential-Med. Density	Both	Large residential care facility, planned unit development, condominium, mobile home park (except Del Monte Forest area), supportive housing, transitional housing
Residential-Low Density	Both	Mobile home park (except Del Monte Forest area), Large residential care facility, supportive housing, transitional housing
Residential-Rural Density	Both	Mobile home park, large residential care facility, supportive housing, transitional housing
Mixed-Use	Title 21	Multi-family, Duplex, condominium, mobile home park
Light Commercial	Title 21	Multi-family, Duplex, condominium, SFD
Heavy Commercial	Title 21	Multi-family, Duplex, condominium, SFD
Coastal General Commercial	Title 20	SFD, small residential care facility, duplex, Accessory Dwelling Unit, employee housing, supportive housing, transitional housing, employee housing, multi-family
Visitor Serving/ Professional Office	Title 21	Multi-family, Duplex, Condominium, SFD
Visitor Serving Commercial	Title 20	SFD, Employee Housing
Agricultural Industrial	Title 20	Employee Housing
Light Industrial	Title 21	Multi-family, Duplex, Condominium, SFD
Heavy Industrial	Title 21	Multi-family, Duplex, Condominium, SFD
Watershed and Scenic Conservation	Title 20	Accessory Dwelling Unit, supportive housing, transitional housing, Agricultural Employee Housing
Resource Conservation	Title 21	Agricultural employee housing, supportive housing, transitional housing
Open Space Recreation	Title 20	Employee Housing (not in North County Coastal)
Farmlands	Title 21	Agricultural Employee Housing
Rural Grazing	Title 21	Agricultural Employee Housing

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LAND USE	TITLE	HOUSING TYPE
Permanent Grazing	Title 21	Agricultural Employee Housing

Coastal Development Permits are discretionary and require appropriate environmental review under CEQA and also require a public hearing. A grant of a Coastal Development Permit requires the above findings plus the following:

- The subject project must be in conformance with the Monterey County Local Coastal program; and
- The project must be in conformity with the public access and public recreation policies of the Coastal Act of 1976, specifically: maintain protection of historic access and/or public trust and provide public access.

It should be noted that Coastal Development Permits are analogous to, though distinct from, Conditional Use Permits for the coastal zone.

The decision-maker may require any condition of approval for the Coastal Development Permit to ensure the use continues to operate consistent with the findings described above and may require mitigation measures based on environmental review. Applicants or aggrieved neighbors are entitled to appeal any decision to the Board of Supervisors. The County mails notice of the decision to the applicant, owner of the subject property, and anybody who has submitted a written request for notification of action. The County sends a Final Local Action Notice (FLAN) to the Coastal Commission following completion of the County's appeal period.

Figure 3-3. Discretionary Permit Approval Process – Coastal and Non-Coastal illustrates the discretionary permit approval process for Inland Administrative Permit and Use Permit, Coastal Administrative Permit and Development Permit, and Discretionary Design Approvals.

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Figure 3-3. Discretionary Permit Approval Process – Coastal and Non-Coastal



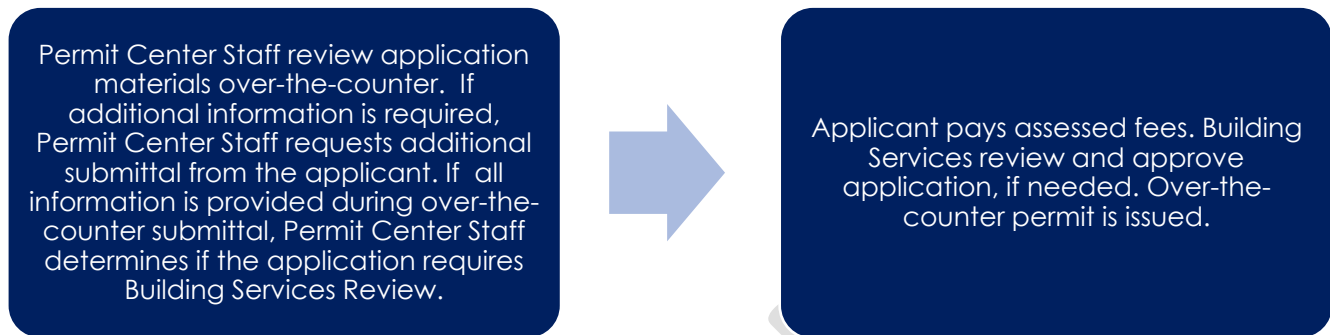
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Figure 3-4. Parcel Map for Subdivision Process – Coastal and Non-Coastal



Figure 3-5. Ministerial Building Permit Process



3.3.6.5 General Development Plan

The General Development Plan (GDP) is a plan for development of a site with a mixture of dwelling unit types or a mix of land uses within commercial and industrial zones. A GDP is considered prior to or concurrent with approval of any required permits for the development. The plan addresses the long-range development, phasing, and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.

3.3.6.6 Combined Development Permits

Combined Development Permits are discretionary permits processed for projects that require more than one type of permit (e.g., Coastal Development Permits and Use Permits for tree removal and development on slopes over 25% (or 30% in certain coastal areas of the County)). This provision reduces cost and saves processing time by streamlining the permitting process for both coastal and inland development. The appropriate authorities to consider a Combined Development Permit include the Planning Commission, Zoning Administrator, and Board of Supervisors. The decision-making body for the principal land use permit is the decision-making body for the Combined Development Permit. For example, if one of the permits would normally be considered by the Planning Commission while an incidental permit would normally be reviewed by the Zoning Administrator, the Planning Commission will consider the entire Combined Development Permit instead of requiring the applicant to undergo two separate processes. However, the Planning Commission is the recommending body to the Board of Supervisors when the Board is the appropriate authority for the Combined Development Permit because the Board cannot act on the Combined Development Permit without prior review and recommendation by the Planning Commission. The Planning Commission makes a recommendation

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after a public hearing. In acting on the Combined Development Permit, the decision-maker considers findings as necessary to support a decision on the permit, such as consistency with the General Plan and applicable area plans, site suitability, environmental issues, and variance requests.

3.3.6.7 Permit Processing Time Frames

Permit processing time frames vary depending on the type, location, and environmental review requirements of the proposed development. A land use development application that requires a Negative Declaration can typically be processed in a six-month time frame depending on the circumstances. While this is the time frame the County has historically aimed to meet, the actual time frame may vary depending on project specific aspects. Projects in certain areas of the County that have environmental or design issues (e.g., Big Sur, Carmel Valley, North County, Toro) may require a longer processing time frame due to the information required and public comments received, and Environmental Impact Report (EIR) requirements which typically take at least a year to process.

Streamlined Permit Processing for Affordable Housing Projects

The County Housing and Community Development Department prioritizes affordable housing projects with farmworker housing and inclusionary housing units.

The Housing and Community Development Department (HCD) implemented a program to help streamline the permit process to encourage projects that contain a significant amount of housing affordable to lower income households. The program contains the following components:

- HCD works closely with the applicant to ensure the proposed project addresses important land use issues such as land use compatibility, avoidance of resources, provision of infrastructure requirements and compliance with zoning regulations. This usually involves a series of meetings with the applicant's project team.
- Pre-submittal meetings with staff from relevant County departments (Public Works, Facilities & Parks; Environmental Health Bureau; Water Resources Agency; etc.) and outside agencies (fire districts, etc.) are set up by HCD and conducted to determine specific requirements and issues early in the process.
- HCD staff ensures that the affordable projects are given priority attention, remaining cognizant of relevant grant milestones and other funding issues that could potentially affect the project implementation.
- HCD processes the application, along with associated environmental documents, which are then considered by the appropriate decision-making body. After approval of the application, HCD staff works closely with the applicant on condition compliance, usually conducting a series of

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meetings with relevant County departments and outside agencies as needed to ensure that each condition of approval is addressed in a timely manner.

- Whenever possible, “concurrent processing” is pursued, (i.e., building plan check concurrent with reviews of the final map, etc.).
- HCD works to ensure timely reviews of plans and issuance of grading and building permits for affordable housing projects.

3.3.6.8 Fee Waiver and Procedures

When appropriate, the Chief of Planning may waive application and appeal fees for discretionary land use permits and building permits for:

- Inclusionary portions of proposed residential developments
- Special handling affordable housing projects, as detailed in the adopted Special Handling criteria (25% affordable housing). Amount of fees waived is based on the percentage of affordable housing provided and may include additional fees beyond the original application fees.
- Persons aged 62 or over on a fixed, very low income as defined by Housing and Urban Development.

The fee waiver procedure includes the following process.

1. Applicant meets with staff member to receive application materials. If applicant wishes to request a waiver of fees, the staff member gives the applicant a “Request for Fee Waiver” form.
2. The Request for Fee Waiver can follow one of two different processes:
 - a. **Process Waiver and Application Concurrently.** Applicant must pay the full fee concurrently with the application submittal. The waiver will be processed concurrently with the project so that both items go to hearing at the same time. Any fees waived by the Planning Commission shall be refunded within thirty days of the final action.
 - b. **Process Waiver before Application.** Submit the Fee Waiver before submitting an application. If an application is submitted, it shall be held incomplete until action is taken on the fee waiver and, if required, the fees are paid. The Department policy is that requests shall be set for hearing before the Planning Commission within 30 days of submittal.
3. Request for Fee Waivers that conform to the adopted Board policy can be approved by the Chief of Planning. County land use department shall receive copies of the approved waiver.

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4. Request for Fee Waivers that do not conform to the adopted Board policy are routed to the other land use departments for review and recommendation. Routed materials must include the Request for Fee Waiver, the project description, and plans prepared by the applicant.
5. In cases when the fee has been paid, County land use departments shall include their recommendations on the fee waiver as part of the interdepartmental review. If no recommendation is received it shall be deemed that the department concurs with the request.
6. After receiving the departments' recommendations, the Chief of Planning will consider the fee waiver request and forward a recommendation to the Planning Commission.
7. The applicant and land use agencies shall be notified of the date and time of the Planning Commission's consideration of the recommendation by the Chief of Planning.

3.3.7 Inclusionary Housing Ordinance

Inclusionary housing is a local ordinance or land use policy that either requires or encourages housing developers to include a specified percentage of low and/or moderate-income housing in new residential developments. While many jurisdictions, such as the County, have Affordable Housing programs that provide subsidies to developers to facilitate the development of affordable housing, existing programs only create a limited number of new units, given to limited subsidies. With an Inclusionary Housing Ordinance, if vacant and underutilized land identified in the Housing Element were developed at midpoint density, an inclusionary requirement of, say 20%, could result in an almost 40% increase in the affordable housing stock in Unincorporated Monterey County.

The Monterey County Board of Supervisors adopted an Inclusionary Housing Ordinance in 2011 (Chapter 18.40 of the Monterey County Code), that requires residential developments to construct inclusionary units in an amount equal to or greater than **20%** of the total number of units approved for the residential development (except to the extent a fraction of a unit would be required, for which the applicant may elect to substitute a fractional unit in-lieu fee).

3.3.7.1 Requirements

The Inclusionary Housing Ordinance applies to developments of three or more units/lots and exempts farmworker housing and mobile home parks. Requirements of the Inclusionary Housing Ordinance can be met through on-site provision, off-site provision, and payment of in-lieu fees. All new developments of three or four units/lots are expected to meet the inclusionary obligations through payment of in-lieu fees, although the developer has the option to build an inclusionary unit instead. Developments of five or more units/lots are expected to meet the inclusionary obligation through the development of on-site or off-site inclusionary housing units, except that a fee may be paid in-lieu of providing fractional units and in other circumstances. Inclusionary units are restricted for affordability in perpetuity.

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As shown in **Table 3-35. Inclusionary Zoning**, the occupancy and continuing availability of inclusionary units shall be provided in the following manner:

- **Ownership Units. Eight percent (8%)** of the total units in the development shall be set aside for moderate income households, **six percent (6%)** of the total units in the development shall be set aside for low-income households and an additional **six percent (6%)** of the total units in the development shall be set aside for very low-income households. On-site for-sale inclusionary units shall be sold only to eligible households (based on income level) and off-site inclusionary units only to low-income households, at prices affordable to such households.
- **Rental Units. Eight percent (8%)** of the total units in the residential development shall be set aside for moderate income households, **six percent (6%)** of the total units in the development shall be set aside for low-income households and an additional **six percent (6%)** of the total units in the development shall be set aside for very low-income households. On-site rental inclusionary units shall be rented only to eligible households (based on income level), and off-site inclusionary units only to very low-income households, at affordable rents for the relevant income category.

Table 3-35. Inclusionary Zoning

INCOME CATEGORY	OWNERSHIP UNITS	RENTAL UNITS
Very Low-income	6%	6%
Low-income	6%	6%
Moderate-income	8%	8%
Total	20%	20%

Source: County of Monterey

As of December 2022, the County has \$100,000 available in the Inclusionary Housing Fund that can be used to assist affordable housing units.

Inclusionary Housing Requirements are a potential constraint to housing development due to their impact on the profitability of new projects. Specifically, when a developer is required to build affordable (below market-rate) units in accordance with a jurisdiction's Inclusionary Housing Ordinance, the amount of revenue derived from these units will be restricted by income level. However, the cost to develop a below market-rate unit is equal to the cost to develop a market-rate unit of the same size. As a result, projects subject to inclusionary requirements may be less profitable than projects that are not subject to any restrictions on rent or sales revenue. Developers must demonstrate financial feasibility to receive funding from investors and lending institutions; therefore, inclusionary housing requirements

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can potentially constrain housing development if the requirements render a new project financially infeasible.

Harris and the County met with local developer stakeholders on January 21, 2023 and February 1, 2023 to discuss current challenges and constraints to housing development. During these meetings, the County's Inclusionary Housing Ordinance was not identified as a constraint, while other constraints such as water were noted as more significant challenges.

Since 1980, the following units have been constructed or rehabilitated in compliance with the County's Inclusionary Housing Ordinance:

- 283 affordable owner workforce housing units constructed
- 561 affordable rental units constructed
- 178 supportive and special needs units constructed or rehabilitated, supported with in-lieu fees collected through the Inclusionary Housing Ordinance

3.3.8 Codes and Enforcement and On-/Off-Site Improvement Standards

3.3.8.1 Codes and Enforcement

In 2001, the State of California consolidated its building codes into the California Building Standards Code, which is contained in Title 24 of the California Code of Regulations. The County adopted the 2022 California Building Code; Green Building Standards Code; and Electrical, Mechanical, Plumbing, Fire, Energy, Historical, and Uniform Housing Codes.

Code Enforcement investigates any type of complaint regarding property, parked vehicles, and trees, and enforces a variety of codes, including the following:

- California Building Codes.
- Monterey County Code (including zoning, noise, and other nuisances).
- Uniform Fire Code, Uniform Housing Code, and Building Code, including Americans with Disabilities Act (ADA) accessibility requirements.

Code Enforcement responds to complaints concerning all types of properties in the County. However, complaints related to housing in Unincorporated Monterey County typically involve the following:

- Construction without permits
- Unpermitted Grading
- Unpermitted tree removal

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- Noise
- Inoperable Vehicles
- Life/Safety issues
- Encroachments into the public right of way
- Unpermitted events
- Drainage/Erosion issues
- Unpermitted uses of parcels
- Short Term Rentals

Code Enforcement staff responds to approximately 75 new residential complaints and participates in 90 active investigations each month. Enforcement procedures place emphasis on voluntary compliance. On the average, Code Enforcement administers the following:

- 600 residential notices of violation per year
- 1,080 site inspections per year

During the 5th Housing Element Cycle, the County reported new building permits were issued for 35 units of deficient housing identified through code compliance activities.

According to the California Department of General Services website (<https://www.dgs.ca.gov/BSC/Codes/2022-Ordinances>), the County has not filed any local amendments to building standards with the California Building Standards Commission as of November 2024.

3.3.8.2 On-/Off-Site Improvement Standards

Poorly planned or scattered growth creates inefficiencies in the provision of infrastructure and public services, with associated increased costs that can constrain the development of affordable and workforce housing. The County strives to focus new residential development in Community Areas where existing infrastructure is adequate or can be improved to accommodate additional growth. Housing development in the Community Areas of the County will generally require the installation of in-tract roadways, water service lines, wastewater transmission lines, storm water facilities, and other utilities. All of the Community Areas are or will be served by community water and sewer systems. In some cases, new development will be responsible for bringing service extensions to the site. Sizing of lines will be determined at the time that the actual development is proposed. Upgrades to community-wide facilities, service systems, and related funding programs are or will be identified in applicable Community/Specific Plans.

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Table 3-36: On-/Off Site Improvements

Improvement Category	Improvement Type
Road Access	Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name
Secondary Street	<ul style="list-style-type: none"> • Two-lane street • Minimum right-of-way: 60 feet wide • Minimum pavement surface: 40 feet wide • Parking lane on both sides: 8 feet wide • Curb, gutter, and sidewalk required • Sidewalk: 5 feet wide
Tertiary Street	<ul style="list-style-type: none"> • Two-lane street with parking • Minimum right-of-way: 60 feet wide • Minimum pavement surface: 34 feet wide • Parking lane on both sides: 8 feet wide • Curb, gutter, and sidewalk required • Sidewalk: 5 feet wide
Rural Road	<ul style="list-style-type: none"> • Two-lane street with no parking • Minimum right-of-way: 60 feet wide • Minimum pavement surface: 22 feet wide • Minimum 2-foot-wide graded shoulders
Roadway Engineering	The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

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Improvement Category	Improvement Type
Driveways	<p>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.</p>
Gates	<p>All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.</p>
Emergency Water Systems	<p>The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available.</p>

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Improvement Category	Improvement Type
Emergency Water Systems (Fire Protection Water Supply) - Single Parcels	For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available.
Fire Hydrants / Fire Valves	A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.
Setbacks	All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect.
Disposal of Vegetation and Fuels	Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit.
Fire Protection Equipment & Systems - Fire Sprinkler System (Standard)	The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection.

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Improvement Category	Improvement Type
Fire Protection Equipment & Systems - Fire Sprinkler System (Hazardous Conditions)	The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with sprinklers.
Roof Construction (Standard)	All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction.
Roof Construction (Very High Hazard Severity Zone)	All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction.
Roof Construction (Carmel Valley Fire Protection District)	All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction.
Roof Construction (Cypress FPD & Pebble Beach CSD)	All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction.

Source: Monterey County Regional Fire Protection District

On-Off/Site Improvement Standards may pose a constraint due to the potential increase in development costs and reduction in financial feasibility given the requirements/materials involved to meet the improvement standards. For example, projects that are required to follow roof construction “Class A” standards may have significantly higher development costs than projects that are not constrained by this requirement.

3.3.9 Constraints on Housing for People with Disabilities

State law requires that each local jurisdiction assess its local governmental constraints relating to the construction and improvement of housing for people with disabilities. The County assessed its zoning requirements, permitting procedures, development standards, and Building Codes to identify potential constraints for housing for people with disabilities. The County’s policies and regulations regarding housing for people with disabilities are described below.

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3.3.9.1 Zoning and Land Use Policies and Practices

Currently, housing facilities for people with disabilities are regulated in the Monterey County Code under State Regulated Residential Care Facilities. The requirements of the California Health and Safety Code, Section 1520.5, are enforced by the California Department of Social Services, Health and Human Services Agency. The law requires that residential facilities be separated by a minimum of 300 feet to avoid over-concentration.

Residential care facilities often provide care to people with disabilities, including those with physical and mental disabilities. California law states that people who require supervised care are entitled to live in normal residential settings and preempts local governments from imposing many regulations on residential care facilities. California Health and Safety Code, Section 1500 *et seq.*, establishes that residential care facilities serving six or fewer people be: (1) treated the same as any other residential use; (2) allowed by right in all residential zones; and (3) subject to the same development standards, fees, taxes, and permit procedures as those imposed on the same type of housing in the same zone.

Title 21 of the Monterey County Code permits licensed residential care homes serving six or fewer persons in all residential zones by right. Licensed residential care homes serving more than six persons are allowed in the County's inland areas in the RDR, LDR, MDR, and HDR zones, with the approval of a Use Permit. Title 20 permits licensed residential care homes serving six or fewer persons in all residential zones with a Coastal Administrative Permit (CAP).

Furthermore, Title 21 defines transitional housing and supportive housing and permits these housing types in all residential zones within the County's inland areas. Title 20 defines transitional housing and supportive housing and permits these housing types with a CAP in all residential zones within Unincorporated Monterey County coastal areas.

3.3.9.2 Reasonable Accommodations

Monterey County Code Chapters 21.61 (Requests for Reasonable Accommodations) and 20.21 (Requests for Reasonable Accommodations) provide a procedure for granting a reasonable accommodation to individuals with a disability if necessary to eliminate barriers to housing opportunities in non-coastal and coastal areas.

Application & Approval Findings

According to Sections 21.61.040 and 20.61.00 of the Monterey County Code, 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. **A request for a reasonable**

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accommodation shall be filed with the Chief of Planning and shall require the following findings, based on substantial evidence:

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;
7. Reason that the requested reasonable accommodation is necessary for the individual(s) with the disability to use and enjoy the dwelling; and
8. Any such additional information as the Director of Planning may request consistent with fair housing laws to evaluate the request for reasonable accommodation.

Processes/Action

According to Sections 21.61.050 and 20.61.050 of the Monterey County Code, the following describes the decision-making process made by the Appropriate Authority to grant a reasonable accommodation.

- A. A decision by the Appropriate Authority for a reasonable accommodation, not combined with another permit pursuant to Chapter 21.76 (Combined Development Permits) or Chapter 20.82 (Combined Development Permits), shall be rendered in writing within 30 days of the date the application is filed. 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 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) or Chapter 20.82 (Combined Development Permits), shall have the same timeline for a decision rendered by the Appropriate Authority as that of the concurrent discretionary permit.

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- 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; and
 7. For coastal areas, the accommodation minimizes inconsistencies with and will not require a fundamental alteration of the County's Local Coastal Program.
- D. In coastal areas, in no case shall the appropriate authority apply the requirements of this section in a manner that is inconsistent with the federal Fair Housing Act.
- E. If granted, the reasonable accommodation shall run with the land, unless the Appropriate Authority determines at the time of granting the reasonable accommodation that the accommodation should be of a temporary nature and requires that it be removed at a specified time or event.
- F. In granting a request for reasonable accommodation, the Appropriate Authority may impose any conditions of approval which he or she determines are reasonable and necessary to make the findings required by Subsection 21.61.050.C or Section 20.61.050.C.
- G. Notwithstanding Section 21.84.120 or Section 20.90.120, if there is an outstanding violation of this title involving the property upon which there is a pending request for reasonable accommodation, the County may issue a reasonable accommodation, not associated with a discretionary permit, if necessary to provide an individual with a disability fair housing opportunities in compliance with this section and provided that the existing violation does not pose a risk to health and safety. The granting of the reasonable accommodation does not

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preclude the County from pursuing resolution of the violation, including code enforcement action.

- H. 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) or Chapter 20.82 (Combined Development Permit), then an appeal may be taken pursuant to the requirements for appeals of actions on Combined Development Permits.

Revocation

According to Sections 21.61.060 and 20.61.060 of the Monterey County Code, the following represents the process for revocation of a reasonable accommodation.

- 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 or Chapter 20.84.
- B. An appeal may be taken from such revocation or modification pursuant to Chapter 21.80 or Chapter 20.86.

Impact of Application of Findings

In unincorporated Monterey County, securing approval for reasonable accommodations in housing for individuals with disabilities involves assessing the potential negative impacts on property to ensure compliance with fair housing laws. When a request for a reasonable accommodation is submitted, it is evaluated under both federal and state laws to determine whether the accommodation is reasonable and whether it imposes an undue hardship on the property.

The Fair Housing Act and the California Fair Employment and Housing Act (FEHA) mandate that reasonable accommodations must be provided to ensure that individuals with disabilities have equal housing opportunities. These laws protect against discrimination and require modifications to policies, practices, or procedures when necessary to allow a person with disabilities the same use and enjoyment of a dwelling as individuals without disabilities.

When analyzing the impact of accommodations on property, the focus is on whether the proposed change fundamentally alters the nature of the program or imposes undue financial and administrative burdens. Accommodations are deemed unreasonable if they result in undue hardship, which is

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evaluated based on factors such as cost, the overall resources of the property owner, and the effects on the site's operations.

Key considerations in making these decisions include:

- Determining whether the accommodation is necessary to provide the individual with a disability an opportunity equivalent to that afforded to others.
- Assessing the potential for the accommodation to raise legitimate safety concerns or diminish property values, which must be supported by evidence, not assumptions or stereotypes about disabilities.

For specific housing developments, the approval findings for reasonable accommodations may consider the compatibility of the accommodation with existing land use and zoning standards, while also ensuring that there are no significant negative impacts on the neighborhood or community infrastructure.

Findings #3 (undue financial and administrative burden) and #5 (negatively impact property) could be potentially constraining to housing for persons with disabilities, since these determinations are subjective. The County will amend its Reasonable Accommodation procedure to provide definitions of undue burden and criteria for negative impacts to property (**Program H-4.G. Zoning Ordinances and General Plan Efficiencies for Housing**).

The requirement to provide reasonable accommodations in housing for individuals with disabilities is crucial for ensuring fairness and accessibility, but it can also introduce constraints for developers. These constraints may include increased costs, complexity in design and construction, potential delays in obtaining approvals, and the need to balance accommodations with other regulatory and market demands.

- **Increased Costs:** Modifications such as installing ramps, lifts, or other accessibility features can significantly raise construction costs, especially when retrofitting existing buildings.
- **Complexity in Design:** Making buildings accessible often necessitates more complex architectural designs. This can involve wider hallways, larger bathrooms, and wheelchair-accessible kitchens, which may reduce the total number of units that can fit into a given space.
- **Regulatory Compliance:** Meeting state and federal accessibility laws requires careful planning, which can complicate the approval process. This may result in delays and additional costs associated with regulatory reviews and necessary revisions.
- **Market Limitations:** The requirement to include accessible units might restrict the developer's ability to respond to market trends or demands that prioritize maximizing space or unit count.

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To help address these possible constraints, the County has included **Program H-5.E. Encourage Development of Housing for Persons with Disabilities**, in Chapter 8. Housing Plan of this Housing Element. The program aims to mitigate development constraints related to reasonable accommodations by maintaining a list of developers specializing in supportive housing, providing annual outreach to share information on sites and funding opportunities for projects targeting persons with disabilities, support developers in funding applications, streamline the permitting process for accessible housing projects, and offer technical assistance in design and legal compliance to ensure cost-effective and compliant solutions.

3.3.9.3 Definition of Family

Some local governments may illegally attempt to restrict access to housing for households failing to qualify as a “family” by the definition specified in the local government’s municipal code. Specifically, a restrictive definition of “family” that limits the number of and differentiates between related and unrelated individuals living together may illegally limit the development and siting of group homes for people with disabilities, but not for housing families that are similarly sized or situated.

The County amended Titles 20 and 21 to define a family as “one or more non-transient, related or unrelated persons living together in a dwelling unit” (Sections 20.06.450 and 21.06.450). This new definition ensures that the Monterey County Code regulates land use types but not its users.

3.3.9.4 Building Codes

Building procedures within the County are also required to conform to the California Building Code, as adopted in the Monterey County Code. Standards within the Building Code include provisions to ensure accessibility for people with disabilities. These standards are consistent with the ADA and Title 24. No local amendments that would constrain accessibility or increase the cost of housing for people with disabilities have been adopted.

3.3.10 Summary of Governmental Constraints

A summary of the governmental constraints discussed in this section are as follows:

- National and State Economic and Job Market Conditions
 - In recent years, housing prices have increased at a higher rate than wages, thereby increasing demand for affordable housing.
 - Lack of federal and state funding and subsidies needed for affordable housing development.
 - Multiple sources of funding needed to cover all expenses.

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- To ensure environmental protection and safety, new housing projects require a complex environmental review process to ensure compliance with existing state and federal laws:
 - Costs of environmental review process are added to the cost of housing.
 - New developments within the coastal zone, which makes up approximately 10% of Monterey County’s land area, need to follow regulatory requirements and limitations imposed by the California Coastal Act of 1976.
- Local constraints related to land use policies, Community Plans, Rural Centers, Affordable Housing Overlay, Urban Growth Boundary Agreements, and utility and public service constraints that must be taken into account when planning new development.
 - See section 3.3.3.8 – Utility and Public Service Constraints – for summaries of major water supply and quality issues within specific regions.
- Development standards including residential density, lot size and area, setbacks, lot coverage, maximum floor area ratio, parking requirements, height limits, and regulations for specific districts.
- Development Impact Fees and Community Development Service fees can significantly increase the costs of new housing projects.
- Development review and permit processing can be time-consuming and expensive steps in the housing development process.
- Limited new housing units under Existing Affordable Housing programs, as well as limited subsidies.
- Infrastructure improvements may be necessary to ensure that a potential development site can accommodate additional growth.
- Individuals with disabilities face unique barriers to housing opportunities and may require special accommodations. New housing projects must comply with existing policies.

3.4 Zoning for a Variety of Housing Types

Housing Element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of a variety of housing types for all economic segments of the population. The requirements of the County’s zoning regulations (Title 20 - Coastal and Title 21 Inland) establish the amount and distribution of residential, mixed-use, and commercial zones that allow for a variety of housing types. Given significant existing infrastructure, agricultural, and natural resource constraints, the County encourages higher-density residential development in Community Areas where adequate infrastructure exists or can be readily extended with fewer impacts on regional resources. **Table 3-37. Residential Uses Permitted by Housing Type – Inland (Title 21)** and **Table 3-38. Residential Uses Permitted by Housing Type – Coastal (Title 20)** summarize the various housing types permitted and conditionally permitted under the Monterey County Code.

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Table 3-37. Residential Uses Permitted by Housing Type – Inland (Title 21)

	Rural Density Residential (RDR)	Low Density Residential (LDR)	Medium Density Residential (MDR)	High Density Residential (HDR)	Mixed- use (MU)	Farmlands (F), Rural Grazing (RG), Permanent Grazing (PG)	Resource Conservation (RC)	Light Commercial (LC), Heavy Commercial (HC)	Visitor Serving/ Professional Office (VO)	Agricultural Industrial (AI)	Light Industrial (LI), Heavy Industrial (HI)
Single-Family	P/AP/ UP	P/AP/ UP	P/AP/ UP	P/AP/UP	P/AP/ UP	P	P/AP	UP	UP	UP	UP
Accessory Dwelling Units	P	P	P	P	P	---	---	AP/UP	AP/UP	AP/UP	AP/UP
Guesthouses	P	P	---	---	---	---	---	---	---	---	---
Duplexes	---	---	AP/UP	P/AP/UP	P/AP/ UP	---	---	UP	UP	---	UP
Multi-family	---	---	---	P/AP/UP	P/AP/ UP	---	---	UP	UP	---	UP
Mobile Home Parks	UP	UP	UP	UP	UP	---	---	---	---	---	---
Employee Housing	P	P	P	P	P	---	P	UP	UP	AP/UP	UP
Agricultural Worker Housing	---	---	---	---	UP	P/AP/ UP	UP	UP	UP	UP	UP
Homeless Shelters	---	---	---	P	P	---	---	---	---	---	---
Transitional Housing	P	P	P	P	P	---	P/AP/ UP	UP	UP	UP	UP
Supportive Housing	P	P	P	P	P	---	P/AP/ UP	UP	UP	UP	UP
Single Room Occupancy Housing	---	---	---	UP	UP	---	---	UP	UP	UP	UP
Residential Care Home- Small (6 or fewer persons)	P	P	P	P	---	P/AP	P/AP	UP	UP	UP	UP
Residential Care Home - Large (6+ persons)	UP	UP	UP	UP	---	---	---	UP	UP	UP	UP

Source: 2022 Monterey County Municipal Code, Title 21

P = Permitted; AP = Administrative Permit Required; UP = Use Permit Required

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Table 3-38. Residential Uses Permitted by Housing Type – Coastal (Title 20)

	RURAL DENSITY RESIDENTIAL (RDR)	LOW DENSITY RESIDENTIAL (LDR)	MEDIUM DENSITY RESIDENTIAL (MDR)	HIGH DENSITY RESIDENTIAL (HDR)	WATERSHED AND SCENIC CONSERVATION (WSC)	AGRICULTURAL CONSERVATION (AC)	AGRICULTURAL INDUSTRIAL (AI)	COASTAL AGRICULTURAL PRESERVATION (CAP)	COASTAL GENERAL COMMERCIAL (CGC)	VISITOR SERVING COMMERCIAL (VSC)	OPEN SPACE RECREATION (OR)
Single-Family	CAP/ CDP	CAP/ CDP	CAP/ CDP	CAP/ CDP	CAP/ CDP	CAP	---	CAP	CDP	CDP	---
Accessory Dwelling Units	CAP	CAP	CAP	CAP	CDP	---	---	---	CDP	---	---
Guesthouses	CAP	CAP	CAP	CAP	CAP	CAP	---	---	--	---	---
Duplexes	---	---	CAP/ CDP	CAP/ CDP	---	---	---	---	CDP	---	---
Multi-family	--	--	---	CAP/ CDP	--	---	--	--	CDP	--	--
Condominiums	---	---	CDP	CDP	---	---	---	---	---	---	---
Mobile Home Parks	CDP	CDP	CDP	CDP	---	---	---	---	---	---	---
Employee Housing	CAP	CAP	CAP	CAP	CAP	---	CDP	---	CDP	CDP	CDP ¹
Agricultural Worker Housing	CDP	CDP	---	---	CDP	CAP	CDP	CAP	---	---	---
Emergency Shelter	--	--		CAP	---	---	---		--	---	---

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	RURAL DENSITY RESIDENTIAL (RDR)	LOW DENSITY RESIDENTIAL (LDR)	MEDIUM DENSITY RESIDENTIAL (MDR)	HIGH DENSITY RESIDENTIAL (HDR)	WATERSHED AND SCENIC CONSERVATION (WSC)	AGRICULTURAL CONSERVATION (AC)	AGRICULTURAL INDUSTRIAL (AI)	COASTAL AGRICULTURAL PRESERVATION (CAP)	COASTAL GENERAL COMMERCIAL (CGC)	VISITOR SERVING COMMERCIAL (VSC)	OPEN SPACE RECREATION (OR)
Transitional Housing	CAP/CDP	CAP/CDP	CAP/CDP	CAP	CAP/CDP	---	---	---		---	---
Supportive Housing	CAP/CDP	CAP/CDP	CAP/CDP	CAP	CAP/CDP	---	---	---		---	---
Single Room Occupancy Housing	CDP	---	---	---	---	---	---	---	---	---	---
Residential Care Home-Small (6 or fewer persons)	CAP	CAP	CAP	CAP	CAP	CAP	---	CAP	CDP	---	---
Residential Care Home-Large (6+ persons)	CDP	CDP	CDP	CDP	---	---	---	---	---	---	---

Source: 2022 Monterey County Municipal Code, Title 20

CAP = Coastal Administrative Permit Required; CDP = Conditionally Permitted / Coastal Development Permit Required

1. Exception of North County

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3.4.1 Single-Family Housing

The term “Single-Family Dwelling” is defined in the Monterey County Code as a detached structure, including a mobile home or manufactured dwelling unit, containing only one kitchen, and used to house not more than one family.

3.4.1.1 Coastal Zones

The first single-family dwelling on a legal lot is allowed with approval of a Coastal Administrative Permit (CAP) in all coastal residential zones. Up to two residential single-family units not exceeding the zoning density of the property are permitted with a CAP in the Watershed and Scenic Conservation (WSC) zone. Units for an owner, operator or on-site employee are also allowed with a CAP in the Coastal Agricultural Preserve (except in unincorporated Carmel Area) and Agricultural Conservation (AC) zones if accessory to the agricultural use of a property. Additional residential units up to four on any lot and not exceeding the zoning density of the property may be allowed with approval of a Coastal Development Permit in the Rural Density Residential (RDR) and Low Density Residential (LDR) zones. The Medium Density Residential (MDR) zone can accommodate a second single-family unit with a CAP (subject to maximum density specified on the Sectional District Map) or additional units not to exceed two per acre with a CDP. Single-family dwellings at five to eight units per acre are allowed with a CAP and over eight units per acre with a CDP in the High Density Residential (HDR) zone.

3.4.1.2 Inland Zones

The first single-family units are permitted by right in all inland residential zones and the Mixed-Use (MU) and Resource Conservation (RC) zone. A Use Permit (UP) is required for additional residential units up to four per lot and not to exceed the property’s zoning density in the RC zone. A second unit not exceeding the zoning density of the property requires an Administrative Permit (AP) in the RDR, LDR, and MDR zones. Up to four units not exceeding two units per acre is allowed with approval of a Use Permit (UP) in the MDR zone (except in unincorporated Del Monte Forest). An AP is required for projects of between five and ten units per acre in the HDR zone and a UP is required for over ten units per acre in this zone. Up to three single-family dwellings per lot for an owner, operator, or on-site employee are permitted with a discretionary permit in the Farmlands (F), Rural Grazing (RG), and Permanent Grazing (PG) zones.

3.4.2 Guesthouses

Guesthouses are attached or detached living quarters of a permanent type of construction lacking internal circulation with the main dwelling, without kitchen or cooking facilities, clearly subordinate and

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incidental to the main structure, on the same lot, and not to be rented, let, or leased, whether compensation is direct or indirect. Guesthouses are allowed with a CAP within all coastal residential zones and the WSC, CAP, and AC zones and are permitted by right in the RDR, LDR, F, PG, and RG inland zones.

3.4.3 Duplexes

Duplexes are detached structures designed for or occupied exclusively by two families living independently of each other under one roof, and each dwelling unit having its own kitchen.

3.4.3.1 Coastal Zones

Within the coastal zone, duplexes between five and eight units per acre require a CAP in HDR zone and projects of more than eight units per acre require a CDP. The first duplex on a vacant lot in the MDR zone, not exceeding two units per acre provided the gross density does not exceed the density specified on the Sectional District Map, also requires a CAP. The coastal MDR zone also accommodates duplexes exceeding two units per acre, but not less than four total units with approval of a CDP.

3.4.3.2 Inland Zones

Within the inland HDR zone, duplexes with less than five units per acre are permitted by right, five to eight units per acre are permitted with an AP, and anything exceeding ten units per acre requires a UP. The MDR zone allows duplexes that do not exceed two dwelling units per acre, or the density specified on the Sectional District Map on lots located outside of Del Monte Forest with approval of an AP. A UP is required for over two duplex units per acre up to four total units per lot in the MDR zone.

3.4.4 Multi-family Housing

Multi-family dwellings are attached units that house three or more families, living independently of each other. Each unit has its own kitchen. Multi-family developments are accommodated in the coastal and inland HDR zones.

3.4.4.1 Coastal Zones

A CAP is required for multi-family developments at five to eight units per acre and a CDP is required for projects over eight units per acre in the coastal HDR zone.

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3.4.4.2 Inland Zones

Up to five units per acre are permitted by right in the inland HDR zone. Between five and eight units per acre are allowed in this zone with approval of an AP and projects over ten units per acre require a UP.

Given the rural nature of much of the unincorporated areas, the process for requiring a CDP in the coastal zones and a UP in the inland zones for multi-family housing is reasonable. Water supply and biological resources often require careful assessment to determine the suitability of sites for development and the availability of infrastructure and services. To address this constraint, the County identifies Community Areas that have or will have urban-level infrastructure so the discretionary review process can be avoided once the Community Plan is adopted. Therefore, this Housing Element focuses most of the residential sites to accommodate the RHNA in Community Plan areas.

3.4.5 Condominiums

Condominiums are multi-unit attached homeowner dwellings with shared exterior common areas. Condominiums require a subdivision process in the inland areas of the County and additionally, a Coastal Development Permit in the coastal HDR and MDR zones.

3.4.6 Affordable Housing

3.4.6.1 Land Use Policy LU-2.11

The standards and requirements for affordable housing established in Section 21.10.070 were removed from the Zoning Ordinance and replaced with the Affordable Housing Overlay (AHO) District from the adopted 2010 General Plan in 2021. Land Use Policy LU-2.11 summarizes in detail the parameters for the AHO. In addition, Community Areas prior to the adoption of a Community Plan and Rural Centers prior to the adoption of a Capital Improvement and Financing Plan, shall be designated as an AHO.

The following generally summarizes LU-2.11:

- Properties must meet the suitability criteria to be eligible for the AHO program:
 - The property is located in an AHO district;
 - Development shall be approved on a project-by-project basis and achieve, at the minimum, the following levels of affordability:
 - 10 percent Very Low;
 - 15 percent Low;
 - 15 percent Moderate;

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- 20 percent Workforce I; and
- 40 percent Workforce II.
- Mixed-use development that combines residential with commercial uses – a mix of housing types shall be provided on sites in excess of five acres.
- The minimum density for an AHO project shall be six units per acre, up to 30 units per acre. An average minimum density of 10 units per acre shall be provided.
- Incentives shall be provided:
 - Density bonuses;
 - Streamlined processing;
 - Waiver or deferral of planning and building permit fees;
 - Priority allocation of resource capacity such as water and sewer; and
 - Modified development standards.
- Within Community Areas, affordable housing projects meeting the provisions of this policy may proceed prior to adoption of a Community Plan and needed regional infrastructure as long as all project related infrastructure improvements are made concurrent with the development.
- Within Rural Centers, affordable housing projects meeting the provisions of this policy may proceed prior to preparation of an Infrastructure and Financing Study as long as all project related infrastructure improvements are made concurrent with the development.

3.4.6.2 Land use Policy LU-1.19

Land Use Element Policy LU-1.19 of the General Plan, approved on October 26, 2010, mandated the County to institute a Development Evaluation System (DES) for regions not encompassed by Community Areas, Rural Centers, and Affordable Housing Overlay districts. Among various stipulations, the DES system would necessitate a 35-percent inclusionary provision for projects involving five or more units.

A 35-percent inclusionary requirement mandates that a certain percentage of units in a development—specifically, 35 percent—must be designated as affordable housing. While the intention behind inclusionary requirements is to promote the creation of affordable housing units, this requirement can pose challenges and constraints to development for several reasons:

- **Financial Viability:** Requiring a significant portion of units to be affordable can impact the financial feasibility of a development project. Developers may face increased costs associated with constructing and subsidizing affordable units, potentially affecting the overall financial

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viability of the project. Considering the dynamic interaction between market pressures influencing private developers and the resource constraints faced by the public sector, policies that heavily rely on public-private partnerships need to consider this as a factor.

- **Reduced Profit Margins:** Developers typically aim for a certain profit margin to make a project economically viable. The inclusion of a substantial percentage of affordable units may reduce these profit margins, making the project less attractive from an investment perspective.
- **Impact on Market-Rate Units:** Developers might need to increase the prices of market-rate units to compensate for the costs associated with providing affordable housing. This can make market-rate units less competitive or less appealing to potential buyers or tenants.
- **Project Delays:** Meeting inclusionary requirements may involve additional administrative processes, negotiations, and regulatory compliance, potentially leading to delays in project approvals and construction.
- **Land Availability:** In some cases, the availability of suitable land for affordable housing within a development project may be limited. Developers may need to navigate challenges in identifying and securing appropriate sites for affordable units.
- **Complexity in Implementation:** Implementing inclusionary requirements often involves coordination with local governments, monitoring compliance, and ensuring long-term affordability. These complexities can pose challenges to developers unfamiliar with affordable housing regulations.

Under **Program H-2.G. Comprehensive Suite of Incentives/Concessions Developers**, the County will explore the efficacy of LU-1.19 and if concessions and incentives currently available to developers can help offset the constraints posed above.

3.4.7 Mobile Home Parks and Manufactured Dwelling Units

Mobile homes or manufactured dwelling units offer an affordable housing option to many lower and moderate-income households. The County provides four definitions relating to mobile homes or manufactured dwelling units (see Chapters 20.06 and 21.06):

- **“Mobile home”** means a vehicle designed and equipped for human habitation.
- **“Former mobile home”** means a mobile home attached to a permanent foundation and modified to meet applicable building code and land use requirements as a residential structure.
- **“Mobile home park”** means a parcel of land under one ownership which has been planned and improved for the placement of two or more mobile homes for rental purposes for non-transient use.

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- “Dwelling unit manufactured” means a dwelling structure, constructed in part or in whole off the building site, including a mobile home meeting the standards of the National Manufactured Housing and Construction Safety Act of 1976, and subsequently transported to the site and installed on a permanent foundation. A manufactured dwelling unit does not include a mobile accessory building or structure, a recreational vehicle, or a commercial coach.

Mobile Home Parks are permitted in RDR, LDR, MDR and HDR zones with approval of a CDP in coastal areas and a UP in inland areas. Manufactured housing units that meet certain minimum specifications established by State law must be permitted in all residential zones that permit single-family dwelling units. Although a form of manufactured housing, not all mobile homes meet the minimum specifications established by State law. Sections 20.64.040 and 21.64.040 of the Monterey County Code establish development standards and criteria for housing that has been manufactured within 10 years of the permit issuance and placed on permanent foundations.

3.4.8 Farmworker and Employee Housing

Pursuant to the California Employee Housing Act (Section 17000 of the California Health and Safety Code), specifically Section 17021.5, any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure within a residential land use designation. Employee housing for six or fewer people must be permitted wherever a single-family residence is permitted. To comply with State law, no conditional use permit or variance can be required.

Additionally, in accordance with California Health and Safety Code, Section 17021.6, any employee housing consisting of no more than 36 beds in group quarters, or 12 units or spaces designed for use by a single-family or household, or that is approved pursuant to California Health and Safety Code, Section 17021.8, shall be deemed an agricultural land use. Except as provided in Section 17021.8, housing is an activity that differs in any other way from an agricultural use. No CUP, zoning variance, or other discretionary zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

Farmworker and Employee Housing is typically a form of shared housing, either dormitory style units or, more commonly, 2-bedroom apartments housing 8, unrelated people of the same gender. Projects with more than 10-units are allowed but must obtain a Use Permit pursuant to Monterey County Code 21.10.050.A. These Use Permits typically contain a provision that the units may not be occupied year-round. Chapters 20.06 and 21.06 were amended in 2011 to include revised definitions for agricultural employee housing and employee housing:

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- “Agricultural employee” means a person engaged in agriculture, including: farming in all its branches, and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, furbearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.
- “Agricultural employee housing” is defined as any living quarters or accommodations of any type, including mobile homes, which comply with the building standards in the California Building Standards Code or an adopted local ordinance with equivalent minimum standards for building(s) used for human habitation, and buildings accessory thereto, where accommodations are provided by any person for individuals employed in farming or other agricultural activities, including such individuals' families. The agricultural employee housing is not required to be located on the same property where the agricultural employee is employed.
- “Employee” means the same as “employee” as defined in Section 17005 of the California Health and Safety Code, as may be periodically amended.
- “Employee housing” means the same as “employee housing” as defined in Section 17008 of the California Health and Safety Code, as may be periodically amended.

Titles 20 and 21 now also include provisions for the development of agricultural employee housing and employee housing, according to the requirements of the State Employee Housing Act.

In addition to the above provisions, zoning is available for housing for farmworkers through the variety of other housing types encouraged in the Monterey County Code, including multi-family, single room occupancy, and accessory dwelling units.

3.4.9 Residential Care Facilities

California law declares that people who experience disabilities and require supervised care are entitled to live in normal residential settings; it also preempts cities from imposing many regulations on residential care homes. California HSC, Section 1500 et seq., establishes that residential care homes serving six or fewer people be: (1) treated the same as any other residential use; (2) allowed by right in all residential zones; and (3) subject to the same development standards, fees, taxes, and permit procedures as those imposed on the same type of housing in the same zone.

Titles 20 and 21 of the Monterey County Code define residential care homes as:

- **Residential Care Facility, Large:** A living facility for seven to twelve (12) residents, excluding operators, licensed by the State of California, which provides 24-hour residential care and

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varying levels and intensities of medical or non-medical care, supervision, services, or assistance to persons living in a residential setting.

- **Residential Care Facility, Small:** 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.

Residential care facilities are facilities that provide 24-hour residential care for the following: individuals; including the elderly; persons in an alcoholism or drug abuse recovery or treatment facility; persons in a facility for mentally disabled; handicapped persons or dependent and neglected children; persons in an intermediate care facility/developmentally disabled-rehabilitative; intermediate care facility/developmentally disabled-nursing; and congregate living health facilities.

The Lanterman Developmental Disabilities Services Act provides that state-licensed residential care facilities serving six or fewer individuals must be treated no differently than any other single-family residential use. Title 21 was amended in 2011 to accommodate licensed residential care homes serving six or fewer persons in all residential zones by right. Licensed residential care homes that serve more than six persons are allowed in the County's inland areas in the RDR, LDR, MDR, and HDR zones, with the approval of a Use Permit. Amendments to Title 20, were adopted by the Board of Supervisors in December 2015, as certified by the California Coastal Commission.

3.4.10 Mixed-Use

All residential uses are allowed in the following districts as long as the square footage of the residential use does not exceed the gross square footage of the base commercial or industrial use: Light Commercial (LC), Heavy Commercial (HC), Visitor Serving/Professional Office (VO), Agricultural Industrial (AI), Light Industrial (LI), Heavy Industrial (HI) inland zones (with a UP), and the Coastal General Commercial (GCG) zone (with a CDP). The 2010 General Plan Land Use Element includes a new Mixed-Use (MU) land use designation to further facilitate the development of a wide range of housing types in the County.

3.4.11 Emergency, Transitional and Supportive Housing

3.4.11.1 Emergency Shelters

Senate Bill 2, enacted in October 2007, requires local governments to identify one or more zoning categories that allow emergency shelters (year-round shelters for people experiencing homelessness) without discretionary review. The statute permits the County to apply limited conditions to the approval of ministerial permits for emergency shelters. For instance, off-street parking requirements cannot

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exceed what is required for residential and commercial uses in the same zone. Also, per Senate Bill 2, the identified zone(s) must have sufficient capacity to accommodate at least one year-round shelter and accommodate the County's share of the regional unsheltered homeless population.

Note also that HCD created new requirements to Housing Element Law pursuant to AB 2339 (Statutes of 2022), effective January 1, 2023. Under AB 2339, housing elements must identify residential and mixed-use zones where emergency shelters are permitted ministerially. Under the new legislation, shelters are now subject only to certain objective standards referenced in the statute itself, with other local standards no longer applicable. Jurisdictions must analyze each of the standards adopted from the statutory list as a potential constraint on housing for all income levels.

Homeless shelters/emergency shelters are permitted by-right in High Density Residential and Mixed-Use zones in Inland areas (Title 20) as well as within areas designated by a Community Plan as Mixed-Use or High Density Residential. Properties zoned High Density Residential or Mixed-Use are generally located in the more urbanized areas of the Unincorporated Monterey County, with access to public transportation and services, which satisfies AB 2339. Emergency shelters require a Coastal Administrative Permit (CAP) in Coastal areas (Tile 21).

Homeless shelters are also subject to the following additional development standards:

- 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 2,500 feet from a public transit stop.
- 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.
- 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.
- Operations Plan. The operator of the homeless shelter shall submit an Operations Plan to the Chief 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:
 - 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 near the site. The operator shall also demonstrate that emergency service providers including the Sheriff's Office, the local Fire Department and the appropriate

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Ambulance operators have been adequately notified and will provide services to the shelter.

- 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.
- Proximity to Other Homeless Shelters. No homeless shelter shall be within a 300-foot radius from another homeless shelter.
- Length of Stay. Individual occupancy is limited to six or fewer consecutive months and shall not exceed 300 days within a 12-month period.
- 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.
- On-site Waiting and Intake Areas. A minimum of five 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.
- Off-Street Parking. One space per employee and one space per six beds or portion thereof.

The parking requirement for emergency shelters is not compliant with AB 2339 which requires jurisdiction to only require sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. **Program H-4.G (Zoning Ordinances and General Plan Efficiencies for Housing)** includes an action to address this inconsistency with state law. AB 2339 also requires that jurisdictions expand the definition of emergency shelters per AB 2339 to include interim housing options such as navigation centers, bridge housing, and respite and recuperative care; and identify zoning designations where emergency shelters are allowed to include sites that meet at least one of the following: Vacant and zoned for residential use; Vacant and zoned for nonresidential use and located near amenities and services for homeless individuals; Nonvacant and is suitable for use as a shelter in the current planning period

The County's zoning code currently defines "homeless shelter" as follows:

"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."

This definition ties the County's zoning code directly to the state law, referencing the California Health and Safety Code (Section 50801(e)) for its definition of "emergency shelter." Any changes to the state

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law under AB 2339 will automatically apply, ensuring compliance with the expanded definition of emergency shelters and interim housing options. Therefore, the County is in alignment with the requirements of AB 2339 and does not need to make further changes to its zoning code at this time.

The 2022 County Point-In-Time (PIT) count estimated 268 unsheltered people in Unincorporated Monterey County. To meet the requirements of AB 2339, 33,500 square feet (125 s.f. per person, 0.77 acres) of appropriately zoned (HDR/Mixed-Use) land that meet the County development standards for Emergency Shelters would be needed. This means that at least 0.77 acres of HDR/Mixed Use zoned land that are within (2,500 feet or 0.47mi) of a public transit stop. There are no parcels that meet this criteria to provide space for potential emergency shelters to meet the requirements of AB 2339. To address this inconsistency with AB 2339, **Program H-4.G (Zoning Ordinances and General Plan Efficiencies for Housing)** includes actions to either modify zoning or revise development standards to ensure sufficient land is available for emergency shelters in compliance with state law.

3.4.11.2 Single Room Occupancy Units

AB 2364 amended State Housing Element law in 2006 to require that local jurisdictions address the provision of housing for extremely low-income individuals or households, including Single Room Occupancy (SRO) units. 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 amended Title 21 to include a definition of SRO housing and allow for their development in the HDR zone, with the approval of a Use Permit. SROs may also be considered within areas designated by a Community Plan as Mixed-Use or High Density Residential, subject to approval of a Use Permit. SRO housing is subject to the following additional development standards:

- **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.
 - **Rationale:** Ensures units are not overcrowded and provides a minimum living space for residents to maintain health and safety standards. According to the California Building Standards Code (CBC) - Section 1207.2, the minimum room size for sleeping areas is 70 square feet for one person and 100 square feet for two people.
- **Private Facilities.** Each single room occupancy unit must include a closet and may contain either kitchen facilities or bath facilities, but not both.

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- Rationale: Requiring a closet ensures adequate storage for personal belongings, contributing to organization and livability. Allowing either kitchen or bath facilities, but not both, aligns with common SRO design standards that balance affordability and efficient use of space while encouraging shared facility use. This promotes cost-effective development while maintaining essential amenities for residents.
- Common Space. Each SRO facility shall have at least 10 square feet of common usable area per unit; however, no SRO facility shall provide less than 200 square feet of common outdoor area and 200 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.
 - Rationale: Providing a minimum of 10 square feet of common area per unit (with a minimum of 200 square feet of indoor and outdoor space) ensures residents have access to communal areas for social interaction and recreation, which is vital for mental well-being. Excluding narrow landscape areas, hallways, and storage from the calculation ensures the space is truly usable.
- Management. An SRO facility with 12 or more units shall provide 24-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.
 - Rationale: Requiring 24-hour on-site management for SRO facilities with 12 or more units ensures tenant safety, rapid response to maintenance issues, and enforcement of house rules. This aligns with best practices for property management and safety regulations in multifamily housing.
- Laundry Facilities. Single room occupancy facilities shall include laundry facilities.
 - Rationale: Access to laundry facilities is an essential residential amenity that supports hygiene and cleanliness. The California Health and Safety Code (HSC) §17920.3 lists inadequate sanitation—including lack of laundry access—as a substandard housing condition, underscoring the necessity of on-site facilities to maintain public health and livability.
- Off-Street Parking. One space per unit (if not within 2,000 feet of public transit) and 0.5 spaces per unit (within 2,000 feet of public transit).
 - Rationale: The off-street parking requirement for Single Room Occupancy (SRO) units aligns with the general parking standard for Multi-Family Residential (MFR)

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developments in Monterey County, which is typically 1 space per unit. In areas within 2,000 feet of public transit, the reduced parking requirement of 0.5 spaces per unit encourages the use of public transit, aligning with California’s sustainability goals and California Government Code Section 65915 for reducing dependence on private vehicles in transit-oriented developments (TOD).

The Cities of Salinas, Marina, and Soledad within Monterey County have adopted codes for SRO facilities. The County of Monterey differs most distinctly from the Cities by not requiring an in-unit bathroom and cooking facility and states that a unit ‘may contain either kitchen or bathroom but not both.’ Also notably, County does not require on site management for facilities with 12 or fewer units, does not require television/telephone/internet connectivity, and does not have a minimum occupancy timeframe. The Cities do have these requirements. The following table compares the existing ordinances for the County of Monterey to the Cities of Salinas, Marina, and Soledad.

Table 3- 39 – SRO Development Standard Regional Comparisons

Jurisdiction	County of Monterey	City of Salinas	City of Marina	City of Soledad
Regulation link	Chapter 21.64	Sec 37-50.270	17.42.140	17.38.390
Occupancy maximum	2	2	2	1
Minimum/maximum size (square feet)	150/400	150/500	150/350	150
Bathrooms	In unit or out of unit	In unit	In unit	In unit
Cooking	In unit or out of unit	In unit	In unit	In unit
Laundry on site?	Yes	Yes	Not mentioned	Yes
Television and Telephone	Not mentioned	Required	Required	Required
Minimum occupancy timeframe	Not mentioned	Not mentioned	Not mentioned	30 day minimum
Manager unit on site	Manager on site for more than 12 units	Manager on site	Manager on site	Manager on site
Management plan requirement?	Yes	Yes	No	No
Permit required?	Use permit	Use permit	N/A	Deed restricted
Other		Additional requirements to prevent units having an external entry way	Additional requirements to prevent units having an external entry way	Cleaning service must be provided for common area

The development standards for SRO units in unincorporated Monterey County are not constraints to development, but rather ensure that the units are functional, livable, and sustainable. The minimum unit size of 150 square feet provides sufficient space to maintain health and safety standards while accommodating up to two residents, which is consistent with California Building Standards. The provision of either kitchen or bath facilities (rather than both) encourages cost-effective use of space without compromising essential amenities. Additionally, the requirement for common space ensures

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that residents have access to communal areas vital for social interaction and well-being, while not creating excessive space demands. Management requirements and the provision of laundry facilities further enhance livability and tenant safety. Finally, the parking requirements align with local MFR standards, with flexibility provided for developments near public transit, promoting sustainable transportation choices. Overall, these standards support the creation of high-quality, affordable housing without imposing unnecessary barriers to development. Compared to cities such as Salinas, Marina, and Soledad, the County’s standards are generally less restrictive, offering greater flexibility around unit features, management, and occupancy requirements—further supporting feasibility for SRO development across a range of site conditions.

3.4.11.3 Transitional and Supportive Housing

State law requires transitional and supportive housing to be defined as a residential use and subject only to the same regulations as comparable residential uses.

Transitional Housing

Transitional Housing units or facilities provide a residence for homeless individuals or families for an extended period of time, usually six months to two years, which also offers other social services and counseling to assist residents in achieving self-sufficiency. Transitional Housing may be accessory to a public or civic type use.

The County amended Chapter 21.06 to define transitional housing as “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 (6) months” (Section 21.06.1315). Transitional housing is now permitted in all residential zones within the County’s inland areas. Amendments to Title 20, were adopted by the Board of Supervisors in December 2015, as certified by the California Coastal Commission.

Transitional housing is permitted as an accessory use to the agricultural of uses on the properties in the Farmland (F), Permanent Grazing (G), and Rural Grazing (RG) zones as well as regulated as a residential use in all zones that permit residential uses (including High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential, Watershed and Scenic Conservation, Agricultural Industrial, Coastal Agricultural Preserve, and Agricultural Conservation zones).

Supportive Housing

AB 2162 (2018) further requires supportive housing projects of 50 units or fewer to be permitted by right in zones where multi-family and mixed-use developments are permitted when the development

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meets certain conditions. AB 2162 also prohibits minimum parking requirements for supportive housing within 0.5 mile of public transit.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260¹⁴, 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.

The County amended Chapter 21.06 to define supportive housing as “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” (Section 21.06.1276). Supportive housing is now permitted in all residential zones within the County’s inland areas. Amendments to Title 20, were adopted by the Board of Supervisors in December 2015, as certified by the California Coastal Commission.

Supportive housing is permitted as an accessory use to the agricultural of uses on the properties in the Farmland (F), Permanent Grazing (G), and Rural Grazing (RG) zones and is also regulated as a residential use in all zones that permit residential uses (including High Density Residential, Medium Density Residential, Low Density Residential, Rural Density Residential, Watershed and Scenic Conservation, Agricultural Industrial, Coastal Agricultural Preserve, and Agricultural Conservation zones).

State law requires supportive and transitional housing be treated as residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. AB 2162 requires cities to allow certain supportive housing meeting specific criteria to be permitted by right in all zones where multifamily housing is also permitted (including nonresidential zones). For supportive housing located within half-mile from transit, no minimum parking can be required. Title 21 permits transitional and supportive housing in all zones allowing residential uses in coastal and inland areas, including zones multifamily housing is also allowed (HDR and Mixed-use zones). However, there is no exception for parking requirements for supportive housing within half-mile from transit. **Program H-4.G. Zoning Ordinances and General Plan Efficiencies for Housing** includes an action to address this inconsistency with state law.

3.4.11.4 Low Barrier Navigation Centers

Adopted in 2019, AB 101 defines a Low-Barrier Navigation Center as “a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” Low-Barrier shelters may include options such as

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allowing pets, permitting partners to share living space, and providing storage for residents' possessions.

AB 101 requires jurisdictions to permit Low-Barrier Navigation Centers that meet specified requirements by right in mixed-use zones and other nonresidential zones permitting multi-family residential development. These provisions sunset on December 31, 2026. The bill also imposes the following timelines for cities to act on an application for the development of a Low-Barrier Navigation Center:

- Within 30 days of receiving an application for a center, a jurisdiction must notify the applicant whether the application is complete.
- Within 60 days of a completed application, a jurisdiction must act on the application.

Currently, the Monterey County Code and both specific plans are silent on this land use. A program is included below to address this inconsistency with State law.

- Program H-4.G. Zoning Ordinances and General Plan Efficiencies for Housing

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Table 3-40. Constraints Related to Emergency Shelters, Transitional & Supportive Housing, and Low-Barrier Navigation Centers

	EMERGENCY SHELTER	TRANSITIONAL & SUPPORTIVE HOUSING	LOW-BARRIER NAVIGATION CENTERS
Allowed Zones	Permitted by right in HDR, MU (Inland, Title 21); need CAP in HDR (Coastal, Title 20)	Permitted in residential zones and MU CUP in Commercial, Office, and Industrial Zones (Inland, Title 21); CAP/CDP in residential zones and WSC	General Plan, Zoning Code, & Specific Plans are silent.
Parking Requirement	1 space/employee and 1 space/6 beds or portion thereof	Same as other residential uses in the same zone; subject to future updates for consistency with Gov Code § 65650 (AB 2162).	Not specified; expected to follow future state-aligned updates
Additional Requirements	No emergency shelter shall be located closer than 300 feet to another emergency shelter.	None identified in Zoning Code	None identified; subject to forthcoming zoning amendments

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3.4.12 Accessory Dwelling Units

An ADU is an attached or detached residential unit that provides complete independent living facilities for one or more individuals. A junior accessory dwelling unit (JADU) is an ADU contained entirely within the existing footprint of the single-family residence.

Recent State legislation, including AB 68, AB 881, AB 587, AB 671, and Senate Bill 13, modified the way local jurisdictions are allowed to regulate ADUs and JADUs. This legislation promotes the construction of new ADUs and JADUs and limits the ways cities can regulate their design. Further, under new State law, all jurisdictions must expand the zones and circumstances under which ADUs and JADUs are allowed.

The County amended Title 21 in 2020 to include provisions for accessory dwelling units. Accessory dwelling units are now permitted in the RDR, LDR, MDR, and HDR zones, with the exception of certain areas where the County found these units are likely to pose a hazard to public health, safety, and welfare because of known infrastructure limitations.

Accessory dwelling units may also be allowed in the RC zone, with the approval of an Administrative Permit. All accessory dwelling units are subject to the following additional development standards:

- 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.
- 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.
- An accessory dwelling unit shall not be subject to density requirements of the zoning district in which the lot is located.
- The maximum floor area for an accessory dwelling unit is 1,200 square feet.
- Within the residentially zoned areas, units permitted as a senior citizen unit or a caretaker unit prior to the adoption of these regulations for accessory dwelling units shall be considered an accessory dwelling unit for the purposes of this section.
- 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

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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.

- 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.
- 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.

Noted that pre-approved ADU plans, funded via the Senate Bill 2 grant, have been finalized and available for use with the Unincorporated Monterey County. Amendments to Title 20, the coastal portion of the Zoning Ordinance, were adopted by the Board of Supervisors in December 2015, as certified by the California Coastal Commission.

3.4.12.1 Inland

Section 21.64.030 of the Monterey County Code establishes the regulations, standards, and circumstance under which an Accessory Dwelling Unit and Junior Accessory Dwelling Unit, accessory to an existing or proposed main residence on a lot, may be permitted on unincorporated non-coastal areas. These regulations update prior County regulations related to Accessory Dwelling Units and enact regulations related to Junior Accessory Dwelling Units in order to implement and comply with legislative amendments to Government Code section 65852.2 regarding Accessory Dwelling Units and Government Code section 65852.22 regarding Junior Accessory Dwelling Units as of January 1, 2020. Accordingly, these regulations shall apply to all applications for Accessory Dwelling Units and Junior Accessory Dwelling Units after the ordinance enacting these updated regulations takes effect.

3.4.12.2 Applicability

According to Section 21.64.030(C), the following regulations are applicable to all zoning districts which allow ADUs and JADUs in unincorporated non-coastal areas.

1. County plans and regulations to limit residential growth, including unit caps, do not apply to ADUs and JADUs. However, except as provided in Section 21.64.030(C)(2), ADUs are prohibited in certain areas of the unincorporated area of the County because of lack of adequate water and/or sewer services and the impact of ADUS on traffic flow and safety. Pursuant to the 2010 General Plan, adopted Specific Plans, and Title 21, ADUs are not permitted in the following resource-constrained non-coastal areas of Unincorporated Monterey County, except as otherwise provided in these regulations or except as required by Government Code section 65852.2:

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- a. Areas subject to a B-8 zoning overlay.
- b. North County Planning Area per General Plan Policy NC-1.5, except Accessory Dwelling Units may be allowed within the Castroville Community Plan area.
- c. That portion of the Toro Planning Area which is shown on Figure LU-10 of the 2010 General Plan as being limited to the first single-family home on a legal lot of record per General Plan Policy T- 1.7.
- d. That portion of the Greater Salinas Planning Area with residential land use designations north of the City of Salinas, generally between Williams Road and Highway 101 which is shown on Figure LU-7 of the 2010 General Plan as being limited to the first single-family home on a legal lot of record per General Plan Policy GS-1.13.
- e. Areas for which the County has adopted a Specific Plan, except as expressly permitted by the Specific Plan.

2. Accessory Dwelling Units

- a. If, per state law, one detached, newly constructed ADU is allowable within the resource-constrained areas designated in Section C.1 above, such ADU shall be subject to the following limitations:
 - i. The total floor area of the ADU shall not exceed eight hundred (800) square feet; and
 - ii. Side and rear lot line setbacks for the ADU shall be a minimum of four (4) feet and must also be sufficient for fire and safety; and
 - iii. The height of the ADU shall not exceed sixteen (16) feet.
- b. If, per state law, one ADU or JADU within a proposed single-family dwelling or within an existing single-family dwelling or accessory unit is allowable within the resource-constrained areas designated in Section C.1 above, such ADU or JADU shall be subject to the following limitations:
 - i. The ADU or JADU must be located within the space of an existing or proposed single-family dwelling, or if within an existing accessory structure, it may include an expansion of the accessory structure of not more than one hundred fifty (150) square feet beyond the existing physical dimensions of the existing accessory structure to accommodate ingress and egress;
 - ii. The space must have exterior access from the proposed or existing single-family dwelling;

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3. In areas of the County where ADUs and JADUs are allowed, each legal lot with an existing or proposed single-family dwelling is limited to one (1) ADU and one (1) JADU, regardless of the number of single-family dwellings allowed on that lot. A legal lot with a multiple family dwelling is limited to the following: two (2) detached ADUs; and at least one (1) ADU within the existing multiple family dwelling, with the total square footage of ADUs within the existing multiple family dwelling not to exceed twenty-five (25) percent of the total square footage of the existing multiple family dwelling.
4. An ADU or JADU may be separately rented, provided such rental is for more than thirty (30) days. No ADU or JADU shall be used as a Vacation Rental (rented for thirty (30) consecutive days or less). An ADU or JADU shall not be sold or otherwise conveyed separate from the primary dwelling.
5. An ADU attached to the principal residence shall be subject to the height regulations of the zoning district for the principal residence. An ADU detached from the principal dwelling shall be subject to the height regulations for a habitable accessory structure or allowed to be up to sixteen (16) feet in height, whichever is greater. Any ADU which does not comply with height regulations for the zoning district in which it is proposed and that exceeds 16 feet in height shall require a Use Permit. The Zoning Administrator is the Appropriate Authority in the first instance to consider said Use Permit. The Appropriate Authority may approve the Use Permit only if the Appropriate Authority finds that the deviation from the height requirements better achieves the policies of the General Plan and regulations of this Title.
6. No setback shall be required for an existing garage that is converted or demolished and reconstructed as an ADU within the existing footprint of the structure. Side and rear lot line setbacks for ADUs shall be a minimum of four (4) feet and shall also be sufficient for fire and safety. A minimum setback of four (4) feet must be maintained from the side and rear lot lines for an ADU that is constructed above a garage.
7. An ADU shall be designed in such a manner as to be visually consistent and compatible with the existing or proposed principal dwelling and other dwellings in the area.
8. An ADU shall comply with all local building code requirements that apply to detached dwellings, provided, however, that County may approve a delay in enforcement of building standards in accordance with the parameters and procedures set forth in California Health and Safety Code section 17980.12, as may be periodically amended, if compliance with the building standard is not necessary to protect health and safety.
9. ADUs shall not exceed one thousand two hundred (1,200) square feet.

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10. JADUs shall not exceed five hundred (500) square feet.
11. The County may issue a building permit for an ADU prior to issuance of building permit for the primary dwelling if the primary dwelling was destroyed or damaged due to a natural disaster.
12. The Davis-Stirling Common Interest Development Act (Civil Code section 4000 et seq. ("the Davis-Stirling Act")) including Civil Code section 4751 has rendered void and unenforceable any restriction in a deed, contract or governing document in a common interest development that prohibits or unreasonably restricts an ADU or JADU. Accordingly, to the extent the Davis-Stirling Act applies, the County is not prohibited from issuing a permit for an ADU or JADU. If there is a substantive dispute regarding whether Civil Code section 4751 applies, the County shall consider its applicability on a case-by-case basis.

3.4.12.4 Coastal

Section 20.64.030 of the Municipal Code establishes the regulations, standards, and circumstances under which an ADU, accessory to the main residence on a lot, may be permitted in unincorporated coastal areas. ADUs are permitted coastal zones HDR, MDR, LDR, RDR, and WSC zoning districts, and shall require a Coastal Administrative Permit, or Coastal Development Permit if applicable, in all cases due to significant water, sewer, habitat, visual, and traffic resource constraints that exist within the Monterey County Coastal Zone. In non-residential zoning districts such as the Watershed and Scenic Conservation Zoning District, Accessory Dwelling Units shall require a Coastal Development Permit.

According to Section 20.64.030(D) of the Monterey County Code, ADUs are prohibited in areas that would pose a hazard to public health, safety, and welfare in certain unincorporated coastal areas of the County because of known infrastructure and resource limitations. These infrastructure limitations are recognized in the Land Use Plans for the North County, Big Sur, Carmel Area, and Del Monte Forest, and zoning restrictions (B-8 overlay). The County acknowledges prohibiting ADUs in these areas may limit the housing opportunities of the region; however, specific adverse impacts on the public health, safety and welfare that would result from allowing ADUs in these areas justify these limitations, ADUs will not be permitted in the following areas:

1. In any zoning district combined with a B-8 zoning overlay.
2. In the North County Land Use Plan area.
3. In the Carmel Area Land Use Plan area, on lots less than 40 acres in area.
4. In the Big Sur Coast Land Use Plan area, no ADUs beyond the first 50 (including previously permitted caretaker units) approved in the Plan area from the time of certification of the Big Sur Coast Land Use Plan (April 9, 1986).

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According to Section 20.64.030(E), ADUs may be allowed subject to a Coastal Administrative Permit or Coastal Development Permit if applicable in designated districts and subject in all cases to the following regulations:

5. Only one ADU per lot shall be allowed.
6. ADUs shall not be permitted prior to a main residence and shall be located on the same lot as the main residence. ADUs must provide complete independent living facilities for one or more persons and shall contain permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU may be rented.
7. The minimum lot size for establishment of an ADU shall be as follows:
 - a. Two acres in areas not served by public sewers.
 - b. In Big Sur the minimum lot size shall be two acres.
 - c. In Carmel the minimum lot size shall be forty acres.
8. ADUs are subject to the build out limitations established by each Land Use Plan but are not subject to density requirements of the zoning district in which a lot is located.
9. The maximum floor area for an ADU is 1,200 ft.
10. Parking for ADUs shall be consistent with the Parking Regulations of Chapter 20.58.
11. Within the applicable areas, units permitted as a Senior Citizen unit or a Caretaker unit prior to adoption of these regulations for ADUs shall be considered an ADU.
12. ADUs shall conform to all of the zoning and development standards of the zoning district which governs the lot. Development standards shall be applied to ADUs based on the cumulative development on the parcel. An ADU attached to the principal residence shall be subject to the height, setback, and coverage regulations of the principal residence. An ADU detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height, and setbacks.
13. ADUs shall be designated in such a manner as to be visually consistent and compatible with the principal residence on-site and other residences in the area.
14. ADUs 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.

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15. ADUs are subject to all the resource protection policies of the applicable Land Use Plan and shall not be permitted to substantially degrade resources at the site or in the area. Some of the resources constraints that may preclude development of an ADU include but are not limited to:
 - a. Areas containing environmentally sensitive habitat;
 - b. In no case shall ADUs be permitted within native Cypress habitat (Del Monte Forest);
 - c. Areas where the ADU would cause a substantial adverse impact on visual resources;
 - d. In no case shall an ADU be permitted within the critical viewshed (Big Sur);
 - e. Areas determined to have a critically short water supply;
 - f. Forest health and tree resources;
 - g. Hazards including slopes, beach and bluff erosion, fire, traffic and other health and safety conditions;
 - h. Potential impacts to historic and archaeological resources; and
 - i. Conflicts with public access.

In order to grant the Coastal Administrative Permit or Coastal Development Permit the Appropriate Authority shall make the following findings.

1. That the establishment of the ADU 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. The ADU as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
3. That the subject property upon which the ADU 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. The site is physically suitable for the use proposed.

Any Accessory Dwelling Unit proposal which does not comply with the provisions of this Section with regard to size, height, or setbacks shall require a Variance pursuant to Chapter 20.78.

Note that while the County of Monterey Board of Supervisors has adopted changes to Section 20.64.030 of the Municipal Code, these changes have not been certified as of yet by the California Coastal Commission. County staff is in the process of updating Section 20.64.030 corresponding updates necessary to the Big Sur Coast Land Use Plan and the Carmel Area Land Use Plan to align ADU regulations

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to be consistent with State ADU regulations and the California Coastal Act. County staff is concurrently updating Section 21.64.030 to be consistent with State ADU regulations and provide greater clarity consistent with updates to 20.64.030.

3.5 Senate Bill 35

SB 35 modifies Government Code Section 65913.4 to establish an expedited, administrative approval procedure for urban infill developments classified as multi-family or mixed-use. To qualify, these projects must dedicate at least two-thirds of their square footage to residential purposes, adhere to specific affordability criteria, and align with objective standards outlined in general plans, zoning regulations, subdivision requirements, and design review standards. The application of SB 35 is applicable to municipalities falling short of their Regional Housing Need Allocation (RHNA) targets for constructing housing within the above-moderate income category and/or residences for households earning below 80% of the area median income (AMI).

The County has a process for the development of projects seeking approval under a ministerial permit. The County's Housing and Community Development Permit Center staff review application materials over the counter. If additional information is required, HCD staff requests additional submittal from the applicant. If all information is provided during over-the-counter submittal, HCD staff determines if the application requires Building Services Review, which will take place as needed along with assessment and issuance of applicant fees. After the completion of these activities, the application is approved with an over-the-counter permit issued.

Note that Most areas of Monterey County do not qualify for SB 35 processing because they are outside of Census Urban Areas, in the coastal zone (G.C. 65913.4(a)(6)(A)), high fire sensitivity zone (G.C. 65913.4(a)(6)(D)), or on prime farmland or farmland of statewide importance (G.C. 65913.4(a)(6)(B)), which are specifically excluded from SB 35. Additionally, SB 35 requires Development Proponents to certify that all construction workers shall be paid at least the general prevailing wage (G.C. 65913.4(a)(8)(A)(ii)) and that a skilled and trained workforce shall be used to complete the development if the application is approved (G.C. 65913.4(a)(8)(B)(i)).

3.6 Senate Bill 9

SB 9 enacted as Chapter 162, Statutes of 2021, mandates the ministerial approval of housing developments consisting of no more than two primary units within a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or a combination of both. SB 9 facilitates the potential creation of up to four housing units within the typical lot area designated for a single-family residence. The legislation includes eligibility criteria addressing environmental constraints (e.g.,

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wetlands, wildfire risk), measures to prevent displacement for renters and low-income households, and safeguards for historic structures and districts.

Critical elements of the law necessitate local agencies to adjust or remove objective development standards on a project-specific basis if those standards would hinder the division of an otherwise eligible lot or obstruct the construction of up to two units, each with a minimum size of 800 square feet. In this context, terms like "unit," "housing unit," "residential unit," and "housing development" refer to primary units unless explicitly denoted as an accessory dwelling unit (ADU) or junior ADU or as otherwise defined.

Conditions that could render a project ineligible for SB 9 utilization encompass the existence of farmland, wetlands, fire-prone areas, earthquake hazard zones, flood-prone regions, conservation zones, wildlife habitats, or conservation easements. SB 9 adopts, by reference, these categories of environmental site constraints initially outlined in the Streamlined Ministerial Approval Process (SB 35, Chapter 366, Statutes of 2017). Additionally, a project is not deemed eligible under SB 9 if it is situated in a historic district, a property listed on the State Historic Resources Inventory, or within a location designated or recognized as a city or county landmark or historic property/district according to a jurisdiction's ordinance.

The County has a process for the development of projects seeking approval under a ministerial permit. The County's Housing and Community Development Permit Center staff review application materials over the counter. If additional information is required, HCD staff requests additional submittal from the applicant. If all information is provided during over-the-counter submittal, HCD staff determines if the application requires Building Services Review, which will take place as needed along with assessment and issuance of applicant fees. After the completion of these activities, the application is approved with an over-the-counter permit issued.

3.7 Reductions to Constraints

To address the constraints identified in Chapter 3, Housing Constraints, as well as those identified by developers through the outreach process, the County has identified several initiatives that include the following programs from Chapter 8 of this Housing Element:

- H-1.B. Replacement Housing Stock
- H-1.C. Energy Efficiency and Conservation
- H-1.E. Reduce Exposure to Environmental Pollution
- H-2.A. Encourage, Incentivize, and Monitor Accessory Dwelling Units (ADUs)

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- H-2.F. Annual Review with County Supervisors
- H-2.G. Comprehensive Suite of Incentives/Concessions for Developers
- H-2.J. Technical Assistance to Developers
- H-2.K. Assist with the Development of Affordable Housing
- H-2.L. Collaboration with Water Resources Agencies
- H-2.M. Pursue State and Federal Funding for Affordable Housing
- H-2.O. Additional Density Bonus Incentives
- H-2.Q. Ensure Adequate Sewer Resources for New Development
- H-2.R. Funding, Incentives, and Concessions for Extremely Low-Income Developments
- H-3.A. Rezoning for Higher-Density Residential Development
- H-3.B. Promote Optimal Utilization of Sites Permitting High-Density Residential Development, Small Lot Sites, and Sites Subject to Subdivision
- H-3.F. Community and Specific Plans
- H-4.E. Streamline the Permit Processing and Approval Process for Residential Development
- H-4.G. Zoning Ordinances and General Plan Efficiencies for Housing
- H-4.I. Update Density Bonus Ordinance
- H-5.B. Housing Mobility
- H-5.C. Facilitate Access to Affordable Housing for Residents
- H-5.F. Housing Opportunities

As part of this effort, the County will follow the Housing Plan and collaborate with housing providers and stakeholders to help mitigate housing constraints in the County.

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2ND SUB