MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: July 12, 2007. Time: 1:30 P.M	Agenda Item No.: 1						
Project Description : Use Permit to allow the change in occupancy of approximately 6,341 square							
feet that is currently used as a convent into an assi	feet that is currently used as a convent into an assisted living facility (11 units) on a 7.38 acre						
parcel (Ave Maria Convent) and Design Approv	val. Exterior modifications are limited to						
renovation and relocation of window systems to refle	ct use.						
Project Location : 1249 Josselyn Canyon Road,	APN: 015-052-010-000						
Monterey							
	Name: Ave Maria Convent- Franciscan						
Planning File Number: PLN060332	Sisters of the Immaculate Conception,						
	Property Owner; Robert Gooyer, Architect						
Plan Area: Greater Monterey Peninsula Area Plan	Flagged and staked: No						
Zoning Designation : MDR/1-UR-D" [Medium Density Residential, 1 acre per unit, Urban							
Reserve, with Design Control]							
CEQA Action: Categorically Exempt per Section 15301							
Department: RMA - Planning Department							

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW:

Eighteen "nun's cells" will be converted to an eleven bed assisted living facility (ALF). No new structures are proposed. This area is on the west of Highway 68 and east of the City of Monterey. The parcel fronts on Josselyn Canyon Road. The project proposes to do an extensive interior remodel, and change windows to reflect new interior use.

See attached discussion (Exhibit B).

OTHER AGENCY INVOLVEMENT:

- ✓ Cypress Fire Protection District
- ✓ Public Works Department
- ✓ Parks
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Housing and Redevelopment

The above checked agencies and departments have reviewed this project. Conditions recommended by Planning, Public Works, Water Resources, and Fire have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because based on interim guidelines i.e.: the project does not involve slope restrictions, ridgeline/viewshed development, nor a variance and the project is categorically exempt from CEQA per Section 15303 c.

Note: The decision on this project is appealable to the Planning Commission.

Jody Lyons, Assistant Planner (831) 755-5120, lyonsjc@co.monterey.ca.us (June 22, 2007)

cc: Zoning Administrator; Cypress Fire Protection District; Public Works Department; Environmental Health Division; Parks; Water Resources Agency; Bob Schubert, Acting Planning & Building Services Manager; Jody Lyons, Planner; Carol Allen, Hearing Secretary; Applicants; Agent; Planning File PLN060332.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Memo from Robert Gooyer, AIA Re: Site Use.
	Exhibit F	AB3250 Hazardous Material Questionnaire
	Exhibit G	Site Photos
	Exhibit H	Site Plan, Elevations, Floor Plans

This report was reviewed by Bob Schubert, Acting Planning and Building Service Manager

EXHIBIT A

Project Information for PLN060332

Project Title: AVE MARIA CONVALESCENT HOSPITA

Location: 1249 JOSSELYN CYN RD MONTEREY Primary APN: 101-201-002-000

Applicable Plan: Greater Monterey Peninsula Area Plan Coastal Zone: No

Permit Type: Use Permit Zoning: MDR/1-UR-D

Environmental Status: Exempt Plan Designation: MDR 5-1 UNITS/AC

Advisory Committee: Greater Monterey Peninsula Final Action Deadline (884): 12/26/2006

Project Site Data:

 Lot Size: 7.38 Ac
 Coverage Allowed: 35%

 Coverage Proposed: 7.7%

Existing Structures (sf): 24907 Height Allowed: 30
Proposed Structures (sf): 24907 Height Proposed: 20

Total Sq. Ft.: 24907 FAR Allowed: N/A

FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: $\, N_0 \,$ Erosion Hazard Zone: $\,$ HIGH

Biological Report # N/A Soils Report # N/A

Forest Management Rpt. # N/A

Archaeological Sensitivity Zone: MOD Geologic Hazard Zone: HIGH

Archaeological Report # N/A Geologic Report # N/A

Fire Hazard Zone: HIGH Traffic Report # N/A

Other Information:

Water Source: MUNI WATER Sewage Disposal (method): SEWERS

Water Dist/Co: CalAm Sewer District Name: MPWPCA

Fire District: Cypress Grading (cubic yds.): 0.0

Tree Removal: N/A

Date Printed: 06/01/2007

Exhibit B PROJECT DISCUSSION

This project proposes to change the nun's cells into an Assisted Living Facility (ALF). An ALF meets the needs of aging or convalescent persons who need some help with the daily living tasks but do not require skilled nursing attendance- hospitalization. No new structures are proposed, just remodeling of the nun's quarters from 18 down to 11 units. Of those, three are independent living units with kitchen where the occupant may prepare their own meals. The balance of eight is six assisted living units and two guest units, which shall have not kitchens.

PROJECT SETTING

Nestled into the reach of western most Highway 68 and east of the City of Monterey, the Ave Maria Rest Home is surrounded by residential use. Across Highway 68, to the north, is the Monterey Peninsula Airport and the US Navy Golf course. To the south is the Old Del Monte Golf course. The parcel is relatively flat. It sits about 60 feet above the south side of Highway 68 on rise that extends from Garden road to Highway 1.

Existing Facility- There are multiple structures on the site, including the following: the skilled nursing facility (13,180 square feet), the chapel/nun's cells (6341 square feet), three residences (913, 383, and 1,911 square feet), a detached garage (489 square feet) and a cell site. This project modifies the nun's cells to Assisted Living Facility (ALF) with changes to interior partitions, plumbing and electrical systems. No exterior changes are proposed except the renovation and relocation of the window systems and five new parking spaces as required by conditions of approval. See Physical Improvements below.

<u>Physical Improvements</u>- Structural, Interior: the reduction of 18 nun's cells to 11 Assisted Living Units necessitates the removal of existing partitions and new partitions installed with electrical and plumbing systems.

<u>Structural</u>, <u>Exterior</u>: With the re-alignment of the interior partitions, the windows must be changed to reflect the new use. These window systems will modernize the structure and meet the current building code.

Parking: The existing parking meets the existing use and this parking will remain. The change of use to 11 Rest Home beds requires 4 parking spaces and one handicapped space based on Section 21.58.040 which shows the Rest Home parking requirement of 1 space per three beds. This meets the four space requirement. Additionally, Section 21.58.050 G requires one handicapped parking space for one to forty required spaces. The applicant has agreed to install 5 new spaces to meet this requirement and will agree to a condition that satisfies this requirement. These spaces are not designated on the project site plan but Condition Number 4 requires the applicant to present a parking plan for approval that addresses the required parking spaces and it shall be incorporated into the building permit plans.

COMPLIANCE

<u>Regulations</u>- The current zoning is MDR/1-D-UR, (Medium Density Residential with Design Approval in an Urban Reserve zone).

Allowed Uses- Rest homes are an allowed use in this zoning district with a Use Permit (ZA) 21.12.050 C. A rest home is defined as "A place used for the rooming or boarding of any aged or convalescent persons, whether ambulatory or non-ambulatory, for which a license is required by a county, state or federal agency." §21.06.940 This project is designed for aging or convalescent persons who need some help with the daily living tasks but do not require skilled nursing attendance- hospitalization. It meets the definition of a rest home.

<u>Compliance</u>-The project complies with the zoning above and the appropriate authority to hear the project is the Zoning Administrator. §21.12.050 C.

<u>CEQA-</u> Section 15301 categorically exempts the minor alterations of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency review. In this case, the project involves only interior partition changes and to the plumbing and electrical changes, with minor exterior window changes as well as the addition of five new parking spaces. Thus the project meets the conditions for this categorical exemption.

IMPACTS

<u>Personnel Change-</u> It is expected that the ALF will require a maximum of two new employees.

<u>Hazardous Materials</u>- In terms of hazardous materials, the current facility is identified as a small generator (less than 200 pounds) by Monterey County Environmental Health Division. The assisted care facility will provide living facilities for ambulatory clients which will not generate significant amounts of hazardous substances. Environmental Health has reviewed the project and has indicated no issues of concern. The project Archetect Robert Gooyer, AIA, completed an AB3250 Hazardous Material Questionnaire attached as Exhibit E delineating the facility with the proposed project as a small quantity generator.

EXHIBIT C RECOMMENDED FINDINGS AND EVIDENCE

- 1. **FINDING: CONSISTENCY** The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, Greater Monterey Peninsula Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.
 - **EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property is located at 1249 Josselyn Canyon Road, Monterey, Greater Monterey Peninsula Area. The parcel is zoned MDR/1-UR-D, [Medium Density Residential, one acre minimum, in an Urban Reserve, with Design Control]. The property is 7.38 acres. Zoning code section 21.12.050 C allows rest homes with a Use Permit. Since the use predates the zoning code, the existing hospital is a legal and conforming use. The converting of the nun's quarters to an Assisted Living Facility (ALF) is a use of similar nature, density and intensity. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
 - (c) The project planner conducted a site inspection on May 31, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) The convent was established in 1954 under the Order of Franciscan Sisters of the Immaculate Conception and of St Joseph for the Dying. In 1954, the convent and a small 13 bed hospital for the aging Sisters were established. The original hospital was enlarged by 17 beds to its current size in 1966. Currently, the nun's quarters were underutilized and this proposal will change the use from 18 beds (nun's cells) to 11 beds in the ALF. (Planner telephone conversation with Gayle Jones, Hospital Administrator on June 1, 2007.)
 - (e) Memo from Robert Gooyer, Architect, dated June 7, 2006 responding to planner questions about the project. See attached Exhibit E.

<u>Staff change</u>. The ALF will require a maximum of two new employees.

<u>Parking</u>, Existing parking meets the existing use. The change of use to 11 rest home beds requires 4 parking spaces. Parking regulation §21.58.040 requires one space per three beds. Additionally, one handicapped space is required.§21.58.040. The applicant has agreed to site 5 new spaces to meet this requirement and will agree to a condition that satisfies this requirement. See Recommended Condition #4.

<u>Hazardous Materials</u>- The current facility (Facility # FA0813548) is identified as a small generator (less than 200pounds) by

Monterey County Environmental Health Division (EH). The assisted care facility will provide living facilities for the ambulatory clients which will not generate significant amounts of hazardous substances. Environmental Health has reviewed the project and has indicated no issues of concern. The project Archetect Robert Gooyer, AIA, completed an AB3250 Hazardous Material Questionnaire attached as Exhibit E delineating the facility with the proposed project as a small quantity generator.

- (f) The project was not referred to the Greater Monterey Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because based on interim guidelines i.e., the project does not involve slope restrictions, ridgeline/viewshed development, nor a variance and the project is categorically exempt from CEQA per Section 15303 (c), see Finding #3.
- (g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning Department for the proposed development found in Project File PLN060332.
- 2. **FINDING: SITE SUITABILITY** The site is physically suitable for the use proposed.
 - **EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA Planning Department, Carmel Highlands Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (c) Staff conducted a site inspection on May31, 2006 to verify that the site is suitable for this use.
 - (d) Materials in Project File PLN060332.
- 3. **FINDING: CEQA** (Exempt): The project is categorically exempt.
 - **EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15301, categorically exempts the minor alterations of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency review.
 - (b) <u>Existing Structure</u>- The project structure was constructed in 1966 and utilized as nuns' cells or quarters.
 - (c) <u>Negligible or no expansion</u>-The project proposes the remodel of only 6341 square feet of structure to the assisted care facility. No expansion is proposed.
 - (d) <u>Minor Alterations</u>- The project proposes interior partition changes, plumbing and electrical system changes with window systems being the only exterior alteration.
 - (c) See preceding and following findings and supporting evidence.
- 4. **FINDING:** NO VIOLATIONS The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

- **EVIDENCE:** (a) Staff reviewed Monterey County RMA Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
- 5. **FINDING: HEALTH AND SAFETY -** The establishment, maintenance, or operation of the caretaker unit applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

- 6. **FINDING: WATER/WASTEWATER** Adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.
 - **EVIDENCE:** (a) The Director of Environmental Health reviewed the project and found no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated (b) Preceding findings and supporting evidence.
- 7. **FINDING:** APPEALABILITY The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.64.030 Monterey County Zoning Ordinance (Title 21).

EXHIBIT D

Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan

Project Name: AVE MARIA ASSISTED LIVING FACILITY

File No: PLN060332 **APN**: 101-201-002-000

Approved by: Zoning Administrator **Date:** June 28, 2007

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verifica- tion of Complian- ce (name/ date)
1.		PD001 - SPECIFIC USES ONLY This Use Permit to allow the change in occupancy of approximately 6,341 square feet that is currently used as a convent into an assisted living facility (11 units) on a 7.38 acre parcel (Ave Maria Convent) and Design Approval. Exterior modifications are limited to renovation and relocation of window systems. The project is located at 1249 Josselyn Canyon Road, Monterey (Assessor's Parcel Number 101-201-002-000), Greater Monterey Peninsula Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verifica- tion of Complian- ce (name/ date)
		bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 060332) was approved by the Monterey county Zoning Administrator for Assessor's Parcel Number 101-201-002-000 on June 14, 2007. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commence -ment of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeo- logist	Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verifica- tion of Complian- ce (name/ date)
4.		PW00SP1 – PARKING NON-STANDARD The applicant shall, as a condition of this permit, create a parking plan which develops 5 new parking spaces, 4 standard spaces and one handicapped space. The plan shall be submitted for approval by the Director of Public Works and the Director of Planning and Building Inspection. The approved parking shall be incorporated into the building plans for the project. (Public Works)	Applicant's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	
5.		WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
6.		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verifica- tion of Complian- ce (name/ date)
6.	(COMMERCIAL) The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. (Carmel Highlands Fire District).	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.		
		Applicant shall submit fire alarm plans and obtain approval.	Applicant or owner	Prior to rough sprinkler or framing inspection		
		Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection		
7.		FIRE021 - 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).	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
	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	Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection		
		Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection		
8.		FIRE030 - FIRE SPRINKLER SYSTEM (NON-STANDARD) Applicant shall test the fire hydrants for pressure and volume. (Carmel Highlands Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verifica- tion of Complian- ce (name/ date)
		END OF CONDITIONS				

Rev. 03/12/07