

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02041

A.P. # 117-322-002-000

FINDINGS AND

DECISION

In the matter of the application of
Sandra Perez (PLN010552)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a day care facility to allow for care of up to 12 (twelve) children, with no more than 3 (three) infants, to be operated in existing residence of 1,150 square feet, with no construction, and Fee Waiver; located at 29 Florence Avenue, Watsonville, North County area, came on regularly for hearing before the Planning Commission on July 31, 2002.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The proposed project and/or use, as described in condition number one, and as conditioned, is consistent with the policies of the Monterey County General Plan, the applicable Area Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21).
EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents.

2. **FINDING:** The site is physically suitable for the use proposed.
EVIDENCE: There has been no testimony received, either written or oral, to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Department of Health (Division of Environmental Health), Parks Department, the North County Fire Protection District, the State of California Department of Social Services (San Jose District Office), and the North County Non-Coastal Land Use Advisory Committee. There has been no indication from these organizations that the site is not suitable.

3. **FINDING:** The proposed project is exempt from CEQA.
EVIDENCE: The CEQA Guidelines statutorily exempt this project from environmental review pursuant to Section 15274(a) of the CEQA Guidelines. No potentially adverse environmental impacts were identified during review of the proposed project.

4. **FINDING:** Public notice of the pending Use Permit was provided pursuant to Section 21.78.040, Title 21, Monterey County Zoning Ordinance.
EVIDENCE: Materials in project file.

5. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21, in that no violations exist on the property. All zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** In review of Sections 21.10 and 21.58 of the Monterey County Zoning Ordinance and Monterey County Planning and Building Inspection Department records, staff verified that no violations exist on subject property.
6. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County.
- EVIDENCE:** The State of California, Department of Social Services has issued two licenses to Sandra Perez to operate and maintain a family day care facility, which state that Facility No. 274404079 provides for a maximum capacity of six children with no more than three infants, or four infants only, or a maximum capacity of eight children when two are at least six years of age with a maximum of two infants; or a maximum capacity of twelve children, with no more than four infants, or a capacity of fourteen children when two children are at least six years of age with a maximum of three infants.
- EVIDENCE:** In a letter dated March 4, 2002, Joseph Cochran, P.E., Environmental Services Manager (Monterey County Department of Public Works), confirmed that the residence intended for the proposed use is connected to and serviced by the existing Pajaro sanitary sewer system, as required by Monterey County ordinance.
- EVIDENCE:** In a letter dated March 1, 2002, Joe Rosa, General Manager (Pajaro / Sunny Mesa Community Services District), confirmed that the Pajaro / Sunny Mesa Community Services District serves 29 Florence Avenue with potable water and fire flow.
- EVIDENCE:** On March 8, 2002, the North County Non-Coastal Land Use Advisory Committee, reviewed the Use Permit and recommended approval, to provide child care from April through October.
- EVIDENCE:** The applicant has complied with year 2001 repair requirements of the North County Fire District, as evidenced by materials received from the State of California Department of Social Services on March 13, 2002, and an invoice of repair dated March 28, 2001.
- EVIDENCE:** In a letter and map dated May 21, 2002, Sandra Perez, property owner, indicates how children will be evacuated from the home to higher ground in the event of a "Flood Stage" forecast. The letter and map detail the evacuation route, the vehicles to be used for transport, child safety seats to be used, and three alternative destinations.
- EVIDENCE:** Preceding findings and supporting evidence.
7. **FINDING:** The decision on this project is appealable to the Board of Supervisors.
- EVIDENCE:** Section 21.80.040.D of Title 21 (Zoning Ordinance).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. This permit allows the use of an existing single family dwelling of 1150 square feet as a large family day care home, to care for up to eleven children, with no more than three infants, from the hours of 6 o'clock a.m. to 6 o'clock p.m., year round. The property is located at 29 Florence Avenue, Pajaro. The project is 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**

Prior to the Commencement of Use:

2. The applicant shall record a notice which states: "A permit (Resolution No. 010552) was approved by the Planning Commission for Assessor's Parcel Number 117-322-002-000 on July 31, 2002. The permit was granted subject to six conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to commencement of the use. **(Planning and Building Inspection)**
3. The owner shall record a notice stating that "the property is located within or partially within a floodplain and may be subject to building and / or land use restrictions." A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency)**
4. The owner shall assure that the following conditions have been met, subject to the approval of the North County Fire District:
 - a) One smoke detector shall be located in the corridor or area giving access to each sleeping area (hallway leading to bedrooms). One smoke detector shall be located in the main care area.
 - b) A fire alarm device shall be provided and maintained that is attached to the structure and audible throughout the structure.
 - c) At least two exit doorways shall be provided, each not less than 36 inches wide and 6 feet eight inches in height. Exit doors shall be capable of opening so the clear width of the exit is not less than thirty-two inches. A horizontal sliding door may be used as one of the two exits. Exits may pass through the kitchen.
 - d) An approved fire extinguisher, with a minimum rating of 2A10 BC, shall be provided and mounted or serviced annually. In the event of use of the extinguisher, it shall be serviced after use.
 - e) Earthquake strapping shall be provided on the water heater.**(North County Fire Protection District)**

Continuous Permit Conditions:

5. A copy of the evacuation route shall be kept posted in a clearly visible area inside the facility, along with local emergency phone numbers. **(Planning and Building Inspection)**
6. The owner shall secure and maintain all necessary permits and licenses for the use, including, but not necessarily limited to, the State of California Department of Social Services. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 31st day of July, 2002, by the following vote:

AYES: Errea, Sanchez, Hawkins, Pitt-Derdivanis, Parsons, Diehl, Hernandez, Engell, Wilmot

NOES: None
ABSENT: Brennan

Original Signed By:

DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.