

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

RESOLUTION NO. 03086

A.P. # 113-271-006 & 008

**FINDINGS AND
DECISION**

In the matter of the application of
Unity Care (PLN020316)

for an amended Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for the development of a replacement school facility consisting of three modular classrooms of 960 square feet each, a 430 square foot bathroom, and a new 23-space parking lot, associated with an existing residential facility, located at 680 Harrison Road, Salinas, Greater Salinas area, came on regularly for hearing before the Planning Commission on December 10, 2003.

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

FINDINGS OF FACT

1. **FINDING:** The subject Use Permit, as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, the Greater Salinas Area Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 680 Harrison Road, Salinas area. The parcel is zoned LDR/5 (Low Density Residential, Five Acres per Unit). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

 - a) The General Plan and Greater Salinas Area Plan; and
 - b) Chapter 21.14 of the Monterey County Zoning Ordinance regulations for development in the LDR zoning district
2. **FINDING:** The project site is physically suitable for the proposed use as described in the project file.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks, North County Fire Protection District and the Sheriff Department. There has been no indication from these agencies that the site is not suitable for the proposed use. Each agency has recommended conditions of approval.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

EVIDENCE: Written and verbal public testimony submitted at the July 30, 2003 and December 10, 2003 Planning Commission hearings.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: The on-site inspection by the project planner in July, 2002 and June 26, 2003 to verify that the proposed project complies with the General Plan and the Greater Salinas Area Plan.
3. **FINDING:** The proposed project is categorically exempt from the California Environmental Quality Act.

EVIDENCE: Section 15302 of the County CEQA Guidelines categorically exempts the replacement school facility from environmental review. No increase in the number of children served by the school are proposed. No adverse environmental impacts were identified during staff review of the Use Permit application.

EVIDENCE: Section 15301 exempts new construction of small structures from environmental review. The structures are relatively small in size (960 square feet each for a total of 2,880, and will not intensify the use of the property. The structures will be located approximately 425 feet from the road, where they will be relatively inconspicuous, and will be painted an earthtone color to blend with natural features of the property.

EVIDENCE: The water tank will be subject to review and approval by the Planning Department to ensure the design is consistent with the rural character of the site and surroundings.

EVIDENCE: Biological Assessment of the Unity Care property, July 14, 2003

EVIDENCE: Planner site visit on June 26, 2003.

4. **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 project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Park Department, North County Fire Protection District, Water Resources Agency, and Sheriff Department. The respective departments have included conditions of approval to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

EVIDENCE: Materials in file PLN020316.

EVIDENCE: No intensification of the existing use will take place, and no significant operational changes will take place as a result of the project. This is because the project involves only the shifting of existing school activities to a new location, with no increase in the number of residents or staff at the facility.

EVIDENCE: Findings and Evidence for 3, above.

5. **FINDING:** The project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

DECISION

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

1. The subject request is for a Use Permit for the development of a replacement school facility consisting of three modular classrooms of 960 square feet each, and a new 23-space parking lot, associated with an existing residential facility. The project is located at 680 Harrison Road, Salinas area (Assessor's Parcel Numbers 113-271-006 and -008). The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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)**

2. The applicant shall record a notice which states: "A permit (Resolution 03086) was approved by the Planning Commission for Assessor's Parcel Number 113-271-006 and -008 on December 10, 2003. The permit was granted subject to 23 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 issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. This permit shall expire five years from the approval date, unless renewed by the Planning Commission. **(Planning and Building Inspection)**

Prior to Issuance of Building Permits

4. The building colors, and roof color and material shall be of an earthtone color blending with on-site and surrounding vegetation, subject to review and approval by the Planning Director. **(Planning and Building Inspection)**
5. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts, including routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of stormwater detention facilities to mitigate the impact of impervious surface stormwater runoff. The detention pond shall be fenced for public safety. Fencing colors and materials shall be subject to review and approval by the Planning Director. **(Water Resources)**
6. A 25-foot protection zone around all existing Arroyo Willow plants along the seasonal drainage shall be established by typical orange construction fencing. **(Planning and Building Inspection)**
7. Harrison Road Water System #9 shall obtain an amended water system permit. **(Environmental Health)**
8. Septic repair areas shall be designated for the two existing single-family dwellings. These areas shall be sized appropriate to the use of the structures, subject to approval by the Director of Environmental Health. **(Environmental Health)**
9. Prior to issuance of building permits, submit a detailed domestic wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. The design shall show the septic system for the classroom structures and future leachfield replacement areas. **(Environmental Health)**
10. The proposed development shall be setback at least 50 feet from top of bank, as defined in County Floodplain Ordinance No. 3272, unless it can be proven to the satisfaction of the Water Resources Agency that the proposed development will be safe from flow-related erosion hazards and will not significantly reduce the capacity of the existing watercourse. The top of bank shall be defined by a professional engineer and shown on the site plan prior to issuance of any grading or building permits. **(Water Resources Agency)**

Prior to issuance of Certificate of Occupancy

11. The applicants shall make all reasonable efforts to secure permission from a property owner at the intersection of Harrison Road and the Unity Care access road to place a Unity Care directional sign at this intersection. Evidence of Unity Care's efforts to secure property owner permission shall be submitted to the Planning Department, in the event property owner permission cannot be secured. The sign shall comply with requirements in condition 12. **(Sheriff, Planning and Building Inspection)**
12. A graphical directory sign shall be installed within the front yard area, depicting the location of each of the classroom buildings. These buildings shall be clearly numbered, to correspond with building numbers on the directory, to the satisfaction of the Sheriff Department. The sign shall comply with requirements in condition 5. **(Sheriff, Planning and Building Inspection)**
13. The colors, materials, sign copy, size, location and lighting of the signs in conditions 11 and 12 shall be subject to the approval of the Planning Director and the Sheriffs Department. The signs shall be the minimum size necessary to be clearly read by emergency and law enforcement responders, as determined by the Planning Director and the Sheriff Department. **(Sheriff, Planning and Building Inspection)**
14. All windows and doors shall be lockable from the building interior. **(Sheriff)**
15. All lighting of the modular buildings and parking area shall be installed, and remain in conformance with a lighting plan to be reviewed and approved by the Planning Director and Sheriff Department. **(Sheriff, Planning and Building Inspection)**
16. Any new landscaping shall be subject to review and approval by the Planning Department and Sheriff Department. **(Sheriff, Planning and Building Inspection)**
17. 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)**
18. Certification that stormwater detention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
19. Applicant shall provide 30,000 gallon fire protection water storage and fire mains, supplying 500 GPM at 20 psi residual pressure. Design and location of tank and required fire hydrants shall be determined and approved in consultation with the Fire District and the Planning and Building Inspection Department. **(Fire District, Planning and Building Inspection Department)**
20. A full perimeter fence shall be installed around Parcel 113-271-008, subject to approval of the Planning Director. **(Planning and Building Inspection)**

Continuous Permit Conditions

21. The school buildings shall be used only for the education of the 12 residents in the Unity Care program on site, including Parcels "A" and "C," shown on the project site plan dated May 24, 2002. No off-site students shall utilize the facility. **(Planning and Building Inspection)**
22. Any future intensification of building square footage or any change of use of existing structures will require additional water storage and compliance with the applicable fire code. **(Fire District)**
23. Unity Care shall provide contact phone numbers for all on-site management to the owners and occupants of the properties abutting the parcels referenced in condition 21, above, to allow for the reporting of and prompt response to incidents involving Unity Care residents. The applicant shall provide these same numbers to other neighbors in the area upon request. Unity Care shall respond to reported incidents as soon as possible, and shall ensure any changes to contact numbers are given promptly to the aforementioned persons. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 10th day of December, 2003, by the following vote:

AYES: Errea, Hawkins, Padilla, Brennan, Sanchez, Diehl, Salazar, Rochester, Wilmot
 NOES: None
 ABSENT: Parsons

Original Signed By:

 JEFF MAIN, 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.