

RESOLUTION NO. 060551

A.P.# 161-021-017-000

In the matter of the application of
ARTURO G. & ADELA A. SANCHEZ (PLN060551)

FINDINGS & DECISION

for a **Use Permit** in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow the establishment of a day care center as the new use within an existing 5,926 square foot structure. The property is located at 19055 Portola Drive, Salinas, fronting on Portola Drive west of Highway 68, Toro Area, and came on regularly for hearing before the Zoning Administrator on December 14, 2006.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

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, Toro Area Plan, Toro 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 applications course of review. No conflicts were found to exist nor were communications received during the project review that indicate inconsistencies between the project and the text, policies, and regulations of said referenced documents.
 - (b) The property is located at 19055 Portola Drive, Salinas (Assessor's Parcel Number 161-021-017-000), fronting on Portola Drive west of Highway 68, Toro Area Plan. The parcel is zoned "PQP-D" or Public/Quasi-Public, with Design Control District Overlays. 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 October 12, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) The subject property located at 19055 Portola Drive, Salinas (Assessor's Parcel Number 161-021-017-000). The property is zoned for Public Quasi Public a use which allows the existing facility to be used as Day Care Center per Sections 21.40.050 (M) and 21.74. Therefore the project as conditioned with this use permit fully meet the requirements set forth in Title 21 for such a use.
 - (e) The project was not referred to the Toro 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 the project does not involve the following issues: slope restrictions, ridgeline/viewshed development Line Adjustment or Variances. The project is exempt from CEQA per Section 15061(3) and 15303 (c).
 - (f) 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 PLN060551.

2. **FINDING: CEQA (Exempt):** - The project was reviewed and it was determined that the project and activity would not have a significant effect on the environment and is therefore covered under the general rule 15061 (3) and the general requirements for a categorically exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15303 (c)
- EVIDENCE:** (a) No adverse environmental effects were identified during the counties review of the development application, and during a site visit conducted on October 12, 2006.
 (b) CEQA categorically exempts "offices or similar structures" The existing structure is sited where the zoning allows the proposed use. The structure does not exceed 10,000 square feet of floor area, and has all the necessary public facilities and services, and is not located on a site with areas containing environmentally sensitive habitat.
 (c) Plans and documents located in the file (PLN060551).
3. **FINDING: LEGAL NON-CONFORMING** – The existing structure was found to be under the jurisdiction of the State of California and therefore constructed under their authority. However, because it is 425.5 square feet over the allowed site coverage it is considered by the county to be a legal non conforming structure. Therefore, staff finds that the property located at 19055 Portola Drive, Salinas currently maintains a legal non conforming structure, non conforming only to building site coverage
- EVIDENCE:** The historical county records regarding an approved building permit for the existing 5,926 square foot structure with 4,420 square feet of covered parking.
4. **FINDING: VISUAL SENSITIVITY** – Staff has determined that the development as approved and conditioned will not create a substantially adverse visual impact or materially degrade the existing visual experience when viewed from a common public viewing area, and is consistent with policies of the Toro Area Plan and regulations in Title 21 (Monterey County Zoning Ordinance) regarding visual sensitivity.
- EVIDENCE:** (a) The project planner site visits to verify that the project will not have a significant adverse effect on the public viewshed.
 (b) Materials in the project file.
5. **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:** 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.
6. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project 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) The project meets the requirements set forth under Title 21 Section 21.040.050 (M) of the Monterey County Zoning Ordinance. The use is a conditional use subject to the approval of a use permit. The use permit for the project is conditioned by all the reviewing county agencies who have found the proposed use within the existing structure suitable for the area and zoning.
 (b) Preceding findings and supporting evidence.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.
EVIDENCE: Chapter 21.80.040 B. of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of the Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 14th day of December, 2006.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JAN 1 0 2007

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JAN 2 0 2007

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 Salinas.

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

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

Project Name: Arturo Sanchez

File No: PLN060551 APNs: 161-021-017-000

Approved by: Zoning Administrator Date: December 14, 2006

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

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PBD029 - SPECIFIC USES ONLY This Use Permit (PLN060551) allows establishment of a Day Care Center in an existing 5,926 square foot structure; and Design Approval.. The property is located at 19055 Portola Drive, Salinas (Assessor's Parcel Number 161-021-017-000), Toro <u>Area Plan</u>. 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 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. [Resource Management Agency (RMA) - Planning Department]</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

2.		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 060551) was approved by the Zoning Administrator for Assessor's Parcel Number 161-021-017-000 on December 14, 2006. The permit was granted subject to 18 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 RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		<p>PBD030 - STOP WORK - RESOURCES FOUND 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)</p>	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/ Archaeologist	Ongoing	
4		<p>PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or</p>	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use	

		<p>its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action, or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify, or hold the county harmless. (RMA - Planning Department)</p>	RMA – Planning Department.		of the property, filing of the final map, whichever occurs first and as applicable	
5		<p>PBDSP-001 The applicant shall adhere to the safety and security measures as detailed in the October 11, 2006 memo received from the Monterey County sheriff's Office. These measures shall be met to the satisfaction of the sheriffs department. (RMA-Planning)</p>	The applicant shall provide the Planning Department with written verification from the Sheriff's Office that the measures have been met to the satisfaction of the Sheriff's Office.	Applicant or owner	Prior to occupancy	

6		<p>FIRE002 - 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. (Salinas Rural Fire Protection District).</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
7		<p>FIRE008 - GATES 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. (Salinas Rural Fire Protection District)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	

8		<p>FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. . (Salinas Rural Fire Protection District)</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
9		<p>FIRE023 - FIRE ALARM SYSTEM - (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</p>	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	

		contractor and approved prior to requesting a rough sprinkler or framing inspection. (Salinas Rural Fire Protection District)	Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
10		FIRE030 – NON-STANDARD CONDITIONS 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 width of 20 feet 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. (Salinas Rural Fire Protection District)	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection.	
11		FIRE030 – NON-STANDARD CONDITIONS FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM – This project constitutes a change of occupancy, and, pursuant to Section 102.2.1, California Fire Code, 2001, as adopted by the Salinas Rural Fire District, this building 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.	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	

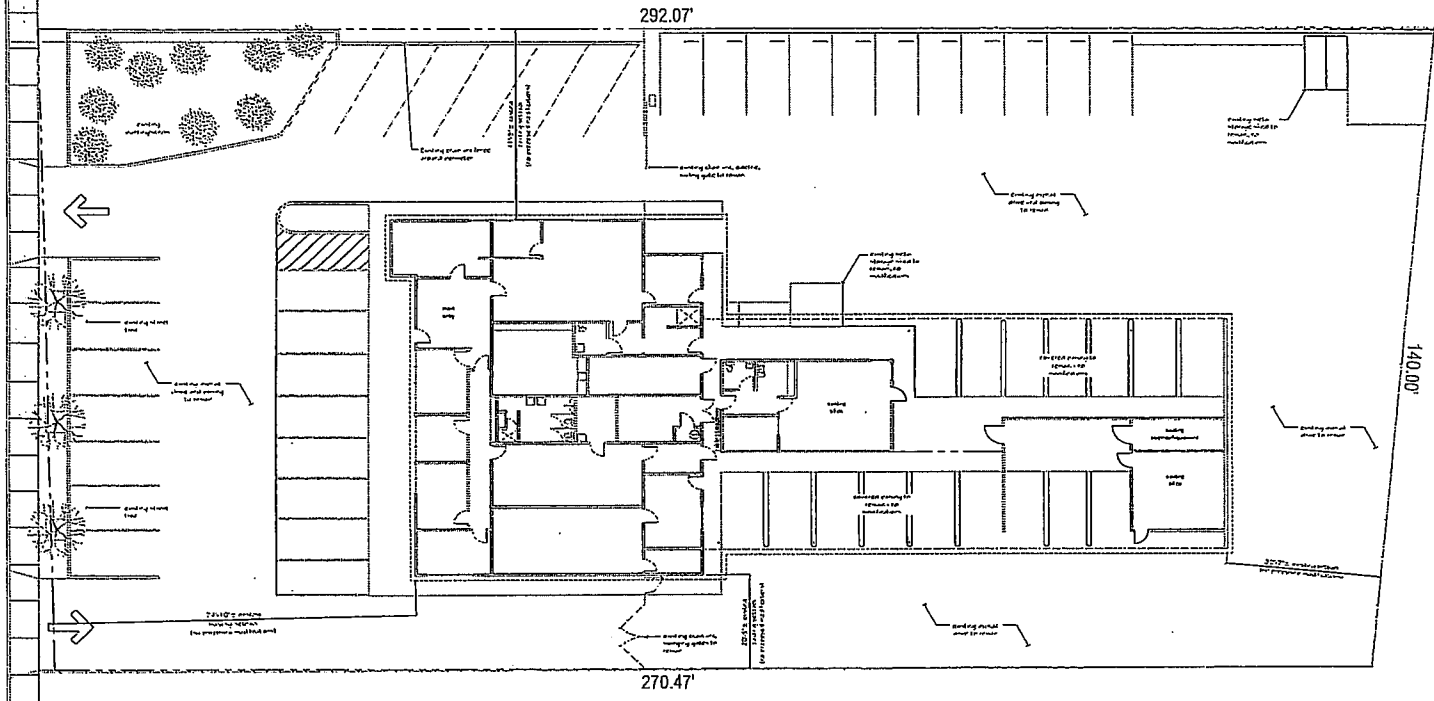
		This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Salinas Rural Fire Protection District)				
12		FIRE030 – NON-STANDARD CONDITIONS - FIRE ALARM SYSTEM - (COMMERCIAL) Any sprinklered building having 50 or more fire sprinklers 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. (Salinas Rural Fire Protection 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	
13		FIRE030 –NON-STANDARD CONDITIONS – EMERGENCY ACCESS KEY BOX – Emergency access key box shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access key box can be maintained with current keys. (Salinas Rural Fire Protection District)	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection.	
14		FIRE030 – NON-STANDARD CONDITIONS – PORTABLE FIRE EXTINGUISHERS – Portable fire extinguishers shall be installed and maintained in accordance with Uniform Fire Code Standard 10-1. (Salinas Rural Fire Protection District)	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection.	

15		FIRE030 – NON-STANDARD CONDITIONS – STATE LICENSING – The facility shall obtain necessary state licensing for the facility prior to occupancy(Salinas Rural Fire Protection District)	Applicant shall print the text of this condition as “Fire Dept. Notes” on plans	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule and obtain approval of fire dept. clearance inspection for state licensing upon issuance of the Request for Fire Safety Inspection form to the Salinas Rural Fire District.	Applicant or owner	Prior to occupancy.	
16		PW0007 – PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (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	
17		EH24 - SEWER SERVICE CAN/WILL SERVE Provide certification to the Division of Environmental Health that <u>California Utilities</u> can and will provide sewer service for the proposed property/project. (Environmental Health)	Submit certification to Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of a building permit.	
18		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	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	

		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)				
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END OF CONDITIONS

PORTOLA DRIVE



Existing Site and Building Plan - Reference



3/27/12

Janelle Corbin Architect
 architects/planners/interiors

2076 Lincoln Avenue
 San Jose, California 95128
 Phone: 408.298.8200
 Fax: 408.298.8201
 Info: jca-architect.com

Application Request Form
 Housa Services Inc.
 18755 Park Drive
 San Jose, CA 95130

Submital:

Project & Drawing Information

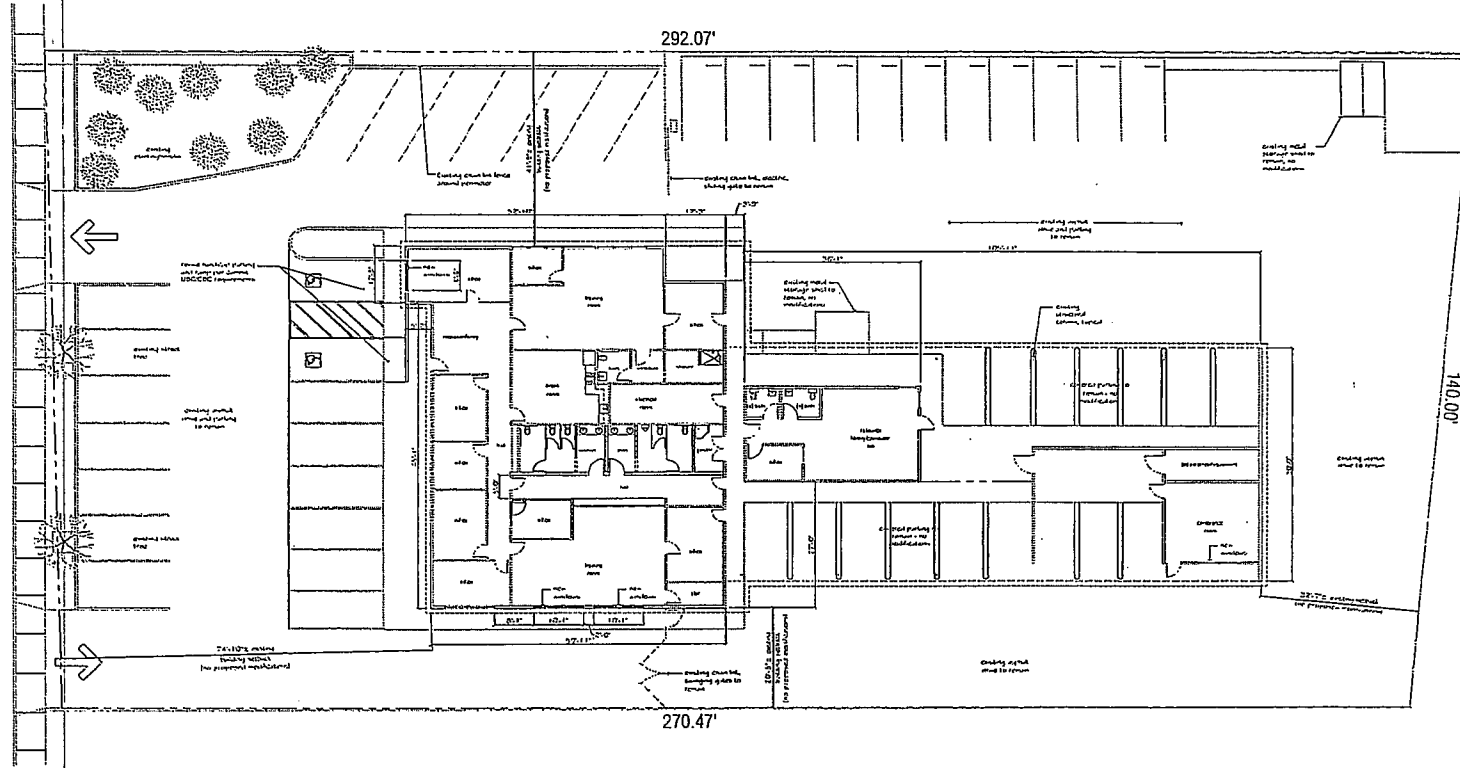
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 existing site plan &
 building plan

Project No. 226073
 Date 04/27/12

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PORTOLA DRIVE

SITE PLAN



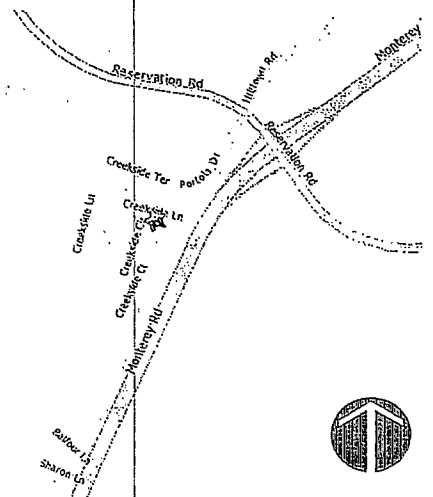
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Jeanette Chao Architect
architectural
planning
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Application Report Form
Haze Simons Inc.
10254 Fourn Drive
Sarasota, CA 93958

2076 Lincoln Avenue
San Jose, California 95128
415.938.8888
info@jcaarchitect.com

Location Map



Project Data Table

Lot Size	39,682 sq ft
Useable Building Square Footage	5,926 sq ft
Covered Parking - Adjacent to Building (measured under roof)	4,430 sq ft
Total Building Square Footage (under roof)	10,346 sq ft
Lot Coverage	26% lot coverage
Grading Information	No Proposed Grading
Tree Removal	No Proposed Tree Removal
Lot Slopes	Less than 1% (collectively flat)

Table of Contents

- ARCHITECTURAL
- A0.0 Cover Sheet, Data and Site Plan
 - A1.0 Existing Building and Site Plan - Reference
 - A2.0 Demolition Plan and Proposed Building Plan
 - A3.0 Photos

Scope of Work

The project includes interior tenant improvements to an existing single story building. The extent of exterior work is limited to the installation of windows. The windows will match existing type and style. Site work modification is limited to ADA accessibility upgrades to parking and building entry.

Interior improvements include ADA upgrades to restrooms and break room and minor building layout modifications. The building is to be for commercial use for a non-profit organization. The facility will have offices and some training rooms for classes.

Demolition is limited to interior work and removal of exterior wall to accommodate new windows. The building is visible from Portola Drive.

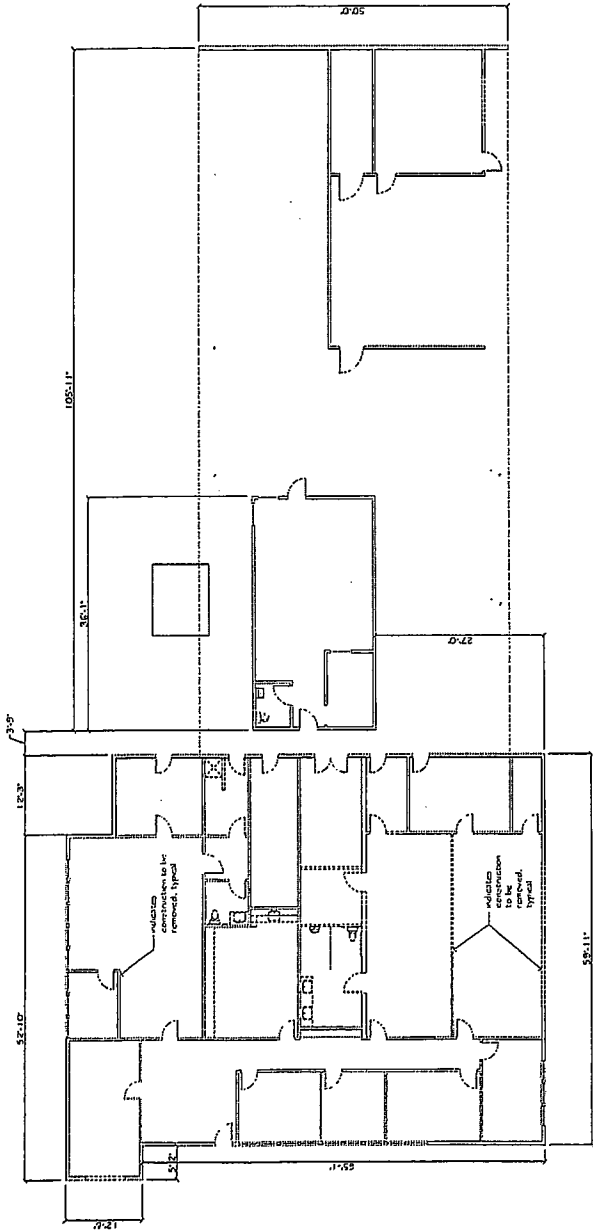
Submital:

Jeanette Chao Architect

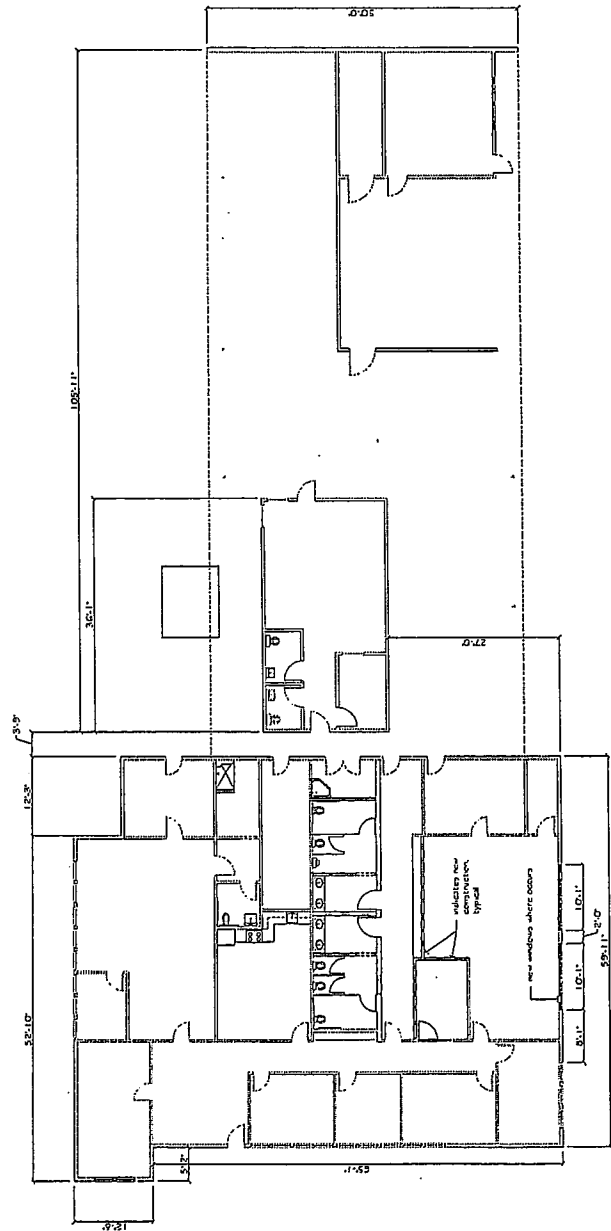
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site plan, project data & scope of work

Project No. 2025-01
Date 02-27-25
Scale 1/8"

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Demolition Plan



Proposed Floor Plan




TORO AREA



APPLICANT: SANCHEZ

APN: 161-021-017-000

FILE # PLN060551

 300' Limit  2500' Limit  City Limits

