

In the matter of the application of
Ave Maria Convalescent Hospital (PLN060332)

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 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 to reflect use. The property is located at 1249 Josselyn Canyon Road, Monterey, Greater Monterey Peninsula Area Plan, and came on regularly for hearing before the Zoning Administrator on July 12, 2007.

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, 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.

Staff change. The ALF will require a maximum of two new employees.

Parking. 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.

Hazardous Materials- 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 Architect 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) Existing Structure- The project structure was constructed in 1966 and utilized as nuns' cells or quarters.
 - (c) Negligible or no expansion-The project proposes the remodel of only 6341 square feet of structure to the assisted care facility. No expansion is proposed.
 - (d) Minor Alterations- The project proposes interior partition changes, plumbing and electrical system changes with window systems being the only exterior alteration.
 - (e) 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).

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 12th day of July, 2007.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JUL 24 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 AUG - 3 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: AVE MARIA CONVALESCENT HOSPITAL

File No: PLN060332

APN: 101-201-002-000

Approved by: Zoning Administrator

Date: June 28, 2007

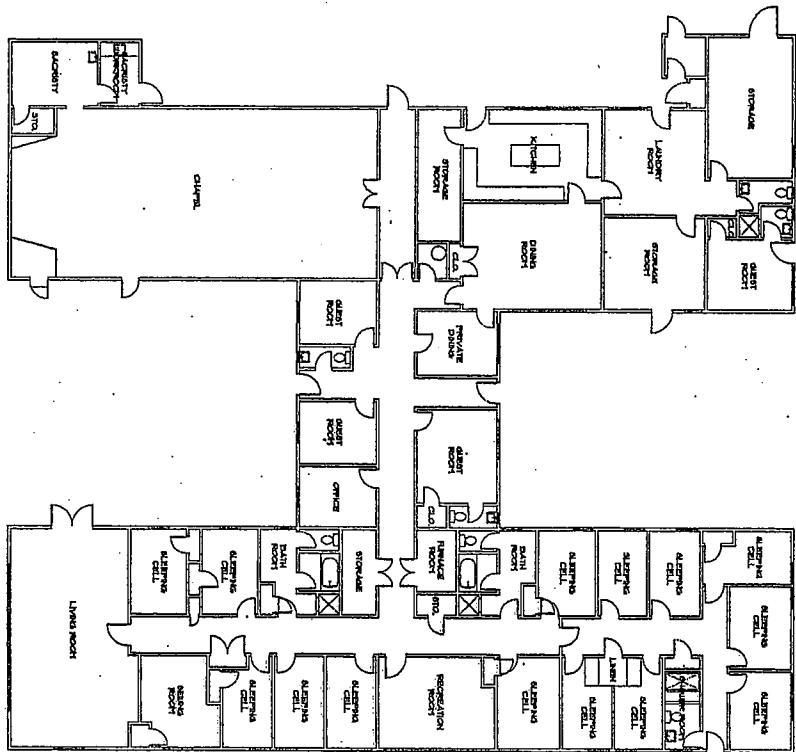
**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<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>Verifica-tion of Compliance (name/ date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>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 bear ultimate responsibility to ensure that conditions and</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

		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 July 12, 2007. The permit was granted subject to 9 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 commencement 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/ Archaeologist	Ongoing
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 new spaces shall be located outside of tree drip-lines. 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.		<p>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)</p>	<p>Submit the Water Release Form to the Water Resources Agency for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of any building permits</p>	
6.		<p>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)</p>	<p>Compliance to be verified by building inspector at final inspection.</p>	<p>Owner/ Applicant</p>	<p>Prior to final building inspection/ Occupancy</p>	
7.		<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 contractor and approved prior to requesting a rough sprinkler or framing inspection. (Carmel Highlands Fire District).</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p>	
			<p>Applicant shall submit fire alarm plans and obtain approval.</p>	<p>Applicant or owner</p>	<p>Prior to rough sprinkler or framing inspection</p>	

			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
8.		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). 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. (Carmel Highlands Fire District).	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	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
9.		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.	
		END OF CONDITIONS				



CONVENT AND ASSISTED LIVING FACILITY

EXISTING FLOOR PLAN



DATE: 05-10-06
 SCALE: 1/8" = 1'-0"
EX2.0

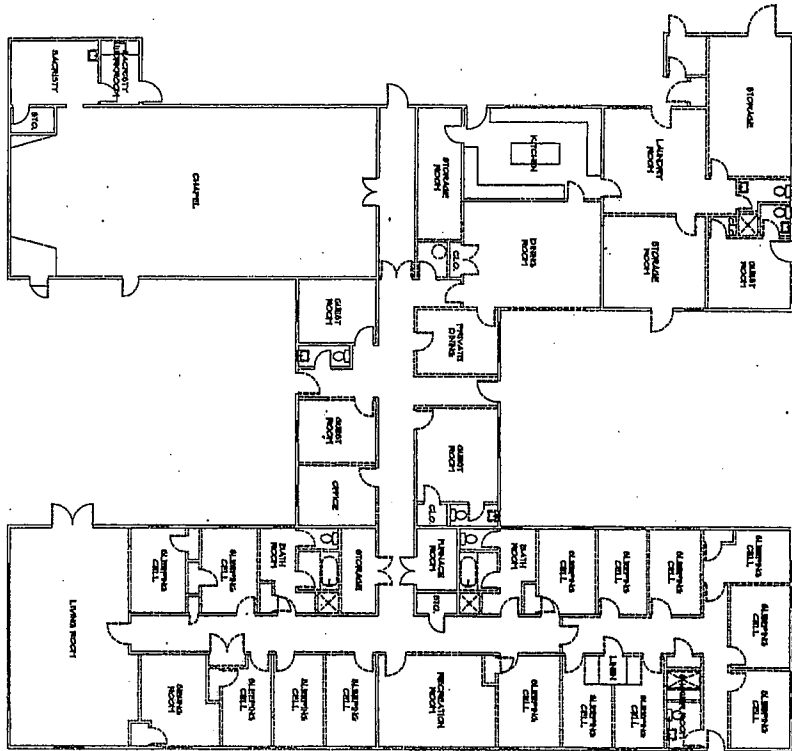
PROJECT NUMBER
 05662

EXISTING FLOOR PLAN
 ASSISTED LIVING FACILITY
 AVE MARIA CONVENT
 1225 Jostelyn Canyon Road Monterey, California 93910



ROBERT C. GOULET
 ARCHITECT
 1225 JOSTELYN CANYON ROAD
 MONTEREY, CALIFORNIA 93910





CONVENT FLOOR PLAN

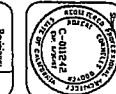


A2.0D

PROJECT NUMBER
056691

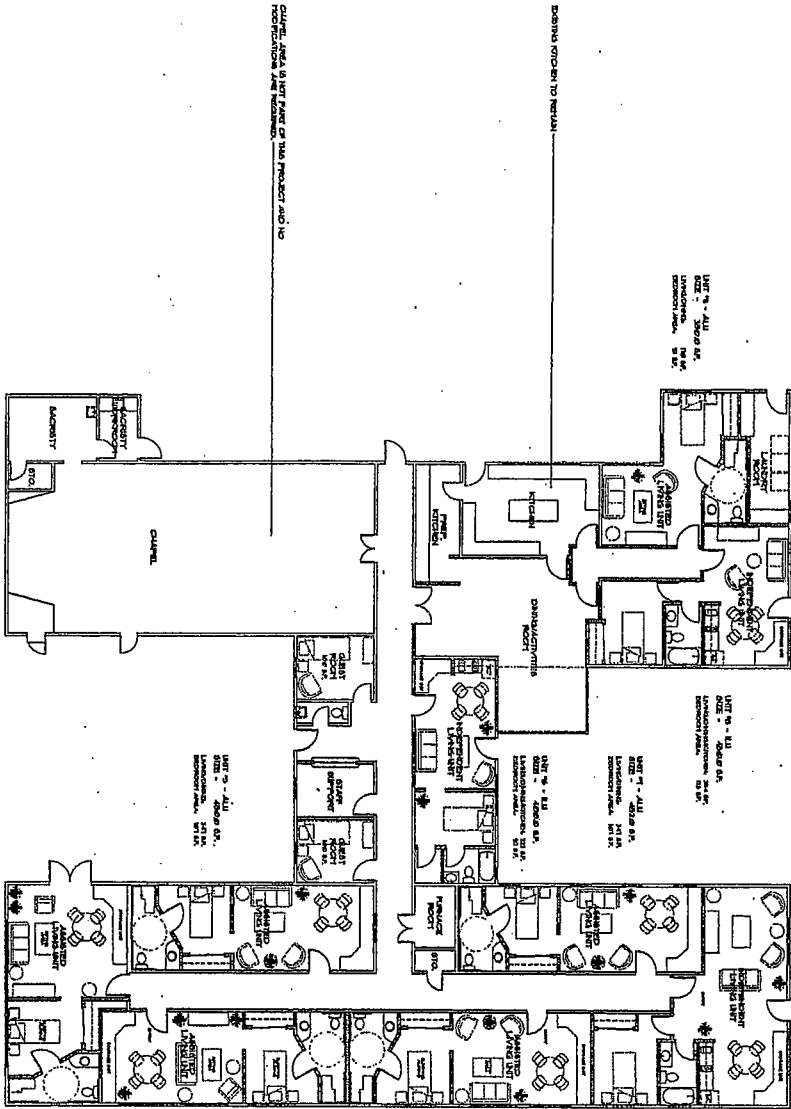
DEMOLITION PLAN
ASSISTED LIVING FACILITY
AVE MARIA CONVENT
 1222 Jesuityn Canyon Road Monterey, California 93910

Revisions:	



ROBERT C. HOOPER, C.
 LICENSED PROFESSIONAL ENGINEER
 License No. 15817
 State of California





DORMITORY ROOMS TO REMAIN

CHURCH, AREA IS PART OF THIS PROJECT AND NO REVISIONS TO THIS DRAWING

INDEPENDENT AND ASSISTED LIVING FACILITY

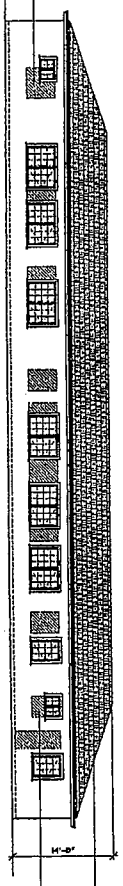
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WALL LEGEND:
 ===== EXISTING WALL
 - - - - - NEW WALL



ALL DIMENSIONS AND MATERIALS SHOWN HEREON ARE APPROXIMATE. THE DESIGN AND CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE ARCHITECT. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.

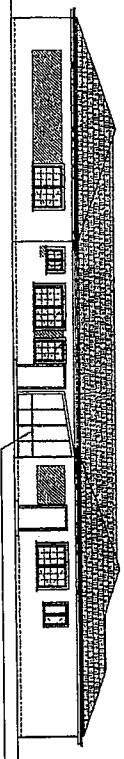
ALIGNED AREA INDICATED ON THE SEPARATE PROJECT LOCATION AND PAVED BY OTHER PLANS TO MATCH EXISTING. SEE SEPARATE



EXTERIOR NORTH ELEVATION

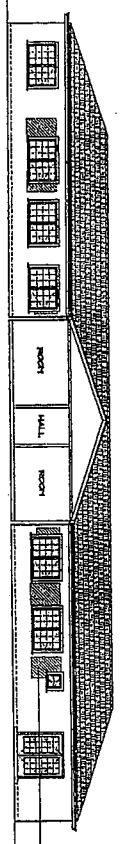
NO ROOMS EXPOSED TO THE PUBLIC SHALL BE LOCATED ON THIS ELEVATION AS SHOWN.

ALL EXTERIOR MATERIALS AND FINISHES SHALL BE IDENTIFIED IN THE SPECIFICATIONS AND SHALL BE IDENTIFIED IN THE EXTERIOR FINISH SCHEDULE.



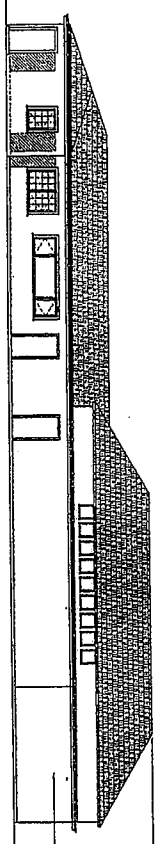
EXTERIOR EAST ELEVATION

ALL EXTERIOR MATERIALS AND FINISHES SHALL BE IDENTIFIED IN THE SPECIFICATIONS AND SHALL BE IDENTIFIED IN THE EXTERIOR FINISH SCHEDULE.



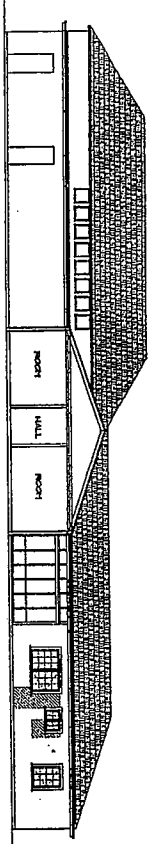
EXTERIOR SOUTH ELEVATION

ALL EXTERIOR MATERIALS AND FINISHES SHALL BE IDENTIFIED IN THE SPECIFICATIONS AND SHALL BE IDENTIFIED IN THE EXTERIOR FINISH SCHEDULE.

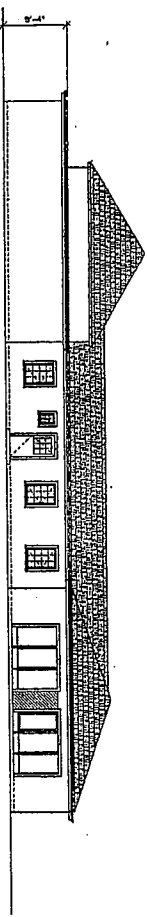


EXTERIOR NORTH ELEVATION

NO ROOMS EXPOSED TO THE PUBLIC SHALL BE LOCATED ON THIS ELEVATION AS SHOWN.



EXTERIOR SOUTH ELEVATION



EXTERIOR EAST ELEVATION

DATE: 03-10-06
 SCALE: 1/8"=1'-0"
A3.0
 PROJECT NUMBER: 075687

EXTERIOR ELEVATIONS
 ASSISTED LIVING FACILITY
 AVE MARIA CONVENT
 1249 Joseph Canyon Road Monterey, California 93940

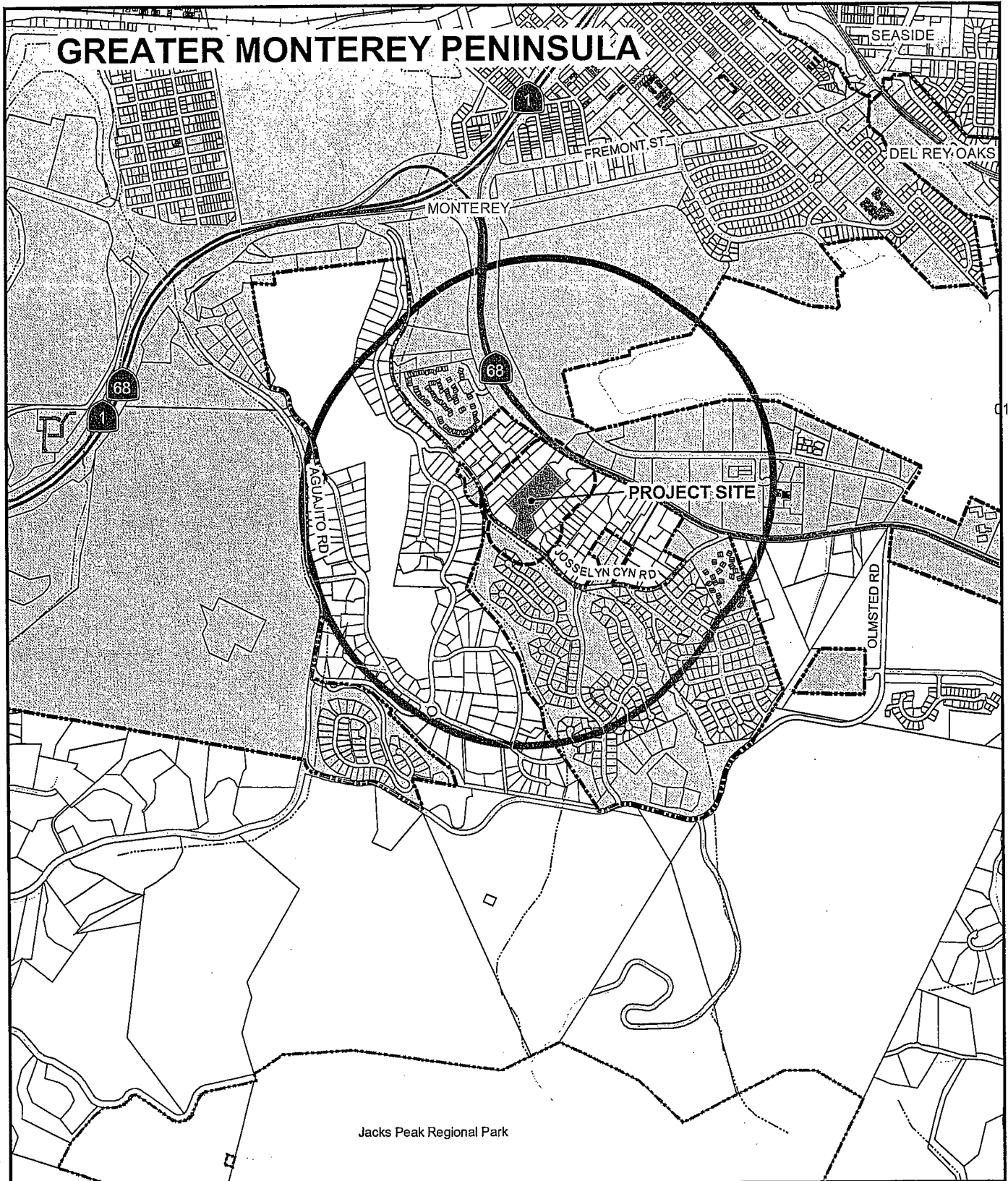
Revised:	



ROBERT C. GIFFORD
 ARCHITECT
 No. 10000
 State of California



GREATER MONTEREY PENINSULA






0132210:

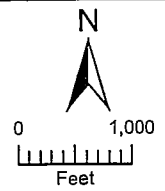
Jacks Peak Regional Park

APPLICANT: AVE MARIA CONVALESCENT HOSPITAL

APN: 101-201-002-000

FILE # PLN060332

 300' Limit  2500' Limit  City Limits



PLANNER: LYONS