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**Before the Planning Commission in and for the
County of Monterey, State of California**

Resolution No. 20-005

Resolution of the Monterey County Planning Commission recommending that the Board of Supervisors amend the text of the policies of the Las Palmas Ranch Specific Plan.

An amendment to the Las Palmas Ranch Specific Plan to amend the text of the policies of the Las Palmas Ranch Specific Plan came on for a public hearing before the Planning Commission on January 29, 2020 and February 12, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby recommends that the Monterey County Board of Supervisors make the following amendment with reference to the following facts:

RECITALS

1. Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term general plan for the physical development of each county.
2. On October 26, 2010, the Board of Supervisors of the County of Monterey (“County”) adopted the 2010 Monterey County General Plan for the non-coastal area of the County, including the Toro Area Plan within Chapter 9-I of the 2010 General Plan.
3. Section 65450 of the California Government Code allows counties to prepare a specific plan for the systematic implementation of the general plan for all or part of the area covered by the general plan.
4. On September 20, 1983, the Board of Supervisors adopted the Las Palmas Ranch Specific Plan.
5. Sections 65350 et seq. and 65453 of the California Government Code provide the procedure for amendments to adopted general plans and specific plans, respectively.
6. Policy 5 of Section C (Housing & Residential Land Use) of Chapter II of the Las Palmas Ranch Specific Plan (LPRSP) limits the maximum number of residential units within the Specific Plan area to 1,031 residential units in accordance with Figure D and Figure E of the LPRSP.
7. The proposed amendment would add language to Policy 5 of Section C (Housing & Residential Land Use) of Chapter II of the Las Palmas Ranch Specific Plan as follows (the added/amended text is underlined to differentiate from existing Policy 5 text):

The Specific Plan allows a maximum 1,031 residential units in accordance with Figure D and Figure E. In addition to the 1,031 residential units allowed in the Specific Plan, rest home facilities, which may include assisted living and continuum of care facilities for seven or more persons, may be constructed subject to approval of a conditional use permit. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding would be an allowed use.

8. Pursuant to California Government Code Section 65453, the County may amend an adopted specific plan in the same manner as a general plan, provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the specific plan (California Government Code Section 65353), and that the Board of Supervisors hold a public hearing to determine whether to amend the specific plan (California Government Code Section 65355).
9. Pursuant to the California Environmental Quality Act, the County of Monterey prepared and circulated a Subsequent Environmental Impact Report (SEIR) for the River View at Las Palmas Facility, which includes the proposed amendment to the Las Palmas Ranch Specific Plan. The Monterey County Planning Commission considered and recommended certification of the Final SEIR concurrent with taking this action on the proposed LPRSP amendment.
10. A public hearing on the River View as Las Palmas Facility project, including this LPRSP amendment, was noticed at the Planning Commission for January 29, 2020. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the Monterey County Weekly, posted in at least 3 different public places on and near the subject property, mailed to residents within 300 feet of the project site, and mailed or emailed to interested parties. On January 29, 2020, at the request of staff due to information recently received, the Monterey County Planning Commission continued the public hearing to February 12, 2020.
11. On February 12, 2020, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding approving the proposed amendment to the text of the policies of the Las Palmas Ranch Specific Plan.
12. All policies of the 2010 General Plan, Toro Area Plan, and the Las Palmas Ranch Specific Plan have been reviewed by the Planning Division staff to ensure that the proposed amendment to the Las Palmas Ranch Specific Plan is consistent with the 2010 General Plan and does not create any conflict with existing zoning of the site. The Planning Commission specifically finds that:
 - a. The project site's land use designation is identified in the Toro Land Use Plan (Figure LU#10 of the 2010 General Plan) as Medium Density Residential, 2.61 units per acre;


- b. The project site's zoning classification is also Medium Density Residential, 2.61 units per acre;
- c. The County adopted the project site's current zoning classification on December 8, 1992;
- d. Pursuant to General Plan Policy LU-2.33, land designated for Medium Density Residential use is categorized as Urban Residential Land and appropriate for public and quasi-public uses;
- e. Pursuant to General Plan Policy LU-2.33, the proposed building coverage will be less than 35 percent of the site. Total structural coverage is proposed at approximately 90,006 square feet or 13.2 percent of the project site, which is also under the public and quasi-public maximum of 25 percent per General Plan Policy LU-6.1. Total site coverage (including roads, driveways, and parking areas) is proposed at approximately 190,000 square feet or 27.8 percent of the project site.
- f. Medium Density Residential zoning identifies rest homes and assisted living facilities as allowed uses pursuant to the issuance of a Use Permit; however, the Las Palmas Ranch Specific Plan does not explicitly allow nor prohibit rest homes or assisted living facilities within the plan area.
- g. Rest homes and assisted living facilities are similar to other uses and public quasi-public uses currently allowed in the zoning district through the approval of a conditional use permit;
- h. An assisted living facility is considered a public/quasi-public use, not a residential use, because it does not operate or function in a manner like independent residential units.
- i. Rest homes and assisted living facilities are not considered residential units, and are not subject to the current 1,031 residential unit limitation of the Las Palmas Ranch Specific Plan.
- j. The amendment to the text of the policies of the Las Palmas Ranch Specific Plan would facilitate the proposed project by clarifying that rest homes, assisted living and continuum of care facilities for seven or more persons, and similar uses are an allowed use within the Specific Plan area.
- k. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding would be an allowed use.

DECISION

The Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors adopt a resolution to amend the text of the policies of the Las Palmas Ranch Specific Plan, as shown in Recital 7 above and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of February, 2020 upon motion of Commissioner Duflock, seconded by Commissioner Mendoza, by the following vote:

AYES: Duflock, Mendoza, Ambriz, Coffelt, Roberts, and Getzelman
 NOES: Daniels, Diehl, Gonzalez, and Monsalve
 ABSENT: None
 ABSTAIN: None



Brandon Swanson, Planning Commission Secretary

FEB 27 2020

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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.