



Monterey County

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Board Order

Upon motion of Supervisor Phillips, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution 16-064 of the Monterey County Board of Supervisors to:

- a. Approve the appeal by Nancy B. Ausonio from the Planning Commission's approval of a Combined Development Permit (Mohssin/Urban Housing Communities/PLN150730) consisting of: 1) Use Permit to allow the construction of a 36,000 square foot (42-unit; 36 one-bedroom units and 6 two-bedroom units) supportive housing complex to serve homeless and disabled veterans 3,300 square foot community center building; 2) Use Permit to allow a reduction in the required parking from 97 spaces to 47 spaces; and 3) Design Approval; and
- a. Find the Project Statutorily Exempt from CEQA Public Resources Code 21080(b)(5) and CEQA Guidelines Section 15270(a); and
- b. Deny the application for a Combined Development Permit (Mohssin/Urban Housing Communities/PLN150730) consisting of: 1) Use Permit to allow the construction of a 36,000 square foot (42-unit; 36 one-bedroom units and 6 two-bedroom units) supportive housing complex to serve homeless and disabled veterans and 3,300 square foot community center building; 2) Use Permit to allow a reduction in the required parking from 97 spaces to 47 spaces; and 3) Design Approval.

[Combined Development Permit – PLN150730/Mohssin (Urban Housing Communities), South of Poole Street and Merritt Streets (State Highway 183) in Castroville, Castroville Community Plan and North County Non-Coastal Area Plan (APN: 030-171-001-000)]

ACCEPTED on this 1st day of March 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on March 1, 2016.

Dated: March 3, 2016
File ID: RES 16-010
Corrected: March 10, 2016

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No. 16-064

Resolution of the Monterey County Board of Supervisors to:

- a. Approve the appeal by Nancy B. Ausonio from the Planning Commission's approval of a Combined Development Permit (Mohssin/Urban Housing Communities/PLN150730) consisting of: 1) Use Permit to allow the construction of a 36,000 square foot (42-unit; 36 one-bedroom units and 6 two-bedroom units) supportive housing complex to serve homeless and disabled veterans 3,300 square foot community center building; 2) Use Permit to allow a reduction in the required parking from 97 spaces to 47 spaces; and 3) Design Approval; and
b. Find the Project Statutorily Exempt from CEQA Public Resources Code 21080(b)(5) and CEQA Guidelines Section 15270(a); and
c. Deny the application for a Combined Development Permit (Mohssin/Urban Housing Communities/PLN150730) consisting of: 1) Use Permit to allow the construction of a 36,000 square foot (42-unit; 36 one-bedroom units and 6 two-bedroom units) supportive housing complex to serve homeless and disabled veterans and 3,300 square foot community center building; 2) Use Permit to allow a reduction in the required parking from 97 spaces to 47 spaces; and 3) Design Approval.....
[Combined Development Permit – PLN150730/Mohssin (Urban Housing Communities), South of Poole Street and Merritt Streets (State Highway 183) in Castroville, Castroville Community Plan and North County Non-Coastal Area Plan (APN: 030-171-001-000)]

The appeal by Nancy B. Ausonio from the Planning Commission's approval of the Combined Development Permit (Mohssin/ Urban Housing Communities /PLN150730) came on for public hearing before the Monterey County Board of Supervisors on February 9 and March 1, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

FINDINGS

- 1. FINDING: PROJECT DESCRIPTION – The proposed project is a Combined Development Permit consisting of: 1) Use Permit to allow the construction of a 36,000 square foot (42-unit; 36 one-bedroom units and 6 two-bedroom unit) supportive housing complex to serve homeless and

disabled veterans and 3,300 square foot community center building; and 2) Use Permit to allow a reduction in the required parking from 97 spaces to 47 spaces; and 3) Design Approval. For this particular project, the property owner (Idris Mohssin) is submitting an application on behalf of the “Applicant/Operator” which is Urban Housing Communities.

EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150730.

2. **FINDING:** **WITHDRAWAL OF VETERANS’ SUPPORTIVE HOUSING PORTION OF PROJECT** – The project operator (Urban Housing Communities-UHC) have withdrawn their application for a veterans’ supportive housing facility on the project site.

EVIDENCE: On February 19, 2016, the project operator submitted an email to the County of Monterey (RMA-Planning) withdrawing the application.

3. **FINDING:** **CONSISTENCY/SITE SUITABILITY** – Without UHC as an applicant, the Project is not consistent with the applicable plans and policies which regulate development within the County of Monterey.

EVIDENCE: a) The project proposes shared parking of 47 parking spaces to accommodate the 42 unit housing complex and community center. Per Monterey County Code (MCC), this project would require a total of 97 parking spaces [1.5 spaces for each one-bedroom unit (1.5 x 36 = 54), 2 spaces for each two-bedroom unit (2 x 6 = 12), 1 guest space/every 4 units (1 x 42/4 = 11), and 1 space for every 4 seats of the Community Center (1 x 80/4 = 20)]. The application requested a reduction in parking via a Use Permit (pursuant to MCC Section 21.58.050.C). The project is designed to house disabled, home-less, and handicapped veterans, who generally do not own and/or operate motor vehicles, and the primary users of the community center would be residents of the complex; therefore the provision of parking for both the residential complex and the community center, as separate parking generating uses, would create a redundancy of parking, and would result in the project site being “over-parked”. In other facilities operated by the applicant, many of the residents do not own vehicles, and thus parking is not needed for resident vehicles. The 47 proposed parking stalls, including 3 accessible stalls, provides 1 space per residential unit, with 5 spaces for visitors and employees.

b) The Project Operator (UHC) has withdrawn their application for a veterans’ supportive housing facility; therefore the reasons to support the reduction in the parking for the development cannot be supported and the findings justifying approval of the Use Permit cannot be made.

c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150730.

4. **FINDING:** **CEQA (Exempt):** - The project is statutorily exempt from environmental review under the California Environmental Quality Act

(CEQA).
EVIDENCE: a) Public Resources Code section 21080(b)(5) and CEQA Guidelines Section 15270 (a) statutorily exempt a project which a public agency rejects or disapproves.

5. **FINDING:** **PROCEDURAL BACKGROUND** – The project has been processed in compliance with County regulations, and due process has been afforded to the applicant and the public.

EVIDENCE: a) On October 9, 2015, Idris Mohssin filed an application with Monterey County RMA-Planning for a Combined Development Permit (PLN150730) consisting of 1) a Use Permit to allow the development of 36,000 square foot (42 unit; 36 one-bedroom units and 6 two-bedroom units) apartment veterans housing complex and a 3,300 square foot community center building; 2) Use Permit to allow a reduction in the required parking from 97 spaces to 47 spaces; and 3) Design Approval.

b) The Combined Development Permit (PLN150730) was deemed complete on November 20, 2015.

c) The project was brought to public hearing before the Monterey County Planning Commission on December 9, 2015. On December 9, 2015, the Planning Commission found the project consistent with a Community Plan for which an EIR was certified (CEQA Guidelines 15183) and approved the Combined Development Permit (PC Resolution No. 15-053).

d) An appeal from the Planning Commission’s approval of the Combined Development Permit was timely filed by Nancy B. Ausonio (“appellant”) on December 21, 2015.

e) The Board of Supervisors opened the public hearing on the appeal on February 9, 2016, and continued the hearing to March 1, 2016, without objection from the applicant or appellant. At least 10 days prior to the February 9, 2016 public hearing, notices of the public hearing were published in the *Monterey County Weekly* and were posted on and near the property and mailed to the property owners within 300 feet of the subject property as well as interested parties.

f) Staff Report, minutes of the Planning Commission and Board of Supervisors, information and documents in Planning file PLN150730, documents in the files of the Clerk of the Board.

6. **FINDING:** **HOUSING ACCOUNTABILITY ACT (GOVERNMENT CODE SECTION 65589.5)** – The Housing Accountability Act does not apply to this application.

EVIDENCE: Urban Housing Communities (UHC) has withdrawn the application (email attached as Exhibit A.1 the March 1, 2016 Board of Supervisors Errata Memorandum), and owner has not indicated that he would pursue the proposal in the absence of UHC. Therefore the project is no longer “supportive housing” as defined by Section 65589.5, and.

7. **FINDING:** **APPEAL AND APPELLANT CONTENTIONS** – The appellant requests that the Board of Supervisors grant the appeal and deny the Combined Development Permit application (PLN150731). The appeal

alleges: the findings or decision or conditions are not supported by the evidence and the decision was contrary to law. A portion of the appeal is based on a concern with inadequate parking. Based on the fact that the applicant/operator has withdrawn the application and the project would no longer be used as supportive housing for homeless veterans, the reduction in parking cannot be supported. Thus the appeal is granted on the basis that the evidence does not support findings for the parking reduction. The Board need not reach and accordingly does not make findings relative to the remainder of the contentions within the appeal.

EVIDENCE: a) See Finding and Evidence 3 (a) and (b) above.

DECISION

NOW, THEREFORE, BASED ON ALL OF THE ABOVE FINDINGS AND EVIDENCE AND BASED ON THE RECORD AS A WHOLE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Approved the appeal by Nancy B. Ausonio from the Planning Commission's approval of a Combined Development Permit (Mohssin/Urban Housing Communities/PLN150730) consisting of: 1) Use Permit to allow the construction of a 36,000 square foot (42-unit; 36 one-bedroom units and 6 two-bedroom units) supportive housing complex to serve homeless and disabled veterans 3,300 square foot community center building; 2) Use Permit to allow a reduction in the required parking from 97 spaces to 47 spaces; and 3) Design Approval; and
- b. Found the Project Statutorily Exempt from CEQA Public Resources Code 21080(b)(5) and CEQA Guidelines Section 15270(a); and
- c. Denied the application for a Combined Development Permit (Mohssin/Urban Housing Communities/PLN150730) consisting of: 1) Use Permit to allow the construction of a 36,000 square foot (42-unit; 36 one-bedroom units and 6 two-bedroom units) apartment veterans housing complex and 3,300 square foot community center building; 2) Use Permit to allow a reduction in the required parking from 97 spaces to 47 spaces; and 3) Design Approval.

PASSED AND ADOPTED upon motion of Supervisor Phillips, seconded by Supervisor Salinas carried this 1st day of March 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on March 1, 2016.

Dated: March 10, 2016
File Number: RES16-010

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy