

# Exhibit B

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## **EXHIBIT B DISCUSSION**

### Setting and Description of Project:

The project site is residential 2.411 acre parcel located at 15961 Toro Hills Drive, unincorporated Salinas in the Toro Area Plan. The parcel has an existing 4,838 square foot detached single-story house with an attached garage and an 800 square foot detached second unit permitted as a “guesthouse”. The parcel has two zoning designations: Medium Density Residential with a B-6 Zoning Overlay, Design Control (MDR/B-6-D) and Open Space, Design Control (O-D). The structures are located on the MDR/B-6-D zoning designation of the property which is the westerly side of the property. The residence and guesthouse were built in 1952 and 1960, respectively, with permitted additions since their original construction years (see cover report).

The project proposal is a Use Permit, Design Approval and Administrative Permit. The Use Permit and Design Approval would allow the operational expansion of an existing small residential care facility for elderly residents (aged 60 and over) for up to six residents to a large residential care facility for up to 12 residents in an existing one-story single-family residence. The small residential care facility at this location has operated since February of 2017. The current operation has a total of six (6) employees and the proposed operation will have the same number of employees. The employee by type, shifts and work days are as follows:

- One (1) Administrator from 8am to 5pm, Monday to Friday
- Five (5) Caregivers, each with the following hours, employed 7 days a week:
  - 7am to 3-30pm
  - 8am to 12pm
  - 3pm to 11pm
  - 4pm to 8pm
  - 11pm to 7am

The Administrative Permit would convert a permitted legal non-conforming guesthouse into a second unit. See **Zoning Conformance** section. The site plan shows the property can accommodate up to eight (8) parking spaces, 2 of which are located in the attached garage. There are no proposed changes to the current site as far as landscaping, lighting and trash service. The site will continue with residential trash service which consists of two 96-gallon trash containers and one 96-gallon recycling container. There is no proposed sign program.

### Analysis:

**Neighborhood Compatibility.** As indicated, the existing use of the property is a small residential care facility for up to six elderly residents. The proposal is to expand the use to a large residential care facility for up to 12 elderly residents. The proposed use would double the capacity of elderly residents, but the use would remain relatively the same. The number of employees would not increase. The large residential care facility would continue to provide 24-hour care and supervision to elderly residents. The proposal is to have a total number of six bedrooms to accommodate two elderly residents in each room for a total of 12 beds. The facility is currently licensed by the State for six individuals and is proposed to be licensed for 12 residents. Contact with residents of the surrounding neighborhood is expected to be very limited

since most the resident's basic needs are provided by the facility. Scheduled meals, programs, treatment and laundry services are provided within the house. The property is a large 2.411 acre site with an existing lot coverage of only .04 percent, lending sufficient area for outdoor activities, including visitation by guests of the residents within the property. On-site parking for employees and visitors is provided. Residents are permitted to leave the residence as some will take occasional walks, but residents cannot drive. The minor exterior modifications proposed include the construction of accessible ramps and deck extension. The site is located next to the Steinbeck Country Equine Clinic, the Toro Park Center and residential neighborhood. The proposed large residential care facility for up to 12 elderly residents is in keeping with the vicinity. Therefore, the proposed use and minor exterior modifications would be compatible with the neighborhood.

### **Zoning Conformance.**

#### *Entitlements:*

Use Permit- The proposed project requires a Use Permit for the establishment of a large residential care facility pursuant to the MDR Zoning District under MCC Section 21.12.050.P. The purpose of the MDR Zoning District is to provide a district to accommodate medium density residential uses in those areas of the County of Monterey where adequate public services and facilities exist or may be developed to support medium density development. The intension of the MDR Zoning District chapter is to require adequate on-site facilities to assure proper, usable and livable development while allowing sufficient design flexibility to provide such development. The existing small residential care facility currently is supplied water by Cal Water Service and sewage disposal by California Utilities Service, and the proposed project will have the same services. Pursuant to MCC Section 21.74.010, the purpose of a Use Permit is to provide a means whereby applicants desiring to conduct a use other than an allowed use (a use by right) may make an application to the appropriate authority to consider the use at a public hearing. A large residential care facility is subject to a Use Permit in the MDR Zoning District. In order to grant the Use Permit, the appropriate authority, in this case the Zoning Administrator, shall make the following findings:

- 1) That the establishment, maintenance, or operation of the use 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;
- 2) That the subject property is compliance with all rules and regulations pertaining to zoning uses of the zoning code and any zoning violation abatement costs have been paid.

Staff has concluded that the proposed project to allow a large residential care facility for up to 12 elderly residents will not be detrimental to health, safety, peace, morals, comfort and general welfare of residents or people working in the neighborhood; or be detrimental or injurious to the property and neighborhood. The project will have public water and sewage disposal. The use would generate an insignificant amount of traffic (see traffic impact analysis below) and the residential nature of the facility would not be detrimental to the health, safety, peace, morals or general comfort of the residents or people working in the vicinity.

**Design Approval-** The proposed project requires a Design Approval entitlement, pursuant to MCC Section 21.44. This section provides a district for the regulation of the location, size, configuration, materials, and colors of structures and fences, in those areas of the County where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure visual integrity of certain developments without imposing undue restrictions on private property. The project proposes very minor exterior modifications to the existing residence. This includes construction of accessible ramps and a deck extension. No fences, color or material changes are proposed. The existing residence is of a ranch style architecture, in brown wood siding with composition roof. It is consistent with the rural neighborhood character and staff is not recommending the applicant make any exterior changes since the existing residence and the proposed minor exterior modifications will continue to assure consistency with neighborhood character.

**Administrative Permit-** As explained in the cover report, the property has a detached 800 square foot residence with kitchen constructed in 1960, that was labeled a “guest house” by a former property owner, when in 1966, he applied for Monterey County building permit to expand his approximately 650 square foot detached small residence to 800 square feet by adding a living room. Assessor’s records show that the 1960’s “guest house” had a kitchen when the property was appraised in the 60’s. The permitted “guest house” was labeled as such by the then property owner in his application. Under current guesthouse regulations, MCC Section 21.64.020, a guesthouse could not have a kitchen, be more than 600 square feet and it could not be an independent living facility. Therefore, this structure is a permitted, legal non-conforming guesthouse. Since the “guest house” qualifies as a second unit, an Administrative Permit would allow the conversion of the “guest house” to a second unit for this unit to be an independent living unit. Although the applicant does not reside on-site and is not proposing to have a live-in residential care operator, the applicant may choose to use this 800 square foot residence for the residence of an operator or a renter not associated with the Residential Care Facility, so as long as the State allows the occupant to reside on property, following a background check.

**Site Development Standards:** Minor exterior modifications proposed (construction of accessible ramps and deck extension) will meet the MDR Zoning Districts site development standards, as far as height, setbacks and lot coverage. The existing structures currently meet the MDR Zoning Districts site development standards.

**Parking:** The site has eight (8) parking spaces, two (2) of which are located in the existing attached garage. The project does not propose additional parking spaces as the parking standards pursuant to MCC Section 21.58.040 for a large residential care facility requires 1 space per employee, plus 2 additional spaces. The proposed use will continue to have the same number of employees it currently has which is a total of six employees. The eight parking spaces the property provides, meets this requirement for the number of employees the operation has (6 employees requires 6 parking spaces, plus 2 additional spaces). Furthermore, since not all employees will be present at the same times, resident’s guests are able to park in these parking areas.

**Traffic Impacts.** A traffic study was prepared for the proposed use. See **Exhibit F**. The study concluded that the project will have no significant impact on local or Highway 68 traffic and that no further study is required. The RMA-Public Works staff agrees with this conclusion. No conditions of approval from the RMA-Public Works are required.

Environmental Review:

The project is exempt from further environmental review under the provisions of Section 15303 of the California Environmental Quality Act. Under the provisions of Section 15303, small facilities or structures and the conversions of existing facilities from one use to another, including small residential projects or commercial less than 10,000 square feet on urbanized parcels are exempt when only minor modifications, if any are made to the exterior of the structure, the site is zoned for the proposed use and the use does not involve significant amounts of hazardous materials. The proposed 12-bed large residential care facility is within an existing detached single family residence of less than 10,000 square feet in size, on a 2.411 acre parcel located in the urbanized area as the property is located in a residential area where commercial areas also exists in unincorporated Monterey County, south of the City of Salinas. The conversion of the 800 square feet legal non-conforming guesthouse to a second dwelling unit meets this exemption under CEQA. The project site has public utilities, such as sewer and water. The site is zoned MDR/B-6-D and O-D. The existing residence where the proposed use will be conducted from is situated in the MDR/B-6-D zoning district, which allows for large residential care facilities, subject to a Use Permit. A Traffic Study prepared for the project concluded that no significant impact on local or Highway 68 traffic is anticipated. Staff has determined that the proposed project meets the criteria under Section 15303 and will not have significant effect on the environment.

Recommendation:

Based on the above analysis, staff concludes that the proposed project is consistent with the 2010 Monterey County General Plan, the Toro Area Plan and the Zoning Code (Title 21). The project is compatible with the surrounding neighborhood and no significant impact on local or Highway 68 traffic is anticipated as a result of the project. Therefore, staff recommends that the Zoning Administrator find the project categorically exempt from CEQA and approve the Mazerik's permit for a large residential care facility and conversion of guesthouse to second unit, subject to attached recommended conditions of approval (**Exhibit C**).