



## Board Report

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**File #:** ZA 17-059, **Version:** 1

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### **PLN170532- MAZERIK**

Public hearing to consider expanding the use of an existing small residential care facility operating from a single-family home to a large residential care facility for up to twelve (12) residents and the conversion of a legal non-conforming guesthouse into a second single family dwelling.

**Project Location:** 15961 Toro Hills Avenue, Salinas, Toro Area Plan

**Proposed CEQA Action:** Categorically Exempt per Section 15303 of the CEQA guidelines

#### RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

- a. Find the project Categorically Exempt per section 15303 of the CEQA Guidelines; and
- b. Approve a Use Permit and Design Approval to allow the establishment of a large residential care facility for up to twelve (12) residents to operate from a single-family residence currently functioning as a small residential care facility.
- c. Approve an Administrative Permit to convert a permitted legal non-conforming guesthouse into a second unit.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval subject to 14 of conditions of approval.

#### PROJECT INFORMATION:

**Owners:** Beth and James Mazerik

**Agent:** Matthew Mazerik

**APN:** 161-041-031-000

**Parcel Size:** 2.411 Acres (105,023 sf)

**Zoning:** MDR/B-6-D and O-D

**Flagged and Staked:** n/a

#### SUMMARY:

The property is located in the Toro Park area, west of the Highway 68/Portola Drive-Toro Park interchange. There is no development between the project site and Highway 68. See **Exhibits D and G**. Located to the west of the property is Steinbeck Country Equine Clinic; located south of the property is the Toro Park Center, to the north is the Toro Sunshine residential development, a single-family residential subdivision with parcels of approximately 9,000 square feet. The zoning of the property and where the existing home is located is Medium Density Residential with a B-6 Zoning Overlay in a Design Control District or MDR/B-6-D. The easterly portion of the property is zoned Open Space, Design Control District or O-D. No structures are located or proposed in the O-D section of the property.

A large residential care facility, per MCC Section 21.06.932, is defined as a living facility for seven to 12 residents, excluding operators, licensed by the State of California, providing 24-hour residential care and varying levels and intensities of medical or non-medical care, supervision, services or assistance to persons living in a residential setting. The zoning code requires a Use Permit for a large residential care facility in the MDR Zoning District, as opposed to a small (6 or fewer) residential care facility which is allowed by right in

this zoning district. The proposed project is the operational expansion of a currently State-permitted “small residential care facility” for elderly residents (up to six) aged 60 and over, to a “large residential care facility” (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. Minor exterior modifications include the construction of accessible ramps and deck extension. Because the subject property is located in a Design Control area, the minor exterior modifications require a Design Approval entitlement. Interior modifications proposed include conversion of an existing recreation room into bedrooms number five and six and expansion of a hallway. See **Exhibit C** for Plans and **Exhibit E** for Operational Plan statement.

The 2.411 acre site has an existing one-story single family residence of approximately 4,838 square feet, containing four bedrooms, an attached garage with an attached carport. Assessor’s records indicate the house was built in 1952. A permit search on this property reveals the residence has had several finished construction and cleared Design Approval permits since 1998. The permits were for re-roofs (Monterey County Building Permit Nos. BP982509S; BP001728 and 13CP01202); a 92 sq. ft. addition to the kitchen and kitchen remodel (Monterey County Permit Nos. BP992335 and DA990328); and most recently in early 2017 when the Mazerik’s acquired the property and changed the nature of the use from a residence to a small residential care facility. The County permitted a “change of occupancy” construction and Design Approval permits (Monterey County Permit Nos. 17CP00762 and PLN170258). The permits included minor modifications including replacing windows with doors at bedrooms with exterior steps and additions of decks, in order to be ADA compliant.

There is also a detached 800 square foot residence with kitchen constructed in 1960, that was labeled a “guest house” by a former property owner in 1966, when he applied for a Monterey County building permit to expand his approximately 650 square foot detached small residence to 800 square feet by adding a living room (Monterey County Building Permit No. B8175). Assessor’s records show that the 1960’s “guest house” had a kitchen. Current guesthouse regulations, MCC Section 21.64.020, do not allow for a kitchen or a guesthouse of over 600 sq. ft. of livable area, therefore, this structure should not be considered a guesthouse, but rather 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 living unit 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. In order to memorialize the actual use of this 800 square foot residence as a second unit, an Administrative Permit has been included in the action, in order to convert a legal non-conforming guesthouse into a second unit. Under the MDR Zoning regulations (MCC 21.12.040.A), an Administrative Permit is required for the establishment of a second single family dwelling provided the gross density does not exceed the dwelling units/acre. The property’s MDR zoning designation and land area would allow for a second dwelling unit.

The residence is a ranch style home of wood siding in dark brown with brick accents with composition roof materials. The site is relatively flat with planted grass surrounding the residence and natural grasses on the eastern section of the property along Portola Avenue. The parcel has two driveways, one off Toro Hills Avenue and the other off of Portola Avenue. The Portola Avenue driveway has an existing wood gate. The property has a perimeter wood fence and several oaks and elm trees primarily in the westerly side of the property. The project does not propose any color or material changes. Exterior modifications proposed are extension of an existing deck and the addition of ADA accessible ramps.

#### ANALYSIS:

The analysis for this project is focused on neighborhood compatibility, zoning conformance, parking

conformance and traffic impacts. Staff finds that the project is compatible with the neighborhood as the proposed use would not change the character since the property would continue to be a non-medical, assisted living residential care facility that does not accept patients on hospice care, and no structural expansions are proposed to the existing home. In the applicant's experience in operating other residential care facilities, the average of ambulance assistance calls was one call every five months. The proposed use conforms to the zoning code and meets parking requirements. The Administrative Permit, to convert the legal non-conforming guesthouse into the actual use of a second dwelling, will bring the existing 800 square foot detached unit into conformance. The operational expansion from six to twelve elderly residents will not require an increase of employees, as the California Senior Care Licensing Program for Residential Care Facilities do not have an established caregiver to resident ratio. No additional employee traffic, and the infrequent ambulance trips, the elderly residents are not allowed to have cars, even if they are licensed to drive. Therefore, the traffic report prepared for the property concluded that the project will have no significant impact on local or Highway 68 traffic and that no further study is required. See **Exhibit B** for a more detailed discussion on traffic.

#### RECOMMENDATION:

Based on staff's analysis of the project, including the review of a Traffic Study (**Exhibit F**), 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.

#### DISCUSSION:

Detailed discussion is provided in **Exhibit B**.

#### CEQA:

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 conversion of a legal non-conforming guesthouse to a second unit is a conversion of small facilities or structures. The site is considered "urbanized" since the location is near the city limits of Salinas in a suburban area, inside an established neighborhood with improvements such as roads, bridges, residences, a commercial center, and other site benefits from public utilities, such as water and sewer. The site is zoned Medium Density Residential with a B-6 Zoning Overlay in a Design Control District or 'MDR/B-6-D. This zoning allows for the proposed use subject to a Use Permit. The project does not involve storage of hazardous materials (eg: oxygen) as the proposed use is for a non-medical facility.

#### OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- Monterey County Regional Fire Protection District

#### LUAC:

The project was not referred to the Toro Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the project does not require an Initial Study, it does not involve lot line

adjustment or a variance and the entitlement is not solely a Design Approval that requires review by the Zoning Administrator or Planning Commission.

**FINANCING:**

Funding for staff time associated with this project is included in the FY17-18 Adopted Budget for RMA-Planning.

Prepared by: Nadia Amador, Associate Planner, Ext. 5114

Approved by: Brandon Swanson, RMA Services Manager, Ext. 5334

Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the RMA:

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| Exhibit A | Project Data Sheet  |
| Exhibit B | Discussion  |
| Exhibit C | Draft Resolution, including: <ul style="list-style-type: none"><li>• Conditions of Approval</li><li>• Plans</li></ul> |
| Exhibit D | Photographs of Property and Neighborhood  |
| Exhibit E | Operational Plan, Songbird Care Homes   |
| Exhibit F | Traffic Study for Songbird Care Homes Expansion   |
| Exhibit G | Vicinity Map/Google Earth image.  |

cc: Front Counter Copy; Brandon Swanson, RMA Services Manager; Matthew Mazerik, agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN170523.