

RESOLUTION NO. 990559

A.P.# 412-011-037-000

In the matter of the application of
Gloria E. Bernstein (PLN990559)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow conversion of existing studio above garage to Caretaker's Unit, located at 278 C Vega Road, Watsonville, west of the Eagle Hill Road and Vega Road intersection, Las Lomas area, North County, came on regularly for hearing before the Zoning Administrator on March 28, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The subject Use Permit (PLN990559), as described in Condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, the North County Area Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 278 C Vega Road in the Los Lomas area in the North County. The parcel is zoned "LDR/5" or Low Density Residential, 5 acres per unit. The site is physically suitable for the use proposed
EVIDENCE: The existing studio is 912 square feet built above a garage and there is no increase in square footage.
EVIDENCE: The proposed care taker unit requires a Use Permit, which satisfies Section 211.64.030 E.
EVIDENCE: The application and plans submitted for the Use Permit in project file PLN990559 at the Monterey County Planning and Building Inspection Department.
EVIDENCE: Design Approval Request form with plans recommended for approval by a 6-0 vote by the North County Non-Coastal Land Use Advisory Committee.
EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, North County Fire Protection District, Water Resources Agency, Public Works Department and Health Department. There has been no indication from these agencies that the site is not suitable.
EVIDENCE: The project is consistent with the Land Use Development Standards. This project is number 832 out of the maximum of 1,351 new lots or units (excluding the first single family dwelling on a vacant lot of record) approved since July 1987. Section 20.144.140.B.3.a. establishes a 50 percent build-out figure that is permitted as the first phase of new development in the North County Land Use Planning area in an effort to limit groundwater use to a safe yield level.
2. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15303a of the Monterey County CEQA Guidelines categorically exempts single-family residences not in conjunction with the building of more than two or more such units from environmental review. No adverse environmental impacts were identified during staff review of the project application.
3. **FINDING:** The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace,

morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying material, was reviewed by the Department of Planning and Building Inspection, North County Fire Protection District, Public Works, Parks Department, Environmental Health Division, and the Water Resources Agency. The preceding departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood or the county in general.

4. FINDING: The project is appealable to the Planning Commission.

EVIDENCE: Sections 21.80.040B of the Monterey County Zoning Ordinance Title 21.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The subject Use Permit (PLN990559) allows for a change of use of an existing artist studio over the garage to a caretaker unit. There shall be no increase of square footage. The property is located at 278 C Vega Road, Los Lomas area, North County Non-Coastal Zone. The uses allowed by this permit shall not commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use 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 other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution No. 990559) was approved by the Zoning Administrator for Assessor's Parcel Number 412-011-037-000 on February 28, 2002. The permit was granted subject to 14 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. Prior to issuance of building permits the applicant shall record a deed restriction stating that the caretaker unit shall not be rented to any person other than the caretaker. **(Planning and Building Inspection Department)**

4. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. If applicable, the applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
5. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. **(North County Fire District)**
6. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(North County Fire District)**
7. Before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the background colors of the sign. **(North County Fire District)**
8. The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection. **(North County Fire District)**
9. Prior to the issuance of a building permit, the applicant shall provide to the director of Environmental Health written certification, and any necessary certification from State agencies that Vega Road #6 Mutual Water System can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health) **(North County Fire District)**

Prior to Final Building Inspection/Occupancy:

10. The applicant shall comply with Ordinance No. 3932 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)**

- 11. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. **(North County Fire Protection District)**
- 12. Size of letters, numbers and symbols for addresses shall be a minimum of 3-inch letter height, 3/8-inch stroke, contrasting with the background color of the sign. **(North County Fire Protection District)**
- 13. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(North County Fire Protection District)**

Continuous Permit Conditions:

- 14. The applicant shall comply with the following conditions regarding the care takers unit:
 - a. Only one Caretaker unit per lot shall be allowed.
 - b. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment or other facilities on-site or on contiguous lots under the same ownership.
 - c. The Caretaker unit shall not be separately rented, let, or leased to other than the caretaker whether compensation is direct or indirect.
 - d. Subsequent subdivisions which divide a main residence from the Caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 28th day of March, 2002.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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

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.