

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 030371

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

In the matter of the application of
Gloria E. Bernstein TR (PLN030371)

FINDINGS & DECISION

for an Amendment to a previously approved Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to amend an existing Use Permit (PLN990559, Condition #9), to change from requiring a connection to an existing local water system to the construction of an on site well to serve the previously approved Caretaker's unit located at 278C Vega Road, Watsonville, west of Oakleaf Drive and south of Vega Road, North County area, came on regularly for hearing before the Zoning Administrator on October 9, 2003.

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

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY & SITE SUITABILITY** - The Bernstein Use Permit Amendment (PLN030371), as described in condition #1 would change condition #9 of Use Permit Resolution #990559 from requiring a connection to an existing local water system to construction of an on-site well to serve the previously approved caretaker unit. The property is located at 278c Vega Road, Watsonville (Assessor's Parcel Number 412-011-037-000), and is zoned "LDR/5" or Low Density Rural, 5 acres per unit. The project, as conditioned, is consistent with the plans, policies, requirements, and standards of the General Plan, North County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The site is suitable for the proposed use.

EVIDENCE: (a) The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for consistency with the General Plan and North County Area Plan.

(b) The North County Land Use Advisory Committee (LUAC) recommended approval (5 to 0 with 1 absent) of the Amendment on September 17, 2003, with no changes.

(c) The project planner conducted a site visit on August 29, 2002, to verify that the proposed project complies with applicable policies and regulations.

(d) With the exception of condition #9, all other findings and conditions in Resolution No. 990559 remain in effect and are not changed by this amendment.
- 2. FINDING: CEQA (Exempt)** The proposed project will not have a significant environmental impact.

EVIDENCE: (a) Section #15303 of the CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application and during the site visit on August 29, 2002.
- 3. FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and other applicable provisions of Title 21. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Section 21.14 of the Monterey County Code (Zoning).

(b) Staff verification of the Monterey County Planning and Building Inspection

Department records indicates that no violations exist on subject property.

4. **FINDING: HEALTH and SAFETY** - The establishment, maintenance, or operation of the use or structure 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.

EVIDENCE: (a) The project and site as described in the application and accompanying material, were 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.

5. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

EVIDENCE: (a) Section 21.80.040.B 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 Bernstein Permit Amendment (PLN030371) changes condition #9 of Zoning Administrator Resolution No. 990559 from requiring a connection to a local water system to construction of an on-site well to serve a previously approved caretaker unit. With the exception of condition #9, all other findings and conditions in Resolution No. 990559 remain in effect and are not changed by this amendment. Neither the uses nor the construction allowed by this permit shall 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 or construction 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 or construction 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 a Well Permit and/or Construction of the Well:

2. The applicant shall record a notice which states: "A Permit Amendment (Resolution PLN030371) was approved by the Zoning Administrator for Assessor's Parcel Number 412-011-037-000 on October 9, 2003. The permit was granted subject to 6 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. Drill the well under permit of the Division of Environmental Health. After completion of well, submit a well log for the well for review and approval. After review and approval of well log condition #9 for PLN990559 may be cleared. **(Health Department)**

Prior to Final Clearance of the Well Permit:

4. Prior to commencement of use, the applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. **(Water Resources Agency)**
5. Applicant shall ensure that the capacity of the water system will support the requirements of the fire sprinkler system and 5 gallons per minute domestic demand concurrently (to be verified at rough-in and final sprinkler inspections). **(North County Fire Protection District)**

Continuous Conditions:

6. If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 9th day of October, 2003.

Original Signed By:

MIKE NOVO
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.