

RESOLUTION NO. 010296

A.P.# 187-111-003-000

In the matter of the application of
Roger & Sally Post TR (PLN010296)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow for the construction of a 596 sq. ft. second-story guesthouse with 30 sq. ft. balcony above an existing detached garage; and Design Approval; located at 5 Vista Ladera, Carmel Valley, off Laureles Grade, Carmel Valley area, came on regularly for hearing before the Zoning Administrator on November 15, 2001.

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

FINDINGS OF FACT

1. **FINDING:** The subject Use Permit and Design Approval (file # PLN010296), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 5 Vista Ladera, Carmel Valley. The parcel is zoned "LDR/1-D-S" or Low Density Residential 1 acre/unit; Design and Site Review District. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the Carmel Valley Master Plan.
EVIDENCE: The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, and Carmel Valley Fire District. There has been no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.
EVIDENCE: The proposed use is consistent with the development standards for Low Density Residential (Ch. 21.14) zoning district, pursuant to Title 21, Monterey County Zoning Ordinance.
EVIDENCE: Design Approval request form, with recommendation for approval of the project by the Carmel Valley Land Use Advisory Committee on 9/17/01, by a vote of 7-0-0.
EVIDENCE: Written and verbal public testimony submitted at public hearings before the Zoning Administrator.
EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.
EVIDENCE: Sections 21.64.020, 21.45.010, and 21.44.010 of the Monterey County Zoning Ordinance (Title 21). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

EVIDENCE: The on-site inspection by the project planner to verify that the proposed project complies with the policies of the Carmel Valley Master Plan.

2. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Sections 15301 and 15304 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.

3. **FINDING:** 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: File and application materials contained in the project file.

4. **FINDING:** Based on a review of the project plans and design materials the guesthouse meets the necessary criteria to be considered under section 21.64.020(C)(11)

EVIDENCE: On-site inspection by the project planner confirmed that the site is located in an area compatible with the proposed use and design.

5. **EVIDENCE:** The project is appealable to the Planning Commission.

FINDING: Section 21.80.040 (B) of Title 21 (Zoning Ordinance).

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 and Design Approval consists of construction of a 595 sq. ft. second-story guesthouse above an existing detached garage. The project is located at 5 Vista Ladera, (Assessor's Parcel Number 187-111-003-000). The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 010296) was approved by the Zoning Administrator for Assessor's Parcel Number 187-111-003-000 on November 15, 2001. The permit was granted subject to 9 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. 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. 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)**
4. Prior to issuance of a building permit, or use of an existing structure as a guesthouse, the applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating the regulations for guesthouses, as follows:
 - a. Only one guesthouse shall be allowed per lot.
 - b. Detached guesthouses shall be located in close proximity to the principal residence.
 - c. Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
 - d. The guesthouse shall contain no kitchen or cooking facilities, including but not limited to microwave ovens, hot plates, and toaster ovens.
 - e. There shall be a maximum of six linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight square feet of cabinet space, excluding clothes closets.
 - f. Guesthouses shall not exceed 600 square feet of livable floor area.
 - g. Guesthouses shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
 - h. Subsequent subdivisions which divide a main residence from a guesthouse shall not be permitted.
 - i. The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
 - j. The guesthouse height shall not exceed 15 feet nor be more than 1 story. Additions to height and placement of guesthouses over a one-story structure, such as a garage, may be considered by Use Permit (ZA) when intended to provide for architectural consistency and compatibility with the main residence.**(Planning and Building Inspection)**
5. Prior to the issuance of a building or grading permit, the applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resources Agency)**
6. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

7. 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 & Planning and Building Inspection)**
8. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**

Continuous Permit Conditions:

- 9. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 15th day of November, 2001.



 LYNNE MOUNDAY
 ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **NOV 20 2001**

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 **DEC 10 2001**

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.

