

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 020487

A.P. # 129-141-064-000

FINDINGS & DECISION

In the matter of the application of
David & Cheryl Laupmanis (PLN020487)

for a Combined Development Permit in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, for to allow for 1) a Coastal Administrative Permit to allow the construction of a 2,268 sq. ft. two-story single family dwelling and a 1,490 sq. ft. attached two-story garage with non-habitable attic; a well; water tank; septic system; grading (170 cubic yards of cut and 585 cubic yards of fill) and (2) a Coastal Development Permit to allow development within 100 ft. of an environmentally sensitive habitat. The property is located at 14681 Tumbleweed Lane, Watsonville, North County, Coastal Zone, came on regularly for hearing before the zoning Administrator on January 29, 2004.

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

1. FINDING: CONSISTENCY - The Laupmanis Combined Development Permit (PLN020487) as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements, and standards of the Local Coastal Program (LCP). The LCP for this site consists of the North County Land Use Plan, and Part 1 (Zoning) and Part 2 (Regulations for Development in the North County Land Use Plan Area) of the Monterey County Local Coastal Program. The property is located at 14681 Tumbleweed Lane, Watsonville, North County Coastal area in the Coastal Zone. The parcel is zoned "RDR 10 (CZ)," (Rural Density Residential, 10 acres per unit). The site is physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and the Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impacts on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: (a) The application and plans submitted for the Coastal Administrative Permit in project file PLN020487 at the Monterey County Planning and Building Inspection Department.
(b) The applicant provided the Monterey County Planning and Building Inspection Department with drawings, and a statement of materials and colors to be used.
(c) The Geotechnical Investigation Report prepared by Redwood Geotechnical Consulting, dated March 25, 2003, concludes that the site is "compatible with the proposed new residence," provided recommendations in the report are followed.
(d) The Biological Report prepared by Vernal L. Yadon dated May 30, 2003, concludes that the site is suitable for the proposed development, providing recommendations and mitigations in the report are followed.
(e) The Tree Resource Evaluation prepared by Maureen Hamb dated July 7, 2003, concludes that the site is suitable for the proposed development, providing recommendations in

the report are followed.

(f) The project planner conducted a three site visit to verify that the proposed project complies with the LCP policies. The biologist and owners accompanied the staff planner on one of the site visits. The project will not have a significant adverse visual impact when viewed from a public viewshed.

(g) The North County Coastal Land Use Advisory Committee reviewed and recommended approval (7 - 0 vote) of the Coastal Administrative Permit on May 19, 2003.

(h) The project has been reviewed by the Monterey County Planning and Building Inspection Department, North County Fire District, Monterey County Water Resources Agency, Monterey County Public Works Department, and Monterey County Health Department. There has been no indication from these agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

(i) 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 Project File PLN020487.

(j) Following Findings and supporting Evidence.

2. FINDING: CEQA – The project is subject to environmental review pursuant to requirements of the California Environmental Quality Act. On the basis of the whole record before the Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

EVIDENCE: (a) The proposed project is not exempt from environmental review due the potential for significant effects to biological resources and seismic geology.

(b) Potentially adverse environmental effects were identified during staff review of the development application and during staff site visits.

(c) Staff prepared an Initial Study pursuant to CEQA. The Initial Study identified potentially significant impacts relative to maritime chaparral habitat and seismic geology. Project revisions combined with proposed mitigation measures reduce all potential impacts to insignificant levels. The Initial Study is on file in the Planning and Building Inspection Department and is hereby incorporated by reference (File No. PLN020487). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.

(d) A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Monterey County regulations and is designed to ensure compliance with conditions and mitigation measures during project implementation. The Applicant must enter into an *“Agreement to Implement a Mitigation Monitoring and Reporting Program”* as a condition of project approval.

(e) Evidence that has been received and considered include the application, plans, materials, and technical reports; staff report that reflects the County’s independent judgment and; information and testimony presented during public hearings (as applicable).

(f) The Mitigated Negative Declaration was circulated for public review from December 2, 2003, to January 1, 2004.

(g) The Monterey County Department of Planning and Building Inspection, (located at 2620 First Avenue, Marina, CA, 93933) is the custodian of documents and other materials that

constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based. Reports are in Project File No. PLN020487.

(h) Preceding and following Findings and supporting Evidence.

3. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.
- EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations on subject property.
4. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Part 2 of the Monterey County Coastal Implementation Plan, can be demonstrated.
- EVIDENCE:** (a) The subject project area is not described as an area where the Local Coastal Program requires access.
- (b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (c) Preceding and following Findings and supporting Evidence.
5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** Preceding findings and supporting evidence.
6. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.
- EVIDENCE:** Sections 20.86.030 of the Monterey County Zoning Ordinance (Title 20).

DECISION

THEREFORE, it is the decision of said Zoning Administrator to adopt the Mitigated Negative Declaration and approve said application for a Coastal Administrative Permit as shown on the attached sketch, subject to the following conditions:

1. The Laupmanis Combined Development Permit consists of (1) a Coastal Administrative Permit to allow the construction of a 2,268 sq. ft. two-story single family dwelling and a 1,490 sq. ft. attached two-story garage with non-habitable attic; a well; water tank; septic system; driveway; grading (170 cubic yards of cut and 585 cubic yards of fill) and (2) a Coastal Development Permit to allow development within 100 ft. of an environmentally sensitive habitat. The property is located at 14681 Tumbleweed Lane, Watsonville (Assessor's Parcel Number 129-141-064-000), North County Coastal area, Coastal Zone. 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 Grading and Building Permits:

2. The applicant shall record a notice that states: "A permit (Resolution No. 020487) was approved by the Zoning Administrator for Assessor's Parcel Number 129-141-064-000 on January 29, 2004. The permit was granted subject to 46 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. The applicant shall record a notice that states: "A Tree Resource Evaluation has been prepared for this parcel by Maureen Hamb, Certified Arborist, dated July 7, 2003, and is on record in the Monterey County Planning and Building Inspection Department Library. All tree removal and replacements on the parcel must be in accordance with this Tree Resource Evaluation, as approved by the Director of Planning and Building Inspection." The notice must be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection)**
4. The applicant shall record a notice that states: "A Biological Report has been prepared for this parcel by Vern Yadon, dated May 30, 2003, and is on record in the Monterey County Planning and Building Inspection Department Library. All construction on the parcel must be in accordance with this Biological Report, as approved by the Director of Planning and Building Inspection." The notice must be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection)**
5. The applicant shall record a notice that states: "A Geotechnical Investigation has been prepared for this parcel by Redwood Geotechnical Engineering, dated March, 2003, and is on record in the Monterey County Planning and Building Inspection Department Library. All development on the parcel must be in accordance with this Geotechnical Report, as approved by the Director of Planning and Building Inspection." The notice must be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection)**
6. 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 three copies of an exterior lighting plan that 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)**
7. Native trees located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks, and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall

be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

8. The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until project completion. **(Planning and Building Inspection)**
9. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) calendar days of project approval – prior to filing of the Notice of Determination. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested, or final until the filing fees are paid. **(Planning and Building Inspection)**
10. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21.08.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. **(Planning and Building Inspection)**
11. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
12. The Owner/Applicant/Contractor shall construct staging/stockpiling areas at least 100 feet away from the chaparral community, as delineated by the biologist, for the entire construction period. **(Planning and Building Inspection) (Mitigation # 1)**
13. The Owner/Applicant/Contractor shall follow erosion control plans, as approved by the Director of Planning and Building Inspection, to control any drainage issues that may arise. **(Planning and Building Inspection) (Mitigation # 3)**
14. The owner, applicant, and/or contractor shall have a landscape architect or comparable professional develop a systematic weed control program to remove and maintain the absence of such invasive plants as Eucalyptus globules, Blue Gum Eucalyptus; Genista monspessulana, French Broom; Delairea odorata, Cape or German Ivy; Carpobrotus edulus, Hottentot Fig; Cortaderia jubata, Pampas-grass; Pennisetum clandestinum; Kikuyu Grass and all species in the genus Acacia. The weed control program shall be submitted to the Director of Planning and Building Inspection for review and approval prior to final building inspection. The weed control program, as approved by the Director of Planning and Building Inspection shall be implemented by the owner, applicant, and/or contractor within 60 days after final building inspection and/or occupancy, whichever occurs first. The owner shall have a certified biologist verify the success of the implementation of the weed control program one year after implementation of the weed control program and six years after the implementation of the weed control program. Periodic inspections may occur by the Planning and Building Inspection Department

if deemed necessary to verify the continuing success of said systematic weed control program. **(Planning and Building Inspection) (Mitigation # 4)**

15. The Owner/Applicant/Contractor shall provide evidence prior to issuance of building and/or grading permits that all recommendations in the March 25, 2003 Geotechnical Investigation Report by Redwood Geotechnical Engineering, Inc. were followed; including, but not limited to, obtaining an updated Geotechnical Investigation from Redwood Geotechnical Engineering, Inc. to incorporate changes that have occurred in the project since completion of the March 25, 2003 Geotechnical Investigation. **(Planning and Building Inspection) (Mitigation # 5)**
16. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
17. Prior to the issuance of a building permit, obtain a water well drilling permit from the Division of Environmental Health and construct the well. **(Environmental Health)**
18. Prior to issuance of a building permit, submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. **(Environmental Health)**
19. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. **(North County Fire District)**
20. The grade for all roads, streets, private lanes, and driveways shall not exceed 15 percent. **(North County Fire District)**
21. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. **(North County Fire District)**
22. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be minimum of 60 feet in length. **(North County Fire District)**
23. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25-foot taper on each end. **(North County Fire District)**
24. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. **(North County Fire District)**

25. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(North County Fire District)**
26. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(North County Fire District)**
27. 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)**
28. 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)**
29. All parcels 1 acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30-foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(North County Fire District)**
30. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. **(North County Fire District)**
31. All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface, shall require a minimum of Class B roof construction. **(North County Fire District)**
32. 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)**
33. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is **required on the plans** when a building permit is applied for:

"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." (Garage Included) **(North County Fire District)**

Prior to Final Building Inspection/Occupancy:

34. The site shall be landscaped. At least 60 days prior to occupancy, three (3) 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)**
35. The Owner/Applicant/Contractor shall replace on the property any removed manzanitas 1 for 1 with plants (5 gallon size) of the same species and from local growers. Rooted stock shall be planted after the first winter rain. An irrigation and landscape plan incorporating this mitigation shall be submitted to the Director of Planning and Building Inspection and the biologist for review and approval 60 days prior to final building inspection and/or occupancy. **(Planning and Building Inspection) (Mitigation # 2)**
36. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
37. The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (*Suggested Native Species Landscaping List - North County Coastal Zone*) from the Planning and Building Inspection Department. **(Planning and Building Inspection)**
38. The Director of Planning and Building Inspection shall verify the height of the structure from the benchmark as required in condition 6. **(Planning and Building Inspection)**
39. The Owner/Applicant/Contractor shall construct staging/stockpiling areas at least 100 feet away from the chaparral community, as delineated by the biologist, for the entire construction period. **(Planning and Building Inspection) (Mitigation # 1)**
40. The Owner/Applicant/Contractor shall follow erosion control plans, as approved by the Director of Planning and Building Inspection, to control any drainage issues that may arise. **(Planning and Building Inspection) (Mitigation # 3)**
41. 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)**

42. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, 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)**

Continuous Permit Conditions:

43. If, during the course of construction, 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)**
44. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
45. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
46. The Owner/Applicant/Contractor shall follow erosion control plans, as approved by the Director of Planning and Building Inspection, to control any drainage issues that may arise. **(Planning and Building Inspection)**
(Mitigation # 3)

PASSED AND ADOPTED this 29th day of January, 2004.

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 Planning Commission 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 Marina.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.