

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040476

APN# 129-098-012-000
FINDINGS & DECISION

In the matter of the application of

LA JEUNESSE RICHARD L & FAITH K (PLN040476)

Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow the removal of an existing 720 square foot mobile home and construction of a new two-story single family residence (1,476 square foot first floor, 1,152 square foot second floor) with a 360 square foot detached garage; 2) a Coastal Administrative Permit to allow the use of a motor home as a temporary residence during construction; and 3) a Coastal Development Permit to allow development within 100 foot of environmentally sensitive habitat (Maritime Chaparral). The property is located at 60 Desmond Road, North County area, Coastal Zone. The project came on regularly for hearing before the Zoning Administrator on April 28, 2005.

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

FINDINGS OF FACT

1. FINDING, CONSISTENCY – The LaJeunesse Combined Development Permit (PLN040476), 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, North County Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance).

EVIDENCE: (a) The application and plans submitted for the Combined Development Permit in project file PLN040476 at the Monterey County Planning and Building Inspection Department.

(b) The property is 2.5 acres in size and is located at 60 Desmond Road, Salinas, in the Coastal Zone. The parcel is zoned “LDR/2.5 (CZ)” (Low Density Residential, 2.5 acres per unit, in the Coastal Zone). The proposed single family residence meets the site development standards for the LDR Zoning District and is an allowed use pursuant to Section 20.14.040.A.

(c) The North County Coastal Land Use Advisory Committee reviewed and recommended approval (5 - 0 vote) of the Combined Development Permit on December 6, 2004 with no changes.

(d) The project is consistent with policies of the North County Land Use Plan dealing with visual resources (Chapter 2.2). The project planner conducted a site visit on January 26, 2005 to verify that the proposed project complies with the LCP. The proposed structures were staked and flagged to show their dimensions and height. The project will not have a significant adverse effect on the public viewshed.

(e) The project is consistent with policies of the North County Land Use Plan dealing with hazards (Chapter 2.8). The Soil Engineering Investigation prepared by Landset Engineers, Inc., dated October 20, 2004, concludes that the site is suitable for the project.

(f) The project is consistent with policies of the North County Land Use Plan dealing with environmentally sensitive habitats (Chapter 2.3). A Biological Survey was prepared for the

project by Biotic Resources Group, dated February 14, 2005. According to the survey, originally-proposed driveway improvements and water tank placement have the potential to impact maritime chaparral, including known occurrences of Pajaro manzanita and Hooker's manzanita; and potential disturbance to other special status plant species. In response to the findings contained in this survey, the project applicant redesigned the project in order to avoid potential impacts to maritime chaparral and other status plant species. This redesign included removal of the driveway improvements (as approved by the North County Fire Protection District) and relocation of the water tank site as recommended by Biotic Resources Group. All proposed development will be located within the existing building and driveway footprint, which is devoid of sensitive habitats and plant species. Conditions of approval will ensure that potential biological impacts are avoided and will ensure the long-term maintenance of maritime chaparral located on the property. These conditions include the implementation of habitat protection measures for maritime chaparral located near the proposed development, implementation of native habitat enhancement through the removal of existing invasive exotic plant species located near the proposed development and dedication of a scenic and conservation easement for areas containing environmentally sensitive habitat (maritime chaparral) and slopes of 25% or greater.

2. FINDING: SITE SUITABILITY – The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Coastal Commission, North County Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and Monterey County Health Department. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated as project conditions.

(b) The project planner conducted a site visit on January 26, 2005 to verify that the site is suitable for this use.

(c) Necessary public facilities are available and will be provided.

3. FINDING: PUBLIC ACCESS – 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. 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 subject property is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline access. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

(b) Staff site visit on January 26, 2005.

4. FINDING: CEQA (Exempt) – The proposed project will not have a significant environmental impact.

EVIDENCE: (a) Section 15301(l) of the CEQA Guidelines categorically exempts the proposed development from environmental review. The proposed demolition of the existing mobile home qualifies for this categorical exemption since it will involve negligible or no expansion of an existing use.

(b) Section 15303(a) of the CEQA Guidelines categorically exempts the proposed development from environmental review. The proposed construction of a new single family

residence qualifies for this categorical exemption since it will involve the construction or conversion of limited small structures.

(c) No adverse environmental impacts were identified during staff review of the project application.

(d) There are no unusual circumstances related to the project or property.

5. FINDING: NO VIOLATIONS – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Section 20.14.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicate that no violations exist on subject property.

6. FINDING: HEALTH AND SAFETY – 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: Preceding findings and supporting evidence.

7. FINDING: APPEALABILITY – The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

EVIDENCE: Sections 20.86.030 and 20.86.080 of Title 20 Zoning Ordinance (Part 1 of the Monterey County Coastal Implementation Plan).

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 28th day of April, 2005.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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

**Monterey County Planning and Building Inspection
Condition Compliance & Mitigation Monitoring and/or
Reporting Plan**

Project Name: LaJeunesse

File No: PLN040476

APN: 129-098-012-000

Approval by: Zoning Administrator

Date: April 28, 2005

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Clearing Condition</i>	<i>Timing</i>	<i>Verif- ication of comp- liance</i>
1		<p>PBD029 - SPECIFIC USES ONLY The LaJeunesse Combined Development Permit (PLN040476) consists of: 1) a Coastal Administrative Permit to allow the removal of an existing 720 sq. ft. mobile home and construction of a new two-story single family residence (1,476 sq. ft. first floor, 1,152 sq. ft. second floor) with a 360 sq. ft. detached garage; 2) a Coastal Administrative Permit to allow the use of a motor home as a temporary residence during construction; and 3) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (maritime chaparral). The property is located at 60 Desmond Road, Salinas (Assessor's Parcel Number 129-098-012-000), North County area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)				
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 040476) was approved by the Zoning Administrator for Assessor's Parcel Number 129-098-012-000 on April 28, 2005. The permit was granted subject to 17 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 grading and building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits or start of use	
3		PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN 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)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits	

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4		<p>PBD032(A) - TREE PROTECTION</p> <p>Trees which are located close to the construction site(s) 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)</p>	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to issuance of grading and building permits	
5		<p>NATIVE HABITAT PROTECTION (MARITIME CHAPARRAL) (NON-STANDARD)</p> <p>Native habitat (maritime chaparral) in proximity to and down-slope of the project site shall be adequately protected. Protection shall include the placement of orange netting, the installation of silt fencing and other measures as recommended by a County-approved biological consultant. Said protection shall be demonstrated in the form of photos and a letter from a County-approved biological consultant prior to issuance of grading and building permits and subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)</p>	Submit evidence of native habitat protection to PBI for review and approval.	Owner/ Applicant	Prior to issuance of grading and building permits	
6		<p>PBD008 – EASEMENT - CONSERVATION</p> <p>A scenic/conservation easement shall be conveyed to the County over those portions of the property where sensitive habitats (maritime chaparral) and slopes exceeding 25 percent exist. The scenic/conservation easement deed restriction and map shall be subject to the approval of the Planning and Building Inspection Department prior to issuance of grading and building permits and recorded prior to final inspection. (Planning and Building Inspection)</p>	<p>1) Submit scenic/conservation easement deed restriction and map to PBI for review and approval.</p> <p>2) Submit proof of recordation of scenic/conservation easement deed restriction and map.</p>	Owner/ Applicant	<p>Prior to issuance of grading and building permits</p> <p>Prior to final building inspection / occupancy</p>	

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7		EROSION AND RUNOFF CONTROL (NON-STANDARD) Prior to the issuance of a grading or building permit, the applicant shall submit evidence that erosion and runoff control measures have been implemented in accordance with Monterey County's Erosion Control (Chapter 16.12) and Grading (Chapter 16.08) Ordinances. (Planning and Building Inspection)	Submit evidence that erosion and runoff control measures have been implemented in accordance with Monterey County's Erosion Control (Chapter 16.12) and Grading (Chapter 16.08) Ordinances.	Owner/ Applicant	Prior to issuance of grading and building permits	
8		WR3 - DRAINAGE PLAN - RETENTION The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. The plan shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of grading and building permits	
9		DRAINAGE (NON-STANDARD) The applicant shall provide the Planning and Building Inspection Department a drainage plan that has been approved by the Water Resources Agency. The drainage plan shall show that drainage improvements will not be located on slopes exceeding 25 percent and within designated environmentally sensitive habitat (maritime chaparral). The plan shall be submitted prior to issuance of grading and building permits. (Planning and Building Inspection)	Submit to PBI a drainage plan that has been approved by the Water Resources Agency.	Owner / Applicant / Engineer	Prior to issuance of grading and building permits	
10		TEMPORARY LIVING QUARTERS WASTEWATER Wastewater from temporary living quarters (during construction) shall be diverted into the existing septic system. (Environmental Health)	Submit evidence of wastewater diversion to Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of grading and building permits	

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11		<p>PBD018(A) AND PBD019 - LANDSCAPING PLAN (SINGLE FAMILY DWELLING) – NORTH COUNTY COASTAL NATIVE</p> <p>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 (<i>Suggested Native Species Landscaping List - North County Coastal Zone</i>) from the Planning and Building Inspection Department. 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. <i>The landscaping plan shall include native habitat enhancement through the removal of existing invasive exotic plant species located in proximity to the development site.</i> 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)</p>	Submit landscaping plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	
12		<p>MOTOR HOME REMOVAL (NON-STANDARD)</p> <p>The motor home shall be removed from the property within 60 days of occupancy of the single family residence. Proof of removal shall be furnished to the Director of Planning and Building Inspection. (Planning and Building Inspection)</p>	Proof of removal shall be furnished to the Director of Planning and Building Inspection.	Owner / Applicant	Within 60 days of occupancy	

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13		<p>WR8 - COMPLETION CERTIFICATION</p> <p>The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)</p>	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant/ Engineer/ Contractor	Prior to final inspection	
14		<p>WR40 - WATER CONSERVATION MEASURES</p> <p>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:</p> <ol style="list-style-type: none"> 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) 	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
15		<p>PBD030 - STOP WORK - RESOURCES FOUND</p> <p>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 a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are	Owner/ Applicant/ Archaeologist	Ongoing	

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		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)	uncovered. 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.			
16		PBD018(A) - LANDSCAPE MAINTENANCE (SINGLE FAMILY DWELLING ONLY) 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)	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.	Owner/ Applicant	Ongoing	
17		PBD014 - GRADING-WINTER RESTRICTION 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)	None	Owner/ Applicant	Ongoing	