

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: February 9, 2012 Time: 2:00 P.M	Agenda Item No.: 6
Project Description: CONTINUED FROM JANUARY 26, 2012. Design Approval to allow the permanent installation of a 320 square foot metal storage container with an attached lattice on the east and south sides of the container, the construction of a 4 foot garden (retaining) wall on the east and south sides of the container, and the installation of five solar panels atop the proposed storage container. The proposed project would amend Condition No. 3 of Planning Permit No. PLN100337.	
Project Location: 103 Saddle Road, Monterey	APN: 416-191-025-000
Planning File Number: PLN110556	Owner: Steven H & Nancy Chang
Planning Area: Greater Monterey Peninsula Area Plan	Flagged and staked: No
Zoning Designation: : “RDR/5.1-D-S” [Rural Density Residential, 5.1 acres per unit with Design Control, and Site Plan Review zoning district overlays]	
CEQA Action: Categorically Exempt per Section 15303 of the CEQA Guidelines.	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator:

- 1) Exempt from Environmental Review pursuant to Section 15303 of the CEQA guidelines; and
- 2) Approve PLN110556, based on the findings and evidence and subject to the conditions of approval (Exhibit C).

PROJECT OVERVIEW:

The subject property is located on Saddle Road generally west of Boots Road atop the hills separating Highway 68 from Carmel Valley. An earlier permit –File No. PLN10037 (Exhibit D)- was approved by the Zoning Administrator on December 9, 2010 for the property which permitted various improvements, including the keeping of a number of storage containers on a temporary basis. On May 12, 2011, upon clarification by the applicant that he intended to keep the 320 square foot storage container only during construction of the rest of the project, the Zoning Administrator again considered the project and approved its keeping requiring its removal from the property before December 11, 2011 or before issuance of a building permit for the detached garage which ever was first. A revised Resolution of Approval was issued (Exhibit D).

The storage container has not been removed from the property and the applicant has contacted staff stating his intention to maintain the 320 square foot container permanently on the property. Staff determined that this would require a new design approval application. On October 20, 2011, the applicant submitted the subject design approval application which includes the storage container, a four-foot tall garden retaining wall and an approximately eight-foot tall lattice on the east and south sides of the container, and the installation of five solar panels atop the proposed storage container. The eight-foot tall lattice is proposed to screen/soften the visibility of the container. This proposal will in effect delete Condition No. 3 of the earlier Design Approval. It must be noted that at the time of the approval of the earlier permit, the subject container was located towards the property’s western boundary and the container is now located in the central area of the property.

DISCUSSION

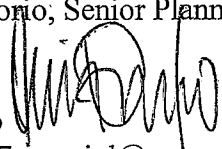
The subject property is designated with the “D” or Design Control zoning overlay and is subject to the provisions of Chapter 21.44 (Regulations for Design Control Zoning Districts or “D” Districts) of the Zoning Ordinance. The purpose of this Chapter is “to provide a district for the regulation of the location, size, configuration, materials, and colors of structures and fences, except agricultural fences, in those areas of the County of Monterey where the design of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property.” In order to approve the permanent keeping of the storage unit on the property, a finding must be made that it is consistent with the intent of the purpose of the zoning Design Control zoning overlay. Staff’s discussion and recommendation are contained in Exhibit A of this report.

OTHER AGENCY INVOLVEMENT: Only the Planning and Building Services Departments have reviewed the subject application and related building permits. Conditions recommended by the RMA – Planning Department have been incorporated into the Condition Compliance attached to the draft resolution (**Exhibit C**).

The project was referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project involves public controversy. The LUAC considered the application on January 4, 2012 and recommended denial (5-0 Vote).

Note: The decision on this project is appealable to the Planning Commission.

/S/ Maria Lopez, Land Use Technician
/S/ Luis A. Osorio, Senior Planner



Luis A. Osorio
(831) 755-5177, osoriol@co.monterey.ca.us
January 18, 2011

cc: Front Counter Copy; Zoning Administrator; Environmental Health Bureau; Wanda Hickman, Planning Services Manager; Luis Osorio, Senior Planner; Maria Lopez, Project Planner; Carol Allen, Senior Secretary; Steven H & Nancy Chang, Owner; Planning File PLN110556

- Attachments: Exhibit A Project Data Sheet
Exhibit B Discussion
Exhibit C Draft Resolution, including:
• Conditions of Approval
• Site Plan, Floor Plan and Elevations
Exhibit D Zoning Administrator Resolution No. 11-023
Exhibit E Advisory Committee Meeting Minutes, January 4, 2012
Exhibit F Vicinity Map

This report was prepared by Maria Lopez, Land Use Technician and by Luis Osorio, Senior Planner.

EXHIBIT A
Project Data Sheet for PLN110556

Project Title: Steven H & Nancy Chang

Location: 10350 Saddle Road	Primary APN: 416-191-025-000
Applicable Plan: Greater Monterey Peninusal Area Plan	Coastal Zone: NO
Permit Type: Design Approval	Zoning: RDR/5.1-D-S
Environmental Status: Exempt Section 15303 (e)	Plan Designation: RDR
Advisory Committee: Greater Monterey Peninsula	Final Action Deadline (884): 1/20/2012

Project Site Data:

Lot Size: 2.5 acres	Coverage Allowed: 25%
Existing Structures (SF): 1,752 square feet	Coverage Proposed: 3.1%
Proposed Structures (SF): 1,606 square feet	Height Allowed: 15 feet
Total SF: 3,358 square feet	Height Proposed: 9.5 feet
	Floor Area Ratio Allowed: N/A
	Floor Area Ratio Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: N/A	Erosion Hazard Zone: High
Biological Report #: N/A	Soils Report #: N/A
Forest Management Rpt. #: N/A	
Archaeological Sensitivity Zone: Moderate	Geologic Hazard Zone: IV
Archaeological Report #: N/A	Geologic Report #: N/A
Fire Hazard Zone: Very High	Traffic Report #: N/A

Other Information:

Water Source: Public	Sewage Disposal (method): Septic
Water Dist/Co: Cal-Am	Sewer District Name: N/A
Fire District: Monterey County Regional FPD	Total Grading (cubic yds.): N/A
Tree Removal: N/A	

EXHIBIT B DISCUSSION

The purpose of the Design Control District refers to the protection of the public viewshed, neighborhood character and the visual integrity of certain developments. The purpose is clear in that regulation of location, size configuration, materials and colors of structures, cannot impose “undue restrictions on private property.” The provisions of this Chapter of the Zoning Ordinance do not specifically address nor prohibit the permanent installation of storage containers such as the one proposed on private property. The following analysis is staff’s interpretation of the regulations of the Design Control District.

The public viewshed, defined in the Zoning Ordinance (Chapter 21.06.195) as “Common Public Viewing Areas,” include “a public viewing area such as a public street, road, designated vista point, or public park from which the general public ordinarily views the surrounding viewshed.” The subject site is located fronting on Saddle Road which is a private road; the storage container is not visible from any public viewing areas. In addition, the construction of a six-foot high fence/gate approved earlier for the property line along Saddle Road would block the visibility of the storage container from this road. Therefore, the proposed storage container would not impact any public viewing area or viewshed and would only be visible from a neighboring property.

Neighborhood character can be generally defined in terms of architectural style, bulk/mass, height and the siting of structures within individual lots. The regulations of the General Plan, the Greater Monterey Peninsula or the Design Control District do not require any specific architectural style for residential design in the area of the project site. There are no requirements or design guidelines requiring the use of specific materials. This has allowed for the development of homes with eclectic designs in the area of the project site. There is no discernable pattern of development or architectural style/design or construction materials in the neighborhood. Storage space is a common feature and necessity in most residential areas. The bulk/mass, height and siting of structures in the area have been determined only by the applicable site development standards, i.e. setbacks, height, lot coverage. The bulk/mass, height and siting of the proposed container are comparable to those of a similar permanent structure and comply with the site development standards. While the metallic material of the container detracts from the finished material of most structures in the vicinity, its screening with the proposed lattice on two sides and the lack of visibility from public viewing areas make this a minimal factor in the overall consistency analysis of the proposal with the provisions of the Design Control District.

Recommendation

The proposed project is consistent with the Site Development Standards of the Rural Density Residential Zoning District. In addition, based on the discussion above, staff believes that the project is consistent with the purpose and provisions of the Design Control District. Therefore, staff recommends that the project be approved based on the Finding and Evidence in Exhibit C. Alternatively, since the provisions of the Design Control District of the Zoning Ordinance do not specifically address/prohibit nor provide specific guidelines for the permanent installation of storage containers on private property, the Zoning Administrator could refer the application to the Planning Commission for further consideration and/or direction from the Commission. The Zoning Administrator could also deny the application subject to appropriate findings.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

Steven H & Nancy Chang (PLN110556)

RESOLUTION NO. [REDACTED]

Resolution by the Monterey County Zoning
Administrator:

- 1) Categorically exempting the project from Environmental Review pursuant to Section 15303 of the CEQA guidelines; and
- 2) Approving the Design Approval Application for the permanent installation of a 320 square foot metal storage container with an attached lattice on the east and south sides of the container, the construction of a 4 foot garden (retaining) wall on the east and south sides of the container, and the installation of five solar panels atop the proposed storage container. Materials of metal and colors to match the other structures on the property (Beige).

[PLN110556, Steven H & Nancy Chang, 10350 Saddle Road, Monterey, Greater Monterey Peninsula Area Plan (APN: 416-191-025-000)]

The Chang application (PLN110556) came on for public hearing before the Monterey County Zoning Administrator on January 26, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Monterey Peninsula Area Plan;
 - Monterey County Zoning Ordinance (Title 21)
 - b) The property is located at 10350 Saddle Road, Monterey (Assessor's Parcel Number: 416-191-025-000), Greater Monterey Peninsula Area Plan. The parcel is zoned "RDR/5.1-D-S" [Rural Density Residential, 5.1 acres per unit with Design Control, and Site Plan Review Zoning District overlays], which allows for accessory structures, main

structures, and additions to structures. Therefore, the project is an allowed land use for this site.

- c) The proposed project is consistent with the policies of the General Plan and the Greater Monterey Peninsula Area Plan and with regulations and site development standards of the Zoning District.
- d) The proposed project is consistent with the purpose and the provisions of the Design Control Zoning District. The proposed project would not be visible from any public viewing areas and would not impact any public viewing area or viewshed. The bulk/mass, height and siting of the proposed container is comparable to those of a similar permanent structure and comply with the site development standards of the zoning district. While the metal materials of the proposed storage container are different from the materials of the rest of the structures on the property and those of other buildings in the vicinity, the proposed screening (lattice) would provide a screen for container making it minimally visible. The colors of the container are consistent with the colors of the other structures on the property.
- e) The project planner conducted a site inspection on January 4, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- f) The project was referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project involves public controversy. The LUAC considered the application and recommended denial (5-0 Vote). However, the Zoning Administrator found the project consistent with the applicable provisions of the Zoning Ordinance.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110556.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, RMA – Building Services Department and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development.
 - b) Staff conducted a site inspection on January 4, 2012 to verify that the site is suitable for the proposed installation of the 320 square foot storage container with its attached lattice and roof mounted solar system.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110556.

3. **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: a) The project was reviewed by RMA – Planning Department, RMA – Building Services Department and Environmental Health Bureau. The respective departments/agencies 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.
b) Preceding findings and supporting evidence for PLN110556. Findings 1, 2, 3 and 5; and supporting evidence.

4. **FINDING:** **VIOLATIONS** – Certain zoning and building code violations have been identified on the property and the property is not in compliance with all rules and regulations pertaining to zoning uses and the building code. Approval of the subject Design Review Application and completion of building permits already issued to correct the violations would bring the property into conformance with the zoning and building codes.

EVIDENCE: a) Code Enforcement File No. 10CE00024
b) Staff conducted a site inspection on several dates and has confirmed that such code violations exist on the subject property.
c) The earlier Design Approval (File No. PLN100337) and the current design approval would abate the zoning violations. The property owner has obtained planning permits to correct the building code violations.
d) Zoning violation abatement costs, if any, have been paid. A condition is included to assure that all zoning abatement costs, if any, have been paid.
e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File Nos. PLN100337 and PLN110556.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE: a) The approval of the project supersedes the requirement of Condition No. 3 of Resolution No. 11-023 to allow the permanent installation of a 320 square foot metal storage container with lattice attached and roof mounted solar system. Such development is minor in nature and would not have any significant impacts on the environmental conditions of the property. California Environmental Quality Act (CEQA) Guidelines Section 15303, Class 3 categorically exempts new construction or conversion of small structures such as the one proposed.
b) No adverse environmental effects were identified during staff review of

- the development application during a site visit on January 4, 2012.
- c) CEQA Guidelines Section 15300.2 lists exceptions to categorical exemptions. None of the exceptions can be made because the project will not impact an environmental resource of hazardous or critical concern; the proposed installation of the 320 square foot metal storage container with lattice attached and roof mounted solar system will not create a cumulative impact; the project does not have any unusual circumstance; the project will not result in the damage of a scenic resource; the subject property is not a hazardous waste site; nor are the structures affected by the development historical resources. Therefore, the proposed project is exempt from environmental review.
 - d) See preceding and following findings and supporting evidence.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.
- EVIDENCE:** a) Section 21.80.040B of the Monterey County Zoning Ordinance (Title 21) (Planning Commission).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Finds the project categorically exempt from Environmental Review pursuant to Section 15303(e) of the CEQA guidelines;
2. Approves the Design Approval Application for the permanent installation of a 320 square foot metal storage container with an attached lattice on the east and south sides of the container, the construction of a 4 foot garden (retaining) wall on the east and south sides of the container, and the installation of five solar panels atop the proposed storage container. Materials of metal and colors to match the other structures on the property (Beige).

PASSED AND ADOPTED this 26th day of January, 2012 upon motion of XXXX, seconded by XXXX, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF 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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 11-10-2011

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110556

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This permit approves a Design Approval Application for the permanent installation of a 320 square foot metal storage container with an attached lattice on the east and south sides of the container, the construction of a 4 foot garden (retaining) wall on the east and south sides of the container, and the installation of five solar panels atop the proposed storage container. Materials of metal and colors to match the other structures on the property (Beige). This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

The applicant shall record a Permit Approval Notice. This notice shall state:
"A [Type of Permit] (Resolution Number ***) was approved by [Name of Hearing Body] for Assessor's Parcel Number *** on [Date the permit was approved]. The permit was granted subject to *** conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

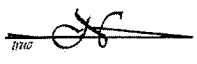
Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

4. PDSP002 - SCREEN ING/LANDSCAPE (NON-STANDARD)

Responsible Department: Planning Department

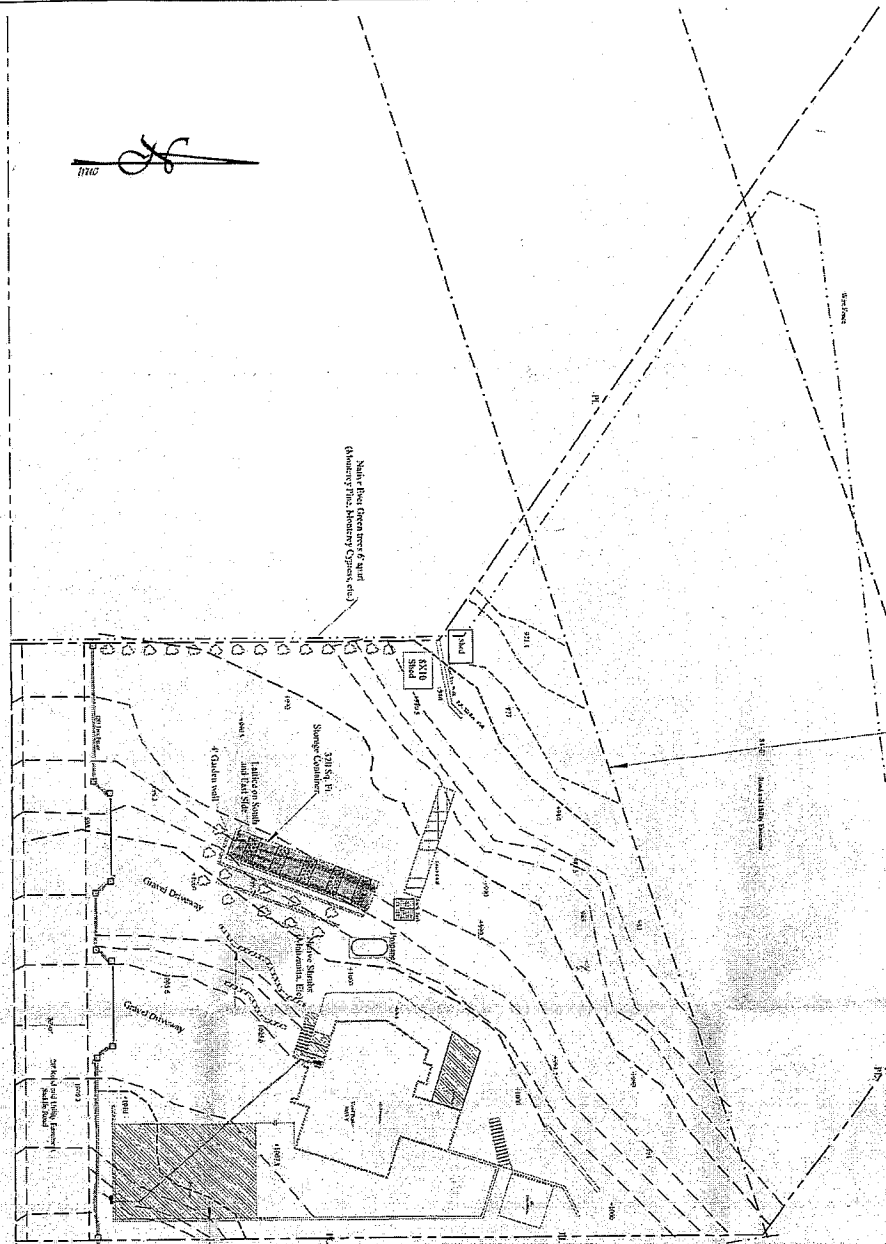
**Condition/Mitigation
Monitoring Measure:** The applicant shall install the screening landscaping along the west property line. The type of landscaping shall be approved by a registered landscaping contractor and approved by the Planning Department. . (RMA - Planning Department).

**Compliance or
Monitoring
Action to be Performed:** Within 45 days of DA approval or prior to issuance of building permits, whichever occurs first.



Site Plan

1" = 160'



APN 416-191-025


Scope of Work

- +Installation of permanent 320 Sq. Ft. Storage Container
- +Construction of Lattice on South and East side of Container
- +Installation of 5 Solar Panels on top of Storage Container

EXHIBIT C
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PLN110556



SP	Drawn By: Matthews Custom Construction 57 Springpoint Rd Elkhorn, Ca 95012 Lic. #948177		Prepared For: Steven Chang, D.D.S. 10350 Saddle Rd Monterey, Ca 93940	Approved By:	Notes:
	Date: 10/17/11 Project: 1215111				

Container Elevations

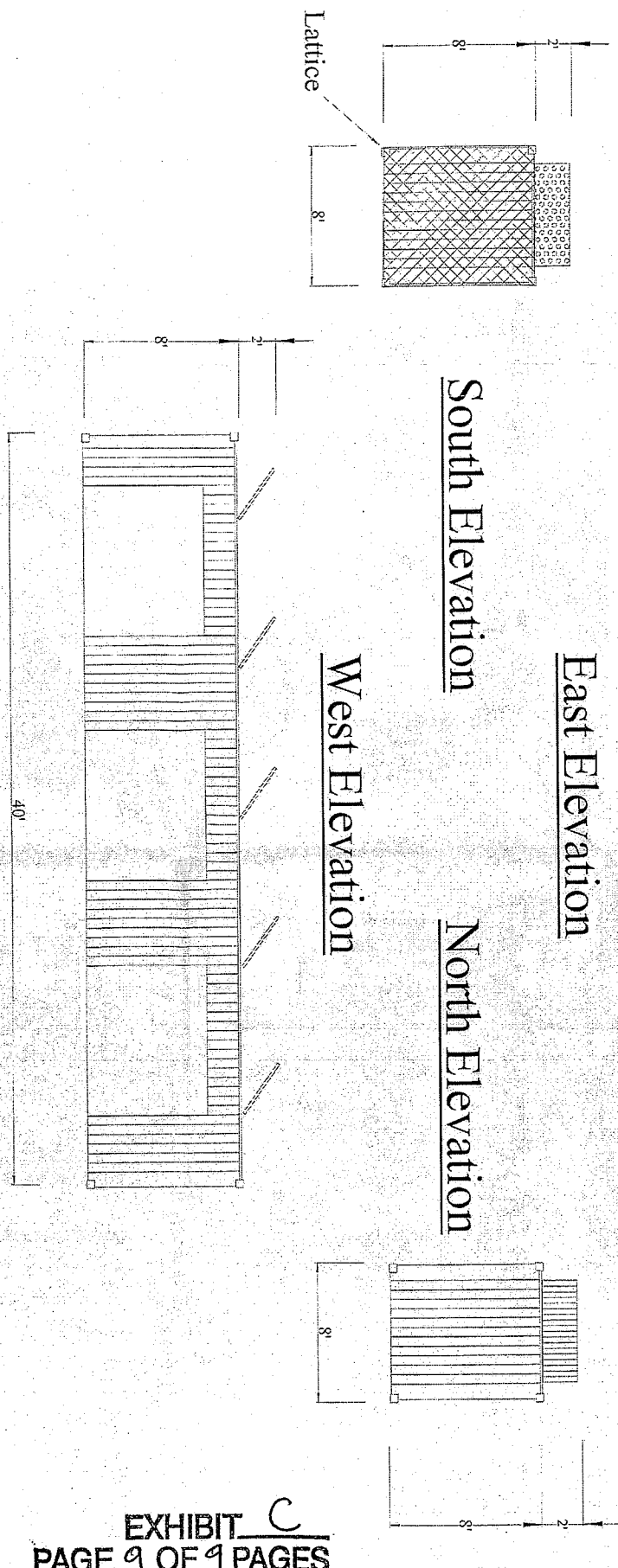


EXHIBIT C
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ES

Drawn By: Matthew Chang
 License: 9548177

Drawn By: **Matthews Custom Construction**
 57 Springpoint Rd
 Elkhorn, Ca 95012
 Lic. #548177 Tele: (831)970-0539



Prepared For: **Steven Chang, D.D.S.**
 10350 Saddle Rd
 Monterey, Ca 93940

Approved By: _____

Name: _____

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

Chang Steven H & Nancy (PLN100337)

RESOLUTION NO. 11-023

Resolution by the Monterey County Zoning
Administrator to:

- 1) Categorically exempt the project from Environmental Review pursuant to Section 15303(e) of the CEQA guidelines;
- 2) Approve the Design Approval to allow for a single family dwelling deck addition, replacement/reconfiguration of stairs, sheds, fence and new garage; and
- 3) Approve modifications to Design Approval PLN100337 to allow temporary storage and modification of the fence plan to allow pillars up to 7 feet tall based on the revised findings, and evidence and subject to the revised conditions of approval

(PLN100337, Steven H & Nancy Chang, 10350 Saddle Road, Monterey, Monterey Peninsula Area Plan (APN: 416-191-025-000))

The Chang application (PLN100337) came on for public hearing before the Monterey County Zoning Administrator on December 9, 2010 and May 12, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the Monterey County General Plan,
 - Greater Monterey Peninsula Area Plan,
 - Monterey County Zoning Ordinance (Title 21)b) The property is located at 10350 Saddle Road, Monterey (Assessor's Parcel Number: 416-191-025-000, Monterey Peninsula Area Plan. The parcel is zoned "RDR/5.1-D-S" [Rural Density Residential, 5.1 acres per unit with Design control, and Site Plan Review Zoning District], which allows for accessory structures and single family dwelling additions. Therefore, the project is an allowed land use for this site.
c) The project planner conducted a site inspection on August 24, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
d) The project was referred to the Greater Monterey Peninsula Land Use

Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project involves public controversy therefore staff is referring this application before the Zoning Administrator for further consideration. The advisory committee recommended that the Zoning Administrator approve the single dwelling deck addition and replacement and reconfiguration of stairs by a 4 to 0 vote. The LUAC also recommended denial of the cargo containers by a 4-0 vote.

- e) A corrugated metal cargo container is located on a ridge in a residential neighborhood in the Hidden Hills area, which is visible from Saddle Road. The parcel is located in a Design overlay district that regulates materials and colors of structures to assure protection of the public viewshed and neighborhood character. The owner has revised their request for a temporary container in order to store items while the house is under construction. Condition 3 would allow this temporary use for a period not to exceed six months from the date that a building permit for the garage is issued or the garage is built, whichever occurs first.
- f) The application, project plans, and related support materials submitted to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100337.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, RMA – Building Department and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed project. Conditions recommended from these agencies have been incorporated.
 - b) Staff conducted a site inspection on August 24, 2010 to verify that the site is suitable for the proposed single family dwelling deck addition, replacement/reconfiguration of stairs, sheds, fence and new garage.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100337.

3. **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:**
- a) The project was reviewed by RMA – Planning Department, RMA – Building Department and Environmental Health Bureau. The respective departments/agencies 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.

- b) Findings 1, 2, 4, and 5; and supporting evidence.
- c) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN100337.

4. **FINDING:** **VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. A violation exists on the property. This Design Approval facilitates clearing the violation.

- EVIDENCE:**
- a) Staff conducted a site inspection on August 24, 2010 and researched County records to assess if any violation exists on the subject property.
 - b) The proposed project, as conditioned, would abate an existing violation for construction of sheds, replacement/reconfiguration of stairs and front deck addition to an existing single family dwelling and placement of cargo containers (larger than 120 sq. ft.) without required permits (10CE00024).
 - c) When implemented and as conditioned the project will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations. Failure to remove the container within the timeframe specified in Condition #3 will be a violation of conditions. Since this is related to restoration of the site, staff will retain the current enforcement case (10CE00024) until this permit is completed and all conditions have been satisfied.
 - d) Zoning violation abatement costs, if any, have been paid. The fee for an application requesting an after-the-fact permit was doubled per County Codes.
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100337.

5. **FINDING:** **CEQA (Exempt)** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303(e), Class 3 categorically exempts accessory (appurtenant) structures including garages, carports, patios, and fences.
 - b) No adverse environmental effects were identified during staff review of the development application during a site visit on August 24, 2010.
 - c) See preceding and following findings and supporting evidence.

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

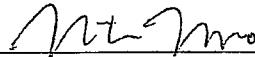
EVIDENCE: Section 21.80 Monterey County Zoning Ordinance (Planning Commission).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Determines the project is categorically exempt from Environmental Review pursuant to Section 15303(e) of the CEQA guidelines;
- B. Approves the Design Approval to allow for a single family dwelling deck addition, replacement/reconfiguration of stairs, sheds, fence and new garage; and
- C. Approves modifications to Design Approval PLN100337 to allow temporary storage and modification of the fence plan to allow pillars up to 7 feet tall based on the findings, and evidence in general conformance with the attached sketch and subject to the revised conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of May, 2011.



Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **MAY 16 2011**.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

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

MAY 26 2011

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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION 11-023 - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance

Project Name: Steven H & Nancy Chang

File No: PLN100337 (MODIFIED)

APNs: 416-191-025-000

Approved by: Zoning Administrator

Date: May 12, 2011

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

Permit Conid. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed Where applicable, a certified professional's required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
RMA - Planning Department						
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>Design Approval to allow construction of a 1,014 square foot three-car garage, a 6-foot tall 170 lineal foot fence along the edge of the northerly side of the road right of way, a 135 square foot deck addition, replacement of deck stairs, and two sheds (80 and 112 sf). On May 12, 2011, this permit was modified to allow temporary (6 month) use of a 400 square foot storage container during construction of the garage and pillars between the 6-foot tall fence panels that extend up to 7 feet tall. The property is located at 10350 Saddle Road, Monterey, (Assessor's Parcel Number: 416-191-025-000) Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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 the RMA - Planning Department.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	

Permit Cont. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
		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. (RMA-Planning Department)		RMA - Planning		
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 11-023) was approved by the Zoning Administrator for Assessor's Parcel Number 416-191-025-000 on May 12 2011. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA-Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PDSP001 - REMOVAL OF CARGO CONTAINERS (NON-STANDARD) The applicant shall remove the 400 square foot cargo container from the site by December 12, 2011, or upon completion of the garage, whichever occurs first. The 100 square foot cargo container shall be removed from the site prior to issuance of construction permits for the garage. (RMA - Planning Department)	The applicant shall obtain a valid construction permit from the Monterey County Building Services Department that includes temporary use of a cargo container for storage during construction of the garage. The permits for construction authorized by the Design Approval shall not be issued until the 100 square foot storage container has been removed from the site.	Owner/ Applicant Owner/ Applicant	Upon completion of garage construction or by 12/12/11, whichever occurs first As stated in the conditions of approval	
4.		PDSP002 - MAXIMUM FENCE HEIGHT (NON-STANDARD) Proposed fence must be constructed so as to maintain an average height of no more than 6 feet above natural grade. Pillars may extend to a height not to exceed seven feet	Submit plans for review and approval to the RMA - Planning Department.	Owner/ Applicant	Within 30 days of DA approval, or prior to issuance of	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed where applicable a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		measured from the average natural grade. (RMA – Planning Department)			building permits, whichever occurs first	
5.		PDSP003 – SCREENING/LANDSCAPE (NON-STANDARD) The applicant shall install fencing (maximum six feet tall) and/or screening along the west property line where structures are located. Landscape screening would also require temporary fencing, subject to design being approved by staff, until the landscaping matures (approximately 3-5 years depending on the type of vegetation). (RMA – Planning Department)	Submit a fencing/landscape plan subject to review and approval by the RMA-Planning Department.	Owner/ Applicant	Within 45 days of DA approval or prior to issuance of building permits, whichever occurs first	

END OF CONDITIONS

Rev. 05/12/2011

EXHIBIT D
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Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

RECEIVED

JAN 06 2012

Advisory Committee: **Greater Monterey Peninsula**

**MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT**

Please submit your recommendations for this application by: **January 4, 2012**

Project Title: CHANG STEVEN H AND NANCY

File Number: PLN110556

File Type: DIRECTOR OF PLANNING

Planner: LOPEZ

Location: 10350 SADDLE RD MONTEREY

Project Description:

Design Approval to allow the installation of a 320 square foot storage unit with lattice attached, and roof mounted solar system. The property is located at 10350 Saddle Road, Monterey (Assessor's Parcel Number 416-191-025-000), Greater Monterey Peninsula Area Plan.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
STEPHEN GRIFFIN 10255 Saddle Rd -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	File numbers change had did not recommend of cargo containers. Mr. Chang did not file permit - was approved by number conditions - this move was not timely; he did not move to admin. No problem with solar - Mr. Chang has not gought approval for roof mounted solar system. Mr. Chang does not Container vs storage Unit sq. ft is greater than allowed by container -
10300 Saddle Rd - Chang's Jack Jensen - did not contact Jensens - ABOUT intended Project. Initially Red Tag - to go to zoning - to get permit - Don't see follow through Do not have S.I ACCESS - they have 2.5 - aces -	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
LUAC on Record about concerns on Design Sensitivity - ALREADY		
What size PANS - 20-25 gallons - Applicant stated issue with zoning ADMINISTRATOR -		Recommend
Concerns of neighbors - Confusion AT county level - That county County allow zoning -	need to address. this directly straighten out issue. Put this on top priority	
Have not ADDRESS garage - container to be remove -	notes seeking to keep container	

ADDITIONAL LUAC COMMENTS

Project Recommendation to zoning instead of DIRECTOR OF PLANNING - (EEKOK IN Scheduled item)
 Solar Panels will be sub, to Building Dept
 Make a recommendation that this is A ISSUE FOR Planning Conditions - zoning move through some waste so neighbors know -
 Project with heavy concerns for neighborhood - Permit Mr. Chang wants to change one item for solar - Approval -

RECOMMENDATION: That this project be not recommended because garage ISSUE, ~~about~~ CONFORMITY ISSUE w/ Hh container needs to be address
 Motion by: HARRIS (LUAC Member's Name)

Second by: SMITH (LUAC Member's Name)

- Support Project as proposed
- Recommend Changes (as noted above) DISAPPROVAL
- Continue the Item

Reason for Continuance: _____

Continued to what date: _____

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JAN 06 2012

AYES: 5

NOES: 0

ABSENT: 1 (Jacobs)

ABSTAIN: 0

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

GREATER MONTEREY PENINSULA

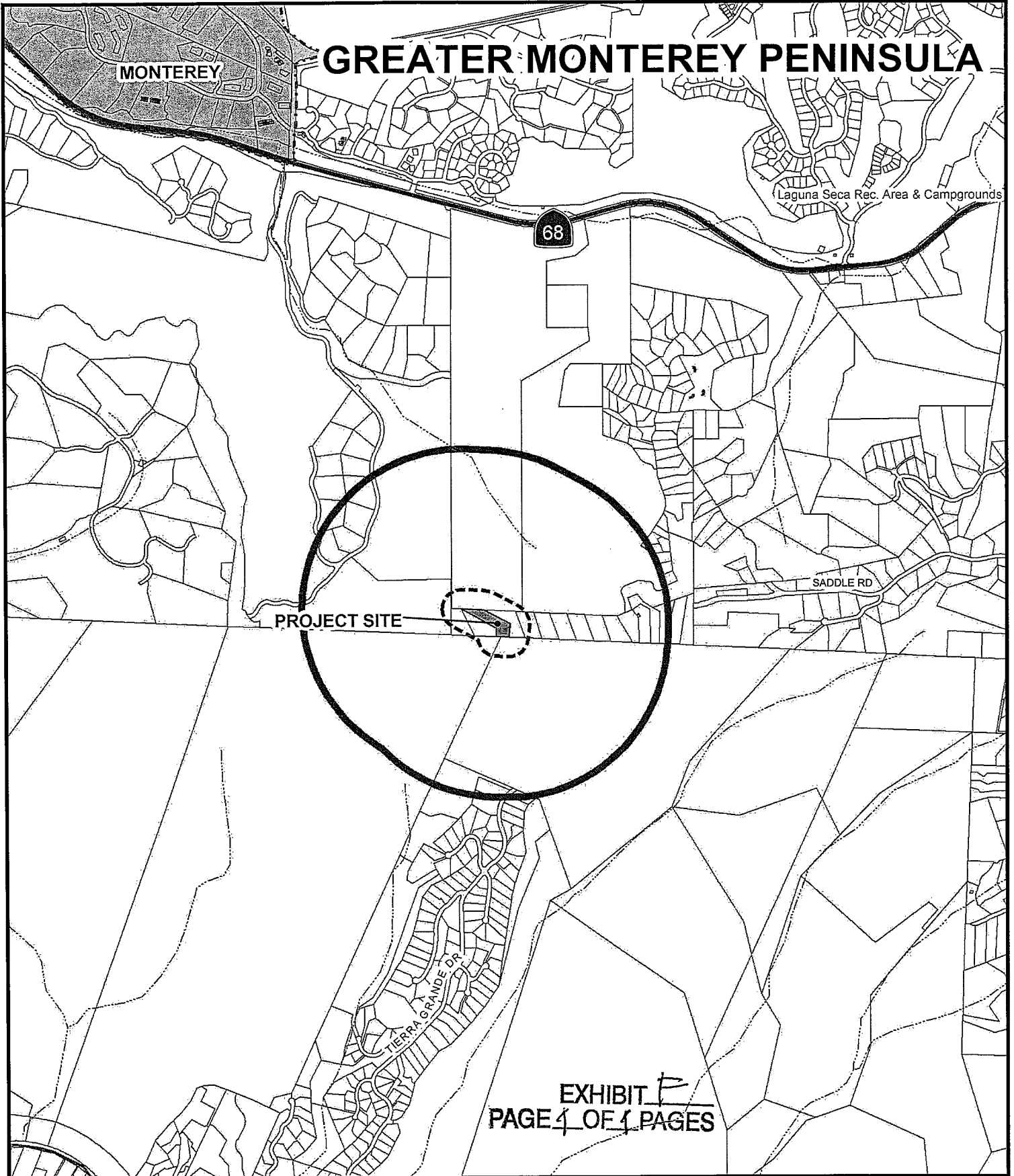


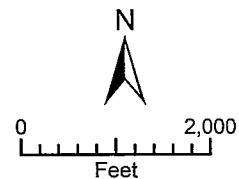
EXHIBIT P
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APPLICANT: CHANG

APN: 416-191-025-000

FILE # PLN100337

Water 2500' Limit 300' Limit City Limits



PLANNER: LOPEZ