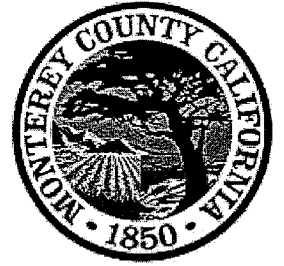


MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT



MEMORANDUM

Date: April 16, 2012

To: Zoning Administrator

From: Maria Lopez, Land Use Technician *ML*

Subject: PLN110556 / Chang;
Zoning Administrator hearing April 26; Agenda Item #1

The subject application was considered by the Zoning Administrator on February 9, 2012. The Zoning Administrator continued the hearing to the April 26, 2012 Zoning Administrator hearing in order to conduct a visit to the project site. The results of the Zoning Administrator's site visit will be discussed at the hearing on April 26, 2012.

The subject application is for Design Approval to allow the permanent installation of a 320 square foot 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. This project would amend Condition No. 3 of Planning Permit No. PLN100337. Staff has previously recommended approval of the project based on the Findings and Evidence and recommended Conditions of Approval contained in the attached Draft Resolution.

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 Hearing

Body:

- 1) Categorically exempt the project from Environmental Review pursuant to Section 15303 of the CEQA guidelines; and
- 2) Approve the modification to condition No. 3 of resolution No. 11-023 to allow the installation of a 320 square foot storage unit with lattice attached and roof mounted solar system.

[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 consists of the installation of a 320 square foot storage unit with lattice attached, and roof mounted solar system. Pursuant to The zoning of the property (RDR/5.1-D-S) contains overlays that apply to Design Control and Site Plan review.
- d) 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. Pursuant to Section 21.44.080.B (Design Control District) of the Monterey County Zoning Ordinance (Title 21), no building permit shall be issued for any such structure proposed in a "D" combining district unless the size, configuration, materials and colors of such structures have been approved. Therefore, a Design Approval is required as part of the project application. The proposed materials and colors for the proposed storage container consist of: XXXXX and is consistent with Policy XXX of the Greater Monterey Peninsula Area Plan; the appearance of the screened storage unit will be compatible with the surrounding area..
- e) 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 the project involves public controversy therefore this application is being referred to the Zoning Administrator for further consideration.
- f) 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. Conditions recommended have been incorporated.
 - 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** - 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 violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is aware of violations existing on subject property.
 - b) Staff conducted a site inspection on January 4, 2012 and researched County records to assess if any violation exists on the subject property.
 - c) The proposed project cures an existing violation (10CE00024). When implemented, the project will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations. The property owner has obtained planning permits under Resolution Nos. (10-047 and 11-023) to correct the violation. Currently the owner proposed to amend condition No. 3 of resolution No. 11-023 to allow the installation of a 320 square foot storage unit with lattice attached and roof mounted solar system to keep it on the property permanently.
 - 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 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) California Environmental Quality Act (CEQA) Guidelines Section 15303, Class 3 categorically exempts new construction or conversion of small structures including location of structures.

- b) The owner proposes to modification to condition No. 3 of resolution No. 11-023 to allow the installation of a 320 square foot storage unit with lattice attached and roof mounted solar system. However, the project is still exempt because none of the exceptions listed on Section 15300.2 of the CEQA Guidelines can be made (see Evidence D listed below).
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on January 4, 2012.
- d) 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 storage unit 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.
- e) 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. Find the project categorically exempt from Environmental Review pursuant to Section 15303(e) of the CEQA guidelines;
- 2. Approves the Design Approval to modify condition No. 3 of resolution No. 11-023 to allow the installation of a 320 square foot storage unit with lattice attached and roof mounted solar system, in general conformance with the attached sketch and subject to the attached conditions (Exhibit C), all being attached hereto and incorporated herein by reference.

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.

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:**

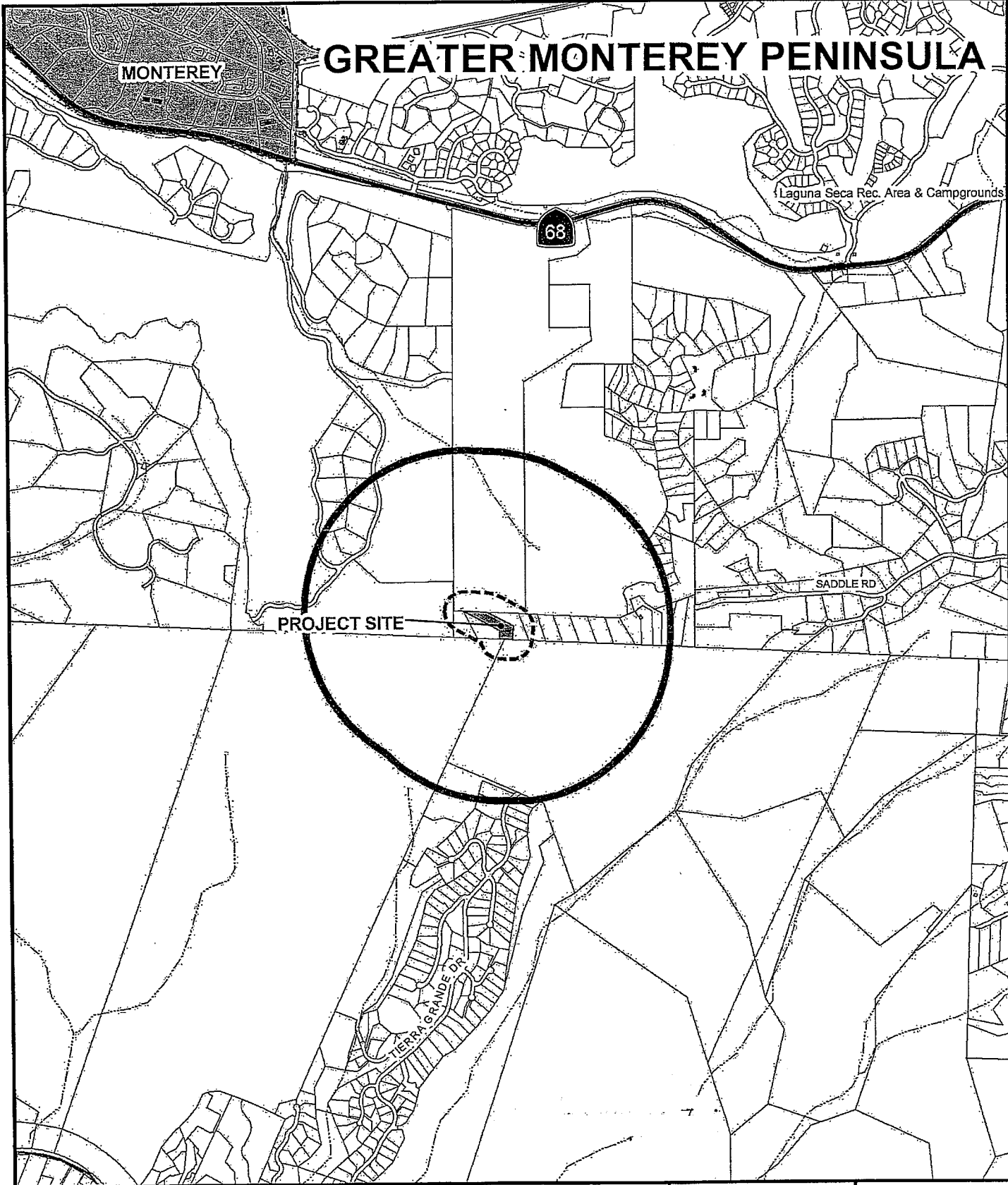
Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. 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.



GREATER MONTEREY PENINSULA

MONTEREY

Laguna Seca Rec. Area & Campgrounds

68

SADDLE RD

PROJECT SITE

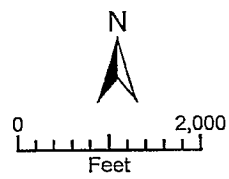
TERRA GRANDE DR

APPLICANT: CHANG

APN: 416-191-025-000

FILE # PLN100337

Water 2500' Limit 300' Limit City Limits



PLANNER: LOPEZ