

**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. 10-047

Resolution by the Monterey County Zoning
Administrator:

- 1) Categorically exempt the project from Environmental Review pursuant to Section 15303(e) of the CEQA guidelines; and
- 2) Deny the portion of the Design Approval to allow for the placement of the cargo container; and
- 3) Approve the portion of the Design Approval to allow for a single family dwelling deck addition, replacement/reconfiguration of stairs, sheds, fence and new garage based on the findings, evidence and subject to the 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. 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 single family dwelling deck addition, replacement/reconfiguration of stairs, sheds, fence and new garage, 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.

- e) 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.

2. FINDING: **CONSISTENCY** - The cargo containers as part of the Design Approval is not consistent with Chapter 21.44 of the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: The cargo containers are located on a ridge in a residential neighborhood in the Hidden Hills area. The corrugated metal containers are highly visible from Saddle Road. The parcel has a Design Approval zoning district overlay. The Design Approval district regulates materials and colors of structures to assure protection of the public viewshed and neighborhood character. Both cargo containers are corrugated metal, one is painted camouflage and the other is green and look industrial in nature. This is inconsistent with other structures in the residential neighborhood which are wood and stucco. The proposal to allow the cargo containers is inconsistent, Chapter 21.44 of the Monterey County Zoning Ordinance (Title 21), since they are not consistent with character of the neighborhood.

The Greater Monterey Peninsula Land Use Advisory Committee recommended denial of the cargo containers by a 4-0 vote. The advisory committee minutes of October 6, 2010 stated "dismay as a committee to approve design project based on codes and zoning for this project." The application, plans, and photographs, found in Project File PLN010037.

3. FINDING: **SITE SUITABILITY** – The site is physically suitable for the use of the single family dwelling deck addition, replacement/reconfiguration of stairs, sheds, fence and new garage.

- 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 single family dwelling deck addition, replacement/reconfiguration of stairs, sheds, fence and new garage. Conditions recommended 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.

4. **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) (a) Findings 1, 2, 3, and 5; and supporting evidence.
(b) 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.

5. **FINDING:** **VIOLATIONS** - The subject property is in violation of the rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance.

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 abates 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). 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.

c) 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.

d) 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.

6. **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.

7. **FINDING:** **APPEALABILITY** - The decision on this project is appealable to the Planning Commission.
- EVIDENCE:** a) 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. Categorically exempts the project from Environmental Review pursuant to Section 15303(e) of the CEQA guidelines; and
- B. Denies the portion of the Design Approval to allow for the placement of the cargo container; and
- C. Approves the portion of the Design Approval to allow for a single family dwelling deck addition, replacement/reconfiguration of stairs, sheds, fence and new garage based on the findings, evidence and subject to the conditions of approval and, in general conformance with the attached sketch and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of December, 2010.



Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **DEC 17 2010**

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 **DEC 27 2010**

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 10-047 - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance

Project Name: Steven H & Nancy Chang
File No: PLN100337 APNs: 416-191-025-000
Approved by: Zoning Administrator Date: December 9, 2010

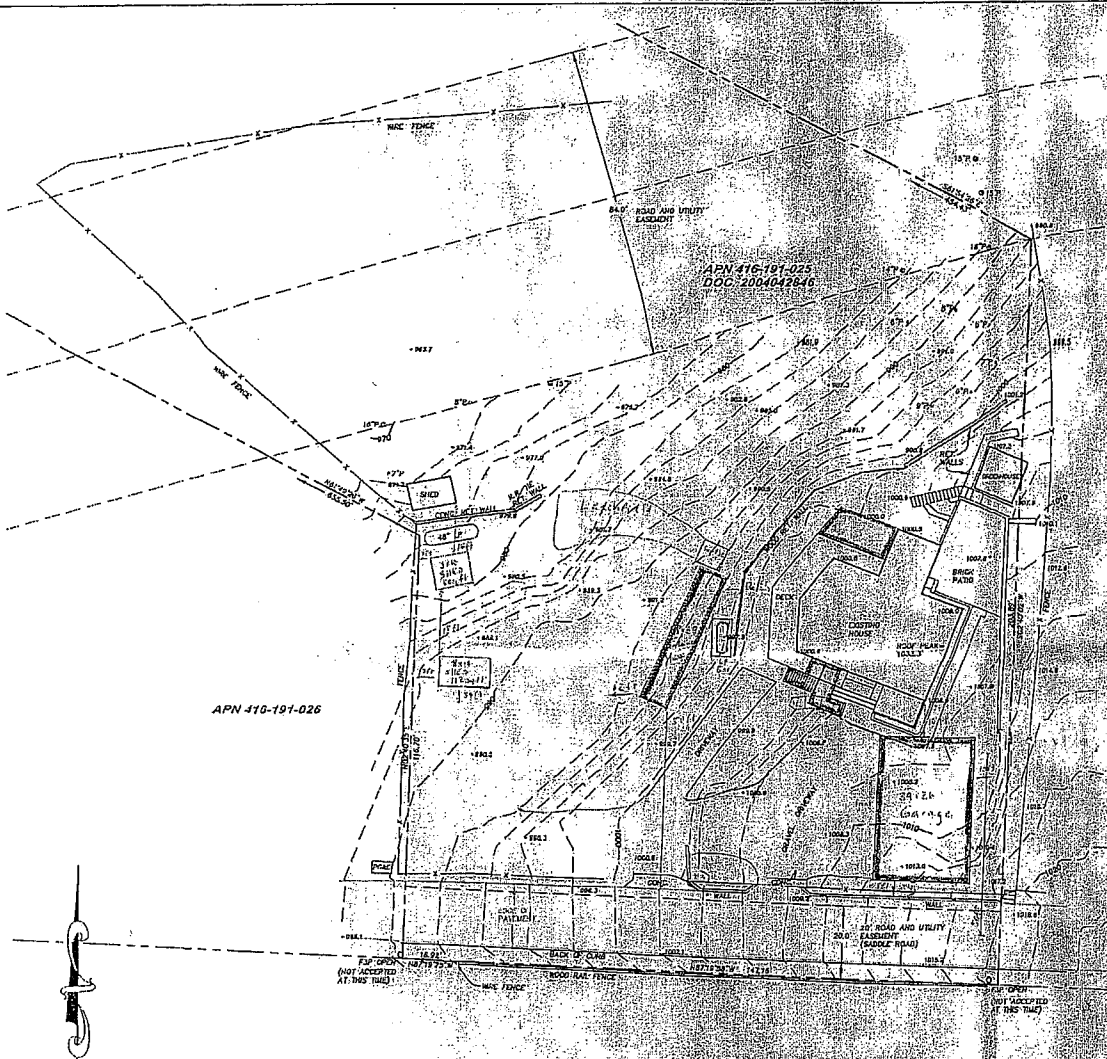
**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

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)
RMA – Planning Department						
1.		PD001 - SPECIFIC USES ONLY 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 80 square foot sheds. 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 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)	Adhere to conditions and uses specified in the permit. 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.	Owner/ Applicant RMA - Planning RMA - Planning	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures 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 Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 10-047) was approved by the Zoning Administrator for Assessor's Parcel Number 416-191-025-000 on December 9, 2010. The permit was granted subject to 4 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 obtain a construction permit to remove the cargo containers from the site within 45 days or prior to issuance of permits whichever occurs first. (RMA – Planning Department)	The applicant shall obtain a valid construction permit from the Monterey County Building Services Department.	Owner/ Applicant	As stated in the conditions of approval	
			The permits for construction authorized by the Design Approval shall not be issued until the storage containers have been removed from the site.	Owner/ Applicant	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. (RMA – Planning Department)	The owner must submit plans for review and approval to the RMA – Planning Department.	Owner/ Applicant	Prior to issuance of building permits	

END OF CONDITIONS

Rev. 08/25/2010



NOTES:

THIS MAP PORTRAYS THE SITE AT THE TIME OF THE SURVEY AND DOES NOT SHOW SOILS OR GEOLOGY INFORMATION, UNDERGROUND CONDITIONS, EASEMENTS, JOINTING OR REGULATORY INFORMATION OR ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE PROPERTY OWNER.

THERE MAY BE EASEMENTS OR OTHER RIGHTS, RECORDED OR UNRECORDED, AFFECTING THE SUBJECT PROPERTY WHICH ARE NOT SHOWN HEREON.

UNDERGROUND UTILITIES, IF ANY, WERE NOT LOCATED. INFORMATION REGARDING UNDERGROUND UTILITY LOCATIONS SHOULD BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES OR PUBLIC AGENCIES.

ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.

GROUND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE.

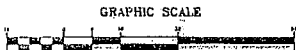
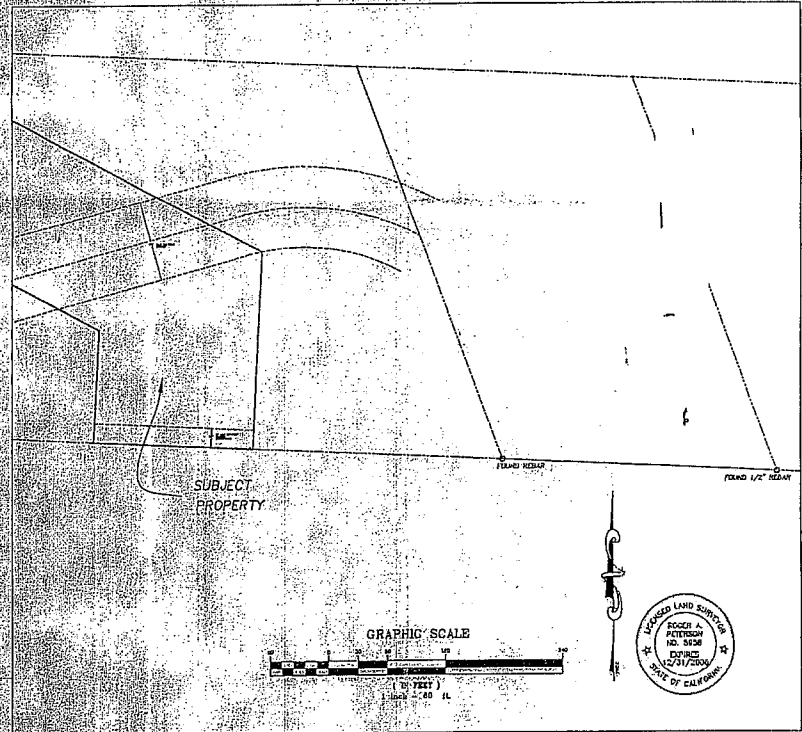
DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

THE CROSS SYMBOL (+) MARKS THE HORIZONTAL POSITION OF THE SPOT ELEVATION SHOWN.

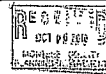
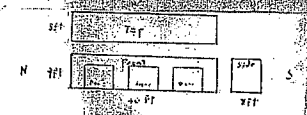
TREE SYMBOLS ARE DRAWN TO SCALE ONLY APPROXIMATELY.

9"p = 9" PINE TREE

VICINITY MAP



GRAPHIC SCALE
1 inch = 10 ft.
Total area 2.5 acres (approx.)
Total building footprint 2,154 (2.4% of lot coverage)
New limits



DATE OF SURVEY: 8 NOV 2006 DRAWING SCALE: 1" = 10' DRAWN BY: TMM/RC REVISED:	RASMUSSEN LAND SURVEYING, INC. P.O. BOX 1000 MONTEREY, CALIFORNIA 93940 (831) 375-2240 (831) 375-2545 FAX	RLS	SHOWING A PORTION OF PARCEL A OF RECORD OF SURVEY MAP VOL. 8, PG. 107 (A94-191-025), MONTEREY COUNTY, CALIFORNIA	PROJECT NO. 26035
			PREPARED FOR: DR. STEVEN CHANG 10231 S. JAIL RD. MONTEREY, CA	

Typical Notes

FRAMING MEMBERS (cont.)

- Any wall 6" O high or
- thru wall other than
- (1) Load bearing and
- (2) Load bearing and
- W/2 Placed B
- (3) Non-load bearing
- (4) Non-load bearing
- W/2 Placed B
- (5) All exterior open
- All walls to be open
- loading indicated on
- All exterior corners
- bracing or braced.
- Place (1) row of 2 x 4
- (2) hole of 1 x 4 at

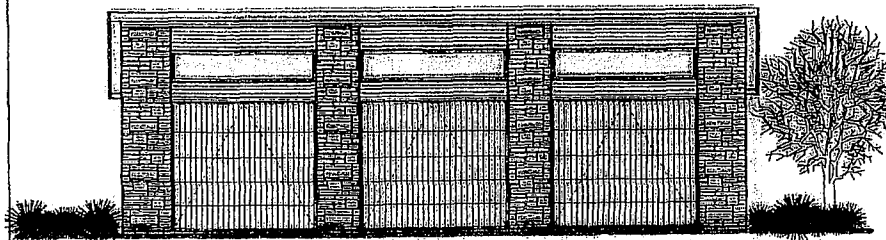
WORK NOT TO SCALE

© 2001

[illegible]

ARTWORK NOT TO SCALE

advanced
designstm
17117 OAK DRIVE • OMAHA, NE 68130 • p: 402.445.0489
www.advancedhouseplans.com



Steve Chaning
10350 Saddle Rd.
Monterey, CA 93940
APR 16 1982

24292

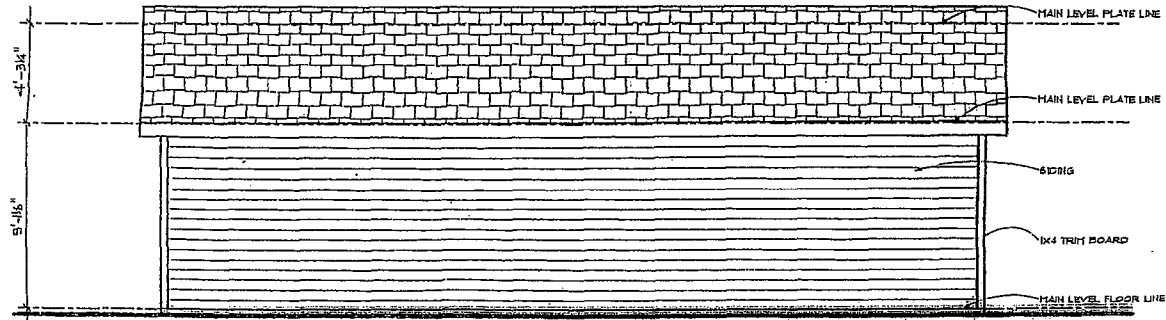
SHEET



IF THIS IS NOT RED

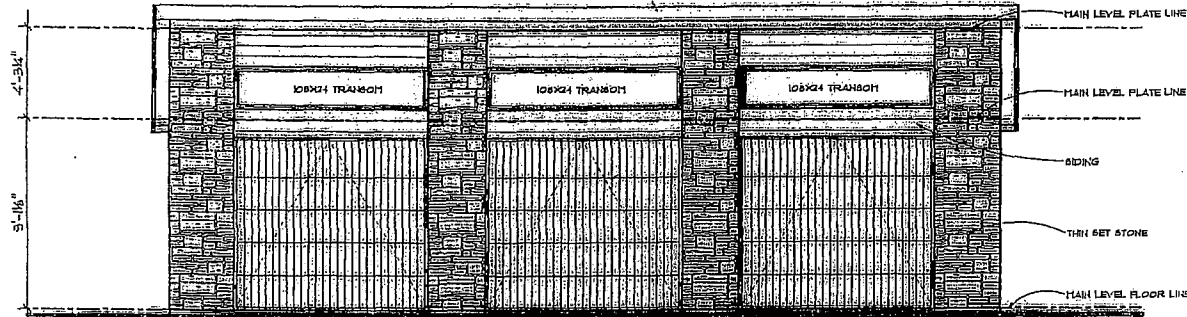
The remainder of these items is given the highest priority to maximize their claim (or construction expenses only) and further distribution is illegal. There do not scale or do anything. advocate@housebill.net 407-352-2493

NOTES: OWNER/BUILDER/CONTRACTOR MUST REVIEW ALL DIMENSIONS AND STRUCTURAL ON THESE PLANS PRIOR TO BUILDING. THEY RELEASE ADVANCED DESIGN FROM ANY LIABILITY THAT MAY OCCUR DURING OR THERE AFTER THE BUILDING PROCESS.



REAR ELEVATION

SCALE: 1/4"=1'-0"



FRONT ELEVATION

SCALE: 1/4"=1'-0"



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Advanced
DESIGN

2010
29243

SHEET
2

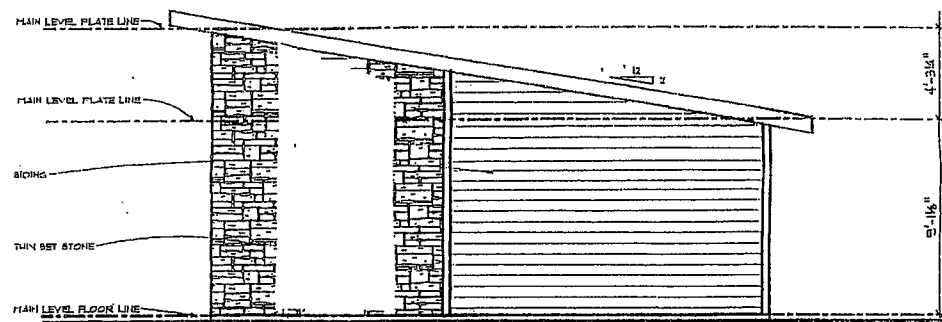
The purchaser of these plans is given the limited license to reproduce these plans for construction purposes only and further distribution is illegal. Plans do not scale with other drawings. 402-115-0483



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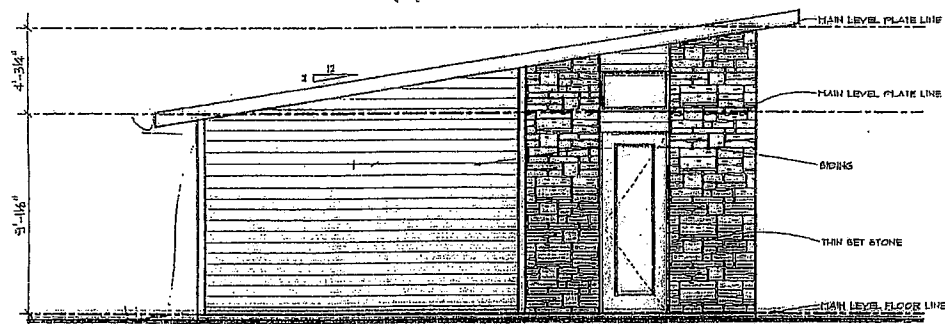
02010
02
02
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02

SHEET
3



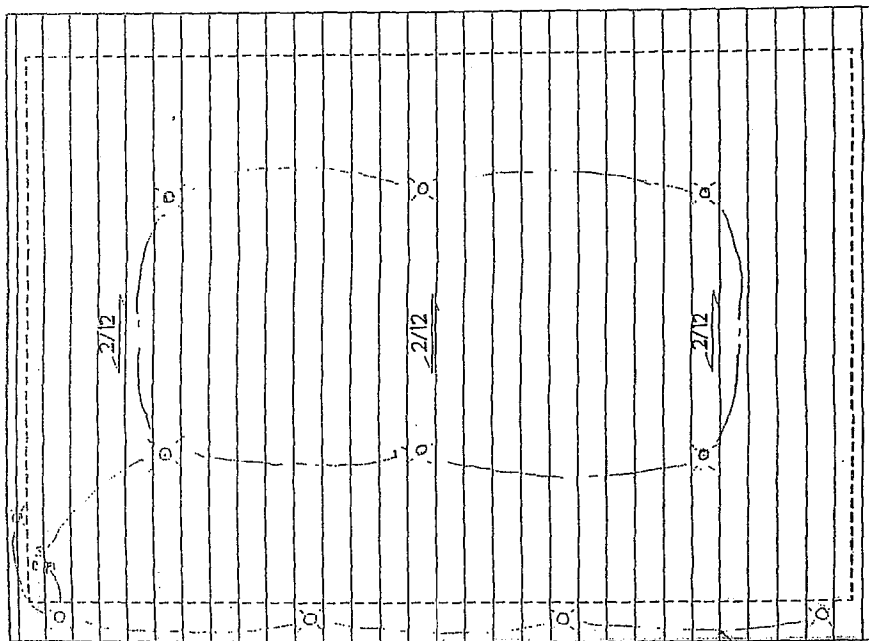
RIGHT ELEVATION

SCALE: 1/4"=1'-0"



LEFT ELEVATION

SCALE: 1/4"=1'-0"

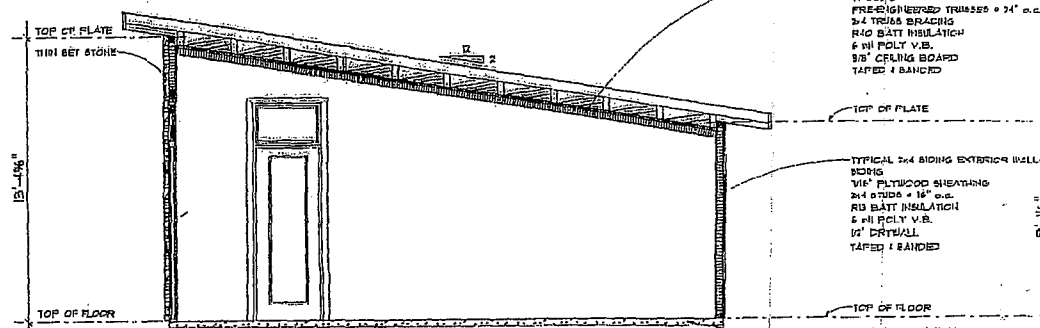


ROOF PLAN

SCALE: 1/4"=1'-0"

Electrical
Fluorescent lighting can recessed

CON'T. HAVE VENT
ALL AROUND



CROSS SECTION

SCALE: 1/4"=1'-0"

HOLDER/CONTRACTOR MUST
REVIEW ALL DIMENSIONS AND STRUCTURAL ON THESE
PLANS PRIOR TO BUILDING. THEY RELEASE
ADVANCED DESIGN FROM ANY LIABILITY
THAT MAY OCCUR DURING OR AFTER
THE BUILDING PROCESS

ADVANCED DESIGN IS A PROFESSIONAL ARCHITECTURAL
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PERFORM CONSTRUCTION. WE ONLY PROVIDE
DESIGN SERVICES. WE ARE NOT RESPONSIBLE
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THE SAFETY OF THE BUILDING. WE ARE NOT
A SUBSTITUTION FOR A LICENSED ARCHITECT.

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DESIGN

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SHEET

6

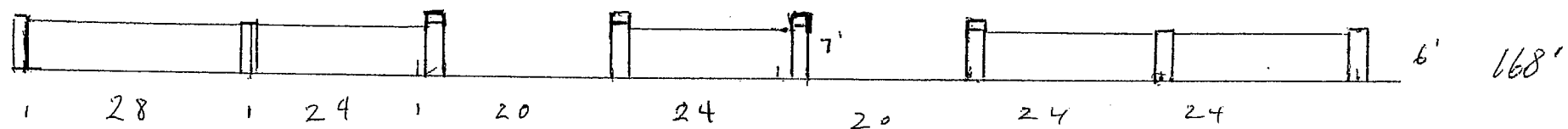
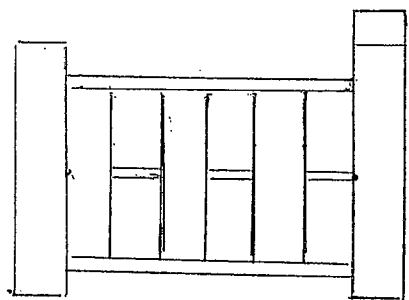
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NEWELL
PACKARD

NEWELL
PACKARD

NEWELL
PACKARD

1" = 20'



GREATER MONTEREY PENINSULA

MONTEREY

Laguna Seca Rec. Area & Campgrounds

68

SADDLE RD

PROJECT SITE

TIERRA GRANDE DR

APPLICANT: CHANG

APN: 416-191-025-000

FILE # PLN100337

Water



2500' Limit



300' Limit



City Limits



0 2,000
Feet

