

MONTEREY COUNTY PLANNING COMMISSION

Meeting: May 30, 2012 Time: 9 A.M	Agenda Item No.: 3
Project Description: 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 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 (Resolution No. 11-023) to allow the permanent installation.	
Project Location: 10350 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, location of structures.	
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:

This application comes before the Planning Commission having been referred by the Zoning Administrator (ZA) after hearing the application and public comment, and having considered that there are policy issues that need to be considered by the Planning Commission.

The subject property is located on Saddle Road generally west of Boots Road atop the hills separating Highway 68 from Carmel Valley. An earlier application for design review approval (File No. PLN100337) as well as the current application were submitted by the applicant as a result of a code enforcement action on the property (See chronology under Exhibit B). Permit No. PLN10037 included various minor improvements on the property, a fence along the property's southern boundary as well as the placement of two storage containers, including the subject container. This application was considered by the Zoning Administrator (ZA) on December 9, 2010. The ZA denied the placement of the containers and approved the other improvements (Exhibit D.1). The ZA found that the containers are highly visible from Saddle Road and that the materials of the containers are inconsistent with those of other structures in the neighborhood. On May 12, 2011, upon request and clarification by the applicant that he intended to keep the subject storage container only during construction of the rest of the project, the ZA again considered the project. The ZA approved the temporary keeping of the storage container requiring its removal from the property "upon completion of the garage or six months from the date a building permit is issued, whichever ever occurs first." A revised Resolution of Approval was issued (Exhibit D.2).

On October 20, 2011, the applicant submitted the current design approval application (PLN110556) for the permanent placement of 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 the condition of the earlier Design Approval to remove the container after construction.

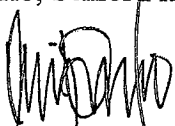
The property is zoned rural density residential with the “D” or Design Control zoning overlay and therefore is subject to the provisions of Chapter 21.44 (Regulations for Design Control Zoning Districts or “D” Districts) of the Zoning Ordinance. The purpose of this Chapter is “to provide a district for 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.” A finding must be made stating consistency 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 attached 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 Board of Supervisors.

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

Luis A. Osorio 
(831) 755-5177, osoriol@co.monterey.ca.us
May 18, 2012

cc: Front Counter Copy; Planning Commission; 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/Chronology |
| Exhibit C | Draft Resolution, including: <ul style="list-style-type: none">• Conditions of Approval; Site Plan, Floor Plan and Elevations |
| Exhibit D | Zoning Administrator Resolution Nos. 10-047 & 11-023 |
| Exhibit E | Advisory Committee Meeting Minutes |
| Exhibit F | Correspondence. |
| Exhibit G | Draft Minutes, Zoning Administrator Meeting April 26, 2012 |
| Exhibit H | 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%
		Coverage Proposed:	3.1%
Existing Structures (SF):	1,752 square feet	Height Allowed:	15 feet
Proposed Structures (SF):	1,606 square feet	Height Proposed:	9.5 feet
Total SF:	3,358 square 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

Zoning Administrator Review

As stated below in the project chronology, the Zoning Administrator (ZA) considered both the original and the revised applications. In the original application (PLN100337), the containers were visible from Saddle Road west of the subject property. The ZA denied the placement of the storage containers included in the original application (Exhibit D.1). Finding # 2 of the Resolution reflects that the metal containers are highly visible from Saddle Road and that the materials of the containers are not consistent with the character of the neighborhood. The applicant later clarified his intent to keep the container only during construction. The ZA considered the clarification and approved the temporary placement of the storage container requiring fencing and/or screening to block the visibility of the container (Exhibit D.2).

In the current application (PLN110556) the applicant has removed the smaller container, relocated the larger container centrally on the property and has proposed the permanent placement of the this container at that location (See Site Plan - Exhibit C). The ZA conducted a site visit and considered the matter on April 26, 2012. The ZA considered that there are no clear policy guidelines in the Zoning Ordinance and that the matter has potential precedent-setting implications. The ZA did not take action and referred the matter to the Planning Commission for consideration.

Discussion

The stated purpose of the "D" or Design Control District refers to the protection of the public viewshed, neighborhood character and the visual integrity of certain development. The purpose is also 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 on private property such as the one proposed. The following analysis is staff's best 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 across the property line along the road would block the visibility of the storage container. Therefore, the proposed storage container would not impact any public viewing area or viewshed.

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 "D" 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 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.

Recommendation

The prior actions by the Zoning Administrator reflect that the storage container is not consistent with the character of the neighborhood due to its materials. The applicant has now proposed to construct a trellis on three sides of the container. Also, the fence along the southern property line is almost complete to a point that the container is not visible from Saddle Road. While the material of the container (metal) detracts from the finished material of most structures in the vicinity, its screening with the proposed lattice on three sides and the lack of visibility from Saddle Road or any public viewing areas make this a minimal factor in the overall consistency analysis of the proposal with the provisions of the Design Control District. Additionally, the proposed project is consistent with the Site Development Standards of the Rural Density Residential Zoning District. Based on the discussion above, staff believes that the project is now 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.

CHRONOLOGY

- **January 21, 2010** – A Code Enforcement Case (10CE00024) opened for the subject property. Code enforcement action is related to construction without permits and the placement of a storage container on the property without design approval.
- **June 30, 2010** - Applicant submits Design Approval application No. PLN100337 to abate the code violation including the placement of the two storage containers, construction of a three-car garage, a fence along the southern property boundary, deck addition, replacement/reconfiguration of exterior deck stair and two smaller sheds.
- **September 1, 2010** – Project scheduled for review by the Greater Monterey Peninsula Land Use Advisory Committee. The committee was not able to make a recommendation, requested additional information and continued the item.
- **October 6, 2010** – Project rescheduled before the Greater Monterey Peninsula Land Use Advisory Committee. Committee recommended denial of the cargo containers and recommended approval of the rest of the improvements.
- **December 9, 2010** –Hearing before the Zoning Administrator (ZA). ZA denied the placement of the cargo container on the property and approved the exterior improvements proposed under the application subject to conditions of approval (Resolution No. 10-47). The approval of the application abated the code enforcement violation.
- **May 12, 2011** – Hearing before the Zoning Administrator (ZA). The ZA considered a clarification by the applicant of his intent to keep the cargo container temporarily only during construction of the other improvements already approved by the ZA; and also modifications to the approved fence to allow seven-foot high pillars. The ZA approved the temporary placement of the container requiring its removal upon completion of the garage or within six months from the date of the issuance of a building permit which ever occurs first. The ZA also added a condition of approval requiring fencing or screening landscape along the property's west property line (Resolution No. 11-023).
- **October 20, 2011** - Applicant submitted a new Design Review application No. PLN110556 to request the permanent placement of the larger cargo container on the property. The revised application also includes the placement of solar panels on the top of the cargo container and a lattice on the east and south sides of the container, the construction of a four foot garden wall on the east and south sides. This application would be amending condition No. 3 of the approval of the original application (PLN100337 - Resolution No. 11-023).
- **January 4, 2012** – The revised application was scheduled before the Greater Monterey Peninsula Land Use Advisory Committee. The Committee recommended denial of the revised application.
- **January 26, 2012** – Hearing before the Zoning Administrator for consideration of the revised application. The ZA continued the item to February 9, 2012, to allow the applicant to post the affidavit of posting and notices.
- **February 9, 2012** – Hearing before the Zoning Administrator. The ZA continued the hearing to April 26, 2012 in order a conduct a site visit.
- **April 26, 2012** – Hearing before the Zoning Administrator. The ZA referred the application to the Planning Commission. The Zoning Administrator did not take action due to the potential precedent setting nature of the application, and because there is no clear policy guidelines in the Zoning Ordinance for consideration of the proposed storage container.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Steven H & Nancy Chang (PLN110556)

RESOLUTION NO. _____

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 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 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 (Resolution No. 11-023) to allow the permanent installation. 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 Planning Commission on May 30, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission 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) and other conditions of approval required earlier by the Zoning Administrator 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 Planning Commission 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 Board of Supervisors.
- EVIDENCE:** a) Section 21.80.040D of the Monterey County Zoning Ordinance (Title 21) (Board of Supervisors).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission 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 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 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 (Resolution No. 11-023) to allow the permanent installation. Materials of metal and colors to match the other structures on the property (Beige).

PASSED AND ADOPTED this 30th day of May, 2012 upon motion of xxxx, seconded by xxxx, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD 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 (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: PD002- NOTICE PERMIT APPROVAL (NON STANDARD)
The applicant shall record a Permit Approval Notice. This notice shall state: "A permit (Resolution Number ____) was approved by the Planning Commission on May 30, 2012. The permit was granted subject to 4 conditions of approval which run with the land. All the original conditions of approval contained in Zoning Administrator Resolution Nos. 10-047 and 11-023 remain in effect. A copy of the permit is on file with the Monterey County RMA - Planning Department."

Proof of recordation of this document shall be furnished to the Director of the RMA - Planning Department prior to issuance of grading and building permits.

(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits

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.

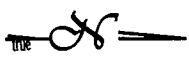
4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning Department)

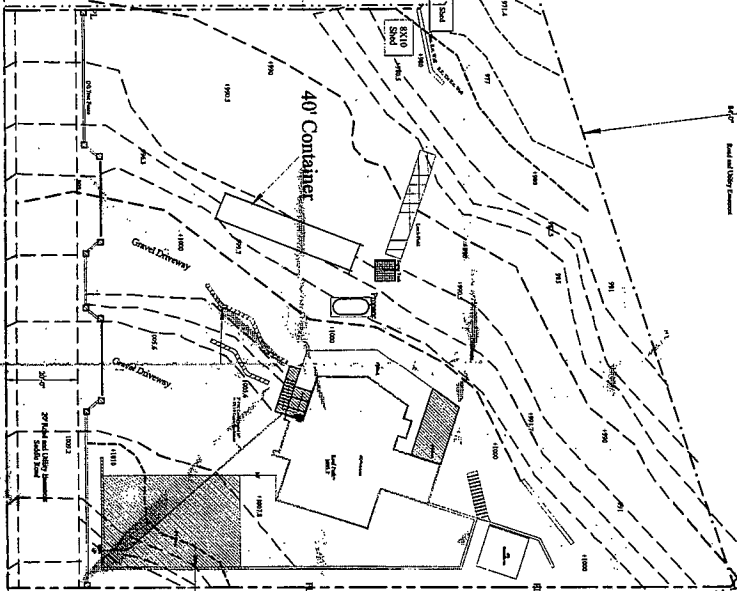
Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.



Site Plan

1"=160'



APN 416-191-025

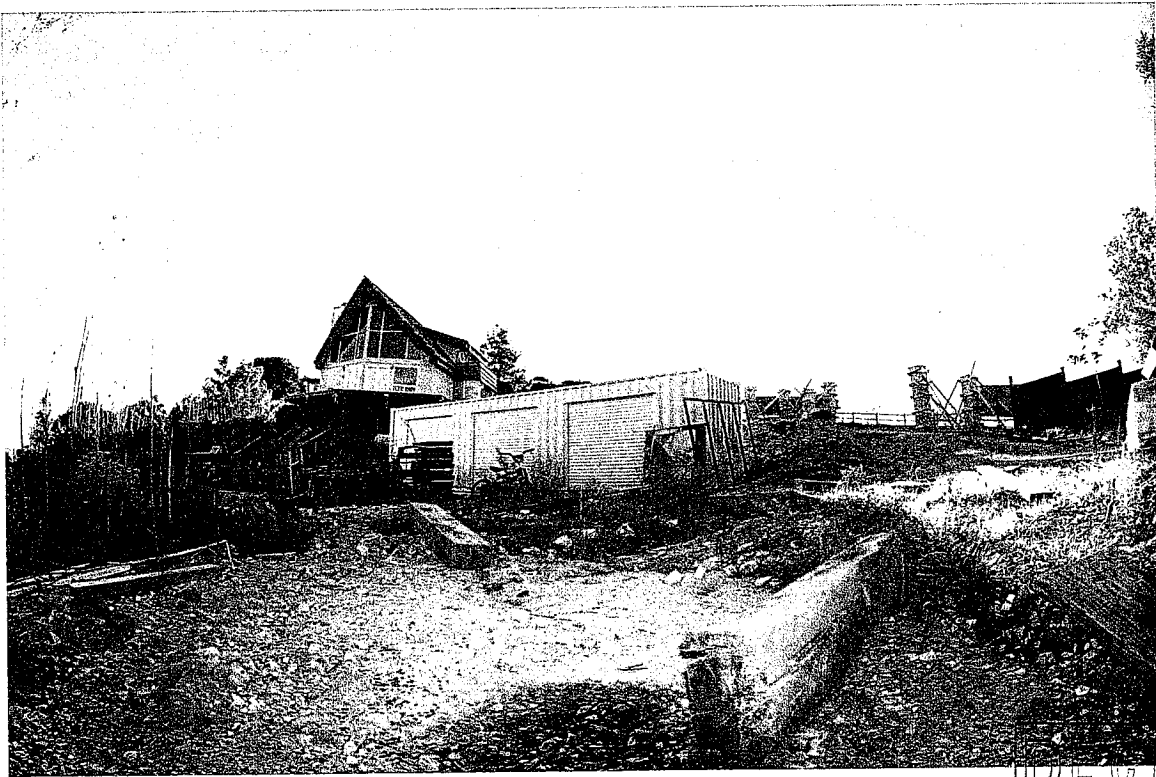
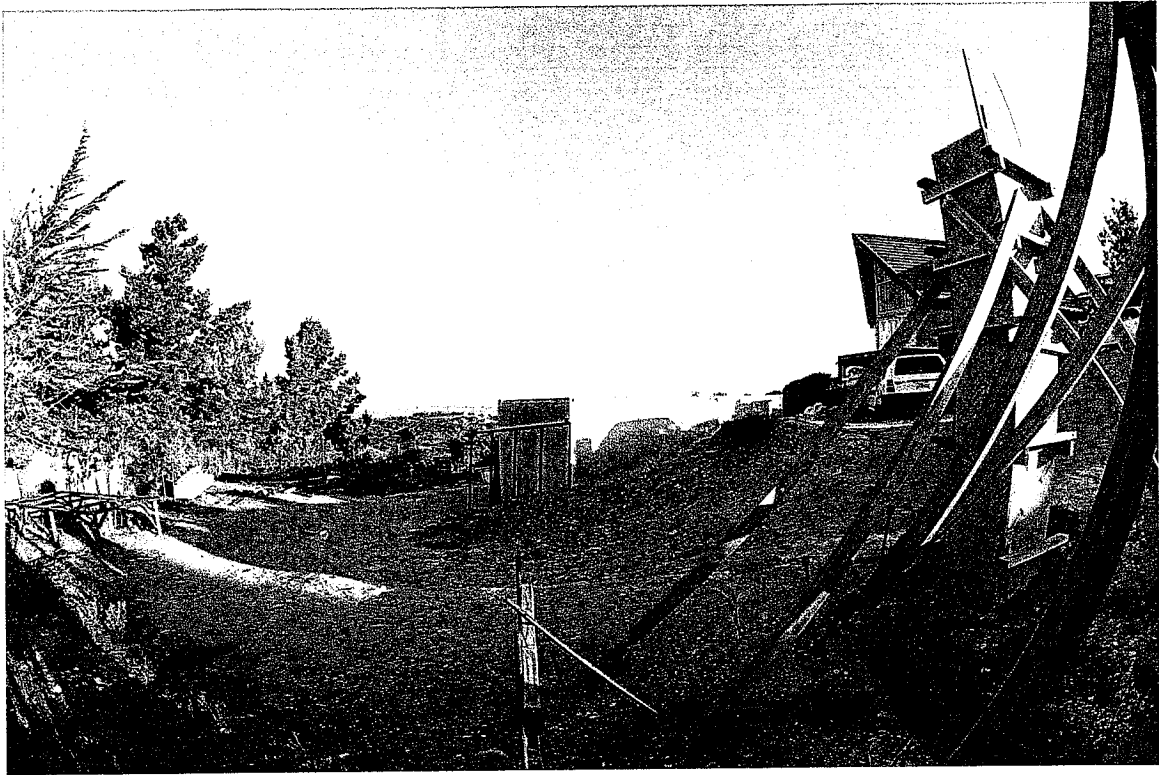
Scope of Work

40' Container

PLN 110556



<p>SP</p>	<p>Drawn By: Matthews Custom Construction 57 Springpoint Rd Elkhorn, Ca 95012 Lic. #948177</p>	<p>Prepared For: Steven Chang, D.D.S. 10350 Saddle Rd Monterey, Ca 93940</p>	<p>Approved By:</p>	<p>Number:</p>
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RECEIVED
OCT 26 2011
MONTEREY COUNTY
PLANNING DEPARTMENT

EXHIBIT D.1
ZONING ADMINISTRATOR RESOLUTION No. 10-047

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.

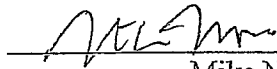
7. **FINDING:** **APPEALABILITY** - The decision on this project is appealable to the Planning Commission.
- EVIDENCE:** a) Section 21.80 Monterey County Zoning Ordinance (Planning Commission).

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 of Monitoring Actions to be performed where applicable to certified professional is 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 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)</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>RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	

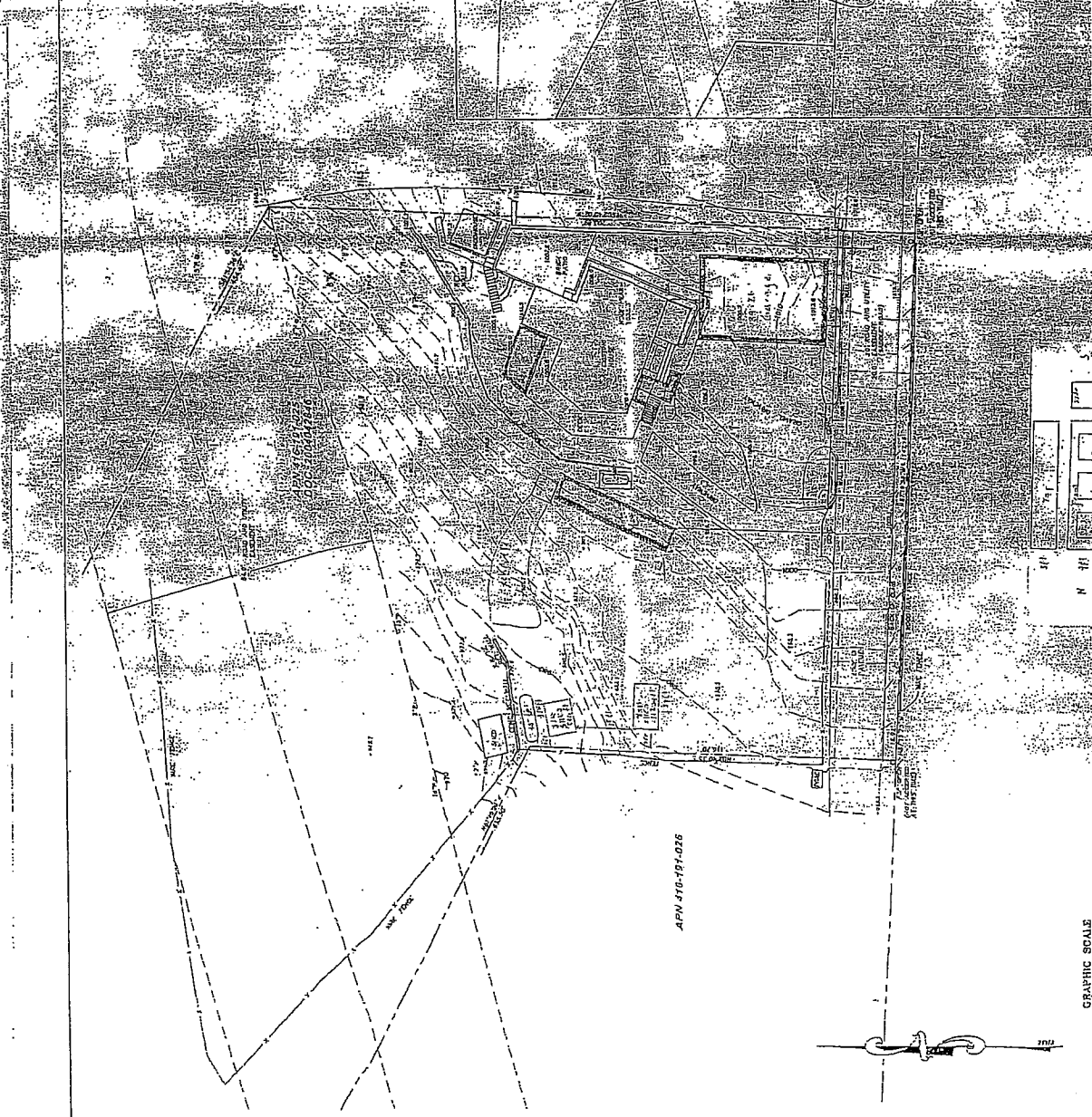
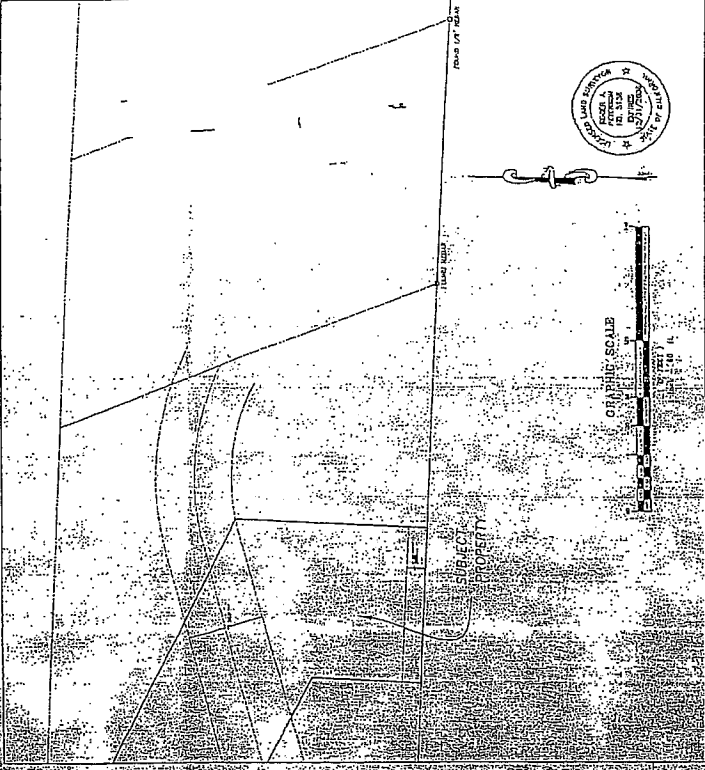
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
2.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>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)</p>	<p>Obtain appropriate form from the RMA-Planning Department.</p> <p>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.</p>	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		<p>PDSP001 - REMOVAL OF CARGO CONTAINERS (NON-STANDARD)</p> <p>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)</p>	<p>The applicant shall obtain a valid construction permit from the Monterey County Building Services Department.</p> <p>The permits for construction authorized by the Design Approval shall not be issued until the storage containers have been removed from the site.</p>	Owner/ Applicant	As stated in the conditions of approval	
4.		<p>PDSP002 - MAXIMUM FENCE HEIGHT (NON-STANDARD)</p> <p>Proposed fence must be constructed so as to maintain an average height of no more than 6 feet above natural grade. (RMA - Planning Department)</p>	<p>The owner must submit plans for review and approval to the RMA - Planning Department.</p>	Owner/ Applicant	As stated in the conditions of approval	Prior to issuance of building permits

END OF CONDITIONS

Rev. 08/25/2010

NOTES:
 THIS MAP PORTRAIS THE SITE AT THE TIME OF THE SURVEY AND DOES NOT SHOW PARTS OF THE SURVEY WHICH WERE NOT SURVEYED OR ANY OTHER ITEMS NOT SPECIFICALLY ACQUIRED BY THE PROPERTY OWNER.
 THERE MAY BE FOUNDATIONS OR OTHER REMAINS, ACCORDING TO UNDEGROUND UTILITIES, IF ANY, WERE NOT LOCATED. UNDEGROUND UTILITIES, INCLUDING BUT NOT LIMITED TO, WATER, GAS, SEWER, AND TELEPHONE LINES, ARE SHOWN AS DASHED LINES. THE PROBABILITIES OF SUCH UTILITIES ARE BASED ON THE AVAILABLE DATA AS NOTED.
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 97' = 9'-FIVE INCH

VICINITY MAP

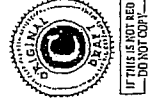


APN 310-491-026

DATE OF SURVEY: 6 NOV 2006
 DRAWING SCALE: 1" = 10'
 DRAWN BY: JAWAC
 CHECKED BY: JAWAC

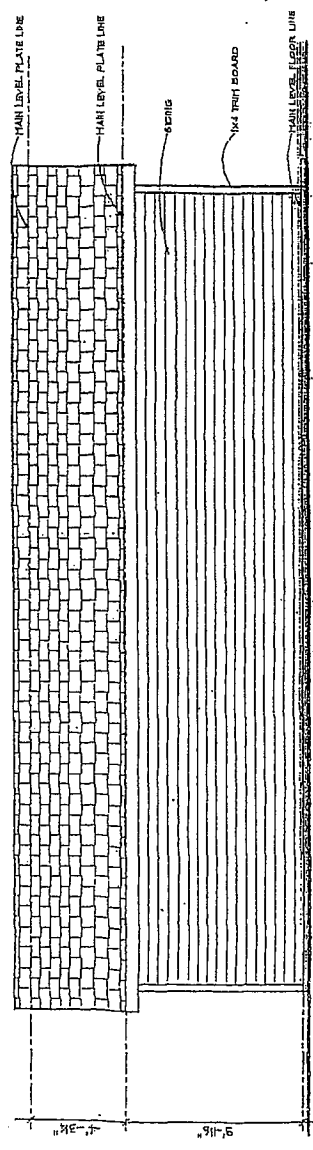
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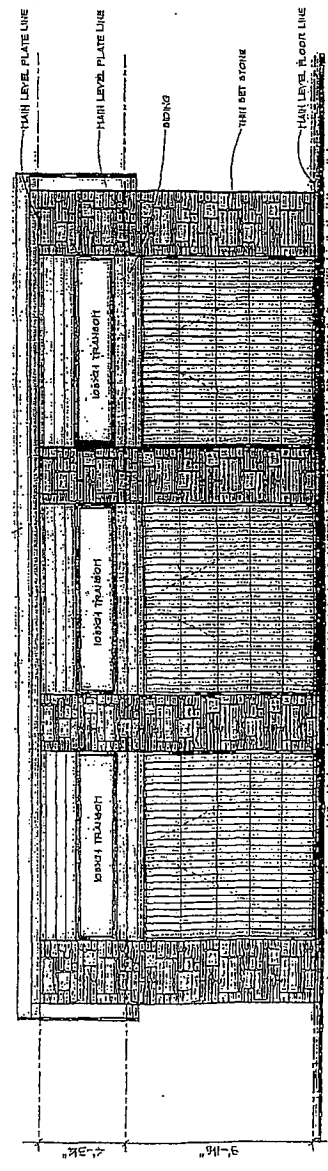


IF THIS IS NOT RED
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SHEET
 2



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



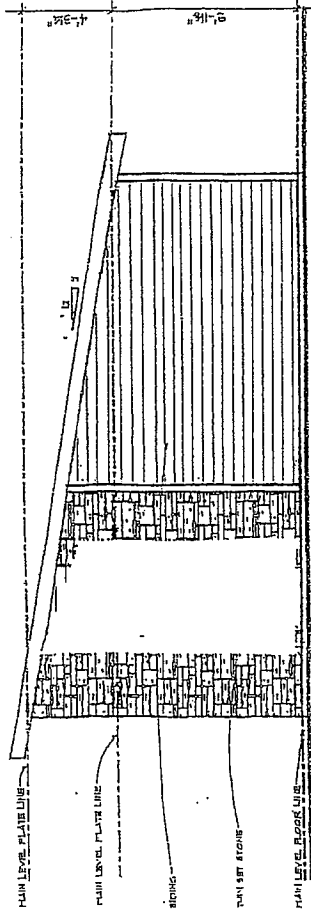
FRONT ELEVATION
 SCALE: 1/4"=1'-0"

THE OFFICE OF THE ARCHITECT OF THE DISTRICT OF COLUMBIA HAS REVIEWED THIS SET OF PLANS AND FOUND THEM TO BE IN ACCORDANCE WITH THE REGULATIONS GOVERNING THE CONSTRUCTION OF BUILDINGS IN THE DISTRICT OF COLUMBIA. THIS REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLANS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS.

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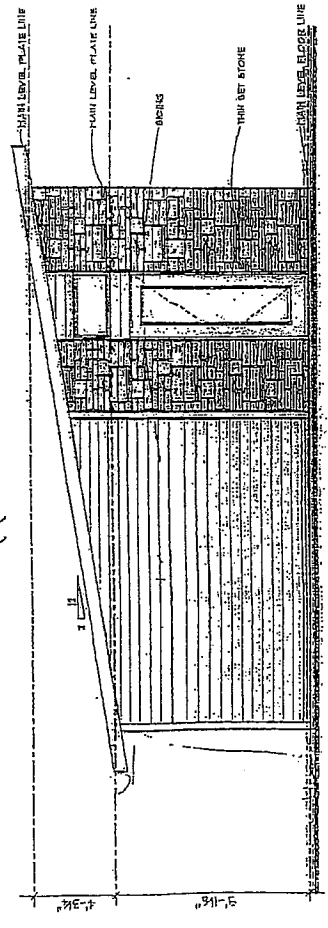
SHEET 3

THIS SET OF PLANS IS THE PROPERTY OF THE ARCHITECT OF THE DISTRICT OF COLUMBIA. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT OF THE DISTRICT OF COLUMBIA.



RIGHT ELEVATION

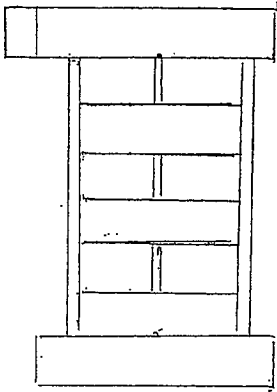
SCALE: 1/4"=1'-0"



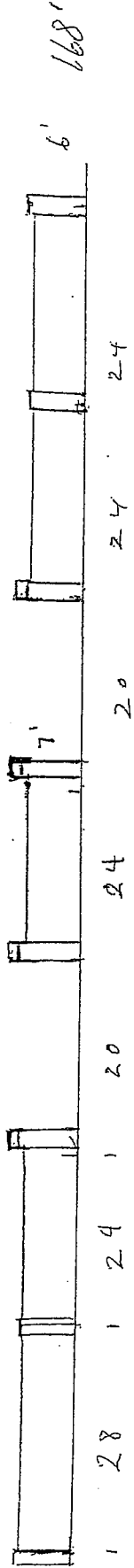
LEFT ELEVATION

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

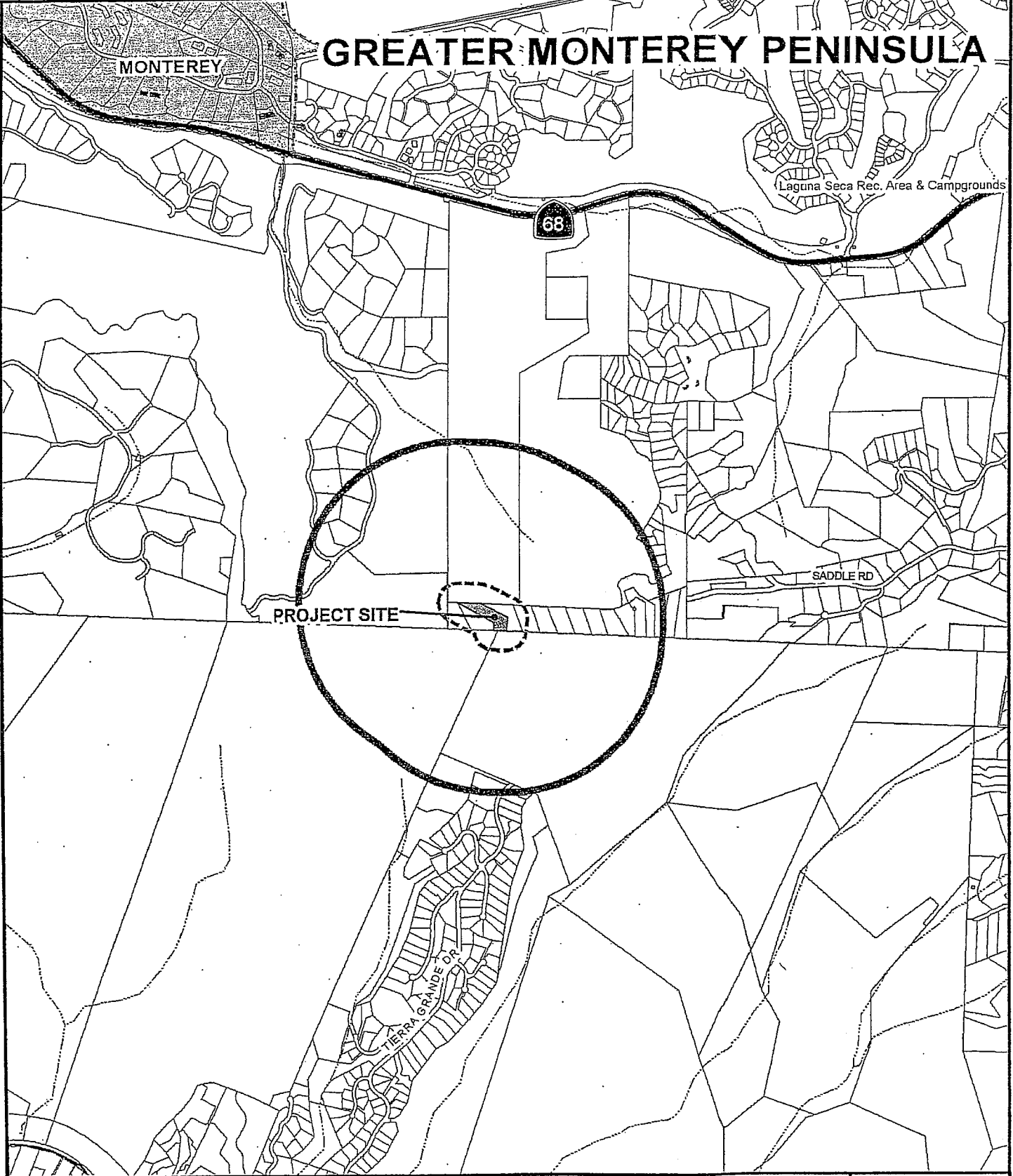
1" = 20'



V



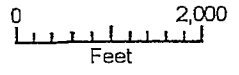
GREATER MONTEREY PENINSULA



APPLICANT: CHANG

APN: 416-191-025-000

FILE # PLN100337



Water 2500' Limit 300' Limit City Limits

EXHIBIT D.2
ZONING ADMINISTRATOR RESOLUTION No. 11-023

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 Condit. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Limit Use Department	Compliance or Monitoring Actions to be performed where applicable to certified professionals is required for action to be accepted.	Responsible Party for Compliance	Verification of Compliance (time/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 Action 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)
		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 <u>May 12 2011</u> . The permit was granted subject to 2 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 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 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.		<p>PDSP003 - SCREENING/LANDSCAPE (NON-STANDARD)</p> <p>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)</p>	<p>Submit a fencing/landscape plan subject to review and approval by the RMA-Planning Department.</p>	Owner/Applicant	<p>Within 45 days of DA approval or prior to issuance of building permits, whichever occurs first</p>	

END OF CONDITIONS

Rev. 05/12/2011

EXHIBIT E

GREATER MONTEREY
PENINSULA (LUAC) MINUTES

PLN110556

MINUTES
Greater Monterey Peninsula Land Use Advisory Committee
Wednesday, January 4, 2012

1. Meeting called to order by DeHOFF at 4:04 pm

2. Roll Call

Members Present: DEHOFF, BERRY, Smith, HARRIS, PETERSON

Members Absent: JACOBS

3. Approval of Minutes:

A. November 2, 2011 minutes

Motion: HARRIS (LUAC Member's Name)

Second: Smith (LUAC Member's Name)

Ayes: 5

Noes: 0

Absent: 1 (Jacobs)

Abstain: 0

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

0

Exhibit E
Page 1 of 15 Pages

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MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

5. Scheduled Item(s)

5. Other Items:

A) Election of Officers:

LUAC member nominated for Chairperson: DEHOFF

Motion: SMITH (LUAC Member's Name)

Second: REIERSON (LUAC Member's Name)

Ayes: 5

Noes: 0

Absent: 21 (Jacobs)

Abstain: 0

LUAC member nominated for Secretary: ~~REIERSON~~ HARRIS

Motion: SMITH (LUAC Member's Name)

Second: REIERSON (LUAC Member's Name)

Ayes: 5

Noes: 0

Absent: 21 (Jacobs)

Abstain: 0

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Exhibit E
Page 2 of 15 Pages

B) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

~~0~~
NONE

C) Announcements

NONE

7. Meeting Adjourned: 5:20 pm

Minutes taken by: BERRY

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Exhibit E
Page 3 of 15 Pages

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

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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	
STEVEN GRIFFIN 10255 Saddle Rd -	<input checked="" 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 move to admnd. No problem with solar - Mr Chang has not gought approval for mounted solar system. Mr Chang does not Container vs storage Unit sq. ft is greater than allowed by container -
10300 Saddle Rd - Changs 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 5.1 ACCESS - they have 2.5 - access -	<input checked="" type="checkbox"/>		

Exhibit E
Page 3 of 15 Pages
4

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 PANTS - 20-25 gallons - Applicant stated issue with zoning ADMINISTRATOR -		Recommend
Concerns of neighbors - Confusion at county level - That county is only allow zoning - County		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 - Permits
 Mr. Chang wants to change one item for Solar - Approval -

RECOMMENDATION:

That this project be not recommended because garage ISSUE, ~~about~~ CONFORMITY ISSUE, WITH 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

Exhibit E

Page 5 of 15 Pages

MINUTES
Greater Monterey Peninsula Land Use Advisory Committee
Wednesday, October 6, 2010

1. Site visit at 2:30 PM (PLN100337) 10350 SADDLE RD MONTEREY

ATTENDEES: DEHOFF, SMITH, PETERSON

Site visit at 3:00 PM (PLN100357) 1531 MANOR RD MONTEREY

ATTENDEES: BERRY, DEHOFF, SMITH, PETERSON

2. Meeting called to order by RON DEHOFF at 4:02 pm

3. Roll Call

Members Present: BERRY, SMITH, DEHOFF, PETERSON

Members Absent: JACOBS, CHURCH

4. Approval of Minutes:

A. September 1, 2010 minutes

Motion: DEHOFF (LUAC Member's Name) WITH
AMENDMENT TO MINUTES

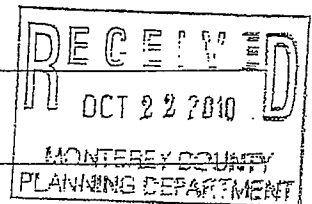
Second: PETERSON (LUAC Member's Name) (SEE OTHER
SIDE ->)

Ayes: 4

Noes: 0

Absent: 2

Abstain: 0



4. Approval of minutes:

Amendment to September 1, 2010 minutes under
PLN100337 Chang (Page 6) project under:

"Reason for continuance" → "To be continued until
we have sufficient information on storage units.
Need drainage plan, staking, flag container units.
Architectural detail plans for garage & material
samples, and have Assessor's address the fencing
issues and road."

AND "Continued to what date" → "until all conditions
are met"

5. Public Comments: The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

NONE

6. Scheduled Item(s)

7. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

N/A

B) Announcements

N/A

10. Meeting Adjourned: 5:33 pm

Minutes taken by: DARLENE BERRY

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MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

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

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OCT 22 2010

Advisory Committee: Greater Monterey Peninsula

Please submit your recommendations for this application by: October 6, 2010

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

Project Title: CHANG STEVEN H & NANCY
File Number: PLN100337
File Type: DIRECTOR OF PLANNING
Planner: LOPEZ
Location: 10350 SADDLE RD MONTEREY

Project Description:

Design Approval to abate violation 10CE00024 and allow the placement of a shipping container and trellis screen. The Design Approval also includes the construction of a 1,014 square foot three-car garage, a 6-foot tall 170 lineal foot fence, a 135 square foot deck addition, and the replacement of deck stairs. Materials and colors to consist of wood, marble veneer, and steel. 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 X No _____

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
STEPHEN GRIFFIN 10255 SADDLE RD.	✓		Looking for resolution Concerning access to & from property " ABOUT EMERGENCY VEHICLES Get permits for 5 containers Placement of container that is
Jalber 10955 SADDLE Rd			Fed Tag - LARGE DIET Removal Utility Box exposed by Road with DIET
JACK & VALERIE TENSE 10350 SADDLE Rd			CARGO Bins - be REMOVED eyesore to Neighbors of their properties
JACK & VALERIE TENSE 10350 SADDLE Rd			letter submitted with concerns for applicants project

PLN100337

MINUTES

Greater Monterey Peninsula Land Use Advisory Committee
Wednesday, September 1, 2010

1. Site visit at 2:00 PM (PLN100337) 10350 SADDLE RD MONTEREY

ATTENDEES: DARLENE BERRY, ALAN CHURCH, Ron Dehoff,
Phil Smith, LAWRENCE REIERSON

Site visit at 3:00 PM (PLN090410) 24591 SILVER CLOUD CT MONTEREY

ATTENDEES: LAWRENCE REIERSON, Ron De Hoff, Darlene
Phil Smith, BERRY

2. Meeting called to order by Ron Dehoff at 4:01 pm

3. Roll Call

Members Present: SMITH, BERRY, DeHOFF, CHURCH,
REIERSON.

Members Absent: Jay JACOBS

4. Approval of Minutes:

A. March 3, 2010 minutes

Motion: SMITH (LUAC Member's Name)

Second: CHURCH (LUAC Member's Name)

Ayes: 5

Noes: 0

Absent: 1

Abstain: 0

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SEP 1 8 2010

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

Exhibit E

5. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

~~0~~

6. **Scheduled Item(s)**

7. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

~~0~~

B) **Announcements**

NONE

10. Meeting Adjourned: 5:23 pm

Minutes taken by: DARLENE BERRY

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MONTEREY COUNTY
PLANNING & BUILDING
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Exhibit E
Page 12 of 15 Pages

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

SEP 08 2010

Advisory Committee: Greater Monterey Peninsula

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

Please submit your recommendations for this application by: September 1, 2010

Project Title: CHANG STEVEN H & NANCY
File Number: PLN100337
File Type: DIRECTOR OF PLANNING
Planner: LOPEZ
Location: 10350 SADDLE RD MONTEREY

Project Description:
Design Approval to abate violation 10CE00024 and allow the placement of a shipping container and trellis screen. The Design Approval also includes the construction of a 1,014 square foot three-car garage, a 6-foot tall 170 lineal foot fence, a 135 square foot deck addition, and the replacement of deck stairs. Materials and colors to consist of wood, marble veneer, and steel. 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 X No _____
Mr & Mrs STEVEN CHANG

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
VALERIE JENSEN 10300 SADDLE RD	X		Fencing - CURVE - Close to Road - STORAGE UNIT IN Viewshed -
PATRICIA GRIFFIN & Steven Jensen 10255 SADDLE RD	X		DRAINAGE CONTAINER UNIT CONCERNS LOCATION - Permanent or Not Fence ISSUES - ie emergency vehicles
Jack JENSEN Permits should be Acquire Before ACTION of Building Dept & cargo place	X		ACCESSIBILITY - Too Close to Road -

County code shed 125 feet
Shed borders Jensen's property

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)
DRAINAGE PLAN? RED TAG - ? IN VIEW WISHED		
GARAGE PART OF RETAINING WALL -		
Actions were taken Before permits obtained		
UTILITIES EXPOSED -		

ADDITIONAL LUAC COMMENTS Full engineering & DRAINAGE PLAN
Be Submitted
Road - Retaining WALLS - Plans & MATERIALS
Be Submitted Permits?

RECOMMENDATION:

Motion by: Smith (LUAC Member's Name)

Second by: REIERSON (LUAC Member's Name)

- Support Project as proposed
- Recommend Changes (as noted above)

Continue the Item To Be continued until we have sufficient information on storage units

Reason for Continuance: Need DRAINAGE plan staking FLAG CONTAINER ARCHITECTURAL DETAIL PLANS FOR GARAGE & MATERIALS UNITS

Continued to what date: ALL CONDITIONS ARE MET
& HAVE ASSESSORS address with zoning issues, Road

AYES: 5
NOES: 0
ABSENT: 1
ABSTAIN: 0

RECEIVED

SEP 08 2010

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT

Exhibit C

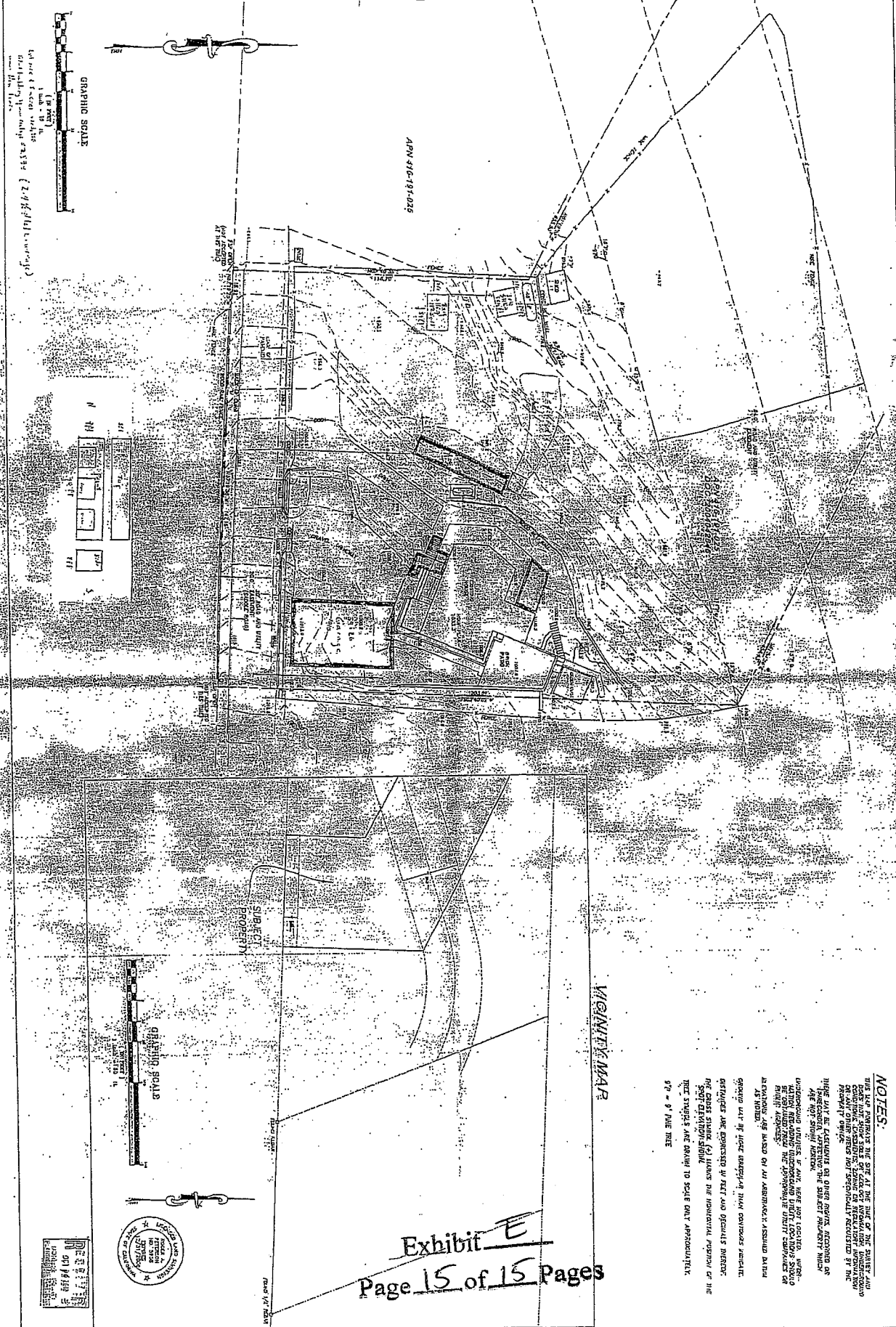


Exhibit E
Page 15 of 15 Pages

PROJECT NO. 28085	TOPOGRAPHIC SURVEY	SHOWING A PORTION OF PARCEL A OF RECORD OF SURVEY MAP VOL. 9, PG. 107 (APN 416-19-022), MONTEREY COUNTY RECORDS, CALIFORNIA	RLS	RASMUSSEN LAND SURVEYING, INC. P.O. BOX 3135 MONTEREY, CALIFORNIA 93942 (831)375-7240 (831)375-2545 FAX	DATE OF SURVEY: 8 NOV 2006 DRAWING SCALE: 1" = 10' DRAWN BY: TAJ/BC REVIEWED:
PREPARED FOR: DR. STEVEN CHAND 16252 Calle de la Playa, Apt. 202					

EXHIBIT F
CORRESPONDENCE

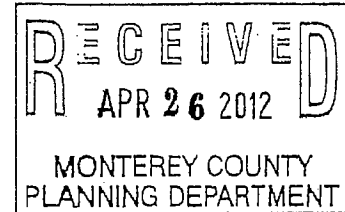
OttoneLeachOlsen&Ray LLP

ANNE FRASSETTO OLSEN ANA C TOLEDO
ANNE C. LEACH W. JOHN LO
MATTHEW W. OTTONE GEORGE E. MCINNIS, OF COUNSEL
GARY R. RAY

April 26, 2012

Via Email Only

Ms. Jacqueline Onciano
Zoning Administrator
Monterey County Planning Department
168 W. Alisal Street
Salinas, CA 93901



Re: Application of Chang, Stephen H and Nancy
PLN: 110556
10350 Saddle Road, Monterey, California

Dear Ms. Onciano:

The undersigned represents Stephen and Patricia Griffin, the owners of 10255 Saddle Road, Monterey, California, in connection with the above-referenced matter. Neither my clients or myself will be available to appear at the April 26, 2012 continued hearing on the above application.

The purpose of this letter is to reiterate my clients' objections to the granting of a planning permit for the permanent establishment of a storage container on the Chang property located at 10350 Saddle Road so that a clear record can be established for a possible appeal of the Zoning Administrator's decision.

Initially, I must object to the manner in which the date and time for the site visit was scheduled. It was stated at the hearing on this matter of February 9, 2012 that a site visit would be scheduled and notice would be provided to the neighbors to attend. My clients received no notice of any site visit, and frankly would not have even been aware of a site visit had it not be scheduled for the same day as the continued hearing. The inference at the prior hearing was that the site visit would occur in advance of the continued hearing date, not during the morning thereof. Only one neighbor was available to attend on such short notice, and both my clients were unable to attend. Although I am fully aware of the workload considerations and time constraints that the Planning Department must grapple with on a daily basis, the Department should have provided notice of the site visit to the neighbors and to my office.

As outlined during my comments during the prior hearing of February 9, 2012, my clients object to the approval of the proposed project on several grounds:

Zoning Administrator is not the Appropriate Authority to Decide and Hear Application.

Monterey County Code Section 21.04.030(f) provides:

"In addition to those items designated in the zoning districts (ZA) to be heard by the Zoning Administrator, the Director of Planning may also designate the Zoning Administrator as the Appropriate Authority to consider other Use Permits provided said permits not involve the following factors:

Exhibit F

Page 1 of 6 Pages

LAW OFFICES

17 EAST GABILAN STREET, SALINAS CA 93901 | 831.758.2401 P | 831.758.2028 F | WWW.OLORLAW.COM
2340 GARDEN ROAD, SUITE 203, MONTEREY CA 93940 | BY APPOINTMENT ONLY

1. Significant public policy issues;
2. Unmitigable significant adverse environmental impacts;
3. Significant changes in the nature of a community;
4. Establishment of precedents or standards by which other projects will be measured.

If at any point in the consideration of the permit application the Director of Planning or the Zoning Administrator finds that an application before the Zoning Administrator involves any of the listed factors, the Zoning Administrator shall refer the application to the Planning Commission. In such case, the Planning Commission shall become the Appropriate Authority.” (Emphasis added).

During the February 9, 2012 hearing, evidence was presented by the Applicant, including detailed photographs, of the lack of uniformity in the type, location and use of metal storage containers throughout the County of Monterey. He offered this testimony as justification of his argument that other owners and users had been permitted to place containers on their property, both commercial and residential, without limitations by the county, and he believes that he is entitled to the same or similar treatment. Ironically, his testimony, in and of itself, provides a factual basis for the Zoning Administrator to determine that the granting of this application would create a precedent or standards that other projects will be measured. Simply, this project will be “added to list” and most likely placed at the top of the list by subsequent landowners who wish to place containers on their property. I believe this argument was quickly dismissed at the February 9, 2012, but I wish to reiterate the real probability of subsequent applicants wishing to place storage containers of various sizes and sizes on their property will point this application as precedent, seeking the same or similar treatment that Dr. Chang seeks.

Additionally, evidence was presented on the February 9, 2012 hearing on the increased use of large storage containers in residential areas, and certain jurisdictions’ attempts to regulate said uses. In fact, the example of San Diego County’s new regulations pertaining to storage containers was provided to the Planning Department after the hearing.

Accordingly, there is ample evidence in the record to provide a factual basis for the Zoning Administrator to make a finding that the granting of this application by the Zoning Administrator would establish a precedent or standards by which other projects will be measured. Therefore, pursuant to Section 21.04.030(f), the Zoning Administrator shall refer the application to the Planning Commission for consideration. The Planning Commission is the appropriate authority to decide this matter, and to provide guidance to the Planning Department for the establishment of a county-wide system for the placement and use of large storage containers, particularly within residential neighborhoods.

The Project does not confirm with the requirements of the Design Control Zoning District requirements to conform with the Neighborhood Character.

Monterey County Code Section 21.44.010 states that the purpose of the establishment of Design Control Zoning District is to regulate the location, size, configuration, materials and colors of structures to assure protection of the neighborhood character. The applicant's property is located within the Bay Ridge area of large scale estate homes. Although there are distinct areas within Bay Ridge, the homes share a common characteristics of size and scale. It is well established the the average home value of homes throughout Bay Ridge are in excess of \$1 million and regularly are in excess of 4,000 square feet in size with many in excess of 7,000 square feet situated on very large lots. Many of the homes, including homes located on Saddle Road have walls and/or fences and gates limiting access to the public. In other words, the homes are designed to afford substantial living spaces in a private and secure environment. Needless to say, the area comprising the Bay Ridge also offers scenic view of the Monterey Bay and into Carmel

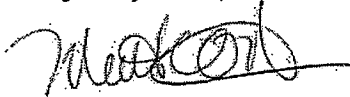
Valley.

The subject property is one of just a handful within Bay Ridge that is not governed by a homeowners association pursuant to CC&R's. Applicant states that the lack of a homeowners association is evidence of the fact that the homeowners in the area are not concerned with regulations being imposed upon their property. However, Applicant misinterprets this as providing for an "anything goes" attitude among the homeowners. The Zoning Administrator must take into account the neighborhood character in determining whether a 420 square foot metal storage container with three roll up doors is consistent a neighborhood of estate style homes in excess of 7,500 feet with large landscaped yards, swimming pools and tennis courts.

Although it is useful that the Zoning Administrator conducted a site visit for purposes of evaluating the neighborhood characteristics, it also seems unnecessary because it seems to ignore the multiple recommendations of the Monterey Peninsula Land Use Advisory Committee to deny this project. As the record reflects, the LUAC has reviewed this project on multiple occasions, and upon each occasion has recommended a denial of the project, due to a variety of reasons but principally the siting of this large container on the property. It should be noted that Resolution 08-338 of the Board of Supervisors provides that the purpose of the LUAC is to "reflect the perspective of the local community with focus on neighborhood character." The LUAC has done so, repeatedly, and it is frankly perplexing why the Zoning Administrator does not appear to provide the LUAC's findings with the weight in which they were clearly designed to provide.

Based on the foregoing, it is respectfully requested that the Zoning Administrator deny the project as proposed, or alternatively provide for a referral of the matter to the Planning Commission.

Very Truly Yours,



Matthew W. Ottone
For OTTONE LEACH OLSEN & RAY LLP

cc: Stephen and Patricia Griffin

January 8, 2012

I do not mind if the Changs keep their 320 square foot container as long as it is not visible from the street and it is covered by a redwood trellis and shrubbery.

Name:

J. PALMIERI

Signature:

J. Palmieri

Address:

11430 Saddle Rd.

I walk by this house most days & am not aware of any problem with this streeting

John Axe

John Axe

10450 Saddle Rd

I have no feeling one way or the other regarding this matter. The owner assures me that trees or shrubs or other plantings will obscure the container from the street.

Jan. 4, 2012

I have no issues with The Chang family keeping the container.

I wish them much luck,



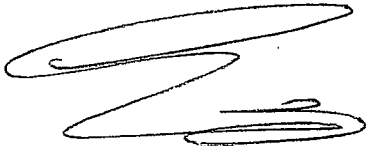
Michael Reuss
10900 Saddle Rd
Monterey CA 95940
931.621.0725

Jan 4, 2012

To whom it may concern,

I think containers are very useful and great for personal storage needs.
I have no problem with The Changs' keeping a 320 sq. foot storage container permanently.
We can't even see it, even though we live directly below him.

Kindest regards,

A handwritten signature in black ink, appearing to be 'Eric Ng', with a large, sweeping flourish at the top and a smaller, more defined signature below it.

Eric Ng
10600 El Camino Nuevo
Monterey, CA 93940

EXHIBIT G

**DRAFT
MONTEREY COUNTY ZONING ADMINISTRATOR
THURSDAY, APRIL 26, 2012
MINUTES**

A. ROLL CALL - 1:30 P.M.

Present: Jacqueline R. Onciano, Zoning Administrator
Jennifer Bodensteiner, Water Resource Agency
Roger VanHorn, Environmental Health Bureau
Chad Alinio, Resource Management Agency – Public Works

B. PUBLIC COMMENTS - None

C. APPROVAL OF MINUTES - March 29, 2012

The Zoning Administrator approved the minutes of March 29, 2012.

D. SCHEDULED ITEMS

1. CHANG STEVEN H & NANCY - PLN110556

Project Planner: Maria Lopez. **Environmental Status:** Exempt. **Project Description:** ~~CONTINUED FROM FEBRUARY 9, 2012.~~ Design Approval to amend Condition No. 3 of Planning Permit No. PLN100337 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. The property is located at 10350 Saddle Road, Monterey (Assessor's Parcel Number 416-191-025-000), Greater Monterey Peninsula Area Plan.

Project Planner, Maria Lopez, Land Use Technician (LUT) and Luis Osorio, Senior Planner presented the project.

Public Comment: Steven Chang. The applicant stated he appreciated that staff took the time to conduct a site visit to really see what the situation was regarding the storage container and forgiving County staff for any errors.

Discussion ensued regarding Resolution 11-023, approved by the Zoning Administrator on May 12, 2011, specifically condition no. 4 for the modification of the project

pertaining to a temporary fence on the west side of the property. No Design Approval (DA) has been applied for the placement of a permanent fence on the west side of the property.

The Zoning Administrator (ZA) conducted a site visit on the morning of April 26, 2012. The ZA was concerned with the non-compliance of secured entitlements. The ZA considered the design and character of the neighborhood and found there were accessory uses and appurtenances throughout the neighborhood that have various exterior treatments; however, there is no County policy regarding the use of Storage Containers. Therefore the ZA referred the project to the Planning Commission because action on the project could possibly establish a precedent. The Zoning Administrator suggested the item be scheduled for the May 30, 2012 Planning Commission hearing date.

E. **OTHER MATTERS** - None

F. **ADJOURNMENT** - 1:44 p.m.

Date Adopted:

ATTEST

Jacqueline R. Onciano, Zoning Administrator

JRO/ca

DRAFT

GREATER MONTEREY PENINSULA

MONTEREY

Laguna Seca Rec. Area & Campgrounds

68

SADDLE RD

PROJECT SITE

TERRA GRANDE DR

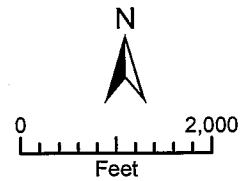
APPLICANT: CHANG

Exhibit H

APN: 416-191-025-000

FILE # PLN/10556

Water 2500' Limit 300' Limit City Limits



PLANNER: LOPEZ