Exhibit B



EXHIBIT B DRAFT RESOLUTION

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

In the matter of the application of:

BESHOFF (PLN170651) RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Considering an addendum together with the Mitigated Negative Declaration; and
- 2) Approving an Amendment to a previously approved Coastal Development Permit (PLN050591) to allow:
 - 1) Reducing the square footage of lower deck from 424 to 226 square feet and modify deck stairs;
 - 2) Removing an existing 122 square foot spa and gazebo and rebuilding a 196 square foot dining gazebo;
 - 3) Reconstructing an existing 28 square foot shed into a 28 square foot sauna shed;
 - 4) Relocating and modifying previously approved barbeque & fireplace;
 - 5) Removing 463 square foot covered entry walkway (Pergola);
 - 6) Replacing and widening concrete driveway, net reduction 195 square feet;
 - 7) Remodeling Garage #2 to include an art studio, bath and deck with trellis;
 - 8) Updating Garage #1 by adding new doors and windows, siding and roof;
 - 9) Replacing the existing propane tank;
 - 10) Revising site walls to create a courtyard at entry;
 - 11) Changing roofing, window patterns, and changes to wall materials and colors, of previously approved Design Approval (PLN150884):

In addition to these changes, these three entitlements are carried over from the original Coastal Development Permit:

- 1) Development within 50 feet of a Coastal bluff:
- 2) Coastal Development Permit for development within 750 feet of a known archaeological resource; and
- 3) a Coastal Development Permit for

development within 100 feet of environmentally sensitive habitat (coastal habitat).

[PLN170651, LLC, 29300 Highway 1, Carmel, (APN: 241-071-002-000)] Carmel Area Land Use Plan

The Amendment to a Coastal Development Permit application (PLN150591) came on for public hearing before the Monterey County Zoning Administrator on February 22, 2018. 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 AND EVIDENCE

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 1982 Monterey County General Plan;
 - Carmel Area Land Use Plan:
 - Monterey County Coastal Implementation Plan Part 4;
 - Monterey County Zoning Ordinance (Title 20);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 29300 Highway 1, Carmel, Carmel Area Land Use Plan (Assessor's Parcel Number 241-071-002-000), Carmel Area Land Use Plan. The parcel is zoned "LDR/1-D (CZ)" [Low Density Residential/1 unit per acre, Design Control District, (Coastal Zone)], which allows residential development to accommodate low density and intensity uses in the rural and suburban areas of the County. The project was designed and sited to be consistent with the Carmel Area Land Use Plan policies and the site development standards required of this district. Therefore, the project is an allowed land use for this site.
- Original Projects. On November 18, 2010, two discretionary permits were approved by the Zoning Administrator under one Resolution (10-045), 1) a Coastal Development Permit (PLN050591) was approved for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveway and patios; and new pergola from parking to residence; and 2) a Combined Development Permit (PLN150708) was approved for a Coastal Development Permit and Design Approval to replace three retaining walls (approximately 200 feet in total length) to protect existing house from coastal bluff erosion, replace storm drain, and fill eroded drainage channel; a Coastal Development Permit for development on slopes in excess of 30%; and a Coastal Development Permit for development within 750 feet of a known archaeological resource; a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat); grading of

- approximately 650 cubic yards of fill.
- d) Design Approval. On February 2, 2016, an Administrative Design Approval (PLN150884) was approved to allow the remodel of existing residence, exterior changes in roof & wall materials, removal of 608 square foot of driveway for the construction of new 463 square foot pergola & new landscape. Materials to consist of cedar siding, synthetic slate roof, copper gutters, steel doors & windows, and stone veneer. Colors to consist of light brown stain, grey- green roof, dark bronze doors & windows, caramel beige stone. With this amendment, proposed minor changes include roof changes, window patterns, materials will consist of real slate not synthetic, plaster siding with cedar trim in lieu of all cedar siding. The new colors are similar as the previously approved colors. Therefore, the changes proposed are consistent with the design criteria and public viewshed policies within the Carmel Area Land Use Plan.
- Amendment: This amendment allows: 1) reducing the square footage of lower deck from 424 to 226 square feet and modify deck stairs; 2) relocating and modifying previously approved barbeque & fireplace; 3) removing 463 square foot covered entry walkway (Pergola); 4) replacing and widening concrete driveway, net reduction 195 square feet; 5) remodeling Garage #2 to include an art studio, bath and deck with trellis; 6) updating Garage #1 by adding new doors and windows, siding and roof; 7) replacing the existing propane tank; 8) revising site walls to create a courtyard at entry; and 9) Changing roofing, window patterns, and changes to wall materials and colors, of previously approved Design Approval. Previous development entitlements would be carried over. They are: Development within 50 feet of a Coastal bluff; Coastal Development Permit for development within 750 feet of a known archaeological resource; and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat).
- f) Revised Project: The final project consists of: 1) reducing the square footage of lower deck from 424 to 226 square feet and modify deck stairs; 2) relocating and modifying previously approved barbeque & fireplace; 3) removing 463 square foot covered entry walkway (Pergola); 4) replacing and widening concrete driveway, net reduction 195 square feet; 5) remodeling Garage #2 to include an art studio, bath and deck with trellis; 6) updating Garage #1 by adding new doors and windows, siding and roof; 7) replacing the existing propane tank; 8) revising site walls to create a courtyard at entry; and 9) changing roofing, window patterns, and changes to wall materials and colors, of previously approved Design Approval; 10) Development within 50 feet of a Coastal bluff; 11) Coastal Development Permit for development within 750 feet of a known archaeological resource; and 12) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat).
- g) <u>No Violations</u>. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- h) LUAC. The project was not referred to the Carmel

Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, staff determined the changes were no substantial enough to require review and made the decision not to send it back to the LUAC. The original LUAC recommended approval (5-0 vote) of the original project. The 2016 Design Approval was not referred to the LUAC. These changes cannot be seen from Highway 1 or from any public viewing area.

- i) The project planner conducted site inspection on November 23, 2017, verify that the project on the subject parcel conforms to the plans listed above.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN170651.

2. **FINDING:**

SITE SUITABILITY – The site is physically suitable for the use proposed.

EVIDENCE:

- The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Carmel Highlands Fire District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development.
- b) The following updated report was prepared for the revised project:
 - "Geotechnical Update" (LIB170371) prepared by Haro, Kasunich and Associates, Inc., Watsonville, CA, July, 2016.
 - "Follow up Archaeological Letter" (LIB050807) prepared by Archaeological Consulting, Salinas, CA, March 2012.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

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 the RMA Planning, CDF –Carmel Highlands Fire Public Works, Environmental Health Bureau, Environmental Services, and Water Resources Agency. The respective 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) Necessary public facilities are provided by an existing onsite water system and an existing septic system.

4. **FINDING:**

CEQA (Addendum): - An Addendum to a previously certified

Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted MND.

EVIDENCE:

- A Mitigated Negative Declaration (MND) was prepared for PLN050591/PLN050708 and was circulated between August 30, 2010 and September 30, 2010. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, when an MND has been certified, no subsequent MND shall be prepared for the project unless the agency determines that substantial changes are proposed which require major revisions or substantial changes occur with respect to the circumstances under which the project is undertaken due to new significant environmental effects. In this case, no new information has been presented to warrant further environmental review.
- b) An Addendum to the Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines). The MND adopted for the previous project identified potential impacts to aesthetics, biological resources, cultural resources, and geology/soils. The proposed project will have the same or fewer impacts than the previous project.
 - There were six mitigation measures with the original project. Mitigation Measures #1 and #2, were included for the protection of visual resources. It was determined that although the colors and materials have substantially changed from the original approval, the size and mass have not changed. Reduction of Garage #2 for the addition of the art studio would be facing the ocean. Site visit determined that both structures cannot be seen from Highway 1 or from Point Lobos. Mitigation Measure #3 required a reassessment during the blooming season of the buckwheat plants with recommendations to protect them and a follow up habitat restoration plan once the retaining walls were installed. The biologist submitted a location survey and a habitat restoration letter once the retaining wall areas were completed. Mitigation Measures #4 and #5 included onsite monitoring and final reporting of archaeological resources. The final archaeological report for the original project concluded there were no cultural materials present within the proposed development. An updated archaeological report for the changes under Design Approval PLN150884, required continued archaeological monitoring. For the current changes, it was determined that prior grading would have removed the potential for any archaeological resources, however, it was recommended that the standard condition, "If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA -Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery" be applied to this

- amendment (see condition #3). Mitigation Measure #6 included geotechnical recommendations specifically for the construction of the retaining walls and reinforcement of the house foundation. This work has already been completed.
- d) No adverse environmental effects were identified other than what was analyzed in the MND during staff review of the development application during site visit November 23, 2017.
- 5. **FINDING:** APPEALABILITY The decision on this project may be appealed to the Planning Commission/Board of Supervisors and the California Coastal Commission
 - **EVIDENCE:** a) Section 20.86.030 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.080 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project is located between the sea and the first through public road paralleling the sea, which is Highway 1.

DECISION

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

- 1. Considered an addendum together with the Mitigated Negative Declaration; and
- 2. Approved an Amendment to a previously approved Coastal Development Permit (PLN050591) to allow:
 - a. Reducing the square footage of lower deck from 424 to 226 square feet and modify deck stairs;
 - b. Relocating and modifying previously approved barbeque & fireplace;
 - c. Removing 463 square foot covered entry walkway (Pergola);
 - d. Replacing and widening concrete driveway, net reduction 195 square feet;
 - e. Remodeling Garage #2 to include an art studio, bath and deck with trellis;
 - f. Updating Garage #1 by adding new doors and windows, siding and roof;
 - g. Replacing the existing propane tank;
 - h. Revising site walls to create a courtyard at entry;
 - i. Changing roofing, window patterns, and changes to wall materials and colors, of previously approved Design Approval (PLN150884);

In addition to these changes, these three entitlements are carried over from the original Coastal Development Permit

- a. Development within 50 feet of a Coastal bluff;
- b. Coastal Development Permit for development within 750 feet of a known archaeological resource; and
- c. a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat);
 - In general conformance with the attached plans and subject to the conditions, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 22nd day of February, 2018 upon motion of

	Mike Novo, Zoning Administrator
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 A AND SUBMITTED TO THE CLERK TO THE BOARD ALC FEE ON OR BEFORE	
(Coastal Projects) THIS PROJECT IS LOCATED IN THE COASTAL ZONE COASTAL COMMISSION. UPON RECEIPT OF NOTIFIC	

NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION,

CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE

300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-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. 5-14-2014

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN170651

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Amendment (PLN170651) allows 1) Reducing the square footage of lower deck from 424 to 226 square feet and modify deck stairs; 2) Removing an existing 122 square foot spa and gazebo and rebuilding a 196 square foot dining gazebo; 3) Reconstructing an existing 28 square foot shed into a 28 square foot sauna shed; 4) Relocating and modifying previously approved barbeque & fireplace; 5) Removing and widening concrete driveway, net reduction 195 square feet; 7) Remodeling Garage #2 to include an art studio, bath and deck with trellis; 8) Updating Garage #1 by adding new doors and windows, siding and roof; 9) Replacing the existing propane tank; 10) Revising site walls to create a courtyard at entry;

11) Changing roofing, window patterns, and changes to wall materials and colors, of previously approved Design Approval (PLN150884); 12) Development within 50 feet of a Coastal bluff; 13) Coastal Development Permit for development within 750 feet of a archaeological resource; and 14) Coastal Development а development within 100 feet of environmentally sensitive habitat (coastal habitat). property is located at 29300 Highway 1, Carmel, Carmel Area Land Plan. (Assessor's Parcel Number 241-071-003-000), Carmel Area Plan/Land Use Plan. 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 RMA -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)

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.

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2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

The applicant shall record a Permit Approval Notice. This notice shall state:

"A [Type of Permit] (Resolution Number ***) was approved by [Name of Hearing Body] for Assessor's Parcel Number *** on [Date the permit was approved]. The permit was granted subject to *** conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

course of construction, cultural, archaeological, historical paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified Monterey County RMA - Planning and a professional archaeologist can evaluate it. qualified archaeologist (i.e., an archaeologist registered with the be immediately contacted by the responsible Professional Archaeologists) shall When contacted, the project planner and the archaeologist individual present on-site. shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.

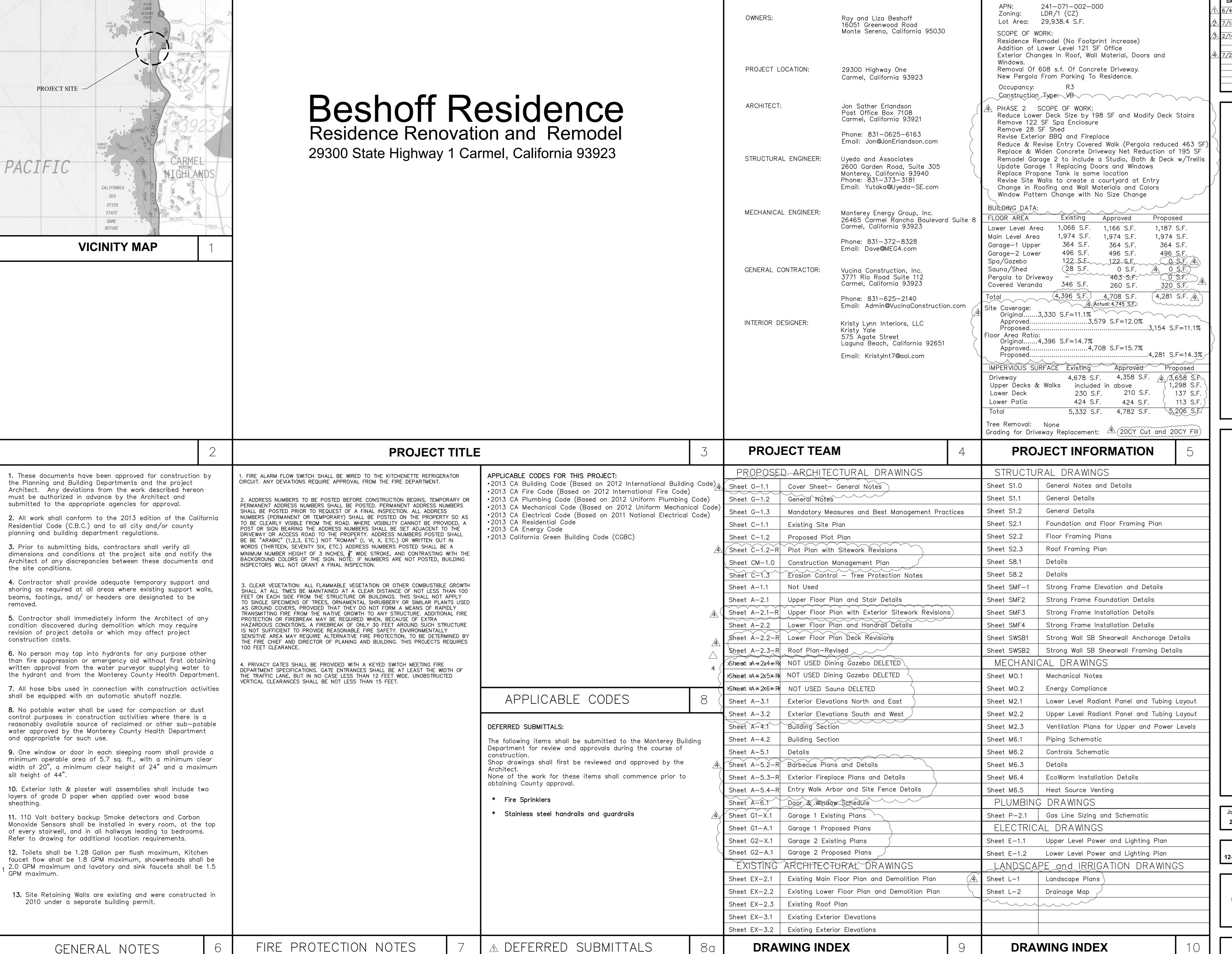
(RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

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6/4/16 Plan Check Correction 7/18/16 | Back Check Correction 2/16/17 Bath floor plan change Window reductions 7/26/17 Phase 2 Site Additions and Changes

つ |

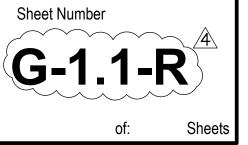


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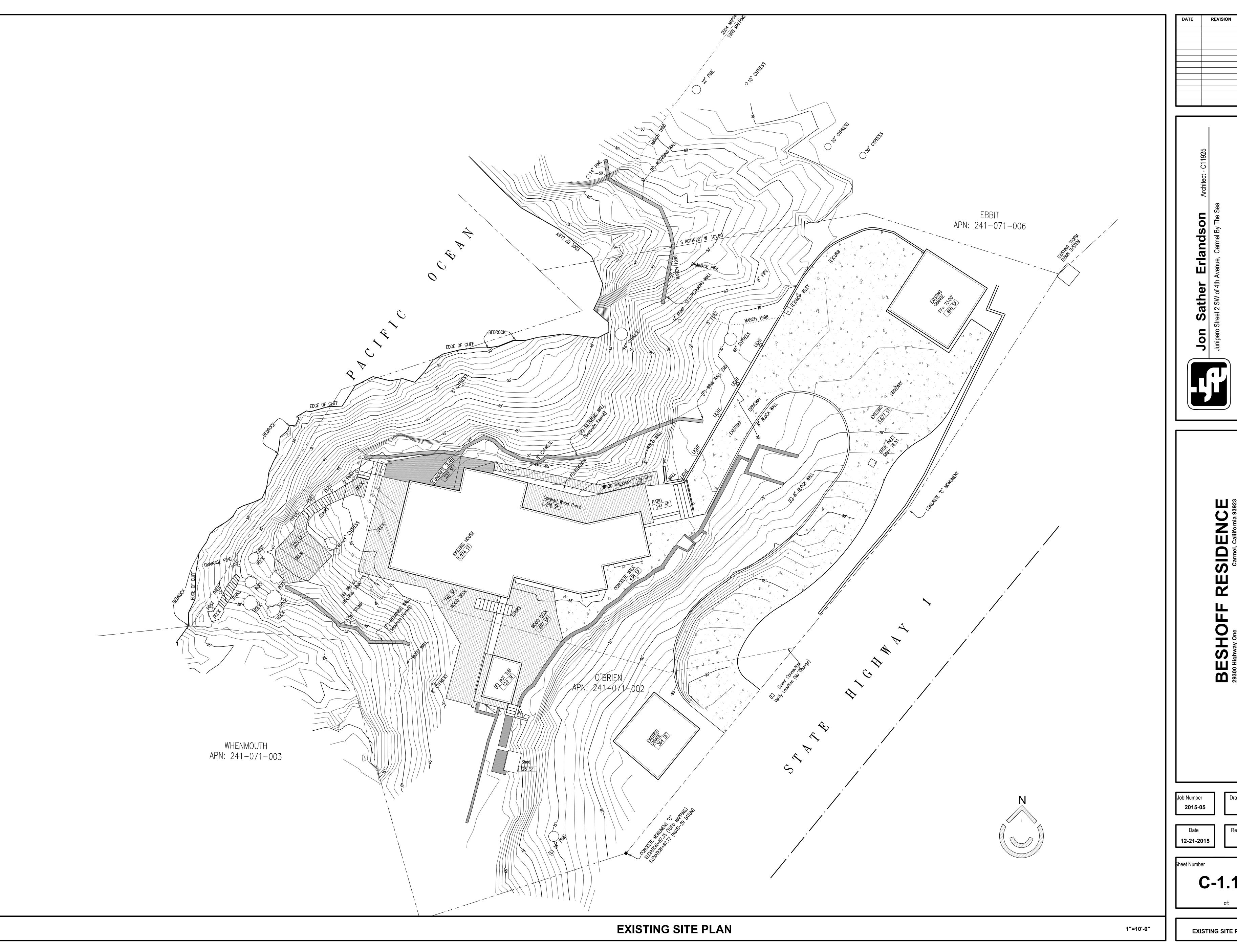
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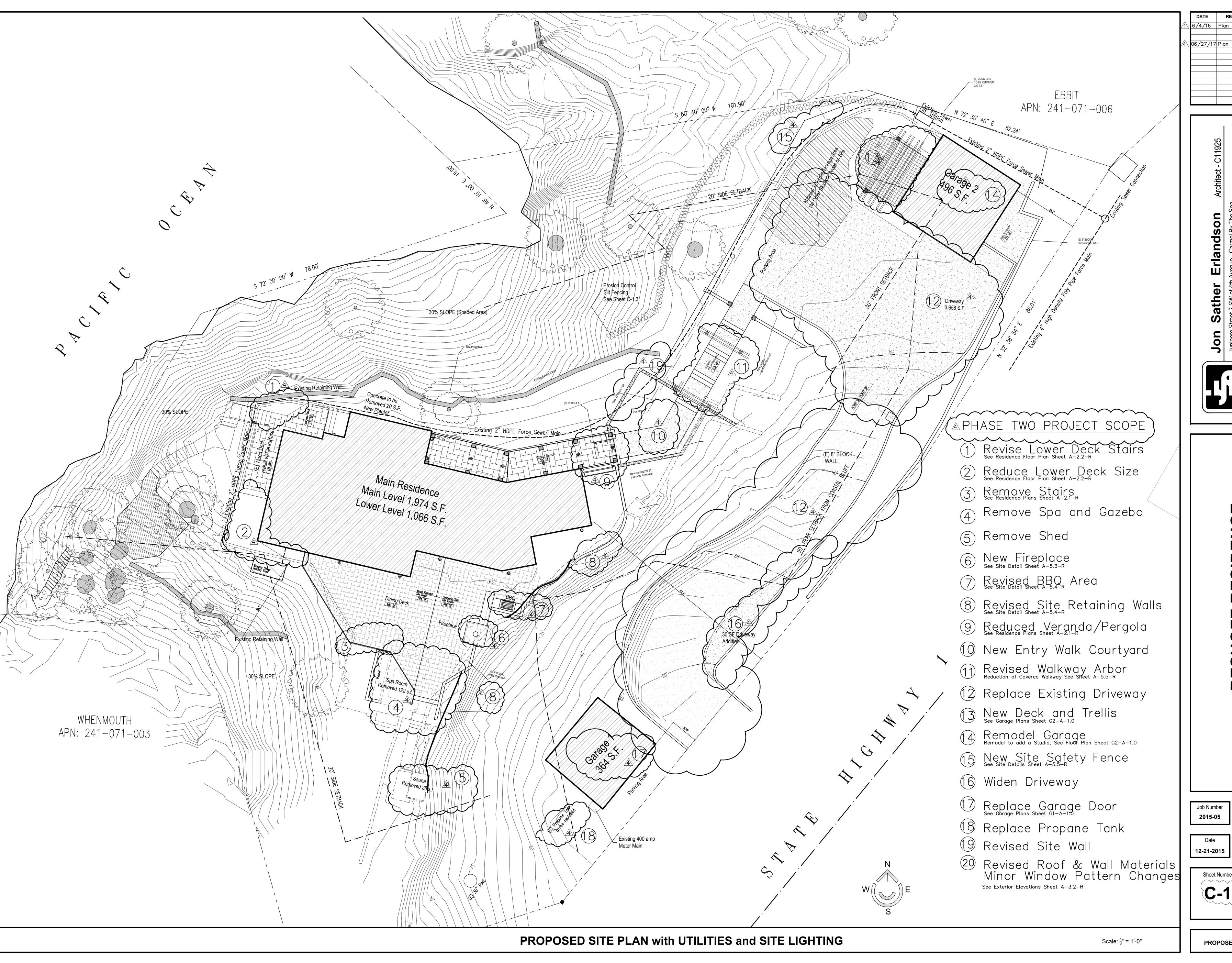


TITLE SHEET



C-1.1

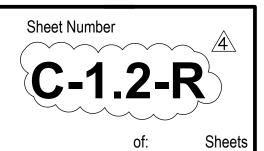
EXISTING SITE PLAN



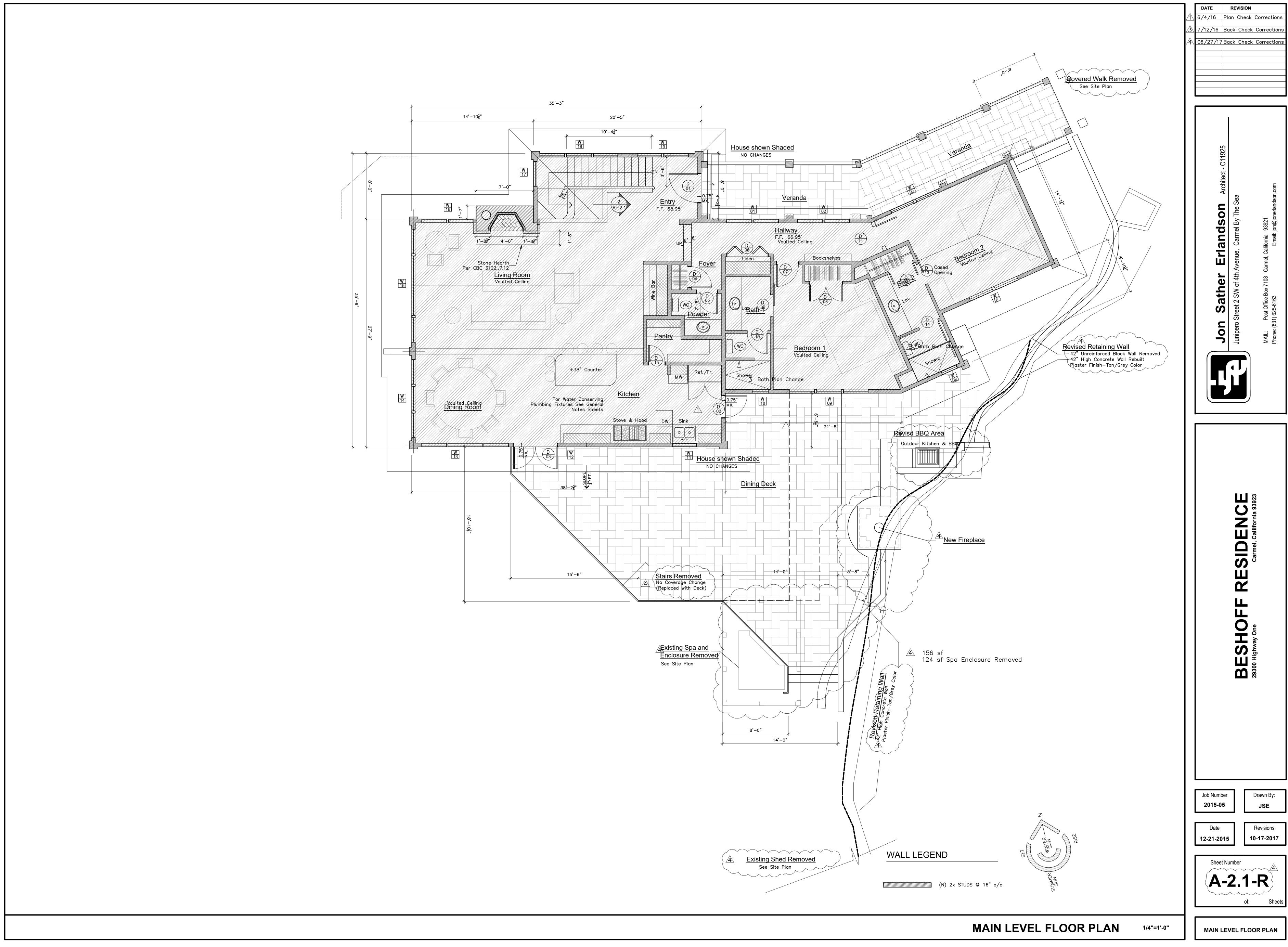
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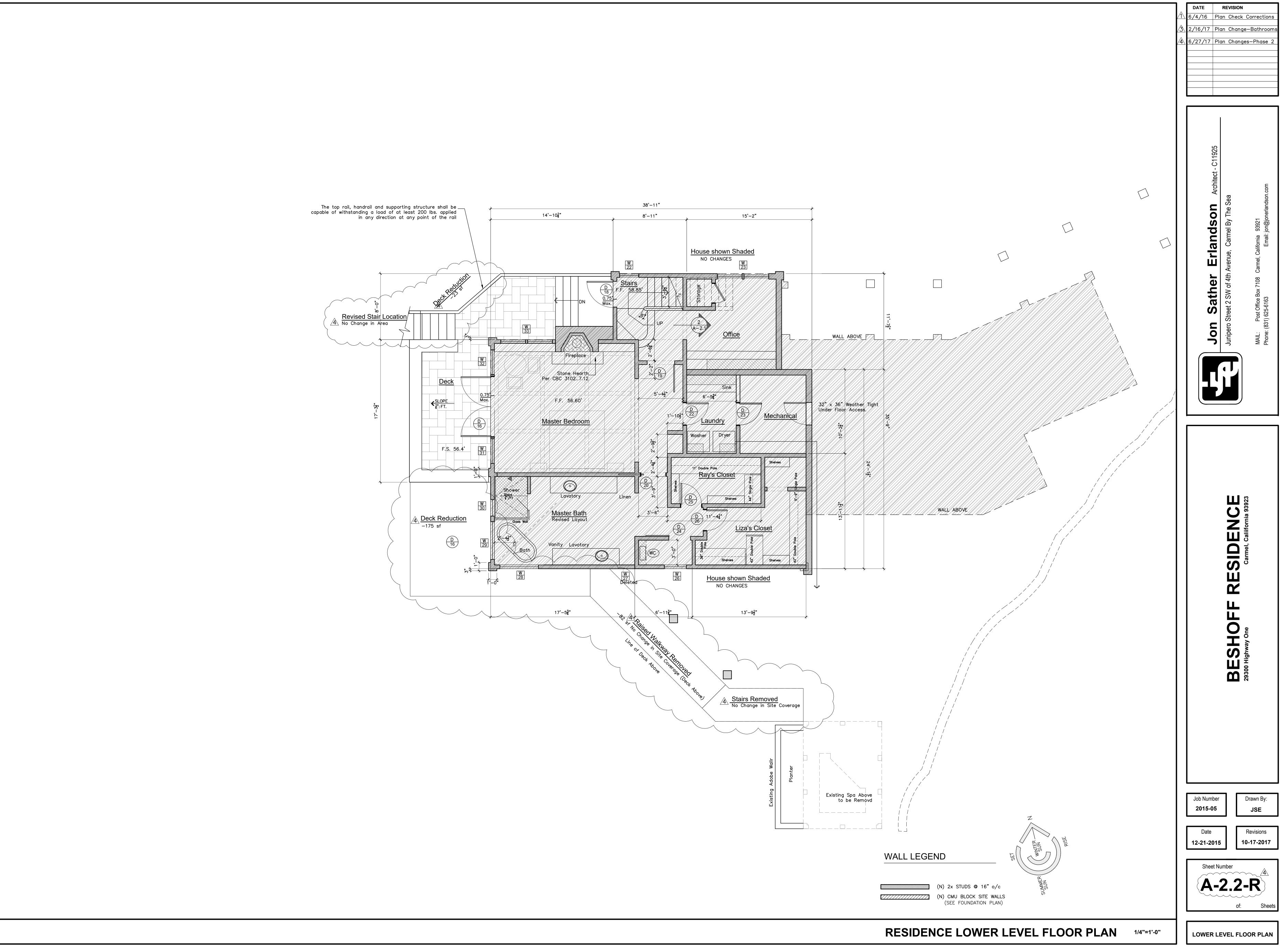
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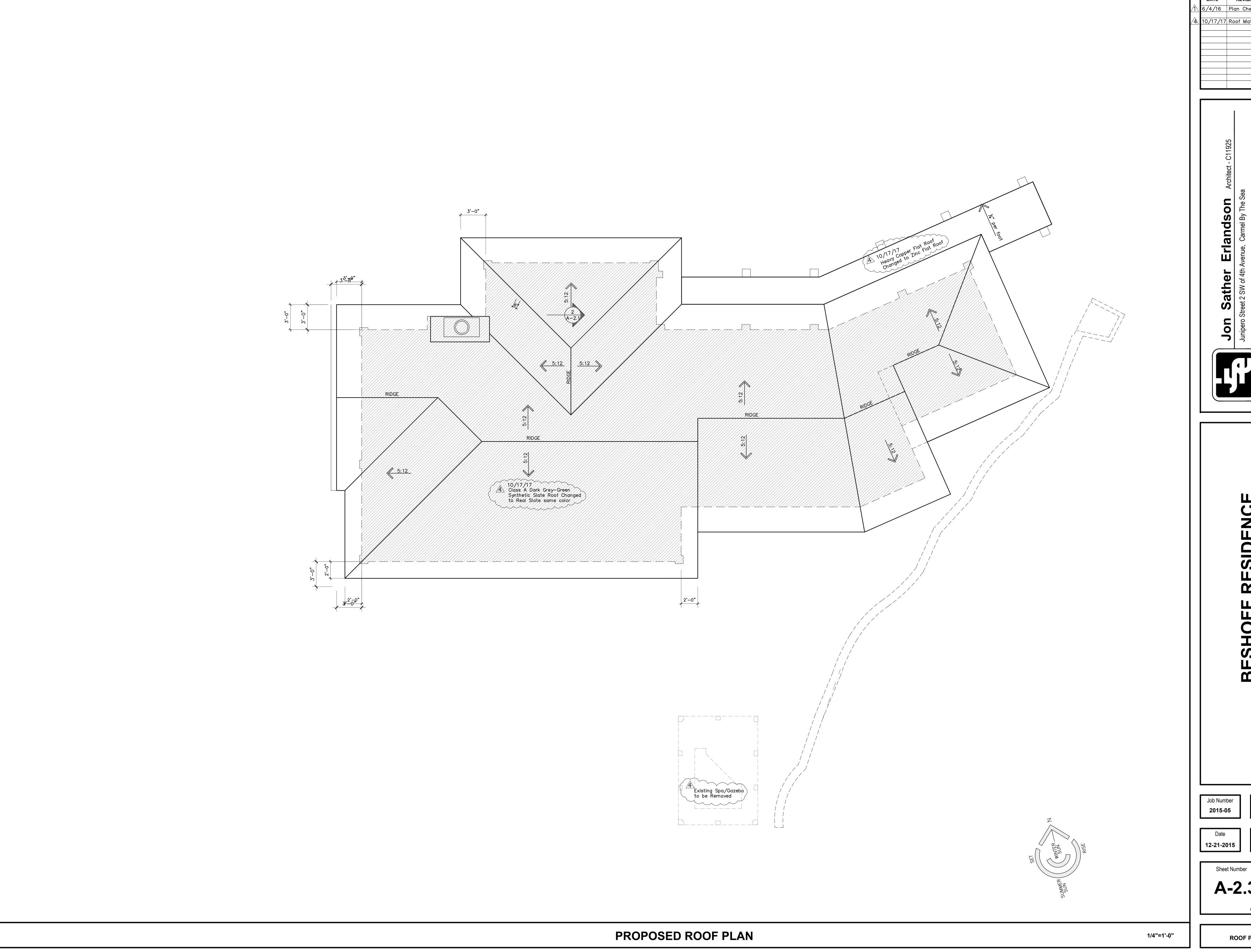
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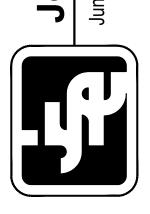
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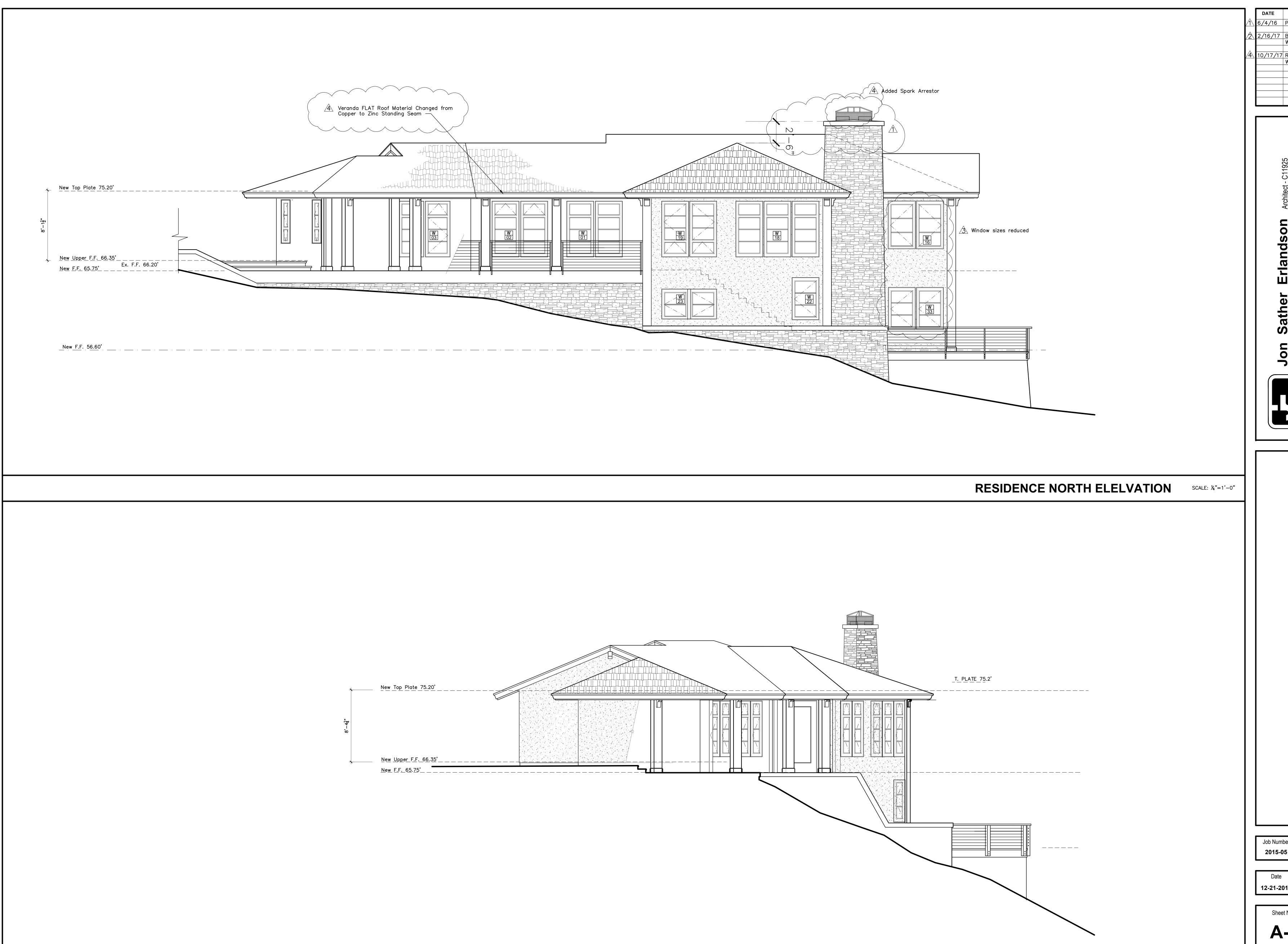
6/4/16 Plan Check Corrections 10/17/17 Roof Material Change



RESIDENCE Carmel, California 93923

A-2.3-R

ROOF PLAN



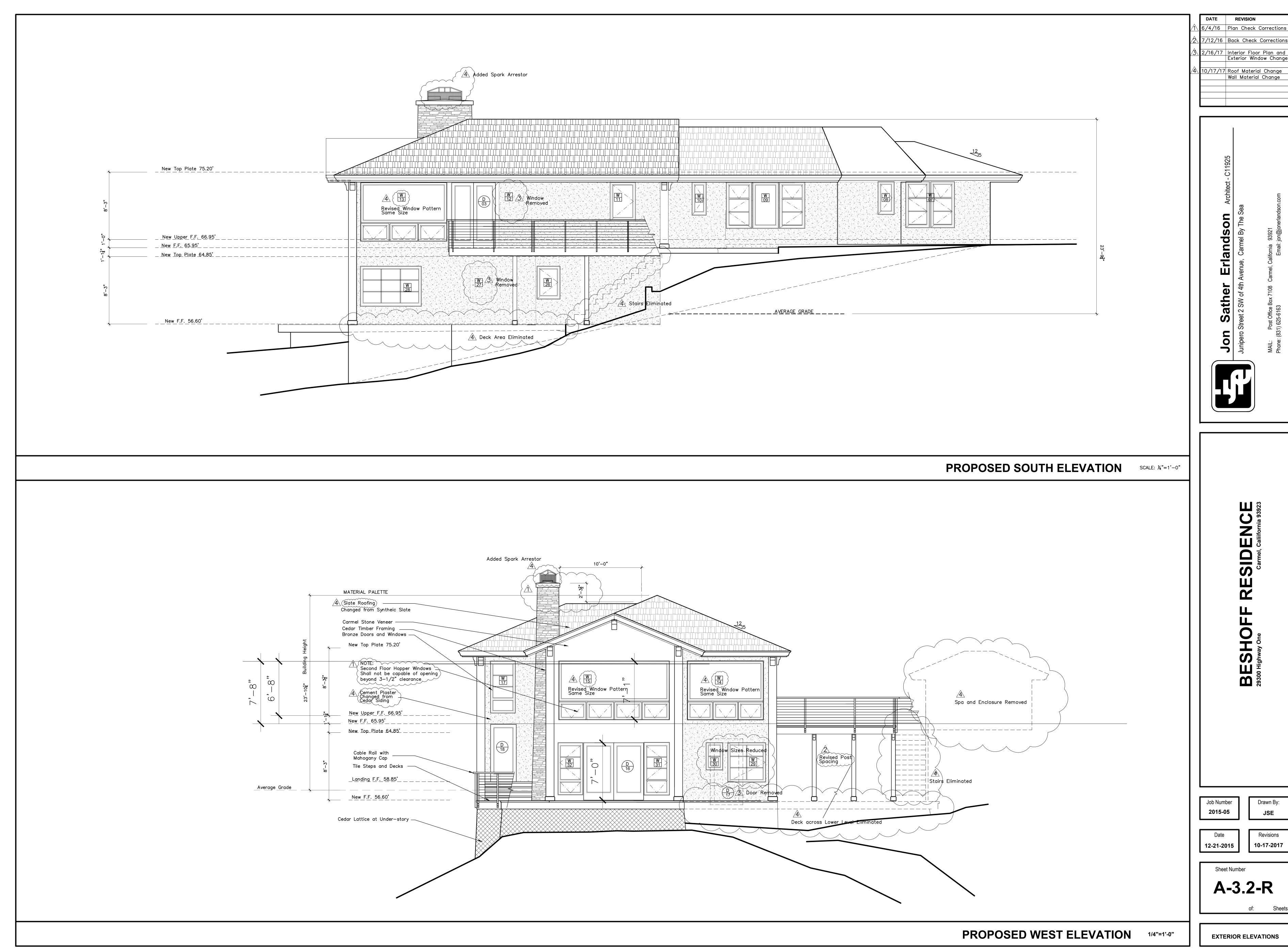
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Window Changes 10/17/17 Roof Material Change
Wall Material Change

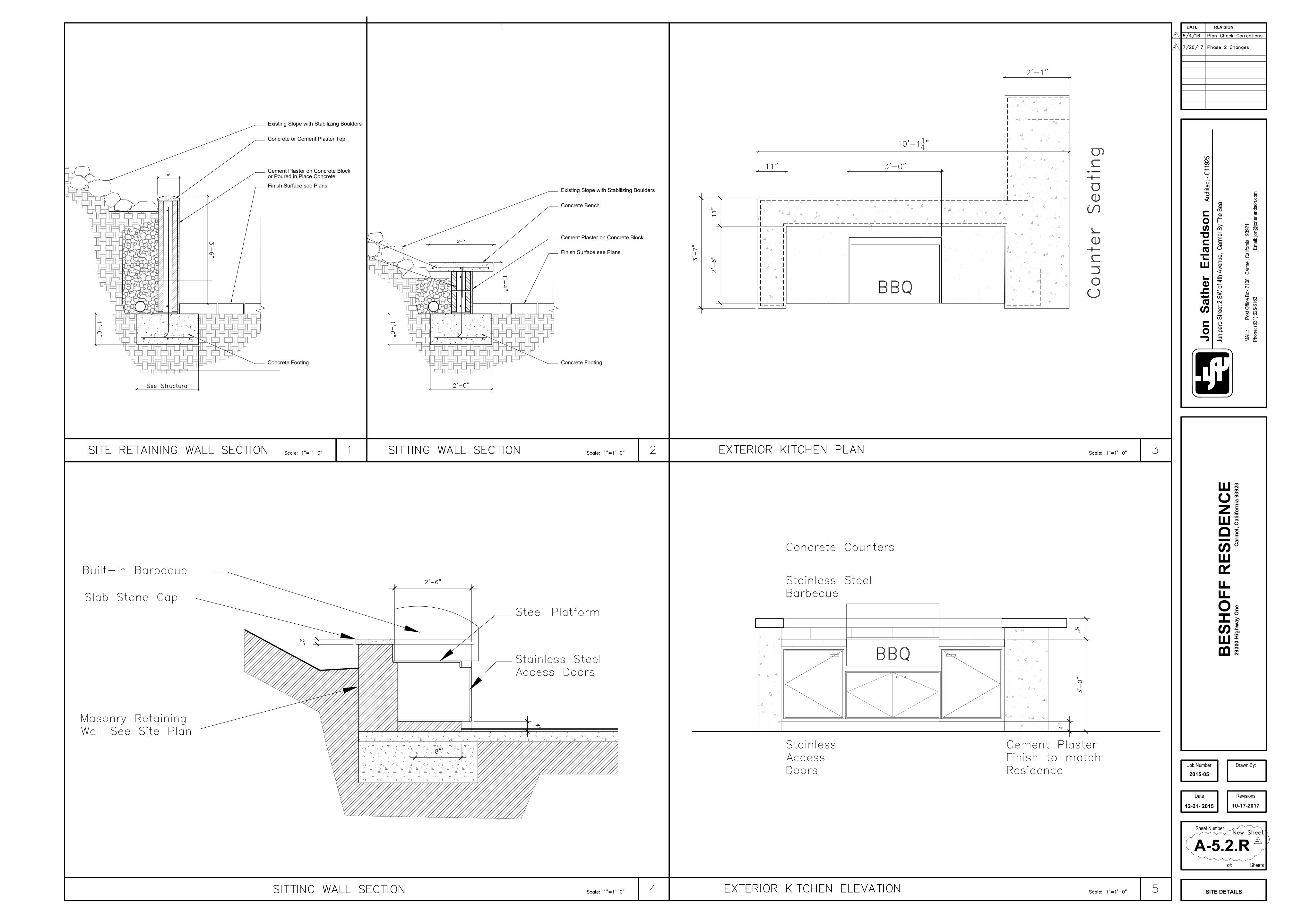


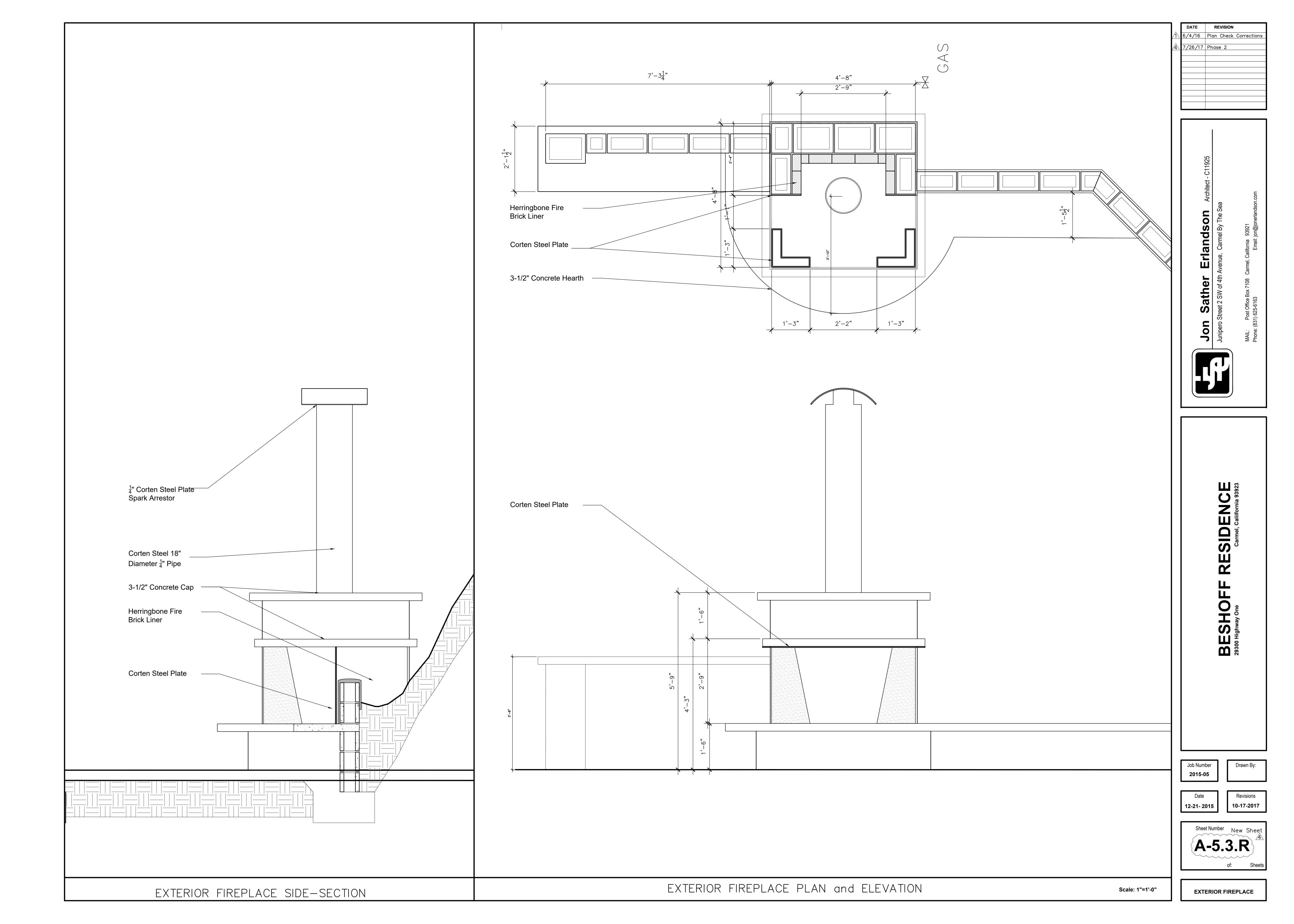
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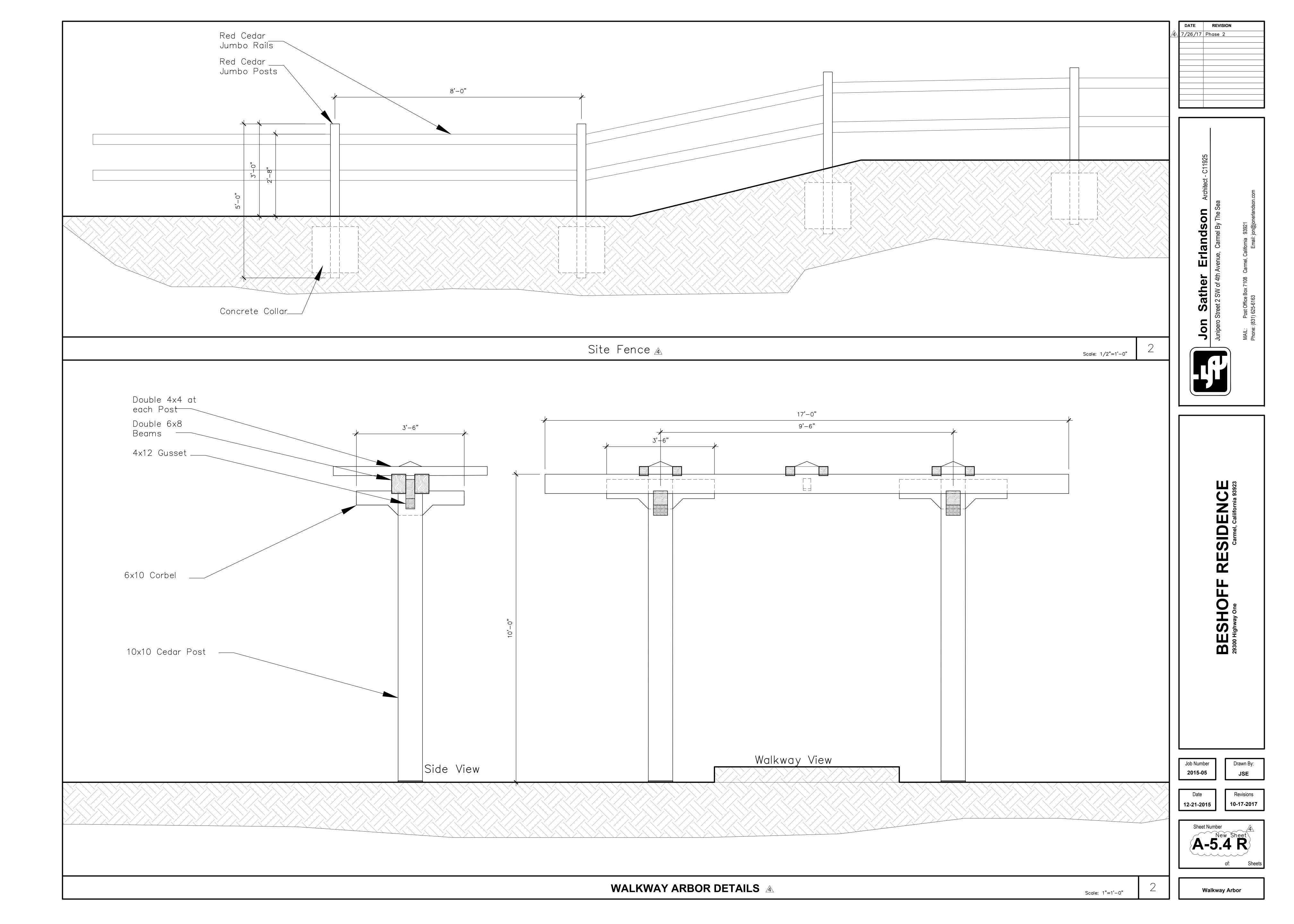
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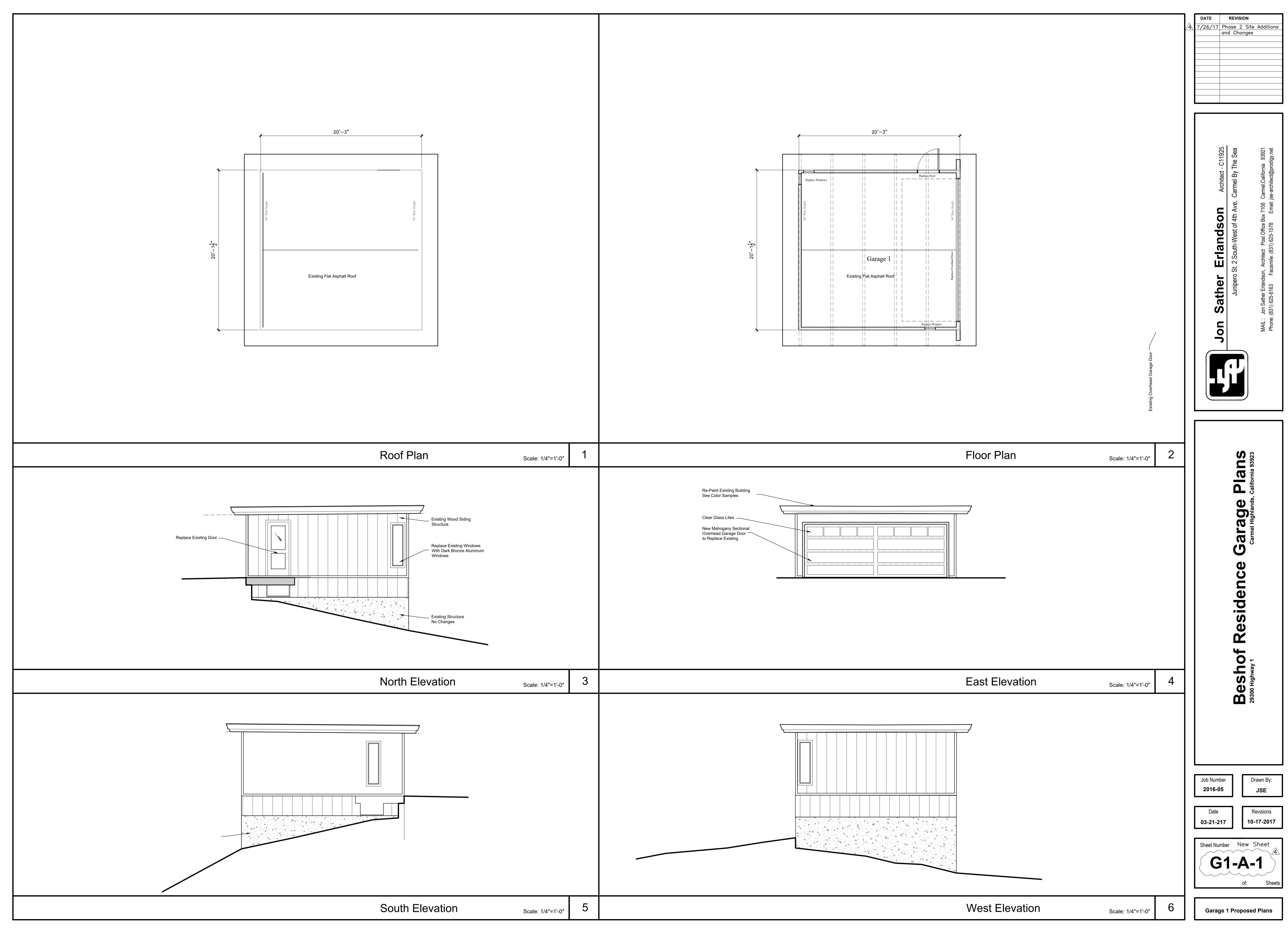
PROPOSED EAST ELEVATION Scale 1/4"=1'-0" **EXTERIOR ELEVATIONS**

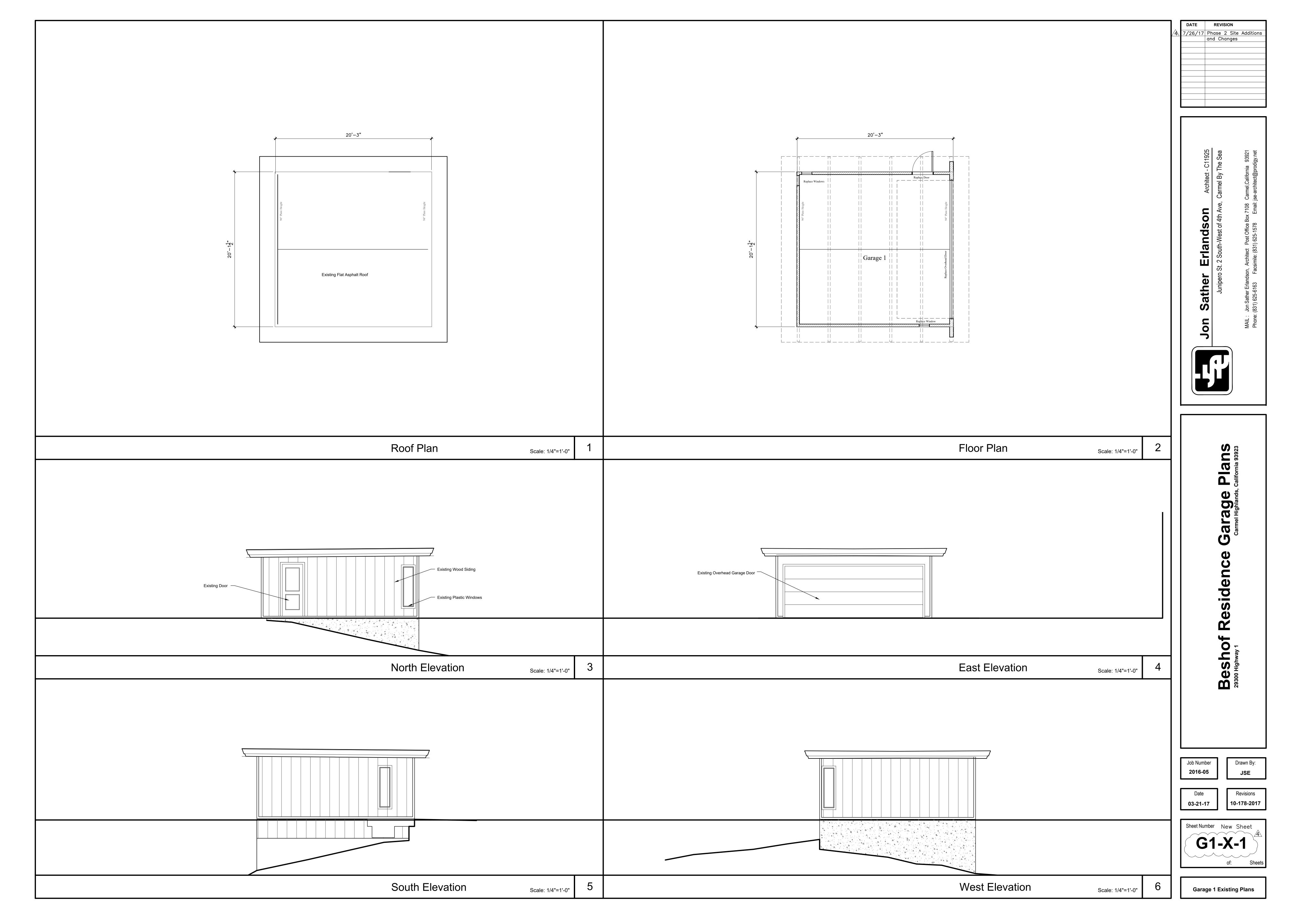


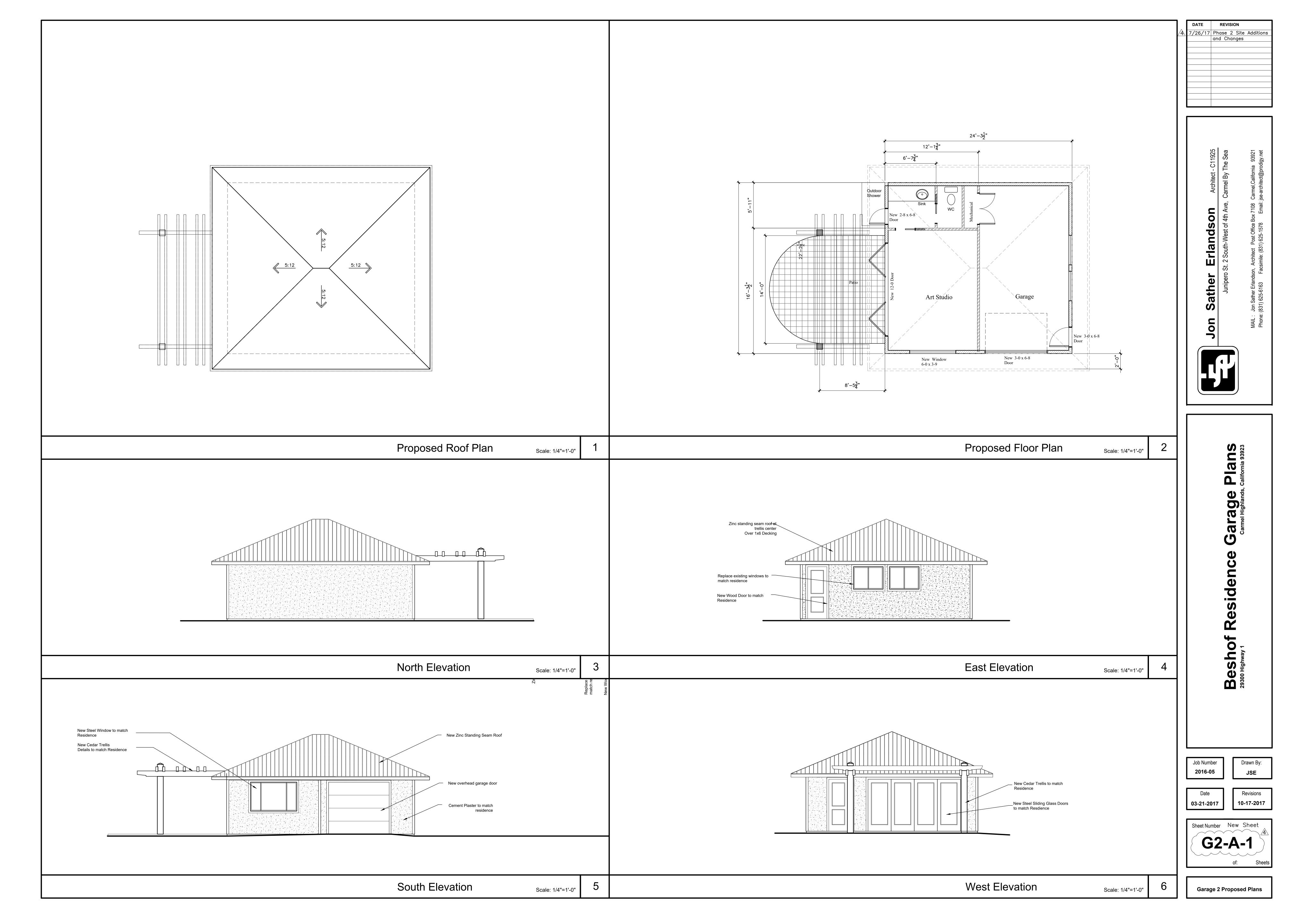


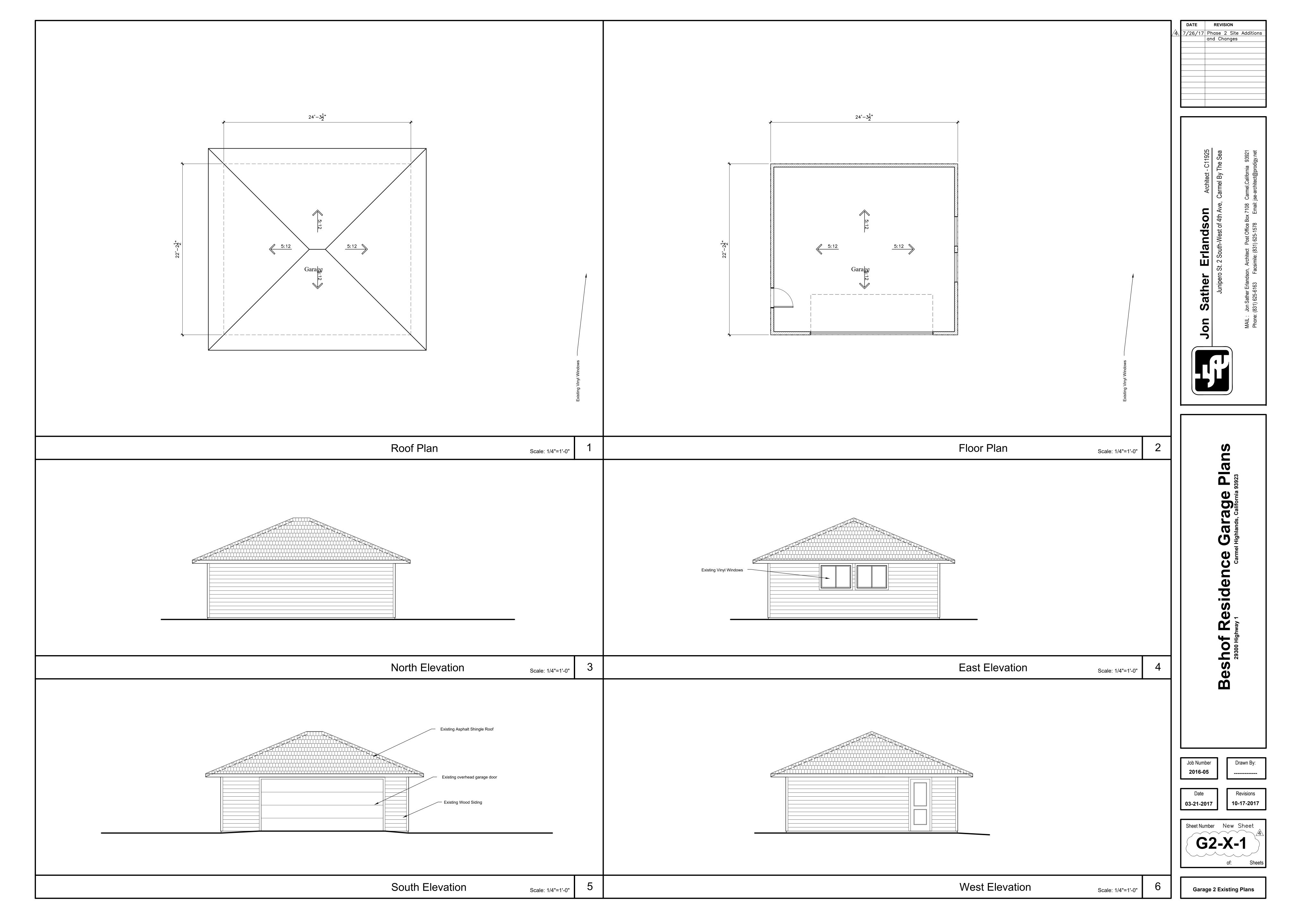


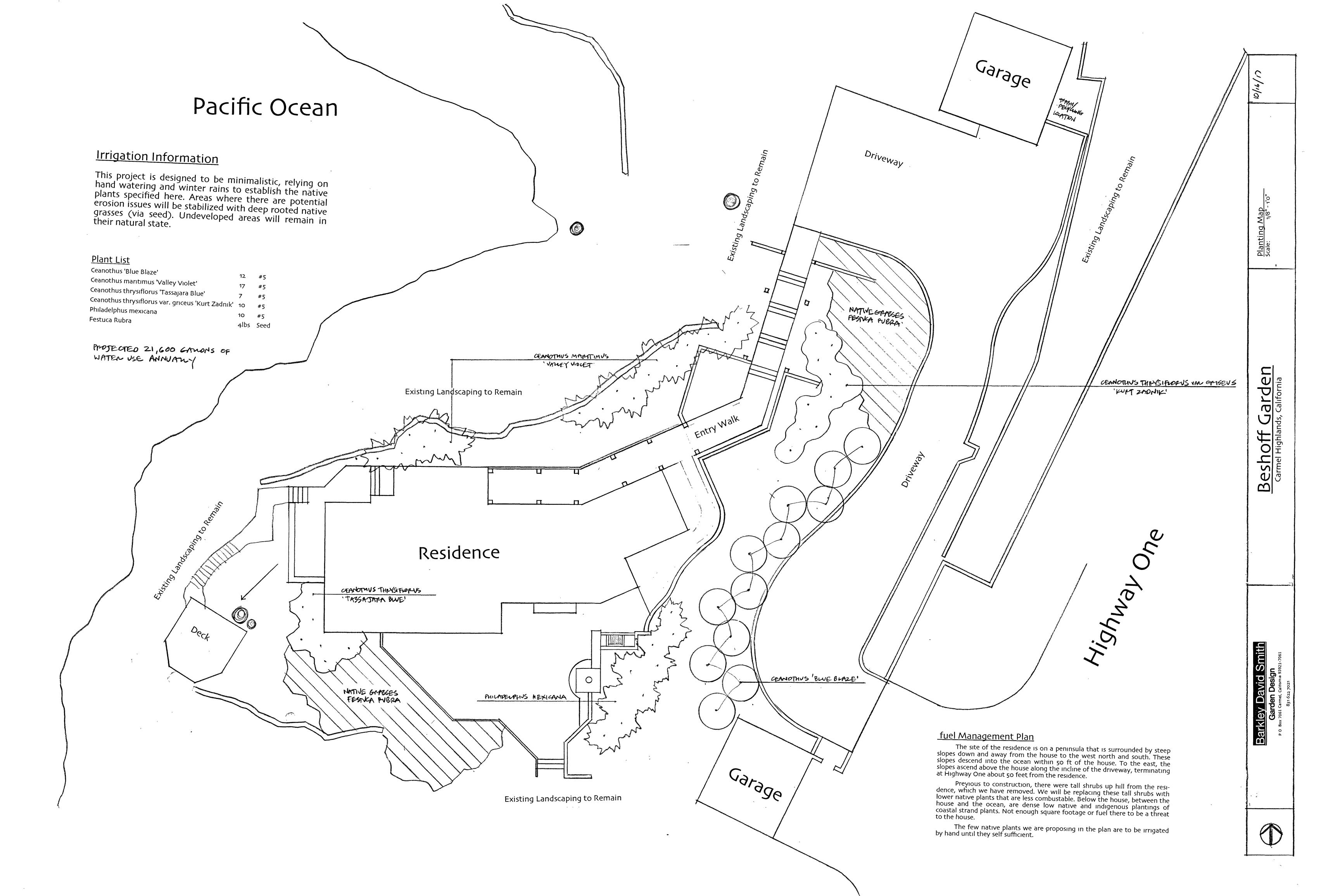


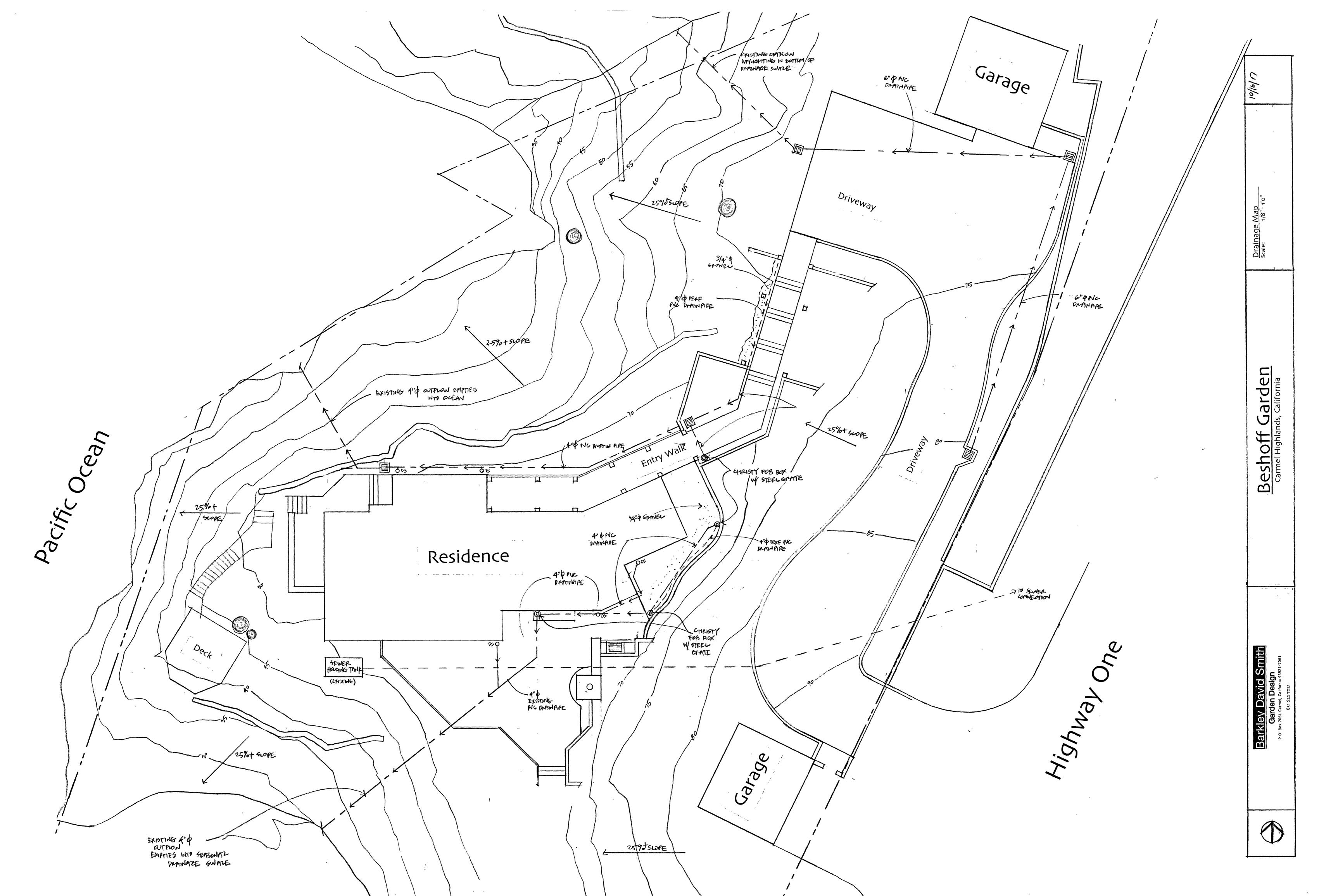












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