

## Exhibit B

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**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:

**WALLACE, MICHAEL & NAOMI TRS (PLN180248)**

**RESOLUTION NO.**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Find that the project is a single-family dwelling which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303(a) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approve a Design Approval to allow the construction of a two-story 3,483 square foot single family dwelling, 612 square foot attached garage, 90 linear feet of garden walls (3' high), electric gate and the removal of 2 trees (1 Monterey Pine, 1 Oak).

3104 Valdez Road, Pebble Beach, Greater Monterey Peninsula Area Plan (APN: 007-314-003-000)

**The Michael & Naomi TRS Wallace application (PLN180248) came on for public hearing before the Monterey County Zoning Administrator on August 9, 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**

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;
  - Greater Monterey Peninsula Area;
  - Monterey County Zoning Ordinance (Title 21);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 a vacant parcel located at 3104 Valdez Road, Pebble Beach (Assessor's Parcel Number 007-314-003-000), Greater Monterey Peninsula Area Plan. The parcel is zoned “MDR/B-6-D-RES” (Medium Density Residential/Building Site Overlay - Design Control-Recreational

Equipment Storage Overlay), which allows for residential development with the issuance of a Design Approval.

- c) Design Control District (D District) – The project is consistent with the purpose of the D District as specified in Section 21.44.010 of Title 21, where the location, size, configuration, materials, and colors of structures assures protection of the public viewshed and neighborhood character. The proposed development is located within suitable location of the lot 39 feet from the front property line. Visually, this is consistent with the character of existing development within the neighborhood and consistent with the 20-foot setback requirement of the MDR/B-6-RES Zoning District and special setback requirements (ZA00595). The project site is an existing 11,920 square foot lot fronting Valdez Road between Vaquero Road and Rodeo Road within the Monterey Peninsula Country Club Subdivision No. 2. The proposed project is a two-story single family dwelling with a 3,483 square foot floor plan. The lower level floor plan of the residence includes 2,432 square feet, comprised of the kitchen (with pantry room), living room, laundry room, workroom, wine room, 1 bedroom, 1.5 bathrooms, and attached 2 car garage. The upper level floor plan includes 1,051 square feet, comprised of 3 bedrooms and 2 bathrooms. The proposed project footprint covers a large portion of a limited parcel lot size. There is a proposed 90 linear feet of garden walls, 3 feet in height, and an electric gate. The project will have a stucco exterior, mission tile roof and minimum grading. The home's design, detailing, and material quality are consistent with the existing neighborhood character as required by the design guidelines of the Design Control Zoning District. An exterior lighting plan incorporating dark sky LED outdoor wall fixtures and LED path fixtures was developed in accordance with Design Guidelines for Exterior Lighting (MCC Section 21.63.020).
- d) The original parcel was created as Lot 6, Block 211, on the Final Map for the Monterey Peninsula Country Club Subdivision No. 2, recorded September 8, 1925 (Volume 3, Cities & Towns, Page 29). Therefore, the County recognizes the subject as a legal lot of record.
- e) 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 PLN180248 attached hereto and incorporated herein by reference.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:** a) RMA Planning Staff conducted a site visit on May 15, 2018. The project was staked and flagged, and staff determined the design and location of the proposed development was appropriately sited for the lot at grade level. The proposed bulk and mass of the project is comparable to other dwellings identified in the neighborhood, will not adversely affect resources at the site or be adversely affected by those resources, and utility services provided by the Pebble Beach Community Services. There is no indication that the proposed project is not suitable for the proposed

development. Therefore, the Monterey County Regional Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency were not consulted. RMA Planning have recommended 5 conditions of approval and incorporated herein by reference.

- b) The project will be heard by the Del Monte Forest Land Use Advisory Committee (DMF-LUAC) on August 2, 2018, which is after the time the report was distributed. Planning staff will report the DMF-LUAC project recommendation at the August 9, 2018 Zoning Administrator public hearing.
- c) Pursuant to 21.44.040 of Monterey County Code, the Zoning Administrator is the appropriate authority to consider Design Approvals for new single-family dwellings.
- d) The project planner conducted a site visit on May 15, 2018 to verify that the project on the subject parcel conforms to the plans listed above.
- e) 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 PLN180248.

3. **FINDING:** **TREE REMOVAL** Tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.

- a) The project includes the removal of 1 Monterey Pine (Pine) and 1 Coast Live Oak (Oak) tree. In accordance with the applicable policies of the Greater Monterey Peninsula Area Plan and the Monterey County Zoning Ordinance (Title 21), an Administrative Tree Removal Permit is required for the removal of less than three protected oak trees.
- b) The proposed single-family dwelling has been carefully sited to limit the number of tree removals. Development will take place within an undeveloped cleared parcel lot; however, an existing Pine tree (30" in diameter at breast height) and a double stemmed Oak tree 18'/20" in diameter) are proposed for removal. The Pine tree is leaning towards the neighboring property with lifting roots, and the roots will need to be cut to put in a retaining wall. The Oak tree is in poor condition with multiple dead branches and a thinning crown. The Oak tree is also within the proposed house footprint situated near the kitchen/wine room area. The two oak trees to be removed will be replaced on site with 2 Pine trees and 1 Oak trees for a total of 3 replacement trees.
- c) An arborist report was prepared for the project by Frank Ono, Society of American Foresters, Certified Arborist, February 6, 2018 (LIB180219). The report concluded that the tree removal will not affect the overall oak woodland that will remain intact and undisturbed.
- d) In addition to the two oak trees, five unprotected pine trees are also proposed for removal. A permit is not required for the removal of these trees because they do not have a protected status.

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 proposed project was reviewed by RMA – Planning and consistent with the 2010 Monterey County General Plan, Greater Monterey Peninsula Area and Monterey County Zoning Ordinance (Title 21). The project meets the setbacks and height requirements per the Monterey Peninsula Country Club Special Development and utility services provided by the Pebble Beach Community Service District. RMA Planning is recommending five (5) 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. The proposed project was not reviewed by the Monterey County Regional Fire Protection District, Public Works, and Water Resources Agency; however, RMA Planning will note that under the RMA Building permitting process (Construction Permit Application), the above agencies may recommend 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) The project planner conducted a site inspection on May 15, 2018 to verify that the project on the subject parcel conforms to the plans listed above.
  - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN180248.

5. **FINDING:** **DESIGN** – The design of the proposed project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity without imposing undue restrictions on private property.

- EVIDENCE:**
- a) The property is located within the Monterey Peninsula Country Club Subdivision. The neighborhood consists of both older and newer residences. The proposed new two-story dwelling unit building consists of a Mediterranean architecture style compatible with the overall character of the existing neighborhood subdivision and is consistent with the Greater Monterey Peninsula Area Plan and the Monterey County Design Control Zoning District regulations.
  - b) The proposed elevations incorporate architecture elements on all four sides of the building including red mission tile roofing, ornamental iron wind grilles, off-white stucco exterior walls. The overall color scheme, design, detailing, and material quality are consistent with the existing neighborhood character as required by the design guidelines of the Design Control Zoning District.
  - c) The project planner conducted a site inspection on May 15, 2018 to verify that the project on the subject parcel conforms to the plans listed above.
  - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN180248.

6. **FINDING:** **NO VIOLATIONS** - 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.

**EVIDENCE:** Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property.

- b) The project planner conducted a site inspection on May 15, 2018 to verify that the project on the subject parcel conforms to the plans listed above.
- c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN18024.

7. **FINDING:** **CALIFORNIA ENVIRONMENTAL QUALITY ACT (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(a) categorically exempts new construction of one single family residence, or a second dwelling unit in a residential zone.
- b) The proposed is the proposed demolition of an existing single family dwelling and the construction of a new single family dwelling, which meets the criteria for categorical exemption.
- c) Archaeological sensitivity on the site is high. An archaeological report prepared by Archaeological Consulting, Gary Breschini, Ph.D on April 28, 2017 (LIB170188) for the project site and concluded that there is no surface evidence of potentially significant archaeological resources. confirms that based upon the background research and field reconnaissance, they have concluded that there is no surface evidence of potentially significant archaeological resources on the project site.
- d) No adverse environmental effects were identified during staff review of the development application during a site visit on May 15, 2018.
- e) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
- f) 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 PLN180248.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

**EVIDENCE:** Section 21.44 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

### **DECISION**

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

- 1) Find that the project is a single-family dwelling which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303(a) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approve a Design Approval to allow the construction of a two-story 3,483 square foot single family dwelling, 612 square foot attached garage, 90 linear feet of garden walls (3' high), electric gate and the removal of 2 trees (1 Monterey Pine, 1 Oak), including findings and evidence, and subject to five (5) conditions both being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 9<sup>th</sup> day of August, 2018 by:

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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 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 Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

Form Rev. 9-22-2014



# Monterey County RMA Planning

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

PLN180248

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Design Approval (PLN180248) allows the construction of a two-story 3,483 square foot single family dwelling, 612 square foot attached garage, 90 linear feet of garden walls (3' high), electric gate and the removal of 2 trees (1 Monterey Pine, 1 Oak). The property is located at 3104 Valdez Road, Pebble Beach (Assessor's Parcel Number 007-314-003-000), Greater Monterey peninsula Area 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 - Planning. 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.

### 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 Design Approval (Resolution Number \*\*\*) was approved by Zoning Administrator for Assessor's Parcel Number 007-314-003-000 on August 9, 2018. The permit was granted subject to five (5) 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:** 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.  
(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.

### 4. PD011 - TREE AND ROOT PROTECTION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

## 5. PD011(A) - TREE REMOVAL

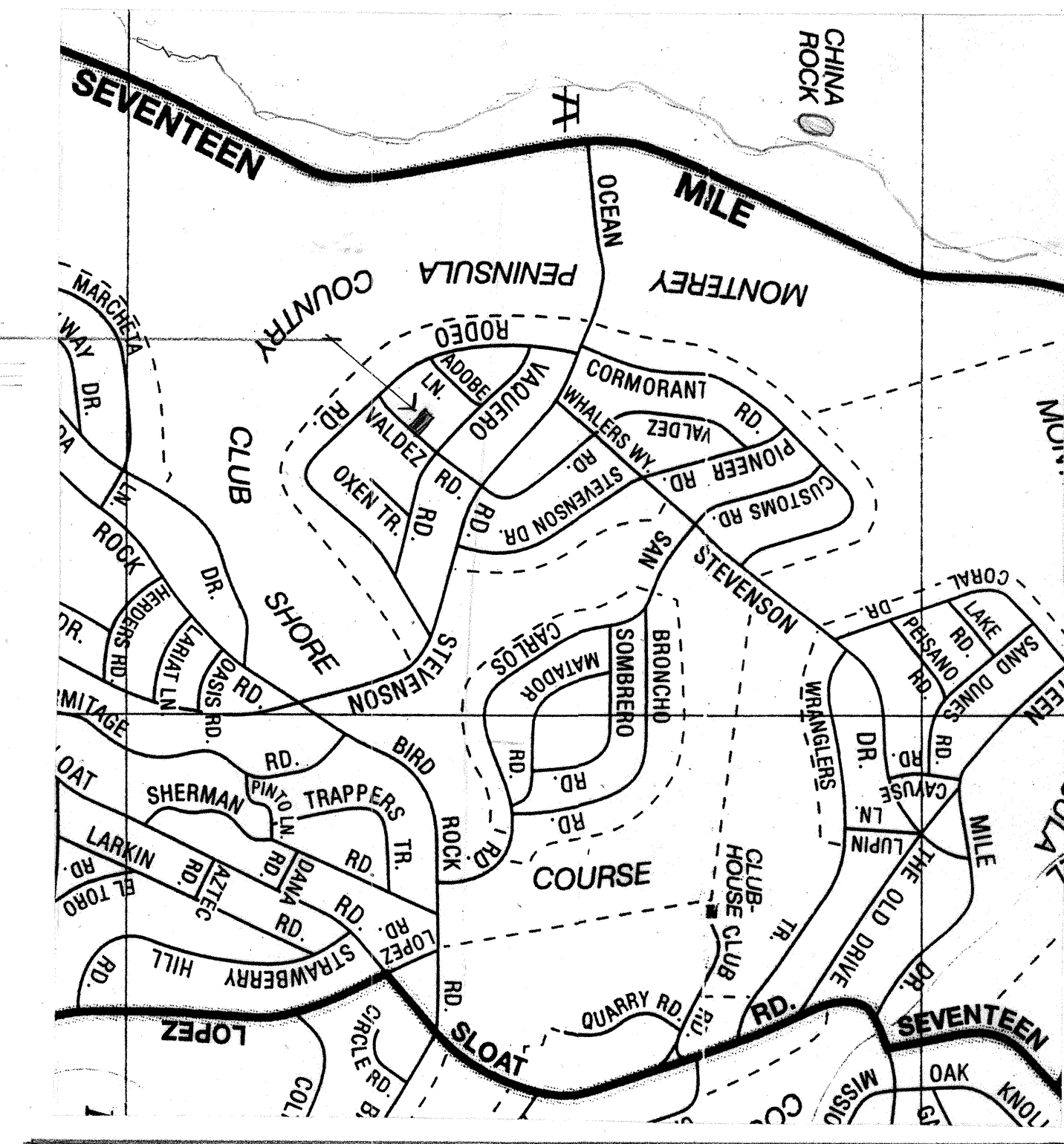
**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.



PROJECT  
LOCATION



LOCATION MAP

Index of drawings

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\* 1A Drainage plan

Occupancy group **R3/U**  
Description of use **SFO**  
Type of construction **VB**  
Fire sprinkler required **YES**

Scope of work

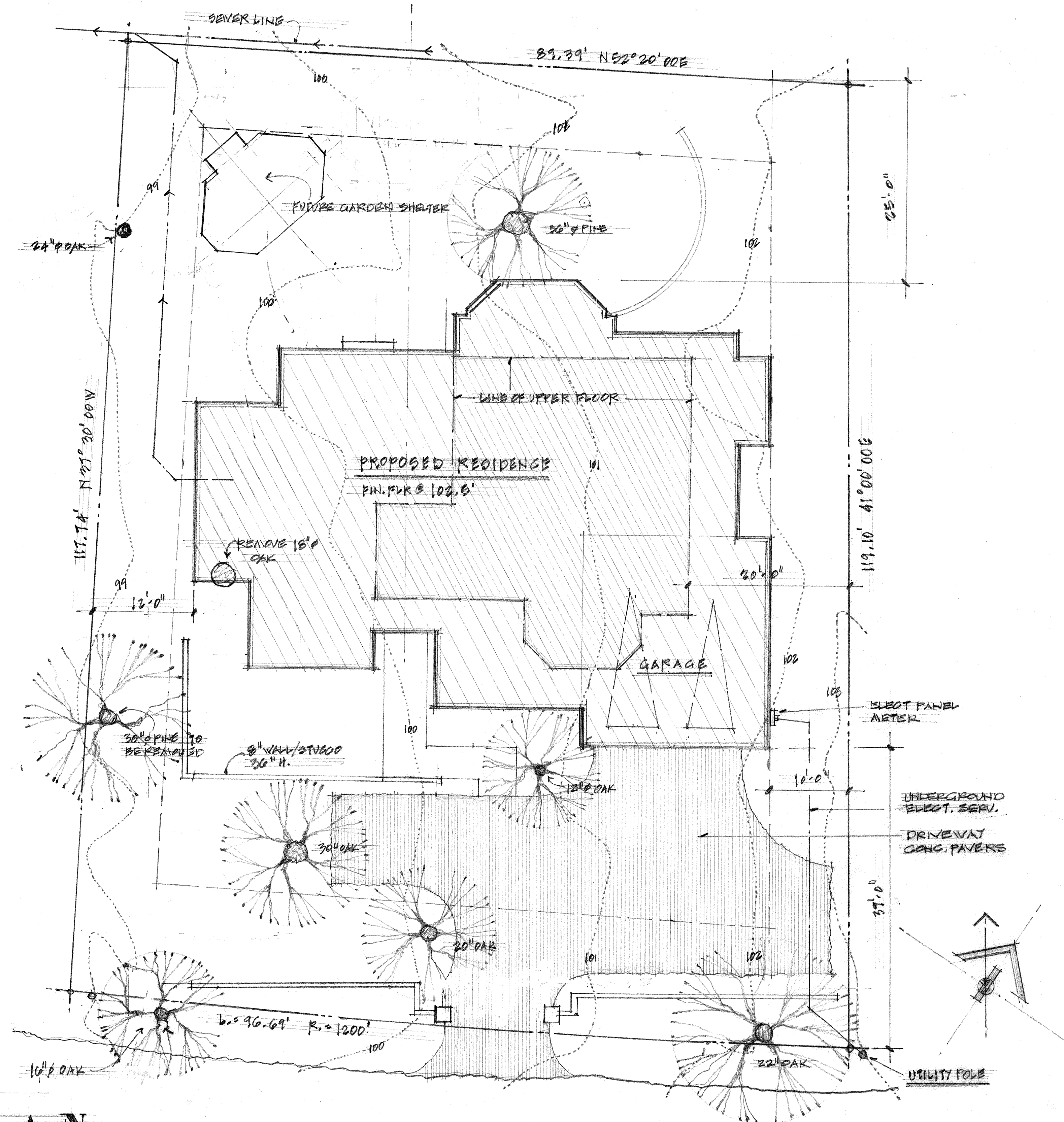
Construction of new single family residence, two story/four bedroom, five bathroom, 3483 square feet, two car garage/11,920 square feet parcel/90 lin. feet of 3 foot high landscape garden walls/driveway with concrete pavers/roof of Spanish red tile/wall finish smooth stucco

SITE PLAN

SCALE: 1/8" = 1'-0"

LEGAL:  
LOT NO. 6 / BLOCK NO. 211  
MONTEREY PEN. COUNTRY CLUB  
PEBBLE BEACH, CA / 3104 VALDEZ  
A.P. NO. 007-314-003  
OWNER:  
WALLACE/FREMONT BANK  
P.O. BOX 5101  
FREMONT, CA

DATE: AUGUST 2017  
PRINT DATE:

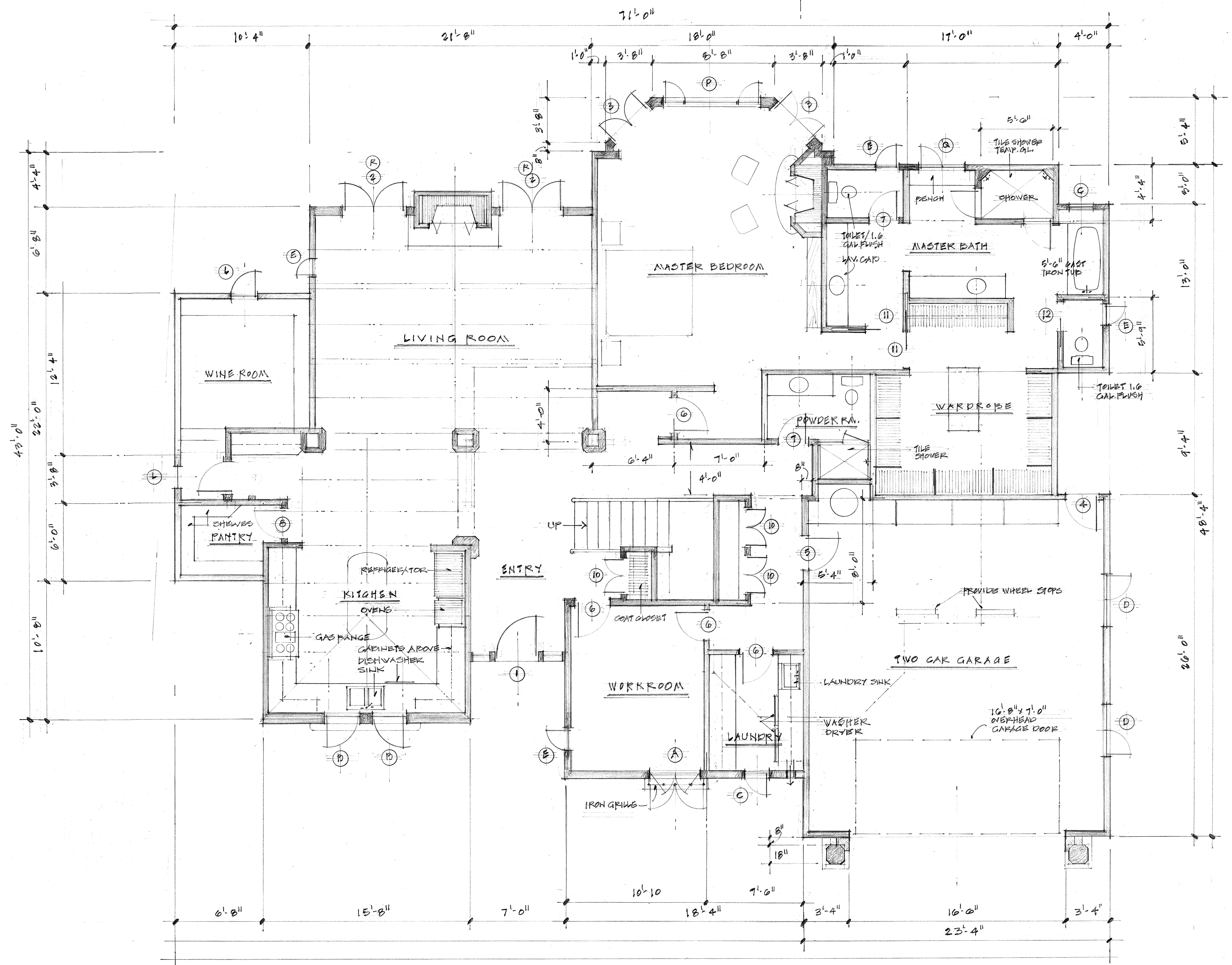


The building shall be fully protected with an automatic fire sprinkler system. Installation approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or the California Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection.



NO.	DIMENSION	REMARKS
1	3' 0" x 7' 8" x 2 1/4"	ENTRY DOOR / ARCHED
2	5' 0" x 8' 0" x 2 1/4"	FRENCH DOORS / ARCHED / TEMP. WINDOW (R) ABOVE
3	4' 0" x 8' 0" x 1 3/4"	FRENCH DOORS / TEMP
4	2' 8" x 8' 0" x 1 3/4"	
5	2' 8" x 8' 0" x 1 3/4"	RATED 20 MIN / AUTO CLOSER
6	2' 8" x 8' 0" x 1 3/4"	
7	2' 0" x 8' 0" x 1 3/4"	
8	2' 8" x 8' 0" x 1 3/4"	DOUBLE DOORS
9	2' 8" x 6' 8" x 1 3/4"	WINE ROOM DOOR
10	3' 0" x 8' 0" x 1 3/4"	DOUBLE DOORS
11	2' 8" x 8' 0" x 1 3/4"	POCKET DOORS
12	2' 6" x 8' 0" x 1 3/4"	POCKET DOOR
13		
14		

DOOR SCHEDULE



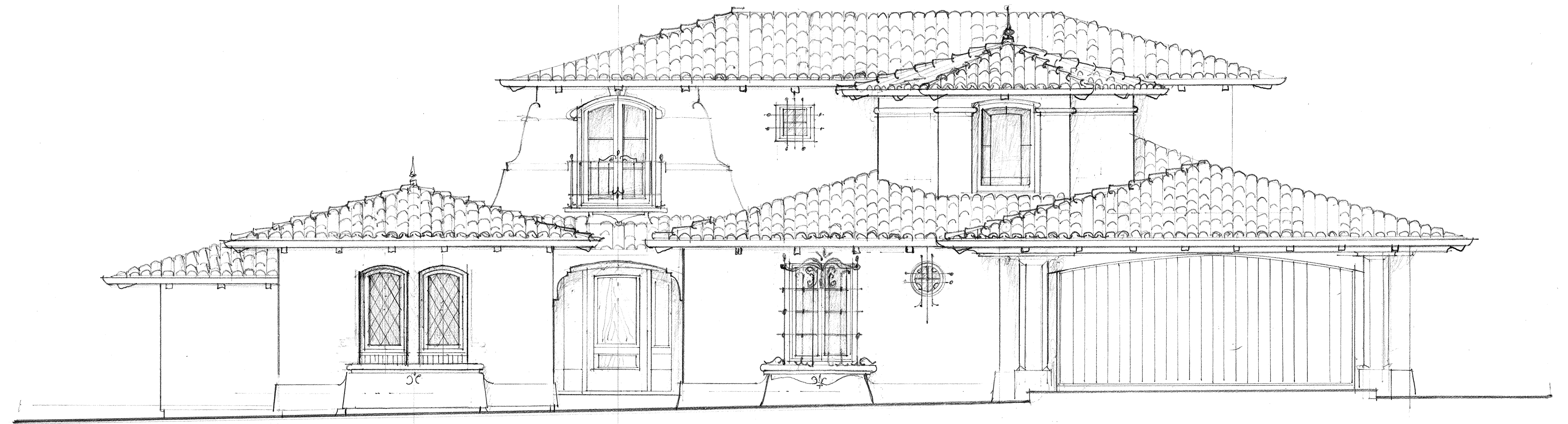
LOWER LEVEL FLOOR PLAN

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

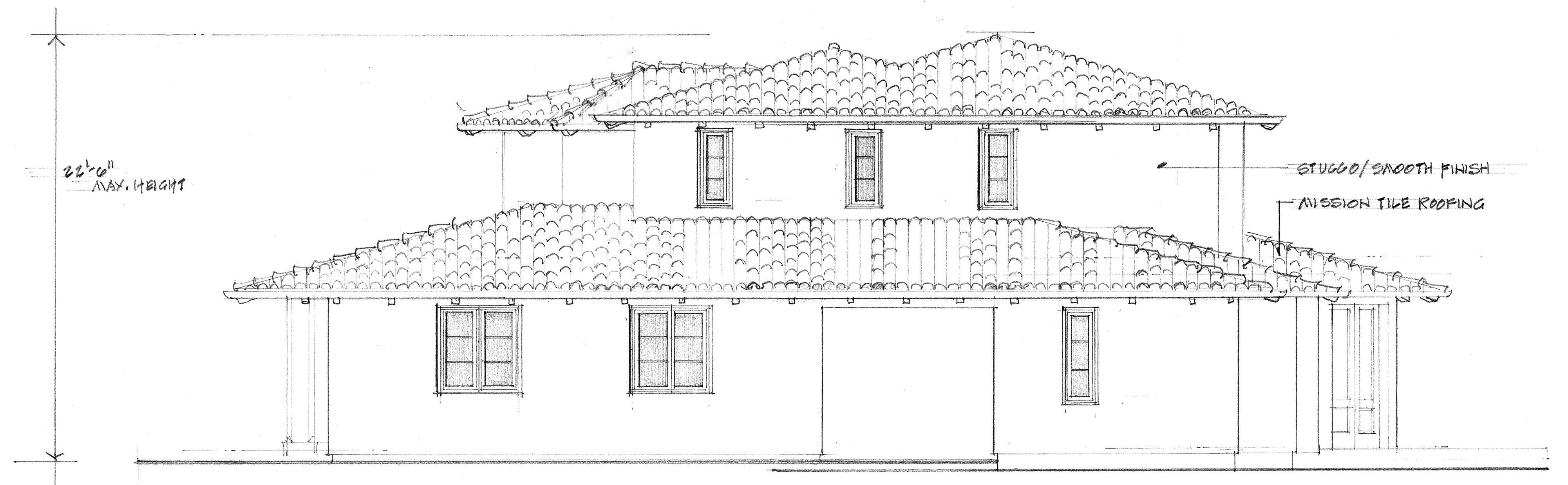
The building shall be fully protected with an automatic fire sprinkler system. Installation approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or the California Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection.







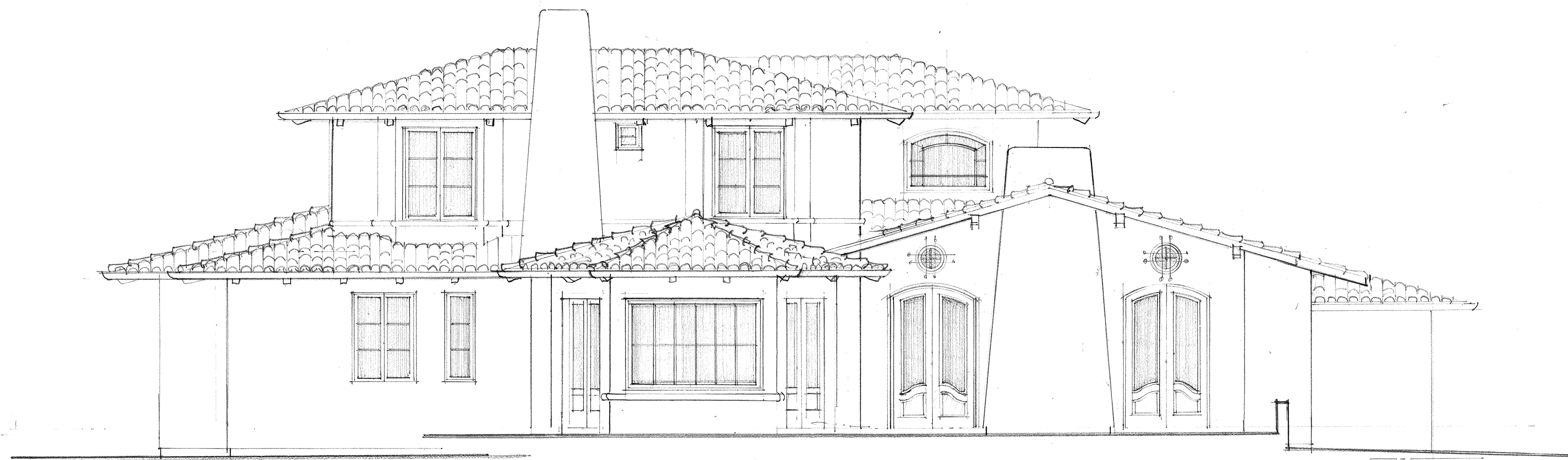
STREET / SOUTH ELEVATION



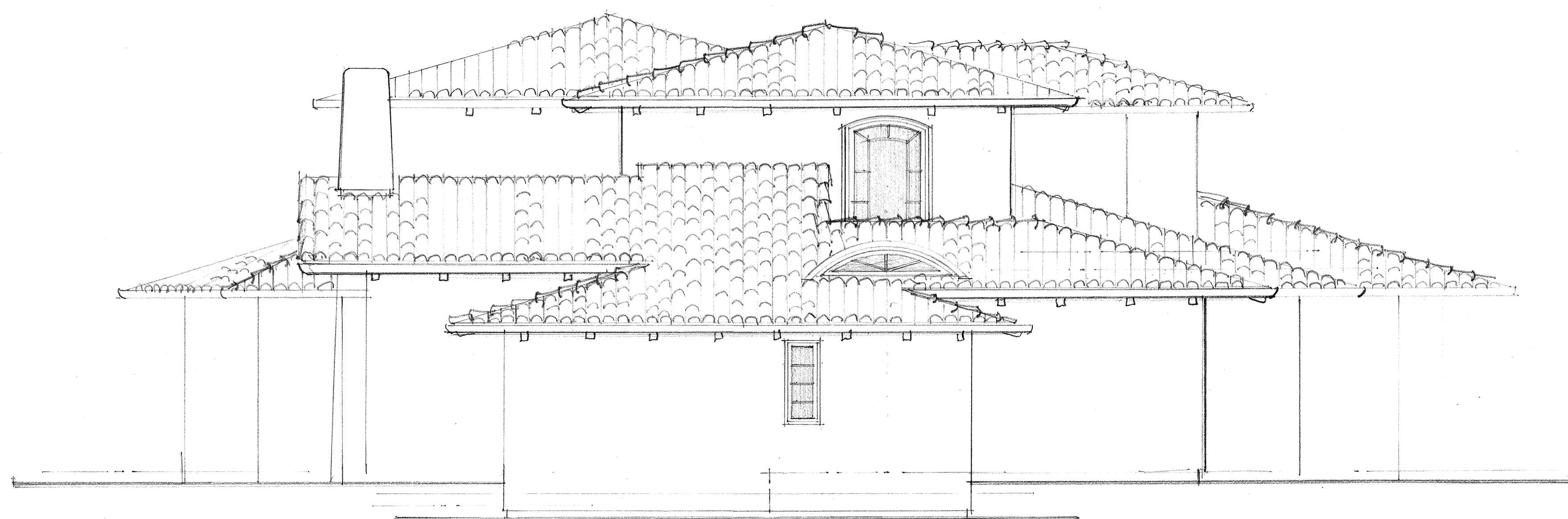
EAST ELEVATION

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





NORTH ELEVATION



WEST ELEVATION