

Exhibit A

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**EXHIBIT A
DRAFT RESOLUTION**

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

In the matter of the application of:

**WHITTEMORE EDWARD WILLIAM III &
COLLEEN JOY TRS (PLN240097)**

RESOLUTION NO. 25--

Resolution by the County of Monterey Chief of
Planning:

- 1) Finding that the project qualifies for a Class 33
Categorical Exemption pursuant to Section
15333 of the CEQA Guidelines and that there
are no exceptions pursuant to Section 15300.2;
and
- 2) Approving a Restoration Permit to replant 20
native trees (Monterey pine and Monterey
cypress) and protect 24 existing Monterey pine
saplings to clear Code Enforcement No.
24CE00074.

[WHITTEMORE EDWARD WILLIAM III &
COLLEEN JOY TRS, 1263 SOMBRIA LN,
PEBBLE BEACH, DEL MONTE FOREST LAND
USE PLAN, COASTAL ZONE (APNs:008-291-
014-000, 008-291-016-000, & 008-291-023-000)]

The WHITTEMORE EDWARD WILLIAM III & COLLEEN JOY TRS application (PLN240097) came on for an administrative hearing before the County of Monterey Chief of Planning on May 7, 2025. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the County of Monterey Chief of Planning 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 1982 Monterey County General Plan;
 - Del Monte Forest Land Use Plan (DMF LUP);
 - Monterey County Coastal Implementation Plan, Part 1, Zoning Ordinance (Title 20); and
 - Monterey County Coastal Implementation Plan, Part 5, Regulations for Development in the Del Monte Forest Land Use Plan Area (DMF CIP).

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) Existing Condition. The subject property is developed with a single-family dwelling, driveway, and tennis court. On March 14, 2024, the HCD-Building Services issued an Administrative Citation Letter requiring that the property owner apply for and gain approval of a Restoration Plan for the unpermitted removal of approximately 50 protected trees. The 4.7-acre property, located in the Del Monte Forest, is densely populated with mature trees consisting of Monterey pine, Coast live oak, Monterey cypress, and Coast redwood. The understory consists of native and non-native species, including native plants like Pacific reedgrass, Douglas iris, and toyon, as well as invasive non-native plants like jubata grass, kikuyu grass, and French broom. According to the Project Arborist, the region has been affected by fire suppression and development, contributing to an unnaturally dense and unhealthy forest structure. Recent severe weather has further impacted the local forest composition, increasing the need for active restoration.
- c) Allowed Use. The property is located at 1263 Sombria Lane, Pebble Beach (Assessor's Parcel Numbers: 008-291-014-000, 008-291-016-000, & 008-291-023-000), Del Monte Forest Land Use Plan. The parcels have a split zoning of Low-Density Residential, 2 acres per unit, with a Design Control overlay, coastal zone and Resource Conservation with a Design Control overlay, coastal zone or "LDR/2-D (CZ)" and "RC-D (CZ)". The property currently has an existing single-family dwelling. This Restoration Permit allows full restoration of the property to its pre-violation state to address code violations detailed in 24CE00074. In accordance with Title 20 section 20.90.020, which authorizes the Director of Planning (also known as Chief of Planning) to take actions deemed necessary or expedient to enforce and secure compliance with the provisions of Title 20, including ordering restoration of a site to its pre-violation state. The proposal to restore the property back to its natural state is consistent with the residential use for this site. Therefore, the project is an allowed land use.
- d) Project Scope. The project includes a Restoration Plan to remediate the unpermitted removal of 44 protected trees. The Restoration Plan involves replanting 20 five-gallon Monterey pines and Monterey cypress trees and protecting in-place 24 naturally regenerating Monterey pine saplings to address the unpermitted tree removal. The restoration plan requires five years of monitoring to ensure 100% success. The goal of the Restoration Plan is to mitigate the loss of tree coverage to ensure the successful establishment and growth of the replanted trees, maintaining the beauty and ecological health of the natural landscape. Encouraging the natural propagation of existing Monterey pine seedlings, alongside replanting efforts, will preserve the genetic diversity of the stand and contribute to its long-term vitality.
- e) Lot Legality. The subject properties are shown in their current configuration, APN: 008-291-014-000, 008-291-016-000, & 008-291-023-000, as Lot 7, 8, & 9 on "Map of Tract No. 541, Cypress Acres", filed April 19, 1967, in Volume 9 of "Cities and Towns" on page 14 in

Monterey County Records. Therefore, the County recognizes the subject properties as legal lots of record.

- f) Tree Removal. During a winter storm, a Monterey pine tree fell on the subject property's house. In response to the situation, the applicant subsequently removed 60 trees without a permit. Fourteen of these 60 trees had either failed or were deemed hazardous and thus did not require the granting of a Coastal Development Permit pursuant to Del Monte Forest Coastal Implementation section 20.147.050.A. However, the remaining 44 trees removed did require the granting of a Coastal Development Permit. A Restoration Plan, prepared by certified arborist Albert Weisfuss (LIB240237 - see Finding 2, Evidence "b"), outlines recommended replanting and monitoring efforts to mitigate for the unpermitted tree removal. Based on the arborist's assessment, a total of 44 trees were removed and are subject to the Restoration Plan's requirements: seven Monterey pine trees are to be replaced with five-gallon trees at a 1:1 ratio; 10 Monterey pine trees to be replaced with seedlings at a 1:1 ratio; three Monterey cypress trees are to be replaced with 5-gallon trees at a 1:1 ratio; and to prevent overcrowding within the property, 24 saplings that are naturally regenerating on site will be protected and monitored to maturity. A reduced replanting (20 trees rather than 44 trees) is authorized in accordance with Del Monte Forest CIP section 20.147.050.C.6 to avoid an overcrowded, unhealthy forest environment. As previously described, there were 16 trees (13 Monterey pine trees and three Monterey cypress trees) observed as hazardous and thus are not accounted for in the Restoration Plan. Monterey pine seedlings, both naturally regenerating and locally collected seed, in starter cells will be used to meet the replanting requirements for 10 of the replacement Monterey Pines. The arborist stated that native seed is often considered better than nursery stock because it promotes greater genetic diversity within a plant population, is better adapted to local soil and climate conditions, supports native wildlife through food and habitat, and generally requires less maintenance like watering and fertilization compared to cultivated varieties found in nurseries; essentially, using native seed helps maintain a healthy ecosystem by supporting the natural plant communities in a region. The Restoration Plan includes a five-year monitoring and maintenance program, which includes quarterly monitoring reports for the first year and annual monitoring reports for the following four years prepared by the certified arborist, these reports shall be submitted to HCD-Planning for review and approval. At the end of the fifth year, the project arborist shall prepare and submit a Final Monitoring Report detailing the results of the annual monitoring and establish whether the success criteria detailed in the Restoration Plan have been met. If the success criteria are not met, the project arborist shall recommend appropriate measures and timing to bring the project into compliance. The Restoration Plan shall be implemented and monitored through a non-standard condition.
- g) Biological Resources. A Biotic Report prepared by Rob Thompson (LIB250056 – see Finding 2, Evidence "b") confirmed through a site assessment that there was no evidence of special status species on the property, and none appear to have been impacted by the unpermitted

tree removal. It was noted that there is an abundance of native and non-native flora to support the mixed forest habitat, including several seedlings and saplings of young Monterey pine and Coast live oak trees. To support the healthy development and maturation of young native trees, they will be protected from property management and fuel reduction activities, and eradication measures for non-native invasive species shall be maintained through the County's standard condition for notice of report.

- h) Land Use Advisory Committee (LUAC) Review. Based on the Land Use Advisory Committee (LUAC) procedure guidelines adopted by the County of Monterey Board of Supervisors per Resolution No. 08-338, this application does not meet any of the criteria requiring LUAC review because it does not involve a public hearing Design Approval, Variance, Lot Line Adjustment, or preparation of an environmental document.
- i) The project planner conducted a site inspection on September 23, 2024, to 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 HCD-Planning for the proposed development found in Project File PLN240097.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the proposed development and/or use.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Building Services. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.
 - b) The following reports have been prepared:
 - Restoration Plan (LIB240237) prepared by Albert Weisfuss, Carmel, CA, January 13, 2025.
 - Biotic Assessment (LIB250056) prepared by Rob Thompson, Monterey, CA February 26, 2025.
 - c) 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 restoration. County staff has independently reviewed these reports and concurs with their conclusions.
 - d) Staff conducted a site inspection on September 23, 2024, to verify that the site is suitable for this use.
 - e) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240097.

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 HCD-Planning and HCD-Building Services. 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) Staff conducted a site inspection on September 23, 2024, to verify that the site is suitable for this use.
 - c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240097.

4. **FINDING:** **VIOLATIONS** - The subject property currently has a code enforcement violation. As a result of this action to restore the property to its pre-violation state, the subject property shall be considered in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the Monterey County Zoning Ordinance Title 20. Zoning violation abatement costs, if any, will be paid as a condition of approval within 30 days of this action.

- EVIDENCE:**
- a) Staff reviewed County of Monterey HCD-Planning and HCD-Building Services records and is aware of violations existing on subject property.
 - b) The proposed project corrects an existing violation regarding unpermitted tree removal (24CE00074). When implemented, the project will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations. The proposed Restoration Plan (LIB240237 – see Finding 2, Evidence “b”) corrects an existing violation regarding the unpermitted removal of 41 Monterey pine trees and 3 Monterey cypress trees, totaling 44 protected trees.
 - c) Staff conducted a site inspection on September 23, 2024, and researched County records to assess the violations on the subject property and how proposed activities would address them.
 - d) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240097.

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 15333 categorically exempts small habitat restoration projects less than 5 acres in size.
 - b) The project consists of the reforestation of the loss of tree coverage within a 4.7-acre property, restoring the property to its pre-violation state by replanting 20 native trees. There would be no significant impact on endangered, rare, or threatened species, or their habitat from the execution of the project. No hazardous materials are known to exist at or

around the project site and no earth movement is proposed that could disturb such materials. The project will restore the habitat to its pre-violation state, and has the potential to enhance the habitat value. As such, the project meets the criteria of the Class 33 Categorical Exemption.

- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not a Class 3, 4, 5, 6, or 11 Categorical Exemption, which qualifies by consideration of project location. The execution of the project will fully restore the project site. Therefore, the project would not contribute to a cumulative impact. There are no unusual circumstances affecting the property or the proposed project that would create a reasonable possibility that implementation would have a significant effect on the property. The restoration project would not damage any scenic resources, the site is not known to be included on a list compiled pursuant to Section 65962.5, and there are no identified historical resources on the property that would be impacted by the execution of the project.
- d) See Finding Nos. 1 and 2 and supporting evidence.
- e) No adverse environmental effects were identified during staff review of the development application during a site visit on September 23, 2024.
- f) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240097.

6. FINDING: **APPEALABILITY** - The decision on this project may be appealed to Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors: Pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission: Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the restoration project is subject to appeal by/to the California Coastal Commission because it does involve development between the sea and the first through public road paralleling the sea.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the HCD Chief of Planning does hereby:

1. Find the project qualifies for a Class 33 Categorical Exemption pursuant to Section 15333 of the CEQA Guidelines and that there are no exceptions pursuant to Section 15300.2; and
2. Approve a Restoration Permit to replant 20 native trees (Monterey pine and Monterey cypress) and protect 24 existing Monterey pine saplings to clear Code Enforcement No. 24CE00074.

All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 7th day of May, 2025.

Melanie Beretti, AICP
HCD Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION 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 HCD-Planning and HCD-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. 1-27-2021

County of Monterey HCD Planning

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

PLN240097

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Restoration Permit (PLN240097) allows the replanting of 20 native trees (Monterey pine and Monterey cypress) and protecting 24 existing Monterey pine saplings to clear Code Enforcement No. 24CE00074. The property is located at 1263 Sombria Lane, Pebble Beach (Assessor's Parcel Numbers: 008-291-014-000, 008-291-016-000, & 008-291-023-000), Del Monte Forest Land Use Plan, Coastal Zone. 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 HCD - 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. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Restoration Permit (Resolution Number _____) was approved by HCD Chief of Planning for Assessor's Parcel Numbers 008-291-014-000, 008-291-016-000, & 008-291-023-000 on May 7, 2025. The permit was granted subject to 6 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

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

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

Responsible Department: 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 HCD - 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.
(HCD - 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 HCD - 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. PDSP001 - HABITAT RESTORATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall submit a restoration plan in accordance with the recommendations contained in the Restoration Plan (LIB240237) to HCD-Planning for review and approval. The restoration plan shall include the following: use local plant sources for seed and container plant revegetation material, removal of exotic species, revegetation, success criteria, yearly monitoring, establishment of a monitoring program to track the success of non-native vegetation control and establishment of native species, and establishment of an ongoing maintenance program for non-native plant control and other actions noted during monitoring. Quarterly monitoring of the restoration area will occur during the first year and then yearly for the following 4 years.

Compliance or Monitoring Action to be Performed: Within 60 days upon approval of this permit, Owner/Applicant/Agent shall submit to HCD-Planning a copy of a contract between the owner/applicant and a qualified arborist indicating that the restoration plan and monitoring program will be implemented in accordance with the Restoration Plan (LIB240237).

Prior to final inspection, the Project Arborist shall prepare and submit to HCD-Planning for review and approval, a report confirming that exotic species have been removed, and all replanting and revegetation activities have successfully occurred.

On an ongoing basis for the duration of the required monitoring period, annual reports shall be submitted to HCD-Planning for review and approval detailing compliance with the approved restoration plan.

5. PD016 - NOTICE OF REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A notice shall be recorded with the County of Monterey Recorder which states: "A Restoration Plan has been prepared for this parcel by Thompson Wildland Management, dated 02/26/25, and is on record in Monterey County HCD-Planning, Library No. 250056. All development shall be in accordance with this report. (HCD-Planning)

Compliance or Monitoring Action to be Performed: The Owner/Agent shall submit proof that all development has been implemented in accordance with the report to HCD-Planning for review and approval.

Submit signed and notarized document to HCD Planning for review and signature by the County.

6. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

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