

# Exhibit A

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## **DRAFT RESOLUTION**

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

In the matter of the application of:

**CHAMISAL FAMILY PARTNERSHIP LTD ET AL (PLN240107)**

#### **RESOLUTION NO. 25 -**

Resolution by the County of Monterey Zoning Administrator:

1. Finding the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines section 15301, and there are no exceptions pursuant to 15300.2; and
2. Approving a Minor and Trivial Amendment to a previously approved Use Permit (PC01584) that allowed the establishment of the Chamisal Tennis and Fitness Club consisting of 14 courts, a clubhouse and swimming pool. This Amendment would allow for the conversion of two tennis courts into eight pickleball courts, the addition of three pickleball courts, and future conversion of one tennis court into four additional pickleball courts (total of 25 tennis or pickleball courts).

(PLN240107, Robert Mitchell, 185 Robley Road, Salinas, Toro Area Plan (APN: 416-321-017-000))

**The Chamisal Family Partnership LTD ET AL application (PLN240107) came on for an administrative hearing before the County of Monterey Zoning Administrator on April 10, 2025. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Zoning Administrator finds and decides as follows:**

#### **FINDINGS**

1. **FINDING:** **PROCESS** - The County has received and processed a minor amendment to HCD-Planning File No. PLN240107.  
**EVIDENCE:**
  - a) An application for a Minor and Trivial Amendment was submitted to HCD-Planning on July 08, 2024.
  - b) On December 20, 1972, the County of Monterey Planning Commission approved a Use Permit (PC01584) that allowed the establishment of the Chamisal Tennis and Fitness Club consisting of 14 courts, a clubhouse, and swimming pool.
  - c) The proposed Amendment would allow for the conversion of two tennis courts into eight pickleball courts, the addition of three pickleball courts, and the future potential to convert one tennis court into four additional pickleball courts. At full build out, a total of 25 athletic courts would be available to the Chamisal Tennis and Fitness Club members. No increase in membership numbers is anticipated and the installation of pickleball courts are

proposed to respond to a shift in facility demands. No other changes to the uses or development approved under PC01584 are proposed. Therefore, the amendment is of a minor and trivial nature.

- d) This Minor and Trivial Amendment (HCD-Planning File No. PLN240107) amends PC01584. Given the proposed scope is limited to amending the number of previously approved athletic courts, PC01584 remains as the site's operative permit.
- e) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed amendment are found in project file PLN240107.

**2. FINDING:**

**CONSISTENCY** - The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

**EVIDENCE:**

- a) Allowed Use. The property is located at 185 Robley Road, Salinas (Assessor's Parcel Number 416-321-017-000), Toro Area Plan. The parcel is zoned Public/Quasi-Public with Building Site 8 and Visual Sensitivity overlays, or "PQP/B-8-VS". The PQP zoning allows country clubs as a principle use subject to the granting of a Use Permit. A Use Permit was approved in 1972 to allow the establishment of a country club. The proposed project involves modifications to the county club's tennis courts, increasing the number of athletic courts from 14 to 25. In this case, the County determined that a Minor and Trivial Amendment to the previously approved Use Permit (HCD-Planning File No. PC01584) is the applicable and appropriate entitlement to consider the conversion of tennis courts to pickle ball courts and establishment of new pickle ball courts. (See Finding No. 2, Evidence No. "g"). Therefore, the proposed project is an allowed land use for this site.
- b) The project has been reviewed for consistency with the text, policies, and regulations in the:
  - 2010 Monterey County General Plan;
  - Toro Area Plan; and
  - Monterey County Zoning Ordinance - Inland (Title 21)No conflicts were found to exist. The County received no communications from interested members of the public during the course of project review indicating any inconsistencies with the text, policies, and/or regulations of the Monterey County Code (MCC), and the County finds that the project is consistent with the text, policies, and regulations in the applicable documents.
- c) Development Standards. As proposed, the project meets all required development standards established in Title 21 section 21.40.060. The proposed amendment will only involve re-paving of tennis courts and does not involve any changes or new impacts to the current development standards, which are all being met.
- d) Lot Legality. The subject property is shown in its current configuration as Parcel 2 in Volume 3, Page 81 of the Assessors Parcel Map. Therefore, the County recognizes the project site as a legal lot of record.

- e) Land Use Advisory Committee. The project was not referred to the Toro Land Use Advisory Committee (LUAC) for review for review because it does not involve a public hearing Design Approval, a Lot Line Adjustment, preparation of an Initial study, or a Variance.
- f) Noise. Chamisal Fitness & Tennis Club (“Club”) hours are typically between 5:00 a.m. and 8:00 p.m. Sources of noise associated with the Club are generally limited to noise associated with on-site activities, including human voices, tennis and pickleball matches, and various other on-site activities. Sources of noise observed in the vicinity of the Club that were not related to Club activities included noise from traffic on nearby roadways, residential landscaping activities, and noise associated with aircraft overflights on approach to the Monterey Regional Airport. In accordance with Title 10 Chapter 10.60 and the 2010 General Plan Safety Element, an Acoustics report (LIB250054) was prepared to assess the potential impacts of the additional courts. The report involved both long-term and short-term ambient noise level measurements at six locations in the vicinity of the Chamisal Fitness & Tennis Club and the surrounding residential areas. The closest existing residential land uses to the pickleball courts are located at setback distances of 500 feet or greater from the center of the eight pickleball courts. The noise levels measured at sites ST-3 and ST-5 are the most accurate representation of the proposed pickleball noise levels that may be heard within 50 to 100 feet of the perimeter of Club activities. At these locations, pickleball noise levels were measured to be between 40.6 and 64.8 decibels (dB). The acoustical engineer also measures noise levels near an off-site residence (site ST-4). The report found that the maximum noise levels at the closest residential land uses to the Club would be expected to be in the range of approximately 52-61 dB. 2010 General Plan Policy S-7.4 requires that new noise generators may be allowed in areas where projected noise levels are “conditionally acceptable”. Additionally, Table S-2 of the Safety Element (2010 General Plan) finds that development generating noise between 55 to 70 dB is considered to be conditionally acceptable within Residential Land Use areas. Title 10 section 10.60.030 prohibits any machine, mechanism, device, or contrivance that produces a noise level that exceeds seventy (70) dBA measured fifty (50) feet from being operated. Noise generated from playing pickleball, specifically the paddle hitting the ball, would be considered a contrivance or device in this case. Based on the conclusions of the prepared Acoustics report, the proposed pickleball use will not generate noise that exceed the 70 dBA maximum established by Title 10 and is within the acceptable levels established by the 2010 General Plan Safety Element. Further, Title 10 section 10.60.040(C) exempts outdoor gatherings and sporting events on commercial or institutional premises from the allowed daytime and nighttime noise thresholds of Title 10, provided such use is conducted pursuant to applicable rules, regulations, and zoning restrictions. The Chamisal Fitness & Tennis Club property is zoned Public Quasi Public and allows sporting events and outdoor gatherings. Thus, although the proposed use complies with applicable regulations and policies related to noise, the

noise generated by the proposed pickleball use is also exempt from requirements of Title 10.

- g) Pursuant to MCC Section 21.74.120.A, the County has determined that the proposed project qualifies as a minor amendment to the previously approved Use Permit. The amendment is minor in nature as follows:

- The project would not create new environmental impacts;
- The project would not increase the severity of environmental impacts identified in the original Use Permit;
- The project is in keeping with the action of the appropriate authority
- The project meets all relevant site development standards.

- h) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN240107.

**3. 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: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Monterey County Regional Fire Protection District (FPD) and the Environmental Health Bureau. 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 technical report has been prepared:
- “Acoustical Analysis” (LIB250054), prepared by WJV Acoustics, Visalia, CA, on October 2, 2024.
- Upon independent review, staff concurs with the conclusions of the report (see Finding No. 2, Evidence “f”). There are no physical or environmental constraints that render the site unsuitable for the proposed project.
- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240107.

**4. 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:**

- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
- b) The application, project plans, and related support materials submitted by the project applicant to are found in Project File PLN240107.

**5. 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 HCD-Planning, Monterey County Regional Fire Protection District, HCD-Public Works, HCD-Environmental Services, and Environmental Health Bureau, and conditions have been recommended, 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 will be provided. For potable water, the parcel will continue to be served by the Chamisal Water Association. For wastewater and collection/treatment the property contains an on-site wastewater treatment system which was reviewed by EHB and was deemed to be sufficient. No additional fixtures are proposed with implementation of the proposed project. As proposed, the minor amendment will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240107.

**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 15301 categorically exempts minor alterations of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
  - b) As proposed, the project involves a minor and trivial amendment to a previously approved Use Permit (PC01584) that allowed the establishment of the Chamisal Tennis and Fitness Club consisting of 14 courts, a clubhouse and swimming pool. This Amendment would allow for the conversion of two tennis courts into eight pickleball courts, the addition of three pickleball courts, and the future conversion of one tennis court into four more pickleball courts. Although the expansion would allow for a greater number of courts than previously assessed under the original Use Permit, the amendment proposes conversion of existing courts rather than development of new courts to limit to impacts of the expansion. The three new (not converted) courts will be siting within a previous parking area. Additionally, the Applicant/Owner has indicated a substantial decline in active membership, citing the COVID-19 Pandemic and the declining popularity of tennis for the substantial drop in membership, further limiting the impacts of the expansion. Although membership is anticipated to increase with implementation of the project to address a shift in demands, the proposed pickleball courts will not result in membership numbers that exceeding the Tennis Club's historical numbers. Additionally, no wastewater or potable water connections are proposed. The Chamisal Tennis and Fitness Club will continue to be

closed to the general public. Therefore, the proposed expansion in negligible and qualifies for a Class 1 Categorical Exemption.

- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There is no significant effect on the environment due to unusual circumstances. No trees are proposed for removal. Although the project site is visible from Laurels Grade, the proposed development is will not degrade or be substantially visible from any scenic corridor or scenic highway. There is no cumulative impact without any prior successive projects of the same type in the same place, over time and no new land use is proposed. The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code to be considered on a hazardous waste site. No known historical or archaeological resources are present.
- d) No adverse environmental effects were identified during staff review of the development application.
- e) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN240107.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Monterey County Planning Commission.
- EVIDENCE:** a) Planning Commission. Pursuant to Title 21, Section 21.80.040.B, an appeal may be made to the Planning Commission by any public agency or person aggrieved by the discretionary decision of the Zoning Administrator.

### **DECISION**

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

1. Find the project Categorically Exempt pursuant to section 15301 of the CEQA Guidelines, and there are no exceptions pursuant to section 15300.2; and
2. Approve a Minor and Trivial Amendment to a previously approved Use Permit (PC01584) that allowed the establishment of the Chamisal Tennis and Fitness Club consisting of 14 courts, a clubhouse and swimming pool. This Amendment would allow for the conversion of two tennis courts to eight pickleball courts, the addition of three pickleball courts, and the future conversion of one tennis court into four additional pickleball courts (total of 25 tennis or pickleball courts).

**PASSED AND ADOPTED** this 10<sup>th</sup> day of April 2025.

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Mike Novo, AICP  
Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE.

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 CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DATE.

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 offices in Salinas.

3. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

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# County of Monterey HCD Planning

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

PLN240107

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This Minor and Trivial amendment to a previously approved Use permit (PLN240107) allows allow for the conversion of two (2) tennis courts to eight (8) Pickleball courts, the addition of three (3) new pickleball courts and the potential for up to four (4) more pickleball courts. The property is located at 185 Robley Road, Salinas (Assessor's Parcel Number 416-321-017-000), Toro 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 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 Minor and Trivial amendment (Resolution Number \_\_\_\_\_) was approved by the Zoning Administrator for Assessor's Parcel Number 416-321-017-000 on April 10, 2025. The permit was granted subject to 3 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. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of HCD - Planning, prior to the issuance of building permits.

(HCD - Planning)

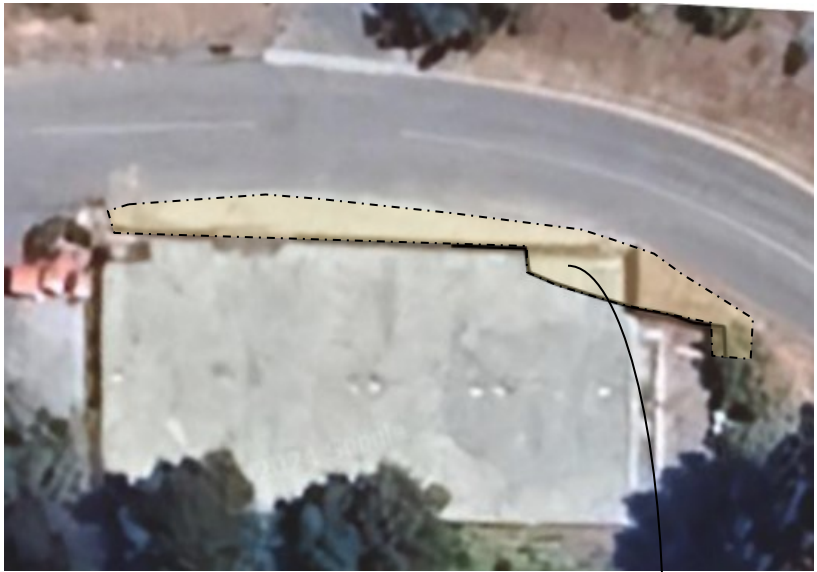
**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to HCD - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

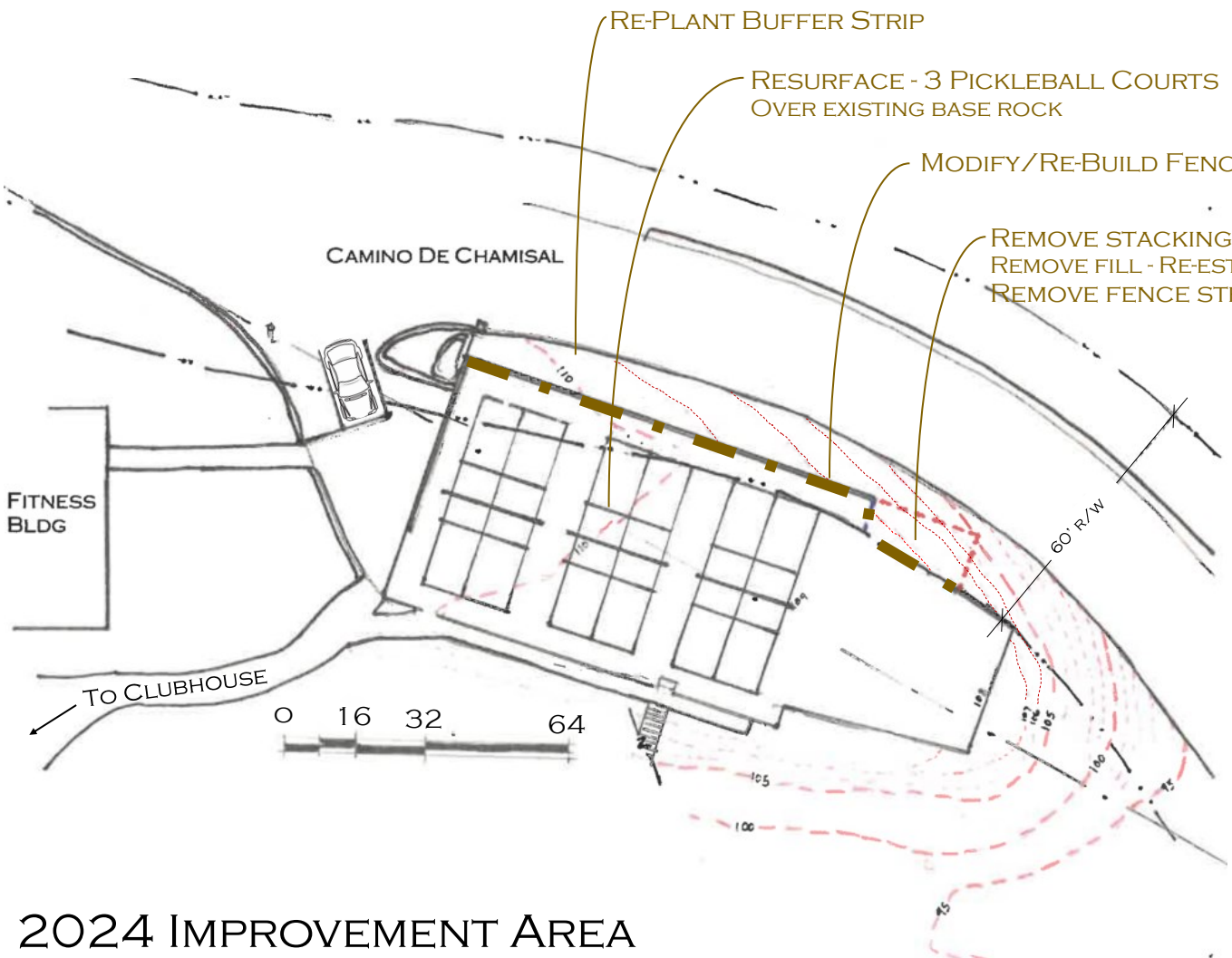
On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.



PARTIAL SITE - FORMER  
NO SCALE



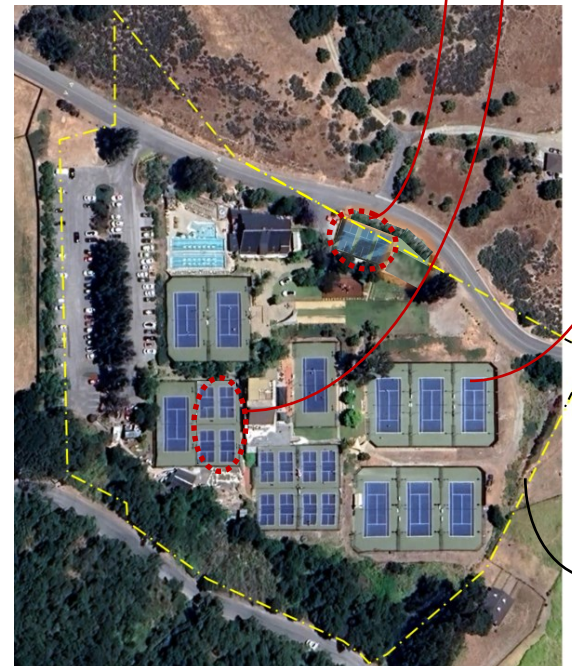
PARTIAL SITE - CURRENT  
NO SCALE  
RESTORATION AREA  
Cut +/- 33 CY



2024 IMPROVEMENT AREA

PARTIAL SITE PLAN  
SCALE: 1" = 40'0"

TOPOGRAPHIC SURVEY - BASELINE LAND SURVEYORS - 2003



OVERALL SITE PLAN  
NO SCALE

## General Information:

- 1) Project: Chamisal Tennis & Fitness Club – Use Permit Minor & Trivial Amendment  
185 Robley Road  
Salinas CA 93908
- 2) Owner: 5 Ownership Entities, c/o  
Chamisal Family Partnership LTD – Mr. Robert Mitchell  
Michael & Elizabeth Tonti – Mr. Mike Tonti  
185 Robley Road  
Salinas CA 93908  
(831) 484-1135
- 3) Owner's Rep: lyondesign – Carmel CA  
Contact: Mr. Stephen Lyon  
(831) 601-4718
- 4) Assessor Parcel Number: **416-321-017-000** Zoning: **PQP/B-8-VS**
- 5) Reference Number(s): **PLN240107** Original Use Permit: **PC1584**
- 6) Project Description:  
Adjust number of allowable 'courts' on subject property. Other terms & conditions of previous agreements and use permit adjustments remain without change. Original use permit allowed 14 courts. Modify Use Permit to allow 25 courts, to include a mix of tennis courts and pickleball courts. Approved number allows for 10 existing tennis courts & 15 pickleball courts whose total includes 8 existing pickleball courts, 3 pickleball courts to be re-installed installed at paving beside Camino De Chamisal, and 4 future pickleball courts whose exact positioning on site is TBD.

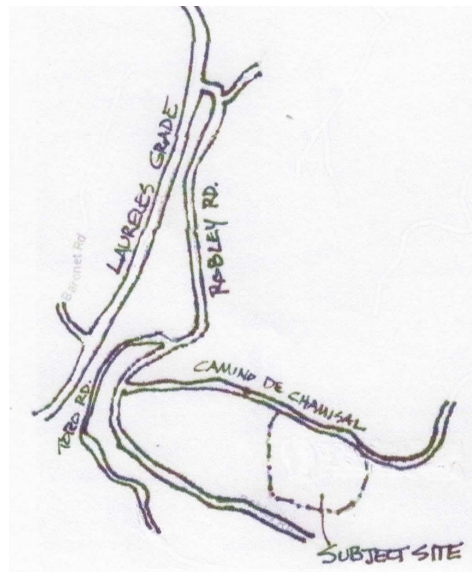
## Sheet Index

ExH 1 – Site Plan & Notes

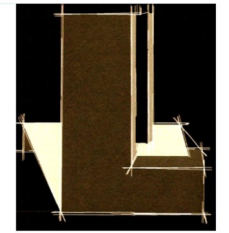
3 COURTS TO BE RE-INSTALLED - 2024

4 POTENTIAL FUTURE COURTS - EXACT LOCATION TBD.

EXISTING 'COURTS' TO REMAIN, U.O.N.



VICINITY MAP  
NO SCALE



lyondesign  
design/build services  
Lic# 818580

CHAMISAL - USE PERMIT MINOR & TRIVIAL MODIFICATION  
185 ROBLEY ROAD, SALINAS CA 93908

SITE PLAN & NOTES

DATE: 7/1/2024

SCALE: as noted

DRAWN: SLyon

EXH-1

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