

# Exhibit B

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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:

**EVERS TODD M & SHARYN F (PLN240261)**

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

Resolution by the County of Monterey Zoning  
Administrator:

- 1) Finding that the project qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Design Approval to allow construction of a 5,700 square foot single family dwelling with an attached 804 square foot garage, 256 square foot covered front porch, 224 square foot patio, a 400 square foot detached Accessory Dwelling Unit, and associated site improvements including the removal of three Coast live oak trees (24", 36", and 20" diameters).

[PLN240261 [EVERS TODD M & SHARYN F], [423 Estrella D'Oro, Monterey], [Greater Monterey Peninsula Area Plan] (Assessor's Parcel Number 173-074-004-000)]

**The EVERS TODD M & SHARYN F application (PLN240261) came on for a public hearing before the County of Monterey Zoning Administrator on March 13, 2025. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Zoning Administrator finds and decides as follows:**

**WHEREAS**, the proposed project PLN240261, located at [423 Estrella D'Oro, Monterey, Greater Monterey Peninsula Area Plan (APN: 173-074-004-000)], is consistent with the policies of the Monterey County 2010 General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21);

**WHEREAS**, the subject parcel is zoned Low Density Residential, with a Building Site 6 and Design Control Overlay which allows for construction of a single-family dwelling and accessory structures, subject to the granting of a Design Approval;

**WHEREAS**, as proposed, the project consists of construction of a 5,700 square foot single family dwelling with an attached 804 square foot garage, 256 square foot covered front porch, 224 square foot patio, a 400 square foot detached Accessory Dwelling Unit, and associated site improvements including the removal of three Coast live oak trees.

**WHEREAS**, as detailed in the attached plans, the proposed project meets all required development standards established in Monterey County Code (MCC) section 21.14.060 and 2010 General Plan Policy LU-2.2.

**WHEREAS**, the proposed colors and materials, and bulk and mass blend with the surrounding environment, are consistent with the surrounding residential neighborhood character, and other dwellings in the neighborhood;

**WHEREAS**, the proposed project is not located in an area of high visual sensitivity and as sited, designed, and conditioned, will not result in adverse visual impacts. Further, the project is consistent with the applicable scenic resource policies of the 2010 General Plan and the Greater Monterey Peninsula Area Plan;

**WHEREAS**, the proposed project includes the removal of three trees due to being within the proposed building footprint of the residence and accessory structures. In accordance with MCC section 21.64.260.D.5, the proposed tree removal is the minimum required under the circumstances of this case and will not result in adverse environmental impacts;

**WHEREAS**, a Phase 1 Archaeological Report was prepared when the subdivision was created. The Environmental Impact Report (EIR) for the Pasadera Subdivision, or Rancho Monterey Subdivision, and had it's own mitigation measures. The applicant has submitted an archaeological report waiver, and it has been approved as of February 19, 2025.

**WHEREAS**, the subject property (0.609 acres) is identified as Lot 78 as seen on Cities and Towns Map, Volume 20, Page 7, Tract No. 1307, and is therefore recognized by the County as a legal lot of record;

**WHEREAS**, Monterey County HCD-Planning and HCD-Building Services records were reviewed, and the County is not aware of any violations existing on the subject property;

**WHEREAS**, the project was referred to the Greater Monterey Peninsula Land Use Advisory Committee pursuant to Board of Supervisors adopted LUAC Guidelines, at which the LUAC on February 18, 2025 voted [vote] to [decision];

**WHEREAS**, California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts new construction of residences and accessory structures. Therefore, the proposed development is consistent with CEQA Guidelines section 15303 and none of the exceptions under CEQA Guidelines section 15300.2 apply to this project; and

**WHEREAS**, pursuant to MCC Section 21.44.070, the Board of Supervisors shall consider appeals from the discretionary decisions of the Zoning Administrator, and the decision of the Board of Supervisors would be final and may not be appealed.

**NOW, THEREFORE BE IT RESOLVED**, based on the above recitals, the Monterey County Zoning Administrator does hereby:

- 1) Find that the project qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 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 5,700 square foot single family dwelling with an attached 804 square foot garage, 256 square foot covered front porch, 224 square foot patio, a 400 square foot detached Accessory Dwelling Unit, and associated site improvements including the removal of three Coast live oak trees.

**PASSED AND ADOPTED** this 13<sup>th</sup> day of March, 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 BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF 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.
2. 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.

3. 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.

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# County of Monterey HCD Planning

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

PLN240261

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This Design Approval Permit (PLN240261) allows for construction of a new 5,700 square foot single-family dwelling with an attached 804 square foot garage, 400 square foot Accessory Dwelling Unit, 256 square foot covered front porch, 224 square foot patio and associated site improvements including removal of three Coast live oaks. The property is located at 423 Estrella D'Oro (Assessor's Parcel Number 173-074-004-000), 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 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 Design Approval (Resolution Number \_\_\_\_\_) was approved by Zoning Administrator for Assessor's Parcel Number 173-074-004-000 on February 13, 2025. The permit was granted subject to 10 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. PW0045 – COUNTYWIDE TRAFFIC FEE

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County HCD-Building Services the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to HCD-Engineering Services.



## 5. PW0044 - CONSTRUCTION MANAGEMENT PLAN

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Construction Management Plan (CMP) to HCD-Planning and HCD-Engineering Services for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project. CMP shall include, at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project.

**Compliance or Monitoring Action to be Performed:**

1. Prior to issuance of the Grading Permit or Building Permit, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the HCD-Planning and HCD- Engineering Services for review and approval.
2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

## 6. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the HCD-Engineering Services

## 7. PD050 - RAPTOR/MIGRATORY BIRD NESTING

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to HCD -Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

## 8. PD048 - TREE REPLACEMENT/RELOCATION

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio:
- Replacement ratio recommended by arborist:
- Other:

Replacement tree(s) shall be located within the same general location as the tree being removed. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall submit evidence of tree replacement to HCD -Planning for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

## 9. 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.

## 10. PD011 - TREE AND ROOT PROTECTION

**Responsible Department:** 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 HCD - 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. (HCD - 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 HCD - 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 HCD-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.