



County of Monterey Planning Commission

Item No. 3

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: PC 25-020

March 12, 2025

Introduced: 3/3/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

PLN240234 - DONOVAN PAUL MARTIN & ELISA M E TRS

Public hearing to consider construction of a 3,111 square foot single-family dwelling with an attached 649 square foot garage, second story 500 square foot Junior Accessory Dwelling Unit, 477 square feet of covered porches and patios, and associated site improvements including the removal of 33 protected trees and 4 dead or hazardous trees.

Project Location: 2819 Congress Road, Pebble Beach, Greater Monterey Peninsula Area Plan

Proposed CEQA action: Find the project Categorical Exempt pursuant to CEQA Guidelines section 15303, and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. 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
- b. Approve a Combined Development Permit consisting of : 1) Use Permit to allow the removal of 33 protected trees and three hazardous trees; and 2) Design Approval to allow the construction of a 3,111 square foot single-family dwelling with an attached 649 square foot garage, second story 500 square foot Junior Accessory Dwelling Unit, 477 square feet of covered porches and patios, and associated site improvements.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval/denial subject to 13 conditions of approval.

PROJECT INFORMATION:

Agent: Bradley Green

Property Owner: Paul Martin & Elisa M. Donovan Trust

APN: 007-103-012-000

Parcel Size: 0.657 acres or 28, 218 square feet

Zoning: Medium Density Residential with Building Site 6, Design Control, and Recreational Equipment Storage overlays or "MDR/B-6-D-RES"

Plan Area: Greater Monterey Peninsula Area Plan

Flagged and Staked: Yes

Project Planner: McKenna Bowling, Assistant Planner, x5298

[bowlingmr@countyofmonterey.gov, (831) 755-5298]

SUMMARY:

The subject property is located at 2819 Congress Road in Pebble Beach, within the unincorporated area of Monterey County. The lot is currently undeveloped and situated in a gated community within Pebble Beach. The proposed project includes construction of a 3,111 square foot single-family dwelling with an attached 649 square foot garage, second story 500 square foot Junior Accessory Dwelling Unit (JADU), 477 square feet of covered porches and patios, and associated site improvements including utilities, a driveway, and approximately 275 cubic yards of cut and 275 cubic yards of fill to be balanced on-site. The project proposes the removal of 37 trees, including 9 Monterey Pines and 28 Coast live oaks. Four of the 37 trees proposed for removal are dead or in a hazardous condition. The project site is supplied water by California American Water. The sewer connection is provided through Carmel Area Wastewater District (CAWD).

DISCUSSION:

Land Use

Based on staff's review of the planning application materials, the project complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 2010 General Plan, Greater Monterey Peninsula Area Plan, and applicable sections of the Monterey County zoning ordinance (Title 21). The parcel is zoned Medium Density Residential, with Building Site 6, Design Control, Recreational Equipment Storage, which allows for the construction of a new residence and accessory structures, subject to a Design Approval. A Use Permit is required to allow the removal of more than three protected trees. In this case, the requested Use Permit contemplates the removal of 36 protected trees, three of which are hazardous.

Title 21 section 21.12.060 establishes the side development standard applicable to structures within the MDR zoning district. Pursuant to Title 21 section 21.12.060.C, the subject main structures shall have setbacks of at least 20 feet for the front, 5 feet for the sides, and 10 feet for the rear, and a maximum allowable height of 30 feet. The garage and JADU are structurally attached to the proposed residence and therefore are subject to the same site development standards as the main structure. As proposed, the residence and attached accessory structures will be over 20 feet from the front, 41 feet side, over 30 feet from the rear, and a proposed height of 21 feet 7 inches from average natural grade. The subject property has an allowable building site coverage of 25 percent, and as proposed the lot coverage will be 18.5 percent. Therefore, the property complies with the required site development standards based on the applicable zoning district.

Design and Visual Resources

Greater Monterey Peninsula Area Plan Policy GMP 3.3 indicates that all development within areas designated as visually "sensitive" and "highly sensitive" as seen on "Greater Monterey Peninsula Scenic Highway Corridors and Visual Sensitivity Map" (Figure 14) shall be sited in a manner that minimizes visible effects of proposed structures and roads to the greatest extent possible and shall utilize landscape screening and other techniques to achieve maximum protection of the visual resource. According to Figure 14, the subject property is not designated as being visually "sensitive" or "highly sensitive". Additionally, staff conducted a site visit on January 3, 2025 to determine whether the project would be visible from any common public viewing area, including 17 Mile Drive and Highway 1. The project is not visible from 17 Mile Drive or any other public viewshed due to intervening mature vegetation and development,

along with the placement of the residence towards the rear of the property. The proposed project includes replanting 12 trees along the property's iron fence line to minimize any visibility from Congress Road.

As designed, the proposed residence will have exterior colors and materials that include gray stucco, metal framing for windows and wood framing for doors, concrete tile roofing and stone veneer siding. The proposed bulk, colors, and materials are consistent with the surrounding residential neighborhood. Additionally, consistent with GMP Policy 3.4, the proposed natural stone veneer siding will help the proposed structures not detract from the natural landscape of the Del Monte Forest. Policy LU-1.13 of the 2010 General Plan requires that all exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long-range visibility is reduced of the lighting source, and off-site glare is fully controlled. As delineated on the project plans, the lighting fixtures proposed are warm LED bulbs, are IDA Dark Sky compliant, and are downlit and unobtrusive. Therefore, the project, as designed and sited, assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity, as required by Title 21, Chapter 21.44.

Environmentally Sensitive Habitat (ESHA)

2010 General Plan Open Space Policy OS-5.3 requires that all development be carefully planned and sited to provide for the conservation and maintenance of critical habitat. A Biological report was prepared to determine whether there are any endangered plant or animal species on the subject parcel. According to this report (County of Monterey Library No. LIB240304), aside from the Monterey Pines and Coast Live Oaks, there is no ESHA or animal or plant communities that would be impacted as a result of constructing the proposed single-family dwelling. Condition No. 4 has been added to the project to assure that if development were to occur between February 1 and August 15, a bird nesting survey be performed prior to tree removal by a qualified biologist to assure there is no active nesting or rearing activity taking place on the property. If such activity were to occur, no tree removal will take place until all such activity has been confirmed to be concluded by the project biologist.

Tree Removal

Greater Monterey Peninsula Area Plan Policy GMP-3.5 states that the removal of healthy, native oak, Monterey pine, and Redwood trees in the Greater Monterey Peninsula Area Plan shall be discouraged. Title 21 section 21.62.260 requires the granting of a Use Permit to authorize the removal of three or more protected trees. In order to grant the Use Permit, the Planning Commission must make the finding that the tree removal is the minimum required under the circumstance of the case, the removal will not result in adverse environmental impacts, or the trees is diseased or hazardous (in danger of falling on or too close to existing or proposed structures).

A Public Utility Easement is conveyed over the front third of the subject property. Accordingly, the proposed residence is situated within the rear half of the subject property. Due to the densely forested condition of the subject property, tree removal is not avoidable in this case. As indicated on the project plans, 37 trees are proposed for removal. 33 of these trees are described as being in good (five trees), moderate (18 trees) or poor (10 trees) condition, but are proposed for removal due to being within the proposed development's footprint and/or grading limits. Avoidance of these trees is not possible with the current shape and size of the proposed

residence. Relocating the proposed residence in any direction would result in equal or greater impacts on forest resources. No trees are being proposed for removal due to the placement of ancillary structures, like decks or patios. Additionally, no Landmark Oaks are proposed for removal, consistent with Title 21 section 21.64.260.C(5). The three other trees (Tree #s 21, 22, 79) proposed for removal have been confirmed to be in poor condition with trunk decay or structural failure, and thus are hazardous to the proposed residence per the Arborist Report (County of Monterey Library No. LIB250039). For those trees within close proximity to the residence, but not within the project footprint, the Project Arborist recommends the pruning and monitoring during construction. Finally, one dead 40# Monterey pine tree is proposed for removal; however, no permit is needed for removal. Pruning, rather than removal, minimizes the number of trees required for removal under the circumstances. Additionally, although the proposed residence is approximately 500 square feet larger than the nearest residence, the proposed residence remains compatible with the surrounding residential neighborhood and is 6.5% (or 1,834 square feet) smaller than the maximum allowed residence size within the MDR zoning district (25% FAR and Site Coverage). Maximizing floor area ratio and/or site coverage would result in the removal of additional protected Oaks and Monterey pines.

Title 21 requires a 1:1 replanting of removed protected trees, unless this requirement would be detrimental to the long-term health of the remaining habitat or the replanted trees. The Project Arborist concluded that the subject property will not have adequate space to replant 36 trees after construction of the single-family dwelling and therefore recommends the replanting of 12 trees (1:3 ratio). If replanted on a 1:1 ratio, the replanted 15-gallon trees would be unlikely to survive due to the overcrowded condition and being out-competed by surrounding mature trees. Accordingly, Condition No. 9 requires the replanting of 12 trees, 10 of which should be Coast live oak trees.

CEQA:

California Environmental Quality Act (CEQA) Guidelines section 15303 categorically exempts new construction, inclusive of single-family dwellings and accessory structures. As proposed, the project involves construction of the first single-family dwelling with an attached garage and second story JADU. The project, as proposed, does not create impacts to an environmental resource, any scenic highways, or historical resources; this will not create any cumulative or significant impact, and this site is not a hazardous waste site. Per the biological report, there were no signs of any endangered plant or animal communities on the property during the pedestrian survey. Although 37 trees are proposed for removal, the project will not result in the loss of forest resources. No evidence of significant adverse environmental effects was identified during the staff's review of the development application.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- HCD-Engineering Services
- HCD-Environmental Services
- Pebble Beach Community Services Fire Protection District
- Greater Monterey Peninsula Land Use Advisory Committee

LAND USE ADVISORY COMMITTEE

The proposed project was reviewed by the Greater Monterey Peninsula LUAC on January 16, 2025. The committee recommended approval of the project by a vote of 6-0, with two members absent (**Exhibit D**).

Prepared by: McKenna Bowling, Assistant Planner, x5298
Reviewed by: Fionna Jensen, WOC Principal Planner, x6407
Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with the HCD:

- Exhibit A - Project Data Sheet
- Exhibit B - Draft Resolution including:
 - Conditions of approval
 - Site Plans
- Exhibit C - Arborist Report
- Exhibit D - LUAC Minutes
- Exhibit E- Vicinity Map

cc: Front Counter Copy; Pebble Beach Community Services Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; McKenna Bowling, Assistant Planner; Fionna Jensen, Principal Planner (WOC); Paul Donovan, Property Owners; Bradley Green, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN240234.