



# County of Monterey

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

## Board Report

---

**File #:** ZA 20-026, **Version:** 1

---

### **PLN180358 - ALBIOL**

Public hearing to consider the construction of an approximately 3,000 square foot single family dwelling and attached garage, with portions of the development on slopes in excess of 25%.

Project Location: 4215 Marguerita Way, Carmel (Assessor's Parcel Number 015-042-016-000), Carmel Valley Master Plan

Proposed CEQA action: Categorically Exempt per Section 15303 of the CEQA Guidelines

### **RECOMMENDATION:**

It is recommended that the Zoning Administrator adopt a resolution to:

- 1) Find the project is a single-family residence which qualifies as a Class 3 Categorical Exemption pursuant to Section 15303(a) of the CEQA Guidelines; and there are no exceptions applicable as described in Section 15300.2 of the CEQA Guidelines; and
- 2) Approve a Combined Development Permit consisting of:
  - a. Administrative Permit and Design Approval to allow the construction of a 2,962 square foot, two-level single-family dwelling with a 920 square foot attached garage/workshop; and
  - b. Use Permit for development on slopes of 25% or greater.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval subject to 11 conditions of approval.

### **PROJECT INFORMATION:**

**Agent:** Les Albiol

**Property Owner:** Les & Patricia Albiol

**APN:** 015-042-016-000

**Parcel Size:** 42,938 sq. ft.

**Zoning:** Low Density Residential, 1 acre per unit with Design Control, Site Plan Review, and Residential Allocation Zone overlay districts or "LDR/1-D-S-RAZ"

**Plan Area:** Carmel Valley Master Plan

**Flagged and Staked:** Yes

### **SUMMARY:**

The subject property is located approximately 0.15 miles north of Carmel Valley Road, half a mile east of Scenic Highway 1. The property is part of the established Rancho Rio Vista subdivision, situated on a hillside of a developed community of Carmel Valley, surrounded by vegetation and trees. The subject project consists of a single-family dwelling with a lower level attached garage and development on slopes in excess of 25%. No trees are proposed for removal with the current design.

### **DISCUSSION:**

Staff conducted a site visit on March 6, 2020 and confirmed that over 40% of the site contains slopes in excess of 25%. The majority of the adjacent lots, primarily those to the east, consist of slopes in excess of 25% as well. Although development on slopes cannot be fully avoided with the proposed project, the proposed location is the most feasible. If the structures were shifted further towards the northwest of the lot, some development on

slopes in excess of 25% may be avoided, but it will pose a greater visibility issue from Carmel Valley Road due to a higher elevation. Furthermore, seven trees were eliminated from removal (5 Monterey Pine and 2 Oaks). Although Monterey Pine is not a protected species in the Carmel Valley Master Plan, oaks are protected pursuant to MCC 21.64.260 (Preservation of Oaks & Other Species).

The structures were strategically designed in order to meet the 30' fuel defensible space for all sides of the structures or property lines and accommodate the fire truck turnaround. The original design for the driveway which was more of a direct approach to the main dwelling, resulted in a steeper incline and accounted for approximately half of the total development on slopes of 25% or greater. The applicant worked with staff to reduce the development on slopes and redesign placement of the driveway (a less direct approach with a longer span), resulting in some additional total grading (approximately 1,500 sq. ft); however, reducing the overall amount of grading taking place on slopes in excess of 25%. In addition, approximately 1,200 sq. ft of impervious paving was avoided by placing the driveway towards the front of the lot rather than towards the back. The old driveway and parking pad design accounted for 3,351 square feet of impermeable surface area due to the slopes. However, the redesign of the driveway further reduced the impermeable surface area to approximately 2,955 square feet since the parking pad no longer requires an impermeable surface.

The redesign also took into account the visibility factor from the surrounding areas in close proximity to the site and assessed visual sensitivity to include common public viewing areas and neighboring properties, although private views are not protected in the Monterey County ordinance. The project has been staked and flagged; this has demonstrated that it is not visible from Carmel Valley Road.

Furthermore, the geotechnical report prepared by Grice Engineering dated April 23, 2019, confirms the soil type and depth, and the underlying shale are consistent across the property. The report concludes that the underlying shale combined with engineered fill are acceptable for supporting the foundation of the proposed home. Therefore, the proposed siting does not increase the risk of erosion. Staff finds that the proposed structure was appropriately sited on a sloped parcel and determined that the proposed building site represents the most feasible location for the proposed structures.

#### Fire Prevention:

In addition to any pruning for construction or aesthetics, California's Department of Forestry and Fire Protection (CalFire) has instituted a set of rules and guidelines for vegetation management and fire safety for homes in the wildland-urban interface (WUI). These guidelines include but are not limited to the following:

- Cut flammable vegetation around buildings a minimum 30 feet.
- Cut dry and dead grass to a maximum height of 4 inches.
- Maintain the roof and gutters of the structure free of leaves, needles or other dead vegetative growth
- Maintain any tree adjacent to or overhanging a building free of dead wood.
- Trim tree limbs that extend within 10 feet of the outlet of a chimney or stove pipe
- Remove all limbs within 6 feet of the ground.
- Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to a fireplace, stove or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material and openings of not more than one-half inch in size.
- Cut plants and grass beneath tree canopies to prevent fire from spreading to the trees. These plants should be "topped off" leaving the root structure intact to minimize erosion.

These rules have been adopted to reduce the fuels around homes and allow firefighters a better chance to combat the increasing wildfires that have been occurring in California. Cypress Fire Protection Department has reviewed the project without imposing any additional conditions of approval on top of these state requirements. A Fuel Management Plan was submitted as part of the application demonstrating the required 30' fuel defensible space for all sides of the structures or property lines, whichever is closer. A condition of approval (No. 4) has been placed as part of the landscaping plan on the project to implement clearing of invasive non-native plant species and clearing of brush/debris to reduce fuel loads on site. The applicant has demonstrated that the project will meet defensible space & vegetation management requirements. Fire resistant construction materials, such as stucco walls and silicon coated "cool" roofing were chosen due to the high fire hazard risk of this parcel. There will also be a 10,000 gallon rainwater capture cistern on site.

Design Review:

The project was found to meet all required development standards for the Low Density Residential (LDR) zoning district as identified in MCC Section 21.14.060. Required setbacks in the LDR district for main dwelling units are 30 feet (front), 20 feet (rear), and 10% of the average lot width to a maximum required of 20 feet (sides). Consistent with these requirements, the proposed structural setbacks are approximately 100 feet (front), 27 (side) and 92 feet (rear). The proposed height for the addition to the single-family dwelling is 18' 7", within the 30-foot maximum allowed height limit. This is utilizing only approximately two-fifth of what is allowed. The proposed design and placement of the structures will blend in seamlessly into the hillside, eliminating visibility from a public common area (Carmel Valley Road). The maximum allowed site coverage is 25%. The property is 42,938 square feet in size, which would allow a maximum site coverage of approximately 10,735 square feet. The total structural coverage is 3,882 square feet, or approximately 9.0% of the site.

The proposed structure is not visible from Carmel Valley Road or from any common public viewing area; therefore, the proposed structures would not have an impact on a public viewshed. Staff has determined that the proposed two-level residence and attached garage/workshop and unfinished basement are compatible with the size, color, siting of surrounding neighborhood character. The simplified modern architectural design incorporates basic straight lines eliminating curves and ornamental details. The development is consistent with the surrounding residential development which consists of mixed architectural elements. Colors and materials are comprised of earthy tones such as tan and beige; consistent with what is found in the surrounding character of the neighborhood. The siting, design, colors and material will allow the structures to blend with the natural environment of Carmel Valley.

Upon review of the submitted information and site visit, staff finds that the proposed structure was appropriately sited. It is the most logical and appropriate location for the proposed development.

CEQA

California Environmental Quality Act (CEQA) Guidelines Section 15303(a) categorically exempts the construction of new, small facilities or structures, including structures accessory to a single-family dwelling or residential use. The project involves the construction of a single-family dwelling and accessory structure. Therefore, the proposed development is consistent with the parameters of this Class 3 exemption. There are no exceptions pursuant to Section 15300.2. No evidence of significant adverse environmental effects were identified during staff 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  
RMA-Public Works  
RMA-Environmental Services  
Cypress Fire Protection Department

LUAC:

The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. The Carmel Valley LUAC reviewed this project on March 2, 2020 and unanimously recommended approval by a vote of 6-0 with several recommendations. During a Carmel Valley Land Use Advisory Committee (LUAC) meeting, there were several concerns brought up by an owner of a neighboring property and members of the LUAC. These concerns consist of the color of the roof, the placement of the water tank and screening, skylights and having down-lit exterior lighting. Although the LUAC unanimously approved the project with some recommendations, several conditions were added to address those concerns. A lighting condition of approval (Condition No. 5) has been added to ensure that the 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 sources shall be shielded and recessed into the fixture. With regards to the roof, the concern was that the color of the roof would be white due to the “cool” energy efficient component. However, this will not be the case. The applicant will select a tan or grey-green color to ensure it blends in with the neighboring properties (Condition No. 11). Furthermore, the applicant has agreed to screening the proposed water tank, this will be incorporated as part of the landscaping condition of approval (Condition No. 4). In order to limit internal glare projecting into the night sky, a condition of approval (Condition No. 10) has been placed in making sure the skylight material will be opaque.

FINANCING:

Funding for staff time associated with this project is included in the FY19-20 Adopted Budget for RMA-Planning.

Prepared by: Son Pham-Gallardo, Associate Planner, x5226

Reviewed by: Brandon Swanson RMA Planning Services Manager

Approved by: John M Dugan, FAICP, RMA Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Conditions of approval
- Site Plans, Floor Plans & Elevations

Exhibit C - Vicinity Map

Exhibit D - LUAC Minutes

cc: Front Counter Copy; Son Pham-Gallardo, Associate Planner, Brandon Swanson, RMA Services Manager; Les & Patricia Albiol, Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN180358