



County of Monterey Planning Commission

Item No.4

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

Agenda Item No.4

May 28, 2025

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PLN240113 - AGUILAR CARLOS & KIMBERLY TRS

Public hearing to consider the construction of an approximately 3,230 square foot single-family dwelling with an attached 530 square foot garage, and 1,164 square feet of new patios and walkways.

Project Location: 151 Robley Road, Salinas, Toro Area Plan.

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

RECOMMENDATION:

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

- a. Find that the project for a new single-family dwelling qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303, and that none of the exceptions set forth in Section 15300.2 apply; and
- b. Approve a Use Permit and Design Approval to allow construction of an approximately 3,230 square foot single-family dwelling with an attached approximately 530 square foot garage, 1,164 square feet of new patios and walkways, and associated site improvements.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 10 conditions of approval.

PROJECT INFORMATION:

Agent: Joshua Stewman

Property Owner: Carlos Aguilar

APN: 416-321-018-000

Parcel Size: 5.14 acres

Zoning: Rural Density Residential with a Building Site 8 overlay and Visual Sensitivity overlay or "RDR/B-8-VS"

Plan Area: Toro Area Plan

Flagged and Staked: Yes

Project Planner: McKenna Bowling, Assistant Planner

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SUMMARY/DISCUSSION:

The subject property is vacant parcel located east of Laureles Grade, directly off Robley Road in Toro of the unincorporated area of the County of Monterey. The proposed project includes construction of an approximately 3,230 square foot one-story single-family dwelling with an attached approximately 530 square foot garage, 1,164 square feet of covered porches and walkways, and

associated site improvements including utilities, a driveway. The site plans (**Exhibit B**) included in this project illustrate a proposed approximately 800 square foot Accessory Dwelling Unit (ADU). Pursuant to Title 21 section 21.64.030 and Government Section Code 65852.2, construction of an ADU shall be processed ministerially. Although a planning entitlement is not required and approval for the construction of ADU is not a part of this application, the ADU is dependent and accessory to a single-family dwelling. Therefore, the proposed ADU remains in the plans. Grading for the proposed project consists of approximately 1,700 cubic yards of cut and 1,700 cubic yards of fill. Water service will be provided by Chamisal Water Association (CWA), a private water system. As proposed, the project will be served by an onsite wastewater treatment system (OWTS).

Based on staff analysis, the proposed project is consistent with the policies and regulations pertaining to zoning uses and any other applicable provisions of the 2010 Monterey County General Plan (General Plan), Toro Area Plan (TAP), and Zoning Ordinance (Title 21).

Land Use & Development Standards

The parcel is zoned Rural Density Residential (“RDR”), with a Building Site 8 and Visual Sensitivity (“VS”) overlay. Title 21 section 21.16.030 allows for the construction of a new single-family dwelling and attached garage; however, pursuant to Title 21 section 21.46.030.D, the proposed development is subject to a Use Permit and Design Approval as the property includes a VS zoning overlay and is visible from a common public viewing area, Laureles Grade.

Title 21 section 21.16.060 establishes the site development standards applicable to structures within the RDR zoning district. Pursuant to Title 21 section 21.16.060.C, the main structures shall have setbacks of at least 30 feet for the front, 20 feet for the sides, and 20 feet for the rear, and a maximum allowable height of 30 feet. The garage is attached to the proposed residence and therefore are subject to the same site development standards as the main structure pursuant to Title 21 section 21.62.040.K. As proposed, the residence and attached accessory structure will be over 30 feet from the front, over 20 feet from the side, over 20 feet from the rear, and a proposed height of 11 feet 8 inches for the residence as measured from average natural grade. The subject property has an allowable building site coverage of 25 percent, and as proposed the lot coverage will be 6.4 percent. Therefore, the property complies with the required site development standards based on the applicable RDR zoning district.

The subject property is within a B-8 overlay. Within the Toro Area Plan, the B-8 overlay was established due to known water supply constraints and intended to restrict development or land use intensification that would adversely affect the water supply. Pursuant Title 21 section 21.42.030.H.1, the construction of the first single-family dwelling and accessory structures are exempt from the limitation of the B-8 zoning overlay. As noted above, the property will be served by the Chamisal Water Association, which indicated that there is an adequate water supply to serve the proposed development.

Design and Visual Resources

Toro Area Plan (TAP) Policy T-3.3 indicates that new development within areas designated as “visually sensitive”, as illustrated on the Toro Area Scenic Highway Corridors and Visual Sensitivity Map (Figure 16), may be permitted if the development is located and designed (building design,

exterior lighting, and siting) in such a manner that will enhance the scenic value of the area. Architectural design consistent with the rural nature of the Plan area shall be encouraged. According to Figure 16, the subject property is not designated as being visually “sensitive” or “highly sensitive”; however, the subject property does have a VS overlay and is visible from a common public viewing area.

Staff conducted a site visit on January 3, 2025, to determine whether the project would be visible from any common public viewing area, including Highway 68 and Laureles Grade. The project will be visible from Laureles Grade but not visible from Highway 68. Due to siting and changes in elevation, the residence will only be visible for a few seconds when travelling south along Laureles Grade. The vacant parcel is adjacent to a residentially developed site and the Chamisal Tennis and Fitness Club, both of which are visible from Laureles Grade. The proposed residence and ADU both are under the maximum allowable height and are sited toward the rear of the property. The project includes the use of a flat roof line for both structures, and the proposed colors and materials incorporate natural earth tones to help blend the structures into the existing vegetation. Due to distance (approx. 800 feet east), intervening vegetation, siting, and design, the proposed development will be compatible with the surrounding neighborhood and will not create any adverse visual impacts to the public viewshed when compared to the existing developed area.

As proposed, the residence will have exterior colors and materials that include horizontal wood siding and galvanized metal siding, metal framed windows, and a metal roof. The proposed bulk, colors, and materials are consistent with the surrounding residential neighborhood. Additionally, the proposed colors and materials will not detract from the natural landscape of the Toro area. General Plan Policy LU-1.13 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 (**Exhibit B**), 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, consistent with Title 21, Chapter 21.44.

Geological Hazards

According to Monterey County GIS, the subject property is located within 660 feet of active or potentially active faults. A Geological Hazards Assessment (County of Monterey Library No. LIB250109; **Exhibit D**) and Geotechnical Report (County of Monterey Library No. LIB190127) were prepared to address the property’s known geological hazards. According to these reports, there is no evidence indicative of active faults at or immediately adjacent to the proposed development site. However, based on the pattern of disrupted geologic units exposed in the roadcuts along Robley Road adjacent to the west of the site, the geologist determined that the Chupines Fault splits into two subparallel traces several hundred feet east of the site. One of these fault traces trends through the southern third of the subject property.

In accordance with General Plan Policy S-1.5, and the recommendations of the geologist, the proposed development was re-sited to be greater than 50 feet from the identified fault trace. The geologist determined that with adherence to this required 50-foot setback, the potential for fault surface rupture directly impacting the proposed structures is very low. Additionally, due to the project

site being underlain with medium dense/stiff geologic materials, the geologist determined that the potential for liquefaction and lateral spreading is low. Policy S-1.8 of the 2010 General Plan requires that new development only be approved if it can be demonstrated that the site is physically suitable, and the development will neither create nor significantly contribute to geologic instability or geologic hazards. Based on the conclusions of the Geologic Hazards Assessment, this site is suitable for the residential use this project proposes, and there are no geological or seismic hazards that would preclude this property from being developed.

CEQA:

The applicants propose a single-family dwelling and an ADU. However, under Title 21 section 21.64.030 and Government Code section 65852.2, the ADU is being processed ministerially. CEQA Guidelines section 15268(d) declares that “[w]here a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.” In such cases, while the whole project becomes subject to CEQA, it is only those discretionary components of the project - those parts which the reviewing agency (here, the County) has authority to shape, influence, approve, or deny (CEQA Guidelines section 15040; Public Resources Code section 21004). Accordingly, while the Planning Commission’s discretionary authority is limited to consideration of the proposed residence, the proposed residence and the ADU are subject to 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 the construction of the first single-family dwelling with an attached garage and detached ADU. The project, as proposed, will not create impacts on an environmental or historical resource. The project will not create any cumulative or significant impact, and this site is not a hazardous waste site. Although the proposed development is visible from Laureles Grade (a State-designed County Scenic Highway Corridor), the proposed development will not have an adverse visual impact on the scenic highway due to siting, distance, and design. Therefore, the project is consistent with the categorical exemption requirements of CEQA Guidelines section 15303. No evidence of significant adverse environmental effects was identified during the staff’s review of the development application.

LAND USE ADVISORY COMMITTEE:

The proposed project was reviewed by the Toro Land Use Advisory Committee May 12, 2025. The committee recommended approval of the project by a vote of 3-2 in support of the project (**Exhibit C**) but expressed concerns relative to the design of a manufactured residence in comparison to the custom-built homes in the Chamisal subdivision area, and the driveway entrance from Robley Road to access the property.

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
- Monterey County Regional Fire Protection District

Toro Land Use Advisory Committee

Prepared by: McKenna Bowling, Assistant Planner, x5298

Reviewed by: Jacquelyn M. Nickerson, Principal Planner

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 - LUAC Minutes

Exhibit D - Geological Report

Exhibit D - Vicinity Map

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; McKenna Bowling, Assistant Planner; Jacquelyn M. Nickerson, Principal Planner; Carlos Aguilar, Property Owners; Joshua Stewman, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN240113.