



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

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PLN230138 - VAN ESS PROPERTIES LLC

Public hearing to consider a lot line adjustment between three legal lots of record containing 10.89 acres, resulting in three parcels containing 3.39 acres [Adjusted Parcel A], 1.77 acres [Adjusted Parcel B], and 5.73 acres [Adjusted Parcel C], and demolition of all structures on Parcel B.

Project Location: 182 and 179 Van Ess Way, Carmel, Carmel Land Use Plan.

Proposed CEQA Action: Find the project Categorical Exempt pursuant to CEQA Guidelines sections 15301(l), 15305(a), and no exceptions pursuant to Section 15300.2 can be made.

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution:

- 1) Finding that the project qualifies as a Class 1, Class 5, and Class 17 Categorical Exemption pursuant to CEQA Guidelines sections 15301(l) and 15305(a), and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Combined Development Permit consisting of:
 - a. A Coastal Administrative Permit to allow demolition of an existing single-family dwelling, garage and shed on Parcel B (APN: 241-311-037-000); and
 - b. A Coastal Development Permit to allow a lot line adjustment between three legal lots of record consisting of Parcel A (APN: 241-311-036-000 - 3.24 acres), Parcel B (APN: 241-311-037-000 - 3.13 acres) and Parcel C (APN: 241-311-038-000 - 4.52 acres), resulting in three parcels containing 3.39 acres (Adjusted Parcel A), 1.77 acres (Adjusted Parcel B) and 5.73 acres (Adjusted Parcel C).

Staff has prepared a draft resolution, including findings and evidence, for consideration (**Exhibit A**). Staff recommends approval of the lot line adjustment subject to seven conditions of approval.

PROJECT INFORMATION:

Property Owners: Van Ess Properties LLC

Agent: Laura Lawrence, The Law Office of Aengus L. Jeffers

APNs: 241-311-036-000 (Parcel A), 241-311-037-000 (Parcel B) and 241-311-038-000 (Parcel C)

Zoning: Low Density Residential, 1 acre per unit, with a Design Control overlay (Coastal Zone) [LDR/1-D (CZ)]

Existing Parcel Sizes: Parcel A (3.24 acres), Parcel B (3.13 acres) and Parcel C (4.52 acres),

Plan Area: Carmel Area Land Use Plan, Coastal Zone

Flagged and Staked: Not required because the proposed lot line adjustment does not involve any structural development.

Project Planner: Fionna Jensen, Senior Planner

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SUMMARY/DISCUSSION:

The Applicant proposes a lot line adjustment (LLA) between three contiguous lots accessed via Van Ess Way in the unincorporated area of Carmel Highlands. This area of the County consists primarily of residential lots with corresponding residential development. The LLA involves three legal lots totaling 10.89 acres and all under common ownership, Van Ess Properties LLC. Existing Parcels A and B are currently developed single family dwellings, while Existing Parcel C is vacant. As proposed, the lot line adjustment will rearrange the total acreage (10.89 acres) and result in three lots containing 3.39 acres [Adjusted Parcel A], 1.77 acres [Adjusted Parcel B], and 5.73 acres [Adjusted Parcel C]. The proposed project also involves demolition of the single-family dwelling, garage, and shed on Existing Parcel B. Redevelopment of Parcel B is being processed under a separate discretionary permit (HCD Planning File No. PLN230218). The Applicant is also seeking demolition and redevelopment of Parcel A, but this request is also being processed under a separate discretionary permit (HCD Planning File No. PLN230217). As proposed, the resulting lots would remain conforming as to minimum lot size, maximum density, structural coverage, and setbacks.

There are no identified impacts to environmental resources. At this time, staff only recommends the granting of the Combined Development Permit to allow the LLA and demolition of structures on Parcel B. Future development on the adjusted parcels would be required to conform to the Monterey County Code requirements in effect at the time and obtain all necessary permits.

Site Development Standards

The three parcels are zoned Low Density Residential, 1 acre per unit, coastal zone or “LDR/1(CZ)”. The LLA would not create new lots (i.e., would not subdivide of the existing parcels), and would not intensify the combined level of development allowed on the parcels.

A Conservation and Scenic Easement (CSE) covers the majority of Parcels A and B, and all of Parcel C (see below *Conservation and Scenic Easement* discussion more details). Existing Parcel A has one developable area outside the CSE boundaries while Existing Parcel B has two developable areas that are not subject to CSE restrictions. Existing Parcel A (3.24 acres) is currently developed with one single family dwelling and could not currently support a second or third residence due to the CSE boundaries (total potential build out of one residence). Existing Parcel B (3.13 acres) is also developed with one small residence (611 square feet) and as such the remaining developable areas could be developed with at least two additional appropriately designed and sited single-family dwellings (total potential build out of three residences). A CSE currently covers the entirety of Parcel C, making it undevelopable (no development potential). Currently, the potential build out of the three parcels is four single family dwellings (does not account for accessory dwelling unit potential).

The proposed LLA adjusts the lot line between Existing Parcels B and C to move one of the two buildable areas from Existing Parcel B to Adjusted Parcel C. As proposed, Adjusted Parcel A (3.39 acres) will continue to only support the density of one residence due to the limited buildable area outside of the CSE boundaries. Further, the foreseeable redevelopment of Adjusted Parcel A, being processed under PLN230317, only contemplates one residence. Adjusted Parcel B will be 1.77 acres

and thus only support one main residence. The foreseeable redevelopment of Adjusted Parcel B, being processed under PLN230318, also only contemplates one residence. Although Adjusted Parcel C will be 5.73 acres, it is reasonable to consider that the extensive CSE boundaries and required setbacks from wells and property lines would limit the future build out of this lot to only one residence. The Applicant has informed staff that they have no intention of developing Parcel C at this time. Given the site constraints of each lot, the adjusted parcels could only reasonably support one residence each, or a total of three residences. Not considering accessory dwelling unit possibilities, the proposed LLA reduces the combined development potential from four single family dwellings to three single family dwellings.

Per the zoning district, the minimum lot size is one acre. After the adjustment, there will be three lots of record containing 3.39 acres [Adjusted Parcel A], 1.77 acres [Adjusted Parcel B], and 5.73 acres [Adjusted Parcel C]. The existing development on Parcels A and B complies with the required site coverage and floor area ratio requirements (15 percent and 20 percent, respectively). With implementation of the proposed project, development on Adjusted Parcel A will have a site coverage and floor area ratio of 3 percent and 3.6 percent, respectively. Adjusted Parcel B will be vacant within implementation of the proposed project and Adjusted Parcel C will remain vacant, except for a well and underground water tank. Therefore, the resulting parcels conform to the maximum allowed site coverage and floor area ratio.

The existing residence on Adjusted Parcel A will continue to meet required setbacks with implementation of the proposed lot line adjustment (29 feet 9 inches [front], 125 feet 10 inches [side], and 193 feet 3 inches [rear]). The existing single-family dwelling on Parcel B will have non-conforming setbacks with implementation of the proposed lot line adjustment. Thus, the project also includes demolition of all structures on Parcel B (611 square foot main residence, 94 square foot shed, and a 336 square foot garage). As proposed, Adjusted Parcel B will be vacant and Adjusted Parcel C will continue to have no structural development.

Historical Resources

A Phase 1 Historical Assessment (LIB230220; **Exhibit B**) was prepared and determined that the circa-1956 residence and garage on Parcel B do not retain any historical significance. The structures on Parcel B were not developed as a result of a significant historic event and do not resemble outstanding examples of architectural design or construction methods. The only ownership period that could be considered significant occurred when Richard Francis McGraw purchased Parcels A, B and C in 1953. Mr. McGraw resided in Burbank, California in the 1950s-1960s and used residences on Parcels A and B as secondary homes. Since Burbank, California was Mr. McGraw's primary residence, the subject property and related development are not considered to be associated with significant persons. The proposed project will not alter the existing residence on Parcel A and Parcel C is vacant. Therefore, the project would not impact any historical resources.

Conservation and Scenic Easement

In 1976, a Conservation and Scenic Easement (CSE) was granted over portions of Parcels A, B, and C to the County of Monterey with the purpose of protecting the properties' natural scenic beauty and slopes in excess of 30 percent (Document No. 33808; Reel 1079, Page 403). It was discovered in 1994 that the CSE boundaries were not correct. The CSE boundaries on Parcel B were adjusted to

account for areas of existing development (single family dwelling, garage, and shed) and to better capture the property's steeper slopes. The CSE was corrected through recordation of a Certificate of Correction (Document No. 59263). No adjustments to the CSE on Parcels A or C were made in 1994.

The CSE boundaries on Parcel A currently do not capture the entirety of the property's steeper slopes. Further, the existing CSE boundaries do not ensure protection of the properties' environmentally sensitive habitat area (ESHA). The proposed CSE Map Amendment would increase its boundaries to cover portions of Parcels A and B that contain slopes in excess of 30 percent and/or ESHA and remove portions that contain existing permitted development or are absent of natural resources. The proposed CSE Map Amendment would increase the easement boundaries by 10,472 square feet and better conform to the goals, policies, and text of the Carmel Area Land Use Plan regarding protection of slopes in excess of 30 percent and ESHA. No revisions to the CSE exceptions or restrictions are proposed. The Board of Supervisors is the appropriate body to consider amendments to CSEs. Neither the LLA nor the proposed demolition work are contingent on amending the CSE. Therefore, Condition No. 6 has been applied to ensure that CSE Amendment is implemented and recorded.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

- HCD-Engineering Services
- HCD-Environmental Services
- Environmental Health Bureau
- Carmel Highlands Fire Protection District

LAND USE ADVISORY COMMITTEE

On October 2, 2023, the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) reviewed the project. At this meeting, members of the public raised questions regarding the development potential of Parcel C, whether CalAm had reviewed the development proposal for Parcels A and B, requested that additional fire water storage be installed by the property owner, and generally noted that Van Ess is a private, narrow road with limited emergency access. The LUAC voted 4-0 to support the project with the change that Parcel C boundaries are not adjusted. The LUAC's concern was that the proposed LLA would increase the allowable density or potential development. Additionally, the LUAC cited the need to preserve the open space buffer between surrounding residences and the subject properties' development as a reason why Parcel C should be excluded from the proposed LLA. While the proposed LLA does increase the development potential on Parcel C to one unit, the proposed LLA reduces the combined development potential on these three lots from five residences to three residences. Although a buildable area will be transferred from existing Parcel B to Adjusted Parcel C, the existing CSE boundaries, open space, and current conditions of existing Parcel C will remain. The subject property is not required to provide water storage for all residences on Van Ess Way, and the proposed LLA will not further impact emergency access.

Pursuant to Monterey County Subdivision Ordinance section 19.09.025, the Planning Commission's review and approval authority is limited to a determination of whether or not the parcels resulting from the lot line adjustment conform to County Zoning Code. As detailed above, staff's analysis has

concluded that the resulting parcels confirm to Monterey County Code.

CEQA:

California Environmental Quality Act (CEQA) Guidelines section 15301(1) categorically exempts the demolition and removal of small structures, including single family dwellings. CEQA Guidelines section 15305(a) categorically exempts minor lot line adjustments not resulting in the creation of any new parcel. The applicant proposes demolition of a 611 square foot single family dwelling, 336 square foot garage, and a 94 square shed. Therefore, this portion of the project is consistent with categorical exemption requirements of CEQA guidelines section 15301. Additionally, the proposed project includes a minor lot line adjustment between three legal lots of record: Parcel A (3.24 acres), Parcel B (3.13 acres), and Parcel C (4.52 acres), resulting in three lots of record containing 3.39 acres [Adjusted Parcel A], 1.77 acres [Adjusted Parcel C]. The lot line adjustment will not intensify the level of development allowed on the parcels and no new lots will be created by the lot line adjustment. Therefore, this component qualifies as a Class 5 categorical exemption.

Prepared by: Fionna Jensen, Senior Planner x6407

Reviewed by: Anna Ginette Quenga, AICP, Principal Planner

Approved by: Melanie Beretti, AICP, Acting Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution

- Recommended Conditions of Approval
- Project Plans

Exhibit B - Historical Assessment

Exhibit C - Carmel Unincorporated/Highlands LUAC Minutes (October 2, 2023)

Exhibit D - Vicinity Map

cc: Front Counter Copy; Planning Commission; California Coastal Commission; Carmel Highlands Fire Protection District; Environmental Health Bureau; HCD-Engineering Services Works; HCD-Environmental Services; Anna Ginette Quenga, AICP, Principal Planner; Fionna Jensen, Project Planner; Laura Lawrence, Agent; Van Ess Properties LLC, Owner; Christina McGinnis, Keep Big Sur Wild; Laborers International Union of North America (Lozeau Drury LLP); The Open Monterey Project (Molly Erickson); LandWatch; Planning File PLN230138

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