



County of Monterey Zoning Administrator

Item No.2

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

Legistar File Number: ZA 24-045

October 31, 2024

Introduced: 10/25/2024

Current Status: Agenda Ready

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Matter Type: Zoning Administrator

PLN230218 - VAN ESS PROPERTIES LLC

Public hearing to consider construction of a 2,309 square foot one-story single-family dwelling, inclusive of a garage, and associated site improvements including the removal of two planted Monterey cypress trees. The project involves development within 100 feet of environmentally sensitive habitat area and 750 feet of known archaeological resources.

Project Location: 179 Van Ess Way, Carmel.

Proposed CEQA Action: Find the project Categorically Exemption pursuant to CEQA Guidelines section 15303 and no exceptions apply under section 15300.2.

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution:

- 1) Finding the project Categorically Exemption pursuant to CEQA Guidelines section 15303 and no exceptions apply under section 15300.2; and
- 2) Approving a Combined Development Permit consisting of a:
 - a. Coastal Administrative Permit and Design Approval to allow construction of a 2,309 square foot single-family dwelling and associated site improvements including the removal of two planted Monterey cypress trees;
 - b. Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat Area; and
 - c. Coastal Administrative Permit to allow development within 750 feet of known archaeological resources.

A draft resolution with findings and evidence supporting this recommendation and subject to 12 conditions of approval is attached for consideration (**Exhibit A**).

PROJECT INFORMATION:

Owner: Van Ess Properties LLC

Applicant: Aengus L. Jeffers

APN: 241-311-044-000

Zoning: zoned Low-Density Residential, 1 unit per acre, Design Control Overlay, within the Coastal Zone, or "LDR/1-D(CZ)"

Parcel Size: 2.98 acres

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Yes

Project Planner: Fionna Jensen, (831) 796-6407, JensenF1@countyofmonterey.gov

SUMMARY:

The subject property is located within the unincorporated residential area of Carmel Highlands. The project site was previously developed with a single-family dwelling (constructed 1956), which was demolished under HCD-Planning File No. PLN230138. The Applicant/Owner proposes to redevelop that vacant site with a one-story 2,309 square-foot single-family dwelling with an attached garage. Proposed site improvements include a replacement driveway, replacement on-site wastewater treatment system (OWTS), replacement entrance gate, new hardscape, and new retaining walls. The proposed project also involves development within 100 feet of environmentally sensitive habitat areas and 750 feet of known archaeological resources. Two planted cypress trees near the existing driveway will be removed due to construction-related impacts. Grading will consist of approximately 700 cubic yards of cut and 100 cubic yards of fill, with 600 cubic yards of export.

DISCUSSION

Staff has reviewed the project for consistency with the 1982 General Plan, Carmel Area Land Use Plan (LUP) and Coastal Implementation Plan (Part 4), and the Coastal Zoning Ordinance (Title 20).

Development Standards

The subject property is zoned for low density residential use, which allows development of the first single family dwelling, subject to the granting of a Coastal Administrative Permit in each case. The development standards for the Low Density Residential or “LDR” are identified in Title 20 section 20.14.060. The proposed residence will have a front setback of approximately 142 feet, side setbacks ranging between approximately 26 feet and 107 feet, and a rear setback of approximately 258 feet. The allowed height for main structures is 30 feet above the average natural grade. The proposed residence will have a height above average natural grade of 17.25 feet. At 2.98 acres, the maximum allowed building coverage is 19,451 square feet or 15% of the total property size. Implementation of the project will result in a building site coverage of 2.4% (3,058 square feet). Therefore, the proposed project meets the required site development standards.

Design Review and Visual Resources

The subject property’s Design Control zoning overlay requires the granting of a Design Approval for the proposed development. The proposed residence will be constructed in a similar location as the previous residence. The proposed modern architectural style incorporates a low-profile design with natural colors and materials. The proposed exterior colors and materials consist of dark natural stone, blackened steel, natural horizontal wood siding, and dark grey roofing. The proposed colors and materials are compatible with and blend into the dark undertones of the surrounding natural environment (cypress trees and vegetation) and will not contrast with the residential neighborhood's character. Condition No. 5 has been applied to require the installation of down-lit unobtrusive exterior lighting. Condition No. 10 has been applied to require the installation of shading treatment and non-reflective glazing on all northern-facing windows. This condition will help control the visibility of the interior lighting as well as reduce glare from the windows. As proposed and conditioned, the project is consistent with neighborhood character and assures visual integrity.

As depicted in Map A of the Carmel Area LUP, the subject property is within the “General Viewshed”, which generally correlates to areas visible from major public use areas including 17-Mile

Drive, views of Pescadero Canyon, Scenic Road, Highway 1, and Point Lobos State Natural Reserve. As confirmed by HCD-Planning staff's site visit, the proposed development will not be visible from any public vista point due to existing mature vegetation and the proposed natural colors and materials, which will blend in with the surrounding environment. As designed and sited, the project assures protection of the public viewshed and the project would not result in adverse visual impacts.

Environmentally Sensitive Habitat Area

The policies in Chapter 2.3 of the Carmel Area LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. Policy 2.3.3.1 of the Carmel Area LUP requires that the construction of structures be avoided within critical and sensitive habitat areas and sites of known rare and endangered species of plants and animals. The prepared Biological report (County of Monterey Library No. LIB230326) found that portions of the subject property contain Northern coastal bluff scrub habitat and Central maritime chaparral, both of which are identified as protected habitats in the Carmel Area LUP. Further, the Project Biologist observed listed sensitive species including Seacliff buckwheat (*Eriogonum parvifolium*), Seaside paintbrush (*Castilleja latifolia*), Monterey ceanothus (*Ceanothus rigidus*), Small leaved lomatium (*Lomatium parvifolium*). Seacliff buckwheat is found in several scattered, discontinuous patches and individual occurrences south of the project site. Though on-site populations of the Seacliff buckwheat plant are limited, and no federally endangered Smith's blue butterflies were observed during the Biologist's field surveys, there is potential for Smith's blue butterfly to utilize the buckwheat plants on the parcel as historical sightings have been recorded in nearby parcels to the north and south. All on-site sensitive habitats and plants are located within the existing Conservation and Scenic Easement (CSE), as confirmed by the Project Biologist. Additionally, the Project Biologist determined that Western bumble bees and Monarch butterflies have a very low potential to occupy the site. A variety of nesting birds were identified in nearby trees. Invasive plant species cover most of the landscaped areas and spread throughout the natural communities adjacent to the proposed development.

Carmel Area LUP Policy 2.3.3.2 stipulates land uses adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resources. Further, Carmel Area LUP Policy 2.3.3.3 requires that new development be proposed at a density that ensures the maintenance of adjacent sensitive habitat. Central maritime chaparral and coastal scrub exist in close proximity (within 10-30 feet) to the proposed development. However, the proposed residence's siting, within previously disturbed areas, avoids disturbance of the adjacent areas containing environmentally sensitive natural plant communities and natural habitats. The replacement OWTS is sited within native Monterey cypress understory that lacks sensitive resources. This area is not considered ESHA under the Carmel Area LUP. In accordance with Carmel Area LUP Policy 2.3.3.7, the project limits the amount of indigenous vegetation removal to only improvements related to the installation of the OWTS. This area will be restored with native vegetation after the installation of the replacement OWTS (Condition No. 11). Condition No. 11 also requires the eradication of invasive species and the introduction of native landscaping throughout the building site area and monitoring of the revegetated areas by the Project Biologist for a minimum of three years to ensure that invasive species do not get re-introduced and the native landscaping is successful. The introduction of native landscaping will be compatible with long term maintenance of the adjacent sensitive habitat. In accordance with applicable ESHA policies of the Carmel Area LUP and to ensure no inadvertent impacts occur to nearby sensitive habitats and/or individual plants, Condition No. 9

(Construction Management Plan) has been applied to require that construction staging is outside of sensitive habitats, adherence to erosion control best management practices, and installation of habitat protection fencing along the perimeter of the CSE boundary and driveway. Condition No. 12 requires that the Applicant/Owner obtain a bird nesting survey. Should protected avian species or their nests occupy nearby trees, the Applicant/Owner shall incorporate the biologist's recommendations to avoid impacts on avian species. Implementation of these conditions ensures long-term maintenance of the property's ESHA.

Cultural Resources

According to County of Monterey GIS, the subject property is identified as being within high archaeological sensitivity area and 750 feet of known archaeological resources. The project site was previously developed with a single-family dwelling and has undergone moderate amounts of ground disturbance since approximately 1956 when the previous residence was constructed. The proposed dwelling is situated in a previously graded area. Per the prepared archaeological report (County of Monterey Library No. LIB230288), the Project Archaeologist observed no site indicators of precontact cultural activity and found that disturbance of subsurface deposits is unlikely. There is no evidence that any cultural resources would be disturbed as part of this project, and the potential for inadvertent impacts on cultural resources is limited and will be controlled by the application of the County's standard project condition (Condition No. 3) which requires the contractor to stop work if previously unidentified resources are discovered during construction.

Violations

In 2016 and 2023, HCD-Planning issued two Coastal Development Permit Waivers to allow the removal of a total of six Monterey pine trees (HCD-Planning File No. TRM230081 and TRM160403). As conditioned, the Applicant/Owner was required to replant six Monterey pines or four Monterey pines and two cypress trees within the property's conservation and scenic easement or in proximity to where they were removed (along the driveway and near the previous residence). The Applicant/Owner has yet to comply with these conditions and is therefore in violation of Title 20, per section 20.90.050. Through coordination with HCD-Planning staff, it was determined that compliance with these conditions is best suited for after the construction of the proposed residence. Re-planting the required trees after construction activities conclude will ensure that no inadvertent impacts on the re-planted trees occur, especially if planted in proximity to the proposed residence. Accordingly, Condition No. 6 has been applied to require that six Monterey pines or four Monterey pines and two cypress trees be re-planted on-site prior to final inspection. Adherence to Condition No. 6 will clear outstanding condition compliance actions under TRM230081 and TRM160403 and abate the violation.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15303(a) categorically exempts the construction of new, small facilities or structures, including single-family dwellings and accessory structures. The project involves the construction of a single-family dwelling and associated site improvements including the removal two planted Monterey cypress trees, a replacement OWTS, and a replacement driveway. The removal of the two planted (non-native) trees will not significantly impact habitat or other sensitive resources at the site. As sited and conditioned, the proposed project will

avoid and/or have less than significant impacts on nearby sensitive resources. The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code to be considered a hazardous waste site. No known historical resources were found in the geotechnical or archaeological reports which may cause a substantial adverse change in the significance of a historical resource. The proposed single-family dwelling will not be visible from public vista points, such as Highway 1 and Point Lobos State Nature Reserve. Though the adjacent lot (APN:241-311-043-000) is also being developed with a single-family dwelling (PLN230217), neither project will adversely impact the environment and no cumulative effects will occur. 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 was identified during staff review of the development application.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project:

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

LAND USE ADVISORY COMMITTEE

Consistent with the Board of Supervisors adopted LUAC Procedure Guidelines, the proposed project was referred to the Carmel Highlands LAUC for review on January 16, 2024. During this meeting, members of the public raised concerns regarding the proximity of the residence to steep slopes, construction-related impacts to the neighborhood and on Van Ess Way, and impacts on private views, and had questions about on-site construction staging. Members of the public also made general comments about the need to keep the turnaround at the end of Van Ess Way free of parking and the need to trim vegetation along Van Ess Way and raised concerns about the safety of turning onto Van Ess Way from Highway 1. The LUAC minutes recognize that many of the comments were focused on construction-related impacts and did not address the proposed design or neighborhood character. After public comment, the LUAC voted 6-0 to support the project as proposed and described the project as incorporating a “tasteful design [that] integrates well with the property, taking advantage of a low-profile design with natural structural elements.” Construction of the first single-family dwelling is exempt from the private roadway standards of Monterey County Code Chapter 16.80. However, implementation of Condition No. 9 (Construction Management Plan) will ensure that all staging will be on-site and construction activities will not impact parking along or the accessibility of Van Ess Way. A Geotechnical Report was prepared and found the site to be suitable for development.

Prepared by: Fionna Jensen, Senior Planner, x6407

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Draft Resolution

Draft Conditions of Approval

- Project plans
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Exhibit B - Vicinity Map

Exhibit C - Visual Simulation

Exhibit D - Biological Report

Exhibit E - Public Comment

Exhibit F - Carmel Highlands LUAC Minutes

cc: Front Counter Copy; California Coastal Commission, Carmel Highlands Fire Protection District; HCD-Engineering Services; HCD-Environmental Services; Environmental Health Bureau; Fionna Jensen, Project Planner; Anna Ginette Quenga, AICP, Principal Planner; Van Ess Properties LLC, Property Owner; Aengus L. Jeffers, Applicant; Christina McGinnis, Interested Party; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230218