



# County of Monterey Zoning Administrator

**Item No.1**

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

**Legistar File Number: ZA 24-044**

October 31, 2024

**Introduced:** 10/25/2024

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Zoning Administrator

## **PLN230217 - VAN ESS PROPERTIES LLC**

Public hearing to consider demolition of a 5,100 square foot single-family dwelling and construction of a 15,593 square foot two-story single-family dwelling with an attached 740 square foot garage and associated site improvements, including the removal of four planted Monterey cypress trees. The project involves ridgeline development, development within 100 feet of Environmentally Sensitive Habitat Area, and development within 750 feet of known archaeological resources.

**Project Location:** 182 Van Ess Way, Carmel.

**Proposed CEQA Action:** Find the project Categorically Exemption pursuant to CEQA Guidelines section 15302 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 15302 and no exceptions apply under section 15300.2; and
- 2) Approving a Combined Development Permit consisting of:
  - a. Coastal Administrative Permit and Design Approval to allow demolition of the existing 5,100 square foot single-family dwelling and construction of a replacement 15,593 square foot single-family dwelling, an attached 740 square foot garage, and associated site improvements including the removal of four planted Monterey cypress trees;
  - b. Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat Area;
  - c. Coastal Development Permit to allow ridgeline development; and
  - d. 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:** 241-311-043-000

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

**Parcel Size:** 3.39 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 is currently developed with a two-story 5,100-square-foot single-family dwelling with an attached garage and associated site improvements (driveway, retaining walls, hardscape, internal paths). The project proposes to demolish the residence and site improvements and construct a two-story 16,333 square foot single-family dwelling, inclusive of a 2,463 square foot basement and 740 square foot garage. Proposed site improvements include a replacement driveway, replacement on-site wastewater treatment system, new deck and pool, and retaining walls. The proposed project also involves development within 100 feet of environmentally sensitive habitat areas (ESHA) and 750 feet of known archaeological resources, and the removal of four planted Monterey cypress trees. Three of these trees were damaged in 2024 winter storms and the fourth will be impacted by construction activities. The removal of planted trees does not require the granting of a discretionary permit. Grading will consist of approximately 2,000 cubic yards of cut and 100 cubic yards of fill, with 1,900 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 replacement residence will have a front setback of approximately 36 feet, side setbacks ranging between approximately 29 feet and 125 feet, and a rear setback of approximately 193 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 19.2 feet, 5 feet below the ridge of the existing residence. At 3.39 acres, the maximum allowed building coverage is 22,145 square feet or 15% of the total property size. The existing development has a building site coverage of approximately 3%. Redevelopment of the project will result in a building site coverage of 8.5% (12,574 square feet). Therefore, the proposed project meets the required site development standards. Though not regulated, the proposed project reduces the total coverage (building site coverage and impervious coverage) by 77 square feet. This reduction is primarily a result of the reduced driveway site and configuration and siting the lower floor of the proposed residence underground.

*Design Review, Visual Resources, and Ridgeline Development*

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 the same location as the existing residence, however, the lower floor will be entirely below grade. The proposed modern architectural style incorporates a low-profile design with natural colors and materials consisting of dark natural stone, blackened steel, natural horizontal wood siding, and dark grey roofing. The proposed colors and materials are compatible with, and blend in

better with, the dark undertones of the surrounding natural environment (cypress trees and vegetation) than the existing exterior colors (bright reddish brown redwood exterior). The proposed colors and materials will not contrast with the residential neighborhood's character. Condition No. 4 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 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. The existing residence is distantly visible from the Highway 1 turnout immediately west of the Carmel Highlands and located approximately 0.6 miles north of the project site. The existing residence is also distantly visible from Point Lobos, 1 mile north. The existing residence meets the definition of "Ridgeline Development" due to its placement along a hilltop and its partial silhouette against the sky. Though the proposed project minimizes viewshed impacts, the replacement residence meets the definition of Ridgeline Development and thus a Coastal Development Permit is required. To allow ridgeline development, the Carmel Coastal Implementation Plan (CIP) requires that the appropriate authority make the following findings:

- 1) There are no alternatives to development so as to avoid ridgeline development;
- 2) The proposed development will not have significant adverse visual impacts due to required landscaping, required modifications to the proposal or other conditions; or
- 3) Development on the ridge will minimize grading, tree removal, or otherwise better meet resource protection policies of the Carmel Area Land Use Plan or development standards of this ordinance; and,
- 4) The development complies with Carmel CIP Section 20.146.030. C. 4 or/and an exception is made pursuant to Section 20.146.120.A.

The proposed development meets above mentioned required Finding Nos. 1, 2, and 4, as discussed below.

A conservation and scenic easement containing sensitive habitat, mature cypress trees, and steep (>30%) slopes surrounds the existing development area. Structural development is prohibited in the easement area. Siting the replacement residence in the same location as the existing residence is the only suitable development site. Though reducing the size of the residence and sighting it further south could reduce visibility, it would continue to silhouette against the sky and consist of ridgeline development due to the lack of vegetation behind or south of the residence. Therefore, there is no feasible alternative to avoid ridgeline development.

The replacement single-family dwelling would be visible from the same public viewing points as the existing residence. However, the replacement dwelling unit would have reduced visibility due to siting the first level below grade, reducing the height of the residence by 5.1 feet, and incorporating dark natural exterior colors and materials. To the west and east, the mature cypress trees will have canopy heights that exceed the proposed residence's ridge height (19 feet). The proposed project also incorporates a flat roof. This flat roof, together with the

proposed colors and materials, will create a more uniform shape with the nearby tree canopies than the existing residence's existing pitched roof and chimneys. Condition Nos. 5 and 10, as described above, will help control exterior lighting and glare, when viewed from Highway 1 and/or Point Lobos. As sited and designed, the proposed project would have a similar or reduced visibility as other visible dwellings in the area, and would not detract from the natural beauty of the scenic shoreline and the undeveloped ridgelines and slopes in the public viewshed. Therefore, as proposed and conditioned, the replacement dwelling would be subordinate to the surrounding area and would not have an adverse visual impact.

Carmel CIP section 20.146.030.C.4 requires that new development on slopes and ridges be sited within existing forest areas or in areas where existing topography ensures that structures will not be visible, and requires the development within the Carmel Highlands and Carmel Meadows must be carefully sited and designed to minimize visibility. This regulation is intended to regulate new development, rather than replacement development. However, consistent intent of this section, the proposed development is situated in the forested area of the property and does not involve any tree removal that will further expose the residence. General land use and development standards are identified in Carmel CIP section 20.146.120.A. Consistent with these standards, the proposed project meets the resource protection policies of the Carmel Area LUP by protecting nearby ESHA, minimizing tree removal, and not impacting steeper slopes. Additionally, the project has a character and scale that will not be detrimental to the natural beauty and tranquility of the coastal Carmel area and does not include subsurface disposal of hazardous materials. Therefore, as designed and conditioned, the project minimizes visibility and meets the applicable Land Use and Development Standards of the Carmel CIP, including resource protection.

In summary, as designed and sited, the project assures protection of the public viewshed, will not result in adverse visual impacts, and meets the criteria to allow ridgeline development.

#### *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*) onsite. Seacliff buckwheat was found in several scattered, discontinuous patches and individual occurrences south of the development area. Though on-site populations of the Seacliff buckwheat plant are limited, and no federally endangered Smith's blue butterfly sightings 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 to no 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. Seacliff buckwheat and coastal scrub exist in proximity (within 20 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 onsite wastewater treatment system (OWTS) is sited within Chamise Chapparral habitat, a native vegetation community with no state or global sensitive rankings or protection under the California Endangered Species Act and thus 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 through implementation of Condition No. 11. Condition No. 11 also requires the eradication of invasive species and the introduction of native landscaping throughout the building site area. It also requires the Project Biologist monitor the revegetated areas 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. 8 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 a 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 1966 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.

A Phase I Historic Assessment (County of Monterey Library No. LIB230220) was prepared and determined that the circa 1966 residence does not retain any historical significance. In 1990, the residence was remodeled to include a two-story addition and a garage, new cladding, fenestration, and exterior materials. This remodel changed the original design and accordingly, the Project Historial determined that the residence does not resemble outstanding examples of architectural design or construction methods. Additionally, the residence was not developed as a result of a significant historic event. The only ownership period that could be considered significant occurred when Richard Francis McGraw purchased the property in 1953. Mr. McGraw founded the McGraw Colorgraph Company in Burbank, California in 1953. The company produced the materials for making photogravures and color prints. Mr. McGraw resided in Burbank, California in the 1950s-1960s and only used the property as a secondary residence. 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 Project Historian concluded that the residence is not eligible for listing on any historical registers. Therefore, demolition of the residence would not impact any historical resources.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15302 categorically exempts the replacement or reconstruction of existing facilities provided they are located on the same site and have substantially the same purpose and capacity. The project involves the demolition and construction of a single-family dwelling and associated site improvements; including the removal of four planted Monterey cypress trees, a replacement OWTS, and a replacement driveway. The removal of the 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, historical or archaeological reports which may cause a substantial adverse change in the significance of a historical resource. Although the proposed single-family dwelling will be visible from public vista points, such as Highway 1 and Point Lobos State Nature Reserve, project implementation would result in a reduced visual impact compared to the existing site condition (see discussion above). Though the adjacent lot (APN:241-311-044-000) is also being developed with a single-family dwelling (PLN230218), 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 2 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

Exhibit B - Vicinity Map

Exhibit C - Visual Simulation

Exhibit D - Biological Report

Exhibit E - Carmel Highland 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 PLN230217