



## Legislation Details (With Board Report)

**File #:** PC 24-019      **Name:** PLN230138 - VAN ESS PROPERTIES LLC  
**Type:** Planning Item      **Status:** Agenda Ready  
**File created:** 2/16/2024      **In control:** County of Monterey Planning Commission  
**On agenda:** 2/28/2024      **Final action:**  
**Title:** PLN230138 - VAN ESS PROPERTIES LLC  
Continued from February 14, 2024 - public hearing to consider a lot line adjustment between two legal lots of record containing 6.37 acres, resulting in two parcels containing 3.39 acres [Adjusted Parcel A] and 2.98 acres [Adjusted Parcel B], and demolition of all structures on Parcel B.  
Project Location: 182 and 179 Van Ess Way, Carmel, Carmel Area Land Use Plan.  
Proposed CEQA Action: Find the project Categorically Exempt pursuant to CEQA Guidelines sections 15301(l), 15305(a), and no exceptions pursuant to Section 15300.2 can be made.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Exhibit A - Draft Resolution, 3. Exhibit B - Carmel Unincorporated Highlands LUAC Minutes (October 2, 2023), 4. Exhibit C - Conservation and Scenic Easement deed, 5. Exhibit D - Vicinity Map, 6. RESpc\_24-004\_PLN230138\_022824, 7. RESpc\_24-004\_PLN230138\_022824\_CORRECTED

Date	Ver.	Action By	Action	Result
2/28/2024	1	County of Monterey Planning Commission		

### PLN230138 - VAN ESS PROPERTIES LLC

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

**Proposed CEQA Action:** Find the project Categorically 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 and Class 5 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 two legal lots of record consisting of Parcel A (APN: 241-311-036-000 - 3.24 acres) and Parcel B (APN: 241-311-037-000 - 3.13 acres), resulting in two parcels containing 3.39 acres (Adjusted Parcel A) and 2.98 acres (Adjusted Parcel B).

Staff has prepared a draft resolution, including findings and evidence, for consideration (**Exhibit A**). Staff recommends approval of the lot line adjustment subject to nine 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) and 241-311-037-000 (Parcel B)

**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) and Parcel B (3.13 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  
(831) 796-6407 or JensenF1@co.monterey.ca.us

SUMMARY/DISCUSSION:

On February 14, 2024, the Monterey County Planning Commission considered PLN230138, which proposed a lot line adjustment (LLA) 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 B], and 5.73 acres [Adjusted Parcel C]. The existing single-family dwelling on Parcel B would have non-conforming setbacks with implementation of the lot line adjustment and thus, the project also included demolition of all structures on Parcel B (611 square foot main residence, 94 square foot shed, and a 336 square foot garage). Implementation of this project would increase the combined allowed density from 6 units to 9 units. The Commission recognized that the resulting lots are physically constrained by existing topography conditions, existing development, and conservation and scenic easement boundaries, and such constraints could limit the feasibility of fully developing these lots. The Commission raised concerns specific to Adjusted Parcel C and whether it could be developed due to limited buildable area (outside the Conservation and Scenic Easement) and the need to install at minimum a conventional on-site wastewater treatment system, which would likely be on slopes in excess of 30 percent. After public testimony and discussion, the Planning Commission voted to continue the hearing to February 28, 2024, to allow time for staff to prepare a draft resolution reflecting a revised scope of work that removes Parcel C from consideration.

As requested, staff is now returning with a revised draft Resolution (**Exhibit A**). The revised scope of work includes the following: demolition of all structures contained on Parcel B and a lot line adjustment (LLA) between two legal lots of record under common ownership consisting of Parcel A (APN: 241-311-036-000 - 3.24 acres) and Parcel B (APN: 241-311-037-000 - 3.13 acres), resulting in two parcels containing 3.39 acres (Adjusted Parcel A) and 2.98 acres (Adjusted Parcel B). Redevelopment of Parcel B, as well as demolition and redevelopment of Parcel A are being processed under a separate discretionary permit (HCD Planning File Nos. PLN230218 and PLN230217, respectively). Rearrangement of the total acreage (6.37 acres) is being requested to account for siting and location of the proposed development.

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 two 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 decrease the combined level of development allowed on these parcels.

Based on density allowances and existing lots sizes, but not considering site constraints and permitting requirements, existing Parcel A (3.24 acres) and existing Parcel B (3.13 acres) are restricted to three single family dwellings. Parcel A is currently developed with a 5,100 square foot single family dwelling, while Parcel B is currently developed with a 611 square foot single family dwelling, a 94 square foot shed, and a 336 square foot garage. Both existing parcels conform to the density standard (one dwelling unit per acre). As proposed, this project would demolish all development on Parcel B. Development on Parcel A would remain. Maximum allowed development, based on density, would remain the same for Parcel A with implementation of this LLA since it will continue to exceed 3 acres but not exceed 4 acres. The existing development on Adjusted Parcel A (currently limited to one residence) will continue to conform as to the maximum development density requirement. Approval of this LLA will reduce the maximum development density for Adjusted Parcel B by one unit, for a total of 2 units because the lot size would be reduced from 3.13 acres to 2.98 acres. Implementation of this LLA will reduce the combined maximum development potential from 6 units to 5 units. Any future permitting of additional residences would depend on other factors in addition to zoning (e.g., potable water credits and sewage disposal) and would require separate discretionary review. The resulting lots conform to the maximum allowed density.

Per the zoning district, the minimum lot size is one acre. After the adjustment, there will be two lots of record containing 3.39 acres [Adjusted Parcel A] and 2.98 acres [Adjusted Parcel B]. The existing development on Parcels A and B comply 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 Parcels B will be vacant within implementation of the proposed project. 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).

#### *Conservation and Scenic Easement*

As discussed during the February 14, 2024, Planning Commission hearing, the Applicant/Owner proposes a voluntary Conservation and Scenic Easement (CSE) Amendment. In 1976, a CSE was granted over portions of Parcels A and B 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; **Exhibit C**). 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 Parcel A was made in 1994.

The CSE boundaries on Parcel A currently to 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 (i.e., hardscape on Parcel A) 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. Further, the proposed CSE Amendment would update the easement deed's exceptions and restrictions to

meet modern requirements, including invasive plant species removal, fuel management (subject to separate permitting if required), and restoration activities. The amended easement deed would continue to prohibit new structures within the easement boundaries, material alteration of the topography and landscape, and advertising, thus ensuring preservation and conservation of the properties' natural scenic beauty and natural condition in perpetuity. 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 original project scope, which included adjustment of a third parcel under common ownership (Parcel C). 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 (**Exhibit B**). The LUAC cited the need maintain or reduce existing combined development potential of these three properties and 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. As directed by the Planning Commission on February 14, 2024, the revised project scope now only includes adjustment of Parcels A and B, not Parcel C. This revision is consistent with the recommendation of the LUAC.

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 two legal lots of record: Parcel A (3.24 acres) and Parcel B (3.13 acres), resulting in two lots of record containing 3.39 acres [Adjusted Parcel A] and 2.98 acres [Adjusted Parcel B]. 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: Fiona 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 including:
- Recommended Conditions of Approval
  - Project Plans

Exhibit B - Carmel Unincorporated/Highlands LUAC Minutes (October 2, 2023)  
Exhibit C - Conservation and Scenic Easement Deed  
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