



# County of Monterey Planning Commission

**Item No.5**

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

## Agenda Item No. 5

Legistar File Number: PC 24-110

October 09, 2024

**Introduced:** 10/3/2024

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Planning Item

### **PLN220336 - SEASTARS LLC**

Public Hearing to consider a recommendation to the Board of Supervisors to amend a Conservation Scenic Easement and approve an amendment to a previously approved Combined Development Permit (PLN980149); as amended and extended by PLN030071, PLN040015, PLN070540, PLN120329, PLN150541, and PLN180383; to allow construction of a 513 square foot guesthouse with 425 square feet of livable space, a new 1,014 square foot pool, 672 square foot ground-mounted solar panels and associated site improvements.

**Project Location:** 3600 Red Wolf Drive, Carmel, CA 93923

**Proposed CEQA Action:** Consider an Addendum together with the adopted Mitigated Negative Declaration and Addendum pursuant to CEQA Guidelines Section 15164

### RECOMMENDATIONS

It is recommended that the Planning Commission adopt a resolution recommending the Board of Supervisors adopt a resolution:

- a. Considering an Addendum together with the adopted Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15164;
- b. Amending a Conservation Scenic Easement; and
- b. Approving an amendment to a previously approved Combined Development Permit (PLN980149), as amended and extended by PLN030071, PLN040015, PLN070540, PLN120329, PLN150541, and PLN180383 that allowed construction of a 4,127 square foot single family dwelling with 1,810 square feet of covered patios and overhangs, a 1,238 square foot attached subterranean garage, and associated site improvements. This amendment consists of a 513 square foot guesthouse with 425 square feet of livable space; a new 1,041 square foot pool and associated site improvements including a 2,038 square foot driveway, 5,330 square feet of patios, walkways and paths, 334 square feet of site walls, 672 square feet of solar panels and grading of approximately 275 cubic yards of cut and 120 cubic yards of fill.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 21 conditions of approval.

### PROJECT INFORMATION

**Agent:** Tai Tang, Studio Schicketanz

**Property Owner:** SEASTARS LLC

**APN:** 416-011-017-000

**Parcel Size:** 40 acres

**Zoning:** Watershed and Scenic Conservation Residential with a density of 80 acres per unit and Design Control Overlay in the Coastal Zone or “WSC/80-D(CZ)”

**Plan Area:** Carmel Area Land Use Plan

**Flagged and Staked:** Yes

**Project Planner:** Christina Vu, Assistant Planner  
(831) 755-5139 or vuc@countyofmonterey.gov

### SUMMARY

Located over 1.5 miles east of HWY 1, the property is located at 3600 Red Wolf Road, Carmel, within the Carmel Area Land Use Plan. The project site is currently under construction and with an 4,313 square foot single family dwelling with 1,810 square feet of covered patios and overhangs and an attached subterranean 1,229 square foot garage and associated site improvements. The proposed project includes an amendment to allow the construction of a 513 square foot guesthouse with 425 square feet of livable space, a new 1,041 square foot pool, and 672 square foot solar panels installed above and adjacent to the subterranean garage. The amendment includes site improvements consisting of a driveway (see *Conservation and Scenic Easement Deed* discussion below), 5,330 square feet of flatwork (patios, walkways and paths), site walls and grading. The 80-acre parcel has a limited buildable area as a Conservation and Scenic Easement Deed (CSED) is conveyed over the entirety of the property but excludes the existing development footprint. The project involves an amendment to this CSED boundary to correct the alignment to match up with an established driveway incorrectly approved through a Design Approval (PLN190205). The new boundary alignment would better meet the configuration of the proposed detached guesthouse, pool, and associated site improvements. Additionally, the amendment reconfiguration of the CSED involves a 1:1 amendment between the easement and development envelope resulting in no net loss in the easement area and allows continuity of the protected area.

### DISCUSSION

On March 17, 2023, the applicant submitted an application to HCD-Planning for an amendment to existing entitlements in order to allow the construction of a 513 square foot guesthouse with 425 square feet of livable space, a new 1,041 square foot pool, 672 square feet of solar panels, and associated site improvements. Associated grading would involve approximately 275 cubic yards of cut and 120 cubic yards of fill. The project would also involve an amendment to a Conservation and Scenic Easement Deed.

#### *Permit History*

The previously approved Combined Development Permit (HCD-Planning File No. PLN980149, Board of Supervisors’ Resolution No. 00-024) allowed a 11,617 square-foot single family dwelling, a 425 square-foot guesthouse, swimming pool, septic system, water tank, and grading. Subsequent litigation resulted in a settlement agreement that modified the design by reducing the living area and footprint to approximately 8,000 square feet and clarified several conditions. These changes were incorporated as a Minor and Trivial Amendment to the approved project.

In 2004, the Planning Commission approved an amendment (HCD-Planning File No. PLN030071, Resolution No. 04-032) allowing relocation, approximately 45 feet uphill from the approved location,

redesign and reduction of the size of the structure (7,985 square foot single family residence with a 1,017 square foot attached garage, 425 square foot poolhouse, 160 square foot pump shed, pool, spa and retaining walls) and realignment of the driveway.

In 2008, the Planning Commission approved an amendment (HCD-Planning File No. PLN070540, Resolution No. 08-019) further reducing the dwelling to 5,363 square feet, increasing the garage to 1,785 square feet, and adding photovoltaic cells.

In 2019, a revision was approved by staff through an Administrative Design Approval, PLN190205, further reducing the dwelling to 4,127 square feet and the garage to 1,238 square feet. This approval also allowed the relocation of the driveway. During review of this amendment (PLN220336), HCD-Planning and California Coastal Commission staff identified that the driveway relocation was incorrectly approved through a Design Approval. Instead, memorializing of the changes should have been processed through an amendment. Further, the approved driveway was relocated within the conservation area.

In addition to the amendments above, the entitlements were extended periodically through approvals of the following Permit Extensions: PLN040015, PLN120329, PLN150541 and PLN180383.

#### *Conservation and Scenic Easement Deed*

In 2004, a Conservation and Scenic Easement (CSED) was established with County of Monterey to protect the natural beauty and state of the property, covering approximately 39 acres and identifying an approved development area delineated as the “Residence Exclusion Area” (see **Exhibit C**). Recordation of the CSED was required by implementation of Condition of Approval No. 2 of Planning Commission Resolution No. 04-032. As discussed above, this permit has been revised several times, with the 2019 revision resulting in alteration of the driveway and relocating it outside the original exclusion area, inconsistent with the CSED restrictions. Although the 2,038 square foot driveway has been constructed, this amendment formally recognizes the realignment through the proper entitlement and ensures site conditions are consistent with the CSED. To address this, the proposed CSED amendment would adjust the exclusion area boundaries to include the new driveway alignment and accommodate the revised site plan, including a detached guesthouse and pool. However, it would maintain the total conservation area without reducing its size (see **Exhibit D**). Since the CSED amendment is intended to revert existing disturbed areas back into a natural state, the applicant submitted a Revegetation and Restoration Plan (see **Exhibit E**) identifying actions that once implemented, demonstrate full restoration of the disturbed areas. This plan would also be consistent with implementation of Mitigation Measure Nos. 1 (restoration and replanting plan), 5 (planting of Hooker’s manzanita), and 9 (maritime chaparral habitat restoration).

The proposed CSED amendment requires the Planning Commission to act as the recommending body to the Board of Supervisors as the Board is the appropriate authority to consider said amendment. This amendment shall occur prior to, or concurrent with, approval of the permit amendment development and therefore the Board of Supervisors is appropriate authority for the proposed amendment to the Combined Development Permit. Accordingly, staff is seeking the Planning Commission’s recommendation on the proposed project as a whole.

### ENVIRONMENTAL REVIEW

An Addendum (see **Exhibit B**) to the previously adopted Mitigated Negative Declaration (MND) for the Bliss project (PLN030071) has been prepared to address minor changes in the project without necessitating major revisions to the original MND (**Exhibit B**). This Addendum, in compliance with CEQA Guidelines Section 15164, was required to reflect the updated project description, which involves a small adjustment to the restoration plan to mitigate for an additional 0.012 acres of Hooker's Manzanita. The original MND, adopted on July 28, 2004, and subsequently amended on May 14, 2008, addressed the environmental impacts of the project. The draft Addendum confirms that no new significant impacts or substantial changes have emerged that would necessitate a major revision of the MND. The project scope remains consistent with the previous analysis, and the mitigation measures carried over to the last extension (PLN180383) have been maintained, with no new measures required. Seven mitigation measures have been brought forward and incorporated as conditions of approval for this amendment.

Mitigation Measure No. 1 (Condition 14) requires approval and installation of landscaping consistent with the restoration and replanting plan outlined in the 1998 and 1999 biological reports as well as utilizing and locating plant materials which screen the structures from common public viewing areas. Mitigation Measure No. 3 (Condition 15) requires exterior structures be made of non-reflective or painted earth tones. Mitigation Measure No. 4 (Condition 16) requires approval and installation of an exterior lighting plan. Together, implementation of these mitigations would reduce potential adverse visual impacts by minimizing the visibility structures, potential glare and lighting.

Mitigation Measure No. 5 (Condition 17) requires incorporating Hooker's manzanita plants within landscaping. Mitigation Measure No. 6 (Condition 18) requires implementation of a weed control program. Mitigation Measure No. 19 (Condition 19) requires restoration of disturbed areas with maritime chaparral habitat. Mitigation Measure No. 11 (Condition 20) requires only the use of pervious materials for patio areas. Together, implementation of these mitigations, including Mitigation Measure No. 1, would reduce potential adverse biological impacts by replanting and restoring native sensitive plant habitat, ensuring maintenance of that habitat and controlling run-off.

Overall, the draft Addendum adheres to Section 15162 of the CEQA Guidelines, which allows for minor adjustments to a project without necessitating a full environmental review, provided no significant new impacts or changes in circumstances are identified. The project file includes comprehensive documentation of all related approvals and amendments.

### OTHER AGENCY INVOLVEMENT

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

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

LAND USE ADVISORY COMMITTEE

Staff referred the project to the Carmel Highlands Land Use Advisory Committee (LUAC) for review on July 15, 2024 (**Exhibit F**). The LUAC reviewed the proposed project and voted 5 - 0, with 2 members absent, to support the project as proposed. There were no public comments made at this meeting and none have been received by the County regarding this project.

Prepared by: Christina Vu, Assistant Planner, x5139

Reviewed by: Anna Ginette Quenga, AICP, Principal Planner

Approved by: Melanie Berreti, AICP, Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Project Plans and Colors & Materials

Exhibit B - Addendum to the Previously Adopted Mitigated Negative Declaration and Addendum

Exhibit C - Adopted Mitigated Negative Declaration for PLN030071/Bliss and Addendum

Exhibit D - 2007 Conservation and Scenic Easement Deed No. 2007006597

Exhibit E - Proposed Conservation Easement Deed Map

Exhibit F - Revegetation and Plan Including Memorandum Dated September 23, 2024

Exhibit G - Carmel Highlands LUAC Minutes for July 15, 2024

Exhibit H - Vicinity Map

cc: Front Counter Copy; California Coastal Commission; Carmel Highlands Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Christina Vu, Planner; Anna Ginette Quenga, AICP, Principal Planner; Seastar LLC, Property Owners; Tai Tang, Agent; The Open Monterey Project; LandWatch (Executive Director); Laborers International Union of North America (Lozeau Drury LLP); Planning File PLN220336.