



# County of Monterey Planning Commission

## Item No.1

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

### Agenda Item No.1

June 11, 2025

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#### PLN230350 - MR ARTEMIS LLC

Public hearing to consider construction of a 622 square foot detached Accessory Dwelling Unit, a 253 square foot detached trellis with associated site improvements, and an amendment to a Conservation and Scenic Easement Map for the Mr. Artemis LLC property.

**Project Location:** 30860 Aurora Del Mar, Carmel, Big Sur Coast Land Use Plan

**Proposed CEQA action:** Find the project Categorically Exempt pursuant to CEQA Guidelines sections 15303 and 15317, and there are no exceptions pursuant to Guidelines section 15300.2.

#### RECOMMENDATION:

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

1. Find that the project qualifies as a Class 3 and Class 17 Categorical Exemption pursuant to CEQA Guidelines sections 15303 and 15317, and there are no exceptions pursuant to section 15300.2; and
2. Approve a Combined Development Permit consisting of:
  - a) A Coastal Administrative Permit and Design Approval for the construction of a new 622 square foot accessory dwelling unit attached by a 253 square foot trellis and associated site improvement;
  - b) A Coastal Administrative Permit to allow development within 750 feet of known archaeological resources; and
  - c) Acceptance of an amended Conservation and Scenic Easement Map and Deed for the Mr. Artemis LLC property

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**).

#### PROJECT INFORMATION:

**Agent:** Joel Panzer

**Property Owner:** Mr Artemis LLC

**APN:** 243-351-002-000

**Parcel Size:** 60,211 square feet

**Zoning:** Rural Density Residential with a density of 40 acres per unit and a design control overlay in the Coastal Zone, or "RDR/40-D(CZ)"

**Plan Area:** Big Sur Coastal

**Flagged and Staked:** Yes

**Project Planner:** Joseph Alameda, Associate Planner

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SUMMARY/DISCUSSION:

The project is located at 30860 Aurora Del Mar, Carmel (APN: 243-351-002-000) within the Big Sur Coast Land Use Plan. The project involves the construction of a detached 622 square foot accessory dwelling unit and a 253 square foot free-standing trellis. Associated site improvements include modifications to the existing driveway as well as the construction of new walkways, patios, and pads. Associated grading would involve approximately 330 cubic yards of cut and 30 cubic yards of fill (300 cubic yards of net export). The project will also involve development within 750 feet of known archaeological resources as well as an amendment to a Conservation and Scenic Easement deed and corresponding map. Pursuant to Title 20 section 20.82.030.B, the Planning Commission shall act as the recommending body to the Board of Supervisors when the Board is the appropriate authority for the Combined Development Permit. The Board of Supervisors is the appropriate authority to consider the proposed Conservation and Scenic Easement (map) Amendment. Following the Planning Commission's recommendation, the project will be scheduled before the Board of Supervisors.

Based on staff's review, the project is consistent with applicable goals and policies in the 1982 General Plan, policies in the Big Sur Coast Land Use Plan (Big Sur Coast LUP), and regulations and development standards contained in the Big Sur Coastal Implementation Plan (Big Sur CIP) and Title 20 Zoning Ordinance.

Site Development Standards

The project meets all required development standards for Rural Density Residential or "RDR" zoning, which are identified in Title 20 section 20.16.060. The required setbacks for habitable accessory structures are 50 feet (front), six feet (side), and six feet (rear) and the proposed development will have setbacks of 179 feet (front), eight feet (side), and 134 feet (rear). The allowed height limit for habitable accessory structures is 15 feet, and the proposed ADU will have a height of 12 feet 10 inches. The allowed maximum building site coverage is 25%, and the proposed development will increase building site coverage on the site to 24.8%. The required minimum distance between Accessory and Main structures is 10 feet, and the project proposes 10 feet between the proposed ADU and the existing single-family dwelling.

Design

Pursuant to Title 20 Chapter 20.44, the project parcels and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The proposed ADU will consist of colors and materials matching the existing single-family dwelling, including tan natural stone exterior walls, and dark powder-coated aluminum windows and doors. The trellis is also a dark powder-coated aluminum. The colors and materials are consistent with the rural nature of the Big Sur Coast Land Use Plan, and the utilization of natural colors and materials is consistent with the neighboring residences. The Big Sur Coast Land Use Plan identifies those developments that are visible from Highway 1 and major public viewing areas as being within the Critical Viewshed. The subject property and proposed development are located adjacent to Highway 1, along a private road that provides access to the Otter Cove neighborhood. Due to existing vegetation and topography, the proposed development is not visible from Highway 1 nor any other

public viewing areas, and as sited and designed is consistent with the Big Sur Coast Land Use Plan.

*Conservation and Scenic Easement Amendment*

On June 22, 2001, a Conservation and Scenic Easement was placed over undeveloped portions of the property with the purpose to preserve the open space, scenic, and the natural resource values present on the property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access from development (Clerk Recorders Document No. 2002028360; **Exhibit B**). The easement was placed over the property as a condition of approval for the development of the single-family dwelling (HCD File No. PLN990044), as required by Big Sur Coast Land Use Plan section 3.2.5.G and Big Sur Coastal Implementation Plan section 20.145.030.B.7. The easement deed prohibits all structures, restricts advertising, and requires the landscaping, vegetation, and topography to remain in their present conditions. The easement boundaries include the entirety of the property, except for the existing development footprint, autocourt/driveway, and an area occupied by leach fields. This excluded area is identified in the easement deed as a “building envelope”. The easement allows “only a single family dwelling with patio, garage, and other access structures limited to one story...” within the building envelope area. Although the proposed ADU meets the exception language (“accessory structures”) for allowed uses within the building envelope, there is no area that could be developed with an ADU without encroaching on the existing easement boundaries or developing over the existing septic system. Therefore, an amendment to the easement deed’s legal description and map (Exhibit C of the original easement deed [**Exhibit B**]) is proposed to allow for construction of the proposed ADU. The proposed easement map amendment involves reconfiguring and relocating 1,100 square feet of the existing easement. See Sheet A1.21 of **Attachment 1 of Exhibit A** for a diagram showing the existing and proposed easement boundaries. The overall size of the easement will remain the same with implementation (approximately 43,598 square feet). The proposed reconfiguration allows for construction of a 622 square foot ADU in close proximity to the existing single-family dwelling.

Pursuant to the Big Sur Coast Land Use Plan Policy 3.2.3.B, staff conducted a site visit and determined that the proposed location for the ADU will not be visible from Highway 1 or any other public viewing area due to topography and existing vegetation and is therefore not within the Critical Viewshed. Archaeological and Biological Reports (**Exhibit C**) were submitted to determine whether the area proposed for the ADU contained any protected, sensitive resources. According to these reports, no biological or cultural resources exist within the proposed ADU footprint. The area proposed for development appears to be undisturbed (still in its original state) but free of any native species, and containing very few ornamental species. This area also does not contain steeper slopes. Consequently, this 1,100 square foot area of the existing easement is not protecting aesthetic, biological, archaeological, or other sensitive resources. This area is proposed to be excluded from the existing easement boundaries. The proposed ADU location is the most appropriate for the subject property and its constraints. The 1,100 square foot area to be included in the easement boundaries does not conflict with the allowances or restrictions of the easement deed.

The proposed easement (map) amendment will not create any impacts to visual resources, and will allow the continued dual-function of the easement - protecting visual and coastal resources on the property. The easement deed language would remain the same and 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 property's natural scenic beauty and natural condition in perpetuity. Allowing for construction of an ADU while continuing to protect the site's sensitive resources is consistent with the intent of the original Conservation and Scenic Easement and State Law.

As described above, the Board of Supervisors is the appropriate authority to consider the proposed Conservation and Scenic Easement (map) Amendment. After the Planning Commission's recommendation, the project will be scheduled before the Board of Supervisors.

#### Accessory Dwelling Unit

Title 20, Section 20.64.030 establishes regulations and standards for which an accessory dwelling unit, accessory to the main residence on a lot, may be permitted. The project includes the construction of a 622-square-foot ADU that includes independent living facilities as shown in the attached plans (**Attachment 1 of Exhibit A**). The ADU complies with the maximum allowed floor area of 1,200 square feet and will be the first ADU on the subject property. The proposed ADU will also have a design that is comparable to the main residence and consistent with the overall neighborhood character. The proposed ADU will have an adequate water supply and wastewater treatment. Potable water will continue to be provided by The Carmel Riviera Mutual Water Company. An existing onsite wastewater treatment system will serve the proposed ADU and continue to serve the main residence. County of Monterey Environmental Health Bureau found the OWTS to be in good working order.

#### OTHER AGENCY INVOLVEMENT:

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

- Environmental Health Bureau
- HCD-Public Works
- HCD-Environmental Services
- Carmel Highlands Fire Protection District

#### LAND USE ADVISORY COMMITTEE

The proposed project was reviewed by the Big Sur Land Use Advisory Committee on March 11, 2025. The LUAC recommended approval of the project by a vote of 5-0 and expressed concerns relative to the glare-causing potential of solar panels, insufficient room for turning around in the driveway, and fire-proofing of the proposed materials. The subject property is not visible from Highway 1, and thus, Big Sur Coast LUP Policies and Title 20 do not regulate the proposed solar panels' potential glare. The solar panels will include an anti-reflective coating to minimize glare. The Carmel Highlands Fire Protection District reviewed the project and had no comments or concerns relative to building materials or driveway design. The LUAC minutes were not available at the time this staff report was distributed but will be distributed once received.

Prepared by: Joseph Alameda, Associate Planner, x7079

Reviewed by: Fionna Jensen, Principal Planner

Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution

- Site Plans, Floor Plans, Elevations, Colors and Materials

Exhibit B - 2001 Conservation and Scenic Easement

Exhibit C - Biological Report

Exhibit D Vicinity Map

cc: Front Counter Copy; Planning Commission, California Coastal Commission; Melanie Beretti, AICP, Chief of Planning, Joseph Alameda, Planner; Joel Panzer, Agent; Mr. Artemis LLC, Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Laborers International Union of North America (Lozeau Drury LLP); Christina McGinnis, Keep Big Sur Wild; Planning File PLN230350.