

## Exhibit B

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## **DRAFT RESOLUTION**

### **Before the Planning Commission in and for the County of Monterey, State of California**

In the matter of the application of:

**LEATON MICHAEL GUY & TRACY PIAZZA LEATON (PLN230339)**

#### **RESOLUTION NO. 26-**

Resolution by the County of Monterey Planning Commission:

- 1) Finding the project qualifies as a Class 1 and 5 and 33 Categorical Exemption pursuant to CEQA Guidelines sections 15301, and 15305, and 15333, and there are no exceptions pursuant to section 15300.2; and
- 2) Approve a Combined Development Permit to partially clear code enforcement case 23CE00194 consisting of:
  - a) Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B) and
  - b) Restoration Permit to allow the replanting of 6 Monterey Pines and development on slopes in excess of 30 percent on Adjusted Parcel B to clear Code Enforcement case 23CE00194; and
  - c) An after-the-fact Design Approval to allow construction of a detached 320 square foot garden shed on Adjusted Parcel A.

[PLN230339, Michael Guy Leaton and Tracy Piazza Leaton, 58 Mount Devon Road, Carmel, (APN: 241-142-001 and 241-142-002-000), Carmel Area Land Use Plan, Coastal Zone]

**The LEATON MICHAEL GUY & TRACY PIAZZA LEATON application (PLN230339) came on for public hearing before the County of Monterey Planning Commission on January 25, 2026, and February 11, 2026. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

#### **FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the 1928 Monterey County General Plan (General Plan);
  - Carmel Area Land Use Plan (CAR LUP);
  - Monterey County Coastal Implementation Plan Part 4 (CIP);
  - Monterey County Zoning Ordinance (Title 20); and
  - Monterey County Subdivision Ordinance (Title 19).

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) Project. The proposed project is to partially clear code enforcement case 23CE00194, by restoring areas of unpermitted grading on slopes in excess of 30 percent, replanting 6 Coast Live Oaks, constructing a 320 square foot garden shed, and a Lot Line Adjustment (LLA) between Parcel A and Parcel B. The project includes grading quantities of 12 cubic yards of cut and 17 cubic yards of fill, with an area of disturbance of 3,275 square feet. According to the Soils Report (County of Monterey Library No. LIB240299) the grading on Parcel B included a cut of an approximately 3 feet high embankment (containing slopes in excess of 30%) immediately adjacent to Mount Devon Road to access the site, excavation of slope southwest of the unpermitted shed, and the bottom section of the steep gradient slope (containing slopes in excess of 30%) when descending west from the main residence on Parcel A. As proposed, the areas disturbed are to be restored to original condition and contours, and the access roadway will be restored to grey rock/gravel. Given that accessory structures cannot be on vacant lots without the granting of additional discretionary permits, the purpose of the LLA is to relocate the unpermitted garden shed from Parcel B, a vacant lot, to Parcel A, which is currently developed with a single-family dwelling and garage. As required in Title 20 section 20.90.130, grading, vegetation removal, or tree removal violations must be abated through restoration unless demonstrated to be infeasible. As proposed, restoration is feasible, and thus a Restoration Permit has been applied to require replanting six Monterey Pines and restoration of all grading that occurred on slopes exceeding 30 percent. The unpermitted shed was not constructed on slopes in excess of 30% and thus does not require restoration of this area. The unpermitted shed requires the granting of an After-the-fact Design Approval. Therefore, the property owner has applied for the appropriate permits to abate the violations by restoring the disturbed areas on Parcel B to original conditions, and construct a 320 square foot detached garden shed.
- c) The properties are located at 58 Mount Devon Road and No Address, Carmel (Assessor's Parcel Numbers: 241-142-001-000 and 241-142-002-000), Carmel Area Land Use Plan. The parcels are both zoned Low Density Residential, with 1 acre per unit density, Design Control overlay (Coastal Zone) [LDR/1-D(CZ)], which allows lot line adjustments (LLA) with the granting of a Coastal Development Permit subject to Title 20 section 20.14.050.BB. Lastly, the Design Control district, Title 20 section 20.44, allows for construction or alterations to structures, subject to the granting of a Design Approval. Therefore, the project is an allowed land use for this site.
- d) The project planner conducted a site inspection on September 16, 2025 to verify that the project on the subject parcel conforms to the plans listed above.
- e) Lot Legality. The subject lots (1.59 acres and 1.36 acres) are shown in their current configurations and under separate ownership in the

County's 1964 and 1972 Assessor's Parcel Maps. Therefore, the County recognizes it as a legal lot of record.

- f) Subdivision Map Act Consistency. Pursuant to section 66412(d) of the Subdivision Map Act (SMA), the SMA is inapplicable to the lot line adjustment due to the fact that the final outcome of the LLA is not more than four adjoining parcels, and a greater number of parcels than previously existed is not being created. See also Finding No. 7 and supporting evidence.
- g) Review of Development Standards – Structural Coverage & Floor Area Ratio. Pursuant to Title 20 section 20.14.060.E and 20.14.060.F, the maximum site coverage and floor area ratio in this LDR district are 15 percent and 20 percent, respectively. Development on Existing Parcels A and B is below the allowable coverage and floor area ratio. Adjusted Parcel B will become vacant with implementation of this project. Adjusted Parcel A will contain an existing residence and the unpermitted 320 square foot detached garden shed, and will continue to be below the maximum allowed of 15 percent. Therefore, the resulting parcels continue to conform to the maximum allowed site coverage and floor area ratio.
- h) Review of Development Standards – Setbacks & Height. Pursuant to Title 20 section 20.14.060.C, the required non-habitable accessory structure setbacks in this LDR district are 50 feet (front), 6 feet (sides), 1 foot (rear), and 15 feet (height). Existing development on Parcel A will continue to comply with the required setbacks with implementation of the proposed lot line adjustment. As delineated on the project plans, the garden shed being relocated to Adjusted Parcel A will have a front setback over 50 feet, a side setback of 14 feet, a rear setback over 6 feet, and a height of 14.56 feet from average natural grade, which complies with applicable requirements. Adjusted Parcel B will be vacant.
- i) Review of Development Standards- Minimum Lot Size & Density. Pursuant to Title 20 section 20.14.060.B, the maximum development density shall not exceed the units/acre as shown for the specific “LDR” district as shown on the zoning map. The subject parcels are zoned LDR/1-D (CZ), which has a maximum gross density of 1 unit per acre. Existing Parcel A (1.59 acres) is currently developed with a single-family dwelling, and existing Parcel B (1.36 acres) is currently undeveloped. An unpermitted 320 square foot shed currently straddles both Parcels A and B, and with implementation of this project, will be entirely on Adjusted Parcel A. As proposed, the project does not involve any new structural development. Maximum allowed development would remain the same for both parcels with implementation of this LLA, and the existing development will continue to conform to the maximum development density requirement. Any future permitting of additional residences or accessory structures would depend on other factors in addition to zoning (e.g., potable water credits and sewage disposal) and would require separate discretionary review.
- j) Design and Visual Resources. Title 20, Chapter 20.44 establishes regulations for Design Control zoning, or “D” districts, to help regulate the location, size, configuration, materials, and colors of structures and fences to assure the protection of neighborhood character. The project

includes construction of a detached 320 square foot non-habitable accessory structure (garden shed). The structure has dark brown wood siding with stone veneer detailing, dark brown/red clay tile roofing, and dark brown framing for windows and doors. The project only proposes internal conversion of the structure to make it non-habitable, and the exterior will remain as is. The detached garden shed is consistent with the surrounding area and blends into the property due to colors and materials, and the mature vegetation surrounding the property.

According to Map A of the Carmel Area Land Use Plan, the subject property is within the public viewshed as seen from Highway 1 corridor and Scenic Road. However, the project is not visible from any of these areas due to intervening mature vegetation and development. The proposed project utilizes the same building footprint with no expansion or alteration to the unpermitted structure, and proposes colors and materials that blend with the surrounding area. Therefore, the proposed development will not create a negative impact on public viewshed points, Highway 1 corridor, or Scenic Road. Carmel Area LUP Policy 2.2.3.6 requires that structures are subordinate to and blended into the environment, and proposes colors and materials that aid in reducing visual impacts. As designed and sited, the project proposes to utilize the footprint of the existing structure and proposes no exterior changes. The current structures on the property are consistent with this policy, as they cannot be seen from any public viewshed points, and the colors and materials are natural earth tone colors with the use of stone, so as not to detract from the natural beauty of the scenic shoreline and undeveloped ridgelines and slopes in the public viewshed. Therefore, the project, as designed and sited, assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity of the Carmel Area.

- k) Restoration. The project includes restoration of development on slopes greater than 25 percent, to include grading of a new driveway to Parcel B and removal of 6 Monterey Pine Trees. As required in Title 20, section 20.90.130, no application for a discretionary land use permit under the authority of the Director of Planning and Building Inspection, Zoning Administrator, Planning Commission or the Board of Supervisors, except for a restoration project shall be deemed complete if there is an on-going violation of a County ordinance which regulates grading, vegetation removal or tree removal until restoration has been deemed implemented on that property and monitoring agreements are in place. A Restoration Permit has been applied to require replanting 6 Monterey Pines and restoration of development on slopes exceeding 30 percent. According to the prepared Arborist Report (County of Monterey Library No. LIB240294), the 6 Monterey Pines that were removed were greater than 6-inch Diameter Breast Height (DBH) but less than 24 inches DBH. The recommendation from the project arborist includes replanting six 5-15 gallon Monterey Pine seedlings or saplings on a 1:1 ratio in order to mitigate impacts of non-permitted tree removal. Condition No. 7 requires the applicant to replant (6) five to fifteen gallon Monterey Pines in the same location as the trees removed.

Therefore, the property owner has applied for the appropriate permits to abate the land clearing and tree removal violations by restoring the disturbed areas on Parcel B to original condition.

- l) Cultural Resources. Per County of Monterey Geographic Informational System, the project site has a high archaeological sensitivity. Carmel CIP section 20.146.090.B states that project sites in high archaeological sensitivity zones shall provide an archaeological survey for any development. According to the prepared report (County of Monterey Library No. LIB240295), there were no cultural resources observed during the pedestrian survey, and no further archaeological survey work is recommended. Therefore, there will be no impacts on archaeological resources. To ensure no impacts to archaeological or cultural resources will occur, staff has added standard Condition No.3, to require the applicant notify a professional archaeologist in the event a resource is discovered during construction.
- m) The project was not referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review due to an ongoing lack of quorum issue; this project was scheduled for the Planning Commission.
- n) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN230339.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD- Planning, Carmel Highlands Fire Protection District, HCD-Engineering Services, HCD-Environmental Services, and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) The following reports have been prepared:
    - “Fuel Management Plan” prepared by Rob Thompson, Monterey, CA, August 17, 2024 (County of Monterey Library No. LIB240300).
    - “Soils Report” prepared by Belinda Taluban, Salinas, CA, October 1, 2024 (County of Monterey Library No. LIB240299).
    - “Geotechnical Investigation” prepared by Belinda Taluban, Salinas, CA, July 12, 2024 (County of Monterey Library No. LIB240298).
    - “Biological Assessment” prepared by Rob Thompson, Monterey, CA, August 16, 2024 (County of Monterey Library. No LIB240297).
    - “Archaeological Survey” prepared by Vanessa Potter, Monterey, CA (County of Monterey Library No. LIB240295).
    - “Tree Removal Assessment” prepared by Rob Thompson, Monterey, CA, August 14, 2024 (County of Monterey Library No. LIB240294).

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would

indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on September 16, 2025 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD - Planning for the proposed development found in Project File PLN230339.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvements in the neighborhood; or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD - Planning, Carmel Highlands Fire Protection District, HCD-Engineering Services, Environmental Health Bureau, and HCD-Environmental Services. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Potable water will continue to be provided by the California American Water (MPWMD) for both Parcels A and B. Both properties are connected to an existing Onsite Wastewater Treatment System (EHB Record ID: ON0102064) and through implementation of this plan, the location of the existing system will better meet the setback to the property line. Additional water fixtures or connections will not be needed with the implementation of this project.
  - c) Staff conducted a site inspection on September 16, 2025 to verify that the site is suitable for this use.
  - d) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD - Planning for the proposed development found in Project File PLN230339.

4. **FINDING:** **VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, and applicable provisions of the County's zoning ordinance. Violations exist on the property. The approval of this permit will correct the violations and bring the property into compliance.

- EVIDENCE:**
- a) Staff reviewed County of Monterey HCD - Planning and Building Services Department records and is aware of any violations existing on subject property (23CE00194).
  - b) Staff conducted a site inspection on September 16, 2025 and researched County records to assess if any violation exists on the subject property.
  - c) On April 21, 2023 the subject properties had an inquiry opened due to grading and tree removal. After a site visit from Code Enforcement, a case (23CE00194) was opened. An Administrative Citation was sent to the property owner on May 8, 2023 and cited the property owner for development on slopes greater than 25 percent, to include grading of a



new driveway to Parcel B, removal of 6 Monterey Pine Trees, and an unpermitted detached guesthouse without the benefit of a discretionary permit. As part of the submittal to partially abate the violations, a Restoration Plan has been reviewed and includes replanting 6 five-gallon Monterey Pines and restoring approximately 1,500 square feet of slopes in excess of 30% that were graded without the benefit of proper permits to pre-violation conditions by re-contouring and revegetating the slopes. In addition, an after-the-fact Design Approval has applied, pursuant to Title 20 section 20.44, to authorize construction of the existing accessory structure, which will be converted to a shed with approval of this Design Approval. Implementation of the Lot Line Adjustment to relocate the garden shed from Parcel B to Adjusted Parcel A brings the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations. Therefore, the property owner has applied for the appropriate permits to partially abate the violations by restoring the disturbed areas on Parcel B to original conditions, and after-the-fact construction of a 320 square foot detached garden shed. Upon issuance of an after-the-fact construction permit, the violation will be fully abated.

- d) The violation (Code Enforcement No. 23CE00194) will be abated upon completion of the restoration work, after the fact approval and final inspection of the garden shed. Ministerial permits are required.
- e) The application, plans and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN230339.

5.       **FINDING:**       **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**   a) California Environmental Quality Act (CEQA) Guidelines sections 15301 and 15305(a) and 15333 categorically exempts existing facilities and small structures, minor lot line adjustments not resulting in the creation of any new parcel, and small habitat restoration projects, not exceeding five acres in size.
- b) The project includes legalization of an existing 320 square foot garden shed, a minor lot line adjustment between two legal lots of record: Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B), and restoration of disturbed areas on Parcel B and the replanting of 6 Monterey Pine trees. The unpermitted shed already exists, no new lots will be created by the Lot Line Adjustment, and the restoration will be less than 5 acres. Therefore, the project qualifies as a Class 1, Class 5, and Class 33 Categorical Exemption.
- c) The lot line adjustment will not intensify the level of development allowed on the parcels, either individually or cumulatively. After the implementation of the proposed lot line adjustment, the adjusted/resulting parcels will continue to conform with regard to site coverage, floor area ratio, and setbacks. Therefore, the proposed

development is consistent with CEQA Guidelines Section 15305(a) and Title 19 Section 19.09.005.C.

- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve alterations to a designated historical resource, a hazardous waste site, nor development that would result in a cumulatively significant impact. Although the project would allow development (Title 20 section 20.06.310.4.b, defines a lot line adjustment as development), the lot line adjustment will not intensify the level of development allowed on the parcels. There are no unusual circumstances associated with undertaking the project that would create the reasonable possibility that the project would have a significant effect on the environment.
- e) No adverse environmental effects were identified during staff review of the development application during a site visit on September 16, 2025.
- f) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN230339.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) Although the subject properties are shown in an area where the applicable Local Coastal Program requires public access (Figure 3, Public Access, Carmel Area Land Use Plan), no evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - c) County staff conducted a site inspection on September 16, 2025, to verify that the proposed project will not impact public access.
  - d) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN230339.

7. **FINDING:** **LOT LINE ADJUSTMENT-** Section 66412(d) of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance – Coastal) of the Monterey County Code (MCC) allow a lot line adjustment that meets the following standards:

- 1. The lot line adjustment is between four or fewer existing adjoining parcels;
- 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment; and

The parcels resulting from the lot line adjustment conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

- EVIDENCE:**
- a) The parcels are zoned Low Density Residential, 1 unit per acre, with a Design Control overlay (Coastal Zone) [LDR/1-D (CZ)].
  - b) The lot line adjustment is between four or fewer existing adjoining parcels. Existing Parcel A contains 1.59 acres, and Parcel B contains 1.36 acres. The two existing legal lots of record have a total combined area of 2.59 acres. After the adjustment, there will be two lots of record containing 1.73 [Adjusted Parcel A] and 1.22 acres [Adjusted Parcel B].
  - c) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted, resulting in two contiguous separate legal parcels of record. Therefore, no new parcels will be created.
  - d) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). County staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, and that no violations exist on the property (see Finding Nos. 1, 2, 3, and 4; and supporting evidence).
  - e) The subject properties are zoned for residential purposes. Parcel A is currently developed with single family dwelling, which will remain on Adjusted Parcel A. Parcel B is currently developed with an unpermitted 320 square foot garden shed, which will be relocated onto Adjusted Parcel A. The garden shed meets the site development standards under LDR zoning for non-habitable accessory structures, and the property's site coverage remains at 0.37 percent, below the maximum allowed. After-the-fact permitting of the accessory structure better meets the goals and policies of Monterey County Code, and resolves the code enforcement case. No changes in use are proposed. None of the property area is under Williamson Act contract or used for agricultural purposes.
  - f) The proposed lot line adjustment does not interfere with existing access and/or utility easements, which will remain unchanged.
  - g) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. To appropriately document the boundary changes, execution and recordation of deeds reflecting the lot line adjustment as well as a Certificate of Compliance for each adjusted lot is required per incorporated standard conditions of approval (Condition Nos. 4 and 5; and supporting evidence).
  - h) The project planner conducted a site inspection on September 16, 2025, to verify that the project will not conflict with zoning or building ordinances.
  - i) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN230339.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors. Section 19.01.050.A of the Monterey County Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allows an appeal to be made to the Board of Supervisors by any public agency or person

aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.

- b) Coastal Commission. Pursuant to Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

1. Find that the project qualifies as Class 1, and 5 and 33 Categorical Exemption pursuant to CEQA Guidelines sections 15301 and 15305(a), and 15333, and there are no exceptions pursuant to Section 15300.2; and
2. Approve a Combined Development Permit to partially clear code enforcement case 23CE00194 consisting of:
  - a) Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B); and
  - b) A Restoration Permit to allow the replanting of six Coast Live Oaks and restoring grading on slopes in excess of 30 percent; and
  - c) An after-the-fact Design Approval to allow construction of a detached 320 square foot garden shed on Adjusted Parcel A.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of February 2026 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Melanie Beretti, AICP  
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION,

CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

#### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

# County of Monterey HCD Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN230339

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN230339) allows a Lot Line Adjustment between two (2) legal lots of record consisting of Parcel A (APN: 241-142-001-000; 1.59 acres) and Parcel B (APN: 241-142-002-000; 1.36 acres), resulting in two parcels containing 1.73 acres (Adjusted Parcel A) and 1.22 acres (Adjusted Parcel B); and a Restoration Permit to replant 6 Monterey Pine trees and restore development on slopes in excess of 30 percent on Adjusted Parcel B; and a after-the-fact Design Approval to allow construction of a 320 square foot shed on Adjusted Parcel A. The property is located at 58 Mount Devon Road, and No Address Carmel (Assessor's Parcel Number 241-142-001-000 and 241-142-002-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning

**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:** "A Combined Development Permit (Resolution Number 26-XXX) was approved by Planning Commission for Assessor's Parcel Numbers 241-142-001-000 and 241-142-002-000 on February 11, 2026. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

## 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning

**Condition/Mitigation** If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.  
(HCD - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

#### 4. LOT LINE ADJUSTMENT DEED (NON-STANDARD CONDITION)

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Owner(s)/Applicant(s) shall prepare, execute and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:**

1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN230339) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
  - a. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
  - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
  - c. The purpose of the deed shall be stated on the first page of the deed, as follows:

"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN230339. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall reconfigure the subject parcels in conformance to said approved lot line adjustment."

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

4. Following review and any corrections of the legal descriptions and plats by County Surveyor:
  - a. Owner/Applicant submit copies of the fully executed and acknowledged deed(s) for the adjustment parcels to the project planner for review & approval by County Surveyor
  - b. Owner/Applicant shall submit the legal description and plat for each Certificate of Compliance to HCD-Planning for final processing.
  - c. Using a title company, execute the deeds before a notary public, and have the deeds recorded.
  - d. Owner/Applicant shall submit copies of all recorded deeds to the project planner.



## 5. PD045 - COC (LOT LINE ADJUSTMENTS)

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to HCD -Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the Certificates of Compliance.

Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

## 6. PD050 - RAPTOR/MIGRATORY BIRD NESTING

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to HCD -Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

## 7. PD048 - TREE REPLACEMENT/RELOCATION

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Within 90 days of project approval, the Applicant/Owner shall demonstrate completion of the recontouring and revegetating necessary to restore those impacted slopes in excess of 30%.

Within 60 days of completed restoration (Grading), the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio recommended by arborist: Replant six 5-15 gallon Monterey Pines
- Other:

Replacement tree(s) shall be located within the same general location as the tree being removed. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Within 90 days of project approval, the Applicant/Owner shall demonstrate to HCD-Planning completion of the recontouring and revegetating necessary to restore those impacted slopes in excess of 30%.

Within 60 days of completed recontouring and revegetation, The Owner/Applicant shall submit evidence of tree replacement to HCD -Planning for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

## 8. PDSP001 - CONSTRUCTION PERMITS

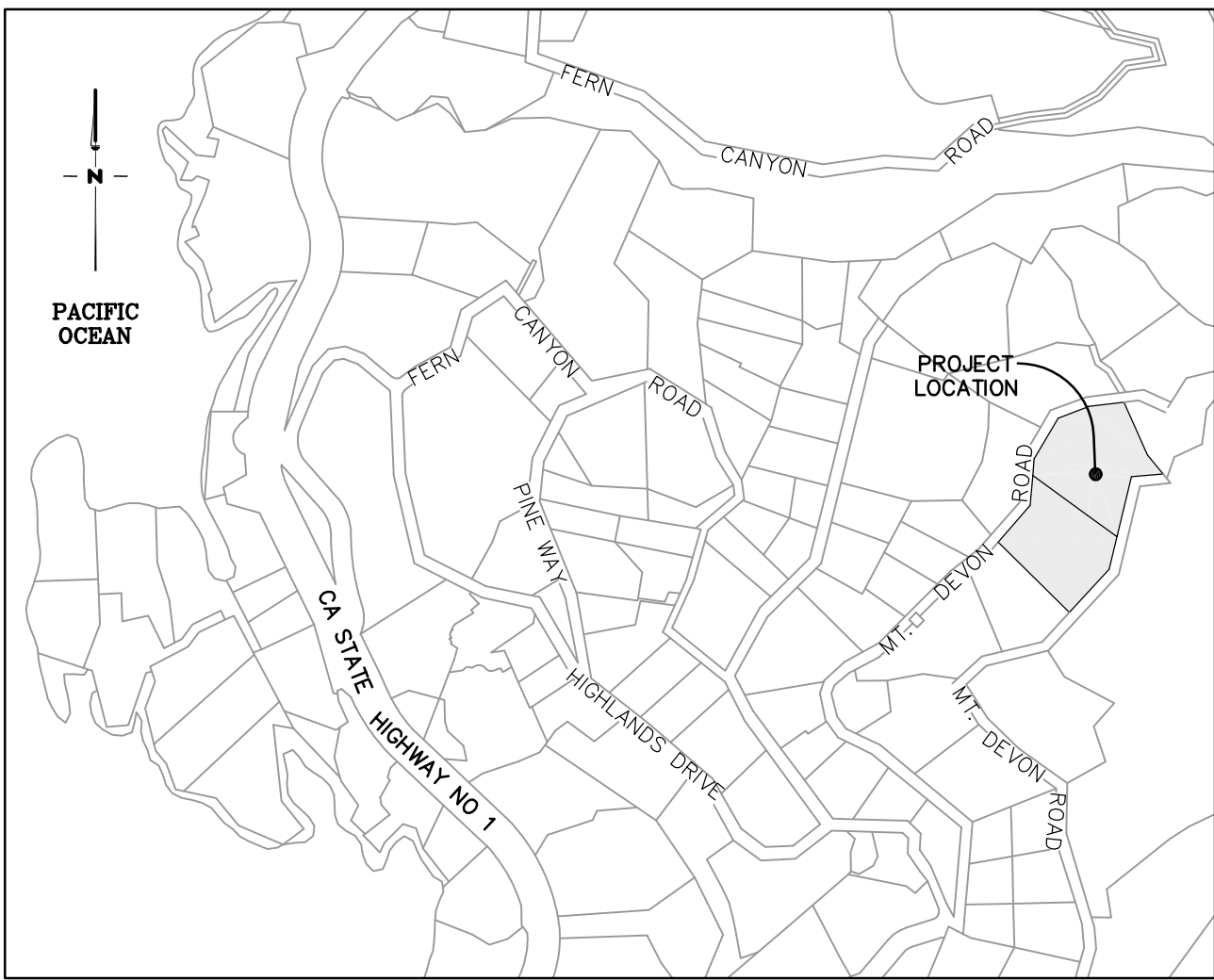
**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Within 60 days of project approval, the Applicant/Owner shall apply for required construction permits to authorize construction of the unpermitted accessory structure on Adjusted Parcel A. The construction plans shall demonstrate conversion of this structure to a non-habitable structure. The Applicant/Owner shall diligently pursue issuance of this construction permit.

**Compliance or Monitoring Action to be Performed:** Within 60 days of project approval, the Applicant/Owner shall apply for required construction permits to authorize construction of the unpermitted accessory structure on Adjusted Parcel A. The construction plans shall demonstrate conversion of this structure to a non-habitable structure. The Applicant/Owner shall diligently pursue issuance of this construction permit.

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VICINITY MAP  
NOT TO SCALE

DATA TABLE:

- GP LAND USE DESIGNATION: CARMEL AREA LAND USE PLAN – RESIDENTIAL – LOW DENSITY
- ZONING DESIGNATION: LDR/ 1-D (CZ)
- SITE COVERAGE:
  - SHED: APPROXIMATE GROSS S.F. = 331 (EXTERIOR WALL TO EXTERIOR WALL)
  - TOTAL BUILDING COVERAGE ON APN 241-142-001 (PRIMARY RESIDENCE LOT): 4,952 SF (INCLUDES MAIN HOUSE, SHEDS, GARAGE AND PORCH)
  - TOTAL PAVED AREA OF DRIVEWAY ON APN 241-142-001 (PRIMARY RESIDENCE LOT): 8,343 S.F.
  - CUBIC YARDS CUT FOR SHED: APPROXIMATELY 64 CY

MOUNT DEVON ROAD  
(A 25' WIDE COUNTY ROAD)  
(REEL 137, PAGE 434 & REEL 139, PAGE 279)

EXISTING AREA (SF)		PROPOSED AREA (SF)	
APN#	ACRES	PARCEL	ACRES
241-142-001	1.59	NORTH PARCEL	1.73
241-142-002	1.36	SOUTH PARCEL	1.22
TOTAL	2.95	TOTAL	2.95

APN:  
241-093-001

PROJECT INFORMATION

SITE ADDRESSES

58 MOUNT DEVON ROAD  
CARMEL, CA 93923-9606

APN 241-142-002,  
NO ADDRESS

OWNER:

TRACY PIAZZA  
58 MOUNT DEVON ROAD  
CARMEL, CA 93923-9606

SURVEYOR:

CENTRAL COAST SURVEYORS  
5 HARRIS COURT, SUITE N-11  
MONTEREY, CA 93940

ASSESSORS PARCEL  
NUMBERS

241-142-001  
241-142-002

NOTES:

- ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
- BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN ARE FROM THE RECORDS. THIS IS NOT A BOUNDARY SURVEY.
- ELEVATIONS SHOWN ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). PROJECT BENCHMARK IS A MAG. NAIL & STAINLESS STEEL WASHER STAMPED "CENTRAL COAST SURVEYORS" SET IN THE A.C. PAVEMENT OF MOUNT DEVON ROAD, AS SHOWN.  
ELEVATION = 400.80 FEET (NAVD88)
- CONTOUR INTERVAL = TWO FOOT. DASHED IS APPROXIMATE.
- TREE TYPES ARE INDICATED WHEN KNOWN. DIAMETERS OF TREES ARE SHOWN IN INCHES. TREES SMALLER THAN 6" ARE NOT SHOWN. OAK TREES SMALLER THEN 5" ARE NOT SHOWN. NOT ALL TREES ARE SHOWN. TREES LOCATED AUGUST 2023.
- SEPTIC INFO PROVIDED BY SALINAS VALLEY SEPTIC SERVICE DATED 8/20/2023, AND IS APPROXIMATE.
- FIELD WORK COMPLETED ON MAY 20, 2024.

LEGEND:

- |       |  |
|-------|--|
| CMU   | CONCRETE MASONRY UNIT  |
| CSA   | CRAWL SPACE ACCESS   |
| DG    | DECOMPOSED GRANITE   |
| DO    | DRAIN OUTLET   |
| G     | GATE   |
| GVL   | GRAVEL   |
| P     | PILLAR   |
| PL    | PLANTER  |
| CONC. | DENOTES PORTLAND CEMENT CONCRETE                                 |
| TURF  | DENOTES ARTIFICIAL TURF  |
| ( )R1 | DENOTES RECORD DATA PER DOC#2024007789                           |
| ( )R2 | DENOTES RECORD DATA PER DOC#2023025157                           |
| •     | DENOTES A DOWNSPOUT  |
| ◊     | DENOTES A AREA DRAIN   |
| ◊     | DENOTES A STUCCO COLUMN  |
| ○10"Q | DENOTES A 10" DIA. OAK TREE (TYP.)                               |
| ○10"P | DENOTES A 10 DIA. PINE TREE (TYP.)                               |
| ---   | DENOTES PROTRACTED BOUNDARY                                      |
| ---   | DENOTES A FLOWLINE   |
| ---   | DENOTES A 2ND STORY OVERHANG                                     |
| ---   | DENOTES A ELEVATED WOOD DECK                                     |
| ---   | DENOTES A STEP   |
| ---   | DENOTES SEPTIC INFORMATION                                       |
| ---   | DENOTES A WROUGHT IRON FENCE                                     |
| ---   | DENOTES A WOOD POST & WIRE FENCE                                 |
| ---   | DENOTES A WOOD FENCE   |
| ---   | DENOTES A WOOD RETAINING WALL                                    |
| ---   | DENOTES A LOOSE STONE WALL, DASHED IS APPROXIMATE                |
| ---   | DENOTES A CONC. & STONE WALL, WIDTHS VARY, DASHED IS APPROXIMATE |

PROPOSED LOT LINE ADJUSTMENT  
BETWEEN

THE PARCELS DESCRIBED IN  
DOCUMENT# 2024007789 &  
DOCUMENT# 2023025157

OFFICIAL RECORDS OF MONTEREY COUNTY

CARMEL HIGHLANDS COUNTY OF MONTEREY STATE OF CALIFORNIA

PREPARED FOR

Tracy Piazza

BY

CENTRAL COAST SURVEYORS

5 HARRIS COURT, SUITE N-11 MONTEREY, CALIFORNIA 93940

Phone: (831) 394-4930  
Fax: (831) 394-4931

SCALE: 1" = 20'

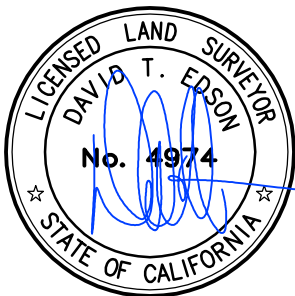
JOB No. 23-76

JUNE 2024

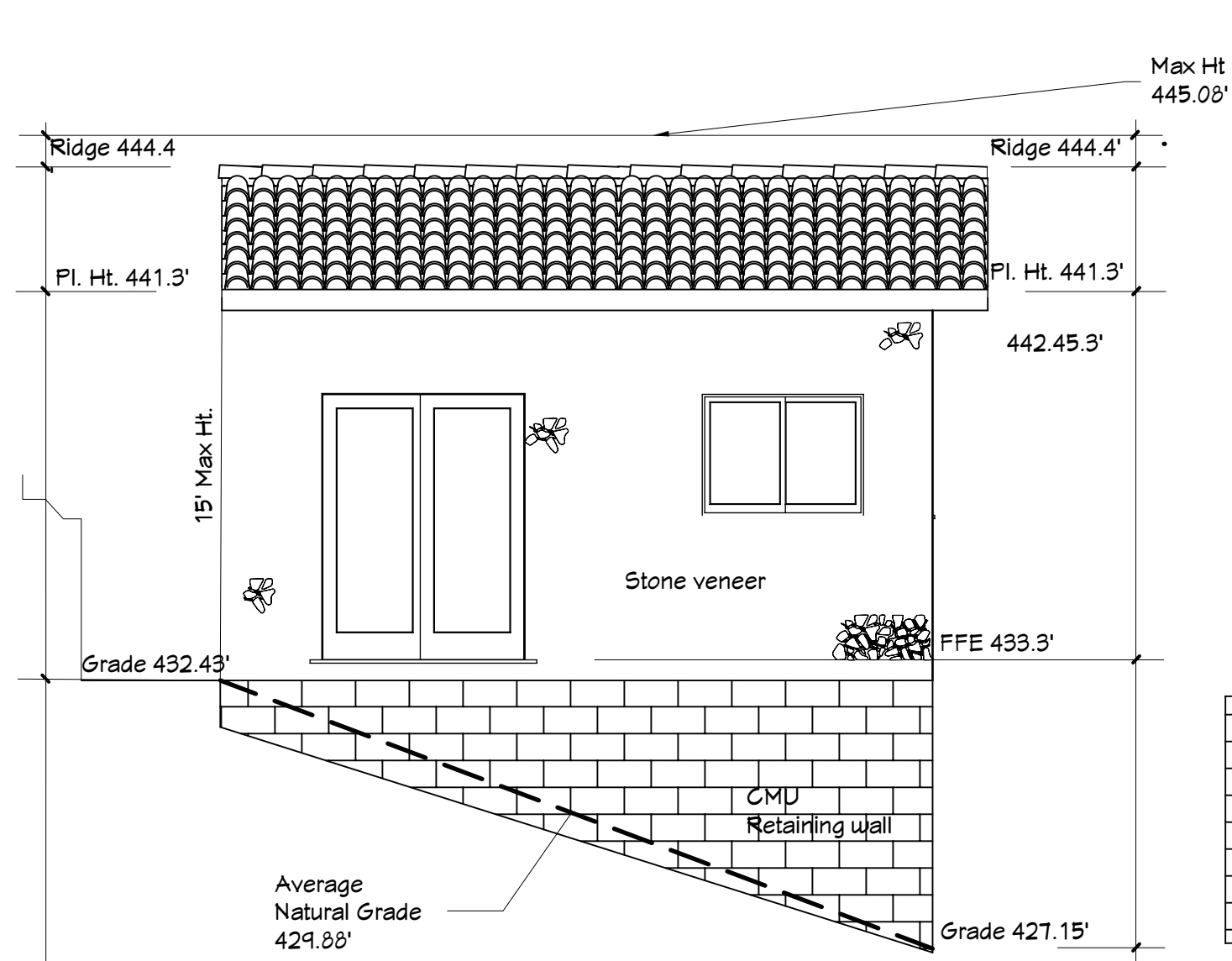
PREPARER: LLJS

APN'S 241-142-001, 002

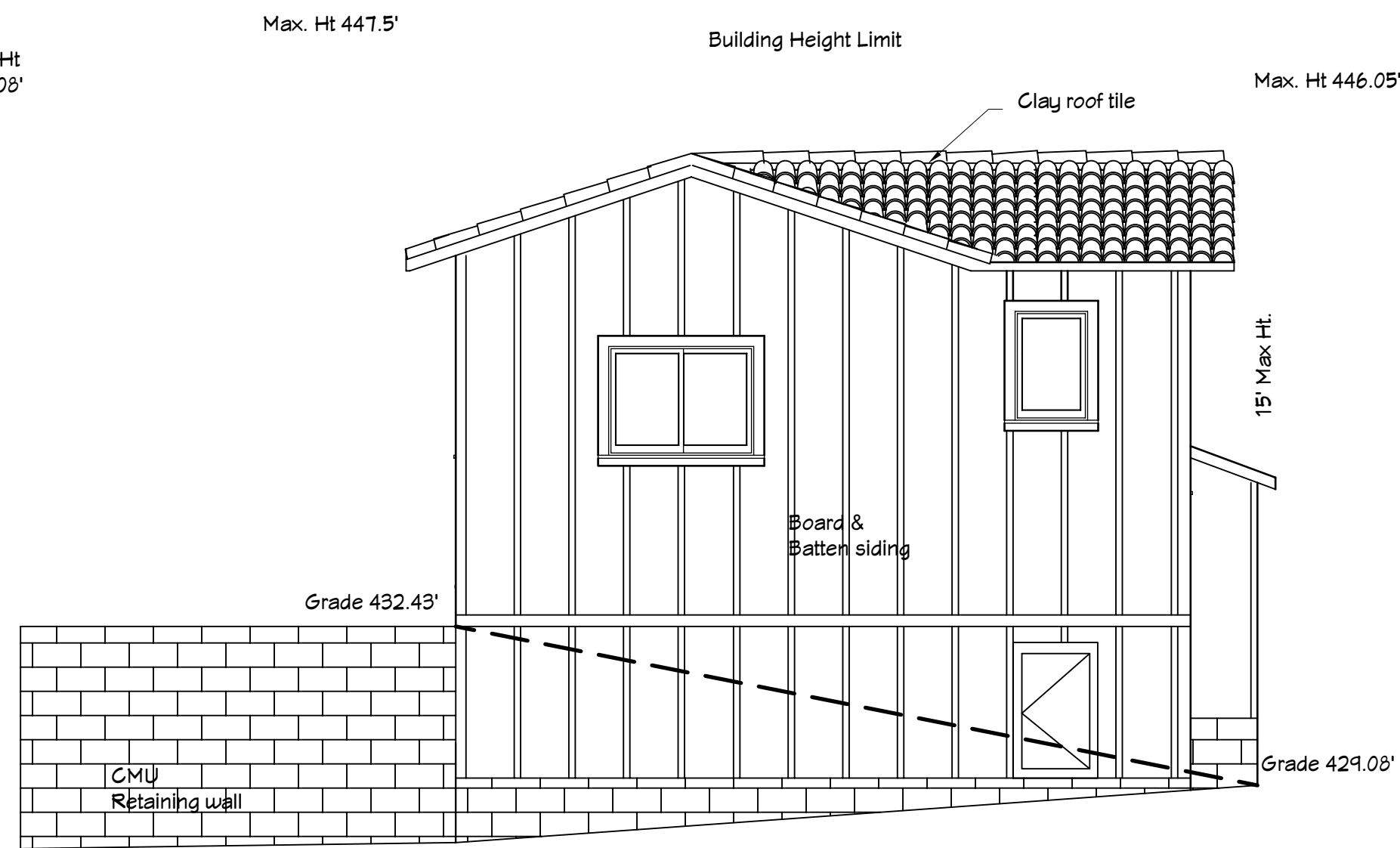
UPDATED FEBRUARY 2025 – DATA TABLE & PROPOSED TREES



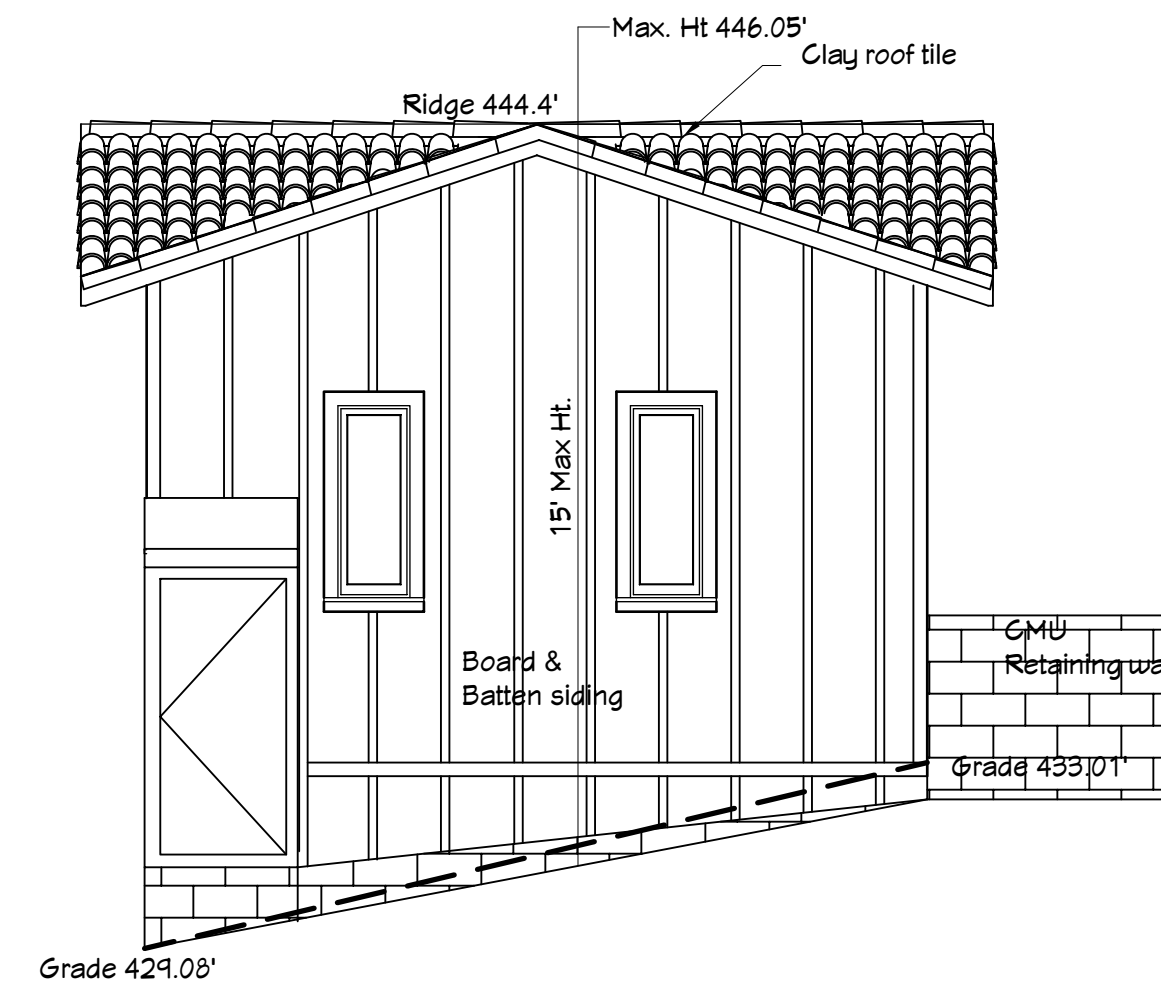




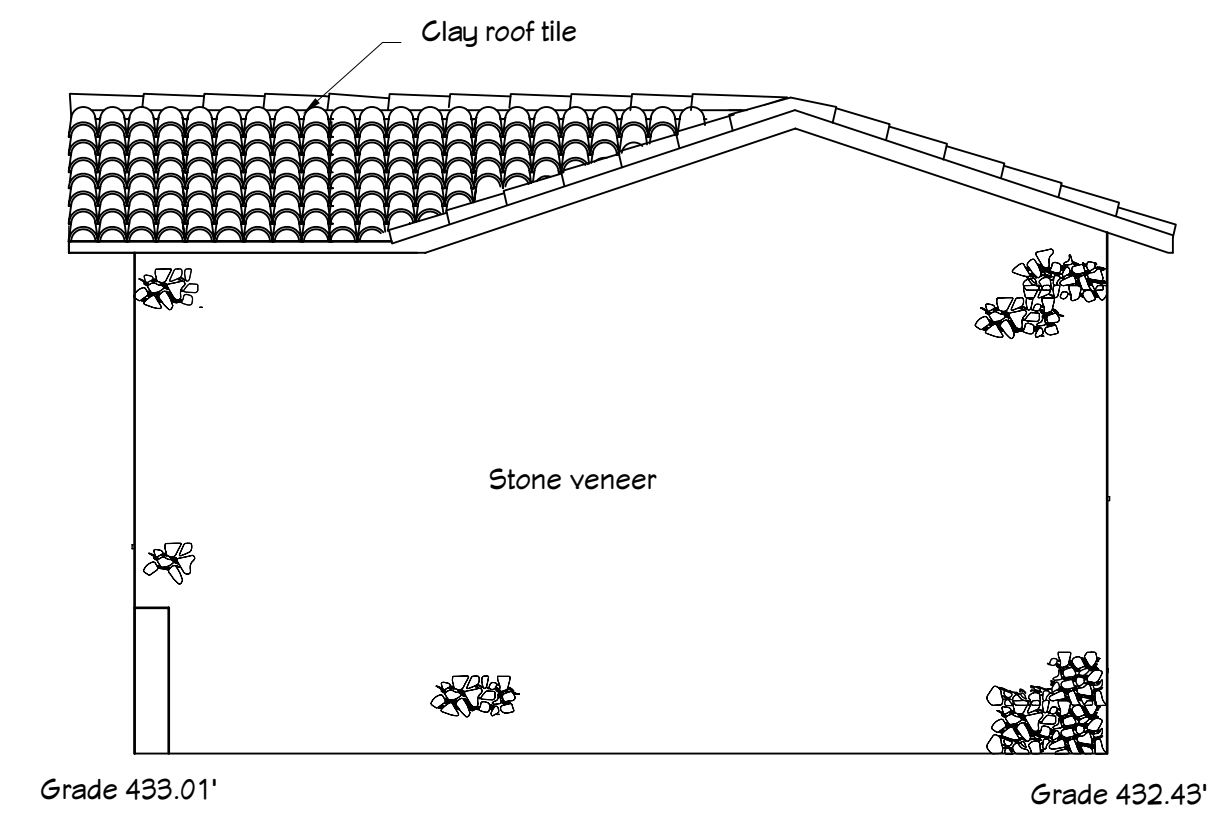
South Elevation



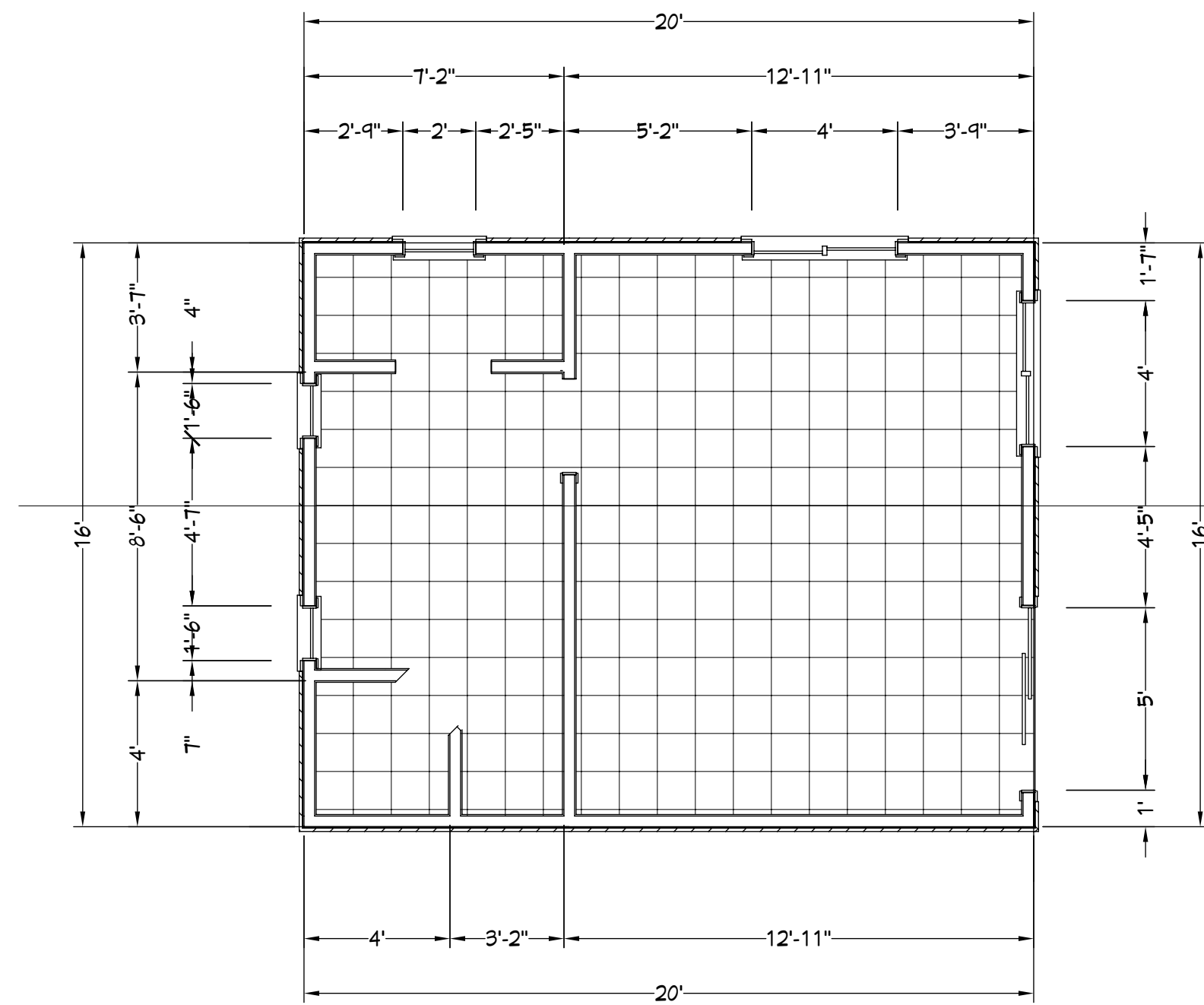
East Elevation



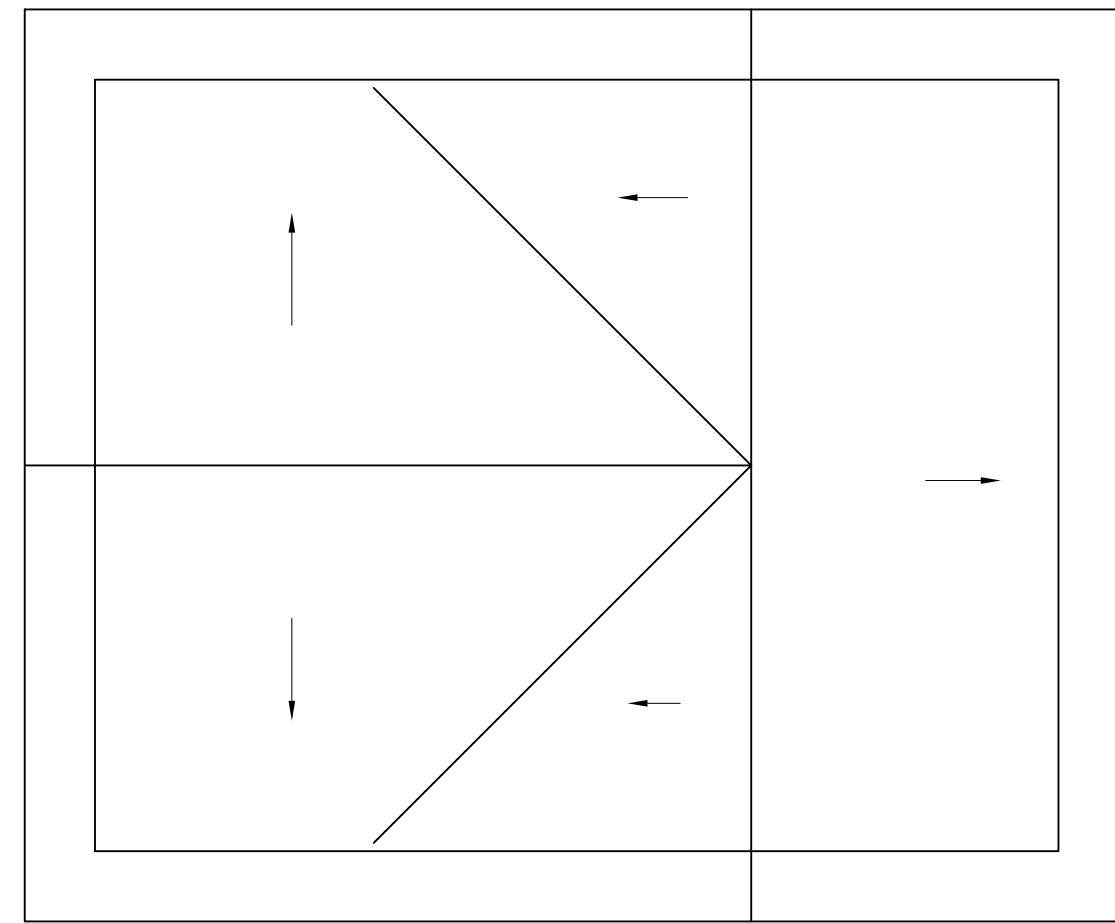
North Elevation



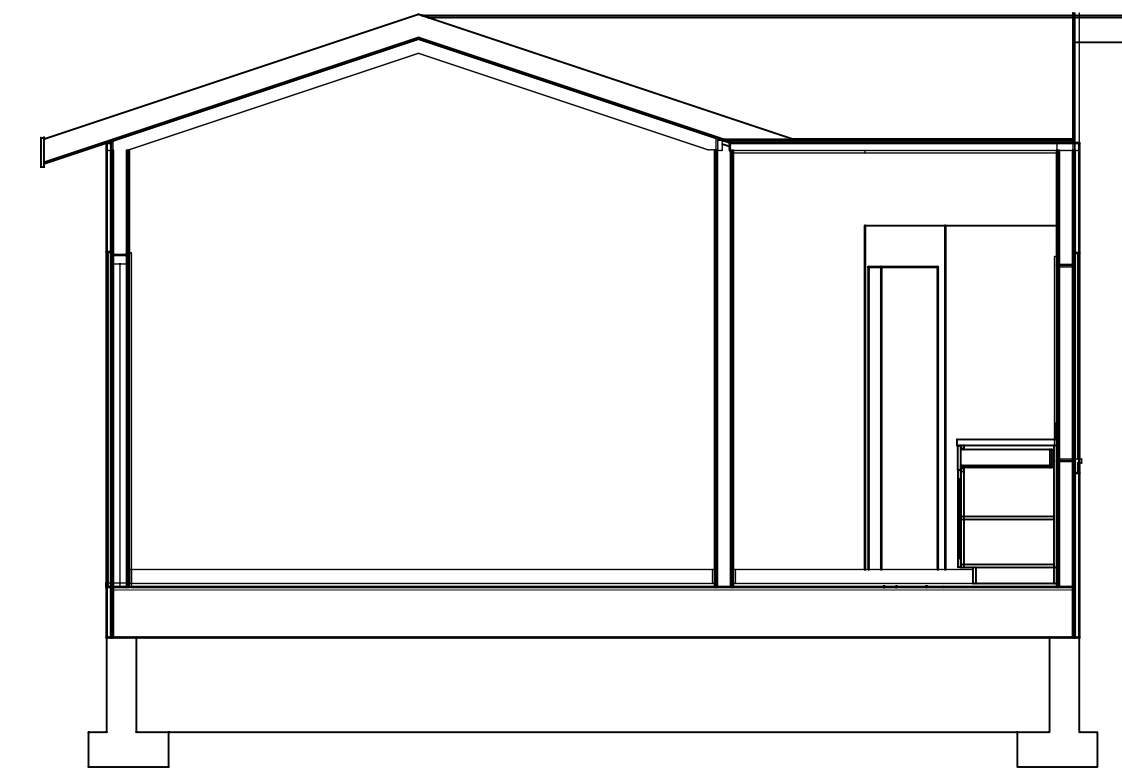
South Elevation



Floor Plan



Roof Plan



Section A

Height Calculations:

$$\begin{aligned} \text{Highest point of natural grade at structure} & 433.01' \\ \text{Lowest point of natural grade at structure} & 427.25' \\ \hline & 5.86' / 2 = 2.93' \\ \text{Average natural grade } 427.25' + 2.93' & = 430.18' \end{aligned}$$

Maximum allowable height of building  $427.25' + 2.93' + 15.0' = 445.08'$   
 Building shall not exceed 445.08'  
 Ridge Height existing 444.44' Complies with Coastal Zone.

Potting / Tool Shed

58 Mt Devon Road  
 Carmel, California  
 APN: 241-142-001 & 002

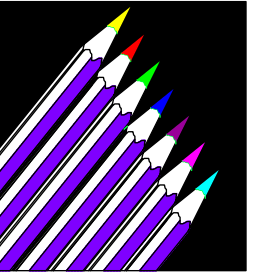
Sheet Title

Plans - Elevations - Sections

Date: 2/14/25 Scale: 1/4" = 1'-0"

A1

Project Design

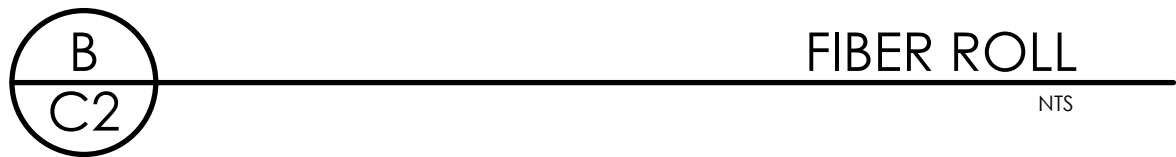


David Prou  
 3150 Rio Road #14  
 Carmel, Ca  
 93921  
 (805) 413-3795

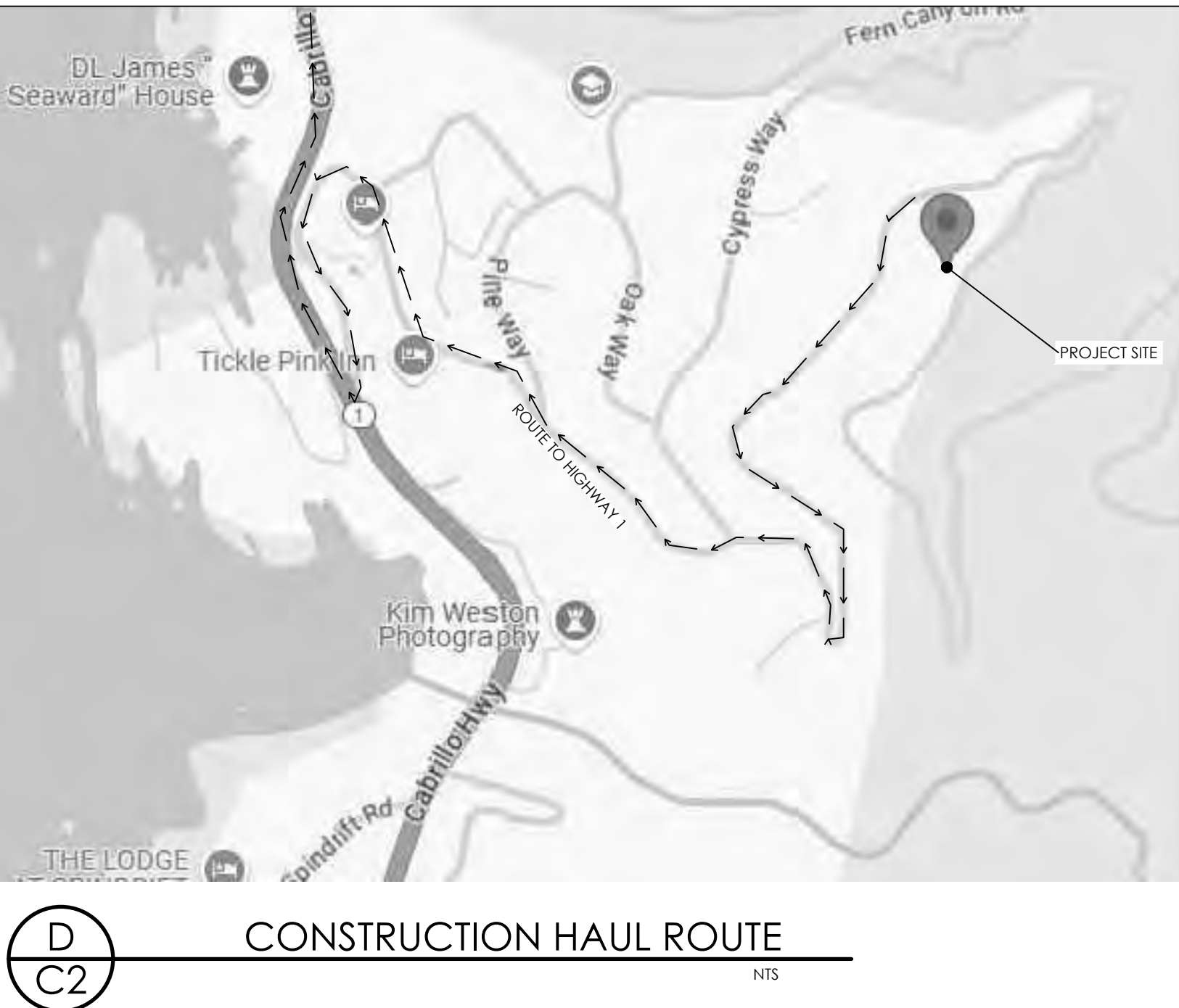
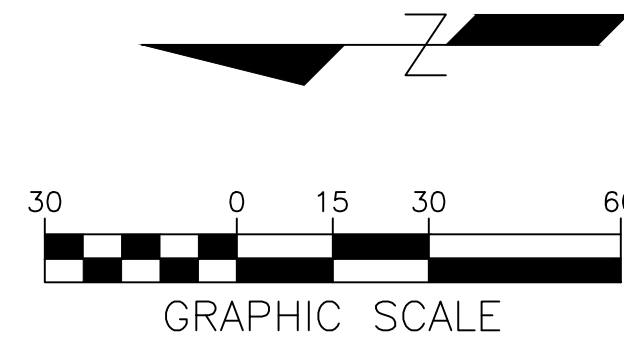








NTS



3. PRIOR TO FINAL INSPECTION, THE OWNER/APPLICANT SHALL SCHEDULE AN INSPECTION WITH HCD-ENVIRONMENTAL SERVICES TO ENSURE ALL DISTURBED AREAS HAVE BEEN STABILIZED AND ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES THAT ARE NO LONGER NEEDED HAVE BEEN REMOVED.

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