



# County of Monterey Planning Commission

## Agenda Item No.10

Legistar File Number: PC 26-023

## Item No.10

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

February 11, 2026

Introduced: 2/3/2026

Version: 1

Current Status: Agenda Ready

Matter Type: Planning Item

### **PLN230339 - LEATON MICHAEL GUY & TRACY PIAZZA LEATON**

Continued from January 25, 2026 - Public hearing to consider 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 to partially clear Code Enforcement case 23CE00194 with Restoration of 6 Monterey Pines and development on slopes in excess of 30 percent on Adjusted Parcel B; and consider after-the-fact construction of a detached 320 square foot garden shed on Adjusted Parcel A.

**Project Location:** 58 Mt. Devon Road, Carmel, Carmel Area Land Use Plan

**Proposed CEQA action:** Find the project qualifies as a Class 1, 5, and 33 Categorical Exemption pursuant to CEQA Guidelines sections 15301, 15305(a) and 15333, and there are no exceptions pursuant to Section 15300.2

### RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. Find the project qualifies as a Class 1, 5, and 33 Categorical Exemption pursuant to CEQA Guidelines section 15301, 15305(a), and 15333, and there are no exceptions pursuant to Section 15300.2
- b. Approve a Combined Development Permit to clear code enforcement case 23CE00194 consisting of:
  - 1) 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
  - 2) A Restoration Permit to allow replanting of 6 Monterey Pine trees and restoring grading on slopes in excess of 30 percent on Adjusted Parcel B; and
  - 3) An After-the-Fact Design Approval to allow construction of a detached 320 square foot shed on Adjusted Parcel A.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval/denial subject to 8 conditions of approval.

### PROJECT INFORMATION:

**Agent:** Matthew Sundt

**Property Owner:** Tracy Piazza

**APN:** 241-142-001-000 (Parcel A) & 241-142-002-000 (Parcel B)

**Parcel Size:** Parcel A, 1.59 acres and Parcel B 1.36 acres for a total of 2.95 acres, or 128, 502 square feet collectively

**Zoning:** Low Density Residential, with 1 acre per unit density, Design Control overlay, Coastal Zone or “LDR/1-D (CZ)”

**Plan Area:** Carmel Area LUP

**Flagged and Staked:** No

**Project Planner:** McKenna Bowling, Associate Planner

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SUMMARY/DISCUSSION:

The subject properties are in Carmel, within the unincorporated area of Monterey County and labeled as Parcel A (APN: 241-142-001-000) and Parcel B (APN: 241-142-002-000) in the attached plans (Exhibit B). Parcel A is located at 58 Mount Devon Road and Parcel B is adjacent to this subject property with no assigned address. Parcel A is currently developed with a single-family dwelling with an attached garage and an unpermitted accessory structure (guesthouse) that straddles over Parcel A and B. Parcel B is currently undeveloped.

The application includes an after-the-fact Design Approval to convert an unpermitted guesthouse to a non-habitable garage, and a Lot Line Adjustment between Parcel A and Parcel B to adjust the property boundaries to ensure the unpermitted accessory structure is located entirely on Adjusted Parcel A and conforms to County site development standards. A Restoration Permit is included for Parcel B to allow the replanting of 6 five-gallon Monterey Pine trees and to restore approximately 1,500 square feet of slopes in excess of 30% that were graded for a new driveway without the necessary permit. The project site is supplied with potable water by CalAm, and the sewer connection is provided through an Onsite Wastewater Treatment System (OWTS). No additional fixtures or connections are needed for the proposed development.

Based on staff’s review of the planning application materials, the project complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 1982 General Plan (General Plan), Carmel Area Land Use Plan (CAR LUP), Monterey County Coastal Implementation Plan, Part 4 (CIP), and applicable sections of the Monterey County zoning ordinance (Title 20).

*Code Enforcement*

The subject property had an inquiry opened on April 21, 2023 due to grading and tree removal. After a site visit from Code Enforcement, a case (23CE00194) was opened, and an Administrative Citation was sent to the property owner on May 8, 2023. The violation included development on slopes greater than 25 percent (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. The applicant applied for a Combined Development Permit to partially clear the code enforcement case in January of 2024. Through the implementation of this project and obtaining an after-the-fact construction permit, the code enforcement case will be cleared.

*Lot Line Adjustment*

The subject parcels are zoned Low Density Residential, with 1 acre per unit density, and a Design Control. Title 20 section 20.14.050.BB allows for Lot Line Adjustments (LLA) subject to the granting of a Coastal Development Permit. The LLA is between two 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). There is an existing unpermitted accessory structure that straddles over Parcel A and B. The adjusted lot line would allow for the accessory structure to be entirely located on Adjusted Parcel A, resulting in a lot that conforms to County site development standards. Relocation of the accessory structure better meets the goals and policies outlined in the 1982 General Plan, the Carmel LUP, Carmel CIP and Monterey County Zoning ordinance Title 20. The proposed adjustment is between two existing adjacent parcels, and a greater number of parcels than originally existed will not be created as a result of implementation of this project.

#### *Restoration*

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. Restoration work will include replanting of trees in the same general area as the trees removed, and recontouring and revegetating the areas where unpermitted grading occurred. Implementation of the restoration plan will result in pre-violation conditions. The unpermitted shed was not constructed on slopes in excess of 30% and thus does not require restoration of this area. Condition No. 7 requires that restoration activities commence within 90 days of issuance of the requested Combined Development Permit.

#### *After-the-Fact Approval*

As mentioned above, the applicant originally constructed an unpermitted guesthouse but now wishes to convert this structure into a non-habitable structure, a garden shed. Converting the use from a guesthouse to a shed will require internal modifications, subject to a construction permit. The proposed after-the-fact Design Approval authorizes construction of the to-be converted shed, and does not allow the guesthouse to remain. The structure is minor in nature, and the colors and materials proposed are consistent with existing residence and the neighborhood character, as discussed below. The structure, with implementation of the lot line adjustment, conforms to the required setbacks outlined in Title 20. Condition No. 8 requires the Applicant/Owner to apply for and obtain a construction permit to fully abate this portion of the violation.

#### *Site Development Standards*

Title 20 section 20.14.060 establishes the side development standard applicable to structures within the LDR zoning district. Pursuant to Title 20 section 20.14.060.C, a non-habitable accessory structure shall have setbacks of at least 50 feet for the front, 6 feet for the sides, and 1 foot for the rear, and a maximum allowable height of 15 feet. The garden shed proposes 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. The subject property (Adjusted Parcel A) has an allowable building site coverage of 15 percent, and as proposed, the lot coverage will be 0.37 percent. Adjusted Parcel B will be vacant. Therefore, the property complies with the required site development standards based on the applicable zoning district.

#### *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 after-the-fact consideration of an unpermitted 320 square foot detached shed. The structure has dark brown wood siding with stone veneer detailing, dark brown/red clay tile roofing, and dark brown black 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 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.

#### CEQA:

California Environmental Quality Act (CEQA) Guidelines section 15301 categorically exempts existing facilities and small structures with no or negligible expansion of use. As proposed, the project includes the conversion of an unpermitted detached 320 square foot guesthouse to a non-habitable accessory structure (garden shed). Further, CEQA Guidelines section 15305(a) categorically exempts minor Lot Line Adjustments where the adjustment doesn't result in the creation of any new parcel. As delineated on the project plans, the Lot Line Adjustment is to adjust lot lines for a more superior configuration to allow for the proposed detached garden shed to be located entirely on Parcel A. This addresses a portion of the violation, by relocating the accessory structure from a vacant lot (Parcel B) and correctly placing the accessory structure on Parcel A, the developed parcel with a residence and garage. This does not create any new lots or create any non-conforming setbacks as a result. Finally, the proposed restoration is less than 5 acres in size. The proposed project does not create impacts to an environmental resource, any scenic highways, or historical resources; this will not create any cumulative or significant impact, and this site is not a hazardous waste site. No evidence of significant adverse environmental effects was identified during staff's review of the development application.

#### OTHER AGENCY INVOLVEMENT:

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

- Environmental Health Bureau
- HCD-Engineering Services
- HCD-Environmental Services

Carmel Highlands Fire Protection District  
Carmel Highlands Land Use Advisory Committee

The proposed project was not reviewed by the Carmel Highlands Land Use Advisory Committee due to an ongoing lack of quorum issue, and therefore, the project was scheduled for the Planning Commission.

Prepared by: McKenna Bowling, Associate Planner, (831) 755-5298

Reviewed and Approved by: Jacquelyn M. Nickerson, Principal Planner

The following attachments are on file with the HCD:

Exhibit A - Project Data Table

Exhibit B - Draft Resolution

- Recommended Conditions of Approval
- Site Plans, Floor Plans & Elevations

Exhibit C - Vicinity Map

Exhibit D - Tree Assessment

cc: Front Counter Copy; Carmel Highland LUAC; Cypress Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; McKenna Bowling, Associate Planner; Jacquelyn M. Nickerson, Principal Planner; Tracy Piazza, Property Owner; Matthew Sundt, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild, Planning File PLN230339.