



County of Monterey Planning Commission

Agenda Item No.3

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Item No.3

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

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PLN230339 - LEATON MICHAEL GUY & TRACY PIAZZA LEATON

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 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 conversion of an unpermitted guesthouse to a detached 320 square foot garden shed on slopes in excess of 30 percent 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 5 and 3 Categorical Exemption pursuant to CEQA Guidelines sections 15305(a) and 15303, 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 3 and 5 Categorical Exemption pursuant to CEQA Guidelines section 15305(a) and 15303, 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 replant 6 Monterey Pine trees and restore development on slopes in excess of 30 percent on Adjusted Parcel B; and
 - 3) A Coastal Development Permit and Design Approval to allow conversion of an unpermitted guesthouse to a detached 320 square foot shed on slopes in excess of 30% on Adjusted Parcel A.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval/denial subject to 7 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

bowlingmr@countyofmonterey.gov, (831) 755-5298

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 a Lot Line Adjustment between Parcel A and Parcel B to adjust the lot line to allow the unpermitted accessory structure to be entirely on Adjusted Parcel A, conforming to County site development standards. Additionally, the construction of the accessory structure, guesthouse, occurred on slopes in excess of 30%. The applicants seeks after -the-fact approval for development on slopes and to convert the unpermitted 320 square foot accessory structure, guesthouse, into a garden shed. A Restoration Permit is included for Parcel B for the replanting of 6 five-gallon Monterey Pine trees and to restore grading for a new driveway on slopes in excess 30%. 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, 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. The applicant applied for a Combined Development Permit to clear the code enforcement case in January of 2024, and through implementation of this project as discussed below, 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

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 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 of 6 Monterey Pines and restoration of development on slopes exceeding 30 percent for the driveway on Adjusted Parcel B. Additionally, Title 20 requires a Coastal Development be applied in cases where development takes place on slopes over 30 percent in the Coastal Zone. As indicated on project plans, a portion of the scope includes conversion of an unpermitted guesthouse to a 320 square foot detached garden shed, on slopes over 30 percent on Adjusted Parcel A. The location and design of the shed requires both a Coastal Development and Design Approval be applied. Therefore, the property owner has applied for the appropriate permits to abate the violations by restoring the disturbed areas on Adjusted Parcel B to original conditions, and convert the unpermitted guesthouse to a 320 square foot detached garden shed on Adjusted Parcel A.

After-the-Fact Approval

Title 20 requires a Coastal Development be applied in cases where development takes place on slopes over 30 percent in the Coastal Zone. As indicated in County of Monterey GIS records, the detached accessory structure is located on slopes exceeding 30 percent, therefore a Coastal Development has been applied. the applicant seeks to no longer keep the unpermitted guesthouse but moreover convert this structure into a non-habitable structure, garden shed, subject to a Design Approval, pursuant to Title 20 section 20.44.030. The structure is minor in nature and the colors and materials proposed are consistent with the neighborhood character as discussed below.

Additionally, the applicant seeks after-the-fact approval for the 320 square foot development on slopes for the unpermitted guesthouse subject to a Coastal Development Permit. Findings to grant the Coastal Development Permit are: 1) There is no alternative feasible option; or 2) the proposed

development better meets and achieves the goals, policies of the County. There are steeper slopes as indicated in the attached plans on the subject property. Relocation of the structure would not reduce impacts to slopes, as majority of the property is indicated as having slopes over 30 percent. Furthermore, the structure is sited in a location to be accessory and subordinate to the main structure while conforming to the required setbacks outlined in LDR zoning. Therefore, findings to grant the Coastal Development Permit can be granted in this case.

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, 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, rear setback over 6 feet and a height of 14.56 in feet from average natural grade. The subject property has an allowable building site coverage of 15 percent, and as proposed the lot coverage will be 0.37 percent. 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 conversion of an unpermitted 320 square foot detached guesthouse to new 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 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 reducing visual impacts. As designed and sited, the project proposes to utilize 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, as to not 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 15303 categorically exempts the construction of accessory structures, including garages and carports and sheds. As proposed, the project includes 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 places 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. 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 were 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 on-going lack of quorum issue, 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; 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.