Introduced: 8/3/2026 **Current Status:** Agenda Ready

Version: 1 **Matter Type:** Zoning Administrator

PLN260135 - CHANG CHUN-PO & HSU HSIN-I TRS

Public hearing to consider action on a Commercial Vacation Rental to allow the use of residential property for transient lodging for a period of 30 calendar days or fewer.

Project Location: 24790 Lower Tail, Carmel, CA 93923

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15301, and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATIONS

It is recommended that the Zoning Administrator adopt a resolution to:

a. Find the project qualifies for a Class 1 Categorical Exemption from CEQA Guidelines Section 15301, and that none of the exceptions from Section 15300.2 apply to the project; and
b. Approve a Coastal Development Permit for a Commercial Vacation Rental to allow the use a residential property for transient lodging for a period of 30 calendar days or fewer.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 5 conditions of approval.

PROJECT INFORMATION

Property Owner/Applicant: Chang Chun-Po & Hsu Hsin-I Trs
APN: 009-073-033-000
Parcel Size: 0.09 AC
Zoning: Medium Density Residential with a maximum gross density of 2 units/acre with a Design Control Overlay within the Coastal Zone or "MDR/2-D (CZ)"
Plan Area: Carmel Area Land Use Plan
Flagged and Staked: N/A
Project Planner: Jacquelyn M. Nickerson, Principal Planner
nickersonj@countyofmonterey.gov; (831) 784-5650

SUMMARY/DISCUSSION

The project site is located at 24790 Lower Trail, a publicly maintained road, within the Carmel area of the unincorporated area of the County of Monterey. The Applicant, Hsin-I Hsu, submitted an application seeking to use the existing single-family dwelling located in a residentially zoned neighborhood as a Commercial Vacation Rental. The site is developed with an existing single-family dwelling and attached garage. The proposed commercial vacation rental is within the existing 2,076 square foot single-family two-story dwelling with an attached garage, and consists of five bedrooms, three bathrooms, two living rooms, two dining rooms, a kitchen, a utility/laundry room, a storage

room, and a basement. The applicant is proposing that the residence be occupied by a maximum of 10 people overnight, 15 people during the daytime hours at the property at a time, and a maximum of 12 contractors on site at any time consisting of the cleaning crew. The property will retain its domestic water connections to California American Water Company, a public water provider, through the Monterey Peninsula Water Management District, and Carmel Area Waste Water District will continue to provide sewer service. The property will retain its solid waste services to USA Waste of California, Inc., a waste management company.

Within the immediate neighborhood, excluding this application, there are 10 applied applications for a Commercial Vacation Rental, one of which has an approved discretionary permit. If approved, the granting of this Coastal Development Permit would allow the establishment of the 34th permitted vacation rental in the Carmel Area Land Use Plan out of 118 Use Permits permitted pursuant to Title 20 Section 20.64.290.F.3.b.

DISCUSSION:
Based on staff's review of the planning application materials, the property complies with all rules and regulations pertaining to zoning uses and other applicable the 1982 County of Monterey General Plan (General Plan), Carmel Area Land Use Plan (CAR LUP), Carmel Coastal Implementation Plan (CAR LUP), Monterey County Code Title 7 Chapter 7.120 (Title 7), and the Monterey County Coastal Zoning Ordinance (Title 20).

Land Use
The parcel is zoned Medium Density Residential with a maximum gross density of 2 units/acre with a Design Control Overlay within the Coastal Zone or "MDR/2-D (CZ)". Title 20 Section 20.12.050.DD allows for Commercial Vacation Rental use, subject to the granting of a Coastal Development Permit. Title 20 Section 20.64.290.F establishes the regulations for a property operating as a Commercial Vacation Rental on such property for transient lodging for a period of 30 calendar days or fewer.

The parcel is located on Lower Trail with a Design District overlay subject to the CAR LUP. However, the project does not propose any physical changes that would have any potential to impact scenic or visual resources: no construction, exterior alterations to structures, land alteration, or vegetation (or tree) removal are proposed as part of this application.

The property complies with Title 20 Section 20.64.290.F.5 in that it has been demonstrated that the response time for County emergency services for fire and emergency medical services is adequate. Adequate is defined as 5-8 minutes within Community Areas, Community Plans, and Sphere of Influence, 12 minutes within Rural centers, and 45 minutes for all other areas. The subject property is within the Sphere of Influence for Carmel-by-the-Sea; therefore, it is subject to the 5-8 minutes response time. The subject property is within a 7-minute drive from Cypress Fire Protection District 25, which provides fire response services. The Community Hospital of the Monterey Peninsula is 8-minutes away, which provides 24-hour emergency medical services. The Vacation Rental Operation License requires that guests be provided with the contact information on the response time for emergency medical and fire services as a part of the informational notice posted within six feet of the front door (Condition No. 5).

Parking requirements outlined in Title 20 Sections 20.64.290.F.6 and 20.58.040 require that a Single-Family Detached residential dwelling unit have two spaces/unit. The application includes a total of one parking space, which does not comply with parking requirements. The single-family dwelling was built in 1980 and conformed to the zoning regulations from the time the house was built thus making it legal nonconforming to current parking regulations.

The subject property complies with the limitation on the number of Commercial Vacation Rentals per legal lot requirements of Title 20 Section 20.64.290.F.7, which allows one Commercial Vacation Rental per legal lot of record. The subject property will be the only Commercial Vacation Rental on the legal lot of record. The owner of the subject property complies with the ownership requirements of Title 20 Section 20.64.290.F.10, wherein the owner of the subject property is allowed to have an ownership interest in one Commercial Vacation Rental within unincorporated Monterey County. The owners of the property do not have an ownership interest in other already operating Commercial Vacation Rentals in unincorporated Monterey County, and this would be their first and only Commercial Vacation Rental in unincorporated Monterey County.

As detailed in the draft resolution (**Exhibit A**), the Applicant/Owner has provided evidence of compliance with the applicable requirements. The designated Property Manager for the Commercial Vacation Rental, Brady Bergeron, resides at 11 Lilac St, Monterey, CA 93940 approximately 4.8 miles (8 minutes) from the subject property. Mr. Bergeron's contact information will be provided to the guests of the property and will be available 24/7 to respond to guest or neighborhood questions or concerns, and has the ability to arrive within 30 minutes. Mr. Bergeron's contact information will be provided to guests as a part of the informational notice posted within six feet of the front door as required pursuant to Title 7 Section 7.120.040.L.

The property has a maximum occupancy of 10 overnight guests, 15 daytime guests, and 12 contractors. The proposed occupancy does not exceed the limits set forth in the California Uniform Housing Code and the requirements enumerated in Title 7 Section 7.120.070.C, which limit the maximum overnight occupancy to two persons per bedroom plus one and not counting infants (zero to twelve months), with a not to exceed total maximum overnight occupancy of 15 overnight guests, regardless of the number of bedrooms in the property. Title 7 Section 7.120.070.C also limits the maximum daytime occupancy of occupants and visitors to not exceed a count of 1.5 times the maximum overnight occupancy and shall not exceed a total count of 15 persons per unit, no matter how many bedrooms.

To ensure the proposed use will not affect the residential character of the neighborhood, the following two conditions have been incorporated. Condition No. 3 has been incorporated to ensure that the property will not be rented for the purposes of holding a corporate or private event venue and Condition No. 4 to ensure that the property will remain in compliance with the regulations for Vacation Rentals in Title 7 Chapter 7.120, Title 20 section 20.64.290 and the Conditions of Approval. Additionally, the proposed Commercial Vacation Rental is subject to Monterey County's Noise Ordinance (Chapter 10.60), which prohibits loud or unreasonable noise between the hours of 9:00PM and 7:00AM. In accordance with Title 20 section 20.70.060, if the property is found to be in violation of the approved operations plan or conditions of approval attached to this Coastal Development

Permit, the permit may be revoked for non-compliance.

Access
The property is accessed through Lower Trail, a public County-maintained road. Lower Trail is accessible from Highway 1 through several other public County-maintained roads. Therefore, policies and regulations pertaining to the use of private roads in Monterey County Code Title 16 Chapter 16.80 are not applicable.

Violation
There are no open violations attributed to the subject property.

CEQA:
The project qualifies as a categorical exemption from environmental review pursuant to CEQA Guidelines section 15301. This exemption applies to the operation of existing private structures, involving negligible or no expansion of an existing use. The Applicant/Owner proposes to use a residential single-family dwelling for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such occupancy, possession, or tenancy for a period of 30 consecutive calendar days or fewer. This project does not propose or authorize any additional exterior development and/or expansion of the existing structure currently on the project site.

The subject property will be limited to one rental contract at any given time. All facilities, as planned and approved, have been confirmed by County agencies to be adequate for this use. Therefore, the proposed use is consistent with the CEQA Guidelines Section 15301. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. Additionally, there will be no significant effect on the environment due to unusual circumstances. Further, there is no evidence that "the cumulative impact of successive projects of the same type in the same place, over time is significant."

The County prepared a FEIR for the Vacation Rental Ordinances project, which was certified by the Board of Supervisors on August 27, 2024 (SCH# 2022080643). The FEIR analyzed the project for environmental impacts and did not identify any significant impacts of Commercial Vacation Rentals up to the Commercial Vacation Rental cap set for each County of Monterey Planning Area. This Commercial Vacation Rental does not exceed the cap on Commercial Vacation Rentals in the Carmel Area Land Use Plan. It would be the 34th Commercial Vacation Rental in the Carmel Area Land Use Plan. The FEIR did address public comments that vacation rentals have the potential for negative side effects including nuisance issues such as traffic, parking and noise. However, no significant environmental effects were identified. County regulations have been developed and are in effect to ensure that vacation rentals remain compatible with existing residential uses. Cumulative impacts of the regulations taken together with other past, present, and probable future projects were analyzed and no significant effects were identified. There is no evidence suggesting that approving this project would result in significant environmental impacts.

OTHER AGENCY INVOLVEMENT
None

Prepared by: Kyle Benalcazar, Assistant Planner

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

The following attachments are on file with HCD:
Exhibit A - Draft Resolution including:
- Recommended Conditions of Approval
- Operations Plan
- Site and Floor Plan
Exhibit B - Aerial Image and Surrounding Neighborhood
Exhibit C - Vicinity Map
Exhibit D - Home Inspection Checklist
Exhibit E - Public Comment

cc: Front Counter Copy; Kyle Benalcazar, Assistant Planner; Jacquelyn M. Nickerson, Principal Planner; Chang Chun-Po & Hsu Hsin-I Trs, Property Owners; Hsin-I Hsu, Agent; Interested Party List: The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN260135.