



# County of Monterey

Item No.3

## Zoning Administrator

Legistar File Number: ZA 26-008

February 12, 2026

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Current Status: Agenda Ready

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Matter Type: Zoning Administrator

### PLN240379 - LESSER MICHAEL B & MC GARR BONNIE J TRS

Public hearing to consider a change of use of an Accessory Dwelling Unit, previously known as a caretaker's unit, to a second single-family dwelling unit, and to allow the use of the residential property for a Commercial Vacation Rental for transient lodging for a period of 30 calendar days or fewer.

**Project Location:** 32829 East Carmel Valley Rd, Carmel Valley, CA 93924

**Proposed CEQA Action:** Find the project Categorically Exempt pursuant to CEQA Guidelines section 15301 and none of the exceptions to the exemptions listed in Section 15300.2 can be made.

### RECOMMENDATIONS

It is recommended that the Zoning Administrator adopt a Resolution:

- a. Finding the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines section 15301 and none of the exceptions to the exemptions listed in Section 15300.2 can be made; and
- b. Approving a Combined Development Permit consisting of a
  - a. Administrative Permit to allow a second single family dwelling by changing the use of an existing Accessory Dwelling Unit, previously known as a caretaker's unit, and
  - b. Use Permit for a Commercial Vacation Rental to allow the use of 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 9 conditions of approval.

### PROJECT INFORMATION

**Agent:** Bonnie McGarr

**Property Owner:** Lesser Michael B & McGarr Bonnie J Trs

**APN:** 197-082-002-000

**Parcel Size:** 26.49 acres

**Zoning:** Low Density Residential, 10 acres per unit, with Design Control and Site Plan Review overlays, or "LDR/10-D-S"

**Plan Area:** Greater Monterey Peninsula Area Plan

**Flagged and Staked:** Not Applicable

**Project Planner:** Jordan Evans-Polockow, Assistant Planner

(831) 783-7065 or Evans-PolockowJ@countyofmonterey.gov

**SUMMARY:**

The project is located at 32829 East Carmel Valley Road, a County maintained road, in Carmel Valley. The subject property is developed with an existing 4,953 square foot single family dwelling with a 577 square foot attached garage, 5,804 square foot barn, 2371 square foot square foot winery barn with a 288 square foot loft office, and 1,200 square foot Accessory Dwelling Unit (ADU) with a 250 square foot attached carport. The application includes the change of use of the existing ADU to the second single family dwelling. Additionally, the applicant proposes to use the second single-family dwelling as a Commercial Vacation Rental. The application does not include any development or construction proposal, nor does it include any of the other existing structures to be utilized for the Commercial Vacation Rental.

The second single family dwelling has two bedrooms, one bathroom, and a kitchen. The Applicant/Owner is proposing a maximum of five overnight guests and eight guests during daytime hours at the property at a time. The property is served by a private well, which has been verified by the County of Monterey Health Bureau Environmental Health Division to satisfy the bacteriological and acute inorganic primary drinking water standards. The onsite septic system will be sufficient to provide sewer treatment for the dwelling. The property will retain its solid waste services to Waste Management, a waste management company. If approved, the granting of this Combined Development Permit would allow the establishment of the 3rd permitted vacation rental in the Greater Monterey Peninsula Area Plan out of a maximum of 155 Use Permits that may be issued at any given time pursuant to Title 21 Section 21.64.290.F.3.b.

**DISCUSSION:**

Based on staff's analysis, the proposed project is consistent with the policies and regulations pertaining to zoning uses and any other applicable provisions of the 2010 County of Monterey General Plan, Greater Monterey Peninsula Area Plan (GMPAP), Monterey County Code Title 7 Chapter 7.120, Monterey County Code Chapter 16.80, and Monterey County Zoning Ordinance (Title 21).

*Land Use*

The property is zoned Low Density Residential, 10 acres per unit, with a Design Control and Site Plan Review overlays, or "LDR/10-D-S".

The existing single-family dwelling serves as the primary residence of the property owner, and the ADU is proposed to change its use to be the second single-family dwelling. Title 21 section 21.14.040.E identifies this use to be allowed, subject to the granting of an Administrative Permit, provided it does not exceed the density. The subject property is 26.49 acres with a density of 10 acres per unit. Therefore, implementation of the project would not exceed the maximum gross density. Additionally, the second single family dwelling will continue to comply with the site development standards for main structures as outlined in Title 21 section 21.14.060.

If approved, the second single family dwelling is proposed to be used as a Commercial Vacation Rental. Title 21 Section 21.32.050.kk allows for the Commercial Vacation Rental use subject to the granting of a Use Permit. Title 21 Section 21.64.290.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 property complies with Title 21 Section 21.64.290.F.5 in that it has been demonstrated that the response time for County emergency services for fire and emergency medical are adequate pursuant to the requirements of the 2010 County of Monterey General Plan Safety Element PS-1.1 and Table PS-1. The subject property is within 28 minutes from the Community Hospital of Monterey Peninsula, which provides 24-hour emergency medical, and within 6 minutes structural coverage of the Monterey County Regional Fire District Village Station, Station 4, which provides fire response services.

Condition of Approval No. 5 - Signage for Adequate Emergency Response Time has been incorporated. The purpose of this condition is to ensure that the guests are provided with information on the response time for emergency medical and fire services and that contact information for these services is provided to all guests as a part of the informational notice posted within six feet of the front door.

Adequate parking spaces will be provided (two guest parking spaces), which meets the minimum requirements of Title 21 Section 21.64.290.F.6. The requirements of aforementioned Section require compliance with Title 21 Section 21.58.040, which requires that a Single-Family Detached residential dwelling unit have 2 spaces/unit.

The subject property complies with the limitation on the number of Commercial Vacation Rentals per legal lot requirements of Title 21 Section 21.64.290.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 21 Section 21.64.290.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, Bonnie McGarr, resides at the subject property of 32829 East Carmel Valley Road in Carmel Valley in the primary single-family dwelling less than 30 minutes away. Ms. McGarr will be available 24/7 to respond to guest or neighborhood questions or concerns and will also ensure that any neighbor or guest complaints are resolved within 30 minutes. Ms. McGarr'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 five overnight guests and eight daytime guests. 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 limits 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 10 overnight guests, regardless of the number of bedrooms in the property.

To ensure the proposed use will not affect the residential character of the neighborhood, the following two conditions have been incorporated: Condition of Approval No. 3 to ensure that the property will not be rented for the purposes of holding a corporate or private event venue and Condition of Approval No. 4 to ensure that the property will remain in compliance with the regulations for Vacation Rentals in Title 7 Chapter 7.120, Title 21 Section 21.64.290 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 21 section 21.64.280.D.2.h, if the property is found to be in violation of the approved operations plan or conditions of approval attached to this Use Permit, the permit may be revoked for non-compliance.

*Private Road/Access*

Although the property is accessed by a County-maintained road, the driveway is a privately owned shared driveway from the public accessway of East Carmel Valley Road. Thus, pursuant to Title 21 Section 21.64.290.F.4, the subject property must comply with Title 16 Chapter 16.80, which regulates private roads in Monterey County. The subject property is considered a Tier 1 project, as a private road agreement or a private road maintenance agreement does not currently exist. Property owners who access the private road have been notified of the proposed project on January 29th, 2026. No comments or objectives have been received, and no further documentation or condition is required of the applicant.

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 application includes the change of use of the existing ADU to the second single family dwelling on the property. Conversion of this structure qualifies for the Class 1 Exemption. This second single-family dwelling is proposed to be used for transient lodging where the term of occupancy, possession, or tenancy of the property by the person entitled to such does not exceed a period of 30 consecutive calendar days. 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 would 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." Additionally, an action is a "project" only when it is either "directly undertaken by any public agency," "supported, in whole or in part" by financial or other forms of assistance from a public agency, or involves the issuance of an entitlement by a public agency (Public Resources Code, § 21065).

The County prepared a FEIR for the Vacation Rental Ordinances project, which was certified by the Board on August 27, 2024 (SCH# 2022080643). The FEIR 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 Greater Monterey Peninsula Area Plan. If approved, it would be the 3rd Commercial Vacation Rental in the Greater Monterey Peninsula Area Plan.

**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  
Monterey County Regional Fire Protection District

Prepared by: Jordan Evans-Polockow, Assistant Planner, 831-783-7065

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

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans and Floor Plans
- Operations Plan
- Attachment 4 - Home Inspection Checklist

Exhibit B - Vicinity Map

cc: Front Counter Copy; HCD-Environmental Health Services; Environmental Health Bureau; Jordan Evans-Polockow, Planner; Jacquelyn M. Nickerson, Principal Planner; Bonnie McGarr, Property Owner; Interested Party List: The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; PLN240379.