



County of Monterey

Item No.4

Zoning Administrator

Legistar File Number: ZA 26-061

June 11, 2026

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Current Status: Agenda Ready

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Matter Type: Zoning Administrator

PLN260065 - ZACK JAMES WILLIAM & LISA STEPHANI DE VITO TRS

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

Project Location: 24760 Lower Trail, Carmel, CA 93923

Proposed CEQA Action: Find the project Categorical 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 Coastal Development Permit for a Commercial Vacation Rental to allow the use of a single family dwelling 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: James William Zack & Lisa Stephani De Vito Trs

APN: 009-073-009-000

Parcel Size: approximately 0.09 acre

Zoning: Medium Density Residential with a maximum gross density of 2 units per 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: Not Applicable

Project Planner: Imani Harrigan, Assistant Planner

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SUMMARY/DISCUSSION:

The project is located at 24760 Lower Trail, within the Carmel Area Land Use Plan, on a County-maintained road, in Carmel. The applicant submitted an application seeking to use their existing single-family dwelling located in a residentially zoned neighborhood as a Commercial Vacation Rental. The site is developed with a single-family dwelling, a junior accessory dwelling unit, an attached garage, and a patio. The surrounding area is developed with single-family dwellings, a Monterey-Salinas Transit bus stop, and a hotel (**Exhibit D**).

The existing single-family dwelling is approximately 1,438 square feet with two bedrooms, one bathroom, a kitchen, an attached garage, and an attached 490 square foot junior accessory dwelling unit (JADU) on the lower level (**Exhibit C**). The JADU is accessed through its own entrance and is excluded from the application for a commercial vacation rental. The applicant is proposing that the residence, located on the main level, be occupied by a maximum of 5 people overnight and 7 people during daytime hours at the property at a time. The property will retain its potable water through California American Water, and Carmel Area Wastewater District will also be sufficient in its continuance in providing sewer for the dwelling. The property will retain its solid waste services to Waste Management, a waste management company. Within the immediate neighborhood, there are a total of ten Commercial Vacation rentals, with one approved, one submitted, four applied, and four incomplete (**Exhibit D**). If approved, the granting of this Coastal Development Permit would allow the establishment of the 27th commercial vacation rental in the Carmel Area Land Use Plan out of 118 Coastal Development Permits permitted pursuant to Title 20 Section 20.64.290.F.3.b.

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 1982 County of Monterey General Plan (General Plan), Carmel Area Land Use Plan (CAR LUP), Monterey County Coastal Implementation Plan, Part 4 (CIP), Monterey County Code Title 7 Chapter 7.120, 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 per acre with a Design Control Overlay, within the Coastal Zone or "MDR/2-D (CZ)." Title 20 Section 20.12.050.DD allows for the Commercial Vacation Rental single-family 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 property complies with Title 20 Section 20.64.290.F.5, adequate emergency response times for fire and emergency medical. The submitted Operations Plan includes contact information for County emergency services for fire and medical. 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 Cypress Fire Protection District Station 25 is 7 minutes away, which provides emergency fire and emergency paramedic services including advanced life support 24 hours a day. Additionally, the nearest hospital, Community Hospital of Monterey Peninsula, is 5 minutes away. 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 2 spaces/unit, which this application does not comply with. In the attached plans there are a total of one on-site space in the attached garage. The development was built in 1946 and conformed to the zoning regulation from the time the house was

built which required one parking space, thus making it legal nonconforming.

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, Sanctuary Vacation Rentals, is located at the Northwest corner of Mission and 8th Avenue, approximately 5 minutes (1.2 miles) from the subject parcel. Contact information for Sanctuary Vacation Rentals will be provided to the guests of the property and they will be available 24/7 to respond to guest or neighborhood questions or concerns, and has the ability to arrive within 30 minutes. Sanctuary Vacation Rental'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 5 overnight guests and 7 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 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 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 No. 3 has been incorporated to ensure that the property will not be an event venue, and Condition No. 5 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 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 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 27th Commercial Vacation Rental out of a maximum of 118 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 take 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

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

HCD-Planning

Prepared by: Imani Harrigan, Assistant Planner

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

- Operations Plan
- Site Plans and Floor Plans
- Exhibit B - Home Inspection Checklist
- Exhibit C - Vicinity Map
- Exhibit D - Aerial Image & Surrounding Neighborhood
- Exhibit E - Public Comments

cc: Front Counter Copy; HCD-Planning; Imani Harrigan, Assistant Planner, Jacquelyn M. Nickerson, Principal Planner, James William Zack & Lisa Stephanie De Vito Trs, Property Owners; Tiffany Edwards, Agent; Interested Party List: The Open Monterey Project (Molly Erickson); Laborers International Union of North America (Lozeau Drury LLP); LandWatch (Executive Director); Christina McGinnis, Keep Big Sur Wild; Planning File PLN260065.