



County of Monterey

Item No.16

Board Report

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

Legistar File Number: RES 26-107

July 07, 2026

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Matter Type: BoS Resolution

PLN250332 - GUPTA OM PRAKASH & RATINA TRS

Public hearing to consider an appeal by David Caneer of the April 30, 2026, Zoning Administrator's decision to approve a Coastal Development permit (PLN250332/Gupta) to allow the use of a residential property for transient lodging for a period of 30 calendar days or fewer (Commercial Vacation Rental).

Project Location: 4159 Sunset Lane, Pebble Beach

Proposed California Environmental Quality Act (CEQA) action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15301, and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Deny the appeal of David Caneer of the April 30, 2026, Zoning Administrator's decision to approve a Coastal Development Permit (PLN250332/Gupta) to allow a Commercial Vacation rental.
- b. 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
- c. Approve a Coastal Development Permit for a Commercial Vacation Rental to allow a Commercial Vacation rental.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval, subject to 7 conditions of approval.

PROJECT INFORMATION:

Agent: Paul Mink

Property Owner: Prakash & Ratina Gupta

APN: 008-072-017-000

Parcel Size: approximately 0.28

Zoning: Medium Density Residential, 4 units per acre, and Design Control overlay in the Coastal Zone, or "MDR/4-D(CZ)"

Plan Area: Del Monte Forest Land Use Plan

Flagged and Staked: Not Applicable

Project Planner: Jack Sorensen, Assistant Planner

sorensenj@countyofmonterey.gov; 831-784-5765

SUMMARY:

The project site is located at 4159 Sunset Lane, Pebble Beach, within the Del Monte Forest Land

Use Plan. The Applicant/Owners, 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 2,520 square foot single-family dwelling and has three bedrooms, three bathrooms, a kitchen, a living room, and a detached garage. The Applicant/Owner is proposing that the single-family dwelling be occupied by a maximum of seven people overnight and 10 people during daytime hours at the property at a time. The property will retain its potable water from California American Water. Sewer will continue to be provided by the Pebble Beach Community Services District.

On May 15, 2026, the Appellant, David Caneer, timely filed an appeal (**Attachment B**) of the Zoning Administrator's April 30, 2026, decision to approve the project. The appeal contends that the decision was contrary to law. The specific contentions are further detailed below and in **Attachment A** (Draft Resolution).

Per MCC section 20.86.070, this hearing is heard de novo. Staff has prepared a draft resolution to grant the appeal, find the proposed use Categorical Exempt from CEQA Guidelines, and approve the Coastal Development Permit for a three-year term.

DISCUSSION:

Appeal

The appellant, David Caneer, filed an appeal with one contention (**Attachment B**), which staff has listed below:

1. *Finding 4 states, "The subject property is in compliance with all rules and regulations...". I disagree because the property's deed restriction doesn't allow commercial uses and the Zoning Administrator's decision was to permit a commercial use."*

Response

The appeal contends that the decision was contrary to law because *"property's deed restriction doesn't allow commercial uses and the Zoning Administrator's decision was to permit a commercial use"*.

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 zoned Medium Density Residential, 4 acres per unit with a Design Control Overlay, in the coastal zone or "MDR/2-D(CZ)". Title 20 Section 20.12.050.DD allows for a residential property to be occupied by a Commercial Vacation Rental, subject to the granting of a Coastal Development Permit. The Applicant has applied for a Coastal Development Permit. If approved, the granting of this Coastal Development Permit would allow the establishment of the 2nd permitted vacation rental in the Del Monte Forest Land Use Plan out of a maximum of 57 Coastal Development Permits that may be issued at any given time pursuant to Title 20 Section 20.64.290.F.3.b

The project complies with all Commercial Vacation Rental requirements, including: adequate emergency response times for fire and emergency medical, adequate parking, limitations on the

number of Commercial Vacation Rentals per legal lot, limitations on the number of Commercial Vacation Rentals an individual can have ownership interest in, and adequate property management information. The property has a maximum occupancy of seven overnight guests and 10 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.

The Applicant has provided documentation that the property is subject to conditions, covenants, or restrictions (CC&Rs). The property's CC&Rs, which are privately enforced by the Pebble Beach Company, prohibit the use of residential structures for commercial purposes (Restriction #1). Therefore, while the appellant correctly notes that the proposed use may conflict with private deed restrictions, the appellant's conclusion that the Zoning Administrator's decision is contrary to law is misplaced. The County does not enforce privately held CC&Rs or deed restrictions, as such matters are private civil issues between property owners and the enforcing entity.

Although CC&Rs are not enforced by the County, the County does establish regulations for the use of private roads. The property is within the Pebble Beach and utilizes private roads, which are maintained and owned by the Pebble Beach Company. Pebble Beach Company is authorized to make determinations regarding the use, maintenance, and related matters regarding the private road.

Pursuant to Title 20 section 20.64.290.F.4, the subject property must comply with Title 16 Chapter 16.80, which regulates private roads in Monterey County. The private road accessing the property is subject to an existing private road agreement and a private road maintenance agreement, which are incorporated within the property's CC&Rs. Accordingly, while the County does not enforce private CC&Rs, the documentation required pursuant to Title 16, Section 16.80.040 is contained within those agreements and may therefore be relied upon to demonstrate compliance with Chapter 16.80. The covenants, conditions and restrictions for the subject property were recorded as June 21, 1948, Book 1068, Page 205, of Official Records.

The CC&Rs contain a restriction related to the "Use of Roads and Bridle Paths". Restriction #5 states that the property owner "*shall maintain and keep in repair a road leading from the premises here and described to the nearest public highway, and in consideration thereof, and for the purpose of enabling the Grantor to maintain the roads and the Del Monte Forest (of which the premises herein described are a part), the Grantee personally, and on behalf, of his family, servants and employees, hereby waives the right of free ingress and egress to and from the premises herein described, and hereby agrees to pay the Grantor on the first day of March of each and every year hereafter, the sum of Twenty-Five Dollars (\$25.00); provided, however, that during each time as Grantee is the owner of a Class "A" Membership Certificate in the Monterey Peninsula Country Club*". The plain language of this deed restriction gives the property owner access to their property as long as they pay \$25 each March 1st. Therefore, the project is classified as a Tier 4 category pursuant to Title 16 Chapter 16.80, which means this deed restriction language constitutes the private road agreement and the private road maintenance agreement.

The Pebble Beach Company has provided the County with a letter of blanket objection for all vacation rentals in the Pebble Beach Area. The applicant is aware of the objections and restrictions outlined within the CC&R and believes he has the right to continue the use of the property for the

proposed application of a Commercial Vacation Rental. Additionally, although the appellant does not specifically challenge the use of the private road for the proposed commercial use, the appellant contends that the proposed commercial use is contrary to the property's deed restrictions, which, as discussed above, govern access and use of the Pebble Beach Company's private roads.

The County of Monterey's regulations for private roads, pursuant to Title 16 section 16.80.060.A, state that if the Appropriate Authority finds, based on substantial evidence in the record, that a substantive dispute exists regarding the use of a private road for a project, the Appropriate Authority "may approve the project but shall require as a condition of project approval that the applicant provide the County with proof of access demonstrating that the dispute has been satisfactorily resolved". Therefore, Condition of Approval No.6 has been applied to ensure that the substantial dispute regarding the plain language of the private road agreement is resolved prior to the applicant commencing the use of their property as a commercial vacation rental. This condition requires that the applicant provide the County of Monterey Housing and Community Development (HCD) staff with adequate documentation that the private road dispute has been satisfactorily resolved and the use of the property as a commercial vacation rental is allowed and does not violate the plain language of any deed restrictions and/or private road agreement.

In summary, staff recommends the Board of Supervisors deny the appeal and uphold the Zoning Administrator's decision as the proposed project is consistent with the policies and regulations pertaining to zoning uses and any other applicable provisions of the proposed project is subject to the policies and regulations of the 1982 County of Monterey General Plan, Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan, Monterey County Code Title 7 Chapter 7.120, Monterey County Code Chapter 16.80, and the Monterey County Coastal Zoning Ordinance. County approval of a Coastal Development Permit does not limit the ability of the Pebble Beach Company to enforce CC&Rs as a separate matter from the County's action on the permit. The County is not a party to the CC&Rs and therefore does not enforce the restrictions contained therein.

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 Del Monte Forest Land Use Plan. It would be the 3rd Commercial Vacation Rental in the Del Monte Forest 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:

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

Office of County Counsel

FINANCING:

The Board appeal fee is typically \$3,572.00; however, projects in the coastal zone that are appealable to the California Coastal Commission are not charged an appeal fee. Funding for staff time associated with this project is included in the FY 26-27 Adopted Budget for HCD Community Development, Fund 1001, Appropriation HCD101, Department 310002.

BOARD OF SUPERVISORS STRATEGIC PLAN GOALS:

The project aligns with Board of Supervisors Strategic Plan Goals A: This action represents effective and timely response to our HCD customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Mark a check to the related Board of Supervisors Strategic Plan Goals:

- Well-Being and Quality of Life
- Sustainable Infrastructure for the Present and Future
- Safe and Resilient Communities
- Diverse and Thriving Economy

Link to the Strategic Plan:

< [<https://www.countyofmonterey.gov/home/showdocument?id=139569>](https://www.countyofmonterey.gov/home/showdocument?id=139569) >

Prepared by: Jack Sorensen, Assistant Planner
Reviewed by: Fionna Jensen, Principal Planner
Approved by: Craig Spencer, HCD Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Draft Resolution including:

- Recommended Conditions of Approval
- Site & Floor Plans
- Operational Plan
- Home Inspection Checklist

Attachment B - Notice of Appeal

Attachment C - Public Comment

cc: Front Counter Copy; HCD-Planning; Jack Sorensen, Assistant Planner; Jacquelyn M. Nickerson, Principal Planner; Prakash & Ratina Gupta, Property Owners; Paul Mink, Agent; Interested Parties: [David Caner], Appellant; The Open Monterey Project (Molly Erickson); Laborers International Union of North America (Lozeau Drury LLP); Christina McGinnis, Keep Big Sur Wild; LandWatch; Planning File PLN250332.