



# County of Monterey

Item No.3

## Zoning Administrator

Legistar File Number: ZA 26-046

April 30, 2026

**Introduced:** 4/21/2026

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Zoning Administrator

### **PLN250338 - GALLO JOHN R TR (CONTINUED FROM MARCH 26, 2026)**

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

**Project Location:** 26319 Scenic Road, 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 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:** John Gallo

**APN:** 009-442-020-000

**Parcel Size:** approximately 0.09 acres

**Zoning:** Medium Density Residential with a maximum gross density of 2 units per acres with a Design Control Overlay and a structure height limit of 18 feet within the Coastal Zone or "MDR/2-D(18') (CZ)"

**Plan Area:** Carmel Area Land Use Plan

**Flagged and Staked:** Not Applicable

**Project Planner:** Jose A. Mendoza, Assistant Planner

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### SUMMARY/DISCUSSION:

The project is located at 26319 Scenic Road, a County-maintained road, in Carmel subject to the Carmel Area Land Use Plan. On December 06, 2025, the applicant submitted an application seeking to use their existing single-family dwelling located in a residentially developed neighborhood as a Commercial Vacation Rental.

The project was originally scheduled and heard at a public hearing before the County of Monterey Zoning Administrator on March 26, 2026. The Zoning Administrator directed staff to return on April 30, 2026 and adopted a resolution of intent to deny the project based on the inability to comply with the emergency response times as outline in Title 20 Section 20.64.290.F.5. Following this hearing, the applicant submitted supplemental information regarding emergency medical response times that demonstrated the ability to comply with the regulations. The inconsistency with the initial submittal, staff's review and the new information from the applicant was dependent upon the access route taken when an emergency vehicle leaves the fire station and responds to an incident (Exhibit E). Based on GoogleMaps, the directions provided demonstrate a route through the shopping center onto Via Nona Marie then Rio Road. This route provides an average response time of 9 minutes. However, the fire station has their own egress and ingress route that connects directly to Rio Road as illustrated in Exhibit E. This route provides an average of an 8-minute response time. As part of this supplemental review, staff evaluated both mapped routing data and the established response practices of the Cypress Fire Protection District. While publicly available mapping tools sometimes default to a longer travel path to the property, fire and emergency personnel access the site through a direct private egress. This access route is recognized and routinely used by first responders and reflects the actual operational travel path, which meets the applicable response-time thresholds. Staff additionally confirmed this access route with the Rio Road Fire Station. Based on this information, the project satisfies the requirements for adequate emergency service response; and therefore, the project complies with the emergency response times as outline in Title 20 Section 20.64.290.F.5.

The subject property is currently developed with an existing 1,383 square foot single family dwelling with a detached 227 square foot garage. The single-family dwelling has 3 bedrooms, 2.5 bathroom, and a kitchen. The applicant is proposing that the residence be occupied by a maximum of 7 people overnight and 10 people during daytime hours at the property at a time. The property is currently served by a public water system, and a public sewer 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 Coastal Development Permit would allow the establishment of the 15th 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.

The proposed project is subject to the policies and regulations 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 and a structure height limit of 18 feet within the Coastal Zone or "MDR/2-D(18') (CZ)". Title 20 Section 20.12.050.DD allows for the 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 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.

Supplemental review analysis was provided after the March 26, 2026, hearing clarifying that compliance with Title 20 Section 20.64.290.F.5 may be demonstrated through adequate response time for emergency fire and medical services. 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 falls within the City of Carmel-by-the-Sea's Sphere of Influence and is therefore subject to the 5-8-minute adequate response time. Cypress Fire Protection District is 8 minutes away from Rio Road's direct egress and ingress route to the subject property. Within this service area, the Cypress Fire Protection District, operated by CAL FIRE in partnership with the Monterey Peninsula agencies (Carmel Highlands FPD and Pebble Beach Community Services District Fire Department) provides Advanced Life Support (ALS) non-transport paramedic services. These services are delivered 24 hours per day using four fire engines and one truck, ensuring continuous fire and paramedic response coverage within the district. The Rio Road Fire Station has a medic engine and three firefighters, one of which is a paramedic. Based on this service structure, the project's emergency response needs fall within the established coverage capabilities of the Cypress Fire Protection District and its ALS paramedic resources. 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.

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, Trish Cosand 1700 17 Mile Drive Pebble Beach, CA, approximately 15 minutes from the subject property. Trish Cosand's contact information will be provided to the guests of the property and the property manager, that will be available 24/7 to respond to guest or neighborhood questions or concerns and has the ability to arrive within thirty minutes. This 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 7 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, 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.

A member of the public submitted comments raising concerns about parking availability and the introduction of events (**Exhibit D**). 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 complies with as illustrated in the attached plans.

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. 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.

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 15th 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: Jose A. Mendoza, 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
- Site Plans
- Operational Plan
- Home Inspection Checklist

Exhibit B - Vicinity Map

Exhibit C - Aerial Image

Exhibit D - Public Comment

Exhibit E - Emergency Response Route

cc: Front Counter Copy; Jacquelyn M. Nickerson, Principal Planner; John Gallo, Property Owner;  
Interested Party List: The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury  
LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN250338.