



Zoning Administrator

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PLN180319 - JAISHIV PROPERTIES LLC

Public hearing to consider action on an after-the-fact Commercial Vacation Rental to allow the use of residential property for transient lodging for a period of 30 calendar days or fewer to clear Code Enforcement Case 26CE00235.

Project Location: 24971 Carmel Hills Drive, 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 an after-the-fact Use Permit for a Commercial Vacation Rental to allow the use of residential property for transient lodging for a period of 30 calendar days or fewer to clear Code Enforcement Case 26CE00235.

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

PROJECT INFORMATION

Agent: Paul Minik

Property Owner: Jaishiv Properties LLC

APN: 015-131-004-000

Parcel Size: 0.8 acres

Zoning: Medium Density Residential with a maximum gross density of one unit per acre and a Design Control overlay or "MDR/1-D"

Plan Area: Greater Monterey Peninsula

Flagged and Staked: N/A

Project Planner: Jade Mason, Assistant Planner

masonj@countyofmonterey.gov; 831-755-3759

SUMMARY/DISCUSSION

The project site is located at 24971 Carmel Hills, Carmel, within the Greater Monterey Peninsula Area 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 on a flag lot with a two-story single family dwelling that includes decks and an attached two

car garage. The single family dwelling is near Carmel High School (0.4 miles), the Carmel Gate to 17 Mile Drive (1.6 miles), and the Highway 1 gate to 17 Mile Drive (1.7 miles), Downtown Carmel-by-the-Sea (1 mile) and is within the sphere of influence of Carmel-by-the-Sea. Within the immediate neighborhood, there is one other vacation rental operation application for a commercial vacation rental in an incomplete status (Exhibit B).

The existing single dwelling has four bedrooms, three bathrooms, a family room, a kitchen, and an attached garage. The Applicant/Owner is proposing that the residence be occupied by a maximum of 9 people overnight and 13 people during daytime hours at the property at a time. The property will retain its potable water through California American Water, and an onsite septic system 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. If approved, the granting of this Use Permit would allow the establishment of the 28th permitted vacation rental in the Greater Monterey Peninsula Area Plan out of a maximum of 155 commercial vacation rentals uses that may be issued at any given time pursuant to Title 21 Section 21.64.290.F.3.f.

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 Monterey County General Plan (General Plan), Greater Monterey Peninsula Area Plan (GMPAP), Monterey County Code Title 7 Chapter 7.120, and applicable sections of the Monterey County Inland zoning ordinance (Title 21).

Land Use

The parcel is zoned Medium Density Residential, 1 unit per acre with a Design Control Overlay, or "MDR/1-D". Title 20 Section 21.12.050.Y 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; adequate emergency response times for fire and emergency medical. The subject property is considered within a rural center, considered limited area of public services as defined by the General Plan and therefore is subject to an emergency response time of 12 minutes. Cypress Fire Protection District Station 25 is 5-7 minutes away, and the Community Hospital of the Monterey Peninsula is 5-6 minutes away, which provides 24-hour emergency medical and fire response services. The submitted Operations Plan includes contact information for County emergency services for fire and emergency medical. 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 21 Sections 21.64.290.F.6 and 21.58.040 requires that a Single-Family Detached residential dwelling unit have 2 spaces/unit. The application includes adequate parking spaces (4 guest parking spaces), which exceeds the minimum requirements.

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 will be the owner, Paul Minik, who will reside at 10651 Hidden Mesa Place, Monterey, CA, 93940 which is a 19-21 minute drive away. Mr. Minik's contact information will be provided to the guests of the property, and Mr. Minik will be available 24/7 to respond to guest or neighborhood questions or concerns, and has the ability to arrive within 30 minutes. Mr. Minik'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 9 overnight guests and 13 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 rented for the purposes of holding a corporate or private 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 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 21.74.060, 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.

Access

This property is accessed through Carmel Hills Drive, a public, County-maintained road within Carmel subject to the Greater Monterey Peninsula Area Plan. Therefore, is not subject to Title 16 Chapter 16.80, which regulates private roads in Monterey County pursuant to Title 20 Section 20.64.290.F.4. No comments or objections have been received and no further documentation or condition is required of the applicant.

Violation

On April 8, 2026, an HCD-Code Compliance Case No. 26CE00235 was opened and created stating that the property may possibly be in violation with Monterey County Code through the operation of a non-permitted vacation rental and that immediate action shall be taken to bring the property into compliance. The applicant submitted a request for a 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 to abate the violation subject to any remaining enforcement fines and bring the property into compliance with the Monterey County Code on March 14, 2019. At this time, an ordinance was not approved and in effect. Once the ordinance was adopted, the applicant continued to operate a commercial vacation rental without the benefit of an approved discretionary permit nor did the applicant diligently pursue the permit. Therefore, a code enforcement case was issued and pursued. No additional complaints have been received.

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 of 155 on Commercial Vacation Rentals in the Greater Monterey Peninsula Area Plan. It would be the 28th Commercial Vacation Rental in the Greater Monterey Peninsula Area 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:

HCD-Planning
Environmental Health Bureau
HCD-Engineering Services
HCD-Environmental Services
Cypress Fire Protection District

Prepared by: Jade Mason, 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 Plan

Exhibit B - Aerial Image and Surrounding Neighborhood

Exhibit C - Vicinity Map

Exhibit D - Home Inspection Checklist

cc: Front Counter Copy; HCD-Planning; Jade Mason, Planner; Jacquelyn M. Nickerson, Principal Planner; Jaishiv Properties LLC, Property Owners; Paul Minik, Agent; Interested Parties: The Open Monterey Project (Molly Erickson); Laborers International Union of North America (Lozeau Drury LLP); Christina McGinnis, Keep Big Sur Wild; LandWatch; Planning File PLN180319.