



County of Monterey

Item No.6

Zoning Administrator

Legistar File Number: ZA 26-010

February 26, 2026

Introduced: 2/17/2026

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

PLN250321 - CHOUINARD JOSEPH L & LEON CARMEN E TRS

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 22CE00333.

Project Location: 24576 Portola Road, Carmel

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 an after-the-fact 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 to clear Code Enforcement Case 22CE00333.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 8 conditions of approval.

PROJECT INFORMATION

Agent: Joseph Chouinard

Property Owner: Joseph L & Leon Carmen E Chouinard Trs

APN: 009-093-002-000

Parcel Size: 0.1 acres

Zoning: Medium Density Residential with a maximum Density of 2 units per acre and a Design Control overlay in the Coastal Zone or "MDR/2-D(CZ)"

Plan Area: Carmel Area Land Use Plan

Flagged and Staked: Not Applicable

Project Planner: Jade Mason, Assistant Planner

masonj@countyofmonterey.gov; 831-755-3759

SUMMARY:

The project is located at 24576 Portola Road, a County maintained road, in Carmel. On November 17, 2025, the agent submitted an application seeking to use their existing single-family dwelling located in a residentially developed neighborhood as a Commercial Vacation Rental. The County did not have

regulations for vacation rentals in the Coastal Zone at that time. As of December 23, 2025, the Coastal Vacation Rentals for the County became effective. The application materials were deemed complete on February 2, 2026.

The site is developed with an existing 1,711 square foot single-family dwelling with three bedrooms, two and a half bathrooms, and a kitchen. The agent is proposing that the residence be occupied by a maximum of 7 people overnight and 11 people during daytime hours at the property at a time. The property will retain its domestic water connections to California American Water, a public water provider, and Carmel Area Wastewater District will continue to provide sewer service. 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 2nd permitted vacation rental in the Carmel Area Land Use Plan out of 218 Coastal Development Permits permitted pursuant to Title 20 Section 20.64.290.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 1982 County of Monterey General Plan (General Plan), Carmel Area Land Use Plan (CAR LUP), Carmel Area Coastal Implementation Plan (CIP), Monterey County Code Title 7 Chapter 7.120, Monterey County Code Chapter 16.80, and the Monterey County Coastal Zoning Ordinance (Title 20).

Land Use

The parcel is zoned Medium Density Residential with a maximum Density of 2 units per acre and a Design Control overlay in the Coastal Zone or "MDR/2-D(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. 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 Sphere of Influence for the City of Carmel-By-The-Sea; therefore, it is subject to the 5-8 minute response time for County emergency services. Cypress Fire Protection District is 8 minutes away, and the Community Hospital of the Monterey Peninsula is 5 minutes away, which provides 24-hour emergency medical and fire response services for structural coverage. Staff incorporated Condition No. 5 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 (**Exhibit A**).

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.

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, Coast Estate, resides at 400 Camino Aguajito, Monterey, CA 93940, approximately 7 minutes away (3.6-mile drive) from the subject property. Coast Estate's contact information will be provided to the guests of the property and 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 11 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. Title 7 Section 7.120.070.C also limits the maximum daytime occupancy of occupants and visitors to not exceed a count of 1.5 times the maximum overnight occupancy and shall not exceed a total count of 15 persons per unit, no matter how many bedrooms.

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.

Access

The property is accessed through Portola Road, a County maintained, public road, and 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. The road accessing the subject property is not subject to a private road agreement or a private road maintenance. No comments or objections have been received, and no further documentation or conditions are required of the applicant.

Violations

On September 1, 2022, an HCD-Code Compliance case was opened and a file was 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 an after-the-fact Commercial Vacation Rental to allow the use of a residential property for transient lodging for a period of 30 calendar days or fewer and abate Code Enforcement Violation No. 22CE00333 to bring their property into compliance with the Monterey County Code on November 17, 2025. 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.” 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 Carmel Area Land Use Plan as it would be the 2nd Commercial Vacation Rental in this area. The FEIR did disclose that vacation rentals have the potential for negative side effects including nuisance issues such as traffic, parking and noise. County regulations have been developed and are in effect to ensure that vacation rentals remain compatible with existing residential uses and limits such nuisances in which the applicant/operator must comply with. Additionally, cumulative impacts of the regulations taken together with other past, present, and probable future projects were analyzed. There is no evidence suggesting that implementing the regulations would result in a significant or unavoidable environmental impacts.

OTHER AGENCY INVOLVEMENT

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

HCD-Planning

Prepared by: Jade Mason, 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
- Site Plans and Floor Plans
- Home Inspection Checklist

Exhibit B - Vicinity Map

cc: Front Counter Copy; HCD-Planning; Jade Mason, Assistant Planner; Jacquelyn M. Nickerson, Principal Planner; Joseph L & Leon Carmen E Chouinard Trs, Property Owners; Interested Party List: The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN250321.