



County of Monterey

Item No. 2

Zoning Administrator

Legistar File Number: ZA 26-074

July 09, 2026

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Matter Type: Zoning Administrator

PLN240357 - FREEMAN SHONE & JOSIE DOMINICA TRS

Public hearing to consider action on 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 23CE00459.

Project Location: 1047 Laurel Lane, Pebble Beach, CA 93953

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 a residential property for transient lodging for a period of 30 calendar days or fewer clear Code Enforcement Case 23CE00459.

The attached draft resolution includes findings and evidence for consideration (Exhibit A). Staff recommends approval subject to 6 conditions of approval.

PROJECT INFORMATION

Agent: Tiffany Edwards

Property Owner: Shone & Josie Dominica Freeman Trs

APN: 007-161-032-000

Parcel Size: 10,400 square feet

Zoning: Medium Density Residential with a Building Site 6 overlay, a Design Control overlay, and Parking And Use Of Major Recreational Equipment Storage In Seaward Zone overlay or "MDR/B-6-D-RES"

Plan Area: Greater Monterey Peninsula Area Plan

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 1047 Laurel Lane in 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 (CVR). The

site is developed with a one-story single family dwelling consisting of three bedrooms, two bathrooms, and an attached garage. The single family dwelling is near Monterey Peninsula County Club (0.8 miles), the Spanish Bay Club (1.1 miles), Pacific Grove Gate (1 mile), and the S.F.B. Morse Gate (1.1 miles) (Exhibit B).

The existing 1,962 square foot single dwelling has three bedrooms, two bathrooms, a kitchen, living room, and a 513 square foot attached garage. The Applicant/Owner 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 will retain its potable water through California American Water, and the Pebble Beach Community Services District will be sufficient in its continuance in providing sewer for the dwelling. The property will retain its solid waste services to GreenWaste, a waste management company. Within the immediate neighborhood (500-foot radius), there are a total of 2 applications for a vacation rental license; one approved CVR under previous regulations and one pending Limited Vacation Rental. If approved, the granting of this Use Permit would allow the establishment of the 30th permitted vacation rental in the Greater Monterey Peninsula Area Land Use Plan out of 155 Use Permits permitted pursuant to Title 21 Section 21.64.290.F.3.f.

Based on staff's review of the planning application materials, the property complies with all rules and regulations pertaining to zoning uses and other applicable the 2010 County of Monterey General Plan (General Plan), Greater Monterey Peninsula Area Plan (GMPAP), Monterey County Code Title 7 Chapter 7.120 (Title 7), Monterey County Code Title 16 Chapter 16.80 (Title 16), and the Monterey County Inland Zoning Ordinance (Title 21).

Land Use

The parcel is zoned Medium Density Residential with a Building Site 6 overlay, a Design Control overlay, and Parking And Use Of Major Recreational Equipment Storage In Seaward Zone overlay or "MDR/B-6-D-RES". Title 21 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 services is adequate pursuant to the requirements of the 2010 County of Monterey General Plan Safety Element PS-1.1 and Table PS-1. The subject property is considered within a community area categorized under urban standards, considered a full array of public services as defined by the General Plan, and therefore is subject to an emergency response time between 5-8 minutes. The subject property is within a 4-8 minute drive from Pebble Beach Fire Station 22, which provides fire response services, and the Community Hospital of Monterey Peninsula is typically an 8-minute drive away, which provides 24-hour emergency medical services. 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 and within visible location outside of the structure (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 two spaces/unit. The application includes adequate parking spaces (4 guest parking spaces), which exceeds the minimum requirements by 2.

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, Josh Ohanian of Sanctuary Vacation Rentals, resides at NW Corner of Mission & 8th, Carmel-by-the-Sea, CA 93921, approximately 5.1 miles (13 minutes) from the subject property. Mr. Ohanian's contact information will be provided to the guests of the property, and Mr. Ohanian will be available 24/7 to respond to guest or neighborhood questions or concerns, and has the ability to arrive within 30 minutes. Mr. Ohanian'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 and within visible location outside of the structure.

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.

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. 4 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.

Private Road Access

The property is within the Pebble Beach area and is currently managed by the Pebble Beach Company, which is the legally established governing structure for the private roads used to access the

subject parcel. Pebble Beach Company is authorized to make determinations regarding the use, maintenance, and related matters regarding the private road. Pursuant to Title 21 section 21.64.290.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 a private road agreement and a private road maintenance agreement, which is recorded as a deed restriction for the subject property. The deed restriction for the subject property was recorded as Deed Number 1551 (Reel 727, Page 72 of Official Records).

The deed contains language related to the “Use of Roads and Bridle Paths” and related to “Covenants and Conditions” (CCs). Under the “Use of Roads and Bridle Paths,” the deed states that the *“Grantee, subject to the provisions hereof, is hereby granted license for the use, by himself, his family, servants, tenants and guests occupying or visiting said premises, of all roads and bridle paths now or hereafter owned by Grantor in Del Monte Forest, and to free access to Del Monte Forest; in consideration of which the owner of said premises shall be obligated to pay Grantor the sum of One Hundred Dollars (\$100.00) on each January 1st hereafter, the payment of which sum is and shall be secured by a lien and charge on said premises. Grantor, however, reserves the right to change, abandon or close any of said roads and paths, provided that (so far as within the control of Grantor) there shall always be left open a road by means of which and/or of connecting roads access may be had to said premises from the nearest public highway”*. The plain language of this deed gives the property owner access to their property as long as they pay \$100 each January 1st. The other language is identified under the CCs as the first deed restriction states that *“No trade, business or profession of any description shall be conducted on said premises. Said premises shall not be used for any purpose whatever except solely and exclusively for the purpose of construction and maintenance of not more than one private single family residence...”*. Therefore, the project is classified as a Tier 3 category pursuant to Title 16 Chapter 16.80, which means this deed restriction language constitutes a private road agreement and maintenance.

On October 9, 2024, the Pebble Beach Company submitted a letter to the County stating that they have a blanket objection to the use of residential properties in Pebble Beach as commercial vacation rentals. This letter further stated that Pebble Beach Company believes that *“...the plain meaning of the CC&R language bans short-term vacation rentals in the Del Monte Forest.”* **(Exhibit E)**

The applicant is aware of the objections and restrictions outlined within the CC&R's and believes they have the right to continue the use of the property for the proposed application of a Commercial Vacation Rental.

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, staff recommends that Condition of Approval No. 6 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 provides 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.

Violation

On August 11, 2023, an administrative citation from HCD-Code Compliance case 23CE00459 was issued, which identified continued use of the unpermitted short-term rental. The new Commercial Vacation Rental Ordinance for the inland area of the County of Monterey became effective on October 14, 2024. On November 22, 2024, the Applicant applied for a Use Permit for a Commercial Vacation Rental Operation to allow the use of a single-family dwelling 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 November 22, 2024. At this time, the applicant continued to operate a commercial vacation rental without the benefit of an approved discretionary permit. With the approval of this permit, the violations would be fully abated and would bring the property into compliance subject to any remaining enforcement fines. 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 Final Environmental Impact Report (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 on Commercial Vacation Rentals in the Greater Monterey Peninsula Land Use Plan. It would be the 30th Commercial Vacation Rental in the Greater Monterey Peninsula 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:

HCD-Planning

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

Exhibit E - Pebble Beach Objection Letter

cc: Front Counter Copy; HCD-Planning; Jade Mason, Planner; Jacquelyn M. Nickerson, Principal Planner; Shone & Josie Dominica Freeman Trs, Property Owners; Tiffany Edwards, 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 PLN240357