



County of Santa Cruz

HOUSING ADVISORY COMMISSION

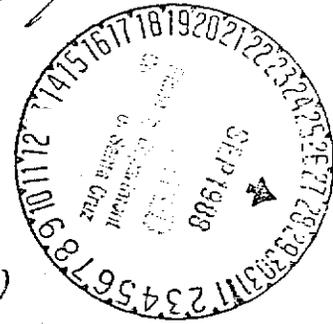
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September 25, 2006

TO: HOUSING ADVISORY COMMISSION
FROM: Carlos Landaverry, Housing Planner
Subject: Discussion on Vacation Rentals

At the last HAC meeting, Commissioners requested information from County Counsel and the Planning Department relating to vacation rentals (see minutes of 05/04/06 meeting). Attached you will find the latest legal opinion from County Counsel regarding Short-Term (Vacation) Rentals. In addition, Glenda Hill, Principal Planner responsible for the Policy Section of the Planning Department will attend the October HAC meeting to further discuss these issues.

COUNTY OF SANTA CRUZ
Inter-Office Correspondence



DATE: September 26, 1988
TO: Planning Department, Attn: Bob Leggett JW
FROM: Jonathan Wittwer, Chief Deputy County Counsel
SUBJECT: short-Term Rental of Single-Family Dwellings

You have inquired whether an owner of a single-family dwelling who rents such dwelling to another family (as defined for County Code § 13.10.700-F) is in violation of the uses allowed under the R-1 Zone District.

By Inter-Office Correspondence dated July 7, 1969, this office advised Planning that:

"...as long as a home in an R-1 district is not occupied by more than one family, as "family" is defined by our ordinance, short-term rentals of such home by a single family are not prohibited by an ordinance."

Our opinion in this regard has not changed. A single-family dwelling rented to another family is still being used as a single-family dwelling, a permitted use in the R-1 Zone District. The subsequent enactment of an ordinance establishing a Visitor Accommodations Zone District (one of the Commercial Districts) was not, so far as its purposes are stated, intended to change or limit the permitted uses in the R-1 Zone District.

Section 13.10.700-V defines Visitor Accommodations as:

"Visitor Serving Facilities for overnight or extended stay use, such as hotels, motels, horizontal hotels, inns, lodges, recreational vehicle parks, hostels, commercial camping and appurtenant uses."

The Commercial Uses Chart includes as Type A Visitor Accommodations (subject to Section 13.10.335(b)):

"Hotels, inns, pensions [boarding houses], lodging houses, 'bed and breakfast inns', motels, [and] recreational rental housing units."

Martin Jacobson, Planning
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section 13.10.335(b) establishes Visitor Accommodations Use Standards, including allowed densities, density calculations, and permit conditions. Sections 13.10.690 et seq. also regulate Visitor Accommodations. A review of all of these sections will show that the concept of Visitor Accommodations did not contemplate rental of a single-family dwelling to another family. However, it must be stated emphatically that if the rental assumes the characteristics of a "bed and breakfast" inn, a boarding house, or a lodging house, it will be considered a Visitor Accommodation.

The Transient Occupancy Tax Ordinance is not a Zoning Ordinance, but is rather a revenue ordinance. Hence any definition of "hotel" therein would not govern land use matters. The Transient Occupancy Tax would be applicable to the rental of a single-family dwelling to another family for a period of less than 30 days.

There is, of course, nothing to prevent the Board of supervisors from enacting an ordinance prohibiting the rental of single-family dwellings for periods of less than 30 days if there is a rational basis for distinguishing such a use from the usual single-family dwelling use. However, until such an amendment to the existing Zoning Ordinance is enacted, it is our opinion that such a short-term rental of a single-family dwelling is a permitted use in the R-1 zone District.

JW:sf:8316:2-3

cc: Robley Levy, supervisor
Treasurer-Tax Collector