



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

November 1, 2010

**Agenda Date:** November 10, 2010  
**Item #:** 9  
**Time:** After 9 AM

Planning Commission  
701 Ocean Street  
Santa Cruz CA 95060

### **SUBJECT: Vacation Rental Draft Proposed Ordinance**

#### **Commissioners:**

The concept of regulating vacation rentals in the unincorporated areas of the County, and especially along the coast, has a history that dates back at least 20 years. In the late 1980s and early 1990s, and then again in 2002, a considerable amount of research was done on developing a potential vacation rental ordinance, but no ordinance was actually drafted and considered at public hearings for adoption.

Since at least 2004, the County's Housing Element has contained language directing the Planning Department and the Board of Supervisors to explore options and develop policies for regulating vacation rentals. Housing Element Program 4.13 specifically calls for the development of "policies for regulating the conversion of existing housing units to vacation rentals in order to limit the impact of such conversions on the stock of housing and on the integrity of single family neighborhoods."

The origin of this item before you today is that in June of this year the Board of Supervisors, acting on a letter from Supervisor Leopold, directed the Planning Department to draft an ordinance to regulate vacation rentals. The Board provided direction on various components to be included in a draft ordinance.

#### **Board Direction**

The Board of Supervisors' action in June directed the Planning Department, in concert with County Counsel,

to draft an ordinance that includes regulation as described above on the following components, at a minimum: (a) Geographic Boundaries, (b) Permit Requirements, (c) Length of Stay Limitations, (d) Usage Limitations, (e) Occupancy, (f) Signage, (g) Management, (h) Geographic

Concentration, (i) Parking, (j) Penalty Clause, and (k) Transient Occupancy Tax.

**Process**

Staff prepared a draft ordinance that included the components as directed by the Board. That ordinance is Exhibit B.

The Board also directed the Planning Department to review the proposed ordinance with the County's Housing Advisory Commission (HAC), which staff did on September 21 and October 6, 2010. At the latter meeting, HAC directed Planning staff to return on November 3 with a substantially simplified ordinance to include the following:

1. A registration system by means of a ministerial permit.
2. A requirement for in-county management for vacation rentals.
3. A requirement that the Sheriff's Office be reimbursed for responding to vacation rental complaints.
4. A dispute resolution provision.
5. A requirement for signage for each vacation rental that includes management contact information.

The ordinance that staff drafted as a result of HAC's direction is Exhibit A.

Staff also has developed a third draft ordinance (Exhibit C) that is proposed as an alternative to the HAC version in order to have a discretionary, revocable use permit rather than only a ministerial permit. This version could also be considered as a possible first phase in what could be a multi-phased approach to regulating vacation rentals.

Therefore, staff is presenting your Commission with three alternative draft ordinances, which are described herein following a discussion of factors considered in developing the ordinances.

**Number of vacation rentals**

There are approximately 570 properties within the unincorporated area that are registered with the County Tax Collector for payment of Transient Occupancy Tax (TOT) (personal communication, Office of the Santa Cruz County Tax Collector, September 2010). (There are a total of 46,059 attached and detached single-family dwellings in the unincorporated area, according to the State Department of Finance). Of the approximately 570 known vacation rentals in the unincorporated area, approximately 475, or 83 percent, are located within a few blocks of the beach, from Live Oak to the Monterey County line. The North Coast and Davenport areas were not included in the research into vacation rentals because those areas have much more limited access and services and there are few residential parcels there.

According to the County's GIS staff, in the coastal area where most vacation rentals are located there are approximately 6290 residentially zoned parcels. In that same

area there are approximately 475 vacation rentals, which equates to 7.6 percent of the housing stock in the designated area being vacation rentals. (The estimates of 475 and 570 vacation rentals are considered minimum numbers because not all vacation properties are registered with the Tax Collector. Based on preliminary comparison of Assessor's Parcel Numbers (APNs) that are registered with the Tax Collector with APNs of properties advertised as vacation rentals, we believe there are additional, un-registered vacation rentals, perhaps as many as 100 more.)

## **Location**

A primary consideration is the proportion of vacation rental properties within a neighborhood. At some percentage the character of a neighborhood can shift from long-term "permanent" residential to a short-term "transient" rental community. There is no single concentration that represents the tipping point; an allowable level of concentration is a reflection of each community's goals and values.

## **Concentration**

One way to balance availability of vacation rentals with preserving residential character is to set parameters for location to avoid concentrations of vacation rentals. Alternative Ordinance II contains a provision limiting concentration to one vacation rental within 200 feet<sup>1</sup> of the property lines of any other vacation rental (except that existing levels of concentration could be "grandfathered" in). Where the lot width is approximately 50 feet that separation would result in a maximum concentration of about one vacation rental per five parcels along the frontage (approximately 20%), though the actual concentration would depend on the dimensions of all the lots along the frontage and to the rear, and the width of rights of way. There are several areas where the concentration of vacation rentals currently exceeds 20 percent. These include Beach Drive, Las Olas Drive, Place de Mer, Pajaro Dunes, and portions of Rio del Mar Blvd. and Oceanview Drive.

Other options are to enroll vacation rentals that are eligible to be "grandfathered" and then to prohibit new or additional units, or to use the number of "grandfathered" units to set a "cap" on the number that would be allowed. The latter approach would allow replacement of existing vacation rentals over time.

## **Intensity of Use**

Another factor of the impact of vacation rentals on neighborhoods is the intensity of use of the property. The typical measures of intensity are the number of rented days, the number of people in a rental group, the size of the gatherings that occur, and the number of cars and parking spaces.

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<sup>1</sup> The 200-foot distance is the same imposed by the Coastal Commission on vacation rental locations in San Luis Obispo County's vacation rental ordinance.

#### Number of Days Rented/Minimum Stay:

Staff considered several methods of regulating the number of days a home may be rented, including a simple minimum stay and a maximum stay over a period of time (such as a ceiling on number of rental days/year or days/week).

A minimum stay rule could be effective in limiting disruption associated with very short-term use. However, property owners indicate that a minimum stay may strongly affect their ability to find renters. One option is to set a maximum of one tenancy per week rather than a minimum stay. The actual length of stay may be any number of consecutive nights within that week, i.e. the tenancy may be only one night or could include all seven nights of the week. This would limit disruption from transitions and will limit the number of visitors overall, yet it allows property owners to decide whether they choose a minimum stay for their property. Our review of rental listings on the Internet shows that many properties currently have two night minimums with longer minimums during high demand periods.

Another option would be to implement a minimum stay of two days in addition to the one tenancy per week. That option would add the assurance that homes would not be rented for one-night events such as parties or sales events that might be more appropriately held in a commercial venue; however it may impact availability to those who wish to visit for a weekend and wish to stay only Saturday night.

#### Maximum Number of Tenants:

The potential for excessive noise and disturbance increases with the number of tenants. A typical occupancy limit in other jurisdictions' vacation rental ordinances is two people per bedroom. In the case of vacation rental property it is reasonable to allow one or two additional people to account for sleeping in common space, such as family or living rooms. An ordinance could set a limit of two people per bedroom plus two additional people. As an option, children under twelve, because they contribute less to the typical impacts of after-hours noise and parties, would not be counted in the total.

#### Size of Gatherings:

Residences that are rented for celebrations and large gatherings have been associated with excessive noise, parking impacts and disturbances to the integrity of residential neighborhoods. In order to avoid the impacts from large gatherings an option would be to limit the total number of people to twice the maximum occupancy number.

A prohibition on advertising for use as a venue for weddings, corporate meetings and retreats, and similar functions could be a required element of rental agreements.



### Available Parking And Limits on Vehicles:

There are existing vacation rentals where the number of on site parking spaces may not meet current parking codes or be adequate. As part of a permit system, those existing vacation rentals could be allowed to continue to operate with whatever their existing parking is. So as not to exacerbate any parking problems and to preserve on street parking for other coastal users, and for permanent residents and their guests, new residential vacation rentals could be required to meet the minimum on site parking requirement in place for each unit when the residence was permitted, and require that vehicles associated with renters be limited to the number of on site spaces.

### **Law Enforcement Issues**

The Sheriff's Office is charged with enforcing the law, including the County's noise ordinance, in the unincorporated area. Currently, the Sheriff's Office does not specifically track deputies' responses to complaints received from neighbors about vacation rental renters' noise, etc. Staff has supplied the Sheriff's Office with a list of the known vacation rental addresses so that whatever information is available can be provided to your Commission and the Board. The Sheriff's Office is currently working on matching the addresses to their record of responses to complaints and we hope to have that information at a later date. Additionally, we hope to be able to work with the Sheriff's Office to establish a better tracking system.

### **Draft Ordinances**

#### Three alternative draft ordinances

Each of the three alternative potential vacation rental ordinances would apply countywide, would require a permitting/registration process, would require payment of Transient Occupancy Tax, would require signage identifying a structure as a vacation rental and giving a local contact responsible for responding to complaints, would require a dispute resolution process, and would subject the property owner to the enforcement provisions found in County Code Chapter 19.

1. Alternative Ordinance I (developed in response to the direction given by HAC) (Exhibit A). This alternative would establish a simple permit and registration system that would require vacation rental owners to obtain a vacation rental ministerial permit. The County would not have any discretion to not approve an application for a vacation rental ministerial permit if the required application material was provided and the required fee paid.
2. Alternative Ordinance II (developed in response to the Board direction) (Exhibit B). This ordinance would require approval of a discretionary, administrative use permit to legally operate a vacation rental. Under this alternative, the County would have the discretion to deny a permit application or revoke a permit. Salient features of this alternative include:

- a. New vacation rentals would be restricted from being closer than 200 feet to a parcel that has an existing vacation rental on it. Existing vacation rentals would be grandfathered and not subject to any restriction on location relative to another vacation rental.
    - (i) This alternative would provide for an exception process to the 200-foot restriction, based on parcel size or location (abutting agriculturally or commercially zoned land).
    - (ii) In certain areas, identified as "Special Consideration Areas", there would not be any restriction on location relative to other vacation rentals, whether existing and grandfathered or new (the Special Consideration Areas are suggested to include Pajaro Dunes; the portion of Oceanview Drive along the ocean in La Selva; Beach Drive, Rio del Mar Boulevard between Aptos Beach Drive and Cliff Court, and Las Olas Drive in Aptos).
  - b. New vacation rentals not in a Special Consideration Area could be rented no more than once in any seven-day period, while the length of stay could be from one to seven days.
    - (i) There would be no restrictions on number of rentals during any seven-day period or on the length of stay for grandfathered vacation rentals or for new or grandfathered vacation rentals in the Special Consideration Areas.
    - (ii). There would be exceptions for one 30 day or less tenancy per year and for house trades between owners where there is no monetary compensation.
  - c. The maximum number of people allowed would be set at two (2) per bedroom plus two (2) additional. Children under 12 would not count. For celebrations and larger gatherings not exceeding 12 hours in duration, the number of people may be twice the maximum allowed number. Any operative restrictions on occupancy in County Code Chapter 12, the California Building Code, or in the State Health Code would still apply.
  - d. For grandfathered vacation rentals, the existing parking would be accepted. For new vacation rentals not located in a Special Consideration Area, all parking must be on-site.
  - e. Advertising the vacation rental as a venue for weddings, receptions, corporate meetings, retreats, or similar functions would be prohibited.
3. Alternative Ordinance III (developed as an alternative to the HAC version, or perhaps able to serve as a first phase in a potential multi-phased approach to regulating vacation rentals) (Exhibit C). This alternative refines the HAC version to provide for a revocable Administrative Use Permit rather than a ministerial permit.

This alternative could also possibly be used under a phased approach to regulating vacation rentals. The benefit of this is that the system to register and track vacation rentals would be established and could be used to facilitate enforcement of existing noise and disturbance regulations. Under a phased scenario, future phases would consist of adopting additional regulations if they are found to be needed after an evaluation of how the first phase regulations are functioning. The first phase would require approval of a discretionary administrative use permit to legally operate a vacation rental. Under this alternative, the County would have the discretion to deny a permit application.

- a. All vacation rentals, existing or newly proposed, would require an Administrative Use Permit.
- b. There would no be any restriction on location relative to another vacation rental.
- c. There would not be any Special Consideration Areas.
- d. Parking would not all have to be on-site, i.e., street parking would be allowed.
- e. There would not be any limitations on number of rentals in any given time period.
- f. There would not be any maximum number of renters.
- g. There would not be any restrictions on advertising.

Under any of the alternative versions of the ordinance, the Planning Department would plan to return to the Board of Supervisors with a report on vacation rental issues, to include information about the number of responses by the Sheriff's Office to complaints, other neighbor complaints made to the Planning Department, etc. Depending on the results of the first year of regulating vacation rentals and at the direction of the Board, the Planning Department could craft additional or modified regulations to address any unresolved concerns, as may be needed.

### **Comments from Coastal Commission staff**

The proposed ordinance is a coastal implementing ordinance and as such must be approved by the Coastal Commission. The Board of Supervisors directed Planning staff to consult with the Coastal Commission regarding previous actions by the Commission on this topic and our proposals for new regulations. Local Coastal Commission staff indicates that the Commission understands the need to balance coastal access with the need to ensure that vacation rentals are compatible with and do not adversely affect the integrity of residential neighborhoods. The Commission's interest is to preserve access to a diversity of types of visitor accommodations and to

ensure that this type of visitor accommodation is not prohibited outright. The Coastal Commission has approved vacation rentals ordinances in other coastal jurisdictions.

### **Impacts on supply and diversity of housing**

So far, staff has not found evidence that vacation rentals, overall, have an adverse impact of the supply of housing. The total number of vacation rentals is small relative to overall housing supply. Exceptions are areas with high concentrations of vacation rentals where the supply of housing for permanent residents may be impacted in that immediate area. Though vacation rentals are physically the same as other dwellings, since many are owned as second homes, they might be kept vacant when not occupied by the owners. There are no statistics to determine how many would be returned to the long-term rental market and therefore the actual impact on rental housing stock cannot be determined.

### **Conclusion and Recommendation**

Vacation rentals are an important part of the economy of the County. Many vacation rental owners could not live in Santa Cruz County without the income from the rentals, either to pay for the mortgages on the rentals or the owners' primary residences. However, a percentage of vacation rentals do generate complaints from neighbors about noise, parking, etc. In high concentrations, vacation rentals can alter the feeling and fabric of residential streets and neighborhoods. Based on the direction given by the Board and the Housing Advisory Commission, staff has developed two very distinct draft ordinances. Staff also developed a third ordinance that would somewhat modify the HAC version and which possibly could serve as a first phase of a potential phased regulatory system. Out of an abundance of caution, an Initial Study addressing all three alternative ordinances was completed. The public review and comment period will end in late November. Therefore, staff is recommending that your Commission not act on any of the three alternatives today, but hold the public hearing and then continue the item to November 29, 2010 for the purpose of developing the Planning Commission recommendation after the Initial Study review and comment period is over.

Therefore, it is **RECOMMENDED** that your Commission take the following actions:

1. Open the public hearing and take public testimony on this item.
2. Continue the public hearing until November 29, 2010, for final action by your Commission at that time on the draft proposed ordinances.

Sincerely,



Kathleen M Previsich  
Planning Director

- Exhibits
- A. Alternative Ordinance I
  - B. Alternative Ordinance II
  - C. Alternative Ordinance III
  - D. Correspondence

# **Exhibit A**

## **Draft Ordinance**

**Developed at the direction of the  
Housing Advisory Commission**

**ORDINANCE ADDING NEW SECTION 13.10.326 AND ADDING A DEFINITION TO  
SECTION 13.10.700-V OF THE SANTA CRUZ COUNTY CODE RELATING TO THE  
REGULATION OF VACATION RENTALS**

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The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Section 13.10.326 is hereby added to the Santa Cruz County Code to read as follows:

13.10.326 Vacation rentals

(a) The purpose of this section is to establish a simple permit and registration system for vacation rentals that will allow the County to be able to track the number and location of vacation rentals in order to:

1. Ensure that vacation rentals do not have an adverse effect on existing neighborhoods and on the long-term rental housing stock.
2. Ensure that Transient Occupancy Tax is paid.
3. Facilitate better enforcement of regulations (e.g., noise) applicable to vacation rentals.

(b) Vacation rentals are allowed in all residential zone districts in the County. The use of residentially zoned property as a vacation rental shall comply with the following standards:

1. Applicability. This section applies County wide to legal structures used as vacation rentals. Illegal structures may not be used as vacation rentals.
2. Permit requirements. Ministerial Permit and Transient Occupancy Tax Registration for each residential vacation rental.
3. Transient Occupancy Tax. Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.
4. Signs. A sign identifying the structure as a permitted vacation rental and listing a 24 hour, contact person responsible for responding to complaints and providing general information shall be placed in a front or other window facing a public street or may be affixed to the exterior of the front of the structure facing a public street. If the structure is more than 20 feet back from the street, the sign shall be affixed to a fence or post or other support at the front property line. The sign may be of any shape, but may not exceed 216 square inches. The view of the sign from the public street shall be unobstructed and the sign shall be maintained with legible information.
5. Noise. All residential vacation rentals shall comply with the standards of Chapter 8.30 of the County Code (Noise) and a copy of that chapter shall be posted in an open and conspicuous place in the unit and shall be readily visible to all tenants and guests. No vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings.

6. Local contact person. All vacation rentals shall designate a contact person within a 15 mile radius of the particular vacation rental. The contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the 15 mile radius the property owner may designate himself or herself as the local contact person. The name, address and telephone number(s) of the local contact person shall be submitted to the Planning Department, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and supplied to the property owners within a 300 foot radius. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the in-county contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

7. Dispute resolution. By accepting a vacation rental permit, all vacation rental owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a vacation rental. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Conflict Resolution Center of Santa Cruz County.

8. Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 19.01 of this Title (Enforcement). All costs incurred by the Sheriff's Office when responding to complaints about vacation rentals shall be fully reimbursed by the property owner.

## **SECTION II**

Section 13.10.700-V of the Santa Cruz County Code is hereby amended by adding a definition for "Vacation rental" preceding the definition of "Variance" to read as follows:

Vacation Rental. A single-family dwelling unit, duplex, or triplex (including condominium and townhouse units, but not including apartments), rented for the purpose of overnight lodging for a period of not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit. Habitable accessory structures, non-habitable accessory structures, second units constructed under the provisions of County Code Section 13.10.681, and legally restricted affordable housing units shall not be used as vacation rentals.

## **SECTION III**

This ordinance shall take effect on the 31<sup>st</sup> day after the date of Final Passage, or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

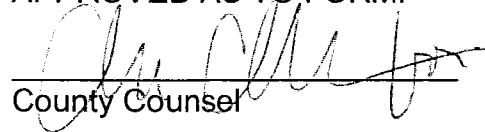


\_\_\_\_\_  
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_

Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

Copies to: Planning  
Public Works  
County Counsel

**ORDINANCE ADDING NEW SECTION 13.10.326 AND ADDING A DEFINITION TO  
SECTION 13.10.700-V OF THE SANTA CRUZ COUNTY CODE RELATING TO THE  
REGULATION OF VACATION RENTALS**

---

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Section 13.10.326 is hereby added to the Santa Cruz County Code to read as follows:

**13.10.326 Vacation rentals**

(a) The purpose of this section is to establish a simple permit and registration system for vacation rentals that will allow the County to be able to track the number and location of vacation rentals in order to:

1. Ensure that vacation rentals do not have an adverse effect on existing neighborhoods and on the long-term rental housing stock.
2. Ensure that Transient Occupancy Tax is paid.
3. Facilitate better enforcement of regulations (e.g., noise) applicable to vacation rentals.

(b) Vacation rentals are allowed in all residential zone districts in the County. The use of residentially zoned property as a vacation rental shall comply with the following standards:

1. Applicability. This section applies County wide to legal structures used as vacation rentals. Illegal structures may not be used as vacation rentals.
2. Permit requirements. Ministerial Permit and Transient Occupancy Tax Registration for each residential vacation rental.
3. Transient Occupancy Tax. Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.
4. Signs. A sign identifying the structure as a permitted vacation rental and listing a 24 hour, contact person responsible for responding to complaints and providing general information shall be placed in a front or other window facing a public street or may be affixed to the exterior of the front of the structure facing a public street. If the structure is more than 20 feet back from the street, the sign shall be affixed to a fence or post or other support at the front property line. The sign may be of any shape, but may not exceed 216 square inches. The view of the sign from the public street shall be unobstructed and the sign shall be maintained with legible information.
5. Noise. All residential vacation rentals shall comply with the standards of Chapter 8.30 of the County Code (Noise) and a copy of that chapter shall be posted in an open and conspicuous place in the unit and shall be readily visible to all tenants and guests. No vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings.

6. Local contact person. All vacation rentals shall designate a contact person within a 15 mile radius of the particular vacation rental. The contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the 15 mile radius the property owner may designate himself or herself as the local contact person. The name, address and telephone number(s) of the local contact person shall be submitted to the Planning Department, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and supplied to the property owners within a 300 foot radius. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the in-county contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

7. Dispute resolution. By accepting a vacation rental permit, all vacation rental owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a vacation rental. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Conflict Resolution Center of Santa Cruz County.

8. Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 19.01 of this Title (Enforcement). All costs incurred by the Sheriff's Office when responding to complaints about vacation rentals shall be fully reimbursed by the property owner.

## SECTION II

Section 13.10.700-V of the Santa Cruz County Code is hereby amended by adding a definition for "Vacation rental" preceding the definition of "Variance" to read as follows:

Vacation Rental. A single-family dwelling unit, duplex, or triplex (including condominium and townhouse units, but not including apartments), rented for the purpose of overnight lodging for a period of not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit. Habitable accessory structures, non-habitable accessory structures, second units constructed under the provisions of County Code Section 13.10.681, and legally restricted affordable housing units shall not be used as vacation rentals..

## SECTION III

This ordinance shall take effect on the 31<sup>st</sup> day after the date of Final Passage, or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

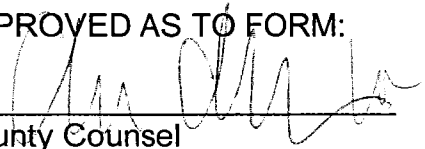
AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

Copies to: Planning  
Public Works  
County Counsel

# **Exhibit B**

## **Draft Ordinance**

**Developed at the direction of the  
Board of Supervisors**

**ORDINANCE ADDING NEW SECTIONS 13.10.326, 13.10.327, AND 13.10.328, AND  
ADDING A DEFINITION TO SECTION 13.10.700-V OF THE SANTA CRUZ COUNTY  
CODE RELATING TO THE REGULATION OF VACATION RENTALS**

---

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Section 13.10.326 is hereby added to the Santa Cruz County Code to read as follows:

13.10.326 Vacation Rentals

(a) The purpose of sections 13.0.326, 13.10.327, and 13.10.328 is to establish regulations applicable to structures on residentially zoned parcels that are rented as vacation rentals for periods of less than thirty days at a time. These regulations are in addition to all other provisions of this Title. In the adoption of these standards the Board of Supervisors find that residential vacation rentals have the potential to diminish the stock of housing available to long-term residential households and to be incompatible with surrounding residential uses, especially when multiple vacation rentals are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full time residents and neighborhood character. Special regulation of these uses is necessary to preserve the housing stock and to ensure that they will be compatible with surrounding residential uses and will not harm or alter the neighborhoods in which they are located.

(b) Permit requirements. Administrative Use Permit and Transient Occupancy Tax Registration for each residential vacation rental.

(c) Location.

1. Except as set forth in (2) below, and in 13.10.327, in all residential zone districts no new vacation rental shall be located within 200 feet of a parcel on which any other vacation rental is located. This location standard may be modified by an exception if approved by Zoning Administrator, as set forth in Section 13.10.328(d).

2. For the purposes of this ordinance, Special Consideration Areas are defined as follows and shown in Figures 1, 2, 3, and 4, respectively: Pajaro Dunes; the portion of Oceanview Drive along the ocean in La Selva; and on Beach Drive; Rio del Mar Boulevard between Aptos Beach Drive and Cliff Court; and Las Olas Drive in Aptos. In these areas there are no limits on location and the minimum separation given in section (c)1 does not apply.

(d) Vacation rental tenancy.

1. One tenancy per year of 30 days or less is exempt from the requirements of this section.

2. This section does not apply to house trades where there is no monetary compensation.

3. Except as described in 1 and 2, above, and 5, below, rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. Each individual tenancy may consist of from one to seven days. No additional occupancy (with the exception of the property owner) shall occur within that seven-day period.

4. A vacation rental shall only be used for the purposes of occupancy as a vacation rental and/or as a full time occupied unit.

5. In the Special Consideration Areas, there are no limits on tenancy or minimum number of days per tenancy.

(e) Number of people allowed. The maximum number of tenants allowed in an individual residential vacation rental shall not exceed two people per bedroom plus two additional people, except for celebrations and large gatherings not exceeding 12 hours in duration, during which time the total number of people allowed is twice the allowed number of tenants. Children under 12 are not counted toward the maximums.

(f) Signs. A sign identifying the structure as a permitted vacation rental and listing a 24-hour local contact responsible for responding to complaints and providing general information shall be placed in a front or other window facing a public street or may be affixed to the exterior of the front of the structure facing a public street. If the structure is more than 20 feet back from the street, the sign shall be affixed to a fence or post or other support within 20 feet of the front property line. The sign may be of any shape, but may not exceed 216 square inches. The view of the sign from the public street shall be unobstructed and the sign shall be maintained with legible information.

(g) On-site parking required. Except for pre-existing, non-conforming vacation rentals existing as of the date of the adoption of this ordinance by the Board of Supervisors, which are issued a valid Administrative Use Permit (see section 13.10.327), all parking associated with a Residential Vacation Rental shall be entirely onsite, in the garage, driveway or other on-site parking area and all tenants using the vacation rental shall not use on-street parking. All vacation rentals shall provide the minimum on-site parking required at the time the structure was permitted.

(h) Noise. All residential vacation rentals shall comply with the standards of Chapter 8.30 of the County Code (Noise) and a copy of that chapter shall be posted in an open and conspicuous place in the unit and shall be readily visible to all tenants and guests. No vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or activities that produce noise, dust, odor or vibration detrimental to occupants of adjoining dwellings.

(i) Local contact person. All vacation rentals shall designate a contact person within a 15-mile radius of the particular vacation rental. The contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the County the property owner may designate himself or herself as the local contact person. The requirements of this section apply to both owners and designated local contact persons.

1. The name, address and telephone number(s) of the local contact person shall be submitted to the Planning Department, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and supplied to the property owners within a 300 foot radius. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

2. If the local contact person is unavailable or fails to respond, and the complaining party contacts the Sheriff's Office, the Sheriff may attempt to reach the local contact person. In cases where the Sheriff is unable to reach the local contact person the penalties as set forth in Subsection P may apply.

(j) Transient Occupancy Tax. Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.

(k) Operational measures. Rules about trash management (e.g., trash to be stored in covered containers only), number of tenants, illegal behavior and disturbances shall be listed in the Rental Agreement and shall be posted inside the vacation rental in an open and conspicuous place readily visible to all tenants and guests.

(l) Advertising. No vacation rental shall be advertised in any manner as a venue for weddings, receptions, corporate meetings, retreats, or similar functions.

(m) Effect on pre-existing, non-conforming residential vacation rentals. See Section 13.10.327.

(n) The manager shall maintain a log of characteristics of each rental tenancy to demonstrate compliance with tenancy regulations and shall make the logs available for inspection by the Sheriff and the Planning Department.

(o) Dispute resolution. By accepting a vacation rental permit, all vacation rental owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a vacation rental. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Conflict Resolution Center of Santa Cruz County.

(p) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 19.01 of this Title (Enforcement). If more than two documented, significant violations occur within any 12-month period the Administrative Use Permit may be reviewed for possible non-renewal, amendment, or revocation; this may occur before expiration of the subject Administrative Use Permit. Documented, significant violations include, but are not limited to: copies of citations, written warnings, or other documentation filed by law enforcement; copies of Homeowner Association warnings, reprimands, or other Association actions; written or photographic evidence collected by members of the public or County staff; and documented unavailability of the local contact three or more times within a six month period.

## **SECTION II**

Section 13.10.327 is hereby added to the Santa Cruz County Code to read as follows:

### 13.10.327 Existing Vacation Rentals

(a) At the effective date of this ordinance, all existing vacation rentals are considered non-conforming uses. County Code Sections 13.10.10.260 and 13.10.261 normally apply to non-conforming residential uses. However, those sections shall not apply to existing vacation rentals that obtain an Administrative Use Permit under the provisions of this section.

(b) The purpose of this section is to provide a process to identify and register those vacation rentals as nonconforming uses which have been in lawful use prior to the adoption of this ordinance by the Board of Supervisors and to allow them to continue subject to obtaining an Administrative Use Permit as provided by this section.

(c) The owner, operator or proprietor of any vacation rental that is operating on the effective date of this ordinance, which is upon certification of this ordinance by the Coastal Commission, shall within 180 days after the effective date obtain an Administrative Use Permit for vacation rentals.

(d) No Administrative Use Permit shall be issued by the Planning Director unless the use as a vacation rental is a legal use under the Zoning Ordinance, and the applicant provides a sworn affidavit and demonstrates to the satisfaction of the Planning Director that a dwelling unit was being used as a vacation rental on an on-going basis prior to the adoption of this ordinance by the Board of Supervisors and was in compliance with all State and County land use and planning laws. The Planning Director, in making the decision, shall take into consideration, among other things, the following guidelines:

1. The applicant paid County of Santa Cruz Transient Occupancy Tax on the lawful operation of the vacation rental; or

2. That applicant had transient guests occupy the subject property in exchange for compensation prior to the adoption of this ordinance by the Board of Supervisors; and



3. Reliable information, including but not limited to, records of occupancy and tax documents, reservation lists, and receipts showing payment is provided.

4. For those who provide adequate documentation, but have not registered and paid Transient Occupancy Tax, proof of retroactive payment of the Transient Occupancy Tax amount due to the County for the three prior years shall be submitted.

5. A copy of a recent (within 3 years of the application date) septic pumping report for those properties with on-site sewage disposal. The applicant is responsible for providing documentation, satisfactory to the Health Officer, showing that adequate information exists as to the location, construction, and proper functioning of the sewage disposal system prior to issuance of a vacation rental permit.

(e) No notice is required as part of the processing of an initial Administrative Use Permit for pre-existing, non-conforming vacation rentals. Renewals shall be subject to public notice.

(f) Failure to apply for an Administrative Use Permit within 180 days of the effective date of this Ordinance shall mean that the alleged nonconforming use is not a bona fide nonconforming use, and it shall be treated as an unlawful use, unless and until an Administrative Use Permit is obtained for a vacation rental use that meets all of the criteria under Section 13.10.326 and 13.10.327.

(g) Administrative Use Permits in the Special Consideration Areas shall be renewed every five years. In all other areas, the Administrative Use Permit shall be renewed every two years. During the renewal application process, the Planning Director shall take into consideration compliance with the permit conditions, as well as public complaints related to the loss of quiet enjoyment, record of unlawful activities, as well as non-compliance with all State and County land use or planning laws.

### **SECTION III**

Section 13.10.328 is hereby added to the Santa Cruz County Code to read as follows:

#### 13.10.328 New vacation rentals

(a) All new vacation rentals shall be subject to the requirements set forth in Section 13.10.326 and shall obtain an Administrative Use Permit. Every application for an Administrative Use Permit for a new vacation rental shall include the following.

1 Completed application form

2 Non-refundable application fee as established by the Board of Supervisors, but no greater than necessary to defer the cost incurred by the County in administering the provisions of this Chapter

3 Plans drawn to scale showing the following:

(i) Plot plan showing property lines, all existing buildings, and dimensioned parking spaces

(ii) Floor plan showing all rooms with each room labeled as to room type

(iii) Copy of a blank rental/lease agreement with the conditions of approval of the use permit listed in the agreement (i.e., occupancy limits, parking, trash, etc, pursuant to Section 13.10.326.

4. Copy of a County of Santa Cruz Transient Occupancy Registration Certificate for the purpose of the lawful operation of a vacation rental.

5. A copy of a recent (within 3 years of the application date) septic pumping report for those properties with on-site sewage disposal. The applicant is responsible for providing documentation, satisfactory to the Health Officer, showing that adequate information exists as to the location, construction, and proper functioning of the sewage disposal system prior to issuance of a vacation rental permit.

**EXHIBIT B**

(b) Notice of the application shall be sent to all owners and residents of properties within 300 feet of the exterior boundaries of the parcel on which the new vacation rental is proposed.

(c) No public hearing shall be required unless a) an exception to the standards for new vacation rentals is requested, in which case the application shall be scheduled for public hearing at the Zoning Administrator, or b) if the Planning Director determines that a public hearing is required based on public responses to the application or for other good cause, in which case the application shall be scheduled for public hearing at the Zoning Administrator or the Planning Commission, at the discretion of the Planning Director.

(d) Exceptions to the requirements for new vacation rentals shall be requested in writing as part of the application, shall be limited to exceptions to the location and parking standards, and shall be heard by the Zoning Administrator at a noticed public hearing. An exception shall be granted only in the following cases.

1. Where two or more intersecting property lines of the subject parcel abut a non-residentially zoned parcel or parcels; or

2. Where the subject parcel is of such size that a vacation rental structure is located on the subject parcel more than 200 feet from the property line of a parcel with an existing vacation rental.

(e) Administrative Use Permits for new vacation rentals in the Special Consideration Areas shall be renewed every five years. In all other areas, the Administrative Use Permit shall be renewed every two years. During the renewal application process, the Planning Director shall take into consideration public complaints related to the loss of quiet enjoyment, record of unlawful activities, as well as non-compliance with all State and County land use or planning laws.

(f) Action on an Administrative Use Permit for a new vacation rental may be appealed according to the procedures set forth in Section 18.10.310 et seq.

#### **SECTION IV**

Section 13.10.700-V of the Santa Cruz County Code is hereby amended by adding a definition for "Vacation rental" following the definition of "VA" to read as follows:

Vacation Rental. A single-family dwelling unit, duplex, or triplex (including condominium and townhouse units, but not including apartments), rented for the purpose of overnight lodging for a period of not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit. Habitable accessory structures, non-habitable accessory structures, second units constructed under the provisions of County Code Section 13.10.681, and legally restricted affordable housing units shall not be used as vacation rentals.

#### **SECTION VI**

This ordinance shall take effect on the 31<sup>st</sup> day after the date of Final Passage, or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

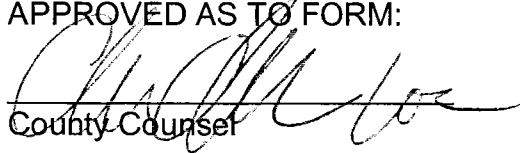
**EXHIBIT B**

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

Copies to: Planning  
Public Works  
County Counsel

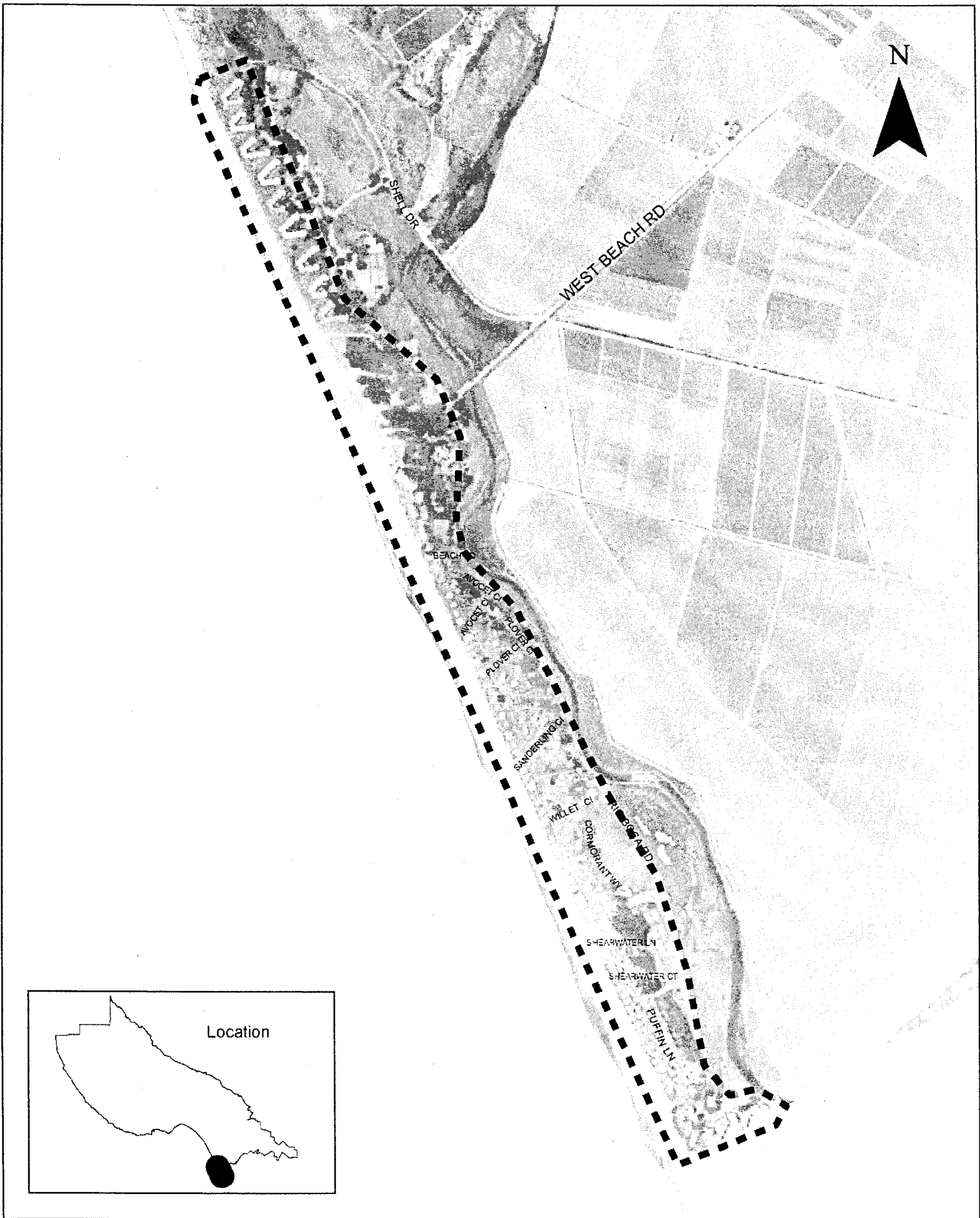


FIG. 1  
F-24-  
Pajaro Dunes

EXHIBIT B

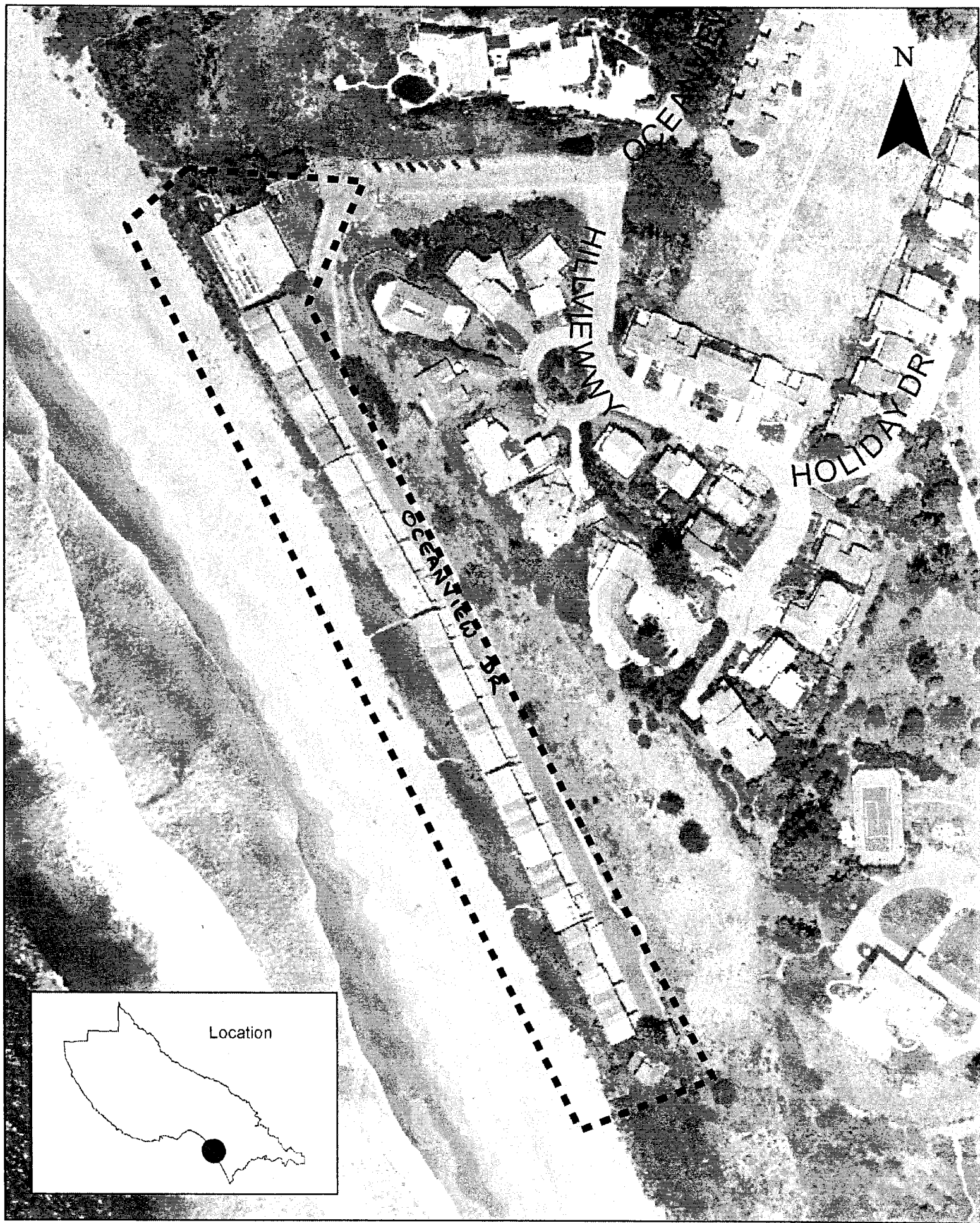


FIG. 2  
Place de Mer

EXHIBIT B 1

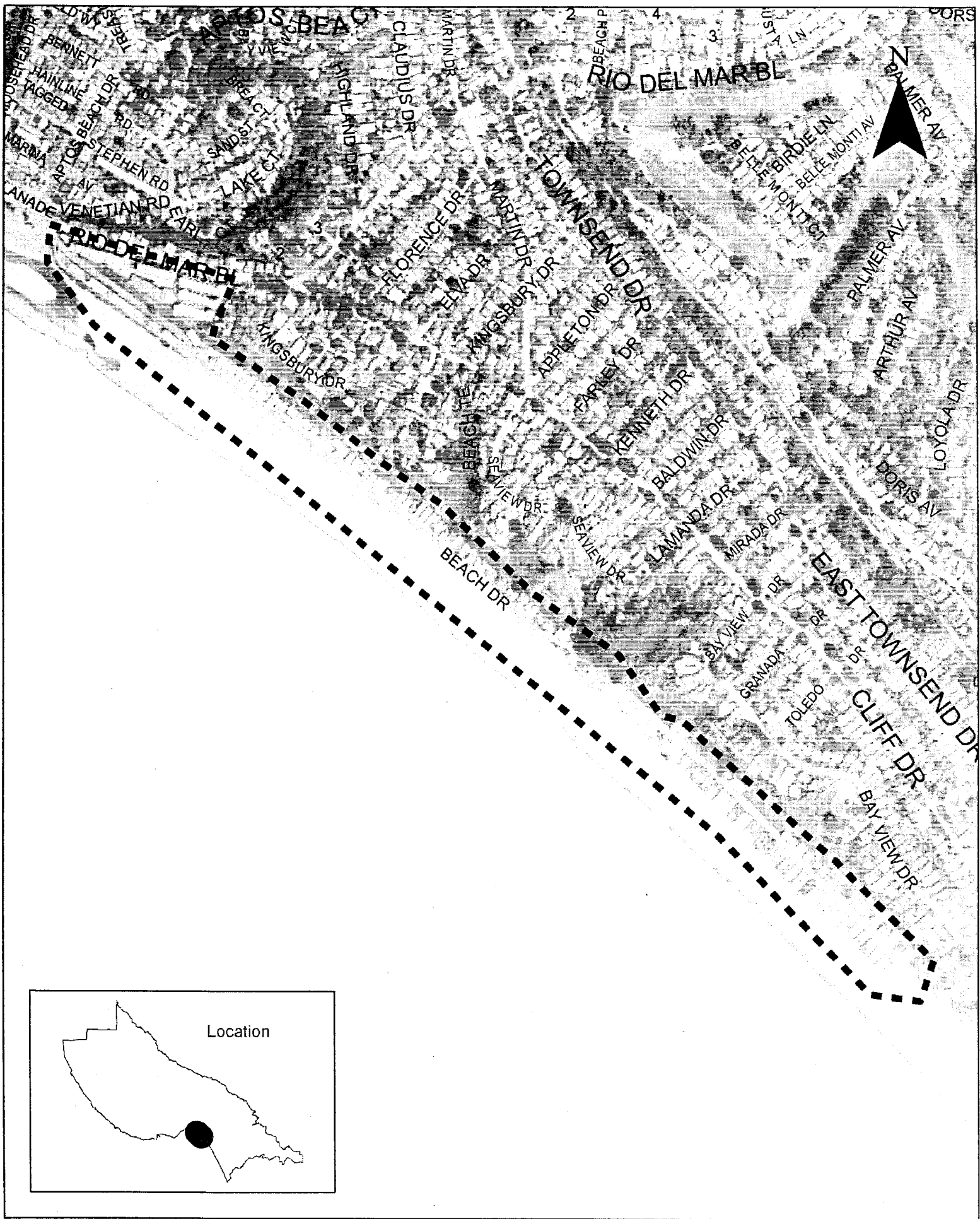


FIG. 3  
Rio del Mar



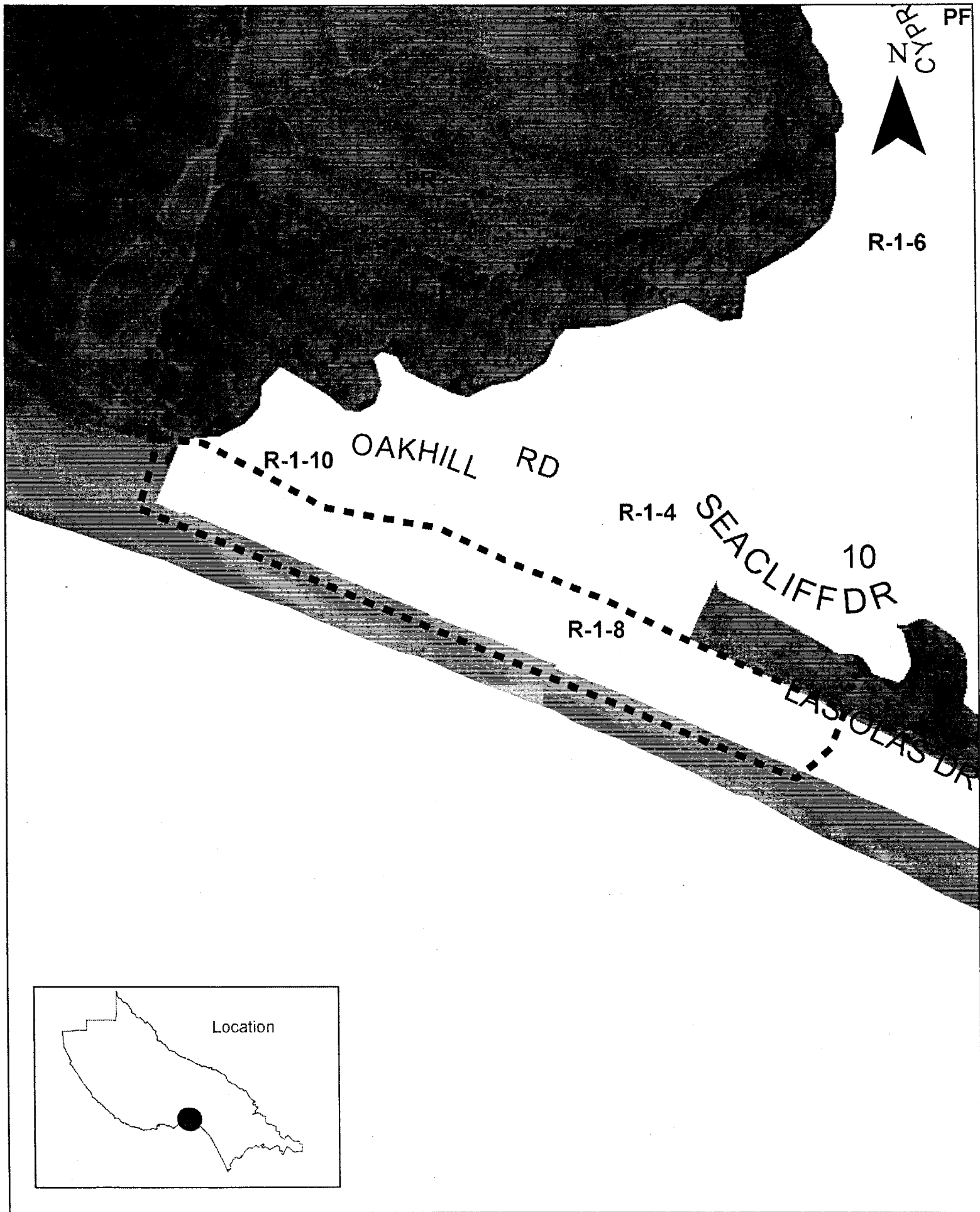


FIG. 4  
Las Olas

EXHIBIT B

**ORDINANCE ADDING NEW SECTIONS 13.10.326, 13.10.327, AND 13.10.328, AND  
ADDING A DEFINITION TO SECTION 13.10.700-V OF THE SANTA CRUZ COUNTY  
CODE RELATING TO THE REGULATION OF VACATION RENTALS**

---

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Section 13.10.326 is hereby added to the Santa Cruz County Code to read as follows:

**13.10.326 Vacation Rentals**

(a) The purpose of sections 13.0.326, 13.10.327, and 13.10.328 is to establish regulations applicable to structures on residentially zoned parcels that are rented as vacation rentals for periods of less than thirty days at a time. These regulations are in addition to all other provisions of this Title. In the adoption of these standards the Board of Supervisors find that residential vacation rentals have the potential to diminish the stock of housing available to long-term residential households and to be incompatible with surrounding residential uses, especially when multiple vacation rentals are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full time residents and neighborhood character. Special regulation of these uses is necessary to preserve the housing stock and to ensure that they will be compatible with surrounding residential uses and will not harm or alter the neighborhoods in which they are located.

(b) Permit requirements. Administrative Use Permit and Transient Occupancy Tax Registration for each residential vacation rental.

(c) Location.

1. Except as set forth in (2) below, and in 13.10.327, in all residential zone districts no new vacation rental shall be located within 200 feet of a parcel on which any other vacation rental is located. This location standard may be modified by an exception if approved by Zoning Administrator, as set forth in Section 13.10.328(d).

2. For the purposes of this ordinance, Special Consideration Areas are defined as follows and shown in Figures 1, 2, 3, and 4, respectively: Pajaro Dunes; the portion of Oceanview Drive along the ocean in La Selva; and on Beach Drive; Rio del Mar Boulevard between Aptos Beach Drive and Cliff Court; and Las Olas Drive in Aptos. . In these areas there are no limits on location and the minimum separation given in section (c)1 does not apply.

(d) Vacation rental tenancy.

1. One tenancy per year of 30 days or less is exempt from the requirements of this section.

2. This section does not apply to house trades where there is no monetary compensation.

3. Except as described in 1 and 2, above, and 5, below, rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. Each individual tenancy may consist of from one to seven days. No additional occupancy (with the exception of the property owner) shall occur within that seven-day period.

4. A vacation rental shall only be used for the purposes of occupancy as a vacation rental and/or as a full time occupied unit.



5. In the Special Consideration Areas, there are no limits on tenancy or minimum number of days per tenancy.

(e) Number of people allowed. The maximum number of tenants allowed in an individual residential vacation rental shall not exceed two people per bedroom plus two additional people, except for celebrations and large gatherings not exceeding 12 hours in duration, during which time the total number of people allowed is twice the allowed number of tenants. Children under 12 are not counted toward the maximums.

(f) Signs. A sign identifying the structure as a permitted vacation rental and listing a 24-hour local contact responsible for responding to complaints and providing general information shall be placed in a front or other window facing a public street or may be affixed to the exterior of the front of the structure facing a public street. If the structure is more than 20 feet back from the street, the sign shall be affixed to a fence or post or other support within 20 feet of the front property line. The sign may be of any shape, but may not exceed 216 square inches. The view of the sign from the public street shall be unobstructed and the sign shall be maintained with legible information.

(g) On-site parking required. Except for pre-existing, non-conforming vacation rentals existing as of the date of the adoption of this ordinance by the Board of Supervisors, which are issued a valid Administrative Use Permit (see section 13.10.327), all parking associated with a Residential Vacation Rental shall be entirely onsite, in the garage, driveway or other on-site parking area and all tenants using the vacation rental shall not use on-street parking. All vacation rentals shall provide the minimum on-site parking required at the time the structure was permitted.

(h) Noise. All residential vacation rentals shall comply with the standards of Chapter 8.30 of the County Code (Noise) and a copy of that chapter shall be posted in an open and conspicuous place in the unit and shall be readily visible to all tenants and guests. No vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or activities that produce noise, dust, odor or vibration detrimental to occupants of adjoining dwellings.

(i). Local contact person. All vacation rentals shall designate a contact person within a 15-mile radius of the particular vacation rental. The contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the County the property owner may designate himself or herself as the local contact person. The requirements of this section apply to both owners and designated local contact persons.

1. The name, address and telephone number(s) of the local contact person shall be submitted to the Planning Department, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and supplied to the property owners within a 300 foot radius. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

2. If the local contact person is unavailable or fails to respond, and the complaining party contacts the Sheriff's Office, the Sheriff may attempt to reach the local contact person. In cases where the Sheriff is unable to reach the local contact person the penalties as set forth in Subsection P may apply.

(j) Transient Occupancy Tax. Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.

(k) Operational measures. Rules about trash management (e.g., trash to be stored in covered containers only), number of tenants, illegal behavior and disturbances shall be listed in the Rental Agreement and shall be posted inside the vacation rental in an open and conspicuous place readily visible to all tenants and guests.

(l) Advertising. No vacation rental shall be advertised in any manner as a venue for weddings, receptions, corporate meetings, retreats, or similar functions.

(m) Effect on pre-existing, non-conforming residential vacation rentals. See Section 13.10.327.

(n) The manager shall maintain a log of characteristics of each rental tenancy to demonstrate compliance with tenancy regulations and shall make the logs available for inspection by the Sheriff and the Planning Department.

(o) Dispute resolution. By accepting a vacation rental permit, all vacation rental owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a vacation rental. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Conflict Resolution Center of Santa Cruz County.

(p) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 19.01 of this Title (Enforcement). If more than two documented, significant violations occur within any 12-month period the Administrative Use Permit may be reviewed for possible non-renewal, amendment, or revocation; this may occur before expiration of the subject Administrative Use Permit. Documented, significant violations include, but are not limited to: copies of citations, written warnings, or other documentation filed by law enforcement; copies of Homeowner Association warnings, reprimands, or other Association actions; written or photographic evidence collected by members of the public or County staff; and documented unavailability of the local contact three or more times within a six month period.

## SECTION II

Section 13.10.327 is hereby added to the Santa Cruz County Code to read as follows:

### 13.10.327 Existing Vacation Rentals

(a) At the effective date of this ordinance, all existing vacation rentals are considered non-conforming uses. County Code Sections 13.10.10.260 and 13.10.261 normally apply to non-conforming residential uses. However, those sections shall not apply to existing vacation rentals that obtain an Administrative Use Permit under the provisions of this section.

(b) The purpose of this section is to provide a process to identify and register those vacation rentals as nonconforming uses which have been in lawful use prior to the adoption of this ordinance by the Board of Supervisors and to allow them to continue subject to obtaining an Administrative Use Permit as provided by this section.

(c) The owner, operator or proprietor of any vacation rental that is operating on the effective date of this ordinance, which is upon certification of this ordinance by the Coastal Commission, shall within 180 days after the effective date obtain an Administrative Use Permit for vacation rentals.

(d) No Administrative Use Permit shall be issued by the Planning Director unless the use as a vacation rental is a legal use under the Zoning Ordinance, and the applicant provides a sworn affidavit and demonstrates to the satisfaction of the Planning Director that a dwelling unit was being used as a vacation rental on an on-going basis prior to the adoption of this ordinance by the Board of Supervisors and was in compliance with all State and County land use and planning laws. The Planning Director, in making the decision, shall take into consideration, among other things, the following guidelines:

1. The applicant paid County of Santa Cruz Transient Occupancy Tax on the lawful operation of the vacation rental; or

2. That applicant had transient guests occupy the subject property in exchange for compensation prior to the adoption of this ordinance by the Board of Supervisors; and

3. Reliable information, including but not limited to, records of occupancy and tax documents, reservation lists, and receipts showing payment is provided.

4. For those who provide adequate documentation, but have not registered and paid Transient Occupancy Tax, proof of retroactive payment of the Transient Occupancy Tax amount due to the County for the three prior years shall be submitted.

5. A copy of a recent (within 3 years of the application date) septic pumping report for those properties with on-site sewage disposal. The applicant is responsible for providing documentation, satisfactory to the Health Officer, showing that adequate information exists as to the location, construction, and proper functioning of the sewage disposal system prior to issuance of a vacation rental permit.

(e) No notice is required as part of the processing of an initial Administrative Use Permit for pre-existing, non-conforming vacation rentals. Renewals shall be subject to public notice.

(f) Failure to apply for an Administrative Use Permit within 180 days of the effective date of this Ordinance shall mean that the alleged nonconforming use is not a bona fide nonconforming use, and it shall be treated as an unlawful use, unless and until an Administrative Use Permit is obtained for a vacation rental use that meets all of the criteria under Section 13.10.326 and 13.10.327.

(g) Administrative Use Permits in the Special Consideration Areas shall be renewed every five years. In all other areas, the Administrative Use Permit shall be renewed every two years. During the renewal application process, the Planning Director shall take into consideration compliance with the permit conditions, as well as public complaints related to the loss of quiet enjoyment, record of unlawful activities, as well as non-compliance with all State and County land use or planning laws.

### SECTION III

Section 13.10.328 is hereby added to the Santa Cruz County Code to read as follows:

#### 13.10.328 New vacation rentals

(a) All new vacation rentals shall be subject to the requirements set forth in Section 13.10.326 and shall obtain an Administrative Use Permit. Every application for an Administrative Use Permit for a new vacation rental shall include the following.

1 Completed application form

2 Non-refundable application fee as established by the Board of Supervisors, but no greater than necessary to defer the cost incurred by the County in administering the provisions of this Chapter

3 Plans drawn to scale showing the following:

(i) Plot plan showing property lines, all existing buildings, and dimensioned parking spaces

(ii) Floor plan showing all rooms with each room labeled as to room type

(iii) Copy of a blank rental/lease agreement with the conditions of approval of the use permit listed in the agreement (i.e., occupancy limits, parking, trash, etc, pursuant to Section 13.10.326.

4. Copy of a County of Santa Cruz Transient Occupancy Registration Certificate for the purpose of the lawful operation of a vacation rental.

5. A copy of a recent (within 3 years of the application date) septic pumping report for those properties with on-site sewage disposal. The applicant is responsible for providing documentation, satisfactory to the Health Officer, showing that adequate information exists as to the location, construction, and proper functioning of the sewage disposal system prior to issuance of a vacation rental permit.

(b) Notice of the application shall be sent to all owners and residents of properties within 300 feet of the exterior boundaries of the parcel on which the new vacation rental is proposed.

(c) No public hearing shall be required unless a) an exception to the standards for new vacation rentals is requested, in which case the application shall be scheduled for public hearing at the Zoning Administrator, or b) if the Planning Director determines that a public hearing is required based on public responses to the application or for other good cause, in which case the application shall be scheduled for public hearing at the Zoning Administrator or the Planning Commission, at the discretion of the Planning Director.

(d) Exceptions to the requirements for new vacation rentals shall be requested in writing as part of the application, shall be limited to exceptions to the location and parking standards, and shall be heard by the Zoning Administrator at a noticed public hearing. An exception shall be granted only in the following cases.

1. Where two or more intersecting property lines of the subject parcel abut a non-residentially zoned parcel or parcels; or

2. Where the subject parcel is of such size that a vacation rental structure is located on the subject parcel more than 200 feet from the property line of a parcel with an existing vacation rental.

(e) Administrative Use Permits for new vacation rentals in the Special Consideration Areas shall be renewed every five years. In all other areas, the Administrative Use Permit shall be renewed every two years. During the renewal application process, the Planning Director shall take into consideration public complaints related to the loss of quiet enjoyment, record of unlawful activities, as well as non-compliance with all State and County land use or planning laws.

(f) Action on an Administrative Use Permit for a new vacation rental may be appealed according to the procedures set forth in Section 18.10.310 et seq.

#### **SECTION IV**

Section 13.10.700-V of the Santa Cruz County Code is hereby amended by adding a definition for "Vacation rental" following the definition of "VA" to read as follows:

**Vacation Rental.** A single-family dwelling unit, duplex, or triplex (including condominium and townhouse units, but not including apartments), rented for the purpose of overnight lodging for a period of not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit. Habitable accessory structures, non-habitable accessory structures, second units constructed under the provisions of County Code Section 13.10.681, and legally restricted affordable housing units shall not be used as vacation rentals.

#### **SECTION VI**

This ordinance shall take effect on the 31<sup>st</sup> day after the date of Final Passage, or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

Copies to: Planning  
Public Works  
County Counsel

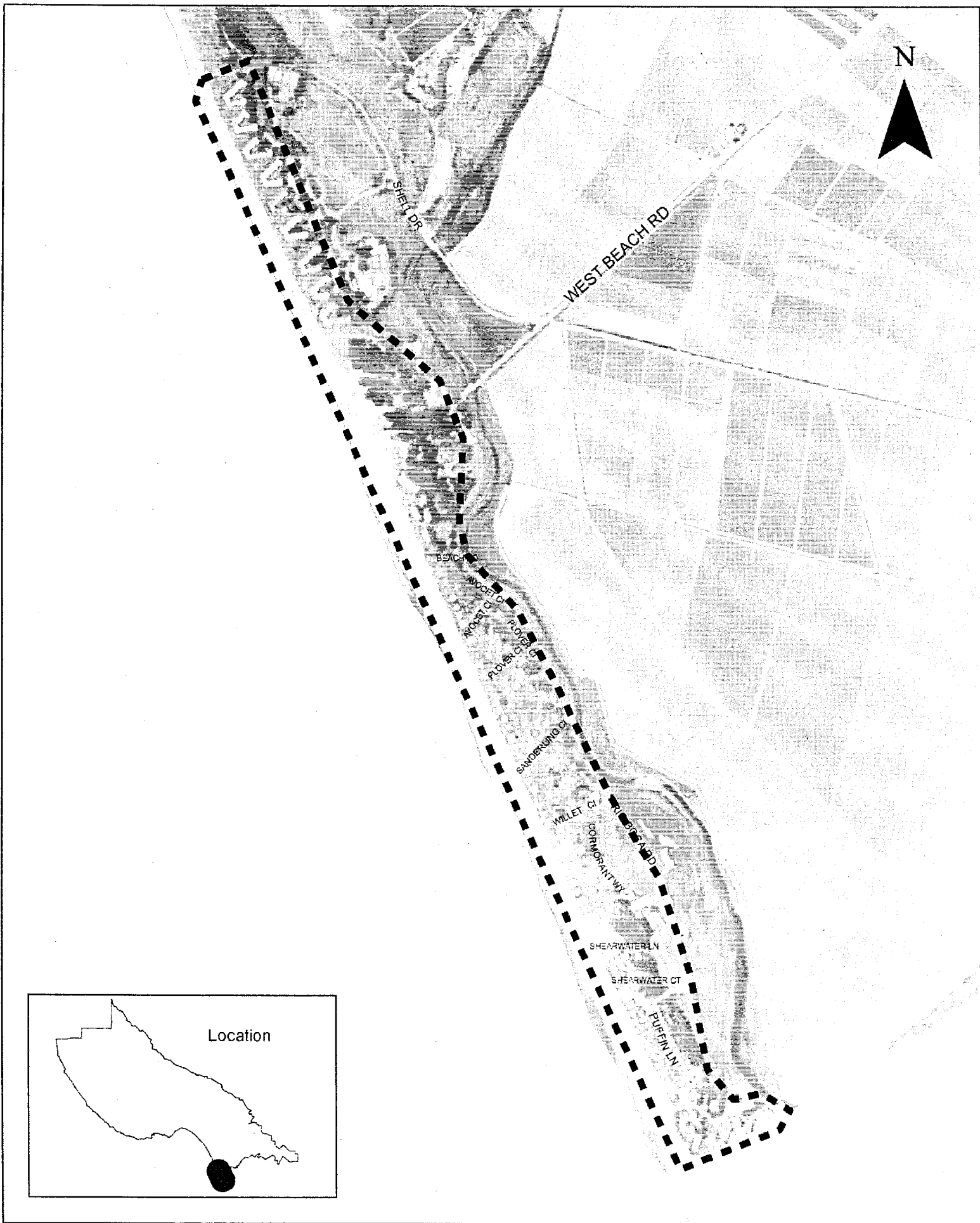


FIG. 1  
Pajaro Dunes

EXHIBIT B

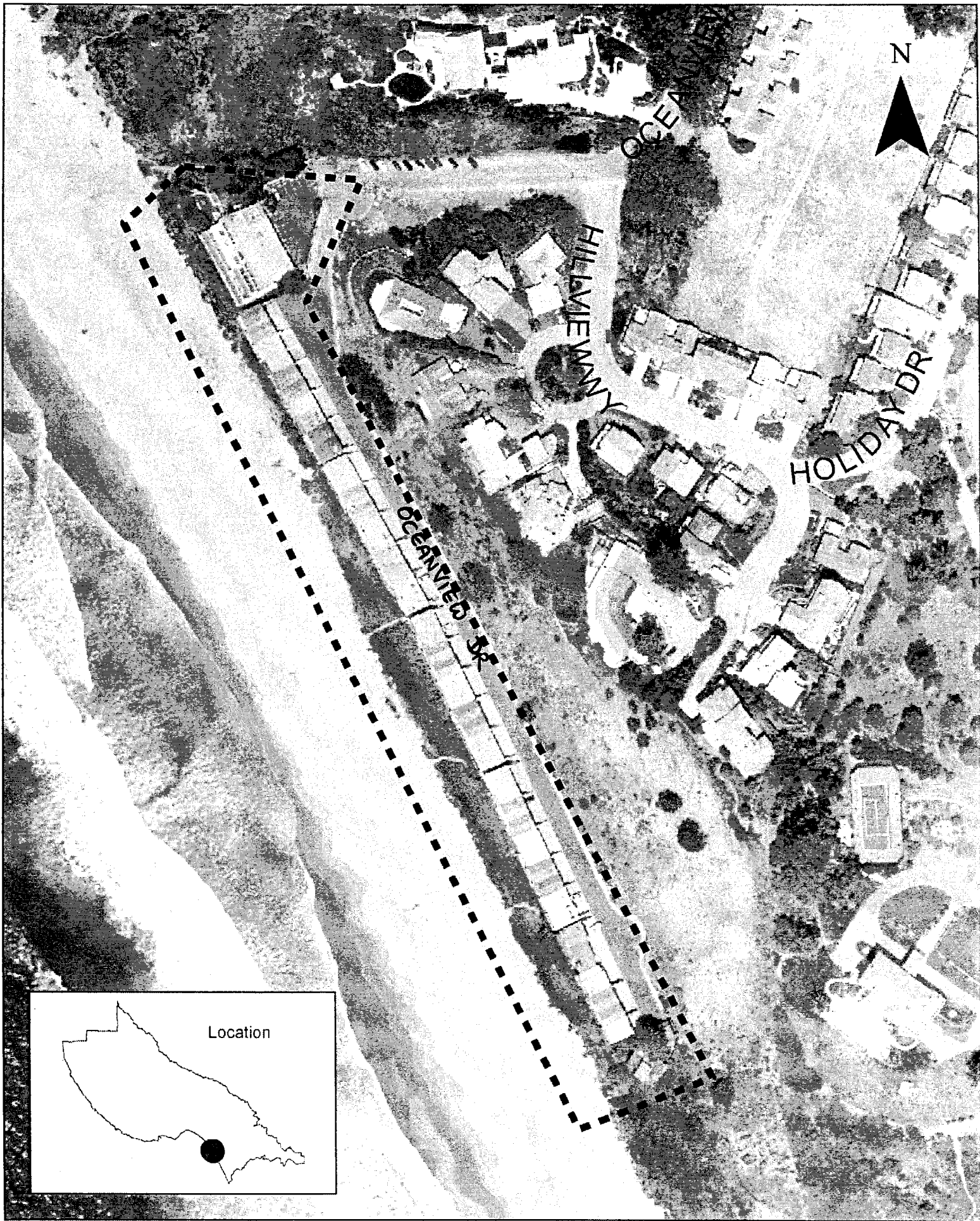


FIG. 2  
Place de Mer

EXHIBIT B.







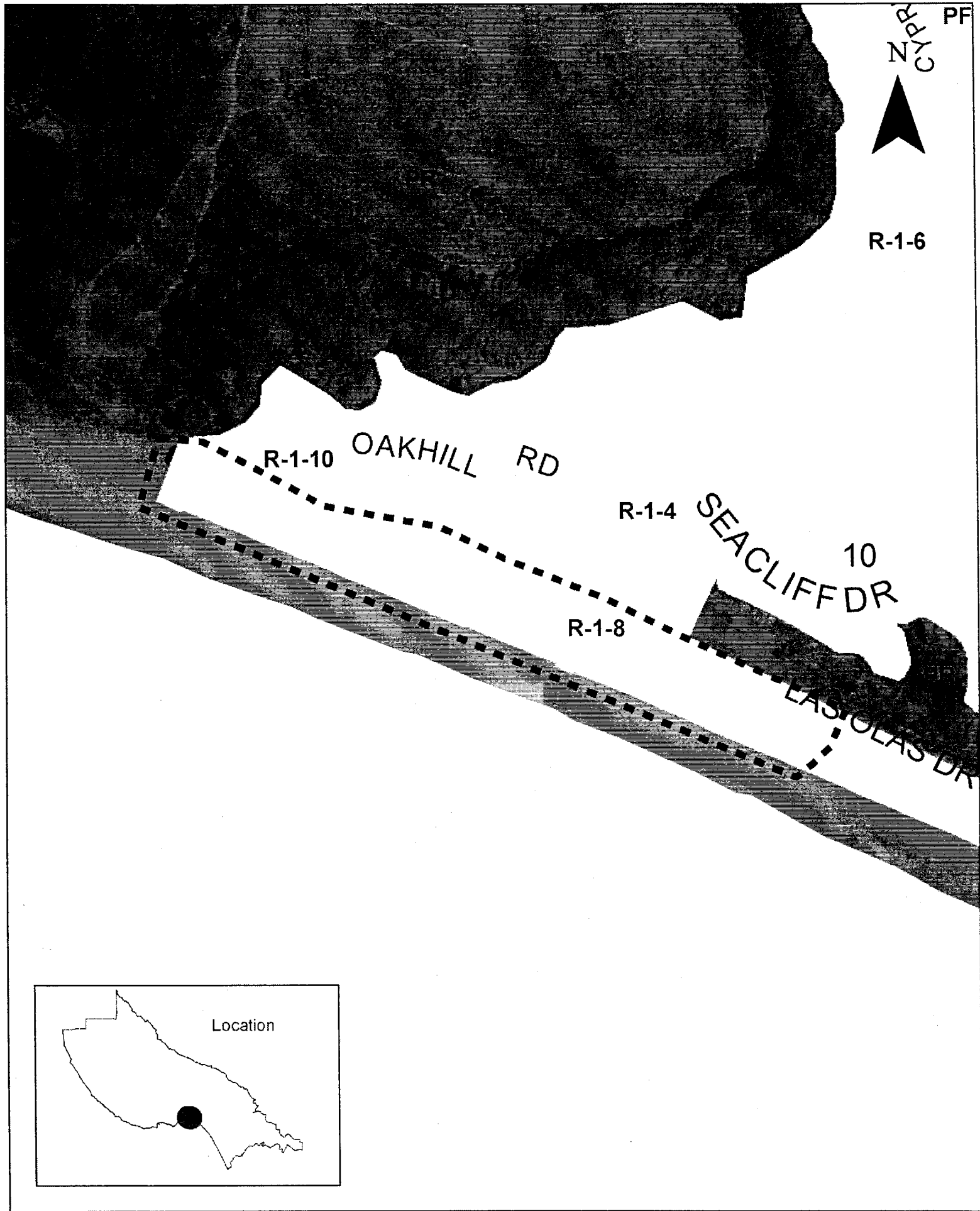


FIG. 4  
Las Olas

EXHIBIT B

# **Exhibit C**

## **Draft Ordinance**

**Developed as an alternative to the  
Housing Advisory Commission version**

**ORDINANCE ADDING NEW SECTION 13.10.326 AND ADDING A DEFINITION TO  
SECTION 13.10.700-V OF THE SANTA CRUZ COUNTY CODE RELATING TO THE  
REGULATION OF VACATION RENTALS**

---

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Section 13.10.326 is hereby added to the Santa Cruz County Code to read as follows:

13.10.326 Vacation Rentals

(a) The purpose of this section is to establish a simple permit and registration system for vacation rentals that will allow the County to be able to track the number and location of vacation rentals in order to:

1. Ensure that vacation rentals do not have an adverse effect on existing neighborhoods and on the long-term rental housing stock, and
2. Ensure that the required Transient Occupancy Tax is paid, and
3. Facilitate better enforcement of existing regulations (e.g., noise) applicable to vacation rentals.

(b) Location and Permit requirements. Vacation rentals are allowed in all residential zone districts. Administrative Use Permit and Transient Occupancy Tax Registration are required for each residential vacation rental. Every application for an Administrative Use Permit for a vacation rental shall include the following.

1. Completed application form
2. Non-refundable application fee as established by the Board of Supervisors, but no greater than necessary to defer the cost incurred by the County in administering the provisions of this Chapter
3. Copy of a County of Santa Cruz Transient Occupancy Registration Certificate for the purpose of the lawful operation of a vacation rental.
4. A copy of a recent (within 3 years of the application date) septic pumping report for those properties with on-site sewage disposal. The applicant is responsible for providing documentation, satisfactory to the Health Office, showing that adequate information exists as to the location, construction, and proper functioning of the sewage disposal system prior to issuance of a vacation rental permit.

(c) Notice of the application shall be sent to all owners and residents of properties within 300 feet of the exterior boundaries of the parcel on which the new vacation rental is proposed.

(d) No public hearing shall be required unless the Planning Director determines that a public hearing is required based on public responses to the application or for other good cause, in which case the application shall be scheduled for public hearing at the Zoning Administrator or the Planning Commission, at the discretion of the Planning Director.

(e) Transient Occupancy Tax. Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.

(f) Signs. A sign identifying the structure as a permitted vacation rental and listing a 24 hour contact responsible for responding to complaints and providing general information shall be placed in a front or other window facing a public street or may

be affixed to the exterior of the front of the structure facing a public street. If the structure is more than 20 feet back from the street, the sign shall be affixed to a fence or post or other support at the front property line. The sign may be of any shape, but may not exceed 216 square inches. The view of the sign from the public street shall be unobstructed and the sign shall be maintained with legible information.

(g) Noise. All residential vacation rentals shall comply with the standards of Chapter 8.30 of the County Code (Noise) and a copy of that chapter shall be posted in an open and conspicuous place in the unit and shall be readily visible to all tenants and guests. No vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings.

(h) Local contact person. All vacation rentals shall designate a contact person within a 15-mile radius of the particular vacation rental. The contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the County the property owner may designate himself or herself as the local contact person.

1. The name, address and telephone number(s) of the local contact person shall be submitted to the Planning Department, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and supplied to the property owners within a 300 foot radius. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

2. If the local contact person is unavailable or fails to respond, and the complaining party contacts the Sheriff's Office, the Sheriff may attempt to reach the local contact person. In cases where the Sheriff is unable to reach the local contact person the penalties as set forth in Subsection (ii) may apply.

(i) Dispute resolution. By accepting a vacation rental permit, all vacation rental owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a vacation rental. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Conflict Resolution Center of Santa Cruz County.

(j) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 19.01 of this Title (Enforcement). All costs incurred by the Sheriff's Office when responding to complaints about vacation rentals shall be fully reimbursed by the property owner.

## **SECTION II**

Section 13.10.700-V of the Santa Cruz County Code is hereby amended by adding a definition for "Vacation rental" following the definition of "VA" to read as follows:

Vacation Rental. A single-family dwelling unit, duplex, or triplex (including condominium and townhouse units, but not including apartments), rented for the purpose of overnight lodging for a period of not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit. Habitable accessory structures, non-habitable accessory structures, second units constructed under the provisions of County Code Section 13.10.681, and legally restricted affordable housing units shall not be used as vacation rentals.

### SECTION III

This ordinance shall take effect on the 31<sup>st</sup> day after the date of Final Passage, or upon certification by the California Coastal Commission, whichever date is later.

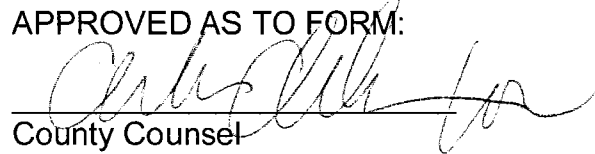
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

\_\_\_\_\_  
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

Copies to: Planning  
Public Works  
County Counsel

**ORDINANCE ADDING NEW SECTION 13.10.326 AND ADDING A DEFINITION TO  
SECTION 13.10.700-V OF THE SANTA CRUZ COUNTY CODE RELATING TO THE  
REGULATION OF VACATION RENTALS**

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The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Section 13.10.326 is hereby added to the Santa Cruz County Code to read as follows:

**13.10.326 Vacation Rentals**

(a) The purpose of this section is to establish a simple permit and registration system for vacation rentals that will allow the County to be able to track the number and location of vacation rentals in order to:

1. Ensure that vacation rentals do not have an adverse effect on existing neighborhoods and on the long-term rental housing stock, and
2. Ensure that the required Transient Occupancy Tax is paid, and
3. Facilitate better enforcement of existing regulations (e.g., noise) applicable to vacation rentals.

(b) Location and Permit requirements. Vacation rentals are allowed in all residential zone districts. Administrative Use Permit and Transient Occupancy Tax Registration are required for each residential vacation rental. Every application for an Administrative Use Permit for a vacation rental shall include the following.

1. Completed application form
2. Non-refundable application fee as established by the Board of Supervisors, but no greater than necessary to defer the cost incurred by the County in administering the provisions of this Chapter
3. Copy of a County of Santa Cruz Transient Occupancy Registration Certificate for the purpose of the lawful operation of a vacation rental.
4. A copy of a recent (within 3 years of the application date) septic pumping report for those properties with on-site sewage disposal. The applicant is responsible for providing documentation, satisfactory to the Health Office, showing that adequate information exists as to the location, construction, and proper functioning of the sewage disposal system prior to issuance of a vacation rental permit.

(c) Notice of the application shall be sent to all owners and residents of properties within 300 feet of the exterior boundaries of the parcel on which the new vacation rental is proposed.

(d) No public hearing shall be required unless the Planning Director determines that a public hearing is required based on public responses to the application or for other good cause, in which case the application shall be scheduled for public hearing at the Zoning Administrator or the Planning Commission, at the discretion of the Planning Director.

(e) Transient Occupancy Tax. Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.

(f) Signs. A sign identifying the structure as a permitted vacation rental and listing a 24 hour contact responsible for responding to complaints and providing general information shall be placed in a front or other window facing a public street or may

be affixed to the exterior of the front of the structure facing a public street. If the structure is more than 20 feet back from the street, the sign shall be affixed to a fence or post or other support at the front property line. The sign may be of any shape, but may not exceed 216 square inches. The view of the sign from the public street shall be unobstructed and the sign shall be maintained with legible information.

(g) Noise. All residential vacation rentals shall comply with the standards of Chapter 8.30 of the County Code (Noise) and a copy of that chapter shall be posted in an open and conspicuous place in the unit and shall be readily visible to all tenants and guests. No vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings.

(h) Local contact person. All vacation rentals shall designate a contact person within a 15-mile radius of the particular vacation rental. The contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the County the property owner may designate himself or herself as the local contact person.

1. The name, address and telephone number(s) of the local contact person shall be submitted to the Planning Department, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and supplied to the property owners within a 300 foot radius. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

2. If the local contact person is unavailable or fails to respond, and the complaining party contacts the Sheriff's Office, the Sheriff may attempt to reach the local contact person. In cases where the Sheriff is unable to reach the local contact person the penalties as set forth in Subsection (ii) may apply.

(i) Dispute resolution. By accepting a vacation rental permit, all vacation rental owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a vacation rental. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Conflict Resolution Center of Santa Cruz County.

(j) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 19.01 of this Title (Enforcement). All costs incurred by the Sheriff's Office when responding to complaints about vacation rentals shall be fully reimbursed by the property owner.

## SECTION II

Section 13.10.700-V of the Santa Cruz County Code is hereby amended by adding a definition for "Vacation rental" following the definition of "VA" to read as follows:

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### SECTION III

This ordinance shall take effect on the 31<sup>st</sup> day after the date of Final Passage, or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

\_\_\_\_\_  
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

Copies to: Planning  
Public Works  
County Counsel



# **Exhibit D**

## **Correspondence**

September 21, 2010

To the Members of the Housing Committee and to the Board of Supervisors:

I am Betty Sakai. I am the owner of a residential property in Santa Cruz and I'm 100% opposed to government taking away an owner's private property rights. I believe the business of government should be in enforcement of universal codes and ordinances without prejudice as concerns occupancy and noise, and unique to each area or district as it pertains to parking.

I question why the Supervisors have singled out vacation rentals? Is this an attempt to satisfy wealthy contributors at the expense of the middle class homeowner? In this economy, every citizen, every business, and government too, is struggling to survive. Leopold's proposals add more responsibilities to government which already suffers from a lack of money. And if an owner is unable to rent their home for enough money, they may lose their property. What Leopold is doing will affect every owner of every residential property regardless of whether they now reside in their home or one day find a personal need to rent all or a portion of it for income.

In the year 2000, responding to the needs of others seeking to generate income, I helped to create a website called [www.AHouseInSantaCruz.com](http://www.AHouseInSantaCruz.com). This website continues today representing the best owner-managers in Santa Cruz County. As each owner enters the site, they are counseled about the need to register to pay taxes, to abide by codes and ordinances, and to present a clean and well-maintained home. In order to provide a contact number for their good neighbors, I don't believe owners would object to posting a telephone number or giving their neighbors a telephone number to have someone respond within 30 minutes should there ever be a problem.

We all understand that the money generated in our county comes from tourism. Approximately 1% of the General Revenue Fund comes from transient occupancy taxes. It is paid by 197 owners. The total TOT collected is approximately \$3.5 million. Twenty (20) hotels and motels, like the Chaminade in Santa Cruz, the Seacliff Inn and Seascape Resort in Aptos, pay \$2.3 million. Individual owners of vacation rentals pay \$1.2 million.

Where small owners contribute most is in the hiring of local people to maintain and improve their property. Vacation rental guests dine at restaurants, shop and spend their money here. I pray you do not scapegoat and tie the hands of middle class home owners who choose to rent their home in this way. The fact is, a lot of tax money has already been spent trying to satisfy the political agendas of two Supervisors. I believe this is money that could have been more wisely spent by a simple review of the codes and ordinances and their enforcement, with the money saved going to support county services and jobs.

Thank you for your consideration. Please keep me informed of future discussions.

Respectfully,  
Betty Sakai, (408) 258-1264  
[e.bSakai@ix.netcom.com](mailto:e.bSakai@ix.netcom.com)  
[www.AHouseInSantaCruz.com](http://www.AHouseInSantaCruz.com)  
2331 Montpelier Drive, Suite A  
San Jose, CA 95116

**Steven Guiney**

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**From:** Kathy Previsich  
**Sent:** Wednesday, September 01, 2010 7:27 PM  
**To:** 'gerry.swinton@sbcglobal.net'  
**Cc:** Porcila Wilson; Steven Guiney; Paia Levine  
**Subject:** RE: Resend: Vacation Rental Study: Request to participate

Thanks for your interest Gerry.

A public workshop on this matter will be hosted by the Housing Advisory Committee on September 21st, at 6:30 PM. I am not certain that the location of the meeting has been fixed, so Porcila will reply to us and let us know where it landed.

The other tentative dates associated with this matter are public hearings before the Planning Commission on October 27th, and before the Board of Supervisors on November 16th.

-----Original Message-----

**From:** Gerry Swinton [mailto:gerry.swinton@sbcglobal.net]  
**Sent:** Wednesday, September 01, 2010 11:00 AM  
**To:** Kathy Previsich  
**Cc:** Gerry Swinton  
**Subject:** Resend: Vacation Rental Study: Request to participate

Ms. Previsich,

I understand you may have been on vacation when I originally sent it. I know how full an email Inbox can get when one is away.

Thus, I'm resending this in case it was lost.

Please consider my request as outlined below

Sincerely,

Gerry Swinton  
831-475-2139

--- On Mon, 8/23/10, Gerry Swinton <gerry.swinton@sbcglobal.net> wrote:

From: Gerry Swinton <gerry.swinton@sbcglobal.net>  
Subject: VAcation Rental Study: Request to participate  
To: "Kathleen Previsich" <pln001@co.santa-cruz.ca.us>  
Cc: "Gerry Swinton" <gerry.swinton@sbcglobal.net>  
Date: Monday, August 23, 2010, 11:15 AM

Dear Ms. Previsich,

Earlier this summer, the Board of Supervisors directed your department to study various issues involving vacation rentals in the county, with the specific directive to include a cross section of interested parties.

I am a 29 year resident of Pleasure Point and have lived next door to a vacation rental for the past 14 or so years. Given this, I may have an interesting perspective on the various aspects of such uses.

Additionally, withing 6 house of my there are 3 more vacation rentals.

Please include me in the community sessions regarding this matter.

Sincerely

Gerry Swinton  
831-475-2139 desk

**Steven Guiney**

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**From:** Michael & Deborah Simms [mdsimms225@aol.com]  
**Sent:** Thursday, September 09, 2010 3:22 PM  
**To:** Steven Guiney  
**Subject:** Fire safety check list for vacation rentals

Hello,

I submitted a fire safety checksheet to Supervisor Leopold. It has been approved by the Central Fire District Chief and is a self-check to be submitted with an application.

Please contact me if you have questions or needs in this area.

Mike Simms

**Steven Guiney**

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**From:** Randy Watson [randywatson95062@yahoo.com]  
**Sent:** Friday, September 10, 2010 3:01 PM  
**To:** Steven Guiney  
**Subject:** forward letter regarding vacation ordinance

Dear Mr. John Leopold, Ms. Ellen Pirie, Mr. Neal Coonerty, Mr. Tony Campos and Mr. Mark Stone:

I am writing to express my opinion regarding a proposal to restrict the use of vacation rental properties in Santa Cruz County. I have both an "insider" and "outsider" perspective, as I was born and raised in Santa Cruz, and my family owns property on East Cliff Dr. which has been used as both a rental property and primary residence.

Currently, my mother resides in Santa Cruz at her East Cliff Dr. home. Each spring, my family of four from Maryland, my sister's family of four from Colorado, my father and step-mother from Oregon, and my in-laws from Ohio come to Santa Cruz for a family vacation, staying from 6 to 10 days. We contract with vacation rental property owners in the Twin Lakes area for as large a house as we can afford so that we can all stay together and be close to other family. Last year, we were able to contract with a very large house and an old family friend (and her family) from Long Beach were able to come to Santa Cruz and stay with us (her parents and extended family live in Santa Cruz and Watsonville), bring our group to 14 people. The cost of renting several smaller houses is prohibitive for many of our group, and they would not be able to afford to come and spend their vacation dollars in Santa Cruz if resident size per rental is limited.

Earlier this year, a family friend and I rented a smaller Twin Lakes area home for a few days to attend my aunt's funeral. Being restricted from renting a home for a short stay burdens visitors in two ways: it limits the location of their stay (to Ocean St. hotels) and it is very inconvenient for families with very small children who need kitchen facilities and safe outdoor spaces (as in the case of my friend).

Yes, summer in Santa Cruz can be crowded with lots of vacationers, and I used to long for the fall when they all disappeared and the town became "ours" again. And I certainly understand how frustrating it could be to have loud parties next door. However, tourism is the lifeblood of the City of Santa Cruz's economy, and the revenue from vacationers pays for a lot of what the permanent residents enjoy. When we come to Santa Cruz, we make it a point to spend locally and spread our vacation dollars to our favorite businesses: Gayles, Bookshop Santa Cruz, Zoccoli's, Shopper's Corner, Staff of Life, New Leaf, Zachary's, Crow's Nest, The Boardwalk, the roller-skating rink, movie theaters, Santa Cruz Roasting Company, and so many other businesses. To restrict the use of vacation rentals would negatively impact the lifestyle of the full-time residents of the county, whether vacation property owners or not, because of the lost revenue from vacationers like me, who will be unable to rent large houses or afford to come to Santa Cruz. Restricting the use of vacation rental properties will not necessarily "cure" the ills that were described by those advocating new restrictions - it is possible (and fairly likely) that the larger rental houses would be offered as long-term UCSC student rental housing - not necessarily solving the problem related to parties, noise, and absent landlords.

Very modest requirements, such as a special use business license, or posting of the owner's (or management company's) name and phone number, seem like reasonable ways to manage the negative impacts of out of control vacation renters without penalizing all of the rest of us (vacationers). I can state without qualification that if our family cannot rent a house that accommodates us in Santa Cruz, we will NOT be renting a block of hotel rooms - we will find a different location for this annual family gathering and Santa Cruz will lose all of spending power our large group possesses. The restriction of short terms rentals is also absurd, as there are many reasons vacationers cannot stay longer (financial, school schedule, and family emergencies, like mine). Santa Cruz will lose a whole category of visitors if a restriction on short term renters is imposed (those with enough money to spend for 3 or 4 days) who do not want to be stuck in a hotel room.

I urge you to resist the temptation to solve the problems created by a few by restricting everyone's property rights. If

Santa Cruz turns into a place where only the rich can visit (those who can afford to rent a smaller home for a week or more) it will have become a place I will not longer be able to refer to as "home."

Sincerely,

Alexa Mortenson Claybon

**Steven Guiney**

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**From:** Mark Nicklanovich [mnicklan@webtv.net]  
**Sent:** Saturday, September 11, 2010 10:57 AM  
**To:** Steven Guiney  
**Cc:** jthoits@pacbell.net  
**Subject:** rental ordinance

Dear Mr. Guiney: As long-time residents of Live Oak we strongly support regulation of the vacation rental industry that has infiltrated our neighborhood. The number of these units is increasing at an alarming rate. They are turning our residential neighborhood into a commercial enterprise zone. It seems that this constitutes a violation of the zoning ordinance. These units can, and occasionally do, create a public nuisance that detracts from the quality of life in our neighborhood. People who purchase property have every right to expect that the neighborhood will remain residential. Please help us protect our neighborhood from this invasion. Sincerely, Mark and Jolene Nicklanovich



**Steven Guiney**

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**From:** Deb Thoits [jtdt@pacbell.net]  
**Sent:** Saturday, September 11, 2010 2:43 PM  
**To:** Steven Guiney  
**Subject:** Support for the Vacation Rental Ordinance

September 11, 2010

Dear Steve Guiney, Planner for Santa Cruz Co.,

This email letter is to let you know we fully support the proposed Vacation Rental Ordinance. Vacation rentals have been growing at a rapid rate in our Live Oak beach community adversely affecting the integrity of our residential neighborhoods.

These unregulated vacation rentals have frequent and high turnovers of multiple groups of people, "in vacation mode" and in essence, it is like having "motels" on our residentially zoned Avenues. One cannot operate a motel without regulation in the county therefore it is time to regulate vacation rentals since they are essentially the same thing.

In addition, the recent rapid move to convert former full time rentals into short term rentals also affects the availability of rental housing for permanent residents. One of our neighbors had rented his house for 10 years, but last year that house sold, the new owners turned it into a vacation rental and he had to move out of our area.

It is time for Santa Cruz County to have an ordinance that limits and regulates vacation rentals just as Monterey County, San Luis Obispo County and many others counties have already done.

Thank you and we hope that this ordinance will pass.

Sincerely,  
Debbie and Jim Thoits  
200 14th Avenue  
Santa Cruz, CA 95062

**Steven Guiney**

---

**From:** Desiree Mulligan [dmulli@sbcglobal.net]  
**Sent:** Monday, September 13, 2010 6:23 PM  
**To:** Steven Guiney  
**Subject:** Vacation rental ordinance

Please note my support of increased vacation rental supervision and restriction. This is secondary to my direct negative experience with vacation rentals that surround my primary home here in Live Oak.

Thank you,

DESIREE MULLIGAN

410 14th Ave  
Santa Cruz, Ca

**Steven Guiney**

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**From:** adam.sah@gmail.com on behalf of Adam Sah [asah@midgard.net]  
**Sent:** Thursday, September 16, 2010 11:35 AM  
**To:** Paia Levine; Steven Guiney  
**Subject:** Santa Cruz home owner-- I am opposed to vacation rental ordinance

Hi,

Thanks for listening. I am a home owner in Santa Cruz County (Live Oak), and  
\*very\* opposed to John Leopold's proposed regulations on vacation rentals:

- this is not about "affordable housing" - these are expensive homes and wouldn't be rented full-time anyway, let alone to low income families.
- the regulations are unnecessary: ask Leopold's team to produce evidence of a widespread problem. FYI the police have no records or even anecdotal evidence of increased problems from vacation rentals.
- vacation rentals are absolutely in keeping with the character of Santa Cruz, which has been hosting visitors for 100 years. This is sponsored by a few Silicon Valley moguls who want to turn Santa Cruz into Carmel and keep the rest of us from the beaches.
- a similar ordinance failed to pass in Encinitas, in part because it violates the terms of the Local Coastal Plan, under jurisdiction of the Coastal Commission. Leopold is simply wasting everyone's time and energy.

thank you for listening,  
adam  
Adam Sah

**Steven Guiney**

---

**From:** Cindy Edwards [cindy.edwards5384@yahoo.com]  
**Sent:** Thursday, September 16, 2010 3:43 PM  
**To:** Steven Guiney  
**Subject:** RE: Vacation Rental Ordinance

Steve:

Thank you so very much. In general, I think you have answered my questions and addressed my major concern. I really appreciate your help and look forward to seeing a copy of the draft ordinance when it becomes available.

Cindy

--- On Thu, 9/16/10, Steven Guiney <PLN950@co.santa-cruz.ca.us> wrote:

From: Steven Guiney <PLN950@co.santa-cruz.ca.us>  
Subject: RE: Vacation Rental Ordinance  
To: "Cindy Edwards" <cindy.edwards5384@yahoo.com>  
Date: Thursday, September 16, 2010, 10:15 PM

Cindy,

To know exactly what John meant, I have to refer you to his office.

I can tell you that in researching vacation rental regulations in other cities and counties, I have found that their rules for establishing and operating vacation rentals are generally similar, with minor variations. When dealing with vacation rentals existing before the regulations went into effect versus allowing new vacation rentals, there are some wide variations. Some have established a cut-off date after which no additional vacation rentals are allowed. Some "grandfather" vacation rentals that were in existence before a certain date and do not require them to get permits, but require only new vacation rentals to get permits. Some require that existing vacation rentals get permits within a certain time after the regulation went into effect, such as 90 days or 180 days, as well as requiring new vacation rentals to get permits.

We are currently working on a draft ordinance that will be reviewed by the Housing Advisory Commission next Tuesday, September 21, at the Green Acres Elementary School multi-use room starting at 6:30 p.m. We expect that this draft will be modified over time as it will have to go through additional reviews before it gets to the Board of Supervisors. I have added your name to our contact list and we will send you a copy of the draft ordinance when it is available.

Steve

-----Original Message-----

**From:** Cindy Edwards [mailto:cindy.edwards5384@yahoo.com]  
**Sent:** Thursday, September 16, 2010 1:16 PM  
**To:** Steven Guiney  
**Subject:** Vacation Rental Ordinance

Dear Steve:

I am a property owner in the Live Oak District. I have one important question about the Ordinance dealing with vacation rentals throughout the County. When John talks about it being retroactive to 2007 what does that mean? Will all vacation rentals after 2007 be banned? When I spoke to John,

he said it was not a ban on rentals but I don't understand what will happen to rentals that started after 2007.

If you could help me understand what will happen, or forward a copy of the proposed ordinance to me, I would really appreciate it.

Thank you.

Cindy

**Steven Guiney**

---

**From:** Christine Shepard [christinecshepard@gmail.com]  
**Sent:** Thursday, September 16, 2010 3:49 PM  
**To:** Paia Levine; Steven Guiney; Kathy Previsich  
**Subject:** Public Records Request re:Vacation Rental Ordinance

September 16, 2010

Ms. Levine and Mr. Guiney,

After denial of my verbal request to review the files associated with the proposed Vacation Rental Ordinance, I respectfully submit in writing a request to review the files under the California Public Records Act. I am specifically interested in documents, written or electronic such as spatial data, related to the following:

1. Characterization of the vacation rental stock and other visitor-serving units (e.g., hotels, motels, inns, bed and breakfasts, etc.) and land designated for visitor-serving uses to better understand the visitor-serving baseline and context in the county.
2. Impacts of vacation rentals on rental housing stock and rents for local residents
3. Impacts of vacation rentals on public safety
4. Any documentaion of nuisance vacation rentals or statistics related to violations of existing noise, trash, and parking ordinances
5. Research documents related to coastal regulations (Coastal Commission) on vacation rentals
6. Research documents related to existing ordinances regulating trash, noise, parking, and/or occupancy limits

The Board of Supervisors directed the planning department to research and report on some of these issues and others at the BOS meeting in June. Unfortunately, residents in this county who own vacation rentals were not engaged as stakeholders which is why I have to spend my time and yours requesting this information. I request to review all documents gathered by the Planning department to address these issues. Ms. Levine informed me that these items were not public records and I respectfully request that the County Counsel review my request and provide specific responses as to what documents are exempt and why. It appears that Ms. Levine is attempting to invoke an exemption saying that all of these documents are drafts. I do not believe this is the case.

**"Preliminary drafts, notes and memos may be withheld *only if*: 1) they are "not retained...in the ordinary course of business" and 2) "the public interest in with-holding *clearly outweighs* the public interest in disclosure." Drafts are not exempted if: 1) staff normally keep copies; or 2) the report or document is final even if a decision is not. (§6254(a)) Where a draft contains both facts and recommendations, only the latter may be withheld. The facts *must* be disclosed. *CBE v. CDF*, 171 Cal.App.3d 704 (1985)."**

I am not trying to get access to the planning staff's decisions and recommendations. I am merely seeking to review the factual content on which they are basing their recommendations. When making this request, I was asked by planning staff on multiple occasions which "side" I am on and "where" my vacation rental is. These questions are irrelevant and unfriendly to say the least. I work in conservation planning where transparency and stakeholder engagement are key to successful outcomes. I incorrectly assumed that this was the case in other planning sectors.

Thank you,

Christine Shepard

477-7649

## Steven Guiney

---

**From:** Randy Watson [randywatson95062@yahoo.com]  
**Sent:** Thursday, September 16, 2010 4:03 PM  
**To:** Steven Guiney  
**Subject:** Fw: Vacation Ordinance: Opposition

Anthony

--- On Thu, 9/16/10, Randy Watson <randywatson95062@yahoo.com> wrote:

From: Randy Watson <randywatson95062@yahoo.com>  
Subject: Vacation Ordinance: Opposition  
To: pln456@co.santa-cruz.ca.us  
Cc: steven.guiney@co.santa\_cruz.ca.us  
Date: Thursday, September 16, 2010, 7:48 PM

I am a homeowner in Santa Cruz County, Live Oak area.

I am a father of three children and have been with my wife for 25 years. I am a Gulf War Veteran. During my Air Force career I received numerous awards including the Army Commendation medal for my role in taking care of the victims of the USS Cole bombing. I currently live in Santa Clara County when we are not enjoying our Santa Cruz beach home as do our partners.

I spent years looking for a second home near the beach. Last July we purchased, along with the two other families, a large home on near our favorite beach in Santa Cruz . The timing was just right and we pooled our resources to buy the home. My partners are a local family and have been coming to Twin Lakes beach since 1969 with many long time friends in the Live-Oak and East Cliff neighborhoods. Our home is a dream come true for all of us as we wanted a place to spend quality family time with our wives and combined twelve children – all who are under the age of 13. We are a large group of owners - when we are all together at our house there are 15 of us. When our extended family and friends are together, the number can easily reach 20. As you might imagine, finding a home that can comfortably house such a large family that is also so close to a wonderful beach is quite rare. What is even better is that we have a large driveway that comfortably holds 8 cars as this reduces the impact on the scarce street parking near the beach and activity in front of our neighbors' homes.

We are all professionals with deep roots in our respective local communities and are very active in various educational, religious and charitable organizations. We are not absentee owners that bought our home to operate as a business. Despite our busy lives with kids, careers and charities we use the home as often as possible. One of the owners is at our beach home at least once a week. We bought our beach home to enjoy with family and friends and as a special place for our children and grandchildren to enjoy for decades to come. It is our gift to our future generations. In addition, we donate stays at our home to raise money for various charitable, educational and religious



organizations because we believe it is important to give back to the community and help those in need. In just our first year of ownership we have donated our house three times to charities. Our favorite was Ampsurf (ampsurf.org), an organization that takes amputees out surfing to provide them with the healing power of the ocean.

I am writing to express my opposition to this ordinance as it is proposed. It places rules and regulations that would apply only to a small subset of private homeowners in Santa Cruz County. I believe it will create rules that will unfairly discriminate. How can the County produce a law regarding occupancy that applies only to certain single family homes and not to others. Shouldn't occupancy and parking rules apply the same to all private single family homes regardless of whether or not they are short term, long term or owner occupied? Where is the objective data that shows such restrictions would actually have any impact on the alleged problems of noise/trash/traffic. This is on top of the fact the Board of Supervisors has not produced a single shred of objective evidence that short-term rentals are the source of any problems.

I also believe that it will be a nightmare to enforce, specifically in regards to separating private use from rental use. I use my home for personal use throughout the year. If the County passes parking/length of stay/occupancy limits to a home/parcel how will it allow personal use? Will I have the Sheriff knocking on my door if there is an extra car in the driveway while I am having a private gathering? Will I have the Sheriff enter my home to count the amount of guests when I lend my home to my friends or family? Will we be asked to produce papers like the Arizona law proving we are the owner or family/friend of the owner? Furthermore, it is my understanding that any zoning applies to a parcel and not to usage. If this is done via zoning how will the County ensure that a private homeowner has their full and legal right to use their home for private usage? For example, if an occupancy rule is applied via zoning will I, as a private homeowner, be allowed to use my home for a party which exceeds the limits? Or would I be in violation and subject to penalty?

I would also remind the Housing Advisory Commission and the Planning Department that the areas being mentioned have been tourist destinations for over a hundred years. The Ocean has always been a major attraction for the Bay area and this is reflected in the cost of homes and rent as one gets closer to the beach. This is also reflected in the tradition of the second or summer home. Many areas, such as the avenues were specifically planned and designed for this purpose. On my street alone the absentee owners occupy 65% of the homes. This area has never been, and never will be, an area of low income housing or areas where people primarily move to raise their children. It is a fantasy to think that restricting or banning short term rentals in this area will produce an increase in affordable long term housing. This data is from the County's recent Housing Element:

*Median Gross Rent:*

*1 Rio Del Mar \$1,375*

*2 City of Scotts Valley \$1,177*

*3 Soquel \$1,147*

*4 Aptos \$1,091*

*5 Opal Cliffs \$1,035*

*6 Twin Lakes \$998*

*7 Live Oak \$979*

*8 City of Capitola \$973*

*9 Aptos Hills-Larkin Valley \$950*

10 Boulder Creek \$949

11 Ben Lomond \$946

12 City of Santa Cruz \$941

13 Interlaken \$929

**County Median \$924**

14 Felton \$839

15 City of Watsonville \$742

16 Amesti \$733

17 Corralitos \$713

18 Freedom \$663

19 Day Valley \$598

Source: US

As you can see the areas we are speaking about already command the highest rents in the county mostly due to the proximity of the ocean. You will not be able to change this via legislation.

Furthermore, because these are private homes that are used by the owner they will NOT be placed into the long term rental pool. If unable to rent my home, it will simply be unoccupied when I or my family/friends are not using it.

I am also concerned about the potential implications of Coastal Access, especially for families. In the Live Oak area for example there are only 66 hotel rooms. By restricting the use of private homes families will no longer be able to visit the beach.

Some of the regulations in the proposed ordinance may go against elements of the LCP including:

#### **7.5.7 Beaches as Regional Parks**

(LCP) Recognize the use of beach areas to satisfy regional recreational opportunities for County residents and improve access where appropriate.

#### **Objective 7.7a Coastal Recreation**

(LCP) To maximize public use and enjoyment of coastal recreation resources for all people, including those with disabilities, while protecting those resources from

the adverse impacts of overuse.

### **Objective 7.7b Shoreline Access**

**(LCP)** To provide a system of shoreline access to the coast with adequate improvements to serve the general public and the coastal neighborhoods which is consistent with the California Coastal Act, meets public safety needs, protects natural resource areas from overuse, protects public rights and the rights of private property owners, minimizes conflicts with adjacent land uses, and does not adversely affect agriculture, subject to policy 7.6.2.

b. Work with the State Department of Parks and Recreation, the Office of the Attorney General, the Coastal Commission, and the Coastal Conservancy to obtain a judicial determination of existing public beach and shoreline access and ownership, where it appears a right of access has been acquired by use. (Responsibility: Planning Department, County Parks, Board of Supervisors)

### **7.7.15 Areas Designated for Primary Public Access**

**(LCP)** The following are designated as primary public access, subject to policy 7.6.2\*:

#### **North Coast Live Oak**

Waddell Bluffs Twin Lakes State Beach

Waddell Creek Beach Black's Beach (Lincoln Beach)

Waddell Creek to Greyhound Rock Johan's Beach

hang gliding area (present access Santa Maria Beach/26th Ave., Beach

limited to private hang gliding club (Corcoran Lagoon)

with permission of owner) Moran Lake Beach

Greyhound Rock Beach Pleasure Point/East Cliff Drive

Pelican Rock bluff End of 41<sup>st</sup> Avenue

Bluff or bluff top north of Scott

Creek

### **7.7.20 Yacht Harbor Beach Access**

**(LCP) Encourage visitor beach access and visitor serving facilities in the Live Oak area to concentrate between the Yacht Harbor and 17th Avenue; maintain the present low density of use for beaches east of 17th Avenue.**

**LCP) a.** Support, encourage, and participate in an access coordinating committee with the State Department of Parks and Recreation, California Coastal Commission, the cities of Santa Cruz and Capitola, and any other interested public agency or private group to establish a countywide access program. Seek financial and technical assistance from, among others, the State Department of Boating and Waterways and the State Coastal Conservancy. The committee should focus on relieving congestion at urban access points; ensuring adequate countywide access and resource protection, including development of a monitoring program; developing access with an emphasis on the features of the Monterey Bay National Marine Sanctuary; and investigating the possibility of State Department of Parks and Recreation management of rural access points and joint City-County management of urban access points. (Responsibility: County Parks, Board of Supervisors, Planning Department)

### **Objective 7.8 State Parks, Open Space and Facilities**

**(LCP)** To protect through state ownership those areas that are of statewide interest or concern, and that service a regional or statewide need for recreational opportunities. The mission of the California Department of Parks and Recreation is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation. Figure 7-4 shows existing state park acreage, miles of beach, and annual attendance.

### **Objective 7.9 Organized Camps and Conference Centers**

**(LCP)** To allow for a full range of educational, religious, and recreational facilities operated by organized groups to utilize the varied scenic and natural settings of the County's rural and mountain areas while providing proper management and protection of local natural resources.

(Also see policies in section 2.16, Visitor Accommodations Designation)

I would like to remind the Board that these beaches DO NOT belong to Santa Cruz alone. **There are millions of people in the Bay area that rely on the Coast for recreation.** By restricting the ability for people, especially ones coming from the Central Valley, to stay in private homes you will be restricting their access to the coast. Furthermore, many of the areas being considered are State Parks which I am sure you know belong to everyone. Don't you think people will notice next summer when their annual trip has to be canceled due to a potentially draconian measure? The Mercury News has already touched on this point. Believe me, what you do in Santa Cruz is being watched by millions in Northern California.

Another point is that the County is currently \$12.9 million in debt. The Transient Occupancy Tax pays nearly \$1.5 million into the County. Can we really afford to lose the money at this point? What will the citizen in Felton think when they lose a Police Officer due to budget cuts? What will the citizen in Watsonville think when they lose vital services? Why should we consider an ordinance that benefits so few to the detriment of so many?

Who will this ordinance benefit? An extremely small group of people? Let me be clear that I believe everyone needs to be a respectful neighbor. And I mean everyone, short-term, long term, owner occupied. And thankfully we already have laws that regulate noise, trash, and nuisance. Why does the County need to set up a

system that will be nearly impossible to enforce properly and remove home owners rights in order to address supposed noise and parking issues?

I ask that the commission ask the Board of Supervisors for evidence of the actual problem prior to writing any ordinance. The BOS needs to produce OBJECTIVE data such as citations. I believe that the Board is relying on anecdotal evidence. Is this the way law is written? And it is my understanding that this ordinance is being pushed by some very wealthy home owners who have stated on the public record that the "beaches are not for visitors"(see below). Is this really how Santa Cruz wants to be seen? As catering to the ultra-rich and keeping families away from the beach? I ask that the Commission consider that there are already laws that can address nearly every "accusation" thrown at short-term rentals.

In principle, I believe that the following are reasonable measures:

That every homeowner who rents on a short term basis should post contact information both with the County and some where on the home.

That every homeowner who rents on a short term basis pay the Transient Occupancy Tax

In addition, a code of conduct can be created that homeowners sign stating their intention to be responsible homeowners.

Thank you for your consideration

Anthony Abene

[http://www.youtube.com/watch?v=kgDcTS2hZs4&feature=youtube\\_gdata\\_player](http://www.youtube.com/watch?v=kgDcTS2hZs4&feature=youtube_gdata_player)

Below I have attached a copy of a letter from one of my previous guests that touches on many important points:

Dear Mr. John Leopold, Ms. Ellen Pirie, Mr. Neal Coonerty, Mr. Tony Campos and Mr. Mark Stone:

I am writing to express my opinion regarding a proposal to restrict the use of vacation rental properties in Santa Cruz County. I have both an "insider" and "outsider" perspective, as I was born and raised in Santa Cruz, and my family owns property on East Cliff Dr. which has been used as both a rental property and primary residence.

Currently, my mother resides in Santa Cruz at her East Cliff Dr. home. Each spring, my family of four from Maryland, my sister's family of four from Colorado, my father and step-mother from Oregon, and my in-laws from Ohio come to Santa Cruz for a family vacation, staying from 6 to 10 days. We contract with vacation rental property owners in the Twin Lakes area for as large a house as we can afford so that we can all stay together and be close to other family. Last year, we were able to contract with a very large house and an old family friend (and her family) from Long Beach were able to come to Santa Cruz and stay with us (her parents and extended family live in Santa Cruz and Watsonville), brining our group to 14 people. **The cost of renting several smaller houses is prohibitive for many of our group, and they would not be able to afford to come and spend their vacation dollars in Santa Cruz if resident size per rental is limited.**

Earlier this year, a family friend and I rented a smaller Twin Lakes area home for a few days to attend my aunt's funeral. Being restricted from renting a home for a short stay burdens visitors in two ways: it limits the location of their stay (to Ocean St. hotels) and it is very inconvenient for families with very small children who need kitchen facilities and safe outdoor spaces (as in the case of my friend).

Yes, summer in Santa Cruz can be crowded with lots of vacationers, and I used to long for the fall when they all disappeared and the town became "ours" again. And I certainly understand how frustrating it could be to have loud parties next door. However, tourism is the lifeblood of the City of Santa Cruz's economy, and the revenue from vacationers pays for a lot of what the permanent residents enjoy. When we come to Santa Cruz, we make it a point to spend locally and spread our vacation dollars to our favorite businesses: Gayles, Bookshop Santa Cruz, Zoccoli's, Shopper's Corner, Staff of Life, New Leaf, Zachary's, Crow's Nest, The Boardwalk, the roller-skating rink, movie theaters, Santa Cruz Roasting Company, and so many other businesses. To restrict the use of vacation rentals would negatively impact the lifestyle of the full-time residents of the county, whether vacation property owners or not, because of the lost revenue from vacationers like me, who will be unable to rent large houses or afford to come to Santa Cruz. Restricting the use of vacation rental properties will not necessarily "cure" the ills that were described by those advocating new restrictions - it is possible (and fairly likely) that the larger rental houses would be offered as long-term UCSC student rental housing - not necessarily solving the problem related to parties, noise, and absent landlords.

Very modest requirements, such as a special use business license, or posting of the owner's (or management company's) name and phone number, seem like reasonable ways to manage the negative impacts of out of control vacation renters without penalizing all of the rest of us (vacationers). I can state without qualification that if our family cannot rent a house that accommodates us in Santa Cruz, we will NOT be renting a block of hotel rooms - we will find a different location for this annual family gathering and Santa Cruz will lose all of spending power our large group possesses. The restriction of short terms rentals is also absurd, as there are many reasons vacationers cannot stay longer (financial, school schedule, and family emergencies, like mine). Santa Cruz will lose a whole category of visitors if a restriction on short term renters is imposed (those with enough money to spend for 3 or 4 days) who do not want to be stuck in a hotel room.

I urge you to resist the temptation to solve the problems created by a few by restricting everyone's property rights. If Santa Cruz turns into a place where only the rich can visit (those who can afford to rent a smaller home for a week or more) it will have become a place I will not longer be able to refer to as "home."

Sincerely,

Alexa Mortenson Claybon

## Steven Guiney

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**From:** Shyamal Chaudhury [shyamal.chaudhury@gmail.com]  
**Sent:** Thursday, September 16, 2010 5:01 PM  
**To:** Paia Levine; Steven Guiney  
**Cc:** shyamal.chaudhury@gmail.com  
**Subject:** I will NOT open it up for long term rentals in Santa Cruz

Dear Planning Dept and Steve Guiney,

I believe the proposed ordinance on Vacation Rentals is not well researched and poses a huge risk to local businesses, not to mention the vacation rental owners. As a VR owner, I will NOT open it up for long term rentals as I enjoy the use of the property by staying there several months of the year. Please DO NOT pass any such ordinance.

Shyamal Chaudhury  
VR Owner  
Phone: 408.605-0917



## Steven Guiney

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**From:** Christine Shepard [christinecshepard@gmail.com]  
**Sent:** Friday, September 17, 2010 11:07 AM  
**To:** innercircle; Steven Guiney; Anthony Abene; Bruce Keiser; Monica Bowman; Monica Bowman  
**Subject:** read me: IMPORTANT

Just got back from county building. Boy are they sweating over there. They legally have to post the agenda item supplementary material by close of business and the draft is NOT done yet. Porcila Perez Wilson (very nice), a housing planner responsible for uploading agendas etc, told me that she informed planning dept. today that it has to go up TODAY per the Brown Act. She said she will attach all emails received before the draft is ready. Everyone email Steven Guiney and cc Porcila. I will send this out to keep santa cruz fun. Adam, I will email you separately to figure out how to email the people on our other lists.

She also said a ton of people are calling and asking when it will be ready.

[steven.guiney@co.santa-cruz.ca.us](mailto:steven.guiney@co.santa-cruz.ca.us) and cc [porcila.wilson@co.santa-cruz.ca.us](mailto:porcila.wilson@co.santa-cruz.ca.us)

More emails coming re: the documents I picked up today,

Chris

831-477-7649

**Steven Guiney**

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**From:** Candy Rogers [crogers@svinet.com]  
**Sent:** Friday, September 17, 2010 11:33 AM  
**To:** Steven Guiney; 'cruz.ca.us'  
**Subject:** Proposed vacation rental ordinance

I would like to comment on the proposed vacation rental ordinance being addressed next Tuesday at the HAC Meeting. We are the owners of the single family residence located on 24<sup>th</sup> Avenue, Santa Cruz, California. We are firmly against any unreasonable attempt to restrict our right to use and enjoy our house. The proposed rental ordinance ("Rental Ordinance") discussed and outlined in Mr. John Leopold's letter if adopted, would constitute an unreasonable restriction on our right to use and enjoy our house.

By way of background, our family has owned the house for over 25 years now. Over the years, we have used the house, at various periods of time, as a vacation rental home, as long-term rental and as a primary residence.

We understand and appreciate the role the Board of Supervisors has in ensuring the safety and welfare of the Santa Cruz County. Thanks to your stewardship, Santa Cruz is and continues to be a desirable place to live and visit. Unfortunately, as discussed below, there is no doubt that the adoption of the Rental Ordinance, at least as proposed by Mr. Leopold, will hurt Santa Cruz County.

Probably the most damaging component of the Rental Ordinance to Santa Cruz County is the requirement that all vacation rental homes in the Live Oak area be prohibited from renting to individuals for any period of time less than seven (7) days. This requirement essentially will cost us our house. We freely admit that we would love to only rent our vacation rental home to people for periods of time a week or longer. If we could we would do it. The fact is, however, that there are few people, and, now with the current state of the economy, fewer and fewer people, that (i) have the flexibility in their work schedule and (ii) have the financial means to be able to stay in a vacation rental home for a week or more at a time. Without the flexibility to accept short term renters, we will not be able to cover the expenses associated with our vacation rental home and will be forced to sell. Further, we believe (and Mr. Leopold fails to discuss this in his letter) that the majority of other vacation rental home owners will also not be able to afford their houses.

Mr. Leopold's letter states that the Rental Ordinance will cure undesirable conduct without making the necessary connection that such conduct is associated solely or mostly with vacation home rentals. An owner who occupies a home in the Live Oak area can have a loud party just as easily as a renter of a vacation rental home. People who are visiting the beach for the day impact street parking just as much if not more than vacation home renters. Vacation rental homes are well maintained and well cared for. They have to be in order to attract any business. Unlike with owner occupied houses, you will never find a vacation rental home with waist high weeds growing in the front yard, with paint flaking off the exterior walls or broken or damaged windows and fences. An owner occupied house that exhibits any of the above mentioned qualities is much more damaging to the "preservation of neighborhood integrity" than the occasional bachelor party at a vacation rental home.

Additionally, Mr. Leopold does not discuss any of the negative consequences to adopting the Rental Ordinance. The elimination of vacation rental homes will create patches and pockets of vacant or hardly used houses scattered throughout the Live Oak area. The Rental Ordinance will cause a decrease in rental income. The decrease in rental income is going to force more and more vacation rental home owners to sell their homes. Surely, some homes will be purchased by people who work and live in Santa Cruz. But, a great number of homes will be bought by people living out of the area as second homes. These second homes will only be visited sporadically on weekends and warm summer days. The rest of the time they will remain dark, vacant and empty.

Vacation rental homes are an existing thriving segment of Santa Cruz County's economy. Vacation rental

homes attract the highest quality tourists, who come more often, stay longer, and spend more money in Santa Cruz County restaurants, retail shops, and rental shops than the average overnight or daily visiting tourists. Vacation rental home owners employ gardeners, caretakers, house cleaners, and maintenance and repair technicians. When the vacation rental homes disappear, all of the aforementioned businesses will suffer and many, like the vacation rental homes, will disappear. It is important to note that few of the hotels and motels that are either (i) vaguely discussed in Mr. Leopold's letter or (ii) planned to be built in the Santa Cruz area in the coming years are or will be located near the vacation rental homes currently operating in the Live Oak area. If the Rental Ordinance drives the vacation home renters to these out of area hotels and motels, as Mr. Leopold suggests, there will be fewer and fewer vacationers left to frequent the Live Oak area and its surrounding restaurants, retail shops, and rental shops.

To be clear, we maintain our vacation rental home, we are careful who we rent to, we have a property manager, we pay our share of the Transient Occupancy Tax, we care what our neighbors think and we care about the neighborhood in which our house is located. We too are concerned about noise, parking, and the long and short term integrity the Live Oak area. But Rental Ordinance does not address any of these concerns.

We thank you for taking the time to review this letter and would appreciate the ability to participate in any future discussions regarding the Rental Ordinance.

Regards,

Candace Rogers

William A. Rogers

**Beach Hose 257**  
257 Rio Del Mar Boulevard  
Aptos, California 95003

September 17, 2010

To: Steven Guiney, Project Planner  
County of Santa Cruz, Planning Department

Re: Proposed Vacation Rental Ordinance

Dear Mr. Guiney,

We have become aware of efforts to further regulate Vacation Rentals in Santa Cruz County and wish to submit our firm opposition to any regulation that would hinder our ability to operate our Vacation Rental (VR) successfully. If the proposed VR ordinance were to pass as outlined, we would be unable to make enough income from long-term rentals to pay for the expenses associated with owning a second home. If passed, I'm sure there are many others such as ourselves that would either have to sell at a significant loss or be foreclosed by lenders. If we had known of a VR ordinance as restrictive as proposed when we decided to purchase, we would have never followed through.

Although there are many concerns with the proposed ordinance, our deepest is related to the length of stay provision and a proposed grandfather clause for existing VR's. Our concerns are outlined as follows:

It is our understanding that there is a proposed (7) night minimum requirement being considered for VR's. If this were to come to fruition, we would lose all but a handful of guests. So far this year, we have had only (4) guests who have taken a full week for their time. For many reasons our many other guests could not take a full week, including affordability and the ability to take time from work or other obligations. We have never taken single-night stay and we require a (2) night minimum during the off-season and a (3) night minimum during the hi-season. Anything greater would be devastating.

We also understand that there may be consideration of grandfathering existing VR's that were in operation before and during 2007. What is magical about 2007? Is there some reason the VR owners who followed are somehow less apt to lose everything? We bought our home late 2007 with the intention of opening it as a VR as soon as we could. We went online for rent January 1, 2008 with our first guest February 2008.

Many of the remainder points in the proposed VR ordinance we have already taken into consideration with our guests and neighbors. We have every guest acknowledge a comprehensive Rental Agreement that outlines expected behavior. We also collect a security deposit for which can be surrendered if any of the agreement is violated, including unacceptable noise disturbances and trash issues. We have a small sign posted on the outside of our VR with a phone number to contact. Plot Plans are provided for our (3) available on-site parking spaces. We have met with our neighbors to each side of us and have given them our contact information in the event there are guests who get out-of-line and to date we have not had an issue with disrespectful guests.

If the concern is to clean-up a few "rogue" VR owners who are not good neighbors or paying their dues, then take care of them with existing ordinances or tailor something that will. Don't penalize and make it impossible for the many VR owners who are doing business the right way, who are being good neighbors, who are contributing to the community by keeping their taxes current, who are bringing visitors from all around the world which prefer to stay in a home and spend much needed dollars in Santa Cruz County.

In closing, we decided to buy a second home in Aptos/Santa Cruz County for many reasons. We've stayed at many VR's up and down the California coast and found Santa Cruz County to be "the place we want to be" for many reasons ...location, spectacular beauty, the warmth/vibrancy of the community and much more. Our intention is to continue operating our VR until such time we can retire, come to Santa Cruz County and be a part of the community. We cannot afford to do it any other way considering the economy and our current employment. We hope and trust Santa Cruz County and its community will allow that dream to continue.

If you have any questions, please call or reply. Our phone numbers during the day are 209.581.2556 or 209.581.1034. Thank you.

Scott Schendel  
Diane Schendel  
Beach House 257

**Steven Guiney**

**From:** Christine Shepard [christinecshepard@gmail.com]  
**Sent:** Friday, September 17, 2010 1:12 PM  
**To:** Steven Guiney; Porcila Wilson  
**Subject:** Vacation Rental Ordinance

I am writing to share my concerns regarding the Proposed Vacation Rental Ordinance being presented at the HAC meeting next Tuesday. The planning staff and the Housing Advisory Commission should know that owners of vacation rentals have not been included as stakeholders in previous meetings regarding this ordinance. The request from the Board of Supervisors to create this ordinance stems from a petition started by 22 households in a very small neighborhood of the county. Please consider that you are drafting an ordinance that will impact all residents of Santa Cruz county based on the complaints of **22 households out of 100,000 housing units** in Santa Cruz County.

I have worked very hard to stay informed about this ordinance and you should know there are many, perhaps several hundred, owners of vacation rentals who do not know about this proposed ordinance because the county BOS never informed us that this legislation was being proposed. When queried as to why vacation rental owners were not informed, Supervisor Leopold responded that owners cannot be notified because the County does not know who they are. This is NOT TRUE. The county has the name and mailing address of all vacation rental owners who pay Transient Occupancy Tax monthly. Trust me, if you pay late, they send you a letter. The BOS or Mr. Leopold's office could have sent out a simple mailer to inform owners of the rental issues he was told about in Live Oak. I believe that if vacation rental owners were engaged in this process (at the beginning), a reasonable solution could have been reached.

Many vacation rental owners spoke out at the BOS meeting in June that we felt we were not being included in discussion surrounding the ordinance. Mr. Leopold and Ms. Pirie's answer to that was to hold an invitation only meeting with 16 people. Of the 8 or so people representing the interests of rental owners and property managers, almost all of them were property managers. Clearly, the interests of those of us who manage our own homes (and do a fine job of it), were not represented.

**I do not support any ordinance beyond requiring the name and number of the vacation rental owner or manager be posted on the home.** There is not enough data to support anything beyond this requirement. There are already existing laws that regulate trash, noise, occupancy, and parking. If those ordinances are not effective, I suggest you spend some time addressing that rather than create a county-wide ordinance in response to a petition from 22 households.

Finally, in an email dated August 16th, 2010. Supervisor Pirie asked Kathy Previsich, County Planning Director to draft a proposed ordinance including:

1. A licensing/registration process and fee
2. A complaint and revocation process
3. A requirement for local management and a way to reach them
4. Occupancy limits
5. Vehicle limits
6. Two night minimum stay

What is this based on? Is this based on what she heard at the invitation only meeting? Who knows? No minutes exist to document this meeting.

Also quoting from Supervisor Pirie's August 16th email "Pajaro Dunes is so different than the individual houses in the regular neighborhoods that it makes sense to **exclude** it".

I would like the HAC to address this item in particular. How exactly is Pajaro Dunes "**so different**" from everyone

else? My answer is that they have more wealthy residents and business owners with a clear and significant influence on their Supervisor. How does the HAC and planning department answer the question?

Thank you for your time,  
Christine Shepard

**Steven Guiney**

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**From:** Shannon Demma [shannon@eastcliffbeachosis.com]  
**Sent:** Friday, September 17, 2010 4:55 PM  
**To:** Steven Guiney  
**Subject:** Fwd: Vacation Rental Ordinance

To Whom It May Concern,

I would like to comment on the proposed vacation rental ordinance being addressed next Tuesday at the HAC meeting. I own a home on East Cliff Drive in the Live Oak area. Over the last 10 years, we have lived in this home and then used this home as a vacation rental. My mother currently resides in a cottage behind the house. I currently live in Live Oak. I have paid a significant amount in Transient Occupancy Tax since 2008.

I understand the desire to create neighborhoods where people enjoy living. I have lived in Santa Cruz for 21 years and I have had wonderful neighbors and "not so great" neighbors. Terrible neighbors can make life challenging and destroy one's sense of community. With this in mind, I do not understand why our elected officials are spending time and resources on this issue in our community. It affects a small percentage of areas and it has the potential to affect a healthy revenue stream for the county. I also do not clearly understand how targeting vacation rentals will solve the problems addressed in the proposal. As I am sure others have pointed out, we already have regulations to address noise, trash, etc. If the existing regulations are not solving the problems, why would another regulation solve the problem? Also, we are all required to sign up for a Transient Occupancy Permit and pay taxes accordingly. Regarding a business license, there is a no "business license" available to business owners residing in the Live Oak area, only the City of Capitola and Santa Cruz. So this seems odd to require a "Business License" for a vacation rental and not other true "businesses". I am not opposed to a business license, I just want to point out the discrepancy.

In regards to loud noise, occupancy and parking, I have rarely seen a problem coming from a vacation rental in my neighborhood. The majority of guests at our home and surrounding homes are families who come to spend their dollars in our community and treasure our beaches. These are people who find staying in a hotel inconvenient and challenging, not to mention loud and overwhelming to their family. I have two children and when I go on vacation, we always rent a vacation home. Staying in a hotel room with children is challenging - they have little to do there, it is loud as there are large numbers of people coming and going at all hours, and feeding children at restaurants can be exacerbating and expensive. I am sure anyone with children understands this. If a community does not offer vacation rental homes, we do not go there. In my own personal experience living in Live Oak, the long term renters have been the "not so great" or downright "terrible" neighbors. They have been the homes with excessive occupancy, parties, loud noise, and parking issues. I currently live two homes away from a long term renter who has loud parties regularly, regularly screams outside of their home using foul language, and who takes up two blocks worth of parking. Additionally, if someone does have a loud vacation renter, they leave in a short period versus a long term renter, who may never leave. I believe there are wonderful long term renters as well, I just want to point out the larger problem is not exclusive to vacation renters. How can you propose regulating vacation rentals and not long term rentals? Lastly, as a vacation rental owner, I have a very strict policy and do not allow parties of any kind in our home. Other people that I know who own vacation rentals have a

similar policy. I have never had a problem with anyone partying in my home, excess cars, trash or any of the items listed. The families that have rented our home have been courteous, thoughtful and wonderful neighbors. My mother will attest to this.

In terms of revenue to the County, the proposal to require minimum stays to one week will adversely affect the vacation rental market. Most people cannot afford to stay an entire week in Santa Cruz. Additionally, this has the potential to negatively impact the revenue stream that tourists bring into the County. I paid \$6,286 in Transient Occupancy Tax in 2009 and I am on track this year with a similar number. If this is somewhat average and there are 450 vacation rentals in Santa Cruz, this would be over \$2,500,000 in revenue that could be impacted. I find it hard to believe that our County would turn away revenue in such a critical time in our history.

I also believe that many people would be forced to sell their homes if the vacation rental ordinance passes "as is". These are not the type of homes that people "invest" in as long term rentals, as there is negative return of investment - coastal real estate values are too high. This does not solve or address the long term rental problem.

Thank you for your time. These are a few of my thoughts. I believe others have done an excellent job at outlining additional issues.

Sincerely,

Shannon Demma  
(831) 588-9582



**Steven Guiney**

**From:** Jeffrey Randolph [jeff.pcbinc@gmail.com]  
**Sent:** Friday, September 17, 2010 9:35 PM  
**To:** Steven Guiney  
**Cc:** Porcila Wilson  
**Subject:** Proposed DRAFT Vacation Rental Ordinance

To Whom It May Concern:

I would like to comment on the proposed vacation rental ordinance being addressed next Tuesday at the HAC meeting. I am a property owner of a new home built and constructed in 2008 in the Live Oak neighborhood of Pleasure Point. I feel STRONGLY that additional regulations are unnecessary and unreasonable towards my rights as a property owner who has invested in the Live Oak community, especially since I have consistently followed the current regulations including having a license and paying the Transient Oriented Tax for all rental income.

My initial concern is in the overall generality of such a proposed ordinance and the apparent lack of recognition of the tools presently available to ensure a good experience for vacation renters and full time residents alike. Before the County moves towards requiring additional regulations, I would encourage them to understand and fully utilize the tools they currently have at their disposal for effectively managing and documenting the existing vacation rental stock, as well as provide REAL data regarding complaints, citations, or other infractions related to the vacation rental housing stock. Additionally, reconcile those complaints, citations, etc. with houses that are NOT vacation rentals but are available as month to month or long term leases.

I would like the following directive added to the language of the proposed ordinance to add clarity to the proposed process –

**Direct the Planning Department to review the existing controls for managing vacation rentals, including the approved Noise Ordinance, the Live Oak Parking Program, County Development Guidelines, any relevant neighborhood CC&R's or HOA By-Laws, the Uniform Housing Code, and the Transient Occupancy Tax and Business Licensing program for Vacation Rentals.**

No one is more concerned about maintaining the value and stability of their home and neighborhood than me. Our Rental Agreement we utilize with our guests outlining their responsibilities and our expectations is clear and unambiguous. The following information is directly from our Rental Agreement:

**REMINDER:** *Our neighborhood has a 10:00 p.m. to 8:00 a.m noise curfew, which is every night, including weekends. We value our good relationships with our neighbors. Most of our neighbors are locals who live and work in the area. It is imperative that you and your guests be respectful, courteous, and cordial in all of your interaction with our neighbors. If any of them are annoyed for any reason by any of our guests or their behavior, it is our policy to make one phone call to the home to alert you and your guests that you are breaking the terms of your rental agreement by not respecting the noise curfew of 10pm. If that call proves insufficient in stopping the noise, you and your guests will be required to immediately vacate the premises, and there will be no refund for any unused time. We also drive by the home during the late evening and will note if too many cars are around the home (usually not more than two are allowed after 10pm unless stated otherwise in the confirmation email) or loud noise is coming from the home. If so, we will make one attempt to get you and your guests to comply with the noise curfew. If we note too much noise, or are called again, you will be required to immediately vacate the premises.*

**Santa Cruz County Noise Ordinance**

A. No persons shall, between the hours of ten p.m. and eight a.m., make, cause, suffer, or permit to be made any offensive noise:

1. Which is made within one hundred feet of any building or place regularly used for sleeping purposes; or
2. Which disturbs any person of ordinary sensitivities within his or her place of residence.

B. "Offensive noise" means any noise which is loud, boisterous, irritating, penetrating, or unusual, or that is unreasonably distracting in any other manner such that it is likely to disturb people of ordinary sensitivities in the vicinity of such noise, and includes, but is not limited to, noise made by an individual alone or by a group of people engaged in any business, meeting, gathering, game, dance, or amusement, or by any appliance, contrivance, device, structure, construction, ride, machine, implement, instrument or vehicle. (Ord. 4001 § 1 (part), 1989

**ABSOLUTELY NO HOUSE PARTIES ALLOWED.**

We do not need additional restrictive regulations. We need the enforcement and understanding of the existing elements that when followed, can allow for the flexibility of use of a person's property while not negatively impacting their surrounding neighbors. If we isolate on the vacation home owner community, where does one stop? What provisions does the County have in place to deal with long term rentals who are disrespectful to their neighbors, have multiple families living in one unit, park their cars on the lawn, are not code compliant, etc. etc.? What's next, an ordinance for people who have pit-bulls? An ordinance for people who have tattoos?

The entire area of Live Oak was originally made up of small cottages and second homes used by folks who were not native to the area. One wonders if this proposed ordinance is merely a veiled attempt at further growth control due to the increasingly changing dynamics of the Pleasure Point area. With all of the new development, including the sea walls and walking paths, the commercial core at 41<sup>st</sup> Avenue, like it or not, the area is undergoing significant change similar to other beach communities throughout California. To limit others enjoyment of these features, even if only for days or weeks at a time, seems fundamentally wrong.

We know our neighbors. They have used our house when they have extra guests in from out of town. We follow the rules. We maintain our property. We pay the taxes. We employ cleaners, landscapers, and others to keep it in the best possible condition. We have never had a complaint; we have never had an issue. I am reasonably confident as I have met other vacation rental Owners that we are NOT the exception, but rather the rule. The County has not provided ANY reasonable statistics to support this over-reaching ordinance, and certainly isolating just Live Oak based on the parking overlay smacks of discriminatory behavior. If the County attempts to embrace such draconian tactics, they will simply be met by normally law abiding property owners moving underground to market and rent their houses, and will be left with no TOT, no business licenses, and an increasing ill-will towards government regulation. Worst case scenario, you will see an uprising of these same citizens organizing legally to protect their property ownership RIGHTS. If a property owner is following the rules in place today, and has an appropriate relationship with their neighbors, there is no need to further regulate. If they are not, they should be identified and made to comply, or lose their rights to rent the property. A low cost annual permit that could be revoked is a REASONABLE expectation.

In closing, while always open to creating a better environment for my neighbors and our guests, I am opposed to proposed vacation rental ordinance and strongly encourage the board to re-visit the current available resources, understand the value short term vacation visitors bring to Live Oak, and recognize the proposal doesn't clearly identify **WHY** the County is isolating a particular property ownership group in their district, nor does it acknowledge those vacation home owners who CONSISTENTLY follow the rules. It is utterly stupefying with all of the issues the County has, they are working so hard on something that doesn't fundamentally or consistently address the issues driving this ill conceived plan.

My ultimate goal would be to have the vacation rental income offset some of my carry costs so that SOME DAY, I can make the transition to full time Pleasure Point resident. In the absence of reasonable requirements, we would be forced to give up our long term plan and simply sell the house due to an inability to support it in these economically challenged times.

Respectfully,

Jeffrey Randolph  
544 38<sup>th</sup> Ave  
Santa Cruz, CA 95062

**Steven Guiney**

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**From:** Joanne Wilhelmsen [joannerw@comcast.net]  
**Sent:** Saturday, September 18, 2010 10:35 AM  
**To:** Steven Guiney  
**Cc:** Deb N/Thoits  
**Subject:** VACATION ORDINANCE

To: Steve Guiney,

I am not able to attend the meeting on Sept. 21st but I would like my voice to be heard.

I have been a resident of 14th Ave. since 1982. I have seen numerous changes in our area. Our beach has become a State Beach, our street has road bump, we have parking permits, etc. Living in a popular area comes with need of some control. Keeping our neighborhood desirable for full time residents, full time renters and vacationers is very important. We desperately need this ordinance to control the few people who do not respect our area. It is the owners of these rental's who should to be responsible for any disturbance to the neighborhood not taxing the work load of our Sheriffs.

It is for the same reason vacationers come to Santa Cruz that we are asking for this ordinance. We would like to keep our area a place to come, enjoy and be a part of for a day, week or to live full time. It is important to remember that it is the PERMANENT residents who support the business and infrastructure of our area, not the vacation renters nor some of the owners of these vacation rentals. WE should be protected.

No matter how you look at it, these rentals are a business and should be treated as such. It pleases me to read letters from so many people who love to vacation here. I do wonder how they would like to live with lights & noise until 2 & 3 in the morning! Let us also remove the vacation rental signs, they have been replaced by the Internet. The listing of these homes should contain the phone # of all the owners and distributed to immediate neighbors.

**PLEASE protect the integrity of our neighborhood.**

Thank you for listening.

Joanne Wilhelmsen

## Steven Guiney

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**From:** Georgiana Flaherty [gflaherty@me.com]  
**Sent:** Sunday, September 19, 2010 10:49 AM  
**To:** Steven Guiney  
**Subject:** Vacation Rental Ordinance

Dear Sir,

We are homeowners on 12th Ave. in Santa Cruz. We are strongly in support of an ordinance to regulate vacation rentals in our neighborhood. We particularly would like to eliminate the signs on vacation rentals that indicate how many vacant houses there are at times on our street and encourages vandalism and burglaries.

Sincerely,

Georgiana and John Flaherty  
135 12th Ave., Santa Cruz, CA

## Steven Guiney

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**From:** Beth Weber-Guarino [beth@upsidepartners.com]  
**Sent:** Sunday, September 19, 2010 12:17 PM  
**To:** Steven Guiney; Porcila Wilson  
**Cc:** Robert Seelig  
**Subject:** Comment on PROVISIONS OF VACATION RENTAL DISCUSSION

I would like to comment on the proposed vacation rental ordinance being addressed Tuesday at the HAC meeting. I am a 2nd homeowner who also rents out my home for short term vacation rentals and acts as the rental manager. I carefully screen my renters and have an extensive contract they must sign. Additional regulations being proposed are unnecessary and unreasonable towards my rights as a property owner. There are existing regulations to deal with noise, garbage, etc that could be enforced. I have yet to see statistical evidence that shows that vacation rentals overall contribute to more noise and garbage than permanent residents and long term (over 30 days) rentals. I follow current regulations and pay the Transient Occupancy Tax (TOT) for rental income. The house will not be used as a long term rental because as I stated above. It is also a second home and used by (us) owners.

If one tenancy per week is allowed, does that mean I cannot rent the house for 2 nights and then use it myself for another 2 nights and then allow a family member to come and use it another 2 nights? It appears based on the language in the provisions this would be 3 tenancies in a week and not allowed.

To state a maximum number of tenants is also violates my property rights. Does the county limit the number of people that can reside in a home for permanent residents and/or long term rentals? Does the county force a family of 7 to reside in a home of 3 bedrooms or more?

An administrative use permit is too subjective because it puts the power in the hands of neighbors who may or may not be hostile to vacation rentals. What is reasonable noise to one person may not be reasonable to another. And as for the photographing of evidence, what if that evidence is "staged" by an unhappy neighbor? With the power of computer software such as Photoshop, anyone can make something look like they want it to look like vs. what it reality.

Exception of four discrete areas- This seems like an arbitrary delineation especially using language like "originally developed with the intent to be used for vacation rental purposed or have historically been used for predominately vacation rental purposes". If you go back far enough historically, there were no vacation rentals/structures and it was bare land. Does this mean the character of a community cannot "ever" change over time? The areas near the beach in Santa Cruz have been home to 2nd homeowner for years. With the rise in property values and a declining economy many of these homes are being rented out on a short term basis to help second homeowners offset some of their costs of ownership.

I would like to add a few final comments about vacation rentals. Vacation rental homes are well maintained to attract business. Unlike with owner occupied houses, you don't find vacation rentals with weeds growing in the front yard, with flaking paint or broken or damaged windows and fences. An owner occupied house that exhibits any of the above mentioned qualities is much more damaging to the "preservation of neighborhood integrity".

Vacation rental homes are an existing thriving segment of the Santa Cruz County economy. Vacation rental homes attract quality tourists, stay longer, and spend more money in Santa Cruz County restaurants, retail shops, and rental shops than average daily tourists. Vacation rental home owners employ gardeners, caretakers, house cleaners, and maintenance and repair

technicians. When the vacation rental homes disappear, these businesses will suffer and many, like the vacation rental homes, will disappear.

And finally, with a reduction of TOT income, services such as schools and fire departments will suffer. In a fragile economy, does the planning department want to discourage income to the county? Please table this issue until additional research can be performed that truly shows vacation rentals are a large problem and quantify the problem vs. responding to a petition from a few disgruntled residents based on subjective "evidence". Unlike the homeowner that spoke at the BOS meeting in June that stated "these beaches should be a resource for our community not for people visiting", I believe the beaches are and should be a resource for everyone!

Thanks for listening.

Beth Weber-Guarino  
One of the owners of 230 16th Ave

**Steven Guiney**

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**From:** Steven Guiney  
**Sent:** Monday, September 20, 2010 3:38 PM  
**To:** 'Brendan Finn'  
**Subject:** RE: Vacation rental letter and draft ordinance

Based on your description, it sounds like your rental situation could be considered for grandfathering.

-----Original Message-----

**From:** Brendan Finn [mailto:brendanmfinn@gmail.com]  
**Sent:** Sunday, September 19, 2010 12:45 PM  
**To:** Steven Guiney  
**Subject:** Re: Vacation rental letter and draft ordinance

Thank you.

How is the following situation addressed?

I personally own 334 12th ave. I also own 260 12th ave. During the winter from Sept. 1 till June 9th-10th I have what I term a winter tenant and it is the same tenant for the past 5 years. During the summer we have 4 vacation rentals on a week basis only. I manage the property since I reside at 33412th ave. during the summer months and after the summer return to my primary residence.

I look forward to your response.

Regards,

Brendan M. Finn

On Sun, Sep 19, 2010 at 12:36 PM, Steven Guiney <PLN950@co.santa-cruz.ca.us> wrote:

In case you are not aware of its availability, the vacation rental letter and draft ordinance for the Housing Advisory Commission meeting on Tuesday, September 21, 2010, can be found at these addresses:

<<http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=9/21/2010&MeetingType=6>>

or it can be accessed through the planning website at [www.sccoplanning.com](http://www.sccoplanning.com)

<<http://www.sccoplanning.com>> under "Agendas" on the left side of the screen.



**Steven Guiney**

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**From:** adam.sah@gmail.com on behalf of Adam Sah [asah@midgard.net]  
**Sent:** Sunday, September 19, 2010 1:01 PM  
**To:** Steven Guiney  
**Subject:** Re: Vacation rental letter and draft ordinance

thank you for your hard work putting this together. Enjoy your weekend!!

adam

On Sun, Sep 19, 2010 at 12:36 PM, Steven Guiney <PLN950@co.santa-cruz.ca.us> wrote:

In case you are not aware of its availability, the vacation rental letter and draft ordinance for the Housing Advisory Commission meeting on Tuesday, September 21, 2010, can be found at these addresses:

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## Steven Guiney

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**From:** kevink@baymoon.com  
**Sent:** Sunday, September 19, 2010 1:57 PM  
**To:** Steven Guiney  
**Subject:** Re: Vacation rental letter and draft ordinance

Dear Mr. Guiney,

I have been following this process as closely as possible, but will be unable to attend Tuesday's meeting.

Hopefully, you can answer a question I have regarding the draft ordinance. I read that there is a "grandfather" provision that will allow non-conforming vacation rentals to continue operating.

What I didn't see (and maybe just missed it) is whether this grandfathering will be passed on with the title of the house in the event of change of ownership. I hope this is not the case. Can you let me know if this has been addressed?

Thanks,

Kevin Kearney  
420 Palisades Ave.

> In case you are not aware of its availability, the vacation rental letter  
> and draft ordinance for the Housing Advisory Commission meeting on  
> Tuesday, September 21, 2010, can be found at these addresses:  
> <<http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=9/21/2010&MeetingType=6>>  
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> <<http://www.sccoplanning.com>> under "Agendas" on the left side of the  
> screen.  
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## Steven Guiney

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From: Steven Guiney  
Sent: Monday, September 20, 2010 5:00 PM  
To: 'kevink@baymoon.com'  
Subject: RE: Vacation rental letter and draft ordinance

Mr Kearney,

Typically, land use permits "run with the land", that is, they are tied to a parcel or parcels, not to a specific owner. There is nothing in the draft ordinance that would change that. Therefore, as it reads now, the draft ordinance would not prevent the right to operate a permitted vacation rental from passing to a new owner.

Steven Guiney AICP  
Deputy Zoning Administrator  
County of Santa Cruz Planning Department  
701 Ocean Street Rm 400  
Santa Cruz CA 95060

Telephone: (831) 454-3182  
Facsimile: (831) 454-2131

-----Original Message-----

From: kevink@baymoon.com [mailto:kevink@baymoon.com]  
Sent: Sunday, September 19, 2010 1:57 PM  
To: Steven Guiney  
Subject: Re: Vacation rental letter and draft ordinance

Dear Mr. Guiney,

I have been following this process as closely as possible, but will be unable to attend Tuesday's meeting.

Hopefully, you can answer a question I have regarding the draft ordinance. I read that there is a "grandfather" provision that will allow non-conforming vacation rentals to continue operating.

What I didn't see (and maybe just missed it) is whether this grandfathering will be passed on with the title of the house in the event of change of ownership. I hope this is not the case. Can you let me know if this has been addressed?

Thanks,

Kevin Kearney

420 Palisades Ave.

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> <<http://www.sccoplanning.com>> under "Agendas" on the left side of the  
> screen.  
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>

**Steven Guiney**

**From:** Cynthia Sammet [casammet@yahoo.com]  
**Sent:** Sunday, September 19, 2010 10:06 PM  
**To:** Steven Guiney; Ellen Pirie; Neal Coonerty; Tony Campos; Mark Stone  
**Cc:** casammet@yahoo.com  
**Subject:** UNFAIR: Vacation rental letter and draft ordinance - Why not address noise level and parking violations instead of targeting one group of landowners?

Steven,  
 This is an unreasonable attack on one group of homeowners in the community. If noise and congregation are issues, these rules should apply to all property owners. In that case, guests for any residences should be limited, as well as use of properties for social gatherings. This ordinance is punitive and does not actually address the issue of noise or parking (permits are already required in most neighborhoods). Address noise level, density, and conduct for all community members and visitors. Don't target a small sector without cause. What motivates you to punish and single out a specific group of homeowners who already pay property taxes as well as occupancy taxes on income received instead of addressing the actual behaviors of all residents and their guests?,  
 Reed and Cindy Sammet

--- On Sun, 9/19/10, Steven Guiney <PLN950@co.santa-cruz.ca.us> wrote:

From: Steven Guiney <PLN950@co.santa-cruz.ca.us>  
 Subject: Vacation rental letter and draft ordinance  
 To: "adam.sah@gmail.com" <adam.sah@gmail.com>, "asah@midgard.net" <asah@midgard.net>, "barbiebeach12@gmail.com" <barbiebeach12@gmail.com>, "beachhouse257@att.net" <beachhouse257@att.net>, "beachhouserentals1@yahoo.com" <beachhouserentals1@yahoo.com>, "bevk@cruzio.com" <bevk@cruzio.com>, "bigdking@yahoo.com" <bigdking@yahoo.com>, "bill@airtalk.com" <bill@airtalk.com>, "bobgailmurphy@sbcglobal.net" <bobgailmurphy@sbcglobal.net>, "brenda.bailey@edcgov.us" <brenda.bailey@edcgov.us>, "brendanmfinn@gmail.com" <brendanmfinn@gmail.com>, "buzznjen@comcast.net" <buzznjen@comcast.net>, "casammet@yahoo.com" <casammet@yahoo.com>, "Chrissea22@aol.com" <Chrissea22@aol.com>, "cindy.edwards5384@yahoo.com" <cindy.edwards5384@yahoo.com>, "dabesmit@comcast.net" <dabesmit@comcast.net>, "darcythole@sbcglobal.net" <darcythole@sbcglobal.net>, "daveterra@comcast.net" <daveterra@comcast.net>, "dboscacci@sbcglobal.net" <dboscacci@sbcglobal.net>, "dbrola@sbcglobal.net" <dbrola@sbcglobal.net>, "dmulli@sbcglobal.net" <dmulli@sbcglobal.net>, "editor@cruzio.com" <editor@cruzio.com>, "fthoits@pacbell.net" <fthoits@pacbell.net>, "gerry.swinton@sbcglobal.net" <gerry.swinton@sbcglobal.net>, "goddard@cruzio.com" <goddard@cruzio.com>, "jcox80@gmail.com" <jcox80@gmail.com>, "jeff.pcbinc@gmail.com" <jeff.pcbinc@gmail.com>, "jemrubia@aol.com" <jemrubia@aol.com>, "joannerw@comcast.com" <joannerw@comcast.com>, "jtdt@pacbell.net" <jtdt@pacbell.net>, "kdrosburg@yahoo.com" <kdrosburg@yahoo.com>, "kevink@baymoon.com" <kevink@baymoon.com>, "Lck1804@aol.com" <Lck1804@aol.com>, "LRivoir@aol.com" <LRivoir@aol.com>, "mdsimms225@aol.com" <mdsimms225@aol.com>, "mikess2001@hotmail.com" <mikess2001@hotmail.com>, "mnicklan@webtv.net" <mnicklan@webtv.net>, "mnorrboma@cs.com" <mnorrboma@cs.com>, "mrmikez28@hotmail.com" <mrmikez28@hotmail.com>, "NovaPro240@aol.com" <NovaPro240@aol.com>, "nsweatt@earthlink.net" <nsweatt@earthlink.net>, "pleasurepointcitizen@yahoo.com" <pleasurepointcitizen@yahoo.com>, "rama@cruzio.com" <rama@cruzio.com>, "randymaldonado@surfnetausa.com" <randymaldonado@surfnetausa.com>, "randywatson95062@yahoo.com" <randywatson95062@yahoo.com>, "rbnzmr@cruzio.com" <rbnzmr@cruzio.com>, "Rboston@pacbell.net" <Rboston@pacbell.net>, "rboston@pacbell.net" <rboston@pacbell.net>, "ronbrost@yahoo.com" <ronbrost@yahoo.com>, "RPM2SBAKE@aol.com"

<RPM2SBAKE@aol.com>, ""thecymru@aol.com"" <thecymru@aol.com>, ""tmcoopman@yahoo.com""  
<tmcoopman@yahoo.com>, ""gflaherty@me.com"" <gflaherty@me.com>, ""joannerw@comcast.net""  
<joannerw@comcast.net>, ""jeff.pcbinc@gmail.com"" <jeff.pcbinc@gmail.com>,  
""shannon@eastcliffbeachoasis.com"" <shannon@eastcliffbeachoasis.com>, ""beth@upsidepartners.com""  
<beth@upsidepartners.com>

Date: Sunday, September 19, 2010, 12:36 PM

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## Steven Guiney

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**From:** Beach House 257 [beachhouse257@att.net]  
**Sent:** Sunday, September 19, 2010 11:03 PM  
**To:** Steven Guiney  
**Subject:** Re: Vacation rental letter and draft ordinance

Steven,

Wow ...working a Sunday? ...dedicated!

Thanks for the link. I did have a chance to briefly review the package and may have more questions later. I know this is in the preliminary stages, but my initial questions are:

1) I'm assuming the "Local Contact Person" does not have to be a property management company or anything similar. I would assume it could be a local friend/resident ...we already have an "Emergency Person" available.

2) In the "Special Consideration Areas", I'm assuming the definitions would include both sides of a road ...for instance Rio Del Mar Blvd?

Hope to hear from you soon. Thanks.  
Scott Schendel

### **Beach House 257 . Rio Del Mar**

Aptos, California

#### **Information**

209.544.0110 (voice & fax)

[vacation@beachhouse257.com](mailto:vacation@beachhouse257.com)

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**From:** Steven Guiney <PLN950@co.santa-cruz.ca.us>  
**To:** "adam.sah@gmail.com" <adam.sah@gmail.com>; "asah@midgard.net" <asah@midgard.net>; "barbiebeach12@gmail.com" <barbiebeach12@gmail.com>; "beachhouse257@att.net" <beachhouse257@att.net>; "beachhouserentals1@yahoo.com" <beachhouserentals1@yahoo.com>; "bevkcruzio.com" <bevkcruzio.com>; "bigdking@yahoo.com" <bigdking@yahoo.com>; "bill@airtalk.com" <bill@airtalk.com>; "bobgailmurphy@sbcglobal.net" <bobgailmurphy@sbcglobal.net>; "brenda.bailey@edcgov.us" <brenda.bailey@edcgov.us>; "brendanmfinn@gmail.com" <brendanmfinn@gmail.com>; "buzznjen@comcast.net" <buzznjen@comcast.net>; "casammet@yahoo.com" <casammet@yahoo.com>; "Chrissea22@aol.com" <Chrissea22@aol.com>; "cindy.edwards5384@yahoo.com" <cindy.edwards5384@yahoo.com>; "dabesmit@comcast.net" <dabesmit@comcast.net>; "darcythole@sbcglobal.net" <darcythole@sbcglobal.net>; "daveterra@comcast.net" <daveterra@comcast.net>; "dboscacci@sbcglobal.net" <dboscacci@sbcglobal.net>; "dbrola@sbcglobal.net" <dbrola@sbcglobal.net>; "dmulli@sbcglobal.net" <dmulli@sbcglobal.net>; "editor@cruzio.com" <editor@cruzio.com>; "fthoits@pacbell.net" <fthoits@pacbell.net>; "gerry.swinton@sbcglobal.net" <gerry.swinton@sbcglobal.net>; "goddard@cruzio.com" <goddard@cruzio.com>; "jcox80@gmail.com" <jcox80@gmail.com>; "jeff.pcbinc@gmail.com" <jeff.pcbinc@gmail.com>; "jemrubia@aol.com" <jemrubia@aol.com>; "joannerw@comcast.com" <joannerw@comcast.com>; "jtdt@pacbell.net" <jtdt@pacbell.net>; "kdrosburg@yahoo.com" <kdrosburg@yahoo.com>; "kevink@baymoon.com" <kevink@baymoon.com>; "Lck1804@aol.com" <Lck1804@aol.com>; "LRivoir@aol.com" <LRivoir@aol.com>; "mdsimms225@aol.com" <mdsimms225@aol.com>; "mikess2001@hotmail.com" <mikess2001@hotmail.com>; "mnicklan@webtv.net" <mnicklan@webtv.net>; "mnorrboma@cs.com" <mnorrboma@cs.com>;

"mrmikez28@hotmail.com" <mrmikez28@hotmail.com>; "NovaPro240@aol.com" <NovaPro240@aol.com>;  
 "nsweatt@earthlink.net" <nsweatt@earthlink.net>; "pleasurepointcitizen@yahoo.com" <pleasurepointcitizen@yahoo.com>;  
 "rama@cruzio.com" <rama@cruzio.com>; "randymaldonado@surfneta.com" <randymaldonado@surfneta.com>;  
 "randywatson95062@yahoo.com" <randywatson95062@yahoo.com>; "rbnzmr@cruzio.com" <rbnzmr@cruzio.com>;  
 "Rboston@pacbell.net" <Rboston@pacbell.net>; "rboston@pacbell.net" <rboston@pacbell.net>; "ronbrost@yahoo.com"  
 <ronbrost@yahoo.com>; "RPM2SBAKE@aol.com" <RPM2SBAKE@aol.com>; "thecymru@aol.com" <thecymru@aol.com>;  
 "tmcoopman@yahoo.com" <tmcoopman@yahoo.com>; "gflaherty@me.com" <gflaherty@me.com>; "joannerw@comcast.net"  
 <joannerw@comcast.net>; "jeff.pcbinc@gmail.com" <jeff.pcbinc@gmail.com>; "shannon@eastcliffbeachcoast.com"  
 <shannon@eastcliffbeachcoast.com>; "beth@upsidepartners.com" <beth@upsidepartners.com>

**Sent:** Sun, September 19, 2010 12:36:50 PM

**Subject:** Vacation rental letter and draft ordinance

In case you are not aware of its availability, the vacation rental letter and draft ordinance for the Housing Advisory Commission meeting on Tuesday, September 21, 2010, can be found at these addresses:

<[http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?](http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=9/21/2010&MeetingType=6)

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**Steven Guiney**

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**From:** Steven Guiney  
**Sent:** Wednesday, September 22, 2010 1:53 PM  
**To:** 'Beach House 257'  
**Subject:** RE: Vacation rental letter and draft ordinance

Scott,

- 1) Correct. Could be anyone of owner's choosing, including the owner.
- 2) Generally, yes, but not firm yet.

Steve

Steven Guiney AICP  
Deputy Zoning Administrator  
County of Santa Cruz Planning Department  
701 Ocean Street Rm 400  
Santa Cruz CA 95060

Telephone: (831) 454-3182  
Facsimile: (831) 454-2131

-----Original Message-----

**From:** Beach House 257 [mailto:beachhouse257@att.net]  
**Sent:** Sunday, September 19, 2010 11:03 PM  
**To:** Steven Guiney  
**Subject:** Re: Vacation rental letter and draft ordinance

Steven,

Wow ...working a Sunday? ...dedicated!

Thanks for the link. I did have a chance to briefly review the package and may have more questions later. I know this is in the preliminary stages, but my initial questions are:

- 1) I'm assuming the "Local Contact Person" does not have to be a property management company or anything similar. I would assume it could be a local friend/resident ...we already have an "Emergency Person" available.
- 2) In the "Special Consideration Areas", I'm assuming the definitions would include both sides of a road ...for instance Rio Del Mar Blvd?

Hope to hear from you soon. Thanks.  
Scott Schendel

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FaceBook

**From:** Steven Guiney <PLN950@co.santa-cruz.ca.us>

**To:** "adam.sah@gmail.com" <adam.sah@gmail.com>; "asah@midgard.net" <asah@midgard.net>;  
 "barbiebeach12@gmail.com" <barbiebeach12@gmail.com>; "beachhouse257@att.net" <beachhouse257@att.net>;  
 "beachhouserentals1@yahoo.com" <beachhouserentals1@yahoo.com>; "bevk@cruzio.com" <bevk@cruzio.com>;  
 "bigdking@yahoo.com" <bigdking@yahoo.com>; "bill@airtalk.com" <bill@airtalk.com>; "bobgailmurphy@sbcglobal.net"  
 <bobgailmurphy@sbcglobal.net>; "brenda.bailey@edcgov.us" <brenda.bailey@edcgov.us>; "brendanmfinn@gmail.com"  
 <brendanmfinn@gmail.com>; "buzznjen@comcast.net" <'buzznjen@comcast.net'>; "casammet@yahoo.com"  
 <casammet@yahoo.com>; "Chrissea22@aol.com" <Chrissea22@aol.com>; "cindy.edwards5384@yahoo.com"  
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 <darcythole@sbcglobal.net>; "daveterra@comcast.net" <daveterra@comcast.net>; "dboscacci@sbcglobal.net"  
 <dboscacci@sbcglobal.net>; "dbrola@sbcglobal.net" <dbrola@sbcglobal.net>; "dmulli@sbcglobal.net"  
 <dmulli@sbcglobal.net>; "editor@cruzio.com" <editor@cruzio.com>; "fthoits@pacbell.net" <fthoits@pacbell.net>;  
 "gerry.swinton@sbcglobal.net" <gerry.swinton@sbcglobal.net>; "goddard@cruzio.com" <goddard@cruzio.com>;  
 "jcox80@gmail.com" <jcox80@gmail.com>; "jeff.pcbinc@gmail.com" <jeff.pcbinc@gmail.com>; "jemrubia@aol.com"  
 <jemrubia@aol.com>; "joannerw@comcast.com" <joannerw@comcast.com>; "jtdt@pacbell.net" <jtdt@pacbell.net>;  
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 "Lck1804@aol.com" <Lck1804@aol.com>; "LRivoir@aol.com" <LRivoir@aol.com>; "mdsimms225@aol.com"  
 <mdsimms225@aol.com>; "mikess2001@hotmail.com" <mikess2001@hotmail.com>; "mnicklan@webtv.net"  
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 "Rboston@pacbell.net" <Rboston@pacbell.net>; "rboston@pacbell.net" <rboston@pacbell.net>; "ronbrost@yahoo.com"  
 <ronbrost@yahoo.com>; "RPM2SBAKE@aol.com" <RPM2SBAKE@aol.com>; "thecymru@aol.com" <thecymru@aol.com>;  
 "tmcoopman@yahoo.com" <tmcoopman@yahoo.com>; "gflaherty@me.com" <gflaherty@me.com>;  
 "joannerw@comcast.net" <joannerw@comcast.net>; "jeff.pcbinc@gmail.com" <jeff.pcbinc@gmail.com>;  
 "shannon@eastcliffbeachcoast.com" <shannon@eastcliffbeachcoast.com>; "beth@upsidepartners.com"  
 <beth@upsidepartners.com>

**Sent:** Sun, September 19, 2010 12:36:50 PM

**Subject:** Vacation rental letter and draft ordinance

In case you are not aware of its availability, the vacation rental letter and draft ordinance for the Housing Advisory Commission meeting on Tuesday, September 21, 2010, can be found at these addresses:

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**Steven Guiney**

**From:** Dawn Brola [dbrola@sbcglobal.net]  
**Sent:** Monday, September 20, 2010 3:44 PM  
**To:** Steven Guiney  
**Subject:** Re: Vacation rental letter and draft ordinance

Dear Steven,

I am one of the neighbors being affected by the new pop up vacation rental era. I have two large homes to contend with. One next door and one across the street. Both were once the owners primary residence two years later they are turned into vacation rentals. Both rent to larger parties and have third story decks. This is very unfair for the surrounding houses. I am sure our property values have dropped. I purchased my home to raise a family and feel that these homes are asking us to deal with the noise, traffic etc..because it is their right. What about our right to feel secure at night, knowing we will get a restful nights sleep and be ready for work the next morning? What about my four year old Daughter's right to be able to go to bed at 8:30 when everyone else is allowed to be up until 10pm at which time I am then allowed to call the Sheriff. I had rocks thrown at my house at midnight damaging windows and totally wiping out any respect I have for vacationers. These people come into party-they aren't there hanging out quietly in the hot tub, they aren't hanging out on the third story deck whispering to one another. I was driving home Friday and passed by another vacation rental on East Cliff and all of the teenage kids were on the roof running around yelling at passing cars and making gestures. My back is against a wall as are others. I am in a position where I can't sell my home to get away, because no one of sound mind would even think about buying my house. And I will not be able to join them, because of a potential radius restriction. I am sure my property values have plummeted. There are some people who are respectful, but the majority of the time these people are nuisances with or without children-they are in "vacation mode". There is a new best western and a new Sheraton going up on 41st avenue-there is plenty of room for vacationers here in this town. We aren't restricting our neighborhoods for just the wealthy to enjoy by adding restrictions. The majority of us are hard working middle class trying to raise a family without added stress. The homes in the exclusion area are the perfect place for larger venues- there are whole neighborhoods that have been vacation rentals for years and that is how it has always been. I understand that vacation rental is big business and the selling of vacation rentals here is big money, but I didn't buy into a neighborhood that had existing vacation rentals. I am not sure the new proposal will even help me with the allowance for doubling the occupancy for 12 hours, since I have two large homes to deal with which will allow for 24 people in one house and 20 in the other home not including children 12 and under.

How can we coexist?

This is what I do know-

The surrounding homes need to retain their market value, and having a large vacation rental next door will definitely limit your ability to sell your home, and reduce the market value.

The third story deck hangouts have to be curbed.

The weekly rental/minimum stay is a must to reduce in/out noise, but allowing for double occupancy seems to defeat the whole purpose of having occupancy restrictions. You can't allow for doubling the occupancy on these large homes-it is so unfair to neighbors to have two or more homes next door that are soon to be grandfathered in within a stones throw (within 75-100 feet from each other) and also allow both homes maximum occupancy.-that could be fifty plus people between these two homes at the same time- Causing parking issues, noise etc... The double allowance won't be solving the problems that these large homes are creating. Please reconsider the double occupancy allowance.

Also please remove the 200ft radius restriction-it sounded good at the time, but after careful thought you are restricting some while allowing others. In my case I can't sell nor will I be able to join them-so what would be the selling point for my home or the homes surrounding the vacation rentals? How can we retain our property values?-you would be contributing to the already declining home values surrounding these vacation rentals by adding this restriction. We wouldn't be able to find buyers if we wanted to sell our home. This would have to be a selling point, because I am not sure what type of buyer would be looking at purchasing a home next door to a vacation rental. Please consider removing the radius restriction unless you are going to include whole neighborhoods and not allow vacation rentals period-which is my choice anyway. If you are going to restrict neighborhoods please consider 30Th avenue.

Thank you for all of your hard work,

Dawn Gonzalez  
Resident 152 30Th Avenue

--- On Sun, 9/19/10, Steven Guiney <PLN950@co.santa-cruz.ca.us> wrote:

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Subject: Vacation rental letter and draft ordinance  
To: "adam.sah@gmail.com" <adam.sah@gmail.com>, "asah@midgard.net" <asah@midgard.net>, "barbiebeach12@gmail.com" <barbiebeach12@gmail.com>, "beachhouse257@att.net" <beachhouse257@att.net>, "beachhouserentals1@yahoo.com" <beachhouserentals1@yahoo.com>, "bevkcruzio.com" <bevkcruzio.com>, "bigdking@yahoo.com" <bigdking@yahoo.com>, "bill@airtalk.com" <bill@airtalk.com>, "bobgailmurphy@sbcglobal.net" <bobgailmurphy@sbcglobal.net>, "brenda.bailey@edcgov.us" <brenda.bailey@edcgov.us>, "brendanmfinn@gmail.com" <brendanmfinn@gmail.com>, "buzznjen@comcast.net" <buzznjen@comcast.net>, "casammet@yahoo.com" <casammet@yahoo.com>, "Chrissea22@aol.com" <Chrissea22@aol.com>, "cindy.edwards5384@yahoo.com" <cindy.edwards5384@yahoo.com>, "dabesmit@comcast.net" <dabesmit@comcast.net>, "darcythole@sbcglobal.net" <darcythole@sbcglobal.net>, "daveterra@comcast.net" <daveterra@comcast.net>, "dboscacci@sbcglobal.net" <dboscacci@sbcglobal.net>, "dbrola@sbcglobal.net" <dbrola@sbcglobal.net>, "dmulli@sbcglobal.net" <dmulli@sbcglobal.net>, "editor@cruzio.com" <editor@cruzio.com>, "fthoits@pacbell.net" <fthoits@pacbell.net>, "gerry.swinton@sbcglobal.net" <gerry.swinton@sbcglobal.net>, "goddard@cruzio.com" <goddard@cruzio.com>, "jcox80@gmail.com" <jcox80@gmail.com>, "jeff.pcbinc@gmail.com" <jeff.pcbinc@gmail.com>, "jemrubia@aol.com" <jemrubia@aol.com>, "joannerw@comcast.com" <joannerw@comcast.com>, "jtdt@pacbell.net" <jtdt@pacbell.net>, "kdrosburg@yahoo.com" <kdrosburg@yahoo.com>, "kevink@baymoon.com" <kevink@baymoon.com>, "Lck1804@aol.com" <Lck1804@aol.com>, "LRivoir@aol.com" <LRivoir@aol.com>, "mdsimms225@aol.com" <mdsimms225@aol.com>, "mikess2001@hotmail.com" <mikess2001@hotmail.com>, "mnicklan@webtv.net" <mnicklan@webtv.net>, "mnorrboma@cs.com" <mnorrboma@cs.com>, "mrmikez28@hotmail.com" <mrmikez28@hotmail.com>, "NovaPro240@aol.com" <NovaPro240@aol.com>, "nsweatt@earthlink.net" <nsweatt@earthlink.net>, "pleasurepointcitizen@yahoo.com" <pleasurepointcitizen@yahoo.com>, "rama@cruzio.com" <rama@cruzio.com>, "randymaldonado@surfnetusa.com" <randymaldonado@surfnetusa.com>, "randywatson95062@yahoo.com" <randywatson95062@yahoo.com>, "rbnzmr@cruzio.com" <rbnzmr@cruzio.com>, "Rboston@pacbell.net" <Rboston@pacbell.net>, "rboston@pacbell.net" <rboston@pacbell.net>, "ronbrost@yahoo.com" <ronbrost@yahoo.com>, "RPM2SBAKE@aol.com" <RPM2SBAKE@aol.com>, "thecymru@aol.com" <thecymru@aol.com>, "tmcoopman@yahoo.com" <tmcoopman@yahoo.com>, "gflaherty@me.com" <gflaherty@me.com>, "joannerw@comcast.net" <joannerw@comcast.net>, "jeff.pcbinc@gmail.com" <jeff.pcbinc@gmail.com>, "shannon@eastcliffbeachoasis.com" <shannon@eastcliffbeachoasis.com>, "beth@upsidepartners.com" <beth@upsidepartners.com>  
Date: Sunday, September 19, 2010, 12:36 PM

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**Steven Guiney**

**From:** Dawn Brola [dbrola@sbcglobal.net]  
**Sent:** Monday, September 20, 2010 5:40 PM  
**To:** Steven Guiney  
**Subject:** Re: Vacation rental letter and draft ordinance

Hi Steven,

None of my neighbors/homeowners and residents know about this meeting-why is it they are notified about the cliff/bluff project in Pleasure Point, but not this important vacation rental meeting? How can they voice their opinions if not one resident residing in the area is being notified? Is there anyway the mailing lists can be shared?

Thank you,

Dawn

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 Subject: Vacation rental letter and draft ordinance  
 To: "adam.sah@gmail.com" <adam.sah@gmail.com>, "asah@midgard.net" <asah@midgard.net>, "barbiebeach12@gmail.com" <barbiebeach12@gmail.com>, "beachhouse257@att.net" <beachhouse257@att.net>, "beachhouserentals1@yahoo.com" <beachhouserentals1@yahoo.com>, "bevk@cruzio.com" <bevk@cruzio.com>, "bigdking@yahoo.com" <bigdking@yahoo.com>, "bill@airtalk.com" <bill@airtalk.com>, "bobgailmurphy@sbcglobal.net" <bobgailmurphy@sbcglobal.net>, "brenda.bailey@edcgov.us" <brenda.bailey@edcgov.us>, "brendanmfinn@gmail.com" <brendanmfinn@gmail.com>, "buzznjen@comcast.net" <buzznjen@comcast.net>, "casammet@yahoo.com" <casammet@yahoo.com>, "Chrissea22@aol.com" <Chrissea22@aol.com>, "cindy.edwards5384@yahoo.com" <cindy.edwards5384@yahoo.com>, "dabesmit@comcast.net" <dabesmit@comcast.net>, "darcythole@sbcglobal.net" <darcythole@sbcglobal.net>, "daveterra@comcast.net" <daveterra@comcast.net>, "dboscacci@sbcglobal.net" <dboscacci@sbcglobal.net>, "dbrola@sbcglobal.net" <dbrola@sbcglobal.net>, "dmulli@sbcglobal.net" <dmulli@sbcglobal.net>, "editor@cruzio.com" <editor@cruzio.com>, "fthoits@pacbell.net" <fthoits@pacbell.net>, "gerry.swinton@sbcglobal.net" <gerry.swinton@sbcglobal.net>, "goddard@cruzio.com" <goddard@cruzio.com>, "jcox80@gmail.com" <jcox80@gmail.com>, "jeff.pcbinc@gmail.com" <jeff.pcbinc@gmail.com>, "jemrubia@aol.com" <jemrubia@aol.com>, "joannerw@comcast.com" <joannerw@comcast.com>, "jtdt@pacbell.net" <jtdt@pacbell.net>, "kdrosburg@yahoo.com" <kdrosburg@yahoo.com>, "kevink@baymoon.com" <kevink@baymoon.com>, "Lck1804@aol.com" <Lck1804@aol.com>, "LRivoir@aol.com" <LRivoir@aol.com>, "mdsimms225@aol.com" <mdsimms225@aol.com>, "mikess2001@hotmail.com" <mikess2001@hotmail.com>, "mnicklan@webtv.net" <mnicklan@webtv.net>, "mnorrboma@cs.com" <mnorrboma@cs.com>, "mrmikez28@hotmail.com" <mrmikez28@hotmail.com>, "NovaPro240@aol.com" <NovaPro240@aol.com>, "nsweatt@earthlink.net" <nsweatt@earthlink.net>, "pleasurepointcitizen@yahoo.com" <pleasurepointcitizen@yahoo.com>, "rama@cruzio.com" <rama@cruzio.com>, "randymaldonado@surfneta.com" <randymaldonado@surfneta.com>, "randywatson95062@yahoo.com" <randywatson95062@yahoo.com>, "rbnzmr@cruzio.com" <rbnzmr@cruzio.com>, "Rboston@pacbell.net" <Rboston@pacbell.net>, "rboston@pacbell.net" <rboston@pacbell.net>, "ronbrost@yahoo.com" <ronbrost@yahoo.com>, "RPM2SBAKE@aol.com" <RPM2SBAKE@aol.com>, "thecymru@aol.com" <thecymru@aol.com>, "tmcoopman@yahoo.com" <tmcoopman@yahoo.com>, "gflaherty@me.com" <gflaherty@me.com>, "joannerw@comcast.net"

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**Steven Guiney**

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**From:** Linda Lanzl [llanzl@yahoo.com]  
**Sent:** Monday, September 20, 2010 8:47 PM  
**To:** Steven Guiney  
**Subject:** Vacation rental ordinance opposed

Dear Steve and Council members,

I am writing you as a vacation rental homeowner to convey to you that more regulations are not the answer here and we do not approve of the ordinance that the council wants to pass. Communication and partnership are the solution. Communicate what are the concerns and issues and partner with us to come up with viable and sustainable solutions that don't affect people's livelihood or revenue.

There are many reasons why this is really important to our family. When we originally bought our property on 26th in 2006, we were able to afford it because we were told we could subsidize the payments with vacation rentals. We paid top dollar for the property since this was at the height of the market and we desperately wanted to own at the beach in our beloved Santa Cruz for retirement options later on. We would have never been able to afford it otherwise and since we ultimately want to end up in the area, we wanted to make sure this was a long-term commitment.

What we didn't realize was how many great benefits our vacation rental property would bring to so many people. We screen our guests very carefully (and yes, they are guests to us, not renters) and we make a point to allow pets at our beach home, because we know how hard it can be to find a place that allows them. So we decided from day one, that we would allow pets, partly for karmic reasons, partly because we love folks with pets. What we didn't know at the time was the immense service we provide to folks who just want to get away for a few days with their adored dog. Or folks who rent for an entire week with their kids who also want to bring the other member of the family, their dog, on their vacation. We are privileged to bring this service to them and this is why we have such a high rate of repeat customers.

If we are now restricted from renting for less than 1 week (or cannot rent more than to one guest a week), we will harm and disappoint so many of our customers, including the many return guests (some as many as twice a year) who come to stay at our home for a weekend or 3-4 days depending on how long they can get away. They will no longer be able to bring their beloved pets because most hotels will not allow them. They want yards for their dogs. We have made friends through our rentals and folks we stay in contact with. Strangely, our neighbors are very supportive of us and we consistently ask if there were any problems whatsoever and in 4 years we have NEVER received a complaint call from either neighbor who have all our phone numbers for just such situations.

A few other things. Cal and I take our rental VERY seriously. We actually hired a lawyer a few years back to create a very comprehensive contract (6 pages total) to ensure our guests take our rules and conditions very seriously. We also remodeled our home a few years ago, even though we knew we would continue to use the property as a vacation rental place, and we did it mostly because we wanted our guests to be comfortable and want them to come back. We currently have a very high return rate, solely because we put so much care and attention to our home. To us, it's not just a business, it's our pride and joy. When I receive emails from our guests who just left, to thank us for making their week or their weekend a memorable one (and I would say I get this from 8 out of 10 customers), it makes me feel like I rendered a service and made someone's vacation a little more personable and special.

Another thing we take very seriously is the amount of folks on the property at any time. We state in the contract, as well as the letter we send them about the dos and don'ts at the house before they arrive and again, when they get in the house, posted on the refrigerator, that they cannot have more than a certain amount of folks on our property at any given time. That number is 6 people, even though we have sleeping quarters for 6, a big yard (for beach property) and lots of sitting and resting area outdoors. The reason for this is simple: we don't want to disturb our neighbors and we never want parties in our home or property. So we have always done the responsible thing and we don't need a govt entity or more laws to tell us that.

The most important comment I can make is "you don't penalize all for the behavior of a few". We are more evolved than that, as business people and I come back to the saying "it should be about partnership and communication. We believe that talking things out works a lot better every time than pushing new laws or ordinances.

We ask that instead of putting the proposal to a vote, you allow for a group meeting to discuss ways to resolve the various complaints that come in without new rules that will hurt homeowners and actually reduce your TOT dollars due to the major loss of rental income.

Thank you and I hope you will accept the offer to sit down and really talk with the vacation rental folks about true solutions.

Linda Lanzl

**Steven Guiney**

**From:** Hugh Forrest [huforco@pacbell.net]  
**Sent:** Monday, September 20, 2010 9:23 PM  
**To:** Porcila Wilson  
**Subject:** Vacation Rental Ordinance: I'm Strongly Opposed!

9/19/2010

Housing Advisory Committee and Supervisors-

I am writing to express my vehement objection to the proposed Vacation Rental Ordinance.

My name is Hugh Forrest. I arrived in Santa Cruz in 1973 to attend UCSC, and have lived in Santa Cruz County ever since. I moved, with my wife Marylou to our current home on Opal Cliff Dr in 1991. I was a charter member of SCAN, and of the Community Credit Union and numerous other community groups. It would be fair to say that I've contributed plenty to our community in the 37 years I've lived here.

I am very upset that the county would- with minimal notice and very little factual, verifiable, quantifiable evidence- propose to limit or terminate my ability to rent the guest house on my property to "Short term" tenants; and please keep in mind that I have done this lawfully and without a single complaint from my neighbors, while dutifully collecting and remitting TOT to the county for years.

My objections to the proposed ordinance are many, but here are a few:

1. The whole proposal seems to be a "Solution" in search of a problem: Proponents have presented no empirical evidence that there even is a problem. There is no record of greater-than-average calls for Sheriff service relating to problems at vacation rentals in general, only anecdotal griping from a few individuals concentrated in a single neighborhood who claim to have been inconvenienced. If you live at the beach as we do there are bound to be issues with visitors. Do short-term vacation renters specifically cause those issues, or is it other visitors, or even long-term renters and owners? Well...we really don't know because no actual evidence has been presented yet.

I can tell you that in my neighborhood there is some record of calls to the Sheriff to deal with bad conduct by visitors; but it has consistently been my wife & I calling because of the bad behavior of the invited guests of absentee homeowners. In my neighborhood the people yelling in the streets at midnight and peeing in the flowerpots are not renters at all: they are the family and friends of the owners, and this ordinance- quite explicitly - does not apply to them.

You could counter that existing laws already apply to these friends-of-owners, and that the existing laws should be vigorously enforced to keep up the quality of life in the neighborhood. I'd agree and add that the same applies to short-term renters: the existing laws are sufficient to keep peace in the neighborhoods if they are applied energetically and even-handedly.

2. The obviously political carve-outs by which portions of supervisor Pirie's district are exempt from the proposed ordinance are offensive to my sense of fair play.

Again, lacking any empirical data it is hard to say, but the implication is that the renters are just better behaved in Ellen's district than they are in mid-county. This is just blatant political hanky-panky.

3. How will the proposed ordinance actually improve life in the neighborhoods? Aside from the posting of management contact information- which I support- nothing in the law directly addresses bad behavior by visitors (or residents for that matter) or how to deal with it. The ordinance would just make it more difficult for vacation renters to visit by reducing the availability of rentals- particularly those best suited for families- in the first place.

I suppose if it is difficult to visit here it will also be difficult to misbehave here; but that, of course is the wrong way to go about it.

We already have laws governing noise, litter, parking, etc. If there is a problem let the Sheriff deal with it by enforcing



the law. There is nothing to be gained by creating a Vacation Rental Ordinance to lay over the top of existing behavior laws unless the goal is not to improve the quality of life, but to get rid of vacation rentals.

4. The odd provision that would appear to prohibit me- with 2 legal, permitted homes on a double lot and a history of trouble-free vacation rentals from being grand-fathered in is arbitrary and indefensible. We are a lower density use with on-site management, yet we are excluded?

5. People will be forced to sell, lives & dreams will be ruined. For many vacation rental owners their ability to make the mortgage payment depends on the income they receive from short-term rentals. For some, their vacation rental is their retirement plan. I will be hurt if this ordinance passes, but I bought long ago and will be able to stay in my home. But I feel great sorrow and sympathy for those who's homes and livelihoods would be wrecked by the passage of this ordinance; and all or this because a few families 20 blocks away were inconvenienced by some tourists.

In summation, I ask that the county first empirically identify exactly what problems really exist. Then we can move forward to identify the causes and propose appropriate remedies utilizing existing tools to focus as much as possible on the specific problems. The ordinance as proposed is like using a sledgehammer to swat flies: it is the wrong tool for the job and will do huge unintended damage.

Respectfully,

Hugh Forrest  
4635 Opal Cliff Dr

**Steven Guiney**

---

**From:** Ellen Wood [editor@cruzio.com]  
**Sent:** Monday, September 20, 2010 10:50 PM  
**To:** Steven Guiney; Susan Greene; John Leopold  
**Cc:** DEBBIE & JOHN THOITS JOHN THOITS  
**Subject:** development of a vacation rental ordinance

To: Steven Guiney, Susan Greene and John Leopold, County of Santa Cruz  
Fm: Ellen M. Wood, 357 - 13th Avenue, Santa Cruz, CA 95062

I am unable to attend the meeting on Tuesday, September 21, 2010, at Green Acres School, but I'd like my concerns to be addressed in my absence.

The ordinance to be discussed addresses concerns with the proliferation of vacation rentals in our neighborhoods. I've been a property owner on 13th Avenue since 1974. Since that time, I've seen many changes in our neighborhood(s) - not all beneficial to those of us who live in this great beach community.

Some kind of regulation is needed to preserve our neighborhoods. This is about BALANCE - if we don't have regulation, all homes on a single street can convert to vacation rentals with no limit to the amount of guests and cars allowed.

As you are aware, many of the older homes were built without garages. As vacation rentals took over what had been private dwellings, traffic, undue noise and parking problems ensued. I've noticed that MANY vacation renters in my neighborhood invite others to join them - either on a daily or weekend basis - thereby increasing the need for parking and especially the noise levels.

We need off-street parking, a limit on the number of guests, a business license for owners of rental properties and a maximum number of vacation homes to be allowed in any one neighborhood. We also need someone - in each neighborhood - to whom we can report (other than the sheriff's office, which is already overworked) about noise level abatement when the situation gets out of hand. And we need a solution to our parking problems - especially during "high season(s)."

My hope is that you will arrive at a good, workable solution to the problems as listed above.

Many thanks for your cooperation,

Sincerely,

Ellen M. Wood

**Steven Guiney**

---

**From:** John Finegan [jfinegan@flgpartners.com]  
**Sent:** Tuesday, September 21, 2010 11:02 AM  
**To:** Steven Guiney  
**Subject:** Vacation Rental Ordinance

Mr. Guiney,  
Please forward to the Board of Supervisors.

Thank you,  
John Finegan

-----  
Sept 21, 2010  
Board of Supervisors  
c/o Santa Cruz County Planning Dept  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Dear Members of the Board:

I am writing concerning Supervisor Leopold's proposed Vacation Rental Ordinance. I am a property owner on Oxford Drive on the Westside of Santa Cruz.

While I empathize with some of the objectives of the ordinance I am opposed to it and ask that you not pursue passage of this legislation. I do not think it will effectively resolve any of the mentioned neighborhood problems but instead will add administrative burden to the county and, by way of limiting tourism, will only harm the local economy.

We rent our property for much of the summer. The property is well maintained (we employ local gardeners and service personnel to insure this), we utilize an active and local property manager, we are careful who we rent to and we pay TOT. We often check with neighbors to insure that we (and those that we rent to) are good neighbors. Almost all of the rentals are to a single family or to two families. Most leave notes expressing enjoyment of their stay in Santa Cruz. I'd surmise that none of these families would come to Santa Cruz if they could not access comfortable homes to rent.

It bothers us when there are parking problems and excessive noise, but I can assure you that in our neighborhood these problems are generally caused by local student renters and not short term vacation renters.

Sincerely,  
John Finegan

## Steven Guiney

---

From: kevink@baymoon.com  
Sent: Tuesday, September 21, 2010 12:14 PM  
To: Steven Guiney  
Subject: RE: Vacation rental letter and draft ordinance

Mr. Guiney,

Thanks for your quick response.

However, I'm a bit concerned by it, since the case can be made that granting specific homes in a neighborhood vacation rental status in perpetuity accords those homes higher market value than their immediate neighbors. This effectively creates two classes of properties, to the benefit of grandfathered homes and homeowners and to the detriment of their neighbors that are within 200 feet of the grandfathered home who will never be able to offer their homes for vacation rental.

Please include my comments in the minutes of tonight's meeting.

Thanks,

Kevin Kearney

Mr Kearney,

>  
> Typically, land use permits "run with the land", that is, they are tied to  
> a parcel or parcels, not to a specific owner. There is nothing in the draft ordinance that would change that. Therefore, as it reads now, the draft ordinance would not prevent the right to operate a permitted vacation rental from passing to a new owner.  
>  
> Steven Guiney AICP  
> Deputy Zoning Administrator  
> County of Santa Cruz Planning Department  
> 701 Ocean Street Rm 400  
> Santa Cruz CA 95060  
>  
> Telephone: (831) 454-3182  
> Facsimile: (831) 454-2131  
>  
>  
>  
> -----Original Message-----  
> From: kevink@baymoon.com [mailto:kevink@baymoon.com]  
> Sent: Sunday, September 19, 2010 1:57 PM  
> To: Steven Guiney  
> Subject: Re: Vacation rental letter and draft ordinance  
>  
>  
> Dear Mr. Guiney,  
>  
> I have been following this process as closely as possible, but will be unable to attend Tuesday's meeting.  
>

> Hopefully, you can answer a question I have regarding the draft ordinance.  
> I read that there is a "grandfather" provision that will allow  
> non-conforming vacation rentals to continue operating.  
>  
> What I didn't see (and maybe just missed it) is whether this  
> grandfathering will be passed on with the title of the house in the event  
> of change of ownership. I hope this is not the case. Can you let me know  
> if this has been addressed?  
>  
> Thanks,  
>  
> Kevin Kearney  
> 420 Palisades Ave.  
>> In case you are not aware of its availability, the vacation rental letter  
>> and draft ordinance f

**Steven Guiney**

---

**From:** Ted Burke [tedburke@shadowbrook-capitola.com]  
**Sent:** Tuesday, September 21, 2010 4:17 PM  
**To:** Steven Guiney  
**Cc:** Ellen Pirie; John Leopold; Tony Campos; Mark Stone; Neal Coonerty  
**Subject:** VRO

Please forward to the Board of Supervisors:

September 20, 2010

Board of Supervisors

c/o Santa Cruz County Planning Dept

County of Santa Cruz

701 Ocean Street, 4<sup>th</sup> Floor

Santa Cruz, CA 95060

Dear Members of the Board:

I am writing concerning Supervisor Leopold's proposed Vacation Rental Ordinance. I have been a property owner in the Live Oak area since 1980. Prior to that time both my parents owned the property. They rented the property on a long term basis from September through May and then used the home for themselves throughout the summer months. My brother, sister and I took over the property following the death of my mother and converted the property to a year-round long term rental which had stayed in that use until this year. The majority of tenants since 1990 were management and other supervisory employees of my company. However, recently, I recognized a need for my children, who had grown and moved away from Santa Cruz, to have convenient and affordable lodging when they visit me and their friends in this area. Thus, I made the decision early this year to convert the property to a vacation rental that is managed by a licensed property management company. This combined use of vacation and personal use of this property has benefited me, my family and the county TOT while not impacting any of my neighbors.

I am opposed to Supervisor Leopold's proposed vacation rental ordinance and deem it to be an infringement upon several of my personal property rights. Moreover, this ordinance would have a large and adverse effect on local tourism, the county's number one industry. Many other industries and local businesses, such as the restaurants, the retail stores, the cultural community and the recreational outlets, depend upon a robust vacation rental element of the tourism industry. Restricting the volume of business from the vacation rental segment of the tourism industry will escalate the county's already high unemployment rate and diminish its meager tax revenues. Hardly a productive activity to undertake.

If Mr. Leopold believes there is an element of vacation renters that act inappropriately then the BOS would be better off to take measures that address those few 'bad apples' and put in systems that would eliminate the very few problems they create rather than eliminating the entire barrel that feeds the community.

Thus, with some specificity, the following provisions ought to be eliminated or altered significantly: The one tenancy per week, the prohibition of newer properties coming on-line as vacation rentals, the unnecessary and unproductive administrative mandates, and the exemption of certain geographical areas.

Sincerely,

Ted Burke

PO Box 65 Capitola, CA, 95010

(831) 475-1511

September 20, 2010.

Kathleen Previsich  
Planning Director  
701 Ocean Street  
4<sup>th</sup> Floor  
Santa Cruz, CA 95060  
Fax: 831-454-2131

Cc: Ellen Piere, County Supervisor  
Fax: 831-454-3262

Re: Housing Advisory Commission Report, Vacation Rentals

Ms. Previsich,

We are a collective of home owners at Sand Dollar Beach representing all segments of our community which consists of full time residents, 2<sup>nd</sup> home owners, vacation rental owners and long term rental owners. We are writing to you regarding Sand Dollar Beach specifically related to the recently published report on vacation rental ordinance in Santa Cruz County.

We submit to you that the Sand Dollar Beach community meets your stated characteristics of the other areas, which have been excluded from the 'limits on concentration and tenancy'.

Housing Authority requirements	Sand Dollar Beach qualifications
1. ...unusual in topography, setting or distance make them separate and distinct from the residential neighborhoods closest to them	1. We are separate and distinct from other residential neighborhoods, more than ½ mile to the next residential neighborhood
2. ...relative isolation and long distance from other homes	2. Sand Dollar is a very isolated community, even partially gated
3. ...tend to 'face' outward and be oriented toward the beach rather than into or toward a surrounding neighborhood	3. Every home 'faces' outward to the beach, 21 homes are ocean front
4. ...most of these locations are beachfront	4. Our location is beachfront
5. ...were either originally developed with the intent to be used for vacation rental purposes	5. Our community was developed specifically for short term occupancy i.e., vacation rentals and 2 <sup>nd</sup> homes
6. ...have been historically used for predominantly vacation rental purposes	6. We currently have only 15 full time residences out of 87 homes



Your report also states "a primary consideration is the proportion of vacation rental properties within a neighborhood. At some percentage the character of a neighborhood can shift from long-term 'permanent' residential to a short term 'transient' rental community". The percentage of long-term 'permanent' Sand Dollar owner/residents is 17%.

The Sand Dollar community, as with Pajaro Dunes and Place de Mer, was developed specifically for vacation rentals and 2<sup>nd</sup> homes. Rita Law of Kendall and Potter confirmed this, as she was one of the primary sales people for Kendall and Potter who handled all the sales at Sand Dollar when it was developed. At that time 100% of the properties were vacation rental and 2<sup>nd</sup> homes. The make up of the community has not changed. We have 87 homes and only 15 full time residents. So the ordinance is doing nothing to 'protect' an already established residential community from an unfair proportion of vacation rentals. Essentially the vacation rentals were here first.

It was previously reported to the County Board of Supervisors in June that the Sand Dollar Beach home owner community consisted primarily of 20 town homes, 10 of which were dedicated vacation rentals. This is absolutely un-true. First there are 87 homes, 19 are town homes and only 8 of those are part time vacation rentals which are also regularly used as 2<sup>nd</sup> homes. As with most vacation rentals, they are rented part time to offset high costs of ownership and used part time for personal enjoyment. None are *dedicated* vacation rentals.

It was also stated that we have a double dead end street giving the impression that is all there is to our community. When in fact there are several streets all through the community. Some are private streets and other streets are public.

Our season is short and we have relatively few problems, which are handled quickly and efficiently by our private security so we are not a drain on the police resources in our community. We are a pro-active and inclusive community and take relationships with our neighbors seriously. We are currently actively working with a committee appropriately called Neighborhood Communication and have met with professional property managers, owner/managers and full time residents in an effort to keep lines of communication open to address minor concerns.

Furthermore, we had a very thorough study of our parking within the last two years by a Sand Dollar committee which included the local fire marshal, Santa Cruz County Sheriff, our private security company, among other things, resulted in our re-painting lines on our streets to expand our safety margins for parking.

I submit to you that this ordinance should not apply to Sand Dollar for the same reasons the committee has excluded the other 4 identified areas. It is clear that these criteria, if applied fairly and equally, would exclude Sand Dollar from any proposed ordinance as well.

Thank you.

*Sand Dollar Beach Home Owners in opposition to Vacation Rental Ordinance*  
Reply to: [santacruz753@gmail.com](mailto:santacruz753@gmail.com)

Letter from Elaine Maitland 9/20/2010

from Beachretreatsc <beachretreatsc@aol.com>  
to asah@midgard.net  
date Mon, Sep 20, 2010 at 2:26 PM  
subject MY COMMENTS  
hide details 2:26 PM (19 hours ago)

To: HOUSING ADVISORY COMMISSION, September 21, 2010

I wish to express my opposition to the proposed vacation rental ordinance because removing the right of homeowners to vacation rent their homes in the future is arbitrary and discriminatory and a violation of property rights.

We have been homeowners in the county for 32 years. 20 years ago, we downsized to our current small home on 12th Avenue, which for many, many years previously, been a vacation home. It is our primary residence and a vacation rental; we move to the back for the short summer season to accommodate our guests. We live where we do because we so relish the quiet enjoyment of our neighborhood, and would never do anything to diminish it.

Maintaining a vacation rental is expensive and most of us barely break even when the costs are broken down for the number of days rented, but it does help us keep up with our living expenses.

Tourism is the life blood of the County; Santa Cruz is, and has always been, a beach/tourist community. Live Oak has some of the best beaches in the world, and going back 100 years, have always been the big attraction. Remnants of the trolley rail are still visible along Twin Lakes Beach; most of the houses along the Avenues were built as vacation bungalows. Perhaps homeowners who don't like tourists should not live at the beach.

There is no information available about vacation rental occupants creating a greater nuisance than any other county population sector. Having a separate ordinance specifically for vacation rental units for noise, gatherings, occupancy and parking, etc., whilst not enforcing it for the majority of the population is unfair at the very least. What will be mandated next? All motorists with out-of-county drivers' licenses - or driving white cars - will be given tickets, while others will not?

I would also like to remind the Commission of the unintentional consequences of the old Measure J, which instead of making housing more affordable, sent housing values - and rental rates - in exactly the opposite direction. Placing a ban on future vacation rentals may have the same effect.

About long term rentals: Our family's experience is that there has been no shortage of long-term rental units. In fact we have not been able to raise our rents for the past five years or so - and the gap between tenants is longer than in the past.

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From: Judith Buck <res@agpts.net>  
To: SC County Board of Supervisors  
Date: June 19, 2010

We appreciate the effort that Supervisor Leopold has taken to address the issues of vacation rentals as we also want to minimize the kind of problems he has presented. While we have no objection to several of his suggested ordinances - many of which we has been doing voluntarily for the past decade - there are some which will destroy our vacation rental's network of friends, aGreatPlaceToStay.net. The three most critical ordinances which we want to stress the importance of amending are:

**Occupancy** – Limiting the number of persons allowed per bedroom would close several of our homes, as most vacation homes use dens or living rooms as part of the areas where guests sleep. The price that a home can charge is closely linked to the number of guests that can be accommodated. If this number is reduced, then the owners, who are rarely making a profit, would have to sell. Vacation Homes that can accommodate family reunions – of which we have 12 that accommodate more than 10 - are the most requested homes. The purpose of a family reunion is to be together, share cooking, events and activities, which are much harder to organize and enjoy when there are several homes or hotel rooms involved to house everyone. My own Aunt & Uncle have 4 grown children (who now also have children of their own) who live hundreds of miles apart, They have for the past 19 years rented larger homes in the Santa Cruz area to bring everyone together to create and sustain those critical bonds of family that are so important to maintain. We should not neglect the importance of the additional cost, as it is more expensive per person if more than one home is rented. Larger homes that can accommodate more guests in beds than 10 should be able to keep these wonderful reunions coming back to Santa Cruz as part of their treasured family traditions. It's a special service!

[View full document](#)

their owners for several years before 2007. Each year we have an approximate 10% turn-over in vacation rentals. With current owners moving in, selling the home due to personal finances, letting relatives who are in financial distress use the home, etc, this turnover means we will be out of business within 3 years. There is a critical mass over 70-90 homes that are necessary to maintain our kind of business's overhead.

There would be many housekeepers, maintenance workers, supervisors, plus subsidiary businesses such as carpet cleaners, painters, and gardeners etc who depend on our business for the bulk of theirs who would be out of business also.

We offer the idea that a replacement of each home that goes out of Vacation Rental pool, with a small % increase per year, perhaps distributed by lottery as the building permits have been in the past, might be a possible solution.

aGreatPlaceToStay.net would be happy to volunteer to create a website directory, at no cost to the county. We would work in conjunction with the TOT department. This would make the contact information for all persons responsible for each vacation rental home available 24-hrs a day,

Also - Not long ago, the Vacation Rental Managers Association did a survey to recent Vacation Rental Guests and asked:

**Which of the following 3 items did you spend the most money on while you stayed at the Vacation Rental?**

Restaurants,

Buying Things or

The Vacation Rental?

**Buying Things was by far and away where guests spent the most money!**

Vacation home renters are buying locally produced craft items, tee-shirt (which promote Santa Cruz when they wear them at home,) & other souvenirs, jewelry, high quality groceries, clothes, tours, events, performances etc. All of which support the unique shops and fun events and environment that we all know and love. They have the disposable income that we depend on, much more than the day visitor or those who stay at inexpensive motels.

As a member of a mid-sized Vacation Rental group, we paid over \$100,000 in TOT last year, and can the county afford to drive us out of business with the crippling debt that already is cutting services like library hours, shortening county service times and a host of other things that make Santa Cruz a wonderful place to live and visit?

As Maggie Ivy of the Santa Cruz County Conference and Visitors Council pointed out in her article (June 22, 2010) "Got Tourism" can work for Santa Cruz. This is the time for everyone in Santa Cruz to pull together to make this area an "Overnight" destination, not destroy the businesses that bring the best kinds of guests to our area.

Thank you,

Judith Buck, CEO - aGreatPlaceToStay.net, LLC  
1-866-829-6851 or 1-831-212-4435  
Please reply to [res@agpts.net](mailto:res@agpts.net)

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Letter from David Mulligan 6/22/2010

Sent: Sunday, June 20, 2010 2:59 PM

Meeting Date: 6/22/2010 Item Number: 81

Name: David Mulligan

Email: drmulligan@sbcglobal.net

Address: 410 14th Ave.

Santa Cruz, CA 95062

Phone: 831-462-0556

Comments:

After reading the letter from John Leopold to the board re: Vacation Rentals dated 6/15/2010, I am writing to support the effort to regulate the growing trend to use single family homes for shorter rentals.

I am writing as a 25 year full time resident of Live Oak. My immediate neighborhood consists of single family homes occupied by a combination of primary residences, second homes, and long term rentals.

Over the years, I have seen a trend to use some single family homes as short term rentals resulting in a number of issues.

I've observed several specific problems. One is noise. First the rentals are often used as a party house for any number of occasions including weddings or bachelor parties.

The partiers are here to have a good time, but may have little regard for the neighbors. Sometimes there are way too many people for the size of the house.

In the past when I've complained to the renters directly re noise or inappropriate behavior the response is at best mixed. When it was necessary to call the Sherriff it was no guarantee that noise would stop even after multiple visits.

Safety is another major issue. I see much more speeding, drinking, arguments, and fights when there is a party at short term rentals.

Another complaint is litter. I've had numerous occasions where partiers threw beer cans or cups onto my property or the street area around the rental. We don't see this from others living in the area.

One frustration is that we often did not know the property owner or property manager. When we did it rarely did any good to call after the fact.

On one occasion I called an owner because of the renters and was told he could do nothing. Very frustrating. It would be good to have a phone number so they too could be aware of the activities on their property.

Anyway there are several reasons why the County Board of Supervisors should try to gain some control over the spread of these short term rentals.

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Letter from Desiree Mulligan 6/20/2010

Sent Sunday, June 20, 2010 2:15 PM

Name: Desiree Mulligan Email: dmull@sbcglobal.net

Address: 410 14th Ave

Santa Cruz 95062

Phone: 831 462-0556

Comments:

I lived and worked in SC County for 34 years and a resident in the Live Oak Beach area for 12.

I am in favor of limiting and regulating the use of short term vacation home rentals in our neighborhood.

I would like these short term rental units to be considered a commercial endeavor with owner

accountability. Actually, I would prefer increased use of our already established motels as this would leave our neighborhood truly residential.

Thank you Desiree Mulligan

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Letter from Laura Dowling 6/20/2010

From: Laura Dowling  
To: SC County Board of Supervisors  
Date: June 20, 2010

To the Santa Cruz Board of Supervisors:

I am writing with regard to the proposed vacation rental ordinance.

I sincerely empathize with the concerns of residents who live near homes that are being rented without proper oversight. This is an awful situation. I would also be irate. But I would hope that there are existing laws that would provide a remedy for such a situation without penalizing all vacation rental owners. If there are, these laws should be publicized so that the community knows what they are. And if there aren't, I believe that is where the Board's efforts should be redirected.

Our Santa Cruz home is a second residence for my husband and me, although we plan to move there full time within a couple of years. We are also very sensitive to the problems created by parties and other rowdy gatherings in our area. Recently, we were kept awake all night by a party held by the son of one of our neighbors. We suffered through loud music and drinking all night, as well as people sleeping in the backyard. The next morning, they deposited a mountain of empty liquor containers in our trash. The proposed ordinance would do nothing to help in a situation like that. And if there are remedies available to us, as neighbors, we are not aware of them.

Moreover, I have observed that the preponderance of trash left on the beach and streets is a "gift" of those who make a car trip to the beach and leave when the police kick them off the beach. In their wake is left piles of garbage, liquor bottles, spent fireworks and drug paraphernalia. The county gains no revenue and instead, must use its money to clean up after them. I and many other residents have taken up a new hobby which entails cleaning up after these people, but it's of little use. I feel passionately that the county should take creative steps to do something about the people who turn our precious beaches into a garbage dump.

Getting rid of the tax revenues that currently come from the responsible vacation home owners is going to make it even harder for the county to protect our beaches and neighborhoods. As we are all too aware, the state and county are already pressed for the money to provide basic services. That is what makes this proposal particularly ill advised.

I urge the county to take steps to deal with the problem owners by creating practical remedies and making them known to the community. To cut the county's proverbial nose off to save its face seems very short sighted.



Thank you for your attention.

Sincerely,

Laura Dowling

152 8th Ave.

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Letter from Laura Dowling 6/20/2010

From: Laura Dowling  
To: SC County Board of Supervisors  
Date: June 20, 2010

To the Santa Cruz Board of Supervisors:

I am writing with regard to the proposed vacation rental ordinance.

I sincerely empathize with the concerns of residents who live near homes that are being rented without proper oversight. This is an awful situation. I would also be irate. But I would hope that there are existing laws that would provide a remedy for such a situation without penalizing all vacation rental owners. If there are, these laws should be publicized so that the community knows what they are. And if there aren't, I believe that is where the Board's efforts should be redirected.

Our Santa Cruz home is a second residence for my husband and me, although we plan to move there full time within a couple of years. We are also very sensitive to the problems created by parties and other rowdy gatherings in our area. Recently, we were kept awake all night by a party held by the son of one of our neighbors. We suffered through loud music and drinking all night, as well as people sleeping in the backyard. The next morning, they deposited a mountain of empty liquor containers in our trash. The proposed ordinance would do nothing to help in a situation like that. And if there are remedies available to us, as neighbors, we are not aware of them.

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Getting rid of the tax revenues that currently come from the responsible vacation home owners is going to make it even harder for the county to protect our beaches and neighborhoods. As we are all too aware, the state and county are already pressed for the money to provide basic services. That is what makes this proposal particularly ill advised.

I urge the county to take steps to deal with the problem owners by creating practical remedies and making them known to the community. To cut the county's proverbial nose off to save its face seems very short sighted.

Sincerely,

152 8th Ave.

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Letter from Carol Nakamoto 6/20/2010

From: Carol Nakamoto  
To: SC County Board of Supervisors  
Date: June 20, 2010

While I just heard about this issue two days ago, I am briefly and strongly against any restriction on the number of rental nights that vacation homes are controlled by.

Putting a 7-night minimum restriction would severely hamper our ability to attract guests and would be grossly unfair in competing with other areas for vacationers visiting California and negatively impacting the local economy.

As an example, we just had a 4 adult reservation of people from New Mexico here to enjoy attending the U.S. Open at Pebble Beach, ending June 20.

The current controls that our property management company, aGreatPlaceToStay.net is appropriate and adequate. We have a 2-night minimum year round, with a 5-night minimum stay during the summer months, unless there's a 2+ night gap between reservations.

I am a property owner at 916 Dolores Street, Santa Cruz and have been since 2003. We have had minimal issues with unruly guests and enjoy a 24/7 availability of our property management staff. They also deliver "We want to be one of your best Neighbors!" cards to our surrounding neighbors so they know who to call if needed. We have had our neighbors comment that our guests are well-behaved and we are very hands-on, being here between reservations to check on things.

Any further restriction on the number of nights that a reservation can be made would seriously interfere with our projected income to cover expenses and have far too broad of a reach over property owner's rights.

I will attend a future Supervisors meeting if this restriction continues to be entertained and will vigorously speak out against it.

Carol Nakamoto  
916 Dolores Street  
Santa Cruz, CA 95062  
Primary Residence - Los Altos  
(650) 941-3678

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Letter from B. Dennis Hickey 6/19/2010

From: B. Dennis Hickey  
To: SC County Board of Supervisors  
Date: June 20, 2010

To the Santa Cruz Board of Supervisors:

My wife and I own property in the Live Oak Community intended to be our final retirement home. Accordingly, we are very interested in the long-term well being of Live Oak Community and willing to support it.

Accordingly, the proposed ordinance, in lieu of well-founded guidelines, is clearly counterproductive to our community. My objections are few and specific:

- Transparency of Action. This proposal is wide ranging in its effects and, since I discovered only today of it's existence, appears to be inadequately publicized before action is to be discussed. Many of the members of Live Oak will be impacted by such an ordinance, including all home owners concerned about their property values as we retirees, like my wife and I, are forced to sell our property in this depressed market.
- Narrowly Considered Intrusive Actions. I have been given to understand that this proposed ordinance is essentially a reaction to a severely untoward series of incidents on 14th Street. Yet the ramifications extend well beyond a 14th Street rental property to impact all rental properties as well as the many local business that are variously dependent on the tourist trade. Has anyone evaluated the impact on TOT or consulted Mr. Keeley (County Tax Collector) regarding it in these tight-budget times, for example?
- Legality. Is this proposed ordinance in accord with the legal rights of homeowners in California? in America?

For these, and other reasons, we request that next Tuesday's meeting and discussion of this issue be postponed until a greater effort at notification is completed. At the very least, notice should be provided in a timely manner to such concerned organizations as the SCC Tax Collector, all the vacation rental owners on the tax collectors rolls, the Visitors Association, the local restaurants, the vacation rental management companies, and other businesses.

Without broad, inclusive input, Mr. Leopold, the committee action may actually serve to hurt the community it intends to help and protect.

To reiterate, please consider postponing the committee discussion of this important issue until a broad public notice has been accomplished in a timely manner.

Sincerely,  
B. Dennis Hickey

530-546-5704

408-887-0483 Cell

Member of AGPTS and GNSC

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Letter from Michael A. Guth 6/21/2010

From: Michael A. Guth  
To: SC County Board of Supervisors  
Date: June 21, 2010

From: Mike Guth (mailto:mguth@guthpatents.com)  
Sent: Monday, June 21, 2010 8:17 AM  
To: Tony Campos  
Subject: Vacation Rentals 6-22-2010 item 81

Supervisor Campos,  
Seven years ago I tried to point out to the vacation rental industry people that they should not view an ordinance on vacation rentals as a new restriction, but instead as a legal authorization that they did not have previously. In my view, a short term rental (which does not create a "tenant" under California law) can only be viewed as a business use and thus not allowed in a residential zoned neighborhood. Many in the industry saw this viewpoint as I explained it, and were supportive of an ordinance. I have attached a letter to the Housing Commission from 2008 wherein I summarized some of the issues for discussion, and have attached them here and hope that you will find them helpful.

My view at the time (7 years ago) was that the County would not have prevailed in a mandamus action requesting citation of vacation rentals in the residential areas. The approach seven years ago was to fashion an ordinance which allowed vacation rentals, but only with a special use permit (low cost) which could be revoked if there was history of problems.

In my view, if the County does not enact an ordinance, all of the current vacation rentals could be wiped out with appropriate challenge. It is important for your Board to act here.

Thank you,  
Yours Sincerely,  
Michael A. Guth  
Attorney at Law  
(831) 462-8270 office  
(831) 462-8273 fax

resent 6/21/2010  
Santa Cruz Housing Commission  
December 3, 2008  
M. Guth

BRIEF HISTORY AND BACKGROUND OF THE VACATION RENTAL HOUSING  
ISSUE

1. Negative Effects of Vacation Rental Housing on Neighborhoods
  - a. Units are taken out of regular rental stock
  - b. Community impacted by loss of longer term residents and substitution with Visitors
  - c. Mindset of vacation renters can be to party and carry on at night
  - d. Groups of people pool together to share a rental & arrive on Friday night with many large vehicles, overwhelming parking
2. Positive Effects of Vacation Rental Housing
  - a. Provides housing for visitors in many beach areas
  - b. Brings tourist income to county
3. Certain areas severely impacted and sense of community impaired
  - a. Severe noise and parking impacts
  - b. 14<sup>th</sup> 16<sup>th</sup> avenues and other areas have multiple vacation homes together; other neighbor's peace impacted on weekends
  - c. Difficult to establish neighbor relations with visitors
4. County Working Group on Vacation Rentals
  - a. 2003 time frame
  - b. Various options considered
  - c. No vacation rentals except in certain designated areas (as in Capitola)
  - d. No new regulation
5. Almost consensus, but not quite, on allowing special permit for vacation rentals, subject to adequate parking requirement,
 

with possibility of loss of permit if problems are persistent; neighbors would be given contact number for any problems
6. Vacation Rental issue added to General Plan
  - a. Planning to consider/recommend regulation
7. Legal Issues
  - a. County Counsel has issued opinion that vacation rentals are "family" use
  - b. However, many consider this use not to be "residential"
  - c. Most rentals use hotel type leases without required residential tenant protections (thus not residential)
  - d. Security deposits withheld if noise complaints arise (not in conformance with residential lease requirements)
8. In order for visitors not to be considered "tenants" under tenancy law, they must be viewed as "guests" typical of short term
 

hotels

  - a. Other jurisdictions have had unpermitted short term vacation rentals found to be non-conforming in court cases
  - b. Other jurisdictions have enacted rental ordinances



Letter from Alexa Mortenson Claybon 9/9/2010

From: Alexa Mortenson Claybon

Dear Mr. John Leopold, Ms. Ellen Pirie, Mr. Neal Coonerty, Mr. Tony Campos and Mr. Mark Stone:

I am writing to express my opinion regarding a proposal to restrict the use of vacation rental properties in Santa Cruz County. I have both an "insider" and "outsider" perspective, as I was born and raised in Santa Cruz, and my family owns property on East Cliff Dr. which has been used as both a rental property and primary residence.

Currently, my mother resides in Santa Cruz at her East Cliff Dr. home. Each spring, my family of four from Maryland, my sister's family of four from Colorado, my father and step-mother from Oregon, and my in-laws from Ohio come to Santa Cruz for a family vacation, staying from 6 to 10 days. We contract with vacation rental property owners in the Twin Lakes area for as large a house as we can afford so that we can all stay together and be close to other family. Last year, we were able to contract with a very large house and an old family friend (and her family) from Long Beach were able to come to Santa Cruz and stay with us (her parents and extended family live in Santa Cruz and Watsonville), bringing our group to 14 people. The cost of renting several smaller houses is prohibitive for many of our group, and they would not be able to afford to come and spend their vacation dollars in Santa Cruz if resident size per rental is limited.

Earlier this year, a family friend and I rented a smaller Twin Lakes area home for a few days to attend my aunt's funeral. Being restricted from renting a home for a short stay burdens visitors in two ways: it limits the location of their stay (to Ocean St. hotels) and it is very inconvenient for families with very small children who need kitchen facilities and safe outdoor spaces (as in the case of my friend).

Yes, summer in Santa Cruz can be crowded with lots of vacationers, and I used to long for the fall when they all disappeared and the town became "ours" again. And I certainly understand how frustrating it could be to have loud parties next door.

However, tourism is the lifeblood of the City of Santa Cruz's economy, and the revenue from vacationers pays for a lot of what the permanent residents enjoy. When we come to Santa Cruz, we make it a point to spend locally and spread our vacation dollars to our favorite businesses: Gayles, Bookshop Santa Cruz, Zoccoli's, Shopper's Corner, Staff of Life, New Leaf, Zachary's, Crow's Nest, The Boardwalk, the roller-skating rink, movie theaters, Santa Cruz Roasting Company, and so many other businesses. To restrict the use of vacation rentals would negatively impact the lifestyle of the full-time residents of the county, whether vacation property owners or not, because of the lost revenue from vacationers like me, who will be unable to rent large houses or afford to come to Santa Cruz. Restricting the use of vacation rental properties will not necessarily "cure" the ills that were described by those advocating

new restrictions - it is possible (and fairly likely) that the larger rental houses would be offered as long-term UCSC student rental housing - not necessarily solving the problem related to parties, noise, and absent landlords.

Very modest requirements, such as a special use business license, or posting of the owner's (or management company's) name and phone number, seem like reasonable ways to manage the negative impacts of out of control vacation renters without penalizing all of the rest of us (vacationers). I can state without qualification that if our family cannot rent a house that accommodates us in Santa Cruz, we will NOT be renting a block of hotel rooms - we will find a different location for this annual family gathering and Santa Cruz will lose all of spending power our large group possesses. The restriction of short terms rentals is also absurd, as there are many reasons vacationers cannot stay longer (financial, school schedule, and family emergencies, like mine). Santa Cruz will lose a whole category of visitors if a restriction on short term renters is imposed (those with enough money to spend for 3 or 4 days) who do not want to be stuck in a hotel room.

I urge you to resist the temptation to solve the problems created by a few by restricting everyone's property rights. If Santa Cruz turns into a place where only the rich can visit (those who can afford to rent a smaller home for a week or more) it will have become a place I will not longer be able to refer to as "home."

Sincerely,

Alexa Mortenson Claybon  
Bethesda, MD

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Letter from Adam Sah 9/16/2010

from Adam Sah <asah@midgard.net>  
to pln456@co.santa-cruz.ca.us,  
steven.guiney@co.santa-cruz.ca.us  
date Thu, Sep 16, 2010 at 11:35 AM  
subject Santa Cruz home owner-- I am opposed to vacation rental ordinance

Hi,

Thanks for listening. I am a home owner in Santa Cruz County (Live Oak), and  
\*very\* opposed to John Leopold's proposed regulations on vacation rentals:

- this is not about "affordable housing" - these are expensive homes and wouldn't be rented full-time anyway, let alone to low income families.
- the regulations are unnecessary: ask Leopold's team to produce evidence of a widespread problem. FYI the police have no records or even anecdotal evidence of increased problems from vacation rentals.
- vacation rentals are absolutely in keeping with the character of Santa Cruz, which has been hosting visitors for 100 years. This is sponsored by a few Silicon Valley moguls who want to turn Santa Cruz into Carmel and keep the rest of us from the beaches.
- a similar ordinance failed to pass in Encinitas, in part because it violates the terms of the Local Coastal Plan, under jurisdiction of the Coastal Commission. Leopold is simply wasting everyone's time and energy.

thank you for listening,  
adam  
Adam Sah

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## Letter from Anthony Abene 9/17/2010

from Anthony Abene <anthony@goodneighborsofsantacruz.org>  
to Adam Sah <asah@midgard.net>  
date Fri, Sep 17, 2010 at 11:06 AM  
subject Re: Santa Cruz home owner-- I am opposed to vacation rental ordinance

I am writing to express my opposition to this ordinance as it is proposed. It places rules and regulations that would apply only to a small subset of private homeowners in Santa Cruz County. I believe it will create rules that will unfairly discriminate. How can the County produce a law regarding occupancy that applies only to certain single family homes and not to others. Shouldn't occupancy and parking rules apply the same to all private single family homes regardless of whether or not they are short term, long term or owner occupied? Where is the objective data that shows such restrictions would actually have any impact on the alleged problems of noise/trash/traffic. This is on top of the fact the Board of Supervisors has not produced a single shred of objective evidence that short-term rentals are the source of any problems.

I also believe that it will be a nightmare to enforce, specifically in regards to separating private use from rental use. I use my home for personal use throughout the year. If the County passes parking/length of stay/occupancy limits to a home/parcel how will it allow personal use? Will I have the Sheriff knocking on my door if there is an extra car in the driveway while I am having a private gathering? Will I have the Sheriff enter my home to count the amount of guests when I lend my home to my friends or family? Will we be asked to produce papers like the Arizona law proving we are the owner or family/friend of the owner? Furthermore, it is my understanding that any zoning applies to a parcel and not to usage. If this is done via zoning how will the County ensure that a private homeowner has their full and legal right to use their home for private usage? For example, if an occupancy rule is applied via zoning will I, as a private homeowner, be allowed to use my home for a party which exceeds the limits? Or would I be in violation and subject to penalty?

I would also remind the Housing Advisory Commission and the Planning Department that the areas being mentioned have been tourist destinations for over a hundred years. The Ocean has always been a major attraction for the Bay area and this is reflected in the cost of homes and rent as one gets closer to the beach. This is also reflected in the tradition of the second or summer home. Many areas, such as the avenues were specifically planned and designed for this purpose. On my street alone the absentee owners occupy 65% of the homes. This area has never been, and never will be, an area of low income housing or areas where people primarily move to raise their children. It is a fantasy to think that restricting or banning short term rentals in this area will produce an increase in affordable long term housing. This data is from the County's recent Housing Element:

## Median Gross Rent:

- 1 Rio Del Mar \$1,375
- 2 City of Scotts Valley \$1,177
- 3 Soquel \$1,147
- 4 Aptos \$1,091
- 5 Opal Cliffs \$1,035
- 6 Twin Lakes \$998
- 7 Live Oak \$979
- 8 City of Capitola \$973
- 9 Aptos Hills-Larkin Valley \$950
- 10 Boulder Creek \$949
- 11 Ben Lomond \$946
- 12 City of Santa Cruz \$941
- 13 Interlaken \$929

County Median \$924  
14 Felton \$839  
15 City of Watsonville \$742  
16 Amesti \$733  
17 Corralitos \$713  
18 Freedom \$663  
19 Day Valley \$598  
Source: US

As you can see the areas we are speaking about already command the highest rents in the county mostly due to the proximity of the ocean. You will not be able to change this via legislation.

Furthermore, because these are private homes that are used by the owner they will NOT be placed into the long term rental pool. If unable to rent my home, it will simply be unoccupied when I or my family/friends are not using it.

I am also concerned about the potential implications of Coastal Access, especially for families. In the Live Oak area for example there are only 66 hotel rooms. By restricting the use of private homes families will no longer be able to visit the beach.

Some of the regulations in the proposed ordinance may go against elements of the LCP including:

#### 7.5.7 Beaches as Regional Parks

(LCP) Recognize the use of beach areas to satisfy regional recreational opportunities for County residents and improve access where appropriate.

##### Objective 7.7a Coastal Recreation

(LCP) To maximize public use and enjoyment of coastal recreation resources for all people, including those with disabilities, while protecting those resources from the adverse impacts of overuse.

##### Objective 7.7b Shoreline Access

(LCP) To provide a system of shoreline access to the coast with adequate improvements to serve the general public and the coastal neighborhoods which is consistent with the California Coastal Act, meets public safety needs, protects natural resource areas from overuse, protects public rights and the rights of private property owners, minimizes conflicts with adjacent land uses, and does not adversely affect agriculture, subject to policy 7.6.2.

b. Work with the State Department of Parks and Recreation, the Office of the Attorney General, the Coastal Commission, and the Coastal Conservancy to obtain a judicial determination of existing public beach and shoreline access and ownership, where it appears a right of access has been acquired by use. (Responsibility: Planning Department, County Parks, Board of Supervisors)

#### 7.7.15 Areas Designated for Primary Public Access

(LCP) The following are designated as primary public access, subject to policy 7.6.2\*:

North Coast Live Oak

Waddell Bluffs Twin Lakes State Beach

Waddell Creek Beach Blacks Beach (Lincoln Beach)

Waddell Creek to Greyhound Rock Johns Beach

hang gliding area (present access Santa Maria Beach/26th Ave., Beach

limited to private hang gliding club (Corcoran Lagoon)

with permission of owner) Moran Lake Beach

Greyhound Rock Beach Pleasure Point/East Cliff Drive  
Pelican Rock bluff End of 41st Avenue  
Bluff or bluff top north of Scott  
Creek

#### 7.7.20 Yacht Harbor Beach Access

(LCP) Encourage visitor beach access and visitor serving facilities in the Live Oak area to concentrate between the Yacht Harbor and 17th Avenue; maintain the present low density of use for beaches east of 17th Avenue.

LCP) a. Support, encourage, and participate in an access coordinating committee with the State Department of Parks and Recreation, California Coastal Commission, the cities of Santa Cruz and Capitola, and any other interested public agency or private group to establish a countywide access program. Seek financial and technical assistance from, among others, the State Department of Boating and Waterways and the State Coastal Conservancy. The committee should focus on relieving congestion at urban access points; ensuring adequate countywide access and resource protection, including development of a monitoring program; developing access with an emphasis on the features of the Monterey Bay National Marine Sanctuary; and investigating the possibility of State Department of Parks and Recreation management of rural access points and joint City-County management of urban access points. (Responsibility: County Parks, Board of Supervisors, Planning Department)

#### Objective 7.8 State Parks, Open Space and Facilities

(LCP) To protect through state ownership those areas that are of statewide interest or concern, and that service a regional or statewide need for recreational opportunities. The mission of the California Department of Parks and Recreation is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation. Figure 7-4 shows existing state park acreage, miles of beach, and annual attendance.

#### Objective 7.9 Organized Camps and Conference Centers

(LCP) To allow for a full range of educational, religious, and recreational facilities operated by organized groups to utilize the varied scenic and natural settings of the County's rural and mountain areas while providing proper management and protection of local natural resources.

(Also see policies in section 2.16, Visitor Accommodations Designation)

I would like to remind the Board that these beaches DO NOT belong to Santa Cruz alone. There are millions of people in the Bay area that rely on the Coast for recreation. By restricting the ability for people, especially ones coming from the Central Valley, to stay in private homes you will be restricting their access to the coast. Furthermore, many of the areas being considered are State Parks which I am sure you know belong to everyone. Don't you think people will notice next summer when their annual trip has to be canceled due to a potentially draconian measure? The Mercury News has already touched on this point. Believe me, what you do in Santa Cruz is being watched by millions in Northern California.

Another point is that the County is currently \$12.9 million in debt. The Transient Occupancy Tax pays nearly \$1.5 million into the County. Can we really afford to lose the money at this point? What will the citizen in Felton think when they lose a Police Officer due to budget cuts? What will the citizen in Watsonville think when they lose vital services? Why should we consider an ordinance that benefits

so few to the detriment of so many?

Who will this ordinance benefit? An extremely small group of people? Let me be clear that I believe everyone needs to be a respectful neighbor. And I mean everyone, short-term, long term, owner occupied. And thankfully we already have laws that regulate noise, trash, and nuisance. Why does the County need to set up a system that will be nearly impossible to enforce properly and remove home owners rights in order to address supposed noise and parking issues?

I ask that the commission ask the Board of Supervisors for evidence of the actual problem prior to writing any ordinance. The BOS needs to produce OBJECTIVE data such as citations. I believe that the Board is relying on anecdotal evidence. Is this the way law is written? And it is my understanding that this ordinance is being pushed by some very wealthy home owners who have stated on the public record that the "beaches are not for visitors". Is this really how Santa Cruz wants to be seen? As catering to the ultra-rich and keeping families away from the beach? I ask that the Commission consider that there are already laws that can address nearly every "accusation" thrown at short-term rentals.

In principle, I believe that the following are reasonable measures:

That every homeowner who rents on a short term basis should post contact information both with the County and some where on the home.

That every homeowner who rents on a short term basis pay the Transient Occupancy Tax

In addition, a code of conduct can be created that homeowners sign stating their intention to be responsible homeowners.

Thank you for your consideration

Anthony Abene

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Letter from Chris Shepard 9/17/2010

from

**Chris Shepard** <christinecshepard@gmail.com>

to

Keep Santa Cruz Fun <keep-santa-cruz-fun@googlegroups.com>

date

Fri, Sep 17, 2010 at 1:26 PM

subject

Re: Proposed vacation rental ordinance

Here is what I wrote:

I am writing to share my concerns regarding the Proposed Vacation Rental Ordinance being presented at the HAC meeting next Tuesday. The planning staff and the Housing Advisory Commission should know that owners of vacation rentals have not been included as stakeholders in previous meetings regarding this ordinance. The request from the Board of Supervisors to create this ordinance stems from a petition started by 22 households in a very small neighborhood of the county. Please consider that you are drafting an ordinance that will impact all residents of Santa Cruz county based on the complaints of 22 households out of 100,000 housing units in Santa Cruz County.

I have worked very hard to stay informed about this ordinance and you should know there are many, perhaps several hundred, owners of vacation rentals who do not know about this proposed ordinance because the county BOS never informed us that this legislation was being proposed. When queried as to why vacation rental owners were not informed, Supervisor Leopold responded that owners cannot be notified because the County does not know who they are. This is NOT TRUE. The county has the name and mailing address of all vacation rental owners who pay Transient Occupancy Tax monthly. Trust me, if you pay late, they send you a letter. The BOS or Mr. Leopold's office could have sent out a simple mailer to inform owners of the rental issues he was told about in Live Oak. I believe that if vacation rental owners were engaged in this process (at the beginning), a reasonable solution could have been reached.

Many vacation rental owners spoke out at the BOS meeting in June that we felt we were not being included in discussion surrounding the ordinance. Mr. Leopold and Ms. Pirie's answer to that was to hold an invitation only meeting with 16 people. Of the 8 or so people



representing the interests of rental owners and property managers, almost all of them were property managers. Clearly, the interests of those of us who manage our own homes (and do a fine job of it), were not represented.

I do not support any ordinance beyond requiring the name and number of the vacation rental owner or manager be posted on the home. There is not enough data to support anything beyond this requirement. There are already existing laws that regulate trash, noise, occupancy, and parking. If those ordinances are not effective, I suggest you spend some time addressing that rather than create a county-wide ordinance in response to a petition from 22 households.

Finally, in an email dated August 16th, 2010. Supervisor Pirie asked Kathy Previsich, County Planning Director to draft a proposed ordinance including:

1. A licensing/registration process and fee
2. A complaint and revocation process
3. A requirement for local management and a way to reach them
4. Occupancy limits
5. Vehicle limits
6. Two night minimum stay

What is this based on? Is this based on what she heard at the invitation only meeting? Who knows? No minutes exist to document this meeting.

Also quoting from Supervisor Pirie's August 16th email "Pajaro Dunes is so different than the individual houses in the regular neighborhoods that it makes sense to exclude it".

I would like the HAC to address this item in particular. How exactly is Pajaro Dunes "so different" from everyone else? My answer is that they have more wealthy residents and business owners with a clear and significant influence on their Supervisor. How does the HAC and planning department answer the question?

Thank you for your time,  
Christine Shepard

Letter from Jeff Randolph 9/17/2010

from Jeffrey Randolph <jeff.pcbinc@gmail.com>  
 to keep-santa-cruz-fun@googlegroups.com  
 date Fri, Sep 17, 2010 at 12:47 PM  
 subject Re: Proposed vacation rental ordinance

Here is another one that I just sent...

To Whom It May Concern:

I would like to comment on the proposed vacation rental ordinance being addressed next Tuesday at the HAC meeting. I am a property owner of a new home built and constructed in 2008 in the Live Oak neighborhood of Pleasure Point. I feel STRONGLY that additional regulations are unnecessary and unreasonable towards my rights as a property owner who has invested in the Live Oak community, especially since I have consistently followed the current regulations including having a license and paying the Transient Oriented Tax for all rental income.

My initial concern is in the overall generality of such a proposed ordinance and the apparent lack of recognition of the tools presently available to ensure a good experience for vacation renters and full time residents alike. Before the County moves towards requiring additional regulations, I would encourage them to understand and fully utilize the tools they currently have at their disposal for effectively managing and documenting the existing vacation rental stock, as well as provide REAL data regarding complaints, citations, or other infractions related to the vacation rental housing stock. Additionally, reconcile those complaints, citations, etc. with houses that are NOT vacation rentals but are available as month to month or long term leases.

I would like the following directive added to the language of the proposed ordinance to add clarity to the proposed process -

**Direct the Planning Department to review the existing controls for managing vacation rentals, including the approved Noise Ordinance, the Live Oak Parking Program, County Development Guidelines, any relevant neighborhood CC&R's or HOA By-Laws, the Uniform Housing Code, and the Transient Occupancy Tax and Business Licensing program for Vacation Rentals.**

No one is more concerned about maintaining the value and stability of their home and neighborhood than me. Our Rental Agreement we utilize with our guests outlining their responsibilities and our expectations is clear and unambiguous. The following information is directly from our Rental Agreement:

**REMINDER:** Our neighborhood has a **10:00 p.m. to 8:00 a.m noise curfew**, which is every night, **including weekends**. We value our good relationships with our neighbors. Most of our neighbors are locals who live and work in the area. It is imperative that you and your guests be respectful, courteous, and cordial in all of your interaction with our neighbors. If any of them are annoyed for any reason by any of our guests or their behavior, it is our policy to make one phone call to the home to alert you and your guests that you are breaking the terms of your rental agreement by not respecting the noise curfew of 10pm. If that call proves insufficient in stopping the noise, you and your guests will be required to immediately vacate the premises, and there will be no refund for any unused time. We also drive by the home during the late evening and will note if too many cars are around the home (usually not more than two are allowed after 10pm unless stated otherwise in the confirmation email) or loud noise is coming from the home. If so, we will make one attempt to get you and your guests to comply with the noise curfew. If we note too much noise, or are called again, you will be required to immediately vacate the premises.

**Santa Cruz County Noise Ordinance**

A. No persons shall, between the hours of ten p.m. and eight a.m., make, cause, suffer, or permit to be made any offensive noise:

1. Which is made within one hundred feet of any building or place regularly used for sleeping purposes; or

2. Which disturbs any person of ordinary sensitivities within his or her place of residence.  
 B. "Offensive noise" means any noise which is loud, boisterous, irritating, penetrating, or unusual, or that is unreasonably distracting in any other manner such that it is likely to disturb people of ordinary sensitivities in the vicinity of such noise, and includes, but is not limited to, noise made by an individual alone or by a group of people engaged in any business, meeting, gathering, game, dance, or amusement, or by any appliance, contrivance, device, structure, construction, ride, machine, implement, instrument or vehicle. (Ord. 4001 § 1 (part), 1989)

### **ABSOLUTELY NO HOUSE PARTIES ALLOWED.**

We do not need additional restrictive regulations. We need the enforcement and understanding of the existing elements that when followed, can allow for the flexibility of use of a person's property while not negatively impacting their surrounding neighbors. If we isolate on the vacation home owner community, where does one stop? What provisions does the County have in place to deal with long term rentals who are disrespectful to their neighbors, have multiple families living in one unit, park their cars on the lawn, are not code compliant, etc. etc.? What's next, an ordinance for people who have pit-bulls? An ordinance for people who have tattoos?

The entire area of Live Oak was originally made up of small cottages and second homes used by folks who were not native to the area. One wonders if this proposed ordinance is merely a veiled attempt at further growth control due to the increasingly changing dynamics of the Pleasure Point area. With all of the new development, including the sea walls and walking paths, the commercial core at 41st Avenue, like it or not, the area is undergoing significant change similar to other beach communities throughout California. To limit others enjoyment of these features, even if only for days or weeks at a time, seems fundamentally wrong.

We know our neighbors. They have used our house when they have extra guests in from out of town. We follow the rules. We maintain our property. We pay the taxes. We employ cleaners, landscapers, and others to keep it in the best possible condition. We have never had a complaint; we have never had an issue. I am reasonably confident as I have met other vacation rental Owners that we are NOT the exception, but rather the rule. The County has not provided ANY reasonable statistics to support this over-reaching ordinance, and certainly isolating just Live Oak based on the parking overlay smacks of discriminatory behavior. If the County attempts to embrace such draconian tactics, they will simply be met by normally law abiding property owners moving underground to market and rent their houses, and will be left with no TOT, no business licenses, and an increasing ill-will towards government regulation. Worst case scenario, you will see an uprising of these same citizens organizing legally to protect their property ownership RIGHTS. If a property owner is following the rules in place today, and has an appropriate relationship with their neighbors, there is no need to further regulate. If they are not, they should be identified and made to comply, or lose their rights to rent the property. A low cost annual permit that could be revoked is a REASONABLE expectation.

In closing, while always open to creating a better environment for my neighbors and our guests, I am opposed to proposed vacation rental ordinance and strongly encourage the board to re-visit the current available resources, understand the value short term vacation visitors bring to Live Oak, and recognize the proposal doesn't clearly identify WHY the County is isolating a particular property ownership group in their district, nor does it acknowledge those vacation home owners who CONSISTENTLY follow the rules. It is utterly stupefying with all of the issues the County has, they are working so hard on something that doesn't fundamentally or consistently address the issues driving this ill conceived plan.

My ultimate goal would be to have the vacation rental income offset some of my carry costs so that SOME DAY, I can make the transition to full time Pleasure Point resident. In the absence of reasonable requirements, we would be forced to give up our long term plan and simply sell the house due to an inability to support it in these economically challenged times.

Respectfully,  
 Jeffrey Randolph  
 544 38th Ave  
 Santa Cruz, CA 95062  
 - Show quoted text -

--  
Jeff Randolph  
Pacific Crest Builders Inc.  
jrandolph@pacificcrestbuildersinc.com  
(925) 766-7889

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## Letter from Candy Rogers 9/17/2010

**From:** Candy Rogers [mailto:crogers@svinet.com]

**Sent:** Friday, September 17, 2010 11:33 AM

**To:** 'steven.guiney@co.santa-cruz.ca.us'; '[cruz.ca.us](mailto:cruz.ca.us)'

**Subject:** Proposed vacation rental ordinance

I would like to comment on the proposed vacation rental ordinance being addressed next Tuesday at the HAC Meeting. We are the owners of the single family residence located on 24th Avenue, Santa Cruz, California. We are firmly against any unreasonable attempt to restrict our right to use and enjoy our house. The proposed rental ordinance ("Rental Ordinance") discussed and outlined in Mr. John Leopold's letter if adopted, would constitute an unreasonable restriction on our right to use and enjoy our house.

By way of background, our family has owned the house for over 25 years now. Over the years, we have used the house, at various periods of time, as a vacation rental home, as long-term rental and as a primary residence.

We understand and appreciate the role the Board of Supervisors has in ensuring the safety and welfare of the Santa Cruz County. Thanks to your stewardship, Santa Cruz is and continues to be a desirable place to live and visit. Unfortunately, as discussed below, there is no doubt that the adoption of the Rental Ordinance, at least as proposed by Mr. Leopold, will hurt Santa Cruz County.

Probably the most damaging component of the Rental Ordinance to Santa Cruz County is the requirement that all vacation rental homes in the Live Oak area be prohibited from renting to individuals for any period of time less than seven (7) days. This requirement essentially will cost us our house. We freely admit that we would love to only rent our vacation rental home to people for periods of time a week or longer. If we could we would do it. The fact is, however, that there are few people, and, now with the current state of the economy, fewer and fewer people, that (i) have the flexibility in their work schedule and (ii) have the financial means to be able to stay in a vacation rental home for a week or more at a time. Without the flexibility to accept short term renters, we will not be able to cover the expenses associated with our vacation rental home and will be forced to sell.

Further, we believe (and Mr. Leopold fails to discuss this in his letter) that the majority of other vacation rental home owners will also not be able to afford their houses.

Mr. Leopold's letter states that the Rental Ordinance will cure undesirable conduct without making the necessary connection that such conduct is associated solely or mostly with vacation home rentals. An owner who occupies a home in the Live Oak area can have a loud party just as easily as a renter of a vacation rental home. People who are visiting the beach for the day impact street parking just as much if not more than vacation home renters. Vacation rental homes are well maintained and well cared for.

They have to be in order to attract any business. Unlike with owner occupied houses, you will never find a vacation rental home with waist high weeds growing in the front yard, with paint flaking off the exterior walls or broken or damaged windows and fences. An owner occupied house that exhibits any of the above mentioned qualities is much more damaging to the "preservation of neighborhood integrity" than the occasional bachelor party at a vacation rental home.

Additionally, Mr. Leopold does not discuss any of the negative consequences to adopting the Rental Ordinance. The elimination of vacation rental homes will create patches and pockets of vacant or hardly used houses scattered throughout the Live Oak area. The Rental Ordinance will cause a decrease in rental income. The decrease in rental income is going to force more and more vacation rental home owners to sell their homes. Surely, some homes will be purchased by people who work and live in Santa Cruz. But, a great number of homes will be bought by people living out of the area as second homes. These second homes will only be visited sporadically on weekends and warm summer days. The rest of the time they will remain dark, vacant and empty.

Vacation rental homes are an existing thriving segment of Santa Cruz County's economy. Vacation rental homes attract the highest quality tourists, who come more often, stay longer, and spend more

money in Santa Cruz County restaurants, retail shops, and rental shops then the average overnight or daily visiting tourists. Vacation rental home owners employ gardeners, caretakers, house cleaners, and maintenance and repair technicians. When the vacation rental homes disappear, all of the aforementioned businesses will suffer and many, like the vacation rental homes, will disappear. It is important to note that few of the hotels and motels that are either (i) vaguely discussed in Mr. Leopold's letter or (ii) planned to be built in the Santa Cruz area in the coming years are or will be located near the vacation rental homes currently operating in the Live Oak area. If the Rental Ordinance drives the vacation home renters to these out of area hotels and motels, as Mr. Leopold suggests, there will be fewer and fewer vacationers left to frequent the Live Oak area and its surrounding restaurants, retail shops, and rental shops.

To be clear, we maintain our vacation rental home, we are careful who we rent to, we have a property manager, we pay our share of the Transient Occupancy Tax, we care what our neighbors think and we care about the neighborhood in which our house is located. We too are concerned about noise, parking, and the long and short term integrity the Live Oak area. But Rental Ordinance does not address any of these concerns.

We thank you for taking the time to review this letter and would appreciate the ability to participate in any future discussions regarding the Rental Ordinance.

Regards,

Candace Rogers

William A. Rogers

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from Hugh Forrest <cyclewats@gmail.com>  
 to asah@midgard.net  
 date Mon, Sep 20, 2010 at 9:25 PM  
 subject Letter against the Ord  
 signed-by gmail.com  
 hide details 9:25 PM (12 hours ago)  
 9/19/2010

Housing Advisory Committee and Supervisors-

I am writing to express my vehement objection to the proposed Vacation Rental Ordinance.

My name is Hugh Forrest. I arrived in Santa Cruz in 1973 to attend UCSC, and have lived in Santa Cruz County ever since. I moved, with my wife Marylou to our current home on Opal Cliff Dr in 1991. I was a charter member of SCAN, and of the Community Credit Union and numerous other community groups. It would be fair to say that I've contributed plenty to our community in the 37 years I've lived here.

I am very upset that the county would- with minimal notice and very little factual, verifiable, quantifiable evidence- propose to limit or terminate my ability to rent the guest house on my property to "Short term" tenants. And please keep in mind that I have done this lawfully and without a single complaint from my neighbors, while dutifully collecting and remitting TOT to the county for years.

My objections to the proposed ordinance are many, but here are a few:

1. The whole proposal seems to be a "Solution" in search of a problem: Proponents have presented no empirical evidence that there even is a problem. There is no record of greater-than-average calls for Sheriff service relating to problems at vacation rentals in general, only anecdotal griping from a few individuals concentrated in a single neighborhood who claim to have been inconvenienced. If you live at the beach as we do there are bound to be issues with visitors. Do short-term vacation renters specifically cause those issues, or is it other visitors, or even long-term renters and owners? Well...we really don't know because no actual evidence has been presented yet.

I can tell you that in my neighborhood there is some record of calls to the Sheriff to deal with bad conduct by visitors; but it has consistently been my wife & I calling because of the bad behavior of the invited guests of absentee homeowners. In my neighborhood the people yelling in the streets at midnight and peeing in the flowerpots are not renters at all: they are the family and friends of the owners, and this ordinance- quite explicitly - does not apply to them.

You could counter that existing laws already apply to these friends-of-owners, and that the existing laws should be vigorously enforced to keep up the quality of life in the neighborhood. I'd agree and add that the same applies to short-term renters: the existing laws are sufficient to keep peace in the neighborhoods if they are applied energetically and even-handedly.

2. The obviously political carve-outs by which portions of supervisor Pirie's district are exempt from the proposed ordinance are offensive to my sense of fair play.

Again, lacking any empirical data it is hard to say, but the implication is that the renters are just better behaved in Ellen's district than they are in mid-county. This is just blatant political hanky-panky.

3. How will the proposed ordinance actually improve life in the neighborhoods? Aside from the posting of management contact information- which I support- nothing in the law directly addresses bad behavior by visitors (or residents for that matter) or how to deal with it. The ordinance would just make it more difficult for vacation renters to visit by reducing the availability of rentals- particularly those best suited for families- in the first place.

I suppose if it is difficult to visit here it will also be difficult to misbehave here; but that, of course is

the wrong way to go about it.

We already have laws governing noise, litter, parking, etc. If there is a problem let the Sheriff deal with it by enforcing the law. There is nothing to be gained by creating a Vacation Rental Ordinance to lay over the top of existing behavior laws unless the goal is not to improve the quality of life, but to get rid of vacation rentals.

4. The odd provision that would appear to prohibit me- with 2 legal, permitted homes on a double lot and a history of trouble-free vacation rentals from being grand-fathered in is arbitrary and indefensible. We are a lower density use with on-site management, yet we are excluded?

5. People will be forced to sell, lives & dreams will be ruined. For many vacation rental owners their ability to make the mortgage payment depends on the income they receive from short-term rentals. For some, their vacation rental is their retirement plan. I will be hurt if this ordinance passes, but I bought long ago and will be able to stay in my home. But I feel great sorrow and sympathy for those who's homes and livelihoods would be wrecked by the passage of this ordinance; and all or this because a few families 20 blocks away were inconvenienced by some tourists.

In summation, I ask that the county first empirically identify exactly what problems really exist. Then we can move forward to identify the causes and propose appropriate remedies utilizing existing tools to focus as much as possible on the specific problems. The ordinance as proposed is like using a sledgehammer to swat flies: it is the wrong tool for the job and will do huge unintended damage.

Respectfully,

Hugh Forrest  
4635 Opal Cliff Dr



Letter from Beth Weber-Guarino 9/20/2010

From: "Beth Weber-Guarino" <beth@upsidepartners.com>  
To: <steven.guiney@co.santa-cruz.ca.us>; <porcila.wilson@co.santa-cruz.ca.us>  
Cc: <PLN520@co.santa-cruz.ca.us>  
Sent: Sunday, September 19, 2010 12:16 PM  
Subject: Comment on PROVISIONS OF VACATION RENTAL DISCUSSION

I would like to comment on the proposed vacation rental ordinance being addressed Tuesday at the HAC meeting. I am a 2nd homeowner who also rents out my home for short term vacation rentals and acts as the rental manager. I carefully screen my renters and have an extensive contract they must sign. Additional regulations being proposed are unnecessary and unreasonable towards my rights as a property owner. There are existing regulations to deal with noise, garbage, etc that could be enforced. I have yet to see statistical evidence that shows that vacation rentals overall contribute to more noise and garbage than permanent residents and long term (over 30 days) rentals. I follow current regulations and pay the Transient Occupancy Tax (TOT) for rental income. The house will not be used as a long term rental because as I stated above. It is also a second home and used by (us) owners.

If one tenancy per week is allowed, does that mean I cannot rent the house for 2 nights and then use it myself for another 2 nights and then allow a family member to come and use it another 2 nights? It appears based on the language in the provisions this would be 3 tenancies in a week and not allowed.

To state a maximum number of tenants is also violates my property rights. Does the county limit the number of people that can reside in a home for permanent residents and/or long term rentals? Does the county force a family of 7 to reside in a home of 3 bedrooms or more?

An administrative use permit is too subjective because it puts the power in the hands of neighbors who may or may not be hostile to vacation rentals. What is reasonable noise to one person may not be reasonable to another. And as for the photographing of evidence, what if that evidence is "staged" by an unhappy neighbor? With the power of computer software such as Photoshop, anyone can make something look like they want it to look like vs. what it reality.

Exception of four discrete areas- This seems like an arbitrary delineation especially using language like "originally developed with the intent to be used for vacation rental purposed or have historically been used for predominately vacation rental purposes". If you go back far enough historically, there were no vacation rentals/structures and it was bare land. Does this mean the character of a community cannot "ever" change over time? The areas near the beach in Santa Cruz have been home to 2nd homeowner for years. With the rise in property values and a declining economy many of these homes are being rented out on a short term basis to help second homeowners offset some of their costs of ownership.

I would like to add a few final comments about vacation rentals. Vacation rental homes are well maintained to attract business. Unlike with owner occupied houses, you don't find vacation rentals with weeds growing in the front yard, with flaking paint or broken or damaged windows and fences. An owner occupied house that exhibits any of the above mentioned qualities is much more damaging to the "preservation of neighborhood integrity".

Vacation rental homes are an existing thriving segment of the Santa Cruz County economy. Vacation rental homes attract quality tourists, stay longer, and spend more money in Santa Cruz County restaurants, retail shops, and rental shops than average daily tourists. Vacation rental home owners

employ gardeners, caretakers, house cleaners, and maintenance and repair technicians. When the vacation rental homes disappear, these businesses will suffer and many, like the vacation rental homes, will disappear.

And finally, with a reduction of TOT income, services such as schools and fire departments will suffer. In a fragile economy, does the planning department want to discourage income to the county?

Please table this issue until additional research can be performed that truly shows vacation rentals are a large problem and quantify the problem vs. responding to a petition from a few disgruntled residents based on subjective "evidence". Unlike the homeowner that spoke at the BOS meeting in June that stated "these beaches should be a resource for our community not for people visiting", I believe the beaches are and should be a resource for everyone!

Thanks for listening.

Beth Weber-Guarino  
One of the owners of 230 16th Ave

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Letter from Frances A. Soule 9/20/2010

To Whom It May Concern:

I am a property owner with a residence in Boulder Creek, CA. During the past two years my husband and I have lived here, we have been delighted to avail ourselves of the guest facilities at Tamara O'Kelly's beautiful Hartman Inn in Boulder Creek.

I am writing to voice my opposition to the vacation rental ordinance under discussion.

The Hartman Inn facility is a small cottage that would attract guests seeking a quiet and peaceful venue; and its guests certainly must add considerable revenue to the local economy in terms of dining and shopping in our area.

It is inconceivable to me that this operation would in any way be detrimental to its neighborhood or the local community. However the passage and enforcement of such an ordinance would certainly have adverse effects on our community's economy.

I hope this ordinance will be soundly defeated.

Frances A. Soule  
435 Hazel Brake  
Boulder Creek CA 95006

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## Letter from Linda Lanzl 9/20/2010

from Linda Lanzl <llanzl@yahoo.com>  
date Mon, Sep 20, 2010 at 8:50 PM  
subject Letter to council  
hide details 8:50 PM (1 minute ago)

My letter to council:

Dear Steve and Council members,

I am writing you as a vacation rental homeowner to convey to you that more regulations are not the answer here and we do not approve of the ordinance that the council wants to pass. Communication and partnership are the solution. Communicate what are the concerns and issues and partner with us to come up with viable and sustainable solutions that don't affect people's livelihood or revenue. There are many reasons why this is really important to our family. When we originally bought our property on 26th in 2006, we were able to afford it because we were told we could subsidize the payments with vacation rentals. We paid top dollar for the property since this was at the height of the market and we desperately wanted to own at the beach in our beloved Santa Cruz for retirement options later on. We would have never been able to afford it otherwise and since we ultimately want to end up in the area, we wanted to make sure this was a long-term commitment.

What we didn't realize was how many great benefits our vacation rental property would bring to so many people. We screen our guests very carefully (and yes, they are guests to us, not renters) and we make a point to allow pets at our beach home, because we know how hard it can be to find a place that allows them. So we decided from day one, that we would allow pets, partly for karmic reasons, partly because we love folks with pets. What we didn't know at the time was the immense service we provide to folks who just want to get away for a few days with their adored dog. Or folks who rent for an entire week with their kids who also want to bring the other member of the family, their dog, on their vacation. We are privileged to bring this service to them and this is why we have such a high rate of repeat customers.

If we are now restricted from renting for less than 1 week (or cannot rent more than to one guest a week), we will harm and disappoint so many of our customers, including the many return guests (some as many as twice a year) who come to stay at our home for a weekend or 3-4 days depending on how long they can get away. They will no longer be able to bring their beloved pets because most hotels will not allow them. They want yards for their dogs. We have made friends through our rentals and folks we stay in contact with. Strangely, our neighbors are very supportive of us and we consistently ask if there were any problems whatsoever and in 4 years we have NEVER received a complaint call from either neighbor who have all our phone numbers for just such situations.

A few other things. Cal and I take our rental VERY seriously. We actually hired a lawyer a few years back to create a very comprehensive contract (6 pages total) to ensure our guests take our rules and conditions very seriously. We also remodeled our home a few years ago, even though we knew we would continue to use the property as a vacation rental place, and we did it mostly because we wanted our guests to be comfortable and want them to come back. We currently have a very high return rate, solely because we put so much care and attention to our home. To us, it's not just a business, it's our pride and joy. When I receive emails from our guests who just left, to thank us for making their week or their weekend a memorable one (and I would say I get this from 8 out of 10 customers), it makes me feel like I rendered a service and made someone's vacation a little more personable and special.

Another thing we take very seriously is the amount of folks on the property at any time. We state in the contract, as well as the letter we send them about the dos and don'ts at the house before they arrive and again, when they get in the house, posted on the refrigerator, that they cannot have more than a certain amount of folks on our property at any given time. That number is 6 people, even though we have sleeping quarters for 6, a big yard (for beach property) and lots of sitting and resting area outdoors. The reason for this is simple: we don't want to disturb our neighbors and we never

want parties in our home or property. So we have always done the responsible thing and we don't need a govt entity or more laws to tell us that.

The most important comment I can make is "you don't penalize all for the behavior of a few". We are more evolved than that, as business people and I come back to the saying "it should be about partnership and communication. We believe that talking things out works a lot better every time than pushing new laws or ordinances.

We ask that instead of putting the proposal to a vote, you allow for a group meeting to discuss ways to resolve the various complaints that come in without new rules that will hurt homeowners and actually reduce your TOT dollars due to the major loss of rental income.

Thank you and I hope you will accept the offer to sit down and really talk with the vacation rental folks about true solutions.

Linda Lanzl  
Beach Lover's Retreat  
331, 26th Avenue,  
Santa Cruz, CA 95062

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Letter from Eileen Horne 9/20/2010

From: Eileen Horne [mailto:eileenhorne.uk@gmail.com]

Sent: Monday, September 20, 2010 2:56 PM

To: tamara@hartmaninn.com

Cc: gregoryhorne; Fran Soule

Subject: a vote of support

Dear Tamara

Please can we add our vote of support to your cause. I hope you can read this out at your meeting, and that it might help.

We are your part of your returning customer base and fan club, and we love your vacation rental and the local area that we are so lucky to visit due to family connections nearby. We love dining out at the many nearby restaurants, antique shopping (my husband!) clothes shopping (me!) and enjoying all the tourism benefits of the region. We return often, and we have recommended your place to other friends both in England and in the US. It seems very odd and perverse to put an establishment such as yours under any kind of threat, and particularly in these fragile economic times when all good service providers must consider how precarious the tourist dollar (euro, or pound) can be, and how important it is to offer a range of options for travellers.

I sincerely hope that you and your peers are able to preserve the status quo and continue to offer so many lovely benefits for eager visitors to the county , like us!

All best wishes

Eileen and Greg Horne  
London, England

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Letter from Lori Yee 9/21/2010

From: Lori [mailto:lorikyee@yahoo.com]  
Sent: Tuesday, September 21, 2010 5:52 AM  
To: Tamara O'Kelly  
Subject: Re: The Historic Hartman House needs your help!!!! Housing Advisory Meeting TUESDAY 9/21 6:30pm

Please add my name to your list!

I support vacationing in Santa Cruz County. It makes no sense to limit vacation rentals. We need tourists to help our economy!!! Any revenue is most important right now for the small business!!

Lori Yee  
PO Box 557  
Boulder Creek, CA 95006  
(via iPhone)

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Letter from Gael Glasson Abayon 9/21/2010

From: fairviewbandb@comcast.net [mailto:fairviewbandb@comcast.net]

Sent: Tuesday, September 21, 2010 10:06 AM

To: Tamara O'Kelly

Subject: The VR Debacle

To Whom it May Concern,

The Vacation Rental Situation in Santa Cruz County is one that can be dealt with through

restrictions placed on the property owner; the property management team and the tenants.

No one whether they are the actual homeowner or a vacation rental tenant should be faced with

living/vacationing in an area that isn't quiet and problem free.

Most vacation rentals are the second or third property of an absentee landlord who doesn't live on

or remotely close to the vacation rental. These landlords should be required to (in their lease agreement)

to address the noise; maximum number of guests who can reside in the V/R; garbage; parking, etc and make

it known that if the SCPD or Highway Patrol is called, their security deposit is forfeited and the tenants are

required to vacate immediately. The security deposit would be used as a donation to one of many county non

profits. The Landlord could also be fined.

There are many V/R's that are on a property where the landlord is actually present and can oversee any problems.

These V/R's should not be included!

The County of Santa Cruz should only be looking at V/R's where no landlord is "locally" present.

We who live on our property and have V/R's or other legal housing do pay TOT and most importantly

we are inspected by the County and even more important we are licensed by the County.

Sincerely,

Gael Glasson Abayon

245 Fairview Ave.

Ben Lomond, CA 95005

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Letter from Amy R. Gabel 9/21/2010

September 20, 2010

2402 California St.  
Apt 507  
San Francisco, CA 94115

To Whom It May Concern:

I am writing to express my opposition to the recent ordinance in Santa Cruz County that, if passed, would place unfair restrictions on small businesses, such as the Historic Hartman House.

I am a resident of San Francisco who enjoys the amazing hiking in the Santa Cruz Mountains. After completing a grueling hike in Big Basin, I have sought refuge at the Hartman House, where I have truly felt at home. It has been such a pleasant stay that I have referred other friends to stay there when they have wanted to experience the Santa Cruz Mountains. Unfortunately, like many Americans, I am on an extremely tight budget. Small vacation rentals and places like the Hartman House allow visitors to "get away" without breaking the bank, while also boosting the local economy; when I have stayed in Boulder Creek, I have eaten all my meals in local restaurants and perused their shops. Clearly, the charm of small vacation rentals allows visitors to feel like they are truly apart of the community in which they are visiting. The Hartman House, as small as it is, makes a positive economic impact on your community.

Allowing this ordinance to pass would be detrimental to your local economy while simultaneously slapping Californians in the face who rely on these vacation rentals to be able to afford a weekend getaway. After all, the Santa Cruz Mountains and beaches are public spaces that should be accessible to everyone, not just those who have the finances to pay for a week's worth of vacation. This economic climate is not the time to be putting people out of business and increasing the cost of travel; rather, it is a time to maintain the existing tourism and businesses that are still afloat.

Thank your for taking the time to read my letter.

If you have any questions I can be reached via email at [amyrgabel@gmail.com](mailto:amyrgabel@gmail.com).

Sincerely,

Amy R. Gabel

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from Hugh Forrest <cyclewats@gmail.com>  
to asah@midgard.net  
date Mon, Sep 20, 2010 at 9:25 PM  
subject Letter against the Ord  
signed-by gmail.com  
hide details 9:25 PM (12 hours ago)  
9/19/2010

Housing Advisory Committee and Supervisors-

I am writing to express my vehement objection to the proposed Vacation Rental Ordinance.

My name is Hugh Forrest. I arrived in Santa Cruz in 1973 to attend UCSC, and have lived in Santa Cruz County ever since. I moved, with my wife Marylou to our current home on Opal Cliff Dr in 1991. I was a charter member of SCAN, and of the Community Credit Union and numerous other community groups. It would be fair to say that I've contributed plenty to our community in the 37 years I've lived here.

I am very upset that the county would- with minimal notice and very little factual, verifiable, quantifiable evidence- propose to limit or terminate my ability to rent the guest house on my property to "Short term" tenants. And please keep in mind that I have done this lawfully and without a single complaint from my neighbors, while dutifully collecting and remitting TOT to the county for years.

My objections to the proposed ordinance are many, but here are a few:

1. The whole proposal seems to be a "Solution" in search of a problem: Proponents have presented no empirical evidence that there even is a problem. There is no record of greater-than-average calls for Sheriff service relating to problems at vacation rentals in general, only anecdotal griping from a few individuals concentrated in a single neighborhood who claim to have been inconvenienced. If you live at the beach as we do there are bound to be issues with visitors. Do short-term vacation renters specifically cause those issues, or is it other visitors, or even long-term renters and owners? Well...we really don't know because no actual evidence has been presented yet.

I can tell you that in my neighborhood there is some record of calls to the Sheriff to deal with bad conduct by visitors; but it has consistently been my wife & I calling because of the bad behavior of the invited guests of absentee homeowners. In my neighborhood the people yelling in the streets at midnight and peeing in the flowerpots are not renters at all: they are the family and friends of the owners, and this ordinance- quite explicitly - does not apply to them.

You could counter that existing laws already apply to these friends-of-owners, and that the existing laws should be vigorously enforced to keep up the quality of life in the neighborhood. I'd agree and add that the same applies to short-term renters: the existing laws are sufficient to keep peace in the neighborhoods if they are applied energetically and even-handedly.

2. The obviously political carve-outs by which portions of supervisor Pirie's district are exempt from the proposed ordinance are offensive to my sense of fair play.

Again, lacking any empirical data it is hard to say, but the implication is that the renters are just better behaved in Ellen's district than they are in mid-county. This is just blatant political hanky-panky.

3. How will the proposed ordinance actually improve life in the neighborhoods? Aside from the posting of management contact information- which I support- nothing in the law directly addresses bad behavior by visitors (or residents for that matter) or how to deal with it. The ordinance would just make it more difficult for vacation renters to visit by reducing the availability of rentals- particularly those best suited for families- in the first place.

I suppose if it is difficult to visit here it will also be difficult to misbehave here; but that, of course is

the wrong way to go about it.

We already have laws governing noise, litter, parking, etc. If there is a problem let the Sheriff deal with it by enforcing the law. There is nothing to be gained by creating a Vacation Rental Ordinance to lay over the top of existing behavior laws unless the goal is not to improve the quality of life, but to get rid of vacation rentals.

4. The odd provision that would appear to prohibit me- with 2 legal, permitted homes on a double lot and a history of trouble-free vacation rentals from being grand-fathered in is arbitrary and indefensible. We are a lower density use with on-site management, yet we are excluded?

5. People will be forced to sell, lives & dreams will be ruined. For many vacation rental owners their ability to make the mortgage payment depends on the income they receive from short-term rentals. For some, their vacation rental is their retirement plan. I will be hurt if this ordinance passes, but I bought long ago and will be able to stay in my home. But I feel great sorrow and sympathy for those who's homes and livelihoods would be wrecked by the passage of this ordinance; and all or this because a few families 20 blocks away were inconvenienced by some tourists.

In summation, I ask that the county first empirically identify exactly what problems really exist. Then we can move forward to identify the causes and propose appropriate remedies utilizing existing tools to focus as much as possible on the specific problems. The ordinance as proposed is like using a sledgehammer to swat flies: it is the wrong tool for the job and will do huge unintended damage.

Respectfully,

Hugh Forrest  
4635 Opal Cliff Dr

## Letter from Shannon Demma 9/20/2010

from Shannon Demma <shannon@eastcliffbeach oasis.com>  
date Mon, Sep 20, 2010 at 8:59 PM  
hide details 8:59 PM (7 hours ago)

"To Whom It May Concern,

I would like to comment on the proposed vacation rental ordinance being addressed next Tuesday at the HAC meeting. I own a home on East Cliff Drive in the Live Oak area. Over the last 10 years, we have lived in this home and then used this home as a vacation rental. My mother currently resides in a cottage behind the house. I currently live in Live Oak. I have paid a significant amount in Transient Occupancy Tax since 2008.

I understand the desire to create neighborhoods where people enjoy living. I have lived in Santa Cruz for 21 years and I have had wonderful neighbors and "not so great" neighbors. Terrible neighbors can make life challenging and destroy one's sense of community. With this in mind, I do not understand why our elected officials are spending time and resources on this issue in our community. It affects a small percentage of areas and it has the potential to affect a healthy revenue stream for the county. I also do not clearly understand how targeting vacation rentals will solve the problems addressed in the proposal. As I am sure others have pointed out, we already have regulations to address noise, trash, etc. If the existing regulations are not solving the problems, why would another regulation solve the problem? Also, we are all required to sign up for a Transient Occupancy Permit and pay taxes accordingly. Regarding a business license, there is a no "business license" available to business owners residing in the Live Oak area, only the City of Capitola and Santa Cruz. So this seems odd to require a "Business License" for a vacation rental and not other true "businesses". I am not opposed to a business license, I just want to point out the discrepancy.

In regards to loud noise, occupancy and parking, I have rarely seen a problem coming from a vacation rental in my neighborhood. The majority of guests at our home and surrounding homes are families who come to spend their dollars in our community and treasure our beaches. These are people who find staying in a hotel inconvenient and challenging, not to mention loud and overwhelming to their family. I have two children and when I go on vacation, we always rent a vacation home. Staying in a hotel room with children is challenging - they have little to do there, it is loud as there are large numbers of people coming and going at all hours, and feeding children at restaurants can be exacerbating and expensive. I am sure anyone with children understands this. If a community does not offer vacation rental homes, we do not go there. In my own personal experience living in Live Oak, the long term renters have been the "not so great" or downright "terrible" neighbors. They have been the homes with excessive occupancy, parties, loud noise, and parking issues. I currently live two homes away from a long term renter who has loud parties regularly, regularly screams outside of their home using foul language, and who takes up two blocks worth of parking. Additionally, if someone does have a loud vacation renter, they leave in a short period versus a long term renter, who may never leave. I believe there are wonderful long term renters as well, I just want to point out the larger problem is not exclusive to vacation renters. How can you propose regulating vacation rentals and not long term rentals? Lastly, as a vacation rental owner, I have a very strict policy and do not allow parties of any kind in our home. Other people that I know who own vacation rentals have a similar policy. I have never had a problem with anyone partying in my home, excess cars, trash or any of the items listed. The families that have rented our home have been courteous, thoughtful and wonderful neighbors. My mother will attest to this.

In terms of revenue to the County, the proposal to require minimum stays to one week will adversely affect the vacation rental market. Most people cannot afford to stay an entire week in Santa Cruz. Additionally, this has the potential to negatively impact the revenue stream that tourists bring into the

County. I paid \$6,286 in Transient Occupancy Tax in 2009 and I am on track this year with a similar number. If this is somewhat average and there are 450 vacation rentals in Santa Cruz, this would be over \$2,500,000 in revenue that could be impacted. I find it hard to believe that our County would turn away revenue in such a critical time in our history.

I also believe that many people would be forced to sell their homes if the vacation rental ordinance passes "as is". These are not the type of homes that people "invest" in as long term rentals, as there is negative return of investment - coastal real estate values are too high. This does not solve or address the long term rental problem.

Thank you for your time. These are a few of my thoughts. I believe others have done an excellent job at outlining additional issues.

Sincerely,

Shannon Demma  
(831) 588-9582"

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Letter from Buck Hoelscher 9/19/2010

from Buck Hoelscher <bucksbh@msn.com>  
to ellenpirie@aol.com  
date Sun, Sep 19, 2010 at 7:41 PM  
subject Adamantly Opposed to Leopolds Vacation Rental Ordinance  
hide details 7:41 PM (12 minutes ago)  
Ellen,

Please do not endorse Leopold's very bad Vacation Rental Ordinance. I am a local since 1999, and I am adamantly opposed to this ordinance!

Santa Cruz County beach neighborhoods are a tourist destination and always have been.

We do NOT want unnecessary overbearing government regulation. We already have ordinances and laws equal to ALL property owners, long-term rentals and vacation rentals to handle situations on a case-by-case basis. We strive very hard to ensure vacation rental stays are well-managed.

If this goes any further, you will be allowing Big Bad Government to discriminate against and harass home owners to rent as they need to, to help pay for their property taxes, mortgage, and lose property value at a time when the economy needs more dollars, not less. Would you want to invest in a near beach home in an environment like that?

You will be impacting and contribute to a HUGE loss of Hospitality Tax income for the County, all the spin-off jobs associated with cleaning, maintaining, improving vacation homes. Let alone loss of tourist dollars to restaurants, surf shops, exercise gyms, stores in general.

You will be denying property owners and investors (and their families) the right to use and rent their homes as they need.  
- Not Fair.

There are a growing number of home owners who are being made aware of this invasion of their property rights, and will oppose this completely and loudly very soon.

You seem to be listening to a few loud, very negative complaining people, who we know exaggerate their complaints, and don't care if they impact home owners rights. How would you like to have a neighbor like that?

There are many more of your constituents who would be negatively impacted by this ordinance, than otherwise.

As a retired former International Corporate Director, I will ensure that I will devote my time to ensuring any Supervisor that supports this ordinance, is never re-elected again.

Respectfully,  
William Buck Hoelscher (Santa Cruz County property owner)  
bucksbh@msn.com  
831 419-7550

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## Letter from Lorraine Heng 9/20/2010

from Lorraine Heng <vjleheng@comcast.net>  
date Mon, Sep 20, 2010 at 3:06 PM  
subject Letter RE Vacation Rental Ordinance  
hide details 3:06 PM (3 minutes ago)  
To: Santa Cruz Board of Supervisors  
Subject: Vacation Rental Ordinance

I would like to comment on the proposed vacation rental ordinance.

We have owned and rented our vacation house on 30th Avenue for over thirty years. Even though it was very run down when my family bought it, and it was too far from metropolitan areas for a practical work commute, we recognized the limited availability of coastal properties and the value of the location for vacations outside of the large metropolitan areas of California. We purchased it with the intent of improving the structure and renting it to others for vacationing, as well as enjoying it ourselves.

Over the years, we have re-invested most of the income that has been generated, to maintain and upgrade the property to its highest and best use as a family oriented, affordable vacation rental.

Over the years we have upgraded the property to get it classified by the county as a "legal, non-conforming duplex". We have put on a new roof, new kitchen cabinets, and appliances, and new bathroom fixtures, flooring, windows, doors, window coverings, a sprinkler system, lighting, furniture, fencing, landscaping. In the process, we have hired local plumbers, painters, gardeners, cleaners. . . to help us maintain and improve the property. In addition, we have generated a hefty Transient Occupancy Tax for the County on a regular basis.

We have had wonderful guests that come from all over the world for anywhere from two days to two months at a time to enjoy the Santa Cruz ambience. Many of them are couples, or young families that probably couldn't afford the time or money to come for longer vacations. Fortunately, we have never had any problems with any of our guests, nor our neighbors. We have plenty of off-street parking; we limit the number of occupants, and we discourage loud parties.

I would like to share comments from some of our guests:

"We had a great vacation in California. The kids agreed it was the holiday of a lifetime! In particular, the location of the cottage was perfect for us." (Denmark)

"Thank you so much for our wonderful stay in Santa Cruz. The location was perfect! The home was perfect. Everything we could need, and then some, was provided. The neighborhood was quiet, and many things were within walking distance--great food and shopping. It was wonderful being able to have my morning coffee outside listening to the ocean. We used the rental while waiting to move into our new home--and it was perfect. Thank you again. I can't think of one thing to complain about."

"We had a wonderful time exploring the area! We did just about everything from the Steam Train through the Redwoods to the Monterey Bay Aquarium. We had such a wonderful family vacation and thoroughly enjoyed this cute and cozy cottage!"

"We enjoyed the cottage. It was perfect for our needs and a lot closer to my high school reunion activities in Santa Cruz than what I thought it would be. We didn't even have to get on a highway to go back and forth between the cottage and the Board Walk Area."

"This was just perfect for our family of 4. We loved the maybe 5 minute walk to the beach. Everything was just as described and we loved the new decorator touches.. Just enough room for what we needed. A clean relaxing stay. This will be a vacation we will be talking about for a long time. The whole town was so laid back and relaxing and everyone we talked to was so nice. We went to the amusement park many times, 1 day for rides, 1 day for games and miniature golf and the fresh seafood on the pier was awesome, maybe 10 minute quick drive. We would definitely like to come back. Your communications were awesome and refreshingly accurate."

"We stayed in this lovely cottage Memorial weekend 2010. The cottage is well maintained, decorated tastefully and is equipped with all the essentials and then some. The owners are great, easy to reach and quick to respond to our needs. We received our deposit refund just days after we returned home. The cottage is in a very nice neighborhood and an easy walk to the beach. Parking was no problem."

"I am loving this area. This morning I was window shopping at the real estate agencies!!"

Pleasure Point is a prime vacation spot; and it has a natural draw for tourist business coming to the community. We can appreciate the need to do some regulation of the industry, such as requiring permits, and parking. However, an arbitrary limitation on length of occupancy or the number of occupants per week would be a major obstacle to all concerned. Not everyone can afford to come for a week or a month, and the proposed ordinance would reduce income for the County and discourage potential business. Furthermore, I believe it is being highly discriminatory and unfair to disallow multi-family units from being used as vacation rentals. Our duplex is suited perfectly to this use. Please exercise caution in your decision making.

Respectfully yours,

Virgil and Lorraine Heng

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**Steven Guiney**

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**From:** Michael & Deborah Simms [mdsimms225@aol.com]  
**Sent:** Wednesday, September 22, 2010 8:13 AM  
**To:** John Leopold  
**Cc:** Steven Guiney  
**Subject:** Vacation Rental Nightmare on 20th

Dear John and Steven,

I was horrified by last night's meeting about vacation rental ordinance at Green Acres School. The caliber of folks who spoke was scary. It appeared to be mob rule. Unfortunately, my husband had to be elsewhere, so I attended the meeting alone. The vacation rental owners and real estate agents were allowed to clap long and loud for those opposed to the ordinance, but they booed and "ran off" the woman who spoke for "my side" saying that it is a business, so let's regulate it as that. In my estimation, the crowd was well over 98% opposed to the ordinance. One woman in the back of the room told me when I walked in that her side of the room was all vacation rental owners. How did she know that? Were they individually contacted and told to pack the room?

My observation was that no one wanted to compromise and talk about the individual points in the ordinance. They were vicious, spiteful, and clearly untruthful. For example, Bob Bailey said "he has never had police or neighbor complaint about his [multiple] vacation rentals." Then he went on to say when they "do have a problem tenant" that tenant is not asked back. Uh? Say what? How does he know the tenant is a problem if he has NEVER had a complaint?

All we "normal" homeowners want is some regulation on this fast growing trend in our neighborhoods. Let's call it what it is: a for-profit business. If I want to open up a massage parlor next door to your home, wouldn't you want some oversight?

And as for why we don't call the police when the vacation rentals we are surrounded by make noise and cause parking issues? We don't want our stretched police force to have to respond to non-emergencies either. So we keep our mouths shut and either leave ourselves for the summer (leave our home of 25 years) OR spend our weekends running next door to tell vacationers to move their cars so emergency vehicles can pass down our street. Oh, and "Hey, your toddler is hanging off the second story railing," I'd suggest you get him down.

Please don't be swayed by a group motivated by easy money and self-interest. We aren't asking for the vacation rentals to go away, we are asking for reasonable regulation in line with Capitola and other municipalities who face the same problem. I would think the rational people would agree and welcome this for their businesses.....  
 Deborah Simms

**Steven Guiney**

---

**From:** Dawn Brola [dbrola@sbcglobal.net]  
**Sent:** Wednesday, September 22, 2010 6:19 PM  
**To:** Susan Greene; Steven Guiney; John Leopold; Porcila Wilson  
**Subject:** last nights meeting

To Whom it May Concern,

I am not sure who to address this too at this point, HAC, Counsel, or Planning?

I had the pleasure of attending the meeting last night with the HAC. Thank you to HAC for letting these people vent along with sharing some great ideas! The majority who spoke were property managers, real estate brokers, mortgage brokers, and vacation rental property owners. (Not one of my residing neighbors was aware of this meeting) I actually went door to door letting people know these restrictions could affect them-good or bad. Is it possible to have a meeting with the affected residents without the input of the angry/emotional property managers so that residents concerns can be addressed too without such intense backlash/glare/name calling? It might narrow down the issues making it easier to negotiate with these managers or it might alleviate the need for such harsh regulation all together?

To start, can we agree to just setup a list of guidelines and request the vacation rental organization set up a committee to oversee/hear complaints within the community? If someone feels that a vacation home is causing problems let's place the responsibility back on the committee and homeowner/property manager first, not the county. Let a jury of peers put pressure on the problem and work towards a solution to bring the community together. Pitting neighbor against neighbor is not the solution which this debate has become! I bet that the problem homes could be narrowed down and dealt with individually without setting up rules that would be difficult to enforce. One of my neighbors left, and did not speak due to the intense anger generated by these managers/owners. (They reside directly next door to a newly added vacation rental) Having this committee, residents could meet and discuss the complaints allowing residents to be involved in what goes on in their neighborhood instead of having them feel intimidated, excluded, or alienated. Each neighborhood is very different and does not fit a one size fits all resolution. Many of these property owners are respectful of their neighbors, but let's address the properties that are at issue and let's address the problems they create. I was all for the regulations in June, but after seeing the draft and attending last nights meeting I do not think that such inclusive/exclusive and unreasonable to enforce regulations are the answer for residents or property owners. These regulations will only reduce our property values giving homes next to vacation rentals no value in the market whatsoever. We live in a highly desirable area for vacation rentals. We should be embracing what these vacation rentals do and have done to improve the aesthetic value of our neighborhood. Let's work together to find a common solution not create more bureaucracy.

Thank you for your time,

Dawn Gonzalez  
 Resident  
 152 30Th Avenue

**Steven Guiney**

---

**From:** Joan Romero [joanromero@comcast.net]  
**Sent:** Wednesday, September 22, 2010 7:26 PM  
**To:** Steven Guiney  
**Subject:** September 21 Meeting

Hi Mr. Guiney --

This is Joan and Mike Romero and we were unable to attend last night's meeting, though we attended the private meeting last month with Supervisors Pirie and Leopold regarding the vacation rental ordinance.

Are there notes or an agenda available from last night's meeting that we might see? We have a nuisance property next door to us in Rio del Mar and we are hoping we can support this ordinance and get some relief in our neighborhood.

Many thanks for your help,  
Joan and Mike Romero  
206 Venetian Road  
Aptos

**Steven Guiney**

---

**From:** Steven Guiney  
**Sent:** Thursday, September 23, 2010 8:43 AM  
**To:** 'Beach House 257'  
**Subject:** RE: Vacation rental letter and draft ordinance

Scott,

I believe your comments have merit and they are duly noted. I will include them in further discussions about the boundaries of the proposed SCAs.

Steve

-----Original Message-----

**From:** Beach House 257 [mailto:beachhouse257@att.net]  
**Sent:** Wednesday, September 22, 2010 5:13 PM  
**To:** Steven Guiney  
**Subject:** Re: Vacation rental letter and draft ordinance

Steve,

Thanks for your reply ...I'm sure you're very busy and appreciate you taking the time.

I do wish to follow-up with item #2 (both sides of the road/Special Consideration Areas). I had asked the question because the Draft Ordinance map boundary had graphically shown the limits for Rio Del Mar down the middle of the road. Since our VR is located on the northerly side of Rio Del Mar, we would be very interested and would lobby hard to be included in the Rio Del Mar Overlay Zone for the following reasons:

a) Most of the homes/condos on either side of Rio Del Mar up to Cliff are already Vacation Rentals ...I can't say for sure, but I would suspect the number to be over half ...maybe 70% to 80%. It would not make sense to have one of side Rio Del Mar geared for VR's and the other side not.

b) If you know the area as well as we do, the the terrain and green-belt to the north of the Rio Del Mar (north) properties is a natural green-belt which is not buildable or accessible to or from Venetian Road or Earl Court. It would make sense to provide the VR Overlay Zone boundary for Rio Del Mar at this green-belt to separate from the neighborhood in the flats below.

c) From a planning and enforcement perspective, I would suspect this minor boundary clarification would also make the proposed ordinance's interpretation and implementation much "cleaner" ...if it does happen to pass.

Attached is a graphic using your map from the draft ordinance to indicate the thought process. We hope you consider the suggestion and are able to make any adjustments accordingly. Your thoughts and reply would be appreciated. Thank you.

Scott Schendel  
 209.581.2556

**Beach House 257 . Rio Del Mar**

Aptos, California

**Information**

209.544.0110 (voice & fax)

[vacation@beachhouse257.com](mailto:vacation@beachhouse257.com)

[www.beachhouse257.com](http://www.beachhouse257.com)

-160-

9/23/2010

FaceBook

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**From:** Steven Guiney <PLN950@co.santa-cruz.ca.us>  
**To:** Beach House 257 <beachhouse257@att.net>  
**Sent:** Wed, September 22, 2010 1:53:14 PM  
**Subject:** RE: Vacation rental letter and draft ordinance

Scott,

- 1) Correct. Could be anyone of owner's choosing, including the owner.
- 2) Generally, yes, but not firm yet.

Steve

Steven Guiney AICP  
 Deputy Zoning Administrator  
 County of Santa Cruz Planning Department  
 701 Ocean Street Rm 400  
 Santa Cruz CA 95060

Telephone: (831) 454-3182

Facsimile: (831) 454-2131

-----Original Message-----

**From:** Beach House 257 [mailto:beachhouse257@att.net]  
**Sent:** Sunday, September 19, 2010 11:03 PM  
**To:** Steven Guiney  
**Subject:** Re: Vacation rental letter and draft ordinance

Steven,

Wow ...working a Sunday? ...dedicated!

Thanks for the link. I did have a chance to briefly review the package and may have more questions later. I know this is in the preliminary stages, but my initial questions are:

1) I'm assuming the "Local Contact Person" does not have to be a property management company or anything similar. I would assume it could be a local friend/resident ...we already have an "Emergency Person" available.

2) In the "Special Consideration Areas", I'm assuming the definitions would include both sides of a road ...for instance Rio Del Mar Blvd?

Hope to hear from you soon. Thanks.  
 Scott Schendel

**Beach House 257 . Rio Del Mar**

Aptos, California

**Information**

209.544.0110 (voice & fax)

[vacation@beachhouse257.com](mailto:vacation@beachhouse257.com)

[www.beachhouse257.com](http://www.beachhouse257.com)

-161-

FaceBook

**From:** Steven Guiney <PLN950@co.santa-cruz.ca.us>

**To:** "adam.sah@gmail.com" <adam.sah@gmail.com>; "asah@midgard.net" <asah@midgard.net>;  
 "barbiebeach12@gmail.com" <barbiebeach12@gmail.com>; "beachhouse257@att.net" <beachhouse257@att.net>;  
 "beachhouserentals1@yahoo.com" <beachhouserentals1@yahoo.com>; "bevk@cruzio.com" <bevk@cruzio.com>;  
 "bigdking@yahoo.com" <bigdking@yahoo.com>; "bill@airtalk.com" <bill@airtalk.com>;  
 "bobgailmurphy@sbcglobal.net" <bobgailmurphy@sbcglobal.net>; "brenda.bailey@edcgov.us"  
 <brenda.bailey@edcgov.us>; "brendanmfinn@gmail.com" <brendanmfinn@gmail.com>; "buzznjen@comcast.net"  
 <buzznjen@comcast.net>; "casammet@yahoo.com" <casammet@yahoo.com>; "Chrissea22@aol.com"  
 <Chrissea22@aol.com>; "cindy.edwards5384@yahoo.com" <cindy.edwards5384@yahoo.com>;  
 "dabesmit@comcast.net" <dabesmit@comcast.net>; "darcythole@sbcglobal.net" <darcythole@sbcglobal.net>;  
 "daveterra@comcast.net" <daveterra@comcast.net>; "dboscacci@sbcglobal.net" <dboscacci@sbcglobal.net>;  
 "dbrola@sbcglobal.net" <dbrola@sbcglobal.net>; "dmulli@sbcglobal.net" <dmulli@sbcglobal.net>;  
 "editor@cruzio.com" <editor@cruzio.com>; "fthoits@pacbell.net" <fthoits@pacbell.net>;  
 "gerry.swinton@sbcglobal.net" <gerry.swinton@sbcglobal.net>; "goddard@cruzio.com" <goddard@cruzio.com>;  
 "jcox80@gmail.com" <jcox80@gmail.com>; "jeff.pcbinc@gmail.com" <jeff.pcbinc@gmail.com>;  
 "jemrubia@aol.com" <jemrubia@aol.com>; "joannerw@comcast.com" <joannerw@comcast.com>;  
 "jtdt@pacbell.net" <jtdt@pacbell.net>; "kdrosburg@yahoo.com" <kdrosburg@yahoo.com>;  
 "kevink@baymoon.com" <kevink@baymoon.com>; "Lck1804@aol.com" <Lck1804@aol.com>; "LRivoir@aol.com"  
 <LRivoir@aol.com>; "mdsimms225@aol.com" <mdsimms225@aol.com>; "mikess2001@hotmail.com"  
 <mikess2001@hotmail.com>; "mnicklan@webtv.net" <mnicklan@webtv.net>; "mnorrboma@cs.com"  
 <mnorrboma@cs.com>; "mrmikez28@hotmail.com" <mrmikez28@hotmail.com>; "NovaPro240@aol.com"  
 <NovaPro240@aol.com>; "nsweatt@earthlink.net" <nsweatt@earthlink.net>; "pleasurepointcitizen@yahoo.com"  
 <pleasurepointcitizen@yahoo.com>; "rama@cruzio.com" <rama@cruzio.com>; "randymaldonado@surfneta.com"  
 <randymaldonado@surfneta.com>; "randywatson95062@yahoo.com" <randywatson95062@yahoo.com>;  
 "rbnzmr@cruzio.com" <rbnzmr@cruzio.com>; "Rboston@pacbell.net" <Rboston@pacbell.net>;  
 "rboston@pacbell.net" <rboston@pacbell.net>; "ronbrost@yahoo.com" <ronbrost@yahoo.com>;  
 "RPM2SBAKE@aol.com" <RPM2SBAKE@aol.com>; "thecymru@aol.com" <thecymru@aol.com>;  
 "tmcoopman@yahoo.com" <tmcoopman@yahoo.com>; "gflaherty@me.com" <gflaherty@me.com>;  
 "joannerw@comcast.net" <joannerw@comcast.net>; "jeff.pcbinc@gmail.com" <jeff.pcbinc@gmail.com>;  
 "shannon@eastcliffbeachoasis.com" <shannon@eastcliffbeachoasis.com>; "beth@upsidepartners.com"  
 <beth@upsidepartners.com>

**Sent:** Sun, September 19, 2010 12:36:50 PM

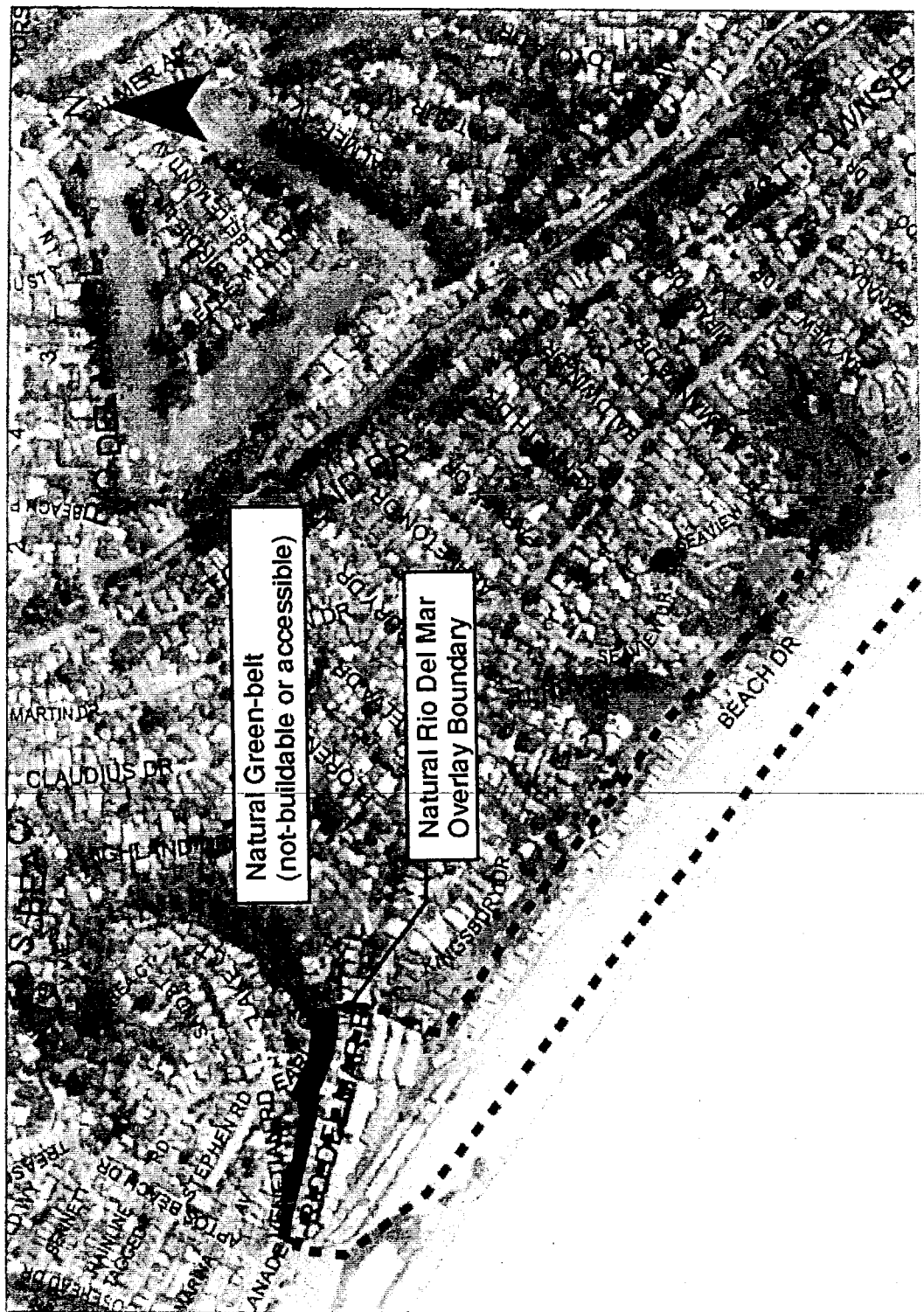
**Subject:** Vacation rental letter and draft ordinance

In case you are not aware of its availability, the vacation rental letter and draft ordinance for the Housing Advisory Commission meeting on Tuesday, September 21, 2010, can be found at these addresses:

<[http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?](http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=9/21/2010&MeetingType=6)

MeetingDate=9/21/2010&MeetingType=6>

or it can be accessed through the planning website at [www.sccoplanning.com](http://www.sccoplanning.com) <<http://www.sccoplanning.com>> under "Agendas" on the left side of the screen.



**Steven Guiney**

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**From:** Beach House 257 [beachhouse257@att.net]  
**Sent:** Thursday, September 23, 2010 9:17 AM  
**To:** Steven Guiney  
**Subject:** Re: Vacation rental letter and draft ordinance

Steve,

Thank you. If you think of it, please let me know of any updates you may have with regards to the ordinance and/or the boundary ...being a couple hours away, it's hard to track. If you have any questions/comments, please also feel free to reply or call.

Thanks again!  
Scott Schendel  
209.581.2556

**Beach House 257 . Rio Del Mar**

Aptos, California

**Information**

209.544.0110 (voice & fax)

[vacation@beachhouse257.com](mailto:vacation@beachhouse257.com)

[www.beachhouse257.com](http://www.beachhouse257.com)

[FaceBook](#)

---

**From:** Steven Guiney <PLN950@co.santa-cruz.ca.us>  
**To:** Beach House 257 <beachhouse257@att.net>  
**Sent:** Thu, September 23, 2010 8:42:51 AM  
**Subject:** RE: Vacation rental letter and draft ordinance

Scott,

I believe your comments have merit and they are duly noted. I will include them in further discussions about the boundaries of the proposed SCAs.

Steve

-----Original Message-----

**From:** Beach House 257 [mailto:beachhouse257@att.net]  
**Sent:** Wednesday, September 22, 2010 5:13 PM  
**To:** Steven Guiney  
**Subject:** Re: Vacation rental letter and draft ordinance

Steve,

Thanks for your reply ...I'm sure you're very busy and appreciate you taking the time.

I do wish to follow-up with item #2 (both sides of the road/Special Consideration Areas). I had asked the question because the Draft Ordinance map boundary had graphically shown the limits for Rio Del Mar down the middle of the road. Since our

9/23/2010



VR is located on the northerly side of Rio Del Mar, we would be very interested and would lobby hard to be included in the Rio Del Mar Overlay Zone for the following reasons:

a) Most of the homes/condos on either side of Rio Del Mar up to Cliff are already Vacation Rentals ...I can't say for sure, but I would suspect the number to be over half ...maybe 70% to 80%. It would not make sense to have one of side Rio Del Mar geared for VR's and the other side not.

b) If you know the area as well as we do, the the terrain and green-belt to the north of the Rio Del Mar (north) properties is a natural green-belt which is not buildable or accessible to or from Venetian Road or Earl Court. It would make sense to provide the VR Overlay Zone boundary for Rio Del Mar at this green-belt to separate from the neighborhood in the flats below.

c) From a planning and enforcement perspective, I would suspect this minor boundary clarification would also make the proposed ordinance's interpretation and implementation much "cleaner" ...if it does happen to pass.

Attached is a graphic using your map from the draft ordinance to indicate the thought process. We hope you consider the suggestion and are able to make any adjustments accordingly. Your thoughts and reply would be appreciated. Thank you.

Scott Schendel  
209.581.2556

**Beach House 257 , Rio Del Mar**

Aptos, California

**Information**

209.544.0110 (voice & fax)

[vacation@beachhouse257.com](mailto:vacation@beachhouse257.com)

[www.beachhouse257.com](http://www.beachhouse257.com)

[FaceBook](#)

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**From:** Steven Guiney <PLN950@co.santa-cruz.ca.us>  
**To:** Beach House 257 <beachhouse257@att.net>  
**Sent:** Wed, September 22, 2010 1:53:14 PM  
**Subject:** RE: Vacation rental letter and draft ordinance

Scott,

- 1) Correct. Could be anyone of owner's choosing, including the owner.
- 2) Generally, yes, but not firm yet.

Steve

Steven Guiney AICP  
Deputy Zoning Administrator  
County of Santa Cruz Planning Department  
701 Ocean Street Rm 400  
Santa Cruz CA 95060

Telephone: (831) 454-3182  
Facsimile: (831) 454-2131

## Steven Guiney

---

**From:** Mitra & Adi Choudri [choudri4@comcast.net]  
**Sent:** Wednesday, September 22, 2010 11:40 PM  
**To:** Steven Guiney  
**Subject:** Vacation Rental Ordnance opposition



BOS letter  
(2).doc

September 20, 2010

(If you send by email – send to Steve Guiney [pln950@co.santa-cruz.ca.us](mailto:pln950@co.santa-cruz.ca.us)) and ask him to forward to the BOS).

Board of Supervisors  
c/o Santa Cruz County Planning Dept  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Dear Members of the Board:

I am writing concerning Supervisor Leopold's proposed Vacation Rental Ordinance. I am a property owner (of the Live Oak area) and have owned in this area since (1990).

I am outraged by Supervisor Leopold's proposed vacation rental ordinance and oppose it as an infringement upon my personal property rights. This is a socialistic agenda and appears to be a way for government to track where and how vacation rental properties will be permitted, and to determine the length and frequency of guests residing in my home.

Our County's #1 revenue stream is tourism. Our County is currently \$12.9M in debt with an unemployment rate over 11%. I would like to know what is the agenda behind passing a vacation rental ordinance in a depressed market, and to whom will it actually be benefiting?

Sincerely,

---

Adi Choudri

48A Sunset Drive  
Watsonville, CA 95076

## Steven Guiney

---

**From:** Steven Guiney  
**Sent:** Thursday, September 23, 2010 11:14 AM  
**To:** 'Donna J. Steward'  
**Subject:** RE: Vacation Rental Ordinance

Donna,

The meeting Tuesday night was for the public to give comments on the draft proposed ordinance and for the Housing Advisory Commission to provide comments and make a recommendation to the Board of Supervisors. Over about two hours of public comments, about 30 - 35 people spoke against the draft proposed ordinance and 5 - 10 people in favor of regulating vacation rentals. Because we had to leave the meeting room by 9 p/m/, the Commission didn't get to comment or make a recommendation, so they will meet again on Wednesday, October 6th, specifically so that Commissioners can comment and the Commission as a whole can make a recommendation to the Board of Supervisors.

Steve

-----Original Message-----

**From:** Donna J. Steward [mailto:wheatys@sbcglobal.net]  
**Sent:** Thursday, September 23, 2010 10:03 AM  
**To:** Steven Guiney  
**Subject:** Vacation Rental Ordinance

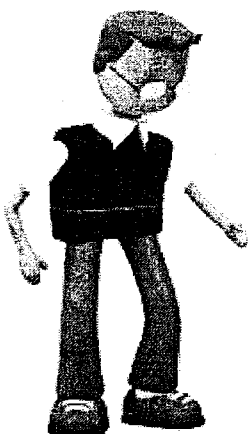
Steve:

Unfortunately my neighbors and I were unable to attend the meeting Tuesday night. We all have some big concerns since we have a real problem rental on our street (208 Venetian Road, Aptos).

Could you, please, provide an overview of what transpired Tuesday night, and advise the date the next meeting is scheduled?

Thank you,  
Donna

*Donna J. Steward*



215 Fourteenth Avenue  
Santa Cruz, CA. 95062  
September 22, 2010

Tony Campos, Chairman  
Santa Cruz County Board of Supervisors  
701 Ocean Street  
Santa Cruz, CA. 95060

Dear Chairman Campos and board members:

I am writing in regard to the meeting of the Housing Advisory Commission on September 21, 2010, as they hosted a public workshop on vacation rental regulation. I would have spoken at that meeting but, frankly, by the time I had the opportunity, the behavior of the anti-regulation group had become so abusive and denigrating of anyone who opposed them that I chose not to speak rather than further inflame the crowd. As the meeting wore on, they became more emboldened and more rude, as they were unrestrained by any authority. Eventually, they were shouting down anyone speaking in favor of the ordinance so that those few brave souls who did speak were continuously jeered and interrupted.

This is not democracy in action. It is mob rule, and it is an issue larger than the regulation of vacation rentals. Citizens should feel free to express themselves in public meetings without fear of abuse or intimidation. I think that it is the responsibility of the governmental agency hosting a public meeting to maintain order so that the right of free speech is protected.

I am writing to urge you to maintain an orderly atmosphere in all public meetings, and to use whatever authority you have over the Housing Advisory Commission to ensure that they do the same.

Respectfully,

*Mark A. Nicklanovich*  
Mark A. Nicklanovich

Copy to: Housing Advisory Commission  
Steven Guiney, Planner

**Steven Guiney**

---

**From:** Steven Guiney  
**Sent:** Thursday, September 23, 2010 4:53 PM  
**To:** 'Donna J. Steward'  
**Subject:** RE: Vacation Rental Ordinance

Donna,

A request to establish neighborhood permit parking should go to Ellen. Yes, the October 6th meeting will be at the Green Acres Elementary School.

Steve

Steven Guiney AICP  
Deputy Zoning Administrator  
County of Santa Cruz Planning Department  
701 Ocean Street Rm 400  
Santa Cruz CA 95060

Telephone: (831) 454-3182  
Facsimile: (831) 454-2131

-----Original Message-----

**From:** Donna J. Steward [mailto:wheatys@sbcglobal.net]  
**Sent:** Thursday, September 23, 2010 3:10 PM  
**To:** Steven Guiney  
**Cc:** Joan Romero  
**Subject:** Re: Vacation Rental Ordinance

Steve:

That doesn't sound good. It sounds like we don't stand a chance regarding how disruptive and invasive these rentals are. Our neighborhood has been discussing a request for permit parking in our neighborhood as one solution to the rentals that have so many people and autos (one time a tour bus even pulled up in front of our most problem rental!). Is there a possibility to suggest that, or would we have to contact Ellen regarding that?

Is the October 6 meeting at the same location?

Donna

***Donna J. Steward  
and the "Golden Gang" - Tucker, Flurry, Bozley and Honey***

---

**From:** Steven Guiney <PLN950@co.santa-cruz.ca.us>  
**To:** Donna J. Steward <wheatys@sbcglobal.net>  
**Sent:** Thu, September 23, 2010 11:14:16 AM  
**Subject:** RE: Vacation Rental Ordinance

Donna,

The meeting Tuesday night was for the public to give comments on the draft proposed ordinance and for the Housing Advisory Commission to provide comments and make a recommendation to the Board of Supervisors. Over about two hours of public comments, about 30 - 35 people spoke against the draft proposed ordinance and 5 - 10 people in favor of regulating vacation rentals. Because we had to leave the meeting room by 9 p.m., the Commission didn't get to comment or make a recommendation, so they will meet again on Wednesday, October 6th, specifically so that Commissioners can comment and the Commission as a whole can make a recommendation to the Board of Supervisors.

Steve

-----Original Message-----

**From:** Donna J. Steward [mailto:wheatys@sbcglobal.net]

**Sent:** Thursday, September 23, 2010 10:03 AM

**To:** Steven Guiney

**Subject:** Vacation Rental Ordinance

Steve:

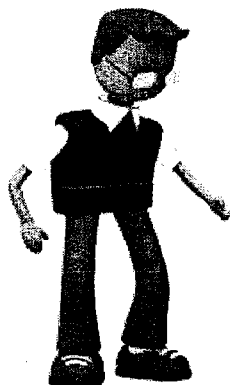
Unfortunately my neighbors and I were unable to attend the meeting Tuesday night. We all have s  
big concerns since we have a real problem rental on our street (208 Venetian Road, Aptos).

Could you, please, provide an overview of what transpired Tuesday night, and advise the date the r  
meeting is scheduled?

Thank you,

Donna

*Donna J. Steward*



**Steven Guiney**

**From:** Paia Levine  
**Sent:** Tuesday, September 28, 2010 11:49 AM  
**To:** Steven Guiney  
**Subject:** FW: Vacation Rental Ordinance

Please include in file, I think it is directed to the Planning Commission.

-----Original Message-----

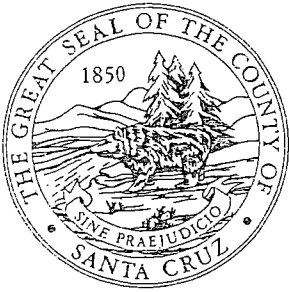
**From:** Randy Watson [mailto:randywatson95062@yahoo.com]  
**Sent:** Monday, September 27, 2010 10:44 AM  
**To:** Paia Levine  
**Subject:** Vacation Rental Ordinance

I am against the proposed ordinance in its entirety. The reasoning for this law is flawed and the proposed solutions not only fail to address the supposed problems, but overstep the government's role in the lives of its citizens and violate property rights, freedom of choice, and freedom of speech. I am especially concerned with the County trying to define, through law, the character of a neighborhood. The role of the government in terms of zoning residential is to produce an area with specific type of structures. Residential zoning creates areas concentrated with single family homes. These structures are characterized by bedrooms and a single kitchen. Single family zoning prevents commercial type structures from being built. What homeowners do with a SFR after they purchase should not be the business of government. Surely we are not talking about illegal uses (a brothel or drug dealing) or an obvious commercial use such as a restaurant. These are, and should be, prohibited from residential areas. But there is a myriad of uses that an owner can consider with their home. They can chose to live in it on a full time basis. They can choose to live in it on a part time basis. They can choose to not live in it at all. They can long term rent it one year and choose not to do so the following year. They can lend it to friends and family. The point is, what they choose to do with their home is their business, not the government's. Consider this example of "residential" use. It is legal for a contractor to buy a SFR in Santa Cruz County with the sole goal of knocking that home down, building a new home, and selling that home for profit. Did this contractor ever reside or intend to reside in the home? No. In addition, their primary motive for owning this home was profit. Would the County begrudge this owner his right to use the property in this manner? Could not one argue that this is purely a commercial enterprise? By the logic applied by the County, why should the neighborhood deal with a myriad of contractors, trucks, and porta-potties that come this endeavor? Surely, this would creates noise, dust, and nuisance. The Supervisors also take about preserving the "character" of the neighborhoods. On its surface this sounds admirable. But in practice this would by definition restrict freedom of choice and speech. The composition and character of a neighborhood is defined by the choices of individuals not the government. The County has every right to set the "foundation" of a neighborhood by regulating the type of structures, but after that it should allow individual freedom and individual decisions to define the character. If owners choose to purchase a home and raise their family, it is their choice. If people purchase a home as an investment and rent it long term, it is their choice. If they choose to keep the house empty and not raise children, it is their choice. It is interesting that it is against the law for a Real Estate agent to "define" the character of the neighborhood. For example, they can not place an advertisement describing a neighborhood as "kid friendly" or "perfect for families". Why then would it be OK for the government to do exactly this?. Are we really suggesting that the County define the character of the neighborhood? What is next? Will the County decide a neighborhood is too Hispanic? Would the County prevent a Mosque from being built because it does not fit in with the "Catholic character" of a specific neighborhood? Would the County target second homeowners and tell them they must raise children in the home or face fines? Perhaps the County should create an incentive program that would encourage single families to purchase homes and raise their children. A program could reduce property taxes by 25% for owners who raise their family for five years in a SFR. This would be a positive way to achieve the same goal. But, it would still be discriminatory. I would imagine that if the County created such a program you would see lawsuits from unmarried people or people without children. They would state that the government has violated their rights and discriminated against them.

As the planning commission I ask that you take this into consideration.

Anthony Abene





# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069  
(831) 454-2200 • FAX: (831) 454-3262 TDD: (831) 454-2123

JOHN LEOPOLD  
FIRST DISTRICT

ELLEN PIRIE  
SECOND DISTRICT

NEAL COONERTY  
THIRD DISTRICT

TONY CAMPOS  
FOURTH DISTRICT

MARK W. STONE  
FIFTH DISTRICT

WRITTEN CORRESPONDENCE AGENDA

10-5  
September 27, 2010

Mark A. Nicklanovich  
215 14th Avenue  
Santa Cruz, CA 95062

Dear Mr. Nicklanovich:

Thank you for taking the time to express your concerns about the recent meeting of the Housing Advisory Commission to consider a proposed beach rental ordinance. A copy of your letter has been circulated to each member of the Board.

I certainly agree that all meetings sponsored by the County must ensure that public participation is respectful of the views of all in attendance. It is the Board's expectation that meetings hosted by the County will be run in a manner which ensures full public participation free of fear or intimidation.

It is my understanding that the Housing Advisory Commission has continued this matter to a special meeting to be held on Wednesday, October 6, at 6:30 p.m. in the Green Acres multi-purpose room. I have provided a copy of your letter and my response to the Commission and anticipate that the Commission will ensure that all members of the public are treated with respect.

Sincerely,

TONY CAMPOS, Chairperson  
Board of Supervisors

TC:ted

cc: Housing Advisory Commission  
✓Kathy Previsich, Planning Director

5196C6

215 Fourteenth Avenue  
Santa Cruz, CA. 95062  
September 22, 2010

Tony Campos, Chairman  
Santa Cruz County Board of Supervisors  
701 Ocean Street  
Santa Cruz, CA. 95060

Dear Chairman Campos and board members:

I am writing in regard to the meeting of the Housing Advisory Commission on September 21, 2010, as they hosted a public workshop on vacation rental regulation. I would have spoken at that meeting but, frankly, by the time I had the opportunity, the behavior of the anti-regulation group had become so abusive and denigrating of anyone who opposed them that I chose not to speak rather than further inflame the crowd. As the meeting wore on, they became more emboldened and more rude, as they were unrestrained by any authority. Eventually, they were shouting down anyone speaking in favor of the ordinance so that those few brave souls who did speak were continuously jeered and interrupted.

This is not democracy in action. It is mob rule, and it is an issue larger than the regulation of vacation rentals. Citizens should feel free to express themselves in public meetings without fear of abuse or intimidation. I think that it is the responsibility of the governmental agency hosting a public meeting to maintain order so that the right of free speech is protected.

I am writing to urge you to maintain an orderly atmosphere in all public meetings, and to use whatever authority you have over the Housing Advisory Commission to ensure that they do the same.

Respectfully,

*Mark A. Nicklanovich*  
Mark A. Nicklanovich

Copy to: Housing Advisory Commission  
Steven Guiney, Planner

**Steven Guiney**

---

**From:** Beach House Rentals [beachhouserentals1@yahoo.com]  
**Sent:** Wednesday, September 29, 2010 12:16 PM  
**To:** John Leopold; Ellen Pirie; Tony Campos; Neal Coonerty; Mark Stone; Steven Guiney  
**Cc:** Porcila Wilson  
**Subject:** Vacation Rental Ordinance

September 29, 2010

Dear Sir or Madam:

The Capitola Village and Wharf Business Improvement Association (CVWBIA) is an organization with over 200 members with annual dues, and whose mission is to enhance business in the Capitola Village area, especially in the off-season. The organization does not use any governmental funds.

Marketing surveys and other business tools have clearly identified tourism as a vital element of a healthy business climate in Santa Cruz County. Without a robust visitor industry in Capitola, the business climate would suffer significantly impacting local jobs and important revenues to local government. The net result of diminished income to government eventually affects not just those who work in the industry but all local citizens who depend upon adequate police and other services from their local governments.

Thus, the Executive Committee of the CVWBIA is most concerned that current proposals to overly regulate and limit vacation rentals to a 7-day minimum would have a most significant impact on the future number of visitors in vacation rentals, restaurants, and retail stores thereby harming the Santa Cruz County economy to a significant level.

If it is determined that modest regulation of vacation rentals is deemed necessary, we think the entire CVWBIA membership would support meaningful, effective and reasonable proposals. However, it is our hope that government will now work with the visitor industry and local vacation property managers to solve real problems and strike a better balance of regulations than those, which have been proposed by Supervisor Leopold.

~~We look forward to working with you to this end and to learning your conclusions so that they can be communicated to our members and our local citizenry.~~

Executive Committee Members

Gary Wetsel  
Carin Hanna  
Dede Harrington  
Ted Burke  
Phred Hall

**Steven Guiney**

**From:** Beach House Rentals [beachhouserentals1@yahoo.com]  
**Sent:** Thursday, September 30, 2010 9:58 AM  
**To:** Neal Coonerty; Tony Campos; John Leopold; Ellen Pirie; Mark Stone  
**Cc:** Porcila Wilson; Steven Guiney  
**Subject:** Vacation Rental Ordinance

Dear Sir or Madam,

Beach House Rentals manages a number of properties in the Santa Cruz County zone, which would be affected by the proposed ordinance.

We understand the concerns of some of the individual neighbors and sympathize with their concerns and desire to regulate the noise, parking and trash issues. The problems have been limited to a few neighbors in the segregated Live Oak area.

As a vacation rental management company, we regulate these issues on all of our vacation rental properties. We have had very few, if any, problems or complaints resulting from our guests use of our properties in almost seven years. All of our guests sign Rental Agreements, which address all of those issues. The following items are specifically addressed in our Rental Agreement:

1. limit number of people in the property, which is typically 4 for a 1 bedroom, 6 for a 2 bedroom, 8 for a three bedroom, and 8 – 10 maximum for a 4 or 5 bedroom;
2. Parties, smoking, loud noise or music are strictly prohibited;
3. Guests are charged for excessive trash pickup, which we remove when the trash overflows the garbage cans;
4. Parking is limited to the number of spaces the property provides.

The majority of our guests are families with children that are very respectful of our properties, as well as the community as a whole. They love Santa Cruz County and many come year after year for return visits.

The guests support employment and local businesses, including restaurants, shops, the Boardwalk, golf, wineries, super markets, boating and other recreational activities. These all support the local economy, as well as contribute large sums to sales taxes and transient occupancy taxes, further helping the local economy.

We are fine with some of the items for the proposed ordinance, and in fact, as stated above, already have those items in effect, such as licenses or permits, noise and party restrictions, occupancy limits, parking and trash issues, and transient occupancy taxes. However, we have serious concerns about the minimum stay proposal, especially in the off-season, which is September through May. Most visitors come for weekend stays in those months, due to school and work restrictions, and often times two nights is all they can stay.

Additionally, due to the economic climate the last few years, and looking into the immediate future, guests often cannot afford to stay for a full 7 nights in the summer season. The owners of the properties also want, and financially need 7 night stays, so we book their properties for 3 and 4 nights, still giving them the full 7 nights. It would definitely create a severe financial hardship on the owners of these properties if they were not allowed to rent for one 3 or 4 nights stay in a week. This would seriously financially impact our business, and other vacation rental companies, as well as seriously diminish the amount of TOT paid the county. It would create a loss of jobs for those people working in our industry, such as housecleaners, handymen, landscapers, linen supply companies, appliance repair persons, plumbers, house cleaners and many others.

We can also visualize a serious financial impact on the real estate market as a whole if purchasers of property were not allowed to rent their homes and/or investment properties.

Our industry promotes tourism in Santa Cruz County, which is one of the largest, if not the largest industry for the county, bringing much needed financial support. If guests are not allowed to stay for 2 nights in the off season, these visitors, will move on to another location such as Monterey or further south. The Visitors Council, local Business Improvement Districts, and Chambers of Counsel expend tremendous efforts and funds to promote and increase the tourism industry for Santa Cruz County. Some of the proposals in the Ordinance would negate these efforts and funds.

We do not want to change our signs as most of the property management company's signs are professional, attractive, promote the various vacation rental properties and are an effective advertising tool. They also provide a telephone number for anyone having a problem with a vacation rental guest.

Finally, it is our belief that this Ordinance will not be adhered to by the people who are already violating the rules and regulations, who are renting their properties without paying the transient occupancy tax, driving them further "underground." This Ordinance will not restrict or penalize those that are the majority of the problem, but will seriously impact the vacation rental companies and owners abiding by the rules and regulations

Please take into consideration the organizations that oppose most items being drafted in this ordinance such as The Capitola Village and Wharf Business Improvement Association and The Santa Cruz Lodging Association. This ordinance adversely affects the Santa Cruz County economy as a whole.

We would hope that all of these matters are taken into consideration when drafting an ordinance, and that the many benefits of vacation rental homes in our community far outweigh the few unfortunate situations.

Respectfully submitted,

Dede Harrington & Stefanie Ferris  
Beach House Rentals

**Steven Guiney**

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**From:** Candie Noel [candien@mindspring.com]  
**Sent:** Friday, October 01, 2010 4:59 PM  
**To:** Steven Guiney  
**Subject:** FW: URGENT vote needed

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**From:** Candie Noel [mailto:candien@mindspring.com]  
**Sent:** Friday, October 01, 2010 4:08 PM  
**To:** 'pln950@co.santa.cruz.ca.us'  
**Cc:** 'Steve Allen'; 'kathy'; 'john.leopold@co.santa-cruz.ca.us'; 'neal.coonerty@co.santa-cruz.ca.us'; 'ellen.pirie@co.santa-cruz.ca.us'; 'tony.campos@co.santa-cruz.ca.us'; 'mark.stone@co.santa-cruz.ca.us'  
**Subject:** FW: URGENT vote needed

Hi Steve,  
Attached please find a letter from the Santa Cruz County of REALTORS expressing our oppositon to the proposed Vacation Rental Ordinance. Thank you.  
Candie

Candie Noel  
Chair, Local Government Relations Committee, Santa Cruz County Association of REALTORS  
REALTOR, GRI, SRES, e-PRO, RELO  
Bailey Properties  
9119 Soquel Drive  
Aptos, CA 95003  
\_\_\_\_\_  
(c) 831-252-2638  
cnoel@baileyproperties.com  
www.candienoel.com  
DRE# 01339841



Santa Cruz County Association  
of REALTORS®, Inc.

October 1, 2010

Santa Cruz County Housing Advisory Commission

Dear Commissioners:

The Santa Cruz County Association of Realtors® is writing to express our strong opposition to the proposed Vacation Rental Ordinance. Although we are sympathetic to neighborhood concerns, we believe that there are sufficient existing ordinances to address the issues of a few violators, in addition to the stated fact that there is no county data to support the need for the ordinance. The potential effect of this proposed ordinance on property owners, and commercial businesses that support the vacation industry in Santa Cruz County, is unacceptable to the Santa Cruz County Association of Realtors®.

We have strong reservations about the appropriateness of the ordinance in accomplishing its stated goals. We are concerned about long-term unintended consequences that translate to a negative impact on property values and property rights of owners resulting in a negative financial impact to Santa Cruz County. This ordinance, if passed, will have an enormous impact on the entire economic vitality of Santa Cruz County and has the potential to change the character and integrity of our communities which has been "vacation-based" since the late 1800's.

The mission statement of the Santa Cruz County Association of REALTORS® is to "enhance the professionalism and integrity of our members and to protect and promote private property rights". We believe this ordinance will significantly erode those rights.

The Santa Cruz County Association of Realtors® remains committed to working with the cities and county toward equitable resolutions to the problems that we face.

Respectfully,

A handwritten signature in cursive script, appearing to read "Steve Allen".

Steve Allen  
President  
Santa Cruz County Association of Realtors®  
2525 Main Street  
Soquel, California 95073

2525 Main Street, Soquel, California 95073

Main 831.464.2000

## Steven Guiney

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From: Porcila Wilson  
Sent: Monday, October 04, 2010 8:10 AM  
To: Steven Guiney  
Subject: FW: Carmel's Vacation Rental Ordinance



Ewing.pdf

emailed to the wrong email

-----Original Message-----

From: j b [mailto:janiceblock@gmail.com]  
Sent: Sunday, October 03, 2010 8:30 PM  
To: steve.guiney@co.santa-cruz.ca.us  
Cc: Porcila Wilson  
Subject: Carmel's Vacation Rental Ordinance

Hello,

I live less than ten feet from the side of a vacation rental house in Rio Del Mar off Cliff and Lamanda.  
I was not able to attend the last vacation rental ordinance meeting.  
I have read the highlights of the ordinance that was printed in the Aptos Times.

1. I want to know which areas are "grand-fathered-in?"
- 2, How are you going to address illegal units that are part of the vacation rental houses in your bedroom count? We have one as part of the vacation rental in our neighborhood.  
This weekend there are 14 people renting the home next to me that only has three legal bedrooms  
and also has one unit on the property that is a one room studio with possibly an illegal kitchen and bathroom.  
They are all in the house and the studio. There are five cars parked at this house.
- 3, How are you going to monitor who is not abiding by the rules? The Sheriff's office has no resources to be in charge of violators. We only have one sheriff on duty for the entire night that covers from Aptos down to La Selva Beach!
4. Isn't there an ordinance that you need one off-street parking space for every two people when you are running a commercial business which is what vacation rentals are all about?

I met with Supervisor Pirie over a year ago and again a few weeks ago and told her how upset all the residents are in our quiet upscale residential neighborhood about the vacation rentals in our area. These rentals bring in transient people who we can't monitor to see if they belong in our neighborhood as we have high crime here and have several Neighborhood Watches in our neighborhood.  
The renters don't care about the neighbors. They are not considerate and do not treat the neighborhood the same as if the vacation rental was next to their home. We do not



have a quiet neighborhood every time the vacation renters are here. All privacy has gone out the window. How would you like to have new neighbors every week looking in your windows and that party on the decks late into each night????

These should all be down on Beach Dr. and not up in our neighborhood.

I spoke to the planning department in Carmel about how they handle vacation rentals. They have a litigated ordinance that was taken to the Supreme Court. I provided her with this ordinance which does not allow short term rentals under 30 days.

I have attached the ordinance in Carmel.

When I purchased my home in 1997, there were no vacation rentals next to me or in the neighborhood up here. If I thought the county of Santa Cruz was more interested in tourism dollars than keeping the neighborhoods free of vacation rentals, I would of purchased a home in Carmel. I pay quite a bit in property taxes to Santa Cruz and they are very happy to accept it. If I was interested in living next to a vacation rental, I would of purchased a home on Beach Dr.

The main question is "Do any of you have a vacation rental next to where you live????????????????????????????????"

Why don't you turn the situation around and see how it feels to have to tolerated a vacation rental next to your home?

People should not buy second homes if they do not plan on renting them out as a 6-12 month rental or keep as a second home. My neighbor purchased the home for \$2.2 mil. with the intent of having it as a beach rental. He approached me prior to buying it and told me that is why he was buying it. I tried to convince him to purchase elsewhere, but he didn't care about our quiet upscale neighborhood remaining quiet. He lives in Sacramento and could care less about any of his neighbors.

I have been uncomfortable in my home for a very long time!!!!

Janice Block

915-2771

## **Ewing v. City of Carmel-by-the-Sea, 234 Cal.App.3d 1579**

[No. H007702. Sixth Dist. Oct 9, 1991.]

JOHN W. EWING et al., Plaintiffs and Appellants, v. CITY OF CARMEL-BY-THE-SEA,  
Defendant and Respondent.

(Superior Court of Monterey County, No. M 21130, Harkjoon Paik, Judge.)

(Opinion by Elia, J., with Capaccioli, Acting P. J., and Cottle, J., concurring.)

### **COUNSEL**

Noland, Hamerly, Etienne & Hoss and Michael Masuda for Plaintiffs and Appellants.

Donald G. Freeman, City Attorney, for Defendant and Respondent.

Louise H. Renne, City Attorney (San Francisco), Burk E. Deventhal, Assistant City Attorney, McCutchen, Doyle, Brown & Enersen, Daniel J. Curtin, Jr., and Ann R. Danforth as Amici Curiae on behalf of Defendant and Respondent. [234 Cal.App.3d 1584]

### **OPINION**

ELIA, J.

Plaintiff homeowners challenge the constitutionality of a zoning ordinance prohibiting transient commercial use of residential property for remuneration for less than 30 consecutive days. The trial court upheld the ordinance. We affirm.

#### **Factual and Procedural Background**

Plaintiffs are owners of single-family, residential property zoned R-1 in the City of Carmel-by-the-Sea. Plaintiffs challenge Ordinance No. 89-17, unanimously adopted by the Carmel City Council in May 1989. The ordinance prohibits the "Transient Commercial Use of Residential Property for Remuneration ... in the R-1 District."

The ordinance defines the "transient commercial use of residential property" as "the commercial use, by any person, of Residential Property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is for less than thirty (30) consecutive calendar days." The ordinance defines "remuneration" as "compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property."

The ordinance provides that "[a]ny Person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of Residential Property ..." and "[a]ny Person who uses, or allows the use of, Residential Property in violation [of the ordinance] is guilty of an infraction for each day in which such Residential Property is used, or allowed to be used ...." To enforce the ordinance, "[t]he City Attorney may seek legal, injunctive, or other equitable relief ...."

Plaintiffs filed this action in June 1989, seeking declaratory and injunctive relief, as well as an award of damages for violation of their civil rights under 42 United States Code section 1983 and an award of attorney fees under 42 United States Code section 1988. In August 1989, the trial court preliminarily enjoined Carmel from enforcement of the ordinance. In October 1990, after trial, the court lifted the preliminary injunction and entered judgment for Carmel, finding the ordinance to be "valid and enforceable."

Plaintiffs appeal. [234 Cal.App.3d 1585]

#### **Discussion**

Plaintiffs contend the doctrine of collateral estoppel bars Carmel from adopting and litigating the validity of Ordinance No. 89-17. Assuming alternatively that collateral estoppel does not apply,

plaintiffs contend the ordinance is constitutionally infirm in several respects. They maintain that it violates their rights of privacy and association, substantive and procedural due process, and equal protection.

We begin with plaintiffs' argument regarding collateral estoppel. A decade ago, Carmel enacted a series of ordinances by which it sought to regulate transient rentals. While the final version adopted in 1981 was worded quite differently from the version at issue here, the intent and effect were essentially the same. The 1981 ordinance, like Ordinance No. 89- 17, prohibited the rental of residential property for fewer than 30 days.

Some of the same homeowners involved in this suit challenged the earlier ordinances. The trial court permanently enjoined enforcement of the 1981 ordinance, finding it to be "unconstitutional as it invades the rights of association, privacy, and due process. The Court further finds that the Ordinance is over-broad and does not substantially effect its stated goals." Carmel did not appeal. Plaintiffs maintain that Carmel is collaterally estopped from relitigating the matter.

[1] Given the difference in wording of the two ordinances, we think it doubtful the doctrine of collateral estoppel applies. In any event, we conclude that this case comes within the public interest exception to the application of the doctrine.

In *Louis Stores, Inc. v. Department of Alcoholic Beverage Control* (1962) 57 Cal.2d 749 [22 Cal.Rptr. 14, 371 P.2d 758], the district liquor control administrator instituted successive proceedings seeking to revoke the beer and wine wholesale license of a chain of retail grocery stores. The first proceeding was resolved in the stores' favor. The second proceeding challenged the stores' operations during a different period of time and under a revised statute. But the stores argued that the administrator was collaterally estopped from relitigating the matter because neither the statute nor the stores' methods of operation had significantly changed since the first proceeding. The Supreme Court observed that *res judicata* should not be applied when it may have an adverse effect on third parties or when public interest requires that relitigation not be foreclosed. (Id. at p. 758.) "In the present case both of these factors, i.e., public interest and effect upon third persons, strongly indicate that the prior determination of the board should not operate to preclude either the department or the courts from reexamining the statute [234 Cal.App.3d 1586] and applying the correct interpretation ...." (Ibid.) The court noted that the statute "concerns the public interest in an industry requiring close supervision and that it is an important part of an integrated and rather complex licensing and price regulating system." (Ibid.)

In *Chern v. Bank of America* (1976) 15 Cal.3d 866, 872 [127 Cal.Rptr. 110, 544 P.2d 1310], the Supreme Court again "acknowledge[d] ... a sound judicial policy against applying collateral estoppel in cases which concern matters of important public interest." The court approved plaintiff's relitigation of certain banking practices, noting that federal and state statutes "evidence[] a strong interest in protecting the public through ... comprehensive scheme[s] of banking and financial regulations." (Ibid.) The court concluded: "Given the quality and intensity of the public interest involved, a reexamination of the legal significance of recurring factual events in which the same plaintiff is involved should not be foreclosed under collateral estoppel principles." (Id. at p. 873; see also *City of Sacramento v. State of California* (1990) 50 Cal.3d 51, 64-65 [266 Cal.Rptr. 139, 785 P.2d 522]; *Consumers Lobby Against Monopolies v. Public Utilities Com.* (1979) 25 Cal.3d 891, 902 [160 Cal.Rptr. 124, 603 P.2d 41].)

Similarly, a city and its residents have an abiding and continuing interest in zoning. And a zoning ordinance that does not pass muster today may—due to changed circumstances, changed language, or changed goals—pass muster only a decade later. We conclude that, even if the doctrine of

collateral estoppel were otherwise applicable, the public interest exception to the doctrine permits a zoning authority to try again.

[2a] We turn to the constitutionality of Ordinance No. 89-17, beginning with plaintiffs' argument that the ordinance constitutes a "taking" in violation of the Fifth Amendment. (U.S. Const., 5th Amend. ["No person shall be ... deprived of ... property, without due process of law; nor shall private property be taken for public use, without just compensation."]; Chicago, Burlington &c. R'd v. Chicago (1897) 166 U.S. 226, 235-241 [41 L.Ed. 979, 984-986, 17 S.Ct. 581] [Fifth Amendment applies to the states through the Fourteenth Amendment].) Although plaintiffs offer their "taking" argument almost as an afterthought by way of supplemental briefing, we view it as the logical starting point for our constitutional analysis.

The dawn of the 20th century marked the beginning of zoning laws in this country. (Euclid v. Ambler Co. (1926) 272 U.S. 365, 386 [71 L.Ed. 303, 310, 47 S.Ct. 114, 54 A.L.R. 1016].) Until then, "urban life was comparatively simple ...." (Ibid.) But the "great increase and concentration of population" and "the advent of automobiles and rapid transit street railways" [234 Cal.App.3d 1587] created problems necessitating land-use regulation. (Id. at pp. 386-387 [71 L.Ed. at p. 310].) In Euclid v. Ambler Co., the Supreme Court confronted for the first time a comprehensive zoning scheme, dividing the Village of Euclid, Ohio, into six use districts, which were further divided according to the permissible size of lots and height of buildings. Plaintiff landowner sought to enjoin enforcement of the Euclid ordinances, contending they deprived him of liberty and property without due process of law and deprived him of equal protection of law.

The Supreme Court declared that zoning regulations must find their justification in the police power, asserted for the public welfare. (Euclid v. Ambler Co., supra, 272 U.S. at p. 387 [71 L.Ed. at p. 310].) The court noted that the extent of the police power "varies with circumstances and conditions." (Ibid.) Likewise, "while the meaning of constitutional guaranties never varies, the scope of their application must expand or contract to meet the new and different conditions which are constantly coming within the field of their operation." (Ibid.)

The Supreme Court examined the reasons for comprehensive zoning and, particularly, for setting aside residential districts. In fact, in the court's view, "[t]he serious question in the case arises over the provisions of the ordinance excluding from residential districts, apartment houses, business houses, retail stores and shops, and other like establishments. This question involves the validity of what is really the crux of the more recent zoning legislation, namely, the creation and maintenance of residential districts, from which business and trade of every sort, including hotels and apartment houses, are excluded." (Euclid v. Ambler Co., supra, 272 U.S. at p. 390 [71 L.Ed. at pp. 311-312].) The court observed that nonresidential uses may have an increasingly deleterious impact on a residential district "until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed." (Id. at p. 394 [71 L.Ed. at p. 313].)

The Supreme Court upheld the Euclid ordinances as a proper exercise of the police power. The court concluded that even if Euclid's reasons for adopting the scheme, such as the preservation of residential areas, "do not demonstrate the wisdom or sound policy in all respects of those restrictions which we have indicated as pertinent to the inquiry, at least, the reasons are sufficiently cogent to preclude us from saying, as it must be said before the ordinance can be declared unconstitutional, that such provisions are clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare." (Euclid v. Ambler Co., supra, 272 U.S. at p. 395 [71 L.Ed. at p. 314].) [234 Cal.App.3d 1588]

Shortly before Euclid was decided, the California Supreme Court dealt with zoning ordinances in *Miller v. Board of Public Works* (1925) 195 Cal. 477 [234 P. 381, 38 A.L.R. 1479]. The City of Los Angeles issued plaintiff a permit for construction of a four-family flat. The city then revoked the permit pending adoption of a comprehensive zoning plan that would prohibit construction of a four-family flat on plaintiff's land. Plaintiff challenged the city's authority to enact zoning ordinances.

Like the court in *Euclid*, the court in *Miller* stressed the elasticity of the police power: "as a commonwealth develops politically, economically, and socially, the police power likewise develops, within reason, to meet the changed and changing conditions. What was at one time regarded as an improper exercise of the police power may now, because of changed living conditions, be recognized as a legitimate exercise of that power." (*Miller v. Board of Public Works*, supra, 195 Cal. at p. 484; see current Cal. Const., art. XI, § 7 [a city may "make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws"].) After concluding that zoning is indeed within the police power, the *Miller* court found that the Los Angeles zoning scheme was reasonably necessary to the public health, safety, morals or general welfare and that the scheme of districting and classification was fair and impartial. (195 Cal. at p. 489.)

The *Miller* court set forth what it considered to be the critical question regarding zoning: "whether or not there may be legally established, as a part of a comprehensive zoning plan, strictly private residential districts from which are excluded and absolutely prohibited general business enterprises, apartments, tenements, and like structures." (*Miller v. Board of Public Works*, supra, 195 Cal. at p. 490.) Not only was the *Miller* court's question nearly the same as the "serious question" set forth in *Euclid*, but so also was the answer. "We are of the opinion that it may be done; that the establishment of [residential] districts as a part of a systematic and carefully considered and existing zoning plan is a legitimate exercise of the police power delegated to the municipality." (*Ibid.*)

As we near the end of the 20th century, the courts continue to confront a myriad of zoning disputes. The issues have evolved, often reflecting the increased affluence and mobility of some elements in our modern society. The law has also evolved, but the basic principles survive. [3] Zoning ordinances are still presumptively constitutional. (*Goldblatt v. Hempstead* (1962) 369 U.S. 590, 594 [8 L.Ed.2d 130, 133-134, 82 S.Ct. 987]; *Associated Home Builders etc., Inc. v. City of Livermore* (1976) 18 Cal.3d 582, 604-605 [135 Cal.Rptr. 41, 557 P.2d 473, 92 A.L.R.3d 1038].) But "[t]he application of a general zoning law to particular property effects a taking if [234 Cal.App.3d 1589] the ordinance does not substantially advance legitimate state interests, see *Nectow v. Cambridge*, 277 U.S. 183, 188 (1928), or denies an owner economically viable use of his land, see *Penn Central Transp. Co. v. New York City*, 438 U.S. 104, 138, n. 36 (1978). The determination that governmental action constitutes a taking is, in essence, a determination that the public at large, rather than a single owner, must bear the burden of an exercise of state power in the public interest. Although no precise rule determines when property has been taken, see *Kaiser Aetna v. United States*, 444 U.S. 164 (1979), the question necessarily requires a weighing of private and public interests." (*Agins v. Tiburon* (1980) 447 U.S. 255, 260-261 [65 L.Ed.2d 106, 112, 100 S.Ct. 2138].)

In passing Ordinance No. 89-17, Carmel sought to implement goals set forth in its 1988 revised general plan. (See Gov. Code, § 65860 [zoning ordinance must be consistent with general plan].) Objective O1-12 states, for example: "Intensify enforcement of zoning codes to maintain the residential character of the city." Policy P1-37 provides: "Review and develop measures to

restrict commercial short term rental of single family residences in the R-1 district." Policy P3-12 provides: "Preserve existing permanent housing and maintain the vital residential character of Carmel-by-the-Sea. Prohibit expansion of visitor oriented commercial uses such as transient rentals." Policy P3-18 provides: "Encourage the conversion of commercial transient housing to housing for permanent residents."

In the findings and purposes appended to Ordinance No. 89-17, the city council observed: "The purpose of the R-1 District is to provide an appropriately zoned land area within the City for permanent single-family residential uses and structures and to enhance and maintain the residential character of the City." The council found that the use of single-family residential property for transient lodging was a commercial use inconsistent with the purpose of the R-1 District. Moreover, "[c]ommercial use of single-family residential property for such purposes create unmitigatable, adverse impacts on surrounding residential uses including, but not limited to, increased levels of commercial and residential vehicle traffic, parking demand, light and glare, and noise detrimental to surrounding residential uses and the general welfare of the City. Such commercial use may increase demand for public services, including, but not limited to, police, fire, and medical emergency services, and neighborhood watch programs."

Plaintiffs submit declarations intended to show that transient use of R-1 property does not create the "unmitigatable, adverse impacts" cited by the council. A paralegal reports she examined the Carmel Police Department's press log for the past two years and found just one "disturbing the peace" complaint and only five complaints of "blocked driveway" in the R-1 [234 Cal.App.3d 1590] District. She found no complaints regarding "light and glare," "noise," or "transient rental use." The operator of a residential housecleaning service in the R-1 District for the past two years declares that he cleans "vacation homes" no differently from "permanent homes." He parks his car in the driveway of the house being cleaned and makes no more noise than would a homeowner cleaning his own house. He has never had any complaints from neighbors or from Carmel regarding activities connected to his service. John W. Ewing, the lead plaintiff in this action, declares that his home in the R-1 District is vacant approximately 40 to 50 percent of the time. ~~When rented through a broker, it is occupied for at least one week by no more than one family or two couples. No maid, linen, or food service is provided.~~ Ewing has never had complaints from his neighbors or from Carmel regarding use of his property.

[2b] While plaintiffs have presented some evidence to counter the council's finding that transient rentals increase traffic, parking demand, light and glare, noise, and the need for public services, they have not met Carmel's chief purpose in adopting Ordinance No. 89-17-"to provide an appropriately zoned land area within the City for permanent single-family residential uses and structures and to enhance and maintain the residential character of the City."

In *Miller and Euclid*, the highest courts of this state and of the land recognized that maintenance of the character of residential neighborhoods is a proper purpose of zoning. The California Supreme Court employed language now a bit dated yet plainly relevant to the case at hand: "[W]e think it may be safely and sensibly said that justification for residential zoning may, in the last analysis, be rested upon the protection of the civic and social values of the American home. The establishment of such districts is for the general welfare because it tends to promote and perpetuate the American home. It is axiomatic that the welfare, and indeed the very existence of a nation depends upon the character and caliber of its citizenry. The character and quality of manhood and womanhood are in a large measure the result of home environment. The home and its intrinsic influences are the very foundation of good citizenship, and any factor contributing to the establishment of homes and the fostering of home life doubtless tends to the enhancement not

only of community life but of the life of the nation as a whole." (Miller v. Board of Public Works, supra, 195 Cal. at p. 493.) The court observed that with home ownership comes stability, increased interest in the promotion of public agencies, such as schools and churches, and "recognition of the individual's responsibility for his share in the safeguarding of the welfare of the community and increased pride in personal achievement which must come from personal participation in projects looking toward community betterment." (Ibid.) [234 Cal.App.3d 1591] It stands to reason that the "residential character" of a neighborhood is threatened when a significant number of homes-at least 12 percent in this case, according to the record-are occupied not by permanent residents but by a stream of tenants staying a weekend, a week, or even 29 days. Whether or not transient rentals have the other "unmitigatable, adverse impacts" cited by the council, such rentals undoubtedly affect the essential character of a neighborhood and the stability of a community. Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow-without engaging in the sort of activities that weld and strengthen a community.

Plaintiffs attempt to equate this case with Parr v. Municipal Court (1971) 3 Cal.3d 861 [92 Cal.Rptr. 153, 479 P.2d 353], in which the Supreme Court confronted a Carmel zoning ordinance prohibiting, among other things, sitting or lying upon public lawn. The ordinance was accompanied by a "Declaration of Urgency" explaining that it was geared toward "an extraordinary influx of undesirable and unsanitary visitors to the City, sometimes known as 'hippies' ...." (Id. at p. 863.) The court concluded that the ordinance violated appellant's right of equal protection by discriminating against a social class. Plaintiffs quote from the concurrence in Building Industry Assn. v. City of Camarillo (1986) 41 Cal.3d 810, 825 [226 Cal.Rptr. 81, 718 P.2d 68]: "An impermissible elitist concept is invoked when a community constructs a legal moat around its perimeter to exclude all or most outsiders." Plaintiffs argue that the ordinance challenged in Parr and Ordinance No. 89-17 demonstrate Carmel's desire to build a legal moat. The ordinance challenged in Parr was struck down; thus, plaintiffs reason, Ordinance No. 89-17 should meet the same fate.

We view the ordinance here as very different from that in Parr, in which Carmel sought to ban entirely a certain element from the community. By Ordinance No. 89-17, Carmel does not seek entirely to ban short-term visitors. Indeed, we suspect that short-term visitors provide an economic boon that Carmel would be loath to eliminate. Rather, Carmel wishes simply to confine the accommodations for short-term visitors to areas outside the R- 1 District-where, according to the record, there are approximately 950 such transient units.

Blessed with unparalleled geography, climate, beauty, and charm, Carmel naturally attracts numerous short-term visitors. Again, it stands to reason that Carmel would wish to preserve an enclave of single-family homes as the heart and soul of the city. [4] We believe that this reason alone is [234 Cal.App.3d 1592] "sufficiently cogent to preclude us from saying, as it must be said before the ordinance can be declared unconstitutional, that such provisions are clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals or general welfare." (Euclid v. Ambler Co., supra, 272 U.S. at p. 395 [71 L.Ed. at p. 314].)

[5] A zoning ordinance does not constitute a taking simply because it narrows a property owner's options. In fact, "[m]any zoning ordinances place limits on the property owner's right to make profitable use of some segments of his property." (Keystone Bituminous Coal Assn. v. DeBenedictis (1987) 480 U.S. 470, 498 [94 L.Ed.2d 472, 496, 107 S.Ct. 1232]; see, e.g., Griffin

Development Co. v. City of Oxnard (1985) 39 Cal.3d 256 [217 Cal.Rptr. 1, 703 P.2d 339] [condominium conversion ordinance]; Birkenfeld v. City of Berkeley (1976) 17 Cal.3d 129 [130 Cal.Rptr. 465, 550 P.2d 1001] [rent control law].) Justice Holmes stated the test in Penna. Coal Co. v. Mahon (1922) 260 U.S. 393, 413 [67 L.Ed. 322, 43 S.Ct. 158, 28 A.L.R. 1321]:

"Government hardly could go on if to some extent values incident to property could not be diminished without paying for every such change in the general law. As long recognized, some values are enjoyed under an implied limitation and must yield to the police power. But obviously the implied limitation must have its limits, or the contract and due process clauses are gone. One fact for consideration in determining such limits is the extent of the diminution. When it reaches a certain magnitude, in most if not in all cases there must be an exercise of eminent domain and compensation to sustain the act. So the question depends upon the particular facts."

[2c] Ordinance No. 89-17 leaves plaintiffs with several economically viable uses of their property. Plaintiffs may live in their homes permanently or occasionally. They may rent their homes for remuneration for at least 30 days. They may allow others to use their homes, without remuneration, for any length of time. They may sell their homes or otherwise encumber them. The only thing they may not do, under the terms of Ordinance No. 89-17, is operate their homes as "bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging ...." The intrusion into plaintiffs' bundle of ownership rights-"the extent of the diminution," in Justice Holmes's words-is minimal and far outweighed by the public interest in enhancing and maintaining permanent residential areas.

[6] Plaintiffs insist, however, that Carmel has acted arbitrarily by restricting transient commercial use of residential property while other commercial uses are allowed. Carmel Ordinance No. 17.24.020 permits home occupations in the R-1 District, including "painting and related graphics, music, dance, dramatics, sculpture, writing, photography, weaving, ceramics, [234 Cal.App.3d 1593] needlecraft, jewelry, glass and metal crafts." Carmel Ordinance No. 17.24.030 allows the issuance of use permits for private kindergartens and nursery schools in the R-1 District. Plaintiffs contend that these uses result in even greater "unmitigatable, adverse impacts" than the uses prohibited by Ordinance No. 89-17.

Whether or not home occupations increase traffic and parking problems and other adverse impacts, they do not threaten the basic character of a residential neighborhood. Rather, they strengthen the community by fostering the talents of its residents. (See County of Butte v. Bach (1985) 172 Cal.App.3d 848, 865 [218 Cal.Rptr. 613] [home occupation exception in a zoning ordinance "implicitly premised upon expectations that the number and distribution of such encroachments will not be intolerable and that persons who live where they work are likely to have less detrimental impact than nonresidents"].) Similarly, local kindergartens and nursery schools keep toddlers close to home, enhancing the quality of life and the stability of the community.

Plaintiffs also complain that Carmel has drawn the line arbitrarily by permitting rentals of 30 consecutive days but not 29. Line drawing is the essence of zoning. Sometimes the line is pencil-point thin-allowing, for example, plots of one-third acre but not one-fourth; buildings of three floors but not four; beauty shops but not beauty schools. In Euclid, the Supreme Court recognized that "in some fields, the bad fades into the good by such insensible degrees that the two are not capable of being readily distinguished and separated in terms of legislation." (Euclid v. Ambler Co., supra, 272 U.S. at p. 389 [71 L.Ed. at p. 311].) Nonetheless, the line must be drawn, and the legislature must do it. Absent an arbitrary or unreasonable delineation, it is not the prerogative of the courts to second-guess the legislative decision. (See Village of Belle Terre



v. Boraas (1974) 416 U.S. 1, 8 [39 L.Ed.2d 797, 803-804, 94 S.Ct. 1536]; Berman v. Parker (1954) 348 U.S. 26, 35-36 [99 L.Ed. 27, 39-40, 75 S.Ct. 98].)

In this case, it appears that Carmel did not wish to discourage month-to-month tenancies. Indeed, long-term tenants may create as stable a community as resident homeowners. Through Ordinance No. 89-17, Carmel wished to curtail only short-term occupancies for remuneration. We believe that the 30-day cutoff is not arbitrary but, rather, reasonably linked to that goal. (See Rev. & Tax. Code, § 7280 [establishing 30-day cutoff for city or county tax upon short-term occupancy in "hotel, inn, tourist home or house, motel, or other lodging"]; Civ. Code, § 1943 [tenancy presumed to be month-to-month unless otherwise designated in writing].)

[7a] Plaintiffs offer yet another Fifth Amendment argument, contending that Ordinance No. 89-17 is unconstitutionally vague and overbroad. [234 Cal.App.3d 1594] [8] Indeed, "a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process." (Connally v. General Const. Co. (1926) 269 U.S. 385, 391 [70 L.Ed. 322, 328, 46 S.Ct. 126].) In Grayned v. City of Rockford (1972) 408 U.S. 104, 108 [33 L.Ed.2d 222, 227, 92 S.Ct. 2294], the Supreme Court observed that a vague law may offend "several important values." First, the person of ordinary intelligence should have a reasonable opportunity to know what is prohibited. A vague law may trap the innocent by not providing fair warning. Second, a vague law impermissibly delegates the legislative job of defining what is prohibited to policemen, judges, and juries, creating a danger of arbitrary and discriminatory application. Third, a vague law may have a chilling effect, causing people to steer a wider course than necessary in order to avoid the strictures of the law.

Yet, "[c]ondemned to the use of words, we can never expect mathematical certainty from our language." (Grayned v. City of Rockford, supra, 408 U.S. at p. 110 [33 L.Ed.2d at pp. 228-229], fn. omitted.) [9] "Often the requisite standards of certainty can be fleshed out from otherwise vague statutory language by reference to any of the following sources: (1) long established or commonly accepted usage; (2) usage at common law; (3) judicial interpretations of the statutory language or of similar language; (4) legislative history or purpose. [Citation.] While the dangers of discriminatory enforcement and ex post facto punishment posed by vague penal provisions must be considered in construing statutory language [citation], liberal regard will be given to legislative intent so as to give effect to the salutary objects of the particular law. [Citations.] Zoning regulations are no exception to the foregoing principles. [Citation.]" (Sechrist v. Municipal Court (1976) 64 Cal.App.3d 737, 745 [134 Cal.Rptr. 733].) "In fact, a substantial amount of vagueness is permitted in California zoning ordinances ...." (Novi v. City of Pacifica (1985) 169 Cal.App.3d 678, 682 [215 Cal.Rptr. 439] [antimonotony ordinance]; see also Guinnane v. San Francisco City Planning Com. (1989) 209 Cal.App.3d 732 [257 Cal.Rptr. 742] [residential character ordinance].)

In his declaration, plaintiff John Ewing criticizes Ordinance No. 89-17 as follows: "I do not know if the term 'remuneration' prohibits house-swaps, house-sitting, pet-sitting, or allowing someone to use my house in return for bartered consideration, dinner, or house or yard work. I also do not know whether the 'remuneration' has to be viewed from my point of view or my guests'. For example, many of my guests agree to use my Carmel home, either alone or when I am also present, only on condition they be allowed to do something for me in return. In some cases, I consider this clearly a 'bargained for consideration.' In other cases I do not, but I know my guests [234 Cal.App.3d 1595] consider it bargained for consideration. Am I violating the ordinance in both cases, or only those in which I consider the deal to have been 'bargained for?'"

If it is only when I consider it 'bargained for,' how will Carmel distinguish between different owner's interpretations of their friends' or guests' insinuations that they be allowed to do something for the homeowner in exchange for the right to occupy the residence?"

In fact, Carmel's attorney acknowledged at trial that house-sitting and house swapping could be viewed as "bargained for consideration." Even a host and his overnight guest who treats him to dinner might find themselves on the wrong side of the ordinance.

[7b] At this point, we do not presume to know how expansively Carmel will interpret Ordinance No. 89-17. Although a very broad reading of "remuneration" or "bargained for consideration" might lead to absurd applications, as Carmel's attorney admitted, the legislative purpose is clearly to prohibit transient commercial use of residential property. The word "commercial" appears repeatedly at every critical juncture in the ordinance. As the court observed with respect to zoning matters in *Sechrist v. Municipal Court*, supra, 64 Cal.App.3d at page 746, "[t]he term 'residential' is normally used in contradistinction to 'commercial' or 'business.' " (See also *City of Beverly Hills v. Brady* (1950) 34 Cal.2d 854, 856 [215 P.2d 460] ["Whether the questioned activities amount to the conduct of a business depends upon the adopted definition of that word and the primary intent of the zoning restrictions."].)

Plaintiffs complain that Carmel's use of the word "commercial" in Ordinance No. 89-17 is "self-serving, unrealistic, and legally incorrect." To the contrary, we view Carmel's repeated use of the word as strong evidence that Carmel intends only to prevent homeowners in the R-1 District from operating like a "bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging ...." In our experience, such establishments do not normally engage in house swaps, house-sitting, pet-sitting, or permit customers to pay by treating the proprietor to dinner or by doing yard work. Given the repeated use of the word "commercial," we do not discern an intention by Carmel to police bread-and-butter gifts. We believe that Ordinance No. 89-17 is sufficiently clear to allow people of common intelligence to understand its meaning.

[10] Finally, we turn to plaintiffs' contention that Ordinance No. 89-17 violates their constitutional rights of substantive due process and equal protection. They argue first that the ordinance infringes upon their rights of freedom of association and of privacy guaranteed by the federal and state Constitutions. (See U.S. Const., 1st, 3d, 4th, 5th, & 9th Amends.; *Griswold v. Connecticut* (1965) 381 U.S. 479 [14 L.Ed.2d 510, 85 S.Ct. 1678]; Cal. [234 Cal.App.3d 1596] Const., art. I, § 1; *White v. Davis* (1975) 13 Cal.3d 757 [120 Cal.Rptr. 94, 533 P.2d 222].)

Because these are fundamental rights (see *Griswold v. Connecticut*, supra, 381 U.S. at pp. 484-486 [14 L.Ed.2d at pp. 514-516] [privacy]; *N.A.A.C.P. v. Alabama* (1958) 357 U.S. 449, 460-461 [2 L.Ed.2d 1488, 1498-1499, 78 S.Ct. 1163] [association]), they contend the ordinance is not presumed valid, as would be the normal zoning ordinance. Rather, they maintain that Carmel has the burden of demonstrating that the infringement upon constitutional rights is necessary to meet a compelling public need and that the ordinance is the least intrusive means of meeting that need. (See *Moore v. East Cleveland* (1977) 431 U.S. 494, 499 [52 L.Ed.2d 531, 537-538, 97 S.Ct. 1932]; *Robbins v. Superior Court* (1985) 38 Cal.3d 199, 213 [211 Cal.Rptr. 398, 695 P.2d 695].)

Second, plaintiffs argue that even if the ordinance does not infringe upon fundamental rights, it still violates substantive due process and equal protection because it is not rationally related to the goals sought to be achieved. (See *Village of Belle Terre v. Boraas*, supra, 416 U.S. at p. 8 [39 L.Ed.2d at pp. 803-804]; *Roman Cath. etc. Corp. v. City of Piedmont* (1955) 45 Cal.2d 325, 331 [289 P.2d 438].)

We have already determined that the ordinance is rationally related to the stated goal. Carmel wishes to enhance and maintain the residential character of the R-1 District. Limiting transient commercial use of residential property for remuneration in the R-1 District addresses that goal. We have also concluded there is a rational basis for the 30-day cutoff and for the allowance of home occupations in the R-1 District despite the prohibitions contained in Ordinance No. 89-17. Plaintiffs rely upon *Roman Cath. etc. Corp. v. City of Piedmont*, supra, in which the California Supreme Court struck down an ordinance prohibiting private schools in an area where public schools were allowed, finding no rational basis for distinguishing one from the other. The case is inapposite. Carmel has not prohibited one kind of transient commercial use while permitting another comparable use. Rather, through Ordinance No. 89-17, Carmel has prohibited all transient commercial use of residential property for remuneration.

Further, a review of a few of the cases relied upon by plaintiffs shows that this case is not within the ambit of association or privacy rights. Plaintiffs rely particularly upon *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123 [164 Cal.Rptr. 539, 610 P.2d 436, 12 A.L.R.4th 219], in which the California Supreme Court struck down an ordinance prohibiting housekeeping units of more than five persons unrelated by blood, marriage, or adoption. The court concluded that there was no nexus between the "rule-of-five" and the city's goal of maintaining residential character. "The fatal flaw in attempting to maintain a stable residential neighborhood through the use of criteria based upon biological or legal relationships is that such classifications operate to prohibit a plethora of uses which pose no threat to the [234 Cal.App.3d 1597] accomplishment of the end sought to be achieved. ... As long as a group bears the "generic character of a family unit as a relatively permanent household," it should be equally as entitled to occupy a single family dwelling as its biologically related neighbors." (Id. at p. 134, quoting from *State v. Baker* (1979) 81 N.J. 99 [405 A.2d 368, 371-372].)

In *Robbins v. Superior Court*, supra, the California Supreme Court concluded that plaintiffs were likely to succeed on their claim that certain aspects of the defendant county's general assistance program were unconstitutional. Under the program, single, employable residents were not eligible for cash benefits but only for "in-kind" benefits, meaning food and shelter at a county facility. Because the assistance program likely interfered with plaintiffs' rights of association and privacy, the court held that the trial court erred in refusing to issue a preliminary injunction.

In *Park Redlands Covenant Control Committee v. Simon* (1986) 181 Cal.App.3d 87 [226 Cal.Rptr. 199], the court declared unconstitutional a private restrictive covenant that limited the maximum number of occupants per unit to three. In *Atkisson v. Kern County Housing Authority* (1976) 59 Cal.App.3d 89 [130 Cal.Rptr. 375], the court declared unconstitutional a county housing authority policy prohibiting a low-income public housing tenant from living with a member of the opposite sex to whom the tenant was not related by blood, marriage, or adoption. In each case, the court determined that the rule interfered with the complainants' right to privacy by restricting with whom they could live.

In *Moore v. East Cleveland*, the United States Supreme Court struck down an ordinance limiting the occupancy of a single dwelling unit to members of a single "family" and defining "family" so as to prohibit even related individuals from living together in certain instances. When the government so intrudes upon family living arrangements, the court declared, "the usual judicial deference to the legislature is inappropriate." (*Moore v. East Cleveland*, supra, 431 U.S. at p. 499 [52 L.Ed.2d at p. 537].) The court distinguished the case from *Village of Belle Terre v. Boraas*, in which the court upheld an ordinance that limited the ability of unrelated individuals to live together but placed no limitation upon those related by blood, marriage, or adoption. The court

noted that the Belle Terre ordinance promoted "family needs" and "family values." (Village of Belle Terre v. Boraas, supra, 416 U.S. at p. 9 [39 L.Ed.2d at p. 804].) Achieving just the opposite, the East Cleveland ordinance "slic[ed] deeply into the family itself." (Moore v. East Cleveland, supra, 431 U.S. at p. 498 [52 L.Ed.2d at p. 538].)

Ordinance No. 89-17 differs sharply from the ordinances, policies, and covenants declared unconstitutional in the cases cited by plaintiffs. The rule [234 Cal.App.3d 1598] challenged in each of those cases prohibited cohabitation by certain people or groups of people. In effect, each rule governed with whom residents could reside, based upon the number of people or upon their familial relationship. The ordinance here does no such thing. Plaintiffs are free to live with whom they wish. They may entertain whom they wish. They may rent to whom they wish-the only condition being that the occupancy, possession, or tenancy last at least 30 consecutive calendar days. As the Supreme Court emphasized in City of Santa Barbara v. Adamson, supra, 27 Cal.3d at page 133, "In general, zoning ordinances are much less suspect when they focus on the use than when they command inquiry into who are the users." The ordinance here does just that. It prohibits the transient commercial use of residential property for remuneration in the R-1 District-regardless of who the parties are. Because Ordinance No. 89-17 focuses on use, rather than users, it does not violate fundamental rights and does not warrant stricter scrutiny than is normally accorded zoning laws.

Even if their privacy rights are not violated by Ordinance No. 89-17 itself, plaintiffs fear the means by which Carmel will detect violations of the ordinance. Plaintiffs allege that Carmel attempted to enforce earlier versions of the ordinance by monitoring houses and license plate numbers and by dispatching letters and police officers to the homes of suspected violators. Plaintiffs contend such methods would violate their right to privacy. Just as we do not presume to know precisely how Carmel will interpret Ordinance No. 89-17, we also do not presume to know precisely how Carmel will detect violators. But we shall not assume that Carmel intends to invade constitutional rights. Review of Carmel's specific application and enforcement of the ordinance, if appropriate, must await another day. (See Euclid v. Ambler Co., supra, 272 U.S. at pp. 395-397 [71 L.Ed. at pp. 313-315]; People v. Wingo (1975) 14 Cal.3d 169, 180 [121 Cal.Rptr. 97, 534 P.2d 1001] ["A statute valid on its face may be unconstitutionally applied."].) Because we conclude that Carmel has not violated plaintiffs' constitutional rights, we do not reach their arguments under 42 United States Code sections 1983 and 1988.

#### **Disposition**

The judgment is affirmed.

**Steven Guiney**

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**From:** Kathy Previsich  
**Sent:** Tuesday, October 05, 2010 9:30 AM  
**To:** Paia Levine; Wanda Williams; Steven Guiney; Erik Schapiro; Porcila Wilson  
**Subject:** FW: HAC Meeting September 21st

-----Original Message-----

**From:** Christine Shepard [mailto:christinecshepard@gmail.com]  
**Sent:** Monday, October 04, 2010 4:21 PM  
**To:** Ellen Pirie; Neal Coonerty; Tony Campos; Mark Stone; Porcila Wilson; Kathy Previsich; carney-1@ix.netcom.com; local3dietrich@hotmail.com; sldamon@covad.net; owen.lawlor@gmail.com; taylor.dial@scccc.org  
**Subject:** HAC Meeting September 21st

October 3<sup>rd</sup>, 2010

Dear Mr. Campos, Mr. Stone, Mr. Coonerty, and Mrs. Pirie,

I am writing to dispute Mr. Thoits and Mr. Nicklanovich's portrayal of what occurred at the HAC meeting on September 21<sup>st</sup>. I am shocked to hear the words "abusive", "aggressive", "denigrating", "rude", "unrestrained", "abuse", "intimidation" and "mob". I am a mother, a PhD candidate at UCSC and a respectful young woman. My husband, a Deputy Sheriff in this county, is also a very respectful person. We were sitting in the second row and I am personally offended at this completely inaccurate depiction of the meeting.

Mr. Thoits characterized the anti-ordinance people as "the vacation rental industry" who "assembled" a large turnout. I dispute that entirely. Most of the people who spoke are regular Santa Cruz residents like myself who also have a vacation home. Most of us have one vacation rental home and are not property managers of multiple homes. We were not there for an "industry", we were there for our spouses and our children. Mr. Thoits' claim that speakers used hyperbole is completely disgusting. I was in tears speaking of the impacts the draft ordinance would have on my family. The specific concern I addressed at the HAC meeting was lack of clear language grandfathering in all existing rentals. Our vacation rental is on the same parcel as our residence and the ordinance as currently written does not explicitly grandfather us in. If we are not grandfathered in, we cannot pay the mortgage with a long term tenant. The consequences of this draft ordinance on my family are not assumed, they are real. I encourage Mr. Thoits to read with comprehension the sections of the draft entitled Applicability and the definition of Vacation Rental on the last page of the draft.

Last week, the Planning Director released a new document indicating that existing multi-family dwelling vacation rentals will be grandfathered in. Although this relieves some anxiety for my family, there are many flaws in the remaining pieces of the ordinance. From reading the letters attached to the HAC agenda, it appears many who wanted this ordinance are now concerned about how the geographic concentration limits will impact their own property values. How ironic.

I also dispute Mr. Thoits' contention that vacation rental growth is removing long term rentals from the market. The planning department concluded that vacation rentals (because they are so few compared to housing stock) do not impact the housing supply (see the section of the draft ordinance titled Impacts on Supply and Diversity of Housing).

Perhaps what Mr. Thoits and Mr. Nicklanovich describe as intimidation is really something else. It was probably quite difficult for them to stand in front of the room and state the talking point that "these are commercial entities" that "need to be regulated" when the other side is talking about losing their homes and their livelihood. It is easier to retreat to a typewriter or email when emotions run high but I believe in democracy and I am thankful for the opportunity to share my concerns with the HAC. I encourage Mr. Thoits and Mr. Nicklanovich and anyone else who has an opinion to stand up and speak at the upcoming meetings. While I respect Mr. Thoits and Mr. Nicklanovich's right to

express their opinion, I will not tolerate lies or tolerate people who minimize my family's genuine concerns. Please include this letter as part of the public record for the upcoming HAC meeting.

Christine Shepard

*Update- Just today, Supervisor Leopold sent out his newsletter depicting the meeting in a matter similar to Mr. Thoits and Mr. Nicklanovich (who clearly relayed their opinions to him). I find this completely disturbing and unbecoming of a public official. Here is a quote from this newsletter:*

*"These meetings are likely to be contentious, and the potential for **continued intimidation** is high. If you support an ordinance that helps maintain our neighborhoods as residential and not commercial districts, and are willing to give your neighbors moral support **in the face of intimidation**, please attend these meetings."*

*Continued intimidation? I am completely blown away that Mr. Leopold is so comfortable boldly characterizing a meeting he chose not to attend. Mr. Leopold's choice words are disrespectful to me and other members of the community who chose to speak at the meeting. I am utterly speechless at his behavior.*

**Steven Guiney**

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**From:** Hiram Chee [hiramc@pacbell.net]  
**Sent:** Thursday, October 07, 2010 8:55 AM  
**To:** John Leopold; Ellen Pirie; Neal Coonerty; Tony Campos; Mark Stone; Steven Guiney  
**Cc:** Chrissea22@aol.com; 'Akemi Chee'  
**Subject:** Vacation rental ordinance opposition

Dear County Supervisors and Planning Department Staff,

We are writing to oppose the draft vacation rental ordinance as presented by the Planning Department Staff at the public workshops hearings of the Housing Authority Commission, held on September 21 and October 6, 2010. If adopted in its current form, the ordinance would be too restrictive for us to continue using the property as we have. It would also have immediate material impact on all owners of vacation rentals and it would preclude a majority of residents and property owners in Santa Cruz County from having the flexibility to use their properties as vacation rentals in the future. The ordinance would also materially affect local businesses and the county government itself. Lastly, the ordinance might also have future unintended effects that cannot be forecasted.

Our family has resided in Live Oak for 12 years and we own a house that we recently began offering as a vacation rental. The property is adjacent to the property we live in. The rental income that the property generates is a supplement to our employment income. We also regularly provide our family members and close friends with accommodations during their visits. Overall, our experience and that of our guests has been very positive. We have hosted families from various parts of the world and are proud of the feedback that we consistently receive about the high quality of the experience. Various guests have expressed a desire to come back. We actively manage our property and carefully screen the guests that we allow. We clearly state our rules and expectations to prospective guests verbally and through a written contract. Overall, we are very conscious of maintaining the value of our property and avoid any possible disturbance to ourselves and our neighbors.

We attended the public workshops and spent time researching the vacation rental ordinances that have been already been adopted or are in process of adoption for various communities around California and the rest of the country. At the meetings we were struck by the range of opinions on this issue. The range of issues brought up and the conviction of the speakers is representative of the extent to which our lives are currently affected or would be affected by the passage of the ordinance. There were various members of the community we recognize that are consistently affected by loud noise, parking and other issues. There were also others members opposing the draft ordinance that presented similar concerns to ours and other concerns that are specific to their situation.

Comparing the draft ordinance to the ordinances of other communities, we found that the majority of elements in the draft ordinance have been included in ordinances of other communities. While these similarities might create impetus for adoption of the draft ordinance as currently written, the make-up and character of Santa Cruz County and its residents is unique. Our community representatives have a duty to put in place an ordinance that addresses the needs of the community and it is beneficial to a majority of its residents.

At the October 6 workshop the Housing Authority Commissioners moved to oppose the current draft ordinance and instructed the Planning Staff to simplify the ordinance so that it is much easier to implement and enforce and it balances the needs of the community. A majority of commissioners agreed on various elements that would ensure identification of all vacation rentals, payment of registration and TOT taxes and enable enforcement towards vacation rental owners that manage their properties irresponsibly. Restrictive operational elements of the current draft ordinance would be removed from the ordinance thus relieving the concern of current vacation rental owners, eliminating the limitations that would be placed on all Santa Cruz County property owners and avoiding the material impact that a more restrictive ordinance would have on the community and local government. Also, by removing the operational elements, the need to establish special consideration areas would be eliminated. I am in favor of an ordinance that incorporates the elements that the HAC agreed on since I believe it enables a balanced and stepwise approach to achieve the intended goals. Should this simplified ordinance, once enacted, fail to meet the needs of the community, the ordinance could be revised in the future to include additional elements that would address specifically the deficiencies that were affecting a majority of Santa Cruz County residents at that point.

Sincerely,

10/7/2010

Hiram and Akemi Chee  
4425 Opal Cliff Drive  
Santa Cruz, CA 95062



## Steven Guiney

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**From:** Don Breuner [donbreuner@comcast.net]  
**Sent:** Thursday, October 07, 2010 9:46 AM  
**To:** Steven Guiney  
**Subject:** County ordinance affecting vacation rentals

Steve

Thanks for your time on the phone this morning regarding the subject ordinance.

My wife Carol and I attended the HAC meeting last night and appreciated your remarks to the HAC, as well as learning more about issues mentioned by others on both sides and the committee members.

My impression is that his whole issue is the result of bad behavior of a few guests, and does not warrant punishing everyone with a vacation rental just because a few bad guests cause a problem.

I suggest requiring that the proposed ordinance, when eventually adopted, be included with vacation rental owners rules to be accepted by their guests (tenants) as a condition of their rental confirmation agreement, along with a stipulation that, if complaints are made by neighbors about a VR guest disturbing the peace in their neighborhood, then VR owners can retain security deposits from those guests who cause such disturbance. VR owners should engage their neighbors to let them know if any such problems occur in order to enforce this provision, which may not be an absolute solution, but should put guests on notice to be nice to the neighbors or lose their deposits, which makes it self-policing and shouldn't require more than that in order to substantially reduce the problem.

**Don Breuner**

925-820-7007  
243 Vagabond Court  
Alamo, CA 94507

October 12, 2010

Bruce and Claudia Keith  
1610 20<sup>th</sup> Street  
Bakersfield, CA 93301

Chairperson Campos, County of Santa Cruz  
Third District Supervisor Coonerty, County of Santa Cruz

Dear Mr. Campos, Mr. Coonerty and fellow Supervisors:

We own a recently remodeled property at 350 Lake Avenue owned by our family since 1943. Although historically, we have not rented our property, we now must rent during the summer and holiday seasons in order to finance the mortgage we assumed to improve a property that was becoming a neighborhood eyesore. We have reviewed the Draft Proposed Vacation Rental Ordinance. We understand that this proposal has been returned to staff for revision, but at this time, we would like to express our major concerns.

Let me begin by saying that for the most part, we agree with the proposed ordinance and understand the necessity of regulating rental properties that co-exist with single owner properties. We find the regulations regarding occupancy rates per bedroom, parking requirements, signage requirements, and rental to large groups reasonable. We do find, however, two aspects of the proposed document onerous and discriminatory to us as property owners.

**First and foremost, we object to the proposed limit of one individual tenancy within seven consecutive calendar days.** This proposal severely limits our ability to rent our property. In fact, such an ordinance could reduce our rental income by up to fifty percent. We would be unable to rent our property for two consecutive weekends. Ideally, we would prefer to rent our house by the week, but in this economy, people are reducing their tenancy to weekends because that is what they can afford. In addition, it would be denying rentals before or following holidays such as July 4<sup>th</sup> or Labor Day.

**Secondly, we object to the limitation of one vacation rental within 200 feet of any other vacation rentals.** Our frontage faces the Santa Cruz Yacht Harbor and houses in our neighborhood typically have 50-foot lot width. In addition, I estimate that 40 to 50% of the houses in the neighborhood are utilized as vacation rentals. Control of thirty-day rentals in this neighborhood is not likely to affect availability of affordable housing since property value is largely determined by location. Reduction of thirty days rentals could adversely affect the tourist influx into Santa Cruz County.

**Finally, we have a concern regarding the potential cost of an Administrative Use Permit.** Before we comment on such a permit, we have a right to know how much such a permit would cost. We also suggest that the permitting be every five years, rather than two. If there are problems associated with a property, then the cycle could change to every two years.

Sincerely,



Bruce and Claudia Keith

✓ Cc: Kathleen Molloy Previsich, Planning Director, County of Santa Cruz  
Steven Guiney, Planner, County of Santa Cruz

October 14, 2010

77 Seacliff Drive  
Aptos, California 95003

Dear Raymond and Joe Castello,

Do you live next door to a vacation rental, or live in a neighborhood where they exist? I'm certain you don't, because if you experience what I have experienced living near your single-family residence vacation rental, you would not rent your home like this nor would you put your neighbors through this stress.

I resent your vacation rental arrangement for the past 2 years' and here is why:

- **An enormous personal liability to the neighborhood:** the neighbor next to your house had one of your tenants demand monetary compensation for doctor bills because your tenant's son trespassed onto her property, swung on a swing, and broke his wrists. Our houses sit on a fairly steep hill and have no fencing. I am greatly concerned your tenants will wander onto my property, hurt themselves and sue me.
- **Tenants parking on private property:** many of your tenants park in the neighbor's driveways. Since they are parking on private property, I take it upon myself to ask them to move. Many argue with me, which I do not appreciate. I am afraid if I call a towing company, I will face retribution from your tenants since I live here and they know someone living nearby called to have their cars towed.
- **Tenant population going way over capacity:** with every new fleet of cars that squeeze into your driveway, I wonder what experience I'm in for during their stay.
- **Drunken tenants:** screaming and yelling outside in the early morning hours during the week (after the bars close). I work 60-hour weeks and am extremely upset that my sleep is disturbed!
- **Party noise and aerial fireworks** blown off of your wooden roof and in the street; a fire hazard to your house and the entire neighborhood.
- **People parking where they should not:** in the neighbor's driveways (private property) and along the road. One extremely large group had 7 cars squeezed into your driveway when your driveway comfortably holds 3 large cars. Due to the high car volume, one can imagine the number of people inhabiting your house (2-3 per car/14-21 people).
- **Garbage overflowing** out of the cans (using the gray, blue, and green cans for garbage) – strewn across the driveway and lying on the roof because of your roof deck. Due to the high trash volume, one can imagine the number of people inhabiting your house (15-20 people).
- **Beer cans strewn in front of the house:** an eyesore and embarrassment to me as this reflects badly on our neighborhood and I take pride in where I live.

- **Dog poop piles in my front yard:** I've never had this issue before until your vacation rental and I know you allow pets. I personally witnessed one group with 3 large dogs leave your house and watched them not pickup after their dogs.

You have to realize these people who stay at your house don't live here and are on vacation. They pay to visit, and by paying, they feel entitled to do whatever they please in the short period of time of their stay. They don't know us and we don't know them. We live in a residential neighborhood, not a commercial area. Your arrangement is a commercial business zoned residential. A vacation rental which is a single-family residence depreciates the single-family homes around it and nearby. Would you buy a single-family residence for your own personal use (not an income property) that is next door, or near a vacation rental? I highly doubt you would buy it knowing what you would have to put up with! No one wants to deal with the intolerable situations I've listed nor would you want to be a part of the irresponsible, unpleasant, irritating, inconvenient experience of dealing with a throng of strangers overwhelming your space.

Please don't ruin my primary living situation by continuing this vacation rental arrangement! I believe I've put up with it long enough. Please sell your house or make it a permanent rental. People who live in permanent rentals consider it their home and usually take some pride in their living situation. Further, they usually consider the people living nearby as their neighbors and have a relationship with them. I own a permanent rental home and therefore personally know these considerations.

Sincerely,

Stacy Patyk  
69 Seacliff Drive  
Aptos, California 95003

CC:

Ellen Pirie – Santa Cruz County Supervisor  
John Leopold – Santa Cruz County Supervisor

## Steven Guiney

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**From:** Ellen Pirie  
**Sent:** Friday, October 15, 2010 10:49 AM  
**To:** John Leopold  
**Cc:** Steven Guiney  
**Subject:** FW: Vacation Rental Issue

-----Original Message-----

**From:** Stacy Patyk (spatyk) [mailto:spatyk@cisco.com]  
**Sent:** Thursday, October 14, 2010 1:43 PM  
**To:** Ellen Pirie  
**Subject:** Vacation Rental Issue

Hi Ellen,

I hope you are doing well. I understand John Leopold is spearheading a review of the Vacation Rental issue and you have our district participating in it. I have a neighbor who has had his home as a vacation rental for the past 2 years and it has been, and still is, an issue. Please see the attached letter. Could you please share this with John Leopold too? The bottom-line is my neighbor does not manage his Vacation Rental situation and could care less about how it impacts me and the neighborhood.

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Thanks so much!

Stacy Patyk  
69 Seacliff Drive  
Aptos

## BEACH ROSE COTTAGE

October 20, 2010

SENT VIA E-MAIL

Santa Cruz County  
Housing Advisory Commission

RE: Vacation Rental Ordinance  
Vacation Rental: 260 12<sup>th</sup> Ave. Santa Cruz CA

Dear Members of the Commission,

I am the owner of the above noted vacation rental and reside at 334 12<sup>th</sup> Ave. 6 months of the year.

I am not in favor of the ordinance as previously proposed and I applaud you for suggesting the Planning Commission return to the drawing board as a result of your most recent public hearing directing them to come up with a less restrictive proposed ordinance.

You may recall, I spoke during the 9/21/10 meeting and addressed the void in the old proposed ordinance specifically being Article D. 4." *A vacation rental shall only be used for the purpose of occupancy as a vacation rental or as a full time occupied unit*"

My vacation rental hosts 4-5 summer weekly vacation rentals. All summer vacation renters are repeat clients. If the clients were a problem (which they are not) in the summer they would not be solicited to return the next summer. The remainder of the year from September until June for the past 5 years, the same senior citizen returns for his winter stay. My winter tenant does not want to own what he terms "stuff" other than his few personal belongings. He travels for his business during the summer months so he and I have what we term a win win situation. A single senior citizen tenant is quieter than the mouse in your basement and leaves a much lighter foot print on a house than other potential tenants.

The above suggested term and condition under the old drafted ordinance D.4. eliminates what I will term "hybrid" rental situations. My senior citizen tenant will no longer be able to reside in the house he has come to call home for the past 5 years. I will be forced to have the house become a 12 month vacation rental should this situation not be properly remedied. This senior citizen will be eliminated from being able to rent based upon the Planning departments old proposed term and condition. The long term rental stock of Santa Cruz County will be forced to be reduced by one.

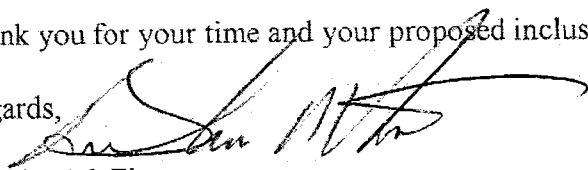
## BEACH ROSE COTTAGE

I strongly suggest the reference to "*A vacation rental shall only be used for the purpose of occupancy as a vacation rental or as a full time occupied unit*" be re-worked to allow situations as I have shared with you concerning the "hybrid" renter.

I understand there may some concern by the Planning Department on this matter as it relates to college students. I believe the Planning Department rational for the proposed term and condition as quoted above, is that students will not be able to afford the summer weekly rates therefore eliminating the "hybrid" rental unit and a vacation rental unit. This proposed wording making a rental unit either black or white (vacation rental or full time occupied) is **punitive and discriminatory**. "Hybrid" rental situations are not strictly related to students even though that may be the predominate situation in Santa Cruz county. Just think this senior citizen who rents in the off season may be your parent, child or relative.

Thank you for your time and your proposed inclusion of the "hybrid" rental scenario.

Regards,

  
Brendan M. Finn

Owner

260 12<sup>th</sup> Ave.

334 12<sup>th</sup> Ave.

c.c. Santa Cruz County Planning Department (Kathleen M. Previsich, Steve Guiney,  
Santa Cruz County Board of Supervisors (Tony Campos, John Leopold, Ellen Pirie,  
Neal Connerty, Mark. W. Stone

**Steven Guiney**


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**From:** John Hibble [john@aptoschamber.com]  
**Sent:** Thursday, October 28, 2010 12:30 PM  
**To:** 'PLN001@co.santa-cruz.ca.us'; Steven Guiney  
**Cc:** Ellen Pirie  
**Subject:** FW: Vacation Rental Ordinance

Dear Kathy and Steve,

I have just reviewed the new draft for the proposed Vacation Rental Ordinance to be reviewed November 3<sup>rd</sup> by the Housing Advisory Commission. The first thing I noticed was that my correspondence to you was not included in the "Additional Correspondence" section. This is a forwarded version of that email and the letter is attached. Please let me know if there is some reason that my correspondence was not received.

Additionally, the initial information from the Planning Department stated that there are 570 registered vacation rentals that pay TOT. The new "Summary of Vacation Rental Properties in Santa Cruz County" states that there are 448 properties and that only 151 pay TOT. Are these new properties not included in the 570 figure? It is not clear.

In the Aptos area, the report says that 146 out of 190 properties are professionally managed but only 36 out of 190 pay TOT. It is not logical to say that professionally managed properties are not paying TOT. Is this data correct?

John Hibble  
 Aptos Chamber of Commerce  
 688-1467  
 john@aptoschamber.com

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**From:** John Hibble [mailto:john@aptoschamber.com]  
**Sent:** Wednesday, October 20, 2010 1:40 PM  
**To:** 'steven.guiney@co.santa-cruz.ca.us'  
**Cc:** 'PLN520@co.santa-cruz.ca.us'; Ellen Pirie (ellen.pirie@co.santa-cruz.ca.us); 'PLN412@co.santa-cruz.ca.us'; 'PLN001@co.santa-cruz.ca.us'; 'john.leopold@co.santa-cruz.ca.us'; 'bds031@co.santa-cruz.ca.us'; 'tony.campos@co.santa-cruz.ca.us'; 'mark.stone@co.santa-cruz.ca.us'  
**Subject:** Vacation Rental Ordinance

I am providing information related to the proposed vacation rental ordinance.

John Hibble  
 Aptos Chamber of Commerce



**Steven Guiney**


---

**From:** adam.sah@gmail.com on behalf of Adam Sah [asah@midgard.net]  
**Sent:** Friday, October 29, 2010 5:18 AM  
**To:** Steven Guiney; Porcila Wilson  
**Subject:** feedback on vacation rental ordinance (10/25 revision for 11/3 meeting)

To: members of the Planning Dept and Housing Advisory Commission--

First off, THANK YOU for your hard work in navigating this difficult and contentious process: I genuinely admire you and your staff for handling this with seriousness and sensitivity to all parties. As a District 1 voter, I appreciate your hard work!!

Please consider this feedback to your latest draft dated 10/25:

1. item 6-- please be careful about the definition of "contact person" vs. "local management"-- a local person is quite reasonable, but please keep in mind that a "property manager" borders on a requirement for the person to be licensed as a real estate broker. I am assuming you don't intend this, since most vacation rentals are managed by the property owner, which is ideal for everyone: nobody will care for a property like the long-term owner.
2. item 8-- kudos to capturing Sheriff's costs, but be aware that some neighborhoods are (sadly) already in highly contentious situations, and without similar penalties for meritless complaints to Sheriffs, item-8 will result in abusive uses of the Sheriff's office. Please consider a simple addition, which is that spurious complaints will be paid by the plaintiffs-- even if rarely enforced on either side, bi-directional penalties will strongly encourage parties to use Dispute Resolution (clause 7) which is a far better solution to disagreements.
3. please REJECT Supervisor Ellen Pirie's request (<http://tinyurl.com/pirie-letter-10-13-2010>) to continue drafting a complex ordinance for consideration: the citizens have overwhelmingly spoken out against the previous drafts at multiple public hearings, including over 360 petitioners, senior groups, numerous local businesses and business groups, political leaders, officials in county cities, and more. Numerous leaders have spoken against the previous ordinance drafts as being "overreaching," having "unintended consequences," "failing to solve problems," and "solving problems that either don't exist or have only been characterized by hearsay." Meanwhile, Supr. Pirie's request didn't address any of the concerns raised in the numerous public hearings, including too many issues to name here: she simply asked you to (effectively) set aside the clear mandate from the public and the Housing Advisory Commission, to either start over and study the problem before enacting legislation, or draft a simpler ordinance, as you have done.

thank you for listening!  
 Adam Sah  
 Live Oak

October 20, 2010

Steven Guiney  
Santa Cruz County Planning Department  
steven.guiney@co.santa\_cruz.ca.us

**Re: Proposed Vacation Rental Ordinance.**

Vacation Rental Property Management Agencies have provided a service to the local community for many decades by providing professional management, maintenance, visitor education, and screening for vacation rental property owners, and for the general community by responding to issues for visitors and their neighbors.

With the advent of the internet, it has become increasingly easy for vacation rental owners to lease their properties without the use of a local management company or contact thereby avoiding direct involvement with their property, their customers, their neighbors or the payment of Transient Occupancy Tax (TOT).

~~We would like to provide some background information on the Vacation Rental Industry in Santa Cruz County and make specific comments and recommendations regarding the proposed Vacation Rental Ordinance.~~

The tourism industry needs a fair regulation and license process in order to control problems caused by poorly managed establishments and to preserve the character of neighborhoods as well as provide for the well being of the industry.

Tourism is one of the top two industries in Santa Cruz County. Vacation rentals play an important role in a healthy, diversified tourism economy. Vacation rentals are acknowledged the world over as an alternative to resort and hotel accommodations. Vacation home rentals provide a community benefit by providing the owner revenue which may be used for maintenance upgrades and deferred costs.

- The 570 registered vacation rentals account for only 1.2% of the total dwelling units in the unincorporated county.
- Each unit pays an average of \$2000 in Transient Occupancy Tax (TOT) each year accounting for \$1,140,000 in TOT, *almost 30% of the total TOT received by the county.*
- 93% of the TOT goes to the county general fund to offset the impacts of tourism while 7% is given to the Conference and Visitors Council for tourism promotion. This is a significant income stream for the county.
- The average occupancy rate for vacation rental properties is 27%.
- The activities conducted by most guests in vacation rentals are largely equivalent to the nature and scale of activities conducted by families who own or rent single-family dwellings.

- Most vacation rentals, as a rule, have a track record of operating quietly, even “transparently” in neighborhoods. Exceptions are uncommon and should not be confused with the general rule.

### **The Housing Advisory Committee’s suggestions:**

The Housing Advisory Committee’s suggestion to simplify the proposed ordinance has merit. The committee suggested inclusion of the following elements:

1. All vacation rentals must be registered in some fashion
2. All vacation rentals must have a contact person inside county of Santa Cruz
3. All vacation rentals must have visible signage with contact numbers
4. There must be a dispute resolution process in place
5. No exemption areas
6. Cost recovery for sheriff calls are to be charged to the property owner

With the exception of #6, these are standard elements of most vacation rental ordinances throughout the western states. They are logical, fair and enforceable.

Vacation rentals infuse more than \$1 million dollars a year into the county general fund. This tax has always been justified as compensation for the effect that tourists impose on our community. Unless a particular property becomes a major nuisance for the Sheriff’s office, their response should be as routine as if it were for a long term rental or a home owner.

### **Other issues that were proposed in the Draft Ordinance, with comments:**

1. Purpose. ...residential vacation rentals have the potential to diminish the stock of housing available to long term residential households and to be incompatible with surrounding residential uses.

On page 6 of the September 21 notice to the Housing Advisory Commission, the Planning Director states, “Because there is no indication that future conversion of homes would occur on a scale that could create shortages of housing, impacts on housing supply are not expected,” therefore, this issue should not be used as a reason for enacting this ordinance. The 570 registered vacation rentals account for only 1.2% of the total dwelling units in the unincorporated county. At any time, the average number of dwelling units for sale in the county is 1,138 or 2.4 % of the housing stock, twice the number of vacation rentals.

Most vacation rentals, though not all, have a track record of operating quietly and compatibly in neighborhoods. Exceptions are uncommon, (far less than 5 %.) and should not be confused with the general rule. It is important to understand that much of the housing stock within a mile of the ocean was built as vacation homes, not primary residences. Development for over 100 years has been primarily for vacationers and

second homes. That is why many of the lots are small and many do not allow for off street parking. Vacation rentals have always been part of the residential community.

Long term rentals, on the other hand, may often pose long term problems for residential neighborhoods and they are not rectified within a week by the moving out of the problem tenant as vacation rentals are. And yet no ordinance is being proposed to limit long term rentals.

What is the purpose of this ordinance? We believe the benefit of this ordinance is to provide fair regulations, a licensing process, and a dispute resolution process in order to control problems caused by poorly managed establishments and to preserve the character of neighborhoods as well as provide for the well being of the industry.

2. Permit renewal every two years.

Once all vacation rentals are required to register, it is possible that the number of actual vacation rentals will increase to include units that are not currently registered. Even the current number of 570 will impose a significant burden on the planning staff to register and review. The larger the burden, the higher the costs will be to administer the program. It is suggested that permits be renewed every five years with renewals initially being staggered so that 100+ are renewed every year. Units with verified complaints should be dealt with as problems arise.

3. No new vacation rentals within 200 feet of an existing vacation rental.

In many areas of the county there is a preponderance of vacation rentals next to each other and the neighborhood is fine. In other areas it is not acceptable, primarily because the units are not well managed and the visitors are not properly screened and educated. Choosing arbitrary limits unfairly limits the rights of property owners. Problem units should be eliminated through the use of a dispute resolution process.

4. Maximum of one individual tenancy with seven consecutive calendar days.

This proposal would destroy the vacation rental industry. It would be impossible for a hotel, or any other business, to operate under these restrictions. The vacation rental occupancy rate is currently at an all time high of 27%. Most activity occurs during the summer with peak occupancy in August. Most vacation rentals are empty most of the time. Problem units should be eliminated through the use of a dispute resolution process.

5. Number of people allowed.

This section makes no allowance for the size of the dwelling's main living areas or the size and location of the parcel.

6. New vacation rentals must have all required parking on site.

Much of the housing stock within a mile of the ocean was built as vacation homes, not primary residences. Many of the lots are small and many do not allow for off street parking. A substantial number of existing vacation rentals could never meet this requirement. In these same neighborhoods homeowners and long term renters are not subject to these same requirements. The only way to comply for houses with front yards would be to pave over the yard so cars could park. This would not benefit the neighborhoods, it would cause a blight. Limiting the number of parking passes for each unit would solve the problem. Problem units should be eliminated through the use of a dispute resolution process.

7. Grandfathering.

Grandfathering would essentially eliminate the chance for new owners to participate in the vacation rental industry. Please recognize that problems created by irresponsible owners should not penalize the much larger number of responsible citizens. Problem units should be eliminated through the use of a dispute resolution process.

8. Dispute Resolution Process.

It is essential to this ordinance that a dispute resolution process exists that is fair to neighborhood residents and vacation rental owners alike. Complaints should have to be verified, (probably by the Sheriff) and a method devised for logging complaints and resolutions. Unverified complaints could be used by neighbors as a tool against vacation rental owners. A penalty process should be devised for eliminating problem units with a process available for possible reinstatement of a unit after a reasonable penalty is exacted.

9. Credible issues in the Live Oak Parking District.

It is not our intent to minimize that there are credible issues in the Live Oak Parking District. Specific solutions to those problems may be required. Since this ordinance is to be administered throughout the county, it is important that countywide solutions should fit all neighborhoods, not just Live Oak.

**Conclusion:**

Although some vacation rentals are rented for celebrations, most vacation rental guests are some of our best visitors. They have visited before and are seeking quieter, more private lodging, and wish to stay in residences. They support local businesses, cultural events and spend a great deal more than short term visitors.

Vacation rentals create a demand for, and employment in, direct services to the dwellings themselves, such as: building, landscaping, pool maintenance, housekeeping, pest control, property management, and reservation services. Vacation rentals must be well maintained in order to be attractive in a competitive market.

The permit process should not be highly-burdensome but should be effective at removing properties with continuing problems for the neighborhood balancing the needs and rights of vacation rental property owners with the legitimate interests of local neighborhoods.

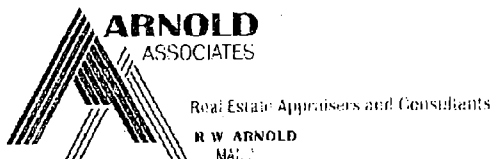
It is important to remember that tourism brings more money into our county than any other industry. It provides the cash flow that drives many other businesses, which create jobs for those of us who live and work here.

Sincerely,

John & Karen Hibble  
Executive Directors  
Aptos Chamber of Commerce

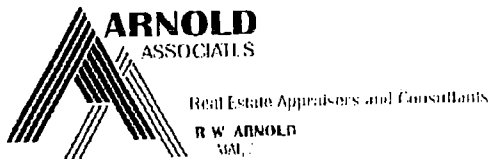
Cc:  
Kathlee M. Previsich, Planning Director,  
Housing Advisory Commission,  
Planning Commission,  
Board of Supervisors,

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L.P. ARNOLD, 1919-1995  
VAL ARSFAX TRANSMITTAL SHEETDATE: 10-28-10NUMBER OF PAGES (including this transmittal sheet) 3TO: Ms. Kathleen Molloy Previsich  
Planning DirectorREFERENCE: Vacation Rental Ordinance

MESSAGE: \_\_\_\_\_

TELEPHONE NUMBER: (209) 383-0329SENT BY: R. W. ArnoldOUR FAX # (209) 383-3788



L.P. ARNOLD, 1949-1995  
MIA, AIA

Ms. Kathleen Molloy Previsich  
Planning Director  
Santa Cruz County  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, California 95060

RE: Vacation Rental Ordinance  
Sand Dollar Beach

Dear Ms. Previsich:

It has been stated there is no question about the Supervisors enacting a Vacation Rental Ordinance, the only question being what it will contain. I wish to provide data to support at least the Sand Dollar Beach Townhouses be included in the C.2. Special Consideration Area as described in the undated Draft Ordinance.

Sand Dollar Beach was commenced in the early 1970's as a second home/vacation/rental residential development of 87 lots. Twenty one are ocean front – nineteen townhomes and two single family while the remaining 66 are sited up the hill with ocean views. At present Sand Dollar Beach has 15 full time residents, *i.e.*, 87 second home/vacation/rental units.

The townhouses have had one full time resident until recently when we reached three and now have two. Sand Dollar Beach has always been a second home/vacation/rental residential area like Pajaro Dunes.

As most of our homes are vacant, Sand Dollar Beach has hired First Alarm for security purposes. Their contract goes back many years. They make several on site patrols daily through the development and on the beach. While First Alarm is not perfect they do add presence. Our owners are provided First Alarms number and can call if and when problems arise.

Someone has adopted a format for determining which developments are in the C.2. Special Consideration Area. Sand Dollar Beach Townhouses qualify for this designation and for equality and fairness should be included, if not the whole community as Pajaro Dunes.

Maps in the Proposed Ordinance show the C.2. Special Consideration Areas. Attached is a Sand Dollar aerial showing the same characteristics for your consideration.

I assume the ordinance takes away the right to rent of those who do not presently rent. In other words, Townhouse "A" has the right to rent whereas Townhouse "B", because they don't rent now, will not have the opportunity in the future.

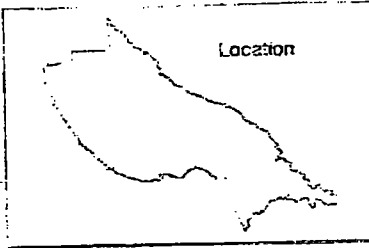
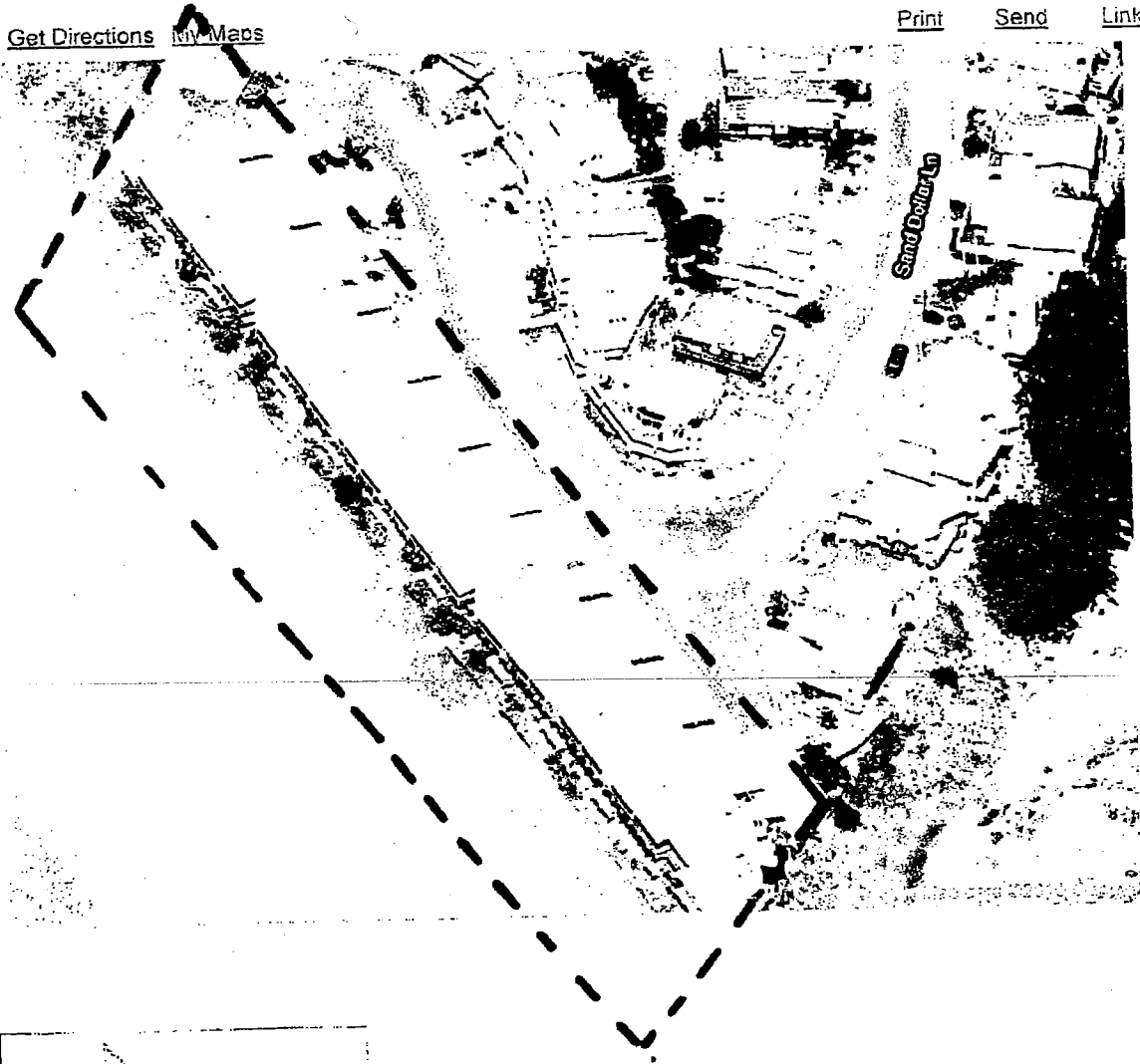
Sincerely,

R. W. Arnold



[Get Directions](#) [My Maps](#)

[Print](#) [Send](#) [Link](#)



## Sand Dollar Beach

**Steven Guiney**

**From:** Beth Weber-Guarino [beth@upsidepartners.com]  
**Sent:** Thursday, October 28, 2010 10:52 PM  
**To:** Steven Guiney  
**Subject:** Vacation Rental Ordinance Feedback

Dear Steve Guiney,

In response to the proposed ordinance outlined in the November 10, 2010 Planning Commission agenda, I have the following comments. I continue to be baffled as to why vacation rental homes have come under such harsh scrutiny. There is no quantifiable data to support that vacation rentals are a problem requiring restrictions. Vacation rentals are a non issue to our police, fire and other city and county agencies. There seems to be a very small number of residents that just don't want vacation rentals in their "backyards". I am a homeowner who also rents out my home on 16th Ave for short term vacation rentals. In addition to short term rentals, I use my home as a second/vacation home and share with my friends&family. I know that vacation rentals like mine provide local businesses with customers to help our local economy. I want to continue to self manage my property. I feel I am exemplary in my efforts in managing this property. I get along just fine with my neighbors and do not feel another government intrusion into my affairs is warranted with respect to my property. I do not want to incur the extra expense of a management firm and I carefully screen my renters since they will be in MY home.

If there must be an ordinance, it minimally needs the following changes:

Item #4- This should be corrected to read "contact" person and specify a timeframe to respond vs. vague language as such as "in county". I could live in another part of Santa Cruz County where it could take me over an hour to get to my house. I manage my own property and can be at my home on 16th Ave in 35 minutes from my primary residence, which is not in Santa Cruz County. I carry a cell phone and can respond immediately.

Item #6- It says a property manager is required. It mentions a "contact" person. To be a property manager of another's property, you have to hold a Broker's License. This should be corrected to read "contact" person and specify a timeframe to respond vs. vague language as such as "local". As mentioned above, I manage my own property and can be at my home on 16th Ave in 35 minutes from my primary residence, which is not in Santa Cruz County.

Item #8- Please add that a homeowner is responsible for Sheriff costs of "legitimate/valid complaints" and plaintiffs or complainers (full time residents who don't like living next to vacation rentals) are responsible for illegitimate/invalid complaints. An unreasonable neighbor could easily be satisfied by making illegitimate complaints knowing it costs the vacation property owner more and more money in fines.

Section II- Why a restriction on additional units? If someone has a primary residence and a second unit/cottage, they should be able to rent either one or both as they see fit. This logic also should apply to duplex, triplexes, etc. It would be a violation of their property rights to restrict what they can do.

I recommend that when homeowners apply for their TOT certificate that they be given a "best vacation rental practices" handbook. These handbooks will include a sample short term rental contract, screening questions, tips on handling difficult vacation renters, tips on handling disgruntled neighbors, and an example of the sign to post as outlined in #4.

Thank you for reading and I look forward to the 11/3 HAC and 11/10 Planning Commission meetings.

Regards,  
 Beth Weber-Guarino

**Steven Guiney**

**From:** Thompson, Sharon [sharon@serenogroup.com]  
**Sent:** Saturday, October 30, 2010 3:20 PM  
**To:** Robert Seelig; Steven Guiney; John Leopold; Ellen Pirie; Neal Coonerty; Tony Campos; Mark Stone  
**Cc:** sharon@dragonflyhouse.com  
**Subject:** Re: proposed vacation rental ordinance

Dear,

Robert Seelig, Housing Advisory Commission  
 Steve Guiney, Planning Dept  
 John Leopold, District 1 Supervisor  
 Ellen Pirie, District 2 Supervisor  
 Neal Coonerty, District 3 Supervisor  
 Tony Campos, District 4 Supervisor  
 Mark W. Stone, District 5 Supervisor

Specifically, I see four key elements of the 'simplified' ordinance that remain major problems

1. Section II bans second units and accessory structures, without naming a reason:

*Vacation Rental: An ownership dwelling unit, rented for the purpose of overnight lodging for a period of not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit. Accessory structures, second units, and legally restricted affordable housing units shall not be used as vacation rentals.*

RECOMMEND: respectfully requesting that this section be removed.

ARGUMENTS AGAINST:

- bad for neighborhoods: it's \*good\* for a neighborhood for property owners to live on-site
- doesn't address plaintiff concerns: plaintiffs worried primarily about issues such as noise and remote management. Owners living on-site should logically have fewer such issues.
- no data about loss of housing. Vacation rentals represent less than 1% of available housing in SC county and specifically \*aren't\* correlated with 'affordable' housing: these are expensive homes.
- bad for seniors: the classic situation of a senior renting a second unit will be banned.

2. (not in the draft) Supervisor Ellen Pirie's request to continue drafting a complex ordinance for consideration.

RECOMMEND: respectfully requesting that this be rejected.

ARGUMENTS AGAINST:

- the citizens have overwhelmingly spoken out against the previous drafts at multiple public hearings, including 366+ petitioners, senior groups, numerous local businesses and business groups, political leaders, officials in county cities, and more.
- numerous leaders have spoken against the previous ordinance drafts as being "overreaching," having "unintended consequences," "failing to solve problems," and "solving problems that either don't exist or have only been characterized by hearsay."

- Supr. Pirie's request didn't address any of the concerns raised in the numerous public hearings, from 'special consideration zones' to enforcement issues and more.
- Supr. Pirie is effectively asking you to set aside the clear mandate from the public and the Housing Advisory Commission, to either start over and study the problem before enacting legislation, or draft a simpler ordinance.

3. Section I, item 6-- "contact person" and "local management"

RECOMMEND: respectfully requesting that this is restricted to "local contact" and NOT "local management" which suggests the need for licensing.

ARGUMENTS AGAINST:

- bad for neighborhoods: nobody will care for a home and a neighborhood like the long term owner. Managers who handle dozens of properties simply turn over the keys to strangers and have nothing more at stake.
- bad for seniors: the classic situation of a senior renting part-time will be drastically hurt by having to pay an additional 10+% "management fee".
- bad for economy. Property management requires a real estate license ([link](#)) which will have the effect of drastically reducing "casual" rentals on which our economy depends. Even Robert Bailey is against this.

4. Section I, item 8-- recapturing Sheriff's costs.

RECOMMEND: respectfully requesting that Sheriff's costs are also recaptured for false alarms, just like we have for false fire and police alarms.

ARGUMENTS AGAINST:

- some neighborhoods are (sadly) already in highly contentious situations, and without similar penalties for meritless complaints to Sheriffs, item 8 will result in abusive uses of the Sheriff's office.
- Dispute Resolution (section I, item 7) is a far better solution-- bi-directional penalties will encourage both parties to use Dispute Resolution instead of burdening the Sheriff's office.

Thank you for considering my requests,

Sharon Adams  
Homeowner Santa Cruz

**Steven Guiney**

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**From:** Richard Boston [rboston@pacbell.net]  
**Sent:** Sunday, October 31, 2010 11:07 AM  
**To:** Steven Guiney  
**Subject:** Vacation Rental Ordinance

Dear Sirs,

I am a resident of Live Oak and live next to a vacation rental that routinely rents to over 20 people on a weekend. This is a motel like business. I would like to see a cap put on the number of occupants in a house. The impact of 8-10 cars and 20-28 people in a small dead end street is significant and not appropriate for a residential neighborhood. The owners live in Los Gatos and are never present to check renters in nor do they provide any oversight during the rental period. In addition these businesses should be required to carry commercial insurance and be inspected by the fire marshal. This house in question frequently has 8+ children staying there and I believe it is just a disaster waiting to happen if a fire starts. Do they have extinguishers? An egress plan? Fire doors? It is an older 100% wooden building. Please keep these facts in mind when addressing the substance of the ordinance.

Sincerely,

Rick Boston

275 14<sup>th</sup> Avenue  
Santa Cruz, CA 95062

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Monday, November 01, 2010 9:52 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Robert Murillo Jr

**Email :** rpm2sbake@aol.com

**Address :** Not Supplied

**Phone :** Not Supplied

**Comments :**

Dear Planning Commission,

I am in favor of the proposed Vacation Rental Ordinance. We live in an area that is heavily impacted by numerous vacation rentals. This is changing the character of the neighborhood from what has been a mix of housing of full time residents and renters into a commercialized area for overnight accommodations.

I would like to have any ordinance specifically include the following items:

Limits the number of overnight visitors per house, to two per bedroom, plus two additional persons, children under twelve are not counted in the limit.

Limits the times a house can be rented to once during a seven day period, for how many days the owners wants.

Requires parking for the vacation rental to be on-site.

Prohibits advertising vacation rentals for weddings, receptions, corporate meetings, retreats, or similar events.

Requires a property manager and twenty four hour contact telephone number.

Requires a permit for each vacation rental unit and a review process.

Requires a sign facing the street displaying the properties contact number.

Establishes a complaint process for neighbors when problems occur with vacation rentals.

Limit vacation rental conversion of existing housing stock, when there are existing

vacation rental units within 200 feet of a proposed new ( Non grandfathered) vacation rental.

Require all vacation rentals to pay the Transient Occupancy Tax, and any past due TOT to be eligible for a permit.

Thank you for your consideration.

Robert Murillo

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Saturday, October 30, 2010 9:54 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Ron and Linda Brost

**Email :** Not Supplied

**Address :** Not Supplied

**Phone :** Not Supplied

**Comments :**

We strongly support the Vacation Rental Ordinance, however we feel that it should be more restrictive than the proposal recommends. It appears that the current proposal is just a slap on the hand. The bad apples are going to continue to ruin our neighborhoods by running hotels in a residential area. We chose to live in this area as it use to be, not a commercial district.



October 31, 2010

Santa Cruz County Board of Supervisors  
County Government Center  
701 Ocean Street #500  
Santa Cruz, CA 95060

RE: Proposed Ordinance to Limit Vacation Rentals

Dear Members of the Board:

We are residents of Santa Cruz County. We recently purchased property in the Live Oak neighborhood within walking distance of Sunny Cove. We purchased the rental property to bring in income for our retirement and to one day leave a legacy to our children.

Although we do not currently have any intentions of having short term vacation rentals, we are dismayed to hear that you are considering restrictions for the future since it will limit our options. We urge you to reject the proposed regulations. Certainly there must be less restrictive incentives for property owners to insure that their rental guests comply with noise and other good neighbor rules.

It seems like a few bad apples are causing you to consider regulations. Perhaps putting a restriction or fine on properties that have caused a police call would be a sufficient and more appropriate deterrent.

Sincerely yours,

A handwritten signature in black ink that reads "Ron & Linda Weaver". The signature is written in a cursive, flowing style.

Ron and Linda Weaver  
726 Paradise Park  
Santa Cruz, CA. 95060

CC: Housing Commission and Planning Commission

**Steven Guiney**

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**From:** David Schie [d.schie@comcast.net]  
**Sent:** Sunday, October 31, 2010 3:50 PM  
**To:** Robert Seelig; Steven Guiney; John Leopold; Ellen Pirie; Neal Coonerty; Tony Campos; Steven Guiney  
**Subject:** Please Reject/Oppose a Vacation Rental Ordinance

Dear Sir/Madam,

We are writing to you today to ask you to reject & oppose the implementation of a vacation rental ordinance for Santa Cruz County.

We purchased a triplex across from the Rio Sands hotel in the Aptos flats, in good faith, in 2007 based on the understanding that it could be rented as a vacation rental.

We are not a corporation or "rich outsider". We are a family of four, with two small children, who live in a modest 1850 sq. ft. house and put almost all of our savings into that vacation rental.

Since we purchased the property its value has dropped by \$120k.

Last year our return on the property from rentals was a NET LOSS of \$5,000. We aren't getting rich on the property, actually we lose money, but we're hoping over time to turn that around. You can be assured, however, that this property is never going to make us rich.

Additionally we have ALWAYS paid our TOT which is a key source of revenue for the county.

Our rental is across the road from the Rio Sands hotel in the Aptos flats. There are more than 50 parking places at the hotel. Our units have never had noise or other complaints and don't compare at all to the traffic & impact related to the hotel. Restricting our vacation rentals would have no material effect on the neighborhood or on the traffic in the vicinity as its overwhelmed by the hotel's traffic.

Our vacation rental provides critical business for local restaurants, stores and businesses who are struggling during this recession.

If an ordinance is to be enacted we would ask you to consider the following:

1. Please do not restrict multiple units, or make it very clear that legal duplexes or triplexes can rent all of their units as vacation rentals. We notice the wording of the latest ordinance changed slightly from a plurality of "ownership dwelling units" to "an ownership dwelling unit." Please ensure this wording means each of the three units of a legal triplex may be rented as vacation rentals. If we lose the vacation rental income from two of our units our net loss will be so great that we will be forced to sell during this recession and lock in a significant capital loss which we can't afford.
2. Please do not put a time limit on rentals. Many of our renters are from the central valley and are not high income families. This is their opportunity to utilize California's beaches and they can only afford to rent for one to three nights at a time. They cannot afford a week.
3. Please note that we just had our property appraised for a refinance and the appraiser told us that loss of vacation rental privileges would mean a loss in property value. This would also translate into lower property taxes for the county and lower TOT returns. Additionally, loss of these vacation rentals would also reduce patronage at the local restaurants and shops in the area who are struggling during this recession themselves.
4. Please do not allow unverified complaints to eliminate licensing of a vacation rental. We support proper enforcement and policing, however, there were concerns that the first draft of the ordinance could allow shuttering of the rental without due process for complaints. This could allow just a few individuals to close vacation rentals by making unjustified or untrue claims. Charging for false alarms could do the same. Please ensure there is a mechanism to charge for false complaints from individuals at the same rate as verified complaints against properties.
5. Please ensure the wording of the ordinance related to a local contact does not get translated into the requirement for a management agency. Their fees are so large that they would cause us significant losses and would make the rental unviable.

## Steven Guiney

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**From:** nancy sweatt [nsweatt@earthlink.net]  
**Sent:** Monday, November 01, 2010 12:18 AM  
**To:** Steven Guiney; Robert Seelig  
**Cc:** John Leopold; Ellen Pirie; Neal Coonerty; Tony Campos; Mark Stone  
**Subject:** Vacation Rental Ordinance Feedback

Dear Steve Guiney and Robert Seelig:

First, I would like to thank you for your long hours of actually listening to the people and seeking a common sense resolution concerning vacation rentals. While I do not agree there is a problem to be solved in this County, you have sought to find common ground for a sensible Ordinance that would not be devastating to the County and the lives of so many people. It is disturbing that certain Supervisors seem set on just disregarding everything to return to their original plan. If unchecked, their plan will destroy Santa Cruz tourism and the County's life line along with it with what amounts to an eventual ban, not to speak of the destruction of a vacation rental character of the Live Oak coastal area existing over 100 years along with other small communities, and the future livelihood of so many people.

With that said, may I please point out a few corrections to your Ordinance that must be considered.

1) Section II: For some unknown reason, this bans second units and accessory structures (along with current legally restricted homes). In these Coastal Zone homes, these units would never be used for low income housing or long term rentals. There is no logical reason to throw second units and accessory structures into this mix. These are typically lots with a main home and a granny unit or sometimes a duplex in the coastal beach access area. These homes have the owner living right there on the premises and are best positioned to ensure no possible noise. These categories need to be removed so as not to be lumped with the current legally restricted homes referred to.

2) Please, you have worked hard to formulate a simple ordinance having considered all the people with their concerns, including the business owners, officials, senior groups, and numerous organizations. There is no data to support any problem and vacation rentals have not increased at least since 2002, and may have decreased. What is not understood is homes are vacation rented depending on changing circumstances of the people; they change around. Supv. Pirie has requested that you change your recommended ordinance back to the complicated ordinance that first came out. Interesting is that she also wishes to carve out almost all her vacation rental homes in the Coastal Zone as exempt to escape the damage of the very ordinance she is requesting from you. Obviously she understands the consequences and does not want her district burdened by that over-reaching ordinance. Accordingly, I would ask that you not entertain such a non-democratic request.

3) Section I:

a) #6: Please correct the term "local management" to that of "local contact". Both terms have been used here, probably an oversight, but the difference is very important. A local contact has been requested. Local management is entirely different. This would require a person with a Broker's License and/or large management company. These persons or entities charge 25-30% to the owner and their inventories are so large, personal attention cannot be given to the individual homes. Homeowners expend great efforts on their homes. These are their second homes they live in part of the year, and most hope to retire to. This kind of % expenditure for less oversight is simply not affordable to many people living on very stringent budgets as it is. The point was to have a local contact that could respond, not a mandate to use a management company. (This could actually get involved with legal issues I believe.)

b) #8: Recapture of Sheriff's costs. There are neighbors who have vowed to call the Sheriff constantly, use different phone numbers and on and on, for no reason. I have heard this orally and have seen it in blogs. With all due respect for good neighbors, these "bad apple" neighbors must be considered when it comes to penalties. It would only be fair if these complainants and their invalid calls to the Sheriff also be treated with the same penalty as imposed on owners of vacation homes. This type of ordinance can pit

**Steven Guiney**

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**From:** Randy Watson [randywatson95062@yahoo.com]  
**Sent:** Monday, November 01, 2010 12:01 PM  
**To:** Porcila Wilson  
**Cc:** Steven Guiney  
**Subject:** Vacation Ordinance

To the Planning Department:

Thank you for all the hard work you are putting into this effort.

I am writing to seek some clarification in regards to the proposed Vacation/Short-term rental ordinance. Both Supervisor Leopold and the Planning Department have pointed to the County Housing Element as the impetus and justification for the proposed ordinance. In a letter dated Sept 21, 2010, the Planning Director specifically states that the proposed regulations would "implement program 4.13".

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Specifically, Program 4.13 states that the County shall: "Explore options for regulating the conversion of existing housing units to vacation rentals in order to limit the impact of such conversions on the stock of housing and on the integrity of single family neighborhoods."

The points of clarification I am seeking from the Planning Department are as follows:

- Please define the term conversion. How exactly is a home "converted" to a vacation home?
  - Please elaborate on the criteria that the Planning Department will utilize.
- Please define the "impact" that vacation homes on the stock of housing.
  - Please elaborate on the comment in the Sept 21 letter where the Director states "because there is no indication that future conversion of homes will occur on a scale that could create shortage of housing, impacts on housing supply are not expected".
    - Does this mean that the Planning Department believes that implementation of Program 4.13 is unnecessary?
- Please define what the County means by "integrity" of single family neighborhoods and how else the County regulated integrity. I would be happy to share data with the planning department demonstrating that the character (integrity) of the neighborhoods in question have been (and remain) second home and vacation homes for nearly 100 years.
- Please clarify where in Program 4.13, which tasks the County to look only at "conversions" of homes to vacation homes, the Planning Department found justification for creating an ordinance that regulates current vacation homes.

Anthony

**Steven Guiney**

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**From:** Gayle [sunstars@surewest.net]  
**Sent:** Monday, November 01, 2010 6:49 PM  
**To:** Steven Guiney  
**Subject:** Vacation rental

To whom it may concern,

My fiance' and I were planning to have our August 2011 wedding in your county. We had hoped to rent a vacation home that would accomodate our extended family. We did in fact, find a home but are now finding ourselves unable to have the actual ceremony there. We were told that the reception would be fine. Does this make any sense? In other words, we must have the small, quiet wedding somewhere else and then go back to the rental home and have our party.

We are now looking at Point Reyes as our destination. Sure, the grandkids won't have the boardwalk and I won't have the redwoods, but at least I can be married, have my reception, and reunite with my family in the same place.

My Santa Cruz budget:

Rental home: \$6,400

Flowers: \$1,000

Cake: \$300

Hair and makeup: \$400

Caterer: \$1,000

DJ: \$650

Trip to the boardwalk for 12 children and their parents: ?

Miscellaneous dining, gas, lodging, etc.

Please don't turn us away.

Respectfully,

Gayle Moore and Harold Birdsall

Roseville, Ca

**Steven Guiney**

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**From:** Loetta Vann [loettavann@rcn.com]

**Sent:** Tuesday, November 02, 2010 10:05 AM

**To:** Steven Guiney

**Subject:** Against Vacation Regulation

Noise and problems from group homes and student homes that are reported in the police records should not be confused with vacation and short term corporate housing. In fact law enforcement officials report they are not aware of problem vacation rental properties. Existing code enforcement and noise laws are already sufficient to control bad behavior – should the county be willing to enforce them. The creation of yet new even more difficult to enforce regulations will not only be costly to property owners and the county government but it will drive away the opportunity for middle class families to make short getaways to Santa Cruz County. Day visitors to Santa Cruz, often arrive with gas already in their car and lunches in their coolers. Vacation renters, not only rent homes, but they buy groceries, eat out, buy collectables, and they prop up the local construction economy. Vacation rental properties tend to be better improved and better maintained than long-term rental property. This proposed regulation is a bad idea that is especially bad during these tough economic times.

Loetta Vann  
375 Vista Robles  
Felton, CA 95018

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**Steven Guiney**

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**From:** Dawn Brola [dbrola@sbcglobal.net]  
**Sent:** Tuesday, November 02, 2010 10:44 AM  
**To:** Steven Guiney  
**Subject:** vacation rentals

Hello,

What a bummer-As a long time resident of live oak it is really disappointing to hear that so many reductions to the ordinance have occurred. I have a home across the street that rents to large venues-weddings-receptions-they have turned their 4 bedroom home into a 5 bedroom that sleeps 15-25 plus people-this is in a neighborhood? How can they do this? Well they turned their basement into a dormroom. I contacted zoning they said they will not help me and that the planning commission will be addressing these issues. This home does not follow the residential plan for the neighborhood they are running a business in a residential neighborhood and overcrowding the home-the whole reason for zoning to get involved. This home is consistently overcrowded and noisy when rented to large groups-how else can we gain some sense of sanity in back into our neighborhood if zoning will not address these issues and the property managers can pack these homes full of people utilizing their properties as motels and lining their pockets for the allmighty dollar? What can I do-consult legal counsel to enforce zoning laws? Please help stop the insanity. I would rather move.

This last weekend we had yet another wedding party rent the home-there was absolutely no parking on the street from 1pm until after I went to bed-this home is a nuisance-just like a barking dog-the home can be noisy all day and into the evening-people line the street hanging out smoking, my daughter goes to bed at 8:30, yet I can not call the sheriff until 10 at which time it is a low priority call - which means they get here when they can-they do not site these homes unless they are called out multiple times in one night? THIS IS ABSOLUTE NONSENCE.

I also have another vacation rental next door and they are very respectful. I am not against vacation rentals I just think that some regulation is needed to control what has gotten out of control.

Thank you for your time,

Dawn Gonzalez  
152 30th avenue  
Santa Cruz

**Steven Guiney**

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**From:** David King [bigdking@yahoo.com]  
**Sent:** Tuesday, November 02, 2010 10:59 AM  
**To:** Steven Guiney  
**Subject:** vacation rental ordinance document

I live at 2-2100 East Cliff and would like for you to consider my opinion.

Regards,  
David King  
Realtor

**David King**

Thunderbird Real Estate

831.465.2115 direct

831.515.5800 fax

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831.234.3280 cell



## Vacation Rental Ordinance

There are several issues involved. One being some type of ordinance for vacation rentals, another being accountability for the ordinance.

If you live at the property with a vacation rental you are more than likely accountable because it also affects your environment.

If you are an absent property owner just cashing the checks but not living on the property you are not directly affected by the daily goings on in the neighborhood and more than likely not accountable. You really have to ask yourself would I want this going on next to my family in my neighborhood that is zoned residential.

The Sheriff's Department has better things to do than to make sure a property owner is being responsible for their vacation rental. By the time someone calls the Sheriff's Department to complain, they have already had to deal with way too much and they are calling so they don't do anything stupid. They shouldn't have to deal with that on a daily basis.

Many out of town owners have property management companies they are working with but their job is not necessarily to be accountable, it's more to book the client, screen them and facilitate the process.

Let's create a new job, call it the "Accountability Agent". They could be self employed, file their 1099 and have as many agents as needed to be accountable.

Register all vacation rentals and charge a fee per move in. Charge the home owner \$100.00 per move in. The AA's job would be to have their phone number on the sign for any issues caused by your guests. Like a hospitality host. The AA's responsibility would be to meet and greet any and all new clients and check on them during their stay to make sure they were in compliance, if there were three strikes against the home owner that were legitimate the home owner would lose their license to have a vacation rent.

The Vacation Rental Management Company would still be necessary but the AA would interact with property owners, Management Company, guests, and neighbors. This would create new jobs, gives the neighborhood someone that is accountable and available to smooth any feathers and hopefully helps the neighborhood have some balance.

We are talking about our homes where we want to feel safe with some stability. If you are trying to create a safe living environment for you and your children it is difficult to have new neighbors on a daily basis. It is important to be able to have some type of rhythm to your neighborhood to have good neighborly relationships. This might be a step in the right direction to find a solution for all sides.

It's a matter of being accountable and available.

I am a licensed real estate agent and have been one for over 20 years. I also live at the end of 21<sup>st</sup> Ave at the beach, in the pit of the vacation rental district in Live Oak. I know the issues all too well. I see both sides of the problem have friends on both sides and choose not to have a side but to have a solution.

I'm very involved in the community and it's important to me to keep the community healthy and balanced. The people that actually live here are its backbone. Santa Cruz has always been a vacation destination and will continue to be regardless of any vacation rental restrictions. Safe neighborhoods and the feeling of community goes a long way in making Santa Cruz a better place to live and a better place to visit.

Sincerely

David King

Realtor  
2-2100 East Cliff Drive  
234-3280

## Steven Guiney

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**From:** Annette McGarity [annette@santacruzchamber.org]  
**Sent:** Tuesday, November 02, 2010 12:38 PM  
**To:** Steven Guiney  
**Subject:** Vacation Rental Ordinance

I am in favor of regulating vacation rentals in the Live Oak area. Besides the obvious noise and partying that occurs, vacation homes are not as well maintained. This is especially apparent during the off-season. I live in Whalers' Cove Condo Association on East Cliff across from 12<sup>th</sup> Ave. In subsequent years, I seen a rise in vacation rentals on 12<sup>th</sup> and the ghost town that street has become. Whalers' Cove does not allow any short-term rentals and it has stood us well in maintaining our property values even in the present housing market melt-down.

Thank you for your consideration-  
Annette

*Annette McGarity*  
Project Director  
831.457.3713 ext 102  
831.423.1847 fax  
[www.SantaCruzChamber.org](http://www.SantaCruzChamber.org)

**Steven Guiney**

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**From:** Mark Nicklanovich [mnicklan@webtv.net]  
**Sent:** Tuesday, November 02, 2010 10:04 AM  
**To:** Steven Guiney  
**Subject:** Support for regulation of vacation rentals

Dear Mr. Guiney: I am writing to express my strong support for regulation of the vacation rental industry. This industry has already infiltrated extensive portions of our coastal neighborhoods. It is presently unregulated and frequently detracts from the quality of life in those neighborhoods. The fact that this proposed ordinance includes exclusionary zones because of the density of vacation rentals there, indicates that those areas have become defacto commercial zones. They should be zoned as such, and protection given to the remaining coastal residential neighborhoods. If this trend is allowed to continue, there may well come a day when people who live and work in this community will not be able to live in a coastal area because those areas will be defacto reserved for transient occupants. Respectfully, Mark Nicklanovich, resident 215 Fourteenth Avenue, Santa Cruz, CA.

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**Steven Guiney**

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**From:** Mark Nicklanovich [mnicklan@webtv.net]  
**Sent:** Tuesday, November 02, 2010 2:47 PM  
**To:** Steven Guiney  
**Subject:** Support for vacation rental regulation

Dear Mr., Guiney: I support regulation of the existing vacation rental industry, as well as an in-depth study of the impact of this commercialization on our neighborhoods. At which level of saturation do we lose the fabric of a neighborhood? Large numbers of transient occupants are not conducive to a sense of community. At some point, buyers desiring to live in a residential neighborhood will avoid purchasing homes in these vacation rental areas, contributing to an even faster conversion of residentially zoned areas to commercial zones. If I ever purchase a different home in Santa Cruz County, the first thing I will inquire about is the vacation rental situation. Even if the area is deemed to have no current vacation rentals, what assurance would I have that I would not find myself rather suddenly surrounded by several? Respectfully, Jolene Nicklanovich, 215 Fourteenth Avenue, Santa Cruz, CA.

**Steven Guiney**

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**From:** Michael and Deborah Simms [mdsimms225@gmail.com]  
**Sent:** Tuesday, November 02, 2010 7:28 PM  
**To:** Steven Guiney  
**Subject:** Vacation rentals

I have lived in my home for 25 years. In the past 10 years, 7 vacation rentals have opened for business within 300 feet of my home. I have one on both sides and one behind me. These are not homes, rather they are businesses operating in a residential neighborhood. If I were to turn my home into a motel or restaurant I would need a permit and it would be denied. The original ordinance banning overnight rentals would give some protection from the houses being used as motels. I did not move next to the airport and complain about the noise, the airport moved next to me. What about my property rights to be protected from the intrusiveness of a business running next to my home?

Michael Simms

**Steven Guiney**

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**From:** Jim Munro [jim@windfreak.com]  
**Sent:** Tuesday, November 02, 2010 7:05 PM  
**To:** Robert Seelig; Steven Guiney; John Leopold; Ellen Pirie; Neal Coonerty; Tony Campos; Mark Stone  
**Subject:** Vacation Rentals Ordinance Provisions

Dear all,

I am writing to object the draft Vacation Rental Ordinance as written.

I live on 12 th Ave and cannot speak knowledgeably about the other areas. However, in my experience there are quite a few owner occupiers in this area who have either a second units or a small habitable studio on their property. Some of these residents move out of their 'main' house for a couple of months in the summer in order to supplement their income. Most of the people who I know who have done this are either retired and really need the money, or are unemployed and similarly need the income. You can be sure that since these owners are renting out their personal home, they are extremely careful who they rent to and how they treat the property, and are also the first ones to be affected by misbehavior on the part of their renters and are on the spot to deal with it. Naturally, they are also more likely to listen to any concerns voiced by neighbors. In other words, these are the very best of the vacation renters, so why would you want to permanently ban these people from doing vacation rentals?

When they are forced out of their homes, the new owners will undoubtedly turn the properties into full time vacation rentals. There is no reason given for this particular provision in the ordinance, and I can only say that there really is no reason. It is baseless, discriminatory, and mean minded. If any group of people can describe their vacation rental activity as a 'home business', these people can. By depriving them of the ability to do vacation rentals, you are targeting long term full time owner occupiers who are at the core of this community. Target the mega houses if you wish, target the major property management companies and the absentee property investors if you wish, but forcing these mostly fixed income retirees out in favor of wealthy investors is despicable in my view. And naturally, you have not presented any evidence or reason for this restriction.

In the public meetings the complaints seem to have centered on vacation rentals rented year round that frequently house up to 20 or more people. Likening such properties to Motels is certainly understandable. I certainly would not want crowds of people partying next door all the time and yet there is NO provision related to this type of rental.

The silliest provision is the banning of on street parking by vacation renters, yet another provision with no documented evidence of a problem.

I ask myself who is actually allowed to park on the street?. Since it is public parking for the most part, ANYONE can park on the street no matter their origin, race, religion, etc etc... The Sheriff is highly unlikely to even try to enforce this and would not be able to do so if they did. Perhaps the Live Oak Parking project can be expanded to year round 24 hour operation in order to knock on every door and ask if any of the cars outside belong to vacation renters? Please think before making such ridiculous restrictions.

All we really need is a three part provision as follows: Registration, Payment of TOT, an EFFECTIVE complaint validation and enforcement system. With this, any resources applied in this area by the County will be able to focus on the real problem houses. If there are resources focused on diligently investigating problems and resolving them, then you will be in a good position to amend the ordinance if it becomes clearly necessary.

In the mean time, if it ain't broke, don't fix it!! Focus on collecting TOT and deal with everything else as it arises.

Jim Munro

## Steven Guiney

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**From:** Tom Jenson [tomjenson853@hotmail.com]  
**Sent:** Tuesday, November 02, 2010 8:49 PM  
**To:** Robert Seelig; Steven Guiney; John Leopold; Ellen Pirie; Neal Coonerty; Tony Campos; Mark Stone  
**Subject:** I oppose Leopold's Law - comments about the HAC meeting

Dear HAC, Planning department and Board of Supervisors members,

I oppose the proposal to regulate/eliminate vacation rentals that Supervisor Leopold has put forward. There are already many laws on the books to deal with the behavior that he alleges (without any evidence) is causing trouble in these neighborhoods. Neighborhoods that have been home to vacation rentals for over 100 years by the way.

I also oppose his rejection of the Housing Committee's decision. After several meetings of the HAC, where they listed to hundreds of people comment about the proposed law, the HAC rejected it almost entirely. What did Supervisor Leopold then do? He ignored the recommendations of the HAC and instructed the Planning department to implement his original plans.

To put it bluntly....this is BS!

You have a Housing Committee for a reason.

Now that I've said my piece, I also want to make sure that many other people do as well. Below is an article from the Santa Cruz Sentinel about the HAC meetings and their decision. Following that article are 63 comments about the action that the HAC took. My estimation is that well over 90% of the comments are against Leopold's Law (which is a similar ratio of speakers at the HAC meetings).

I am writing to enter these comments into the public record.

Thank you for your time and consideration.

Tom Jenson  
Santa Cruz

[http://www.santacruzsentinel.com/localnews/ci\\_16275283](http://www.santacruzsentinel.com/localnews/ci_16275283)

County vacation rental ordinance sent back to drawing board  
October 7, 2010  
By SHANNA MCCORD  
Posted: 10/07/2010 01:30:28 AM PDT



[http://www.santacruzsentinel.com/localnews/ci\\_16275283](http://www.santacruzsentinel.com/localnews/ci_16275283)

LIVE OAK -- County leaders lost the initial battle to crack down on vacation home rentals after the Housing Advisory Commission rejected a proposed ordinance Wednesday that would have capped the number of rentals, limited the number of people who could stay in the homes and mandated permits for operating vacation rentals.

Commissioners voted 7-2 against recommending a proposed vacation home rental law to the county Planning Commission after a lengthy public hearing that drew a crowd of more than 150 to Live Oak Elementary School.

Commissioners Marsha Keeffer and Dean Lundholm supported the proposed ordinance. Commissioners Don Dietrich, Michael Lussier, Anthony "Bud" Carney, Sheri Damon, Raeid Farhat and Carlos Rico voted against due to concerns that it was overreaching, poorly written and could hurt tourism, the area's No. 1 industry.

"I'm strongly opposed to this largely because of the current state of the economy," Farhat said. "Too much money comes from the transient occupancy tax. Tourists use our businesses and eat at our restaurants."

Keeffer said the ordinance would have gone far in protecting neighborhoods from rowdy renters who party late into the night and have little regard for taking care of their surroundings.

"Neighborhoods are negatively impacted by certain vacation rentals," she said. "These are unregulated commercial enterprises. Regulating vacation rentals is absolutely necessary."

Assistant Planning Director Wanda Williams said planning staff would rework the ordinance and present a revamped version to the commission at its Nov. 3 meeting.

The proposal split the audience between people tired of living next door to loud party houses that change tenants frequently and those who say such a law would violate personal property rights and drive away tourists.

"I live near seven of these vacation homes," said Pleasure Point resident Sam Sexton. "I've had to call on six out of the seven of them because of the constant problems with parties. So, essentially I live next to a Motel 6."

Several property owners spoke about the desire to rent their homes to vacationers out of financial needs while many said it's simply an issue of private property rights.

"There might be one or two bad apples in the bunch," real estate broker Randy Brown said. "You can't allow them to ruin the whole basket. Let's not penalize everybody for one or two bad apples."

County planners have identified about 570 vacation rentals across Santa Cruz County.

The ordinance considered, initiated by Supervisor John Leopold, would required an administrative use permit and registration for payment of the transient occupancy tax, also known as the hotel tax, limit tenancy to one per week, restrict occupancy to four people in a bedroom and require all parking to be on site. A contact for the rental property must be within 15 miles of a rental and advertising the rental for weddings or corporate events would be banned.

Several areas dominated by beachfront vacation rentals would have been exempt, including Pajaro Dunes, Oceanview Drive in La Selva Beach, Beach Drive, Rio del Mar Boulevard, Cliff Court and Las Olas Drive in Aptos.

Existing vacation rentals currently in lawful operation could be exempt from the parking restrictions and wouldn't be limited on distance to other vacation rentals. New vacation rentals, as proposed, could not be located within 200 feet of another rental.

The California Coastal Commission would also hold a public hearing and vote on the ordinance before it could go into effect.

A workshop the housing advisory commission held to address the issue on Sept. 21 drew such a large number of people that the meeting was continued to Wednesday.

Comments to article: 62

<http://www.topix.net/forum/source/santa-cruz-sentinel/TPHUDD00H6K048DLH>

Freedom  
Santa Cruz, CA

#1  
Thursday Oct 7

Next they will be preparing your menu for the week. There are other ways. Taking away our freedom one sentence at a time or are they just grabbing each dime anyway they can.

dave  
Santa Cruz, CA

#2  
Thursday Oct 7  
classic Santa Cruz liberal politics at work ... who elects these people?

Leon  
Santa Cruz, CA  
Thursday Oct 7

The Housing Advisory Commission says John Leopold's ordinance is "overreaching, poorly written and could hurt tourism, the area's No. 1 industry". No surprise there.

Could it also be that the supporters of John's constitutionally defunct ordinance are his appointees?

Adam  
San Francisco, CA  
#4

Thursday Oct 7  
The HAC saw the ordinance (as written) as being severely flawed, with many "unintended consequences" and a lack of analysis about its impact and whether it even addresses the concerns voiced by the neighbors asking for the ordinance. The ordinance was written quickly and without analysis: why a 200 foot separation between VRs, and not 150 or 300? why a 7-night-turnover rule, and not 2- or 4- nights?

Thus, the HAC recommended these actions:

1. reject both Supv. Leopold's original proposal as well as the Planning Department's proposal-- as the title of the Sentinel article said "send them back to the drawing board."

11/3/2010

2. recommend more time to study the problem-- for something of this complexity, take the time to do it right.
3. to the extent that the county needs/chooses to stick to a 2010 timetable, that a simpler ordinance be considered, with simpler consequences. Chairman Owen Lawlor characterized this as a split between "operational" issues (turnovers, parking, etc.) and "ongoing restrictions" (permitting, signage, etc.), with the operational regulations being trickier to define, analyze and enforce.

Joyce  
San Francisco, CA  
#5

Thursday Oct 7

Over the last 2 Housing Advisory Commission meetings, 57 people have spoken out opposing a vacation rental ordinance, and 14 people have been pro-ordinance. Where is the data showing that vacation rentals are a problem? Over the last few months, no one has been able to pull up sheriff records documenting any visits to vacation rentals.

We have a neighbor who calls the cops every night at 10pm to get people off the beach. These types of people are wrongly characterizing that every vacation rental is hosting a bachelor party every weekend, while in fact they may have only had 1 or 2 bad experiences. You tend to remember these because they are disturbing, then completely amplify and exaggerate it.

The main outcomes of the HAC meeting were:

- 1) that there isn't enough data to support that this is a widespread issue, and there aren't enough people to suggest that the majority of vacation rentals aren't operating properly
- 2) tracking vacation rentals is a good idea, with the option to shut people down if they are genuinely not adhering to the rules and creating issues in the neighborhood. A formal dispute resolution system would ensure that this is a fair, objective process (as opposed to a subject "he said, she said" situation).
- 3) 7 out of 9 commissioners did not accept the ordinance as it is currently drafted today. The two commissioners who do support the ordinance are evidently steamrolling ahead or working for specific constituents, because their decision-making did not take into account any of the data presented at the public hearing.

please  
Oakland, CA  
#6

Thursday Oct 7

Just hold people responsible for their behavior. We don't need more laws we need more responsibility. If you can't find the renters than hold bad landlords and rental companies responsible. There is no need to punish everyone. Same thing for student housing. Make the landlords responsible for bad renters, and maybe they will be more particular about who they rent to.

THH  
Watsonville, CA  
#7

Thursday Oct 7

11/3/2010

I think if Law Enforcement would actually go to the disturbance call and cite the offenders rather than have another money grabbing ordinance would be a lot simpler. I can not understand how an ordinance like this could even be considered. If I was fortunate enough to own a rental I would tell them to shove the ordinance and get the hell out of my life!!!

Leon  
Santa Cruz, CA  
#8

Thursday Oct 7

Adam wrote:

The HAC saw the ordinance (as written) as being severely flawed... why a 7-night-turnover rule, and not 2- or 4-nights?

This part alone would put many small bed and breakfasts out of business.

5thGen

Santa Clara, CA  
#9

Thursday Oct 7

If we restrict rentals then the cost of each rental will go up over time by the simple theory of supply and demand giving the current Vacation Rentals a market advantage over everyone else. Now any neighbor wanting to convert their property either short term or long term into a vacation rental for financial gain or simple survival will not be able to enjoy the same benefits as their neighbors...that is wrong.

This ordinance is just one more step to gain another tax generating mechanism for the County and then the next thing you know the vacation rentals will need to be inspected by a newly hired county employee who is another union member getting 90% of their pay for retirement. Then they will increase the requirements for ADA access, parking, etc.....and what ever they can get their hands on which just ultimately makes things more expensive and costly for everyone else.

This is one more slow step in the wrong direction to micro manage vacation rentals.

"Those who do, do. Those who can not, teach or inspect the work of others".  
It appears

Oakland, CA

11/3/2010

#10

Thursday Oct 7

It appears that the proponents of the ordinance have confused unacceptable human conduct with a category of property ownership, and are attempting to control aberrant behavior by abusive regulation of ownership rights. They would be better advised to utilize more appropriate laws already on the books, and to apply them equally to resident-owners, and to all tenants regardless of the term of their tenure

SC50M

San Leandro, CA

#11

Thursday Oct 7

We happen to live next door to one of the worst vacation rentals in Live Oak, but do not support the proposed ordinance in any form. The sheriff has visited the rental house 10 times this summer with complaints ranging from noise after 10 pm, dangerous & illegal fireworks, public urination ( not enough bathrooms for the number of renters). The Sheriffs never issued a citation.

If law enforcement would cite offenders, it would ultimately cost the owner ( time, fines, lawyers etc.) and then we would get their cooperation. The proposed ordinance raises county revenues, restricts property rights and has no effective plan to enforce noise and disturbance issues. Start using the laws and ordinances we have now to solve the problem.

The rest of the story

Mountain View, CA

#12

Thursday Oct 7

This is odd - the four comments that were on this blog shortly after the story posted, late last night, are all gone (mine included). None of them had profanity, or anything at all like that.

They are just gone though.

Jim in Live Oak

Since: Oct 10

Location hidden

#13

Thursday Oct 7

We attended the meeting last night and the majority of the commission proved themselves quite thoughtful, reasonable and above all, leery of trampling property owner rights simply because of a few "bad apples" reported in some isolated neighborhoods. The bottom line is that there is no actual data to support slapping controls on all SC homeowners because of isolated (unverified) complaints. The crowd last night was polite and orderly up until one ordinance supporter aggressively walked toward and threatened an audience member for a comment he made. Luckily, cooler

heads prevailed. The community should be able to come to reasonable and rational resolutions and measures to deal with this minority of complaints.

Note: 570 rentals among over 100,000 existing housing units in Santa Cruz hardly classifies as a "huge" conversion problem that would warrant such an assault on property owners' rights. There has yet to be any data presented that indicates which of these rentals are verified "problems", I have many VR's near my home on East Cliff and they have done nothing but vastly improve and upgrade the area. The rowdy student tenants near UCSC and the gang member tenants are the real, verifiable problems the county should be focusing on. Thank you HAC!

Freedom  
Oakland, CA  
#14

Thursday Oct 7

The Supervisors talk about preserving the "character" of the neighborhoods. On its surface this sounds admirable. But in practice this would by definition restrict freedom of choice and speech. The composition and character of a neighborhood is defined by the choices of individuals not the government. The County has every right to set the "foundation" of a neighborhood by regulating the type of structures, but after that it should allow individual freedom and individual decisions to define the character. If owners choose to purchase a home and raise their family, it is their choice. If people purchase a home as an investment and rent it long term, it is their choice. If they choose to keep the house empty and not raise children, it is their choice. It is interesting that it is against the law for a Real Estate agent to "define" the character of the neighborhood. For example, they can not place an advertisement describing a neighborhood as "kid friendly" or "perfect for families". Why then would it be OK for the government to do exactly this?. Are we really suggesting that the County define the character of the neighborhood? What is next? Will the County decide a neighborhood is too Hispanic? Would the County prevent a Mosque from being built because it does not fit in with the "Catholic character" of a specific neighborhood? Would the County target second homeowners and tell them they must raise children in the home or face fines? Perhaps the County should create an incentive program that would encourage single families to purchase homes and raise their children. A program could reduce property taxes by 25% for owners who raise their family for five years in a SFR. This would be a positive way to achieve the same goal. But, it would still be discriminatory. I would imagine that if the County created such a program you would see lawsuits from unmarried people or people without children. They would state that the government has violated their rights and discriminated against them.

The rest of the story  
Mountain View, CA  
#15

Thursday Oct 7

Joyce wrote:

The main outcomes of the HAC meeting were:

- 1) that there isn't enough data to support that this is a widespread issue, and there aren't enough people to suggest that the majority of vacation rentals aren't operating properly
- 2) tracking vacation rentals is a good idea, with the option to shut people down if they are genuinely not adhering to the rules and creating issues in the neighborhood. A formal dispute resolution system would ensure that this is a fair, objective process (as opposed to a subject "he said, she said" situation).
- 3) 7 out of 9 commissioners did not accept the ordinance as it is currently drafted today. The two commissioners who do support the ordinance are evidently steamrolling ahead or working for specific constituents, because their decision-

making did not take into account any of the data presented at the public hearing.

The other "main outcomes" of the HAC meeting were that 7 out of 9 Commissioners did later vote in favor of a more slender ordinance, where vaca rentals would require a permit to operate and could lose it under some circumstances. And .. that 6 of the Commissioners, in their comments, referred to the vacation rentals as unregulated businesses in a residential zone, and the Chair pointed out that vaca rentals are the only guest serving facility that is unregulated, and that they should be (rentals of less than 30 days create "guests" under law, they are not residential tenancies under California law). And ... in my view 90% of the people who spoke against the original ordinance, which is admittedly lengthy, last night also said that they supported SOME REGULATION to weed out the "bad apples", who are very careless about screening renters over and over again, who have websites for 3 bedroom houses that advertise "sleeps 22", or who advertise specifically for hosting large group functions.

In my view, its not the folks who run their short term rentals well who cause a problem, and none of them would have been hurt by a set of regulations that -grandfathered- them all in, and then simply required others to manage the places as well as most of these folks are already managing them!

How  
Mountain View, CA

#16

Thursday Oct 7

please wrote:

Just hold people responsible for their behavior. We don't need more laws we need more responsibility. If you can't find the renters than hold bad landlords and rental companies responsible. There is no need to punish everyone. Same thing for student housing. Make the landlords responsible for bad renters, and maybe they will be more particular about who they rent to.

Here is a completely fair question for you - You say "Make the landlords responsible for bad renters" and also say "We don't need more laws" - How do you make landlords take responsibility, if they refuse to do so (as some do), without some sort of legal mechanism? Are you suggesting that I go to an out of town owners city and "make" him take responsibility by force?(I really don't think you are!) In my view, we can't reconcile your two statements. Although I think I understand where you are coming from, I don't think we can get there without some legal mechanism available to help convince some people that if they don't take responsibility, there is a means to force it upon them. And in my view - it is unfortunate but it is reality.

Yes  
Oakland, CA

#17

Thursday Oct 7

Jim in Live Oak wrote:

We attended the meeting last night and the majority of the commission proved themselves quite thoughtful, reasonable and above all, leery of trampling property owner rights simply because of a few "bad apples" reported in some isolated neighborhoods. The bottom line is that there is no actual data to support slapping controls on all SC homeowners because of isolated (unverified) complaints. The crowd last night was polite and orderly up until one ordinance supporter aggressively walked toward and threatened an audience member for a comment he made. Luckily, cooler heads prevailed. The community should be able to come to reasonable and rational resolutions and measures to deal with this minority of complaints.

Note: 570 rentals among over 100,000 existing housing units in Santa Cruz hardly classifies as a "huge" conversion problem that would warrant such an assault on property owners' rights. There has yet to be any data presented that indicates which of these rentals are verified "problems", I have many VR's near my home on East Cliff and they have done nothing but vastly improve and upgrade the area. The rowdy student tenants near UCSC and the gang member tenants are the real, verifiable problems the county should be focusing on. Thank you HAC!

We were at the meeting as well and people were respectful on both sides. I was sitting near the gentleman who was threatened. He is actually the one in the picture in the article (wearing the tie). The pro-Ordinance fella who threatened him was way out of line. He literally told him to stand up and was quite aggressive. This poor gentleman was sitting next his two young children. Thank God it did not get out of hand.

Freedom  
Oakland, CA

#18

Thursday Oct 7

How wrote:

<quoted text>

Here is a completely fair question for you - You say "Make the landlords responsible for bad renters" and also say "We don't need more laws" - How do you make landlords take responsibility, if they refuse to do so (as some do), without some sort of legal mechanism? Are you suggesting that I go to an out of town owners city and "make" him take responsibility by force?(I really don't think you are!) In my view, we can't reconcile your two statements. Although I think I understand where you are coming from, I don't think we can get there without some legal mechanism available to help convince some people that if they don't take responsibility, there is a means to force it upon them. And in my view - it is unfortunate but it is reality.

Are you talking about short term or long term renters? What about permanent residents?

Good points  
Mountain View, CA

#19

Thursday Oct 7

Freedom wrote:

The Supervisors talk about preserving the "character" of the neighborhoods. On its surface this sounds admirable. But in practice this would by definition restrict freedom of choice and speech. The composition and character of a neighborhood is defined by the choices of individuals not the government. The County has every right to set the "foundation" of a neighborhood by regulating the type of structures, but after that it should allow individual freedom and individual decisions to define the character. If owners choose to purchase a home and raise their family, it is their choice. If people purchase a home as an investment and rent it long term, it is their choice. If they choose to keep the house empty and not raise children, it is their choice. It is interesting that it is against the law for a Real Estate agent to "define" the character of the neighborhood. For example, they can not place an advertisement describing a neighborhood as "kid friendly" or "perfect for families". Why then would it be OK for the government to do exactly this?. Are we really suggesting that the County define the character of the neighborhood? What is next? Will the County decide a neighborhood is too Hispanic? Would the County prevent a Mosque from being built because it does not fit in with the 'Catholic character' of a specific neighborhood? Would the County target second homeowners and tell them they must raise children in the home or face fines? Perhaps the County should create an incentive program



that would encourage single families to purchase homes and raise their children. A program could reduce property taxes by 25% for owners who raise their family for five years in a SFR. This would be a positive way to achieve the same goal. But, it would still be discriminatory. I would imagine that if the County created such a program you would see lawsuits from unmarried people or people without children. They would state that the government has violated their rights and discriminated against them.

Freedom, you raise good points here. But there is this: under law now one can't run certain kinds of businesses in a residentially zoned area. I don't think that is a bad thing, you don't want a loud machine shop next to your house in a residential area. State law limits residential tenancies to rentals of 30 days or more. Less than that creates "guests", which come under visitor servicing business category. That has never been allowed in R1 districts in our County. People who have lived here a long time have a time based, investment based, law based expectation to not have businesses prohibited by law move in next door to them in a residential zone area. Does that mean that all vacation rentals are bad? No. Does that mean that all vacation rentals are an incompatible business in a residential area? No. But in my view the ordinance being considered, and better yet the "slender" version condoned by the Housing Commission last night, actually authorize these things, they don't restrict them. They weren't "legal" business uses to begin with. It is the neighbors whose "rights" were being limited, and the vacation rental owners whose "rights" were being expanded, not vice versa. Food for thought, I hope.

Big\_surprise\_coming  
Santa Cruz, CA  
#20  
Thursday Oct 7  
The elephant in the room is this:

vacation rentals are illegal. period. end of story. doesn't matter that the law is not enforced locally. doesn't matter if it has gone on for decades.

vacation rentals are a commercial use in a residential zone. No matter than everyone from the county to rental agents to home owners pretend otherwise.

all this yammering about private property rights is just that - yammering. you do not have a right to a commercial use of your residential zoned property - and 95% bought your house fully aware of the restrictions.

you have no more right to operate a vacation rental than you do to run a whorehouse, a crack factory or a chicken ranch. go buy property on the other side of the tracks if you want a commercial property.

don't believe me? you (the county, the rental agents and home owners who rent) will find out after all this fuss to make rules about an illegal activity. the county just wants a piece of the pie.

those who profit from this illegal activity can hide behind the flag and apple pie and hope that the law will stay broken - good bet in this county - but don't forget that there is a risk that your cash cow might fall off a cliff some day.

really all it will take is one of our young front row gazillionaires to grow up, have some kids and decide that they would like some peace and quiet on the weekend in their \$5M house. One grumpy Sunday morning, they pick up the phone and call their \$600 / hour on call attorney and by Monday they have a platoon of lawyers pulling on their leashes. what's a couple of hundred thousand bucks when you want a good night's sleep and you have a half billion in the bank?

so bring it on, Bailey lawyers, cite your cases in defence of your master's cash cow. But it is illegal - prima facie or whatever you call it - and you will lose once you wake up one of the gazillionaires one too many times.

just a matter of time. plan accordingly if you are renting for financial necessity. anyone learn about risk in the last 5 years?

PAGE 2

Freedom  
Oakland, CA

#21

Thursday Oct 7

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just a matter of time. plan accordingly if you are renting for financial necessity. anyone learn about risk in the last 5 years?

Incorrect.

In 1988, County Counsel was asked whether short term renting of a single-family dwelling to a family was consistent with the uses allowed in the R-1 zone district.

Conclusion and Recommendation: Vacation rentals of single-family residences are allowed in the residential zone districts under the current County Code, without restrictions.

This was reconfirmed in 2002.

<http://sccounty01.co.santa-cruz.ca.us/bds/Gov...>

Boulder Bob

Hayward, CA

#22

Thursday Oct 7

The rest of the story wrote:

This is odd - the four comments that were on this blog shortly after the story posted, late last night, are all gone (mine included). None of them had profanity, or anything at all like that.

They are just gone though.

Perhaps you mean this:

<http://www.topix.net/forum/source/santa-cruz-...>

The Sentinel's practice seems to be to post stories online at the time they're written or edited and then repost them around 1:30 a.m. as they appear in the printed edition, which results in multiple threads about the same article.

SLV Local

Oakland, CA

#23

Thursday Oct 7

How wrote:

<quoted text>

Here is a completely fair question for you - You say "Make the landlords responsible for bad renters" and also say "We don't need more laws" - How do you make landlords take responsibility, if they refuse to do so (as some do), without some sort of legal mechanism?

I wonder if the problems cited, could be addressed with various noise and public nuisance ordinances already on the books?

Von

Santa Cruz, CA

#24

Thursday Oct 7

Freedom wrote:

The composition and character of a neighborhood is defined by the choices of individuals not the government. The County has every right to set the "foundation" of a neighborhood by regulating the type of structures, but after that it should allow individual freedom and individual decisions to define the character. If owners choose to purchase a home and raise their family, it is their choice. If people purchase a home as an investment and rent it long term, it is their choice. If they choose to keep the house empty and not raise children, it is their choice.

50 clueless heads on the 4th and 5th floors are shaking their heads at this comment saying, "No way, dude. We decide,

you abide!"

And that is the problem with Santa Cruz County.

donna  
Watsonville, CA  
#25

Thursday Oct 7

Big\_suprise\_coming wrote:

The elephant in the room is this:

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just a matter of time. plan accordingly if you are renting for financial necessity. anyone learn about risk in the last 5 years?

If you could support your statement that vacation rentals are illegal, I would like to review your source. Thanks.....

Freedom  
Oakland, CA  
#26

Thursday Oct 7

Good points wrote:

<quoted text>

Freedom, you raise good points here. But there is this: under law now one can't run certain kinds of businesses in a residentially zoned area. I don't think that is a bad thing, you don't want a loud machine shop next to your house in a residential area. State law limits residential tenancies to rentals of 30 days or more. Less than that creates "guests", which come under visitor servicing business category. That has never been allowed in R1 districts in our County. People who have lived here a long time have a time based, investment based, law based expectation to not have businesses prohibited by law move in next door to them in a residential zone area.

Does that mean that all vacation rentals are bad? No. Does that mean that all vacation rentals are an incompatible

business in a residential area? No. But in my view the ordinance being considered, and better yet the "slender" version condoned by the Housing Commission last night, actually authorize these things, they don't restrict them. They weren't "legal" business uses to begin with.

It is the neighbors whose "rights" were being limited, and the vacation rental owners whose "rights" were being expanded, not vice versa.

Food for thought, I hope.

Definitely something that should be discussed. I agree with you that there is a property right to expect "quiet enjoyment of ones home". I agree that no one should be subject to a bad neighbor. That bad neighbor, however, can be a long term renter, a second home owner, or even a permanent resident. We do not control those bad behaviors thru zoning or permits.

Also, county counsel opinion differs from your position.

In 1988, County Counsel was asked whether short term renting of a single-family dwelling to a family was consistent with the uses allowed in the R-1 zone district.

Conclusion and Recommendation: Vacation rentals of single-family residences are allowed in the residential zone districts under the current County Code, without restrictions.

This was reconfirmed in 2002 during the last go round.

<http://sccounty01.co.santa-cruz.ca.us/bds/Gov...>

Big\_surprise\_coming

Santa Cruz, CA

#27

Thursday Oct 7

You make my point Mr. Bailey attorney. You cite our county counsel's opinions? Are you kidding? Who cares what the local corruptocrats have to say in their "opinions"? They serve their masters on this issue and many others. Haven't noticed?

It will not stand once a real lawyer beyond the tiny tentacles of the "most corrupt little county in California" - as it was once called - becomes involved.

What you and the others who profit from vacation rentals must rely on is that you don't wake the gazillionaire. No problem for fee eaters like lawyers and rental agents as you can move on to new business, but it would be a real big problem for home owners with equity on the line who have come to depend on cash flow from vacation renters.

This town used to have many \*\*\*\* houses scattered about the county. Those operators got booted after operating for a very long time. They were never legal but they were there nevertheless. Same as vacation rentals.

Freedom wrote:

<quoted text>

Incorrect.

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Big\_suprise\_comi ng  
Santa Cruz, CA  
#28  
Thursday Oct 7

[Nuts]

2  
[Clueless]

1  
No Donna, I'm not posting to troll for business. Google away. Contact the state and ask them if a county is allowed to willy nilly interpret the meaning of words defined by the state to be used consistently in all counties when applying zoning laws.

The definition of "single family residential" is ... single family.. residential.(While the definition of family may have been disputed to the Supreme Court, as far as I know, no one has taken the definition of residential there. Be the one! Or what for the gazillionaire to wake up.

Don't see any gas stations on your street, do you? If the county counsel of Santa Cruz and some Supervisors had some chums in the gas station business and decided that "single family residential" zoning should suddenly allow gas stations, do you think the state would say, "hey, whatever.., just make it look like a house". If they did the meaning of "single family residential" would evaporate.

If you want an attorney to help you, stay outside of Santa Cruz and look in areas where the conflict has been resolved to the satisfaction of the home owners who don't want to suddenly find themselves living next to .. gas stations, crack factories, whorehouses, discos, bingo parlors, or vacation rentals.

All I am saying is that the locals are on thin ice legally. They know it and you can tell as they provide the same circle jerk argumentation each time the issue comes up.(the county counsel said it's okay...)

donna wrote:  
<quoted text>

If you could support your statement that vacation rentals are illegal, I would like to review your source. Thanks.....

Dont bother  
Oakland, CA  
#29  
Thursday Oct 7  
Big\_suprise\_coming wrote:

11/3/2010

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<quoted text>

Donna, I'll save you time. There is not a single civil case in the US where the legality of vacation homes has been called into question.

donna  
Watsonville, CA  
#30

Thursday Oct 7

Big\_surprise\_coming wrote:

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All I am saying is that the locals are on thin ice legally. They know it and you can tell as they provide the same circle jerk argumentation each time the issue comes up.(the county counsel said it's okay...)

<quoted text>

Thanks for your response.

I understand your point, however, it seems like vacation rentals are available not only in California but throughout the US. It would seem like many other communities are behaving illegally???? My husband and I stayed in a lovely vacation rental in Annapolis and were grateful for the opportunity. I am confused as to how all these communities could be behaving illegally.

I love surprises  
Aptos, CA  
#31

Thursday Oct 7

Clearly "big surprise coming" sees no value in vacation rentals and doesn't want them in Santa Cruz. However, the rest of us live in the real world, in a tourism based county. I'm pretty sure the locals (myself included) can't sustain all of the businesses here in town and Santa Cruz county isn't very hotel friendly, so then what?

Good points

Mountain View, CA  
#32

Thursday Oct 7

Freedom wrote:

<quoted text>

Definitely something that should be discussed. I agree with you that there is a property right to expect "quiet enjoyment of ones home". I agree that no one should be subject to a bad neighbor. That bad neighbor, however, can be a long term renter, a second home owner, or even a permanent resident. We do not control those bad behaviors thru zoning or permits.

Also, county counsel opinion differs from your position.

In 1988, County Counsel was asked whether short term renting of a single-family dwelling to a family was consistent with the uses allowed in the R-1 zone district.

Conclusion and Recommendation: Vacation rentals of single-family residences are allowed in the residential zone districts under the current County Code, without restrictions.

This was reconfirmed in 2002 during the last go round.

<http://sccounty01.co.santa-cruz.ca.us/bds/Gov...>

Freedom, you are good at dialogue, I appreciate it. But ... you cited the report written by the Planning Director, not the actual County Counsel (CC) opinion. Alvin James took some real liberty in his summary of what CC looked at, and his sweeping statement which you cited is not stated like that in the CC opinion. I must say that as a veteran of having read many staff reports, that staff report summaries of other reports (by engineers, biologists, lawyers, etc.) are not always that accurate, and are sometimes very inaccurate. Anyone who has dealt with our Planning Department would have a hard time refuting this! But back to the CC opinion - it is my view that the CC opinion of 1988 did not look at all aspects that a challenge to the legality of a guest serving short term rental would have. Further, I don't think you could find a lawyer in the CC's office now who would bet the farm that the 1988 was the end-all discussion of the legalities of this issue. What is not discussed is California tenancy law, the status of short term renters as guests, the contracts that vaca rental owners use (which can withhold security deposits without damage to property, just from noise complaints; which claim to be able to evict without stay or quit notices or formal eviction proceedings; all of which have been found to be indicative of guest business use in other court cases). I will offer this: As it is at least certainly possible that this may be found by a court to be an unpermitted use, and if so then that court, which could be an appeals court out of county which then could force upon us a remedy that we don't really like - if this is possible (at least) aren't we better served as a local community to find a solution that works pretty well, such as the slender ordinance discussed last night, supported by most, so that we retain local control over our issues?



Christine Shepard

Aptos, CA

#33

Thursday Oct 7

From the article

"Several areas dominated by beachfront vacation rentals would have been exempt, including Pajaro Dunes, Oceanview Drive in La Selva Beach, Beach Drive, Rio del Mar Boulevard, Cliff Court and Las Olas Drive in Aptos."

These "Special Consideration Areas" that are exempt are patently unfair. I am happy that the HAC acknowledged this unfairness and recommended scrapping these "special areas". Let's see if the Board of Supervisors and Planning take the advice of these nine HAC commissioners who have spent many hours reviewing and discussing this flawed piece of legislation. Something tells me the Supervisors will protect their rich friends in the "special" areas no matter what. We shall see.

Big\_surprise\_coming

Santa Cruz, CA

#34

Thursday Oct 7

[Disagree]

2

[Nuts]

1

I see lots of value in vacation rentals - who doesn't?

But why pay attention to any of the zoning code?

Why not put 10 story buildings in along the beach?

Why have silly 5' side setbacks, let's build wall to wall.

This would be much more profitable for all, the owners, the county, the local businesses.

Your argument is to change the rules in mid-stream for a small group of owners (you think is the "rest of us" - that's dead wrong) of houses near the beach to profit at the expense of the majority of the law-abiding owners (the real "rest of us").

Look, if you want to serve tourists, why don't you push for concrete 30 story condos from West Cliff to the county line?

Vacation rentals worked fine for decades as in general owners respected their neighbors and restricted the usage to limit impact. That is no longer the case. We reached a tipping point where the number of vacation rentals exceeded carrying capacity of certain neighborhoods and many of the owners could give a \*\*\*\* about their neighbors.

The character that made the beach communities attractive gets wiped out. Is this what you want as a local? If so I doubt you have lived near problematic vacation rentals.

11/3/2010

As for sustaining the local economy, give me a break. We live just over the hill from the biggest generator of wealth in the history of mankind.

I love surprises wrote:

Clearly "big surprise coming" sees no value in vacation rentals and doesn't want them in Santa Cruz. However, the rest of us live in the real world, in a tourism based county. I'm pretty sure the locals (myself included) can't sustain all of the businesses here in in town and Santa Cruz county isn't very hotel friendly, so then what?

Christine Shepard

Aptos, CA

#35

Thursday Oct 7

good points - I think most people would be in favor of a "slender" ordinance as long as it was written in way that protects vacation rental owners from unreasonable neighbors who will try to take you down even if there are no problems at your home. The way this thing is currently written encourages neighbors to beef up complaints to the planning director so there is a stack of papers come permit review time. As you can see on this board, there are people who don't want vacation rentals in Santa Cruz period(which I personally find hilarious). They don't want to share their street with visiting families and they will call the police and file complaints just because they can (many of them already do this). One woman stood up last night and said she has to "SHOO" "SHOO" the children away from her property line. Glad I don't live next door to her because my son occasionally likes to say hello to the neighbors.

Big\_suprise\_comi ng

Santa Cruz, CA

#36

Thursday Oct 7

[Nuts]

1

Sounds like a great research project.

Vacation rentals: stories of successes and failures in beach communities across the US. Might be good reading for the Sups and all parties who have an interest here.

Indeed there are tremendous differences. On the east coast, there are beach communities side by side with one notorious for trash, fights, loud music and neon signs and the next one quiet, clean and natural. They both can be crammed full of vacation rentals.

As for legal vs. illegal, I can only point to what happens in California. Deep pockets and a motivated resident could tip over the creep towards vacation rental hell. I doubt it will happen but times are changing. You have a lot of uber rich coming up in Silicon Valley who wish to live on the ocean and aren't interested in the local rabble making a few bucks on frat parties next door. If there is one lesson to learn from the East Coast beach communities, it might be that rich people don't put up with rabble too long. A few of them weigh more than all of rental agent lawyer clan.

donna wrote:

11/3/2010

<quoted text>

Thanks for your response.

I understand your point, however, it seems like vacation rentals are available not only in California but throughout the US. It would seem like many other communities are behaving illegally???? My husband and I stayed in a lovely vacation rental in Annapolis and were grateful for the opportunity. I am confused as to how all these communities could be behaving illegally.

Christine Shepard

Aptos, CA

#37

Thursday Oct 7

Big suprise coming wrote:

As for sustaining the local economy, give me a break. We live just over the hill from the biggest generator of wealth in the history of mankind.

<quoted text>

Yes, there are rich people over the hill but they spend less on a day trip than a three day trip.  
According to a recent study by the Santa Cruz Conference and Visitor Council-

Avg spent per visitor per day-

\$775 for people who stay overnight.

\$63 for people who do not stay overnight

Their data, not mine.

Knitting

Oakland, CA

#38

Thursday Oct 7

Christine Shepard wrote:

<quoted text>

Yes, there are rich people over the hill but they spend less on a day trip than a three day trip.

According to a recent study by the Santa Cruz Conference and Visitor Council-

Avg spent per visitor per day-

\$775 for people who stay overnight.

\$63 for people who do not stay overnight

Their data, not mine.

Did you see the Supervisor's quote in a previous Sentinel article?

"Vacation homes are changing the residential nature of these neighborhoods," said Leopold, noting one street that has nearly a dozen rentals, one costing \$5,000 a weekend. "If you're going to go there, you're not going there to sit and

11/3/2010

knit."

[http://www.santacruzsentinel.com/ci\\_15341118...](http://www.santacruzsentinel.com/ci_15341118...)

#1 You are the Supervisor of a major tourist district. Part of your job is to support tourism. Were you not aware of that big blue thing called the Ocean? For whatever reason, lots of families like to visit this ocean. And those families have \$\$ that they spend. Lots of it.

#2 You say that they are not going to sit and knit. What horrible thing do you think they are going to do? Have you ever spoken to anyone who has rented in your district? Have you ever asked them exactly what they do? Why wouldn't you like someone from outside Santa Cruz to come and go out eat, take a surfing lesson, rent a kayak? What exactly is it that you do not want them to do? What is it that they do that is so horrible that you have to regulate it? Have you ever thanked someone for staying in your district? Have you ever encouraged anyone to visit your district and spend money? Given the current economy, shouldn't you be focused on bringing in more visitors, not less? Shouldn't you be finding ways to boost the opportunity for local business and increase tax revenue?

#3 What is wrong with getting \$5000 for a rental home? You say this like someone has done something wrong and gosh darn it you are going to do something about it. You should be calling that owner and asking him how he does it. You should be replicating what he does. It is just plain good for the county. You should thank that owner for bringing in a family that is willing to pay \$5000 to stay in Santa Cruz. I am sure someone with that type of money had a choice to go anywhere. Yet they chose Santa Cruz and not somewhere like Hawaii. Maybe this house had something to do with it. Maybe this owner has an unreal house that anyone would be lucky to spend one night in. Maybe this owner has created a small piece of paradise that encourages people to stay in Santa Cruz. And what about the guest of this home? Would this family have stayed at the Sunny Cove Motel instead? Doubt it. \$5000 brings \$500 to the County in TOT. You are welcome. And I am sure that this family did not pay \$5000 to "sit and knit". They probably went to eat at Star Bene. You're welcome. They probably went to see a show at Moe's Alley. You're welcome. Maybe they took a kayak lesson or went on the Chardonnay. You're welcome. Maybe breakfast at Aldo's and coffee at the Windmill. Shopping for sweatshirts at the Santa Cruz Skateboard shop. A night at the boardwalk. Dinner at the Dream Inn. A movie rental and snacks from the Dollar store. You're welcome, you're welcome, you're welcome.

Dennis Hickey

Fallon, NV

#39

Thursday Oct 7

Kudos and my thanks to the Housing Advisory Commissioners. Loosing my retirement home before I even get a chance to move into it would be very disheartening. I hope that now the Supervisors will throw away their shotgun and address their few constituents' real issues directly without decimating the rest of us.

Mary

United States

#40

Thursday Oct 7

i am so great full for the Plannig Advisory Commissioners to have business and common sense. This ordinance is so

11/3/2010

incredibly flawed it will damage the fragile economy of our county. this county exists because of tourism! They come here enjoy our beautiful home town and spend their money here. We should be thank full. Most of the people who stay overnight here are wonderful gracious families who only add to our diverse and welcoming town. do not forget where any of our businesses would be with out this great economy over the hill. Are we so spoiled we can't even appreciate how lucky we are? Do we have to lose all this to realize what we had? Is anyone thinking ahead or logically? Oh yes the Housing Advisory Board is thinking! Thank you for not accepting this flawed ordinance before it's too late! Thank you!

PAGE 3

John D  
United States  
#41

Thursday Oct 7

A select few people are blaming the vacation rental homes for trash problems. One small advce: put your cans away where the people walking to the beach can't use it and some how you will see you no longer have a trash problem! So many of the allegations by the pro-ordinance people are solved as easily as the above! Amazing what looking into a problem logically does!

Do not go creating bigger problems by passing an unhealthy ordinance! We have enough difficulties in this town with out the damages this ordinance would have created had it passed!

Beth Weber-Guarino  
San Jose, CA  
#42

Thursday Oct 7

Thank you HAC for recommending a basic ordinance that doesn't penalize all vacation rentals because of a "few bad apples". I have a second home that I also rental out as a vacation rental. While I sympathize with the few residents that have major issues, a systematic approach to deal with those specific landlords should be developed and implemented. It seems like there are a half dozen (or less?) or so vacation rentals that are real ongoing "problems". Are these landlords even paying TOT?

As for folks that are surrounded by vacation rentals, things change, what else can I say. A friend of mine lives on a street that used to be owner-occupied single family homes. Now the majority are rented out on a full time basis and the character of her neighborhood has changed. There are more cars on the street, more activity and the street doesn't have the warm cozy feeling it once had. While she wishes it were the way it was, she recognizes that her house is paid for and stays because of it. Things change.

Al Swearengen  
Scotts Valley, CA  
#43

Thursday Oct 7

Obviously we have \*way\* too many county planners that they can hang around and cogitate on such matters.

get the facts  
San Francisco, CA  
#44

Friday Oct 8

Leopold is full of hyperbole and we should not accept his statements when drafting serious laws.

In their petition, neighbors cited "constant noise" - obviously this is hyperbole: VRs aren't construction sites. If there's "constant noise" then surely there should be lots of police reports-- and yet there are none.

Another claim is that "trash is overflowing"-- yet the trash company wasn't willing to substantiate this: they \*don't even have anecdotal\* evidence that this is true.

One neighbor testified in a public hearing about "80 people" in a house. We cannot base legislation on this kind of hyperbole.

Finally, an oft-repeated statement of Leopold's is that one house gets \$5000 per weekend-- but he's never shown us that house, and that's because VRs in Santa Cruz top out at \$700-800 per night for even the largest places.

There have been hysterical claims that VRs are converting full-time housing stock, yet we're talking about 570 houses total growing only 1.6-3.4% per year. Moreover, this assumes that there's infinite demand for VRs, which is far from true: already VR owners are reporting 'pressure' on rates. Again, more study is needed.

Leopold has claimed that these regulations are lightweight and "not a big deal." If that's true, then why are we on our fourth revision, each involving 7-10+ regulatory elements, each with complex licensing and enforcement. Why do we need complex carve-out maps?

On one hand, Leopold argues that this is a "business" and "industry" yet makes no effort to study the fiscal impact of his regulations. The 500 VRs in Santa Cruz bring \$10M per year into the county, including \$1M of TOT taxes. Particularly in a recession, we should get some facts first.

All of this begs us to understand the extent of the problem, and why we enact complex regulations for an ill-defined problem. You go to the doctor complaining of about a complex set of symptoms (say, fever, nausea, upset stomach and headaches), and she will study it first, then prescribe simple, safe remedies before escalating to open heart surgery.

loweroceanlocal  
Longview, WA  
#45  
Friday Oct 8

[Clueless]

3

[Mean]

3

11/3/2010

[Disagree]

3

Leon wrote:

The Housing Advisory Commission says John Leopold's ordinance is "overreaching, poorly written and could hurt tourism, the area's No. 1 industry". No surprise there.

Could it also be that the supporters of John's constitutionally defunct ordinance are his appointees?

The fact is, tourism was not always the number one industry in santa cruz. It used to be fishing. Unfettered fishing practices in the Monterey bay have ruined the fisheries. What could have been a sustained industry in this area , is now gone, due to republican business owners whining about government controlling everything. Sometimes a little control can save things for our posterity. Unfortunately greed must be controlled, or it can lead to trouble for everyone.

Biased Lowerocean

Los Gatos, CA

#46

Friday Oct 8

loweroceanlocal wrote:

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So your assumption is that someone who short-term rents their home is motivated solely by greed. Perhaps you should educate yourself first. There are a myriad of reasons why people need to short term rent their house. Many short term renters have expressed the fact that they never planned on renting their home, but due to unforeseen circumstances, they have been forced to. For example, at the HAC meeting one woman talked about a tragic illness that had befallen her son and the fact that she had to move out of her house. Without the ability to short term rent she would lose her home. But you sound like you would prefer that she did not have that choice. Why? Because you think she is greedy? What gives you the right to control people? Another woman spoke about having to move away for a few years and that she did not want to sell the home that had been in the family for 40 years. She returned to Santa Cruz multiple times a year to tend to an elderly family member so she could not long term rent her home as she needed to use it. Greed? Would you prefer to deny this person their right to do this? WHY?

Freedom

Oakland, CA

#47

Friday Oct 8

get the facts wrote:

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In their petition, neighbors cited "constant noise" - obviously this is hyperbole: VRs aren't construction sites. If there's "constant noise" then surely there should be lots of police reports-- and yet there are none.

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11/3/2010

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Leopold has claimed that these regulations are lightweight and "not a big deal." If that's true, then why are we on our fourth revision, each involving 7-10+ regulatory elements, each with complex licensing and enforcement. Why do we need complex carve-out maps?

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All of this begs us to understand the extent of the problem, and why we enact complex regulations for an ill-defined problem. You go to the doctor complaining of about a complex set of symptoms (say, fever, nausea, upset stomach and headaches),

and she will study it first, then prescribe simple, safe remedies before escalating to open heart surgery.

The Planning Department and the Board of Supervisors have already admitted that this ordinance will be burdensome. How do I know this? Why else create "Special Considerations" and exemptions. The reason you do this is to NOT burden these select few from the ordinance.

The proposals thus far have included outright bans. The first proposal from Leopold created a ban for anyone who had not been renting prior to 2007. This would have immediately banned hundreds of homeowners. The second proposal included a ban for all future homes within 200 feet of another permitted home. While the ordinance has been sent back to planning, there is no indication that the Board or the Planning Department have any intentions of removing the bans.

To anyone who think that this type of restriction is not a big deal, I challenge you to go to the County Building and volunteer to put a permanent deed restriction on your home preventing your home from ever having the ability to short term rental. This is exactly what the first two proposals have asked for. While one could argue that placing this type of deed restriction on all homes (ie a complete ban on all homes) could actually protect property values, having it on only some homes will absolutely lower the value of those homes with the restrictions.

This is where the unfairness of the proposed ordinance rears its ugly head. By creating "Special Consideration" the Board of Supervisors will be artificially increasing the value of a very small (already wealthy) subset of homeowners. Since these homeowners will not be subject to any ban or deed restriction their home values (and those of their neighbors) will increase. Ironically, the way the ordinance was proposed, those living within 200 feet of a permitted short term rental in the NON-special areas will see the value of their home drop because they will be restricted.

shirley delevati  
Stockton, CA  
#48

Friday Oct 8

I am glad the commission realizes the need for a more well thought out plan that will not harm homeowners or the Santa Cruz economy and will keep our neighborhoods pleasant. I am an owner of a vacation rental and work very well with my neighbors and take responsibility not to rent to rowdy tenants. I respect the need for a peaceful neighborhood and my tenants are also respectful of it. I agree that the rentals that are causing this problem should be held accountable without punishing the owners that act responsibly.



Trenise Pot  
Menlo Park, CA  
#49

Friday Oct 8

We live in a vacation community, we should happily welcome tourist because without them we could not stay afloat. Owners being held more accountable is the way to solve this not putting stipulations and regulations on those of us that are comfortable with the present conditions.

loweroceanlocal  
Longview, WA  
#50

Friday Oct 8

Biased Lowerocean wrote:

<quoted text>

So your assumption is that someone who short-term rents their home is motivated solely by greed. Perhaps you should educate yourself first. There are a myriad of reasons why people need to short term rent their house. Many short term renters have expressed the fact that they never planned on renting their home, but due to unforeseen circumstances, they have been forced to. For example, at the HAC meeting one woman talked about a tragic illness that had befallen her son and the fact that she had to move out of her house. Without the ability to short term rent she would lose her home. But you sound like you would prefer that she did not have that choice. Why? Because you think she is greedy? What gives you the right to control people? Another woman spoke about having to move away for a few years and that she did not want to sell the home that had been in the family for 40 years. She returned to Santa Cruz multiple times a year to tend to an elderly family member so she could not long term rent her home as she needed to use it. Greed? Would you prefer to deny this person their right to do this? WHY?

short term rental is different than vacation rental. a vacation rental typically involves folks renting out their house for 500 bucks a day for a weekend. 3500 a week... sounds pretty greedy to me 14000 dollars a month, verses, renting it out like a regular house for a couple of grand. short term rental is renting a house to college students for a semester. big difference there. so someone leaves for a few years, and that is an excuse to turn their home into a party house disturbing all the other residents of the area, and making a mess, i think not.

Don A  
United States  
#51

Friday Oct 8

I live in Aptos and have 4 vacation rentals around me. I have not once had to call on any of the guests or on any of the owners w/ any complaints! IF i ever had an issue I am very capable as an adult to speak to another adult and resolve our issues! I DO NOT need the government running more of our lives than they already do! There are enough ordinances and we need to enforce them BEFORE adopting new ones!

Anna B

11/3/2010

United States

#52

Friday Oct 8

If this ordinance had passed I personally would have lost 50% of my income working for vacation rental homes. I am so glad the PAC has a business sense and knows a bad ordinance as bad business when it sees it. THANK YOU!

loweroceanlocal

Longview, WA

#53

Friday Oct 8

shirley delevati wrote:

I am glad the commission realizes the need for a more well thought out plan that will not harm homeowners or the Santa Cruz economy and will keep our neighborhoods pleasant. I am an owner of a vacation rental and work very well with my neighbors and take responsibility not to rent to rowdy tenants. I respect the need for a peaceful neighborhood and my tenants are also respectful of it. I agree that the rentals that are causing this problem should be held accountable without punishing the owners that act responsibly.

you sound like a decent person, who is considerate of her neighbors, unfortunately there are many who are not so considerate, and will just rent to anyone who will throw money at them. the reality is this is disturbing for residents and vacationers alike. if more people were like you there would be no need for laws concerning vacation rentals, but you and i both know that many people in santa cruz do not care about anyone but themselves, and making more money.

Fernando J

United States

#54

Friday Oct 8

If vacation rental owners would have been obligated to only rent to one family per week my hours as maintenance and gardening would have been cut radically. I would have to lay off some of my workers. Tell me how this helps our county! The county would also receive less TOT and less sales in all our local stores! Are the people behind this ordinance so wealthy they really don't care about your average hard working family?

Jen H

United States

#55

Friday Oct 8

This ordinance had the feel and taste of Socialism and certainly had nothing to do with good business sense. thank you for not passing such a flawed ordinance. Our shop only survives and exists because of the tourism flow in our town! I am not the only store owner who would be damage by this.

Bret N  
United States  
#56

Friday Oct 8

If the next proposed ordinance demands people to use a management company versus managing their homes themselves if they want to, I find it an outrageous and wrong concept. I will NOT support such a concept. This is a democracy last I checked!

Dolores G  
United States  
#57

Friday Oct 8

if home owners are only allowed to rent their homes once per week my hours will be cut. I need all my hours to support my family and my parents. Please think hard about how you will hurt us as individuals. Punish the people who are not good to their neighbors not all of us.

Biased Lowerocean  
Los Gatos, CA  
#58

Friday Oct 8

loweroceanlocal wrote:

<quoted text> short term rental is different than vacation rental. a vacation rental typically involves folks renting out their house for 500 bucks a day for a weekend. 3500 a week... sounds pretty greedy to me 14000 dollars a month, verses, renting it out like a regular house for a couple of grand. short term rental is renting a house to college students for a semester. big difference there. so someone leaves for a few years, and that is an excuse to turn their home into a party house disturbing all the other residents of the area, and making a mess, i think not.

No, in the examples I discussed we were talking about weekly and weekend vacation rentals.\$1500 a month does not cut it for some of these people. It barely touches the taxes. They are literally trying to save their families and their livelihood. But if it makes you feel better keep calling them greedy. Consider yourself lucky if you have never had to struggle to make ends meet. And by the way, many of these people USED to do the type of renting you are talking about-a few months, a semester, etc-and everyone I have heard said these were their worst tenants. They have stated that these tenants are the ones who cause damage and have huge parties. In order to get these people out these owners have to go through a lengthy eviction process. They state that their vacation renters have been 100X better than these type of tenants. Again; educate yourself before you make assumptions.

loweroceanlocal  
Longview, WA  
#60

Friday Oct 8

Fernando J wrote:

If vacation rental owners would have been obligated to only rent to one family per week my hours as maintenance and gardening would have been cut radically. I would have to lay off some of my workers. Tell me how this helps our county! The county would also receive less TOT and less sales in all our local stores! Are the people behind this ordinance so wealthy they really don't care about your average hard working family?

and are your workers here legally?

Dennis Hickey  
Fallon, NV  
#61

Saturday Oct 9

loweroceanlocal wrote:

<quoted text> you sound like a decent person, who is considerate of her neighbors, unfortunately there are many who are not so considerate, and will just rent to anyone who will throw money at them. the reality is this is disturbing for residents and vacationers alike. if more people were like you there would be no need for laws concerning vacation rentals, but you and i both know that many people in santa cruz do not care about anyone but themselves, and making more money.

Please let me point out that the guests of which you speak usually are well vetted for reasons of simple practicality. This ordinance effects more than the full 500 or so Vacation Rental owners; secondary and tertiary damage is probably worse. You must agree that these draconian measures should be preceded by the pursuit of rational solutions to specific issues. Why, for example, do you say, "...there are many who are not so considerate?" "Many" in a county this big probaly does not include Boulder Creek, for example, yet Leopold employs hyperbola innocently provided by such as yourself to restrain Boulder Creek. County wide restrains imposed on Boulder Creek necessary to impact the 'many' issues you assert.

PAGE 4

Lori  
Port Orchard, WA  
#62

Saturday Oct 9

The proposed rental ordinance needs to go back to the drawing board. It is highly discmrminatory, unenforcable, devisive and infringes on individual property rights. Passage could mean a battle all the way to the Supreme Court!

Santa Cruz homeowner

11/3/2010

Los Gatos, CA

#63

Monday Oct 11

It appears that the proponents of the ordinance have confused unacceptable human conduct with a category of property ownership, and are attempting to control aberrant behavior by abusive regulation of ownership rights. They would be better advised to utilize more appropriate laws already on the books, and to apply them equally to resident-owners, and to all tenants regardless of the term of their tenure.

## Steven Guiney

---

**From:** Tom Jenson [tomjenson853@hotmail.com]  
**Sent:** Tuesday, November 02, 2010 8:56 PM  
**To:** Robert Seelig; Steven Guiney; John Leopold; Ellen Pirie; Neal Coonerty; Tony Campos; Mark Stone  
**Subject:** Comments regarding the Scotts Valley City Council opposing Leopold's Law

Dear HAC, Planning department and Board of Supervisors members,

I oppose Leopold's Law – his desire to regulate/eliminate vacation rentals in Santa Cruz County. So does the City of Scotts Valley. The City Council recognizes the damage this proposal will do to all of Santa Cruz County, including Scotts Valley, which is why they have taken action to oppose it.

Below is an article from the Santa Cruz Sentinel about the actions that the Scotts Valley City Council took to oppose this measure. Following the article are 89 comments that almost exclusively oppose Leopold's Law. I hope you will take into consideration the wishes of the vast majority of the people of Santa Cruz.

I trust that this email will be entered into the public record in order to give all these people an equal voice on this matter.

Thank you for your time and consideration.

Tom Jenson

Scotts Valley Council questions economic impact of county's vacation housing ordinance

October 20, 2010

[http://www.santacruzsentinel.com/localnews/ci\\_16390813](http://www.santacruzsentinel.com/localnews/ci_16390813)

By Kimberly White -- Santa Cruz Sentinel  
Posted: 10/20/2010 09:54:23 PM PDT

Scotts Valley Council questions economic impact of county's vacation housing ordinance

SCOTTS VALLEY - The Scotts Valley City Council voted to draft a letter to the Board of Supervisors Wednesday, asking the county to study the economic impact a proposed vacation housing ordinance would have on Scotts Valley.

That decision followed a more than hour-long discussion - including about 40 minutes of public comments from residents in Aptos, Soquel, Live Oak and surrounding communities who touched on everything from the erosion of private property rights to falling property values to the perception that the county is rushing to pass the ordinance.

Last month, the Housing Advisory Committee rejected sending the ordinance to the Planning Commission, saying it was too broad and poorly written. It would have capped the number of vacation rentals allowed in the county, limited the number of people who could stay in them, mandated operating permits and required inspections.

Live Oak resident Robert Morillo, who said his neighborhood is adversely affected by vacation rentals, denied the

ordinance would have a significant impact on Scotts Valley and questioned why the council was spending its time discussing an issue outside of its jurisdiction.

But he was drowned out by others who said the ordinance would put in place so many regulations that they would no longer be able to draw income from them.

They also spoke about its potential impact on Scotts Valley, particularly the loss of revenue from people who stock up on supplies in stores and dine in restaurants on their way to the beaches. Soquel resident Robert Vallerger, speaking on behalf of the Senior Coalition, said members are adamantly opposed to the entire ordinance and questioned why the county appears to be rushing the ordinance toward a vote in November.

"We are not at all interested in modifications or smoothing it out to make it more palatable," he said.

Gene Scothorn, vice chair of the Santa Cruz Republican Party, said any loss in county revenues as a result of the ordinance would result in losses in Scotts Valley, and warned of falling property values under an ordinance that tells property owners what they can and cannot do with their properties.

He also called the ordinance discriminatory, because it would exclude more than 800 residential properties in District 2 - which includes Aptos, La Selva Beach, Corralitos, Freedom and parts of Capitola and Watsonville - all of whose values would unfairly rise because of elimination of competition.

But Vice Mayor Dene Bustichi voted against the motion to draft the letter, saying that while he disagreed with the ordinance and predicted it would only hurt the county, Scotts Valley shouldn't weigh in and tell the county what it should and shouldn't be doing.

"I have concerns about jurisdictions passing resolutions because they can, but other than poking a stick in the eye of somebody, it really has no effect," he said.

In other action, the council voted to approve using Redevelopment Agency funds to help Zero Motorcycles, which is based in Scotts Valley, expand manufacturing operations.

Under the agreement, Zero will receive \$25,000 every year for the next three years provided it can show increased growth.

CEO Gene Banman told the council the company, which wants to close its overseas manufacturing operations, the company now employs 49, but expects that number to increase to 70 by 2012.

Comments to Article: 89

<http://www.topix.net/forum/source/santa-cruz-sentinel/T3M1MU2F38QJS89HD>

Backwards  
San Francisco, CA  
#1  
Wednesday Oct 20  
Judged:  
[Clueless]

11/3/2010

3

[Disagree]

3

[Mean]

2

The opponents of this "regulation" have it backwards; it AUTHORIZES short term vacation rentals, it doesn't stop them. Right now in County Code there are a whole list of allowed business uses in the residential zoned areas, some are just allowed, some need special hearing/permit. In California its not a residential tenancy if under 30 days rental (that's state law) so renters are guests, the rental contracts read like hotel leases - these are defined as guest serving businesses. Short term guest uses are not listed as allowed - this rule change authorizes them.

Right now, if someone took the County to court, they would probably win in a contest to see if they are presently not allowed - and a 1988 County Counsel opinion that was greatly misrepresented by the Planning Director is his summary of it (which is often quoted by vaca rental owners) doesn't change that.

Amazing

Los Gatos, CA

#2

Thursday Oct 21

Judged:

[Agree]

2

[Helpful]

2

[Brilliant]

1

I find it amazing that despite the fact that the Board of Realtors, several business organizations, multiple Chambers of Commerce, multiple private homeowners, multiple appraisers, and even the city of Scotts Valley have expressed concerns about the economic impact of the proposed ordinance that Supervisor Leopold continues to deny that there will be any affect on our already damaged economy. Who advises him? As an elected official how do you ignore the leaders of your business community? This is being rammed through with absolutely no objective data to support that a problem even exists. Even worse, the Supervisor does not seem to care about the damage this will cause throughout the County.

Liberty

Oakland, CA

#3

Thursday Oct 21

Judged:

[Agree]

1

[Helpful]

1

The proposed ordinance will have profound affects on every homeowner in Santa Cruz County. Supervisors Leopold's first proposal banned all homeowners who were not renting their home prior to 2007 from ever renting their home. The second proposal, put forth by the planning commission banned any owner that lived within 200 feet of a permitted vacation home from ever being able to short term rent their home. What does this mean to someone who owns property



and never intends to short term rent? If you live within 200 feet of a permitted vacation home your property value will go down. Why? The buyer of your home will not be able to short term rent. How many buyers of property near the beach can afford to buy a million dollar home and keep it unoccupied? Buyers will simply skip your home and look to purchase a home that is not within 200 feet of another permitted home. Also, the proposed ordinance, with its "Special Consideration" zones (all within Supervisor Pirie's district") will see their property values artificially inflated due to the fact that they will have little or no impact on them.

David  
San Francisco, CA

#4

Thursday Oct 21

Judged:

[Agree]

1

Once again, a serious group of policymakers and businesspeople looked at this ordinance, and gave it the thumbs-down. I hear the Realtors association made a special trip to this meeting to (once again) withhold their support.

jamie\_heart\_santa cruz  
San Francisco, CA

#5

Thursday Oct 21

Judged:

[Agree]

1

David-- you forgot to mention how remarkable that Scotts Valley even agreed to hear this topic, which in theory is outside their jurisdiction.

John Leopold-- if you're listening, us San Franciscans \*love\* Santa Cruz and hotels are not an adequate substitute. If forced to rent for more than 2 nights, I'll be forced to stay elsewhere-- Half Moon Bay, Montara, Pacifica. Please please please don't take away my beloved SC!!!

Not special  
Oakland, CA

#7

Thursday Oct 21

Judged:

[Agree]

1

The proposed ordinance creates special consideration areas, all of which are in Supervisor Pirie's district, which would not be subject to the full force of the law. The very fact that the Planning Commission and Board of Supervisors wants to exclude these areas is an admission that the ordinance will impose a burden on homeowners. If there was not a burden, why not include everyone? Supervisor Leopold has not presented any objective data that short term rentals create any of the problems he is accusing them of. Without data how can they know whether or not they should exclude

the areas they want to exclude? This is discrimination, pure and simple. The homeowners in the special areas will see their home values artificially inflated. Is this fair?

Republican takeover

Brighton, CO

#8

Thursday Oct 21

Judged:

[Offtopic]

3

[Nuts]

2

[Incendiary]

1

The next thing on Reed's agenda will be to declare SV a "no democrats" zone. His (and his council colleagues') agenda to establish SV as a stronghold for a all-things-business-is-beautiful, civil-rights constraining Republican agenda shows incredible cajones. Local democrats have snoozed through this election cycle, and had better brace themselves for interesting times ahead.

Joyce

San Francisco, CA

#9

Thursday Oct 21

Judged:

[Brilliant]

1

At every public hearing/meeting, the opposition to this ordinance has grown and, as this reporter mentioned, "drowned out" the pro-ordinance folks.

Yet we are still spending scarce public resources debating an issue that has even been rejected by the Housing Advisory Committee.

Supervisor John Leopold hasn't even made an effort to make an appearance at any of these meetings, probably because even he doesn't know exactly how to defend it.

Initially the proposed ordinance was designed just for the Live Oak area (driven by a small number of wealthy homeowners who say "the beaches are for locals"). Now that the ordinance will apply countywide, we're hearing loud and clear that THIS DOES NOT MAKE SENSE.

Backward

San Francisco, CA

#10

11/3/2010

Thursday Oct 21

Liberty wrote:

The proposed ordinance will have profound affects on every homeowner in Santa Cruz County. Supervisors Leopold's first proposal banned all homeowners who were not renting their home prior to 2007 from ever renting their home. The second proposal, put forth by the planning commission banned any owner that lived within 200 feet of a permitted vacation home from ever being able to short term rent their home. What does this mean to someone who owns property and never intends to short term rent? If you live within 200 feet of a permitted vacation home your property value will go down. Why? The buyer of your home will not be able to short term rent. How many buyers of property near the beach can afford to buy a million dollar home and keep it unoccupied? Buyers will simply skip your home and look to purchase a home that is not within 200 feet of another permitted home. Also, the proposed ordinance, with its "Special Consideration" zones (all within Supervisor Pirie's district") will see their property values artificially inflated due to the fact that they will have little or no impact on them.

The compromise approach is to authorize this kind of use, short term rentals, on a required registration basis (a very low cost, automatically given, special use permit), but I believe it is important to have the authority to rescind this permit for those few who are reckless running their businesses in neighborhoods. If we don't like that 200 feet thing, take it out. If we don't like special consideration zones, take them out. As I stated above, if we don't ADD this use to the list of approved uses in the R districts, they don't appear a lawful use under current code. And the really poorly managed vacation rentals would be the only ones at risk, everyone else gets legal authorization in County Code to do this.

One of the "profound effects" of this ordinance is that it would authorize in law these types of short term guest uses in residential zoned neighborhoods. Some are marketed as convention/party halls, if you look. It would take away from the people who live in these areas their ability to close down these (probably currently unlawful) uses now. A lot of folks don't want this use added as a listed legal use, they believe that they are protected under the law from having to live next to a guest serving business.

So Liberty, I like your comments, and there are other considerations, I think.

What to do?

Capt Sal  
San Leandro, CA

#11

Thursday Oct 21

Judged:

[Brilliant]

2

[Helpful]

1

Scotts Valley will be affected and I would think they have every right to weigh in. This is an eventual outright ban. With the 200' restriction down the street, behind you, across the street and behind them, there will only be one house in one square block that can rent their home in the end. Changes in circumstances rotate the homes for vacation rentals; but, under the restrictions, there will be no new permits that could qualify...and forget about your children ever renting or anyone else for that matter. The coastal portion is where the rentals are and you would be able to count the total on two hands. That would mean in Live Oak area where most visitors wish to come and the oldest developed area for vacation renters would be the only coastal area restricted. With Supv. Pirie exempting all her vacation rental areas, the industry would shift south and into Monterey and surrounding areas that are now lifting their prior ban. Capitola does not ban them with impossible permit application. If special consideration areas are kept, it should include the coastal homes in Live Oak above all. Or, there should be no special consideration areas. The County now is entering into discrimination. Scotts Valley should speak up. I don't know about south county, but Live Oak renters are directed to and come for the wineries, Roaring Camp RR and other activities in Scotts Valley while they vacation at the beach.

But they do  
San Francisco, CA  
#12

Thursday Oct 21

Capt Sal wrote:

Scotts Valley will be affected and I would think they have every right to weigh in. This is an eventual outright ban. With the 200' restriction down the street, behind you, across the street and behind them, there will only be one house in one square block that can rent their home in the end. Changes in circumstances rotate the homes for vacation rentals; but, under the restrictions, there will be no new permits that could qualify...and forget about your children ever renting or anyone else for that matter. The coastal portion is where the rentals are and you would be able to count the total on two hands. That would mean in Live Oak area where most visitors wish to come and the oldest developed area for vacation renters would be the only coastal area restricted. With Supv. Pirie exempting all her vacation rental areas, the industry would shift south and into Monterey and surrounding areas that are now lifting their prior ban. Capitola does not ban them with impossible permit application. If special consideration areas are kept, it should include the coastal homes in Live Oak above all. Or, there should be no special consideration areas. The County now is entering into discrimination. Scotts Valley should speak up. I don't know about south county, but Live Oak renters are directed to and come for the wineries, Roaring Camp RR and other activities in Scotts Valley while they vacation at the beach.

Capitola has an ABSOLUTE BAN on rentals of less than 30 days other than in the central beach area mapped boundary. No ifs, ands, or buts. Carmel has an ABSOLUTE ban on rentals of less than 30 days in the residential zones.

Jim in Live Oak  
Since: Oct 10  
Location hidden  
#13

Thursday Oct 21

Judged:

[Brilliant]

2

Bravo for the support of Scotts Valley! The SC Board of Supervisors have not provide verifiable evidence or valid data to define the vacation rental "problem" - The Board of Supervisors have an obligation to base any proposed laws on real data before passing any ordinance that would adversely affect so many of the residents and tourists. Some basic questions and verifiable data are needed before proceeding. The BOS should really be asking the following questions: 1. What is the percentage of complaints for vacation rentals vs. other rental properties? 2. Is there a particular street or area that is perceived by neighbors to be a problem? 3. What specific data supports adopting this ordinance? 4. What data suggests that ANY of these controls will have the desired effect, or if any are enforceable. Our street on East Cliff in Live Oak has many VR's and NO problems, why are they planning on slapping us around? It is worse to have these homes as monthly rentals, we had nothing but problems with them and would NEVER rent monthly again. We would foreclose! Would the NIMBY's prefer that the values drop, homes are foreclosed or fall apart, is that what they want? Notice to the uninformed residents that think the "conversions" to rentals are changing SC, it is a recession folks! PEOPLE ARE JUST TRYING TO HOLD ON TO THEIR PROPERTIES! We are not making much if anything! Many of these rentals will only be temporary in the long run. Some residents may have had issues, and that is truly unfortunate, but we need to know who the bad apples are and try to address them specifically, don't "punish" those that are actually the best neighbors you could ever hope for. This ordinance is just plain wrong...

Rental owner-SC friend  
Oakland, CA

#14

Thursday Oct 21

Judged:

[Brilliant]

1

Why is Supervisor Leopold is trying push an ordinance through that would hurt tourism with NO objective data to back up his claims of VR's being a problem? Santa Cruz county is in the RED and TOT taxes bring in over \$1 million a year. I own a vacation home in Santa Cruz that is rented out primarily during the summer & holidays. I am respectful of my neighbors & carefully screen applicants (we typically rent to families w/ young children who appreciate the comforts of a home and yard). Many of these families can only afford 2-4 nights. If I am forced to limit rentals to once per week I will either be put out of business or will have to consider renting month to month to college students. I've rented to college students before and they typically cause far more disturbances than vacationing families.

Many other vacation rental owners are considering selling their homes if this ordinance is passed. This could cause a fire sell environment which will negatively impact property values not only for the beach areas, but their neighbors as well.

That fact that this is even being considered during the worst economic time since the Great Depression is unfathomable. Noise, disturbances, parking, etc. can all be resolved with existing ordinances with out losing TOT revenue. Supervisor Leopold is trying to appease a few beach front home owners at the expense of the rest of Santa Cruz county and its neighbors, why?

Jan P  
Berkeley, CA

#15

Thursday Oct 21

Thanks Scotts Valley for keeping the big picture in mind. Vacation rentals bring tourist, and tourist spend money and money helps the local Santa Cruz communities and the people working there.

adam  
San Francisco, CA

#16

Thursday Oct 21

Judged:

[Agree]

1

I keep wondering: there seems to be an avalanche of opposition to this, and yet it presses on, now with TWO ordinances: a new one based on feedback from the Housing Advisory Commission and a fourth draft of the original. The last draft was dozens of pages, and makes your head hurt.

When will Leopold and the Supervisors start listening to the people? This is a few whiney neighbors against a hundred

thousand-- sorry guys, we live in a democracy and the people have spoken.

Santa Cruz homeowner

Los Gatos, CA

#17

Thursday Oct 21

Judged:

[Agree]

1

The ordinance regarding vacation rentals is totally absurd and will definitely, negatively effect property values, TOT to the county, tourism, restaurants and all types of business in all of Santa Cruz county. This proposal needs to be thrown out and the existing regulations should be enforced by the county instead of trying to re-create the wheel.

Sharon

Property owner

Tony G

Honolulu, HI

#18

Thursday Oct 21

The proposed ordinance limiting vacation rentals in Santa Cruz is unconstitutional and will severely impact local business. Please do not pass or support this ordinance.

Beach Drive

San Jose, CA

#19

Thursday Oct 21

Judged:

[Brilliant]

1

[Helpful]

1

Not special wrote:

The proposed ordinance creates special consideration areas, all of which are in Supervisor Pirie's district, which would not be subject to the full force of the law. The very fact that the Planning Commission and Board of Supervisors wants to exclude these areas is an admission that the ordinance will impose a burden on homeowners. If there was not a burden, why not include everyone? Supervisor Leopold has not presented any objective data that short term rentals create any of the problems he is accusing them of. Without data how can they know whether or not they should exclude the areas they want to exclude? This is discrimination, pure and simple. The homeowners in the special areas will see their home values artificially inflated. Is this fair?

My mother owns a home on Beach Drive in Rio Del Mar. She is flabbergasted that Supervisor Pirie has carved out her area especially due to the fact that she has many times had to call the Sheriff for rowdy renters next door. She is not

11/3/2010

sure how she feels about the ordinance (we are concerned about how this would affect estate planning for her grandkids) but thinks it is ridiculous to carve out her area. Also, the owners of the home next door are worse than their renters! She is especially concerned that Beach Drive will become known as being the unregulated area for vacation homes. She does not rent by the way.

Louise  
Redwood City, CA

#20

Thursday Oct 21

Judged:

[Agree]

1

The Santa Cruz area is a vacation destination. There are even TV ads on right now for Santa Cruz that say the "vacation season is not over" and encourage people to come visit all the attractions. Many families do not want to stay in hotels and want the comfort and convenience of a vacation home. As a vacation property owner, I would be negatively affected by this ordinance and do not support it! My guests come into town, buy groceries at the local Safeway, eat at the local restaurants, and even use the Aptos Laundry facilities. Many of them want to stay a few nights and can't afford to stay for a week. So, if there we have to move to one tenant per week, that would greatly affect my income. I manage this property myself - it is my job!

Mike Guarino  
San Jose, CA

#21

Thursday Oct 21

Judged:

[Brilliant]

1

[Agree]

1

Supervisor Leopold's proposed vacation rental ordinance is absurd and I'm against it wholeheartedly. He states he is doing this to stop the complaints about noise, traffic and garbage. Yet when pressed on concrete data to support these claims, he has NONE! What is interesting is that fellow supervisor Ellen Pirie's support for this ordinance won't affect the majority of rentals in her district. This is clearly a political favoritism act by Pirie and this should be made more public. So there is no REAL basis for this ordinance other than friends of John Leopold's desires to get rid of beach house rentals. Does anyone realize the amount of tax revenue and supporting jobs these beach rental houses bring into this county?

PAGE 2

Liberty  
Oakland, CA

#22

Thursday Oct 21

Jim in Live Oak wrote:

11/3/2010

Bravo for the support of Scotts Valley! The SC Board of Supervisors have not provide verifiable evidence or valid data to define the vacation rental "problem" - The Board of Supervisors have an obligation to base any proposed laws on real data before passing any ordinance that would adversely affect so many of the residents and tourists. Some basic questions and verifiable data are needed before proceeding. The BOS should really be asking the following questions: 1. What is the percentage of complaints for vacation rentals vs. other rental properties? 2. Is there a particular street or area that is perceived by neighbors to be a problem? 3. What specific data supports adopting this ordinance? 4. What data suggests that ANY of these controls will have the desired effect, or if any are enforceable. Our street on East Cliff in Live Oak has many VR's and NO problems, why are they planning on slapping us around? It is worse to have these homes as monthly rentals, we had nothing but problems with them and would NEVER rent monthly again. We would foreclose! Would the NIMBY's prefer that the values drop, homes are foreclosed or fall apart, is that what they want? Notice to the uninformed residents that think the "conversions" to rentals are changing SC, it is a recession folks! PEOPLE ARE JUST TRYING TO HOLD ON TO THEIR PROPERTIES! We are not making much if anything! Many of these rentals will only be temporary in the long run. Some residents may have had issues, and that is truly unfortunate, but we need to know who the bad apples are and try to address them specifically, don't "punish" those that are actually the best neighbors you could ever hope for. This ordinance is just plain wrong...

Jim, I agree.

Just wanted to touch on "bad apples". When speaking of "bad apples" remember that HOUSES can not be bad apples. PEOPLE can. And there is NOTHING inherently different about people who rent short term, long term, or reside full time. ANYONE can act bad. And guess what, the people who rent short term are FULL TIME RESIDENTS or LONG TERM RENTERS where they came from. They are EXACTLY the same people who live full time somewhere else. They are not gypsies. In fact many of the people who stay in local vacation homes live permanently in other homes right here in Santa Cruz. Case in point: family reunions. Many family reunions include local full time residents who stay in private homes. Many former Santa Cruz residents move away and return once or twice a year to spend time with their local Santa Cruz family.

Houses can not be bad apples.

Anyone can demonstrate bad behavior.

Anyone who lives on ARCHER Drive will tell you what a nightmare LONG TERM RENTERS can be

Allen Henderson  
Las Vegas, NV  
#23  
Thursday Oct 21  
Judged:  
[Helpful]  
1

Thank you Scotts Valley City Council for recognizing a basic fact that has escaped Supervisor Leopold â€œ that this proposed ordinance will hurt everyone in Santa Cruz County.

Further, it will hurt neighborhoods.

We have a vacation rental that is professionally managed and have never had a complaint from any of our neighbors. If this ordinance passes, we will no longer be able to rent to happy vacationers who want to spend money at local stores and restaurants. Rather, we will be forced to rent to UCSC students to cover our costs.

We've spoken with other homeowners on our street and each and every one of them hopes this ordinance does not pass.



My neighbors enjoy meeting and talking with the vacationers that stay in our house and look forward to hearing their stories. They don't feel the same about rowdy college kids.

Honora Robertson

United States

#24

Thursday Oct 21

Judged:

[Agree]

1

I am the owner/broker of Robertson Real Estate, and fourth generation Santa Cruzan. Santa Cruz County has always been a vacation and tourist community. People have come here renting homes to vacation in for over 100 years! This is a very economically damaging ordinance to everyone in our community; not just vacation rental owners! The owners that live in the area of vacation rentals will see the extreme devaluation of their homes if this ordinance is implemented. Many owners have turned their homes into vacation rentals because they no longer can afford their mortgage and this is their only means of holding on to their homes. With unemployment being as high as it is in Santa Cruz County and surrounding areas many families could lose their homes should this ordinance pass. Thank you.

Christine Shepard

Aptos, CA

#25

Thursday Oct 21

Judged:

[Brilliant]

1

[Agree]

1

[Helpful]

1

"republican takeover"- I disagree that this is a republican issue. This vacation rental law will affect everyone...liberals, repubs, whoever. I am a democrat and I own a vacation rental. The important point is that laws are being drafted without any evidence of a need to do so. That should be scary to everyone. Why are they pushing this thing without any research into the economic consequences? They won't do the research because they know the answer they will find is a bad one.

They could have approached this vacation rental issue differently by trying to draft an ordinance that would minimally affect tourism and our county's economic health. Instead, they are literally making it up as they go. The BOS don't even know what the proposed law says (Listen to Leopold on the radio here- <http://www.ksco.com/saturday-special> ). Except of course, Ellen Pirie, she knows it excludes the "special" areas in her district. She was the one who wanted to take this county wide and then she told the planning department to exclude all of her beachfront areas. Pirie's "special" areas are the definition of unfair. If this ordinance is so "modest" as Leopold claims it is, then why is Pirie protecting her rich friends from it.

William Hoelscher

Cupertino, CA

#26

Thursday Oct 21

I am a property homeowner in Santa Cruz County. I invested here because I was advised by my Realtor, that I could rent my home as a vacation rental, if I so chose. I am retired, and depend on this to pay my high property taxes and mortgage. This Ordinance would drive us out of our home, because it is so restrictive and abusive with its intrusion to the privilege of doing what we want with our property, our privacy and property-rights.

We always strive to ensure any of our vacation rental guests are abiding by their contract. If not, we evict them on the spot. You can't do that with a long-term rental or a bad home owner or neighbor.

I am very involved as a local in the surf community at Pleasure Point, and Santa Cruz County. I love this area for its surf and mostly kind-hearted caring people.

I love being able to share my home (when I choose, and for how long) with people from all over world who otherwise, would not be able to enjoy our beaches and homes.

They bring money into our local economy at a time when we need it the most.

I am adamantly opposed to this terrible vacation rental ordinance! It is discriminatory, a violation of property-owner rights, unnecessary (we have current laws), and bad for business in our tourist based economy. It will result in loss of Tax Revenues (for us and all businesses), jobs, lower property values etc.

What are these Supervisor's thinking in this down economy? They obviously don't seem to care about our home-owner property rights. They get paid no matter what - as long as they are in office. And, they seem to only listen to selfish, self-centered,(probably wealthy) complainers who over-exaggerate their complaints. Instead of trying to get-along with their neighbors, or work it out without County intrusion.

If they really want so much peace and quiet, why don't they move to the hills or mountains, where they can have more property acreage, and not have to deal with neighbors or tourists, and they can then live in blissful seclusion? Instead of making our lives difficult.

If any Supervisor continues to support this, I will do everything in my power to ensure they never get re-elected again. Some of the ordinance is illegal - it is called "Restraint of Trade". This is not Democracy - this is abuse of Government/County authority. At all meetings, the strong majority have expressed their opposition, and do not want a vacation rental ordinance at all! Yet, they seem to still be rushing this through and.

Wake up & listen to your larger number of constituents who do not want this!

We are Voters!

Respectfully,

adam  
San Francisco, CA  
#27

Thursday Oct 21

Christine-- you said it! This is a non-partisan issue affecting everyone.

adam  
(registered Democrat, big fan of Obama)

Grassroots  
Oakland, CA  
#28

Thursday Oct 21

There is now a group of hundreds of concerned property owners, business owners and citizens who organized to fight a proposed ordinance that will have a significant impact on the value and use of your Santa Cruz County home, regardless of whether you rent your home now or intend to in the future. At the request of a small group of politically connected supporters, Supervisor Leopold has proposed severe and immediate restrictions and, in some cases, an outright ban on short term home rentals (less than 30 days) in Santa Cruz County.

Leopold's proposed restrictions and ban includes:

1. A complete ban on rentals for all homes within 200' of an existing rental;
2. Severe restrictions on any new vacation rentals;
3. Severe limits on the number of people that can visit and stay at your home;
4. Severe (and in many cases unobtainable) parking requirements;
5. Minimum rental periods of 7 days - eliminating popular weekend and short term stays;
6. An Administrative Use Permit scheme that must be renewed annually and can be denied based on the subjective complaints of unreasonable neighbors or the planning department;
7. Severe restrictions on the types of uses and people you can have at your home;
8. Requirement of a 24/7 local property manager;
9. Penalties for calls to the Sheriff or other agencies, including loss of your right to rent your home.

Leopold and his handful of supporters are aggressively pushing the ban on short term rentals through the system as fast as possible, hoping that homeowners will not notice.

Imagine the decrease in your property value if you and future property owners are not able to rent a home on a short term basis. Many will be at risk of losing their homes, be forced to sell and realize a significant loss of equity. Even if you do not currently rent your home, consider the impact to your family and home if your finances or lifestyle changes and you desire or need to rent your home in the future.

The impact of Leopold's rental ban will be even greater on the County services that we all depend on for public health and safety as well as the tourist dollars that many local business owners depend on for a living. According to the Santa Cruz County Tax Collector's office, the Transient Occupancy Tax (TOT) paid by short term home rental owners in the 2009/2010 fiscal year was over \$1,400,000 and over 40% of the total TOT collected. This \$1,400,000+ is paid directly to the County to support fire and police, emergency assistance and other important County services. Leopold's rental ban will greatly reduce the amount of TOT available to the County adding more financial strain to County services and the over \$12,000,000 budget deficit.

Tourism will also be negatively affected as families that now choose to stay in private homes in Santa Cruz will not have an option of staying for less than 7 days, and will have far fewer homes to choose from. As we homeowners know, there are not adequate hotel and motel accommodations to serve the tens of thousands of tourists that choose to rent private homes each year (only 66 rooms between the Harbor and Capitola!). As tourists choose to vacation elsewhere, local businesses will lose millions of dollars in revenue and in turn, the County will suffer additional losses due to a decrease in sales and business taxes. Declining property values will lower County property tax revenue as well impacting schools and childrens' educational programs.

A group of long time Santa Cruz local homeowners and other concerned citizens have joined together to form Good Neighbors of Santa Cruz County. We are organized to fight Leopold and his supporters to ensure that families and everyone who visits Santa Cruz County has the ability to stay in a private home, protect public beach access and property values.

<http://blog.goodneighborsofsantacruz.org/>

Monica Bowman  
United States  
#29

Thursday Oct 21

Judged:

[Agree]

1

[Helpful]

1

I thank the S.V. Board for caring about our county and our community as a whole to know this matter is serious enough that at the VERY LEAST it demands an Economic Impact Report. I believe this defective ordinance will adversely affect families incomes, all home values and many small businesses will feel the negative affects of less cash flow due to less tourism. Please keep in mind the tourists who spend the night in our communities are the ones who also spend the most at our restaurants, stores, gas stations, art & wine festivals etc..

An Economic Impact Report is an obvious necessity when you're handling so many families livelihoods! It would be gravely irresponsible to not protect the families in our community by making decisions on a mere presumption!

Sue Ginsberg  
United States

#30

Thursday Oct 21

Judged:

[Helpful]

1

I am a real estate broker and lender in my home town of Santa Cruz. I think it would be economically and socially irresponsible not to have an Economic Impact Report done before such a grave decision is made. I personally know that Maui HI suffered gravely when they passed their vacation rental ordinance. They are still suffering those consequences and have merely increased the level of foreclosures due to their vacation rental ordinance. Most families I know are financially struggling and this will increase their difficulties.

This ordinance will increase foreclosures in the worst economy since the Great Depression. Why would Sup. Leopold even consider this foolish option vs. something not damaging to our friends and neighbors!

Heather Wilbur  
United States

#31

Thursday Oct 21

Judged:

[Agree]

1

I strongly disagree with this ordinance. It is obvious and a given that unemployment is a huge issue in this depression/recession. Everyone has lost most of their savings and retirement and home values than they were prepared to lose. we are the 15th highest county in CA in unemployment <http://www.calmis.ca.gov/file/1fmonth/countyu...>

How can anyone turn away business and increase this number! We have to make responsible decisions when we affect other people's livelihoods.

An Economic Impact Report is a must! Thank you.

Rachel Carroll

United States

#32

Thursday Oct 21

I strongly oppose this vacation rental ordinance. Tourism is our industry in Santa Cruz County and always has been. How is this county going to support itself with out funds coming in from our neighboring counties visiting us. We owe them our thanks for bringing their families here to visit our county vs. other counties. There is no way an ordinance of this magnitude should pass with out even an Economic Impact Report being done. these are real families, our neighbors and friends we'd be putting under more duress than they already are. Any one who has not read it should take the time to read and re-read it as it is damaging to so many good people who are a part of the fabric of our society; as is Tourism!

Dale Davis

United States

#33

Thursday Oct 21

I strongly oppose this ordinance and the un-intended damages it is sure to bring to our community. We already have a higher than average un-employment rate in our county. We will certainly increase unemployment and decrease home values. Why would any one want to buy a home with it's property rights stripped?

K C B

United States

#34

Thursday Oct 21

This ordinance serves only handful of families for their private needs of not allowing access to the beaches from their streets. It is an incredibly selfish and damaging ordinance. I am in awe that such an ordinance is even being proposed. The irony is more so considering Tourism is most businesses'livelihoods in our communities.

I commend the S.V. Board for taking a stance against this issue as it would be gravely irresponsible of them not to.

Claudia Gonzales

United States

#35

Thursday Oct 21

I am a resident of Santa Cruz and would lose my job; or a great majority of my hours should this ordinance pass. I hope my voice is heard as I speak not only for myself but for so many service people I personally know are worried. Will we have to move out of our home town so we can find jobs? Homes that have to be rented out for vacation rentals are kept in superior condition than other homes. This will absolutely mean not only a loss of cleaning/upkeep after a family leaves but also home owners would have less funds and less reasons to be able to keep their homes in excellent condition. I have read this ordinance and it is shocking and sad.

Neighbor of a rental  
San Francisco, CA  
#36

Thursday Oct 21

I live next door to a vacation rental. I have never had any problems in five years. It sounds like this ordinance would prohibit me from renting my house as a vacation rental if I choose to do so bc I am too close to an existing rental. I have considered staying with my daughter in Colorado for a few months next summer to see my grandkids and rent my house out using a local management company. I suppose I would be a victim of this ordinance as I didn't do anything wrong and I would lose my right to rent my home. This 200 foot rule is bad for me. And does it even do anything to help people who have problems with rentals? I think not.

Neighbor of a rental  
San Francisco, CA  
#37

Thursday Oct 21

why does it say San Francisco? I'm on 24th Ave??

Don Smith  
United States  
#38

Thursday Oct 21

I strongly oppose this vacation rental ordinance which will eventually lead to a ban if one reads the details of attaining and maintaining one's permit to operate. There are already noise ordinances that should be enforced not new ordinances that need to be created. For what it's worth many of our neighbors have problems with long term rentals and homes occupied full time by owners! Why are we not taking action on that issue when the full time residents create those problems 365 days out of the year.

Wake up People  
Santa Cruz, CA  
#39

Thursday Oct 21

Why would anyone want this right now? People can barely hold on to their jobs and their homes. Start out with non-

legislative approaches to solve any neighborhood problems. We elected you Supervisors. Don't throw our beach town under the bus.

Shereen Benson  
United States  
#40

Thursday Oct 21

I already get to see so many families and friends struggling in this economy. We should be embracing our neighboring counties that bring prosperity to our towns! One can not make such decisions lightly and in a hurry. Is there any research that has been done? Is there already and Economic Impact Report I am not aware of? I certainly hope none of our representatives would be so careless that such a heavy ordinance would be passed with our supporting research and precautions! I certainly hope not!

Don Carroll  
United States  
#41

Thursday Oct 21

Judged:

[Agree]

1

I am opposed to this vacation rental ordinance and am happy to see so many local businesses get involved and speak up against this ordinance. Please take this matter seriously as it will be damaging to so many wonderful families and businesses. I presume you already have an Economic Impact Report? I would hope such action has been taken and the board has taken their time to study this matter before pressing forward with any action.

Thank you for caring about the wonderful people in our community who are working so hard to stay employed and meet their financial obligations.

PAGE 3

Martin B  
United States  
#42

Thursday Oct 21

I can tell you I was very surprised to hear about a vacation rental ordinance. I do landscaping and maintenance for several vacation homes. I can also tell you homes that do not get rented for vacationers do not keep the same level of upkeep. It is a for sure my hours would be cut down in a severe and damaging level. My supervisor would not knowingly do this- so I am letting you know!

I hope to see that you listen and you care. Your actions will tell us soon enough won't they.

Not Carmel  
Oakland, CA

#43

Thursday Oct 21

It seems to me that a small group of homeowners is trying to turn Santa Cruz into their own private enclave like Carmel.

Beware  
Oakland, CA

#44

Thursday Oct 21

Judged:

[Helpful]

1

Here is a comment from HomeAway about the effects of rental ordinances and how the government can creep:

"My rental is in the charming beach town of St. Joseph, Mich. Three years ago they passed zoning laws that only allow for monthly, not weekly rentals. I was grandfathered in, but all new applicants in the last 3 years have been turned down. In addition they changed the fee to apply for a weekly rental permit from \$35 to \$650. Never underestimate the power of stupid people in groups. The city has spent millions to try to increase tourism, but there is no place for tourists to stay. Families that want a home, will not settle for multiple motel rooms, they just go elsewhere. Cindy, St. Joseph, Mich.(HomeAway # 321378)

Shocked  
Santa Cruz, CA

#45

Thursday Oct 21

One has to ask...with the ASTRONIMICAL public outcry AGAINST this ordinance and ABSOLUTELY NO EVIDENCE about any REAL issues, why are these two supervisors pushing this agenda? Is it not their job to listen and serve their community? They are doing neither. When are they up for re-election?

Richies dont wanna share  
Santa Cruz, CA

#46

Thursday Oct 21

11/3/2010



The Board of Supervisors, at the behest of a small vocal group of wealthy beach front owners, has proposed to severely restrict, and in many cases, ban, Vacation Homes in Santa Cruz County. If you don't think this is about beach access listen to this wealthy second home owner speak at the Board of Supervisors Meeting (she actually says the beaches are NOT for visitors): <http://www.youtube.com/watch...>

Less Gov is better  
Santa Cruz, CA

#47

Thursday Oct 21

Who wants to give the Planning Department MORE power? Not me! Anyone who has had to deal with government for permits, licenses, etc realizes what a burden this can be on the average person who is merely trying to engage in their right to pursue happiness. I reject the idea that just because something exists that government should somehow have its hand in it.

Margarette V  
United States

#48

Thursday Oct 21

WHOM shall we hold responsible when unemployment goes up because of this ordinance? Shall it be Mr. John Leopold? Shall it be other supervisors because they did not take a strong enough stand for us? I hope you all read this and you all realize that a mathematical, logical result of this ordinance be a negative affect on our community. How can anyone care so little to be careless in such an important matter. I hope for the economic survival of our community our chosen officials take this ordinance seriously.

Scott Shaffer  
United States

#49

Thursday Oct 21

This ordinance shall eventually do away with the great majority of vacation homes in our communities. Let us not forget our communities started existing in Santa Cruz County over 100 years ago because central valley families started coming here to vacation. How is it ok that a great percentage of our community has to drive 17 to keep employment and we add to this burden by limiting income coming into our county by limiting visitors ability to rent homes and spend their money here?

Gary K  
Santa Cruz, CA  
#50

Thursday Oct 21

Judged:

[Interesting]

1

I was at the meeting last night and was surprised to see the emergence of David Reetz, Jan Beutz's old pitbull. Does he even live in Santa Cruz anymore? He tried to portray himself as a concerned homeowner. He failed to mention that he worked in the past, along with Beutz, to try and ban vacation homes in his official capacity with the County. Unreal that he would not identify himself to the SV Council as a former employee of the Board of Supervisors. He was probably there representing Leopold. Pretty sneaky and dishonest if you ask me, but hey that's the way these guys do business.

love the beach

Aptos, CA

#51

Thursday Oct 21

Judged:

[Brilliant]

1

[Agree]

1

[Helpful]

1

No one wants to be a bad neighbor. Owners who short term rent abhor rude behavior as much as anyone else.

No one is perfect and it would be impossible to control the behavior of every guest (paying or not) in our home even if somehow we could literally hover over them during their stay. Anyone with children will understand exactly what I am talking about.

Even the County itself is not perfect. For example, the last time I checked fireworks were illegal. Yet somehow, every 4th of July, the beaches become war zones. Perhaps we should hold the Supervisors accountable for their failure to eliminate the dangers posed by illegal fireworks.

Jess F

United States

#52

Thursday Oct 21

I am against this ordinance and have an incredibly difficult time believing such an ordinance is even being proposed. I am afraid of retaliation by speaking out against the board as I no longer know if they have my best or our best at heart. I for one will lose my part time job helping manage and clean a vacation rental. I am an educated accomplished individual and yet can not find employment in our county. I am not the only person in such a predicament. Do we all realize we are in a recession or are our supervisors immune to this reality so they don't realize it?

Cathy

Aptos, CA

11/3/2010

#53

Thursday Oct 21

The proposed ordinance on vacation rentals that Mr. Leopold is trying to push through is absolutely ridiculous. Not only is there any possible way to regulate all of the rules that are on it. It just does not make any sense what so ever, but Santa Cruz is famous for turning away revenue and this is just par for the course. Take a look at downtown, it is a perfect example. The people who come and rent homes spend an amazing amount of money at our local restaurants and shops and other attractions, I know because I clean our VR and see what is left behind. Most of us who try to squeak out a living here do not have any extra left over to do all of the fun things that our area has to offer. That is where these wonderful short time visitors come into play and keep our local restaurants and shops in business. I hope the board of supervisors pay close attention to all of the possible implications when they vote on this.

Fernando Jiminez

United States

#54

Thursday Oct 21

I am a Santa Cruz local and am lucky people made me aware of this proposed ordinance. I do not keep up with politics but this is above and beyond. You will be taking away my livelihood and my jobs! I support my beautiful family. Are you taking away our ability to make a living, in a legal and decent manner because you have a hand full of super rich people who are so selfish all they think about is not allowing public access to the beaches from " their" streets? to " their" beaches! Are you sure Mr. Supervisor you are a public servant or a private servant to just a few? Am I less important to you because I don't have the kind of money they do to support your political career? Please let us know as your actions sadly prove me as right so far. I would very much like to see you care about all of us. Please change your stance, we all make mistakes, but it's not yet too late to take a deeper look at your actions.

Leopold Law

United States

#55

Thursday Oct 21

Leopolds Law as this ordinance is now known as is first and foremost Unfair! Please tell me where the fairness is to provide certain privileged homes protection against this ordinance. If this ordinance is so good and not damaging as you claim then why on earth do they need to be excluded!

It is obvious to the rest of us in case you think Mr. Leopold that we do not see between the lines. Shame on you!

offended

San Francisco, CA

#56

Thursday Oct 21

I am outraged by this ordinance! Since when is it acceptable for a few neighbors to drive new policy for everyone? isn't this a democracy?

Jerry G  
United States  
#57

Thursday Oct 21

This is really all that needs to be said about this matter:  
We are the 15th highest in unemployment out of 58 counties.

Hence we are the Top 25% of Unemployment.

We Lost 500 visitor jobs last year in our county.

<http://www.calmis.ca.gov/file/lfmonth/countyu...>

Why the rush  
Oakland, CA  
#58

Thursday Oct 21

Why is this being rammed through? No data to support if a problem exists and no study to look into the implications. Is it because every day that passes more and more people realize what a bad idea this is. Leopold is hoping that people are not paying attention.

William Hoelscher  
Cupertino, CA  
#59

Thursday Oct 21

Gary K wrote:

I was at the meeting last night and was surprised to see the emergence of David Reetz, Jan Beutz's old pitbull. Does he even live in Santa Cruz anymore? He tried to portray himself as a concerned homeowner. He failed to mention that he worked in the past, along with Beutz, to try and ban vacation homes in his official capacity with the County. Unreal that he would not identify himself to the SV Council as a former employee of the Board of Supervisors. He was probably there representing Leopold. Pretty sneaky and dishonest if you ask me, but hey that's the way these guys do business.

Thank you for pointing that out. David Reetz is a snake in the grass. He hates property owners and their rights. He has actively cost many of us hundreds of thousands of dollars in stupid overbearing County restrictions and nonsense ordinances. I can personally speak for how this irresponsible and liar, has made my life as a good citizen and property owner - miserable and overly expensive. He has been a County BULLY and AXEMAN under Jan Beautz's really stupid and overbearing reign in this County. Overthrow these Jerks - Citizens of Santa Cruz County and Americans in general!! Don't ever let them get any control over you again.

Johnqpublic  
San Jose, CA  
#60

Thursday Oct 21

I heard this whole mess was started by a very small, very rich, very well connected group of Leopold supporters who wanted to shut down one house. Is this true?

Yoga Papa  
Bakersfield, CA  
#61

Thursday Oct 21

Judged:

[Funny]

1

Inhale and exhale inhale and scream we don't need more laws to limit personal freedom. Vote this bad law down.

PAGE 4

emily  
San Francisco, CA  
#62  
Thursday Oct 21  
NO to this ordinance!

I rent a house for a few days to put up my extended family when they come to visit and can't afford 7 nights!

Prop 20  
Aptos, CA  
#63  
Thursday Oct 21

doesn't prop 20 require that Santa Cruz make its beaches available to everyone, not just the people who live there? if there's no reasonably priced places for families to stay overnight, how could central valley families visit, since it's 3-plus hours each way?

Home Invasion  
Santa Cruz, CA  
#64

Thursday Oct 21

How will this be enforced? How will the county distinguish between personal use and vacation rental use? In light of Arizona's immigration law will the County of Santa Cruz be asking for papers? Will I be getting a knock on the door from the Sheriff when I am using my home if I have too many cars in my driveway? Will my brother/sister/aunt/uncle/etc have to present evidence that he/she is related to me if I share my home with him/her and s/he has too many guests? Will we be creating a situation where neighbor spies on neighbor? Is this what Santa Cruz is about?

A Johnson  
Santa Maria, CA  
#65

Thursday Oct 21

In The Good Times weekly Santa Cruz newspaper, 10/14/10 issue, see the TOWN HALL section, page 12, a question was posed to Supervisor Leopold: THE ECONOMY HAS BEEN SLOW TO RECOVER HERE IN SANTA CRUZ COUNTY. WHAT IS THE COUNTY DOING TO SUPPORT ECONOMIC DEVELOPMENT?

Here are some excerpts from his answer:

"Working with my colleagues, I pushed for the creation of a new position for the county whose primary focus would be economic development... After a long, nationwide search,

(! I am sure that was necessary.)

I am pleased to report that starting this month, David Dobson will be the Economic Development Manager working within the Redevelopment Agency. David identified that the most important component leading to the success of an economic development strategy is through Inclusive community processes. He believes that involvement of community stakeholders is essential to the development and implementation of economic efforts from neighborhood and regional levels....concepts of community inclusion and building on the success of our existing businesses are very appropriate for our area."

The first thing he can do is to convince his bosses to listen to the community and to \*\*\*\* this ordinance. It seems the Supervisors are going to disregard the recommendation from the Housing Advisory Comitte, which heard hours of testimony from both sides. This Ordinance makes no economic sense.

A Johnson  
Santa Maria, CA  
#66

Thursday Oct 21

Not from Santa Maria

Capt Sal  
San Leandro, CA  
#67

Thursday Oct 21

11/3/2010

But they do wrote:

<quoted text>

Capitola has an ABSOLUTE BAN on rentals of less than 30 days other than in the central beach area mapped boundary. No ifs, ands, or buts. Carmel has an ABSOLUTE ban on rentals of less than 30 days in the residential zones.

I understand that, but the area of Capitola where vacationers would come, i.e. near the beach, is where it is allowed. Carmel businesses can't stay alive. No comparison, no activity after dark, no life whatsoever. It is not Santa Cruz. This is something Monterey has realized and areas around it, now lifting their bans.

Special Areas HUH

Santa Cruz, CA

#68

Thursday Oct 21

What the hell is up with the special areas? They couldn't come up with a more discrete name for their political favorings.

Unreal

Santa Clara, CA

#69

Thursday Oct 21

Why would anyone want to give MORE power to the planning department?

Furlough

United States

#70

Thursday Oct 21

Unreal wrote:

Why would anyone want to give MORE power to the planning department?

I agree that the planning department already has way too much power. Don't forget this also gives them lots more responsibility. They have stated that they will need to hire three full time employees to run the bureaucracy set up by this ordinance. How is the possible? We are \$12 million in debt and we are furloughing essential county workers including SHERIFFS and we want to hire three people to make sure there aren't too many cars parked in a driveway. The fees for the permit will not come close to paying for all the hours the planning department will spend on this ill advised idea. Doesn't the county have more pressing matters than chasing tourists away?

Barry S

San Mateo, CA

11/3/2010

#71

Thursday Oct 21

Isn't the job of the Board of Supervisors to find ways to bring more tourists to the County?

SLV local

San Jose, CA

#72

Thursday Oct 21

I live in Ben Lomond. My neighbor rents her home. Never had a problem. She tells me that vacation homes pay nearly \$2 million directly to the County. This money pays for my Sheriff and my Fire. And the board of supervisors is willing to risk my services because someone who lives next the beach does not have to deal with visitors. No way. Not on my watch. I'll be calling Stone's office tomorrow and tell him to tell Leopold to go to you know where.

Aptos AI

Since: Oct 10

Location hidden

#73

Thursday Oct 21

Judged:

[Brilliant]

1

Does anyone appreciate the supervisors' repeated references to Carmel and Capitola? Is Santa Cruz, Rio Del Mar, Seacliff, etc.. the same as those areas? It seems to me the economic model is different. How many people can afford to rent a house for a week on Beach Dr? Let alone buy a house. Where is the working class going to go for vacations? Some families can only afford to rent for a couple of weekdays in a reasonably priced house in a reasonably priced area. The one weekly restriction would destroy that option. How about the local people hired directly by vacation rental owners to fix, maintain, manage and clean these places? The proposed restrictions will greatly impact many people. The Supervisors keep trying to pacify the public about "grandfathered" permits. That will require renewals every two years. Two complaints in a year could disqualify you from renewing your permit. What is a "justifiable" complaint? Will the Sheriff verify and keep records of every call? For how long? If there is an appeals process, what happens in the meantime? Suspension? That could be devastating while trying to appeal possible unjustified complaints through a bureaucratic system. The whole thing is unworkable.

Stiffboot

Santa Clara, CA

#74

Thursday Oct 21

Home Invasion wrote:

How will this be enforced? How will the county distinguish between personal use and vacation rental use? In light of Arizona's immigration law will the County of Santa Cruz be asking for papers? Will I be getting a knock on the door from the Sheriff when I am using my home if I have too many cars in my driveway? Will my



brother/sister/aunt/uncle/etc have to present evidence that he/she is related to me if I share my home with him/her and s/he has too many guests? Will we be creating a situation where neighbor spies on neighbor? Is this what Santa Cruz is about?

How in the world will they be able to tell the difference between owner use and guest use? I guarantee you there will be owners harassed due to this ordinance. I imagine the Sheriff descending on a kids birthday party. Who wants more government in their lives?

Scary  
United States  
#75

Thursday Oct 21

Aptos AI wrote:

Does anyone appreciate the supervisors' repeated references to Carmel and Capitola? Is Santa Cruz, Rio Del Mar, Seacliff, etc.. the same as those areas? It seems to me the economic model is different. How many people can afford to rent a house for a week on Beach Dr? Let alone buy a house. Where is the working class going to go for vacations? Some families can only afford to rent for a couple of weekdays in a reasonably priced house in a reasonably priced area. The one weekly restriction would destroy that option. How about the local people hired directly by vacation rental owners to fix, maintain, manage and clean these places? The proposed restrictions will greatly impact many people.

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The revokable permit scheme is probably the scariest issue in the bill. It gives full power to your neighbors and the planning director to limit the use of your home. You could be the most responsible owner in the world and still lose your ability to keep a permit. For example what if the permitted amount of guests for your home is 6 guests. You write a contract that allows only 6 people. You check in 6 people. And then your guest breaks the lease and has 10 people in the home. By no fault of your own your permit could be jeopardized. And like someone else said before how in the world will the planning department know whether it was the owner or a guest using the home. How will they know? I would not be willing to risk my home or life on these unknowns.  
get used to it

Santa Cruz, CA  
#76

Thursday Oct 21

The supervisors are going to do what they want. They couldn't give a \*\*\*\* about you. Better line up your lawyers. Luckily this ordinance is overly complex and you will have lots of legal avenues.

Aptos AI  
Since: Oct 10  
Location hidden  
#77

Thursday Oct 21

Scary wrote:  
<quoted text>

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How would they know how many are overnight guests or just visiting? Will they count pillows or sleeping bags? Maybe you will have to ask your parents to leave early so you won't risk them being considered overnight guests.

Would the Sheriff show up at a hearing to testify about a complaint from 2 years before? Would they recall a 2 year old 10 PM drive by and all the details? If there were no noise, do they keep records of that?(I don't think they do) Will they be responsible for determining Justifiable then or only later at a hearing? Don't they have better things to do? What if the noise was coming from a house next door? Who is going to be the judge? Will there be a special court? who wants this

Santa Cruz, CA  
#78

Thursday Oct 21

Who actually wants this law? Where are the proponents?  
Live Oak Homeowners

Monterey, CA  
#79

Thursday Oct 21

Christine Shepard wrote:

"republican takeover"- I disagree that this is a republican issue. This vacation rental law will affect everyone...liberals, repubs, whoever. I am a democrat and I own a vacation rental. The important point is that laws are being drafted without any evidence of a need to do so. That should be scary to everyone. Why are they pushing this thing without any research into the economic consequences? They won't do the research because they know the answer they will find is a bad one.

They could have approached this vacation rental issue differently by trying to draft an ordinance that would

minimally affect tourism and our county's economic health. Instead, they are literally making it up as they go. The BOS don't even know what the proposed law says (Listen to Leopold on the radio here- <http://www.ksco.com/saturday-special> ). Except of course, Ellen Pirie, she knows it excludes the "special" areas in her district. She was the one who wanted to take this county wide and then she told the planning department to exclude all of her beachfront areas. Pirie's "special" areas are the definition of unfair. If this ordinance is so "modest" as Leopold claims it is, then why is Pirie protecting her rich friends from it.

Well said Christine... This smells like corruption....

Prediction  
Santa Clara, CA  
#80  
Thursday Oct 21  
Judged:  
[Brilliant]  
1

Shocked wrote:

One has to ask...with the ASTRONIMICAL public outcry AGAINST this ordinance and ABSOLUTELY NO EVIDENCE about any REAL issues, why are these two supervisors pushing this agenda? Is it not their job to listen and serve their community? They are doing neither. When are they up for re-election?

Here's a prediction: Vacation homes will be here long after Leopold is gone.  
Hire more County works-JL

Monterey, CA  
#81  
Thursday Oct 21

A Johnson wrote:

In The Good Times weekly Santa Cruz newspaper, 10/14/10 issue, see the TOWN HALL section, page 12, a question was posed to Supervisor Leopold: THE ECONOMY HAS BEEN SLOW TO RECOVER HERE IN SANTA CRUZ COUNTY. WHAT IS THE COUNTY DOING TO SUPPORT ECONOMIC DEVELOPMENT?

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The first thing he can do is to convince his bosses to listen to the community and to \*\*\*\* this ordinance. It seems the Supervisors are going to disregard the recommendation from the Housing Advisory Comittee, which heard hours of testimony from both sides. This Ordinance makes no economic sense.

So....spending our tax money on some overpaid bureaucrat that we did not ask for while you are killing income and proposing to damage the tourism is your solution to the economic mess? Is that your plan Johnny? Really....

PAGE 5

Unreal  
San Mateo, CA  
#82

Thursday Oct 21

Judged:

[Agree]

2

[Interesting]

1

[Brilliant]

1

Scary wrote:

<quoted text>

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How will they know whose cars are parked on the street? How will they know if the owner lent the home to friends or family? How will they determine what a retreat is? The way this ordinance is written it could be illegal for a group of people against the ordinance to rent a home for a meeting. Talk about UN-American. Can't believe the planning department is going to be the arbitrator of such sweeping private issues.

Try month to month  
San Jose, CA  
#83

Thursday Oct 21

Judged:

[Helpful]

2

[Interesting]

1

I have heard many homeowners say that they used to rent long term or month to month. Often these were the worst tenants. I heard of one VACATION home that was having it's driveway used by a long term renter who was dealing METH from the house next door. Many owners prefer short term renters as they are GREAT tenants. Why should the government get involved as to who you want to stay in your house?

Sherwood  
San Francisco, CA  
#84

Thursday Oct 21

Judged:

[Agree]

1

One only has to look at the Big Picture and there is ample evidence that "restricting" property rights has proven over and over again to depresses property values. In fact it not only depresses the value of the "Restricted property" but also everything within a 1.5 mile radius.(I understand that those are the Appraisal Guidelines administered by Lending institutions). So, everything goes down in value (let's say by 25%). With something like 450 vacation rentals in the area, that 1.5 mile rule will impact pretty much the whole county. To extend this argument a little further all properties values will be reduced by 25% which will result in Property Taxes reduced by the same amount.

Is the county willing to live that?

Certainly, doesn't seem that the timing is very good. Isn't this just a waste of everyone's time!

Joe Los Gatos  
Los Gatos, CA  
#85

Thursday Oct 21

Judged:

[Interesting]

1

[Agree]

1

Any restriction to the inventory of vacation rental properties, or the total number of days those homes can be rented, will have negative economic affects throughout Santa Cruz County.

Why would anyone (John Leopold and Ellen Pirie) ignore something so basic?

sebastapol  
Sebastopol, CA  
#86

Thursday Oct 21

Judged:

[Brilliant]

1

But they do wrote:

<quoted text>

Capitola has an ABSOLUTE BAN on rentals of less than 30 days other than in the central beach area mapped boundary. No ifs, ands, or buts. Carmel has an ABSOLUTE ban on rentals of less than 30 days in the residential zones.

Cool, so only rich people can go to the beach. Great.

And only the super rich can actually own a house near the beach.

Of course, if I own a house and allow exclusive use to people who buy a t-shirt from me, then they can't stop it. Buy a t-shirt, borrow my house. This is what I'll be doing.

And the case law backs me up. BRING IT ON FASCISTS!

Mary B  
United States  
#87

Friday Oct 22

Judged:

[Agree]

1

I know you can contact any economist or financial entity and they will be able to clearly explain this vacation rental ordinance will negatively affect values and the rate of unemployment. yes home owners who have to rent their homes out for vacationers will be the first wave of our community to feel the pain. This will quickly be followed by all their crews feeling the lack of income from less bookings. followed by less upkeep on these homes as cash flow and reason for upkeep will be taken away. followed by short sales, foreclosures etc.. Last but not least followed by these lower values affecting all neighboring homes having lower values and hence taking away more wealth from our community than our national/international economy is already doing.

Nick C  
United States  
#88

Friday Oct 22

Judged:

[Interesting]

1

[Agree]

1

A good portion of my income is upkeep on vacation rentals. I am a local of Santa Cruz and was born here. I have never thought anyone could think the neighborhoods are changing because of tourism. the neighborhoods exist because of tourism! if we didn't have our beautiful oceans and mountains tell me why would people have started coming here? Because we have so many jobs for them? LOL

adam  
San Francisco, CA  
#89  
Sunday Oct 24

The Housing Advisory Commission got it right: keep it simple.

The proposal is on its fourth draft, including new administration, carve-out zones, and more-- it's going to be a nightmare to enforce and even worse for neighbors and VR owners.

Let's start by measuring where the problems lie, then strengthening existing ordinances before creating sweeping and dangerous new laws.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Monday, November 01, 2010 10:12 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** David Reetz

**Email :** dr5@usa.com

**Address :** PO Box 1649  
Santa Cruz, CA 95061

**Phone :** Not Supplied

**Comments :**

Dear Commissioners

Simply put: Vacation Rental operations are inconsistent with residential zoning. They are not residential. They are visitor serving commercial operations which churn new batches of guests through every 3 or 4 days. They are more akin to bed and breakfasts or motels but with no standards.

I realize that this proposed ordinance does not prohibit vacation rental operations in residential zones. But I believe it is a modest step that might prevent our residential neighborhoods from being completely overrun by these commercial operations. At least motels and B&B's have parking requirements, on site management and need a permit. Today vacation rentals have no standards whatsoever. Numerous other jurisdictions have enacted ordinances that are at least as strong as this. Several have successfully banned them.

I do not live in a beach front house. I live in a normal neighborhood with a mix of working class owner occupied homes and working class residents who rent. Now opportunist investors buy up houses and charge more for a week than my neighbors who rent could pay in a month.

Please, I urge you to pass as strong an ordinance as you can and to not weaken it.

Thank you

David Reetz



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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 8:17 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Larry and Jean Grigsby

**Email :** jlgrigsby@sbcglobal.net

**Address :** 310 Brook Ave.  
Santa Cruz, 95062

**Phone :** 8314549037

**Comments :**

We support the ordinance.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 8:33 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Robert Malbon

**Email :** mrmikez28@hotmail.com

**Address :** 154 26th Ave  
Santa Cruz, CA 95062

**Phone :** 462-6764

**Comments :**

Support for a Vacation Rental Ordinance.

We fully support a Vacation Rental Ordinance. We have had no end of problems with one that was recently established in our neighborhood. There is no local contact and phone calls to the message center go unreturned. They invite groups of people (greater than 20) to occupy a single house with new groups showing up every week looking to party all night till they drop. Parking is also an issue as there are regularly more cars associated with the group than there are parking places in the driveway. There have been times when they have double-parked on the street. This kind of behavior needs to be curbed with an ordinance.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 8:42 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Eliazbeth Sikes

**Email :** elannysikes@gmail.com

**Address :** 275 5th Ave

**Phone :** 831-295-2218

**Comments :**

I am in favor of vacation rental regulations because short term rentals greatly disrupt the lives of the permanent residents of our neighborhoods. These controls will have a minimal impact on the incomes of rental owners and may increase the use of existing hotels and resorts. Rental regulations will not stop people from vacationing in Santa Cruz.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 8:57 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Ellen M. Wood

**Email :** editor@cruzio.com

**Address :** 357 - 13th Avenue  
Santa Cruz, CA 95062

**Phone :** Not Supplied

**Comments :**

As a long-time home owner (since 1974) in this great beach community, I'm strongly IN FAVOR of a Vacation Rental Ordinance. Many of these homes were built without garages or carports, necessitating the use of street parking. Add to that the huge amount of visitors to our area during high season, & you have an insurmountable "parking lot." Limiting the amount of vacation rentals would aid both home owners and those who rent. Please do your part to see that this Ordinance is passed. Thanks!

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 9:01 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Donald Darst

**Email :** Not Supplied

**Address :** 3052 Pleasure Point Drive, Santa Cruz

**Phone :** Not Supplied

**Comments :**

Please enact the vacation rental ordinance. There are serious problems with traffic congestion, speeding cars and motorcycles, noise, litter, alcohol abuse and harassment of neighbors. The Sheriff's office does nothing when complaints are lodged. This is a residential neighborhood, not a commercial neighborhood.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 9:15 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Gary Titchenal

**Email :** mcgee7@gmail.com

**Address :** 355 35th ave

**Phone :** Not Supplied

**Comments :**

I am very much in favor of vacation rental controls in our neighborhoods. Our permanent residents deserve the same consideration as those of Monterey, Carmel and Capitola all of which have had reasonable regulations for many years. Those opposed to regulations are very well organized but their numbers are small and many do not live or vote in our County. Our uncontrolled vacation rentals have become very disruptive to the families that live nearby them. Please have consideration for our neighborhoods and establish vacation rental controls.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 9:27 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Desiree Mulligan

**Email :** Not Supplied

**Address :** 410 14th Ave  
Santa Cruz

**Phone :** Not Supplied

**Comments :**

**STRONG SUPPORT OF VACATION RENTAL ORDINANCE.**

I have attended all meetings pertaining to the proposed vacation ordinance and have heard various points of view. I would like to add my support of a proposed ordinance.

I reside in a residential neighborhood surrounded by vacation rentals/businesses. I hope this proposed ordinance will enable Santa Cruz County to maintain a balance of permanent residences and temporary vacation "spots".

Yes, business is good for Santa Cruz.

Vibrant and healthy neighborhoods are also vital to Santa Cruz. Long weeks of empty streets alternating with full party houses is not the basis for a healthy neighborhood.

I urge the Board of Supervisors to strive to maintain balance here in the town that I have supported with my taxes, my YEAR ROUND support of local business and my contributions to this town as a local health care provider for thirty three years.

Thank you.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 9:46 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** james & diane klein

**Email :** james.klein@ubs.com

**Address :** 61a selva beach ca.55 sand dollar  
lane

**Phone :** 831 722 8139

**Comments :**

we definitely support the ordinance. we have people running business' in a residential neighborhood and creating a parking mess on weekends



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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 10:34 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Lynne and Ray Simpson

**Email :** Not Supplied

**Address :** 175 26th Avenue  
Santa Cruz, CA 95062

**Phone :** Not Supplied

**Comments :**  
Support for Vacation Rental Ordinance

Dear Planning Commission:

We support a vacation Rental Ordinance; we live on a street where we have very conscientious vacation rental owners (they live on the property) and other owners who misuse the privilege of our neighborhood. These latter rent to large groups (with 7 to 8 cars) and do not monitor the renters noise level or the renters' compliance with quiet hours. An ordinance would support the first owner group and bring the latter group under control.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 10:46 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Jennifer Van Natta

**Email :** jen@vnfamily.net

**Address :** 260 14th Avenue  
Santa Cruz, CA 95062

**Phone :** 650-326-3664

**Comments :**

My name is Jennifer Van Natta and I am a resident of 14th Avenue in the Live Oak neighborhood of SC. I was born on 13th Avenue and moved from SC to go to college. There was a time not long ago when Live Oak was a great neighborhood with a thriving shopping center, schools that were not failing and a general sense of safety.

The loss of year round residents is having a profound impact on the local business, schools and safety of the Live Oak neighborhood. I have moved back to Live Oak only to find childhood friends' parents struggling to maintain any quality of life as one by one the homes around us turn into vacation rentals. What exactly is Santa Cruz without a vibrant beach community? To see Live Oak Elementary, my elementary school, on the list of California failing schools is heartbreaking. To see East Cliff Shopping Center struggling to survive/revive without much of a neighborhood community is frustrating. Please consider the impact the excessive number of beach rentals is having on our struggling neighborhood. There are no longer children living on 12th/13th/14th avenue. When I was a child 20 years ago these streets were filled with kids. Cars drive down our streets much much faster than in the past because these drivers do not live here. This issue really is killing this neighborhood. Pretty soon no sane person will consider moving to Live Oak to live year round. Thank you for reading my note.

Respectfully,  
Jennifer Van Natta

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 11:00 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Jennifer Van Natta

**Email :** jen@vnfamily.net

**Address :** 260 14th Avenue

**Phone :** 650-326-3664

**Comments :**

It would be helpful if the members of the planning department can explain why they are opposed to a limit on the number of vacation rentals? Thank you

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 2:32 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** David Mulligan

**Email :** Not Supplied

**Address :** Not Supplied

**Phone :** Not Supplied

**Comments :**

After attending all planning meetings and hearing many points of view, I am in support of a reasonable vacation rental ordinance for the Live Oak Beach area that I live. while there are several motels and Inns on East Cliff Dr close to where I live, I do not want commercial businesses in my neighborhood. A neighborhood zoned residential and primarily made up of single family homes.

I am not against rentals, as I have rental property, and several homes around me are rented on a longer term basis. These renters, as neighbors, we get to know. However I am opposed having a commercial business owned by an interest outside our county advertising a rental for large gatherings, marketed through the internet, and where there is no local property manager to contact if there is a problem. This is a large scale business and not acceptable in a residential area.

Like other neighborhoods parking and street traffic are an issue. Large commercial hotel like rentals add to the situation. Also keep in mind that neighbors are typically only 10 to 20 feet away from each other and noise can be an issue at any time. But try to imagine a large group of weekend renters only 10 or so feet from the next resident. This is not acceptable.

We must have some moderate rental regulations or why have residential zoning in the first place?

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 3:26 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Janice Block

**Email :** janiceblock@gmail.com

**Address :** 455 Seaview Dr.  
Aptos 95003

**Phone :** 831-915-2771

**Comments :**

I purchased my home in 1997. I chose this area because it was away from tourism and a very quiet residential neighborhood.

I now have a vacation rental next to my home and others in the neighborhood.

They belong down on Beach Drive with the rest of the vacation rentals.

There are up to 16 people for a week at a time and sometimes different groups come every 2-3 days.  
The house is only a 3 bedroom home.

I am no longer comfortable in my own home.

Do you live next to a vacation rental??????

It is zoned R-1 for residential.

NOT commercial. Vacation rentals are for commercial business.

What is the meaning of transient. In Carmel, it was taken to the Supreme Court and it was determined that transient means 30 days or more. You cannot rent your home for less than 30 days in Carmel.

The owner of the home next to mine doesn't care at all what goes on at his home. He lives in Sacramento.  
He bought his 2nd home for \$2.2 million dollars.  
He should not have purchased the home if he couldn't afford to pay the mortgage payment or make it a long term rental.

He has it managed by Bailey Properties.

Bailey Properties just takes a credit card over the phone and rents the house to whomever wants to rent it. They never meet them or care how many people or how loud they are. It is a business for them.

Vacation rentals in our area should not be allowed.

This area is a quiet high end neighborhood.

This area should not have them.

They should all be down on Beach Dr. with the rest of them.

I am tired of calling the property manager every week to complain about the vacation renters. Vacation renters don't care about anyone but having a good time. They don't care that they are disturbing everyone else.

My only recourse at this time is to make each set of vacation renters uncomfortable so that they do not choose to rent this house the next time around.

NO on Vacation Rentals up here on the bluff area, Cliff, Seaview, Bayview, etc.

---

**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 3:34 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

---

**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Michael and Joan  
Romero

**Email :** joanromero@comcast.net

**Address :** 206 Venetian Road  
Aptos, CA 95003

**Phone :** Not Supplied

**Comments :**

Second District Supervisor Ellen Pirie  
County of Santa Cruz  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060

Dear Ms. Pirie:

We are writing to offer our support to the complaint filed recently against our neighbors' property located at 208 Venetian Road in Aptos. This property is marketed on the website [www.AGreatPlacetoStay.net](http://www.AGreatPlacetoStay.net) as a beach rental named "The Tudor Rose" that sleeps "up to 24" guests. It advertises seven + bedrooms and four bathrooms when the county records indicate the home has four bedrooms and three bathrooms, and no permits have been pulled to enlarge the living quarters.

We have owned and occupied our home next door to this property for the last seventeen years. When the current owners bought this property and converted it into a rental for ultra-large parties we repeatedly expressed our displeasure to them regarding the ongoing and unacceptable noise levels around the clock as well as the inordinate number of cars that accompany such gatherings. If each car brings two to four people the surrounding neighborhood is left with multiple cars parked in front of our houses for the duration of their stay. At times our mail is not delivered as there are cars blocking our mailbox. Often we close all our doors and windows at night due to the raucous noise next door. On one memorable occasion we were chastised by the owners for complaining when a Greyhound bus pulled up in front of the property and discharged many occupants carrying kegs of beer and such for their evening's party.

Throughout the year we are subjected to large groups of revelers intent on having a great time without regard to the surrounding family-oriented neighborhood they occupy.

We have been sworn at, had our yard urinated in by drunken people on the home's upstairs deck, and had people repeatedly enter our yard without permission to retrieve balls and the like. There have been times that the rental is occupied by groups of families who have behaved responsibly, but we are no longer willing to look the other way as these owners flaunt good neighbor practices to further their own cause. They have assured us that they want to be good neighbors but have been anything but as the years go on with this situation.

We are working taxpayers who are fed up with this egregious display of "me first" attitude on the part of absentee owners out to make a buck at any cost.

Please consider this letter to be our support of the open complaint filed by our neighbor against this nuisance property, and we urge you to bring us relief from this ongoing situation that has invaded our once-peaceful neighborhood. Thank you for your consideration, and we hope to receive your reply soon.

Regards, Michael and Joan Romero, 206 Venetian Road, (831) 684.2603



**Steven Guiney**

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**From:** Rita Law [rital@montereycoast.com]  
**Sent:** Tuesday, November 02, 2010 3:59 PM  
**To:** Steven Guiney  
**Subject:** Vacation Rental Ordinance

I am in favor of the HAC recommendations regarding the new Vacation Rental Ordinance. However, I am not in favor of charging the vacation rental owners for calls to the Sheriff's office unless all lodging and rental properties including long term leased property owners are also charged.

We CANNOT single out one group for this purpose. The hotels and motels in Santa Cruz, call the Sheriff's office also. I read in the Sentinel about police being called on student rentals as well. We must be fair when drafting any ordinance and it must consider all.

Thank you  
Rita M. Law  
Owner/Broker  
DRE# 00756074

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 4:25 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Anonymous

**Email :** Not Supplied

**Address :** Not Supplied

**Phone :** Not Supplied

**Comments :**

Pro Vacation Rental Ordinance

I am writing in support of the vacation rental ordinance. I am a part-time resident in the Sand Dollar Beach Community. Sand Dollar Beach was originally developed in 1966 by developers from Stockton as a residential community. I have spoken to original homeowners and it initially populated by residents from the Bay Area and Central Valley as a second home community with some full time residents. There were no vacation rentals. The vacation rentals are a more recent phenomena which is on the rise as a result of the Web advertising.

While most vacation renters are respectful of the neighborhood, there are those that are not and there is nothing the neighbors can do about it. I have seen twenty people coming out of a three bedroom vacation rental on a Sunday morning with suitcases in tow. Loading up into nine cars. Only to be followed with a new influx three hours later. Most of the vacation rentals have only two onsite parking spaces. Between the renters, their guests and their day guests, parking becomes a major issue for many of the residents. We have had weddings, corporate events and reunions. This is not what this community was zoned for. Those events should be held at appropriate event centers and hotels that have the facilities, staffing and infrastructure to handle these events.

I have heard the common outcry from those that are against the proposed ordinance that it will a negative impact on property values. I have researched extensively and can find no evidence to support that assumption. I personally would not want to live next to a vacation rental. Vacation rentals for sale are being marketed as income producing property, thereby investment properties which are inherently by its nature subject to risk.

I hope that the final ordinance will have reasonable restrictions on the number of occupants, parking regulations and density restrictions.

I am sending this anonymously as I do not want to be targeted by organized anti-vacation rental groups.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 4:46 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Joanne Wilhelmsen

**Email :** Not Supplied

**Address :** Not Supplied

**Phone :** Not Supplied

**Comments :**

I strongly support the Vacation Rental Ordinance. With the abundance of vacation rentals in our beach communities, we need guidelines for vacation renters/landlords to remind them that they are in a residential area. Please help us to protect our neighborhood, resources and environment.

Thank you

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 5:06 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Marcella Hall

**Email :** mh2920188@gmail.com

**Address :** Not Supplied

**Phone :** Not Supplied

**Comments :**

I have been a full time resident of the Live Oak Area for almost 30 years. I live in a residential zone where the vacation rental businesses is growing in numbers and size. The internet has radically changed how homes are being rented. Many are operated by people who live out of the area and even out of the county. Without the protection of an ordinance there are serious safety issues.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 5:34 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Lou Pambianco

**Email :** lou@corpdevpar.com

**Address :** 255 14th Ave.  
Santa Cruz, CA 95060

**Phone :** 408-981-7829

**Comments :**

**VACATION RENTAL ORDINANCE**

I am in favor of the Vacation Rental Ordinance. With the advent of the Internet, a vacation rental small business industry has been created outside of the jurisdiction of the Planning Commission and without any oversight by a governing body. As with any business, guidelines and restrictions need to be established to regulate the commercial industry. I have used the means at my disposal to lodge complaints against abuses by my neighbor including calls to my neighbor, who lives in Los Gatos, calls to the Sheriff's Department, but to no avail.

There have been up to 15 cars parked at my neighbors home, over 20 people lodging at the home, party noise after 10:00 PM. On several occasions, RV's and buses parked in front of my neighbor's home to accommodate additional guests.

This is not the proper use of a vacation rental, nor is it acceptable use of a property in a residential neighborhood.

Vacation rentals properly regulated with maximum number of occupants and acceptable number of cars for a single family dwelling can be permitted with a vacation rental ordinance.

This is the intent of the proposed Vacation Rental Ordinance, which I fully support.

Lou Pambianco

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 7:52 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type : Planning Commission**

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** curtis mason

**Email :** curtzzt@sbcglobal.net

**Address :** 141 30th ave

**Phone :** 8314779129

**Comments :**

For the ordinance. I am not a noise controll/property guard for the 500-1000 dollar a nite Homes surrounding my area,some of the landlords try to give rules to the unruly drunken partiers but darn if at 3am they arent here to enforce them(they wouldnt be able to park here to help anyways)--course there are the off days when one realizes that they have few neighbors around them in the darken streets and only the rich have the security cams and alarm systems .....this unchecked ,unincumbered Corp of realtors need to hit the wall of justice and be held responsible for their works...thanks

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 8:44 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Derek Fenster

**Email :** derekfen@yahoo.com

**Address :** Not Supplied

**Phone :** Not Supplied

**Comments :**

I SUPPORT THE ORDINANCE.

This is an industry that has been allowed to run unchecked for far too long. Like all laws and ordinances, something needs to be established to address the few that ruin it for all. We have all seen too well what happens when industries are left unregulated. We need to prevent the profiteers from impacting our neighborhoods. I know there are responsible vacation rental owners, however, like I said, there are those that ruin it for everyone. That is why we need to pass an ordinance.

I have been personally impacted by a neighbor that rents his ocean view home as a venue for weddings, parties, and large gatherings. He advertises his property on VRBO on the internet. We, as a neighborhood, now have gatherings of between 50 and 150 people move into our neighborhood for the day or the weekend. They bring 50 or 60 vehicles fighting for parking, they bring live bands, DJs, and fireworks. This is a neighborhood...with neighbors...not short term "guests" with no relationship to those of us that deserve our peace. Please pass a realistic and enforceable ordinance.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Tuesday, November 02, 2010 10:46 PM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** John Shook

**Email :** ckshook@pacbell.net

**Address :** 427 Sea View Drive  
Aptos, CA 95003

**Phone :** 831-685-8630

**Comments :**

I support an ordinance adding sections to Santa Cruz County Code that would put further restriction on vacation rentals countywide; hopefully, with the intended result of helping maintain a modicum of quality to our neighborhoods. All too often, the property rights of owners are considered sacrosanct, but the property rights of neighbors to be free of visual and noise pollution are not considered important enough, and meritless.



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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Wednesday, November 03, 2010 12:33 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Karen Mallory

**Email :** Not Supplied

**Address :** Not Supplied

**Phone :** Not Supplied

**Comments :**

I support the proposed vacation rental ordinance because currently the operators of vacation rentals aren't held accountable for how their businesses impact the people who live near them. The integrity of our residential neighborhoods is at stake. Don't be fooled by the operators' dire predictions about unintended consequences. I urge you to use common sense: since the proposed ordinance grandfatheres in all vacation rentals that are currently operating, there is no reason to fear that it will reduce the number of tourists visiting our area. Take heart in the fact that vacation rentals are successfully regulated in many other communities where tourism thrives.

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**From:** PLNAgendaMail@co.santa-cruz.ca.us  
**Sent:** Wednesday, November 03, 2010 7:04 AM  
**To:** PLN AgendaMail  
**Subject:** Agenda Comments

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**Meeting Type :** Planning Commission

**Meeting Date :** 11/10/2010

**Item Number :** 9.00

**Name :** Jennifer Anderson

**Email :** buzznjen@comcast.net

**Address :** 212 16th Ave.  
Santa Cruz

**Phone :** Not Supplied

95062

**Comments :**

I support the Vacation Rental Ordinance. Though I disagree with parts of it, I am willing to compromise to save our neighborhoods from becoming a non-'neighborhood'. We bought our house here 16 years ago. It's our neighborhood, not a commercial investment! I am strongly opposed to the use of any property being used as a commercial business. Why else do we have zoning laws? The opposition keep stating that we (who oppose vacation rental invasion) are infringing on their property rights! How about our property rights? The opposing group who calls themselves 'good neighbors' are not neighbors. They don't live here. After their display of immature and disrespectful behavior at community meetings, I'm thankful they aren't!!! Please consider the rights of the real neighbors (long-term renters and owners)when deciding on this ordinance. Thanks you.