



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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June 29, 2020

AGENDA DATE: July 8, 2020

AGENDA ITEM: 11

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

SUBJECT: STUDY SESSION TO CONSIDER AMENDMENTS TO THE COUNTY CODE RELATED TO TEMPORARY USES AND STRUCTURES, RESIDENTIAL ACCESSORY STRUCTURES, HOME OCCUPATIONS, AND HOSTED RENTALS

Recommended Action(s):

- 1) Conduct a study session to review proposed amendments to the Santa Cruz County Code (SCCC) that would modify regulations related to temporary uses and structures, residential accessory structures, home occupations, and hosted rentals.
- 2) Schedule a public hearing for July 22, 2020, to consider a proposed ordinance presenting the amendments along with a CEQA Notice of Exemption, and to consider adoption of a resolution recommending that the Board of Supervisors adopt the ordinance.

EXECUTIVE SUMMARY

The public health crisis known as the COVID-19 pandemic forced the closure of some businesses, limited the functionality of others, and required many people to work at home. As the County, like other jurisdictions, responds to the lifting of shelter-in-place orders, flexibility in the standards that govern temporary uses and structures for both residential and commercial properties are necessary to help individuals and businesses recover economically and to find new ways to operate while implementing both social distancing and remote working.

Staff has prepared draft SCCC amendments that address the needs for flexibility in current residential and commercial standards related to accessory structures, temporary permits, home occupations, and hosted rentals. Staff recommends that the Planning Commission conduct a study session to review the draft amendments, provide direction to staff regarding the draft changes, and schedule a public hearing for July 22, 2020.

BACKGROUND

As part of the code modernization package developed in 2015, staff drafted code amendments related to temporary uses and structures, residential accessory structures, and home occupations designed to address the evolving needs of residential and commercial properties in the unincorporated County. The draft code amendments were reviewed by the Board of Supervisors at two meetings in 2015,

and staff was directed to include the amendments within the code modernization package, which was eventually folded into the Sustainability Policy and Regulatory Update.

To address the needs of the community and businesses in recovering from the COVID-19 health crisis, the Board of Supervisors also passed Resolution No. 133-20 on June 2, 2020, providing direction to staff to support the temporary permitting needs of individuals and business with temporary permit measures. The resolution also directed staff to follow up on the temporary measures by processing the code modernization sections related to temporary uses and structures, accessory structures, and home occupations (to better support remote work-from-home practices) as an ordinance that would amend various sections of the County Code, given the importance and “separate utility” of code changes to accommodate responses to the pandemic. The resolution directed staff to return to the Board of Supervisors in August 2020 with the proposed ordinance.

In addition, on May 27, 2020, the Planning Commission recommended to the Board of Supervisors revisions to the County’s regulations on vacation rentals, and the Board adopted amendments in concept on June 30, 2020 (final adoption is anticipated to occur at the Board meeting of August 4, 2020). Minor amendments to align the hosted rental regulations with the newly amended vacation rental provisions are also included in the draft ordinance in order to avoid conflicts and clarify regulations regarding this additional use of residential structures.

ANALYSIS

Following is a summary of the key provisions of the draft proposed ordinance (see Exhibit A):

Commercial and Industrial Uses Charts. The proposed code changes would delete text in the SCCC Sections 13.10.332 and 13.10.342 uses charts that define which zones allow temporary uses, as under the proposed code changes, temporary uses and temporary structures could be allowed in every zone district, subject to the regulations and permit requirements.

Definitions. The proposed code amends existing definitions for “temporary use or structure” and “home occupation” in SCCC Section 13.10.700 to clarify the nature of uses and structures allowed and to remove the 45-day time limit from the definition of temporary uses.

Accessory Structures for Residential Uses. The proposed code amends existing SCCC Section 13.10.611 to clarify the types and numbers of habitable and non-habitable accessory structures that are allowed on residential properties (see Table 13.10.611-1). The amendments would allow bathrooms “by right” in accessory structures, regulate showers and bathtubs, and include references to regulations for accessory dwelling units (ADUs) and Junior ADUs. In Table 13.10.611-2, amendments related to the size, location, and permit requirements are included, with Level IV and V permits required for proposed accessory structures that exceed standards. Specific height requirements for certain accessory structures are removed to defer to the height limits in the applicable zone district, and do not supersede height limits applicable to ADUs, which are addressed elsewhere in the County Code. Both habitable and non-habitable structures are limited by size on properties within the Urban Services and Rural Services Lines. Conversions of non-habitable and habitable accessory structures into residential units continues to be illegal unless permitted in accordance with the County Code.

Cargo and Shipping Containers as Accessory Structures. This new section SCCC 13.10.612 would regulate the use of cargo and shipping containers as accessory structures, allowing their use only outside the USL/RSL with a Level III administrative permit approval. Cargo and shipping containers are subject to the same regulations as other accessory structures as regulated by SCCC 13.10.611, with additional regulations related to design of the structure (painting, screening). Cargo and shipping containers are not allowed in mapped scenic areas or within public view of scenic roads.

Home Occupations. Home occupations are currently allowed in the SCCC and regulated by SCCC Section 13.10.613. The proposed amendments increase the percentage of the home that may be devoted to the home occupation (from 20% to 25%) and modernize the types of uses allowed, including cottage food businesses. Commercial firewood operations are prohibited as home occupations. Weddings and other community events are specifically not allowed as home occupations; provisions for those types of uses remain within the amendments associated with the Sustainability Policy and Regulatory Update. Two non-household employees may work in the home, and with a Level V conditional home occupation use permit up to five non-household employees would be allowed. The proposed amendments also clarify noise standards for the property.

Temporary Uses and Structures. The current SCCC does not include a section of regulations for temporary uses and structures, and new SCCC Section 13.10.616 would add these regulations. The proposed code would specify temporary use permits as Level III administrative permits, except in the case where the temporary use involves amplified music, which requires a Level IV permit process with public notice (or a Level V noticed public hearing process for longer timeframes or repeated activities). The draft code allows temporary uses and/or structures for up to 180 days per year, which may be extended to allow up to three years for activities allowed by a temporary permit (unless a further extension is granted based on public health, safety and welfare). The use of parking lots for outdoor expansion of temporary uses is limited to 35% of the parking spaces but may be approved for up to 65% if the applicant can demonstrate adequate space or proposes alternatives such as shuttles or off-site parking. The draft ordinance further regulates signs, litter, and clean up after the temporary use has ceased.

Subsection (D) provides for exempt temporary uses, including limited garage and yard sales in residential districts and seasonal holiday sales (e.g., pumpkins and Christmas trees) in non-residential districts, subject to additional performance standards related to hours of operation, setbacks, access, fencing, signage, and fire protection.

Subsection (E) provides standards and permitting procedures for temporary storage containers and tents. Temporary storage boxes are allowed with a Level I administrative zoning clearance process for up to 90 days (can be extended to 180 days), with considerations related to site distance triangles, setbacks, use of public and private rights-of-way, and use of vacant parcels. Temporary tents up to 300 square feet and 12 feet in height are allowed without a permit, subject to the setback standards of the applicable zone district, or of five feet for tents open on two sides. Temporary tents exceeding the standards or time limits may be approved with a temporary permit (Level III). Temporary tents in back yards that are not visible from a public street may remain for a year without a permit.

Hosted Rentals. Hosted rentals, or the temporary rental of one or two rooms in a house occupied by the owner, are currently regulated in SCCC Section 13.10.690. Subsection (E) is proposed for

amendment to eliminate language related to recognizing “existing rentals” at the time the ordinance was first implemented, and to otherwise bring the code into alignment with the recent amendments to the County’s related vacation rental regulations. The changes recognize the new waiting list procedures and maintain the current limit of 250 hosted rentals, while further limiting hosted rentals by area and block within the designated Live Oak Designated Area (LODA), the expanded Seacliff/Aptos/La Selva Designated Area (SALSDA), and the Davenport/Swanton Designated Area (DASDA). Violation language consistent with the amendments to the vacation rental ordinance has also been proposed. No changes are proposed to the performance standards for hosted rentals.

ENVIRONMENTAL REVIEW

The proposed amendments to the County Code are minor administrative changes that are not considered a project and are therefore exempt from California Environmental Quality Act (CEQA) review per CEQA §15378(b)(5). The amendments are also statutorily exempt under CEQA Guidelines §15269 (Emergency Projects) because temporary permits allow specific actions that would require safe physical distancing consistent with the State’s Resilience Roadmap and County and State Guidelines to mitigate the COVID-19 public health emergency. The amendments are also categorically exempt under CEQA Guidelines §15301 (Existing Facilities) because the actions are limited to the permitting and minor modifications of existing facilities, which would result in a negligible expansion of existing commercial uses and a negligible expansion of the public’s use of rights of way. As such, the amendments are further exempt as they pose no possibility of significant environmental impact (§15061[b][3]).

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed amendments will require a Local Coastal Program Amendment because SCCC Chapter 13.10 is an implementing ordinance of the Santa Cruz County Local Coastal Program. The final ordinance will be bifurcated so that it will go into effect outside the Coastal Zone after approval by the Board of Supervisors. It will become active inside the Coastal Zone after certification by the California Coastal Commission. The proposed updates to the code sections are relatively minor adjustments to existing code and will not result in any loss of agricultural land, any loss of coastal access, impingement on visitor accommodations, or any negative impacts to public viewsheds within the Coastal Zone.

STRATEGIC PLAN

The proposed amendments advance the County Strategic Plan’s “Local Businesses” goal within the “Dynamic Economy” focus area by allowing greater flexibility in standards related to accessory structures and allowing a clear path to pursue business needs through temporary uses. This is particularly true during the recovery to the COVID-19 pandemic.

Stephanie Hansen
Principal Planner

Kathleen Molloy
Planning Director

Exhibit:

- A) Draft amendments to the County Code regarding temporary uses and structures, home occupations and residential accessory structures, and hosted rentals

PROPOSED AMENDMENTS TO SANTA CRUZ COUNTY CODE SECTIONS 13.10.332, 13.10.342, 13.10.611, 13.10.612, 13.10.613, 13.10.616, AND 13.10.700 TO ESTABLISH AND AMEND REGULATIONS FOR TEMPORARY USES AND STRUCTURES, RESIDENTIAL ACCESSORY STRUCTURES, AND HOME OCCUPATIONS; AND AMENDMENT OF SECTIONS 13.10.690(D), (E), (H), AND (I) TO ALIGN HOSTED RENTAL REGULATIONS WITH VACATION RENTAL REGULATIONS

SECTION ONE

SECTION 13.10.700 “DEFINITIONS” SHALL BE AMENDED AS FOLLOWS:

13.10.700 – H “H” definitions.

“Habitable accessory structure” means a detached, subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains some or all of the required amenities and some or all of the allowed amenities shown in Table 13.10.611-1, Amenities Regulations; ~~for habitable accessory structures~~ for Residential Accessory Structures.

“Home occupation” means an accessory use ~~of a dwelling unit~~ secondary to the primary residential use for gainful employment involving the manufacture, provision or sale of goods, ~~and/or~~ or services performed by a full-time inhabitant(s) of the unit that does not affect the residential character of the property or neighborhood. Secondary commercial weddings and similar celebrations, and community events and fundraisers, are not eligible to be permitted as home occupations.

13.10.700-N “N” definitions.

“Nonhabitable accessory structure” means a detached subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains some or all of the features and amenities shown in Table 13.10.611-1, Amenities Regulations; ~~for nonhabitable accessory structures~~ Residential Accessory Structures.

13.10.700-T “T” definitions.

“Temporary use or structure” means ~~an intermittent (not more than four times per year) commercial activity, the use or structure that is allowed to occur on a site for a limited time, subject to applicable regulations for temporary uses and structures, required permits, and site-specific permit conditions.~~ The period of operation of which does not exceed 45 days at any one time.

SECTION TWO

SECTION 13.10.332 “COMMERCIAL USES CHART” AND SECTION 13.10.342 “INDUSTRIAL USES CHART” SHALL BE AMENDED AS FOLLOWS:

COMMERCIAL USES CHART

USE	PA	VA	CT	C-1	C-2	C-4
Temporary uses (See SCCC 13.10.700 T definition), such as:						
Carnivals and circuses	—	—	—	—	3	3
Christmas tree sales lots	—	—	—	3	3	3
Outdoor sales not to exceed 4 per year on any site	—	—	—	3	3	3

SECTION 13.10.342 “INDUSTRIAL USES CHART” SHALL BE AMENDED AS FOLLOWS:

INDUSTRIAL USES CHART

USES	M-1	M-2	M-3
Temporary uses (see SCCC 13.10.700 T definition), such as:	3	3	—
Carnivals and circuses	-	-	-
Christmas tree sales lots	-	-	-
Outdoor sales, not to exceed 4 per year on any site			

SECTION THREE

SECTIONS 13.10.611, 13.10.612, 13.10.613 AND 13.10.616 OF ARTICLE I OF PART VI, REGULATIONS FOR SPECIAL USES, OF SCCC 13.10, THE ZONING ORDINANCE, SHALL BE AMENDED AND ADDED TO READ AS FOLLOWS:

Part VI. REGULATIONS FOR SPECIAL USES **Article I. Accessory, Temporary and Secondary Structures and Uses**

- 13.10.611 Accessory Structures for Residential Uses**
- 13.10.612 Cargo and Shipping Containers Used as Accessory Structures**
- 13.10.613 Home Occupations as Secondary Uses**
- 13.10.616 Temporary Permits, Uses and Structures**

13.10.611 Accessory structures for residential uses.

(A) Purpose. It is the purpose of this section to provide for the orderly regulation of residential accessory structures allowed as a use in any zone district, to ensure that accessory structures are subordinate and incidental to the main structure or main use of the land, and to provide notice to future

and current property owners that illegal conversion of any accessory structure is subject to civil penalties.

(B) Application Requirements.

- (1) The proposed use of the structure shall be specified.
- (2) Applications for habitable accessory structures and nonhabitable accessory structures shall be processed as specified in Tables 13.10.611-1 and 13.10.611-2.
- (3) The regulations of this section are intended to complement and be implemented consistent with the regulations for residential accessory structures found in SCCC Subsection 13.10.323(E)(6).

(C) Restriction on Accessory Structures.

- (1) Any accessory structure shall be clearly appurtenant, subordinate and incidental to the main structure or main use of the land as specified in the purposes of the appropriate zone district.
- (2) Regulations on amenities for accessory structures on parcels with a main residence are as indicated in Table 13.10.611-1:

Table 13.10.611-1

AMENITIES REGULATIONS FOR RESIDENTIAL ACCESSORY STRUCTURES

Note: In the Coastal Zone, a Coastal Development Permit may be required per SCCC Chapter 13.20. For regulations governing Accessory Dwelling Units (ADUs), see SCCC Section 13.10.681.

Amenity	Nonhabitable	Habitable
<u>Utility Sink; outdoor non-enclosed shower</u>	Allowed	Allowed
Toilet; <u>lavatory sink</u> ¹	Pool cabanas: Allowed All other uses: Not allowed unless a Level IV use approval is obtained (see subsection (C)(6) of this section) <u>Allowed</u> ¹	Not allowed unless a Level IV use approval is obtained (see subsection (C)(6) of this section) <u>Allowed</u> ¹
Shower and/or bathtub	Pool cabanas: Shower Allowed All other uses: Not allowed	Not Allowed ¹
Washer/dryer and water heater	Allowed	Allowed
Insulation/sheet rock or other finished wall covering	Both allowed	Both required
Built-in heating/cooling	Not allowed	Heating: Required Cooling: Allowed
Kitchen facilities, excluding sink, as defined in SCCC <u>Section 13.10.700-K</u>	Not allowed	Not allowed, unless approved as an ADU under SCCC <u>Section 13.10.681</u>
Electrical service maximum	100A/220V/single phase maximum unless a Level IV <u>administrative use permit</u> approval is obtained	100A/220V/single phase maximum unless a Level IV <u>administrative use permit</u> approval is obtained
Separate electric meter	Not allowed unless a Level <u>administrative use permit</u> approval is obtained	Not allowed unless a Level IV <u>administrative use permit</u> approval is obtained
Use for sleeping purposes	Not allowed	Allowed

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Amenity	Nonhabitable	Habitable
Rent, let or lease as an independent dwelling unit ADU	Not allowed	Not allowed <u>unless permitted as an ADU consistent with SCCC Section 13.10.681) with standard kitchen</u>

¹ On parcels less than 10 acres, a maximum of one habitable or nonhabitable accessory structure with any combination of toilet, lavatory sink, shower and/or bathtub may be permitted consistent with tables 13.10.611-1 and 13.10.611-2. On parcels 10 acres or larger, a maximum of two accessory structures with any combination of toilet, lavatory sink, shower and/or bathtub may be permitted consistent with tables 13.10.611-1 and 13.10.611-2. When two or more habitable accessory structures exist on a parcel, the second and additional habitable accessory structures shall be considered bedrooms for the purpose of calculating fees and determining parking requirements. ADUs are regulated by SCCC section 13.10.681.

- (3) Regulations for ~~level of review~~ permit requirements, size, height, number, of stories and locational restrictions for residential accessory structures are as indicated in Table 13.10.611-2:

Table 13.10.611-2

LEVEL OF REVIEW PERMIT REQUIREMENTS, SIZE, HEIGHT, NUMBER, OF STORIES AND LOCATIONAL REGULATIONS FOR RESIDENTIAL ACCESSORY STRUCTURES

Note: In the Coastal Zone, a Coastal Development Permit may be required per SCCC Chapter 13.20. For regulations governing ADUs, see SCCC Section 13.10.681.

	Nonhabitable	Habitable
Size, story and height restrictions and p <u>Permit required</u>	<p>Within the urban <u>and rural</u> services lines (USL/RSL): building permit only for up to 640-square-foot size, two-story and 28-foot height in compliance with zone district site development standards.¹</p> <p>Outside the USL/RSL: building permit only for up to 1,000 square-foot size, three-story and 28-foot height in compliance with zone district site development standards.¹</p>	<p>Within the urban and rural services lines (USL/RSL): b <u>Building permit only for up to 640-square-foot size, one-story and 17-foot height in compliance with zone district site development standards.</u>¹</p> <p>Outside the USL/RSL: building permit only for up to 1,000 square-foot size, <u>in compliance with zone district site development standards.</u>¹</p> <p><u>In any area: ADUs subject to ADU regulations. Standards for accessory dwelling units can be found in SCCC 13.10.681</u></p>
Permit required if exceeds size restrictions	<p>Outside the urban <u>or rural</u> services line (USL/RSL): Level IV <u>administrative site development permit</u> use approval</p> <p>Inside the USL/RSL: Level V use approval <u>administrative site development permit</u></p>	Level V use approval <u>administrative site development permit</u>

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	Nonhabitable	Habitable
Permit required if exceeds maximum height restrictions or story limits of the zone district (See SCCC Subsection 13.10.323(E)(5) for exceptions)	Variance (<u>Level V process – public hearing required</u>)	Level V use approval for structures exceeding 17 feet, up to 28 feet Variance (<u>Level V process - public hearing required</u>) to exceed 28 feet
Permit required if exceeds story restrictions	Variance	Inside the USL: Level V use approval for two stories Outside the USL: Level V use approval for two or three stories Variance for exceeding three stories
Number of accessory structures allowed	No limit if in compliance with the site regulations of the zone district, <u>however limits based on parcel size if accessory structure contains plumbing fixtures²</u>	One with building permit only; Maximum of two with Level V conditional use and site development permit approval; Level VI Planning Commission public hearing and approval for more than two, with limits on plumbing fixtures²
Locational restrictions <u>related to the distance from the main residence, and access to accessory structures</u>	None, if in compliance with the site regulations of the zone district	In addition to the site regulations of the zone district, shall be no more than 100 feet from the main residence, shall not be accessed by a separate driveway or right-of-way, nor constructed on a slope greater than 30 percent, unless a Level IV <u>administrative site development permit use approval</u> is obtained, or as otherwise permitted by County Code/Public Works Director

¹ Nonhabitable structures that do not exceed 120 square feet in size and a height of 10 feet above grade (as defined by the Zoning Ordinance), do not require a building permit. However, a zoning permit may be required pursuant to Tables 13.10.611-1 and 13.10.611-2, and a building permit is required for all accessory structures of any size that contain any plumbing fixtures and electricity.

² On parcels less than 10 acres, a maximum of one habitable or nonhabitable accessory structure with any combination of toilet, lavatory sink, shower and/or bathtub may be permitted consistent with tables 13.10.611-1 and 13.10.611-2. On parcels 10 acres or larger, a maximum of two accessory structures with any combination of toilet, lavatory sink, shower and/or bathtub may be permitted consistent with tables 13.10.611-1 and 13.10.611-2. When two or more habitable accessory structures exist on a parcel, the second and additional habitable accessory structures shall be considered bedrooms for the purpose of calculating fees and determining parking requirements. ADUs are regulated by SCCC section 13.10.681.

(4) ~~No habitable accessory structure incidental to a residential use shall be located more than 100 feet from the main dwelling, or be accessed by a separate driveway or right of way, or be constructed on a slope greater than 30 percent, unless a Level V use approval is obtained. Accessory structures are prohibited on vacant residential properties, as zoned residential by the Zoning Map or~~

as designated residential by the General Plan Land Use Map, in that a primary residential use is not established.

(5) No habitable accessory structure shall be mechanically heated, cooled, humidified or dehumidified unless the structure or the conditioned portion thereof meets the energy conservation standards of the California Energy Code, Title 24, as adopted by SCCC Chapter 12.10-SCCC.

(6) No nonhabitable accessory structure other than a pool cabana shall have a ~~toilet~~ shower or bathtub installed, and no pool cabana shall have a bathtub installed. ~~An~~ However, the Planning Director may grant an exception may be granted to allow a bathtub in a pool cabana as a reasonable accommodation pursuant to the Americans with Disabilities Act (ADA). ~~toilet and appropriately sized drain lines, subject to a Level IV use approval, for structures smaller than those defined as habitable under the State Building Code (less than 70 square feet), or where required under the particular circumstance, for example, facilities required for employees.~~

(7) ~~An accessory structure shall not have any waste lines installed which are larger than one and one half inches in size. An exception to allow two inch drain lines may be granted, subject to Level IV use approval, when more than one plumbing fixture is needed in the structure.~~

(8) ~~Any building permit for the construction of, or conversion to, an independent dwelling unit shall require an allocation for one housing unit as provided in SCCC 12.02.030 and shall comply with the dwelling density allowed for the zone district in which the parcel is located, except as provided by SCCC 13.10.681.~~

(D) Required Conditions Standards – Accessory Structures.

(1) Any building or development permit issued for the construction or renovation of a nonhabitable accessory structure shall include a restriction or condition requiring an agreement not to convert the structure into a dwelling unit, ADU or into any structure for human habitation in violation of this code (any subsequent proposal to convert to habitable would be possible only through compliance with all then-applicable zoning, building and other regulations, which would then allow for removal of the restriction/condition/agreement). Any building or development permit issued for the construction, conversion to or renovation of a habitable accessory structure, other than an attached or detached ADU, permitted as such, shall include a condition requiring an agreement not to convert the structure or space into a dwelling unit or into any other independent habitable structure in violation of this code. Each agreement required by this subsection shall provide the recovery by the County of reasonable attorney's fees and costs in bringing any legal action to enforce the agreement together with recovery of any rents collected for the illegal structure or, in the alternative, for the recovery of the reasonable rental value of the illegally converted structure or, in the alternative, for the recovery of the reasonable rental value of an illegally converted structure from the date of construction. The amount of any recovery of rents or of the reasonable rental value of an illegally converted structure shall be deposited into a fund designated by the Board of Supervisors to be used by the County for code compliance and abatement activities. The agreement shall provide for periodic condition compliance inspections by Planning Department staff. Nothing in this section or the agreement shall be deemed to be a waiver of any property owner's rights to due process or to avoid unreasonable searches. The agreement shall be written so as to be binding on future owners of the property, to include a reference to the deed under which the property was acquired by the present owner, and shall be filed with the County Recorder. Proof that the agreement has been recorded shall be furnished to the County prior to the granting of any building permit permitting construction on the property.

(2) The Planning Director may charge a fee, as stated in the uniform fee schedule, for the cost of periodic condition compliance inspections.

13.10.612 Cargo and shipping containers used as accessory structures.

(A) This section governs installation of any intermodal, Sea Train or other commercial/shipping cargo container (“cargo container”) or structure of analogous appearance and function, for use as habitable or nonhabitable permanent accessory structures, or as commercial structures on commercial and industrial sites. Cargo containers integral to a lawful shipping or storage business are exempt from these provisions and are regulated by the site standards of the applicable zone district.

(B) Cargo containers may be sited and used as accessory structures outside of the urban and rural services lines in all zone districts, subject to a Level III administrative site development permit. Inside the urban and rural service lines, cargo containers may be allowed on commercial or industrial properties only.

(C) Standards

- (1) Cargo containers accessory to residential uses shall comply with all applicable provisions of SCCC Section 13.10.611.
- (2) More than one accessory cargo container structure may be approved per parcel, based on demonstrated need and compliance with other provisions of this section 13.10.612. Multiple cargo containers joined into one structure are considered to be one cargo container structure.
- (3) Cargo containers shall meet the following design standards:
 - (a) Painted and maintained a neutral color such as medium brown, gray brown, or medium green; or painted to complement existing buildings on the site; or painted in a manner that is considered aesthetically pleasing to persons of ordinary sensibilities.
 - (b) Located outside the boundaries of all mapped scenic resource areas and out of view or screened from view from any scenic roads.
 - (c) Screened from view, including from public views and views from adjacent properties, to the greatest extent feasible, by any combination of topographic features, other buildings, landscaping, natural vegetation or other screening measures. Where visible from public view or adjacent properties, the container exterior shall be modified as appropriate to be compatible with the architectural style and materials of other structures on the site or in the vicinity, or otherwise treated per (a) above.
 - (d) Where used as a habitable accessory structure, the design, color and materials shall complement the existing structures on the parcel.

13.10.613 Home occupations as secondary uses.

(A) Purposes. The purposes of regulations for home occupations are:

- (1) To allow persons to carry on ~~limited~~, income-producing activities on their ~~residential~~ property where they reside, secondary to a residential use.
- (2) To protect nearby residential properties from potential adverse effects of the allowed activity by not allowing home occupations that would create excessive noise, traffic, public expense or any nuisance.

(B) Restrictions on Home Occupations.

- (1) The home occupation shall be carried on entirely within the dwelling, or in an accessory structure normally allowed in the zone district in which the site is located, unless a Level V conditional home occupation use permit is obtained to authorize outdoor unenclosed activities.
- (2) There shall be no visible or external evidence of the home occupation other than one unlighted sign not exceeding one square foot in area, which shall be affixed to the dwelling or building in which the home occupation is conducted. If both the dwelling and the building are set back more

Exhibit A – Draft Amendments

than 40 feet from the front property line, the sign may be affixed to the mailbox. No larger sign, and no outdoor storage, operations or activity is allowed unless a Level V conditional home occupation use permit approval is obtained, in which case the allowed outdoor use shall be reasonably completely screened from the street and adjoining properties.

(3) The home occupation shall be carried out primarily by one or more a full-time inhabitants of the household residing in of the dwelling, with one or two employees that are not members of the household also allowed to work at the home site. Not more than A maximum of five additional regular employees may also work at the be used for a home occupation site if a Level V conditional home occupation use permit approval is obtained.

(4) The home occupation shall not involve the use of more than one room, or floor area equal to exceeding 250 percent of the total floor area of the dwelling, whichever is less, unless a Level V conditional home occupation use permit approval is obtained.

(5) Home occupations involving personal services (beauty shop, hairdresser or barber shop, personal fitness trainer, massage studio, etc.) or training (swimming lessons, musical instrument lessons, band practice, yoga classes, cooking classes, art lessons or philosophy, etc.) may involve no more than one two persons at a time, unless a Level V conditional home occupation use permit approval is obtained.

(6) Sales of goods are allowed only if the goods to be sold are produced or assembled entirely on the premises, or if sales are by mail order, unless a Level V conditional home occupation use permit approval is obtained.

(7) Only one vehicle in addition to the vehicles equal to the standard number of required parking spaces for the subject home, and no larger than a three-quarter-ton pickup, may be used for the home occupation unless a Level V conditional home occupation use permit approval is obtained. All deliveries to be made from the home to other sites, and shipments of equipment, supplies, and products shall be made only with this one pick-up truck or vehicle used for the home occupation and other vehicles normally associated with the home, and a. An off-street parking space shall be provided for any ¾-ton pick-up truck this vehicle used for the home occupation. Additional off-street parking may shall be required provided for employees or customers in excess of standard levels, which may occur through approval of a Level V conditional home occupation use permit.

~~(8) No equipment with a motor of more than one half horsepower may be used unless a Level V use approval is obtained.~~

~~(98) All noise shall be contained within the boundaries of the site. The home occupation shall not generate unacceptable levels of noise, as defined by the General Plan Noise Element, SCCC Chapter 8.30 Noise, and SCCC Chapter 13.15 Noise Planning.~~

~~(409)~~ Home occupations involving the handling of hazardous materials, as defined by SCCC Section 7.100.020, or of any amount of an acutely hazardous substance, as defined by State or Federal law, shall require a Level V conditional home occupation use permit approval and approval of other applicable permits such as issued by Environmental Health. "Hazardous materials" refers to materials defined in SCCC Chapter 7.100.

(10) Cottage food businesses are allowed as home occupations, if consistent with provisions of State law governing such operations, and in compliance with applicable County of Santa Cruz Environmental Health Services requirements.

(11) Secondary commercial weddings and similar celebrations, and community events and fundraisers, are not eligible to be permitted as home occupations.

(12) A commercial firewood operation, where wood is cut, processed and/or stored for sale to the public, is prohibited as a home occupation.

13.10.616 Temporary permits, uses and structures.

(A) Purpose. The purposes of this section are as follows:

- (1) To ensure that temporary uses and structures are developed in an orderly fashion consistent with the purpose of the applicable zone district;
- (2) To ensure that temporary uses and structures remain secondary to primary uses that exist and are allowed on the site, and are compatible with neighboring land uses; and to limit temporary uses and structures on vacant properties;
- (3) To promote and protect the public health, safety, peace, convenience, and general welfare;
- (4) To protect the character, visual and environmental resources, and quality of residential, commercial, industrial, agricultural, recreational, and open space areas of the County;
- (5) To allow and establish regulations for temporary uses and structures that are not otherwise subject to regulations pertaining to permanent accessory or ancillary uses and structures, such as those governing home occupations (SCCC Section 13.10.613);
- (6) To accommodate temporary uses, structures and activities that contribute to the quality of life, economic vitality or public interest of Santa Cruz County; and/or
- (7) To allow for temporary uses and structures that may not be generally consistent with the purposes of the applicable zone district, but which may be allowed for a defined temporary period due to emergency or other urgent public needs in the interest of public health, safety and welfare.

(B) Temporary Permits. A temporary permit is required for any temporary use or structure that is not otherwise exempt, or considered and processed as a Special Event or other similar very short-term use.

- (1) Temporary permits shall be processed in accordance with procedures in SCCC Chapter 18.10 for Level III administrative permits, except that temporary uses involving amplified music shall be processed in accordance with procedures in SCCC Chapter 18.10 for noticed Level IV administrative permits, which may be elevated to a Level V permit process involving a noticed public hearing for proposals involving longer timeframes or multiple and repeated activities.
- (2) Temporary permits are subject to the following provisions:
 - (a) The term of the temporary permit shall be in accordance with the provisions SCCC Subsections 13.10.616(C) and 13.10.616(E), and shall not exceed three years, unless later extended.
 - (b) A temporary permit may be extended for one additional term, of up to three years, based upon findings of special circumstances related to public benefit and/or unusual economic conditions, as appropriate to site circumstances, and subject to conditions of approval. A temporary permit may be extended to no more than would allow for a total six-year term.
 - (c) The permitted temporary use shall cease upon expiration and associated temporary structures shall be removed from the parcel no more than 21 days following the date the temporary permit expires, unless use and/or site development permits are approved for a permanent use allows the structures to remain, subject to the provisions of the applicable zone district.
 - (d) Temporary uses and/or structures may be approved subject to conditions of approval to ensure public health and safety, including ADA standards, but may be exempted from some or all permanent site improvement standards normally required for permanent uses and structures, such as site frontage improvements or parking lot landscaping standards.

(C) Temporary Uses. Unless exempted by SCCC Subsection 13.10.616(D), temporary uses shall require a temporary permit and shall comply with the following standards:

- (1) A temporary use may be approved in any zone district, except that unless otherwise specifically provided for in this section or elsewhere in the SCCC, a commercial for-profit event where fees

or other forms of remuneration are collected is not permitted as a temporary use in any residential zone district.

- (2) A temporary use and associated structures may remain on the site for up to 180 days in a given year. Except that, where a demonstrated need exists, a temporary use and associated structures may remain on the site for more than 180 days in a given year and up to three years, where appropriate for the use based upon findings for approval, and subject to conditions of approval of the permit or permit extension.
- (3) A temporary use on developed property shall be secondary to the primary use of the parcel.
- (4) Other than temporary storage uses associated with an active building permit, temporary uses are prohibited on vacant residential properties, but may be allowed on vacant non-residential properties subject to approval of a temporary permit.
- (5) No temporary use shall, for any length of time, displace more than 35 percent of the parking spaces required by SCCC Section 13.10.550 et.seq. for the existing uses on site, subject to one or more of the following exceptions:
 - (i) More than 35 percent of the required parking may be exceeded in locations where a County approved street closure prevents access to such required parking, during the period that the closure is in effect.
 - (ii) A temporary permit for a temporary use displacing more than 35 percent of the required parking may be approved if site-specific evidence is provided by the applicant demonstrating that the average peak parking actually used on the site is less than 65 percent of the available parking during the same hours and in the same season of the year proposed for the temporary use; and the decisionmaker makes this finding in conjunction with approval.
 - (iii) Alternate parking or shuttle arrangements may be proposed and approved to meet parking space requirements, with issuance of an approved temporary permit.
 - (iv) Public health considerations favor outdoor uses over standard indoor operations, such as exist during the COVID-19 pandemic, and the approved level of space to remain in use as parking is appropriate in recognition of public health and community economic vitality.
- (6) Temporary uses or structures that are permitted to remain on a site for more than 180 days in a year are required to provide site-specific evidence or reasons supporting that the temporary use is not impacting parking for other existing on-site uses (which may include letters of support from those uses), alternate parking arrangements, emphasis on alternate modes of access by customers, or other rationales supporting issuance of the temporary permit.
- (7) Signs. Signs shall comply with SCCC Section 13.10.583.
- (8) Premises will be kept clean, sanitary, and free of litter.
- (9) Prior to issuance of a temporary permit, or as a condition thereto as deemed appropriate by the Planning Director or designee, the applicant shall demonstrate compliance with any special event or other permit requirements of other jurisdictional agencies, which may include the departments or offices of Public Works, Environmental Health, Parks, Sheriff, fire districts; California Department of Alcohol Beverage Control; and California Department of Motor Vehicles.
- (10) After the temporary use has ceased, all visible signs of the temporary use and temporary structures shall be removed, and the site shall be free of trash. Any damage to the site or existing structures caused by the temporary use shall be repaired.
- (11) In addition to obtaining a temporary permit, temporary uses that extend onto the public right-of-way or other publicly owned property shall obtain an encroachment permit from the County Department of Public Works, as well as any special event approval, concession licenses, licensing agreements from the County Department Parks Department, State of California or other entity as needed.

(D) Exemptions for Temporary Uses. The following temporary uses are exempt from SCCC Section 13.10.616(B) and shall not require a temporary permit:

- (1) Events and uses conducted entirely within public property or public rights-of-way that are not associated with an adjacent or nearby private use on private property, where special event, concession licenses, licensing agreements, and/or encroachment permits or the like are obtained from the County Department of Public Works, Parks Department, State of California or other entity as needed.
- (2) Temporary uses conducted entirely within a building, such as a temporary sales area, for which all necessary County permits have been obtained and which allow the particular use.
- (3) Temporary uses for which a use permit has already been issued that allows the temporary use.
- (4) Garage or yard sales not exceeding four weekends per year on the site of a legal residential use.
- (5) Seasonal sales of Halloween pumpkins, Christmas trees and similar products in all zone districts except residential; except that seasonal sales in the RA zone district may be permitted as small-scale commercial agriculture with a Level III administrative use permit). Seasonal sales shall comply with the following standards:
 - (a) A Level I administrative zoning clearance shall be obtained prior to the establishment of a seasonal sales use.
 - (b) No activities associated with seasonal sales shall be conducted on any portion of a lot which is closer than 10 feet to any property line of a parcel with an existing residential use, or beyond the hours of 8:00 AM to 9:00 PM, unless a temporary permit is approved to allow.
 - (c) Sales that will occur in areas designated for such seasonal sales as set forth in any development permit issued for the site.
 - (d) Temporary structures associated with the temporary seasonal use are allowed without a separate temporary permit if they meet setback requirements for the zone district and provided that such structures comply with any applicable building code standards pursuant to SCCC Chapter 12.10. Temporary structures larger than 120 sq. ft. and 10 feet in height, measured in accordance with the Zoning Ordinance, may require a building permit and inspections prior to use unless otherwise exempted by SCCC Chapter 12.10.
 - (e) Recreational vehicles are allowed in conjunction with seasonal sales lots if situated so as to provide setbacks equivalent to the structural setback requirements for the zone district. Recreational vehicles utilized in conjunction with seasonal sales shall be removed from the parcel within 15 days following October 31st for pumpkin sales or following December 25th for Christmas tree sales.
 - (f) Site ingress and egress shall not create a traffic or pedestrian safety hazard.
 - (g) Any temporary fencing shall be placed outside the corner sight clearance triangle provided by SCCC Section 13.10.525 and shall not exceed eight feet in height.
 - (h) Signage shall comply with SCCC Section 13.10.583.
 - (i) Vendor shall maintain on site a multi-purpose certified fire extinguisher (Type A, B, and C, minimum five-pound size) appropriate for Class A (non-metallic solids), B (flammable gasses) and C (electrical fires). Temporary membrane type structures shall be fire resistive and be NFPA-701 certified.

(E) Temporary Structures. Temporary structures are subject to standards and permit requirements, depending on the type of structure, as provided below.

(1) Temporary Storage Boxes.

- (a) In any zone district, a maximum of one fully enclosed, temporary container designed specifically for secure temporary storage, and obtained from and installed by a commercial vendor, may be installed pursuant to this section 13.10.612(E). All such temporary structures:

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- (i) Shall obtain a Level I administrative permit to check for zoning and setback compliance prior to installation.
- (ii) Shall be removed within 90 days of installation unless a time extension is authorized by a temporary permit, to allow a temporary structure on the site for more than 90 and up to 180 days (or during term of construction as provided in (b)(iii) below). If an application for a temporary permit or permit extension is submitted on or prior to the required removal date, the temporary structures may remain in place up to 30 additional days to provide for permit processing.
- (iii) Shall be located wholly outside any corner sight distance triangle, a minimum of five feet from any property line unless installed, wholly or partially, within a right-of-way.
- (iv) Shall not be subject to standards for lot coverage or floor area ratio.
- (v) Shall be subject to review by the Department of Public Works when proposed wholly or partially within a public right-of-way, and an encroachment permit or other license or agreement may be required.
- (vi) Shall be subject to the following standards if proposed wholly or partially within a private right-of-way and shall require a temporary permit:
 - (A) Shall not be located in the private right-of-way if it can reasonably be installed in a driveway, and shall not fully preclude use of the right-of-way.
 - (B) May be located in parking spaces adjoining the subject parcel.
 - (C) Shall not occupy any space reserved for persons with disabilities.
 - (D) Shall not create a safety, traffic or pedestrian hazard.
 - (E) Shall not affect the line of sight established by any corner sight clearance triangle defined by SCCC Subsection 13.10.525(C)(2)(c).
 - (F) Between the dates of October 15 and April 15, shall not be placed in any location where likely to divert, impede or otherwise adversely affect any established pattern of storm water runoff.

(b) Temporary Storage Boxes on Vacant Parcels.

- (i) Temporary storage boxes may be placed on vacant, non-residential parcels, subject to the provisions of SCCC Subsection 13.10.613(E)(1)(a).
- (ii) Temporary structures or storage boxes are not allowed on vacant residential parcels in the absence of an active building permit.
- (iii) When associated with a building permit, temporary storage boxes may be installed on any parcel, vacant or developed, as provided by SCCC Subsection 13.10.613(E)(1)(a) except that the unit(s) may remain on site for the active term of the building permit, and shall be removed from the site within 15 days of the after the building permit is finalized, voided or withdrawn.

(2) Temporary Tent Structures.

- (a) In any district, one prefabricated, temporary tent structure used for parking, storage or other use, constructed of light frame materials and covered with cloth or flexible plastic, is allowed for up to 180 days, with one possible renewal, pursuant to the following standards:
 - (i) Maximum height shall be 12 feet
 - (ii) Maximum area shall be 300 square feet
 - (iii) All structures and materials shall be maintained in good condition, free of tears and graffiti.

- (b) Temporary tent structures shall be subject to site setback standards of the zone district where located, except that tent structures open on at least two sides may be located at reduced setbacks of a minimum of five feet from the front and street side property lines in any residential district.
 - (c) Temporary tent structures greater than 12 feet in height or 300 square feet in area, or more than one on a site, or proposed to exist for more than 180 days, or requesting further reduced setbacks, may be considered with approval of a Temporary Permit (Level III administrative site development permit) for a period not to exceed one year.
 - (d) A temporary light frame tent structure with a maximum height of 12 feet and a maximum size of 300 sq. ft. that is located in a residential rear yard and is not visible from a public street may remain on a site for up to one year with no temporary permit required.
 - (e) Tent structures proposed for more permanent installations (greater than one year) shall be processed as regular structures under applicable regulations of the County Code.
- (3) Other Temporary Structures Associated with Authorized or Approved Temporary Uses.
- (a) Temporary permits granted for temporary uses may also authorize associated temporary structures, with appropriate conditions pertaining to number, size, height, design, materials, and location on the site.
 - (b) Temporary permits may also be approved for types of temporary structures that do not fall within the above categories, for time periods of up to three years, as reasonably related to the needs and purposes of a primary use of the site, or as determined to be in the interests of public health, safety and welfare.

SECTION FOUR

SECTIONS 13.10.690(D) AND 13.10.690(E) OF THE HOSTED RENTALS REGULATIONS SHALL BE AMENDED TO READ AS FOLLOWS:

(D) Permit Requirements. A hosted rental permit and transient occupancy tax registration, or proof of another tax payment arrangement approved by the County Tax Collector, are required for each hosted rental. Each permitted hosted rental shall comply with the requirements of this section. Permits are valid for a period of five years at a time. Approval of a hosted rental permit does not legalize any non-permitted use or structure. Hosted rental permits are issued to property owners for a specific property, and are not transferable between owners or properties. Hosted rental permits are subject to revocation as provided for in SCCC Section 18.10.136, and subject to the violation provisions of SCCC Section 13.10.690(HI).

(E) Relationship Hosted Rental Permit to Vacation Rental Permit. If a property owner has obtained a hosted rental permit in a location that is subject to limits on vacation rental permits, pursuant to SCCC Section 13.10.694, the hosted rental permit does not confer the ability to obtain a vacation rental permit where the limited number of vacation rental permits have already been issued.

(1) Existing Hosted Rental. At the inception of the Hosted Rental program, the County established a low-barrier method for recognizing and permitting then-existing hosted rentals. The term is retained here as an historic reference, but no longer has regulatory distinction and all hosted rentals are now considered to be either new or renewal hosted rentals. An initial permit shall be obtained. For applications for existing hosted rentals no public hearing shall be required and action on these applications shall be by the Planning Director or designee, with no notice of the proposed action provided. For an existing hosted rental to be considered a legal use the applicant shall provide the following to the Planning Department within 90 days after the

certification by the California Coastal Commission of the original hosted rental ordinance codified in this chapter:

- ~~(a) Completed application form.~~
 - ~~(b) Nonrefundable application fee as established by the Board of Supervisors.~~
 - ~~(c) Proof that a dwelling unit was being used as a hosted rental prior to December 5, 2017. Such proof shall consist of documentation that transient occupancy tax has been paid for hosted rental activities at the specified parcel to the County of Santa Cruz, and may, at the discretion of the Planning Director, also include documentation that there has been hosted rental use of the unit. This documentation could include proof that the owner allowed transient guests to occupy bedroom(s) in the dwelling unit in exchange for compensation such as records of occupancy, guest reservation lists, and receipts, showing payment and dates of stay.~~
 - ~~(i) Retroactive Payment of Transient Occupancy Tax. For those applicants who provide adequate documentation that a dwelling unit was used as a hosted rental prior to December 5, 2017, but where the owner has not registered and paid transient occupancy tax, proof of retroactive payment of the transient occupancy tax amount due to the County for the time a dwelling unit was used as a hosted rental during the three years preceding December 5, 2017, shall be submitted.~~
 - ~~(d) Affidavit verifying the legality, safety and habitability of the guest room or rooms, including the presence of an egress door or window in the sleeping area, access to facilities for sanitation, and the proper number and location of working carbon monoxide detectors and smoke detectors in the residence. Copy of a rental/lease agreement, which shall include, but not necessarily be limited to, the house rules listed in subsection (E) of this section.~~
 - ~~(e) Copy of transient occupancy tax certificate number, or proof of other arrangement approved by the County Tax Collector for the purpose of the operation of a hosted rental.~~
 - ~~(f) Hosted rental permits expire on the first business day on or after the date five years after the date of approval of the initial permit unless an application for renewal has been received by the Planning Department.~~
- (2) New Hosted Rentals. ~~After permits have been issued to all existing hosted rentals, p~~Permits will be made available to new hosted rentals based upon waiting list procedures, on a first come, first served basis, at such time that availability occurs when ~~until~~ the total number of issued permits falls below reaches 250; however, availability and issuance will also be subject to area and block limitations within Designated Areas (LODA, SALSDA and DASDA). If permits issued to hosted rentals exceed 250, no permits shall be issued to new hosted rentals until the total number of active hosted rental permits falls below 250 through attrition. For applications for new hosted rentals no public hearing shall be required and action on these applications shall be by the Planning Director or designee with no public notice provided.
- (a) In the Live Oak Designated Area (LODA), the Seacliff/Aptos/La Selva Designated Area (SALSDA), or the Davenport/Swanton Designated Area (DASDA), as defined in SCCC Subsection 13.10.694(C), no new hosted rental shall be approved if parcels with permitted vacation rentals and/or hosted rentals on the same block total 20 percent or more of the total parcels on that block that allow residential use, excluding those parcels in the Mobile Home Park Combining Zone District; except that in the following areas the percentage of parcels that may have vacation rentals and/or hosted rentals is not limited:
 - (i) Pot Belly Beach Road;
 - (ii) Las Olas Drive;
 - (iii) Those residentially zoned parcels in the Rio Del Mar flats consisting of parcels fronting on Stephen Road, Marina Avenue, and Venetian Road between

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its intersection with the Esplanade and Aptos Beach Drive to its intersection with Lake Court and Stephen Road;

(iv) Those parcels fronting on or gaining access from Cliff Court or fronting on or gaining access from Rio Del Mar Boulevard between its intersection with Aptos Beach Drive and Beach Drive to its intersection with Kingsbury Drive, Cliff Drive, and Beach Villa Lane;

(v) Beach Drive; and Via Gaviota.

(b) Area and Block Limits. No more than ~~15~~ 12 percent of all of the parcels that allow residential use in the LODA, Live Oak Designated Area and ~~no more than 3.9 percent in the SALSDA Seacliff/Aptos Designated Area~~, and no more than ~~10~~ 3.3 percent of all the parcels that allow residential use in the DASDA Davenport/Swanton Designated Area, as defined in SCCC Subsection 13.10.694(C), excluding those parcels in the Mobile Home Park Combining Zone District, may contain vacation rentals and hosted rentals.

(i) Notwithstanding these 20 percent block maximums, each block in the LODA Live Oak Designated Area, the SALSDA Seacliff/Aptos Designated Area, or the DASDA Davenport/Swanton Designated Area that has parcels that allow residential use, excluding those parcels in the Mobile Home Park Combining Zone District, may have at least one parcel with a vacation rental and/or a hosted rental: if the applicable vacation rental and hosted rental regulations otherwise allow for issuance of a vacation rental and/or hosted rental permit (ie. the overall Designated Area limits on numbers of vacation rentals and overall percentage of vacation rentals plus hosted rentals within each of the Designated Areas, are not exceeded and applications for available vacation rental and/or hosted rental permits are being accepted for processing by the County Planning Department).

(ii) A single parcel may hold permits for both a hosted rental and a vacation rental.

(c) Applicants for a permit for a new hosted rental shall provide the following to the Planning Department:

(i) Completed application form.

(ii) Nonrefundable application fee as established by the Board of Supervisors.

(iii) Affidavit verifying the legality, safety and habitability of the guest room or rooms including the presence of an egress door or window in the sleeping area, access to facilities for sanitation, and the proper number and location of working carbon monoxide detectors and smoke detectors in the residence.

(iv) Copy of a rental/lease agreement, which shall include, but not necessarily be limited to, the performance standards listed in subsection ~~(EF)~~ of this section.

(v) Copy of County of Santa Cruz transient occupancy tax certificate number, or proof of registry with a verified on-line platform, other arrangement approved by the County Tax Collector for the purpose of the operation of a hosted rental.

(vi) Hosted rental permits expire on the first business day on or after the date five years after the date of approval of the initial permit unless an application for renewal has been received by the Planning Department.

(3) Renewal of Hosted Rental Permits. Hosted rental permits must be renewed every five years. An application to renew a permit for a hosted rental shall be made no sooner than 180 days before the expiration date of the existing permit, and no later than the date of expiration of that permit. Determination that the application is complete shall stay the expiration of the existing permit until final action is taken on the renewal application. Except as provided in SCCC Subsection 18.10.124(B), no public hearing shall be required and administrative action on

permit renewal applications shall be by the Planning Director or designee, with no public notice of the proposed action ~~required~~provided.

(a) Applicants for renewal of a permit for a hosted rental shall provide the following to the Planning Department:

(i) Completed application form.

(ii) Nonrefundable application fee as established by the Board of Supervisors.

(iii) Proof of payment of transient occupancy tax for the use of the dwelling as a hosted rental and a summary of the dates the unit was used as a hosted rental between the time of issuance of the existing permit and the date of application for the renewal. Renewal applications must show significant rental use for three out of the previous five years. Significant rental use shall be interpreted to include no fewer than 10 percent of weekend nights in a given year, or a minimum occupancy of five weekends or 10 nights per calendar year. ~~Determination of significant rental use shall be made in accordance with guidelines adopted by resolution of the Board of Supervisors.~~

(b) Approval or renewal of a hosted rental renewal permit shall be based on affirmative findings as set forth in SCCC Subsection 18.10.230(A), and with consideration of factors identified in the applicable hosted rental violations provisions below. Denial of an application for renewal shall be based on one or more of the required findings not being able to be made, as set forth in SCCC Subsection 18.10.230(A), and with consideration to factors that would support non-renewal of the hosted rental permit.

SECTION FIVE

SECTIONS 13.10.690(H) AND 13.10.690(I) OF THE HOSTED RENTAL REGULATIONS SHALL BE AMENDED TO READ AS FOLLOWS:

(H) Transfer of Property with Hosted Rental Permit. When any property transfer triggers reassessment pursuant to the California Revenue and Taxation Code Section 60 et seq. as determined by the Assessor, the hosted rental permit associated with the property shall expire and shall become nonrenewable at the time of property transfer. Availability and issuance of a hosted rental permit for any property within the Designated Areas (LODA, SALSDA, DASDA) shall be subject to the waiting list procedures of the vacation rental regulations of SCCC Section 13.10.694.

(I) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section ~~or any conditions of approval contained in a hosted rental permit.~~ The penalties for violation of this section are set forth in ~~Chapter 19.01 SCCC Chapter 19.01, Enforcement of Land Use Regulations.~~ Violation of the requirements to obtain a hosted rental permit may be grounds for denial of a new hosted rental permit application. Other violations of the County Code may be grounds for administrative review of an existing hosted rental permit, for denial of a renewal application, and/or for revocation of an existing hosted rental permit after consideration at a noticed public hearing.

A pattern of complaints and evidence of a County Code violation or violations, such as operating the hosted rental while under emergency orders that prohibit such operation, evidence that the hosted rental is being mis-advertised, and/or reports that the local contact person (manager/owner/long-term resident) was non-responsive on more than one occasion, may result in a hosted rental permit being subject to administrative review. The administrative review process shall consist of a Level IV permit review process, including notice to neighbors, planning staff consideration of public input received, and

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potential for new or amended conditions that apply to the permit. Alternatively, the permit may continue without amendment, or the permit revocation process may be initiated, to consist of a Level V public hearing by the Zoning Administrator (or by the Planning Commission upon referral).

If more than two documented, significant violations occur within any 12-month period, a hosted rental permit may be reviewed for revocation, or an application for renewal may be denied shall be noticed for a Level V public hearing to consider possible revocation. Evidence of significant violations includes, but is not limited to, copies of citations, written warnings, or other documentation filed by law enforcement; proof of advertisement of a property as a hosted rental without a valid hosted rental permit, or of mis-advertising the capacity and limitations applicable to the hosted rental in advertisements including but not limited to print media or online advertising; copies of homeowner association warnings, reprimands, or other association actions; a permit holder providing false or misleading information on an application or renewal application; evidence of violations of State or County health regulations; non-compliance with any order of the County Health Officer which may limit use and occupancy of hosted rentals; evidence that a permit holder is delinquent in payment of transient occupancy taxes, fines, or penalties; evidence of non-responsive management, including failure by the responsible property manager/owner/long-term resident to respond to calls within 60 minutes; verification that appropriate signage has not been maintained in compliance with this section; verified neighbor complaints of noise or other disturbances, particularly those involving the use of fireworks by occupants of the hosted rental; or other documents which substantiate allegations of significant violations. In the event a hosted rental permit is either revoked or a renewal is denied by the County, based upon a review under this section, no application for a hosted rental permit by the person or entity from whom the permit was revoked ~~or who was denied renewal~~ shall be filed for either a hosted rental or a vacation rental permit on the same parcel within two years after the date of revocation ~~or denial~~, without prior consent of the Board of Supervisors.