



# Staff Report to the Planning Commission

Application Number: **241286**

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**Applicant:** James Babcock

**Agenda Date:** April 22, 2026

**Owner:** James Babcock

**Agenda Item #:** 8

**APN:** 068-271-06

**Time:** After 9:30 a.m.

**Site Address:** 220 Miracle Lane, Santa Cruz CA 95060

**Project Description:** Report to the Planning Commission regarding a compliance review of approved Vacation Rental Permit 241286 pursuant to the conditions of approval.

**Location:** Property is located on the eastern side of Miracle Lane (220 Miracle Lane), approximately 550 feet north of the intersection of Miracle Lane and Redwood Drive in Santa Cruz.

**Permits Required:** None

**Supervisory District:** 1st District (District Supervisor: Manu Koenig)

## Staff Recommendation:

- Accept and file the report regarding a compliance review of approved Vacation Rental Permit 241286.

## Background

On April 23, 2025, the Planning Commission considered an appeal of a Zoning Administrator's approval authorizing a new four-bedroom Vacation Rental in an existing single-family dwelling. The Planning Commission upheld the Zoning Administrator's decision and modified the Conditions of Approval to address the concerns expressed in the appeal letter. The revised conditions limited the maximum overnight occupancy of the vacation rental to eight (8) people and eliminated the 20-person maximum for daytime celebrations and gatherings. The Commission also removed the condition added by the Zoning Administrator allowing the use of the propane fire pit and replaced the ashtray requirement with a prohibition on smoking. Lastly, a condition was added requiring a report back to the Commission after one year to review compliance with the Vacation Rental regulations and conditions of approval.

## Compliance Review

Since approval, the subject property has not been cited for any violations by the Code Compliance Division of the Community Development and Infrastructure Department. Staff verified with the County's Code Compliance Division Staff that no complaints were filed against this property; additionally, staff reviewed the County Sheriff's call log and found no requests for service. Based on this review, the vacation rental has operated in compliance with the Vacation Rental ordinance and the Conditions of Approval for 241286.

## Staff Recommendation

- Accept and file the report regarding a compliance review of approved Vacation Rental Permit 241286.

**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Division, and are hereby made a part of the administrative record for the proposed project.**

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.sccoplanning.com](http://www.sccoplanning.com)**

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Report Reviewed By: Sheila McDaniel  
Sheila McDaniel  
Principal Planner  
Development Review  
Santa Cruz County Planning

## Exhibits

- A. Final Conditions of Approval of Permit 241286
- B. Staff Report to the Planning Commission

## Conditions of Approval

Exhibit D: Project plans, prepared by James Babcock, dated July, 2019.

- I. This permit authorizes the operation of a vacation rental for the purpose of overnight lodging for a period of not more than 30 days at a time, as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to Santa Cruz County Planning one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. Operational Conditions
  - A. The vacation rental shall be maintained and operated so that, at all times, it is in compliance with the items listed on the Vacation Rental Certification form on file with the Department of Community Development and Infrastructure.
  - B. Issuance of this permit shall not infer approval of new development or the private use of any property outside of the subject parcel boundary, including public and private rights-of-way, State Parks land, and County owned property. The term "new development" shall include, but is not limited to, fencing, patios, and accessory structures. The term "use" shall include, but is not limited to, outdoor seating, parking (in non-designated areas), and storage of equipment or materials.
  - C. The maximum, overnight occupancy of the vacation rental shall not exceed ~~10~~ 8 people (two per bedroom, ~~plus two additional people, children under eight not counted~~). *(Strikeouts as amended by Planning Commission on April 23, 2025).*
  - D. The maximum number of vehicles associated with the overnight occupants shall not exceed four (number of on-site parking spaces, *two in garage, two in driveway*). *(Amended by the Zoning Administrator on February 21, 2025).*
  - E. No on-street parking is allowed *on Miracle Lane or Redwood Drive at any time. This restriction applies to both over-night occupants and any daytime guests as allowed for celebrations. All parking shall be accommodated within the four on-site spaces at all times. (Amended by the Zoning Administrator on February 21, 2025).*
  - F. *All advertising and lease agreements for this vacation rental shall clearly state the above parking restrictions. The lease agreement shall include a signature line for guests to acknowledge this condition prior to final booking. (Added by the Zoning Administrator on February 21, 2025).*
  - G. ~~The maximum occupancy allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m. shall not exceed 20 people (twice the number of overnight occupants, children under 8 not counted).~~ *(Strikeout as amended by Planning*

*Commission on April 23, 2025.)*

- H. Occupants and guests shall adhere to the noise standards contained in the County Noise Ordinance (County Code Chapter 8.30). A copy of the County Noise Ordinance (County Code Chapter 8.30) shall be posted inside the vacation rental in a location readily visible to all guests.
- I. Vacation rental rules shall be posted inside the vacation rental in a location readily visible to all guests. The rules shall include, but not necessarily be limited to the following: maximum number of guests allowed; maximum number of people allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m.; maximum number of vehicles allowed; restrictions on noise (contained in the County Noise Ordinance), illegal behavior, and disturbances, including an explicit statement that fireworks are illegal in Santa Cruz County; and directions for trash management.
- J. Fireworks are illegal in Santa Cruz County and prohibited at the vacation rental.
- K. *No fires or other open flames are allowed outside the vacation rental, including candles. Use of the provided propane fire pit is acceptable. (Underline text added by the Zoning Administrator on February 21, 2025). (Strikeouts as amended by Planning Commission on April 23, 2025.)*
- L. *Ashtrays shall be provided in all outdoor use areas for use by guests that smoke. (Underline text added by the Zoning Administrator on February 21, 2025). Smoking shall be prohibited to all guests. (Strikeouts as amended by Planning Commission on April 23, 2025.)*
- M. The vacation rental shall have 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. The sign shall not exceed 216 square inches, be legible from, and be posted no more than 20 feet back from the nearest street. For all rentals, the sign shall also display the beginning and end dates of the five-year vacation rental permit. Sign information shall be updated upon any renewal of this permit. The sign shall be continuously maintained while the dwelling is rented.
- N. The name, address, and telephone number(s) of the local property manager (24-Hour contact person) shall be posted inside the vacation rental in a location readily visible to all guests.
- O. Any change in the local property manager's name, address, or telephone number shall be promptly furnished to the Planning Department, the local Sheriff Substation, the Auditor-Controller-Treasurer Tax Collector, the main County Sheriff's Office, and the local fire agency, and to the property owners of all properties located within a 300-foot radius of the boundaries of the parcel on which the vacation rental is located. Proof of mailing or delivery of the updated contact information to all of the above shall be submitted to the Planning Department within 30 days of change in the local property manager's contact information.

In addition, the applicant shall complete the online contact (see link below) information survey to ensure that the Community Development and Infrastructure Department is apprised of current contact information and for emergency notifications by the County Office of Response, Recovery and Resilience. Survey can be accessed via this link: <https://forms.office.com/g/5kjuAnC8n6>.

- P. The local property manager (24-hour contact person) shall be located within 30 miles of the vacation rental. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Failure to respond within 60 minutes of being contacted, as verified by County Code Enforcement staff or the County Sheriff, shall constitute a significant violation and may lead to revocation of the permit in accordance with SCCC 18.10.136.
- Q. *All advertising and lease agreements for this vacation rental shall state that Miracle Lane is a steep, winding, private single-lane mountain road and that all guests shall drive cautiously and shall be mindful of pedestrians and wildlife. The lease agreement shall include a signature line for guests to acknowledge this condition prior to final booking. (Added by the Zoning Administrator on February 21, 2025).*
- R. All advertising for vacation rentals shall include the vacation rental permit number in the first two lines of the advertisement text, and where photos are included, a photo containing the permit number shall be included, as well as a photo of the required signage that includes the 24-hour contact information and vacation rental identification. Advertising a vacation rental for a property without a vacation rental permit is a violation of this chapter and violators are subject to the penalties set forth in SCCC 19.01.
- S. The owner/applicant shall comply with the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for the vacation rental unit.
- T. ***The initial Vacation Rental permit is a one-year provisional permit subject to review for compliance with vacation rental code requirements by the Planning Commission prior to granting the remainder of the standard five-year term. (Added by the Planning Commission on April 23, 2025.)***
- U. Permits for vacation rentals shall expire five years from the date of approval. To continue in operation as a legal vacation rental, an application to renew the permit must be made before the expiration date, but no sooner than 180 days before the expiration date. Vacation rental permits are non-transferable and become void when a property transfer triggers reassessment.
- V. A violation of any of the requirements to obtain a vacation rental permit may be grounds for denial of a new vacation rental permit application. Further, violations of vacation rental regulations, or of any other provision of the Santa Cruz County Code, may be grounds for denial of a renewal application or revocation of an existing vacation rental permit after consideration at a public hearing by the Zoning Administrator (or by the Planning Commission upon referral).

- W. If more than two significant violations occur on a vacation rental property within a 12-month period, a permit shall be noticed for a public hearing to consider permit revocation, pursuant to SCCC 18.10.136. "Significant violations" are: citations for violation of SCCC 8.30 (Noise); violation of any specific conditions of approval associated with the permit; mis-advertising the capacity and limitations applicable to the vacation rental; written warnings, or other documentation filed by law enforcement; violations of State or County health regulations; non-compliance with a public health order or emergency regulation issued by State or local authorities which may limit use and occupancy of vacation rentals; delinquency in payment of transient occupancy taxes, fines, or penalties; non-responsive property management, including failure by the local property manager to respond to calls within 60 minutes; and failure to maintain signage. In the event a permit is revoked, the person or entity from whom the permit was revoked shall be barred from applying for a vacation rental permit for the same parcel without prior consent of the Board of Supervisors.
- X. The Vacation Rental shall provide overnight lodging for a period of not more than 30 days at a time.
- Y. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

### III. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the COUNTY.
- D. Successors Bound. The “applicant/owner” shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.**

Approval Date:                    02/21/2025

Effective Date:                    03/07/2025

Expiration Date:                    03/07/2030

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Deputy Zoning Administrator

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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.



# County of Santa Cruz

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## DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE

701 OCEAN STREET, FOURTH FLOOR, SANTA CRUZ, CA 95060-4070  
Planning (831) 454-2580      Public Works (831) 454-2160

April 14, 2025

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

**Subject: Public hearing to consider appeal of Zoning Administrator approval of application 241286, a proposal to establish a new, four-bedroom vacation rental in an existing single-family dwelling for the purposes of overnight lodging for a period of not more than 30-days at a time.**

Members of the Commission:

On July 26, 2024, James Babcock submitted application number 241286 to establish a new four-bedroom Vacation Rental in an existing single-family dwelling, located on the eastern side of Miracle Lane (220 Miracle Lane). The request required approval of a Conditional Use Permit and a determination that the project was exempt from further analysis under the California Environmental Quality Act (CEQA).

### **Zoning Administrator Hearing**

On February 21, 2025, the project was considered by the Zoning Administrator and approved with revised Conditions of Approval (Exhibit 1C) to address concerns expressed by neighbors at the public hearing. The issues raised at the public hearing included parking in the private right-of-way, Miracle Lane being a narrow windy private roadway, potential for fire hazards from an existing outdoor fire pit and potential smoking on the property. Additional concerns that were raised by the public included the allowance of short-term rentals in residential neighborhoods, concerns of noise impacts to surrounding properties, and issues of road maintenance responsibilities.

The revised conditions included: an explicit prohibition on parking along Miracle Lane and Redwood Drive; limited all daytime and overnight guest parking associated with the vacation rental to four cars located on site within the garage and driveway. The project was also conditioned to require that all advertising and the lease agreement to state that Miracle Lane is a steep, winding, private single-lane mountain road and that all guests should drive cautiously and be mindful of pedestrians and wildlife. The parking and vehicular traffic conditions of approval further require guests to acknowledge the lease agreement by signing a signature line in the lease agreement. The Zoning Administrator further conditioned the project to prohibit all outdoor fires and open flames, including candles, except for the use of an existing propane fire pit. Additionally, the project was conditioned to require ashtrays in all outdoor areas for use by guests that smoke.

## Appeal to Planning Commission

On March 05, 2025, an appeal of Zoning Administrator approval (Exhibit 1A) was filed by Residents of Miracle Lane. The appeal raised concerns about several issues, including insufficient analysis of permitting Vacation Rental use in single-family zone districts, errors in the staff report, timing of the Zoning Administrator hearing and limited opportunities for public comment, exterior health and safety risks such as fire hazards and location within the wildland-urban interface, problems with road maintenance on Miracle Lane, a private right-of-way, and questions regarding the CEQA exemption.

### County Responses to Issues Raised in Appeal Letter

- 1) Assertion: Staff Report did not include analysis of allowing conditional uses in a residential zone district, as well as removal of a long-term rental from the current housing stock.

Response: Santa Cruz County Code 13.10.322(D) contains the Residential Uses Chart, which details the allowed uses in residential zone districts along with the required permits to exercise a specified use. Vacation rentals are considered an allowed use but require approval of either an Administrative Use Permit or Conditional Use Permit, depending on the bedroom count associated with the proposed rental (see below). Establishing a four-bedroom vacation rental requires approval of a Conditional Use Permit with approval by the Zoning Administrator.

| KEY: |  |
|------|--|
| P    | Permitted by right: Use is allowed without a use permit.   |
| ZC   | Zoning Clearance: Ministerial review for conformance with Zoning Ordinance, no use permit required.  |
| MUP  | Minor Use Permit: Discretionary permit, no public notice.  |
| AUP  | Administrative Use Permit: Discretionary permit with public notice.  |
| CUP  | Conditional Use Permit: Discretionary permit with public notice and a public hearing. Hearing is before the Zoning Administrator except where the Planning Commission (PC) is specified.           |
| A    | Use must be ancillary or complementary to another allowed use. A primary allowed use must first be in place or must be proposed concurrently on a site to allow an ancillary or complementary use. |
| NA   | Use not allowed in this zone district.   |

| USE              | PERMIT REQUIRED BY ZONE                |  |  |  |  |  | REFERENCES AND NOTES  |
|------------------|--|--|--|--|--|--|---|
|                  | RA/ SU                                 | RR                                     | R-1                                    | RB                                     | RM                                     | RF                                     |   |
| Vacation rentals | AUP <sup>A</sup> /<br>CUP <sup>A</sup> | AUP <sup>A</sup> /<br>CUP <sup>A</sup> | AUP <sup>A</sup> /<br>CUP <sup>A</sup> | AUP <sup>A</sup> /<br>CUP <sup>A</sup> | AUP <sup>A</sup> /<br>CUP <sup>A</sup> | AUP <sup>A</sup> /<br>CUP <sup>A</sup> | MUP for new rentals with ≤ 3 bedrooms. AUP for renewals. CUP for new rentals with > 3 bedrooms. Vacation rental permit required per <a href="#">13.10.694</a> . |

Pursuant to County Code 13.10.694, vacation rental permits are subject to Conditions of Approval established by the Vacation Rental Ordinance, which include Operational Conditions to reduce potential impacts to surrounding properties. Standard conditions of approval limit the number of overnight guests based on bedroom count, parking to that provided on site plus one, if available on the street, restrict noise by requiring quiet time after 10 pm, protect public health and safety via

prohibiting fireworks, maintaining compliance with the signed Vacation Rental Safety Certification, requiring a local property manager and maintaining a sign with their 24-hour contact information to be posted at the exterior of the property. In addition to the standard set of conditions of approval (Exhibit 1C) associated with all vacation rental permits, the Zoning Administrator placed additional conditions to address concerns expressed by surrounding neighbors as noted.

The current Santa Cruz County vacation rental code does not regulate the effect that vacation rentals have on the long-term housing supply. Thus, when an application is filed with the County, staff is required to apply current regulations. Although the Board of Supervisors may be considering revisions to the Vacation Rental ordinance, a moratorium on allowing new Vacation Rentals has not been implemented to date. These updated regulations are proposed for consideration by the Planning Commission in May. However, until a moratorium precludes issuance of vacation rental permits has been issued, the department is required to process vacation rental applications pursuant to the current regulations.

- 2) Assertion: Staff report contains inaccuracies regarding property ownership and reference to Miracle Lane as a two-lane road and the staff report did not address all aspects of the proposed rental use.

Response: Staff acknowledge the minor inaccuracies regarding the recorded ownership of the property and the characterization of Miracle Lane in the staff report as a two-lane road. However, these minor inaccuracies do not substantially change the analysis contained within the report.

The staff report listed the owner as James Babcock; however, upon further investigation, the Grant Deed lists the official owner as ‘Cheryl Babcock, Trustee of the James Babcock Family Grantor Retained Annuity Trust dated December 31, 1999’.

The staff report characterized Miracle Lane as a two-lane private road. Miracle Lane is a 50-foot, privately maintained right-of-way and the width of the paved portion varies from 10-feet to approximately 20-feet wide. The subject dwelling was constructed with permits in 1985; and it was determined at the time of building permit issuance that the site access complied with all requirements of the Department of Public Works and the Scotts Valley Fire Protection District including roadway width and fire turnaround

As previously stated, Vacation Rentals are a permitted use within the RA zone district. The proposed vacation rental will be located on a developed parcel which contains an existing single-family dwelling in an area designated for residential uses. The short-term occupancy of less than 30 days associated with vacation rentals does not change the type of use or residential occupancy of the structure as established by the California Building Code; additionally, a short-term rental is not considered to result in an increase in use beyond a single-family dwelling occupancy. Short-term rentals have the same level of impact as a full-time occupant on traffic and utilities and are considered an allowed use on residential parcels. Furthermore, single family dwelling owners are permitted to have guests similar to guests allowed by the vacation rental ordinance.

- 3) Assertion: Zoning Administrator noticing and timeline did not allow adequate public review and response to Staff Report.

Response: Santa Cruz County Code 18.10 contains regulations for processing discretionary permit applications. In order to be processed, vacation rental applications are subject to a standard list of application requirements, including a site plan, floor plan, and safety certification. Application 241286 was submitted on July 26, 2024, and deemed complete for processing on November 14,

2024.

Pursuant to SCCC 18.10.121 a public notice sign was installed on site. Following posting, staff received public comments via email shortly thereafter. Following consideration of public input, the application was scheduled for the February 21, 2025, Zoning Administrator hearing and public noticing was completed pursuant to SCCC 18.10.117.

Furthermore, the staff report (Exhibit 1B) was published for public review on the County's website 1 week before the scheduled hearing, which is standard practice for all Zoning Administrator and Planning Commission Public hearings. At the February 21<sup>st</sup> hearing, each speaker was given 3 minutes to provide public comments as established by the Zoning Administrator prior to public testimony. Following public testimony, the Zoning Administrator addressed the public's concerns by placing additional conditions of approval on the project. This application review process followed the County's standard procedures established by the code for consideration and action by the Zoning Administrator at a duly noticed public hearing.

- 4) Assertion: Issues of Exterior Health and Safety (wildfire concerns, wildland urban interface, traffic circulation/parking)

Response: The Vacation Rental Ordinance first became effective on July 13, 2011. The County conducted an Initial Study on the vacation rentals ordinance for conformance with the California Environmental Quality Act (CEQA). The initial study evaluated many factors noted in the appeal letter, including wildland fire risk and impacts on traffic/transportation, etc. The Initial Study purported that establishment of a vacation rental would not generate additional traffic beyond that which already exists for existing single-family dwellings. It was determined that the short-term occupancy of a dwelling does not increase the potential impact to the roads or generate more traffic than normally associated with a single-family dwelling.

Notwithstanding, the project was conditioned by the Zoning Administrator to require all vehicles associated with the rental to be parked on site to ensure the vehicles would not block the private roadway or otherwise interfere with traffic and circulation. Additionally, all guests are required to acknowledge the road conditions and agree to drive in a cautious manner to reduce the potential for an accident to occur.

All permitted dwellings, whether used as a vacation rental or not, must comply with the requirements of the fire agency responsible. The dwelling in question was originally built in 1985 and remodeled in 2020. The parcel was legally developed with the necessary permits, and at the time the building permit was issued, it was confirmed that site access met fire and emergency access standards.

The appeal letter suggests that the department should require short-term rentals to be retrofitted with a fire sprinkler system for compliance with the Wildland Urban Interface. Under the current ordinances, the development activities that would trigger the requirement for sprinkler systems are a 500+ square-foot addition, or an addition greater than 50% of the structure. Approval of a vacation rental permit would not trigger the requirement to install sprinkler systems or make any exterior modifications to the home. A short-term rental use does not constitute a change in occupancy residential type as established by the California Building Code and therefore, not required to come into conformance with the Wildland Urban Interface requirements.

- 5) Assertion: Concern regarding allowance of vacation rentals on properties that are located on private lanes that are maintained by property owners.

Response: Santa Cruz County Code 9.24.080 (Private ownership and maintenance of roads) states that the owners of any private road shall bear all reasonable costs associated with the signing, maintenance, and operation of such road. It is the responsibility of the owners of Miracle Lane to form a Road Maintenance Agreement and determine the reasonable costs associated with road maintenance. The County is not involved in determining the shared costs and responsibilities of homeowners to maintain a private road. A recorded Road Maintenance Agreement could potentially allow the neighborhood to require all parties involved to sign an indemnification and hold harmless agreement. It was stated during public comments that a formal Road Maintenance Agreement did not exist at the time of the public hearing.

The expected levels of traffic generated by the proposed vacation rental is commensurate to any other single family residential use of the dwelling because the short-term rental occupancy of a residence does not change the type of use occupancy of the dwelling. Additionally, guest celebrations that result in temporary increased traffic can occur with both non-vacation rental use and vacation rental use.

6) Assertion: Conformance with the California Environmental Quality Act (CEQA).

Response: The Zoning Administrator accepted the Notice of Exemption from further review under the California Environmental Quality Act (CEQA). At the time of ordinance adoption in 2011, it was determined that vacation rentals are categorically exempt from CEQA requirements. Staff used the ‘Class 1 – Existing Facilities’ and ‘Class 3 – Conversion of Small Structures’ categorical exemptions.

The key consideration for Class 1 exemptions is whether the project involves negligible or no expansion of use. As previously stated, the short-term rental use of a property does not change the intensity of the occupancy type. In terms of impacts on the environment, a short-term residential vacation rental is synonymous with full-time residential use.

Class 3 exemptions are applicable for the conversion of existing structures from one use to another, where only minor modifications are made in the exterior of the structure. Although the project does not include modifications to the exterior, allowing a single-family dwelling to operate as a short-term rental would not result in adverse impacts to the environment. The subject parcel is already developed with a single-family dwelling and associated site improvements.

The presence of Boomer Creek along the eastern property line was already taken into consideration when the dwelling was constructed in 1985. Boomer Creek is approximately 25 feet lower in elevation than the subject dwelling and backyard. No additional development is proposed as part of this application; therefore, there are no additional impacts anticipated to occur as a result of allowing a short-term rental on site.

### **Planning Commission Options**

The Planning Commission has four choices, as listed in SCCC 18.10.330(D) regarding this appeal:

- 1) Deny the application,
- 2) Approve the application,
- 3) Approve the application with modifications subject to such conditions as it deems advisable,  
or
- 4) Continue the application.

## Recommendation

Based on the review of the items being appealed, the staff recommends that the Planning Commission take the following action:

1. Deny the appeal and uphold the Zoning Administrator's decision to approve application 241286 with revised conditions of approval.

Pursuant to SCCC 18.10.330, the Commission shall have the power to continue any such matter, with the public hearing open or closed. In the event the Commission is unable to reach an agreement on a decision at its meeting at which the matter is submitted, the matter may be continued at the request of the appellant for one meeting for decision in conformance with this section. In the event the Planning Commission is unable to reach a decision, the decision of the Zoning Administrator shall remain valid and may be appealed to the Board of Supervisors in accordance with the provisions of SCCC 18.10.340.

Should you have further questions concerning this application, please contact me at: (831) 454-3371 or e-mail: Michael.Lam@santacruzcountyca.gov

Sincerely,

Michael Lam  
Project Planner  
Development Review

Reviewed By: Sheila McDaniel  
Principal Planner  
Santa Cruz County Planning

## EXHIBITS

- 1A. Appeal Letter
- 1B. Zoning Administrator Staff Report
- 1C. Revised Conditions of Approval
- 1D. Public Comments

# RESIDENTS OF MIRACLE LANE

March 4, 2025

Appeal to the Planning Commission of the decision by the Zoning Administrator to approve a "Vacation Rental Permit and a determination that the project is exempt from further analysis pursuant to the California Environmental Quality Act (CEQA)."

Date of Zoning Administrator Public Hearing: Friday February 21, 2025

Project address: 220 Miracle Ln. Santa Cruz, CA 95060

Item # 2 241286

A.P.N. 068-271-06

List of appellants:

Terri and Bruce Mastick - 285 Miracle Lane, Santa Cruz, CA 95060 (831) 566-0196  
tfarch@aol.com

Mary Alice Davis - 140 Miracle Lane, Santa Cruz, CA 95060

Brandon Gregg - 145 Miracle Lane, Santa Cruz, CA 95060

Scott Poncetta - 190 Miracle Lane, Santa Cruz, CA 95060

Gerry Rieger - 225 Miracle Lane, Santa Cruz, CA 95060

Aaron Lodge - 325 Miracle Lane, Santa Cruz, CA 95060

Nicole Benjamin - 325 Miracle Lane, Santa Cruz 95060

Members of the Planning Commission of Santa Cruz County and Santa Cruz Planning Department,  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060

Dear Planning Commission Members,

Property owners located on Miracle Ln. are appealing the decision of the Zoning Administrator to allow a vacation home located at the above mentioned address for various reasons. Please see the reasons listed below.

1. Staff report did not include concern or analysis about allowing a Conditional Use for a property as a short-term rental in the RA Zone in which the primary use of the property is Single-Family Residential and Agriculture. The removal of an existing long term residential rental from the housing market is not discussed in staff report. Currently the County Board of Supervisors is conducting studies regarding the removal of rental housing from the housing market. No applications for Vacation Rentals should be approved during this study period. Staff report did not include in the report that the Board of Supervisors is concerned and currently studying whether allowing a Conditional Use for a property as a short-term rental in the RA Zone, in which the primary use of the property is Single-Family Residential and Agriculture,

should be allowed. Please see letter from Andrea Rosenfeld, Exhibit G, page 27 of Staff Report for further information on this issue.

2. The Staff report has many inaccuracies and did not address all aspects of the use.
3. The timeline and noticing of the public hearing was confusing. Misunderstanding of Staff report completeness and timing did not allow public response to staff analysis. Staff did not include or analyze all public concerns that were received from the public and include them in the project packet. The period in which concerned public members could voice their views on Zoom was cut short because of the overrun of application that preceded item #2-241286 on the agenda.
4. Staff did not respond to neighbor request to meet at the property.
5. Issues of exterior Health and Safety were not analyzed as part of the Health and Safety of the Use. These issues should be addressed during analysis of a USE, which involves an entire property. Wildfire, WUI issues and construction standards, proximity to the creek and traffic issues were not taken into consideration as part of Health and Safety analysis in the staff report.
6. Approval of a Vacation Home accessed by a private lane or road and drainage way that is jointly maintained and financially supported by the all property owners on that lane or road should not be allowed. Approval of an application which increases a use that is accessed by means of a shared access should not be allowed. If approved, a legal Indemnification and Hold Harmless from the applicant to the affected property owners should be a Condition of Approval and the use should not be granted until a legal Indemnification and Hold Harmless is completed and filed with the property. A legal document should be required, at the applicants expense, similar to the Indemnification required of the applicant by the County.

#### Explanation of concerns of Planning Staff Report

##### Owner:

Staff incorrectly stated ownership. Owner is not James Babcock.

Correct Owner: Cheryl Babcock as Trustee for the Babcock Family Trust (as recorded in the Santa Cruz County Assessors Office) Please see letter submitted by Brandon Gregg, Exhibit G, page 29, Key Concerns: Item 2 of the Staff Report for further information regarding the ownership.

##### Analysis

The Staff report states: "Vacation rentals WITHIN residential structures are PERMITTED within the district"

RA Zone analysis: Vacation Rentals are NOT PERMITTED in the RA Zone, they are a Conditional Use.

Table 18.16-1 Residential Land Use Matrix, B & B type uses are a conditional use.

Table 13.10.322.1 Residential Use Chart lists Vacation Rentals as requiring a ADMINISTRATIVE OR CONDITIONAL USE PERMIT. Conditional uses should be

considered conditional. When concerned citizens bring attention to the fact that there are conditions of concern, these facts should be considered and analyzed in the decision process.

Public Input -

Staff report miss-statement: Miracle Ln. is stated in the staff report as “a privately maintained, two lane road that serves multiple parcels and private driveways.”

Miracle Ln. is a ONE LANE, PRIVATELY MAINTAINED road. And the intersection of Miracle Lane and Redwood Drive is a blind intersection which is a safety concern brought to attention by adjoining residents and not addressed in the staff report. Please see letters submitted by neighbors on Redwood Drive and Miracle Lane.

Conclusion by staff -

In the conclusion the staff analysis did not touch upon all issues.

1. Staff response only addressed interior aspects of the USE, did not address exterior use, and did not address Building Codes that need to be met by any increase in use granted to a property. Building Codes, Health Department regulations and Fire Department compliance to current codes should be re-assessed when an application for an INCREASED USE is proposed.
2. Staff did not address exterior aspects of the USE CHANGE - HEALTH AND SAFETY concerns. A VACATION RENTAL USE is an application for the use of an entire property. Many of these concerns have been brought up by surrounding neighbors who are permanent residents of the neighborhood. See concerns about increased traffic, noise, forest fires. These require review when assessing how a proposed project will affect the surrounding neighborhood and natural setting.

Discretionary Permit Findings - Partial analysis:

a. Health and Safety: Staff is supposed to analyze Healthy and Safety of “the proposed location of the project and the conditions under which it would be developed, operated or maintained will not be detrimental to the health, safety or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to PROPERTIES or IMPROVEMENTS in the vicinity.”

Staff states that “this finding can be made, in that the proposed residential vacation rental is located IN an existing residential structure in an area designated for residential uses and is not encumbered by physical constraints to development.”

This response is weak at best. There is no mention in the report of exterior uses of the property or that the project exists in the Wildland Urban Interface area (WUI) and has an eastern property line that is the centerline of Boomer Creek. It treats the use as if it an internal use only. The

response does not take into account any exterior, neighborhood and general public concerns. Many of these have been brought up by concerned neighbors residing both on Miracle Lane and Redwood Drive.

List of concerns regarding Health and Safety:

1. Wildfires- No exterior fires should be allowed. BBQ's, fire pits and outside smoking of any kind should not be permitted in the Wildland Urban Interface area.
2. Blind corner at intersection of Redwood Drive and Miracle Lane. Near misses by residents who are familiar with the area. PEOPLE NOT FAMILIAR WITH THE INTERSECTION WILL BE MUCH MORE LIKELY TO CAUSE A COLLISION THAT WILL BLOCK TRAFFIC TO ALL OF REDWOOD DRIVE
3. Miracle Lane is an un-lit mountain road with a deep roadside drainage swale. PEOPLE WHO ARE UNFAMILIAR WITH THE ROAD CAN EASILY DROP A WHEEL WHEN PULLING OVER TO LET A CAR PASS, WHICH WILL BLOCK ALL MIRACLE LANE ACCESS.
4. Miracle Lane has minimal area for emergency vehicle turn around. TURN AROUNDS AT THE TOP OF THE 220 MIRACLE LANE DRIVEWAY AND THE BASE OF THE 225 DRIVEWAY HAVE BEEN DESIGNED TO SERVE AS A TURN AROUND AND SHOULD BE LEFT OPEN TO ALLOW FOR VEHICLE TURN AROUND ON MIRACLE LANE. THIS SHOULD HAVE BEEN ADDRESSED AND PART OF THE CONDITIONS.
5. Road maintenance: Should the County allow Vacation Homes on roads and lanes that are maintained by residents of the County and are not maintained by the County. This is the real question. Miracle Lane is a private lane, which includes a roadside drainage swale accessing and protecting the residences of the lane. It is the responsibility of the residents to maintain the lane and swale. During the rainy months, residents of Miracle Ln. are consistently maintaining the road and swale. It is also the responsibility of this property owner to contribute to the on going maintenance of the road. As an absentee owner, the property owner offers no contribution to on going maintenance of the lane. The road and swale are designed to accommodate the traffic associated with the single family residences allowed in this RA Zone. ANY INCREASE IN USE SHOULD ADDRESS HOW THE PROPERTY OWNER, PROPOSING THE INCREASE AGREES TO INCREASE AND PROVIDE THEIR CONTRIBUTION TO ROAD AND SWALE COSTS AND ON GOING MAINTENANCE.
6. The staff report mentions interior fire alarms and carbon monoxide alarms. No interior fire sprinklers exist in the home per rules and regulations at the time it was built in 1985. Current Codes would require that this home have a sprinkling system and construction that meets WUI requirements.
7. VACATIONERS ALSO HAVE USE OF THE EXTERIOR OF THE PROPERTY. MIRACLE LANE IS LOCATED IN A WOODED AREA. THE PROPOSED USE ALSO BORDERS A CREEK THAT HAS DANGEROUS CURRENTS FOLLOWING A STORM. THE CONCERNS ADDRESSED BY NEIGHBORS HAVE NOT BEEN ADEQUATELY ADDRESSED BY STAFF. IN THIS DAY OF HEIGHTENED CONCERN ABOUT FOREST FIRES, THE LOCAL RESIDENTS ARE ALREADY ON EDGE ABOUT THE CHANCE OF FOREST FIRES. VISITORS DO COMMONLY DO NOT SHARE THE SAME CONCERN ABOUT A "SHORT TERM RENTAL PROPERTY". STAFF COULD HAVE ADDRESSED

THESE CONCERNS, STATED IN THE OBJECTIONS TO THE PROJECT, BUT DID NOT, AT THE VERY LEAST CONDITIONS COULD BE PLACED ON THE PROJECT THAT DO NOT ALLOW SMOKING, OUTDOOR BBQ'S OR OUTDOOR FIREPITS. (The County should place this restriction on any/all wooded area (WUI) vacation rentals in Santa Cruz County).

b. Zoning Conformance: RA Zone

The staff report incorrectly states that a vacation rental "is consistent with all pertinent County ordinances, including the vacation rental ordinance, and the PURPOSE OF THE RA (Residential Agricultural) zone district as the primary use of the property will be a residential vacation rental dwelling"

A vacation rental use is not a permitted use in the RA zone and is required to receive a Development Permit to become a vacation rental, this is a conditional use. A primary use of the property as "a residential vacation rental dwelling" does not meet the definition of a "single-family dwelling" that is low density in nature. This vacation home permit application allows 10-20 occupants and does not restrict the occupancy to a single family. This constitutes an increase in use beyond a single family residence.

Definition of RA Zone, Santa Cruz County Code 13.10.321-326: District Purposes: to provide areas of residential use where development is LIMITED to a range of non-urban density of SINGLE-FAMILY dwellings in areas outside the urban services line and rural services line: on the lands suitable for development with adequate water, septic system suitability, VEHICULAR ACCESS, and FIRE PROTECTION; with adequate protection of NATURAL RESOURCES; with adequate protection from natural hazards; and where small scale commercial agriculture, such as animal keeping truck farming and specialty crops, can take place in conjunction with the primary use of the property as residential.

Definition of RA Zone, State of California Code: RA Residential Agricultural Zone

RA zoning in California is a residential agricultural zoning district that allows low-density housing and agricultural uses. the goal of RA zoning is to PRESERVE LAND for agriculture and prevent urban development from making it impractical.

Uses:

Residential

Single-family homes, accessory uses, and very low-density residential units.

Agricultural

Orchards, nurseries, vineyards, cattle grazing, and growing flowers, fruits and vegetables.

Development standards:

Proposed development and agricultural uses should maintain natural vegetation and topography

The maximum allowable density is 4.6 acres per dwelling unit.

Single-family dwellings should have a minimum lot area of one acre

Purpose:

To preserve lands best suited for agriculture.

To prevent urban development from making agricultural production un economical.

To provide appropriate areas for certain predominately open uses of land.

c. General Plan Conformance - RR Zone Overlay

I question Planning Staff statement that the “proposed residential vacation rental use is consistent with the USE and DENSITY requirements specified for the RR (Rural Residential) land use designation”. Please see definition below. A vacation rental increases the use beyond that of a Single Family residence, allowing 10 - 20 people to use the home on a continual basis.

RR Rural Residential District, General Plan overlay, County Code 13.10.321-326 District Purposes: To provide areas of residential use where development is LIMITED to a range of non-ban densities of SINGLE FAMILY dwellings in areas having services similar to RA areas, but which are RESIDENTIAL in character rather than agricultural due to the pattern of development and use in the area and of the presence of constraints which preclude of the property for agriculture.

d. CEQA Conformance: “The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.”

Is this project really exempt from further CEQA review? When considering the entire property as a Vacation Rental the proximity of the residence rear deck to Centerline of the Creek. The eastern property line of the property is the centerline of Boomer Creek and should be considered. Boomer Creek is an active creek and has dangerous currents following a storm. Also, the banks of the creek will experience increased erosion by vacationers, who will be explore the creek.

Staff states that the Vacation Home use is a categorical Exemption. Staff claims that “a short term vacation rental, will not result in environmental impacts in that the vacation rental use is synonymous with a residential use.”

Class 1 - Existing Facilities: Staff analysis: “Conversion of an existing single family residence, to a short term residential vacation rental, will not result in environmental impacts in that a vacation rental use is synonymous with a residential use.”

Staff fails to discuss increase in use from single-family to that equivalent to a Multi-Family or Assembly USE. Staff does not discuss the proximity of the residence and exterior decks to the property line that is the Centerline of Boomer Creek.

Class 3- Conversion of Small Structures: Staff analysis: “ Conversion of the existing single family residence, to allow for short term vacation rental use, will not result in modifications to the existing, legally constructed residential structure.

In this statement, Staff fails to recognize that this structure, built in 1985 no longer meets the requirements of the Building Department and would not be allowed to be built “as is” in the WUI area. When USE changes are proposed in other types of projects, buildings are required to be brought up to code for the use.

e. Utilities and Traffic Impacts: “The proposed use will not overload utilities, result in inefficient or wasteful use of energy”, or generate more than an acceptable level of traffic on the streets in the vicinity”

The staff report does not adequately address traffic and utilities as they relate to a Vacation Use in its entirety. Traffic is not assessed. The septic system, a utility, is not assessed. Staff previously describes Miracle Lane as a TWO LANE ROAD, which it is not. The staff report does not address concerns from the public regarding the intersection at Redwood Drive and the one lane road, Miracle Lane. The intersection of Redwood Drive and Miracle Lane is a blind intersection in which there have been many near misses even with residents familiar to the area. Miracle Lane is an unlit private lane, designed with a steep roadside drainage swale. People unfamiliar with the road can easily drop a wheel into the swale, blocking the road to all traffic and harming the swale. Miracle Lane is also not maintained by the County. Each resident along Miracle Lane contributes to the maintenance of the road. Additionally, Miracle Lane does not have adequate turn around. The top of the driveway at 220 and the base of the driveway at 225 are designed to act as a “turn around”. Conditions of approval should not allow parking in the top of the driveway in the 220 Miracle Ln. “turn around” area. This is not addressed.

Should the County allow Vacation Homes on parcels which are accessed by roads not maintained by the County?

No, this should be addressed in overall County policy regarding the approval of Vacation Rentals. Roads not maintained by the County should not allow Vacation Rentals. If a property owner seeking approval of an increased use on a property accessed by a lane or road maintained and financially supported by multiple property owners the owner should be required increased maintenance and financial participation in the road, lane and drainage maintenance proportionate to the increase associated with the Use. Planning staff should address such concerns in the staff report and address the concerns in the conditions of approval.

Additionally, the septic system design for the single-family residence built in 1985 is for a single-family residence with four bedrooms. A single family residence with 4 bedrooms houses approximately 4-6 people. This vacation rental allows 10 - 20 people. Staff does not address septic issues, nor does the County require that Environmental Health be checked for the adequacy of the system. This should be a required part of an approval of a Vacation Rental use.

f. Neighborhood Compatibility: “The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit intensities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.”

Staff findings state that “the SHORT-TERM” (30 days?) vacation rental is proposed WITHIN an existing residential dwelling located within a residential neighborhood, CONSISTANT with the land use INTENSITY and DENSITY of residential neighborhoods.”

Vacation Home Rental Uses do not exist entirely “within” a residence. In fact the USE includes the entire property. This increase in use is not consistant with the RA Zone or the RR overlay of the General Plan. It is an intensification of use, specifically discouraged in the RA and RR Zones.

### Site Development Permit Findings

#### a. Siting and Neighborhood Content:

The Parcel Maps inaccurately portray the Site boundary, as bordering Boomer Creek. Please note the Assessors Parcel Map. The eastern property boundary is the Centerline of Boomer Creek.

Property description does not list the 10’ PGE easement located on sothern property boundary.

Parcel Information does not address the creek which is a portion of this property.

#### b. Design:

Staff finding: “The proposed development is in substantial conformance with applicable principles in the adopted “Countywide Design Criteria” except as prohibited by Site constraints, and any other applicable requirements of SCCC 13.11.....”

Staff findings state that because no exterior changes are being proposed that the proposed “short-term” (30 days?) vacation rental is substantial conformance with the requirements of the County Design Review Ordinance”. Exterior changes SHOULD be required as part of this application to bring it up to CODE. This finding is weak in a variety of ways. It indicates the holes between what may be allowed by the Planning Department and what will be allowed by the Building Codes and Building Department.

This structure, permitted in 1985, does not meet Wildlife Urban Interface (WUI) requirements of the Building Department today. Such things as: No interior sprinkling system, lack of guardrails on the lower decks above 18”, disallowed use of shingled siding in the WUI area, disallowed method of attic ventilation, disallowed eave design, etc. would a Building Department consideration if constructing in the WUI areas of the County today. Use permits for an INCREASED USE should be required to go through all departments.

Further concerns about wild fire in more recent years should be cause to route applications for an Vacation Rentals, an INCREASED USE to be routed to the Fire Department. Fire concerns have long term residents in the WUI areas installing exterior sprinkling systems (not yet a requirement of the Building or Fire Departments) to defend their own properties.

### Conditions of Approval

The appellants to this ZA approval for the use of a Vacation Rental at 220 Miracle request that the Planning Commission re-examine the proposal for this use. Since the Board of Supervisors is re-examining the Vacation Rental Use in the County of Santa Cruz the approval of this project should not be approved. Also, strong consideration should be given to the removal of Single Family residence long term rental housing. Vacation Rental Use should not be granted on a private lane or road that is not maintained by the County.

If the approval of this use is granted, the neighbors bordering this property request review of all approved conditions. We have not been informed of the final Conditions of Approval placed on the approval of this project.

IF approval of this Use is granted, IN ADDITION TO the "typical" Conditions of Approval (A - S) currently placed on this proposal, additional conditions should be placed on the property as outlined in the many concerns stated by the surrounding residents. These conditions should also be required to be stated in the "House Rules" listed for the project.

1. Approval of the Vacation Home Use should require a contact number and address of a responding responsible party, other than the Sheriff's Office, This contact number should be provided to the neighbors in order to obtain attention to a complaint in an expedient manner.
2. No outdoor fires or smoking of any kind should be allowed on the property. This should be posted inside the Vacation Rental and included the "House Rules" in the "House Rules" and in the contract for use.
3. No parking should be allowed at the top of the 220 Miracle Ln. driveway to allow for vehicle turn around space designed into the neighborhood. This notice should be posted inside of the Vacation Rental and included in the "House Rules" and the contract for use.
4. Notice should be posted to users of the property that the intersection of Redwood Dr. and Miracle Ln. is a blind intersection and PLEASE USE THE MIRROR and take heed of on coming traffic on REDWOOD DR., at the bottom of Miracle Ln.
5. Indemnification and Hold Harmless from the owner to the affected property owners should be required.
6. Additional conditions may be necessary.

### III Indemnification:

Vacation Rentals should not be allowed on private lanes. When and in the event that the USE may be granted, and a Vacation Use is allowed on a private lane, for which adjoining property owners and the Property Owner for the proposed project are jointly responsible for the maintenance and upkeep of the lane/road and associated drainage, etc., an indemnification and a hold harmless should be required for all property owners affected by the action to allow the Vacation Rental and the indemnification and hold harmless should be in place prior to approval of the USE as a Vacation Rental. The applicant should be responsible for all legal fees.

1. Approval of Vacation homes on private lanes in the unincorporated areas of Santa Cruz County should be disallowed and discouraged. Vacation Rentals should only be allowed on County maintained roads. Properties that gain access by way of a private drive should not be allowed. If approval is granted it should not be granted until a legal document is drawn up, by a licensed attorney, between property owners affected by this INCREASED USE. The cost of such document should be covered by the applicant for the USE.
2. Vacation Homes should not be allowed outside of Zones and districts set aside for Tourism and Tourist Accommodations.
3. Vacation Rentals should not be allowed in WUI areas without substantial review and required Building Code, Building Department, Health Department, and Fire Department upgrades.

Thank you for your attention to this appeal.

If you have any questions please contact Terri Fisher- Mastcik (representative for the Miracle Lane neighbors): (831) 566-0196 [tfarch@aol.com](mailto:tfarch@aol.com)

Sincerely,

Terri and Bruce Mastick, Mary Alice Davis, Brandon Gregg, Scott Poncetta, Gerry Rieger, Arron Lodge, Nicole Benjamin



# Staff Report to the Zoning Administrator

Application Number: **241286**

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**Applicant:** James Babcock

**Agenda Date:** February 21, 2025

**Owner:** James Babcock

**Agenda Item #:** 2

**APN:** 068-271-06

**Time:** After 9:00 a.m.

**Site Address:** 220 Miracle Lane, Santa Cruz 95060

## Project Description:

Proposal to establish a new four-bedroom vacation rental for the purpose of overnight lodging for a period of not more than 30 days at a time. Requires a Vacation Rental Permit.

**Location:** Property is located on the eastern side of Miracle Lane (220 Miracle Lane), approximately 550 feet north of the intersection of Miracle Lane and Redwood Drive in Santa Cruz.

**Permits Required:** Vacation Rental Permit

**Supervisory District:** 1<sup>st</sup> District (District Supervisor: Manu Koenig)

## Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 241286, based on the attached findings and conditions.

## Analysis

The subject property is developed with an existing four-bedroom single-family residence, not located in any of the Designated Areas described in Santa Cruz County Code 13.10.694(C). The two-story single-family dwelling was originally constructed in 1985 under permit #78046; a subsequent remodel in 2020 was authorized to enclose an existing breezeway from the dwelling to the garage, resulting in dwelling that contains four bedrooms and three bathrooms.

Vacation rentals within residential structures are permitted within the RA zone district, and the operation of the vacation rental is required to comply with all requirements of the vacation rental ordinance. Vacation rental permits are subject to renewal pursuant to County Code Section 13.10.694(D)(3), as conditioned.

The provided parking will meet the requirements of SCCC 13.10.694(D)(2)(c)(iv) B. Pursuant to this Code Section, parking for vacation rentals is limited to the number of on-site parking spaces.

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A minimum of one on-site space is required for vacation rentals containing one or two bedrooms and a minimum of two on-site spaces is required for rentals containing three or more bedrooms. The subject dwelling is comprised of four bedrooms; therefore, two on-site parking spaces are required. Four parking spaces are available on-site, meeting the parking requirements of SCCC 13.10.694(D)(2). Due to the lack of on-street parking available along Miracle Lane, parking shall be limited to the number of on-site spaces.

Pursuant to SCCC 13.10.694(D), vacation rental permits expire the same month and day five years subsequent to the effective date of the Vacation Rental/Renewal Permit; therefore, the date of expiration of this permit is March 07, 2030.

Kristina Delic has been designated as the 24-hour contact for the vacation rental. Kristina Delic is located in Boulder Creek, within the required 30-mile response radius from the proposed vacation rental property.

The property is not located within any of the Vacation Rental Designated Areas, therefore, not subject to the designated area caps or block limits described in SCCC 13.10.694(D).

### **Public Input**

County Staff received several emails from neighbors with concerns regarding noise, fire risk, traffic, and road safety (Exhibit G).

The vacation rental ordinance requires that all vacation rentals comply with the standards of the County's noise ordinance (SCCC 8.30); additionally, a copy of the noise ordinance shall be posted inside the vacation rental in a location readily visible to all guests. The noise ordinance sets thresholds for offensive noise, and a noise shall be automatically considered offensive if it occurs between the hours of 10:00 p.m. and 8:00 a.m. Citations for any violations of Chapter 8.30 are considered to be a 'significant violation'; if two significant violations occur on a vacation rental property within a 12-month period, the permit shall be noticed for a public hearing to consider permit revocation.

Access to the site requires taking Glen Canyon Road, to Redwood Drive, to Miracle Lane. Glen Canyon Road and Redwood Drive are County maintained and moderately trafficked. Miracle Lane is a privately maintained, two-lane road that serves multiple parcels and private driveways.

Santa Cruz County is comprised of several rural communities where properties are accessed from narrow winding private roads. Vacation rental permits are routinely issued on legally developed parcels throughout these rural communities. The subject parcel was legally developed with permits in 1985; therefore, it was determined at the time of building permit issuance that site access complied with fire and emergency access requirements.

### **Conclusion**

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### **Staff Recommendation**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **241286**, based on the attached findings and conditions.

**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Division, and are hereby made a part of the administrative record for the proposed project.**

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.sccoplanning.com](http://www.sccoplanning.com)**

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### **Exhibits**

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans, Lease Agreement and 24hr Contact
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Comments & Correspondence

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Division has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 241286  
Assessor Parcel Number: 068-271-06  
Project Location: 220 Miracle Lane, Santa Cruz 95060

**Project Description:** Proposal to establish a new four-bedroom vacation rental for the purpose of overnight lodging for a period of not more than 30 days at a time.  
Requires a Vacation Rental Permit

**Person or Agency Proposing Project: James Babcock**

**Contact Phone Number: (415) 444-9608**

- A.  The proposed activity is not a project under CEQA Guidelines Section 15378.
- B.  The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C.  **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D.  **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
- E.  **Categorical Exemption**

**F. Reasons why the project is exempt:**

Class 1 – Existing Facilities: Conversion of an existing single family residence, to a short term residential vacation rental, will not result in environmental impacts in that a vacation rental use is synonymous with a residential use.

Class 3-Conversion of Small Structures: Conversion of the existing single family residence, to allow for short term vacation rental use, will not result in modifications to the existing, legally constructed residential structure.

In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Michael Lam, Project Planner

Date: 02/21/2025

## Discretionary Permit Findings

- (a) Health and Safety. The proposed location of the project and the conditions under which it would be developed, operated, or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made; in that the proposed residential vacation rental is located in an existing residential structure in an area designated for residential uses and is not encumbered by physical constraints to development. The residential vacation rental will comply with health and safety standards established for vacation rental units, including smoke and carbon monoxide alarms, working ground fault circuit interrupters, emergency egress in all sleeping rooms, and handrails along stairs and walking surfaces above 30 inches in height to insure the optimum in safety. In addition, the vacation rental standards address noise, occupancy, and parking to ensure that there are no detrimental effects of the vacation rental.

- (b) Zoning Conformance. The proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance with the intent and requirements of all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the location of the proposed vacation rental and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances, including the vacation rental ordinance, and the purpose of the RA (Residential Agricultural) zone district as the primary use of the property will be a residential vacation rental dwelling that meets all requirements of the vacation rental ordinance.

- (c) General Plan Conformance. The proposed project is in substantial conformance with the intent, goals, objectives, and policies of all elements of the County General Plan and any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential vacation rental use is consistent with the use and density requirements specified for the R-R (Rural Residential) land use designation in the County General Plan as it is a residential use in an existing residential structure and the vacation rental ordinance implements the standards contained in the Noise Element of the General Plan.

A specific plan has not been adopted for this portion of the County.

- (d) CEQA Conformance. The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.

This finding can be made, in that the project has been determined to be exempt from further review under the California Environmental Quality Act, as indicated in the Notice of Exemption for this project.

- (e) Utilities and Traffic Impacts. The proposed use will not overload utilities, result in inefficient or wasteful use of energy, or generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed residential vacation rental is to be located within an existing single family residential structure. The expected level of traffic generated by the proposed vacation rental is commensurate to any other residential use of the dwelling because the short term rental occupancy of a residence does not change the type of use within the dwelling and, further, guest celebrations that result in temporary increased traffic can occur with both non-vacation rental residential use and vacation rental use. The project will not overload utilities or otherwise result in an inefficient or wasteful use of energy.

- (f) Neighborhood Compatibility. The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding can be made, in that the short-term vacation rental is proposed to be located within an existing residential dwelling located within a residential neighborhood, consistent with the land use intensity and density of residential neighborhoods. Both non-vacation residential uses and vacation rental uses can include celebrations that result in temporary increase in vehicles and building occupancy.

- (g) Local Coastal Program Consistency. For proposed projects located within the coastal zone, the proposed project is consistent with the provisions of the certified Local Coastal Program.

This finding is not required, in that the project site is not located within the coastal zone.

### **Site Development Permit Findings**

- (a) Siting and Neighborhood Context. The proposed development is designed and located on the site so that it will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding can be made, in that the proposed short-term vacation rental is in substantial conformance with the requirements of the County Design Review Ordinance because no exterior changes to the existing residence are proposed as part of this application.

- (b) Design. The proposed development is in substantial conformance with applicable principles in the adopted Countywide Design Guidelines, except as prohibited by site constraints, and any other applicable requirements of SCCC 13.11 (Site Development and Design Review). If located in the Coastal Zone, the site plan and building design are also in substantial conformance with the policies of the Local Coastal Program and coastal regulations of SCCC 13.20.

This finding can be made, in that the proposed short-term vacation rental is in substantial conformance with the requirements of the County Design Review Ordinance because no exterior changes to the existing residence are proposed as part of this application.

## Conditions of Approval

Exhibit D: Project plans, prepared by James Babcock, dated July, 2019.

- I. This permit authorizes the operation of a vacation rental for the purpose of overnight lodging for a period of not more than 30 days at a time, as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to Santa Cruz County Planning one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. Operational Conditions
  - A. The vacation rental shall be maintained and operated so that, at all times, it is in compliance with the items listed on the Vacation Rental Certification form on file with the Department of Community Development and Infrastructure.
  - B. Issuance of this permit shall not infer approval of new development or the private use of any property outside of the subject parcel boundary, including public and private rights-of-way, State Parks land, and County owned property. The term "new development" shall include, but is not limited to, fencing, patios, and accessory structures. The term "use" shall include, but is not limited to, outdoor seating, parking (in non-designated areas), and storage of equipment or materials.
  - C. The maximum, overnight occupancy of the vacation rental shall not exceed 10 people (two per bedroom, plus two additional people, children under eight not counted).
  - D. The maximum number of vehicles associated with the overnight occupants shall not exceed four (number of on-site parking spaces, *two in garage, two in driveway*). (*Amended by the Zoning Administrator on February 21, 2025*).
  - E. No on-street parking is allowed *on Miracle Lane or Redwood Drive at any time. This restriction applies to both over-night occupants and any daytime guests as allowed for celebrations. All parking shall be accommodated within the four on-site spaces at all times. (Amended by the Zoning Administrator on February 21, 2025)*.
  - F. *All advertising and lease agreements for this vacation rental shall clearly state the above parking restrictions. The lease agreement shall include a signature line for guests to acknowledge this condition prior to final booking. (Added by the Zoning Administrator on February 21, 2025)*.
  - G. The maximum occupancy allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m. shall not exceed 20 people (twice the number of overnight occupants, children under 8 not counted).

- H. Occupants and guests shall adhere to the noise standards contained in the County Noise Ordinance (County Code Chapter 8.30). A copy of the County Noise Ordinance (County Code Chapter 8.30) shall be posted inside the vacation rental in a location readily visible to all guests.
- I. Vacation rental rules shall be posted inside the vacation rental in a location readily visible to all guests. The rules shall include, but not necessarily be limited to the following: maximum number of guests allowed; maximum number of people allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m.; maximum number of vehicles allowed; restrictions on noise (contained in the County Noise Ordinance), illegal behavior, and disturbances, including an explicit statement that fireworks are illegal in Santa Cruz County; and directions for trash management.
- J. Fireworks are illegal in Santa Cruz County and prohibited at the vacation rental.
- K. *No fires or other open flames are allowed outside the vacation rental, including candles. Use of the provided propane fire pit is acceptable. (Added by the Zoning Administrator on February 21, 2025).*
- L. *Ashtrays shall be provided in all outdoor use areas for use by guests that smoke. (Added by the Zoning Administrator on February 21, 2025).*
- M. The vacation rental shall have 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. The sign shall not exceed 216 square inches, be legible from, and be posted no more than 20 feet back from the nearest street. For all rentals, the sign shall also display the beginning and end dates of the five-year vacation rental permit. Sign information shall be updated upon any renewal of this permit. The sign shall be continuously maintained while the dwelling is rented.
- N. The name, address, and telephone number(s) of the local property manager (24-Hour contact person) shall be posted inside the vacation rental in a location readily visible to all guests.
- O. Any change in the local property manager's name, address, or telephone number shall be promptly furnished to the Planning Department, the local Sheriff Substation, the Auditor-Controller-Treasurer Tax Collector, the main County Sheriff's Office, and the local fire agency, and to the property owners of all properties located within a 300-foot radius of the boundaries of the parcel on which the vacation rental is located. Proof of mailing or delivery of the updated contact information to all of the above shall be submitted to the Planning Department within 30 days of change in the local property manager's contact information.

In addition, the applicant shall complete the online contact (see link below) information survey to ensure that the Community Development and Infrastructure Department is apprised of current contact information and for emergency notifications by the County Office of Response, Recovery and Resilience. Survey

can be accessed via this link: <https://forms.office.com/g/5kjuAnC8n6>.

- P. The local property manager (24-hour contact person) shall be located within 30 miles of the vacation rental. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Failure to respond within 60 minutes of being contacted, as verified by County Code Enforcement staff or the County Sheriff, shall constitute a significant violation and may lead to revocation of the permit in accordance with SCCC 18.10.136.
- Q. *All advertising and lease agreements for this vacation rental shall state that Miracle Lane is a steep, winding, private single-lane mountain road and that all guests shall drive cautiously and shall be mindful of pedestrians and wildlife. The lease agreement shall include a signature line for guests to acknowledge this condition prior to final booking. (Added by the Zoning Administrator on February 21, 2025).*
- R. All advertising for vacation rentals shall include the vacation rental permit number in the first two lines of the advertisement text, and where photos are included, a photo containing the permit number shall be included, as well as a photo of the required signage that includes the 24-hour contact information and vacation rental identification. Advertising a vacation rental for a property without a vacation rental permit is a violation of this chapter and violators are subject to the penalties set forth in SCCC 19.01.
- S. The owner/applicant shall comply with the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for the vacation rental unit.
- T. Permits for vacation rentals shall expire five years from the date of approval. To continue in operation as a legal vacation rental, an application to renew the permit must be made before the expiration date, but no sooner than 180 days before the expiration date. Vacation rental permits are non-transferable and become void when a property transfer triggers reassessment.
- U. A violation of any of the requirements to obtain a vacation rental permit may be grounds for denial of a new vacation rental permit application. Further, violations of vacation rental regulations, or of any other provision of the Santa Cruz County Code, may be grounds for denial of a renewal application or revocation of an existing vacation rental permit after consideration at a public hearing by the Zoning Administrator (or by the Planning Commission upon referral).
- V. If more than two significant violations occur on a vacation rental property within a 12-month period, a permit shall be noticed for a public hearing to consider permit revocation, pursuant to SCCC 18.10.136. "Significant violations" are: citations for violation of SCCC 8.30 (Noise); violation of any specific conditions of approval associated with the permit; mis-advertising the capacity and limitations applicable to the vacation rental; written warnings, or other documentation filed by law enforcement; violations of State or County health regulations; non-compliance with a public health order or emergency regulation issued by State or local authorities which may limit use and occupancy of vacation rentals; delinquency in payment of

transient occupancy taxes, fines, or penalties; non-responsive property management, including failure by the local property manager to respond to calls within 60 minutes; and failure to maintain signage. In the event a permit is revoked, the person or entity from whom the permit was revoked shall be barred from applying for a vacation rental permit for the same parcel without prior consent of the Board of Supervisors.

- W. The Vacation Rental shall provide overnight lodging for a period of not more than 30 days at a time.
- X. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

### III. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. Settlement. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms

or conditions of the development approval without the prior written consent of the COUNTY.

- D. Successors Bound. The “applicant/owner” shall include the applicant and/or the owner and the successor’(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

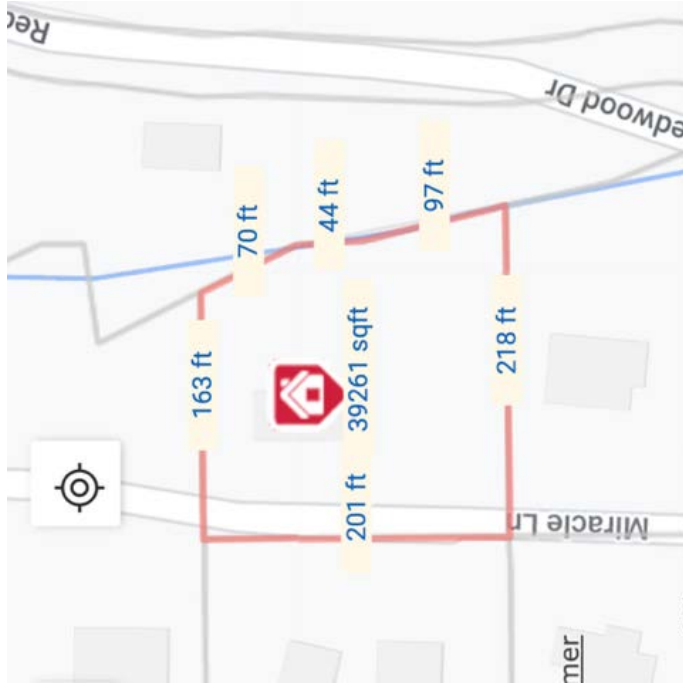
**Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.**

Approval Date:                    02/21/2025  
Effective Date:                    03/07/2025  
Expiration Date:                   03/07/2030

\_\_\_\_\_  
Deputy Zoning Administrator

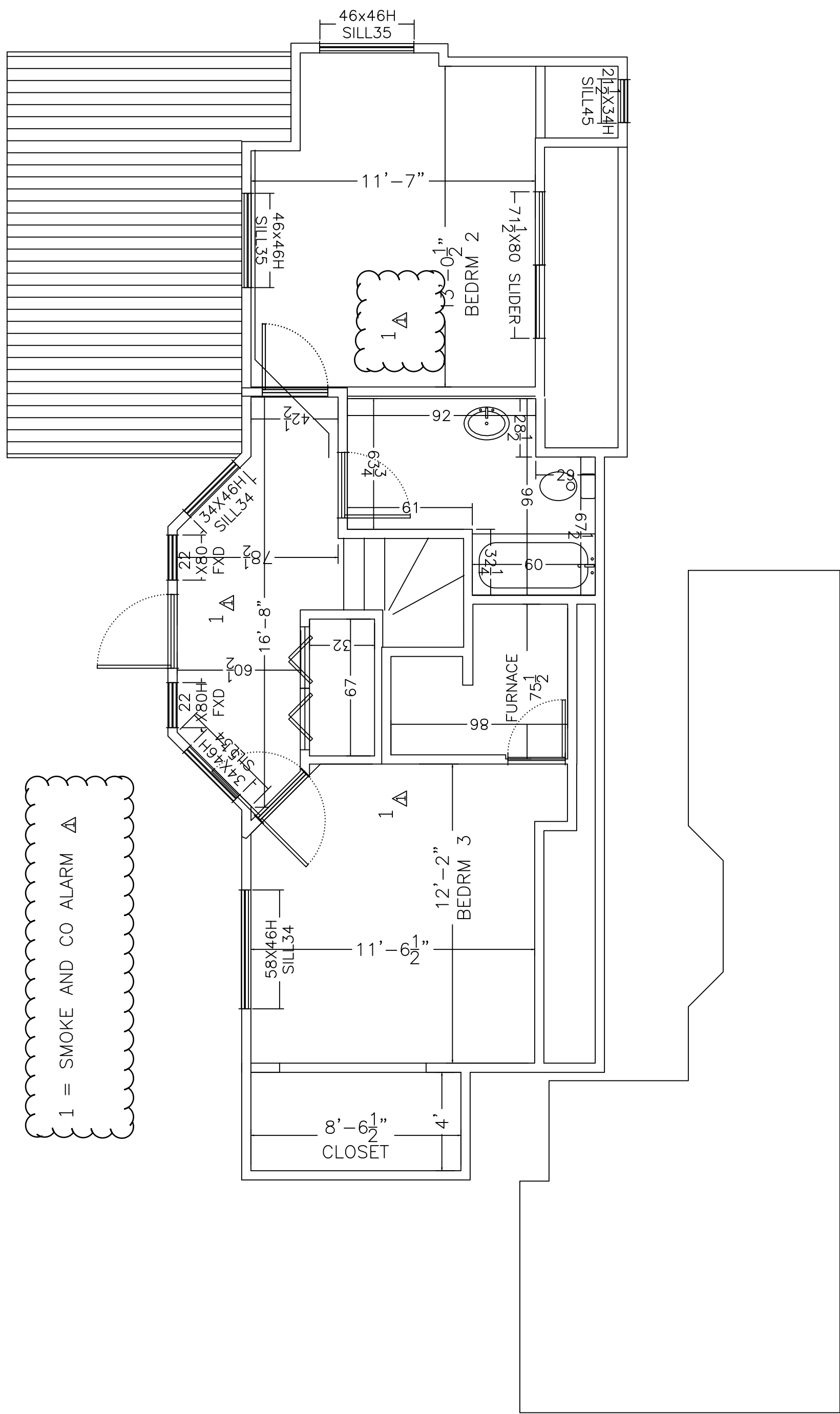
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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.











# Vacation Rental Permit & Renewal Application Form

## 24-Hour Contact

NOTE: The 24-hour contact must reside within a 30-mile radius of the vacation rental.

Name: Kristina Delic

Physical Address: 363 River Drive

City: Boulder Creek State: CA Zip Code: 95006

Phone No.: 831 431 7215 Email: keykeydelic@gmail.com

## Elected / Public Official or County Employee Information Publication

If the contact person identified above is an elected or appointed official (including a public safety official) as defined by sections 6254.21 or 6254.24 of the California Government Code, this application must be signed below by the contact person and constitutes written permission under Government Code section 6254.21 that the contact person's name and phone number may be placed on the County's internet website. If the contact person identified above is an employee of the County of Santa Cruz within the scope of section 468 of the County Procedures Manual, this application must be signed below by the contact person, it constitutes a waiver of the provisions of that section, and it constitutes written permission to place the contact person's name and phone number on the County's internet website.

\_\_\_\_\_  
Contact person signature, if applicable

\_\_\_\_\_  
Date

## VACATION RENTAL SHORT-TERM LEASE AGREEMENT

This Vacation Rental Short Term Lease Agreement, hereinafter referred to as “Agreement,” is entered into by \_\_\_\_\_ [name of tenant], a resident of \_\_\_\_\_ [address of tenant], hereinafter referred to as “Tenant” and by James Babcock with a business address of 100 Shoreline Highway, Suite B280, hereinafter referred to as “Landlord.”

1. **The Property.** The property is described as a house with 2 bedrooms and 3 bathrooms that is located at 220 Miracle Lane, Santa Cruz, California 95060 [Property Location], hereinafter referred to as the “Property.”
2. **Period of Stay and Allowable Number of Guests.** The total people in renting party (i.e., Tenant and others staying with Tenant on the Property) shall not exceed 4 guests. The rental period shall be as set by Air BnB.
3. **Rental Amount.** The total rental amount, cleaning fee, taxes, and other charges for the period shall be as set through Air BnB.
4. **Rental Deposit and other fees.** The landlord reserves the right to retain any initial Rental Deposit after the fully refundable period prior to the rental start date. The amount is fully refundable up to one week prior to the start date.
5. **Termination of Agreement.** Upon request, the Landlord may inspect the premises and make any necessary repairs with prior notice in accordance with applicable laws. If any of the terms of this agreement are violated by the Tenant, the rental period shall be immediately terminated in accordance with applicable law.
6. **Vacation of Premises.** When this agreement is terminated, the Tenants waive all rights to process if they do not vacate the premises by the specified date and time. The Tenants must vacate the premises at that time and date agreed upon.
7. **Maintenance and Repairs of the Property.** In addition, the Tenants must keep the premises clean and ready for rent and use them legally and carefully. The tenants must pay for maintenance and repairs if they leave the premises in a lesser condition. If tenants

damage the premises or furnishings, the Landlord will deduct the cost of said services from the security deposit before reimbursing the deposit.

8. **House Rules.** The tenant agrees to abide by the following House Rules at all times and shall ensure all rental guests and anyone else who is allowed on the property abide by them:
  - A guest must be at least 21 years of age unless accompanied by an adult
  - Pets are not allowed
  - The check-in time is after 4 PM, and the check-out time is by 10 AM
  - Between 10 PM and 8 AM, please be respectful of the neighbors and reduce the volume of your noise
  - Gatherings must occur between 8 AM and 10 PM, and the number of visitors shall not exceed 8.
  - No more than 3 vehicles are allowed.
  - Trash must be kept in closed containers and not allowed to accumulate.
  - Illegal activity of any kind is prohibited, including the use of fireworks.
9. **Subletting.** No right of subletting shall be granted to the Tenant.
10. **Respect Quiet Enjoyment.** Tenants are expected to behave civilly and respect the rights of surrounding property owners while remaining respectful of them. They shall refrain from creating noise or disturbances likely to disturb or irritate the surrounding property owners. As a consequence of creating a disturbance of this nature, this agreement will be immediately terminated, and Tenants will have to vacate the premises immediately.
11. **Landlord's Liability.** The Landlord's liability for personal injury or property damage arising from the use of premises is indemnified and held harmless by Tenants and Tenants' Guests, regardless of the nature of the injury or damage. The tenants explicitly acknowledge that any insurance the landlord maintains does not cover their personal property, so they should purchase their insurance.
12. **Attorney's Fees.** If legal action is required to enforce this agreement, Tenant will be responsible for Landlord's reasonable attorney's fees and other costs.

13. **Use of Property.** It is expressly acknowledged and agreed that Tenants do not intend to use the Property as a residence or household or for commercial purposes during the term of this Agreement. Neither the tenant nor any other party may use the property for illegal activities. This agreement will terminate without a refund of rent and deposits.

14. **Governing Law.** This contract is governed by the laws of the state of California where it was entered.

Landlord and Tenant agree to the above conditions on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and hereby swear that the information provided is accurate and true:

Tenant 1's Signature \_\_\_\_\_ Tenant 2's Signature \_\_\_\_\_

Tenant 1's Print Name \_\_\_\_\_ Tenant 2's Print Name \_\_\_\_\_

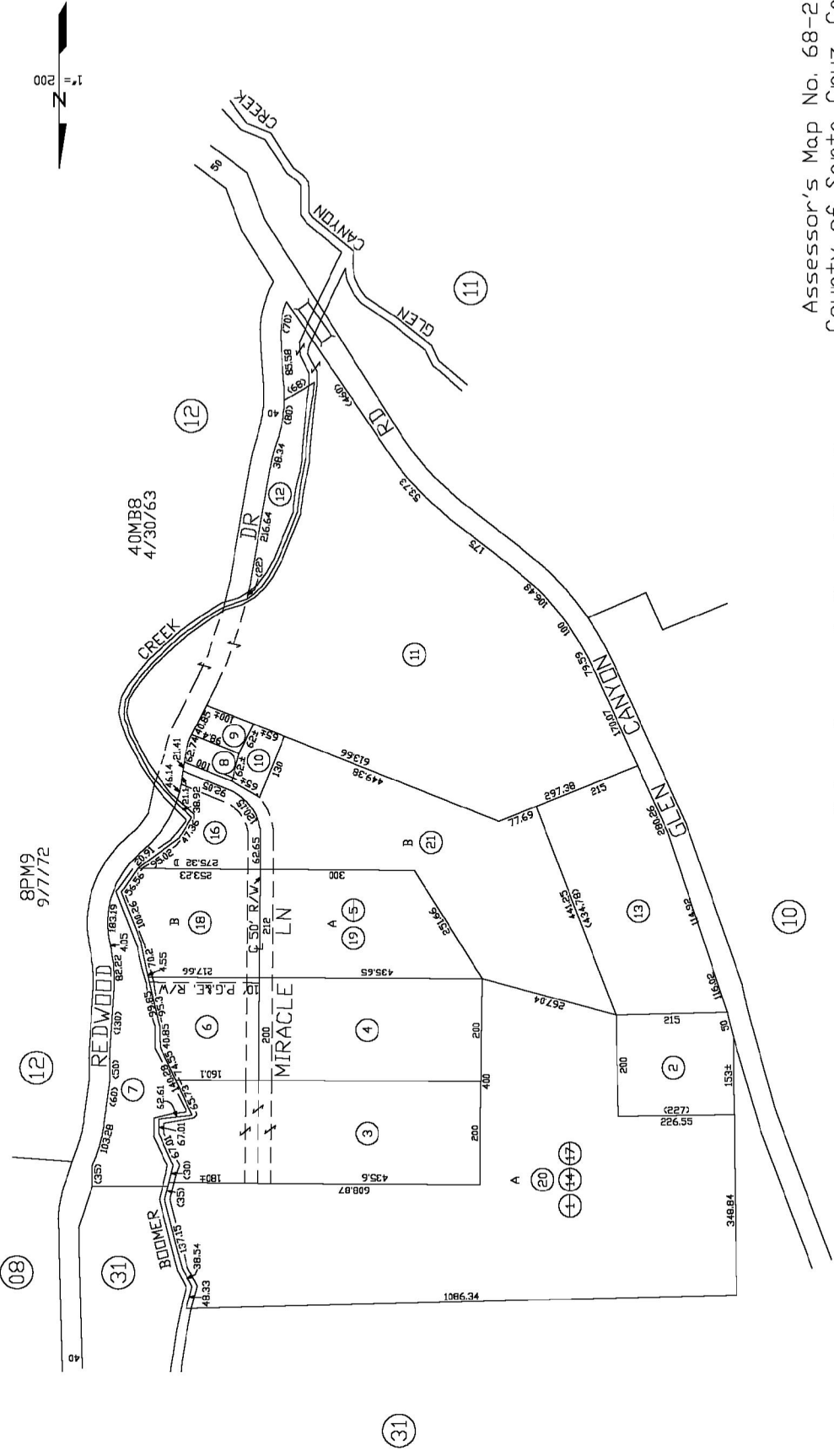
Date \_\_\_\_\_ Date \_\_\_\_\_

Landlord's Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

FOR TAX PURPOSES ONLY POR. S.W. 1/4 SEC. 31, T.10S., R.1W., M.D.B. & M. Tax Area Code 68-27  
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

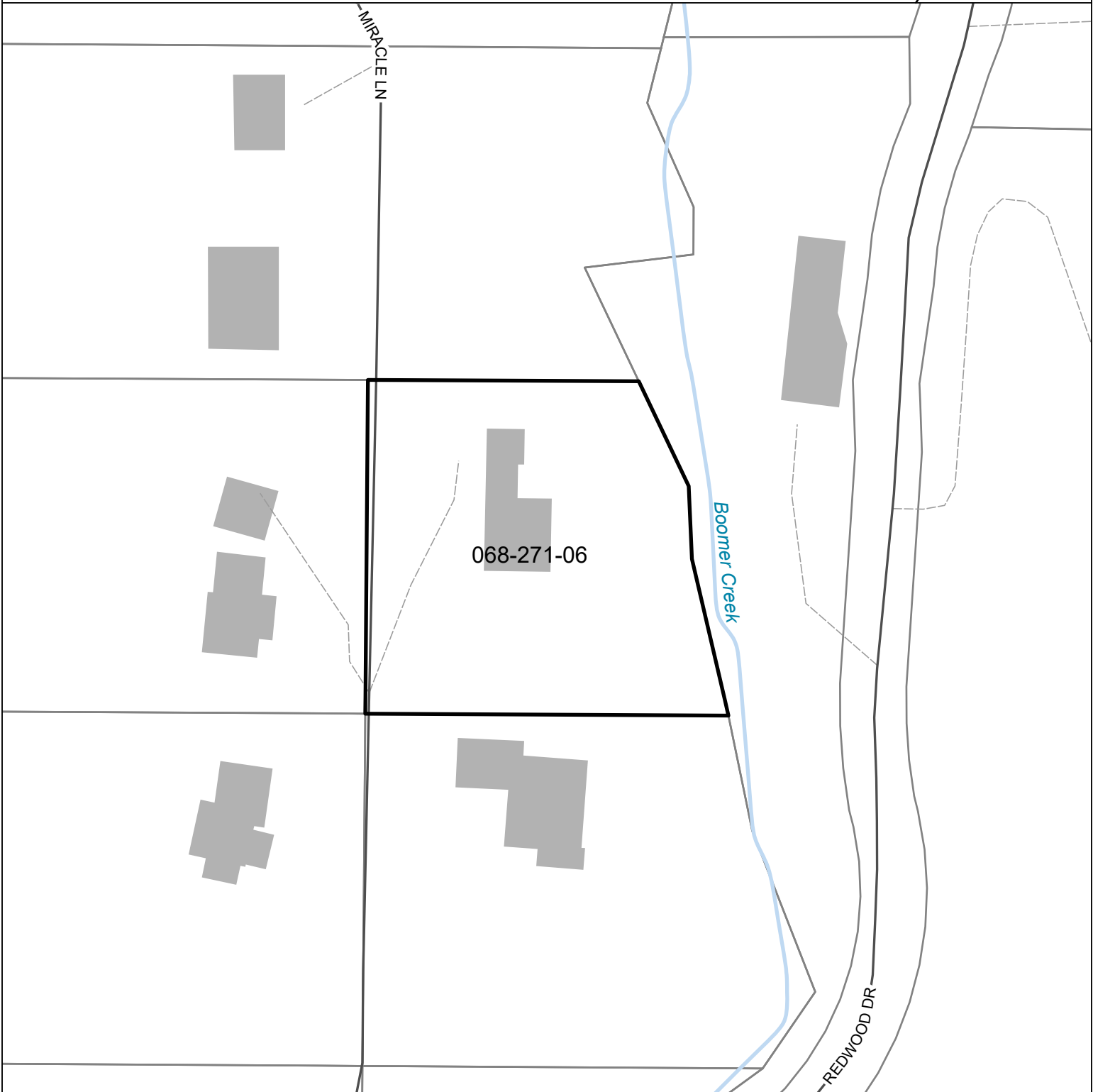


Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

Assessor's Map No. 68-27  
 County of Santa Cruz, Calif.  
 Aug. 1999



# Parcel Location Map



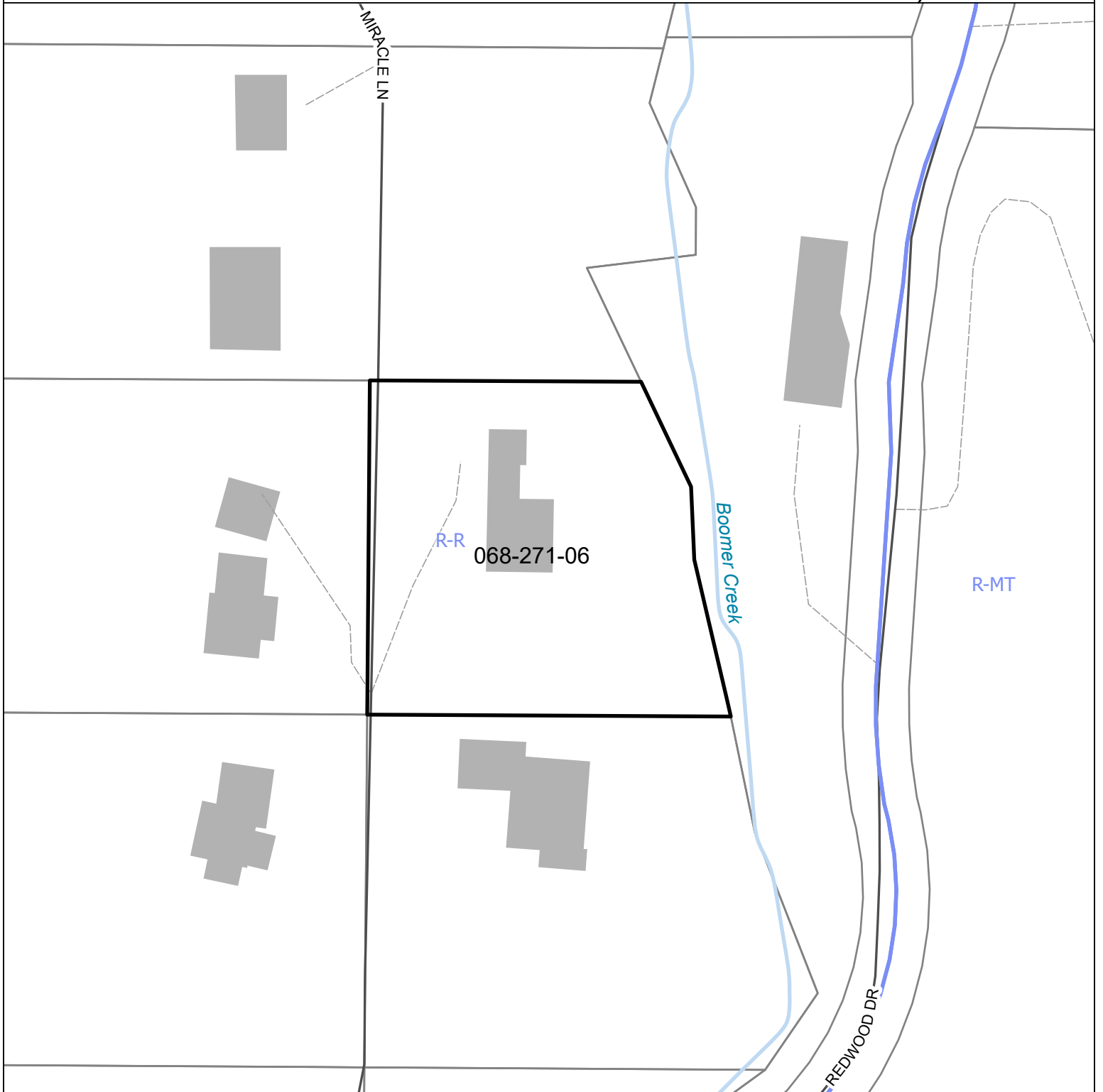
**Parcel: 06827106**

Subject Parcel





# Parcel General Plan Map



 Subject Parcel



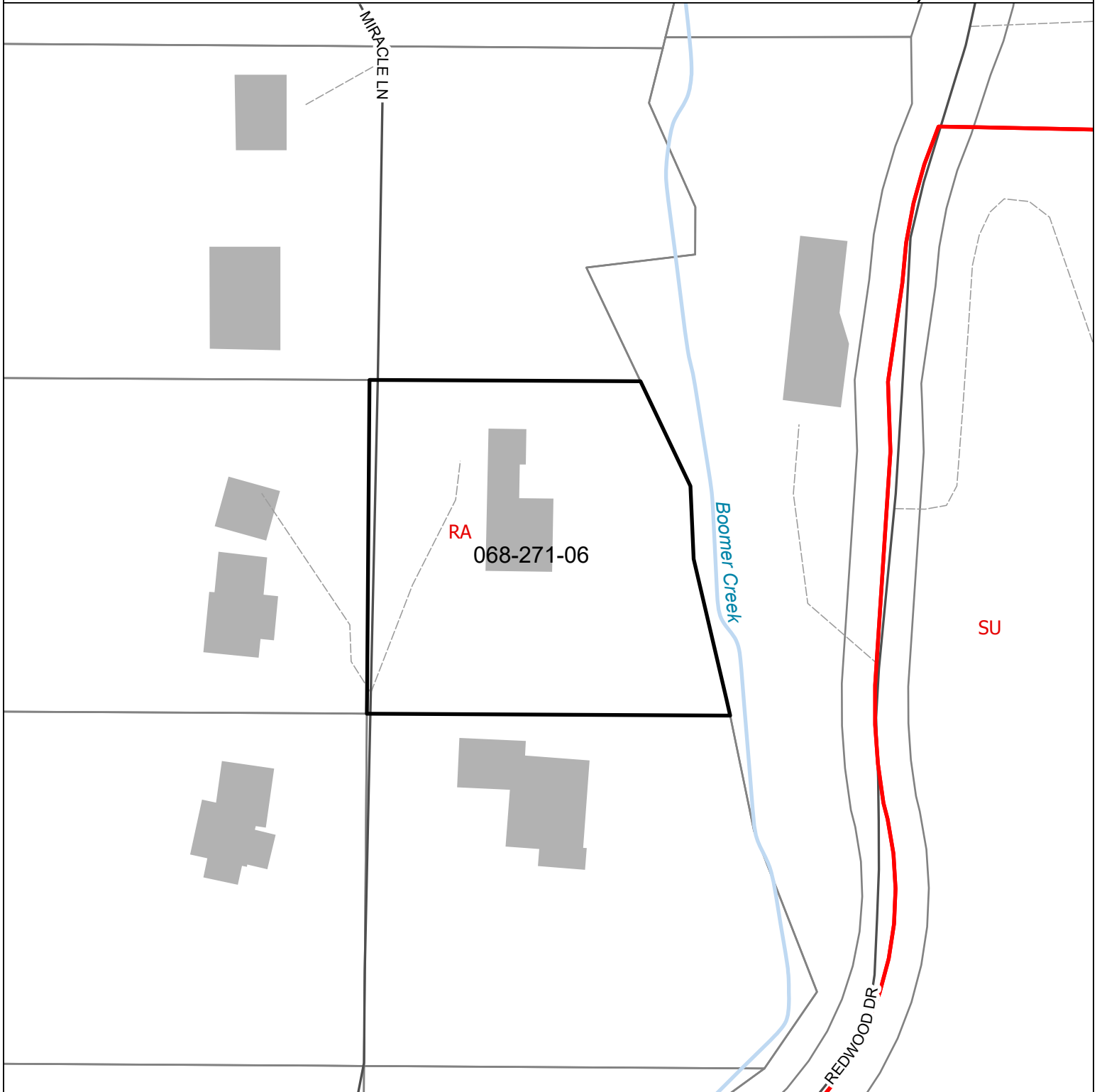
**EXHIBIT 0E**

**EXHIBIT 1B**

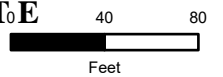




# Parcel Zoning Map



 Subject Parcel



40

80

Feet

## Parcel Information

### Services Information

Urban/Rural Services Line:     \_\_\_ Inside     X Outside  
Water Supply:                    Well  
Sewage Disposal:                 Septic (CSA 12 Septic Maintenance)  
Fire District:                    Scotts Valley FPD  
Drainage District:                n/a

### Parcel Information

Parcel Size:                      0.90 acres  
Existing Land Use - Parcel:       Residential  
Existing Land Use - Surrounding:  Residential  
Project Access:                  Miracle Lane  
Planning Area:                    Carbonera  
Land Use Designation:            R-R (Rural Residential)  
Zone District:                    RA (Residential Agricultural)  
Coastal Zone:                    \_\_\_ Inside     X Outside  
Appealable to Calif. Coastal    \_\_\_ Yes       X No  
Comm.

**Technical Reviews:** None

### Environmental Information

Geologic Hazards:               Not a mapped constraint  
Fire Hazard:                      Not a mapped constraint  
Slopes:                            0% to 50+ %  
Env. Sen. Habitat:               No physical evidence on site  
Grading:                          No grading proposed  
Tree Removal:                    No trees proposed to be removed  
Scenic:                            Not a mapped resource  
Archeology:                       No physical evidence on site

## Michael Lam

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**From:** Aaron Lodge <alodge@teachjustice.com>  
**Sent:** Tuesday, December 3, 2024 1:39 PM  
**To:** Michael Lam  
**Cc:** Aaron Lodge  
**Subject:** 220 Miracle Lane vacation rental

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Hello Mr. Lam,

My name is Aaron Lodge a local long time attorney in Santa Cruz. My family bought the property on Miracle Lane in the very early 70s, and my father and I cleared the first path up there. We got our 1964 Chevy truck stuck up on the hill which sat for years until we freed it. We build the paved road to the top. I still own about 15 acres all together including some on Miracle Lane and adjacent property on Redwood Drive up against Miracle Lane.

I generally have nothing against building and development and progress, but to a point. Last Wednesday I returned home from a thanksgiving dinner in San Jose (the day before thanksgiving), and it was late at night. I found multiple cars parked illegally along Redwood Drive and sticking out. As I parked at my house, and got out of my car I heard loud music coming from Miracle Lane. I thought it was maybe a Thanksgiving party of some sort which to me was fine especially if an owner was hosting a party. I went into my house. For several more hours I continued to hear the noise and I thought it was very unusual. Of course, I knew nothing about the vacation rental or Airbnb thing going on. At one point, I heard a loud scream and I quickly got my gun and loaded it. I have been a very responsible gun owner from about 1975 and it is extremely rare that I get it out, but the scream past midnight made me think some kind of violence might be going on. I listened carefully and then heard a second scream which was quickly accompanied by some loud laughter and banter and then I knew it was not an incident to worry about so I put my gun away and tried to just go to sleep.

The next morning, I heard some more loud noises which presumably were people returning to their poorly parked cars along redwood Drive. I just wrote it off as somebody having a Thanksgiving party which would be fine. Then I heard about all this stuff about a vacation rental going in at the same house on Miracle Ln. I realized the party must have been related to that and was probably not an owner having a nice Thanksgiving dinner with family but a group of remote strangers renting the place just to have a wild and crazy party out in the woods.

Miracle Ln. and Redwood Drive cannot handle a large four bedroom vacation rental, purely for the purpose of freak off and other crazy type parties. We do not have parking. Miracle Ln. is a private driveway of which just last year I paid nearly \$50,000 to re-pave because too many cars and some trucks have gone back-and-forth without our permission and created major potholes. We also have had major runoff problems with water, which is exacerbated when there are multiple cars, especially if they are parked partially on the side of the road. The house in question does not have access to city water or to

PG&E gas. They have a well and are drawing from the same water source that we all use, which is greatly in danger as it is. There are no street lights and it is somewhat dangerous walking in the complete dark at night, especially if someone is drunk or drugged, they can easily fall into a ditch or ravine or the creek, which has happened before when people have had parties up and down the road.

There are so many reasons to not allow this. My personal cell number is 831-600-3030 and this email is coming from my legal email address of which I get every day. Please feel free to call or Wright and if there is anyone else I can reach out to, let me know. Also, if there is a hearing I would like to appear so please inform me of that.

Aaron Lodge, Esq.



Aaron J. Lodge  
ATTORNEY AT LAW

Aaron J. Lodge, J.D., LL.M.  
Attorney at Law and Professional Mediator

The Law Offices of Aaron J. Lodge  
1414 Soquel Avenue, Suite 222  
Santa Cruz, CA 95062

PHONE:

(831) 426-3030

FAX:

(831) 350-6030

EMAIL:

[alodge@teachjustice.com](mailto:alodge@teachjustice.com)

WEBSITE:

[www.hellojustice.com](http://www.hellojustice.com)

CONFIDENTIALITY NOTICE —

PRIVILEGED AND CONFIDENTIAL. This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privileges as to this communication or otherwise.

## Michael Lam

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**From:** Andrea Rosenfeld <andrea.rosenfeld88@gmail.com>  
**Sent:** Monday, December 2, 2024 1:28 PM  
**To:** Michael Lam  
**Cc:** First District  
**Subject:** Pending permit request for 22 Miracle Lane, Santa Cruz

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Dear Michael,

I understand you are the planner currently considering a new request for an unhosted short term rental permit at 22 Miracle Lane, Santa Cruz. I am writing to urge you to deny this permit request.

I am a neighbor of this property at 980 Burl Road, and have lived on the nearby road for over 50 years. Since we have seen the positing re: a permit application for 22 Miracle Lane, myself and my neighbors have been very concerned about the impact this would have on our community.

Even though the permit is not even approved, it is reported that a short term renter had a party on November 30th. There was loud music playing from 10:00 PM - 3:00 AM at this property. Neighbors said cars were parked all over the narrow lane, some blocking access. Miracle lane is very steep and narrow. Its entrance to Redwood drive is a blind intersection, which has a mirror to aid with visibility. It is known as one of the most dangerous areas of Redwood drive. The thought of party-goes and other parties unfamiliar with this road, frequenting a house on Miracle Lane is very disconcerting. There is a reason Miracle Lane is named as such; at the time it was developed, it was a "miracle" that they could build a road like they did. I remember when they created this road, that seemed overly windy, overly steep, and when it filled up with houses. To think it will now be on the "map" as a short term rental destination is very concerning. A neighbor said they recently narrowly missed being hit by a car exiting Miracle Lane that did not stop. Only someone unfamiliar with this road would not have stopped at this notorious intersection.

According to a Lookout article dated September 25, 2024, entitled "**Citing housing crisis, Santa Cruz County supervisors take aim at vacation rentals,**" [Christopher Neely](#) explained that "Santa Cruz County will send a letter to vacation rental platforms including Airbnb and Vrbo demanding they remove all listings without county permits, and a new subcommittee will tweak the county rules hoping to curb the proliferation of unhosted rentals, following a board of supervisors vote on Tuesday." It is my understanding that parts of the county which include Redwood drive have not yet been regulated.

I have long been of the mind that vacation rentals limit local housing options, and the report agreed, saying "an expanding inventory of vacation rentals only limits the local housing market at a time when the state is mandating local jurisdictions boost housing supply." The supervisors plan to meet to discuss new regulations, stating, "while Airbnb contributes to rising housing costs, its impact could be managed

through targeted regulations on absentee landlords while expanding the opportunities for owner-occupiers to share their extra space,” the report reads.

I urge you to deny this permit, certainly until after the supervisors have created new regulations, and to seriously consider denying it altogether, and other permits for unhosted short term rentals, both for the safety and the viability of our neighborhood.

Thank you,

Andrea Rosenfeld  
980 Burl Road  
andrea.rosenfeld88@gmail.com  
415.370.2154

## Michael Lam

---

**From:** Brandon Gregg <brandongregg80@gmail.com>  
**Sent:** Sunday, December 1, 2024 12:56 PM  
**To:** Michael Lam  
**Cc:** Justin Cummings; Manu Koenig  
**Subject:** Opposition to Permit for Vacation Rental at 220 Miracle Lane (#241286)

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Dear Mr. Lam and County Representatives,

I am writing to formally oppose the granting of a permit for a vacation rental at **220 Miracle Lane**. As a resident of this small street and private road, I have significant concerns about the negative impact this short-term rental would have on our community's safety, cohesion, and quality of life.

### Key Concerns

#### 1. Unauthorized Rental Activities

It has come to our attention that the property is already being rented out without the necessary permits and has hosted multiple parties. These activities have caused disturbances, including noise, increased traffic, and disruptions to the peace of our neighborhood. The unauthorized nature of these operations raises serious concerns about the property owner's adherence to county regulations and willingness to comply with community standards.

#### 2. Incorrect Owner Representation

The official property owner is listed as **BABCOCK J FAM GRANTOR RE TRUST**, not James Babcock as indicated on the permit application. The trust, associated with Cheryl and James Babcock, holds approximately 10 properties, either personally, via a trust or through their CFO, Christopher Hill, under **Babcock Properties in Mill Valley**. They are a property company, not an individual homeowner.

#### 3. Increased Traffic and Parking Challenges

Our private road is not designed for the heightened traffic and parking demands of short-term rentals. Guests unfamiliar with the area may inadvertently cause congestion, block driveways, or obstruct emergency vehicle access. This poses a significant safety risk, especially for children playing in the area.

#### 4. Road Maintenance Burden

As residents, we share the costs of maintaining our private road. Increased traffic from transient renters and delivery services will accelerate road wear and tear, unfairly increasing costs for long-term residents.

## **5. Neighborhood Disruption**

The quiet, residential nature of our community is a primary reason many of us chose to live here. Short-term renters, who lack long-term investment in neighborhood norms, could increase noise, cause disturbances, and disrupt the harmony of the community.

## **6. Safety and Fire Risks**

Transient visitors unfamiliar with local fire safety protocols are a significant concern, particularly during fire season. Their presence may strain emergency resources and increase the risk of accidents. We take great pride in being a Santa Cruz Fire Safe neighborhood.

## **7. Community Integrity and Precedent**

Granting this permit could set a damaging precedent, prioritizing absentee property owners' financial interests over our community's well-being. This decision could erode the safety, exclusivity, and cohesion of our neighborhood. We believe in long term rentals and other programs to support lower housing for our community, not vacation homes by outside non-Santa Cruz investors.

## **8. County Alignment**

Santa Cruz County has intensified efforts to regulate vacation rentals, recognizing their adverse effects on housing availability, parking, and neighborhood tranquility. Granting this permit would contradict the County's proactive stance on reducing the impact of unregulated short-term rentals.

## **Request for Denial**

I respectfully urge the Planning Department to consider the potential harm this Airbnb would bring to our neighborhood. The ongoing unauthorized rental activities further underscore the necessity of denying this permit to preserve the safety, harmony, and livability of our community.

## **Commitment to Accountability**

If this permit is granted, our community will closely monitor any disturbances, including excessive noise, illegal parking, or county code violations, and promptly report them to the appropriate authorities.

Thank you for your time and attention to this matter. Please feel free to contact me directly to discuss these concerns further.

Sincerely,

Brandon Gregg

145 Miracle Lane, Santa Cruz, CA 95060

## Michael Lam

---

**From:** F.LaBarba <fjohnlab@earthlink.net>  
**Sent:** Tuesday, December 3, 2024 10:28 AM  
**To:** Michael Lam  
**Subject:** Proposed vacation rental / APN: 068-271-06-000 / 220 Miracle Ln, Santa Cruz, CA

**\*\*\*\*CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Dear Michael,

We are contacting you concerning a recent application for a proposed vacation rental Located at APN: 068-271-06-000

220 Miracle Ln, Santa Cruz, CA

Even though we have resided on Redwood Drive for close to 52 Years, we are not NIMB's by any means. Generally we feel that most folks should be able to do what they want on their own property.

Miracle lane consists of a small tightly knit neighborhood of 10 residential homes.

The potential of ten to twenty folks gathering for parties, etc. would be very disruptive to the adjacent residents.

It is likely that visitors would be unaware of the neighbors, and would be insensitive to them and what would be considered neighborly behavior.

The main objection we have with the permit is the safety issues that will ultimately arise at the intersection of the Blind junction of Miracle Lane and Redwood Drive. This intersection has been increasingly hazardous since Miracle Lane was developed this past 30 years.

Just about every resident on Redwood Drive has encountered at least one "close call" or "Near Miss" at that juncture.

Heading north, or up Redwood Drive, the intersection is completely Blind, with only a high tree mounted Mirror to view who might be driving into the intersection from Miracle Lane, with only a glimpse of an opposing driver traveling down hill on Redwood Drive.

The area is so constricted that two vehicles heading each way on Redwood Drive, ( north and south ) Typically requires one vehicle to pull over, while the other driver passes through the Bottle neck in the road there. Photos Attached below.

The addition of ten to twenty new visitors not accustomed to the situation, surely will have a hazardous result to all who drive Redwood Drive daily. I am sending you two photos of the intersection in question.

Thank you in advance for your consideration and due diligence concerning the potential traffic hazard associated with this permit.

Sincerely,

F. John & Beth Ann LaBarba

BELOW ( Traveling down or “ South “ in to the intersection )







Below: ( Traveling up or “ North “ into the Blind Intersection )





F. John LaBarba  
F. John LaBarba Const.  
741 Redwood Drive  
Santa Cruz, CA  
95060  
831-423-1109 Office  
831-818-2210 Cell  
831-457-1048 Fax

Websites:

<https://www.houzz.com/professionals/general-contractors/f-john-labarba-construction-pfvwus-pf~1225384703?>

<http://fjohnlabarba.com/>,

\* Celebrating our 45th. Year of Business in Santa Cruz \*

“ Think Local “

## Michael Lam

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**From:** GerryandSteven Rieger <gandsrieger1@msn.com>  
**Sent:** Thursday, December 26, 2024 11:59 AM  
**To:** Michael Lam  
**Subject:** 220 Miracle Lane Permit to Develop

**\*\*\*\*CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

I'm writing to express my concerns with the proposed development project by Mr. Babcock. I am a single woman, recently widowed and live directly across from the 220 Miracle Lane house. My concerns are as follows, and I hope that you will seriously take them and all those of the entire neighborhood and "do the right thing" by maintaining our close-knit community.

Miracle Lane is a private road and not maintained in any fashion by the county. All of us living on Miracle share all expenses to maintain and repair the road. This is a single-lane road and was never meant for heavy traffic of any kind. During the various parties and one ticketed event that have recently taken place, I observed a continuous stream of vehicles, ignoring the speed bumps and travelling at high speeds up and down the road. I experienced almost being hit as I was taking my evening walk when 2 cars coming from opposite directions attempted to pass each other on our one lane road in front of my house, even though seeing me. I have always felt safe taking my walks, until that night!

I am one of several senior individuals who live on Miracle. There have been several instances when vehicles from Mr. Babcock's property have illegally parked in my fire engine turnaround, twice van-camping overnight and into the next day. Not only is this illegal, but could also impede emergency vehicles, including EMT support to provide much needed services in life-threatening situations.

This is an area full of wildlife. All of us enjoy the deer and live cooperatively with them. We slowdown in the road for deer crossings. One of the deer trails down to the creek goes through the 220 property. During the time of the various parties and ticketed event, the deer were not seen for several weeks after.

Those of us who live here are here because we respect our environment, the wildlife and the quality of life that our neighborhood offers. That's why we moved here in the first place. We look out for each other and will continue to do so.

Mr. Babcock has done nothing to ever meet the neighbors, and his only communication was a big white board telling us what he wants to do without considering the wants and needs of others. He has no interest in our community or our way of life and appears to care only about making financial gains without regard, and at the expense of our community.

Mr. Lam, I implore you to consider my concerns and those of all who live on Miracle Lane and stop this project from happening.

Sincerely,

Gerry Rieger  
225 Miracle Lane

## Michael Lam

---

**From:** Jennie Dusheck <dusheck@gmail.com>  
**Sent:** Tuesday, December 3, 2024 12:19 PM  
**To:** Michael Lam  
**Cc:** Justin Cummings; Manu Koenig  
**Subject:** 220 Miracle Ln. Application for Vacation Rental

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Michael Lam  
Santa Cruz County Planning

Dear Michael,

I write concerning an application for a proposed vacation rental at 220 Miracle Ln, Santa Cruz ( APN: 068-271-06-000 ). I don't know any resident on Redwood Drive or Miracle Lane who wants this.

### **Traffic safety.**

It's easy to imagine a fatal accident with a regular stream of visitors, especially if impaired. Already, non residents tend to assume the road is two lanes, when it is barely wide enough for a single vehicle in places, at least three of them on blind corners.

Cell service is almost non existent on most of the road, google maps is often wrong, and people regularly get lost and drive up the wrong driveways, sometimes multiple times.

### **Fire risk.**

Out of town visitors unaware of the risks here are more likely to carelessly start a fire. And numerous cars blocking the narrow lanes, whether on Miracle Lane or Redwood Drive could potentially prevent firetrucks from reaching fires or residents from escaping a fire.

### **Large parties.**

The neighbors at Miracle Lane are already experiencing disruption from a series of recent parties at 220 Miracle Lane, one of which apparently lasted until 3 am.

Were the owners present and just had an occasional party, no one would object. But three big parties in a row where attendees sign up online and the host doesn't live there either is obviously disruptive to the peace and quiet on their tiny road.

A few months ago, a neighbor's son threw a similar party. The next day we found cans and trash strewn along Redwood Dr for a quarter mile. A different neighbor reported that two young women walked through the dark that night to get to her door. They needed help because men were not leaving them alone and they couldn't call for help because of the lack of cell service. We all agreed that we didn't want more such parties, including the owner of the property where the party took place.

The absentee owners of 220 Miracle have already demonstrated an apparent indifference to behaving like good neighbors. Please don't permit a vacation rental here.

Thanks for considering our letters.  
Jennie

**Jennie Dusheck**  
Boomer Creek Firewise Leader  
1463 Redwood Drive  
Ph: 831•427•1391  
[dusheck@gmail.com](mailto:dusheck@gmail.com)

## Michael Lam

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**From:** Jennie Dusheck <dusheck@gmail.com>  
**Sent:** Sunday, February 9, 2025 5:08 PM  
**To:** Michael Lam  
**Cc:** Manu Koenig  
**Subject:** Short term rental permit for 220 Miracle Lane, Santa Cruz, CA

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Dear Michael Lam,

I write to oppose a permit for the proposed vacation rental at **220 Miracle Lane, Santa Cruz, CA 95060**.

I am leader for the Boomer Creek Firewise Community on Redwood Drive, off of Glen Canyon Road. Our road is a designated high fire risk area. Everyone on Redwood Drive is very aware that we live on a dead end road with only one paved exit. Our community has been working hard to reduce our fire risk through home hardening, defensible space, communication and education.

We have significant concerns about what currently amounts to a party house near our only exit.

220 Miracle Lane is an empty home that is already being rented out for parties, despite its out of town owner, Babcock Properties, not having obtained a permit to operate the home as a short term rental. Late night noise and traffic from these parties have disturbed neighbors on or near Miracle Lane, Redwood Drive and Glen Canyon Road.

Miracle Lane is a narrow, private road. Confused visitors already block driveways and make it difficult for residents to come and go. Large numbers of parked cars on Miracle Lane and Redwood Drive could obstruct emergency vehicles, posing a risk not only to residents of Miracle Lane but to the many more residents on Redwood Drive.

We are also concerned that visitors unfamiliar with local fire safety issues might start a fire during fire season that would put all our homes and lives at risk.

We endorse Santa Cruz County's efforts to regulate vacation rentals because of their negative impact on housing availability, parking, and neighborhood tranquility.

We urge the Planning Department to consider the potential harm this Airbnb would bring to our neighborhood and reject the application for a permit.

The fact that the owners are already flouting the law suggest things will be even worse if they receive a permit.

Best,

**Jennie Dusheck**

Boomer Creek Firewise Leader

*1463 Redwood Drive*

*Santa Cruz, CA 95060*

cc: Supervisor Manu Koenig

## Michael Lam

---

**From:** Mayra Zavala <mayrazavala09@gmail.com>  
**Sent:** Thursday, December 5, 2024 9:24 AM  
**To:** Michael Lam  
**Subject:** 220 Miracle Lane

**\*\*\*\*CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Dear Mr. Lam,

My name is Mayra Zavala, and I am a resident on Miracle Lane, where I live with my family, including small children and pets. I am writing to express my strong opposition to the approval of a vacation rental at 220 Miracle Lane.

Miracle Lane is a small, private road with only ten houses. It is a close-knit community where the majority of residents, based on my conversations, oppose this vacation rental project. While I understand that there is no fixed threshold of opposition letters required to influence a project in Santa Cruz County, I believe that the organized and substantial feedback from our small group of residents can and should be considered in the decision-making process.

Our community faces direct and daily impacts from activities at 220 Miracle Lane due to our proximity and the narrow, confined nature of our street. The introduction of a vacation rental here has already led to disruptive behavior, including loud parties that extend late into the night. This environment is incompatible with our quiet, family-oriented neighborhood and poses risks to the safety and well-being of our children and pets.

Given the small size of our street and the unanimous sentiment of our immediate neighbors, I urge the Planning Commission to carefully consider the unique dynamics and needs of our community when evaluating this proposal. We ask that you prioritize the voices of those most directly affected and protect the character and harmony of our neighborhood.

Thank you for your time and attention to this matter. I am happy to provide additional details or join a hearing if needed.

Sincerely,  
Mayra Zavala

## Michael Lam

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**From:** Terri Fisher- Mastick <tfarch@aol.com>  
**Sent:** Wednesday, November 27, 2024 4:57 PM  
**To:** Michael Lam  
**Subject:** Letter of Concern/Objection to Vacation Rental Application at 220 Miracle Ln.

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Wed, Nov 27

Michael Lam - Project Planner  
Planning Department  
TEL (831) 454- 3371  
EMAIL: michael.lam@santacruzcountyca.gov

RE: Application # 241286  
James Babcock - Property Owner (Absentee)  
TEL: (415) 444 - 9608  
EMAIL: jamesb@cthulu.com

I am a local Architect who has had to adhere to Zoning Ordinances and rules during my career. I am the immediate neighbor to 220 Miracle Ln. and have resided here for 32 years. Ours is a quite RA neighborhood with Single Familys, REtirees, and Long term renters  
We live in the **Unincorporated Area** of Santa Cruz County, in **RA Zoning**.

**Vacation Rentals** and where allowed:

1. Short term Rentals of an entire home require a **Vacation Rental Permit** per County code Section 13.10.694 most recently updated by Ordinances 5264 & 5265.
2. Vacation rentals (short term rentals) are allowed in all zone districts that allow residential use by itself.
3. Maximum guests: Two guests per bedroom plus two additional overnight guests. During the daytime twice the number of overnight guests may be present. (Thus there could be up to **10 overnight guests** allowed and **20 guests** during the day.) Our lane can not handle this quantity and allow vehicles and service equipment to pass)
4. Vacation Rental Permits require a **Level V review** (Zoning Administrator Public Hearing) if the home

has four or more bedrooms. This is why the sign is posted, It does not state the date of the Public Hearing on the Sign, nor does it state what date that any objections to the proposed permit must be received.

5. It also states that other contracts that apply to the home such as HOA, Road Agreements, etc. must be followed (We do not have any legal documents or contracts, just loose and agreed upon decisions which so far we have all agreed to. As of this date the Babcock property owner has not participated in any of our neighborhood projects)

**RA Districts:** A residence is an **Allowed Use** in an **RA district**. A **Vacation Rental** is a **Conditional Use** in an **RA district**. (This in itself requires a **Use Permit to allow for a vacation rental**)

**The purpose of an RA District:**

1. Purpose: To allow for residential development while **LIMITING** it to non-urban densities.
2. Location: Outside of urban and rural services lines.
3. Uses: To allow for **SMALL SCALE** commercial **AGRICULTURE**, such as animal keeping, truck farming and specialty crops.
4. Development: To be **SUITABLE** for development with adequate **water, septic system suitability, vehicular access and fire protection**.  
(These areas all concern me greatly. I would like to find out from the Planner that adequate review has been given to **ALL** of these items.)
5. Natural Resources: To **protect** natural resources
6. Natural Hazards: To **protect** from natural hazards

Not only are we (Terri and Bruce Mastick) irritated that our absentee neighbor (who has no idea how our neighborhood functions) did not contact any of us to let us know that this permit is in the works.....We have many concerns about this application, submitted by an absentee homeowner that will affect our lane. It could greatly affect the integrity, safety, natural features and continuity of our quiet, residential, neighborhood. I have questions regarding many things:

1. Private Road !!!!!!!!!
2. Annual Power and WIFI Outages
3. Fire Protection and Monitoring (Outdoor fire pit / bbq????)
4. Noise and Quite Hours
5. Parking (UP to 20 people? If they park on the lane it will narrow the lane and prohibit fire trucks to pass)
6. Private Road Access and Maintenance Agreement (We usually assess per property and amount of use

of the road in order to come up with the cost for repairs) The amount of use by 220 Miracle Ln. is in question????? Delivery trucks????? We are due to repair the lower part of our road by the mailboxes.

7. Lack of turn around on the lane without encroaching on a neighbors property (Visitors often cause damage

when attempting a turn around on the lane. We would have to make it clear that the property owner would be responsible for repairs. I see this as legal issues that would need to be resolved with the property owner prior

to agreeing with a vacation rental at the property.)

8. Traffic concern at blind Intersection at the corner of Miracle Ln. and Redwood

9. Protection of Wild Life and local pets

10. General the appropriateness in out residential neighborhood.

If this is not considered an official letter complaint/concern because I did not submit it in official format, please

contact me in order that i might submit an official letter of concern. We live on a private road there are many

concerns that need to be addressed. Fire safety, traffic parking road maintenance to name a few. I have left a message on your machine and would appreciate a call back.

Best,

Terri and Bruce

285 Miracle Ln.

Santa Cruz, Ca 95056

(831) 566-0196 Terri's cell

## Conditions of Approval

Exhibit D: Project plans, prepared by James Babcock, dated July, 2019.

- I. This permit authorizes the operation of a vacation rental for the purpose of overnight lodging for a period of not more than 30 days at a time, as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to Santa Cruz County Planning one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. Operational Conditions
  - A. The vacation rental shall be maintained and operated so that, at all times, it is in compliance with the items listed on the Vacation Rental Certification form on file with the Department of Community Development and Infrastructure.
  - B. Issuance of this permit shall not infer approval of new development or the private use of any property outside of the subject parcel boundary, including public and private rights-of-way, State Parks land, and County owned property. The term "new development" shall include, but is not limited to, fencing, patios, and accessory structures. The term "use" shall include, but is not limited to, outdoor seating, parking (in non-designated areas), and storage of equipment or materials.
  - C. The maximum, overnight occupancy of the vacation rental shall not exceed 10 people (two per bedroom, plus two additional people, children under eight not counted).
  - D. The maximum number of vehicles associated with the overnight occupants shall not exceed four (number of on-site parking spaces, *two in garage, two in driveway*). (*Amended by the Zoning Administrator on February 21, 2025*).
  - E. No on-street parking is allowed *on Miracle Lane or Redwood Drive at any time. This restriction applies to both over-night occupants and any daytime guests as allowed for celebrations. All parking shall be accommodated within the four on-site spaces at all times. (Amended by the Zoning Administrator on February 21, 2025)*.
  - F. *All advertising and lease agreements for this vacation rental shall clearly state the above parking restrictions. The lease agreement shall include a signature line for guests to acknowledge this condition prior to final booking. (Added by the Zoning Administrator on February 21, 2025)*.
  - G. The maximum occupancy allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m. shall not exceed 20 people (twice the number of overnight occupants, children under 8 not counted).

- H. Occupants and guests shall adhere to the noise standards contained in the County Noise Ordinance (County Code Chapter 8.30). A copy of the County Noise Ordinance (County Code Chapter 8.30) shall be posted inside the vacation rental in a location readily visible to all guests.
- I. Vacation rental rules shall be posted inside the vacation rental in a location readily visible to all guests. The rules shall include, but not necessarily be limited to the following: maximum number of guests allowed; maximum number of people allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m.; maximum number of vehicles allowed; restrictions on noise (contained in the County Noise Ordinance), illegal behavior, and disturbances, including an explicit statement that fireworks are illegal in Santa Cruz County; and directions for trash management.
- J. Fireworks are illegal in Santa Cruz County and prohibited at the vacation rental.
- K. *No fires or other open flames are allowed outside the vacation rental, including candles. Use of the provided propane fire pit is acceptable. (Added by the Zoning Administrator on February 21, 2025).*
- L. *Ashtrays shall be provided in all outdoor use areas for use by guests that smoke. (Added by the Zoning Administrator on February 21, 2025).*
- M. The vacation rental shall have 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. The sign shall not exceed 216 square inches, be legible from, and be posted no more than 20 feet back from the nearest street. For all rentals, the sign shall also display the beginning and end dates of the five-year vacation rental permit. Sign information shall be updated upon any renewal of this permit. The sign shall be continuously maintained while the dwelling is rented.
- N. The name, address, and telephone number(s) of the local property manager (24-Hour contact person) shall be posted inside the vacation rental in a location readily visible to all guests.
- O. Any change in the local property manager's name, address, or telephone number shall be promptly furnished to the Planning Department, the local Sheriff Substation, the Auditor-Controller-Treasurer Tax Collector, the main County Sheriff's Office, and the local fire agency, and to the property owners of all properties located within a 300-foot radius of the boundaries of the parcel on which the vacation rental is located. Proof of mailing or delivery of the updated contact information to all of the above shall be submitted to the Planning Department within 30 days of change in the local property manager's contact information.

In addition, the applicant shall complete the online contact (see link below) information survey to ensure that the Community Development and Infrastructure Department is apprised of current contact information and for emergency notifications by the County Office of Response, Recovery and Resilience. Survey

can be accessed via this link: <https://forms.office.com/g/5kjuAnC8n6>.

- P. The local property manager (24-hour contact person) shall be located within 30 miles of the vacation rental. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Failure to respond within 60 minutes of being contacted, as verified by County Code Enforcement staff or the County Sheriff, shall constitute a significant violation and may lead to revocation of the permit in accordance with SCCC 18.10.136.
- Q. *All advertising and lease agreements for this vacation rental shall state that Miracle Lane is a steep, winding, private single-lane mountain road and that all guests shall drive cautiously and shall be mindful of pedestrians and wildlife. The lease agreement shall include a signature line for guests to acknowledge this condition prior to final booking. (Added by the Zoning Administrator on February 21, 2025).*
- R. All advertising for vacation rentals shall include the vacation rental permit number in the first two lines of the advertisement text, and where photos are included, a photo containing the permit number shall be included, as well as a photo of the required signage that includes the 24-hour contact information and vacation rental identification. Advertising a vacation rental for a property without a vacation rental permit is a violation of this chapter and violators are subject to the penalties set forth in SCCC 19.01.
- S. The owner/applicant shall comply with the regulations and standards set forth in Chapter 4.24 of the County Code, including any required payment of transient occupancy tax for the vacation rental unit.
- T. Permits for vacation rentals shall expire five years from the date of approval. To continue in operation as a legal vacation rental, an application to renew the permit must be made before the expiration date, but no sooner than 180 days before the expiration date. Vacation rental permits are non-transferable and become void when a property transfer triggers reassessment.
- U. A violation of any of the requirements to obtain a vacation rental permit may be grounds for denial of a new vacation rental permit application. Further, violations of vacation rental regulations, or of any other provision of the Santa Cruz County Code, may be grounds for denial of a renewal application or revocation of an existing vacation rental permit after consideration at a public hearing by the Zoning Administrator (or by the Planning Commission upon referral).
- V. If more than two significant violations occur on a vacation rental property within a 12-month period, a permit shall be noticed for a public hearing to consider permit revocation, pursuant to SCCC 18.10.136. "Significant violations" are: citations for violation of SCCC 8.30 (Noise); violation of any specific conditions of approval associated with the permit; mis-advertising the capacity and limitations applicable to the vacation rental; written warnings, or other documentation filed by law enforcement; violations of State or County health regulations; non-compliance with a public health order or emergency regulation issued by State or local authorities which may limit use and occupancy of vacation rentals; delinquency in payment of

transient occupancy taxes, fines, or penalties; non-responsive property management, including failure by the local property manager to respond to calls within 60 minutes; and failure to maintain signage. In the event a permit is revoked, the person or entity from whom the permit was revoked shall be barred from applying for a vacation rental permit for the same parcel without prior consent of the Board of Supervisors.

- W. The Vacation Rental shall provide overnight lodging for a period of not more than 30 days at a time.
- X. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

### III. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. Settlement. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms

or conditions of the development approval without the prior written consent of the COUNTY.

- D. Successors Bound. The “applicant/owner” shall include the applicant and/or the owner and the successor’(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.**

Approval Date: 02/21/2025

Effective Date: 03/07/2025

Expiration Date: 03/07/2030

DocuSigned by:  
  
 7E61134543EF423...  
 Deputy Zoning Administrator

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

## Michael Lam

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**From:** Mary Alice Davis <mad49@sbcglobal.net>  
**Sent:** Wednesday, April 9, 2025 12:35 PM  
**To:** Michael Lam; Justin Cummings; Manu Koenig  
**Cc:** James M. Babcock  
**Subject:** 241286 Staff report inconsistencies

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Mr. Lam,

There are several inconsistencies in the staff report, which I have highlighted below.  
Two-bedroom v. four-bedroom property.  
Number of parking spaces varies.  
Number of guests allowed varies.  
Exhibit D lists the project plans are dated July, 2019, which is before Babcock purchased the property.  
Miracle Lane is single lane v. two lanes.

I respectfully request that you correct these prior to issuing your staff report for the appeals hearing on April 23, 2025, and please include this communication in said staff report.

Thank you,  
Mary Alice Davis  
140 Miracle Ln, Santa Cruz 95060

The subject property is developed with an existing **four-bedroom** single-family residence

A minimum of one on-site space is required for vacation rentals containing one or two bedrooms and a minimum of two on-site spaces is required for rentals containing three or more bedrooms. **The subject dwelling is comprised of four bedrooms**; therefore, two on-site parking spaces are required. Four parking spaces are available on-site, meeting the parking requirements of SCCC 13.10.694(D)(2). Due to the lack of on-street parking available along Miracle Lane, parking shall be limited to the number of on-site spaces.

C. The maximum, overnight occupancy of the vacation rental shall not exceed 10 people (two per bedroom, plus two additional people, children under eight not counted). D. The maximum number of vehicles associated with the overnight occupants shall not exceed four (number of on-site parking spaces, two in garage, two in driveway). (Amended by the Zoning Administrator on February 21, 2025). E. No on-street parking is allowed on Miracle Lane or Redwood Drive at any time. This restriction applies to both over-night occupants and any daytime guests as allowed for celebrations. **All parking shall be accommodated within the four onsite spaces** at all times. (Amended by the Zoning Administrator on February 21, 2025).

G. The maximum occupancy allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m. shall not exceed 20 people (twice the number of overnight occupants, children under 8 not counted).

**Exhibit D: Project plans, prepared by James Babcock, dated July, 2019**

**VACATION RENTAL SHORT-TERM LEASE AGREEMENT** This Vacation Rental Short Term Lease Agreement, hereinafter referred to as "Agreement," is entered into by \_\_\_\_\_ [name of tenant], a resident of \_\_\_\_\_ [address of tenant], hereinafter referred to as "Tenant" and by James Babcock with a business address of 100 Shoreline Highway, Suite B280, hereinafter referred to as "Landlord." 1. The Property. The property is described as a house with 2 bedrooms and 3 bathrooms that is located at 220 Miracle Lane, Santa Cruz, California 95060 [Property Location], hereinafter referred to as the "Property."

2. Period of Stay and Allowable Number of Guests. The total people in renting party (i.e., Tenant and others staying with Tenant on the Property) shall not exceed 4 guests. The rental period shall be as set by Air BnB

Gatherings must occur between 8 AM and 10 PM, and the number of visitors shall not exceed 8. • No more than 3 vehicles are allowed.

Access to the site requires taking Glen Canyon Road, to Redwood Drive, to Miracle Lane. Glen Canyon Road and Redwood Drive are County maintained and moderately trafficked. Miracle Lane is a privately maintained, two-lane road that serves multiple parcels and private driveways.

Q. All advertising and lease agreements for this vacation rental shall state that Miracle Lane is a steep, winding, private single-lane mountain road

## Michael Lam

---

**From:** Mary Alice Davis <mad49@sbcglobal.net>  
**Sent:** Monday, April 7, 2025 2:42 PM  
**To:** Michael Lam  
**Cc:** justin.cummings@santacruzcountyca.gov; Manu Koenig  
**Subject:** Application 241286 Short-term vacation rental permit at 220 Miracle Lane, Santa Cruz, CA

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

This letter of opposition was not included in the first or second Staff Report. I respectfully request that this letter be included and made a part of the Staff Report prior to the next hearing on April 23, 2025.  
Thank you,  
Mary Alice Davis

**From:** Mary Alice Davis <mad49@sbcglobal.net>

---

**Sent:** Saturday, February 15, 2025 3:23 PM  
**To:** Michael Lam <Michael.Lam@santacruzcountyca.gov>  
**Cc:** Justin Cummings <Justin.Cummings@santacruzcountyca.gov>; Manu Koenig <Manu.Koenig@santacruzcountyca.gov>; James M. Babcock <jamesb@cthulhu.com>; Cheryl Babcock <cheryl@cabeethon.com>  
**Subject:** Short-term vacation rental permit at 220 Miracle Lane, Santa Cruz, CA

I oppose granting a permit for a short-term vacation rental for the property at 220 Miracle Lane, Santa Cruz, California. I am the owner of the property located at 140 Miracle Lane.

The owners of 220 Miracle Lane have already started renting it out. If they do not respect the permitting process, will they respect the terms of the permit? The official property owner is listed as BABCOCK J FAM GRANTOR RE TRUST, not James Babcock as indicated on the permit application. They are a property company, not an individual homeowner.

Permit approval would contradict Santa Cruz County's efforts to regulate short-term rentals. Approval could set a precedent favoring absentee owners over local community interests.

As a privately maintained road, increased transient traffic raises legal and financial liability concerns for residents. Extra traffic from

renters accelerates wear and tear on the private road, increasing costs for residents. It is dangerous for drivers who are unfamiliar with the Redwood Drive/Miracle Lane blind intersection. Short-term rentals bring unfamiliar guests who may cause congestion and safety issues, especially with three toddlers, one teen, and multiple grandkids living on Miracle Lane.

Transient visitors unfamiliar with local fire safety protocols are a significant concern, particularly during fire season. Their presence may strain emergency resources and increase the risk of accidents. We take great pride in being a Santa Cruz Firewise neighborhood.

Short-term renters may not be made aware of or respect community norms, leading to noise and disturbances. Sound travels a great distance in this canyon, both up to the ridges and up and down the canyon. It does not appear that the renter was given any information about parking or the noise ordinance between 10:00 pm and 8:00 am

There is an active Neighborhood Watch program on Redwood Drive. Thus, when a walker noticed a van drive in and out of Miracle Lane three times and then park off Redwood Drive near Miracle Lane, the walker approached the van and asked the driver if he needed help finding an address. The driver said he couldn't find 220 (which is clearly marked). The walker asked the name of the person he was looking for. The name given is not the owner of the property, so the walker went to 220 to find out if anyone was home, thinking maybe the neighborhood was being cased and/or the van driver was a lookout as 220 was being burglarized. The woman answering the door identified herself as "the renter," stating that the man in the van was waiting for another visitor.

The property at 220 Miracle Lane was rented out for the week of Thanksgiving. Three large, loud parties were held during that time. The parties were announced on at least two social media platforms. Knowing the renter did not appear to be a requirement to attend the party, to which \$40 tickets were sold for at least one of

the events. The music did not get loud until about 10:00 p.m., and continued until approximately 3:00 a.m.

Numerous party attendees were asked to move their vehicles from the fire department turnaround space at the top of the 220 driveway by several neighbors. As vehicles were moved, new vehicles filled the same space. The same occurred in private driveways and along mostly one-lane Miracle Lane, which would have made it impossible for emergency vehicles to pass. One even accused a property owner of harassment when asked to move his vehicle that had the property owner's vehicle blocked. He told the property owner that he was a neighbor (he was not), and had permission to park there. The driver of one large van was asked to move from a neighbor's driveway three times, only to be found there the next morning. And thank you for gifting the neighborhood with a used condom next to where the van had parked overnight.

Not only did party goers park in an unsafe manner along Miracle Lane, but they also parked along Redwood Drive, causing unsafe conditions along a busy road.

An elderly neighbor walks her dog up and down Miracle Lane several times each evening. During the parties, it was not safe for her to do so, as there was a constant stream of vehicles coming and going for several hours, many of which were passing each other, driving off of the paved roadway, thus compromising the roadbed. Many ride share company vehicles were dropping off and picking up party goers. This stream of drivers unfamiliar with the area also posed a danger to the abundant wildlife that often uses Miracle Lane.

Garbage was left in bags next to the trash cans, allowing wildlife to distribute it far and wide. Permanent residents know to store extra trash filled bags in their garages until it can be properly disposed of. Again, no oversight by the property owner.

This property is owned by a short-term vacation rental company. Who manages it? Is there a rental agreement signed by

the renters, and what are the conditions? Who provides oversight during and after the rental?

For these reasons, I oppose granting this permit.

Respectfully submitted,

Mary Alice Davis

140 Miracle Lane

Santa Cruz, CA 95060

831-429-8986

[mad49@sbcglobal.net](mailto:mad49@sbcglobal.net)

## Michael Lam

---

**From:** Mary Alice Davis <mad49@sbcglobal.net>  
**Sent:** Friday, April 11, 2025 2:39 PM  
**To:** Michael Lam; Justin Cummings; Manu Koenig  
**Cc:** Brandon Gregg; Nick; Shiva Abbaszadeh; Gerry Rieger; T F Architect; Bruce Mastick; Nicole Nadler Benjamin; Rebecca Copeland; Scott Poncetta; James M. Babcock  
**Subject:** 241286 Addition to Staff Report

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

April 11, 2025

241286 Staff Report

Mr. Lam,

I believe that one of the conditions was that the property manager greet the renter at 220 in order to get signatures on two items of the rental agreement. I see where these signatures are required on the rental agreement, but I cannot find anywhere that it states it must be done in person.

Please review your notes from the hearing to determine if this is correct, and if so, please amend the documents accordingly.

If not, I request that this be considered at the April 23<sup>rd</sup> hearing.

Also, please include this communication in the staff report for the April 23<sup>rd</sup> meeting.

Thank you,

Mary Alice Davis

140 Miracle Lane, Santa Cruz 95060

[Mad49@sbcglobal.net](mailto:Mad49@sbcglobal.net)

831-429-8986

## Michael Lam

---

**From:** Scott Poncetta <sponcetta@mac.com>  
**Sent:** Saturday, April 12, 2025 10:46 AM  
**To:** Michael Lam  
**Cc:** Brandon Gregg; Mary Alice Davis; T F Architect; Gerry Rieger; Nicole Benjamin; Nick; Aaron Lodge  
**Subject:** Opposition to Vacation Rental Permit at 220 Miracle Lane

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

**Michael Lam:**

**Please see that this document is reviewed by all relevant parties prior to our appeal hearing on April 23.**

**Board of Supervisors  
Santa Cruz County**

**Subject: Strong Opposition to Vacation Rental Permit Application for 220 Miracle Lane**

Dear Members of the Board,

I am writing to express my strong opposition to the proposed vacation rental permit application for the property located at 220 Miracle Lane. As a neighboring property owner, I have significant concerns regarding the safety, liability, privacy, and overall well-being of our community. I believe these factors present valid reasons for the County of Santa Cruz to deny this application.

### **Safety Concerns**

1. **Dangerous Intersection:** The intersection of Miracle Lane and Redwood Drive is an extremely hazardous location with limited visibility for oncoming traffic. This intersection is already prone to accidents, and adding transient renters to the mix could increase the risk of fatal accidents. One mistake could cost lives, and the possibility of a fatal incident at this location is too great a risk to overlook.
2. **Narrow Roadway and Emergency Access:** The narrow roadway along Miracle Lane impedes emergency vehicle access, especially fire trucks and ambulances. Several senior residents live on this street, and there is a real concern that emergency services would not be able to reach them quickly in the event of a medical or fire emergency if guests were parked in unrestricted areas along our narrow lane.
3. **Fire Safety:** Fire safety is a particularly urgent issue in our area. Temporary tenants, especially those unfamiliar with local fire risks and regulations, may be careless with fire-related activities such as fire circles, fire pits, and cigarettes. A single lapse in judgment could result in a devastating fire, threatening not only the property in question but also our entire community.

### **Liability Concerns**

1. **Potential Legal and Financial Risks:** If an accident occurs at the dangerous intersection or along our roadway, it is highly likely that the owners of the private road would face lawsuits. This is a considerable liability that we should not be expected to bear.
2. **Insurance Impacts:** A fire-related incident could significantly impact our community's fragile fire insurance rates and availability. Given that we are already in a high-risk area, an incident caused by temporary renters could jeopardize the insurance coverage that residents rely on.
3. **Private Road Liability:** As Miracle Lane is a private road, homeowners are responsible for any accidents or injuries that occur there. If the vacation rental is permitted, I believe that the County of Santa Cruz should assume full liability for any accidents or injuries caused by renters, as the street lacks adequate street lighting and is very narrow.
4. **Damage to Property:** The street also features a large, owner-financed swale that runs the length of Miracle Lane. If this swale were to be damaged by vacation rental tenants, we would expect the County to assume responsibility for repairs. I do not believe vacation rental permits should be granted for properties located on private roads, as this only increases the potential for damage and liability.

## **Privacy and Peace**

Many residents, including myself, have chosen to live in this mountain community for the tranquility, privacy, and peace it offers. The approval of this vacation rental permit would inevitably disrupt these qualities and negatively affect the lifestyle we have carefully chosen. A vacation rental in this area would introduce noise, traffic, and transient visitors who are unfamiliar with and unconcerned about the peaceful nature of the neighborhood.

## **Absent Ownership and Lack of Community Engagement**

The Babcock family, who owns the property at 220 Miracle Lane right next door to me, has owned the property for a long time, yet I have never met any of the owners, except in our last county meeting. This lack of engagement with the community reflects their lack of interest in the well-being of our neighborhood. If the owner were a neighbor I knew personally who needed this arrangement for personal or financial reasons, I would be more understanding. However, the owners' motives appear to be purely profit-driven, with no regard for the privacy, safety, or peacefulness of our community.

## **Conclusion**

For the reasons outlined above, I strongly urge the Board of Supervisors to deny the application for a vacation rental permit at 220 Miracle Lane. The safety, liability, and privacy concerns present a serious risk to our community, and the profit-driven nature of the application indicates little regard for the residents who live here.

Thank you for your time and consideration. I trust the Board will take these concerns seriously and make a decision that prioritizes the safety and well-being of the residents of Santa Cruz County.

Sincerely,

Scott Poncetta

190 Miracle Lane

Scott Poncetta  
sponcetta@mac.com  
408.757.1007

12 FEBRUARY 2025

TO: MICHAEL LAM  
PROJECT PLANNER  
COUNTY OF SANTA CRUZ.

FROM: BRUCE ALAN MASTICK  
285 MIRACLE LN.  
SANTA CRUZ, CA. 95060

RE: APPLICATION FOR A VACATION  
RENTAL PERMIT FOR 220  
MIRACLE LN, APN 068-271-06

MICHAEL,

AS THE ADJOINING NEIGHBOR TO THE SUBJECT PROPERTY'S REQUEST FOR A VACATION HOME RENTAL PERMIT, I WOULD LIKE TO HAVE ON RECORD MY LONG LIST OF CONCERNS. BECAUSE OF THE ALLOWED AMOUNT OF PEOPLE THAT COULD STAY AT THIS LOCATION, (10 OVERNIGHT AND AN ADDITIONAL 10 DURING THE DAY) HUGE CONCERNS ARE ON THE PRIVATE ROAD SITUATION. AS I AM SURE YOU HAVE NOTICED THIS IS A VERY NARROW LANE THAT SERVES 8 PARCELS. WE DO NOT HAVE CURRENTLY A ROAD MAINTENANCE & LIABILITY AGREEMENT. OVER THE 35 YEARS SINCE MY WIFE BUILT THE HOME WE LIVE IN, THE ROAD MAINTENENCE NEEDS HAVE BEEN MET WITH AN INFORMAL PROPORTIONALITY ARRANGEMENT THAT HAS BEEN SUCCESSFUL. THIS APPLICATION CHANGES THAT CONCEPT COMPLETELY AND WILL REQUIRE A FRESH NEW ANALYSIS AND A SUBSEQUENT ROAD MAINTENENCE & LIABILITY AGREEMENT BEING FORMALLY PUT TOGETHER BY AN ATTORNEY FAMILIAR WITH THESE KINDS OF SITUATIONS. STAYING ON THE SUBJECT OF THE ROAD, BESIDES BEING NARROW IT IS ALSO STEEP WITH A DEEP OPEN DRAINAGE DITCH (SWALE) ON THE WEST SIDE OF THE LANE. THIS RUNS THE ENTIRE LENGTH FROM THE BOTTOM OF THE LANE AS IT INTERSECTS REDWOOD DRIVE ALL THE WAY UP TO THE DRIVEWAY OF THE SUBJECT PROPERTY. **EXHIBIT 1D**

THERE ARE NO LIGHTS ON THE LANE, AND AN UNFAMILIAR DRIVER (WHICH MOST WILL BE) CAN EASILY DROP A WHEEL IN THE DITCH AND NOT BE ABLE TO GET OUT, DO DAMAGE TO THE VEHICLE, NEED A TOW TRUCK AND POTENTIALLY BLOCK THE ROAD FOR WHATEVER PERIOD OF TIME IT MAY TAKE FOR A SOLUTION TO THE PROBLEM.

PROBABLY, THE LARGEST CONCERN IS A MORE CATASTROPHIC SCENARIO. AT THE BOTTOM OF THE LANE WE INTERSECT REDWOOD DRIVE AT A VERY DECEIVING AND NEARLY BLIND APPROACH ON TO REDWOOD DR. THIS IS DUE TO THE CURVATURE OF THE ROAD AND ABUNDANT VEGETATION ON REDWOOD DR. ABSOLUTE DANGER CAN HAPPEN FROM EITHER DIRECTION, CARS COMING UP REDWOOD OR CARS COMING DOWN. AGAIN, I NEED TO MENTION THERE ARE NO STREETLIGHTS AND IT IS EXTREMELY DARK IN THE FOREST. I'VE EXPERIENCED NUMEROUS CLOSE CALLS AND IT IS QUITE EASY TO IMAGINE A SERIOUS ACCIDENT HAPPENING, WITH UNFAMILIAR DRIVERS.

PARKING IS ALSO A LARGE CONCERN WITH THE ALLOWABLE AMOUNT OF OCCUPANTS. THE NARROW DRIVEWAY TO THE HOUSE HAS ONLY LIMITED CAPACITY WITH TANDEM STYLE PARKING. THERE WOULD BE A POTENTIAL CONSTANT SHUFFLING OF VEHICLES TO ALLOW PEOPLE THAT MIGHT BE PARKED AT THE LOWER END OF THE DRIVEWAY IF THEY WANTED TO LEAVE. THERE CAN BE NO PARKING AT THE TOP OF THE DRIVEWAY BECAUSE IT IS THE FIRE DEPARTMENT TURN-AROUND ALONG WITH THE BOTTOM OF THE DRIVEWAY ON 225 MIRACLE (DIRECTLY ACROSS THE LANE) BEYOND THE DRIVEWAY ENTRANCE TO 220 MIRACLE IS THE CONTINUATION OF THE PRIVATE ROAD RIGHT-OF-WAY AND NO PARKING SHOULD BE ALLOWED THERE BECAUSE OF THE HINDERANCE FOR EMERGENCY VEHICLE ACCESS. FOR CLARITY, THE PRIVATE DRIVE ENDS AT THE NORTH SIDE OF THE SUBJECT PROPERTY AND THE BEGINNING OF OUR PROPERTY. AT THIS POINT IT BECOMES AN ACCESS EASEMENT FOR 325 MIRACLE AND OUR DRIVEWAY.

THERE WILL BE NO TURN-AROUND OR ANY KIND OF ACCESS BEYOND THE END OF THE MIRACLE LN. PRIVATE ROAD. WE WILL FEEL THE NEED TO PROTECT OUR PAVING SURFACES, DRAINAGE SWALES AND GENERAL DAMAGE FROM EXCESSIVE USE CAUSED BY MORE VEHICLES. IN SUMMARY FOR ROAD AND PARKING ISSUES THIS LOCATION FOR A VACATION HOME HAS PLENTY OF PROBLEMS THAT NEED TO BE TAKEN IN CONSIDERATION TO DENY THIS APPLICATION.

HEALTH AND SAFETY CONCERNS ARE ALSO PLENTIFUL. ACCESS FOR EMERGENCY VEHICLES TOPS THE LIST, BUT WITH ANY VACATION RENTALS THE USE OF OUTDOOR FIRE PITS, BBQ'S AND GENERALLY CARELESS SMOKERS WILL BE A CONSTANT FEAR ANYTIME IT IS OCCUPIED.

ALL OF MIRACLE LN. ARE ON SEPTIC SYSTEMS AND I CAN LOGICALLY ASSUME HAVING THE POTENTIAL OF LARGE NUMBERS OF OCCUPANTS ALLOWED, WILL SURELY STRESS THE EXISTING SYSTEM. THIS SYSTEM IS LOCATED ON THE EASTERN SIDE OF THE PROPERTY ON THE BANK DIRECTLY ABOVE THE CREEK. I FEEL THAT IF AN EXPANSION TO THE LEECH FIELD IS NECESSARY IT WOULD BE IN CONFLICT FOR CODE COMPLIANCE DUE TO IT'S CLOSE PROXIMITY TO THE CREEK.

THE NOISE AND DISRUPTION A LARGE GATHERING CAN HAVE IS MAGNIFIED BECAUSE WE ARE IN A CANYON. THE SOUND ECHOES THROUGH THE NEIGHBORHOOD WITH GREAT VOLUME. I CAN SIT ON MY DECK AND LITERALLY HEAR EVERY WORD OF A PHONE CONVERSATION OF SOMEONE ON THE OTHER SIDE OF THE CREEK ON REDWOOD DRIVE, YES, I KNOW THERE ARE RESTRICTIONS THAT WOULD BE PUT IN PLACE BUT I GUARANTEE IF AFTER WHATEVER TIME FRAME IS POSTED, THERE CONTINUES TO BE NOISE THERE WILL BE A COMPLAINT CALLED IN TO THE POLICE DEPARTMENT. CERTAINLY NOT A GOOD USE OF THEIR TIME. THE DISTURBANCE TO THE NEIGHBORS

IS ONE THING, BUT THE DISTURBANCE TO THE ABUNDANCE OF WILDLIFE IS YET ANOTHER ISSUE, WE, IN THE NEIGHBORHOOD, HAVE ENJOYED LIVING IN THIS SERENE SETTING AND PART OF THAT IS BEING AMONGST FAMILIES OF MANY SPECIES OF ANIMALS. I AM NOT QUITE SURE WHAT THE ALLOWABLE PET CRITERIA IS FOR VACATION RENTALS, BUT THIS IS AN UNFENCED PROPERTY THAT HAS THE ABILITY TO CREATE HAVOC TO WILDLIFE WHETHER IT IS THE HUMAN ELEMENT OR POSSIBLY A PET DOG THAT DOES NOT HAVE A RESPONSIBLE OWNER.

I AM HOPING THAT ALL INVOLVED IN REVIEWING THIS APPLICATION CAN PLACE THEMSELVES IN THE SHOES OF THE 7 NEIGHBORS ON MIRACLE LN. AND ALL OF THE FOLKS ON REDWOOD DRIVE THAT HAVE VOICED OPPOSITION. THE THOUGHT OF, ON ANY GIVEN DAY THERE MAY BE AN ARRIVAL OF A HOUSE FULL OF RENTERS (REMEMBER THE ALLOWABLE LIMIT IS 20) IS ABSOLUTELY DEVASTATING TO ME AND WILL TAKE AWAY THE SOULFULNESS I FEEL WHEN I ARRIVE HOME TO THIS JEWEL OF A LOCATION IN THE FOREST.

THANK YOU IN ADVANCE FOR TAKING THE NECESSARY TIME AND CONSIDERATION WITH THIS SUBMITTAL. I AM HOPING THAT PLANNING STAFF AND THE ZONING ADMINISTRATOR COME TO THE SAME CONCLUSION THAT A VACATION RENTAL IN THIS LOCATION IS INAPPROPRIATE!

SINCERELY,



BRUCE ALAN MASTICK

20 DEC. 2024

JAMES,

I AM REACHING OUT PERSONALLY AS YOUR ADJOINING NEIGHBOR TO ASK THAT YOU DROP THE PURSUIT OF TURNING YOUR HOME INTO A VACATION RENTAL. IT HAS MYSTIFIED ME WHAT MADE YOU THINK THIS WAS EVEN A REASONABLE THING TO DO TO OUR NEIGHBORHOOD, BUT SOMEHOW YOU DID. JUST THE THOUGHT OF COMING HOME ON ANY GIVEN DAY TO SEE 10, 20, OR EVEN MORE PEOPLE TRYING TO PARK, PARTYING, AND DISTURBING THE CALMNESS OF OUR SERENE, QUIET AND NATURE FILLED SETTING IS ABSOLUTELY DEVASTATING

SINCE YOUR SIGN WENT UP THE STRESS AND ANXIETY THIS HAS CAUSED THROUGHOUT MIRACLE LN. AND UP REDWOOD DRIVE HAS BEEN EVER PRESENT. THIS IS MADE CLEAR BY ALL THE LETTERS OF OPPOSITION ALREADY SENT TO THE COUNTY PLANNER AND BEYOND. IT IS A NIGHTMARE THAT I THINK ABOUT EVERY DAY, THAT HAS REALLY CREATED A HUGE DAMPER ON WHAT SHOULD BE SUCH A JOYFUL TIME OF YEAR.

JAMES, I AM PLEADING WITH YOU TO WITHDRAW YOUR PROPOSED DEVELOPMENT APPLICATION. I WILL MAKE MYSELF AVAILABLE TO DISCUSS ALL OF THE MANY REASONS WHY THIS IS INAPPROPRIATE AND SHOULD NOT BE ALLOWED. THIS WILL ALL COME OUT IN FULL FORCE AT A PUBLIC HEARING IF YOU CHOOSE TO CONTINUE DOWN THIS PATH. PUT YOURSELF IN OUR SHOES AND HOPEFULLY YOU WILL DO THE RIGHT THING FOR OUR NEIGHBORHOOD AND FOR YOUR NEIGHBORS.

SINCERELY,



BRUCE ALAN MASTIC 85

EXHIBIT 1D

## Michael Lam

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**From:** Brandon Gregg <clanmacarms@gmail.com>  
**Sent:** Tuesday, April 15, 2025 12:18 PM  
**To:** Michael Lam; Justin Cummings; Manu Koenig  
**Subject:** 241286 Addition to Staff Report submitted April 15, 2025

**\*\*\*\*CAUTION:** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\*

Mr. Lam,

I am writing on behalf of myself and the overwhelming majority of residents on Miracle Lane to strongly oppose the approval of a vacation rental permit for 220 Miracle Lane.

Despite numerous letters, direct in-person testimony, and clear neighborhood opposition expressed during the public hearing, our collective voice was blatantly disregarded by the Planning Department and other county representatives. This outcome is not only disappointing; it is infuriating.

What makes this even more troubling is the contradiction between the county's stated commitment to affordable housing and its decision to approve a short-term rental permit managed by a non-local property management company. This directly undermines the city and county's credibility and their professed goals of supporting permanent residents over transient vacation use.

Public hearings are intended to give real weight to community input. In this case, it appears our unanimous concerns were dismissed without justification, a slap in the face to every neighbor who took the time to participate in good faith. It raises serious concerns about whether the process is truly transparent and accountable.

We urge the Planning Department to take this appeal seriously. Reverse this decision and honor the input of the people who actually live on this street and deal with the real consequences of these approvals. Trust in our local government hinges on fair process, real listening, and honest consideration, not rubber-stamping outside interests.

Democracy is already under strain at the national level. Let's not allow that same erosion to take hold here at home.

Sincerely,  
Brandon Gregg  
145 Miracle Lane

## Michael Lam

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**From:** Mary Alice Davis <mad49@sbcglobal.net>  
**Sent:** Friday, April 11, 2025 2:39 PM  
**To:** Michael Lam; Justin Cummings; Manu Koenig  
**Cc:** Brandon Gregg; Nick; Shiva Abbaszadeh; Gerry Rieger; T F Architect; Bruce Mastick; Nicole Nadler Benjamin; Rebecca Copeland; Scott Poncetta; James M. Babcock  
**Subject:** 241286 Addition to Staff Report

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

April 11, 2025

241286 Staff Report

Mr. Lam,

I believe that one of the conditions was that the property manager greet the renter at 220 in order to get signatures on two items of the rental agreement. I see where these signatures are required on the rental agreement, but I cannot find anywhere that it states it must be done in person.

Please review your notes from the hearing to determine if this is correct, and if so, please amend the documents accordingly.

If not, I request that this be considered at the April 23<sup>rd</sup> hearing.

Also, please include this communication in the staff report for the April 23<sup>rd</sup> meeting.

Thank you,

Mary Alice Davis

140 Miracle Lane, Santa Cruz 95060

[Mad49@sbcglobal.net](mailto:Mad49@sbcglobal.net)

831-429-8986

## Michael Lam

---

**From:** Mary Alice Davis <mad49@sbcglobal.net>  
**Sent:** Tuesday, April 15, 2025 11:20 AM  
**To:** Michael Lam; Justin Cummings; Manu Koenig  
**Subject:** 241286 Addition to Staff Report submitted April 15, 2025

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Mr Lam,

I oppose the approval of this vacation rental by the Zoning Administrator at the meeting held February 21, 2025. The Zoning Administrator based the approval on the staff report that contained many inaccuracies, which were not allowed to be corrected at the public hearing prior to approval.

This vacation rental should not be approved, because access to the rental is via a single lane that is maintained and financed by all property owners on Miracle Lane. The narrow roadway along Miracle Lane impedes emergency vehicle access, especially fire trucks and ambulances. The intersection of Miracle Lane and Redwood Drive is an extremely hazardous location with limited visibility for oncoming traffic. This intersection is already prone to accidents, and adding transient renters could increase the risk of fatal accidents. If an accident occurs at the intersection of Redwood Drive and Miracle Lane or along Miracle Lane, it is probable that the owners of Miracle Lane would face lawsuits. This is a considerable liability that we should not be expected to bear. If this vacation rental is permitted, the County of Santa Cruz should assume full liability for any accidents or injuries caused by renters.

This vacation rental should not be approval until there is a final determination by the Planning Commission regarding the Board of Supervisors' subcommittee recommendations regarding new rules and regulations for vacation rentals throughout the County. Said upcoming rules may disallow this vacation rental.

As a result of this permit application, residents of Miracle Lane are in the process of drafting a road agreement for approval by all residents determining use and maintenance of Miracle Lane. Approval of this permit should not be made until the road agreement is completed,

The property was represented improperly and considered inaccurately by the planning staff, including site access, location along a creek, exterior deck rails, WUI construction details and septic tank capacity. This residence exists in a wooded area, with one property line in the centerline of Boomer Creek. If some building aspects are deemed adequate, then all Building, Health and Safety aspects should be considered.

Fire safety, other than illegal fireworks, were not adequately addressed in the staff report, and the Zoning Administrator did not require adequate measures to deal with the conditions. Temporary tenants, especially those unfamiliar with local fire risks and regulations, may be careless with fire-related activities. There is only one way in and out for all of Redwood Drive. This vacation rental is located at the beginning of Redwood Drive, so a fire at this location could potentially prevent residents from leaving and therefore endanger the lives of several hundred people residing in the canyon.

Vacation rentals are not allowed under all circumstances, thus the approval of vacation rentals in an RA zone goes through an Administrative Use Permit or a Conditional Use Permit process in order to determine whether or not a vacation rental is appropriate in a given location and whether or not the conditions merit the use. Hazards and concerns have been brought forward by both residents of Miracle Lane and residents of Redwood Drive, which do not appear to have been adequately studied by the staff. Due to negligence on the part of staff in drafting their report, I do not believe this vacation rental should be allowed.

Generally speaking, also of concern is removing single family residences from the long-term rental market. Vacation rentals should require that a resident live on the vacation rental property, thus providing local housing. Also of benefit, the live-in resident would provide oversight of the actions and behavior on the property.

Santa Cruz County receives and has become very dependent on the TOT taxes it receives from vacation rentals to meet their budget. It makes the County more willing to approve vacation rentals in order to aid the County budget.

Please make this communication a part of the staff report for the April 23<sup>rd</sup> appeals hearing.

Thank you for considering my concerns.

Mary Alice  
Davis

95060

140 Miracle Lane, Santa Cruz

831-429-8986

## Michael Lam

---

**From:** Scott Poncetta <sponcetta@mac.com>  
**Sent:** Saturday, April 12, 2025 10:46 AM  
**To:** Michael Lam  
**Cc:** Brandon Gregg; Mary Alice Davis; T F Architect; Gerry Rieger; Nicole Benjamin; Nick; Aaron Lodge  
**Subject:** Opposition to Vacation Rental Permit at 220 Miracle Lane

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

**Michael Lam:**

**Please see that this document is reviewed by all relevant parties prior to our appeal hearing on April 23.**

**Board of Supervisors  
Santa Cruz County**

**Subject: Strong Opposition to Vacation Rental Permit Application for 220 Miracle Lane**

Dear Members of the Board,

I am writing to express my strong opposition to the proposed vacation rental permit application for the property located at 220 Miracle Lane. As a neighboring property owner, I have significant concerns regarding the safety, liability, privacy, and overall well-being of our community. I believe these factors present valid reasons for the County of Santa Cruz to deny this application.

### **Safety Concerns**

1. **Dangerous Intersection:** The intersection of Miracle Lane and Redwood Drive is an extremely hazardous location with limited visibility for oncoming traffic. This intersection is already prone to accidents, and adding transient renters to the mix could increase the risk of fatal accidents. One mistake could cost lives, and the possibility of a fatal incident at this location is too great a risk to overlook.
2. **Narrow Roadway and Emergency Access:** The narrow roadway along Miracle Lane impedes emergency vehicle access, especially fire trucks and ambulances. Several senior residents live on this street, and there is a real concern that emergency services would not be able to reach them quickly in the event of a medical or fire emergency if guests were parked in unrestricted areas along our narrow lane.
3. **Fire Safety:** Fire safety is a particularly urgent issue in our area. Temporary tenants, especially those unfamiliar with local fire risks and regulations, may be careless with fire-related activities such as fire circles, fire pits, and cigarettes. A single lapse in judgment could result in a devastating fire, threatening not only the property in question but also our entire community.

### **Liability Concerns**

1. **Potential Legal and Financial Risks:** If an accident occurs at the dangerous intersection or along our roadway, it is highly likely that the owners of the private road would face lawsuits. This is a considerable liability that we should not be expected to bear.
2. **Insurance Impacts:** A fire-related incident could significantly impact our community's fragile fire insurance rates and availability. Given that we are already in a high-risk area, an incident caused by temporary renters could jeopardize the insurance coverage that residents rely on.
3. **Private Road Liability:** As Miracle Lane is a private road, homeowners are responsible for any accidents or injuries that occur there. If the vacation rental is permitted, I believe that the County of Santa Cruz should assume full liability for any accidents or injuries caused by renters, as the street lacks adequate street lighting and is very narrow.
4. **Damage to Property:** The street also features a large, owner-financed swale that runs the length of Miracle Lane. If this swale were to be damaged by vacation rental tenants, we would expect the County to assume responsibility for repairs. I do not believe vacation rental permits should be granted for properties located on private roads, as this only increases the potential for damage and liability.

### **Privacy and Peace**

Many residents, including myself, have chosen to live in this mountain community for the tranquility, privacy, and peace it offers. The approval of this vacation rental permit would inevitably disrupt these qualities and negatively affect the lifestyle we have carefully chosen. A vacation rental in this area would introduce noise, traffic, and transient visitors who are unfamiliar with and unconcerned about the peaceful nature of the neighborhood.

### **Absent Ownership and Lack of Community Engagement**

The Babcock family, who owns the property at 220 Miracle Lane right next door to me, has owned the property for a long time, yet I have never met any of the owners, except in our last county meeting. This lack of engagement with the community reflects their lack of interest in the well-being of our neighborhood. If the owner were a neighbor I knew personally who needed this arrangement for personal or financial reasons, I would be more understanding. However, the owners' motives appear to be purely profit-driven, with no regard for the privacy, safety, or peacefulness of our community.

### **Conclusion**

For the reasons outlined above, I strongly urge the Board of Supervisors to deny the application for a vacation rental permit at 220 Miracle Lane. The safety, liability, and privacy concerns present a serious risk to our community, and the profit-driven nature of the application indicates little regard for the residents who live here.

Thank you for your time and consideration. I trust the Board will take these concerns seriously and make a decision that prioritizes the safety and well-being of the residents of Santa Cruz County.

Sincerely,

Scott Poncetta

190 Miracle Lane

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