



Staff Report to the Zoning Administrator

Application Number: **171194**

Applicant: Annette Murdaca
Owner: Murdaca
APN: 054-191-28

Agenda Date: November 3, 2017
Agenda Item #: 3
Time: After 9:00 a.m.

Project Description: Proposal to operate a new 4 bedroom vacation rental. Requires a Vacation Rental Permit.

Location: Property located on the east side of Via Gaviota approximately 675 feet north of the intersection with Clubhouse Drive (769 Via Gaviota) in Aptos.

Supervisory District: 2nd District (District Supervisor: Friend)

Permits Required: Vacation Rental Permit

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 171194, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|--|----|--|
| A. | Categorical Exemption (CEQA determination) | F. | Vacation Rental Agreement |
| B. | Findings | G. | Assessor's, Location, Zoning and General Plan Maps |
| C. | Conditions | H. | Comments & Correspondence |
| D. | Project plans | | |
| E. | Vacation Rental Permit Application | | |

Parcel Information

Parcel Size:	6,185 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Via Gaviota
Planning Area:	Aptos
Land Use Designation:	R-UL (Urban Low Density Residential)

Zone District: R-1-6 (Single family residential - 6,000 square feet minimum)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. Yes X No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Soils report not required
Fire Hazard: Not a mapped constraint
Slopes: Front of property contains 15-30% slopes with 50% at the rear
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: No change to existing drainage
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: X Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz Sanitation District
Fire District: Aptos La Selva Fire Protection District
Drainage District: Flood Control District 6

Project Setting/Analysis

The project site is located within the Seascape Beach Estates development. The subject property is located on the east side of a private street (Via Gaviota) in a gated portion of the subdivision consisting of three main streets which are terraced into a coastal bluff. The neighborhood is comprised of single family residences consisting of a mix of architectural designs and subject to the Seascape Beach Association guidelines. On street parking is prohibited within the Seascape Beach Estates subdivision and the area is patrolled by private security 24 hours a day.

The subject property is developed with an existing 4 bedroom home constructed under Coastal Development Permit 99-0023. There have been no additions or other work to the home which result in an increase in bedroom count since the originally approval.

This is a proposal to operate a residential vacation rental in an existing four bedroom dwelling. The property is shown on maps as located within a portion of the Seacliff/Aptos Designated Area (SADA) which does not limit the number of vacation rentals on a residential block. All vacation rentals within the SADA expire five years from the date of issuance. As indicated in SCCC 13.10.694(D)(2), a public hearing is required for vacation rentals consisting of four or more

bedrooms.

Bailey Properties has been designated as the 24-hour contact for the proposed vacation rental. Bailey Properties has a long history of managing vacation rentals in the County of Santa Cruz and maintains strict policies regarding 24-hour emergency response procedures and coordinating payment of Transient Occupancy Taxes to the Treasurer-Tax Collector. The project would be conditioned to prohibit on street parking to ensure consistency with the Seascapes Beach Association guidelines.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 6,300 square feet, located in the R-1-6 (Single family residential - 6,000 square feet minimum) zone district, a designation which allows residential uses and vacation rentals. The proposed vacation rental is a principal permitted use within the zone district and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Plan designation.

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 **171194**, 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 Department, 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.co.santa-cruz.ca.us

Report Prepared By: Nathan MacBeth
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3118
E-mail: nathan.macbeth@santacruzcounty.us

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department 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: 171194

Assessor Parcel Number: 054-191-28

Project Location: 769 Via Gaviota

Project Description: Proposal to operate a vacation rental in an existing single family dwelling.

Person or Agency Proposing Project: Annette Murdaca

Contact Phone Number: (209) 969-3674

- 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. X **Categorical Exemption**
Specify type: Class 1, Section 15301
Class 3, Section 15303

F. Reasons why the project is exempt:

Class 1-Existing Facilities: Class 1 includes, but is not limited to, conversion of a single family dwelling to an office use and use of a single family dwelling as a small family day care. The key consideration for Class 1 exemptions is that the project involves negligible or no expansion of an existing use. Conversion of a single family dwelling to a vacation rental involves negligible expansion of the residential use and is less intensive than conversion of a dwelling to an office or day care use.

In addition, a Negative Declaration for implementation of the Vacation Rental Ordinance was approved by the Board of Supervisors on 5/03/2011 and certified by the Coastal Commission on 7/12/2011.

None of the conditions described in Section 15300.2 apply to this project.

Nathan MacBeth, Project Planner

Date: _____

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be 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 result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made in that the proposed vacation rental is located in an existing four bedroom residential structure with an attached garage in an area consistent with County code Section 13.10.694 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.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with 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 R-1-6 zone district which allows one single family residential dwelling and vacation rental use of the dwelling, meeting all requirements of the vacation rental ordinance.

3. That the proposed use is consistent with all elements of the County General Plan and with 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 Urban Low 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.

4. That the proposed use will not overload utilities and will not 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.

Application #: 171194

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Owner: Murdaca

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

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.

Conditions of Approval

Exhibit D: Project Plans 3 sheets, prepared by Robert Goldspink, dated 11/3/2000

- I. This permit authorizes the operation of a vacation rental. 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 the Planning Department 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 conditions of approval. 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.
 - B. The maximum, overnight occupancy of the vacation rental shall not exceed 10 people (children under 8 years old are not counted).
 - C. Maximum number of people that are allowed for celebrations and gatherings between the hours of 8:00am and 10:00pm shall not exceed 20 people (children under 8 are not counted).
 - D. The maximum number of vehicles associated with the overnight occupants shall not exceed 4 on-site parking spaces (No on street parking is allowed).
 - E. Occupants and guests shall adhere to the noise standards contained in the County Noise Ordinance (County Code Chapter 8.30).
 - F. A list of 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, and a reference to the standards contained in the County Noise Ordinance (County Code Chapter 8.30).
 - G. 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.
 - H. 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.

- I. The name, address, and telephone number(s) of the local contact person shall be posted inside the vacation rental in a location readily visible to all guests, and shall be submitted to the local Sheriff Substation, the main County Sheriff's Office, the local fire agency, and shall be supplied to the property owners of all properties located within a 300 foot radius of the parcel on which the vacation rental is located.
 - J. Any change in the contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified above.
 - K. 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.
 - L. The owner/applicant shall agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising out of the use of the dwelling as a vacation rental. Unless an alternate dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Conflict Resolution Center of Santa Cruz County.
- III. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - 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 Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder 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. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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 five years from the approval date listed below unless an application to renew this approval is submitted prior to the expiration date.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Wanda Williams
Deputy Zoning Administrator

Nathan MacBeth
Project Planner

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

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131

Vacation Rental Permit Application

Carefully read the List of Required Information (LORI) and ensure that ALL required information is included with this application. If you do not have ALL of the required information, your application will not be accepted.

Permit and Property Information

Current vacation Rental Permit Number (if applicable): _____

Assessor's Parcel Number (APN): 05419128
(APNS MAY BE OBTAINED FROM THE ASSESSOR'S OFFICE AT (831) 454-2002)

Street Address: 769 Via Gaviota

Applicant Information (Complete only if different from Owner Information)

NAME: Bailey Property Management

MAILING ADDRESS: 106 Aptos Beach Dr.

CITY/STATE: Aptos, CA ZIP: 95003

PHONE NO. (831) 688-7009 CELL PHONE NO. ()

EMAIL: Vacations@baileyproperties.com

Owner Information

NAME: James and Annette Mordaca

MAILING ADDRESS: 1266 Winerose Ct.

CITY/STATE: Lodi, CA ZIP: 95242

Annette PHONE NO. (209) 969-3674 CELL PHONE NO. (209) 969 3674

EMAIL: amordaca@outlook.com

NOTE:

If the application submittal is made by anyone other than the owner, a signed Owner/Agent form (attached) or a property management agreement must be submitted with the application.

24-HOUR CONTACT

NOTE: 24-Hour Contact must reside within a 30 mile radius of the vacation rental

NAME: Bailey Property Management

MAILING ADDRESS: 106 Aptos Beach Dr

CITY/STATE: Aptos, CA 95003 ZIP:

PHONE NO. (831) 688-7009 CELL PHONE NO. ()

EMAIL: Vacations @ baileyproperties.com

ELECTED/ PUBLIC OFFICIAL OR COUNTY EMPLOYEE INFO. 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.

X

Contact person signature, if applicable

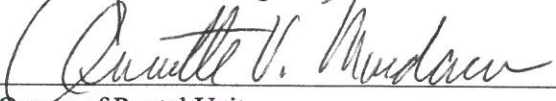
N/A

VACATION RENTAL SAFETY CERTIFICATION

The following items require verification to assure the vacation rental unit is equipped and maintained to minimum safety standards to help provide for a safe vacation experience. Verification can be performed by owner (self-certified), certified home inspector, County Building Inspector, or by the property manager/agent.

- ☒ **Smoke alarms** (listed and approved by the State Fire Marshall) installed in the following locations per the 2016 California Residential Code, Sec. R314.1.
 - In each sleeping room.
 - Outside each separate sleeping area in the immediate vicinity of the bedroom(s).
 - At least one alarm on each story, including basements and habitable attics.
- ☒ **Carbon Monoxide alarms** (listed by an approved agency such as UL) installed in the following locations per the 2016 California Residential Code, Sec. R315.1.
 - Outside each separate sleeping area in the immediate vicinity of the bedroom(s).
 - At least one alarm on each story, including basements and habitable attics but not including crawl spaces or uninhabitable attics.
- ☒ Working **GFCI's** (ground fault circuit interrupters) required at all receptacles within 6 feet of all kitchen, bathroom, bar and laundry sinks per the 2016 California Electrical Code, Art. 210.8.
- ☒ All sleeping rooms shall be provided with at least one **emergency egress window** with a minimum net clear opening of 5 square feet, with a minimum opening height of 24 inches and minimum net clear opening width of 20 inches, with the bottom of the clear opening being not greater than 44" measured from the floor. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided such devices are releasable or removable from the inside without the use of a key, tool or special knowledge. Per the 2016 California Residential Code, Sec. R310.
- ☒ All stairs shall have at least one continuous **handrail** running the full length of the stairs per the 2016 California Residential Code, Sec. R311.7.8
- ☒ All walking surfaces measured vertically more than 30" above grade or other floor levels, including mezzanines, platforms, stairs, ramps and landings shall have **guard railing** a minimum of 42" in height with openings no greater than 4" per the 2016 California Residential Code, Sec. R312.1. Exception: Guards on the open sides of stairs shall have a height not less than 34" measured vertically from a line connecting the leading edges of the treads.
- ☒ **Pool/spa safety barrier** enclosures shall comply with Santa Cruz County Code, Sec. 12.10.216. Exception: Self-contained spas/ hot tubs with approved safety covers need not comply with barrier reqs.
- ☒ Rental equipped with at least one **fire extinguisher** (type 2A10BC) installed in a readily visible/accessible location near the kitchen.

I hereby certify that the safety standard conditions listed above are fully complied with and will be maintained in a useable and functioning condition. **Form must be signed by one of the following four parties.**


Owner of Rental Unit

7/5/17
Date

Certified Home Inspector

License #

Date

County Building Inspector

Date

Property Manager/Agent

Date

For questions regarding these safety certification requirements please contact the Building Official at (831) 454-3195

OWNER-AGENT APPROVAL FORM

For persons other than the owner who wish to obtain a building, development, and/or other permit, the approval of the owner is required.

This is the County's authorization to issue a permit to the agent listed below:

Agent: Name: Bailey Property Management
Address: 1016 Aptos Beach Dr.
City, State, Zip Code: Aptos, Ct 95003
Telephone: (831) 688-7009 Cell #: ()

Owner: Name: James and Annette Mordaca
Address: 266 Winerose Court
City, State, Zip Code: Lodi, Ct 95242
Telephone: (209) 969-3674 Cell #: ()

Date

Signature of Owner

Assessor's Parcel Number(s)

Project Location

Note: One Owner-Agent form will be required for each permit required. In the case where there is more than one owner of a parcel, the owner signing this form represents that he/ she has the consent from all other owners of the parcel. By signing this form, the owner is authorizing the agent to legally bind the owner to responsibility for payment of the County's cost for all actions related to noncompliance with permit conditions. The agent will be required to provide proof of service, by mail, to the owner of a copy of the executed acceptance of permit conditions.

*Please sign & return
complete packet...*



Bailey Property Management

106 Aptos Beach Drive, Aptos CA 95003 (831) 688-7009

GUEST VACATION RENTAL AGREEMENT & INFORMATION SHEET

GUEST RESERVATION NAME: _____

PREMISES: _____

RESERVED DATES IN: _____ OUT: _____

BAILEY PROPERTY MANAGEMENT, INC., ("Manager") as agent for the Owner of the above-described Premises, and the undersigned guest(s) ("Guest") agree to rent the Premises to Guest, subject to the following terms and conditions:

1. VACATION RENTAL ORDINANCE RULES: Guest represents and warrants that (1) Guest is a responsible adult; (2) Guest will limit the occupancy of the Premises to the individuals listed below ("Occupants") during the entire reserved Occupancy Period, and (3) any other invitees allowed to occupy the Premises will be family members or responsible adults. If persons not falling within the foregoing categories are found to occupy the Premises, Guest and other occupants agree to vacate the Premises immediately without a refund. Keys will not be issued to minors. **Guests shall strictly comply with the Vacation Rental Rules and Regulations attached hereto as Exhibit "A."**

CHECK IN: OFFICE

Check in time is between 3:00 and 5:00 P.M. Keys will be ready for pick up at BAILEY PROPERTY MANAGEMENT, 106 Aptos Beach Drive, Aptos. Please call the office (831-688-7009) if you will be checking in after 5:00 P.M. Keys will not be released to Guest until all paperwork is signed and received in our office before check in day. Guests are not to go to or enter the Premises prior to registration at the office.

CHECK OUT:

Check out time is 10:00 A.M. Absolutely **NO** late check outs. Failure to comply can result in loss of deposit. Please deliver all keys, parking permits/passes and remotes (if issued) to Manager's office. **Guest will be charged \$10.00 for all keys not returned, \$50.00 for each pool key not returned, and \$200.00 per parking permit/pass not returned.**

2. PAYMENTS: The security deposit of \$500.00 and the balance due for the reservation must be paid 60 days prior to the check-in date, (it is guest responsibility to call in for final payment.) The security deposit will be returned to Guest 10-14 days after departure, subject to compliance with the terms and conditions of this Agreement by Guest and Guest's invitees.
3. CANCELLATION: Should Guest wish to cancel the reservation, notice of cancellation must be received 60 days prior to the check-in date. If Guest's notice of cancellation is received less than 60 days prior to the check-in date, Guest will forfeit all sums paid, unless Manager can reassign the

Premises. If Manager is unable to reassign the Premises, Manager will retain the entire amount paid and refund the security deposit to Guest.

4. **CLEANING:** The cleaning fee is included in the rental cost. The cleaning fee is for general cleaning. Prior to departure, Guest shall:

- a. Wash and put away dishes in the cupboards;
- b. Please have premises ready to be cleaned;
- c. Please do not move or rearrange furniture. Doing this can cause major damage to furniture, floors, and all areas of the home.
- d. Remove all garbage from the Premises and deposit it in the appropriate refuse container.

If additional cleaning is required, charges will be deducted from Guest's security deposit based on actual cost.

5. **LINENS:** Linen service is included with guest reservations. To include sheets, pillowcases and towels (excluding beach towels.) 1 set of towels per person.
6. **TRASH MANAGEMENT:** Trash must be kept in closed containers and not allowed to accumulate. It is guest's responsibility to put trash out the night before trash pick-up day (Trash day will be noted on sheet on refrigerator).
7. **WHAT MANAGER WILL SUPPLY:** The Premises are equipped and set up as fully furnished including bedspreads, blankets, and pillows, equipped kitchen, TVs, furniture, BBQs, and outdoor furniture where appropriate.
8. **GUEST LIABILITY:** Guest accepts liability for any and all damage to the Premises other than normal wear and tear, including, but not limited to misuse of appliances, and/or equipment furnished. If the cost to correct, repair, replace or remedy the damage exceeds the security deposit held, Guest agrees to reimburse Manager or Owner for the costs incurred to correct, repair, replace or remedy the damage.
9. **OCCUPANCY/DISTURBANCES:** Guest will be required to vacate the Premises and forfeit all fees and the security deposit if Guest or the Occupants breach this Agreement or if Guest or the Occupants:

- a. Exceed the sleeping capacity of the Premises; **Maximum Occupancy** _____
Occupants over age 8: _____

- b. Responsible party must be 25 years or older to reserve premises.
- c. Use the Premises for any illegal activity including, but not limited to, the serving or consumption of alcoholic beverages by persons under 21 years of age;
- d. Cause damage to the Premises, or any neighboring property;
- e. Cause disturbances or nuisances in violation of applicable laws or regulations;
- f. Violate any rules or regulations posted within the Premises (which are incorporated herein by this reference);
- g. **Violate Santa Cruz County curfew rule. Quiet hours are between 10PM and 8AM.**
- h. **Violate the County's Vacation Rental Ordinance where applicable.**

10. PETS: Unless otherwise provided in California Civil Code Section 54.2, pets are not allowed on the Premises without Manager and Owner's express permission, and if allowed, a pet deposit is required. Violation of pet restrictions may result in termination of this Agreement, a forfeiture of all fees, and a forfeiture of security deposit.

a. **Manager's have approved pet on premises:** YES NO

11. RATES/OWNER'S CANCELLATION: Rates are subject to change at the Owner's discretion provided that the Owner shall give guest notice of such change at least 60 days prior to the check-in date, whether or not previous notice of confirmation has been given. Owner reserves the right to cancel any reservation on a 60 day advance notice. Manager will attempt to locate another rental property should there be a cancellation. In the event of a cancellation by Owner, the \$50.00 reservation fee will be refunded or transferred to another rental property.

12. USE OF THE BEACH. The use of the beach or swimming in the ocean is at Guest's own risk.

13. PERSONAL PROPERTY, INJURY AND INDEMNIFICATION:

14. Guest and Occupants are not insured by Owner or Manager against loss or damage due to theft, fire, vandalism, rain, water, criminal or negligent acts of others, or any other cause. Owner and Manager recommend that Guest and Occupants carry insurance to protect them and their personal property from injury, theft, loss or damage.

15. Guest acknowledges and agrees that Manager does not own the Premises and acts only as an agent for the Owner. Manager shall have no liability for loss, damage or injury to persons or property, arising from the condition of the Premises, nor for any defects in or stoppage of the supply of water, gas, electricity, plumbing, or other utilities or equipment. Manager shall have no liability for loss or damage caused by theft, weather conditions, natural disasters, construction projects, acts of God, or other reasons beyond its control.

16. Manager is not responsible for items left in the Premises. Manager will keep lost items for 30 days after which they will be disposed of as permitted by law. In any action concerning the rights, duties or liabilities of the parties to this Agreement, their principals, agents, successors or assigns, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs.

17. Guest agrees to indemnify, defend and hold Owner and Manager harmless and to defend them against claims, cost or liability of any kind or nature arising out of the occupancy of Premises by Guest and Guest's invitees.

18. This paragraph shall survive termination of this Agreement.

19. TERMINATION OF OCCUPANCY. Upon termination of occupancy, Guest shall vacate the Premises and surrender it to Manager; vacate any and all parking and/or storage spaces, and deliver the Premises to Manager in the same condition, less ordinary wear and tear, as received upon arrival.

20. MEDIATION. Guest agrees to mediate any dispute or claim arising out of this Agreement, or any resulting transaction, before resorting to arbitration or court action. Mediation fees, if any, shall be divided equally among the parties involved.

21. JOINT AND SEVERAL OBLIGATIONS. If there is more than one Guest, each one shall be individually and jointly responsible for the performance of all obligations under this Agreement.

22. TRANSIENT OCCUPANCY. Guest is renting the Premises as a transient lodger for the Occupancy Period set forth above. Owner retains all legal, possessory and access rights to the Premises.

23. GENERAL PROVISIONS.

- a. Amendment. This Agreement may not be amended, modified or supplemented except by a written agreement executed by all the parties.
- b. Attorneys' Fees. In the event any party hereto institutes an action or proceeding to enforce any rights arising under this Agreement, the party prevailing in such action or proceeding shall be paid all reasonable attorneys' fees and costs.
- c. Complete Agreement. This Agreement constitutes the complete and exclusive statement of agreement among the parties with respect to the subject matter herein and therein replaces and supersedes all prior written and oral agreements or statements by and among the Parties. Any representation, statement, condition or warranty not contained in this Agreement will not be binding on the parties or have any force or effect whatsoever, notwithstanding the provisions of Civil Code Section 1698.
- d. Counterparts. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A signature by facsimile or .PDF shall be treated as an original.
- e. Time of the Essence. Time is of the essence for each provision of this Agreement.

IN WITNESS, WHEREOF, Guest and Manager (on behalf of Owner) have entered into this Rental Agreement as of the _____ day of _____, 2016/17

MANAGER
BAILEY PROPERTY MANAGEMENT, INC.

Sign Here ↓

GUEST

BY _____

RECEIPT OF KEYS, PARKING PASSES/PERMITS, GARAGE/GATE PASSES/REMOTES:

_____ <u>2</u> _____ House keys issued (Office check-in)	_____ House keys returned
_____ <u>1</u> _____ House keys issued (Lockbox check-in)	_____ House key returned
_____ Pool keys issued	_____ Pool keys returned
_____ Garage/Gate pass(es) issued	_____ Garage/Gate passes returned
_____ Parking Permit issued	_____ Parking Permit returned

_____ Beach Drive Passes issued

_____ Beach Drive Passes returned

Guest Signature for keys: _____

(If on lockbox please sign agreeing to terms of lock box use. If checking in at office, signature is due at time of check in)

Each property is supplied with the following consumables:

Kitchen:

Hand soap
Sponge
Dish soap
Garbage bags
1 roll of paper towel

Each Bathroom:

Hand soap
1 roll of toilet paper per bathroom



106 Aptos Beach Drive, Aptos CA 95003 (831) 688-7009

EXHIBIT A

**VACATION RENTAL
RULES AND REGULATIONS**

NOTICE: It is unlawful for any person to use or allow the use of property in violation of the provisions of the Santa Cruz County's Vacation Rental Ordinance. The penalties for violation of this section are set forth in Chapter 19.01 of the County Code.

Pursuant to the Santa Cruz County Vacation Rental Ordinance, Ordinance #5092 (Section 13.10.694 et seq of the Santa Cruz County Code), these Vacation Rental Rules are required to be posted inside the vacation rental in a location readily visible to all guests and occupants (referred to herein as "guest or guests"). These rules are incorporated herein by reference into the vacation rental agreement with each guest.

The **Address of this Property** is: 769 Via Gaviota

The **Local Contact Person** for this Property is: Bailey Property Management

Bailey Property Management, Inc.
106 Aptos Beach Drive
Aptos, CA 95003
(831)688-7009
Attn: Lynette Valdez or Karen Wade

This local contact person is available 24 hours a day to respond to tenant and neighborhood questions or concerns. The name, address, and telephone number(s) of the local contact person has been posted on a sign legible from the nearest street and provided to the Santa Cruz County Planning Department, the local Sheriff's Substation, the main county Sheriff's Office, the local fire agency, as well as supplied 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, as required by the Vacation Rental Ordinance.

NUMBER OF GUESTS ALLOWED:

The maximum number of guests allowed in an existing individual residential vacation rental shall not exceed two (2) people per bedroom plus two (2) additional people, except for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., when the maximum number of people allowed is twice the maximum number of guests allowed. Children under ~~12~~₈ are not counted toward the maximums.

There are 4 bedrooms in this vacation rental, so the maximum number of guests allowed shall not exceed 8 people (excluding children under ~~12~~₈). For celebrations and gatherings between 8:00 am and 10:00 pm, the maximum number of people shall not exceed 16 people (excluding children under ~~12~~₈).

NUMBER OF VEHICLES ALLOWED:

The number of vehicles allowed are 4

The number of guest vehicles shall not exceed the number of existing on-site parking spaces (No off street parking).

TRASH MANAGEMENT:

Trash shall be kept in covered containers or heavy duty garbage bags with appropriate labels. (Call the office for instructions concerning trash management).

ILLEGAL BEHAVIOR AND DISTURBANCES:

1. Guests shall not substantially interfere with the quiet enjoyment of neighbors. Activities or conditions which are unreasonable, unwarranted and/or unlawful, which constitute a nuisance, or which substantially interfere with the quiet enjoyment of neighbors, are prohibited.
2. Unusual, disturbing, and excessive noises are prohibited, including but not limited to abusive language, quarreling, fighting, disorderly conduct and activities which create a nuisance.
3. Illegal and dangerous activities are prohibited.
4. The use and display of any weapon or fireworks is expressly forbidden.
5. Guests shall strictly comply with all applicable ordinances, laws and regulations.

NOISE RESTRICTIONS:

1. No use of equipment requiring more than standard household electrical current at 110 or 220 volts or activities that produce noise, dust, odor, or vibration detrimental to occupants of adjoining dwellings is allowed.

2. All guests shall strictly comply with Santa Cruz County's Noise Ordinance, Chapter 8.30, which provides as follows:

Santa Cruz County Code Section 8.30.010 Curfew – Offensive Noise.

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

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

2. Which disturbs any person of ordinary sensitivities within his or her place of residence.

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

8.30.020 Subsequent offense within forty-eight hours.

Any person who violates any section of this chapter and is cited for such a violation, and who within forty-eight hours after receiving such a citation again violates the same section, is guilty of a misdemeanor. A person is cited for a violation when he or she is issued and signs an infraction or misdemeanor citation, or when he or she is arrested and booked, or when a complaint is filed and the person is notified of the filing of such a complaint. (Ord. 4001 § 1 (part), 1989)

8.30.030 Exceptions.

A. The provisions of this chapter shall not apply to any noise from any specific type of activity for which special noise regulations are provided by any other provision of the county code.

B. The provisions of this chapter shall not apply to any noise caused by farming operations carried out on any land designated within the Santa Cruz County General Plan for commercial agricultural use. (Ord. 4001 § 1 (part), 1989)

REGULATIONS OF THE DEPARTMENT OF PARKS AND RECREATION

OF THE STATE OF CALIFORNIA

NO BEACH FIRES: Fires are only allowed in California State Parks providing fire rings which are seasonally placed at New Brighton, Rio Del Mar Esplanade and the Rio del Mar Platform state beaches. Privately owned fire rings are prohibited (CCR 4311).

NO ALCOHOL: Santa Cruz County prohibits the consumption of alcohol in public. In addition, state park law prohibits the possession of alcohol within the park. SCCO 8.02.030 and CCR 4326).

NO GLASS: Glass containers of all types are prohibited to ensure public safety. Broken glass on public beaches is a frequent cause of serious injuries (CCR 4333).

DOGS PERMITTED ON LEASH: Dogs are permitted on state beaches but must be on a six-foot leash. Owner should carry bags and must clean up after their pets. (CCR 4312 and CCR 4310). *(Please watch for signs relating to restrictions concerning dogs on beaches).*

BEACH HOURS: BEACH HOURS: 6:00AM TO 10:00PM. All state beaches within Santa Cruz County are closed to the public at 10:00PM. (CCR 4326).

FOR TAX PURPOSES ONLY

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POR, APTOS RANCHO
SEC. 20, T.11S., R.1E., M.D.B. & M.

Tax Area Code
69-267

54-19

TR. 483 SEASCAPE BEACH ESTATES UNIT ONE
48MB43
12/22/87



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

Assessor's Map No. 54-19
County of Santa Cruz, Calif.
Oct. 2000

Electronically redrawn 10/10/00 KBA
Rev. 10/10/00 KSA (Per. to Pg. 62)
Rev. 6/15/01 mm (changed page refs.)
Rev. 6/28/02 CB (Cont. Form. 7-61)

FOR TAX PURPOSES ONLY

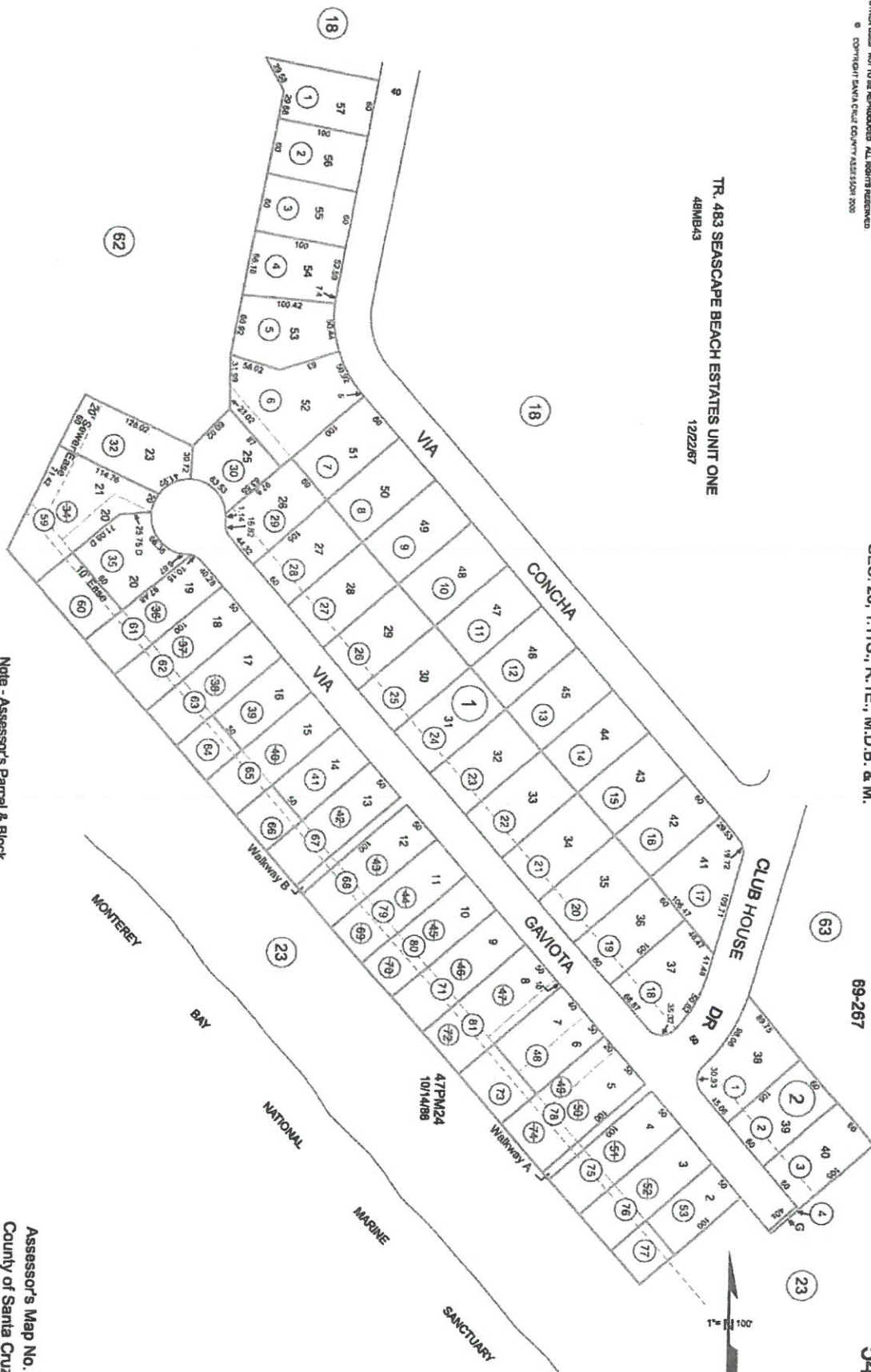
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 122267



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Assessor's Map No. 54-19
 County of Santa Cruz, Calif.
 Oct. 2000

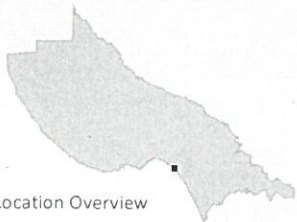
Electronically redrawn 10/10/00 KSA
 Rev. 10/13/00 KSA (Per. to Pl. 62)
 Rev. 5/15/01 mm (changed Page refs.)
 Rev. 6/22/00 CB (Comb Form, 1-51)



Parcel Location Map

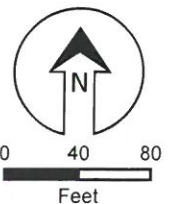
Santa Cruz County Planning Department

Parcel Number
054-191-28
Sep. 25, 2017



Symbol Key

— Street





Parcel General Plan Map

Santa Cruz County Planning Department

Parcel Number

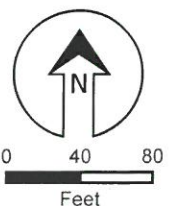
054-191-28

Sep. 25, 2017



General Plan

-  O-R - Parks and Recreation
-  P - Public Facilities
-  R-UL - Residential - Urban Low Density
-  O-U - Urban Open Space





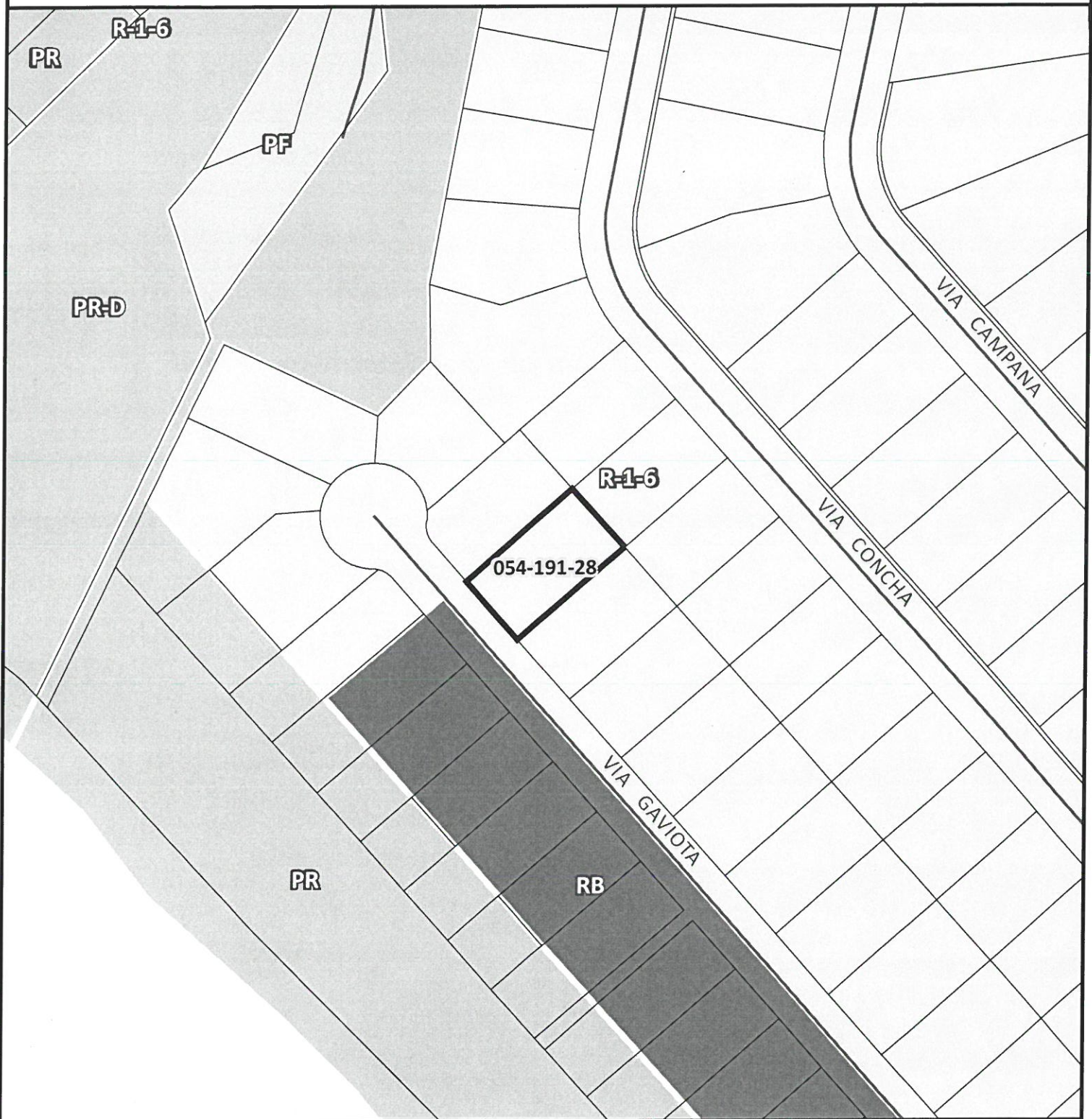
Parcel Zoning Map

Santa Cruz County Planning Department

Parcel Number

054-191-28

Sep. 25, 2017



Zoning

- (PF) Public & Community Facilities
- (PR) Parks, Recreation, and Open Space
- (R-1) Single-Family Residential
- (RB) Single-Family Ocean Beach Residential

