



Staff Report to the Zoning Administrator

Application Number: **171035**

Applicant: Francis Padilla
Owner: Odio
APN: 039-261-02

Agenda Date: February 16, 2018
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: Proposal to operate a new 3-bedroom residential vacation rental (see code case). Requires a Vacation Rental Permit, Level 5.

Location: Property located on the west side of Las Lomas Drive (137 Las Lomas Drive) about 500 feet west of the intersection with Haas Drive, Aptos.

Supervisory District: Second District (District Supervisor: Zach Friend)

Permits Required: Vacation Rental Permit, Level 5

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 171035, based on the attached findings and conditions.

Exhibits

- | | |
|---|---|
| A. Categorical Exemption (CEQA determination) | E. Proposed lease agreement |
| B. Findings | F. Assessor's, Location, Zoning and General Plan Maps |
| C. Conditions | G. Appeal of vacation rental application |
| D. Project plans | H. Comments & Correspondence |

Parcel Information

Parcel Size:	1.38 acres
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential and open space
Project Access:	Private road
Planning Area:	Aptos
Land Use Designation:	R-UVL / O-U (Residential - Urban Very Low / Urban Open Space)
Zone District:	R-1-1AC (Single-family residential, one-acre minimum)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Fire Hazard:	Not a mapped constraint
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:	Existing drainage adequate

Services Information

Urban/Rural Services Line:	<u> X </u> Inside <u> </u> Outside
Water Supply:	Soquel Creek Water District
Sewage Disposal:	Septic
Fire District:	Aptos FPD
Drainage District:	NA

History

The existing residence, a 3-bedroom, 1.5 bath single-family dwelling of approximately 1,250 square feet, was built with a building permit finalized in 1964. Three bedrooms are on the original permit description.

The property was red-tagged on 12/09/2016 for operating an unpermitted vacation rental. The County Planning Department received an application for a vacation rental permit on 2/2/2017. A neighborhood petition appealing the application, post-marked 5-5-2017, requested that the application be denied based on concerns about noise, traffic safety, and road maintenance. The application was elevated to a Level 5 public hearing review, for which the at-cost deposit was received on 9/6/2017.

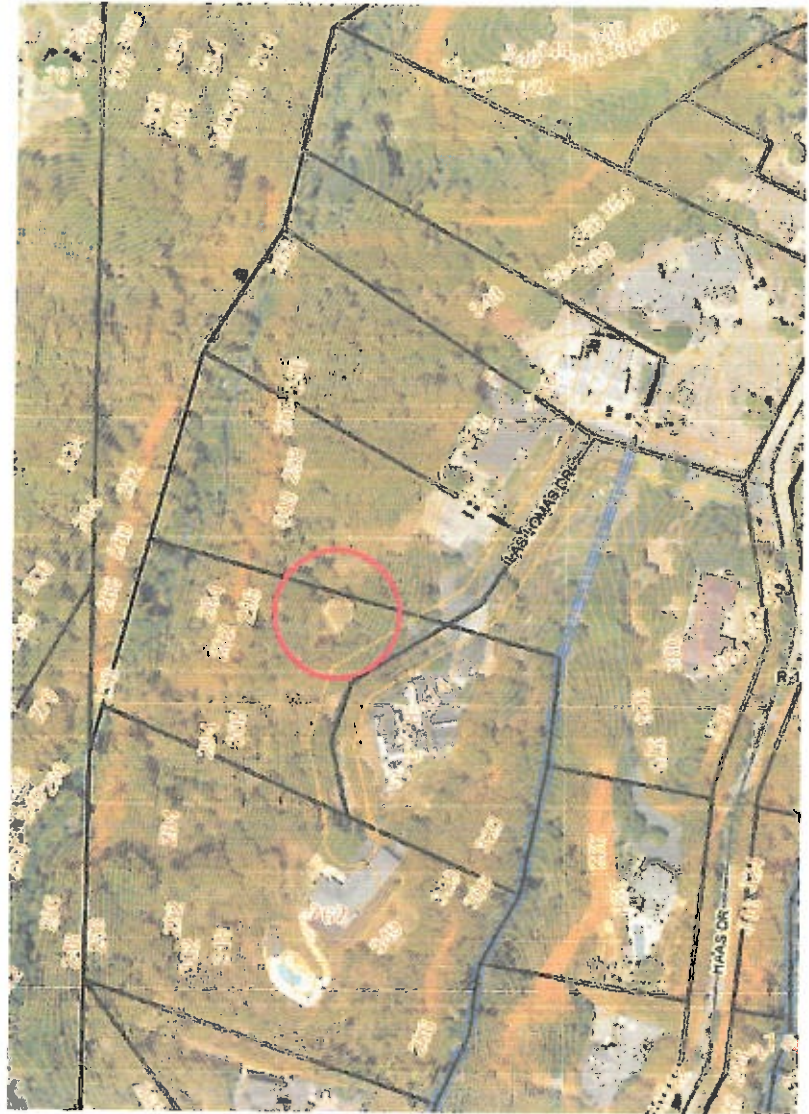
Project Setting

The site of the proposed vacation rental is a sloping parcel in a rural setting. The lot is located near the end of Las Lomas Drive, a short (500-foot), dead-end road serving eight properties of one to two acres in size. Las Lomas Drive is on the west side of Haas Drive approximately 1/3 mile north of Soquel Drive. The small, quiet neighborhood is bordered on the west by Borregas Creek and on the east by Haas Drive. Cabrillo College borders the opposite side of the creek. The parcel is within the urban services area, served by the Soquel Creek Water District and within the sphere of influence of the Santa Cruz Sanitation District.

The dwelling (circled structure at right) is separated from the other dwellings in the neighborhood by vegetation and topography. It is situated about 40 feet lower than neighboring dwellings and buffered by a mixture of oak and evergreen trees. The dwelling has 468 square feet of exterior deck area but no developed yard. The parcel has three offstreet parking spaces.

Zoning & General Plan Consistency

The subject site is approximately 1.38 acres, located in the R-1-1AC (Single-family residential, one-acre minimum) zone district, a designation which allows Residential uses. A 3-bedroom vacation rental normally requires a Level 2 approval within a residential zone district, while a four-bedroom rental currently requires a Level 5. The property's zoning is consistent with the site's R-UVL / O-U (Residential - Urban Very Low / Urban Open Space) General Plan designation.



Analysis

Under the County Code § 13.10.694(D)(2)(c)(iv), the applicant could be allowed up to 8 overnight guests, with up to 16 guests for events and gatherings. The highest number of vehicles associated with the vacation rental could be the total number of existing offstreet spaces (three, in this case) plus two on-street spaces: a maximum of five vehicles.

The applicant proposes to limit use of the subject facility to substantially less than the maximum under the County Code. The proposed vacation rental would be limited to 6 overnight guests. Only two additional visitors would be allowed for celebrations and events; no more than 8 persons would be allowed on the property at a time. The proposed rental agreement does not exclude children under 8 from the count. The number of vehicles associated with the use would be limited to three, matching the three offstreet parking spaces available at the site.

The proposed intensity of use for celebrations and gatherings at the vacation rental would be half that typically associated with a three-bedroom dwelling and all the parking could be accommodated on site. The wooded hillslope intervening between the subject dwelling and its neighbors will help to mitigate potential noise impacts, although the rural setting accentuates any noise that may occur. It is noteworthy that the vacation rental site is adjacent to the campus of Cabrillo College. In consideration of the quiet, rural neighborhood, a condition of approval is proposed to prohibit exterior activities at the vacation rental after 9:00 p.m.

Public comments

The neighbors have expressed concern over guests at the vacation rental driving at unsafe speeds over Las Lomas Drive, particularly entering the street from Haas. As indicated above, Las Lomas is a very short, narrow street. It goes through a right-angled turn and over a small knoll. The shortness of the street, its small, rural character, and slopes discourage consideration of speed bumps.

Neighbors have also observed trespassing of guests onto a private parcel located approximately 250 feet south of the subject parcel. The vacation rental is situated in a location on Las Lomas Drive where traffic is expected from only one or two other parcels.

Environmental Review

The project is exempt from further review under §15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Conclusion

As proposed and conditioned, the proposed vacation rental has been substantially reduced in scope and intensity to reflect the quiet, rural nature and small size of the neighborhood. The proposed project should accommodate all parking demand on site. 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 171035, based on the attached findings and conditions.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Application #: 171035
APN: 039-261-02
Owner: Odio

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Report Prepared By: Jerry Busch
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3234
E-mail: jerry.busch@santacruzcounty.us

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 would take place in an existing dwelling unit in a zoning district (R-1-1AC) that provides for such use. Although Las Lomas is a narrow street, it has good sightlines over most of its length. The shortness of the street, its small, rural character, and its turns and slopes discourage excessive speeds. The number of overnight guests (6), event-related guests (8) and the maximum number of vehicles (3) for the proposed project would be substantially less than allowable under Santa Cruz County Code §13.10.694, which allows a maximum of 16 celebration guests and 5 vehicles.

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 proposed location of the vacation rental and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-1AC (Single-family residential, one-acre minimum) zone district, as the primary use of the property will be a vacation rental, consistent with the applicable zone district. The proposed intensity of use, in guests and vehicles, would be substantially less than that potentially allowable under SCCC section 13.10.694.

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 use is consistent with the use and density requirements specified for the R-UVL / O-U (Residential - Urban Very Low / Urban Open Space) land use designation in the County General Plan.

The proposed use will not entail construction and will be required to meet the County Noise Standards set forth in the General Plan, with the added condition of approval requiring outdoor activity to cease at 9:00 p.m. Quiet hours will be required to be posted at the site. Noise emanating from the site will also be buffered by topography, vegetation and distance from neighboring parcels.

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

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 vacation rental would be located in an existing dwelling unit and the traffic generated by the proposed project is anticipated to be less than a standard rental of this size. The three-vehicle maximum will not substantially impact existing

roads or intersections in the surrounding area.

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 proposed use is consistent with the land use intensity and density of the neighborhood. The dwelling where the activity will take place is more than 100 feet from the nearest dwelling, and only two neighboring dwellings are closer than 200 feet. The site is not visible from any neighboring dwellings. There is no developed yard at the site and the parking spaces will be required to remain open and clear, and the associated vehicles parked on site, so the activity should take place within the structure or on the attached decks.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that no new structures are proposed.

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.

- C. The maximum, overnight occupancy of the vacation rental shall not exceed 6 people.
- D. Maximum number of people that are allowed for celebrations and gatherings between the hours of 8:00 a.m. and 10:00 p.m. shall not exceed 8 people.
- E. The maximum number of vehicles associated with the overnight occupants shall not exceed three. Parking spaces shall be kept clear of storage items, appliances or other obstructions and shall be available for vehicle parking at all times. Site activities shall not interfere with vehicular parking in the spaces designated on the approved site plan.
- F. Occupants and guests shall adhere to the noise standards contained in the County Noise Ordinance (County Code Chapter 8.30).
- G. 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 8:00a.m. and 10:00 p.m., maximum number of vehicles allowed, strict prohibition of illegal activity and use of all fireworks, and a reference to the standards contained in the County Noise Ordinance (County Code Chapter 8.30).
- H. 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. Outdoor activities in the rear yard, deck, and hot-tub shall cease at 9:00 p.m. Signage shall be clearly posted at the front entrance and all deck entrances specifying the 9:00 p.m. outdoor activity restriction.
- J. The exterior sign providing the 24-hour complaint information shall be continuously maintained while the dwelling is rented.
- K. 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, 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. The local contact person is fully responsible to respond 24 hours a day to any complaints.
- L. Any change in the emergency contact person's address or telephone number shall be promptly furnished to the Planning Department, agencies referenced above and neighboring property owners within a 300 foot radius.

- M. 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.
 - N. 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

Application #: 171035

APN: 039-261-02

Owner: Odio

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: _____

Effective Date: _____

Expiration Date: _____

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.

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: 171035

Assessor Parcel Number: 039-261-02

Project Location: 137 Las Lomas Dr.

Project Description: Establish a new vacation rental

Person or Agency Proposing Project: Francis Padilla

Contact Phone Number: 831-246-0738

- 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: **Exemption 15301. Existing Facilities. Class 1.**

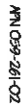
F. **Reasons why the project is exempt:**

Operation and leasing of existing private structure involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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

Jerry Busch, Project Planner

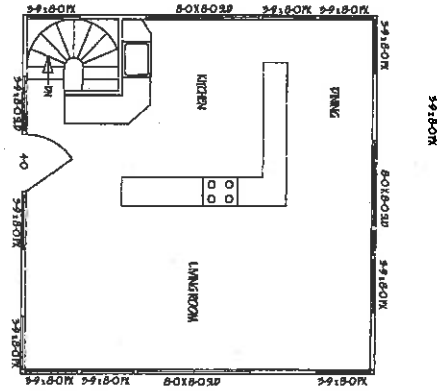
Date: _____

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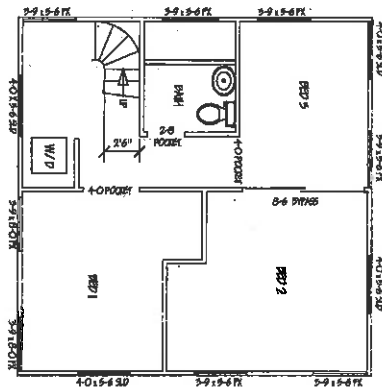
SECOND STORY FLOOR PLAN

SCALE: 1/4" = 1'



FIRST STORY FLOOR PLAN

SCALE: 1/4" = 1'



EXISTING
ELEVATIONS

PROPOSED VACATION RENTAL FOR:
SAM ODIO
137 LAS LOMAS DR
SOQUEL, CA. 95003

JAMES BEEBE
RESIDENTIAL DESIGN & CONSULTATION
P.O. BOX 1706
APTOS, CA. 95001
831-662-3746

EXHIBIT D

You can accept this contract (see below) by reserving the property at <https://www.airbnb.com/rooms/4950937>

SHORT TERM RENTAL AGREEMENT

This Short Term Rental Agreement (the "**Agreement**") is made by and between _____ ("**Host**") and _____ ("**Guest**") as of the date last set forth on the signature page of this Agreement. For good and valuable consideration, the sufficiency of which is acknowledged, the parties hereby agree as follows:

1. **Property.** The property is located at: 137 Las Lomas Dr, Aptos, CA 95003
2. **Rental Party:** The rental party shall consist of Guest and the following persons (additional charges may apply for any additional guests past two total occupants):

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

3. **Term of the Lease.** The lease begins at 3:00 p.m. on _____ (the "**Check-in Date**") and ends at 11:00 a.m. on _____ (the "**Checkout Date**").

4. **Rental Rules:** Guest agrees to abide by the **Rental Rules** attached as **Exhibit A** at all times while at the property and shall cause all members of the rental party and anyone else Guest permits on the property to abide by the following rules at all times while at the property. Not abiding by these rules will obligate the guests to vacate the premises, forfeit any fees associated with this reservation (damage deposit, nightly rate for the entire reservation and cleaning included), and void any remaining obligations of the Host.

5. **Access:** Guest shall allow Host access to the property for purposes of repair and inspection. Host shall exercise this right of access in a reasonable manner.

6. **Rental Rate and Fees**

- a. **Deposit:** A deposit of \$4,295 is due at the time of booking.

The deposit is for security and shall be refunded within 7 days of the Checkout Date provided no deductions are made due to:

- i. damage to the property or furnishings;
- ii. dirt or other mess requiring excessive cleaning; or
- iii. any other cost incurred by Host due to Guest's stay.

iv. Damages due to a violation of this contract. For example, illegal behavior, large groups or parties that risk the Host's compliance with Santa Cruz Country short-term rental housing code will cause a complete forfeiture of the damage deposit.

If the premises appear dirty or damaged upon Check-in, Guest shall inform Host immediately.

b. Rental Rate. Payment in full of the following fees shall be due within 28 days of the Check-in Date:

\$143 per night x ____ nights =	\$ _____
Cleaning fee	\$295
Sales Tax	\$ _____
Less deposit	\$(_____)
TOTAL Due	\$ _____

7. Cancellation Policy. If Guest wishes to cancel his/her reservation, the deposit will be refunded as follows:

50% if cancelled 56 days prior to the Check-in Date

No refund if cancelled less than 56 days prior to the Check-in Date

8. Insurance: We encourage all renters to purchase traveler or renter insurance.

The parties agree to the terms of this Short Term Rental Agreement, as evidenced by the signatures set forth below.

Host

Guest:



Name: Samuel Odio

Name (print): _____

Date: _____

Date: _____

Phone: 703-725-6442 or 650-485-0071

Phone # (during stay): _____

Exhibit A

RENTAL RULES

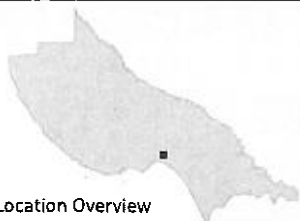
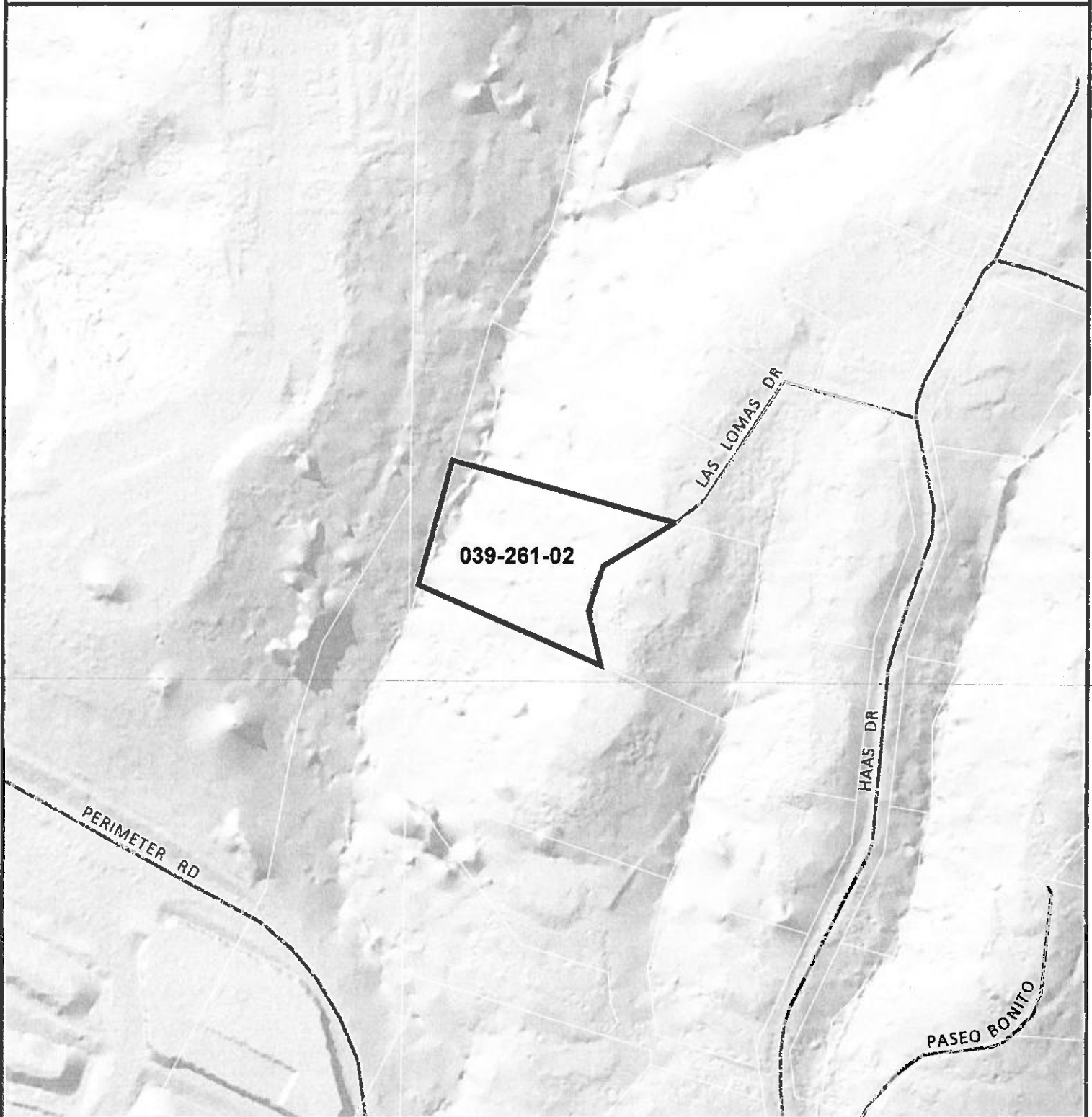
1. **Check-in time** is after 3PM the first day of your reservation; **check-out time** 11AM.
2. **Smoking:** Please, no smoking, e-cigarettes, or vaping inside. Please close windows if smoking outside and please be mindful of the fire risk posed by your ashes. Any unusual odors will result in loss of damage deposit.
3. **Guest count:** All guests (of all ages) must be registered in advance. No more than 6 overnight guests are allowed at the house. The people other than those in Guest's party set forth above (SECTION 2) may not stay overnight in the property. Any other person in the property is the sole responsibility of Guest.
4. **No large groups:** No more than 8 individuals in the house at one time. The presence of 8 guests at any time (6 overnight and 2 additional guests) will obligate the guests to vacate the premises, forfeit any fees associated with this reservation (damage deposit, nightly rate for the entire reservation and cleaning included), and void any remaining obligations of the Host.
5. **No parties or loud music:** In addition to "quiet hours" enforced by Santa Cruz county (10PM – 8AM), please be respectful to our neighbors and the peacefulness of the space throughout the day. For example, please do not play amplified music outside at any time. Unfortunately, because of the quiet nature of the neighborhood, parties are also prohibited. Parties or outside amplified music will result in forfeiture of damage deposit.
6. **Limited liability:** Host is not responsible for the loss of personal belongings or valuables of the guest. By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the premises or others whom they invite to use the premise.
7. **Common sense:** Keep the property and all furnishings in good order. In general, if you use it, drop it or spill it, take care of it, pick it up, clean it up and put it away. Only use appliances for their intended uses.
8. **Pets:** Pets are not allowed.
9. **Parking:** The driveway can fit **three vehicles**. No more than three vehicles shall be parked in association with use of this rental at any time, and all associated vehicles shall be parked in spaces located entirely on the parcel (fully out of the right-of-way). Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the vehicle owner.
10. **Housekeeping and trash:** There is no daily housekeeping service. While linens and bath towels are included in the unit, daily maid service is not included in the rental rate. Please sort and dispose of all trash outside in the sturdy "waste management" containers. Do not let trash accumulate outside of these containers.
11. **Septic:** The property is on a septic system. The septic system is very effective; however, it will clog up if improper material is flushed. DO NOT FLUSH anything other than toilet paper. No feminine products should be flushed at any time. If it is found that feminine products have been flushed and clog the septic system, Guest will incur \$2,000 in charges associated with damage and cleaning to the septic system.
12. **Utilities:** We ask that one month rentals pay for any utility cost over \$500. This shouldn't happen, unless you do something unusual like leave the water running for days at a time (water is precious here). Santa Cruz County is under drought conditions; please use water wisely.
13. **No illegal behavior:** any illegal behavior (for example, drug use) is prohibited on this premises. Illegal behavior is considered a violation of this contract.
14. **Outside Surveillance:** Please do not tamper, in any way, with the outside cameras, or this may result in forfeiture of damage deposit. They are for the safety of the property and house residents.



Parcel Location Map

Santa Cruz County Planning Department

Parcel Number
039-261-02
Jan. 18, 2018



Symbol Key

— Street



0 80 160
Feet

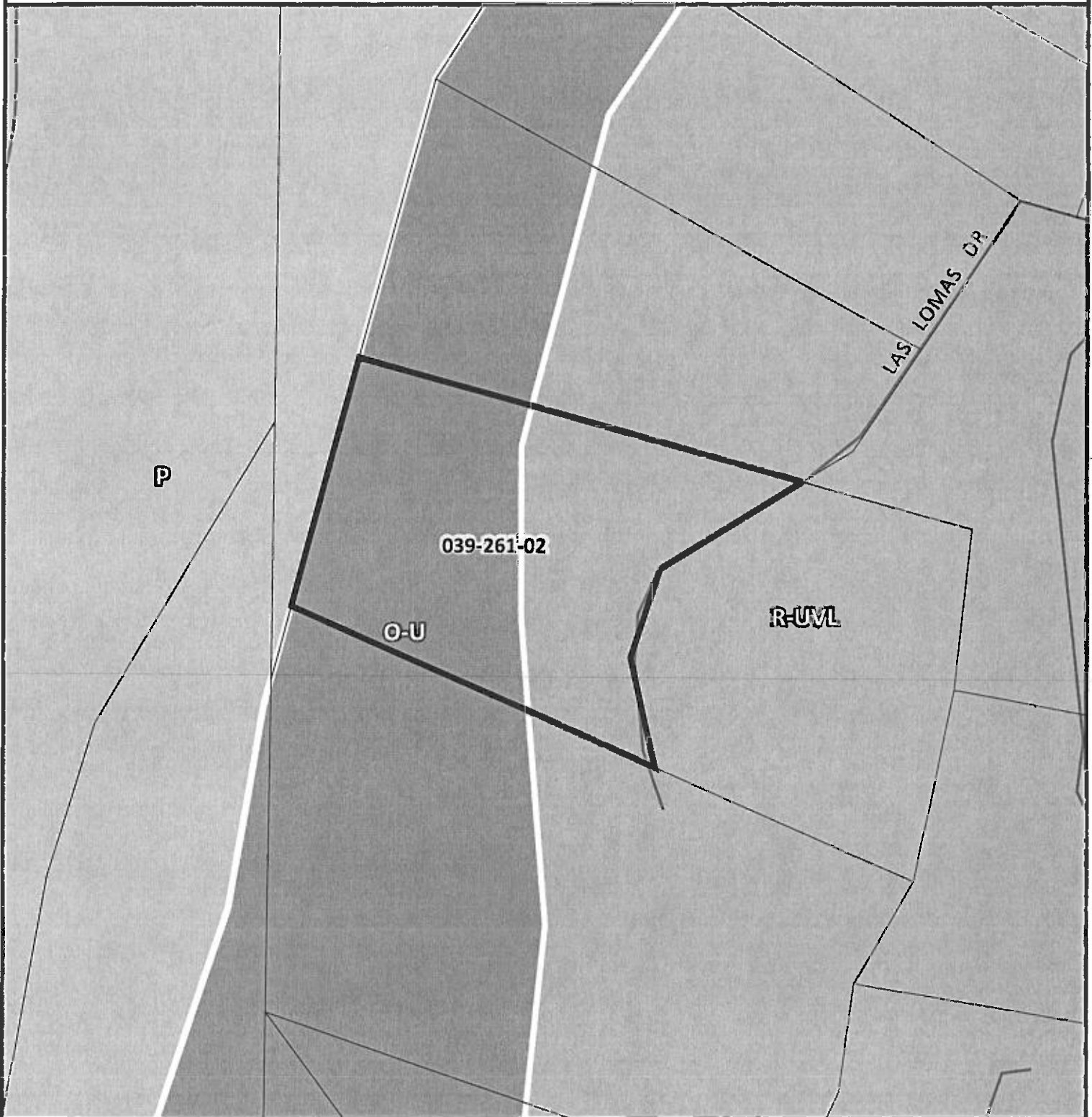
EXHIBIT F






Parcel General Plan Map

Santa Cruz County Planning Department

Parcel Number
039-261-02
Jan. 18, 2018



General Plan

-  P - Public Facilities
-  R-UVL - Residential - Urban Very Low Density
-  O-U - Urban Open Space



0 40 80

feet
EXHIBIT F



Parcel Zoning Map

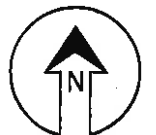
Santa Cruz County Planning Department

Parcel Number
039-261-02
Jan. 18, 2018



Zoning

- (PF) Public & Community Facilities
- (R-1) Single-Family Residential



0 40 80

feet
EXHIBIT F

Santa Cruz Planning Department
Attention: Mr Jerry Bush

MAY 4TH, 2017

RRC'D POSTMARKED
5-5-17.

RE: APPL. #171035
137 Las Lomas Drive
FORMAL APPEAL OF PROPOSED ACTION

APN. 039-261-02

Planning Department

This represents the formal appeal of the undersigned residents of Las Lomas Drive, neighbors of the proposed vacation rental (Application #171035). We hereby request that the county NOT approve the proposed vacation rental for the following reasons:

1 Health & Safety- The Property in question sits on a narrow, single lane, private residential road with no shoulder or side walks. The undersigned neighbors are concerned for the safety of the 9 children who live, walk, bike and play in this area, the two elders who live here and our collective pets. Our local neighborhood community is knowledgeable and respectful of our tight road condition, but the vacation renters regularly drive too fast disregarding these limitations.

2 Illegal Street Parking - Parking space on this road is very limited. The vacation rental has regularly filled the house with a number of guests and cars negatively affecting the residents and their parking spaces.

3 Increased Road Maintenance - Las Lomas drive is a private road, maintained by the residents. The vacation rental causes an increase in traffic, speed of traffic, and parking over the edge of the asphalt, which will add to our costs in maintaining our road.

4 Noise Ordinance Violations - We have had several incidents of loud guests partying well after 10pm. These incidents as well as a physical confrontation by some of the guests have been previously reported to the county.

5 Health & Safety- There are many private driveways that are accessed by both Haas rd and Las Lomas dr. There have been several incidents of incoming guests driving down private drives and damaging landscaping.

6 Rental Ordinance and Construction Permit Violations - The owner remodeled the home illegally without pulling a proper county construction permit. In addition the owner has rented weekly on Airbnb without a proper short term rental permit for the last 12 months.

Previous formal complaints:



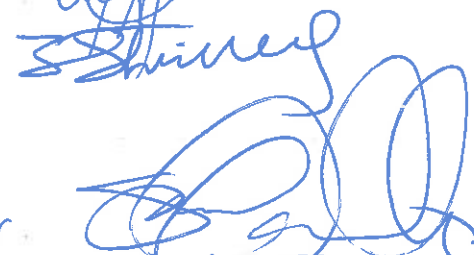




We have sent in 4 complaints to the County, on July 14 2016, August 14 2016, March 21 2017, and March 22 2017. All of the complaints were answered by Staff, either Patricia Moreno or Barbara. A notice of violation was finally issued earlier this year.

Many of the undersigned have emailed to Jerry Busch formal comments as was requested in the notification of this application. In addition we compiled a formal petition and personally delivered it to Jerry Busch.

EXHIBIT G

Thank you for your strong consideration of our request to appeal this proposed action.

Sincerely,

Dulce Ivancko	110 Las Lomas Dr	D Ivancko
Sabine De Bonis	102 Las Lomas Dr	Sabine De Bonis
Toto De Bonis	102 Las Lomas	Toto De Bonis
	110 Las Lomas	Shari Beck
Manuela Matute	120 Las Lomas	
Tracy Stanley	145 Las Lomas	Shirley
8314195090		
Sarah Conillo-Cote	105 Las Lomas Dr	
Guy Cote	105 Las Lomas Dr	
Kim Carpenter	3300 Haas Dr	Kim Carpenter
	3360 Haas	
Jane M. Beck	3360 Haas	Jane M. Beck
Nancy Guinther	3370 Haas Dr	Nancy Guinther
Wolfgang Juchman	3386 Haas Dr	Wolfgang Juchman
Juliet Blackman	3386 Haas Dr	Juliet Blackman

Thousand Oaks Neighborhood Haas Drive/Las Lomas Drive, Aptos, CA

Petition

(short term rental application 171035)

We, the undersigned, petition Santa Cruz County to not grant a permit for short term vacation rental in the Thousand Oaks neighborhood off of Haas Drive.

This neighborhood is a quiet family neighborhood beyond the reaches of the tourist areas of Santa Cruz County. There are no short term rentals in this neighborhood nor has there been since its inception.

Specifically, there is a request from the owner of 137 Las Lomas Drive, Aptos, CA 95003 for Santa Cruz County to grant a vacation rental permit. This home has been and is currently being rented as an illegal daily rental on Airbnb. There have been several issues with noise, speeding and trespassing on private property.

We hope that this petition is taken serious and that the neighborhood views on this matter are taken into consideration to not allow this short term vacation rental to be permitted nor any future requests.

Name	Address	Phone Number or Email	Signature
<i>Salvino De Bonis</i>	<i>102 Las Lomas Dr</i>	<i>831.600.6380</i>	<i>Salvino De Bonis</i>
<i>Todd De Bonis</i>	<i>102 Las Lomas Dr</i>	<i>408-936-6906</i>	<i>Todd De Bonis</i>
<i>Michael De Bonis</i>	<i>105 Las Lomas Dr</i>	<i>408-568-3297</i>	<i>Michael De Bonis</i>
<i>Sarah Coviello-Gibbs</i>	<i>105 Las Lomas Dr</i>	<i>408 568-0060</i>	<i>Sarah Coviello-Gibbs</i>
<i>Frank Black</i>	<i>110 Las Lomas Dr</i>	<i>831 688 4154</i>	<i>Frank Black</i>
<i>James Wylie</i>	<i>110 Las Lomas</i>	<i>415 640 3747</i>	<i>James Wylie</i>
<i>Shawn Holden</i>	<i>130 Las Lomas Dr</i>		<i>Shawn Holden</i>
<i>Kris Holden</i>	<i>3355 Haas Drive</i>	<i>831-688-8595</i>	<i>Kris Holden</i>
<i>Blake Carpenter</i>	<i>3355 Haas Dr.</i>	<i>831-688-8595</i>	<i>Blake Carpenter</i>
<i>Kim Carpenter</i>	<i>3300 Haas Dr</i>	<i>831 359 8080</i>	<i>Kim Carpenter</i>
	<i>"</i>	<i>831 359-8031</i>	<i>Kim Carpenter</i>

[illegible]

Thousand Oaks Neighborhood Haas Drive/Las Lomas Drive, Aptos, CA

Petition

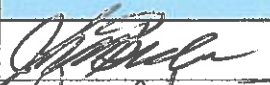

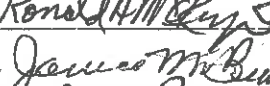
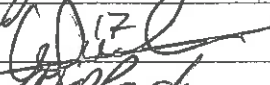

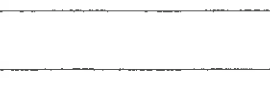
(reg. Notice of Pending Action for Appl. #171035)

We, the undersigned, petition Santa Cruz County to not grant a permit for short term vacation rental in the Thousand Oaks neighborhood off of Haas Drive.

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Specifically, there is a request from the owner of 137 Las Lomas Drive, Aptos, CA 95003 for Santa Cruz County to grant a vacation rental permit. This home has been and is currently being rented as an illegal daily rental on Airbnb. There have been several issues with noise, speeding and trespassing on private property.

We hope that this petition is taken serious and that the neighborhood views on this matter are taken into consideration to not allow this short term vacation rental to be permitted nor any future requests.

Name	Address	Phone Number or Email	Signature
John V. Beebe	3360 Haas Dr	831-688-6602	
Nancy Guenther	3370 Haas Dr.	831-662-3473	
Ronald McKenzie	3370 Haas Dr.	831-662 3473	
Janice M. Beebe	3360 Haas Dr	831-688-6602	
Dolgan Juchman	3386 Haas	650-450-7505	
Juliet Blackman	3386 Haas Drive	650-704 1310	

Jerry Busch

From: stuart <apples@mcn.org>
Sent: Friday, November 17, 2017 3:35 PM
To: Jerry Busch
Cc: Sabine DeBonis
Subject: Re: 137 Las Lomas Dr vacation rental App

Hi Jerry
How are you?

I just sent another complaint to the code compliance officer informing that Sam Odio is still renting his house during this application period. He took a 2 month hiatus but the rentals started last weekend for Veterans day and he has another party in there this weekend.

I don't know if he received a letter from code compliance, perhaps you are aware of one, informing him to cease his rentals activities.

Thanks for you continued help.

Sincerely
Stuart beck

Stuart Beck
P.O. Box 87 Monterey, CA 93942
cell # 707-272-7200
apples@mcn.org
DRE# 01266518

On Aug 30, 2017, at 7:19 PM, Jerry Busch <Jerry.Busch@santacruzcounty.us> wrote:

Hi, Stuart –

Thank you for your comment.

I am informed by the applicant's representative that the required deposit to elevate the application to a Level 5 will be received this week.

Have copied your letter to code enforcement.

Thank you,
Jerry Busch
Planner III, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: stuart [<mailto:apples@mcn.org>]
Sent: Wednesday, August 30, 2017 11:09 AM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Cc: Sabine DeBonis <tosaisma@gmail.com>
Subject: Re: 137 Las Lomas Dr vacation rental App

Hello Jerry,

I would like to add that yesterday at dusk a small red car came driving very fast down our narrow (one lane and privately owned) curvy road. They were driving close to 35 MPH in an area where all 6 residents drive 5-10 MPH. I talked to the two people in the car to inform them that we ALL drive slowly on our driveway.

In conversation with them, it became obvious that these people were renting the house in spite of them calling themselves "friends of the owner", possibly in an attempt to hide the fact that the Owner is continuing to rent his house despite the lack of permits.

Since we requested the owner of 137 Las Lomas cease and desist his illegal rental activity, which he went in the opposite direction by applying for permits, he has not ceased his rental activity. If anything it has increased.

How is that possible for him to continue to rent while this permit has not been granted?

I, once again, urge you to do all you can to help us curtail this illegal situation.

Sincerely
Stuart Beck

Stuart Beck
P.O. Box 87 Monterey, CA 93942
cell # 707-272-7200
apples@mcn.org
DRE# 01266518

On Aug 29, 2017, at 5:49 PM, Sabine <tosaisma@gmail.com> wrote:

Hello Jerry,

So if the application is not approved does that mean that all the rentals the applicant has had in the meantime have been illegal? Given that the applicant has already been cited before, will he be cited again? What is a Level 5?

Thank you,

~ Sabine

Jerry Busch

From: Jerry Busch
Sent: Tuesday, August 29, 2017 11:10 AM
To: 'Sabine DeBonis'
Subject: RE: 137 Las Lomas Dr vacation rental App

Hello, Sabine –

I sent an email yesterday to the applicant reminding them that the permit had been elevated to a Level 5 and to do requested steps. So permit application and review process is continuing. Application is not yet complete.

Thank you,

Jerry Busch

Planner III, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: Sabine DeBonis [mailto:tosaisma@gmail.com]
Sent: Tuesday, August 29, 2017 11:01 AM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Cc: Dulce <docevida@mcn.org>
Subject: Re: 137 Las Lomas Dr vacation rental App

Good morning Jerry,

It's been almost 3 months since my last status update from you and I thought I check in on the status of the pending application for 137 Las Lomas Drive in Aptos (Application #171035). Could you please let us know what the status is.

Thank you,

Sabine DeBonis

PS: In the meantime it still looks like the home is being rented out.

On Jun 6, 2017, at 8:57 AM, Jerry Busch <Jerry.Busch@santacruzcounty.us> wrote:

I am still working on it, haven't forgotten you.

Thank you,

Jerry Busch

Planner III, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: Sabine [<mailto:tosaisma@gmail.com>]
Sent: Tuesday, June 06, 2017 8:53 AM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Cc: Dulce <docevida@mcn.org>
Subject: Re: 137 Las Lomas Dr vacation rental App

Good morning Jerry,

Quite some time has gone by since our effort to stop short term vacation rentals/Airbnb in our neighborhood. None of the neighbors have heard anything from the county. What is the status on the pending permit? Has a decision been made and if so what were the reasons?

We are looking forward to your reply.

Thank you Jerry!

~ Sabine DeBonis
102 Las Lomas Drive
Aptos, CA 95003
831.600.6388

On May 5, 2017, at 13:40, Jerry Busch <Jerry.Busch@santacruzcounty.us> wrote:

Hello, Sabine –

Thank you for your comment, which will be included in any staff report, reviewed and carefully considered.

Thank you,

Jerry Busch

Planner III, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us

From: Sabine DeBonis [mailto:tosaisma@gmail.com]
Sent: Thursday, May 04, 2017 9:52 PM
To: Jerry Busch <Jerry.Busch@santacruzcounty.us>
Subject: 137 Las Lomas Dr vacation rental App

Santa Cruz Planning Department
Re: Application #171035
137 Las Lomas Drive

Dear Jerry Busch,

It was nice meeting with you today. My neighbor Dulce Ivancko and I got together to re-write the letter and collect signatures.

When we stopped by Mrs Betty Weiss property on 145 Las Lomas Drive we were told that she has been negatively impacted greatly by this short term rental. Mrs Weiss's care taker, Tracey Stanley asked me to write in the name of Mrs Weiss since she is in her 90's and not able to correspond with you.

We would like to inform you that numerous times short term renters from the applicants home on 137 Las Lomas Drive drive with their cars onto their long private driveway and onto Mrs Weiss property with no regard to the posted signs at the entrance of the driveway.

Also short term renters walk onto Mrs Weiss property at 145 Las Lomas Drive, walk into her yard to the pool, walk around and take pictures. I have attached a surveillance video of one of those incidents. The renters had to be asked to leave the property! These disturbances are disrespectful and show just a glimpse of what all of the neighbors on Las Lomas Drive and Haas Drive have to endure.

We hope that this information provides more input for the application review process.

We hope that you take all the information provided into careful consideration and deny the approval of this application for short term rental at 137 Las Lomas Drive.

Thank you for taking your time today in meeting with us.

Sincerely,

Sabine DeBonis
102 Las Lomas Drive
Aptos, CA 95003
831.600.6388

PS: Attached please find a picture of 145 Las Lomas' signs as well as the video mentioned above.

I also attached a pdf file of Formal Appeal letter since I saw that Dulce attached the letter in pages format and you may not be able to open that format.

Jerry Busch

From: Stuart <apples@mcn.org>
Sent: Wednesday, June 07, 2017 2:12 PM
To: Jerry Busch
Subject: 137 Las Lomas vacation app.

Dear Jerry,

Our neighbor, Sabine Debonis, told me that you are still considering Sam Odio's vacation application@ 137 Las Lomas Dr. I thought you might have approved it as I am still constantly seeing different renters going in and out on a regular basis. He has not stopped his short term rental actions while his application has been under consideration.

Thank you again for hearing our communities concern and taking it into your consideration.

Best
Stuart Beck
110 Las Lomas Dr

Stuart Beck
Saucito Land Company
P.O. Box 87 Monterey, CA 93942
BRE# 01266518
Cell- 707-272-7200
Ofc.- 831-373-2664
fax- 831-373-0407
apples@mcn.org

Jerry Busch

From: Sarah Coviello <scoviello@sbcglobal.net>
Sent: Tuesday, May 02, 2017 9:38 AM
To: Jerry Busch
Subject: Re: short term rental application 171035

Jerry,

One more thing I'd like to add about the property in question. Actually it's about the owner of the property, Sam.

I'm very certain he didn't do his research when he purchased the property. All he did was look at the place and see dollar signs.

He didn't look and bother to notice that there are several elderly neighbors in their 80s and 90s and several families with children all around.

When asked by one or two of the neighbors what he was doing when he was fixing the place up he said he was fixing it up for his mom. His mom never came. But the hordes of other clients came soon after. They came on bicycles, the large groups of hipsters wandered through the neighbors yards, they loudly partied through the evenings.

I can't even imagine what Mrs. Weiss (who is about 95) thought of that -- she lives next door, and down the lane.

And Jim Wylie, who's in his 80s, he was too polite to say - but he's now moved to Idaho with his sons and hasn't sold the house here yet, but I'm sure that it's preferable to living across from the property where there's all these people coming and going all the time.

Anyway, my point is - who does that? Some Silicon Valley schmuck does that. (I can say that because my husband is a Silicon Valley guy and he drives over the hill every day to work but he would never do such a thing.)

Making an investment is fine but making it at the cost of a bunch of other people is not OK. He has made many people uncomfortable and the people that rent the Airbnb -- it's not technically their fault but we're at the point where we want to make THEM uncomfortable so they won't come back or so they won't give him a good review and Sam's revenues will dwindle.

Believe me, we put a lot of thought into this. We are invested in keeping our neighborhood safe and comfortable.

Thank you for your time, Jerry.

~ Sarah

On May 2, 2017, at 8:50 AM, Sarah Coviello <scoviello@sbcglobal.net> wrote:

Jerry,

I'd like to add to my husband's comments by saying that this Airbnb property in our little neighborhood has created a lot of upset and worry for us as parents. Our narrow, single-lane country road was not meant for people driving 35 mph, with absolutely no regard for our kids and our pets.

There are nine children living here that are often on bikes, scooters, skateboards or just wandering around, as kids do. We have several lovely off-leash dogs in the neighborhood as well as a number of cats.

(I can tell you that if any of the above were injured or killed by a renter of this unwanted Airbnb there would be quite a reckoning.)

Please consider the application of this property as a short-term rental carefully.

We, the homeowners strongly feel its presence is inappropriate. A long term rental is fine, but the type of clientele that seems to want to stay in our neighborhood often drive fast, like to party, and generally tend to wander where they're not supposed to be.

(A neighbor further down Haas has told me us they're going onto her property to get to Nisene Marks - going past posted signs of "private property". Apparently the owner of the short-term rental has told guests that it's OK to do so.)

In sum, as a group of neighbors, we are tired of what's been going on so far. We are upset that we were never told in the first place that there was going to be an Airbnb in our neighborhood. We are very concerned about the safety of our children and our pets. We don't believe that the permit should be given.

Yours Sincerely,

Sarah Coviello
105 Las Lomas Dr., Aptos, 95003
408-568-0060

Hi Jerry,

Please see below my comments about rental application for 137 Las Lomas Dr, Aptos, CA, 95003.

This rental application is in a small neighborhood of just a few houses (about 20 houses) that can only be accessed through Haas St.

Our street, Las Lomas, is a short dead end private one lane road. A short term rental is not appropriate for this neighborhood and no one in this neighborhood wants this short term rental.

The owner of the house has run quite a successful small business with this short term rental on Airbnb, without a permit initially, and booking much larger groups than the house can accommodate.

His tenants have little respect for the neighbors and neighborhood, driving too fast and dangerously on the narrow road, and using private property at the end of Haas St to access Nisene Marks.

This also brings a lot of traffic and suspicious individuals to our neighborhood. The owner is committed to continue running his lucrative business, with little regard to the neighbors.

We are opposed to this short term rental application, and would like you to consider rejecting this application.

Best Regards,

Guy Cote & Sarah Coviello
105 Las Lomas Dr, Aptos, 95003.

~ Sarah



Jerry Busch

From: Dulce <docevida@mcn.org>
Sent: Thursday, May 04, 2017 8:50 PM
To: Jerry Busch
Subject: Re: 137 Las Lomas Dr vacation rental App
Attachments: apeal.pages

Dear Mr Busch,

Please find attached a copy of the letter we are sending you post marked May 5th, 2017.

Please consider this letter in addition to the petition we hand delivered today, as we were unable to collect some signatures from neighbors who were not available today, but have signed the petition.

Thank you for your consideration.

Sincerely,

Dulce Ivancko

Jerry Busch

From: Stuart <apples@mcn.org>
Sent: Tuesday, May 02, 2017 1:43 PM
To: Jerry Busch
Subject: 137 Las Lomas Dr vacation rental App

Dear Mr. Busch,

Thank you for the Notice of Pending Action for APPL.# 171035.

The Owner, Sam Odio, has been operating his residence as a AirB+B rental since last Easter 2016. Since the inception of his vacation rental concept and prior I have been in contact with Mr. Odio in discussing the impact that his actions would and are having upon our small community. He has been very polite but has lied to us about his intentions- mainly fixing up his house(without permits) to ready it for his immediate family. What was originally built as a 2 bedroom house is somehow now being applied for as a 3 bedroom vacation house. In addition his driveway can handle 2 cars, any more than that he needs to use the neighbors driveway at 130 Las Lomas to turn around. I have consistently seen 3 and 4 cars parked in front.

I have made 2 complaints of possible violations thru the Planning Department website within the last year. Both were answered by Staff and I was told would be followed up.

Las Lomas Drive is a private road consisting of 7 residences. The private Drive was established in the 60's and the last 2 original owners are nearing the end of their lives. The other 5, myself included, are new to the Drive. Unfortunately we bought in to the properties without a written road agreement. We have a verbal one and share road maintenance costs according to length of distance of road used to access. I don't see how a vacation permit could be issued when the access is not a public right of way. This is private road that is paid for and maintained by the owners not the County.

I understand that the County of Santa Cruz will receive TOT tax so it is in the County's interest to grant this permit. But what is being applied for is turning a residence in a residentially zoned area into a commercial adventure. This is in direct conflict to the neighboring residences Peace and Safety that should be insured thru the residential zoning laws.

I respectfully ask you to deny this application due to prior documented violations associated with this property.

If I wanted to live next door to a motel I would have bought a house down at the Boardwalk.

Thank you for your time and considerations.

Sincerely,

Stuart Beck

Stuart Beck
110 Las Lomas Dr
Aptos, CA 95003

Jerry Busch

From: guy.cote <guy.cote@me.com>
Sent: Tuesday, May 02, 2017 7:54 AM
To: Jerry Busch
Cc: Sarah Coviello-Cote
Subject: short term rental application 171035

Hi Jerry,

Please see below my comments about rental application for 137 Las Lomas Dr, Aptos, CA. 95003.

This rental application is in a small neighborhood of just a few houses (about 20 houses) that can only be accessed through Haas St.

Our street, Las Lomas, is a short dead end private one lane road. A short term rental is not appropriate for this neighborhood and no one in this neighborhood wants this short term rental.

The owner of the house has run quite a successful small business with this short term rental on Airbnb, without a permit initially, and booking much larger groups than the house can accommodate.

His tenants have little respect for the neighbors and neighborhood, driving too fast and dangerously on the narrow road, and using private property at the end of Haas St to access Nisene Marks.

This also brings a lot of traffic and suspicious individuals to our neighborhood. The owner is committed to continue running his lucrative business, with little regard to the neighbors.

We are opposed to this short term rental application, and would like you to consider rejecting this application.

Best Regards,

Guy Cote & Sarah Coviello
105 Las Lomas Dr, Aptos, 95003.

Jerry Busch

From: Shain Holden <shainholden@hotmail.com>
Sent: Wednesday, May 03, 2017 5:23 PM
To: Jerry Busch
Subject: Short Term Rental Application - 137 Las Lomas Drive, Aptos

Dear Jerry,

Please consider this a formal comment regarding the short term rental application for 137 Las Lomas Dr, Aptos, CA. 95003.

The home under consideration has been operating as a short term rental without permits. It has been causing us neighbors many challenges with the noise, parties, and fights. This is a quiet family oriented neighborhood. Our family strongly recommends that this permit not be granted. We appreciate your consideration.

Kind Regards,

Shain Holden
408-391-1357

Jerry Busch

From: todddebonis <todddebonis@yahoo.com>
Sent: Sunday, April 30, 2017 10:43 PM
To: Jerry Busch
Subject: Short term rental application 171035

Dear Jerry,

Please consider this a formal comment regarding the short term rental application for 137 Las Lomas Dr, Aptos, CA. 95003.

The home under consideration has been rented un-permitted on a continuous basis for the last year on airbnb. There have been several incidents and associated complaints made to the county. In addition I have made several attempts to have the owner Sam Odio cease and desist from this activity to no avail.

The incidents range from noise after 10pm, tenants accessing private property, over capacity parties and verbal/physical altercations. Several of the incidents have been documented through formal complaints to the county.

In addition Las Lomas road is a private road that is maintained and used solely by the owners of properties accessed on the road. It is not a two lane road and there have been several speeding incidents with short term renters that are not aware and not vested in the safety of the many children that live on this road.

Our family strongly recommends that this permit not be granted. We hope that you take our position and the past issues into careful consideration.

Sincerely,

Todd DeBonis
102 Las Lomas Dr.
408-930-6900

Public Comment – Jack Beebe

3360 Las Lomas

Las Lomas private rd – neighbors have vested interest in use

St 1.5 lanes wide. No on-street parking – block

Odio told neighbors he would live there and then that bought for parents

Upscale area – house next door on market for >\$1 million.

No way to vet the renters

Wants copy of application

Frustrating to see this come in and ruin this whole area

Strongly disagree with proposal

688-6602

13.10.261 – use nonconforming

Jerry Busch

From: Roseanne Leso
Sent: Friday, February 10, 2017 12:29 PM
To: Jerry Busch
Subject: RE: Vacation rentals at 216 16TH AVE and 137 Las Lomas

No calls to either address

From: Jerry Busch
Sent: Friday, February 10, 2017 9:54 AM
To: Roseanne Leso
Subject: Vacation rentals at 216 16TH AVE and 137 Las Lomas

Hi, Rose –

Have you received any complaints over the last 5 years for the vacation rentals at 216 16TH AVE or at 137 Las Lomas?

Thank you,

Jerry Busch

Planner III, Development Review
County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-3234
jerry.busch@co.santa-cruz.ca.us