



Staff Report to the Zoning Administrator

Application Number: **181052**

Applicant: Eric Hellbush and Emily Rasky
Owner: Eric Hellbush and Emily Rasky
APN: 032-041-87

Agenda Date: June 15, 2018
Agenda Item #: 2
Time: After 9:00 a.m.

Project Description: Proposal to operate a new 4-bedroom Vacation Rental. Requires a residential Vacation Rental permit.

Location: Property located on the east side of 35th Avenue (926 35th Avenue), approximately 100 feet north of Star Lane.

Supervisory District: First District (District Supervisor: Leopold)

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 181052 based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	8,934 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	35 th Avenue
Planning Area:	Live Oak
Land Use Designation:	R-UL (Urban Low Density Residential)
Zone District:	R-1-6 (Single Family Residential - 6,000 square foot min.)
Coastal Zone:	<u>X</u> Inside <u> </u> Outside
Appealable to Calif. Coastal Comm.	<u> </u> Yes <u>X</u> No

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	N/A
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Env. Sen. Habitat:	Potential resources on site, no change to physical structures
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate/ no addition development proposed
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<u>X</u> Inside ___ Outside
Water Supply:	City of Santa Cruz
Sewage Disposal:	County of Santa Cruz
Fire District:	Central Fire Protection District
Drainage District:	Zone 5

Project Setting and Analysis

The subject property is located on a flag lot that is approximately 8,900 square feet in size and is developed with a 2,801 square foot, two-story single-family dwelling that was constructed in 2009. Santa Cruz County Code section 13.10.694(D)(2) requires new applications for vacation rentals consisting of four or more bedrooms to be considered at a public hearing in accordance with the public hearing procedures in Chapter 18.10 SCCC. Parking is available on site for four vehicles in the two-car garage and in the driveway. Two additional parking spaces may be available on 35th Avenue as provided for by SCCC 13.10.694. The area is developed with both single-family residences and multifamily residences in a variety of architectural styles. There are no other permitted vacation rentals on the block.

The application consists of a proposal to operate a residential vacation rental in an existing four-bedroom residential dwelling. The property is not located within any of the limited density vacation rental areas (i.e. LODA, SADA and DASDA) specified in Section 13.10.694 of the Santa Cruz County Code, therefore, the vacation rental permit will transfer with the property and will have no expiration date unless requested by the property owner. As indicated in SCCC 13.10.694(D)(2), a public hearing is required for vacation rentals consisting of four or more bedrooms.

Zoning & General Plan Consistency

The subject property is located in the R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district, a designation which allows residential uses. The existing residence 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 **181052**, 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: Elizabeth Hayward
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3529
E-mail: elizabeth.hayward@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: 181052

Assessor Parcel Number: 032-041-87

Project Location: 926 35th Avenue, Santa Cruz

Project Description: Vacation Rental Permit

Person or Agency Proposing Project: Eric Hellbush and Emily Rasky

Contact Phone Number: 310-291-2173

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

Specify type: Class 1 - Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

Class 1-Existing Facilities: Operation of a residential vacation rental within an existing single family dwelling in an area designated for residential uses.

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

Elizabeth Hayward, Project Planner

Date: _____

EXHIBIT A

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 vacation rental is located in an existing four-bedroom single family dwelling in an area designated for residential uses and is not encumbered by physical constraints to development. The vacation rental would be required to comply with the 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 ensure the basic safety of renters. The property owner has provided the required "Vacation Rental Safety Certification" to verify compliance with these safety standards. In addition, the vacation rental standards address noise, occupancy, and parking to protect nearby residents from the vacation rental use. No new construction is proposed as a part of this vacation rental permit.

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 are consistent with all pertinent County ordinances, including the vacation rental ordinance. Further, the proposal is consistent with the purpose of the R-1-6 (Single Family Residential - 6,000 square foot minimum)) zone district, which allows one single family residential dwelling and vacation rental use of the dwelling, for rentals that meet 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 R-UL (Residential Urban Low) land use designations in the County General Plan as it is a residential use in an existing residential structure and the vacation rental ordinance implements the standards contained in the Noise Element of the General Plan.

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

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 will be located within an existing single family residential structure. The use of utilities and 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. Further, guest celebrations that would potentially result in temporary increased utility use or traffic could occur with both non-vacation rental residential use and vacation rental use.

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 could include celebrations that result in temporary increase in vehicles and building occupancy. No new construction or structures are proposed as a part of this vacation rental use.

Conditions of Approval

Exhibit D: Project plans, 3 sheets, prepared by DZ Design Associates, Inc., dated June 29, 2007.

- I. This permit authorizes the operation of a four-bedroom 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.
 - B. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- 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 5 and remain in compliance with the Residential Parking Standards set forth in Santa Cruz county Code Section 13.10.552.
 - 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), required trash management rules, and the prohibition of any illegal activity, including use of any fireworks.

- 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 the permit number and listing a 24-hour local contact responsible for responding to complaints. 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 provided to the Planning Department and to the agencies and neighboring property owners as specified above in Condition I.
 - 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.
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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney
Deputy Zoning Administrator

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

Parcel # 032-041-87
 Applicant/owner: Emily Rasby
 926 35th Ave, Santa Cruz CA 95062
 310-291-2173
 emilyrasby@gmail.com
 Plan preparer: Mike Dunn
 3111 Fallon Rd, Hollister CA 95023
 831-637-9056
 buildingent@aazzolink.com

SITE PLAN - PARCEL A

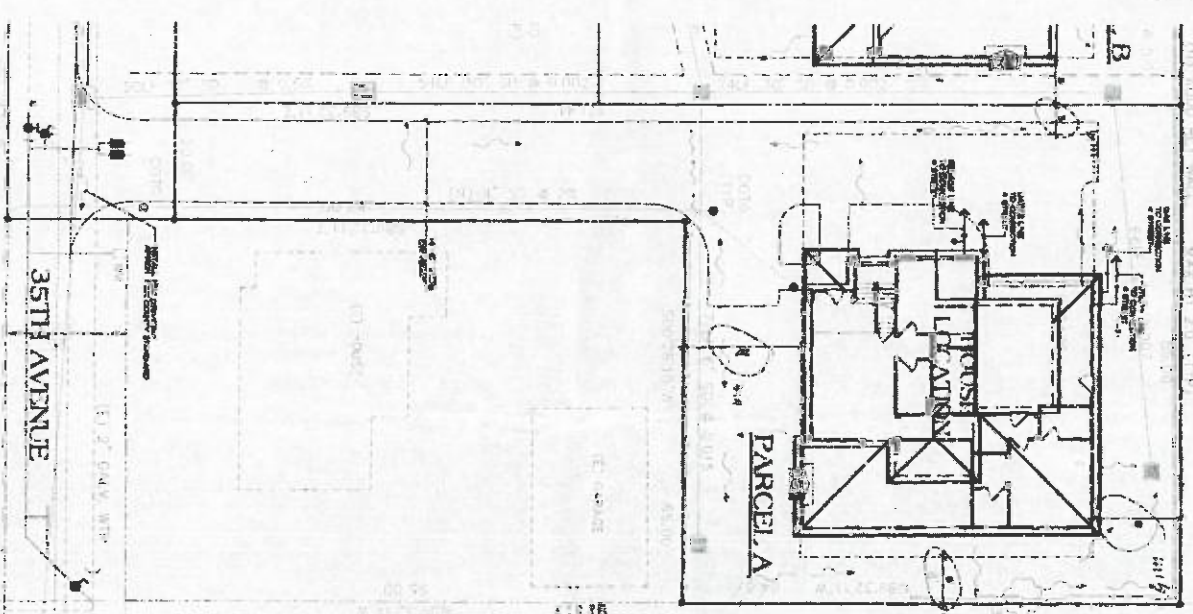
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GENERAL NOTES:
 1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF SANTA CRUZ ORDINANCES AND THE CALIFORNIA CIVIL CODE.
 2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SANTA CRUZ.
 3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES.
 4. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CALIFORNIA DEPARTMENT OF PEST MANAGEMENT.

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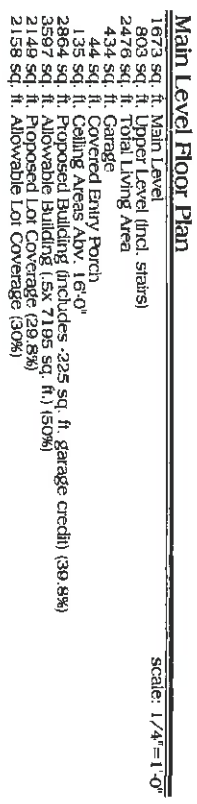


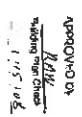
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A1	SHEET NO. 11 OF 11 DATE: 08/11/2011 SCALE: 1"=10'0" PROJECT: 032-041-87	DRAWING TITLE: Site Plan - Parcel A	Design Associates, Inc. A California Corporation 17111 Park Avenue, Suite 100 Menlo Park, California 94025 Phone: (650) 321-1111 Fax: (650) 321-1112	ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF SANTA CRUZ ORDINANCES AND THE CALIFORNIA CIVIL CODE. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SANTA CRUZ. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CALIFORNIA DEPARTMENT OF PEST MANAGEMENT.
	PREPARED BY: Mike Dunn	CHECKED BY: Mike Dunn		
	APPROVED BY: Mike Dunn	DATE: 08/11/2011		
	PROJECT NO.: 032-041-87	SHEET NO.: 11 OF 11		

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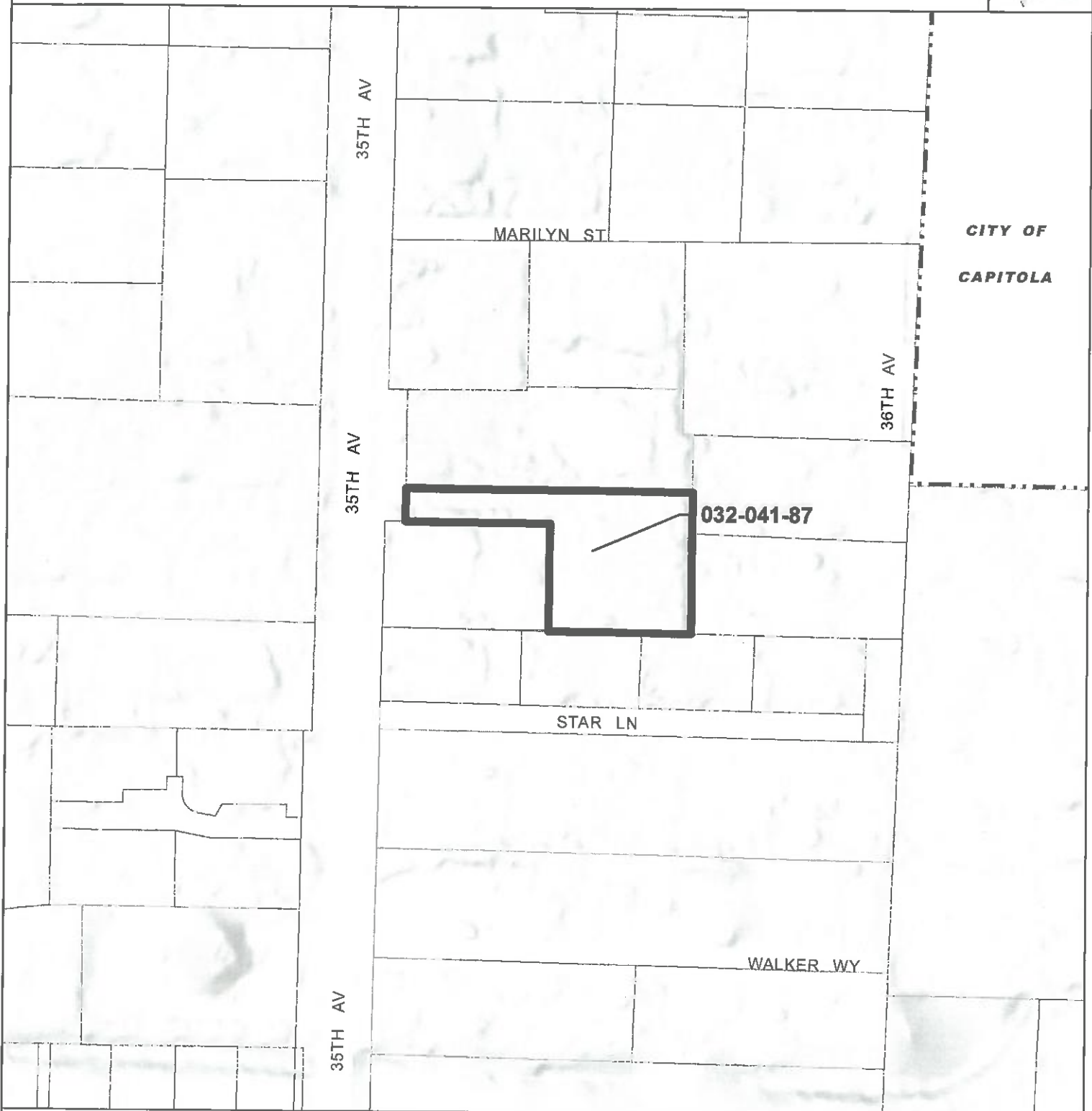


SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Location Map



Mapped
Area



CITY OF
CAPITOLA

032-041-87

STAR LN

WALKER WY

35TH AV

35TH AV

35TH AV

36TH AV

Parcel: 03204187

- Study Parcel
- Assessor Parcel Boundary
- City Limits

Map printed: 23 May. 2018



EXHIBIT E



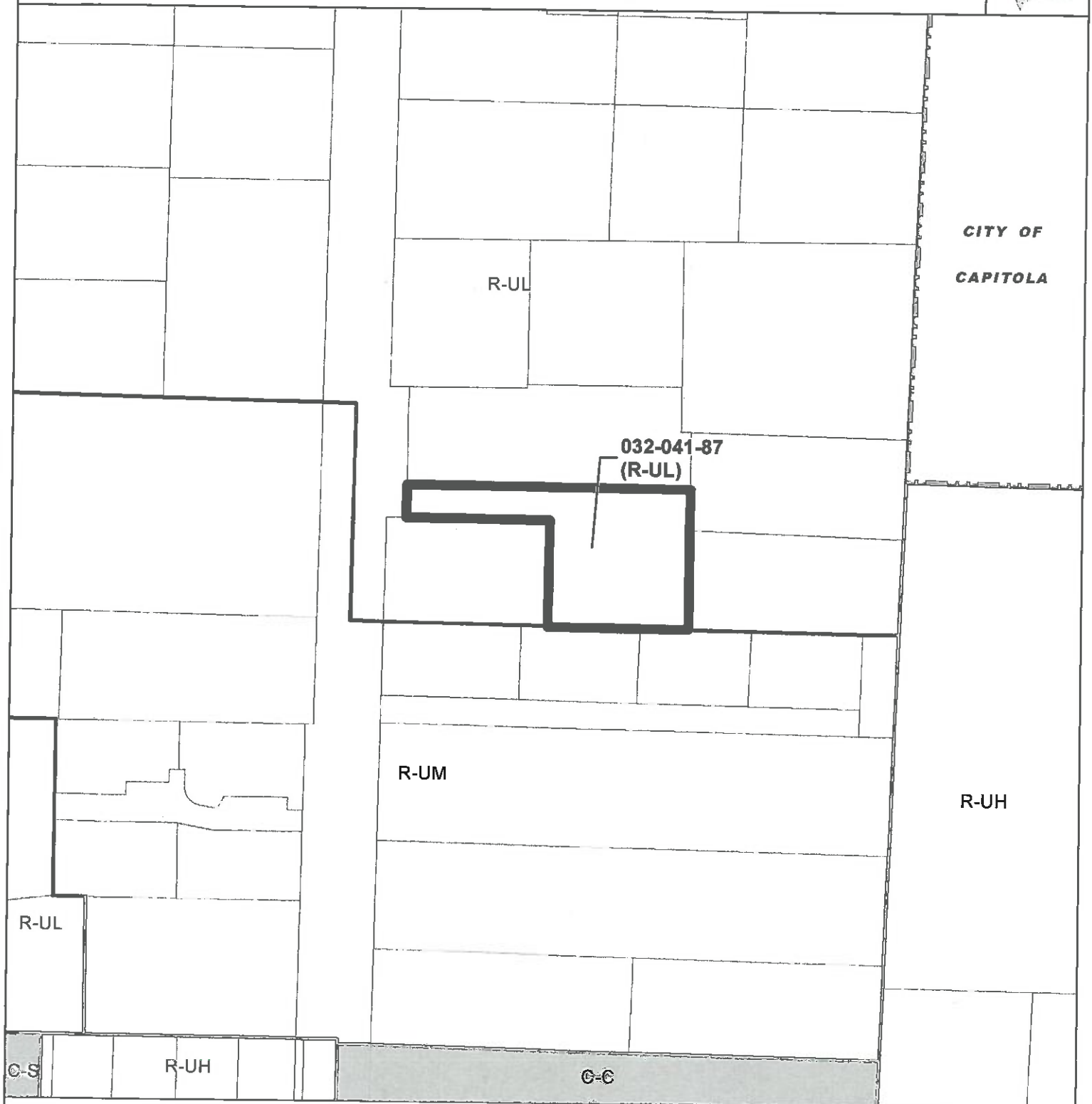


SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel General Plan Map



Mapped
Area



- C-C Commercial Community
- C-S Commercial Services
- R-UH Res. Urban High Density
- R-UM Res. Urban Medium Density
- R-UL Res. Urban Low Density



0 25 50
Feet

EXHIBIT E

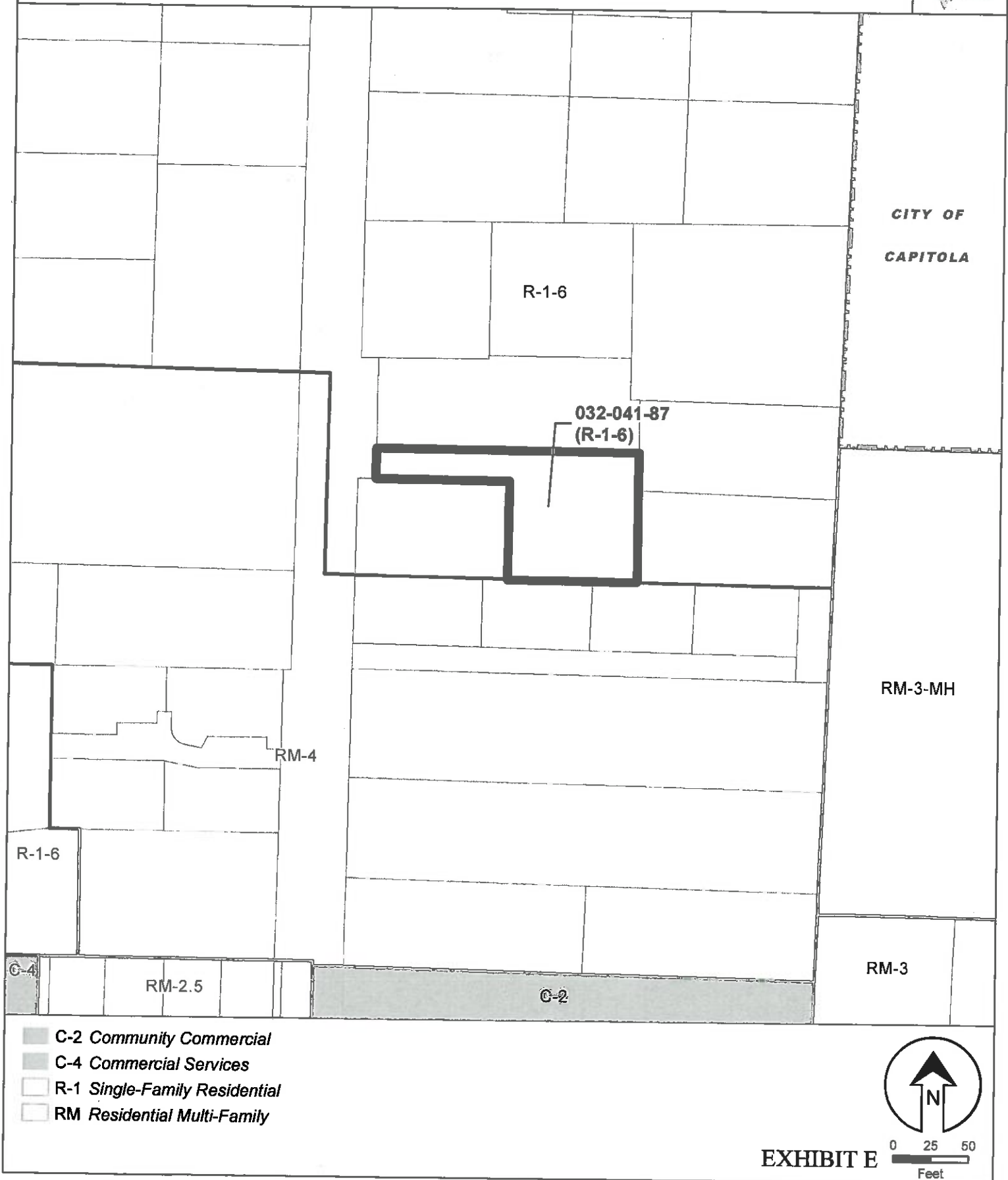


SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Zoning Map



Mapped
Area





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): 032-041-87
(APNs MAY BE OBTAINED FROM THE ASSESSOR'S OFFICE AT (831) 454-2002)

Street Address: 926 35th Ave, Santa Cruz, CA 95062

Applicant Information (Complete only if different from Owner Information)

NAME : _____

MAILING ADDRESS: _____

CITY/STATE _____ ZIP _____

PHONE NO. (____) _____ CELL PHONE NO. (____) _____

EMAIL: _____

Owner Information

NAME: **Emily Rasky**

MAILING ADDRESS: **926 35th Ave**

CITY/STATE **Santa Cruz** ZIP **95062**

PHONE NO. (310) 291-2173 CELL PHONE NO. (310) 291-2173

EMAIL: **emilyrasky@gmail.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: Lauren Devon

MAILING ADDRESS: 235 Brown Gables Road

CITY/STATE Ben Lomond ZIP 95005

ZIP 95005

PHONE NO. (831) 531-8161 CELL PHONE NO. (831) 531-8161

CELL PHONE NO. (831) 531-8161

EMAIL: cohobeachhousesec@gmail.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

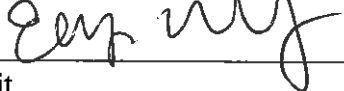
Contact person signature, **if applicable**

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.**

Emily Rasky 
 Owner of Rental Unit

2/11/2018

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

PLANS REQUIRED FOR RENEWALS

Please check the appropriate boxes below.

1. Have there been any additions or other work than has resulted in an increase in the number of bedrooms since the issuance of your current vacation rental permit that have not been authorized by an amendment to your current vacation rental permit?
☐ YES. If you check this box, you must submit revised floor plans that clearly show the previous floor plan, the current floor plan, and explain what work was done (see List of Required Information, page 7).
☐ NO. If you check this box, you do not need to submit floor plans with your renewal application.
2. Has there been any decrease in the size or number of parking spaces since the issuance of your current vacation rental permit that has not been authorized by an amendment to your current vacation rental permit?
☐ YES. If you check this box, you must submit a revised plot plan that clearly shows the previous parking, the current parking, and explain what has changed and the reason for the change (see List of Required Information, page 7).
☐ NO. If you check this box, you do not need to submit a plot plan with your renewal application.

If you checked no to both questions, you do not need to submit any plans with your renewal application.

APPLICANT'S SIGNATURE

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the County of Santa Cruz is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of planning permits as determined by the Planning Director.

I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, and that proof of such is on file with the Zoning Section.

I further certify that there are no restrictions against vacation rentals associated with the subject property, including, but not limited to, Homeowner's Association regulations, and I understand that any vacation rental permit issued will be rendered void if there are restrictions against vacation rentals on the subject property.

I understand that the County of Santa Cruz has attempted to request everything necessary for an accurate and complete review of my proposal; however, after Planning staff has taken in the application and reviewed it further, it may be necessary to request additional information and clarification.

I understand that if this application will require a public hearing pursuant to County Code Section 13.10.694(D)(3), the application will be converted to an "at cost" application and I will be required to sign a contract and be billed for staff time associated with processing the application as provided in County Code Section 13.10.694(D)(3)(b)(ii).



Signature of Owner or Authorized Agent

2/11/2018

Date

Pargal # 032-041-87
Emily Rasky
926 35th Ave, Santa Cruz
310-291-2173 emilyrasky@gmail.com

Coho Beach House Rules

- Check-in is at 3PM and checkout is 11AM.
- Quiet hours are from 10PM to 9AM. Excessive noise is subject to cancellation of stay. All guest funds will be forfeited for the entire stay in case of cancellation.
- Property can accommodate 5 onsite vehicles. Maximum number of vehicles allowed is 5. Only 2 are cars allowed on the street where available, remaining vehicles must be parked on the property.
- Remove your shoes when in the house.
- No pets.
- No parties, no outside visitors without previous approval from your host. Maximum guest number is 10 (children under 8 not included).
- Do not engage in illegal activities anywhere on the property.
- Fireworks of every kind prohibited.
- No smoking on the property.
- Do not leave any food out that will attract uninvited pests. Our home is pest-free and we intend to keep it that way with your help.
- While we do a thorough professional clean between each guest stay, we kindly ask that prior to leaving, you clean and put away any dishes or kitchenware used and put any dirty towels in the hamper.
- Take recycling and trash out to cans by garage side door. Please ensure that all trash fits neatly into the cans. If checking-out on a Monday we ask that you put the garbage & recycling cans out on the street Sunday evening.
- If you find something broken / not in working order please notify us immediately.
- If you break or damage something, please let us know.
- Return all keys, lost keys subject to \$150 charge.

Vacation Lease

This Lease Agreement (this "Lease") is dated _____, by and between Emily Rasky ("Landlord"), and _____ ("Tenant"). The parties agree as follows:

PREMISES. Landlord, in consideration of the lease payments provided in this Lease, leases to Tenant a single-family home with four bedrooms and three baths (the "Premises") located at 926 35th Ave, Santa Cruz, California 95062.

TERM. The Tenant will have full control and use of the Premises beginning at _____ and will terminate at _____.

LEASE PAYMENTS. The total rental payment owed for this Lease is \$ _____ payable in advance. A nonrefundable deposit of \$ _____ shall be paid on or before _____ in order to reserve the Tenants reservation. Said deposit will be applied to the total rental payment. The balance of \$ _____ is due and must be delivered to the Landlord on _____.

SECURITY DEPOSIT. At the time of the signing of this Lease, Tenant shall pay to Landlord, in trust, a security deposit of \$ _____ to be held and disbursed for Tenant damages to the Premises or other defaults under this Agreement (if any) as provided by law. Security deposit will protect owner against damage or theft to the property and timely return of the door key. Deposit will be returned after Renter vacates property if the Property is not damaged, no theft has occurred, and key has been returned. Deposit may be applied by Landlord to satisfy damage repairs caused by Renter or to replace stolen items and such act shall not prevent Landlord from claiming damages in excess of the deposit. The Tenant is held financially responsible for damages to the Rental Property, whether made by themselves, their family, and another guest in their group or invitee.

MINIMUM STAY. This property requires a ____ night minimum stay. Longer minimum stays may be required during holiday periods.

OCCUPANTS. No more than 10 person(s) may occupy the Premises at any one time unless the prior written consent of the Landlord is obtained. All guests over the age of 7 are counted towards the maximum. Any party falsely representing the number of people, or exceeding the maximum may be subject to immediate eviction without refund. The maximum number of people that are allowed for celebrations and gatherings between 8AM and 10PM is 16 persons.

PARKING. The maximum number of cars allowed at the Property at any one time is 5. Only 2 cars are allowed on the street where available. Parking exceeding this limit may result in immediate eviction and forfeiture of all amounts paid.

NON-DISTURBANCE CLAUSE. Tenant and their guests shall not disturb, annoy, endanger (fireworks) or inconvenience neighbors nor use the premises for any unlawful purposes. Quiet hours is between 10PM and 8AM.

CANCELLATIONS. (a) If the Property becomes unavailable to the Tenant prior to occupancy, for any reason, Landlord agrees to refund the full amount paid to the date of cancellation, and Tenant agrees to release any claims against Landlord. (b) If, for any reason, the Tenant cancels this Agreement more than 1 days from the Arrival Date, Tenant will receive a refund of amounts paid, less a \$ ____ cancellation fee. For Tenant cancellations made ____ days or less, all monies are forfeited unless Landlord is able to re-rent the Property under the same (or better) terms and conditions of this Agreement, for the full Term reserved. If the Property is re-rented under the same (or better) terms and conditions than this Agreement, Landlord will refund amounts paid, less a Cancellation Fee of \$ _____. (c) There are no cancellations permitted within ____ days of Tenant Arrival Date. All amounts paid (Reservation Deposit and Final Payment) will be forfeited. Failure to pay the Final Payment in a timely manner will be considered a cancellation under this subparagraph and will result in forfeiture of the Reservation deposit.

SMOKING. Smoking is strictly forbidden inside the Property. Smoking is only allowed "outside". Evidence of smoking inside the Property will result in immediate eviction and forfeiture of all amounts paid and will result in additional Cleaning Fee charges to Tenant as Excess Damage Cost and will be charged against the credit card on file or Tenant's security deposit at Landlord's election.

COOKING. Tenant may cook only in the specific areas set aside by Landlord for cooking. No open fires are allowed other than on the grill. The grill must remain in open area, away from trees, house, etc. All fires must be thoroughly extinguished before leaving unattended.

TRASH MANAGEMENT. Tenant must take recycling and trash out to cans by garage side door and ensure that all trash fits neatly into the cans. If checking-out on a Monday Tenant must put the garbage & recycling cans out on the street Sunday evening.

CLEANING. The property will be inspected and cleaned after departure. The rental fee includes laundry service for the towels and linens. Tenant is required to leave the property in the same general condition that it was received in by making sure that the dishes are washed and put away, and the house is generally picked up and ready to be vacuumed, dusted and laundered.

ACCESS BY LANDLORD TO PREMISES. Subject to Tenant's consent (which shall not be unreasonably withheld), Landlord shall have the right to enter the Premises to make inspections, provide necessary services, or show the unit to prospective buyers, mortgagees, tenants or workers. However, Landlord does not assume any liability for the care or supervision of the Premises while under the possession and of Tenant. As provided by law, in the case of an emergency, Landlord may enter the Premises without Tenant's consent.

INDEMNITY REGARDING USE OF PREMISES. To the extent permitted by law, Tenant agrees to indemnify, hold harmless, and defend Landlord from and against any and all losses, claims, liabilities, and expenses, including reasonable attorney fees, if any, which Landlord may suffer or incur in connection with Tenant's possession, use or misuse of the Premises, except Landlord's act or negligence.

ILLEGAL BEHAVIOR. Tenant is prohibited from engaging in illegal behavior, including explicit prohibition of ANY fireworks.

DANGEROUS MATERIALS. Tenant shall not keep or have on the Premises any article or thing of a dangerous, flammable, or explosive character that might substantially increase the danger of fire on the Premises, or that might be considered hazardous by a responsible insurance company, unless the prior written consent of Landlord is obtained and proof of adequate insurance protection is provided by Tenant to Landlord.

CASUALTY OR DESTRUCTION. (a) Should the Property be destroyed or rendered uninhabitable by an Act of God (including, but not limited to, hurricanes, storms, floods or fires), or by environmental disaster, or loss of utilities prior to occupancy by Tenant, this Agreement shall become null and void, and all payments made hereunder shall be refunded to Tenant. (b) Should the Property be destroyed or rendered uninhabitable as above during occupancy, reimbursement on a pro-rated basis will be negotiated between Tenant and Landlord based on the following: No refund is due (or will be made) for inclement weather.

ASSIGNABILITY/SUBLETTING. Tenant may not assign or sublease any interest in the Premises, nor assign, mortgage or pledge this Lease, without the prior written consent of Landlord, which shall not be unreasonably withheld.

NOTICE. Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed to the party at the appropriate address set forth below. Such addresses may be changed from time to time by either party by providing notice as set forth below. Notices mailed in accordance with these provisions shall be deemed received on the third day after posting.

LANDLORD:

Emily Rasky
926 35th Ave
Santa Cruz, California 95062

TENANT:

Such addresses may be changed from time to time by either party by providing notice as set forth above.

GOVERNING LAW. This Lease shall be construed in accordance with the laws of the State of California.

ENTIRE AGREEMENT/AMENDMENT. This Lease contains the entire agreement of the parties and there are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Lease. This Lease may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

SEVERABILITY. If any portion of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

WAIVER. The failure of either party to enforce any provisions of this Lease shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.

BINDING EFFECT. The provisions of this Lease shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors and assigns.

CAUSE FOR EVICTION. The Tenant and all parties with the Tenant will be subject to immediate eviction from the Property if the Tenant or parties of the Tenant violate any terms of this Agreement, including but not limited to, violation of the occupancy limits, pet provision, smoking, noise ordinance or parking. In the event of eviction from the Property, the Tenant shall forfeit all amounts paid and there will be no refund of money.

ATTORNEY'S FEES AND COSTS. If Landlord employs the services of an attorney to enforce any conditions of this Agreement, to collect any amounts due, the eviction of the Tenant, or because Tenant takes any action to recover deposits not due, Tenant shall be liable to Landlord for reasonable attorney's fees and costs incurred by Landlord.

ACKNOWLEDGMENT. The Parties hereby understand and accept the terms and conditions on all pages of this Agreement.

LANDLORD:

Emily Rasky

TENANT:



COUNTY OF SANTA CRUZ

EDITH DRISCOLL, AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR
701 OCEAN STREET, SUITE 150, SANTA CRUZ, CA 95060-4073
POST OFFICE BOX 1817, SANTA CRUZ, CA 95061 • (831) 454-2510 • FAX (831) 454-2257

TRANSIENT OCCUPANCY TAX - REGISTRATION APPLICATION

Exclusive Airbnb listing - If you ONLY rent your facility on Airbnb, you will not need to remit/report monthly statements. Please include your Airbnb listing number: ☐

FOR COUNTY USE ONLY

Certificate Number: _____

Date Issued: _____

APN Number: _____

By: _____ Deputy Treasurer-Tax Collector

PLEASE PRINT OR TYPE

Name of Facility or Unit Coho Beach House

Address of Facility or Unit 926 35th Ave., Santa Cruz, CA 95062

Mailing Address 926 35th Ave., Santa Cruz, CA 95062 Phone # 310.291.2173

Email Address emilyrasky@gmail.com Date of Application 3/18/18

Type of Transient Occupancy Facility (check one): Tourist Home ☒ Motel ☐ Hotel ☐ Rooming House ☐
Lodging House ☐ Inn ☐ Studio Hotel ☐ Apartment House ☐ Dormitory ☐ Public or Private Club ☐
Mobile or Manufactured Home ☐ Other Lodging ☐

Number of Occupancy Units 1

Type of Ownership (check one): Individual ☒ Partnership ☐ Corporation ☐

IMPORTANT: Change of Operator and/or Ownership Requires a New Application

Owner(s) Name (List Principals):

Operator's Name	Address	Phone Number
Emily Rasky	926 35th Ave. Santa Cruz, CA 95062	310.291.2173

Local Emergency Contact

Name	Home Address	Phone Number
Lauren Devon	235 Brown Gables Rd., Ben Lomond, CA 95005	831.531.8161

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signed Emily Rasky Date 3/18/18

revMARCH2017

SC CNTY 2018MARCH11:32
TREASURER-TAX COLLECTOR

Elizabeth Hayward

From: Tom Hoffmann <ufdaufdatomh@yahoo.com>
Sent: Monday, May 07, 2018 1:37 PM
To: Elizabeth Hayward
Subject: Proposal to Operate a New 4-bedroom Residential Vacation Rental

Letter to Santa Cruz County

Proposed Vacation rental at 926 35th Ave

Reference: Notice of Proposed Development; **Application #: 181052**

Proposal to Operate a New 4-bedroom Residential Vacation Rental

Dear Elizabeth Hayward, or to whom it may concern:

Recently there has been a Notice of Proposed Development posted at the residence of 926 35th Avenue to operate a vacation rental.

As a long time resident of this Live Oak community, I am respectfully requesting that such a proposal **NOT** be approved for the following reasons:

- 1.) This area is extremely dense with housing. Ever since the new home development of three homes, one of which is 926 35th Ave, it has become extremely cramped to the backside of my house and has caused various issues with renters already. A vacation rental will cause many more problems.
- 2.) The main activity patio area of the house 926 35th Ave is stuffed next to our bedroom windows and has already been a severe noise, animal, and a smoke issue with other renters which I have had to take action.
- 3.) Issues of concern: (and have already experienced some of these from previous renters at 926 35th Ave)
 - **NOISE** Resonates between the buildings intensifying all noise & excessive, night time, loss of sleep, etc.
 - **PARKING** all hours
 - **TRAFFIC** Increased, turning in tight spaces, searching for parking, general flow.
 - **DOGS & ANIMALS**
 - **ALCOHOL & DRUGS**
 - **SMOKE / AIR QUALITY** with outdoor fires and possible safety issues.
 - **VACATIONERS** are not owners therefore resolving issues is not possible because of constant turnover.

Having people come and go all the time will only exasperate the situation and further the stress of dense living in the community. This is not a reasonable vacation rental area to be doing this. It is too close and too tight, and already crowded.

Having discussed this vacation rental with other Live Oak neighbors who have vacation rentals near them say and tell us of the problems. They wish they could have prevented the vacation rental situation. Ongoing noise, partying, dogs barking, parking problems, loss of sleep, increased traffic are a few of the comments coming from experienced neighbors with vacation rentals.

As a long time resident of this Live Oak community, I am respectfully requesting that such a proposal **NOT** be approved for the stated reasons.

Thank you,

Sincerely,

Thomas Hoffmann

131 Star Lane

Santa Cruz, CA 95062

(831) 475-9344

Elizabeth Hayward

From: jcholmn <jcholmn@aol.com>
Sent: Tuesday, May 8, 2018 4:15 PM
To: Elizabeth Hayward
Subject: RE: 926 35th ave

There is also the fact that they are threatening affordable housing in the Santa Cruz area they are reducing the availability of housing by at least 10%

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Elizabeth Hayward <Elizabeth.Hayward@santacruzcounty.us>
Date: 5/7/18 4:01 PM (GMT-08:00)
To: jcholmn <jcholmn@aol.com>
Subject: RE: 926 35th ave

Good afternoon,

Thank you for your comments. They have been recorded and will be added to the file for consideration by the Zoning Administrator.

Please let me know if you have any further questions.

Elizabeth Hayward

Project Planner

County of Santa Cruz

Planning Department

Notice to Recipient: This communication is intended for the person(s) to whom it is addressed and it may contain information that is protected. If you receive this in error, any review, use, dissemination, distribution, or reproduction is strictly prohibited. Please report the error immediately and delete and/or destroy this communication and any attached documents from your system. Thank you for your cooperation.

From: jcholmn <jcholmn@aol.com>
Sent: Monday, May 07, 2018 10:54 AM
To: Elizabeth Hayward <Elizabeth.Hayward@santacruzcounty.us>
Subject: 926 35th ave

To have a air B&B I see a lot of problems noise alcohol fire pit just doesn't seem like a good fit for our neighborhood I have 2 disabled adults living in my house that do not need the disruption of late night guests every weekend I believe the people that use airbnb's are on vacation and not caring about people sleep or the peacefulness of our community parking loss of your problem it's a four bedroom how many people can you fit into a four-bedroom house I believe way too many for a residential neighborhood

Sent from my Verizon, Samsung Galaxy smartphone