



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

**KATHLEEN MOLLOY, PLANNING DIRECTOR**

October 2, 2018

Zoning Administrator

Consent agenda, meeting of November 16, 2018

Subject: Status Update for Application # **171035, Vacation Rental**  
Assessor's Parcel #: **039-261-02**  
Owner: **Odio**

Honorable Zoning Administrator:

On August 17, 2018, staff presented a status update to the Zoning Administrator concerning the Vacation Rental at 137 Las Lomas Dr., in accordance with permit 171035, originally approved on February 16, 2018. (Status update 8/17/18, Attachment 1; Staff Report 2/6/16, Attachment 2). The status report confirmed that the operator had complied with all applicable permit conditions as of date of the site visit, including:

- Met with neighbors to address their concerns
- Site signage compliant
- Rental agreement compliant
- Street signage compliant
- Sheriff and neighbor notification compliant

Because the Vacation Rental had not been in operation long enough at the time of the first status report for staff to report back on the results of at least two site visits to determine compliance with permit conditions including maximum number of vehicles (3), vehicles entering private driveways, trash storage, use of decks and other outdoor activity, the Zoning Administrator directed staff to submit a permit status report in two months, including the results of two site visits and general permit compliance.

Staff conducted unannounced site visits at 9:10 p.m.- 9:40 p.m. on Friday, August 24 and at 9:10 p.m. and 9:35 p.m. on Saturday, September 8.

Following are the results of these inspections:

**Friday, August 24. Vacation rental use compliant.**

One car at site.

Arriving guest did not appear to enter any wrong driveways.

No deck use.

No noise.

Trash area clean, trash can lids closed.

**Saturday, September 8. Vacation rental use compliant.**

One car at site.

No deck use.

No noise.

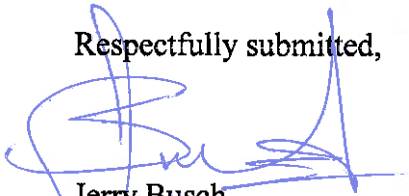
Trash area clean, trash can lids closed.

Staff has received no complaints about the subject site since the Vacation Rental resumed operation under the approved permit (171035). The Sheriff's Department has also received no complaints regarding the subject site.

Based on the site visits described above and on the initial staff review, staff has determined that the Vacation Rental at 137 Las Lomas Dr. is operating in compliance with all the conditions of permit 171035.

**Staff recommends that the Zoning Administrator accept and file this report.**

Respectfully submitted,



Jerry Busch  
Project Planner  
Development Review

**Attachments:**

1. Status Update 8/17/18
2. Staff Report, Application 171035



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(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

**KATHLEEN MOLLOY, PLANNING DIRECTOR**

July 24, 2018

Zoning Administrator

Consent agenda, meeting of August 17, 2018

Subject: Status Update for Application # **171035, Vacation Rental**  
Assessor's Parcel #: **039-261-02**  
Owner: **Odio**

Honorable Zoning Administrator:

On February 16, 2016, the Zoning Administrator approved a Vacation Rental at 137 Las Lomas Dr. (see Staff Report, Attachment 1). The amended conditions of approval approved by the ZA included a requirement that staff report back within six months of the approval date, including the results of at least two site visits to determine compliance with permit conditions including trash containment, maximum number of vehicles (3), vehicles entering private driveways and all use of decks and any other outdoor activity to cease at 9 p.m. The permit conditions also required the property owner, together with the 24-hour emergency contact, to organize and attend a discussion with neighbors prior to March 16, 2018, regarding how the neighborhood concerns "will be taken seriously and addressed."

The community meeting was held by the property owner at 6 pm on March 15, 2018 and attended by the then-property manager. Approximately eight community members from Las Lomas Drive and Haas Road attended. The ongoing concerns raised by the neighbors included safety on the private roads, permit compliance, communication by the applicant with neighbors, trespassing, fire concerns and noise during quiet hours. These issues were discussed at the meeting.

The owner has implemented the following actions to address neighborhood concerns (see photos, Attachment 3):

- Hired a new 24-hour contact and property manager who visited the property several times proactively. The new 24-hour contact is:

BnB Sitter Santa Cruz  
Janiece Rodriguez  
360-909-2236  
[bnbsittersantacruz@gmail.com](mailto:bnbsittersantacruz@gmail.com)  
346 Fairmount Ave.  
Santa Cruz, CA. 95062

**ATTACHMENT 1**

- Installed sign with 24-hour contact in the front yard.
- Submitted an updated the rental contract (Attachment 2) that meets all the approved Conditions of Approval of permit 171035, including:
  - The rental contract directs guests to obey speed limit and to drive carefully.
  - The contract directs guests to park in driveway, states that there is no parking in street and limits vehicles to a maximum of three.
  - The contract includes map, clear driving directions and photos of driveways and roads not to be mistaken for correct route.
  - The contract sets overnight guest limit of 6 during quiet hours and sets a celebration guest limit of 8.
  - The contract meets all other requirements of County Code Sect. 13.10.694.
- Installed signs inside the dwelling that require guests to drive slowly, obey the speed limit to be quiet on the patio at night by decks.
- Removed the barbeque from front of dwelling. (Owner stated that he may propose to re-install the barbeque in a quieter area).
- Re-installed a wireless-enabled security camera on the exterior of the house to monitor & enforce the guest limit.
- Offered to install speed hump (not accepted by neighbors).
- Offered to install a 10-mph speed limit sign (not accepted by neighbors).
- Placed a revised sign in front of the unit, legible from the street, with the updated 24-hour contact
- Placed or intends to place copy of contract, including “no trespassing” photos, in a folder inside house for reference by guests.
- Documented signs asking drivers on Las Lomas Dr to slow down.
- Posted a list of rules inside the vacation rental in a location readily visible to all guests, stating the 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).
- Posted a copy of the County Noise Ordinance (County Code Chapter 8.30) inside the vacation rental in a location readily visible to all guests.
- Posted signage shall be clearly posted at the front entrance and all deck entrances specifying the 9:00 p.m. outdoor activity restriction.
  - Posted the name, address, and telephone number(s) of the local contact person inside the vacation rental in a location readily visible to all guests, and
  - Submitted to the County Sheriff’s Office the name, address, and telephone number(s) of the local contact person.
  - Supplied the name, address, and telephone number(s) of the local contact person to the property owners of all properties located within a 300-foot radius of the parcel on which the vacation rental is located.

These actions rendered the Vacation Rental compliant with all the conditions of approval of permit 171035 (Attachment 1).

After the community meeting, the owner has been communicating with the neighbors regarding the desire of most, but not all, of the neighbors to require the owner to install a 5-mph speed limit sign on Las Lomas Drive. County staff informed neighbors that a posted speed limit below the

**ATTACHMENT 1**

85<sup>th</sup> percentile of drivers can cause collisions by fostering inconsistent driving speeds, unsafe passing and collisions. Staff informed the owners and neighbors that a 5-mph speed limit sign could potentially decrease safety, was not recommended by the Department of Public Works and would not be required by staff to comply with the Conditions of Approval. Staff initially supported posting a speed limit no lower than 10-mph. However, after further discussions with the Department of Public Works, staff does not currently endorse the posting of any special speed limit on Las Lomas Drive and does not propose to require such posting to implement the Conditions of Approval of permit 171035.

As stated in the attached staff report, the shortness of the street, is small, rural character and slopes discourage consideration of speed bumps. The vacation rental operator has volunteered to the neighbors to place a speed bump or speed hump, but the neighbors have not yet indicated a consensus on whether to install a speed bump.

The permit review revealed an error in the conditions of approval that stated the project approval date as 02/16/2017. Staff corrected the conditions of approval to reflect the actual approval date (02/16/2018). A corrected copy was inserted into the project file and provided to the owner. The corrected Conditions of Approval are attached (Attachment 1).

During the development of permit compliance measures, the owner stated that he did not rent the subject property as a vacation rental, but as a month-to-month rental. The vacation rental did not commence, the owner stated, until July 2, allowing insufficient time for staff to conduct two site visits prior to the required deadline for submitting a status report on the vacation rental use for review before August 16, 2018.

**Therefore, staff recommends that the Zoning Administrator accept and file this report and direct staff to submit a permit status report in two months, including the results of two site visits and general permit compliance.**

Please questions or comments concerning this report to Jerry Busch, (831) 454-3234 or e-mail: [jerry.busch@santacruzcounty.us](mailto:jerry.busch@santacruzcounty.us).

Respectfully submitted,

Jerry Busch  
Project Planner  
Development Review

**Attachments:**

1. Staff Report and Conditions of Approval (corrected) for permit 171035
2. Revised rental agreement
3. Photographs of signs on Las Lomas Drive and on Haas Drive at the intersection with Las Lomas Drive, and inside the vacation rental unit
4. Public comments and correspondence after approval of permit 171035



## 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 #:**  
**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

ATTACHMENT 2

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

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](http://www.co.santa-cruz.ca.us)**

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

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**ATTACHMENT 2**

## **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.

## Conditions of Approval

Exhibit D: Project plans, 2 sheets, prepared by James Beebe, dated Nov. 10, 2017.

I. This permit authorizes the establishment of a 3-BR vacation rental use as indicated on the approved Exhibits (D) and (E) for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:

- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- B. Provide the County Planning Department a revised lease agreement with the following language added:
  - 1. Guests shall obey the speed limit. Lessee shall advise all guests to drive carefully.
  - 2. All associated vehicles shall park in the driveway. No parking is allowed on the street.
- C. *Added by ZA 9/16/18 – the lease agreement shall include a map that clearly identifies the route to the site, provides detailed directions to the site and indicates driveways and roads not to be mistaken for correct route.*
- D. Provide the vacation rental with a sign identifying the structure as a permitted vacation rental, including the following verbiage:

**VACATION RENTAL**  
**Permit #171035**  
**24-hour complaint response:**  
**831-420-0202**

The sign shall not exceed 216 square inches, be legible from, and be posted no more than 20 feet back from the adjoining right of way .

The sign shall be updated whenever the 24-hour contact phone number changes, to maintain current information.

- E. *Added by ZA 9/16/18 – Staff shall report back to ZA in six (6) months regarding permit compliance, including the results of at least two site visits to determine compliance with permit conditions including, but not limited to, trash containment, maximum number of vehicles (3), vehicles entering private driveways, and all use of decks and any other outdoor activity to cease at 9 p.m.*
- F. *Added by ZA 9/16/18 – By no later than March 16, the property owner, together with the 24-hour emergency contact, shall organize and attend a discussion with*

*neighbors regarding how the neighborhood concerns will be taken seriously and addressed. The property owner shall provide advance notice of the time and location of the neighborhood discussion to all of the signatories to the petition opposing the vacation rental.*

- G. 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.
- H. Any outstanding balance on the at-cost contract due to the Planning Department must be paid prior to exercising 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 County Code and these 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.
- 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.
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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

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

Approval Date: 2/16/2018

Effective Date: 3/2/2018

Expiration Date: 3/2/2021

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