



Staff Report to the Zoning Administrator

Application Number: 181526

Applicant: Vacasa

Owner: William and Beverly Lawrie

APN: 043-072-33

Site Address: 258 Beach Drive, Aptos, CA 95003

Agenda Date: 3/1/2019

Agenda Item #: 3

Time: After 9:00 a.m.

Project Description: Proposal to operate a new 4-bedroom residential vacation rental in the RM-2.5 (Multifamily Residential, 2,500 square feet per unit) zone district. Requires a Vacation Rental Permit.

Location: South side of Beach Drive approximately 650 feet east of the intersection of Beach Drive and Rio Del Mar Boulevard.

Permits Required: Vacation Rental Permit (Level V)

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

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 181526, based on the attached findings and conditions.

Project Description & Setting

The project site is located approximately 700 feet south of the Rio Del Mar flats area, which is developed with a mix of commercial and residential development, in addition to a large public parking lot. The properties located to the south of the project site, along Beach Drive, consist of larger parcels, developed with larger homes. The immediate neighborhood is characterized by a row of beachfront properties, developed with small dwelling units of similar size and configuration, attached by common walls.

The proposed project is a four bedroom residential vacation rental in a 1260 square foot, four bedroom, two-bathroom dwelling unit on a 653 square foot parcel. The parcel was one of 38 beachfront properties developed between Beach Drive and Rio Del Mar Beach as part of the Aptos Beach Country Club Properties circa 1928. There is limited development history between the unit's construction in 1938 and today. A 76 square foot addition and remodel was permitted in 1958 under building permit number 4970 and a reroof permit was issued in 2002. The plans submitted as part of the proposed project appear to represent the original configuration of the

property.

Zoning & General Plan Consistency

The subject property is a 653 square foot lot, located in the RM-2.5 (Multifamily Residential - 2500 square foot minimum) zone district, a designation which allows residential uses. The proposed vacation rental is a principal permitted use within the zone district and the project is consistent with the site's R-UH (Urban High Density Residential) General Plan designation. Pursuant to SCCC 13.10.694, four bedroom vacation rentals are subject to a public hearing in accordance with the procedures outlined in SCCC 18.10.

The project is located with the Seacliff Aptos Designated Area (SADA) of the County as described in 13.10.694 of the Santa Cruz County Code. The SADA designation limits both the total number of vacation rentals allowed within the district, as well as limits the number of vacation rentals permitted on block. The SADA also includes areas in which there are no density limits for vacation rentals. The unlimited density area, defined in SCCC 13.10.694 (D)(2)(b) includes Beach Drive, on which the proposed project is located, exempting it from block density analysis. Of the 29 properties located adjacent to the project site, 21 have active vacation rental permits. There are upwards of 50 vacation rental permits issued to properties within a 500-foot radius of the project.

Analysis

There is no dedicated parking for any of the properties in the project area and street parking in the vicinity is extremely limited. Parking located on the south side of Beach Drive narrow in width and not sufficient for larger vehicles. The north side of Beach Drive is bordered by a bluff and does not provide parking. The lease agreement provided to guests will limit the total number of vehicles allowed as part of the rental to a maximum of two and also requires that guests acknowledge that no portion of their vehicles will be parked over the white line on Beach Drive.

In accordance with the Vacation Rental ordinance, the permit is proposed to be conditioned to ensure limits on noise generated during quiet hours (10:00 PM to 8:00 AM). It will also include a prohibition on illegal behavior and fireworks, and require the establishment of a 24-hour emergency contact. The required 24- hour emergency contact resides approximately 3 miles from the subject property. Their contact information will be available on the Planning Department webpage, and is also required to be posted outside of the residence in a visible location (while the property is being rented).

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 **181526**, 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.sccoplanning.com

Report Prepared By: Evan Ditmars
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Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Vacation Rental Application
- F. Parcel information
- G. Comments & Correspondence

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: 181526

Assessor Parcel Number: 043-072-33

Project Location: 258 Beach Drive, Aptos, CA 95003

Project Description: proposal to operate a 4 bedroom residential vacation rental

Person or Agency Proposing Project: Vacasa

Contact Phone Number: 970-401-5434

- 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:

Class 1-Existing Facilities: Operating and leasing of an 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.

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

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the 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 RM-2.5 (Multifamily Residential - 2500 square foot minimum) zone district, as the primary use of the property will continue to be residential.

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-UH (Urban High Density Residential) land use designation in the County 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 is to be located within an existing single family residential structure. The expected level of traffic generated by the proposed vacation rental is commensurate to any other residential use of the dwelling because the short term rental occupancy of a residence does not change the type of use within the dwelling and, further, guest celebrations that result in temporary increased traffic can occur with both a 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

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intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed is consistent with the land use intensity and density of the neighborhood.

Conditions of Approval

Exhibit D: Project plans, prepared by Alicia Heber, dated 9/15/2018.

- I. This permit authorizes the establishment of a 4-bedroom residential vacation rental as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. Operational Conditions
 - A. 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 vacation rental shall be maintained and operated so that, at all times, it is in compliance with the items listed on the Vacation Rental Certification form (Exhibit E).
 - C. The maximum, overnight occupancy of the vacation rental shall not exceed 10 people (2/bedroom + 2, children under 8 not counted).
 - D. The maximum number of vehicles associated with the overnight occupants shall not exceed 2.
 - E. The lease agreement supplied to guests shall include instructions for alternative parking and instructions for guests to ensure no portion of their vehicle will be parked beyond the painted lines on Beach Drive.
 - F. The maximum occupancy allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m. shall not exceed 20 people (twice the number of overnight occupants, children under 8 not counted).
 - G. Occupants and guests shall adhere to the noise standards contained in the County Noise Ordinance (County Code Chapter 8.30). A copy of the County Noise Ordinance (County Code Chapter 8.30) shall be posted inside the vacation rental in a location readily visible to all guests.
 - H. 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).

- I. Fireworks are illegal in Santa Cruz County and prohibited at the vacation rental.
 - J. The vacation rental shall have a sign identifying the structure as a permitted vacation rental and listing a 24-hour local contact responsible for responding to complaints and providing general information. The sign shall not exceed 216 square inches, be legible from, and be posted no more than 20 feet back from the nearest street.
 - 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, 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. Any change in the contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified above.
 - L. 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.
 - M. 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.
 - N. Permits for vacation rentals located in the Live Oak Designated Area (LODA) and the Seacliff Aptos Designated Area (SADA), and Davenport Swanton Designated Area (DASDA) shall expire 5 (five) years from the date of approval. To continue in operation as a legal vacation rental, an application to renew the permit must be made before the expiration date, but no sooner than 180 days before the expiration date. Vacation rental permits in the LODA, SADA, and DASDA are non-transferable and become void when a property transfer triggers reassessment.
- III. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended,

indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

Please note: This permit expires five (5) 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: _____

Steve 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.

EXHIBIT C

Parcel Information

Services Information

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

Parcel Information

Parcel Size: 653 square feet
Existing Land Use - Parcel: Multifamily Residential
Existing Land Use - Surrounding: Single Family Residential, Multifamily Residential,
Parks, Recreation, Open Space
Project Access: Public
Planning Area: Aptos
Land Use Designation: R-UH (Urban High Density Residential)
Zone District: RM-2.5 (Multifamily Residential - 2500 square foot
minimum)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal
Comm. X Yes No

Technical Reviews: None

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Yes
Archeology: Not mapped/no physical evidence on site

TRANSMITTAL - LEVEL 5, 6 & 7

DATE: _____
TO: Support Staff
FROM: Evan Ditmars
RE: Application # 181526

PLEASE COMPLETE THE ITEMS CHECKED BELOW:

Return all original documents to the planner, unless checked ⇒ ☐ Use original documents for distribution

☐ Make _____ copies of the attached documents; distribute as follows:

☐ Mail copies to: ☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ Send a copy to District Supervisor _____ (via Inter-office mail)

☐ Send copies to: ☐ DPW Surveyor (Plans & Conditions – all land divisions)

☐ Housing (Conditions – projects with affordable housing reqts.)

☐ _____

☐ Extra copy to planner

☐ Mail a copy to the California Coastal Commission: ☐ Certified Mail ☐ Send attached plans

☐ Mail copy of Coastal Exclusion to Coastal Commission with any attached documents/exhibits.

☐ Mail copy of permit conditions to: _____ (Local Fire District)

☐ Place copy of final staff report/conditions in the Project Listing by APN folder on the shared drive

☐ Send copy of CEQA notice to the Clerk of the Board:

☐ Notice of Exemption (include copy of application form indicating COB fee payment)

☐ Notice of Determination/Negative Declaration

☐ Certificate of Fee Exemption

☐ Special instructions:

☐ Send attached exhibit(s) to:

☐ Applicant

☐ Owner

☐ Applicant/Owner (if same)

☐ Send attached recordable documents to:

☐ Applicant

☐ Owner

☐ Applicant/Owner (if same)

☐ _____

☐ _____

Completed by: _____

(support staff)

(date)