



Staff Report to the Zoning Administrator

Application Number: **191321**

Applicant: Joycie Bahl

Owner: Joycie Bahl and Nilesh Parate

APN: 054-222-11

Site Address: 1080 Via Tornasol, Aptos CA 95003

Agenda Date: 5/1/20

Agenda Item #: 4

Time: After 9:00 a.m.

Project Description: Proposal to establish a new four-bedroom residential vacation rental in an existing single-family dwelling.

Location: Property is located at the intersection of Via Tornasol and Via Verde, approximately 875 feet south of the intersection of Clubhouse Drive and Via Tornasol

Permits Required: Vacation Rental Permit

Supervisory District: 2nd District (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 191321, based on the attached findings and conditions.

Project Description & Setting

The proposed project consists of the establishment of a new four-bedroom vacation rental in an existing single-family dwelling. Pursuant to Santa Cruz County Code 13.10.694, the proposal to establish a new vacation rental of four or more bedrooms is subject to public hearing.

The subject property is a 10,759 square foot lot in the R-1-6-SBE (single-family residential, 6000 square foot parcel size, Seascape Beach Estates combining district). An addition to the home (a living room over the existing garage) was approved in 2019 under Coastal Development Permit 191042 and the subsequent building permit, B-195473, is presently under review. The proposed living room addition does not result in a change in the number of bedrooms in the dwelling. The present configuration of the home has one bedroom on the ground floor and three bedrooms on the second floor with decks facing the ocean on the southwest side of the property.

The property is located within the Seacliff Aptos Designated Area (SADA), one of three areas in the County in which the number of short-term rentals on a block is limited to 20%. The condominium development opposite the subject parcel has nine permitted short term rentals

scattered throughout the development. West of the parcel, on Via Palo Alto, is one permitted short-term rental. If approved, this application will result in the first short term rental on either of the three blocks on which this property sits.

Impacts resulting from the use of the property would be largely mitigated through the proposed conditions of approval and requirements established in the Vacation Rental Ordinance. The provided lease agreement allows 10 overnight guests and 20 daytime guests, with parking limited to four vehicles on site and two street parking spaces. The required 24-hour emergency contact is located 2.0 miles from the subject property. Trash management, noise (including quiet hours), and prohibition on illegal behavior and fireworks are provided in the lease agreement for the guests.

Early correspondence (Exhibit H) was received by a neighbor who requests specific conditions be added to the permit. The request was largely consistent with the limitations already in place in the Vacation Rental Ordinance. A request for limits on street parking is reasonable given that the neighborhood experiences seasonal increases in street parking resulting from visitors accessing the beach one block away on Via Palo Alto. However, the four on-site spaces and two street parking spaces is consistent with allowances and requirements in the County Code. In response to this potential issue, the lease agreement was amended to advise guests to utilize on-site parking when possible. The request to condition a hot tub was not included in the conditions, as there is no hot tub proposed and the ordinance does not provide provisions for restricting the use of hot tubs.

Staff determined that the provided lease agreement and the proposed conditions of approval would result in a compliant vacation rental with minimal impacts to the neighborhood. 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 **191321**, 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
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3227
E-mail: ean.ditmars@santacruzcounty.us

Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning, General Plan, and Vacation Rental Maps
- F. Parcel information
- G. Vacation Rental Application
- H. 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: 191321

Assessor Parcel Number: 054-222-11

Project Location: 1080 Via Tornasol, Aptos, CA 95003

Project Description: Proposal to establish a new four bedroom vacation rental

Person or Agency Proposing Project: Joycie Bahl

Contact Phone Number: 408-891-7870

- 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**

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

Class 1 – Existing Facilities: Conversion of an existing single-family residence, to a short term residential vacation rental, will not result in environmental impacts in that a vacation rental use is commensurate with a residential use.

Class 3-Conversion of Small Structures: Conversion of the existing single-family residence, to allow for short term vacation rental use, will not result in modifications to the existing, legally constructed residential structure.

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 vacation rental is located in an existing residential structure in an area designated for residential uses and is not encumbered by physical constraints to development. The 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 ensure the optimum in safety. In addition, the vacation rental standards address noise, occupancy, and parking to ensure that there are no detrimental impacts 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 R-1-6-SBE (Single-family residential, 6000 square feet parcel size, Seascape Beach Estates Combining District) 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-UL (Urban Low 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 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 intensities, and dwelling unit densities of the neighborhood.

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

Conditions of Approval

Exhibit D: Project plans, prepared by Joycie Bahl and Nilesh Parate, dated 10/30/19.

- I. This permit authorizes the establishment of a four-bedroom 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 G).
 - C. The maximum, overnight occupancy of the vacation rental shall not exceed ten people (two per bedroom plus two, children under eight not counted).
 - D. The maximum number of vehicles associated with the overnight occupants shall not exceed six (four on-site and two street spaces).
 - E. 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).
 - F. Occupants and guests shall adhere to the noise standards contained in the County Noise Ordinance (County Code Chapter 8.30). A copy of the Ordinance shall be posted inside the vacation rental in a location readily visible to all guests.
 - 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 8:00 a.m. and 10:00 p.m., maximum number of vehicles allowed, and a reference to the standards contained in the County Noise Ordinance.
 - H. Fireworks are illegal in Santa Cruz County and prohibited at the vacation rental.

- 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. Any change in the contact person's address or telephone number shall be promptly furnished to the local Sheriff Substation, the main County Sheriff's Office, the Planning Department, the local fire agency, and all neighbors within a 300-foot radius of the property.
- 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 and cannot be posted more than 20 feet back from the nearest street.
- 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.
- M. 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. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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

Please note: This permit expires five years from the 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: _____

Jocelyn Drake
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.

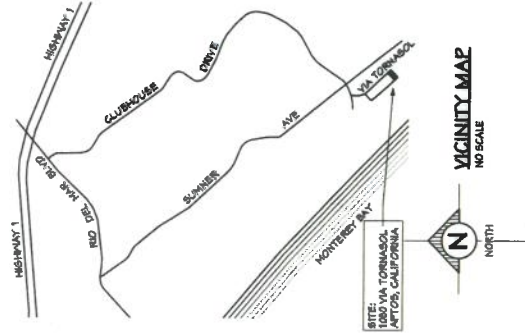
DRAWINGS PREPARED BY THE OWNER JOYCE BAE & HILISH PARRATT OCTOBER 30, 2014		MAILING ADDRESS: 20117 SILVERMAN WAY, SARATOGA, CA. 95070 EMAIL: jbae@hba.com & hilishp@hba.com CELL TELEPHONE NUMBER: (408) 941-7370	
THE PARATE RESIDENCE 1080 VIA TORNASOL APN: 084-222-11		PROJECT DESCRIPTION VACATION MAP PROJECT OWNER: MILENA & JOYCE (408) 941-7370	
SHEET 1 OF 2		SHEET 2	

PROJECT DESCRIPTION

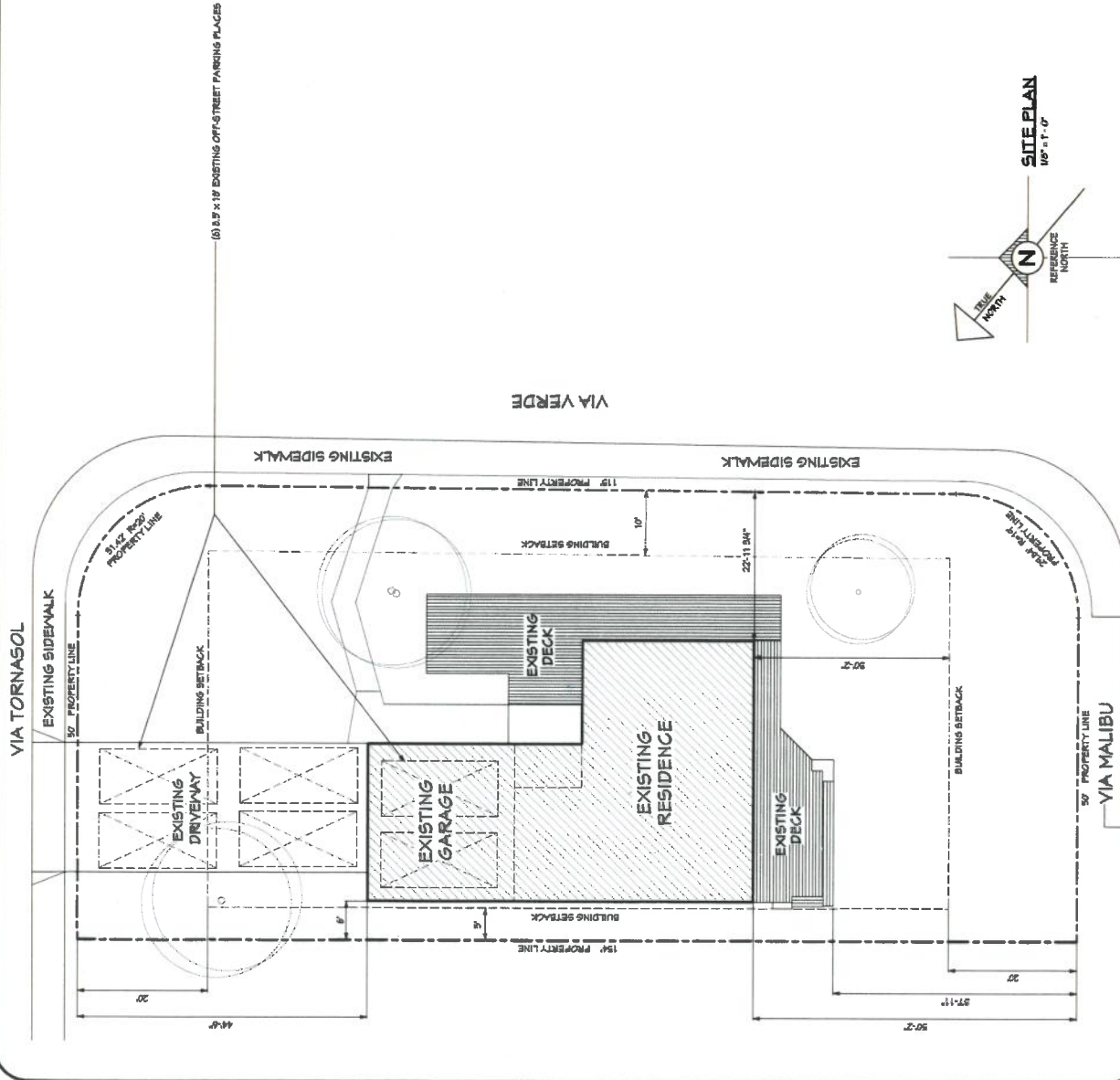
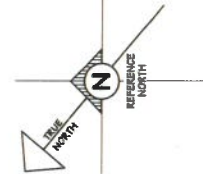
THESE DRAWINGS ARE TO BE SUBMITTED FOR A VACATION RENTAL PERMIT

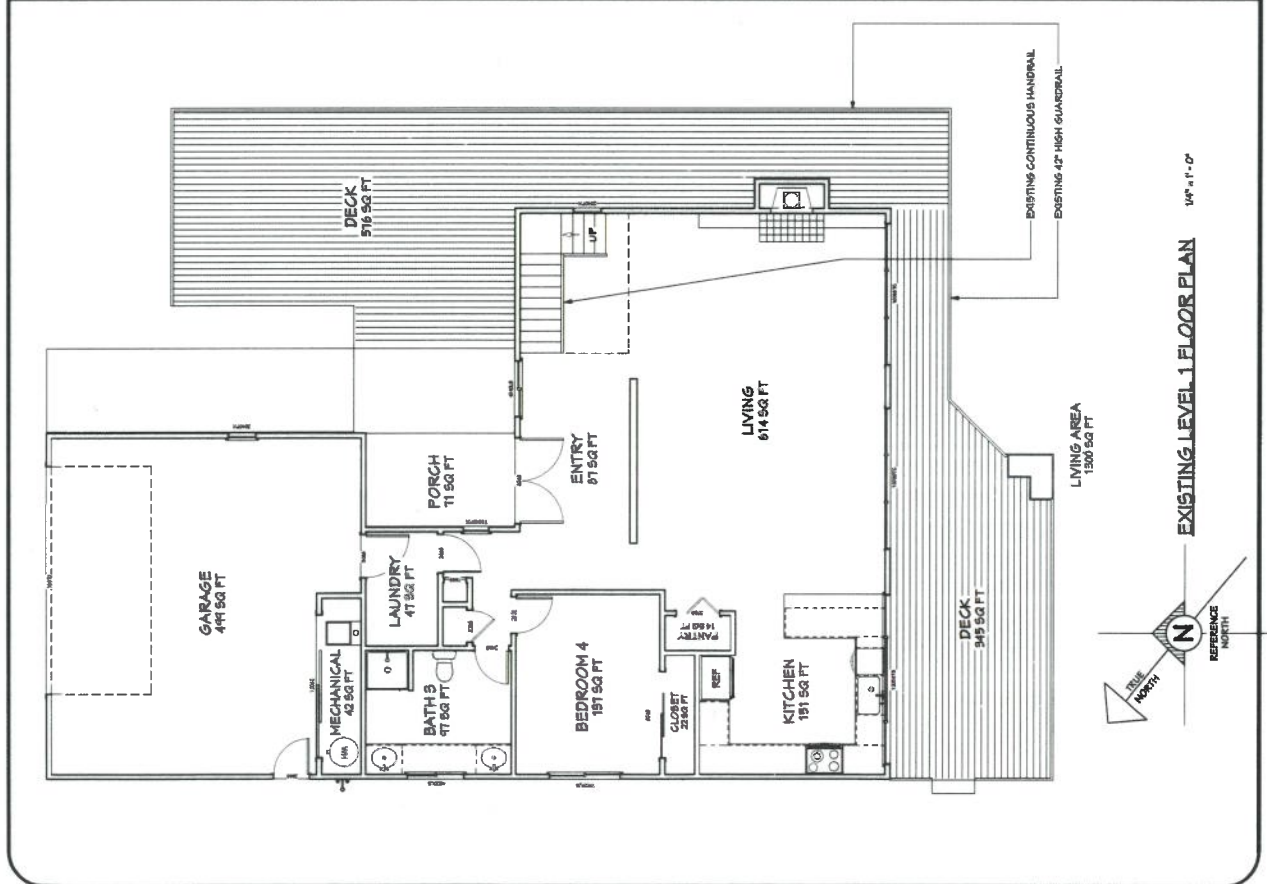
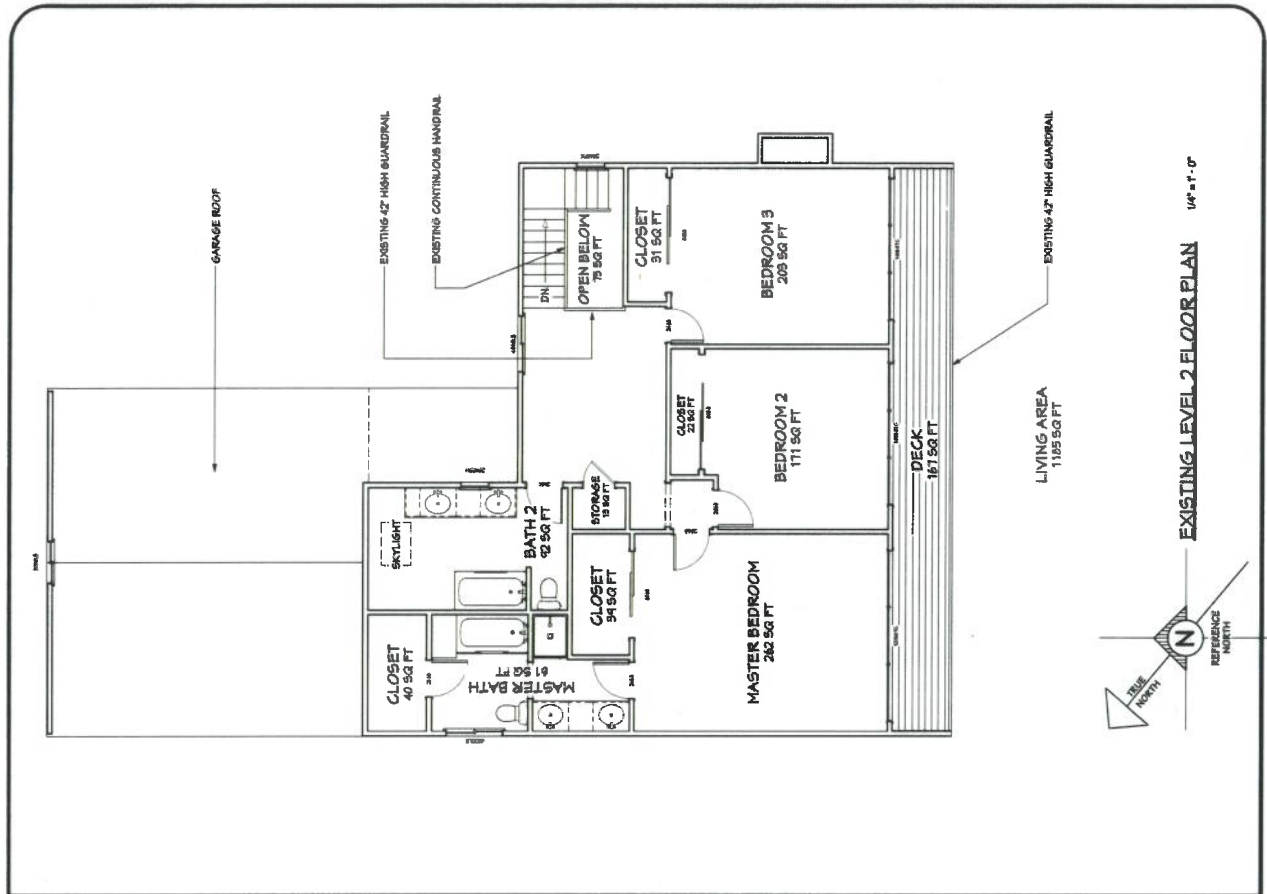
DRAWING INDEX

SHEET 1 SITE PLAN
 PROJECT DESCRIPTION
 VACATION MAP
 SHEET 2 LEVEL 1 FLOOR PLAN
 LEVEL 2 FLOOR PLAN



SITE PLAN
 1/8" = 1' - 0"





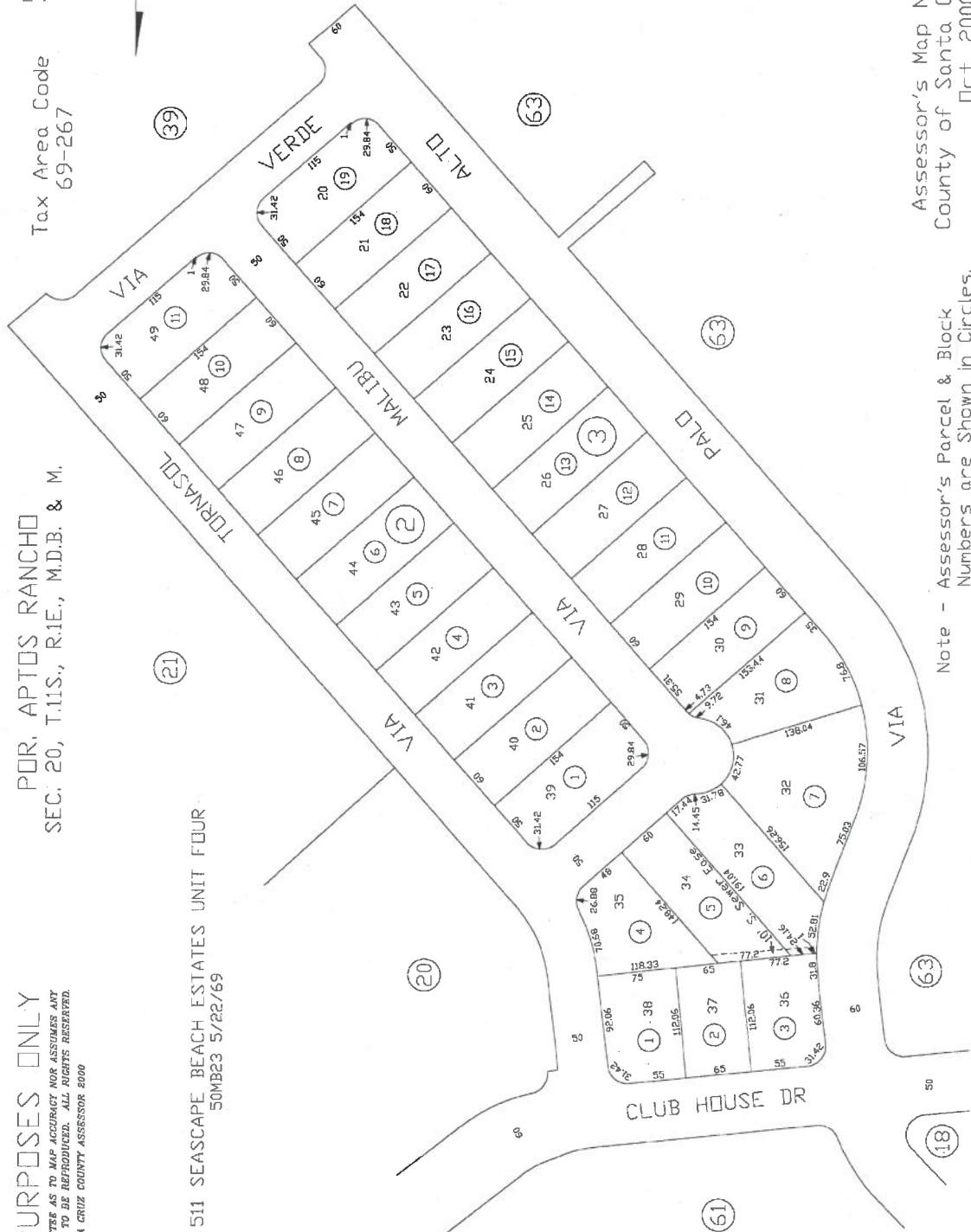
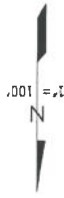
FOR TAX PURPOSES ONLY

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

Tax Area Code
69-267 54-22

TR. 511 SEASCAPE BEACH ESTATES UNIT FOUR
50MB23 5/22/69



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

Assessor's Map No. 54-22
County of Santa Cruz, Calif.
Oct. 2000



Parcel Location Map



Parcel: 05422211



Study Parcel



Assessor Parcel Boundary

Map printed: 24 Apr. 2020

EXHIBIT E



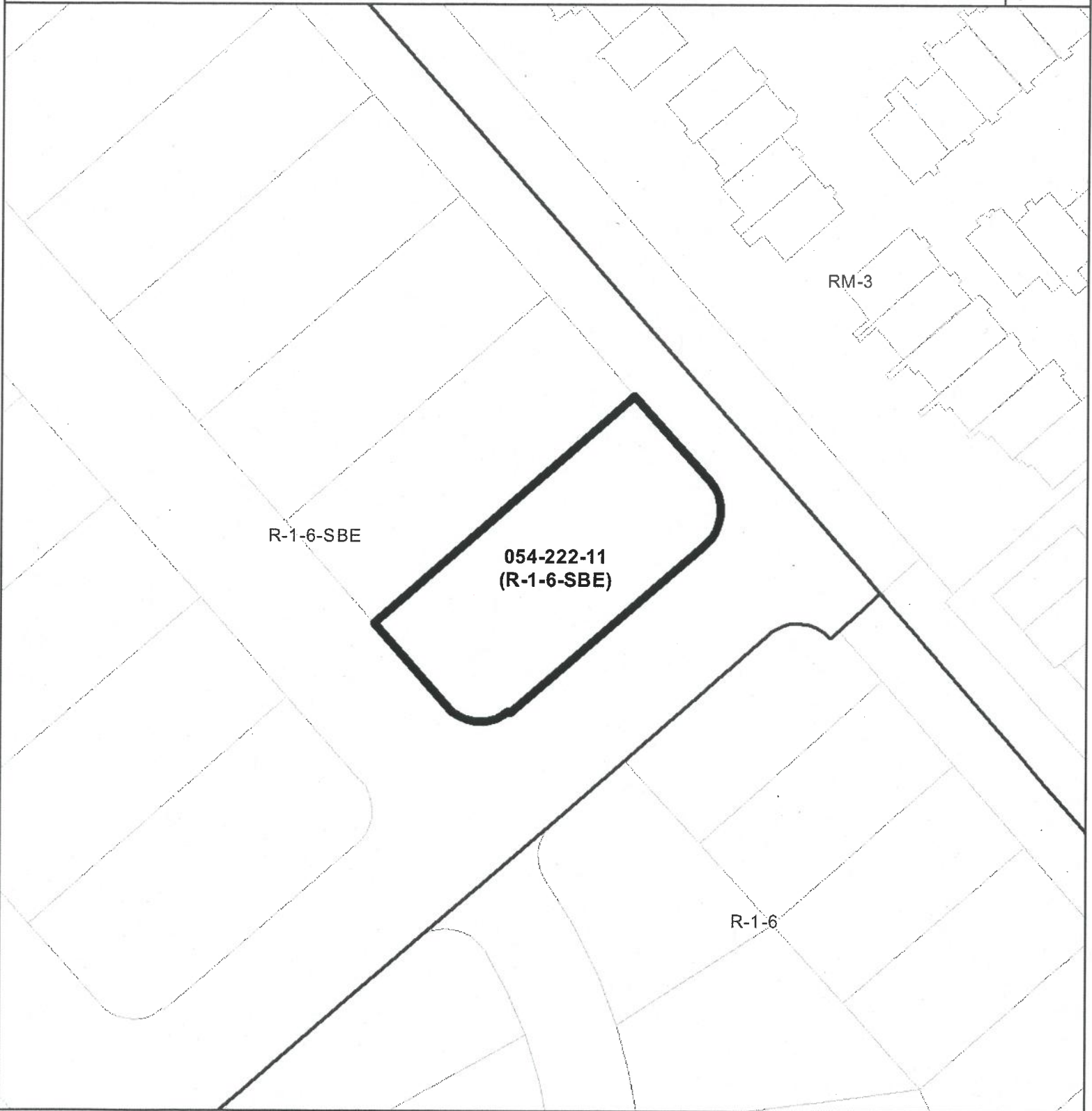
0 20 40
Feet



Parcel Zoning Map



Mapped
Area



- ☐ R-1 *Single-Family Residential*
- ☐ RM *Residential Multi-Family*

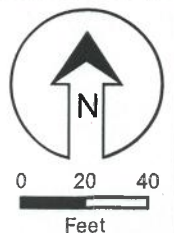


EXHIBIT E

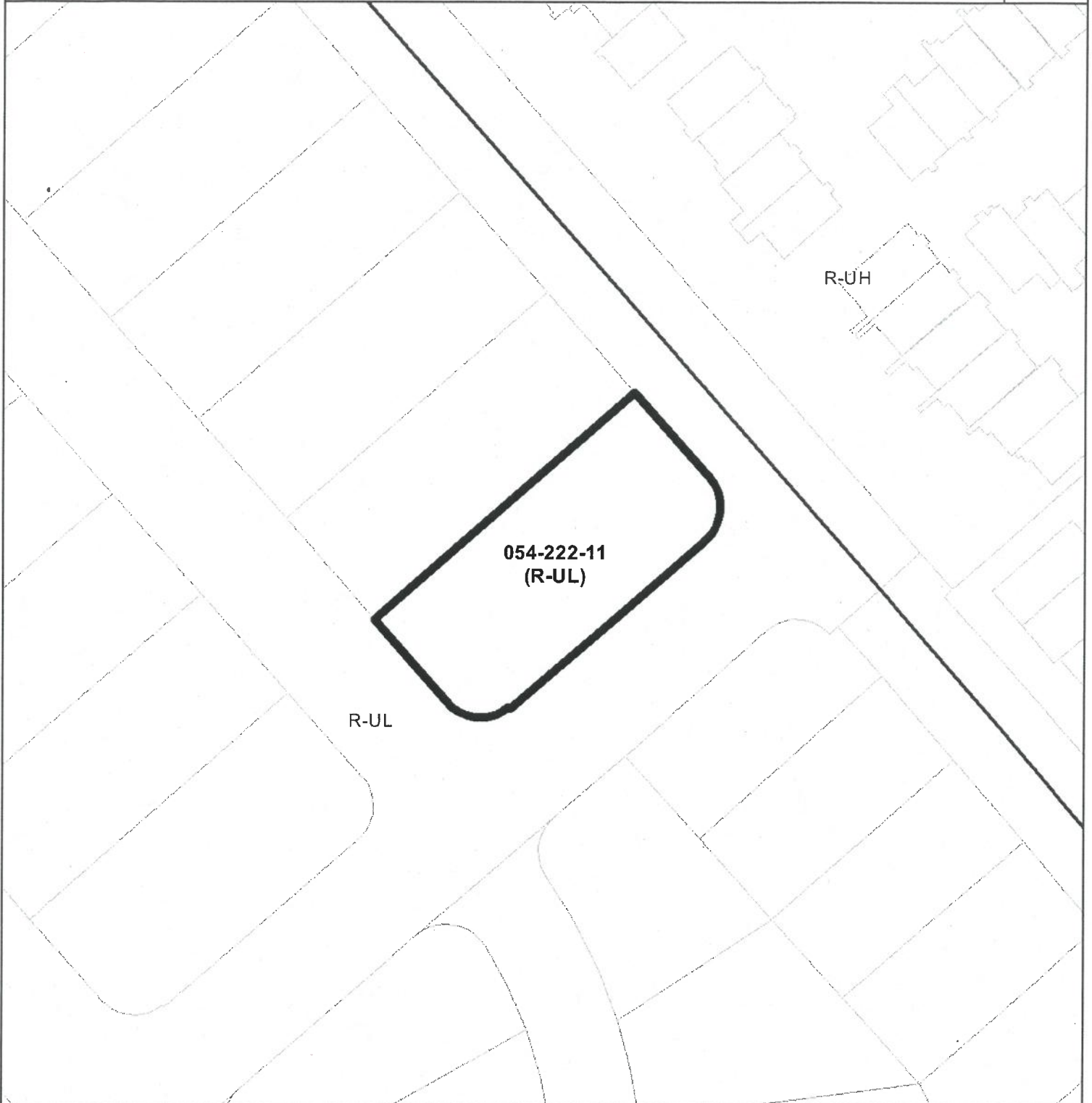


SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel General Plan Map



Mapped
Area



- ☐ R-UH *Res. Urban High Density*
- ☐ R-UL *Res. Urban Low Density*

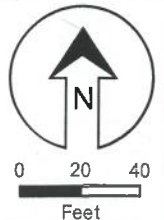
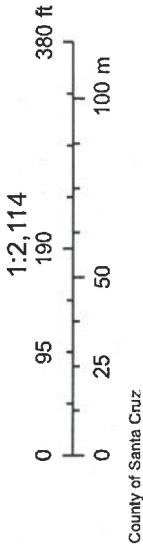


EXHIBIT E

Active and Pending Short Term Rentals



April 24, 2020

Street Labels	Vacation and Hosted Rentals	Vacation, Approved	Vacation, In Process
Hosted, Approved	Hosted, In Process		
Hosted, In Process			

Application #: 191321
APN: 054-222-11
Owner: Joycie Bahl

Parcel Information

Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	Soquel Water District
Sewage Disposal:	Sewer
Fire District:	Aptos/La Selva FPD
Drainage District:	Flood Zone 6

Parcel Information

Parcel Size:	10,759 square feet
Existing Land Use - Parcel:	residential
Existing Land Use - Surrounding:	residential
Project Access:	Public, Via Tornasol
Planning Area:	Aptos
Land Use Designation:	R-UL (Urban Low Density Residential)
Zone District:	R-1-6-SBE (Single-family residential - 6,000 square feet per parcel, Seascape Beach Estates Combining District)
Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

TRANSMITTAL FORM

Date: _____

To: Project File

Project Planner: _____

Application #: _____

PLEASE COMPLETE THE ITEMS CHECKED BELOW:

- ☐ Make _____ copies of the attached documents; distribute as follows:
 - ☐ Mail copies to: ☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
 - ☐ Send copies to: ☐ DPW Surveyor (Plans & Conditions - all land divisions)
 - ☐ Housing (Conditions - projects with affordable housing reqts.)
 - ☐ _____
 - ☐ _____
- ☐ Extra copy for mailing to the California Coastal Commission (after the appeal period is completed)
- ☐ Mail copy of Coastal Exclusion to Coastal Commission with any attached documents/exhibits
- ☐ 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: _____

(staff)

(date)



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): 054-222-11

(APNS MAY BE OBTAINED FROM THE ASSESSOR'S OFFICE AT (831) 454-2002)

Street Address: 1080 Via Tornasol, Aptos CA 95003

Applicant Information (Complete only if different from Owner Information)

NAME: Joycie Bahl

MAILING ADDRESS: 20917 Sullivan Way

CITY/STATE: Saratoga CA

ZIP: 95070

PHONE NO. (408) 891-7870 CELL PHONE NO. (408) 891-7870

EMAIL: Joycieparate@gmail.com

Owner Information

NAME: Joycie Bahl

MAILING ADDRESS: 20917 Sullivan Way

CITY/STATE: Saratoga CA

ZIP: 95070

PHONE NO. (408) 891-7870 CELL PHONE NO. (408) 891-7870

EMAIL: Joycieparate@gmail.com

nparate@hotmail.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.

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.**

Jayin Ball
Owner of Rental Unit

11/10/19
Date

Certified Home Inspector

License #

Date

County Building Inspector

Date

Property Manager/Agent

Date

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

OWNER-AGENT APPROVAL FORM

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

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

Agent: Name: _____
Address: _____
City, State, Zip Code: _____
Telephone: (____) _____ Cell #: (____) _____
Email: _____

Owner: Name: _____
Address: _____
City, State, Zip Code: _____
Telephone: (____) _____ Cell #: (____) _____
Email: _____

Date

Signature of Owner

Assessor's Parcel Number(s)

Project Location

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

SHORT TERM RENTAL AGREEMENT

1. The Parties

This agreement made this 1st day of
Feb, 2020 between
[name of tenant] of

[address of tenant]

Hereinafter referred to as "Tenant", and Joycie Bahl
[name of landlord] of
[address of landlord] Hereinafter referred to as "Landlord".

2. The Property

Property Location:

1080 Via Tornasol Aptos CA 95003

3. Period and Guests

Total people in **renting party** consists of 10 Adults, 4 Children,
(under 8 years), and not to exceed 14 people total.

Between 8 AM and 10 PM maximum 28 people allowed on property at any time.

Rental period begins at 3:00 **PM** on the ____ day of
_____, 20____ and ends at 10:00 ☐
AM on the day of _____, 20____.

4. Rental Amount

Total rental amount for the period is _____ Dollars
(\$_____)

or equal to _____ Dollars (\$_____) per night.

5. Fees, Taxes, and Deposit

X Cleaning Fee: \$300_____



☒ Security Deposit: \$ 2000 _____

☐ Taxes: \$ _____

☐ Other _____: \$ _____

Total Deposit and Fees Due with Signed Agreement: \$ _____

6. Termination

The Landlord has the right to inspect the premises with prior notice as stated with the applicable State laws. Should the Tenant violate any of the terms of this agreement, the rental period shall be terminated immediately in accordance with State law. The Tenants waive all rights to process if they fail to vacate the premises upon termination of the rental period. The Tenants shall vacate the premises at the expiration time and date of this agreement.

7. Phone Calls

No landline phone will be provided.

8. Maintenance and Repairs

The Tenants shall maintain the premises in a good, clean, and ready to rent condition, and use the premises only in a careful and lawful manner. The tenants shall leave the premises in a ready to rent condition at the expiration of the rental agreement, defined by the Landlord as being immediately habitable by the next tenants. Tenants shall pay for maintenance and repairs should the premises be left in a lesser condition. The tenants agree that the Landlord shall deduct costs of said services from the security deposit prior to refund if tenants cause damage to the premises or its furnishings.

9. Trash

The Tenants shall dispose of all waste material generated during the rental period in the following area: **_remove all trash from house and put into trashcans on the side of garage_**_____.

10. Pets (Check One)

☒ No animals or pets of any kind will be brought onto the premises.



☐ The following animals or pets are allowed the property
_____ for a ☐ refundable fee ☐ non-refundable fee
of \$_____.

11. Subletting (Check One)

☐ The Tenant shall have the right to sublet the property.

X The Tenant shall not have the right to sublet the property.

12. Quiet Enjoyment

The Tenants shall behave in a civilized manner and shall be good neighbors respecting the rights of the surrounding property owners. The Tenants shall not create noise or disturbances likely to disturb or annoy the surrounding property owners. Creating a disturbance of the above nature shall be grounds for immediate termination of this agreement and Tenants shall then immediately vacate the premises. Quiet hour starts at 10 **PM** where outdoor noise should be kept to a minimum.

13. Smoking

X Smoking is not allowed inside the home.

14. Essentials

Landlord shall provide the following to the Tenant: Parking (Four spots on premises) Plus Street parking. **Tenant must use driveway parking spots before using any street parking.**

Towels, linens, Cutlery, dishes, bowls. Basic cooking utensils.

WI-FI
provided. _____

[e.g. towels, linens, cups, knives, forks, spoons, dishes, etc.]

15. Landlord's Liability

The Tenants and Tenants' Guests shall hereby indemnify and hold harmless the Landlord against any and all claims of personal injury or property damage or loss



arising from use of the premises regardless of the nature of the accident, injury or loss. Tenants expressly recognize that any insurance for property damage or loss which the Landlord may maintain on the property does not cover the personal property of Tenants, and that Tenants should purchase their own insurance for Tenants and Guests if such coverage is desired.

16. Rental Deposit

Amount is fully refundable up to _10 (TEN) days_____ prior to the beginning of the rental period. After said period prior to the rental start date the Landlord shall have the right to retain the initial Rental Deposit at the Landlord's discretion.

17. Attorney's Fees

Tenants agree to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by Landlord enforcing this agreement.

18. Use of Property

Tenants expressly acknowledge and agree that this Agreement is for transient occupancy of the Property, and that Tenants do not intend to make the property a residence or household.

19. Shortened Stays and Conditions

There shall be no refunds of rents due to shortened stays or ruined expectations because of weather conditions.

20. Showings

If the property should go on the MARKET FOR SALE, it may be shown to qualified buyers during the Tenant's stay. Every effort will be made to schedule the showing at a convenient time and not interrupt the Tenant's term. Tenant shall allow reasonable viewings of the home between 9 am and 8 PM whether they may be present or not.

21. Firearms

Only legally owned and permitted firearms shall be allowed on the premises according to State and local laws.

22. Fireworks

Tenant agrees that Fireworks and other hazardous materials shall not be used in or around the property.



23. Illegal Use

Tenant shall use the property for legal purposes only and other use, such as but not limited to, illegal drug use, abuse of any person, harboring fugitives, etc. shall cause termination of this agreement with no refund of rents or deposits.

24. Fire Alarms

If the property has fire alarms the Tenant must notify the Landlord without delay if a fire alarm "chirps" or has a low battery condition.

25. Possessions

Valuable items left behind by tenant will be held for the tenant and every reasonable effort will be made to contact the tenant for return. If items are not claimed for longer than 3 months they shall become the property of the Landlord. The Landlord shall not be held liable for condition of said items.

26. Cable TV

No Cable TV is provided and service level has been chosen by the Landlord. No refund of rents shall be given for outages, content, lack of content, or personal preferences with regard to cable TV service.

27. Internet

High speed wireless internet (WI FI) is provided as a convenience only and is not integral to the agreement. No refund of rents shall be given for outages, content, lack of content, speed, access problems, lack of knowledge of use, or personal preferences with regard to internet service.

28. Manager/Landlord Contact

Landlord/Manager's Name: __Joycie Bahl

Landlord/Manager's Telephone: __408-891-7871

Landlord/Manager's E-Mail: __nparate@hotmail.com

Landlord/Manager's Address: 20917 Sullivan Way Saratoga CA 95070

29. Governing Law



This agreement is governed under the laws of CALIFORNIA
[State] and specifically the State Statutes known as _____
[insert statutes].

30. Other Agreements

In addition to the language stated in this agreement the parties, Landlord and Tenant, agree to the following:

Landlord and Tenant agree to the above conditions on this ____ day of _____, 20____ and hereby swear that the information provided is accurate and true:

Tenant's Signature _____ **Date** _____

Print Name _____

Tenant's Signature _____ **Date** _____

Print Name _____

Landlord's Signature _____ **Date** _____

Print Name _____

Landlord's Signature _____ **Date** _____

Print Name _____



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

SC CNTY 2019NOV13am11:39
TREASURER-TAX COLLECTOR

FOR COUNTY USE ONLY

Certificate Number:

Date Issued:

APN Number:

By:

Deputy Treasurer-Tax Collector

PLEASE PRINT OR TYPE

Name of Facility or Unit _____
Address of Facility or Unit 1080 VIA Tornasol
Mailing Address 1080 VIA Tornasol, Aptos Phone # (408) 891-7870
Email Address nparate@gmail.com Date of Application 11/13/19

Websites You Plan to Use: ☐ VRBO ☐ Home Away ☐ AirBNB ☒ AirBNB Only* ☐ Other _____

Type of Rental: ☐ Hotel/Motel ☐ Bed and Breakfast ☒ Whole House ☐ Hosted Rental

Number of Occupancy Units 1

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

Owner(s) Name (List Principals):

Operator's Name	Address	Phone Number
Joycie Ball	20917 Sullivan way Saratoga CA 95070	(408) 891-7870

Local Emergency Contact

Name	Email Address	Phone Number
Burcak Artun	burcak@artun.com	(203) 912-5479

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

Signed Joycie Ball Date 11/13/19

*AirBNB has an agreement with the County of Santa Cruz to collect and pay the TOT for all listings done on their site that are within the unincorporated area of the County. If you commit to only using AirBNB for all of your rentals then you will not be required to report monthly.

Evan Ditmars

From: Evan Ditmars
Sent: Tuesday, March 17, 2020 9:13 AM
To: Carol Rowberg
Cc: Bob Rowberg
Subject: RE: 1180 Via Tornasol Application

Hello Carol and Bob,

Thank you for the comments. I will include them in the application file and will also provide them to the Zoning Administrator to review during the public hearing.

I am going to forward your requests to the applicant and request they include these conditions in their lease. Otherwise, our Vacation Rental Ordinance addresses some of these to an extent.

1) Location and use of proposed hot tub on deck across from our home. Use of any hot tub should have noise consideration and reasonable time usage (such as no use after 9:00pm).

We have quiet hours from 10PM until 8AM and guests are advised of the quiet hours when signing their rental lease. We can ask the owner to limit hot tub use after 9PM.

2) Reasonable limit to the number of guests at any one time.

This rental would be permitted 10 overnight guests and 20 total guests during the day (for celebrations and gatherings)

3) Guarantee of NO parties.

The guests are limited to celebrations and gatherings during the day. The nighttime guests are expected to maintain quiet hours.

4) Renters parking should be limited to 2 cars. Parking is already an issue here and spring, summer, and fall the parking issue compounds with those packed cars looking for free beach access.

There is parking for at least 4 vehicles on-site. I will ask that they limit their on-street parking to one vehicle.

5) Outside lights should be shut off each night.

We can request this also.

6) Late night noises must end by 9:00pm

10PM is our standard noise ordinance throughout the County.

7) Our neighborhood trash pick up is on Fridays. Trash cans should not be put out in the street or front of house until Thursday because wind, cars, etc. knock the cans around spreading trash.

This seems like an appropriate condition and I will convey that to the owners.

Evan Ditmars
Santa Cruz County Planning
831-454-3227

-----Original Message-----

From: Carol Rowberg <cjrowberg@att.net>
Sent: Friday, March 13, 2020 3:00 PM
To: Evan Ditmars <Evan.Ditmars@santacruzcounty.us>
Cc: Bob Rowberg <rrowberg@att.net>; Aptos <cjrowberg@att.net>
Subject: 1180 Via Tornasol Application

****CAUTION:This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Evan:

The attached letter lists our concerns regarding our neighbor's application for a vacation rental permit. Their house is at 1180 Via Tornasol in Aptos.

Please acknowledge receiving our letter attached below.

Thank you, Carol and Bob Rowberg

Evan Ditmars

From: Megan Erk <meganerk@aol.com>
Sent: Wednesday, March 25, 2020 3:05 PM
To: Evan Ditmars
Subject: Re: Application #191321

****CAUTION:This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Hello Evan,

Thank you for the quick response and adding the email chain to the file. I will forward it on the our HOA.

Stay well,

Megan Erk

Sent from my iPad

> On Mar 25, 2020, at 2:39 PM, Evan Ditmars <Evan.Ditmars@santacruzcounty.us> wrote:

>

> Hi Megan,

>

> Planning does not enforce or evaluate the bylaws for subdivisions. The enforcement is up to the HOA. An applicant can apply for a project which may not be approvable by the HOA. Of course, we encourage applicants to coordinate with neighbors and HOAs to mitigate disputes and preserve costs.

>

> I will say that I have been party to discussions between applicants and HOAs and the bylaws do not always explicitly state vacation rentals are prohibited (they might say commerical uses are prohibited, for example).

>

> Either way, I will include this email in the project file as correspondence and I encourage Joycie and Nilesch to confirm the use prior to taking to hearing.

>

> Let me know if you have any questions.

>

>

> Evan Ditmars

> Santa Cruz County Planning

> 831-454-3227

>

>

>

>

>

> -----Original Message-----

> From: Megan Erk <meganerk@aol.com>

> Sent: Wednesday, March 25, 2020 1:47 PM

> To: Evan Ditmars <Evan.Ditmars@santacruzcounty.us>; nparate@hotmail.com

> Subject: RE: Application #191321

>
> ****CAUTION:This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****
>
> Hello Evan and Nilesch,
>
> Hope you and your families are safe and well during this difficult time.
>
> Just called Nilesch regarding the notice of proposed development at 1080 Via Tornasol in Aptos (APN 054-222-11). Saw the sign while out walking in our neighborhood and before Nilesch spends the money to remodel thinking it could be a vacation rental I let him know that under our CCNR's there are no vacation rentals or any businesses allowed to be run out of a dwelling in the neighborhood. They would have had to sign off on that during purchase. Hope this is not too much of a disappointment, but on the positive side they bought a great property in a wonderful neighborhood. Welcome to the neighborhood Nilesch and Joycie.
>
> Please let me know if you have any questions or concerns.
>
> Take care,
>
> Megan Erk
>
> Sent from my iPad

EXHIBIT H