



## **Staff Report to the Zoning Administrator**

**Application Number: 201102**

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**Applicant:** Jan Madsen

**Owner:** Jan Madsen

**APN:** 032-181-35

**Site Address:** 3821 Moana Way, Santa Cruz

**Agenda Date:** June 5, 2020

**Agenda Item #:** 3

**Time:** After 9:00 a.m.

**Project Description:** Proposal to establish a new five-bedroom vacation rental. Requires a Level 5 Vacation Rental Permit.

**Location:** Property located on the north side of Moana Way approximately 80 feet east of its intersection with 38<sup>th</sup> Avenue at 3821 Moana Way in Santa Cruz.

**Permits Required:** Vacation Rental Permit

**Supervisory District:** First District (District Supervisor: John Leopold)

### **Staff Recommendation:**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 201102, based on the attached findings and conditions.

### **Project Description & Setting**

The project site is located at 3821 Moana Way approximately 80 feet east of its intersection with 38<sup>th</sup> Avenue in the Pleasure Point neighborhood in Santa Cruz. The neighborhood is comprised of one to two-story single-family and multi-family residences consisting of a mix of architectural styles.

The subject property is developed with an existing two-story single-family residence. The home was originally constructed in 1979, containing two bedrooms and one and one-half bathrooms. In 2005, the home was reconstructed per Building Permit No. 00140620 with five bedrooms and three and one-half bathrooms. This is a proposal to operate a vacation rental in the existing five-bedroom dwelling. As indicated in SCCC 13.10.694(D)(2), a public hearing is required for vacation rentals consisting of four or more bedrooms.

Vacation rentals within residential structures are permitted within the RM-4-PP (Multi-Family Residential - 4,000 square feet minimum) zone district and the Pleasure Point Community Design Combining District, and the operation of the vacation rental would be required to comply

with all requirements of the vacation rental ordinance.

The property is located in the Live Oak Designated Area (LODA) and no new vacation rentals shall be approved if parcels with permitted vacation rentals or permitted hosted rentals on the same block total 20 percent or more of the total parcels on that block. The proposed vacation rental is the first on the block and is therefore compliant with the locational requirements in the LODA.

Curtis Lefrandt has been designated as the 24-hour contact for the proposed vacation rental. Mr. Lefrandt is located in Santa Cruz, within the required 30-minute response radius from the proposed vacation rental property.

The provided parking will meet the requirements of SCCC 13.10.694(D)(2). Pursuant to this Code Section, parking for vacation rentals is limited to the number of on-site parking spaces, plus two additional on-street spaces. Four parking spaces will be provided on-site, and two parking spaces would be provided in the vicinity of the subject property along Moana Way (the rental will not include any exclusive or assigned use of on-street parking).

Pursuant to SCCC 13.10.694(D), vacation rental permits in the LODA expire the same month and day five years subsequent to the date of issuance of the original Vacation Rental Permit.

Pursuant to SCCC 13.10.694(D), within the LODA, when a property transfer triggers reassessment pursuant to the California Revenue and Taxation Code Section 60 et seq., as determined by the Assessor, the vacation rental permit associated with the property shall expire and shall become nonrenewable at the time of property transfer.

### **Zoning & General Plan Consistency**

The subject property is an approximately 5,532 square foot lot, located in the RM-4-PP (Multi-Family Residential - 4,000 square feet minimum) zone district and the Pleasure Point Community Design Combining District, a designation which allows vacation rental uses. The proposed five-bedroom vacation rental is a conditionally permitted use within the zone district and the zoning is consistent with the site's R-UM (Urban Medium Density Residential) General Plan designation.

### **Conclusion**

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### **Staff Recommendation**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **201102**, 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](http://www.sccoplanning.com)**

Report Prepared By: Jonathan DiSalvo  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3157  
E-mail: [jonathan.disalvo@santacruzcounty.us](mailto:jonathan.disalvo@santacruzcounty.us)

### **Exhibits**

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Vacation Rental Application & Agreement
- H. Transient Occupancy Tax Registration Form
- I. Public 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: 201102

Assessor Parcel Number: 032-181-35

Project Location: 3821 Moana Way, Santa Cruz

**Project Description: Proposal to operate a new five-bedroom vacation rental within an existing single-family dwelling.**

**Person or Agency Proposing Project: Jan Madsen**

**Contact Phone Number: 831-588-2035**

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

Specify type: Class 1 - Existing Facilities

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

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

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

\_\_\_\_\_  
Jonathan DiSalvo, 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 will be located in an existing five-bedroom residential structure consistent with County Code Chapter 13.10. 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 insure the optimum in safety. The property owner has provided the required "Vacation Rental Safety Certification" to verify compliance with these standards. In addition, the vacation rental standards address noise, occupancy, and parking to ensure that there are no detrimental effects of the vacation rental to properties in the vicinity.

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-4-PP (Multi-Family Residential - 4,000 square feet minimum) zone district and the Pleasure Point Community Design Combining District which allows for vacation rentals within residential structures, meeting all requirements of the vacation rental ordinance.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed vacation rental use is consistent with the use and density requirements specified for the R-UM (Urban Medium Density Residential) land use designation in the County General Plan as it is a permitted use within the RM-4-PP zone district, an implementing zone district of the Urban Medium Density Residential land use designation. Additionally, the vacation rental would be conditioned to operate in compliance with the vacation rental ordinance, which implements the standards contained in the Noise Element of the General Plan.

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

4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed 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. 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 a 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 vacation rental is proposed to be located within an existing residential dwelling located within a residential neighborhood, consistent with the land use intensity and density of residential neighborhoods.

## Conditions of Approval

Exhibit D: Project plans, prepared by Madsen Family, dated February 2, 2020.

I. This permit authorizes the operation of a 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. 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).

B. The maximum, overnight occupancy of the vacation rental shall not exceed 12 people (two per bedroom, plus two additional people, children under eight not counted).

C. The maximum number of vehicles associated with the overnight occupants shall not exceed six (number of on-site parking spaces, plus two additional on-street parking spaces).

D. The maximum occupancy allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m. shall not exceed 24 people (twice the number of overnight occupants, children under 8 not counted).

E. 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.

F. A list of rules shall be posted inside the vacation rental in a location readily visible to all guests. The rules shall include, but not necessarily be limited to the following: maximum number of guests allowed, maximum number of people allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., maximum number of vehicles allowed, and a reference to the standards contained in the County Noise Ordinance (County Code Chapter 8.30).

G. Fireworks are illegal in Santa Cruz County and prohibited at the vacation rental.

H. 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

**EXHIBIT C**

square inches, be legible from, and be posted no more than 20 feet back from the nearest street.

- I. The name, address, and telephone number(s) of the local contact person shall be posted inside the vacation rental in a location readily visible to all guests, and shall be submitted to the local Sheriff Substation, the main County Sheriff's Office, the local fire agency, and shall be supplied to the property owners of all properties located within a 300 foot radius of the parcel on which the vacation rental is located. 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.
- J. 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.
- K. 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.
- L. Permits for vacation rentals located in the Live Oak Designated Area (LODA) shall expire 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 are non-transferable and become void when a property transfer triggers reassessment.
- M. 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.

### 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.

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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 five years from the approval date listed below unless an application to renew this approval is submitted prior to the expiration date.**

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Jocelyn Drake  
Deputy Zoning Administrator

Application #: 201102

APN: 032-181-35

Owner: Jan Madsen

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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.

APN: 032 181 35

N  
↑

62'

88'

88'

62'

1/8" = 1'

Arden Realty  
3921 Moana Way  
San Jose, CA 95051

2/2/2020

Moana Way

EXHIBIT D

APN: 032-181-35

N →



$\frac{1}{8}'' = 1'$

meadow family  
1821 moana way  
san jose ca 95122

2/2/2020

moana way

EXHIBIT D



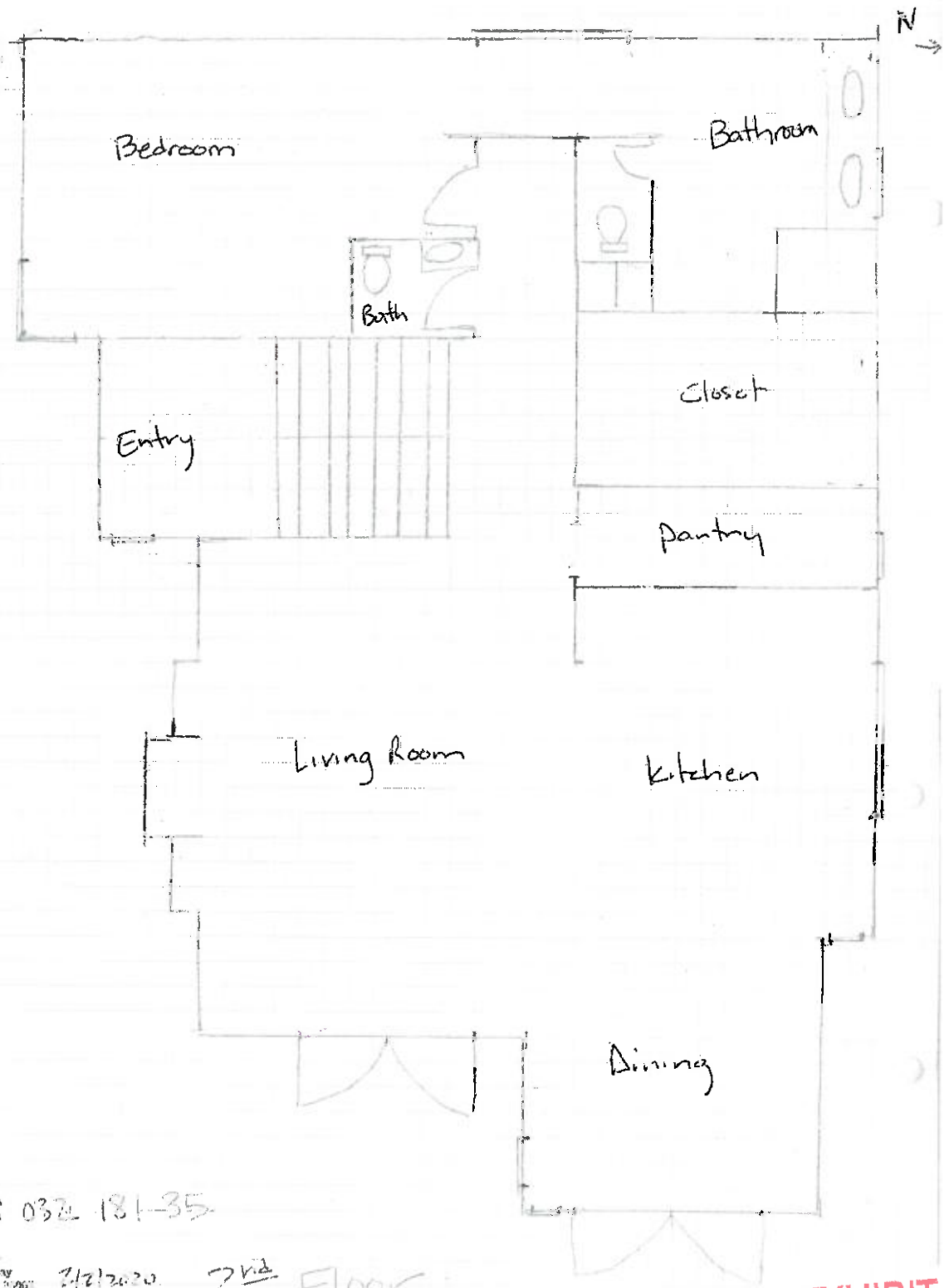
APN: 032 181 35

Madison Realty  
2021 made a way  
San Jose, CA 95092

2/3/2020

1st Floor

EXHIBIT D



APN: 032 181-35

median salary  
\$521 moosa way  
\$1000000 00 0000

2/2/2020

2<sup>nd</sup> Floor

EXHIBIT D

# FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. COPYRIGHT © SANTA CRUZ COUNTY ASSESSOR 1986

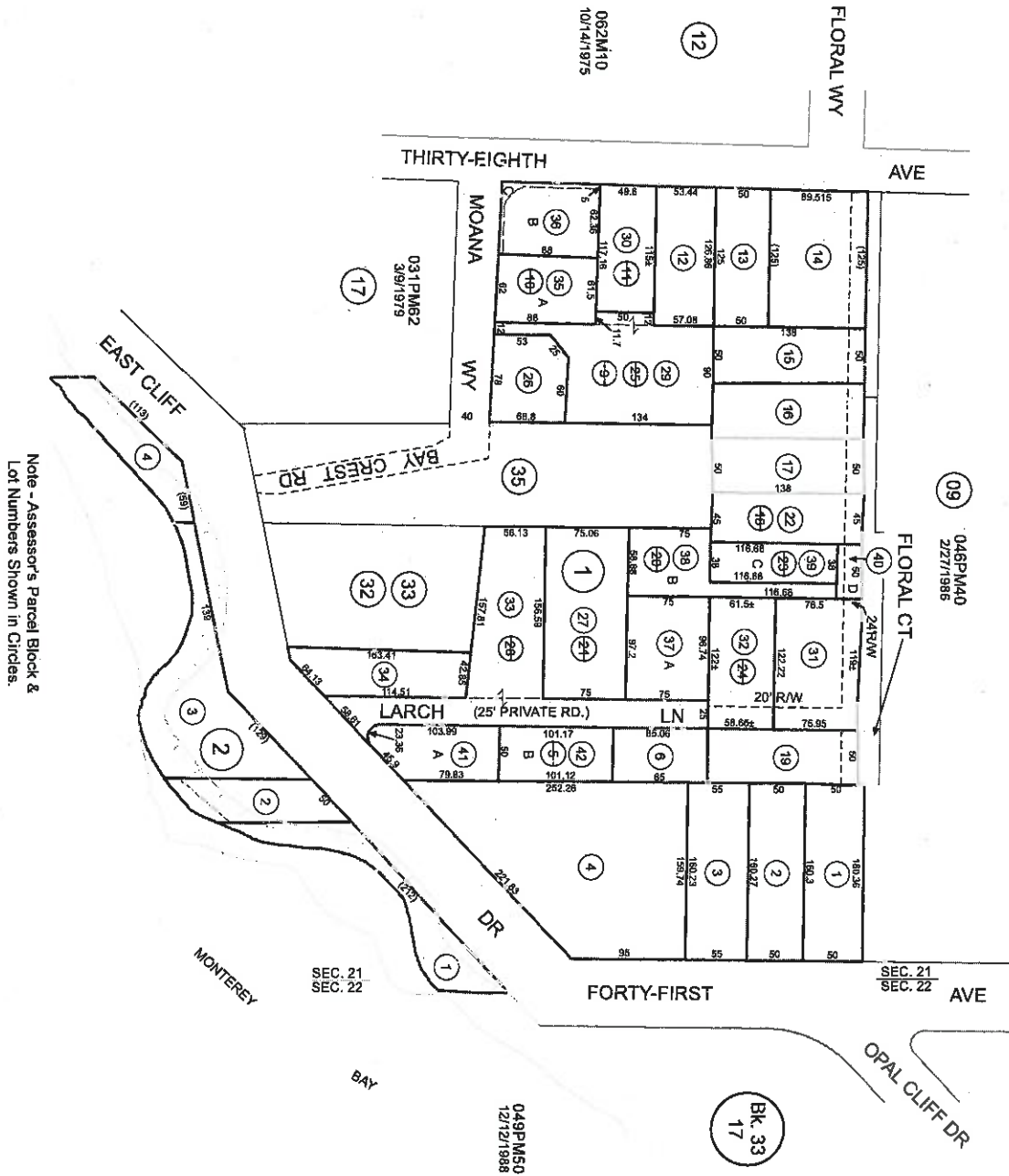
POR. RANCHO ARROYO DEL RODEO  
N.E. 1/4 SEC. 21, T.11S., R.1W., M.D.B. & M.

Tax Area Code  
96-103

32-18

EXHIBIT E

Electronically Redrawn 10/22/88 rw  
Rev. 4/12/01 mvm (changed page refs.)  
Rev. 10/02/2019 AN (por, to page 35)

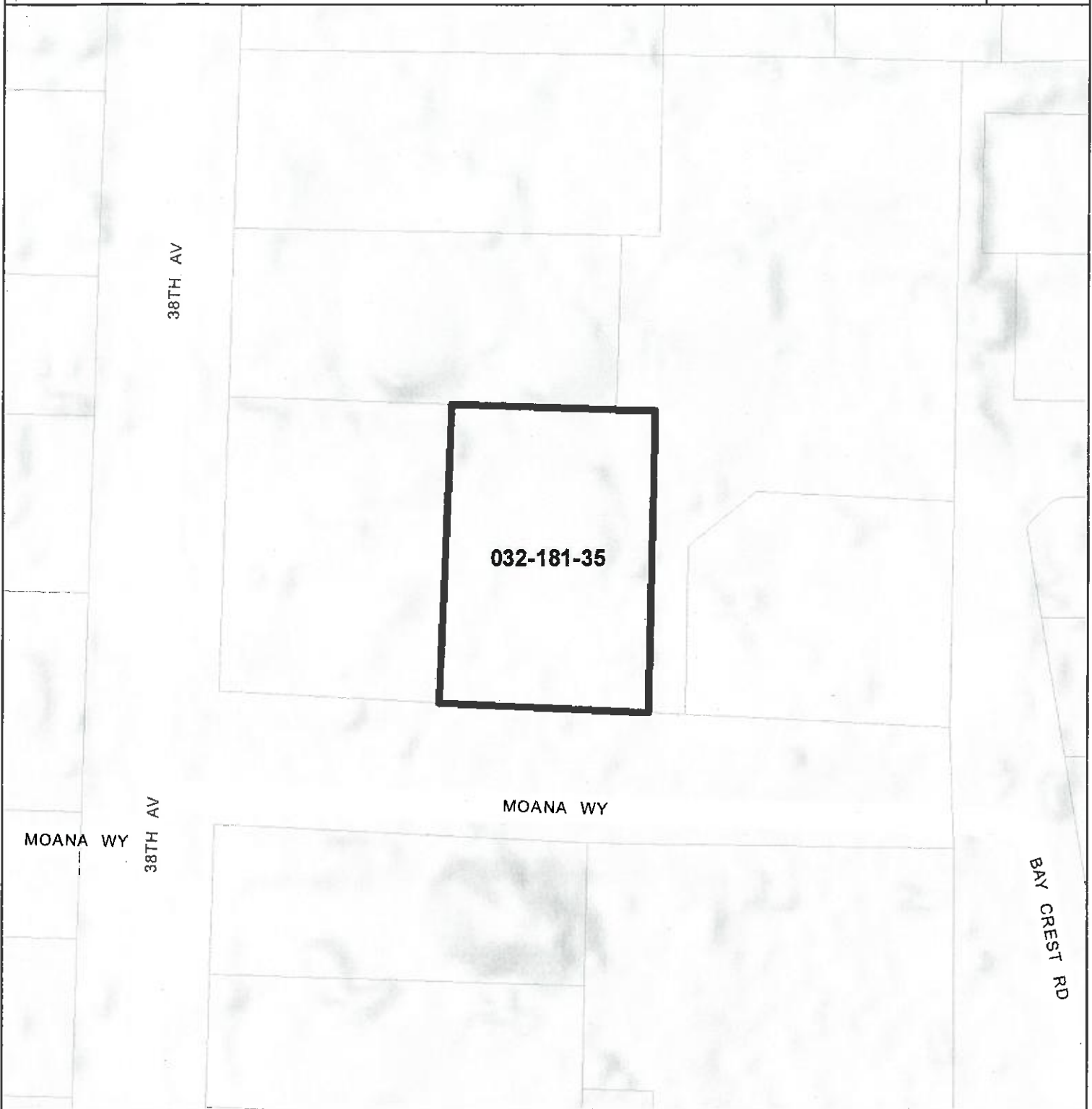


Note - Assessor's Parcel Block &  
Lot Numbers Shown in Circles.

Assessor's Map No. 32-18  
County of Santa Cruz, Calif.



## Parcel Location Map



**Parcel: 03218135**



Study Parcel



Assessor Parcel Boundary

Map printed: 26 May, 2020



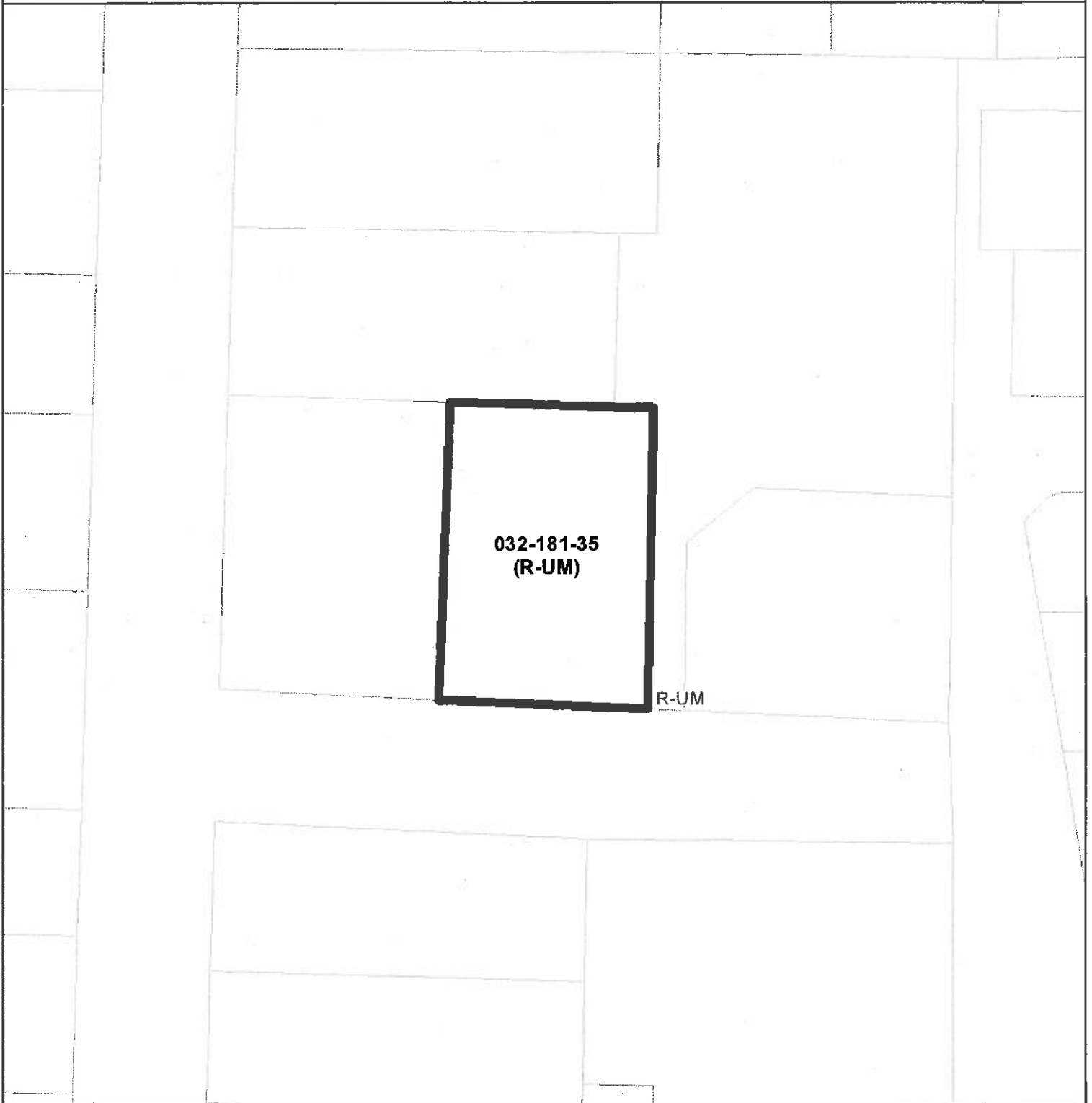
**EXHIBIT E**

0 10 20  
Feet





# Parcel General Plan Map



☐ R-UM *Res. Urban Medium Density*

**EXHIBIT**



0 10 20  
Feet



# Parcel Zoning Map

R-1-5-PP

032-181-35  
(RM-4-PP)

RM-4-PP

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



EXHIBIT E

0 10 20  
Feet

## Parcel Information

### Services Information

Urban/Rural Services Line: X Inside       Outside  
Water Supply: City of Santa Cruz  
Sewage Disposal: Santa Cruz Sanitation District  
Fire District: Central Fire District  
Drainage District: Zone 5

### Parcel Information

Parcel Size: 5,532 square feet  
Existing Land Use - Parcel: Residential  
Existing Land Use - Surrounding: Residential  
Project Access: Moana Way  
Planning Area: Live Oak  
Land Use Designation: R-UM (Urban Medium Density Residential)  
Zone District: RM-4-PP (Multi-Family Residential - 4,000 square feet minimum) zone district, Pleasure Point Community Design Combining District  
  
Coastal Zone: X Inside       Outside  
Appealable to Calif. Coastal Comm.    Yes    X No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Fire Hazard: Not a mapped constraint  
Slopes: 0-5%  
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  
Archeology: Not mapped/no physical evidence on site

EXHIBIT F



# 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

## 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): 03218135

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

Street Address: 3821 Moana Way, Santa Cruz, CA 95062

### Applicant Information (Complete only if different from Owner Information)

NAME : \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE NO. (\_\_\_\_) \_\_\_\_\_ CELL PHONE NO. (\_\_\_\_) \_\_\_\_\_

EMAIL: \_\_\_\_\_

### Owner Information

NAME: Jan Madsen

MAILING ADDRESS: Same as above

CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE NO. ( 831 ) 588-2035 CELL PHONE NO. ( 831 ) 588-2035

EMAIL: janjanmad@yahoo.com

### **NOTE:**

*If the application submittal is made by anyone other than the owner, a signed Owner/Agent form (attached) or a property management agreement must be submitted with the application.*

## 24-HOUR CONTACT

**NOTE:** *24-Hour Contact must reside within a 30 mile radius of the vacation rental*

NAME: Curtis Lefrandt

MAILING ADDRESS: 1832 Alice Street

CITY/STATE Santa Cruz, CA ZIP 95062

PHONE NO. ( 801 ) 580-7124 CELL PHONE NO. ( 801 ) 580-7124

EMAIL: clefrandt@gmail.com

## ELECTED/ PUBLIC OFFICIAL OR COUNTY EMPLOYEE INFO. PUBLICATION

If the contact person identified above is an elected or appointed official (including a public safety official) as defined by sections 6254.21 or 6254.24 of the California Government Code, this application must be signed below by the contact person, and constitutes written permission under Government Code section 6254.21 that the contact person's name and phone number may be placed on the County's internet website. If the contact person identified above is an employee of the County of Santa Cruz within the scope of section 468 of the County Procedures Manual, this application must be signed below by the contact person, it constitutes a waiver of the provisions of that section, and it constitutes written permission to place the contact person's name and phone number on the County's internet website.

X

Contact person signature, if applicable

EXHIBIT G

## 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.**

\_\_\_\_\_  
Owner of Rental Unit

3-10-2020  
~~September 15, 2019~~

\_\_\_\_\_  
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*

# Rental Agreement

**3821 Moana Way, Santa Cruz, CA 95062**

Please sign and return with payment to address at end of this rental agreement.

This is a contract between the Owner, Jan Madsen and the Renter, <insert renter name>, for 3821 Moana Way, in Santa Cruz, California 95062

Reserved Dates: In: <insert start date> Out: <insert end date>

Number of Adults: <insert> Number of Children: <insert>

Check In Time: 4 pm Check Out Time: 12 Noon

## Payment Schedule:

Renter must return this agreement and mail check for <insert amount> within 14 days to guarantee this reservation. This initial payment is non-refundable should renter cancel this reservation. This initial payment becomes a refundable Security/Utility deposit after rent is received in full by owners.

<insert amount> Rent (<insert start and end date>)

<insert amount> Security/Utility Deposit (Refundable)

\$200.00 Cleaning Fee (Non-Refundable)

<insert amount> (11.0% county occupancy tax, no tax with 30 days or more stay)

-----  
<insert amount> Total USD

Renter understands and agrees to the following:

- 1) Renter accepts responsibility for any damages to the property beyond normal wear and tear caused by renter or renter's guests. If any damage occurs, Security Deposit will be used to pay for damage. Security Deposit will also be used to pay for the PG&E bill during the billing cycle in which only the renter was at the property (insert dates), and the City of Santa Cruz Water bill during the billing cycle in which only the renter was at the property (insert dates).
- 2) The maximum number of guests allowed to stay at the property are eight individuals (not including children under 8).
- 3) The maximum number of people allowed for celebrations and gatherings between 8:00am and 10:00pm is ten individuals. Santa Cruz County has a 10:00 pm noise curfew every night including weekends. A neighbor complaining about the renter making too much noise could result in eviction (quiet hours are between 10:00 pm and 8:00 am).

**EXHIBIT G**

- 4) The maximum number of vehicles allowed on the property is four vehicles.
- 5) Renter agrees to leave property in same general condition as it was found by making sure that:
  - a) All personal belongings are taken with you
  - b) Used linens and towels are placed in the laundry room
  - c) Heat is turned down
  - d) Garbage and recycling is placed in bins on side of house
  - e) The property is put back in place and ready to be vacuumed and cleaned
  - f) Whatever was placed in the refrigerator or freezer is removed
  - g) Lights are turned off, windows are shut, and house is locked
- 6) While the house will be cleaned after you leave, there is no daily maid service. All trash must be kept in closed containers and not allowed to accumulate. Containers are provided at the side of the house, trash and recycling collection is weekly.
- 7) If the house is left in a bad state, renter will be sent a bill for an additional cleaning fee.
- 8) There is no smoking or pets allowed in this house. All illegal behavior is prohibited including ANY fireworks.
- 9) Renter and guests accept and assume all risks of using hot tub.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Cell Phone # \_\_\_\_\_

Email Address \_\_\_\_\_

Thanks in advance for treating our home with the same respect that you would like shown to yours!

*Jan Madsen*

*3821 Moana Way*

*Santa Cruz, CA 95062*

*831-588-2035*

*janjanmad@yahoo.com*

**EXHIBIT G**





# COUNTY OF SANTA CRUZ

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

## TRANSIENT OCCUPANCY TAX - REGISTRATION APPLICATION

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

FOR COUNTY USE ONLY

Certificate Number: \_\_\_\_\_  
Date Issued: \_\_\_\_\_  
APN Number: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Treasurer-Tax Collector

**PLEASE PRINT OR TYPE**

Name of Facility or Unit Madsen Vacation Rental  
Address of Facility or Unit 3821 Moana Way, Santa Cruz, CA 95062  
Mailing Address Same as above Phone # 831-588-2035  
Email Address janjanmad@yahoo.com Date of Application September 15, 2019

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

**Number of Occupancy Units** 1

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

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

**Owner(s) Name (List Principals):**

Operator's Name	Address	Phone Number
Jan Madsen	3821 Moana Way, Santa Cruz, CA 95062	831-588-2035

### Local Emergency Contact

Name	Home Address	Phone Number
Curtis Lefrandt	1832 Alice Street, Santa Cruz, CA 95062	801-580-7124

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

Signed [Signature] Date September 15, 2019

revMARCH2017

January 31, 2020

EXHIBIT H

May 26, 2020

TO: Mr. Jonathan DiSlavo, Staff Planner @ Santa Cruz County Planning Department

CC: John Leopold, Kathy Malloy, Planning Commissioners

Dear Mr. DiSalvo,

The vacation permit application for App: 201102 - 3821 Moana Way/APN 032-181-35 - a 5-bedroom home with maybe 5 on-site parking spaces - should be put on hold. This hold request is not about this owner (a lovely person).

Reason 1. Until the County addresses how to confirm renters and their guests are COVID-19 negative no new vacation rentals permits nor renting of homes should be allowed. Unknown health conditions of out of area renters and their guests put Pleasure Point at risk; most PPt. residents are wearing masks, SD-ing, etc.

Reason 2. The County says: "Pleasure Point has a unique character and strong community identity". Addressing vacation rental issues - sooner than later - will keep it so. Vacation homes are inns without an innkeeper or caretaker on site; rentals with 4+ bedrooms are certainly such. Pleasure Point (PPt.) is a residential zone not a hospitality zone!

A golden egg: \$680 a night nets the County \$80 TOT. Does any TOT income come back to PPt. for infrastructure issues or services? Does dependency on TOT foster immunity of losing a permit?

Bedroom counts matter; head count approvals are absurd! A 5-bedroom permit at Moana will allow 12 overnight guests, unlimited number of children under age 8 and up to 12 additional guests 14 hours a day (8am – 10pm). 24 people could be on site a day plus unlimited numbers of children under 8. If 24 people are allowed 14 hours a day for unlimited days during a vacation rental stay – all year long - would you want this rental next door or doors away from your home?

Does vacation renter and guest turnover bring energy to a neighborhood or do they zap it? On vacation or not: good manners should prevail! After 10 pm neighbors deserve a good night's sleep with no noise from hot tubs, music or voices at fire pits. There should be enough on-site parking to not deprive locals and other tourists of our limited on-street parking spaces. Renter and guest cars should not block a neighbor's driveway. A neighbor raising a complaint should not be chastised nor threatened by a guest, an owner or management agency.

Few fines, suspensions and revocations of permits yet residents repeat: "I had to get up and make 2 calls in the middle of the night", "people were overflowing" "I had to contact a lawyer" "nothing happens -

EXHIBIT 1

forget complaining". Residents grouse among themselves that the County's leadership concerning vacation rentals is lousy.

By the time revisions and/or new drafts for code and processes arrive at "voting" bodies these documents are pretty much done deals. This time considering working differently: assemble an advisory committee of "experts" to assist the assigned Planning staff shape revisions and/or new drafts for code and processes regarding vacation rentals well before such documents are forwarded for a vote. "Experts" are residents including PPt.'rs who live next to or near a vacation rental. Let this golden egg serve everyone!

In advance, thank you for your time.

Respectfully,

George McCullough and Patti Brady

500 34<sup>th</sup> Avenue Santa Cruz 95062 831 276-6464

Special note re: Moana Way itself: a dispute regarding the ownership of Moana took place less than 5 years ago. Public Works (PW) said the County owned Moana per buying it in foreclosure (information unknown to current residents). PW also relayed, per setback issues of some homes, they would not service Moana including no street maintenance or street cleaning. Per vacation renter turnover more cars will use Moana giving it bigger potholes, more dirt and ruts to what is there now!

EXHIBIT 1