



Staff Report to the Zoning Administrator

Application Number: **231179**

Applicant: Bailey Property Management
Owner: Gregory & Danielle Poncetta
APN: 043-072-40
Site Address: 206 Beach Drive, Aptos, 95003

Agenda Date: September 1, 2023
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description:

Proposal to establish a new two-bedroom vacation rental. Requires a Vacation Rental Permit and an On-Site Parking Exception.

Location: Property is located on the southern side of Beach Drive, approximately 300-feet south of the intersection of Beach Drive and Rio Del Mar Boulevard, in Aptos (206 Aptos Beach Drive).

Permits Required: Vacation Rental Permit, On-Site Parking Exception

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 231179, based on the attached findings and conditions.

Project Description & Setting

The project site is located on the southern side of Beach Drive in the Aptos Planning Area, approximately 300 feet south from the intersection with Rio Del Mar Boulevard. The neighborhood is comprised of one to three-story single-family residences consisting of a mix of architectural styles.

The subject property is developed with an existing two-story single-family residence, originally constructed in 1957. This is a proposal to operate a vacation rental in an existing two-bedroom dwelling.

As indicated in SCCC Section 13.10.694(D)(2)(c)(iv), one on-site parking space is required for vacation rentals containing two bedrooms. In situations where the required on-site parking cannot be provided, an On-Site Parking Exception may be requested in conjunction with a Level 5 Vacation Rental Permit Application for consideration by the Zoning Administrator at a public hearing.

The existing residence covers nearly the entirety of the parcel on which it is located. There are no on-site parking spaces located on the subject parcel; therefore, approval of an On-Site Parking Exception is required in conjunction with this Vacation Rental Permit.

Granting the On-Site Parking Exception will not adversely affect existing traffic and parking on nearby streets and properties as street parking is typically available along Beach Drive. The subject parcel is located on a residential block where many of the other residences on the block do not contain off-street parking facilities, such as driveways or garages. Historically, parking for many of these residences has occurred on the street along Beach Drive. For this section of Beach Drive, there are parking spaces located on both sides of the street. Additionally, per the provided lease agreement, the applicant has limited the vacation rental to one vehicle.

Vacation rentals within residential structures are permitted within the RM-2.5 zone district, and the operation of the vacation rental is required to comply with all requirements of the vacation rental ordinance.

Bailey Property Management has been designated as the 24-hour contact for the vacation rental. Bailey Property Management is located in Aptos, within the required 30-minute response radius from the proposed vacation rental property.

Pursuant to SCCC 13.10.694(D), vacation rental permits expire the same month and day five years subsequent to the date of issuance of the Vacation Rental/Renewal Permit; therefore, the date of expiration of this permit is September 01, 2028.

The property is located within the Seacliff/Aptos Designated Area (SADA), which does not limit the number of vacation rentals on a residential block for all parcels fronting along the subject section of the street along Beach Drive.

This property has previously operated a vacation rental under Permit No. 111458, which was originally approved September 2011 and expired May 2020. Due to a property transfer, the approval of a new vacation rental permit was required.

Zoning & General Plan Consistency

The subject property is a 653 square foot lot, located in the RM-2.5 (Multi-Family Residential) zone district, a designation which allows Vacation Rental uses. The proposed dwelling is a permitted use within the zone district and the zoning is consistent with the site's R-UH (Urban High-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 **231179**, 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 Division, 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: Michael Lam
Santa Cruz County Planning
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3371
E-mail: Michael.Lam@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, Lease Agreement, TOT Certification

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Division 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: 231179

Assessor Parcel Number: 043-072-40

Project Location: 206 Beach Drive, Aptos 95003

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

Person or Agency Proposing Project: Bailey Property Management

Contact Phone Number: (831) 688-7009

- 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 synonymous 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.

Michael Lam, Project Planner

Date:_____

EXHIBIT A

Development Permit Findings

1. That the proposed location of the vacation rental 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, 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 is 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 detrimental effects of 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 location of the proposed vacation rental and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances, including the vacation rental ordinance, and the purpose of the RM-2.5 (Multi-Family Residential) zone district as the primary use of the property will be a residential vacation rental dwelling that meets all requirements of the vacation rental ordinance.

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

This finding can be made, in that the proposed residential vacation rental use is consistent with the use and density requirements specified for the R-UH (Urban High-Density Residential) land use designation in the County General Plan as it is a residential use in an existing residential structure and the vacation rental ordinance implements the standards contained in the Noise Element of the General Plan.

A specific plan has/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 non-vacation rental residential use and vacation rental use.

5. That the proposed vacation rental will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the short-term vacation rental is proposed to be located within an existing residential dwelling located within a residential neighborhood, consistent with the land use intensity and density of residential neighborhoods. Both non-vacation residential uses and vacation rental uses can include celebrations that result in temporary increase in vehicles and building occupancy.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

Pursuant to County Code Section 13.11.040, the proposed residential use is exempt from the Design Review Ordinance.

Conditions of Approval

Exhibit D: Project plans, prepared by Draeger Design, dated March 2023.

- 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 Santa Cruz County Planning 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. Issuance of this permit shall not infer approval of new development or the private use of any property outside of the subject parcel boundary, including public and private rights-of-way, State Parks land, and County owned property. The term "new development" shall include, but is not limited to, fencing, patios, and accessory structures. The term "use" shall include, but is not limited to, outdoor seating, parking (in non-designated areas), and storage of equipment or materials.
 - C. The maximum, overnight occupancy of the vacation rental shall not exceed six people (two per bedroom, plus two additional people, children under eight not counted).
 - D. The maximum number of vehicles associated with the overnight occupants shall not exceed one (number of on-site parking spaces, plus one additional non-exclusive on-street parking spaces).
 - E. The maximum occupancy allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m. shall not exceed 12 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 County Noise Ordinance (County Code Chapter 8.30) 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 (County Code Chapter 8.30).

- H. Fireworks are illegal in Santa Cruz County and prohibited at the vacation rental.
- I. 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.
- J. 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.
- 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. Permits for vacation rentals 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 are non-transferable and become void when a property transfer triggers reassessment.
- M. A violation of any of the requirements to obtain a vacation rental permit may be grounds for denial of a new vacation rental permit application. Further, violations of vacation rental regulations, or of any other provision of the Santa Cruz County Code, may be grounds for denial of a renewal application or revocation of an existing vacation rental permit after consideration at a Level V public hearing by the Zoning Administrator (or by the Planning Commission upon referral).
- N. If more than two significant violations occur on a vacation rental property within a 12-month period, a permit shall be noticed for a Level V public hearing to consider permit revocation. "Significant violations" are: citations for violation of Chapter 8.30 SCCC (Noise); violation of any specific conditions of approval associated with the permit; mis-advertising the capacity and limitations applicable to the vacation rental; written warnings, or other documentation filed by law enforcement; violations of State or County health regulations; non-compliance with a public health order or emergency regulation issued by State or local authorities which may limit use and occupancy of vacation rentals; delinquency in payment of transient occupancy taxes, fines, or penalties; non-responsive property management, including failure by the local property manager to respond to calls within 60 minutes; and failure to maintain signage. In the event a permit is revoked, the person or entity from whom the permit was revoked shall be barred from applying for a vacation rental permit for the same parcel without prior consent of the Board of Supervisors.

- O. 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.

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.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

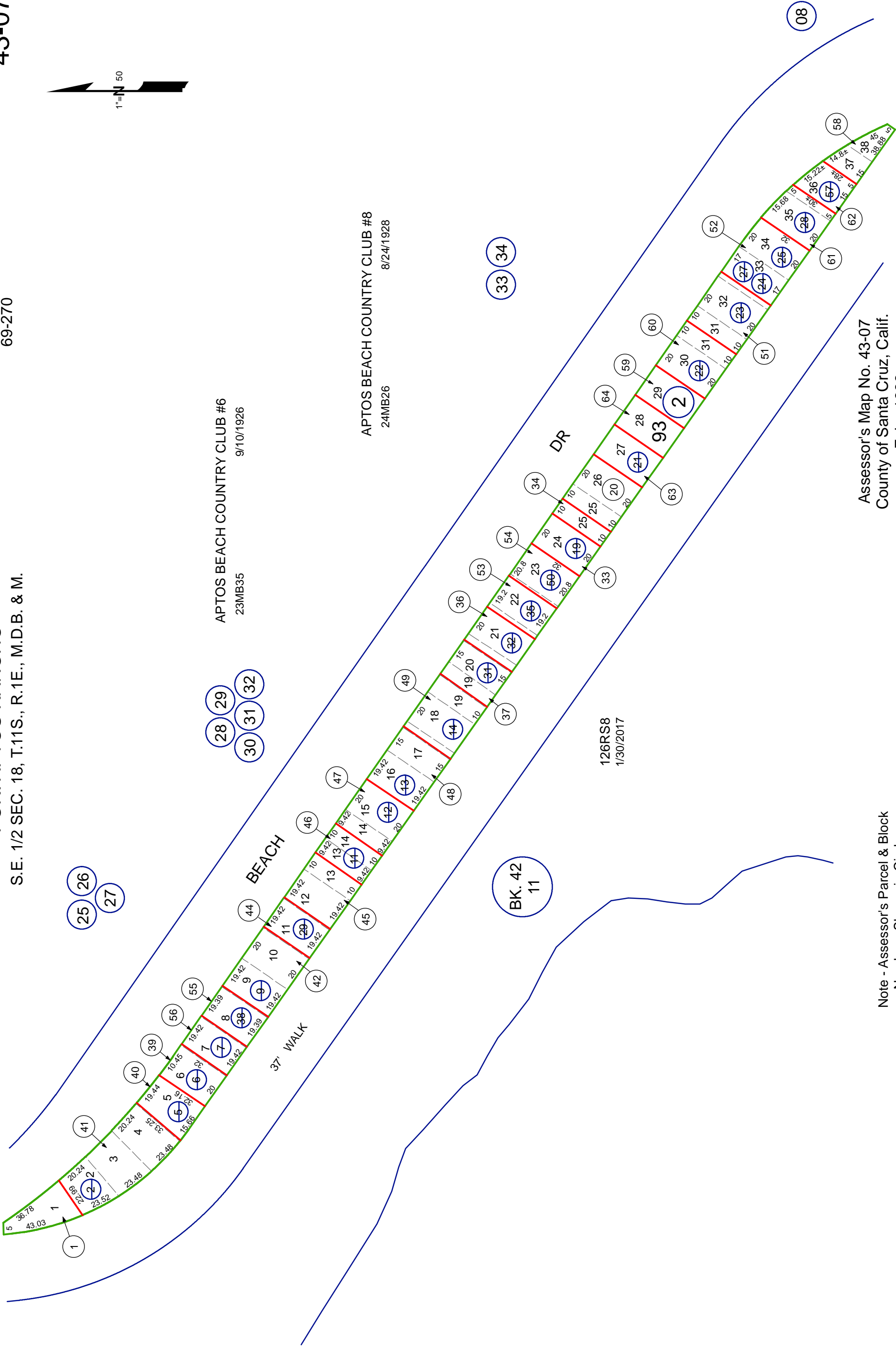
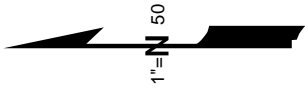
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

POR. APTOS RANCHO

S.E. 1/2 SEC. 18, T.11S., R.1E., M.D.B. & M.

Tax Area Code
69-270

43-07



Assessor's Map No. 43-07
County of Santa Cruz, Calif.
Feb., 1999

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



SANTA CRUZ COUNTY PLANNING DEPARTMENT
Parcel Location Map



- Parcel: 04307240**
- Study Parcel
 - Assessor Parcel Boundary
 - Existing Park

Map printed: 23 Aug. 2023

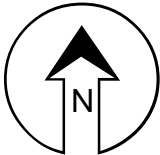
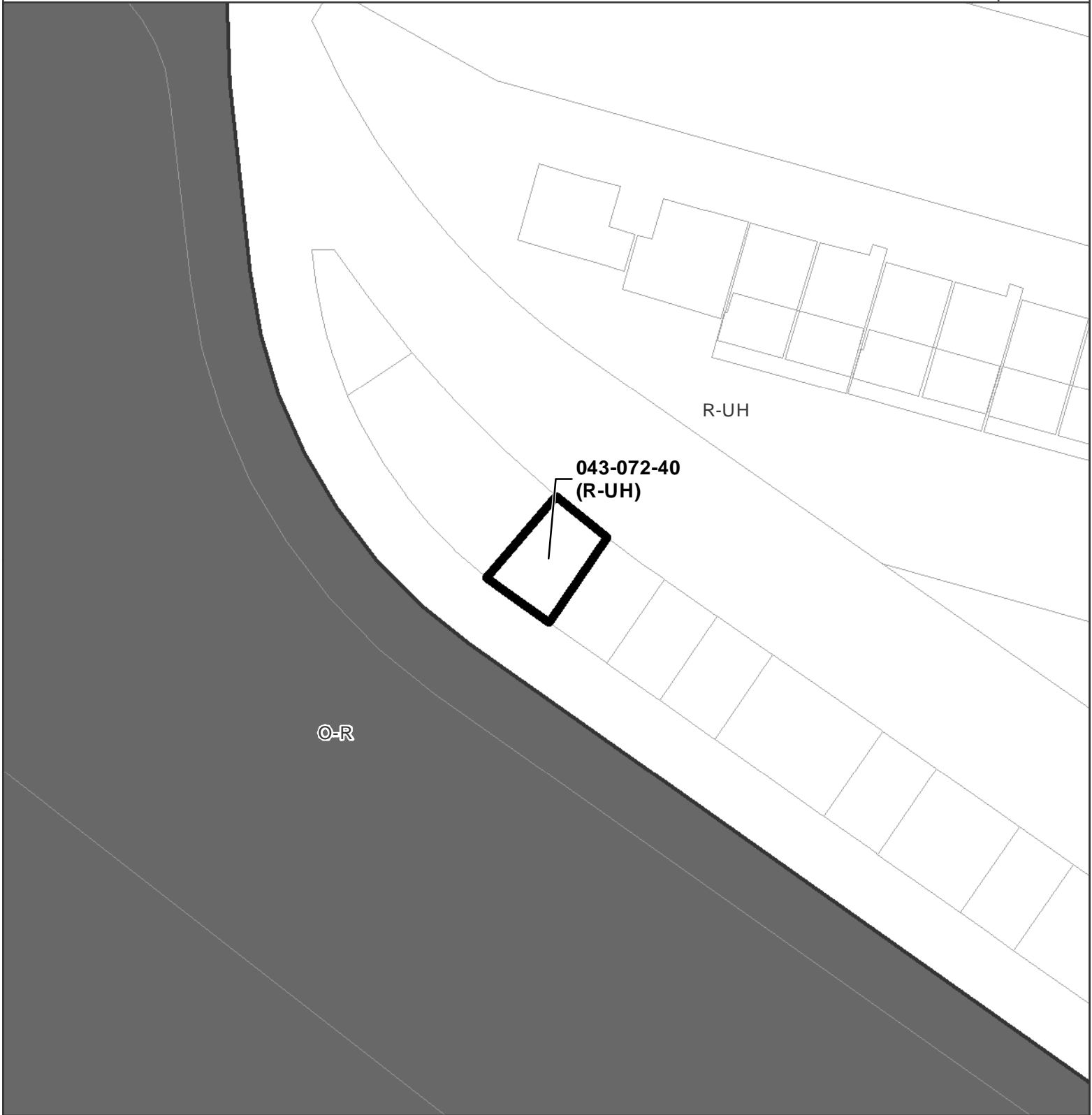




EXHIBIT E 0 10 20
Feet



SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel General Plan Map



-  O-R *Parks, Recreation & Open Space*
-  R-UH *Res. Urban High Density*

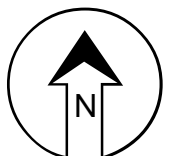


EXHIBIT E

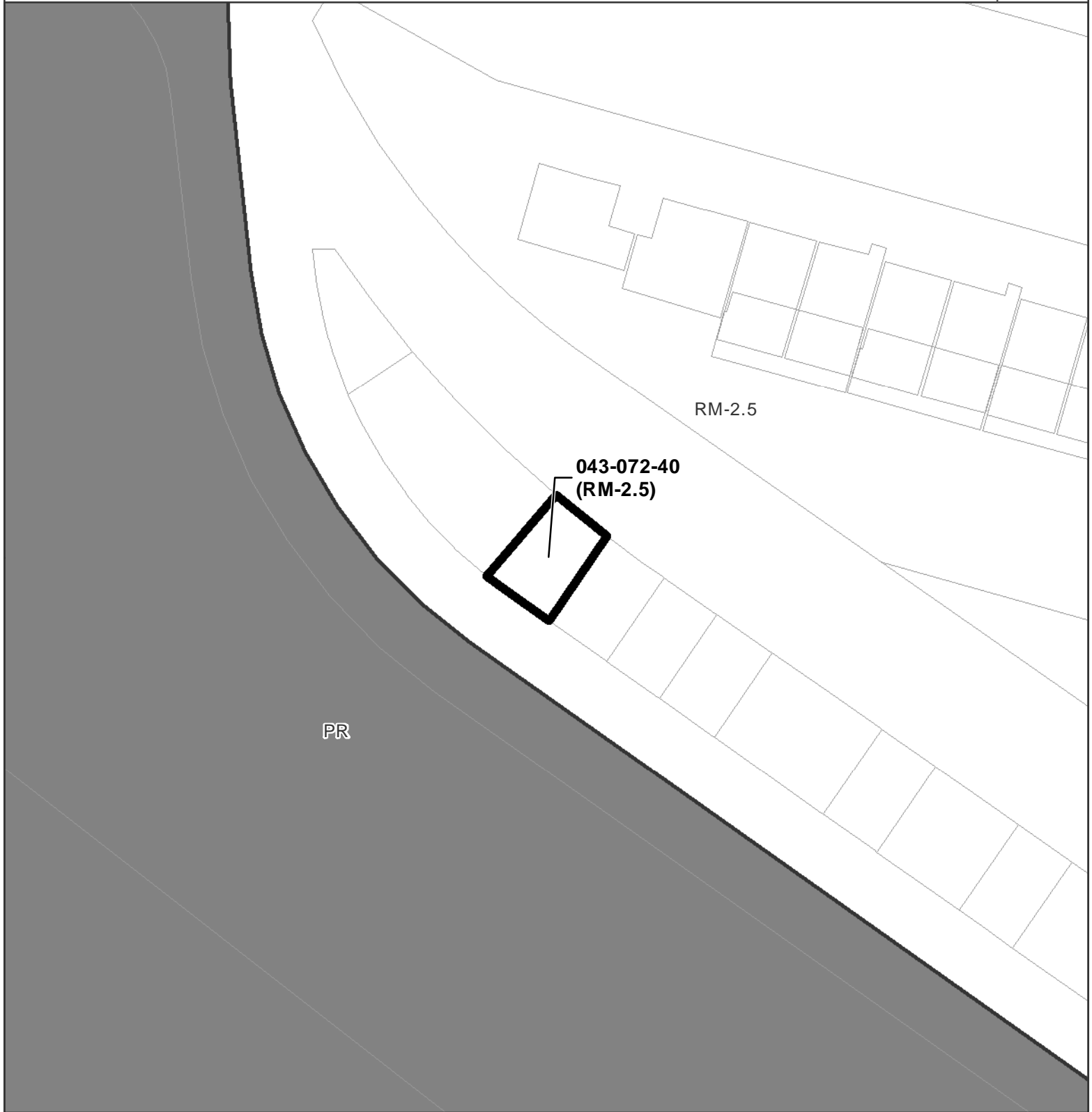




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SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Zoning Map



-  PR *Parks, Recreation, & Open Space*
-  RM *Residential Multi-Family*

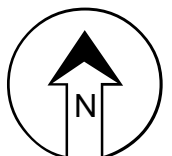


EXHIBIT E



0 10 20
Feet

Parcel Information

Services Information

Urban Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	Soquel Creek Water District
Sewage Disposal:	Santa Cruz Sanitation District
Fire District:	Central FPD
Drainage District:	Flood Control Zone 6

Parcel Information

Parcel Size:	653 Square-Feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Beach Drive
Planning Area:	Aptos
Land Use Designation:	R-UH (Urban High-Density Residential)
Zone District:	RM-2.5 (Multi-Family Residential)
Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Environmental Information

Geologic Hazards:	Not mapped
Fire Hazard:	Not a mapped constraint
Slopes:	0% - 15 %
Env. Sen. Habitat:	Not mapped
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Mapped Scenic
Archeology:	Not mapped



Vacation Rental Permit & Renewal Application Form

Form
PLG-150
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Permit and Property Information

Permit No. (if application is for a renewal): _____

Assessor's Parcel Number*: 043-072-40

Street Address: 2010 Beach Drive, Aptos, Ca 95003

Transient Occupancy Tax Registration Number: _____

Number of bedrooms to be rented: 1

*Assessor's Parcel Numbers (APNs) may be obtained from the Assessor's Office at 831-454-2002.

Owner Information

Name: Danielle Poncetta

Mailing Address: 935 Louise Ave

City: San Jose State: Ca Zip Code: 95128

Phone No.: _____ Email: familytidesapros@gmail.com

Applicant Information (if different than owner information)

Name: Bailey Property Management

Mailing Address: 1010 Aptos Beach Drive

City: Aptos State: Ca Zip Code: 95003

Phone No.: 831-688-7009 Email: vacations@baileypm.com

NOTE: If the application submittal is made by anyone other than the owner, a signed Owner/Agent form (available [here](#)) or a property management agreement must be submitted with the application.



Vacation Rental Permit & Renewal Application Form

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24-Hour Contact

NOTE: The 24-hour contact must reside within a 30-mile radius of the vacation rental.

Name: Bailey PM
Physical Address: 100 Aptos Beach Dr.
City: Aptos State: CA Zip Code: 95003
Phone No.: 831-688-7009 Email: vacations@baileypm.com

Elected / Public Official or County Employee Information 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.

Contact person signature, if applicable

Date



Vacation Rental Permit & Renewal Application Form

Rental Safety Certification

The following items require verification to assure the rental 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 current building code requirements.
 - 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 current building code requirements.
 - 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 current electrical code requirements.
- ☒ 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 current building code requirements.
- ☒ All stairs shall have at least one continuous **handrail** running the full length of the stairs per current building code requirements.
- ☒ 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 current building code requirements. 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 requirements
- ☒ 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

Date

Certified Home Inspector

License #

Date

County Building Inspector

Date

Property Manager/ Agent

Date

39.23



Vacation Rental Permit & Renewal Application Form

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Applicant's Signature

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

I certify that, to the best of my knowledge, the bedroom(s) associated with this hosted rental are legal and suitable for human occupancy.

I understand that hosted rentals are for bedrooms in the primary dwelling unit and are not permitted in accessory structures (including ADU's), legally restricted affordable housing units, balconies, sheds or porches, RV's, or tents.

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

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

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

Signature of Owner or Authorized Agent

3.9.23

Date

Draeger Design & Development

3 LOMA AVENUE, LA SELVA BEACH, CA 95076
dj.draeger@yahoo.com

831 262 2329

Vacation Rental: 206 Beach Drive, Aptos

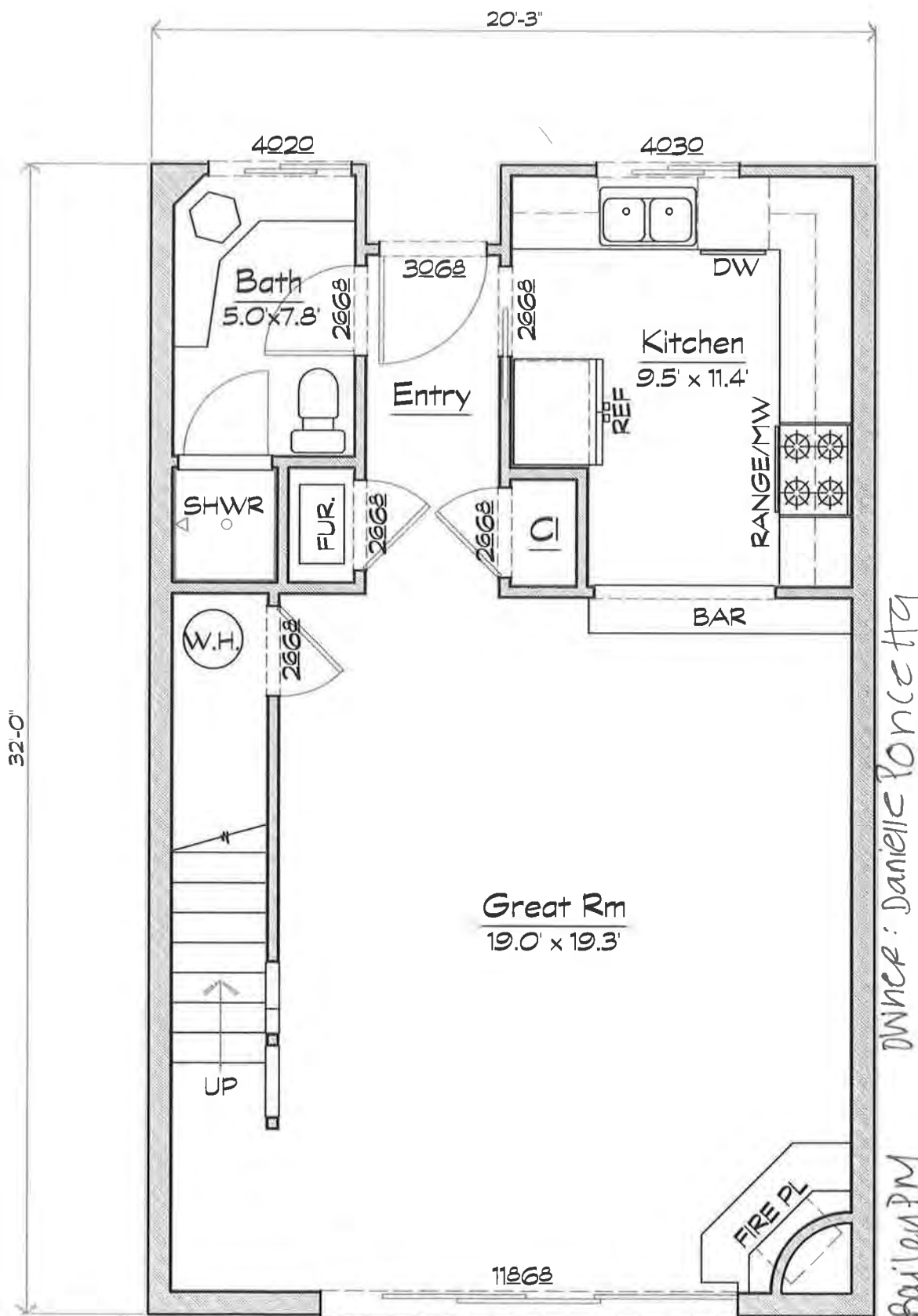
Site Plan

1 of 3

3/1/23



EXHIBIT G



OWNER: Danielle Poncetta

8:10 PM

100 Aptos Beach
Aptos CA 95003

831.1088.7009

vacations@baileypm

Draeger Design & Development

3 LOMA AVENUE, LA SELVA BEACH, CA 95076
dj.draeger@yahoo.com

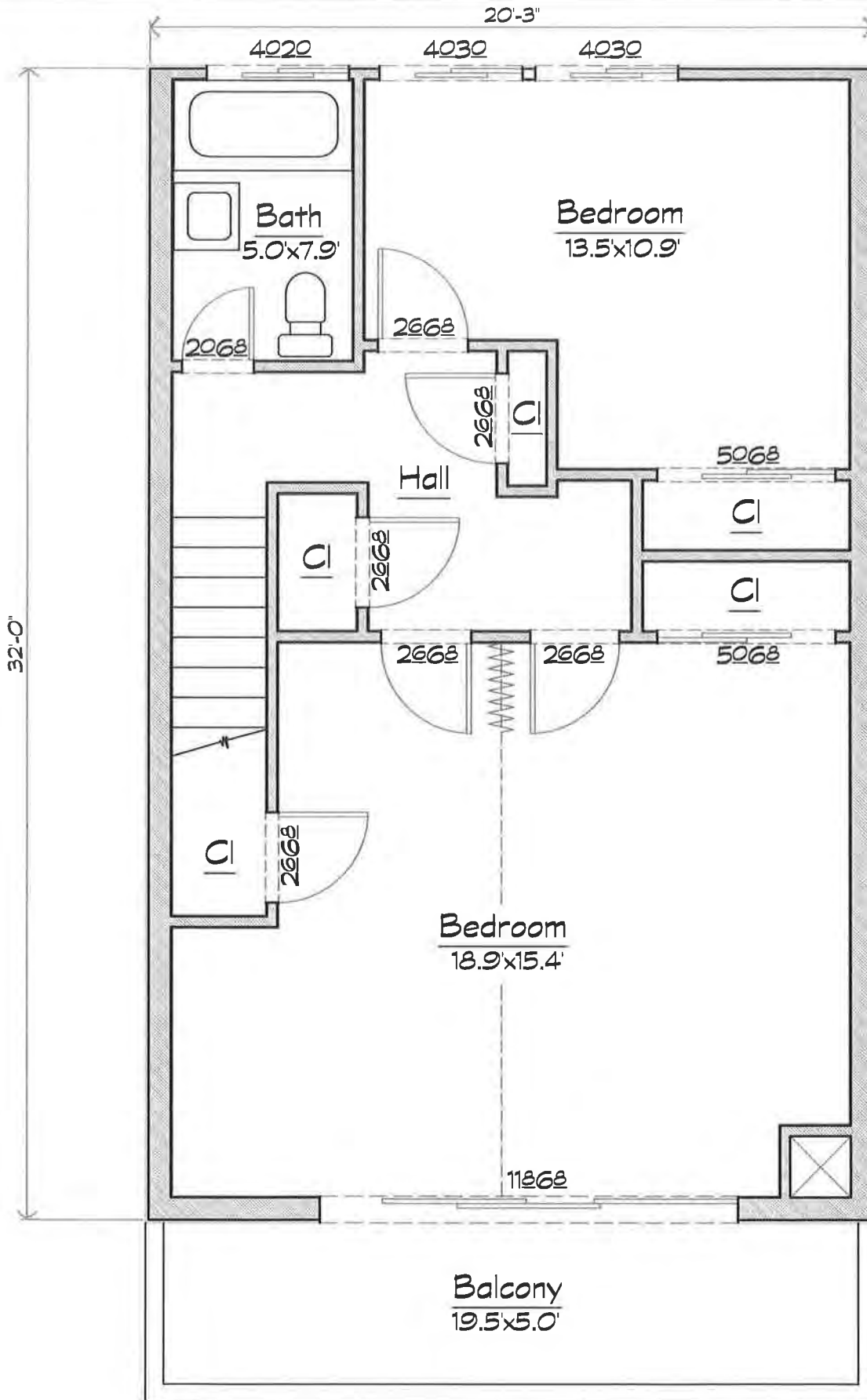
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Vacation Rental: 206 Beach Drive, Aptos

2nd Floor Plan

3 of 3

3/1/23



Owner: Daniel Poncetta

BaileyPM
100 Aptos Beach
Aptos 95003
831-688-7009
vacations@baileypm.com

EXHIBIT G



106 Aptos Beach Drive, Aptos CA 95003 (831) 688-7009

GUEST VACATION RENTAL AGREEMENT & INFORMATION SHEET

PREMISES: *206 Beach Drive, Rio del Mar*

BAILEY PROPERTY MANAGEMENT, INC., ("Manager") as agent for the Owner of the above-described Premises, and the undersigned guest(s) ("Guest") agree to rent the Premises to Guest, subject to the following terms and conditions:

1. **VACATION RENTAL ORDINANCE RULES:** Guest represents and warrants that (1) Guest is a responsible adult; (2) Guest will limit the occupancy of the Premises to the individuals listed below ("Occupants") during the entire reserved Occupancy Period, and (3) any other invitees allowed to occupy the Premises will be family members or responsible adults. If persons not falling within the foregoing categories are found to occupy the Premises, Guest and other occupants agree to vacate the Premises immediately without a refund. Keys will not be issued to minors. **Guests shall strictly comply with the Vacation Rental Rules and Regulations attached hereto as Exhibit "A."**

CHECK IN: OFFICE

Check in time is between 3:00 and 5:00 P.M. Keys will be ready for pick up at BAILEY PROPERTY MANAGEMENT, 106 Aptos Beach Drive, Aptos. Please call the office (831-688-7009) if you will be checking in after 5:00 P.M. Keys will not be released to Guest until all paperwork is signed and received in our office before check in day. Guests are not to go to or enter the Premises prior to registration at the office.

CHECK OUT:

Check out time is 10:00 A.M. Absolutely NO late check outs. Failure to comply can result in loss of deposit. Please deliver all keys, parking permits/passes and remotes (if issued) to Manager's office. **Guest will be charged \$10.00 for all keys not returned, \$50.00 for each pool key not returned, and \$200.00 per parking permit/pass not returned.xxx**

CHECK IN: LOCK BOX:

Your Vacation Rental is on Lock Box. Please contact the office on your check in date between 3:00 P.M. and 5:00 P.M. to get the lock box code.

CHECK OUT:

Check out time is 10:00 A.M. Absolutely NO late check outs. Failure to comply can result in loss of deposit. Please place all keys in the lock box and return parking permit/passes and remotes to the appropriate place in home. Contact our office at 831-688-7009 to notify us of your check out.

Guests will be charged \$150 for all keys not returned to the lockbox, \$50.00 for each pool key not returned, and \$200.00 per parking permit/pass and remotes not returned

2. **PAYMENTS:** At the time of securing the property, we require a non-refundable \$50 reservation fee. This \$50 is deducted from your quoted rental amount. The security deposit of \$500.00 and the balance due for the reservation must be paid 60 days prior to the check-in date, (it is guest responsibility to call in for final payment.) The security deposit will be returned to Guest 10-14 days after departure, subject to compliance with the terms and conditions of this Agreement by Guest and Guests invitees.
VRBO GUEST WILL PAY THE REQUIRED AMOUNT AGREED UPON WHEN BOOKING THE RESERVATION VIA VRBO
3. **CANCELLATION:** Should Guest wish to cancel the reservation, notice of cancellation must be received 60 days prior to the check-in date. If Guest's notice of cancellation is received less than 60 days prior to the check-in date, Guest will forfeit all sums paid, unless Manager can reassign the Premises. If Manager is unable to reassign the Premises, Manager will retain the entire amount paid and refund the security deposit to Guest.
4. **CLEANING:** The cleaning fee is included in the rental cost. The cleaning fee is for general cleaning. Prior to departure, Guest shall:
 - a. Wash and put away dishes in the cupboards.
 - b. Please have premises ready to be cleaned.
 - c. Please do not move or rearrange furniture. Doing this can cause major damage to furniture, floors, and all areas of the home.
 - d. Remove all garbage from the Premises and deposit it in the appropriate refuse container.

If additional cleaning is required, charges will be deducted from Guest's security deposit based on actual cost.
5. **LINENS:** Linen service is included with guest reservations. To include sheets, pillowcases, and towels (excluding beach towels.) 1 set of towels per person.
6. **TRASH MANAGEMENT:** Trash must be kept in closed containers and not allowed to accumulate. It is guest's responsibility to put trash out the night before trash pick-up day (Trash Day will be noted on sheet on refrigerator).
7. **WHAT MANAGER WILL SUPPLY:** The Premises are equipped and set up as fully furnished including bedspreads, blankets, and pillows, equipped kitchen, TVs, furniture, BBQs, and outdoor furniture where appropriate.
8. **GUEST LIABILITY:** Guest accepts liability for any and all damage to the Premises other than normal wear and tear, including, but not limited to misuse of appliances, and/or equipment furnished. If the cost to correct, repair, replace or remedy the damage exceeds the security deposit held, Guest agrees to reimburse Manager or Owner for the costs incurred to correct, repair, replace or remedy the damage.
9. **OCCUPANCY/DISTURBANCES:** Guest will be required to vacate the Premises and forfeit all fees and the security deposit if Guest or the Occupants breach this Agreement or if Guest or the Occupants:

- a. Exceed the sleeping capacity of the Premises; Maximum Occupancy 6
- b. Occupants over age 8:

-
- c. Responsible party must be 25 years or older to reserve premises.
 - d. Use the Premises for any illegal activity including, but not limited to, the serving or consumption of alcoholic beverages by persons under 21 years of age;
 - e. Cause damage to the Premises, or any neighboring property;
 - f. Cause disturbances or nuisances in violation of applicable laws or regulations;
 - g. Violate any rules or regulations posted within the Premises (which are incorporated herein by this reference);
 - h. Violate Santa Cruz County curfew rule. Quiet hours are between 10PM and 8AM.
 - i. Violate the County's Vacation Rental Ordinance where applicable.

10. PETS: Unless otherwise provided in California Civil Code Section 54.2, pets are not allowed on the Premises without Manager and Owner's express permission, and if allowed, a pet deposit is required. Violation of pet restrictions may result in termination of this Agreement, a forfeiture of all fees, and a forfeiture of security deposit.

- a. Manager's have approved pet on premises: NO

11. RATES/OWNER'S CANCELLATION: Rates are subject to change at the Owner's discretion provided that the Owner shall give guest notice of such change at least 60 days prior to the check-in date, whether previous notice of confirmation has been given. Owner reserves the right to cancel any reservation on a 60-day advance notice. Manager will attempt to locate another rental property should there be a cancellation. In the event of a cancellation by Owner, the \$50.00 reservation fee will be refunded or transferred to another rental property.

12. USE OF THE BEACH. The use of the beach or swimming in the ocean is at Guest's own risk.

13. PERSONAL PROPERTY, INJURY AND INDEMNIFICATION:

14. Guest and Occupants are not insured by Owner or Manager against loss or damage due to theft, fire, vandalism, rain, water, criminal or negligent acts of others, or any other cause. Owner and Manager recommend that Guest and Occupants carry insurance to protect them and their personal property from injury, theft, loss or damage.
15. Guest acknowledges and agrees that Manager does not own the Premises and acts only as an agent for the Owner. Manager shall have no liability for loss, damage or injury to persons or property, arising from the condition of the Premises, nor for any defects in or stoppage of the supply of water, gas, electricity, plumbing, or other utilities or equipment. Manager shall have no liability for loss or damage caused by theft, weather conditions, natural disasters, construction projects, acts of God, or other reasons beyond its control.
16. Manager is not responsible for items left in the Premises. Manager will keep lost items for 30 days after which they will be disposed of as permitted by law. In any action concerning the rights, duties or liabilities of the parties to this Agreement, their principals, agents, successors or assigns, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs.

- IN WITNESS, WHEREOF, Guest and Manager (on behalf of Owner) have entered into this Rental Agreement as of the _____ day of _____, 2023/2024

EXHIBIT G

RECEIPT OF KEYS, PARKING PASSES/PERMITS, GARAGE/GATE PASSES/REMOTES:

2 House keys issued (Office check-in)	_____ House keys returned
House keys issued (Lockbox check-in)	_____ House key returned
___ Pool keys issued	_____ Pool keys returned
___ Garage/Gate pass(es) issued	_____ Garage/Gate passes returned
___ Parking Permit issued	_____ Parking Permit returned
___ Beach Drive Passes issued	_____ Beach Drive Passes returned

Guest Signature for keys: _____
(If on lockbox please sign agreeing to terms of lock box use. If checking in at office, signature is due at time of check in)

Each property is supplied with the following consumables:

Kitchen:	Each Bathroom:
Sponge	1 roll of toilet paper per bathroom
Dish soap	
Garbage bags	
1 roll of paper towel	

PLEASE NOTE: SANTA CRUZ COUNTY HAS BANNED SINGLE-USE PLASTIC TOILETRY BOTTLE ACROSS THE HOSPITALITY INDUSTRY. THERE WILL NOT BE SHAMPOO, CONDITIONER OR BODY GEL IN THE HOME.



106 Aptos Beach Drive, Aptos CA 95003 (831) 688-7009

EXHIBIT A

**VACATION RENTAL
RULES AND REGULATIONS**

NOTICE: It is unlawful for any person to use or allow the use of property in violation of the provisions of the Santa Cruz County's Vacation Rental Ordinance. The penalties for violation of this section are set forth in Chapter 19.01 of the County Code.

Pursuant to the Santa Cruz County Vacation Rental Ordinance, Ordinance #5092 (Section 13.10.694 et seq of the Santa Cruz County Code), these Vacation Rental Rules are required to be posted inside the vacation rental in a location readily visible to all guests and occupants (referred to herein as "guest or guests"). These rules are incorporated herein by reference into the vacation rental agreement with each guest.

The Address of this Property is: 206 Beach Drive, Aptos

The Local Contact Person for this Property is: Bailey Property Management

Bailey Property Management, Inc.
106 Aptos Beach Drive
Aptos, CA 95003
(831)688-7009
Attn: Lynette Valdez or Karen Wade

This local contact person is available 24 hours a day to respond to tenant and neighborhood questions or concerns. The name, address, and telephone number(s) of the local contact person has been posted on a sign legible from the nearest street and provided to the Santa Cruz County Planning Department, the local Sheriff's Substation, the main county Sheriff's Office, the local fire agency, as well as supplied to the property owners of all properties located within a 300-foot radius of the boundaries of the parcel on which the vacation rental is located, as required by the Vacation Rental Ordinance.

NUMBER OF GUESTS ALLOWED:

The maximum number of guests allowed in an existing individual residential vacation rental shall not exceed two (2) people per bedroom plus two (2) additional people, except for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., when the maximum number of people allowed is twice the maximum number of guests allowed. Children under 8 are not counted toward the maximums.

There are 2 bedrooms in this vacation rental, so the maximum number of guests allowed shall not exceed 6 people (excluding children under 8). For celebrations and gatherings between 8:00 am and 10:00 pm, the maximum number of people shall not exceed 12 people (excluding children under 8).

NUMBER OF VEHICLES ALLOWED:

The number of vehicles allowed: 1

The number of guest vehicles shall not exceed. 1 Car Street Parking

TRASH MANAGEMENT:

Trash shall be kept in covered containers or heavy-duty garbage bags with appropriate labels. *(Call the office for instructions concerning trash management).*

ILLEGAL BEHAVIOR AND DISTURBANCES:

1. Guests shall not substantially interfere with the quiet enjoyment of neighbors. Activities or conditions which are unreasonable, unwarranted and/or unlawful, which constitute a nuisance, or which substantially interfere with the quiet enjoyment of neighbors, are prohibited.
2. Unusual, disturbing, and excessive noises are prohibited, including but not limited to abusive language, quarreling, fighting, disorderly conduct and activities which create a nuisance.
3. Illegal and dangerous activities are prohibited.
4. The use and display of any weapon or fireworks is expressly forbidden.
5. Guests shall strictly comply with all applicable ordinances, laws and regulations.

NOISE RESTRICTIONS:

1. No use of equipment requiring more than standard household electrical current at 110 or 220 volts or activities that produce noise, dust, odor, or vibration detrimental to occupants of adjoining dwellings is allowed.

2. All guests shall strictly comply with Santa Cruz County's Noise Ordinance, Chapter 8.30, which provides as follows:

Santa Cruz County Code Section 8.30.010 Curfew -- Offensive Noise.

A. No persons shall, between the hours of ten p.m. and eight a.m., make, cause, suffer, or permit to be made any offensive noise:

1. Which is made within one hundred feet of any building or place regularly used for sleeping purposes; or

2. Which disturbs any person of ordinary sensitivities within his or her place of residence.

B. "Offensive noise" means any noise which is loud, boisterous, irritating, penetrating, or unusual, or that is unreasonably distracting in any other manner such that it is likely to disturb people of ordinary sensitivities in the vicinity of such noise, and includes, but is not limited to, noise made by an individual alone or by a group of people engaged in any business, meeting, gathering, game, dance, or amusement, or by any appliance, contrivance, device, structure, construction, ride, machine, implement, instrument or vehicle. (Ord. 4001 § 1 (part), 1989)

8.30.020 Subsequent offense within forty-eight hours.

Any person who violates any section of this chapter and is cited for such a violation, and who within forty-eight hours after receiving such a citation again violates the same section, is guilty of a misdemeanor. A person is cited for a violation when he or she is issued and signs an infraction or misdemeanor citation, or when he or she is arrested and booked, or when a complaint is filed and the person is notified of the filing of such a complaint. (Ord. 4001 § 1 (part), 1989)

8.30.030 Exceptions.

A. The provisions of this chapter shall not apply to any noise from any specific type of activity for which special noise regulations are provided by any other provision of the county code.

B. The provisions of this chapter shall not apply to any noise caused by farming operations carried out on any land designated within the Santa Cruz County General Plan for commercial agricultural use. (Ord. 4001 § 1 (part), 1989)

REGULATIONS OF THE DEPARTMENT OF PARKS AND RECREATION

OF THE STATE OF CALIFORNIA

NO BEACH FIRES: Fires are only allowed in California State Parks providing fire rings which are seasonally placed at New Brighton, Rio Del Mar Esplanade and the Rio del Mar Platform state beaches. Privately owned fire rings are prohibited (CCR 4311).

NO ALCOHOL: Santa Cruz County prohibits the consumption of alcohol in public. In addition, state park law prohibits the possession of alcohol within the park. SCCO 8.02.030 and CCR 4326).

NO GLASS: Glass containers of all types are prohibited to ensure public safety. Broken glass on public beaches is a frequent cause of serious injuries (CCR 4333).

DOGS PERMITTED ON LEASH: Dogs are permitted on state beaches but must be on a six-foot leash. Owner should carry bags and must clean up after their pets. (CCR 4312 and CCR 4310). *(Please watch for signs relating to restrictions concerning dogs on beaches).*

BEACH HOURS: BEACH HOURS: 6:00AM TO 10:00PM. All state beaches within Santa Cruz County are closed to the public at 10:00PM. (CCR 4326).



COUNTY OF SANTA CRUZ

EDITH DRISCOLL, AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR
701 OCEAN STREET, SUITE 150, SANTA CRUZ, CA 95060-4073
POST OFFICE BOX 5639, SANTA CRUZ, CA 95063 • (831) 454-2510 • FAX (831) 454-2257

TRANSIENT OCCUPANCY TAX - REGISTRATION APPLICATION

FOR COUNTY USE ONLY

Certificate Number:

Date Issued:

APN Number:

PLEASE PRINT OR TYPE

Name of Facility or Unit 206 Beach Drive

Address of Facility or Unit Aptos, Ca 95003

Property Manager (If Applicable) Bailey Property Management

Mailing Address 100 Aptos Beach Drive Aptos, CA 95003

Email Address Kwade @ baileypm . com Phone# 831-688-7009

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
<u>Danielle Poncetta</u>	<u>240 Mass Drive</u> <u>Los Gatos 95030</u>	<u>408-412-1914</u>

Local Emergency Contact

Name	Email Address	Phone Number
<u>Karen Wade</u>	<u>100 Aptos Beach Dr</u>	<u>831-688-7009</u>

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

Signed Karen Wade Date 3.10.23

*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 you will not be required to report monthly.

July 26, 2020

NOTIFICATION OF VACATION RENTAL PERMIT APPLICATION

Dear Dominic and Gretchen Kotab,

Danielle and I, the owners of 206 Beach Drive, Aptos CA intend to do short term rentals with guests at our property located at 206 Beach Drive in Aptos. As our neighbor with a shared common wall, Santa Cruz County requires your consent for us to apply and obtain a Vacation Rental Permit. **Once obtained we plan to rent our unit on the short term basis, 29 days or less.**

The vacation rental permit is required by Santa Cruz County and has restrictions on how we rent the property. I have listed the main restrictions below.

1. Property will be limited to rent to no more than 6 occupants (kids younger than 7 don't count).
2. Daytime guests are limited to occupy the unit until 8pm and then must leave.
3. The number of cars that may park on the street is limited to the designated parking spots and up to two on the street.
4. Tenants must abide by the County noise ordinance of 10pm to 8am as quiet time.
5. Rental must have an on-call contact person for noise complaints available 24/7 (**Scott Poncetta is that contact 408-757-1007 24 hours a day**).
6. Excess trash must be removed immediately.
7. The permit is limited to a 5 year renewable time period.
8. The permit is revocable for violations of the above restrictions.

If we do not obtain written consent from all common wall neighbors 206 Beach Drive, Aptos CA may only **legally** rent on the monthly basis. **Note many short term vacation rental are vacant 40 - 50% of the year.**

I Print Name Gretchen Kotab own the following unit adjoining to 206 Beach Drive, Aptos CA.

Property Address 208 Beach Dr. Aptos CA

I grant my permission for the owners of 206 Beach Drive to apply for a Santa Cruz County vacation rental permit.

Owner Signature



date

8/2/2020

EXHIBIT G