



Staff Report to the Zoning Administrator

Application Number: **231328**

Applicant: O'Neal Vacation Rentals

Agenda Date: 10/06/2023

Owner: John Christensen

Agenda Item #: 3

APN: 028-233-16

Time: After 9:00 a.m.

Site Address: 160 24th Avenue, Santa Cruz CA 95062

Project Description:

Proposal to establish a new four-bedroom vacation rental. Requires a Vacation Rental Permit.

Location: Property is located on the east side of 24th Avenue approximately 160 feet south of the intersection of 24th Avenue and East Cliff Drive at 160 24th Avenue.

Permits Required: Vacation Rental Permit

Supervisory District: 1st District (District Supervisor: Manu Koenig)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 231328, based on the attached findings and conditions.

Project Description & Setting

The project site is located on the east side of 24th Avenue in the Live Oak General Planning Area. The neighborhood is developed with mostly small parcels (between 3000 and 6000 square feet) developed with single-family dwellings.

The subject property is developed with a two-story four-bedroom single-family dwelling originally built in 1965 and subsequently remodeled in 2015 under Building Permit B-144390. This remodel resulted in the current four-bedroom three-bathroom configuration. This is a proposal to operate a vacation rental in the existing four-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.

Zoning & General Plan Consistency

County of Santa Cruz - Community Development & Infrastructure - Planning Division
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

The subject property is a 4007.52 square foot lot, located in the R-1-4-PP (Single-Family Residential-Pleasure Point) zone district, a designation that allows Vacation Rental uses, and the zoning is consistent with the site's R-UM (Urban Medium Density) General Plan designation. However, the proposed vacation rental is a conditionally permitted use within the zone district because it will be within a four-bedroom dwelling.

Vacation rentals within residential structures are permitted within the R-1-4-PP zone district, and the operation of the vacation rental is required to comply with all requirements of the vacation rental ordinance.

The property is located within the Live Oak Designated Area, in which a total of 262 vacation rental permits may be issued and 20% of the Block may be occupied by a vacation rental. There is Currently capacity in both the Designated Area and the Block to accommodate issuance of this permit.

To date, staff has not received any public comment regarding this application.

Parking

The provided parking will meet the requirements of SCCC 13.10.694(D)(2)(c)(iv) B. Pursuant to this Code Section, parking for vacation rentals is limited to the number of on-site parking spaces. A minimum of one on-site space is required for vacation rentals containing one or two bedrooms and a minimum of two on-site spaces is required for rentals containing three or more bedrooms. Guests are also allowed to park one additional off-site vehicle in the vicinity of the vacation rental but shall not have any exclusive or assigned use of any available street parking. The subject dwelling is comprised of four bedrooms; therefore, two on-site parking spaces are required. A total of three parking spaces are available on-site, two within the driveway, meeting the parking requirements of SCCC 13.10.694(D)(2).

Permit Expiration

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 10/06/2023.

Emergency Contact

O'Neal Vacation Rentals has been designated as the 24-hour contact for the vacation rental. 1100 Water Street Suite 2C is located in Santa Cruz, within the required 30-minute response radius from the proposed vacation rental property.

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 **231328**, 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: John Hunter
Santa Cruz County Planning
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3170
E-mail: John.Hunter@santacruzcountyca.gov

Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Parcel Information
- E. Project Plans
- F. Assessor's, Location, General Plan, and Zoning Maps
- G. Safety Certification
- H. Transient Occupancy Tax Registration

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: 231328

Assessor Parcel Number: 028-233-16

Project Location: 160 24th Avenue, Santa Cruz CA 95062

Project Description: Operate a new four-bedroom residential vacation rental

Person or Agency Proposing Project: O'Neal Vacation Rentals

Contact Phone Number: (831) 291-3616

- 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.

John Hunter, Project Planner

Date: _____

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 R-1-4-PP (Single-Family Residential-Pleasure Point) 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-UM (Urban Medium 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 C: Project plans, prepared by Shane O’Neal, dated 07/17/2023.

- 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 imply 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 10 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 3 (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 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 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.

Please note: This permit expires five years from the effective date listed below unless the property is not rented.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

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.

Parcel Information

Services Information

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

Parcel Information

Parcel Size: 4007.52 Square Feet
Existing Land Use - Parcel: Residential
Existing Land Use - Surrounding: Residential
Project Access: 24th Avenue
Planning Area: Live Oak
Land Use Designation: R-UM (Urban Medium Density Residential)
Zone District: R-1-4-PP (Single-Family Residential-Pleasure Point)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. Yes X No

Permit and Property Information

Permit No. (if application is for a renewal): N/A

Assessor's Parcel Number*: 02823316

Street Address: 160 24th Ave, Santa Cruz, CA 95062

Transient Occupancy Tax Registration Number: Managed under O'Neal Vacation Rentals TOT Portal

Number of bedrooms to be rented: 4

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

Owner Information

Name: John Christensen

Mailing Address: 35 Bayview

City: Los Gatos State: CA Zip Code: 95030

Phone No.: 4088588899 Email: jbchristensen@comcast.net

Applicant Information (if different than owner information)

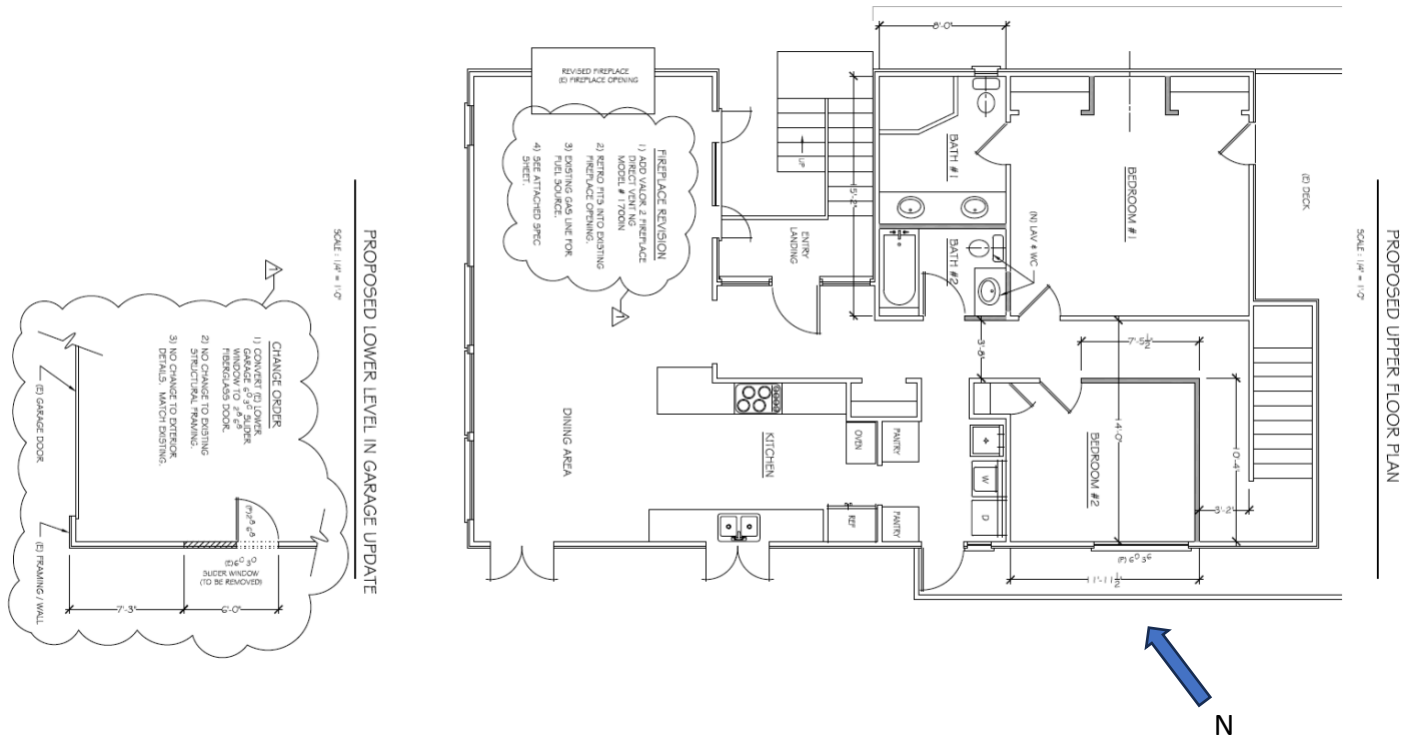
Name: O'Neal Vacation Rentals

Mailing Address: 1100 Water Street suite 2C

City: Santa Cruz State: CA Zip Code: 95062

Phone No.: 831-291-3616 Email: info@onealvr.com

Plans revised 7/17/23 by Shane O'Neal



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Owner Information

Name: John Christensen

Mailing Address: 35 Bayview

City: Los Gatos State: CA Zip Code: 95030

Phone No.: 4088588899 Email: jbchristensen@comcast.net

Applicant Information (if different than owner information)

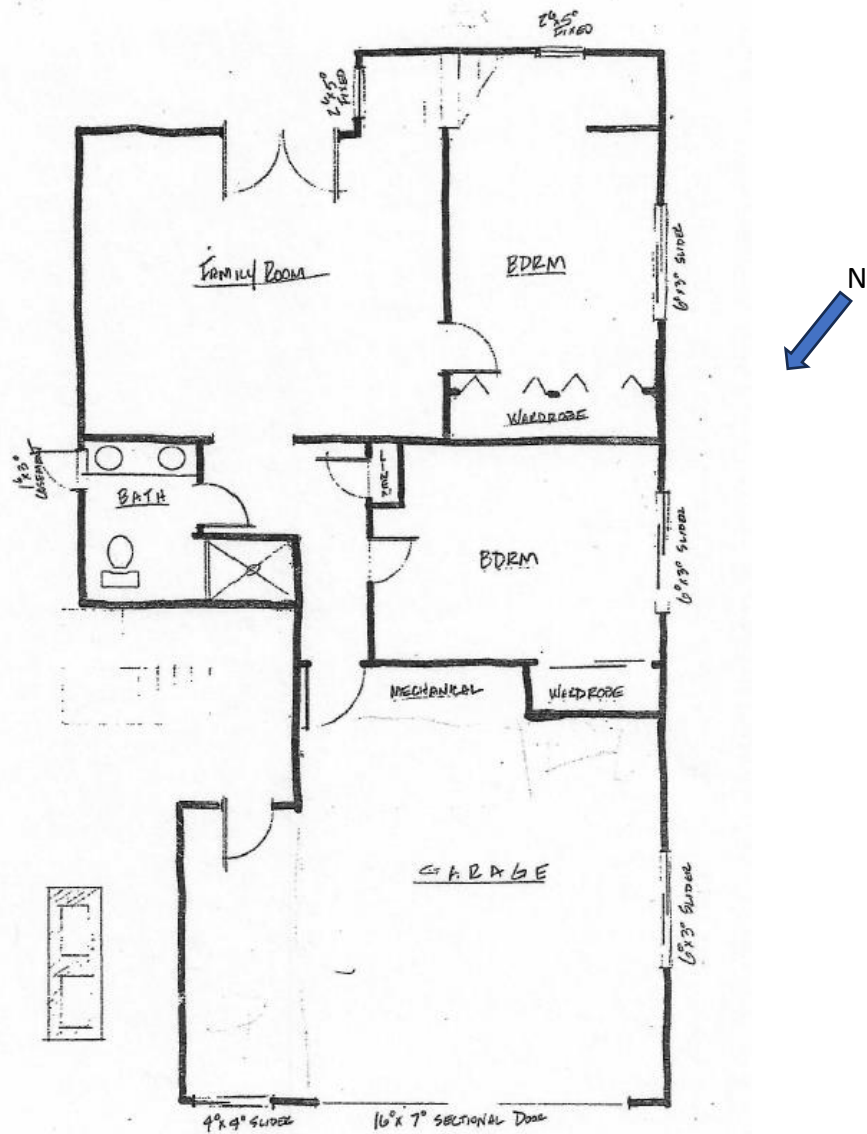
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Phone No.: 4088588899	Email: jbchristensen@comcast.net		

Applicant information (if different than owner information)
 Name: **O'Neal Vacation Rentals**
 Mailing Address: **1100 Water Street suite 2C**
 City: **Santa Cruz** State: **CA** Zip Code: **95062**
 Phone No.: **831-291-3616** Email: **info@onealvr.com**

Parking Plans



Plans revised 7/17/23 by Shane O'Neal



Permit and Property Information	
Permit No. (if application is for a renewal):	N/A
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Street Address:	160 24th Ave, Santa Cruz, CA 95062
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State:	CA
Zip Code:	95030
Phone No.:	4088588899
Email:	jbchristensen@comcast.net
Applicant Information (if different than owner information)	
Name:	O'Neal Vacation Rentals
Mailing Address:	1100 Water Street suite 2C
City:	Santa Cruz
State:	CA
Zip Code:	95062
Phone No.:	831-291-3616
Email:	info@onealvr.com

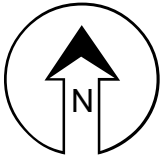


Parcel Location Map



Parcel: 02823316

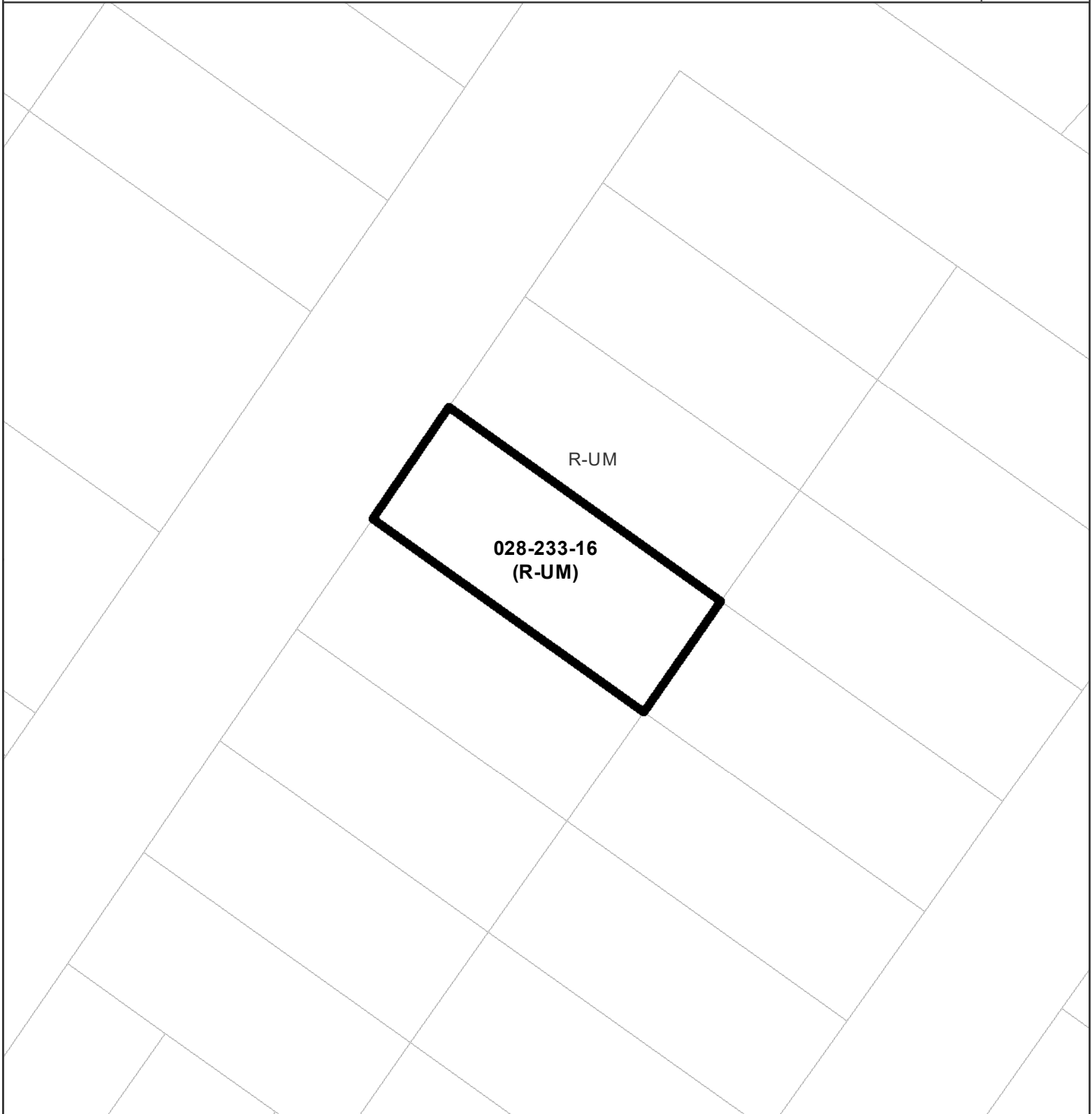
-  Study Parcel
-  Assessor Parcel Boundary



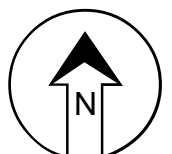
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Parcel General Plan Map



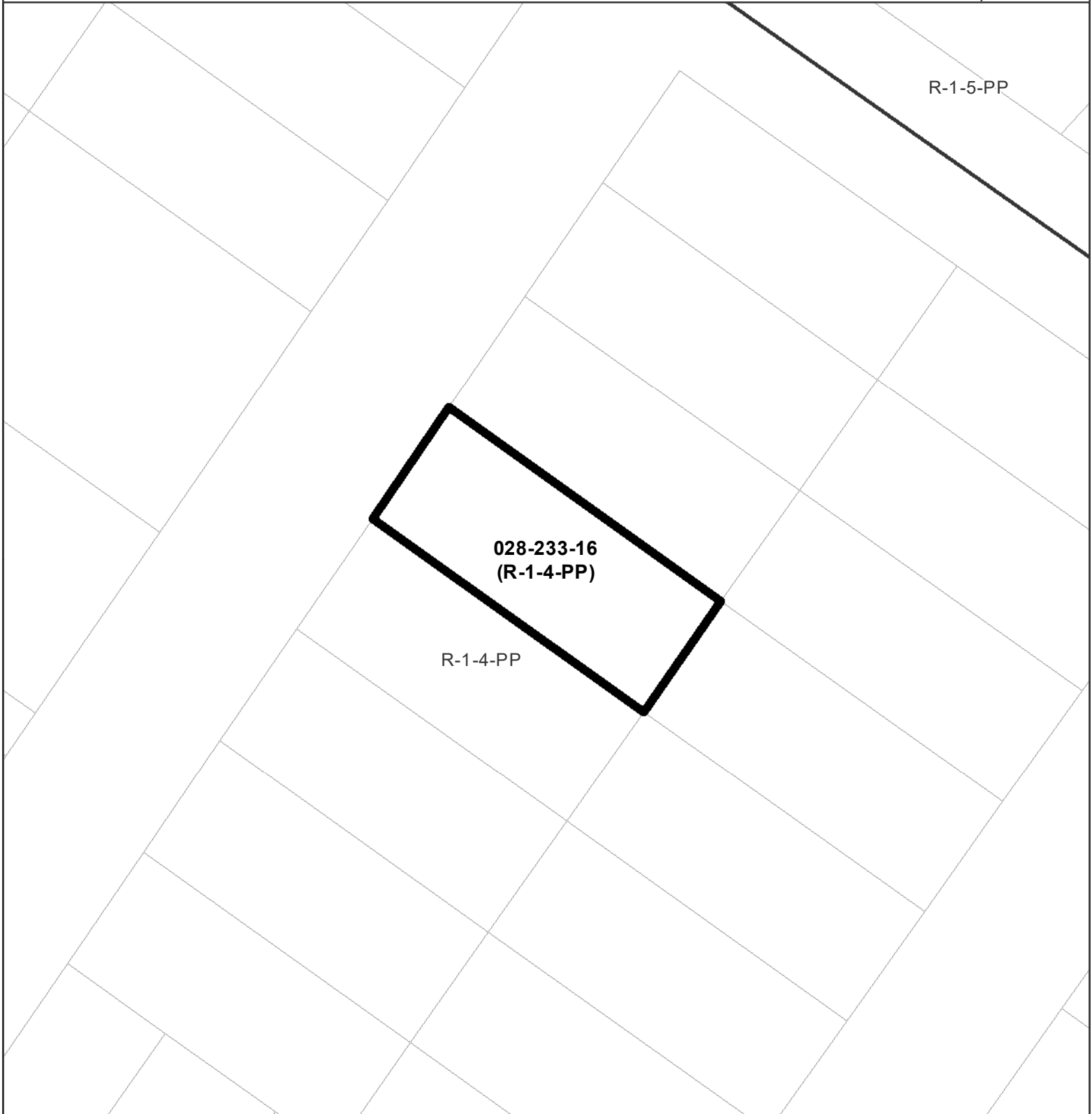
☐ R-UM *Res. Urban Medium Density*



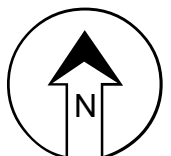
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Parcel Zoning Map



☐ R-1 *Single-Family Residential*



0 10 20
Feet



County of Santa Cruz
Community Development & Infrastructure
 701 Ocean Street 4th Floor, Santa Cruz, CA 95060
www.sccoplanning.com

Vacation Rental Permit & Renewal Application Form

Form
PLG-150
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 Rev 1/12/23

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

Shane O'Neal
 596AA4273965467

7/13/2023

 Property Manager/ Agent

 Date



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

CNTY OF SANTA CRUZ TTC
JUL 14 '23 AM 8:03

FOR COUNTY USE ONLY

Certificate Number:

Date Issued:

APN Number:

PLEASE PRINT OR TYPE

Name of Facility or Unit 160 24th Ave
Address of Facility or Unit 160 24th Ave, Santa Cruz, CA 95062
Property Manager (If Applicable) O'Neal Vacation Rentals
Mailing Address 1100 Water Street ste 2C, Santa Cruz, CA 95062
Email Address info@onealvr.com Phone# 831-291-3616

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 _____

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

Owner(s) Name (List Principals):

Operator's Name	Address	Phone Number
O'Neal Vacation Rentals	1100 Water Street ste 2C, Santa Cruz, CA 95062	831-291-3616

Local Emergency Contact

Name	Email Address	Phone Number
O'Neal Vacation Rentals	info@onealvr.com	831-291-3616

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

Signed  Date 7/13/23

*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.