



Staff Report to the Zoning Administrator

Application Number: **231398**

Applicant: Timothy Morland, Code Compliance

Owner: Timothy Clayman

APN: 101-162-11

Site Address: 3041 Branciforte Dr, Santa Cruz, CA 95065

Agenda Date: March 15, 2024

Agenda Item #: 5

Time: After 9:00 a.m.

Project Description: Proposal to Revoke Hosted Rental Permit 231398

Location: The parcel is located on the east side of Branciforte Drive.

Supervisory District: First District (District Supervisor: Manu Koenig)

Staff Recommendation:

- Revocation of Permit 231398, based on the following.

Background

The parcel is developed with an existing three-bedroom single-family dwelling constructed in 1973 and zoned rural-residential. The parcel was originally approved to operate a two-bedroom hosted rental on October 2, 2018 (Permit # 181399). The Hosted Rental permit was renewed on October 2, 2023, and expires September 17, 2028 (Permit # 231398).

Staff Summary

On February 7, 2024, Code Compliance staff identified the use of a treehouse as an unpermitted vacation rental located at 3041 Branciforte Drive. Upon further review, Code Compliance staff found that the primary single-family dwelling, which is permitted as a Hosted Rental, was not being used as such. In addition, a search of property permit records found no issued building permits on file with the County of Santa Cruz for any other structure. As a result, Code Compliance staff issued citation #00362 for advertising and using an unpermitted structure (treehouse) as a hosted rental.

Vacation Rental Permit Revocation Procedure

Pursuant to County code section 13.10.690 I, "it is unlawful for any person to use or allow the use of property in violation of the provisions of this section." Furthermore, "if more than two significant violations occur on a vacation rental property within a 12-month period, a permit shall be noticed for a public hearing before the Zoning Administrator to consider permit revocation."

Significant violations are defined in the code to include:

‘ “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.’

1. Based on the above code compliance citation record within the past 12 months, the above cited violations support revocation of the existing hosted rental. Therefore, staff is recommending the zoning administrator revoke Permit Number 231398 due to the use of an unpermitted structure as a Hosted rental, and advertisements which exceed the scope of Hosted Rental permit 231398.

Findings for revocation are attached as Exhibit A.

Staff Recommendation

- Revoke Permit Number 231398

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: Tim Morland
Santa Cruz County Planning
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3122
E-mail: Tim.Morland@santacruzcountyca.gov

Application #: 231398
APN: 101-162-11
Owner: Timothy Clayman

Exhibits

- A. Development Permit Findings
- B. Permit #231398
- C. Evidence

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.**

N/A

- 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.**

The property owner violated numerous provisions of SCCC 13.10.60. Please see the following violations, as documented under Exhibit C:

- A. Airbnb Listing # 17996838 "Luxury Treehouse in the Redwoods" advertises the unpermitted structure (treehouse).
- B. Airbnb History # 17996838 "Luxury Treehouse in the Redwoods" states multiple the dates the treehouse was used as a hosted rental.
- C. Airbnb Invoice # 17996838 "Luxury Treehouse in the Redwoods" confirms a booking of the treehouse for less than 30 nights.

- 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.**

N/A

- 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.**

N/A

- 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.**

N/A

- 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.**

N/A

Exhibit B



HOSTED RENTAL PERMIT

701 Ocean Street, Santa Cruz, CA 95060 | TDD (831)454-2123 | Fax (831)454-2131 | Tel (831)454-2130

Approval Date: 10/2/2023
Parcel No. 10116211
Owner: CLAYMAN TIMOTHY H/W CP RS ETAL
Address: 3041 BRANCIFORTE DR
SANTA CRUZ CA 95065-9775

PERMIT DESCRIPTION

Permit for the short-term rental of two-legal bedroom in an existing single-family dwelling where a long-time resident, acting as host, occupies one of the other rooms in the dwelling. The short-term rental allows for overnight lodging for a period of less than 30 days.

Renewal of 181399.

Expires 09/17/2028.

Contact Person: CLAYMAN TIMOTHY H/W CP RS ETAL
3041 BRANCIFORTE DR
SANTA CRUZ CA 95065
Day Phone: (831)747-7118

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.

Your permit must be renewed 5 years from the date of issuance.

Hosted Rental Permit Conditions of Approval:

- The following conditions of approval, the attached noise ordinance, and emergency evacuation instructions shall be posted in a location that is readily visible to all guests.
- The maximum number of guests allowed is 3 per bedroom (children under 8 are not counted). Rental to unaccompanied minors under the age of eighteen (18) is prohibited.
- The maximum number of vehicles shall be limited to one vehicle per hosted bedroom. Vehicles may be parked on site or in legal street parking close to the host property.
- Illegal behavior is prohibited. Fireworks are illegal in Santa Cruz County.
- No cooking shall be allowed in any guest room or in any bathroom. Food service, if provided, shall be limited to breakfast served to guests only, and shall be subject to applicable regulations of the Santa Cruz County Environmental Health Department.
- Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
- No weddings, outdoor parties, or similar activities are authorized under this permit.
- The hosted rental shall provide facilities for sleeping, bathing, and toileting inside of a permanent dwelling that is suitable for human occupancy. Rental of sleeping space in or on balconies, porches, tents, sheds, vehicles, RVs, or outdoor areas is prohibited as a hosted rental. Trash must be kept in covered containers.
- The long-term resident of a hosted rental is responsible for ensuring that the property does not become a nuisance due to short-term rental activity.
- On-site advertising signs or other displays indicating that the residence is being utilized as a short-term rental are prohibited. All advertising for hosted rentals shall include the permit number in the first two lines of the advertisement text, and where photos are included, a photo containing the permit number shall be included.
- As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
 - D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Exhibit C

Airbnb / Listing ID: 17996838

2021 / December / 14

ue Dec 14 16:26:56 2021 - <https://www.airbnb.com/rooms/17996838>



Start your search



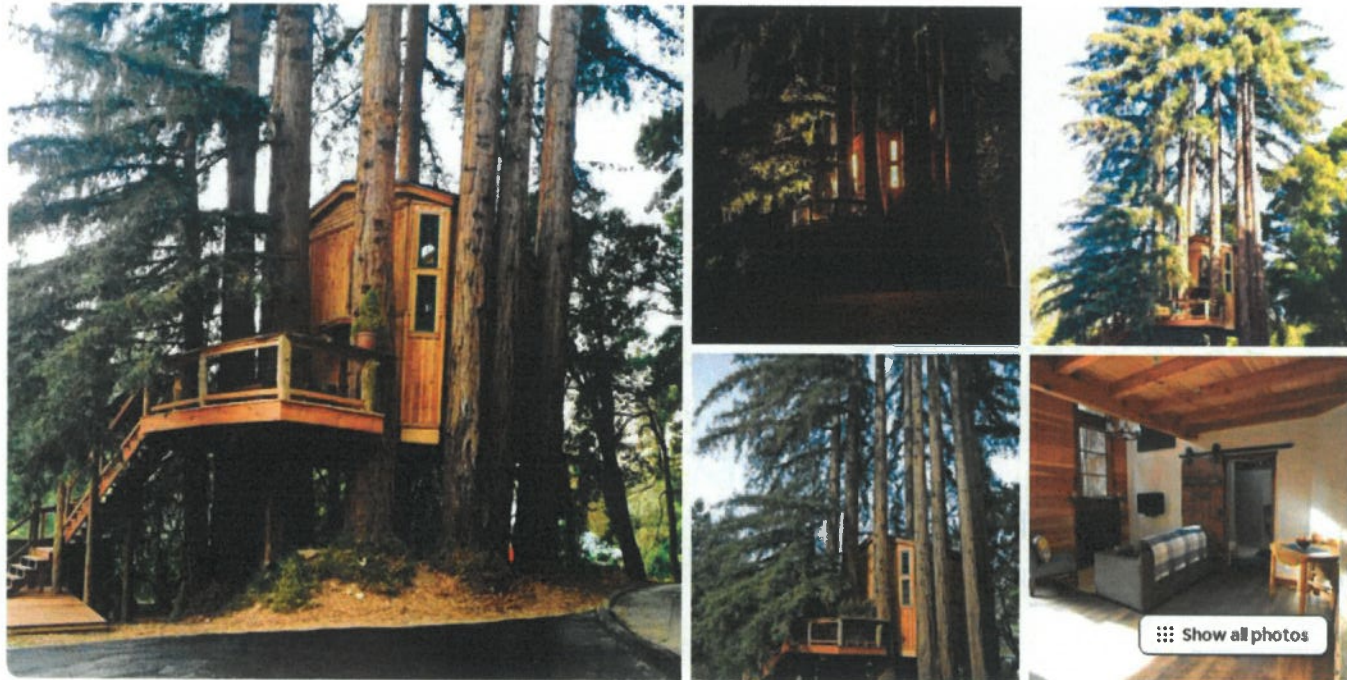
Become a Host



Luxury Treehouse in the Redwoods

★ 4.98 (525 reviews) · Superhost · [Santa Cruz, California, United States](#)

[Share](#) [Save](#)



Treehouse hosted by Lindsay

2 guests · 1 bedroom · 1 bed · 1 bath



Entire home

You'll have the treehouse to yourself

\$197 / night

★ 4.98 (525 reviews)

CHECK-IN
Add date

CHECKOUT
Add date

GUESTS
1 guest



Luxury Treehouse in the Redwoods

[Share](#) [Save](#)

Treehouse in Santa Cruz, California

2 guests · 1 bedroom · 1 bed · 1 bath

★ 4.98 · [810 reviews](#)



Hosted by Lindsay

Superhost · 6 years hosting



Self check-in

Check yourself in with the smartlock.



Lindsay is a Superhost

Superhosts are experienced, highly rated Hosts.

\$195 night

CHECK-IN
11/12/2023

CHECKOUT
11/13/2023

GUESTS
1 guest ▾

Reserve

You won't be charged yet

\$195 x 1 night

\$195

Cleaning fee

\$65

Airbnb / Listing ID: 17996838

2024 / February / 04

- Sun Feb 4 23:21:23 2024 - <https://www.airbnb.com/rooms/17996838>



Anywhere

Any week

Add guests



Airbnb your home



Luxury Treehouse in the Redwoods

[Share](#) [Save](#)



Treehouse in Santa Cruz, California

2 guests · 1 bedroom · 1 bed · 1 bath

★ 4.98 · [835 reviews](#)



Hosted by Lindsay

Superhost · 6 years hosting

\$195 night

CHECK-IN
2/6/2024

CHECKOUT
2/7/2024

GUESTS
1 guest



Reserve

Download

< Confirm and pay

This is a rare find.
Lindsay's place is usually booked.



Your trip

Dates

Mar 28 – 30

[Edit](#)

Guests

1 guest

[Edit](#)

Choose how to pay

☒ **Pay in full**
Pay the total (\$659.81).

☐ **Pay part now, part later with Airbnb**
\$297.71 due today, \$362.10 on Mar 13, 2024. No extra fees. [More info](#)

☐ **Pay monthly with Klarna**
From \$55 per month for 12 months. Interest may apply. [More info](#)

Log in or sign up to book

Country code
United States (+1)



Phone number

We'll call or text you to confirm your number. Standard message and data rates apply. [Privacy Policy](#)

Continue

or



Continue with email



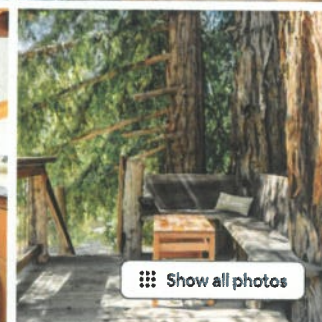
Treehouse
Luxury Treehouse in the Redwoods

★ 4.98 (835 reviews) • Superhost

Price details

\$225.00 x 2 nights	\$450.00
Cleaning fee	\$65.00
Airbnb service fee	\$72.71
Taxes	\$72.10
Total (USD)	\$659.81

Luxury Treehouse in the Redwoods

[Share](#) [Save](#)

[Show all photos](#)

Treehouse in Santa Cruz, California

2 guests · 1 bedroom · 1 bed · 1 bath



Guest favorite

One of the most loved homes on Airbnb, according to guests

4.98
★★★★★

835
Reviews



Hosted by Lindsay

Superhost · 6 years hosting



Self check-in

Check yourself in with the smartlock.



Lindsay is a Superhost

Superhosts are experienced, highly rated Hosts.



Free cancellation before February 27

\$225 night

CHECK-IN	CHECKOUT
3/28/2024	3/30/2024

GUESTS
1 guest



Reserve

You won't be charged yet

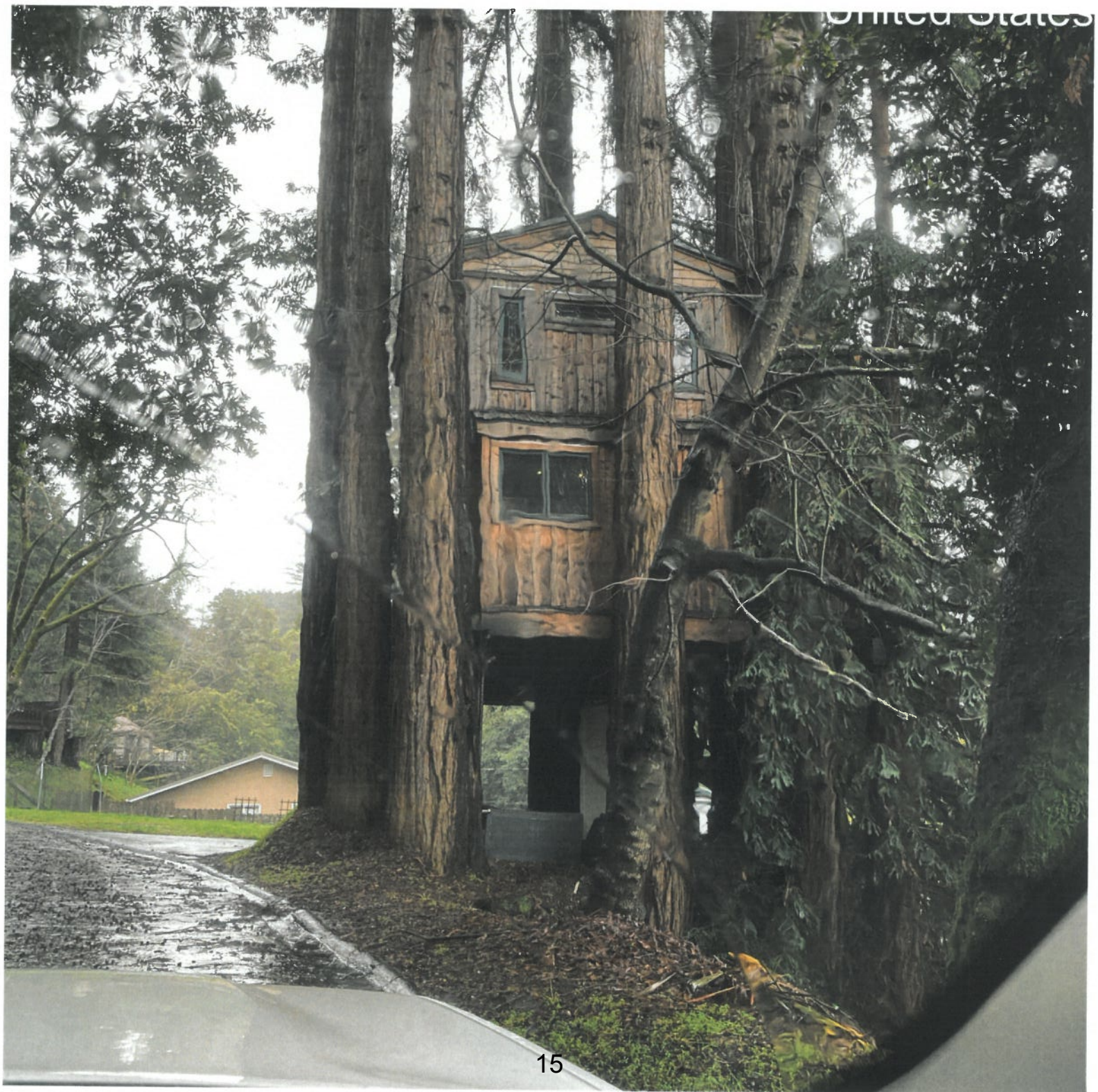
\$225 x 2 nights	\$450
Cleaning fee	\$65
Airbnb service fee	\$73
Total before taxes	\$588

Luxury treehouse with full kitchen, bathroom and living room with gas fireplace, WIFI and TV. The treehouse is built within a grove of redwood trees on our property. The host's



This is a rare find

Lindsay's place is usually fully booked



 PLANNING AND COMMUNITY DEVELOPMENT ADMINISTRATIVE CITATION CITY OF LOS ANGELES		00362			
DATE	7/7/24	TIME	1:15 PM	CITY	
APRIN	101	102-11			
<input checked="" type="radio"/> Owner <input type="radio"/> Responsible Party					
NAME	Anthony Clemons				
ADDRESS NAME					
ADDRESS	2041 W. Century Blvd				
CITY	Santa Cruz CA 95065				
DATE OF VIOLATIONS	same as mailing				
COUNTY OF SANTA CRUZ VIOLATION FINES		1st	2nd	3rd	
		\$100	\$200	\$500	
		75.10.0445	✓		
		75.10.2410	✓		
TOTAL CITATION PENALTY DUE: \$100					
Comments: <u>Unpermitted advertising</u> <u>on non-permitted structure</u> <u>tree house / play structure</u> <u>violating zoning violation</u>					
COMPLIANCE ORDER					
You must take the following required action(s) to correct the violation(s): <u>create all advertising on</u> <u>permitted structure</u> <u>(tree house)</u>					
You are ordered to correct or otherwise remedy the listed violations by the compliance date of <u>7/31/24</u>					
Issued By		Phone #			

Forward to: **LightHouse** - "Signature administrative services and receipt of all citations"
 SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION
 1-Agency Copy 2-Defendant Copy

3	0	4	1	
---	---	---	---	---

00382
 1. 10/10/1964
 2. 10/10/1964
 3. 10/10/1964
 4. 10/10/1964
 5. 10/10/1964
 6. 10/10/1964
 7. 10/10/1964
 8. 10/10/1964
 9. 10/10/1964
 10. 10/10/1964
 11. 10/10/1964
 12. 10/10/1964
 13. 10/10/1964
 14. 10/10/1964
 15. 10/10/1964
 16. 10/10/1964
 17. 10/10/1964
 18. 10/10/1964
 19. 10/10/1964
 20. 10/10/1964
 21. 10/10/1964
 22. 10/10/1964
 23. 10/10/1964
 24. 10/10/1964
 25. 10/10/1964
 26. 10/10/1964
 27. 10/10/1964
 28. 10/10/1964
 29. 10/10/1964
 30. 10/10/1964
 31. 10/10/1964
 32. 10/10/1964
 33. 10/10/1964
 34. 10/10/1964
 35. 10/10/1964
 36. 10/10/1964
 37. 10/10/1964
 38. 10/10/1964
 39. 10/10/1964
 40. 10/10/1964
 41. 10/10/1964
 42. 10/10/1964
 43. 10/10/1964
 44. 10/10/1964
 45. 10/10/1964
 46. 10/10/1964
 47. 10/10/1964
 48. 10/10/1964
 49. 10/10/1964
 50. 10/10/1964
 51. 10/10/1964
 52. 10/10/1964
 53. 10/10/1964
 54. 10/10/1964
 55. 10/10/1964
 56. 10/10/1964
 57. 10/10/1964
 58. 10/10/1964
 59. 10/10/1964
 60. 10/10/1964
 61. 10/10/1964
 62. 10/10/1964
 63. 10/10/1964
 64. 10/10/1964
 65. 10/10/1964
 66. 10/10/1964
 67. 10/10/1964
 68. 10/10/1964
 69. 10/10/1964
 70. 10/10/1964
 71. 10/10/1964
 72. 10/10/1964
 73. 10/10/1964
 74. 10/10/1964
 75. 10/10/1964
 76. 10/10/1964
 77. 10/10/1964
 78. 10/10/1964
 79. 10/10/1964
 80. 10/10/1964
 81. 10/10/1964
 82. 10/10/1964
 83. 10/10/1964
 84. 10/10/1964
 85. 10/10/1964
 86. 10/10/1964
 87. 10/10/1964
 88. 10/10/1964
 89. 10/10/1964
 90. 10/10/1964
 91. 10/10/1964
 92. 10/10/1964
 93. 10/10/1964
 94. 10/10/1964
 95. 10/10/1964
 96. 10/10/1964
 97. 10/10/1964
 98. 10/10/1964
 99. 10/10/1964
 100. 10/10/1964
 101. 10/10/1964
 102. 10/10/1964
 103. 10/10/1964
 104. 10/10/1964
 105. 10/10/1964
 106. 10/10/1964
 107. 10/10/1964
 108. 10/10/1964
 109. 10/10/1964
 110. 10/10/1964
 111. 10/10/1964
 112. 10/10/1964
 113. 10/10/1964
 114. 10/10/1964
 115. 10/10/1964
 116. 10/10/1964
 117. 10/10/1964
 118. 10/10/1964
 119. 10/10/1964
 120. 10/10/1964
 121. 10/10/1964
 122. 10/10/1964
 123. 10/10/1964
 124. 10/10/1964
 125. 10/10/1964
 126. 10/10/1964
 127. 10/10/1964
 128. 10/10/1964
 129. 10/10/1964
 130. 10/10/1964
 131. 10/10/1964
 132. 10/10/1964
 133. 10/10/1964
 134. 10/10/1964
 135. 10/10/1964
 136. 10/10/1964
 137. 10/10/1964
 138. 10/10/1964
 139. 10/10/1964
 140. 10/10/1964
 141. 10/10/1964
 142. 10/10/1964
 143. 10/10/1964
 144. 10/10/1964
 145. 10/10/1964
 146. 10/10/1964
 147. 10/10/1964
 148. 10/10/1964
 149. 10/10/1964
 150. 10/10/1964
 151. 10/10/1964
 152. 10/10/1964
 153. 10/10/1964
 154. 10/10/1964
 155. 10/10/1964
 156. 10/10/1964
 157. 10/10/1964
 158. 10/10/1964
 159. 10/10/1964
 160. 10/10/1964
 161. 10/10/1964
 162. 10/10/1964
 163. 10/10/1964
 164. 10/10/1964
 165. 10/10/1964
 166. 10/10/1964
 167. 10/10/1964
 168. 10/10/1



