

## MEMORANDUM

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Date: April 10, 2024

To: Zoning Administrator

From: Shawna Rooks

Re: Continuance of Zoning Administrator Public hearing for consideration of Code Compliance Report regarding revocation of Vacation Rental Permit # 221043 / 028-411-10 / 2231 Alice Drive

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This vacation rental permit revocation hearing was originally heard on February 2, 2024 and was continued to April 19, 2024 by Zoning Administrator, Steven Guiney, to allow the property owner to work with Department staff to correct the cited violation, for the unpermitted conversion of the detached non-habitable accessory structure (carport/garage) to a habitable studio, and to comply with the mandated permit conditions and the Vacation Rental Ordinance (SCCC 13.10.694).

On February 14, 2024, Code Compliance mailed out letters to all short term rental permit holders, which included this property, providing a detailed list of requirements that must be adhered to by all permit holders. See attached Exhibit 2A.

On February 15, 2024, the property owner had a meeting with Zoning, Code Compliance, and Building staff to discuss rectifying the November 2023 cited violations, including legality review of the carport/garage conversion by Zoning staff. The zoning review staff determined that the garage conversion was unpermitted. As a result, the property owner was required to obtain a demolition permit to remove all habitable features and return the structure to its original non-habitable condition, in addition to ensuring that all short term rental advertisements and existing permit conditions were compliant with SCCC 13.10.694.

On February 22, 2024, the property owner met Building Department staff to discuss obtaining a permit for the demolition of the shower & bathtub as noted:

Issuance of Permit# B-241891: *“Demo all habitable features such as the bathroom and shower in an existing storage shed to rectify code case NV25019.”*

On February 29, 2024, a partial building inspection was completed by the Building Inspector. Inspection notes read as follows: *“Part App. Proj Final – Tub/Shower removed. Need to verify bldg. permit for sink & toilet in non-hab/storage space prior to final.”*

Subsequent correspondence was exchanged between Code Compliance staff and the property owner, who expressed confusion over the required removal of the toilet and sinks because the owner intended to retain them. Code Compliance staff clarified that if any amenities are desired to be maintained, a separate permit to recognize these unpermitted amenities was also required.

On March 6, 2024, Code Compliance staff mailed the property owner correspondence clarifying conditions of approval required to be in conformance with the April 19, 2024 scheduled hearing. See attached Exhibit 2B.

Subject:  
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On March 13, 2024, the property owner met Zoning staff again to discuss legality of garage conversion for both current and previous APN 028-053-36. No permit record was identified for the conversion of the detached non-habitable structure to a studio by Zoning staff research.

On March 28, 2024, the property owner was notified via email that a review of 2231 Alice Street short-term rental advertisements found that further revisions are required to comply with the Vacation Rental Permit. This will include a limit of 1 advertisement per rental platform, with consistent identification for all listings. Advertisements shall not include additional units or more bedrooms than the maximum 3 bedrooms allowed by the permit approval.

On April 5, 2024 we recieved confirmation that Building permit B-241891 was finaled which addresses the cited violation related to the gargae conversion.

With these recommended advertisement changes along with the finaled building permit, the vacation rental will be in compliance with the Vacation Rental regulations and permit conditions.

Exhibits:

- 2A Vacation Rental Ordinance Requirements Letter Dated February 14, 2024
- 2B Compliance Letter Dated March 6, 2024
- 2C Original Staff Report Dated February 2, 2024



County of Santa Cruz

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Department of Community Development and Infrastructure

701 Ocean Street, Fourth Floor, Santa Cruz, CA 95060

Planning (831) 454-2580

Public Works (831) 454-2160

sccoplanning.com

dpw.co.santa-cruz.ca.us

Matt Machado -Deputy CAO, Director of Community Development &

**Date: March 6, 2024**

**ATTN: Omar Devlin  
2231 Alice Dr  
Santa Cruz, CA 95062**

**Re: Parcel #: 028-411-10**

**Permit #: 231398**

**Address: 2231 Alice Dr, Santa Cruz, CA 95062**

On February 2, 2024, Zoning Administrator Steven Guiney, mandated a series of conditions be met by the April 19, 2024, Zoning Administrator to keep your permit in good standing. The conditions outlined were to correct multiple online advertisement to meet the conditions of your short-term rental permit and comply with the County of Santa Cruz's Vacation rental ordinance (SCC 13.10.694). In addition, Zoning Administrator Guiney mandated that the rear parcel which was used as a short-term rental be brought back to its original use.

We appreciate the progress you have made and will continue to monitor your short-term rental activity to ensure you are complying with the conditions the Zoning Administrator mandated and the short-term rental ordinance. We will also monitor the status of your demolition permit application process and bringing the structure back to its original use.

Sincerely,

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



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# County of Santa Cruz

## DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE

701 OCEAN STREET, FOURTH FLOOR, SANTA CRUZ, CA 95060-4070

Planning (831) 454-2580

Public Works (831) 454-2160

«Applicant»

«Applicants\_Address»

«City\_State\_Zip»

Subject: Application #: «**Application\_Number**»; Assessor's Parcel #: «**APN**»

Owner: «**Owner**»

Dear «Applicant»:

### Important Information Regarding Short-Term Vacation Rental Ordinance Requirements

We appreciate your compliance with the regulations outlined in the Santa Cruz County Code pertaining to short-term vacation rentals (**SCCC 13.10.694**). As part of our ongoing efforts to ensure compliance with the short-term rental ordinance, we would like to bring your attention to certain ordinance requirements that demand adherence for the continued operation of your short-term rental:

**(1) Signs:** Every vacation rental must prominently display a sign identifying the structure as a permitted vacation rental. This sign should be no more than 20 feet back from the nearest street and include the 24-hour local property manager's contact information. The sign must also indicate the beginning and end dates of the five-year vacation rental permit. Please ensure that this sign is continuously maintained during rental periods.

**(2) Posting of Rules:** Inside the vacation rental, please prominently display the vacation rental rules. These rules should cover essential aspects such as the allowed number of guests and vehicles, restrictions on noise and illegal behavior (including a statement about the illegality of fireworks), and guidelines for trash management.

**(3) Noise:** Compliance with Chapter 8.30 of the Santa Cruz County Code (SCCC) is mandatory for all residential vacation rentals. A copy of this chapter must be posted inside the vacation rental for the awareness of all guests. Prohibited activities include the use of equipment requiring more than standard household electrical current and any activities generating noise, dust, odor, or vibration detrimental to adjacent dwellings.

**(4) Transient Occupancy Tax:** Ensure compliance with SCCC 4.24, meeting all regulations and standards, including the payment of transient occupancy tax for each residential vacation rental unit.

**(5) Advertising:** All advertising for your vacation rental must include the vacation rental permit number in the first two lines of the text. Additionally, any photos in your advertisement should contain the permit number and display the required signage, including 24-hour contact information and vacation rental identification. Advertising a vacation rental without a valid permit is a violation, subject to penalties outlined in Chapter 19.01 SCCC.

**(6) Permit Conditions:** All conditions outlined in your permit must be met.

Proactive enforcement measures are being undertaken by the County of Santa Cruz to monitor and ensure compliance with these regulations and against unpermitted short-term rental properties. Failure to adhere to the specified guidelines may result in civil penalties and, in severe cases, the revocation of your short-term vacation rental permit **(13.10.694 L)**.

We appreciate your cooperation in ensuring that your short-term vacation rental operates in compliance with the County of Santa Cruz ordinance. If you have any questions or require further clarification, please do not hesitate to contact Code Compliance Investigator, Tim Morland.

Thank you for your attention to this matter.

Sincerely,

Tim Morland

Code Compliance Investigator III

Office Phone: (831)-455-2901

Email: [Tim.Morland@santacruzcountyca.gov](mailto:Tim.Morland@santacruzcountyca.gov)



## Staff Report to the Zoning Administrator

Application Number: **221043**

**Applicant:** Timothy Morland, Code Compliance  
**Owner:** Omar Devlin  
**APN:** 028-411-10  
**Site Address:** 2231 Alice Street

**Agenda Date:** January 5, 2024  
**Agenda Item #:** 2  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to Revoke Vacation Rental Permit 221943.

**Location:** Property located on the north side of Alice Street (2231 Alice Street), approximately 130 feet west of the intersection with Corcoran Avenue in Santa Cruz.

**Permits Required:** Revocation of Vacation Rental Permit 221043

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

### **Staff Recommendation:**

- Revocation of Permit 221043, based on the following.

### **Background**

The existing three-bedroom single-family dwelling was constructed in 1949 with a carport which was converted to a second dwelling without benefit of permits.

The parcel was originally approved to operate a three-bedroom short-term vacation rental within the original dwelling on June 6, 2022. The short-term rental permit (221043) expires on June 6, 2027. The vacation rental permit is attached as Exhibit 1.

### **Staff Summary**

On November 1<sup>st</sup>, 2023, the Code Compliance Division processed a complaint reporting a violation of the County of Santa Cruz's short-term rental ordinance. The complaint alleged that the property owner was advertising a habitable structure at the rear of the property as part of the vacation rental. It should be noted that if a Permit were obtained to recognize the unpermitted unit as an ADU, per County Code 13,10.691(G)(4) a property with an ADU or JADU shall not be eligible for participation in the vacation rental or hosted rental programs.

Upon review of Rentalscape data, staff confirmed that the second unit on the property was being advertised as a short-term vacation rental on Airbnb, and VRBO, which is a clear violation of the scope of the properties vacation rental permit. (See Exhibit 1).

Upon further review of Rentalscape, staff found multiple additional violations of the County of Santa Cruz's short-term rental ordinance (13.10.694), which are listed below:

- Airbnb listing number 52384249, and VRBO listing number 3404137 both advertise a four-bedroom short-term rental, which exceeds the number of rooms that can be rented per the parcel's short-term rental permit.
- All advertisements on Rentalscape do not list the short-term vacation rental permit number in the first two lines of the advertisement. The ordinance requires all ads to include the permit number 13.10.694 (J).
- Airbnb history number 54178167, and VRBO history number 2897417 indicate that a non-permitted habitable structure in the rear of the parcel was used as a short-term rental unit. The permit did not authorize use of a habitable structure for short term rental use (Exhibit 1).

In addition, on November 2, 2023, Code Compliance processed a complaint reporting the unpermitted conversion of a shed to a 1 bedroom, 1 kitchen studio. A review of County permit records found no record of a permit for the conversion of a non-habitable structure to an ADU on site and subsequently, on November 15<sup>th</sup>, 2023, a notice of violation was posted on the property for the unpermitted unit and the violations of the vacation rental ordinance noted above.

#### **Vacation Rental Permit Revocation Procedure**

**Pursuant to County code section 13.10.694 L, "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.’

**Based on the above code compliance citation record within the past 12 months, the above**

**cited violations support revocation of the existing vacation rental. Therefore, staff is recommending the zoning administrator revoke Permit Number 221043** due to the use of the non-habitable structure as a short-term rental unit, multiple listings advertising a quantity of rooms, which exceeds the scope of the short-term rental permit, and multiple listings, which do not list the permit number in the first two lines of the advertisements. The attached development permit revocation findings support the revocation of Permit 221043.

### **Staff Recommendation**

- **Revoke Permit Number 221043** based on attached Development Permit Revocation Findings.

**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](http://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: [Timothy.Morland@santacruzcountyca.gov](mailto:Timothy.Morland@santacruzcountyca.gov)

### **Exhibits**

1. Permit 2210432.
2. Violation Evidence

## **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.**

The proposed residential vacation rental as approved by Permit 221043 was authorized only within the existing dwelling and did not authorize vacation rental uses within any accessory structure on the parcel. As operated, the vacation rental use has included use of an unpermitted habitable accessory structure/unit and therefore, compliance with the Building Code cannot be verified. In addition, conformance with the health and safety standards established for vacation rental units, including smoke and carbon monoxide alarms, working ground fault circuit interrupters, emergency egress in all sleeping rooms, and handrails along stairs and walking surfaces above 30 inches in height to ensure the optimum in safety, have not been determined for the accessory structure. Therefore, this finding cannot be made.

**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 cannot be made. As operated the vacation rental is not consistent with all pertinent County ordinances and the purpose of the R-1-5 (single-family) zone district in that the residential vacation includes rental of an unpermitted habitable unit that cannot be shown to meet all requirements of the zoning ordinance. Further, the vacation rental use does not comply with the provisions of the vacation rental ordinance or the conditions of approval of Vacation Rental Permit 221043, in that as advertised, the property is listed as a four-bedroom short-term rental, which exceeds the number of rooms that can be rented. Additionally, advertisements for this property do not list the short-term vacation rental permit number in the first two lines of the advertisement as required.

**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 cannot be made, in that the proposed residential vacation rental use is not consistent with the use and density requirements specified for the R-UM (Residential, Urban Medium Density) land use designation in the County General Plan in that an unpermitted second dwelling unit exists on the parcel where only one dwelling is allowed.

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.**

The residential vacation rental, as approved by Permit 221043, was permitted only within an existing single family residential structure. As operated, the vacation rental use includes four bedrooms where only three are permitted, including rental of an unpermitted habitable unit. Further, because the conversion of the accessory structure to a habitable unit was unpermitted,

the use of utilities has not been evaluated for conformance with prevailing building technology, the California Building Code, and the County Building ordinance, to ensure the conservation of energy and resources.

This finding, therefore, cannot be made.

**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 cannot be made. The short-term vacation rental is required to be located within an existing residential dwelling located within a residential neighborhood, consistent with the land use intensity and density of residential neighborhoods. However, as operated, the vacation rental use includes the use of an unpermitted habitable accessory structure that has not been evaluated for conformance with these standards.

**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 existing dwelling and proposed vacation rental use are exempt from the Design Review Ordinance.

## Exhibit #1



County of Santa Cruz, PLANNING DEPARTMENT  
Development Permit Application

221043

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

Application Date: 02/25/2022

Print Date: 06/21/2022

At Cost No: ACP 18496

**Parcel No.** 02841110

**Address** 2231 ALICE ST, SANTA CRUZ CA 95062

**PROJECT DESCRIPTION**

Permit to operate a new three bedroom residential vacation rental. Property is located at 2231 Alice Street, Santa Cruz CA 95062.

**Directions to Property** Property is located on the north side of Alice Street approximately 120 feet west of the intersection of Corcoran Avenue and Alice Street, at 2231 Alice Street.

**Related Applications** None

**Primary Contact** Omar Devlin & Trina Reddall  
105 Treetop Drive  
SANTA CRUZ, CA 95060  
(805)720-1894  
treddall@gmail.com  
Contact Type: Owner

**Additional** Omar Devlin  
& Trina Reddall  
105 Treetop Dr.  
Santa Cruz, CA 95060

**PARCEL CHARACTERISTICS**

Zone District(s): R-1-5  
General Plan Designation: R-UM  
Planning Area: LIVE OAK  
Urban Service Line: Yes  
Coastal Zone: Yes  
General Plan Resources & Constraints\*:  
Assessor Land Use Code: 020-SINGLE RESIDENCE  
District: SUPER-1  
Parcel Size\*\*: 10,759.32 Square Feet (0.25 Acres)

\* Actual conditions on this property may not coincide with the description above, because the mapped information is somewhat generalized. The application of specific resources and constraint policies is dependent on the actual conditions on the property and in the area of the development.

\*\* This parcel size has been calculated by the County's geographic information system (GIS) and is an estimate only. If a minimum parcel size is required to meet County standards, you may need to obtain a survey to demonstrate that you have sufficient land area.

**APPLICATION FEES**

| Date Paid         | Fee Description                      | Fee Code | Amount            | Receipt |
|-------------------|--------------------------------------|----------|-------------------|---------|
| 02/18/2022        | Vacation Rental Permit               | ZVR      |                   | 73247   |
| 02/25/2022        | General Plan Maint Surcharge 4prcnt  | AAA      | \$7.00            | 73247   |
| 02/25/2022        | Gen Plan 3% & Tech Update 3%         | AAB      | \$10.50           | 73247   |
| 02/25/2022        | Records Management Fee               | RMF      | \$15.00           | 73247   |
| 02/25/2022        | COB NOE Administrative Fee           | COB      | \$50.00           | 73247   |
| 02/25/2022        | Environmental Rev-Minor_Exemptn-Proj | JIE      | \$175.00          | 73247   |
| 02/25/2022        | Application Intake Minor             | INA      | \$179.00          | 73247   |
| 02/25/2022        | Initial Deposit Fee                  |          | \$2,500.00        | 73247   |
| <b>TOTAL FEES</b> |                                      |          | <b>\$2,936.50</b> |         |

**NOTICE TO DEVELOPMENT PERMIT APPLICANT**

1. You may call the General Information Desk at 831-454-3252 after one week for the name and phone number of your project planner.
2. With a finding of extraordinary circumstances, reviews normally charged a fixed fee may be charged on an actual cost basis. This determination may be made either at application intake during application review. Authority for these charges is found in the Planning Department Fee Schedule.
3. Your application fees are not refundable except as specified in the Planning Department Fee Schedule.
4. You must advise residents of the subject property that Planning Department staff may be visiting the site. The site must be clearly marked/staked for staff inspection. Incomplete directions or markings will delay the review of the project.
5. If you have begun any activity requiring County review or approval without first obtaining a permit, you will be charged for staff time incurred to investigate the violation and costs for staff time that accrues until the violation is resolved. Authority for these charges is found in Chapter 1.12 of the Santa Cruz County Code.
6. Actions by County staff may be appealed. For guidance on how to file an appeal contact your project planner.
7. If you have applied for a technical review you will receive a letter with the results of that review.

**SIGNATURES**

The undersigned property owner(s) hereby authorize the filing of this application, and authorize staff to visit the subject property for purposes of reviewing this proposed project. I certify to the best of my ability that the above and attached information is true and correct, and that I have read and understood the above information.

SIGNATURE OF PROPERTY OWNER/OWNERS'S AGENT

\_\_\_\_\_

SIGNATURE OF PROPERTY OWNER/OWNER'S AGENT

\_\_\_\_\_

APPLICATION TAKEN BY: John Hunter  
PLANNING DEPARTMENT  
SUBMITTED AT: 701 OCEAN STREET

## Conditions of Approval

Exhibit D: Project plans, prepared by Presley Obenshain, dated 01/28/2022.

- I. This permit authorizes the operation of a vacation rental, as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. Operational Conditions
  - A. The vacation rental shall be maintained and operated so that, at all times, it is in compliance with the items listed on the Vacation Rental Certification form (Exhibit G).
  - B. 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 8 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 4(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 16 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.

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

Approval Date: 06/06/2022

Effective Date: 06/20/2022

Expiration Date: 06/06/2027

Expiration Date: 06/06/2025  
(If Not Rented)

### **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-1-5 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 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.



## County of Santa Cruz Planning Department

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Approval of application **221043** (Omar Devlin & Trina Reddall)

Your Residential Vacation Rental Permit has been administratively approved by the Planning Department, subject to completion of a 14 day appeal period. This approval is not final and cannot be exercised until the appeal period is completed. This decision is appealable by you, or by any other interested person. Any appeal must be filed in writing and be accompanied by the current appeal filing fee.

In order to validate this approval, you must sign the permit, affirming that you have reviewed the permit and agree to the conditions imposed by it. Until this occurs, the permit is not active. **This means that no building permit will be issued, nor can the use begin unless and until the permit is signed and returned.** Within this mailing is a separate page which requires your signature to validate this permit. Please sign, detach, and return the separately labeled "Signature Page" for our files. **This approval is for the discretionary review of this project only and any additional permits required as Conditions of Approval of this permit (i.e. Building Permits, Grading Permits, Encroachment Permits, etc.) must be obtained prior to beginning construction.** You should carefully review the attached conditions, as these are the terms under which your project can proceed. If you are the agent for the property owner, you may sign the permit only if you provide proof of service by mail that the signed conditions have been provided to the owner.

Please contact the project planner at (831) 454-3170 or [John.Hunter@santacruzcounty.us](mailto:John.Hunter@santacruzcounty.us) should you have further questions about the processing of your application.

## Exhibit #2

Airbnb / Listing ID: 52384249

2023 / October / 31

d Nov 1 09:28:04 2023 - <https://www.airbnb.com/rooms/52384249>

Anywhere

Any week

Add guests



Airbnb your home



## Beach retreat with amazing gardens in 4bdr house

★ 5.0 · 9 reviews · Superhost · [Santa Cruz, California, United States](#)[Share](#) [Save](#)

### Entire home hosted by Omar

10 guests · 4 bedrooms · 6 beds · 3 baths



#### Dedicated workspace

A common area with wifi that's well-suited for working.

**\$240** night

★ 5.0 · 9 reviews

CHECK-IN  
11/6/2023CHECKOUT  
11/8/2023GUESTS  
1 guest

EXHIBIT 2C

u Nov 23 06:01:55 2023 - <https://www.vrbo.com/3404137?dateless=true>

**Vrbo**[Get the app](#)[United States](#)[Trip Boards](#)[List your property](#)[Help](#)[My trips](#)[Sign in](#)[← See all properties](#)[Save](#)[Overview](#)[Amenities](#)[Policies](#)[Location](#)[Host](#)

House

## Beach retreat with amazing gardens in 4bdr house

4 bedrooms

3 bathrooms

Sleeps 8

1800 sq ft

### Popular amenities

Kitchen

Washer

Dryer

Pet friendly

Air conditioning

Outdoor Space



### Explore the area

Sunny Cove Beach 10 min walk

Twin Lakes State Beach 12 min walk

**K**

Earn OneKeyCash each time you stay at a place that feels like home

[Sign in](#)**\$630** avg per night

Start...

End...

Travelers

2 travelers

[Price details](#)[Check availability](#)

See how much you could earn hosting with Vrbo

[Learn more](#)**Vrbo**  
A PLACE FOR TOGETHER**EXHIBIT 2C**

ape - Wed Nov 1 09:30:13 2023 - <https://www.airbnb.com/rooms/54178167>



Start your search



Airbnb your home



## Amazing 1 bdr guest house minutes from the beach

★ 4.94 · 18 reviews · Superhost · [Santa Cruz, California, United States](#)

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



### Entire home hosted by Omar

2 guests · 1 bedroom · 1 bed · 1.5 baths



#### Dedicated workspace

A common area with wifi that's well-suited for working.

\$150 night

★ 4.94 · 18 reviews

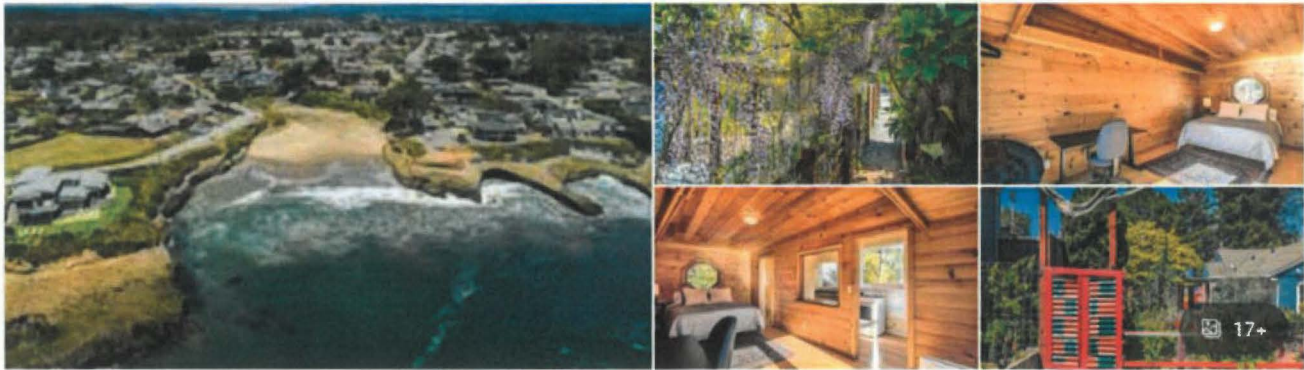
|                       |                       |
|-----------------------|-----------------------|
| CHECK-IN<br>11/3/2023 | CHECKOUT<br>11/5/2023 |
| GUESTS<br>1 guest     | ▾                     |

EXHIBIT 2C

Mon Nov 12 07:24:51 2023 - https://www.vrbo.com/2897417?dateless=true

[← See all properties](#)

[Save](#)



[Overview](#) [Amenities](#) [Policies](#) [Location](#) [Host](#)

House

Amazing 1 bdr guest house minutes from the beach

★ 5.0/5 Exceptional

[See 1 review](#)

1 bedroom 1+ bathroom Sleeps 2

Popular amenities

- Kitchen
- Washer
- Pet friendly
- Outdoor Space



Explore the area

- Sunny Cove Beach 9 min walk
- Twin Lakes State Beach 11 min walk

Earn OneKeyCash each time you stay at a place that feels like home

[Sign in](#)

\$148 avg per night

Add dates for total pricing

Start...

End...

Travelers

2 travelers

[Price details](#)

Microsoft Edge

Microsoft Edge has found shoppers over \$4,149,701,630 in savings.

Shop smarter on Edge

[Try Edge with AI](#)

EXHIBIT 2C

Nov 28, 2023 at 11:12:33 AM  
2231 Alice St  
Santa Cruz CA 95062  
United States

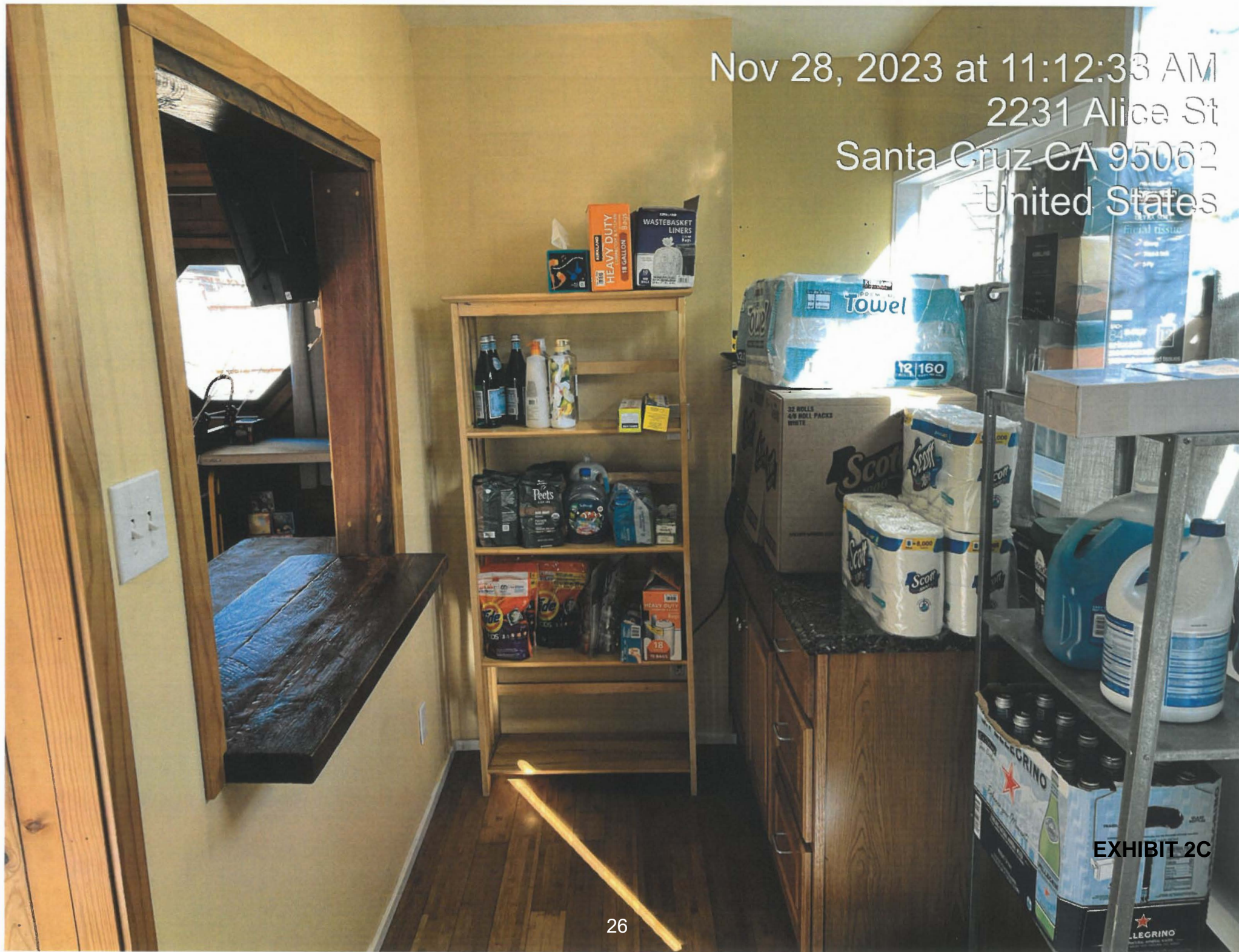


EXHIBIT 2C

Nov 28, 2023 at 11:12:48 AM  
2231 Alice St  
Santa Cruz CA 95062  
United States

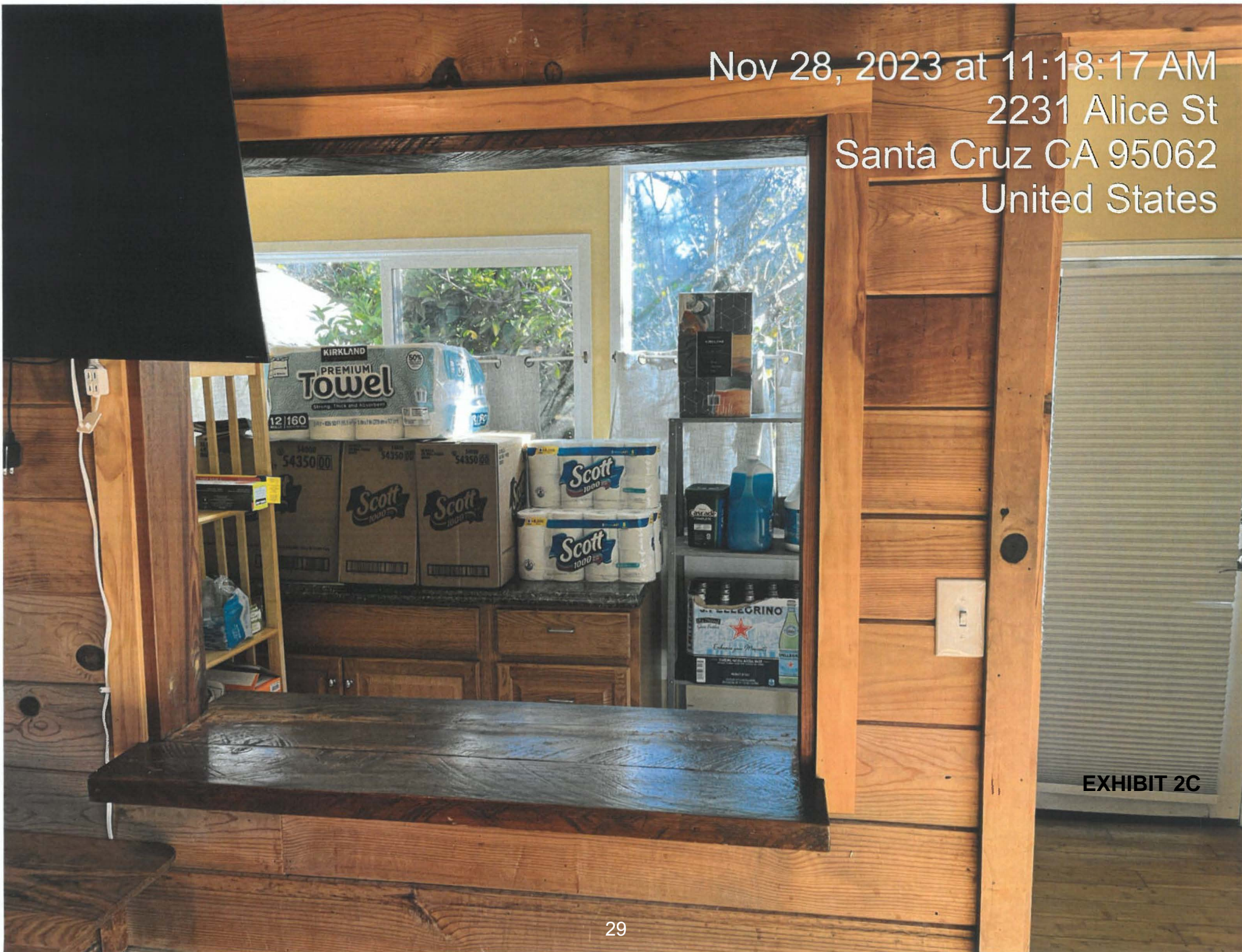
EXHIBIT 2C

Nov 28, 2023 at 11:18:12 AM  
2231 Alice St  
Santa Cruz CA 95062  
United States



EXHIBIT 2C

Nov 28, 2023 at 11:18:17 AM  
2231 Alice St  
Santa Cruz CA 95062  
United States



Nov 28, 2023 at 11:24:49 AM  
2231 Alice St  
Santa Cruz CA 95062  
United States



EXHIBIT 2C