



Staff Report to the Zoning Administrator

Application Number: **241398**

Applicant: Allison & David Amadia

Agenda Date: 12/20/2024

Owner: Allison & David Amadia

Agenda Item #: 3

APN: 095-172-72

Time: After 9:00 a.m.

Site Address: 983 Charles Hill Road, Santa Cruz CA 95065

Project Description:

Proposal to establish a new 5-bedroom vacation rental for the purpose of overnight lodging for a period of not more than 30 days at a time. Requires a Vacation Rental Permit.

Location: Property is located on the southern side of the cul-de-sac at the end of Charles Hill Road (983 Charles Hill Road) in the Summit Area of Santa Cruz.

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 241398, based on the attached findings and conditions.

Analysis

The subject property is developed with an existing 5-bedroom single-family residence, built in 2003 under building permit APP- 0049178H

Vacation rentals within residential structures are permitted within the SU zone district, and the operation of the vacation rental is required to comply with all requirements of the vacation rental ordinance. Vacation rental permits are subject to renewal pursuant to County Code Section 13.10.695 (D) 3, as conditioned.

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 5 bedrooms; therefore, 2 on-site parking spaces are required. 5 parking spaces are available on-site, 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 effective date of the Vacation Rental/Renewal Permit.

Emergency Contact

Connie Sanchez has been designated as the 24-hour contact for the vacation rental. 750 El Solero Heights is located in Felton, within the required 30-mile response radius from the proposed vacation rental property.

Public Comment

Staff have received one email and multiple phone calls from the neighbors of the proposed vacation rental expressing opposition to the issuance this Vacation Rental Permit. The primary point raised by the neighbors is a clause in a HOA agreement that forbids members from pursuing commercial activity on their properties. The neighbors therefore maintain that operation of a vacation rental violates the HOA CC&Rs to which the applicant has agreed to abide by.

It should be noted that the County does not enforce regulations pursuant to CC&Rs and that the Vacation Rental Ordinance does not supersede any such civil regulations. As such, The issuance of a Vacation Rental Permit by the County does not prevent the neighbors or Homeowner's Association from levying fines, pursuing legal action or applying other penalties in order to enforce the CC&Rs.

To insure that the property owner is aware of the neighbor hood comments regarding the CC&Rs, a condition of approval has been added to this Vacation Rental Permit setting out that "The issuance of Vacation Rental Permit 241398 does not release the owner/applicant from the terms of any agreements or contract, including CC&Rs, applicable to the property to which the owner/applicant may be bound".

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 **241398**, 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
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Santa Cruz CA 95060
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E-mail: John.Hunter@santacruzcountyca.com

Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Comments & Correspondence (only if comments/correspondence are attached)

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: 241398

Assessor Parcel Number: 095-172-72

Project Location: 938 Charles Hill Road, Santa Cruz CA 95065

Project Description: Operate a 5-bedroom vacation rental

Person or Agency Proposing Project: Allison & David Amadia

Contact Phone Number: (831) 588-0755

- 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: _____

EXHIBIT A

Discretionary Permit Findings

- (a) **Health and Safety.** The proposed location of the project and the conditions under which it would be developed, 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 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.

- (b) **Zoning Conformance.** The proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance with the intent and requirements of 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 SU (Special Use) 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.

- (c) **General Plan Conformance.** The proposed project is in substantial conformance with the intent, goals, objectives, and policies of all elements of the County General Plan and 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-MT (Mountain 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 not been adopted for this portion of the County.

- (d) **CEQA Conformance.** The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.

This finding can be made, in that the project has been determined to be exempt from further review under the California Environmental Quality Act, as indicated in the Notice of Exemption for this project.

- (e) **Utilities and Traffic Impacts.** The proposed use will not overload utilities, result in inefficient or wasteful use of energy, or 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. The project will not overload utilities or otherwise result in an inefficient or wasteful use of energy.

- (f) **Neighborhood Compatibility.** The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

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.

- (g) **Local Coastal Program Consistency.** For proposed projects located within the coastal zone, the proposed project is consistent with the provisions of the certified Local Coastal Program.

This finding is not required, in that the project site is not located within the coastal zone.

Site Development Permit Findings

- (a) **Siting and Neighborhood Context.** The proposed development is designed and located on the site so that it will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding can be made, in that the proposed short-term vacation rental is in substantial conformance with the requirements of the County Design Review Ordinance because no exterior changes to the existing residence are proposed as part of this application.

- (b) **Design.** The proposed development is in substantial conformance with applicable principles in the adopted Countywide Design Guidelines, except as prohibited by site constraints, and any other applicable requirements of SCCC 13.11 (Site Development and Design Review). If located in the Coastal Zone, the site plan and building design are also in substantial conformance with the policies of the Local Coastal Program and coastal regulations of SCCC 13.20.

This finding can be made, in that the proposed short-term vacation rental is in substantial conformance with the requirements of the County Design Review Ordinance because no exterior changes to the existing residence are proposed as part of this application.

Conditions of Approval

Exhibit D: Project plans, prepared by Ron Rollins, dated 9/17/2004.

- I. This permit authorizes the operation of a vacation rental for the purpose of overnight lodging for a period of not more than 30 days at a time, 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 on file with the Department of Community Development and Infrastructure.
 - 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 12 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 6 (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 22 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. Vacation rental 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; restrictions on noise (contained in the County Noise Ordinance), illegal behavior, and disturbances, including an explicit statement that fireworks are illegal in Santa Cruz County; and directions for trash management.

- 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. For all rentals, the sign shall also display the beginning and end dates of the five-year vacation rental permit. Sign information shall be updated upon any renewal of this permit. The sign shall be continuously maintained while the dwelling is rented.
- J. The name, address, and telephone number(s) of the local property manager (24-Hour contact person) shall be posted inside the vacation rental in a location readily visible to all guests.
- K. Any change in the local property manager's name, address, or telephone number shall be promptly furnished to the Planning Department, the local Sheriff Substation, the Auditor-Controller-Treasurer Tax Collector, the main County Sheriff's Office, and the local fire agency, and to the property owners of all properties located within a 300-foot radius of the boundaries of the parcel on which the vacation rental is located. Proof of mailing or delivery of the updated contact information to all of the above shall be submitted to the Planning Department within 30 days of change in the local property manager's contact information.

In addition, the applicant shall complete the online contact (see link below) information survey to ensure that the Community Development and Infrastructure Department is apprised of current contact information and for emergency notifications by the County Office of Response, Recovery and Resilience. Survey can be accessed via this link: <https://forms.office.com/g/5kjbAnC8n6>.

- L. The local property manager (24-hour contact person) shall be located within 30 miles of the vacation rental. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Failure to respond within 60 minutes of being contacted, as verified by County Code Enforcement staff or the County Sheriff, shall constitute a significant violation and may lead to revocation of the permit in accordance with SCCC 18.10.136.
- M. All advertising for vacation rentals shall include the vacation rental 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 well as a photo of the required signage that includes the 24-hour contact information and vacation rental identification. Advertising a vacation rental for a property without a vacation rental permit is a violation of this chapter and violators are subject to the penalties set

forth in SCCC 19.01.

- N. 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.
- O. 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.
- P. 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 public hearing by the Zoning Administrator (or by the Planning Commission upon referral).
- Q. 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 to consider permit revocation, pursuant to SCCC 18.10.136. "Significant violations" are: citations for violation of SCCC 8.30 (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.
- R. The Vacation Rental shall provide overnight lodging for a period of not more than 30 days at a time.
- S. 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.
- T. The issuance of Vacation Rental Permit 241398 does not release the owner/applicant from the terms of any agreements or contracts, including any CC&Rs, applicable to the property to which the owner/applicant to which the owner/applicant may be bound.

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 conditions of approval are complied with and the use commences before the expiration date.

Approval Date: _____

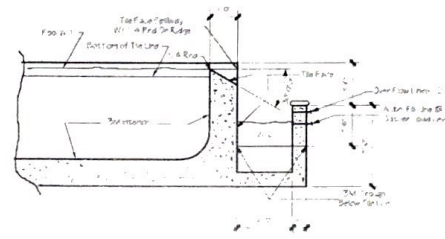
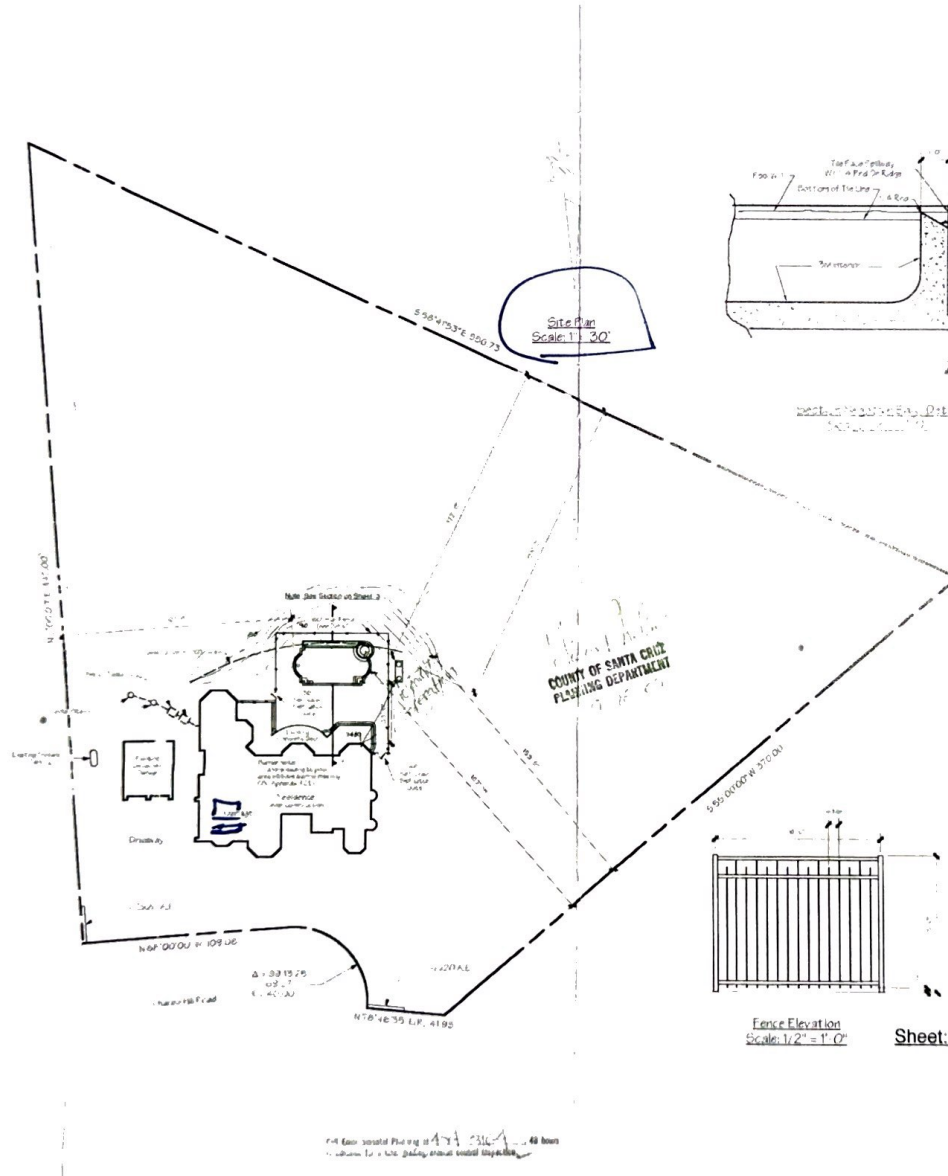
Effective Date: _____

Expiration Date: _____

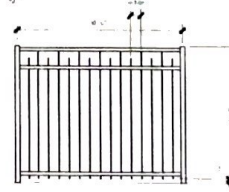
Deputy Zoning Administrator

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.

Site Plan / Parking Plan



- Parking:**
- Attached garage
 - 2 parking spots
 - Additional parking on long driveway

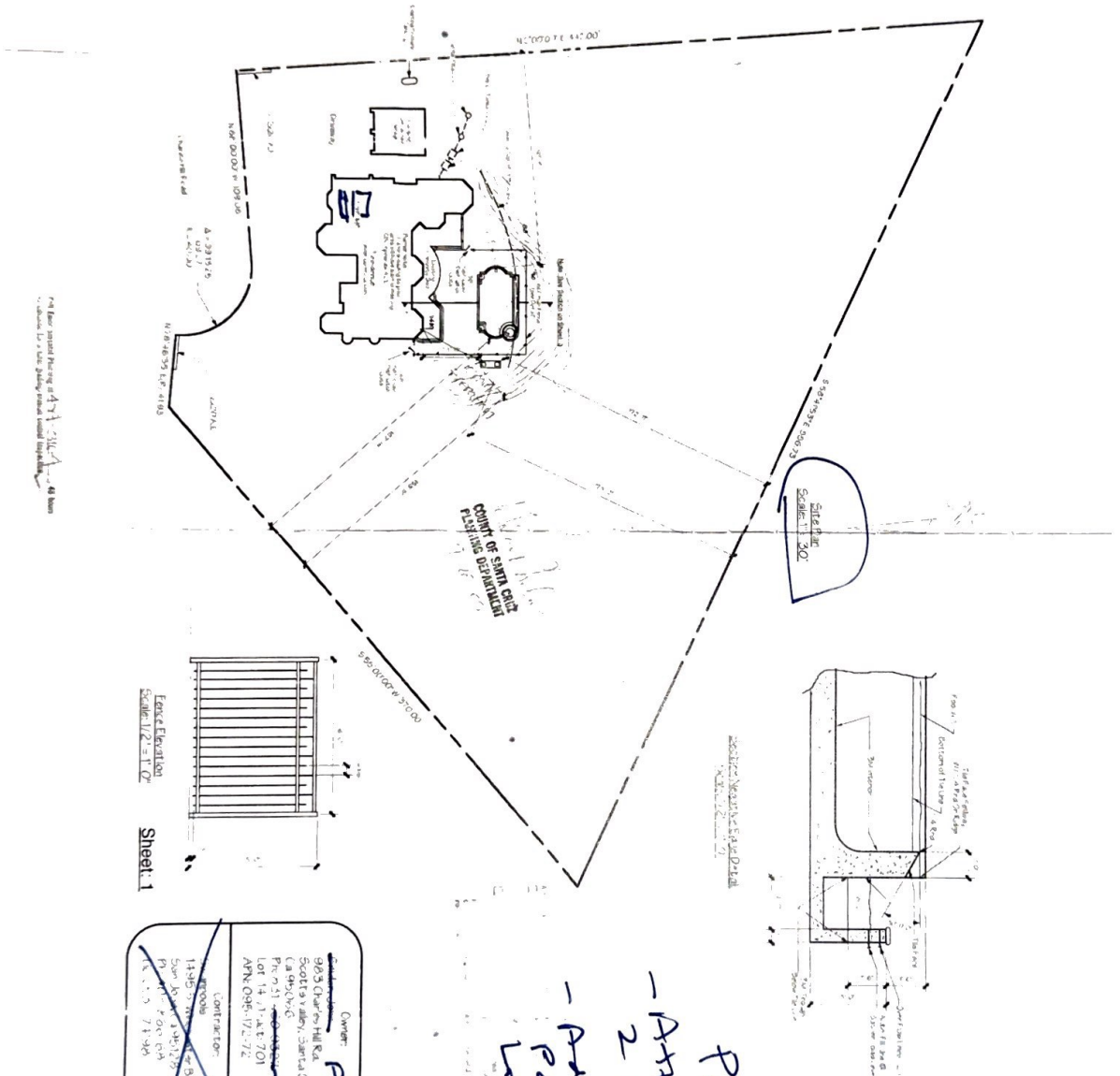


Owner:	Allison & David Amadia
Address:	983 Charles Hill Rd. Scotts Valley, Santa Cruz Co. CA 95066 Phone: 588-0755 Lot 14, Tract 701 APN: 095-172-72
Contractor:	Amadia & Concast.net

Original Date:
9/17/04

EXHIBIT D

Site Plan / Parking Plan



- Parking:
- Attached garage
 - 2 parking spots
 - Additional parking on long driveway

<p>Owner: Allison & David Amadio</p> <p>588-0755</p> <p>amadiad@comcast.net</p>	<p>Contractor:</p> <p>14350 Santa Rita Blvd</p> <p>San Jose, CA 95131</p> <p>Phone: 408-934-1818</p> <p>Fax: 408-934-1818</p>
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Original Date:
9/17/04

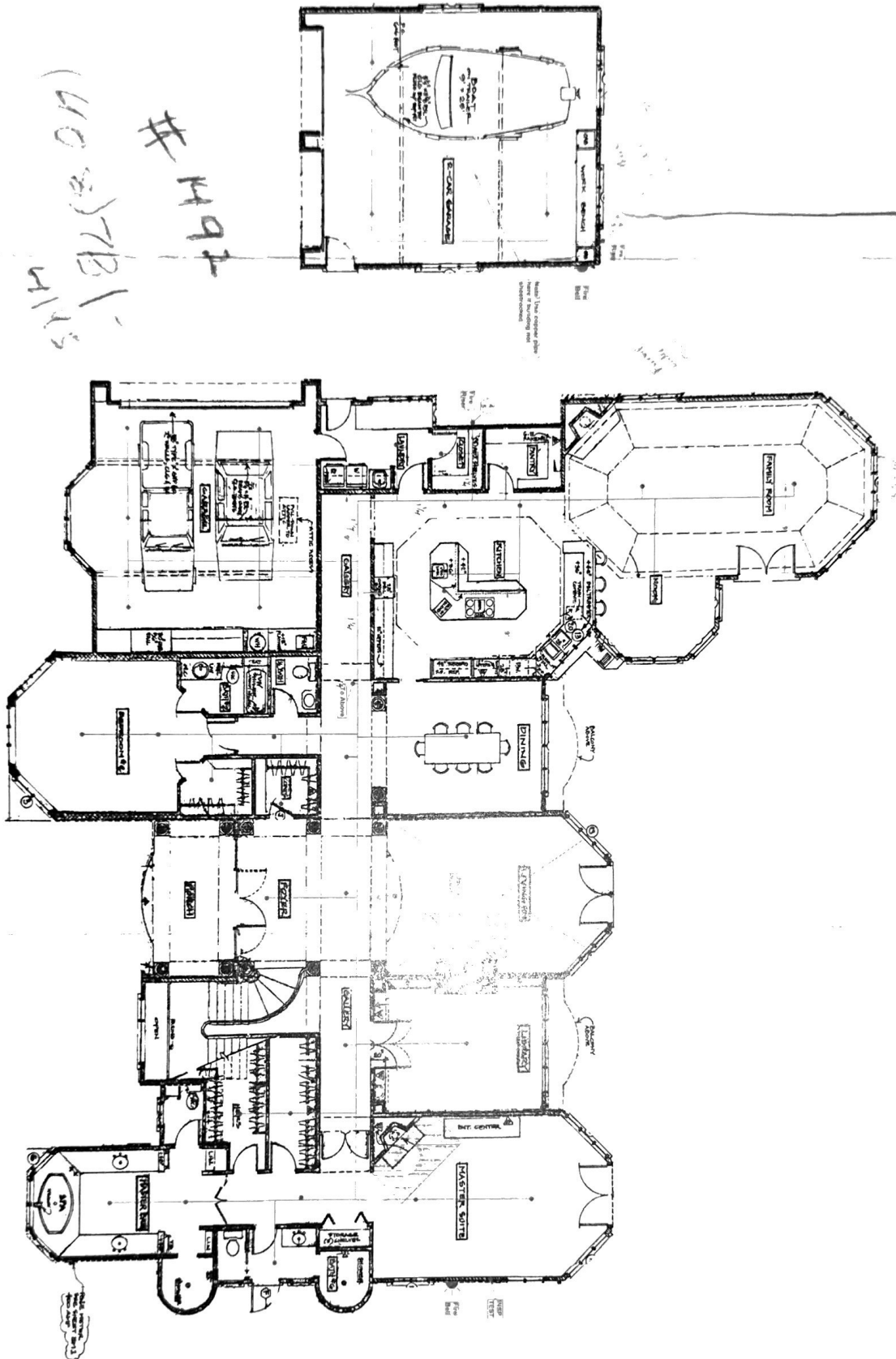


EXHIBIT D

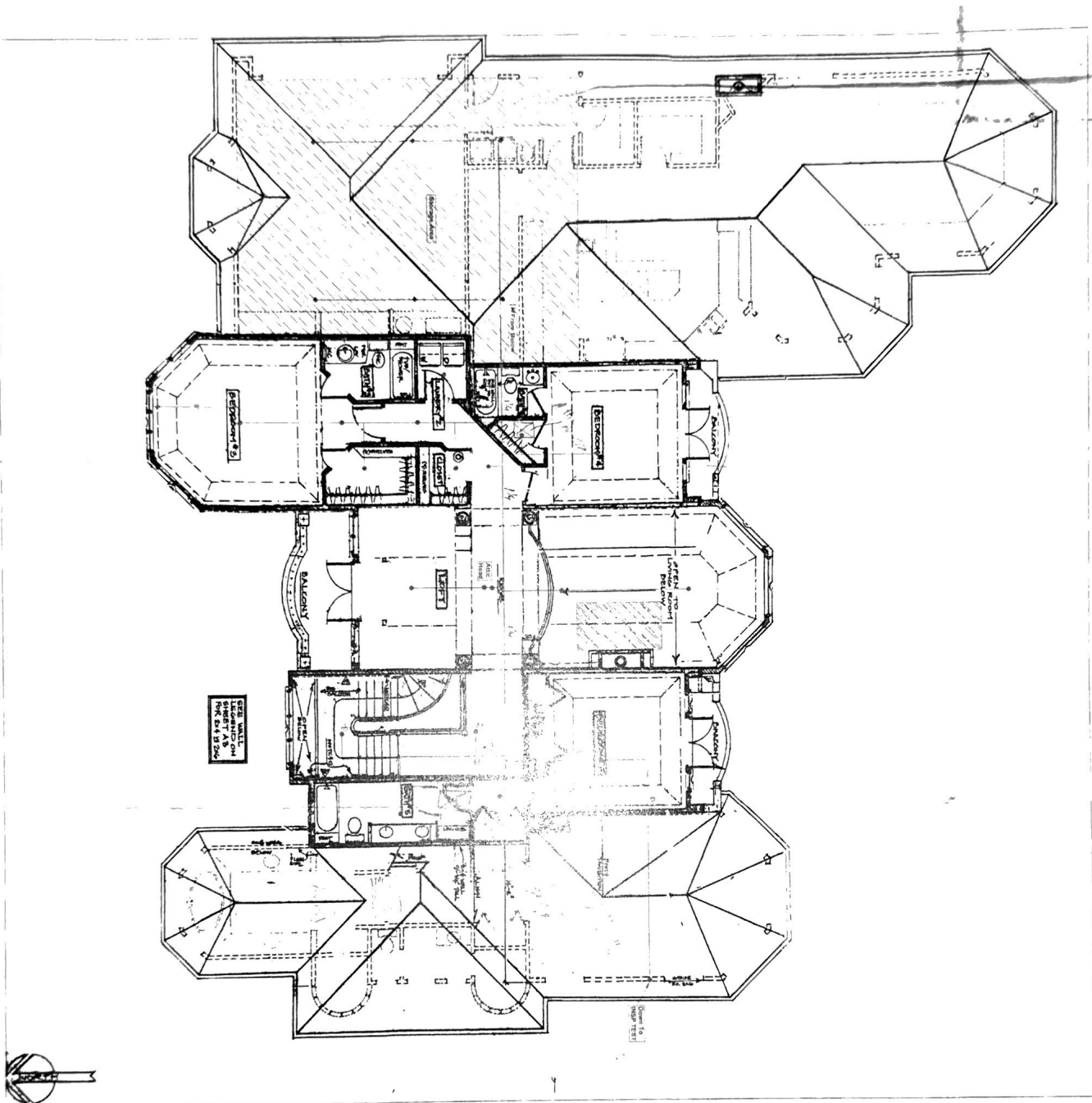


EXHIBIT D

Snider Residence
 983 Charles Hill Rd.
 Scotts Valley, CA
 APN:095-172-72

Allison & David
 Amadio
 amadio.net

Rollins Fire Sprinklers
 1825 17th Ave. Suite 200, CA 95062
 Ph: 925/426-3473 Fax: 925/426-3488
 E: info@rollinsfire.com
 www.rollinsfire.com

Job Number:
 1549

Drawn by:
 Ron Rollins

Date:

08/17/04

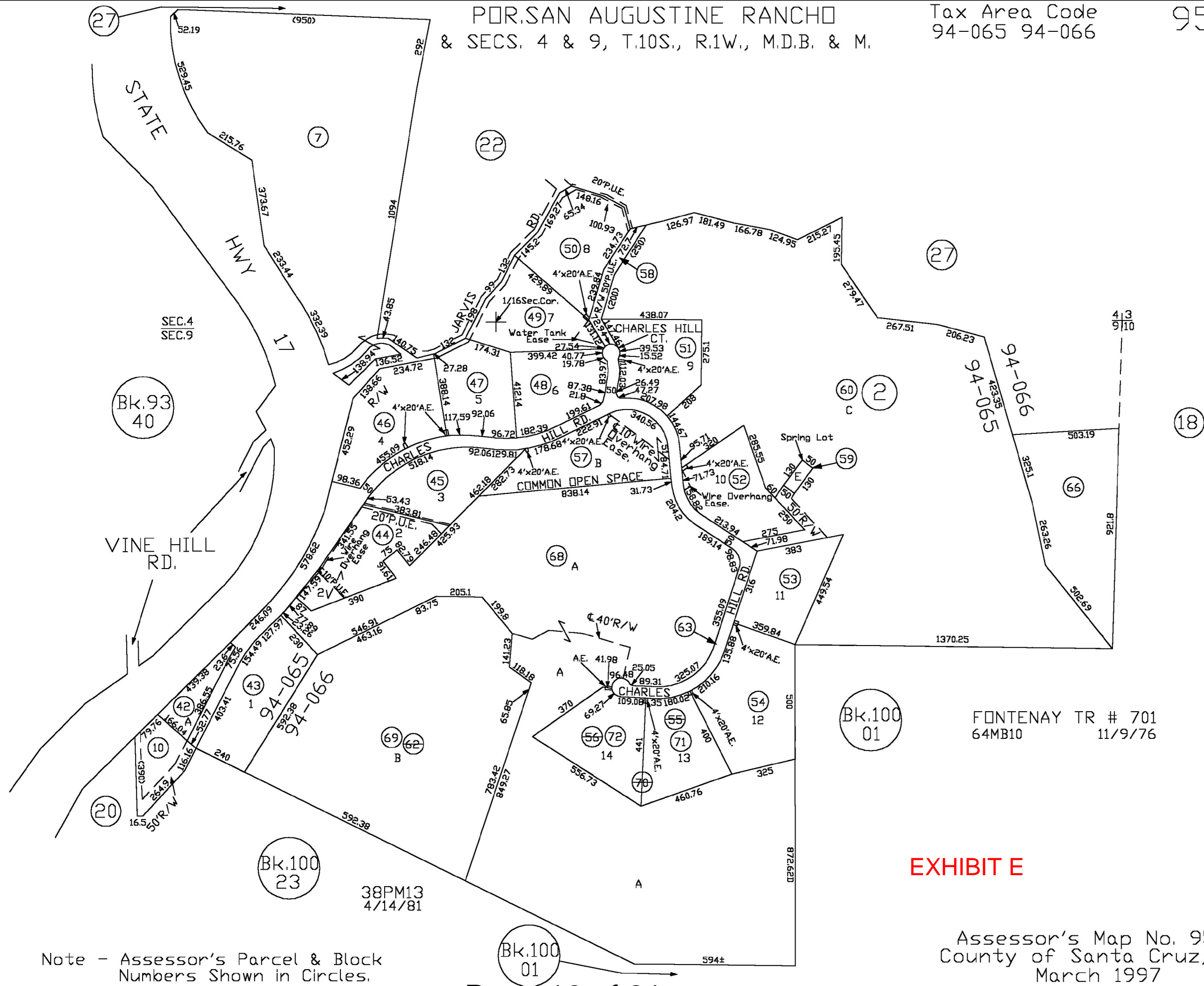
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FOR TAX PURPOSES ONLY

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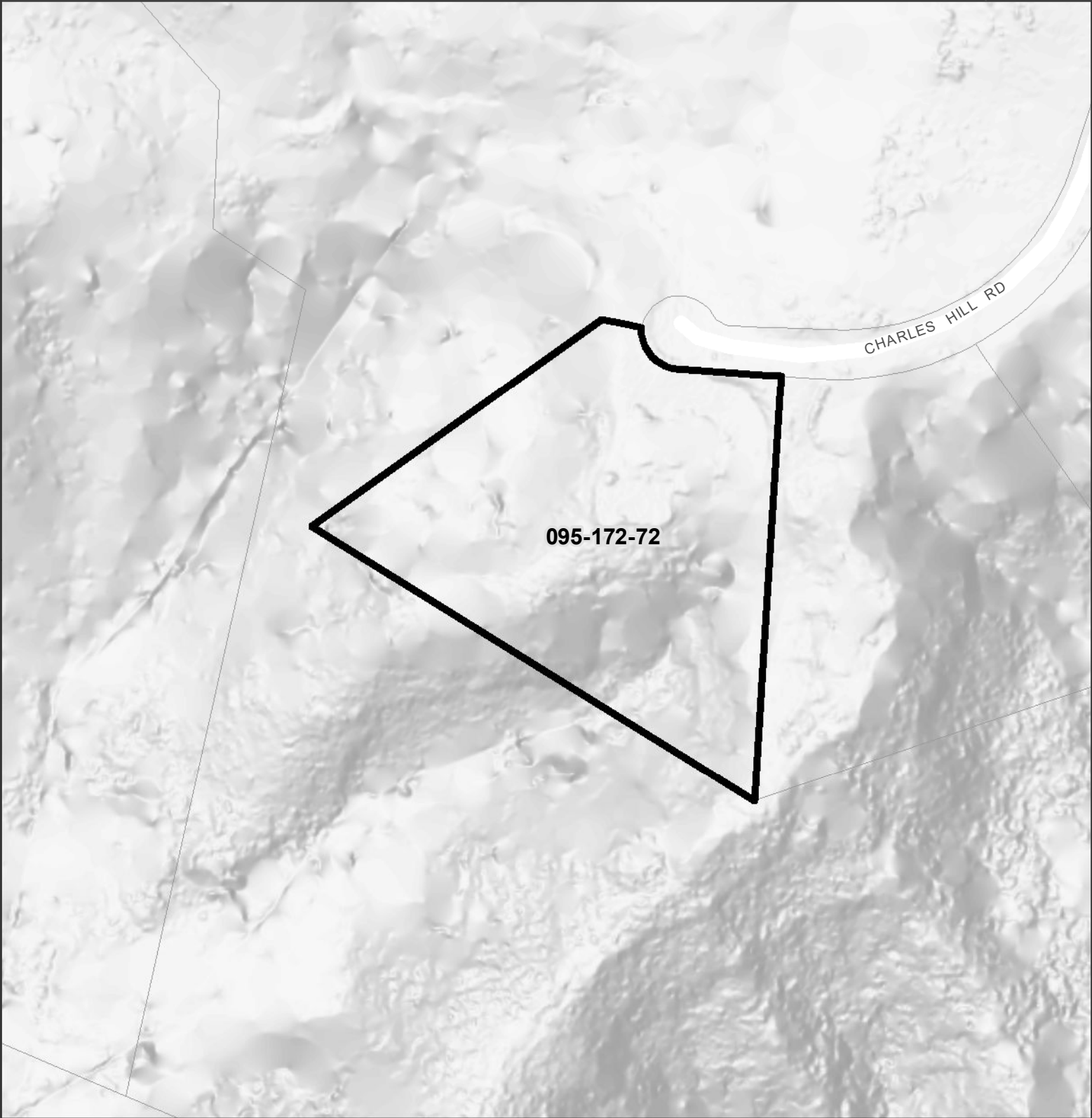
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1997

Electronically Redrawn 3/14/97 RW
Rev 3/14/97 (Por to 95-27) RW
Rev 9/15/97 CB (Por to pg 95-27)
Rev 8/21/98 KSA (CA)
Rev 9/19/01 mvn (Changed page refs.)





Parcel Location Map



Parcel: 09517272



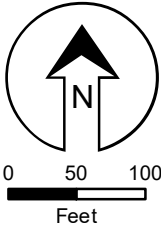
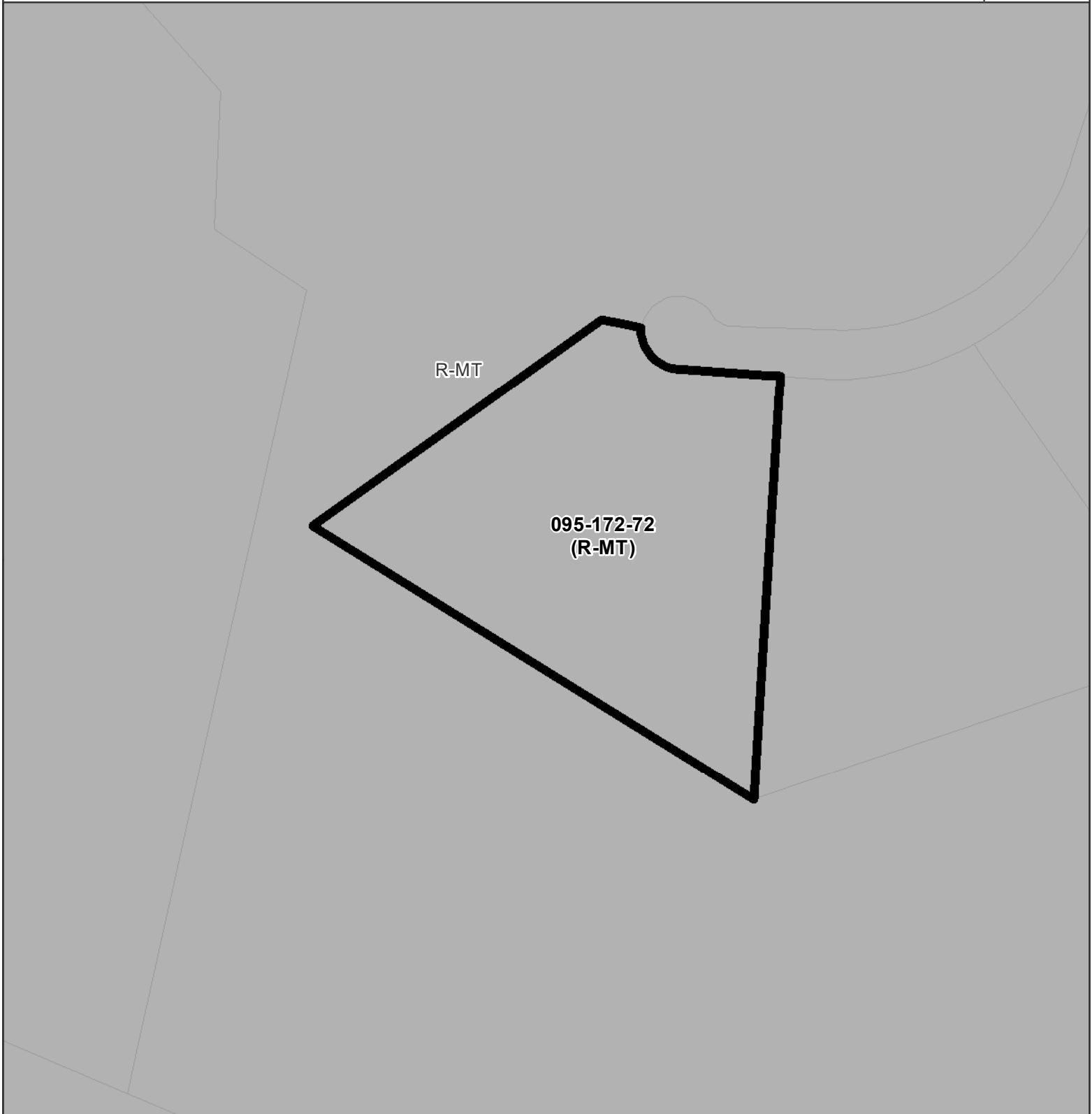
-  Study Parcel
-  Assessor Parcel Boundary

EXHIBIT E



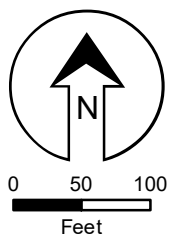


Parcel General Plan Map



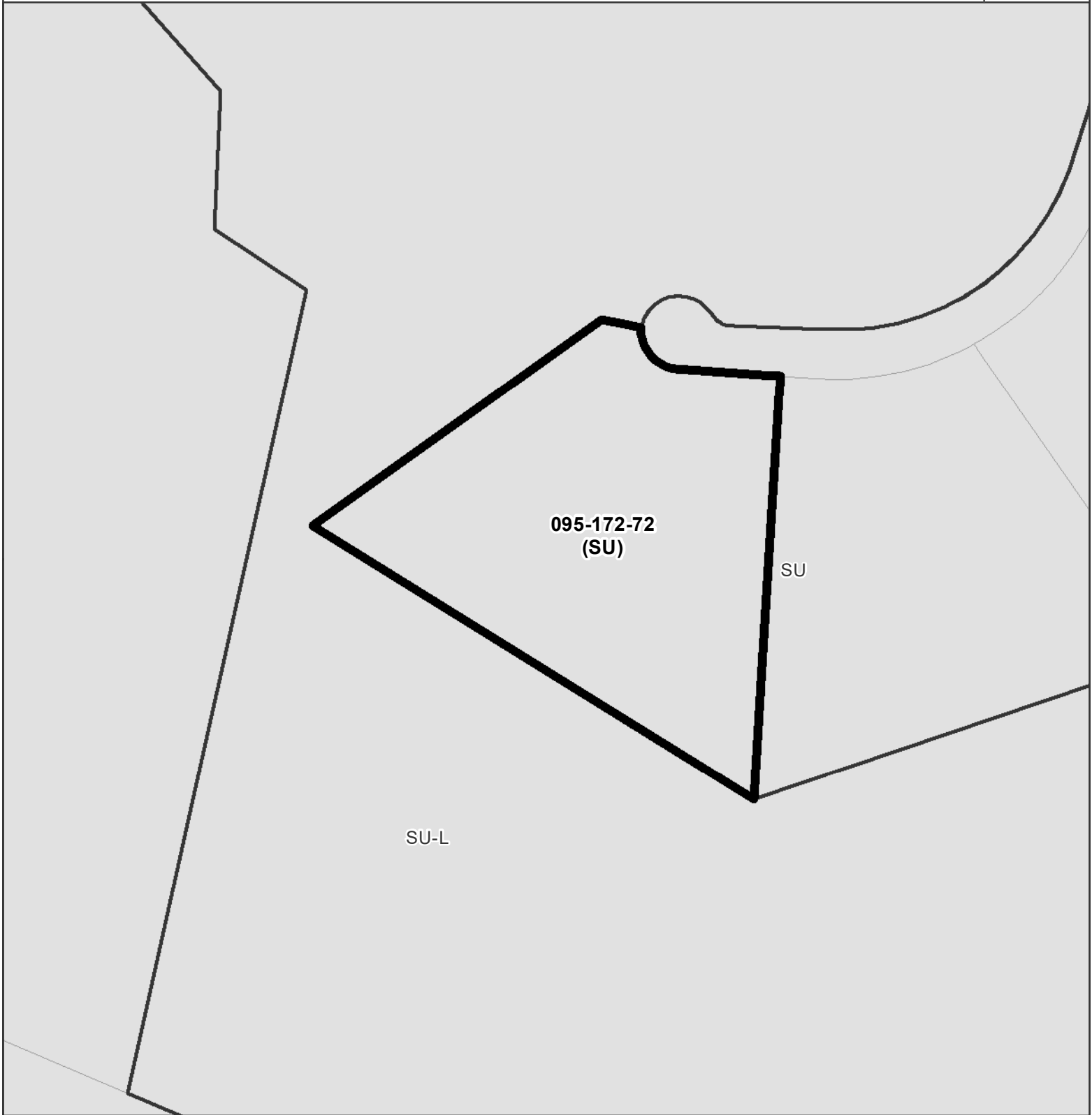
■ R-MT

EXHIBIT E



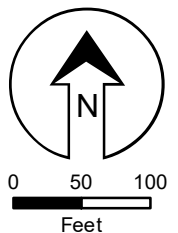


Parcel Zoning Map



 SU *Special Use*

EXHIBIT E



Parcel Information

Services Information

Urban/Rural Services Line: ___ Inside X Outside
Water Supply: Scotts Valley Water District
Sewage Disposal: CSA 12 Maintenance District
Fire District: Scotts Valley Fire Protection District
Drainage District: NA

Parcel Information

Parcel Size: 3.07 Acres
Existing Land Use - Parcel: Residential
Existing Land Use - Surrounding: Residential
Project Access: Charles Hill Road
Planning Area: Summit
Land Use Designation: R-MT (Mountain Residential)
Zone District: SU (Special Use)
Coastal Zone: ___ Inside X Outside
Appealable to Calif. Coastal ___ Yes X No
Comm.

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Fire Hazard: Yes-Portion State Response Area - High
Slopes: 0 to Greater Than 50%
Env. Sen. Habitat: Sandhills
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Archeology: Not mapped/no physical evidence on site

John Hunter

From: Paul Sinclair <psinclair@gmail.com>
Sent: Friday, November 22, 2024 9:37 AM
To: John Hunter
Subject: Neighbor concerns about Application #: 241398

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Hello John,

I am a neighbor of 983 Charles Hill Road. I live at 445 Charles Hill Road. We have serious concerns about the impact of this application from the Amadia's about this becoming an Airbnb.

Is your notice designed at any level to solicit feedback or neighborhood impact comments? This is a private road, and the Amadia's home is subject to our HOA CC&Rs that forbid the use of properties for commercial purposes, such as an Airbnb.

Can you please clarify the purpose of your notice and what role - if any - neighborhood feedback plays in the process. I am also interested to know what county regulations exist - if any. I look forward to hearing from you.

Best,

Paul Sinclair
831 588 7285

EXHIBIT G