



Staff Report to the Zoning Administrator

Application Number: **251058**

Applicant: 251058
Owner: Daringwomen LLC
APN: 043-072-55
Site Address: 212 Beach Drive, Aptos CA 95003

Agenda Date: 5/16/2025
Agenda Item #: 5
Time: After 9:00 a.m.

Project Description:

Proposal to establish a new four-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 south side of Beach Drive approximately 350 east of the intersection of Aptos Beach Drive and Beach Drive at 212 Beach Drive in Aptos.

Permits Required: Vacation Rental Permit

Supervisory District: 2nd District (District Supervisor: Kimberly De Serpa)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 251058, based on the attached findings and conditions.

Analysis

The subject property is developed with an existing four-bedroom single-family residence built in 1958, located in an area of the Seacliff Aptos La Selva Beach Designated Area (SALSDA) not subject to the Vacation Rental Permit cap or block density limits.

Vacation rentals within residential structures are permitted within the RM-2.5 zone district, and the operation of the vacation rental is required to comply with all requirements of the vacation rental ordinance. Vacation rental permits are subject to renewal pursuant to County Code Section 13.10.695 (D) 3, as conditioned.

As indicated in Santa Cruz County Code 13.10.694(D)(2)(c)(iv), two on-site parking spaces are required for vacation rentals containing three or more bedrooms. In situations where the required on-site parking cannot be provided, an On-Site Parking Exception may be requested in conjunction with a Level 5 Vacation Rental Permit for consideration by the Zoning Administrator at a public hearing. The existing residence covers entirety of the parcel on which it is located. and there are

no on-site parking spaces available on the subject parcel; therefore, approval of an On-Site Parking Exception is required in conjunction with this Vacation Rental Permit.

Granting the On-Site Parking Exception will not adversely affect existing traffic and parking on nearby streets and properties, as street parking is available along Beach Drive at this location. The subject parcel is located on a residential block where many of the other residences on the block do not contain off-street parking facilities, such as driveways or garages. Historically, parking for many of these residences is provided on the street along Beach Drive and specifically, parking is available immediately opposite the subject property at the base of the coastal bluff. However, notwithstanding the lack of on-site parking, it is appropriate to consider how the project should be conditioned given that on-street parking availability may be limited at times due to the fact that no onsite parking is available for most of the units on this part of Beach Drive. Thus, if authorized, this vacation rental has been conditioned to limit the number of vehicles that are allowed in association with the vacation rental use of to up to a maximum of two vehicles, with these to be parked in non-exclusive on-street parking spaces. Parking within the public lot at the nearby Rio del Mar Esplanade is not allowed.

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

Cheshire Rio Realty has been designated as the 24-hour contact for the vacation rental. 107 Aptos Beach Drive is located in Aptos, within the required 30-mile response radius from the proposed vacation rental property.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **251058**, 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

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E-mail: John.Hunter@santacruzcountyca.gov

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

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: 251058
Assessor Parcel Number: 043-072-55
Project Location: 212 Beach Drive, Aptos CA 95003

Project Description: Operate a four-bedroom vacation rental

Person or Agency Proposing Project: Cheshire Rio Realty

Contact Phone Number: (831) 688-2041

- 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: _____

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 ensure 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 RM-2.5 (Multi-Family Residential-2,500 square feet per dwelling) 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-UH (Urban High Density Residential) land use designation in the County General Plan as it is a residential use in an existing residential structure and the vacation rental ordinance implements the standards contained in the Noise Element of the General Plan.

A specific plan has 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 can be made, in that the short-term vacation rental of an existing residential dwelling is consistent with the provisions of the certified Local Coastal Program.

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, submitted by Cheshire Rio Realty, on 2/19/2025.

- 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. Pursuant to SCCC Section 13.10.694(D), issuance of this permit does not legalize any nonpermitted use or structure and the County does not approve, authorize, or waive any past or existing violation of County Code or any other law through such issuance. Accordingly, please be advised that: (1) issuance of a vacation rental permit does not authorize use the 37 Foot Walk on the seaside portion of the property as part of the vacation rental (however you may use it in the same manner as any other member of the public); (2) issuance of the vacation rental permit is without prejudice to the County's positions in the litigation entitled *Weseloh, et al. v. County of Santa Cruz, et al.*, Santa Cruz County Superior Court Case No. 18CV03315; (3) all requirements, conditions or approval or obligations created or imposed by the California Coastal Commission's Coastal Development Permit, No. P-80-87 (1980) and/or the County of Santa Cruz's related Encroachment Permit, No. 80-165 (1980) are not waived and shall remain in full force and effect; and (4) the advertising or use of the 37 Foot Walk as part of the vacation rental, as well as the creation or maintenance of obstructions to lawful public use, constitute a violation of the applicable provisions of Santa Cruz County Code and of the vacation rental permit, and may subject the vacation rental permit to revocation or further action.
 - D. The maximum, overnight occupancy of the vacation rental shall not exceed 10 people (two per bedroom, plus two additional people, children under eight not counted).

- E. The rental agreement for the vacation rental shall clearly state that the maximum number of vehicles associated with the overnight occupants shall not exceed 2, to be parked on non-exclusive on-street parking spaces along Beach Drive. Parking within the public lot at the nearby Rio del Mar Esplanade is not allowed.
- F. The maximum occupancy allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m. shall not exceed 20 people (twice the number of overnight occupants, children under 8 not counted).
- G. 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.
- H. 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.
- I. Fireworks are illegal in Santa Cruz County and prohibited at the vacation rental.
- J. 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.
- K. 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.
- L. 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/5kjvAnC8n6>.

- M. 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.
- N. 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.
- O. 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.
- P. 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.
- Q. 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).
- R. 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.

- S. The Vacation Rental shall provide overnight lodging for a period of not more than 30 days at a time.
- T. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

III. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the COUNTY.
- D. Successors Bound. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant

and/or the owner.

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

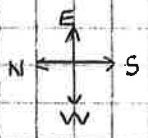
Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

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.

"BEACH DRIVE"
FIRST FLOOR

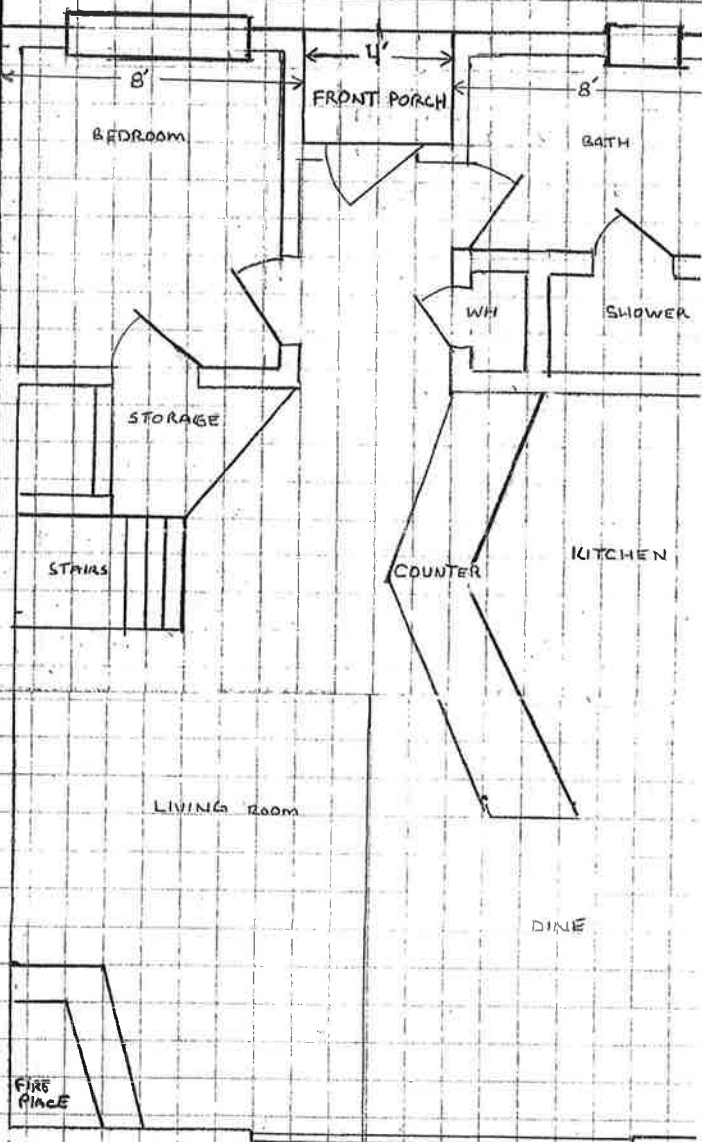


← 20' →

PARKING

CURB

SIDEWALK



212
beach
Apr
043-072-55

EXHIBIT D

SECOND FLOOR

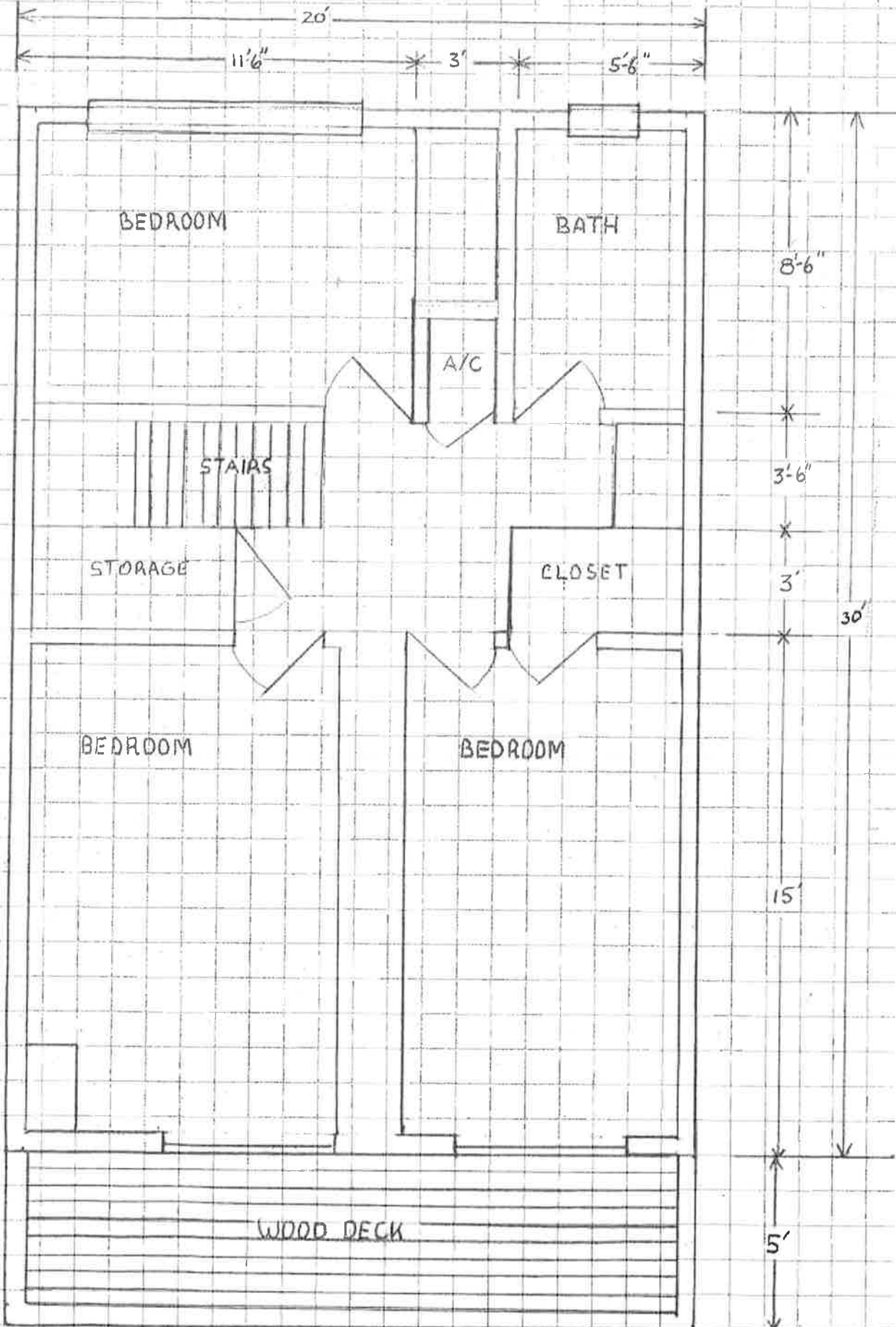
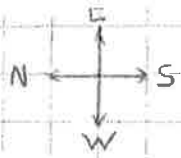


EXHIBIT D

APN 043-072-55

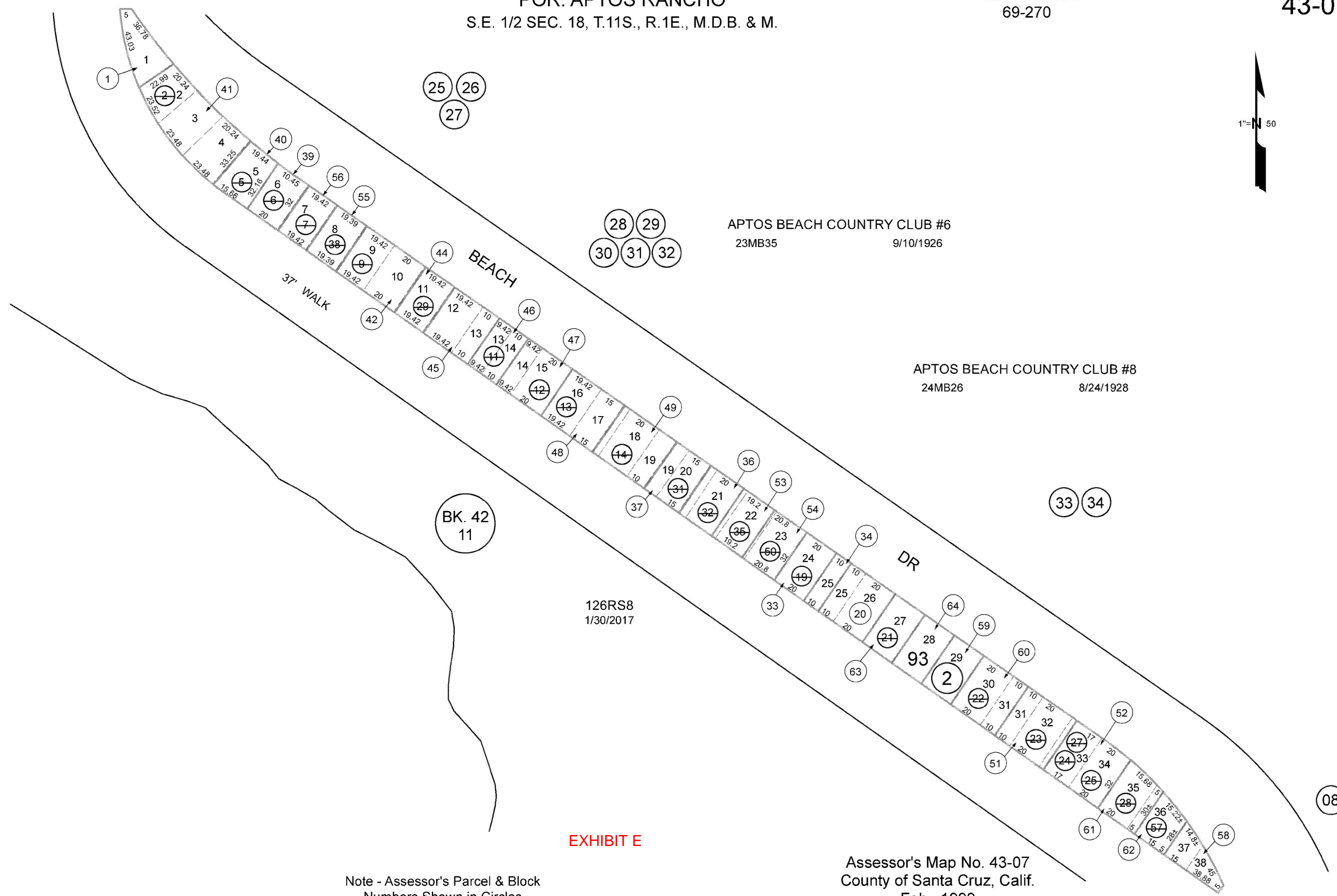
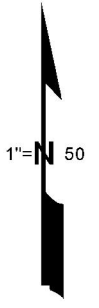
VAN LOUCK'S Residence
212 BEACH DR
APTOS, CA 95003

FOR TAX PURPOSES ONLY
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
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POR. APTOS RANCHO
S.E. 1/2 SEC. 18, T.11S., R.1E., M.D.B. & M.

Tax Area Code
69-270

43-07



Electronically Redrawn 10/22/01 mvm
Rev 5/24/99 CB (Tax Consolidation)
Rev 5/25/01 mvm (Changed page refs.)
Rev 1/4/02 mvm (TCA)
Rev 2/19/03 DD (Cor tax code line 69-270)
Rev 6/7/04 CB (TCA change)
Rev 3/10/17 jg (126RS8)

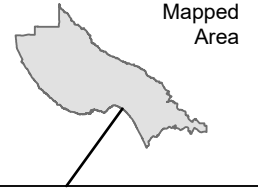
Note - Assessor's Parcel & Block
Numbers Shown in Circles.

EXHIBIT E

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



Parcel Location Map

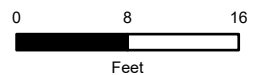
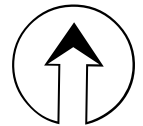


Parcel: 04307255

 Subject Parcel

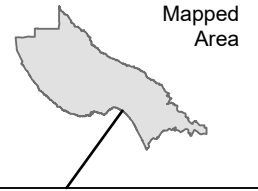
EXHIBIT E

Map printed: 6 May. 2025



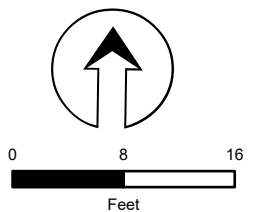


Parcel General Plan Map



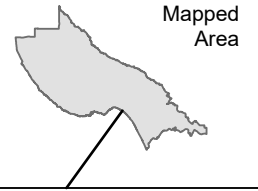
 Subject Parcel

EXHIBIT E



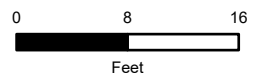


Parcel Zoning Map



 Subject Parcel

EXHIBIT E



Parcel Information

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz Sanitation District
Fire District: Central Fire Protection District
Drainage District: Flood Control Zone 6

Parcel Information

Parcel Size: 609.84 square feet
Existing Land Use - Parcel: Residential
Existing Land Use - Surrounding: Residential
Project Access: Beach Drive
Planning Area: Aptos
Land Use Designation: R-UH (Urban High Density Residential)
Zone District: RM-2.5 (Multi-Family Residential-2,500 square feet per dwelling)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
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