

Donovan Arteaga

From: Mike Schwenne <mikeschwenne@gmail.com>
Sent: Tuesday, April 28, 2026 8:56 PM
To: Donovan Arteaga; Riley Rhodes
Cc: John Nielsen
Subject: Request for Continuance – Vacation Rental Permit Appeal – Application No. 251455 / 4400 Johanna Road

Follow Up Flag: Follow up
Flag Status: Completed

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

Dera Donovan,

I am writing to formally request a continuance of my upcoming appeal hearing, currently scheduled for Friday, May 1st, regarding the denial of my vacation rental permit renewal at 4400 Johanna Road, Application No. 251455.

I have been engaged extensively in correspondence with John Nielsen, Code Compliance Investigator, both by email and phone, beginning in January. Throughout that five-month process, this is the first time I have been notified that the age definition of "child" under our permit is being changed from under 12 to under 8 — which is the central basis of our appeal. On Thursday, April 24th, just seven calendar days — and only five business days — before my scheduled hearing, I received the County's written position statement for the first time. This falls short of the 10 calendar day notice standard established under SCCC 18.10 for permit matters, and constitutes new and substantive information that I have not had a reasonable opportunity to review, research, or respond to adequately.

Proceeding with the hearing on May 1st would significantly prejudice my ability to present a fair and complete defense of my appeal. I further note that under SCCC 18.10, any matter may be continued from time to time, and if continued to a date certain, re-noticing is not required — making this continuance administratively straightforward.

Specifically, my request is grounded in the following:

1. The County's substantive position was disclosed only seven calendar days before the hearing, after five months of correspondence in which this information was never provided.
2. The ordinance change central to this matter — the 2021 amendment reducing the definition of "child" from under 12 to under 8 years of age — was never proactively communicated to me at any point during the renewal process, despite extensive email and phone correspondence with staff over that period.
3. My 2011 permit was issued under the prior standard. Had I been informed of this change during five months of back-and-forth with staff, I would have had ample opportunity to address it. I was not.

4. I have not had adequate time to consult with legal counsel or gather evidence responsive to the County's newly disclosed position.

Given the legal questions raised regarding vested permit rights and the retroactive application of the 2021 ordinance amendment to a permit issued in 2011, I respectfully request that County Counsel be given the opportunity to review this matter prior to the hearing.

I am requesting a continuance of 30 days to allow sufficient time to prepare a meaningful response. I am flexible on scheduling and happy to coordinate a new hearing date at the County's convenience.

This request is submitted in writing to ensure a clear record. Should the continuance be denied, I respectfully request that my objection to the insufficient notice be formally entered into the record at the outset of the hearing.

Thank you for your time and consideration.

Sincerely,
Michael Schwenne
4400 Johanna Road
Application No. 251455
(831) 332-2851
mikeschwenne@gmail.com

CC: John Nielsen, Code Compliance Investigator, Santa Cruz County Planning Department

Donovan Arteaga

From: Mike Schwenne <mikeschwenne@gmail.com>
Sent: Wednesday, April 29, 2026 11:23 PM
To: Donovan Arteaga; Riley Rhodes
Cc: John Nielsen
Subject: Re: Request for Continuance – Vacation Rental Permit Appeal – Application No. 251455 / 4400 Johanna Road
Attachments: Mike email John code compliance.pdf; Monica Donovan correspondence.pdf; Mail - mike schwenne - Outlook.pdf; john 1_27.jpeg; john 1_27.jpeg; JOHn 127.jpeg; JOHN jan 27.jpeg
Follow Up Flag: Follow up
Flag Status: Flagged

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

Hi Donovan,

I'd like to request that the following documentation be added to the record for our case, as it directly relates to new information presented in the County's position during our appeal. This information was not part of the initial determination and is important in addressing how the previously stated conditions are no longer valid.

Please include the following attachments:

1. My email correspondence with John dated January 28
2. Monica's email correspondence with you beginning January 28
3. Information provided by John Nieson on January 27 regarding our citation and permitted use
4. An email from my uncle received Monday, April 27, 2026, which contradicts findings in both reports

Additionally, I'd like clarification on the screenshots included in the County's report showing our listing as having four bedrooms. Can you confirm whether all of those screenshots were taken on or before January 28? If not, could you please provide metadata or other documentation indicating when they were captured?

This point is critical to our case. We updated the bedroom count within hours of being notified on January 28 and did not change it back afterward. Both reports suggest that we reverted the listing from three bedrooms back to four after January 28, which would understandably appear noncompliant if accurate.

However, I believe I've identified the source of the confusion. On page 78 of the staff report, the booking search widgets display dates such as February 4 and February 26, which could suggest the screenshots were taken in February. But when reviewing page 80, our calendar clearly shows availability on January 27. This indicates that the screenshots must have been taken on January 27 or earlier.

Clarifying this timeline is important, as it demonstrates that we made the correction promptly and did not revert the listing afterward.

Please let me know if you need anything further from me.

Thank you,

thanks
mike schwenne

On Tue, Apr 28, 2026 at 8:56 PM Mike Schwenne <mikeschwenne@gmail.com> wrote:
Dera Donovan,

I am writing to formally request a continuance of my upcoming appeal hearing, currently scheduled for Friday, May 1st, regarding the denial of my vacation rental permit renewal at 4400 Johanna Road, Application No. 251455.

I have been engaged extensively in correspondence with John Nielsen, Code Compliance Investigator, both by email and phone, beginning in January. Throughout that five-month process, this is the first time I have been notified that the age definition of "child" under our permit is being changed from under 12 to under 8 — which is the central basis of our appeal. On Thursday, April 24th, just seven calendar days — and only five business days — before my scheduled hearing, I received the County's written position statement for the first time. This falls short of the 10 calendar day notice standard established under SCCC 18.10 for permit matters, and constitutes new and substantive information that I have not had a reasonable opportunity to review, research, or respond to adequately.

Proceeding with the hearing on May 1st would significantly prejudice my ability to present a fair and complete defense of my appeal. I further note that under SCCC 18.10, any matter may be continued from time to time, and if continued to a date certain, re-noticing is not required — making this continuance administratively straightforward.

Specifically, my request is grounded in the following:

1. The County's substantive position was disclosed only seven calendar days before the hearing, after five months of correspondence in which this information was never provided.
2. The ordinance change central to this matter — the 2021 amendment reducing the definition of "child" from under 12 to under 8 years of age — was never proactively communicated to me at any point during the renewal process, despite extensive email and phone correspondence with staff over that period.
3. My 2011 permit was issued under the prior standard. Had I been informed of this change during five months of back-and-forth with staff, I would have had ample opportunity to address it. I was not.
4. I have not had adequate time to consult with legal counsel or gather evidence responsive to the

County's newly disclosed position.

Given the legal questions raised regarding vested permit rights and the retroactive application of the 2021 ordinance amendment to a permit issued in 2011, I respectfully request that County Counsel be given the opportunity to review this matter prior to the hearing.

I am requesting a continuance of 30 days to allow sufficient time to prepare a meaningful response. I am flexible on scheduling and happy to coordinate a new hearing date at the County's convenience.

This request is submitted in writing to ensure a clear record. Should the continuance be denied, I respectfully request that my objection to the insufficient notice be formally entered into the record at the outset of the hearing.

Thank you for your time and consideration.

Sincerely,
Michael Schwenne
4400 Johanna Road
Application No. 251455
(831) 332-2851
mikeschwenne@gmail.com

CC: John Nielsen, Code Compliance Investigator, Santa Cruz County Planning Department



Mike Schwenne <mikeschwenne@gmail.com>

Request for written clarification on occupancy advertising for vacation Rental.

15 messages

Mike Schwenne <mikeschwenne@gmail.com>
To: john.nielsen@santacruzcountyca.gov
Cc: Monica Schwenne <monicaschwenne@gmail.com>

Thu, Jan 29, 2026 at 3:58 PM

Dear John,

We appreciate all the time you spent on the phone with us yesterday. You were extremely helpful and very pleasant to deal with. We ultimately appreciate the county regulation on making sure that short term operators are operating professionally and legally. In the past illegal operators both made the business difficult and gave the industry a lot of bad press.

I hope you are doing well. I am writing to request **written clarification** regarding occupancy and advertising requirements for my permitted vacation rental located at **4400 Johanna Rd, application 111368**, so that I can ensure full and ongoing compliance with Santa Cruz County regulations. During our conversation yesterday and based on the document we received from the county (attached), our understanding was clarified as follows:

- The subject property is permitted for a **maximum of eight (8) adult occupants**.
- There are **no restrictions on the number of children under the age of 12** under the current ordinance.
- We have voluntarily chosen to limit child occupancy to four (4) children for operational and safety reasons.

We have already complied with the county's direction to advertise the home as **three bedrooms plus a den**, rather than four bedrooms.

Clarification Requested

Given the above, I am seeking confirmation on the following points:

1. **Advertising of lawful occupancy**

Is it permissible under the county ordinance for our listing description to clearly state that the home allows **up to 8 adults and up to 4 children**, provided that this reflects the lawful occupancy discussed with county staff and does not exceed the permitted adult limit?

2. **Third-party platform limitations**

Platforms such as Airbnb only allow a single "maximum guest" input and do not provide a mechanism to distinguish between adults and children.

Does the county regulate or restrict how occupancy is represented within these platform-specific input fields, as opposed to the written description of the listing?

3. **Consistency with county interpretation**

Our intent is to advertise accurately and transparently in a manner consistent with the county's interpretation that adult occupancy is capped at eight (8), with no restriction on children under twelve.

Purpose

We are seeking written clarification so that we can:

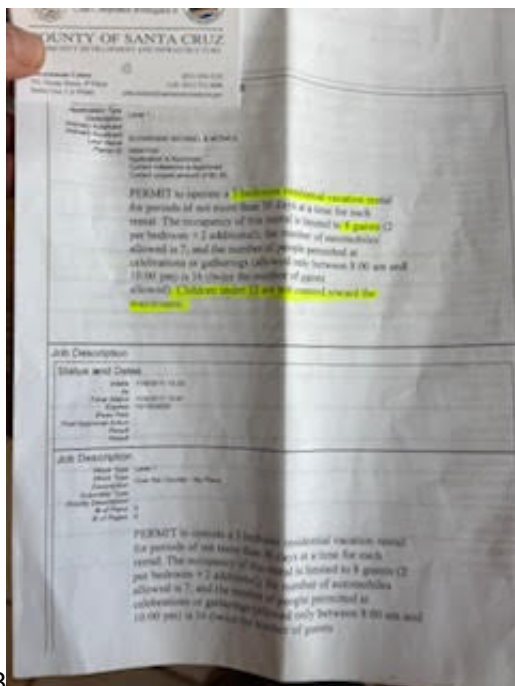
- Remain fully compliant with county requirements,
- Avoid misrepresentation of lawful occupancy due to platform limitations beyond our control, and
- Document compliance clearly in the event of future questions or complaints.

Thank you very much for your time and assistance. We appreciate the county's guidance and want to ensure our listing reflects the regulations correctly and responsibly.

Based on our conversation and thoroughly we have updated our advertising to be in compliance with county codes. Would you mind taking a look at our updated listing and pointing out any area which is out of compliance?

https://www.airbnb.com/rooms/48998244?photo_id=1423776608&source_impression_id=p3_1769729455_P32H1ccWSOYNXOwF&previous_page_section_name=1000

Sincerely,
 Michael Schwenne
 831.332.2851
mikeschwenne@gmail.com
 apn 040-411—4



Application 111368
 Sent from my iPhone

John Nielsen <John.Nielsen@santacruzcountyca.gov>
 To: Mike Schwenne <mikeschwenne@gmail.com>
 Cc: Monica Schwenne <monicaschwenne@gmail.com>

Fri, Jan 30, 2026 at 9:43 AM

Hello Mike,

As discussed on the phone, and echoed by the ordinance which I sent afterwards in an email,

the following things are situations considered a "significant violation:" *"violation of any specific conditions of approval associated with the permit; mis-advertising the capacity and limitations applicable to the vacation rental;" and " failure to maintain signage*

In your case, the citation was issued for multiple reasons, the most major of which were the bedroom count, the maximum occupancy, and lack of Vacation Rental signage. Less significant, but still a violation, the permit number was missing from the listing description.

When any permit is issued by the county of Sant Cruz, from a development permit to a use permit and every other permit, it includes "Conditions of Approval" I included a copy of the original permit, and the Conditions of Approval, in the email following the phone conversation. Your permit reads 3 bedrooms, and the conditions of approval clearly state 8 max guests.

Your permit was issued for a 3 bedroom home, due to the fact that your home has 3 legal bedrooms. I see that the listing you linked does still show 3 bedrooms, as it was changed to right before the phone call. I appreciate the quick response in both changing the listing at that time, as well as reaching out right away.

It would appear that, since the phone conversation, you have actually increased the maximum occupancy. The violation identified within the citation, and backed up by PDFs saved the day of posting, and printed and attached to citation, showed that the listing had a maximum occupancy of 11 guests. When I spoke with Monica on the phone, it has been changed to 8 max guests. As I said on the phone, this was compliant with the ordinance and your conditions of approval. It would appear now you have changed the maximum occupancy to 12 guests. This is clearly made the listing noncompliant with both the ordinance, and your permit's specific conditions of approval.

Here is a screenshot of the spot I am referring to, with the maximum occupancy highlighted:

Entire home in Aptos, California

12 guests · 3 bedrooms · 9 beds · 3 baths



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

4.97
★★★★★

67
Reviews

I hope this is just a simple misunderstanding, and the listing will be returned to the compliant advertising that it was during the phone conversation. If it is not, the second citation for continuing to violate the ordinance and the conditions of approval carries a \$400 fine, and subsequent citations carry \$1000 fines each. After the 3rd citation I can post daily.

If you disagree with me that your listing is noncompliant with the ordinance and the conditions of approval of your permit, please mail a \$100 appeal fee to the County of Santa Cruz, and we will

schedule a hearing with a 3rd party hearing officer, where we will both be sworn in and then present our statements and evidence and get the chance to defend our positions. Let me know if this is something you would like to do, I can give you the instructions including the address to mail the check. This will pause further enforcement until the hearing. You have 15 days to submit this appeal fee.

Thank you for your time.

Best,



John Nielsen

Code Compliance Investigator II
Community Development & Infrastructure

Phone: 831-454-3122
701 Ocean Street, Room 400

From: Mike Schwenne <mikeschwenne@gmail.com>
Sent: Thursday, January 29, 2026 3:58 PM
To: John Nielsen <John.Nielsen@santacruzcountyca.gov>
Cc: Monica Schwenne <monicaschwenne@gmail.com>
Subject: Request for written clarification on occupancy advertising for vacation Rental.

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

[Quoted text hidden]

Mike Schwenne <mikeschwenne@gmail.com>
To: John Nielsen <John.Nielsen@santacruzcountyca.gov>

Fri, Jan 30, 2026 at 1:53 PM

Hello John,

Thank you for your follow-up and for clarifying the county's position.

To avoid any possibility of continued violation while this interpretive issue is resolved, we will temporarily revert the Airbnb "maximum guest" field to eight (8) guests, consistent with the permit's adult overnight occupancy cap.

For clarity only, and not to suggest any change in overnight use, our permit also distinguishes between overnight adult occupancy (8) and total on-site adult presence during the day (up to 16), which is part of why we have been seeking guidance on how third-party platform guest fields should be interpreted when they do not differentiate by age or time of day.

Because there appears to be a genuine disagreement regarding how these platform interface fields should be interpreted when the written listing description clearly distinguishes adult and child occupancy—as permitted under the

ordinance—we will proceed with submitting the \$100 appeal fee so that this matter can be reviewed by a neutral hearing officer.

Our intent throughout has been full compliance, transparency, and good-faith cooperation, and we appreciate confirmation that enforcement will be paused pending the appeal.

Please send the instructions for submitting the appeal fee and any required forms.

Thank you for your time.

Sincerely,
Michael Schwenne

831.332.2851

[Quoted text hidden]

John Nielsen <John.Nielsen@santacruzcountyca.gov>

Fri, Jan 30, 2026 at 3:47 PM

To: Mike Schwenne <mikeschwenne@gmail.com>, "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Hi Michael,

No problem, I understand your position, I will be fully transparent and say that just last week I had an appeal hearing for this exact same violation, bedroom count and max occupancy, and the citation was upheld. Of course it is your right to appeal regardless. In the case the citation is upheld the \$100 will also go towards the total fine.

Please mail a \$100 check made out to the County Of Santa Cruz. Also, just to ensure the cashier processes it correctly, include a note (no specific format can be just written/printed on some printer paper) saying "This check is to schedule an appeal for citation 01379 with Code Compliance. Please forward the receipt to Investigator John Nielsen"

The address is:
County Of Santa Cruz
ATTN: Cashier
[701 Ocean St, Rm 400](#)
Santa Cruz, CA 95060

You can also drop off the check on the 4th floor of the county building if you are in the area, just ask for the cashier at the front desk.

Once we receive the check I will be able to get some potential dates for the hearing, it will be via zoom and we can work around your schedule.

Also, please email me a word doc or pdf with your written statement. This will be reviewed by the hearing officer. You can also include any evidence or supporting documents you would like, and it will all be uploaded for review by the hearing officer before the hearing.

Let me know any other questions that come up.

Best,



John Nielsen

Code Compliance Investigator II
Community Development & Infrastructure

Phone: 831-454-3122
701 Ocean Street, Room 400

From: Mike Schwenne <mikeschwenne@gmail.com>
Sent: Friday, January 30, 2026 1:53 PM
To: John Nielsen <John.Nielsen@santacruzcountyca.gov>
Subject: Re: Request for written clarification on occupancy advertising for vacation Rental.

[Quoted text hidden]

Mike Schwenne <mikeschwenne@gmail.com>
To: John Nielsen <John.Nielsen@santacruzcountyca.gov>
Cc: "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Fri, Jan 30, 2026 at 5:45 PM

Hi John,

Thank you for outlining the appeal process and next steps. We will submit the \$100 appeal fee promptly as instructed and will follow up with our written statement and supporting documents shortly.

As we prepare our materials, I had one quick procedural question. You mentioned a recent appeal involving similar issues. If that decision is part of the public record, would you be able to share the citation number or decision date so we can review it for context?

No problem at all if that's not something you're able to provide — I just wanted to ask as part of our preparation.

Appreciate your help coordinating the process.

Best regards,
Michael Schwenne

831.332.2851

[Quoted text hidden]

John Nielsen <John.Nielsen@santacruzcountyca.gov>
To: Mike Schwenne <mikeschwenne@gmail.com>
Cc: "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Wed, Feb 4, 2026 at 9:31 AM

Hello Mr. Schwenne,

Thank you for starting the process to appeal, just as a friendly reminder, the appeal fee has to be received within 15 days in order to appeal, as is printed on the back of the citation. From the date first speaking on the phone, the 28th, that would be Feb 12th, but as long as its postmarked before that its no issue, but we do have to receive the check before we can take any further steps towards scheduling the hearing.

For the pervious appeal, no problem to share that, it is public record. I have attached the decision from the appeal hearing for citation 01297.

Let me know if you have any further questions.

Best,



John Nielsen

Code Compliance Investigator II

Community Development & Infrastructure

Phone: 831-454-3122

701 Ocean Street, Room 400

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

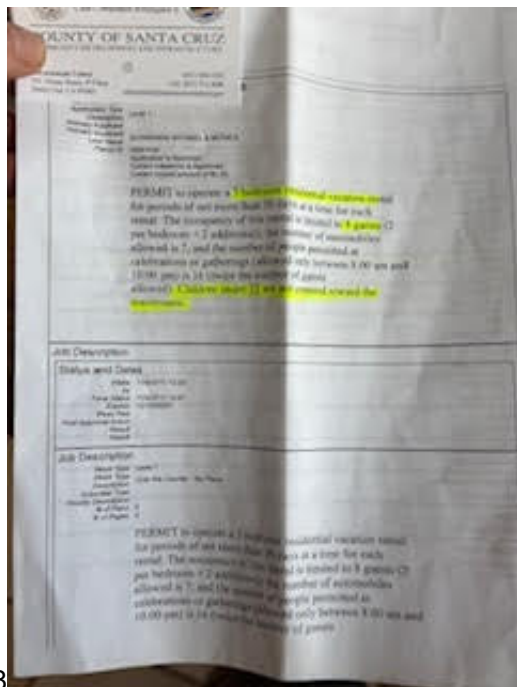
[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



Application 111368

Sent from my iPhone


 **Result of Appeal Hearing - Citation 01297.pdf**
153K

Mike Schwenne <mikeschwenne@gmail.com>
To: John Nielsen <John.Nielsen@santacruzcountyca.gov>
Cc: "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Thu, Feb 5, 2026 at 11:02 AM

Thank you John,
It was very helpful to be able to review the other appeal to ensure I wasn't wasting your time. Our check for the appeal was sent and postmarked yesterday. We also sent the \$200 fees for the citations. I've attached our appeal. As I mentioned in our appeal, we are not concerned with paying the first citation fine or arguing that citation. Our appeal is concerning moving forward, and our conversation about us facing future fines in regards to the countys current interpretation in advertising. Thank you for your help on this matter.

Mike Schwenne
831.332.2851
[Quoted text hidden]

 **Appeal_Packet_Schwenne_4400_Johanna_Rd_SHORT_FINAL.pdf**
7194K

John Nielsen <John.Nielsen@santacruzcountyca.gov>
To: Mike Schwenne <mikeschwenne@gmail.com>
Cc: "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Thu, Feb 5, 2026 at 11:32 AM

Hello Michael,

Just to confirm, the \$100 appeal fee would actually go towards the total citation fine, so sounds like there may be \$100 extra in the mail if you already submitted that. It wont be an issue for me to refund \$100 of that but will take a bit to mail, not sure the turnaround since the citation processing company handles it, I will put in the request.

Also, you mentioned youre not interesting in arguing the first citation, so perhaps a citation appeal hearing isn't what you would like to do? Just within that hearing it would be the 3rd party hearing officer determining if the specific violations in the citations were accurate or if they would be waived. They wouldn't really talk about enforcement moving forward, just focus specifically on the evidence at the time of posting. In other words, its out of their scope to determine how future enforcement would occur, they determine if my previous enforcement was valid (in alignment with our ordinance/conditions of a permit).

Another clarification that may help, I know I talk about both the ordinance and the permit/conditions of approval, but I think in this case what we are talking about is specifically the permit conditions of approval. In light of that, zoning (the planners working on your renewal) would potentially be the better place to give your argument. Because, if zoning agrees with you, they can amend the conditions of approval and put in writing the details about what youd like to list. Sometimes there are scenarios like a home that is technically missing the required parking, and the applicants can get a parking exception within the permit conditions of approval. So Zoning does have that ability to exercise discretion in issuing permits. I have never seen them do it with bedroom count or occupancy, but perhaps they could. I just say all this because I base my enforcement off the permit, so if the permit changed, my future enforcement would change.

Things like citation amounts, how often posting, and specifics related to the citation are also defined by a separate ordinance that would apply to citations written for anything.

I have a small amount of discretion in how I enforce, I can give grace periods, or waive certain things and try to be flexible over time, but I cant just ignore conditions of approval of a permit, since that basically defines the scope of my entire job since I focus only on short term rentals, which all require permits. Now if you are going to move forward with a zoning appeal to the permit renewal, in order to get more favorable conditions of approval, what I could do is offer basically a limited pause in my enforcement, as long as you continue to move down that path I would be amenable to just allowing you to work through things with zoning. Now if the renewal just dropped off then I would have to return to enforcement, but perhaps this could be a compromise that allows you the chance to attempt to alter your conditions, without worrying about enforcement in the meantime.

Again, I am happy to continue with the appeal hearing, but the fact that you specifically say you are not arguing the violations, means there is only one way the appeal hearing can go, the violations being upheld. Let me know how you feel about any of this, also happy to talk through it with you on the phone. I understand your perspective and desire to be able to present your case, so Im happy to go in any direction youd like here.

[Quoted text hidden]

Mike Schwenne <mikeschwenne@gmail.com>
To: John Nielsen <John.Nielsen@santacruzcountyca.gov>
Cc: "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Thu, Feb 5, 2026 at 6:55 PM

Hi John,

Thank you for taking the time to write such a thoughtful and detailed response. I appreciate the explanation regarding the scope of a citation appeal hearing versus zoning's role in permit conditions, and I understand the distinction you're drawing.

I do want to clarify where my concern remains, because I don't believe this issue can realistically be resolved through zoning, and I'm worried that withdrawing the appeal places me in a difficult enforcement position.

To be clear, I am **not seeking** an increase in permitted occupancy, bedroom count, or any expansion of use. I fully accept and comply with the existing permit conditions: eight (8) adults overnight, children under twelve not counted toward occupancy maximums, and up to sixteen (16) adults during permitted daytime hours. I am not asking zoning to modify what the permit allows.

My concern is strictly about **how that already-permitted use can be advertised on Airbnb**, given that the platform requires a single, undefined "maximum guest" number and does not distinguish between adults and children or between overnight and daytime presence. Even when the written description is clear, accurate, and prominently discloses the overnight adult limit, the platform's numeric field cannot reflect the permit's distinctions.

From my perspective, zoning does not appear to be the appropriate forum because I am not requesting a permit amendment or exception. Zoning has no role in enforcement, and if they decline to amend the conditions (which I understand is likely), that does not resolve the underlying enforcement interpretation that places me at risk of additional citations for advertising lawful use under the existing permit.

This is where I feel stuck. If I withdraw the appeal and keep the listing capped at "8 guests," I'm forced to under-advertise lawful family and daytime use for an extended period. If I adjust the listing to reflect permitted use (for example, eight adults plus children), I risk an immediate second citation — one with more serious consequences — before any neutral body has had the opportunity to review whether that enforcement interpretation is correct. I'm trying to avoid a cycle of serial citations while acting in good faith to comply.

For additional context, family groups with children represent a significant portion of our lawful bookings. When the listing is constrained to displaying "8 guests," those permitted family stays are effectively filtered out of guest searches, even though they are allowed under the permit. The longer this remains unresolved, the more difficult it becomes to operate the rental in a way that reflects its permitted use.

I would also respectfully suggest a practical test that illustrates the issue. If you search Airbnb as a guest for **8 adults and 4 children** in Aptos, you'll see that listings capped at "8 guests" — including mine — do not appear, despite that group being expressly permitted under my conditions of approval. This is the core issue I'm trying to resolve, not a disagreement about occupancy limits themselves.

I'm very open to talking this through by phone and would welcome the opportunity to do so. My goal is clarity and consistency going forward, not confrontation, and I appreciate your willingness to engage on this.

I will try to give you a call and see if we can connect via phone.

Best,
Michael Schwenne

831.332.2851

[Quoted text hidden]

John Nielsen <John.Nielsen@santacruzcountyca.gov>
To: Mike Schwenne <mikeschwenne@gmail.com>
Cc: "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Fri, Feb 6, 2026 at 2:15 PM

Hello Michael,

I apologize I won't be able to talk today, I am going to be heading home early, been getting over a cough since last weekend and have had to take some sick days this week so it's been a lot of catch up. Let's follow up with a phone call Tue morning if that works for you. You mailing the check for the appeal means we can put the citation on an appeal hold, so there won't be any late fees while it's on that hold. Then we can schedule the hearing after we talk some more.

I will say quickly, I definitely understand your view that airbnbs limitations of advertising and permit conditions of approval are separate things, but the County of Santa Cruz's planning dept position disagrees with that. A citation appeal hearing officer doesn't interpret the code, he makes the determination if the action of enforcement is in alignment with the County's interpretation of the code. So as the enforcement officer representing the County, I tell him what the county's position is, under oath, then he makes the determination if my enforcement is in alignment with that.

We will talk more next week, if Tue morning doesn't work let me know a date/time after that which works for you. Have a nice weekend

[Quoted text hidden]

Mike Schwenne <mikeschwenne@gmail.com>
To: John Nielsen <John.Nielsen@santacruzcountyca.gov>
Cc: monicaschwenne@gmail.com

Tue, Feb 10, 2026 at 10:39 AM

Thanks john for your response.

Does this morning work for you to jump on a call?

Mike
Sent from my iPhone

On Feb 6, 2026, at 2:16 PM, John Nielsen <John.Nielsen@santacruzcountyca.gov> wrote:

Hello Michael,

I apologize I wont be able to talk today, I am going to be heading home early, been getting over a cough since last weekend and have had to take some sick days this week so its been a lot of catch up. Lets follow up with a phone call Tue morning if that works for you. You mailing the check for the appeal means we can put the citation on an appeal hold, so there wont be any late fees while its on that hold. Then we can schedule the hearing after we talk some more.

I will say quickly, I definitely understand your view that airbnbs limitations of advertising and permit conditions of approval are separate things, but the County of Santa Cruz's planning dept position disagrees with that. A citation appeal hearing officer doesn't interpret the code, he makes the determination if the action of enforcement is in alignment with the County's interpretation of the code. So as the enforcement officer representing the County, I tell him what the county's position is, under oath, then he makes the determination if my enforcement is in alignment with that.

We will talk more next week, if Tue morning doesn't work let me know a date/time after that which works for you. Have a nice weekend

Best,

<image001.png>

John Nielsen

Code Compliance Investigator II
Community Development & Infrastructure

Phone: 831-454-3122

701 Ocean Street, Room 400

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Best,

<image001.png>

John Nielsen

Code Compliance Investigator II
Community Development & Infrastructure

Phone: 831-454-3122

701 Ocean Street, Room 400

From: Mike Schwenne <mikeschwenne@gmail.com>
Sent: Thursday, February 5, 2026 11:02 AM
To: John Nielsen <John.Nielsen@santacruzcountyca.gov>
Cc: monicaschwenne@gmail.com
Subject: Re: Request for written clarification on occupancy advertising for vacation Rental.

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

Thank you John,

It was very helpful to be able to review the other appeal to ensure I wasn't wasting your time. Our check for the appeal was sent and postmarked yesterday. We also sent the \$200 fees for the citations. I've attached our appeal. As I mentioned in our appeal, we are not concerned with paying the first citation fine or arguing that citation. Our appeal is concerning moving forward, and our conversation about us facing future fines in regards to the countys current interpretation in advertising. Thank you for your help on this matter.

Mike Schwenne

831.332.2851

On Wed, Feb 4, 2026 at 9:31 AM John Nielsen <John.Nielsen@santacruzcountyca.gov> wrote:

Hello Mr. Schwenne,

Thank you for starting the process to appeal, just as a friendly reminder, the appeal fee has to be received within 15 days in order to appeal, as is printed on the back of the citation. From the date first speaking on the phone, the 28th, that would be Feb 12th, but as long as its postmarked before that its no issue, but we do have to receive the check before we can take any further steps towards scheduling the hearing.

For the pervious appeal, no problem to share that, it is public record. I have attached the decision from the appeal hearing for citation 01297.

Let me know if you have any further questions.

Best,

<image001.png>

John Nielsen

Code Compliance Investigator II

Community Development & Infrastructure

Phone: 831-454-3122

701 Ocean Street, Room 400

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Best,

<image001.png>

John Nielsen

Code Compliance Investigator II
Community Development & Infrastructure

Phone: 831-454-3122

701 Ocean Street, Room 400

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

<image002.png>

I hope this is just a simple misunderstanding, and the listing will be returned to the compliant advertising that it was during the phone conversation. If it is not, the second citation for continuing to violate the ordinance and the conditions of approval carries a \$400 fine, and subsequent citations carry \$1000 fines each. After the 3rd citation I can post daily.

If you disagree with me that your listing is noncompliant with the ordinance and the conditions of approval of your permit, please mail a \$100 appeal fee to the County of Santa Cruz, and we will schedule a hearing with a 3rd party hearing officer, where we will both be sworn in and then present our statements and evidence and get the chance to defend our positions. Let me know if this is something you would like to do, I can give you the instructions including the address to mail the check. This will pause further enforcement until the hearing. You have 15 days to submit this appeal fee.

Thank you for your time.

Best,

<image001.png>

John Nielsen

Code Compliance Investigator II
Community Development & Infrastructure

Phone: 831-454-3122
701 Ocean Street, Room 400

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Application 111368
<image003.jpg>

Sent from my iPhone

John Nielsen <John.Nielsen@santacruzcountyca.gov>
To: Mike Schwenne <mikeschwenne@gmail.com>
Cc: "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Tue, Feb 10, 2026 at 10:52 AM

Yes apologies meant to reach out when I got in the office but got a bit caught up. I can give you a call 1115ish, I will just finish up what Im working on, thanks

Best,



John Nielsen

Code Compliance Investigator II
Community Development & Infrastructure

Phone: 831-454-3122
701 Ocean Street, Room 400

|

[Quoted text hidden]

Mike Schwenne <mikeschwenne@gmail.com>
To: John Nielsen <John.Nielsen@santacruzcountyca.gov>
Cc: "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Tue, Feb 10, 2026 at 11:08 AM

Sounds good, talk to you then.

[Quoted text hidden]

Mike Schwenne <mikeschwenne@gmail.com>
To: John Nielsen <John.Nielsen@santacruzcountyca.gov>
Cc: "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Tue, Feb 10, 2026 at 12:49 PM

thanks so much for all your time on the phone today John,

We will be in touch.

mike schwenne

[Quoted text hidden]

John Nielsen <John.Nielsen@santacruzcountyca.gov>
To: Mike Schwenne <mikeschwenne@gmail.com>
Cc: "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Tue, Feb 10, 2026 at 2:33 PM

You're welcome, happy to discuss these things, and you may be helping us refine our process so that's always a good thing!

Just to quickly confirm something, you mentioned a deadline that would pass while Donovan is away, is this the deadline for public comment or the decision? Have you already received the Staff Report that recommends denial, or is it still in the public comment period?

[Quoted text hidden]



Monica Schwenne <monicaschwenne@gmail.com>

251455 Update (4400 Johanna Drive)

9 messages

Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov>
To: "monicaschwenne@gmail.com" <monicaschwenne@gmail.com>

Hi Monica,

I apologize for the delay in the review of your application 251455 for a Vacation Rental Renewal at 4400 Johanna Drive. Upon review of your submitted materials, the application was deemed complete. Please pay attention that the property has been falsely advertised online as a four-bedroom home for up to eleven guests (see [Exclusive Modern Retreat- The Johanna House](#) **【 JAN 2026 】** in Santa Cruz, CA home, no more than eight overnight guests (per County Code). Furthermore, this was confirmed by our Code Compliance division which had picked up the false advertisement previously through the 27, 2026, for exceeding the scope of the permit. Please see snippets below for listing and service request proof.

Santa Cruz County Code [13.10.694](#) (L), violation of the ordinance is grounds for denial of a renewal application. As such, I cannot make the findings to support and recommend approval for this application.

Based on the above, I recommend a formal withdrawal. This approach allows for the refund of your remaining at-cost deposit. Should you choose to move forward, I will prepare a staff report which will be billed against your deposit, further reducing the refundable amount. Please let me know how you would like to proceed.

Thank you,

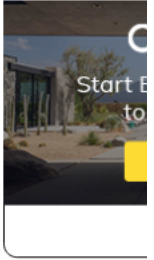
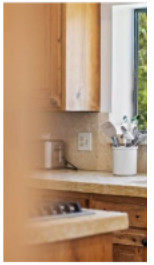
Donovan

831-454-2801

Aptos Rentals > USA > California > Santa Cruz > Aptos

Exclusive Modern Retreat- The Johanna House | House in Aptos

9.8 (82 Reviews) | Pet Friendly | 4 Bedrooms | 3 Bathrooms | 11 Guests



4 Bedroom House in Aptos

Summary:

Experience a luxurious Airbnb escape, gracefully perched atop a vast 4-acre mountaintop oasis, just 1.4 miles from some of California's finest beaches and renowned in what is arguably the most exclusive neighborhood in all of Santa Cruz, this elegant escape offers the perfect balance of convenience and tranquility, with Capitola, 5 moments away. Immerse yourself in adventure with pristine beaches, top-tier mountain bike trails, delectable restaurants, and stylish shopping all within a 1.5-mile radius. Escape the ordinary, nestled in the lush Santa Cruz forest, to relax in refined comfort—a hidden gem aptly showcased on the TV show *Stranger in Paradise*. [Show more](#) ✓

Service Request # 19611

Request Type* VRO Vacation Request Outreach

Request Date 1/27/2026 16:48 Incident Date // :

Call Date 1/27/2026 16:48

Taken By JNIELSEI John Nielsen

Incident Date // :

Information **Call Details** Inspection Resource Usage Log Attachments Associations Schedules

Call Duration 00:02:18 # of Calls 1

Taken By JNIELSEN John Nielsen

Customer Contact Requested Notify Customer Regarding Service Request Progress

Contact

Name First, MI

Title

Contact Type Foreign Day Phone () - x

Address E-mail

City State/Province Company Name

ZIP/PC Country Internet ID Type 1 ID 1

Internet ID Type 2 ID 2

Customer Comments

1/27/26: Rentalscape data confirms exceeding scope of 3 bedroom, 8 max occupancy, Vacation Rental permit 111368 by listing 4 bedrooms and 11 max occupancy. Listing missing permit number. Saved docs to A



Donovan Arteaga

Planner I

Community Development & Infrastructure

Phone: 831-454-2801

701 Ocean Street, Room 400

Monica Schwenne <monicaschwenne@gmail.com>
 To: Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov>

Wed, Jan 28, 2026 at 10:41 AM

Hi Donovan,

I just left you a voicemail, please give me a call back at your earliest convenience.

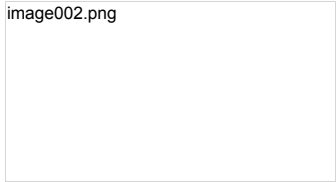
Much appreciated,

Monica

Sent from my iPhone

On Jan 28, 2026, at 10:24 AM, Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov> wrote:

2801



Monica Schwenne <monicaschwenne@gmail.com>
To: Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov>

Wed, Jan 28, 2026 at 10:41 AM

Here is my direct line- (831)345-3705

Thank you!

Monica

Sent from my iPhone

On Jan 28, 2026, at 10:41 AM, Monica Schwenne <monicaschwenne@gmail.com> wrote:

Hi Donovan,
[Quoted text hidden]

Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov>
To: Monica Schwenne <monicaschwenne@gmail.com>

Monica,

Sorry for the delay, my manager was in meeting this afternoon and I did not get to speak to her. I will be in contact tomorrow.

Best,



Donovan Arteaga

Planner I

Community Development & Infrastructure

Phone: 831-454-2801

701 Ocean Street, Room 400

From: Monica Schwenne <monicaschwenne@gmail.com>
Sent: Wednesday, January 28, 2026 10:42 AM
To: Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov>
Subject: Re: 251455 Update (4400 Johanna Drive)

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

Here is my direct line- (831)345-3705

Thank you!

Monica

Sent from my iPhone

On Jan 28, 2026, at 10:41 AM, Monica Schwenne <monicaschwenne@gmail.com> wrote:

Hi Donovan,

I just left you a voicemail, please give me a call back at your earliest convenience.

Much appreciated,

Monica

Sent from my iPhone

On Jan 28, 2026, at 10:24 AM, Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov> wrote:

2801



Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov>
To: Monica Schwenne <monicaschwenne@gmail.com>

Mon, Feb 2, 2026 at 11:53 AM

Hi Monica,

Sorry for the delay. I spoke to my manager. If you'd like for me to write the Staff Report recommending the denial, you will have 14 days from the date of denial to appeal. Then an appeal hearing will be scheduled within 60 days of the appeal.

This is the timeline set out by our code.

Thanks,

[Quoted text hidden]

Monica Schwenne <monicaschwenne@gmail.com>
To: Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov>

Tue, Feb 10, 2026 at 11:15 AM

Hi Donovan,

We would like to file the appeal. Please advise on how to proceed. Much appreciated.

Thanks!

Monica
(831)345-3705

[Quoted text hidden]

--

Monica Schwenne
(831) 345-3705

Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov>
To: Monica Schwenne <monicaschwenne@gmail.com>

Wed, Feb 18, 2026 at 1:38 PM

Hi Monica,

I apologize as I was out of office last week. I have not officially denied the application as I was waiting for your decision on how you would like to proceed.

I will now work on a Staff Report recommending denial which will need to be approved by manager. Once that is Staff Report is signed off, I can officially issue an denial which I will notify you of. You will have 14 days from the denial to file the appeal. After an appeal letter is turned in, I will have 60 days to schedule an appeal hearing. I will provide more detailed information as we approach those steps.

[Quoted text hidden]
[Quoted text hidden]

--

Monica Schwenne
(831) 345-3705

Monica Schwenne <monicaschwenne@gmail.com>
To: Mike Schwenne <mikeschwenne@gmail.com>

Thu, Mar 5, 2026 at 5:50 PM

[Quoted text hidden]
[Quoted text hidden]

Monica Schwenne <monicaschwenne@gmail.com>
To: Mike Schwenne <mikeschwenne@gmail.com>

Thu, Mar 5, 2026 at 6:01 PM

----- Forwarded message -----

From: Donovan Arteaga <Donovan.Arteaga@santacruzcountyca.gov>
[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]



John Nielsen
Code Compliance Investigator II



COUNTY OF SANTA CRUZ
COMMUNITY DEVELOPMENT AND INFRASTRUCTURE

Government Center
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060



(831) 454-3122
Cell: (831) 713-3694
john.nielsen@santacruzcounty.ca.gov

Application Type
Application Type
Description
Description
Primary Applicant
Primary Applicant
Last Name
Last Name
Parcel ID
Parcel ID

DISC
Level 1
SCHWENNE MICHAEL & MONICA
04041104
Application is Approved.
Current milestone is Approved.
Current unpaid amount of \$0.00.

PERMIT to operate a 3 bedroom residential vacation rental for periods of not more than 30 days at a time for each rental. The occupancy of this rental is limited to 8 guests (2 per bedroom + 2 additional); the number of automobiles allowed is 7; and the number of people permitted at celebrations or gatherings (allowed only between 8:00 am and 10:00 pm) is 16 (twice the number of guests allowed). Children under 12 are not counted toward the maximums.

Job Description

Status and Dates

Intake 11/4/2011 13:33
by
Final Status 11/4/2011 13:41
Expires 12/15/2025
Fees Paid
Post Approval Action
Result
Result

Job Description

Work Type Level 1
Work Type
Description Over the Counter - No Plans
Submittal Type
Priority Description
of Plans 0
of Pages 0

PERMIT to operate a 3 bedroom residential vacation rental for periods of not more than 30 days at a time for each rental. The occupancy of this rental is limited to 8 guests (2 per bedroom + 2 additional); the number of automobiles allowed is 7; and the number of people permitted at celebrations or gatherings (allowed only between 8:00 am and 10:00 pm) is 16 (twice the number of guests

INFORMATION - APPLICATION# 111368

Application Type DISC
 Application Type Description Level 1
 Primary Applicant
 Primary Applicant Last Name SCHWENNE MICHAEL & MONICA
 Parcel ID 04041104

Application is Approved.
 Current milestone is Approved.
 Current unpaid amount of \$0.00.

PERMIT to operate a 3 bedroom residential vacation rental for periods of not more than 30 days at a time for each rental. The occupancy of this rental is limited to 8 guests (2 per bedroom + 2 additional); the number of automobiles allowed is 7; and the number of people permitted at celebrations or gatherings (allowed only between 8:00 am and 10:00 pm) is 16 (twice the number of guests allowed). Children under 12 are not counted toward the maximums.

Job Description

Status and Dates

Intake 11/4/2011 13:33
 by
 Final Status 11/4/2011 13:41
 Expires 12/15/2025
 Fees Paid
 Post Approval
 Result
 Result

Job Description

Work Type Level 1
 Work Type Description Over the Counter - No Plans
 Submittal Type
 Priority Description
 # of Plans 0
 # of Pages 0

PERMIT to operate a 3 bedroom residential vacation rental for periods of not more than 30 days at a time for each rental. The occupancy of this rental is limited to 8 guests (2 per bedroom + 2 additional); the number of automobiles allowed is 7; and the number of people permitted at celebrations or gatherings (allowed only between 8:00 am and 10:00 pm) is 16 (twice the number of guests

13.10.694 Vacation Rental Ordinance, Signs and Advertising

(F) Signs. All vacation rentals shall have a sign identifying the structure as a permitted vacation rental and listing the 24-hour local property manager responsible for responding to complaints and providing general information, which shall be placed no more than 20 feet back from the nearest street. For all rentals, the sign must also display the beginning and end dates of the five-year vacation rental permit. This information shall be updated upon any renewal of such a permit. The sign may be of any shape but may not exceed 216 square inches. There is no minimum sign size so long as the information on the sign is legible from the nearest street. A sign required by this subsection shall be continuously maintained while the dwelling is rented.

(J) Advertising. 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

allowed). Children under 12 are not counted toward the maximums.

Driving Directions
Desc of Project

Review to Perform

4400 Johanna Road Aptos

Completeness Determination

(No Data)

Hearings

(No Data)

Application Details

(Tab Not Loaded)

Reviews

(Tab Not Loaded)

Inspections

(Tab Not Loaded)

Hearings

(Tab Not Loaded)

Conditions

(Tab Not Loaded)

Fees

(Tab Not Loaded)

Bonds

(Tab Not Loaded)

Applicants

(Tab Not Loaded)

Sites

(Tab Not Loaded)

Employees

(Tab Not Loaded)

Related Records

(Tab Not Loaded)

Logs

(Tab Not Loaded)

Attachments

(Tab Not Loaded)



Clarification about 4400 Johanna Rd Vacation Rental House

From dons@beverlys.com <dons@beverlys.com>

Date Mon 4/27/2026 2:26 PM

To mikeschwenne@hotmail.com <mikeschwenne@hotmail.com>; westcoastcamps@gmail.com <westcoastcamps@gmail.com>

Cc 'Cathy Sleeper' <cathysleeper60@gmail.com>

Hello Mike and Monica,

After reading your correspondence with the County of Santa Cruz Planning Department, it appears that there is some misunderstanding about our comments regarding your 4400 Johanna Road Vacation Rental House. We hope that this email will clarify some things.

We understand that 4400 Johanna Road is one of your businesses. You can operate your businesses as you wish. When we received a card from the county asking for comment from neighbors, we responded. We gave the Planner, Donovan Arteaga, our honest feedback. We are family. It was not personal and we would have given the same feedback no matter who was the owner.

As far as the advertising compliance goes, we were not even aware this was an issue with the county. We are not comfortable with strangers, the renters of your vacation rental house, walking up our street. Donovan asked Cathy to send him a copy of the Johanna Vacation House listing, so she did. We had no idea why he asked for this.

I am disappointed that you would write to the county that she was "intentionally misleading and not forthright." Cathy is a woman of integrity and she would not intentionally mislead anyone.

It is ok if we see things differently than you guys. We love you, and do not want our comments to the county to cause a division between us. We honor and respect your right to run your Vacation Rental business your way. We hope that you will honor and respect our preference that we prefer not to have a VRBO on our street.

Love,

Uncle Don and Aunt Cathy