



## Staff Report to the Zoning Administrator

Application Number: **131066**

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**Applicant:** Lynn Pennington  
**Owner:** Lynn Pennington  
**APN:** 025-033-07

**Agenda Date:** 6/14/2013  
**Agenda Item #:** 1  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to operate a new 4 bedroom residential vacation rental for periods of not more than 30 days at a time. Requires a Vacation Rental Permit and a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 1 Section 15301 and Class 3 Section 15303.

**Location:** Property located on the southwest side of Mission Drive, approximately 1/2 mile north of Soquel Drive (3709 Mission Drive).

**Supervisory District:** 1st District (District Supervisor: John Leopold)

**Permits Required:** Vacation Rental Permit  
**Technical Reviews:** None

**Staff Recommendation:**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 131066, based on the attached findings and conditions.

**Exhibits**

- |   |                                       |
|---|---------------------------------------|
| A. Categorical Exemption (CEQA determination) | F. General Plan Maps                  |
| B. Findings                                   | G. Vacation Rental Ordinance          |
| C. Conditions                                 | H. Application Lease Agreement        |
| D. Project plans                              | I. Vacation Rental Certification Form |
| E. Assessor's, Location, Zoning and           | I. Comments & Correspondence          |

**Parcel Information**

Parcel Size:	20,908 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Mission Drive
Planning Area:	Live Oak

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County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Land Use Designation: R-UL (Residential Urban Low)  
Zone District: R-1-10 (Single Family Residential, 10000 square feet per unit)  
Coastal Zone: ☐ Inside ☒ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A  
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  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside  
Water Supply: Soquel Creek Water  
Sewage Disposal: Santa Cruz Sanitation  
Fire District: Central Fire Protection District  
Drainage District: Zone 5

### Background

The property contains a permitted 5 bedroom two story single family dwelling with an attached three car garage issued in 1985. The applicant is requesting a four bedroom vacation rental. The applicant has noted that a separate apartment will be provided for an on-site vacation rental attendant.

The Vacation Rental Ordinance requires a public notice prior to approval. Due to the level of neighborhood input (Exhibit I) the ordinance allows the project to be scheduled for a public hearing before the Zoning Administrator to allow consideration of public testimony. The Vacation Rental Ordinance is attached (Exhibit F) so that it may be clear how vacation rentals are regulated. This ordinance was approved by the Board of Supervisors on May 3, 2011 and approved by the California Coastal Commission on July 12, 2011.

### Zoning & General Plan Consistency

The subject property is a parcel of approximately 20,000 square feet, located in the R-1-10 (Single Family Residential, 10000 square feet per unit) zone district, a designation which allows vacation rental uses. The proposed short term residential vacation rental is a principal permitted

use within the zone district and the zoning is consistent with the site's (R-UL) Residential Urban Low General Plan designation.

Vacation rentals are subject to a standard list of conditions as required by the vacation rental ordinance and included in the approved rental lease agreement. These address permitted occupancy, allowed parking, noise, trash, illegal behavior, required 24 hour contact, and so forth. The vacation rental permit may be subject to additional conditions as determined appropriate during the public input process.

The vacation rental ordinance sets out the maximum overnight guest occupancy of two people per bedroom plus two, and a celebration occupancy of twice the guest occupancy between 8 am to 10 pm only. The permitted occupancy for the proposed rental is 10 overnight guests (2 x 4 + 2), excepting children under twelve, and a celebration occupancy of twenty daytime occupancy guests (twice guest occupancy), excepting children, between 8 am to 10 pm. The lease agreement limits occupancy to 8 overnight guests, with an unspecified number of additional guests permitted with prior arrangements of the property owner, and a celebration occupancy of 16.

The ordinance limits parking to the number of on-site parking spaces (8.5' x 18' size) plus two on-street spaces. There are three spaces provided in the garage and three spaces in front of the garage. Up to three additional parking spaces straddle the property line and right-of-way and are not included in the available parking for this site as the ordinance limits parking to two tandem parking spaces. No on-street parking spaces are available given the narrow width and limited parking shoulder.

The proposed lease agreement limits parking to four on-site parking spaces. One additional space is available for the on-site attendant. The parking meets the ordinance standards.

### **Neighborhood Issues**

Staff has reviewed the neighborhood correspondence. Most of the neighborhood concerns are addressed by the standard conditions of approval and required 24 hour contact. Conflict resolution of Santa Cruz County is available for unresolved neighborhood disputes and Code Compliance is available should conflict resolution fail to resolve vacation rental issues.

Some issues identified by neighbors have resulted in revision to the lease agreement (Exhibit G). This includes added lease language prohibiting fireworks to ensure fire safety. Additional recommended conditions of approval require submittal of a revised lease agreement prior to rental so that the overnight occupancy clearly establishes a maximum of ten over-night guests, as well as general language prohibiting illegal behavior. The project is conditioned to prohibit on-street parking due to the narrow road width and limited parking shoulder on Mission Drive.

With regard to the managers apartment, the property is permitted as a five bedroom single family residential use and has not been authorized an additional apartment. A special inspection is recommended to confirm the bedroom count and to confirm the presence or absence of an apartment or rental unit with a separate kitchen. In the event that an existing bedroom has been converted to a second unit it is recommended that the applicant obtain a building permit to recognize the second unit. If the second unit exceeds 17 feet in height a public hearing before

the Zoning Administrator is required as well. The lease agreement should also be revised to exclude reference to an apartment if none exists.

Properties outside the Live Oak Designated area are typically granted a vacation rental in perpetuity. However, in order to allow evaluation of permit compliance to ensure that neighborhood issues are adequately addressed, the project is conditioned to require permit renewal within 2 years. In the event of substantiated non-compliance, permit renewal may be denied by the Planning Department.

### **Environmental Review**

Environmental review has not been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). A preliminary determination has been made that the proposed vacation rental is exempt from the Environmental Quality Act. The exemption is attached as Exhibit A.

### **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**

- **CERTIFICATION** that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **131066**, 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 Department, 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.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

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# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department 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:** 131066

**Assessor Parcel Number:** 025-033-07

**Project Location:** 3709 Mission Drive, Santa Cruz, CA 95065

**Project Description:** Proposal to operate a new 4 bedroom residential vacation rental for periods of not more than 30 days at a time for each rental. Requires a Vacation Rental Permit.

**Person or Agency Proposing Project:** Lynn Pennington

**Contact Phone Number:** (831) 818-9009

- 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. X Categorical Exemption

Specify type: Class 1, Section 15301  
Class 3, Section 15303

### F. Reasons why the project is exempt:

Class 1-Existing Facilities: Class 1 includes, but is not limited to, conversion of a single family dwelling to an office use and use of a single family dwelling as a small family day care. The key consideration for Class 1 exemptions is that the project involves negligible or no expansion of an existing use. Conversion of a single family dwelling to a vacation rental involves negligible expansion of the residential use and is less intensive than conversion of a dwelling to an office or day care use.

Class 3-Conversion of Small Structures: Class 3 includes, but is not limited to, conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed conversion of the existing dwelling to a vacation rental involves no proposed modifications to the residential structure.

In addition, a Negative Declaration for implementation of the Vacation Rental Ordinance was approved by the Board of Supervisors on 5/03/2011 and certified by the Coastal Commission on 7/12/2011.

None of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Sheila McDaniel, Project Planner

Date: \_\_\_\_\_

## Development Permit Findings

1. That the proposed location of the vacation rental and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made in that the proposed residential vacation rental is located in an existing five bedroom residential structure with an attached three car garage in an area designated for residential uses and is not encumbered by physical constraints to development. The residential vacation rental will comply with health and safety standards established for vacation rental units, including smoke and carbon monoxide alarms, working ground fault circuit interrupters, emergency egress in all sleeping rooms, and handrails along stairs and walking surfaces above 30 inches in height to insure the optimum in safety. In addition, the vacation rental standards address noise, occupancy, and parking to ensure that there are no detrimental effects of the vacation rental.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the location of the proposed vacation rental and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances, including the vacation rental ordinance, and the purpose of the R-1-10 zone district which allows one single family residential dwelling and vacation rental use of the dwelling, meeting all requirements of the vacation rental ordinance.

The attached lease agreement includes reference to an attendant's apartment on the site. The property is permitted as a five bedroom single family residential use with an attached three car garage and has not been authorized an additional apartment. Thus, staff is recommending that prior to authorizing the vacation rental permit a special inspection is required to be completed to confirm the presence or absence of an apartment/rental unit on the property. In the event that it is a second unit, it is required that a second unit permit be obtained or that the second unit be removed. The lease agreement shall be revised to exclude reference to an apartment if none exists.

The project is conditioned to require revision to the lease agreement to limit the maximum occupancy to 10 overnight guests. In addition, the project is conditioned to require the lease agreement to be modified to prohibit illegal behavior. Furthermore, the permit is conditioned to require renewal within two years to allow staff to evaluate permit compliance given the history of neighborhood issues related to this rental.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential vacation rental use is consistent with the use and density requirements specified for the Urban Low 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/has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed residential vacation rental is to be located within an existing single family residential structure. The expected level of traffic generated by the proposed vacation rental is commensurate to any other residential use of the dwelling because the short term rental occupancy of a residence does not change the type of use within the dwelling and, further, guest celebrations that result in temporary increased traffic can occur with both non-vacation rental residential use and vacation rental use.

5. That the proposed vacation rental will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the short term vacation rental is proposed to be located within an existing residential dwelling located within a residential neighborhood, consistent with the land use intensity and density of residential neighborhoods. Both non-vacation residential uses and vacation rental uses can include celebrations that result in temporary increase in vehicles and building occupancy.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

Pursuant to County Code Section 13.11.040, the proposed residential use is exempt from the Design Review Ordinance

## Conditions of Approval

Exhibit D: Project Plans  
Exhibit G: Lease Agreement  
Exhibit H: Vacation Rental Safety Certification Form

- I. This permit authorizes operation of a new 4 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 10 guests (2 per bedroom + 2 additional); the number of automobiles allowed is 5 (three within the garage and two within the driveway apron; and the number of people permitted at celebrations or gatherings (allowed only between 8:00 am and 10:00 pm) is 20 (twice the number of guests allowed). Children under 12 are not counted toward the maximums. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Special Inspection from the Santa Cruz County Building Official to confirm the existing bedroom count. In the event that a second unit (apartment) is confirmed, the applicant shall obtain a building permit for conversion of a bedroom to a second unit. If the second unit exceeds 17 feet in height a Zoning Administrator Public Hearing approval is required. The lease agreement shall be revised to address this issue, as necessary.
  - C. Revise the vacation rental lease (Exhibit G) agreement to:
    1. Permit a maximum of 10 overnight guests.
    2. Prohibit illegal behavior.
- 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 Safety Certification form (Exhibit H).
  - B. The maximum, overnight occupancy of the vacation rental shall not exceed 10 people (2/bedroom + 2, children under 12 not counted).
  - C. The maximum number of vehicles associated with the overnight occupants shall not exceed 5 (number of on-site parking spaces on site available to guests). On-street parking is prohibited.
  - D. 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 12 not counted).
  - E. Occupants and guests shall adhere to the noise standards contained in the County Noise Ordinance (County Code Chapter 8.30).



- F. A list of rules shall be posted inside the vacation rental in a location readily visible to all guests. The rules shall include, but not necessarily be limited to the following: maximum number of guests allowed, maximum number of people allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., maximum number of vehicles allowed, and a reference to the standards contained in the County Noise Ordinance (County Code Chapter 8.30).
- G. 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. 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.
- I. The name, address, and telephone number(s) of the local contact person shall be posted inside the vacation rental in a location readily visible to all guests, and shall be submitted to the local Sheriff Substation, the main County Sheriff's Office, the local fire agency, and shall be supplied to the property owners of all properties located within a 300 foot radius of the parcel on which the vacation rental is located. Any change in the contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified above.
- J. 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.
- K. The owner/applicant shall agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising out of the use of the dwelling as a vacation rental. Unless an alternate dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Conflict Resolution Center of Santa Cruz County.
- L. This permit shall expire within 2 (two) 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.

III. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly

prejudicial to the Development Approval Holder.

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

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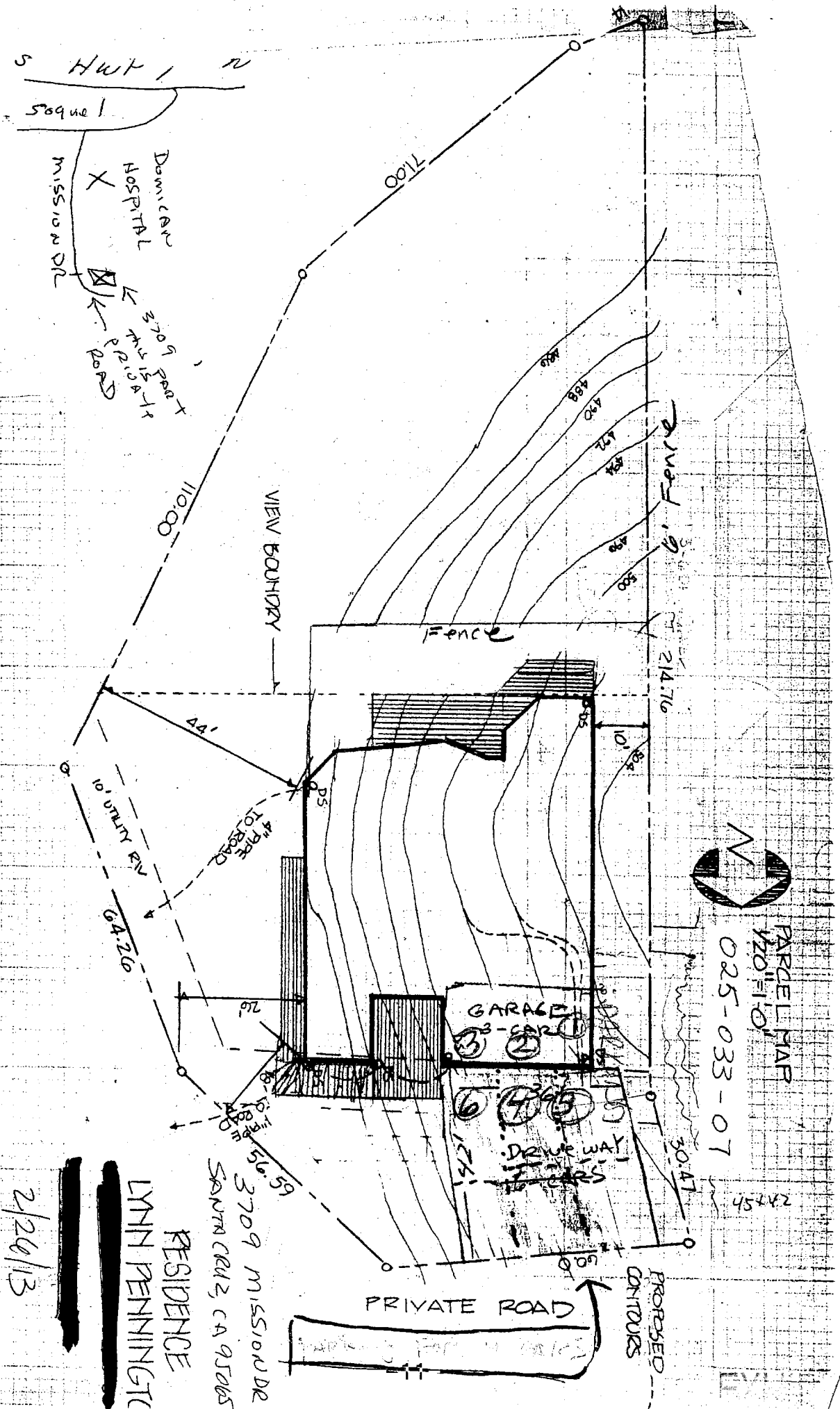
Minor variations to this permit, which do not affect the overall concept or density, may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration date: \_\_\_\_\_



2/26/13

RESIDENCE  
LYNN PENNINGTON

3709 MISSION DR  
SANTA CRUZ, CA 95065

FLOOR PLAN  
REVISION  
1/4" = 1'-0"

UP NORTH

NOTE: 1) Between May & Sept. stop  
Bates every two weeks.  
2) Make 1st yr. of samples.  
But no final copy.

3914 7 Feb 62  
-12-

Hea 72

Lynn Fanning Co /  
 Dunn, Ga  
 831-818-1009  
 3109 Mission Dr.  
 Dunn, Ga.  
 Parcel # 025-037-44

**EXHIBIT**

JOE COFFY

POINT OF ENTRY CONT.  
PLANNING DEPARTMENT

IMPORTANT

FLOOR PLAN:  
1/2"=1'-0"

EXISTING  
PROPOSED  
(FROM BEARING)

PROPOSED ELEVATION FOR EXISTING  
GARAGE FRONT

ELEVATIONS  
1/4"=1'-0"

FLIGHT SIDE

SEE FLOOR PLAN  
3" STAIR DETAIL

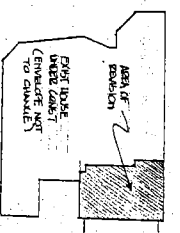
Lynn Pennington  
3000 W. Highway 20  
Salem, OR 97306  
Dave Barker  
381-35-9000  
March 24  
045-031-4

FOUNDATION 2nd FLOOR  
See Attached Plans  
# 785911  
March 24, 1985

NOTE TO OWNERS  
Please see section of the attached drawing for  
foundation, structure, framing and interior  
finishes. The building is to be constructed  
in accordance with the above.

CITY OF SALEM, OR  
PLANNING DEPARTMENT

- NOTES:  
1. ALL ROOMS HEATED AREA ADDED TO EXISTING HOUSE  
2. TYPICAL WINDOWS @ 30" x 40"  
3. TYPICAL DOORS @ 30" x 60"  
4. ALL EXTERIOR LIGHTS ON ORIGINAL PLAN  
TO APPLY TO REVISIONS



REVISIONS  
LYNN PENNINGTON  
APR 25, 1985






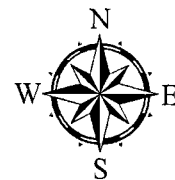


# Location Map



## LEGEND

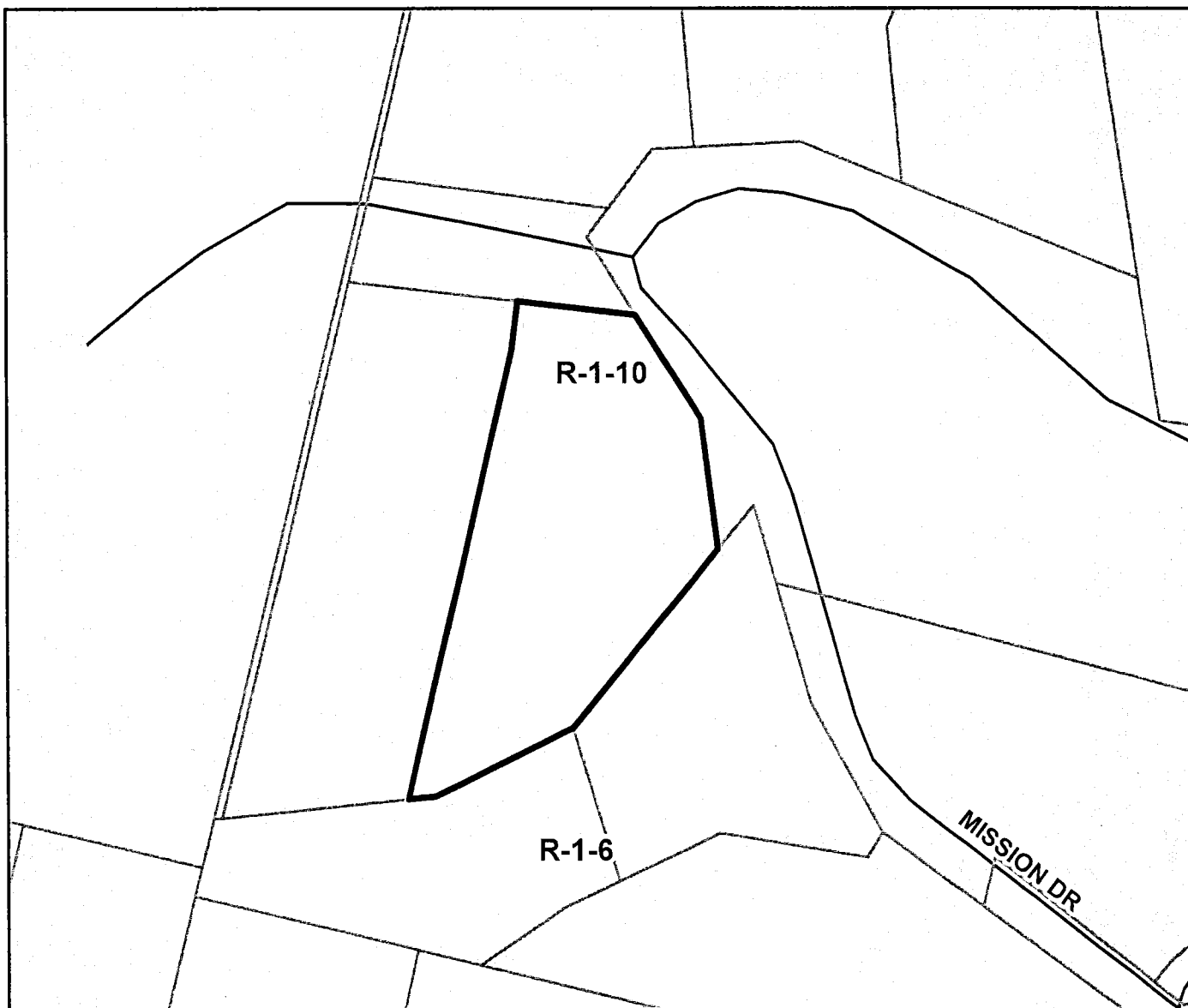
-  APN: 025-033-07
-  Assessors Parcels
-  Streets



Map Created by  
County of Santa Cruz  
Planning Department  
May 2013



# Zoning Map



## LEGEND



APN: 025-033-07

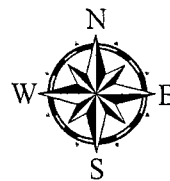


Assessors Parcels



Streets

RESIDENTIAL-SINGLE FAMILY

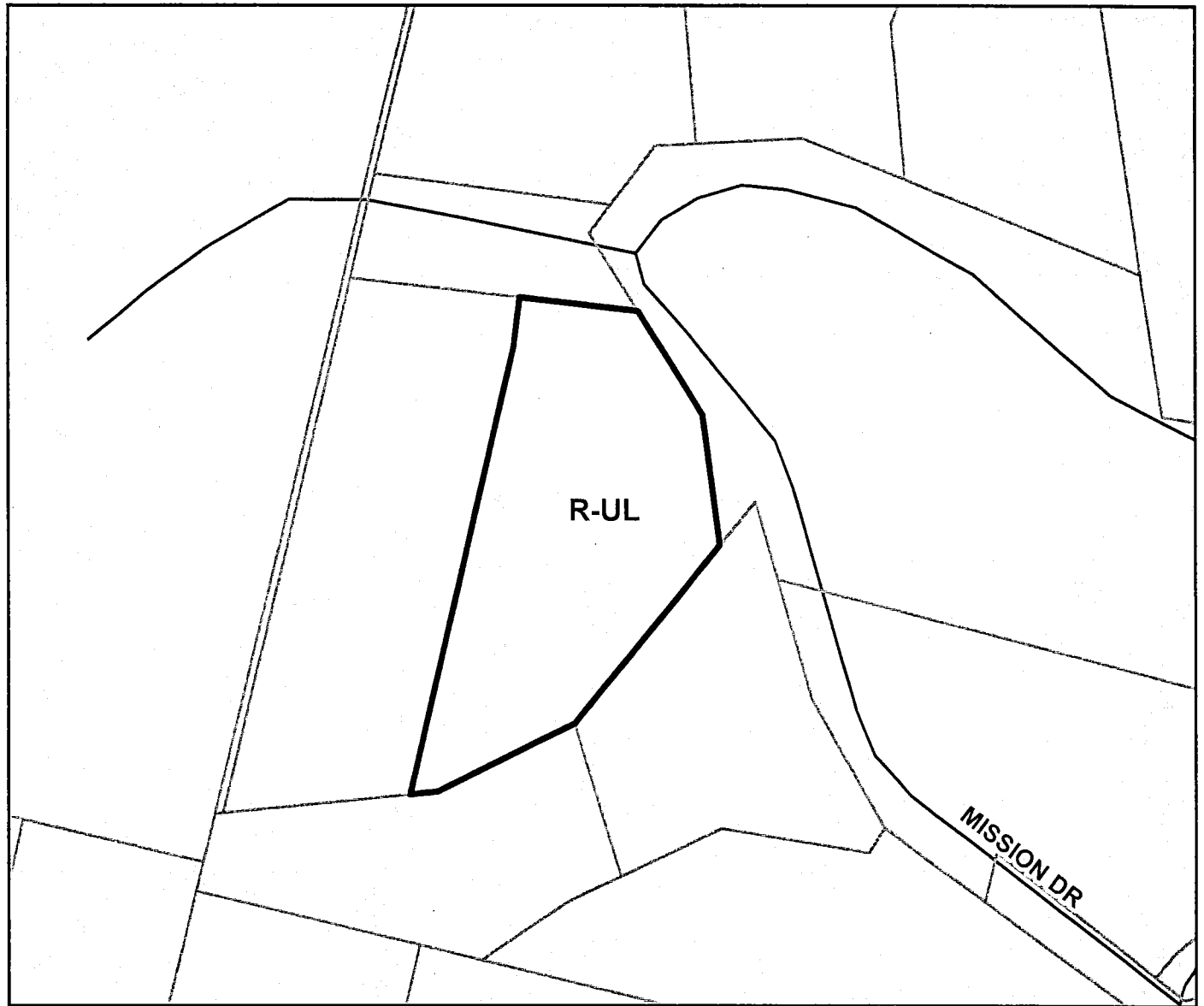


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Planning Department  
May 2013





# General Plan Designation Map



## LEGEND



APN: 025-033-07

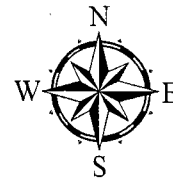


Assessors Parcels



Streets

Residential - Urban Low Density



Map Created by  
County of Santa Cruz  
Planning Department  
May 2013

EXHIBIT

### **13.10.694 Vacation rentals.**

- (A) The purpose of this section is to establish regulations applicable to dwellings that are rented as vacation rentals for periods of not more than 30 days at a time. These regulations are in addition to all other provisions of this title. This section does not apply to Pajaro Dunes where vacation rentals are governed by an existing development permit.
- (B) Vacation rentals are allowed in all zone districts that allow residential use with no requirement for any other use, except that any vacation rental meeting the requirements of subsections (C)(1) and (D)(1) of this section may be permitted in any zone district.
- (C) For the purposes of this section, the following terms have the stated meanings:
- (1) "Existing vacation rental" means a dwelling unit that was used as a vacation rental prior to April 5, 2011.
  - (2) "New vacation rental" means a dwelling unit that was not used as a vacation rental prior to April 5, 2011.
  - (3) The "Live Oak Designated Area" means the Yacht Harbor Special Community (as described in the General Plan—Local Coastal Program and depicted on the General Plan—Local Coastal Program map) and that portion of Live Oak that lies east and south of East Cliff Drive and Portola Drive from the intersection of 9th Avenue and East Cliff Drive to the intersection of Portola Drive and 41st Avenue, as depicted in Figure LODA, attached hereto.
  - (4) "Block" means the properties abutting both sides of a street extending from one intersecting street to another or to the terminus of the street.
- (D) Permit Requirements. A vacation rental permit and transient occupancy tax registration are required for each residential vacation rental. Each vacation rental permit shall run with the land in perpetuity, except that each vacation rental permit issued for a vacation rental located in the Live Oak Designated Area shall expire five years from the date of issuance of the original permit. If an application for renewal has been submitted and is deemed complete prior to the expiration date, the expiration of the permit will be stayed until final action on the renewal application. No application for renewal of a vacation rental permit shall be accepted more than 180 days before the expiration date. The Planning Director may approve extensions of permit expiration dates or application submittal dates based on demonstrated hardship to the applicant or for other good cause. Approval of a vacation rental permit does not legalize any nonpermitted use or structure. Vacation rental permits are subject to revocation as provided for in SCCC 18.10.136.
- (1) Existing Vacation Rental. An initial permit shall be obtained. No public hearing shall be required and no notice of an application for a permit for an existing vacation rental shall be given. For an existing vacation rental to be considered a legal use the applicant shall provide the following to the Planning Department within 90 days after the certification of the ordinance codified in this chapter by the California Coastal Commission:
    - (a) Completed application form.

- (b) Plans, which do not need to be drawn by a professional, drawn to scale including the following:
- (i) Plot plan showing location of all property lines, location of all existing buildings, and location of dimensioned on-site parking spaces.
  - (ii) Floor plan showing all rooms with each room labeled as to room type.
- (c) Nonrefundable application fee as established by the Board of Supervisors, but no greater than necessary to defray the cost incurred by the County in administering the provisions of this chapter.
- (d) Copy of a rental/lease agreement, which shall include, but not necessarily be limited to, the following: number of guests allowed (two/bedroom plus two, children under 12 not counted; for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., the maximum number of people allowed is twice the maximum number of guests allowed); number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional on-street); noise, illegal behavior and disturbances, trash management (e.g., trash to be kept in covered containers only).
- (e) Proof that a dwelling unit was being used as a vacation rental prior to April 5, 2011. Such proof may consist of, among other things, the following items:
- (i) Documentation that the owner paid County of Santa Cruz transient occupancy tax for the use of the vacation rental; or
  - (ii) Documentation that there has been vacation rental use of the unit. This could include the following: the owner allowed transient guests to occupy the subject property in exchange for compensation and the applicant furnishes reliable information, including but not limited to records of occupancy and tax documents, guest reservation lists, and receipts, showing payment and dates of stay.
- (f) Retroactive Payment of Transient Occupancy Tax. For those applicants who provide adequate documentation that a dwelling unit was used as a vacation rental prior to April 5, 2011, but where the owner has not registered and paid transient occupancy tax, proof of retroactive payment of the transient occupancy tax amount due to the County to the extent allowed by law for the time during which a dwelling unit was being used as a vacation rental shall be submitted.
- (g) Number of People Allowed. The maximum number of guests allowed in an existing individual residential vacation rental shall not exceed two people per bedroom plus two additional people, except for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., when the maximum number of people allowed is twice the maximum number of guests allowed. Children under 12 are not counted toward the maximums.
- (2) New Vacation Rental. Except as provided in SCCC 18.10.124(B), no public hearing shall be required and action on these applications shall be by the Planning Director or designee, with notice of the proposed action provided not less than 10 calendar days before issuance of the permit, pursuant to SCCC 18.10.222(C) and (D). Appeals of the proposed action on the application may be made by the

applicant or any member of the public. Pursuant to SCCC 18.10.124(B), the Planning Director may refer the application to the Zoning Administrator or Planning Commission for a public hearing.

- (a) When a public hearing is required, notice of such a public hearing shall be provided not less than 10 calendar days before the public hearing, pursuant to SCCC 18.10.223.
- (b) In the Live Oak Designated Area, no new vacation rental shall be approved if parcels with existing vacation rentals on the same block total 20 percent or more of the total parcels on that block that allow residential use, excluding those parcels in the Mobile Home Park Combining Zone District. In addition, no more than 15 percent of all of the parcels that allow residential use in the Live Oak Designated Area, excluding those parcels in the Mobile Home Park Combining Zone District, may contain vacation rentals. Notwithstanding these maximums, each block in the Live Oak Designated Area that has parcels that allow residential use, excluding those parcels in the Mobile Home Park Combining Zone District, may have at least one vacation rental.
- (c) Applicants for a permit for a new vacation rental shall provide the following to the Planning Department:
  - (i) Completed application form.
  - (ii) Nonrefundable application fee as established by the Board of Supervisors, but no greater than necessary to defray the cost incurred by the County in administering the provisions of this chapter, except that if the application requires a public hearing due to referral of the application to the Zoning Administrator or Planning Commission, then the application will be converted to an "at cost" application and the applicant will be billed for staff time associated with processing the application.
  - (iii) Plans, which do not need to be drawn by a professional, drawn to scale including the following:
    - A. Plot plan showing location of all property lines, location of all existing buildings, and location of dimensioned on-site parking spaces.
    - B. Floor plan showing all rooms with each room labeled as to room type.
  - (iv) Copy of a rental/lease agreement, which shall include, but not necessarily be limited to, the following: number of guests allowed (two/bedroom plus two, children under 12 not counted; for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., the maximum number of people allowed is twice the maximum number of guests allowed); number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional on-street); noise, illegal behavior and disturbances, trash management (e.g., trash to be kept in covered containers only).
  - (v) Copy of a County of Santa Cruz transient occupancy registration certificate for the purpose of the operation of a vacation rental.

(d) Number of People Allowed. The maximum number of guests allowed in a new residential vacation rental shall not exceed two people per bedroom plus two additional people, except for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., when the maximum number of people allowed is twice the maximum number of guests allowed. Children under 12 are not counted toward the maximums.

(3) Renewal of Vacation Rental Permits in the Live Oak Designated Area. In the Live Oak Designated Area only, vacation rental permits must be renewed every five years. An application to renew a permit for a vacation rental in the Live Oak Designated Area shall be made no sooner than 180 days before expiration of the existing permit. Determination that the application is complete shall stay the expiration of the existing permit until final action is taken on the renewal application. Except as provided in SCCC 18.10.124(B), no public hearing shall be required and action on permit renewal applications shall be by the Planning Director or designee, with notice of the proposed action provided not less than 10 calendar days before issuance or denial of the permit, pursuant to SCCC 18.10.222(C) and (D). Appeals of the proposed action on the renewal application may be made by the applicant or any member of the public.

(a) If a public hearing is required, the Planning Director shall schedule the public hearing before either the Zoning Administrator or the Planning Commission, at the Planning Director's discretion. Notice of such a public hearing shall be provided not less than 10 calendar days before the public hearing, pursuant to SCCC 18.10.223.

(b) Applicants for renewal of a permit for a vacation rental in the Live Oak Designated Area shall provide the following to the Planning Department:

(i) Completed application form.

(ii) Nonrefundable application fee as established by the Board of Supervisors, but no greater than necessary to defray the cost incurred by the County in administering the provisions of this chapter, except that if the application requires a public hearing due to referral of the application to the Zoning Administrator or Planning Commission, then the application will be converted to an "at cost" application and the applicant will be billed for staff time associated with processing the application.

(iii) Proof of payment of transient occupancy tax for the use of the dwelling as a vacation rental and a summary of the dates the unit was used as a vacation rental between the time of issuance of the existing permit and the date of application for the renewal. Renewal applications must show significant rental use of the unit for two of the previous five years.

(c) The renewal process shall include a staff review of County records and other pertinent information specific to complaints, if any, that have been received about the particular vacation rental. Approval of a vacation rental renewal permit shall be based on affirmative findings as set forth in SCCC 18.10.230(A). Denial of an application for renewal shall be based on one or more of the required findings not being able to be made, as set forth in SCCC 18.10.230(A).

(E) Local Contact Person. All vacation rentals shall designate a contact person within a 30-mile radius of the vacation rental. The contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. A property owner who lives within a 30-mile radius of the vacation rental may designate himself or herself as the local contact person.

The name, address, and telephone number(s) of the local contact person shall be submitted to the Planning Department, the local Sheriff Substation, the main County Sheriff's Office, and the local fire agency, and supplied 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. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

(F) Signs. All vacation rentals 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, which shall be placed no more than 20 feet back from the nearest street. 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.

(G) Posting of Rules. 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: number of guests allowed (two/bedroom plus two, children under 12 not counted; for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., the maximum number of people allowed is twice the maximum number of guests allowed), number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional on-street), noise, illegal behavior and disturbances, trash management (e.g., trash to be kept in covered containers only).

(H) Noise. All residential vacation rentals shall comply with the standards of Chapter 8.30 SCCC, Noise, and a copy of that chapter shall be posted inside the vacation rental in a location readily visible to all guests. No use of equipment requiring more than standard household electrical current at 110 or 220 volts or activities that produce noise, dust, odor, or vibration detrimental to occupants of adjoining dwellings is allowed.

(I) Transient Occupancy Tax. Each residential vacation rental owner shall meet the regulations and standards set forth in Chapter 4.24 SCCC, including any required payment of transient occupancy tax for each residential vacation rental unit.

(J) Dispute Resolution. By accepting a vacation rental permit, vacation rental owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a vacation rental. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution shall be conducted through the Conflict Resolution Center of Santa Cruz County.

(K) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 19.01 SCCC, Enforcement of Land Use Regulations. If more than two documented, significant violations occur within any 12-month period a permit may be reviewed for possible amendment or revocation. Evidence of significant violations includes, but is not limited to, copies of citations, written warnings, or other documentation filed by law enforcement; and copies of

homeowner association warnings, reprimands, or other association actions, or other documents which substantiate allegations of significant violations.

(L) It is unlawful to make a false report to the Sheriff's Office regarding activities associated with vacation rentals. [Ord. 5092 § 6, 2011].

## RENTAL AGREEMENT

Lynn Pennington, Owner/ Diana Garza, Property Manager (831-818-9009)

GUEST:

DATE:

RENTAL ADDRESS: 3709 Mission Drive, Santa Cruz, Ca. 95065

CHECK-IN TIME: After 4:00 PM

CHECK-OUT TIME: Before 11:00 AM

RENTAL RATE:

TRANSIENT OCCUPANCY TAX:

CLEANING FEE:

REFUNDABLE SECURITY DEPOSIT PER CONTRACT: (Please provide address for Refund to be mailed to)

ON SITE ATTENDANT: There is an on- site attendant, in a Separate/ Private apartment on the premises. She is available to assist you with any questions or requests you may have to make your stay more enjoyable. Her name is: Rose and her phone #310-430-5708.

SMOKING: This is a non-smoking Home. There is no smoking allowed in the house. If there is any evidence of smoking having taken place in the house, your \$500.00 security deposit will not be returned. It is extremely difficult and time-consuming to rid the house of lingering odors before the next guests arrive.\_\_

PETS: Pets are not permitted in the house.

### DAMAGE/SECURITY DEPOSIT:

A \$500.00 Damage/Security Deposit is required and calculated in the total amount due. The Deposit is fully refundable within 10 Days of Departure provided the following provisions are met:

No damage is done to the home or its contents, beyond wear and tear.

No evidence of smoking having taken place inside the house.

No evidence of food, liquids, debris, or discards of any type, are found in the Jacuzzi

All debris, rubbish, and discards are placed in the designated Trash Cans provided out front, left of the driveway behind gated area (County Code Section 7.20.005)

No linens or towels are lost or damaged

No contents in the home are removed or missing.



Renters are not evicted by the owner, owner representative, on site attendant, or local law enforcement

Neighbors do not complain of excessive noise or misbehavior. Quiet hours are between 10:00 P.M. and 8:00 A.M. ( County Code Section 8.30.010.

#### PAYMENTS:

All payments require payment in accordance with the payment schedule.

#### CANCELLATIONS:

Cancellations that are made more than 60 days prior to the arrival date are subject to a 10% cancellation fee. Cancellations or changes that result in a shortened stay, that are made within 60 days of the arrival date, forfeit the full advance payment. Cancellation or early departure does not warrant any refund of rent/cleaning fee.

#### OCCUPANCY

The home is rented to the number of people you stated in the inquiry. The maximum number of overnight guests is limited to (8) unless prior arrangements have been made with the owner. Children under 12 not counted. The maximum number of people allowed for celebrations or gatherings between 8:00 A.M. and 10:00 P.M. is 16. (County CodSection13.10.694(d)(1)(D).

#### MINIMUM STAY:

This property generally requires a three (3) night minimum stay. Longer minimum stays may be required during holiday periods.

#### INCLUSIVE FEES:

Rates include a one-time linen and towel set-up, a starter roll of toilet paper for each bathroom, a starter roll of kitchen paper towels, dishwasher soap, and laundry detergent. Kitchen is fully equipped with all necessary pots, pans, dishes, utensils, spices, and small appliances to prepare meals.

#### NO DAILY HOUSEKEEPING SERVICE:

Daily maid/housekeeping service is not included in the rental rate. However, arrangements can be made, for an additional fee. These arrangements must be made at time of booking. We do not permit linens or bath towels to be taken from the home, but we do provide beach towels for your use.

#### PARKING:

Driveway parking is available for (4) four vehicles. (County Code Section 13.10.694(d)(1)(D). Do not block the third garage door access.

#### FIREPLACES:

There are two fireplaces in the home. They are located in the Living Room and Master Bedroom. They are non-vented gas log fired fireboxes. Please do not open or throw anything inside. Use instructions are in your "Guest Information Packet".

#### Jacuzzi:

No children are permitted in the jacuzzi at any time without adult supervision. Use caution when heating and using the jacuzzi. Instructions on using the jacuzzi are in the " Guest Information Sheet". Our pool/ jacuzzi maintenance company sanitizes, and replenishes chemicals in the tub prior to your arrival. Normal use is acceptable however, FOOD, LIQUIDS, GLASS CONTAINERS, SAND, OR DEBRIS OF ANY KIND, SHOULD NOT BE BROUGHT INSIDE THE JACUZZI. YOU WILL BE CHARGED FOR ANY SIGNS OF ABNORMAL USE OF THE JACUZZI, THAT REQUIRES ADDITIONAL CLEANING OR MAINTENANCE.

DO NOT STAND ON THE JACUZZI COVER. Jacuzzi covers are for insulation purposes and are not designed to support a person or persons. They may break and you will be charged for replacement. When removing or replacing the cover, please use the handling straps on the cover sides, do not pull from the flaps. Remember, when not using the jacuzzi, leave cover on, so tub will retain heat.

#### LAUNDRY AREA:

A washer and dryer are available for your use. Please remove the lint from the dryer vent, inside the door, after each use.

#### FALSIFIED RESERVATIONS:

Any reservation obtained under false pretenses, will be subject to forfeiture of advance payment, deposit, rental money, and the party will not be permitted to check in.

**WRITTEN EXCEPTIONS:**

Any exceptions to the above mentioned policy/rules must be approved in writing, in advance.

This home is privately owned. The owners are not responsible for any accidents, injuries, illnesses, that occur while on the premises. The homeowner is not responsible for the loss of personal belongings or valuables of the guest. By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the premises or use of the premises by others whom they invite.

By Signing Below, I agree to all Terms and Conditions of this Rental Agreement:

Signature \_\_\_\_\_ Date: \_\_\_\_\_

**I AM FULLY AWARE THAT FIREWORKS OR EXPLOSIVES OF ANY KIND ARE PROHIBITED AND ILLEGAL THROUGHOUT SANTA CRUZ COUNTY UNDER PENALTY OF THE LAW.**

## 24-HOUR CONTACT

NAME: DIANA GARZA, PROPERTY MANAGER  
MAILING ADDRESS: 3709 MISSION DR.  
CITY/STATE SANTA CRUZ, CA. ZIP 95065  
PHONE NO. (831) 818-9009 CELL NO. ( ) SAME  
FAX NO. ( ) N/A  
EMAIL: brianna.3wsbcglobal.net

## VACATION RENTAL SAFETY CERTIFICATION

The following items require verification to assure the vacation rental unit is equipped and maintained to minimum safety standards to help provide for a safe vacation experience. Verification can be performed by owner (self certified), certified home inspector, County Building Inspector or by the property manager/agent. All items must be checked with form signed and dated.

- ☒ **Smoke alarms** (listed and approved by the State Fire Marshall) installed in the following locations per the 2010 California Residential Code, Sec. R314.1.
  - In each sleeping room.
  - Outside each separate sleeping area in the immediate vicinity of the bedroom(s).
  - At least one alarm on each story, including basements and habitable attics.
- ☒ **Carbon Monoxide alarms** (listed by an approved agency such as UL) installed in the following locations per the 2010 California Residential Code, Sec. R315.1.
  - Outside each separate sleeping area in the immediate vicinity of the bedroom(s).
  - At least one alarm on each story, including basements and habitable attics but not including crawl spaces or uninhabitable attics.
- ☒ Working **GFCI's** (ground fault circuit interrupters) required at all receptacles within 6 feet of all kitchen, bathroom, bar and laundry sinks per 1987 National Electrical Code, Art. 210-8.
- ☒ All sleeping rooms shall be provided with at least one **emergency egress window** with a minimum net clear opening of 5 square feet, with a minimum opening height of 24 inches and minimum net clear opening width of 20 inches. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided such devices are releasable or removable from the inside without the use of a key, tool or special knowledge.
- ☒ All stairs shall have at least one continuous **handrail** running the full length of the stairs.
- ☒ All walking surfaces measured vertically more than 30" above grade or other floor levels, including mezzanines, platforms, stairs, ramps and landings shall have **guard railing** a minimum of 36" in height with openings no greater than 6" for older homes, and 4" for homes built after 1991.

- ☒ **Pool/spa safety barrier** enclosures shall comply with Santa Cruz County Code, Sec. 12.10.216.  
Exception: Self-contained spas or hot tubs with listed/approved safety covers need not comply with barrier requirements.
- ☒ Rental equipped with at least one **fire extinguisher** (type 2A10BC) installed in a readily visible/accessible location near the kitchen.

I hereby certify that the safety standard conditions listed above are fully complied with and will be maintained in a useable and functioning condition. Form must be signed by one of the following four parties.

\_\_\_\_\_  
Owner of Rental Unit

\_\_\_\_\_  
Date

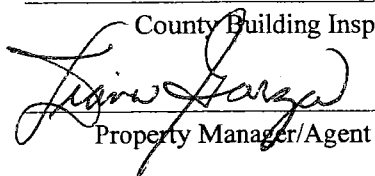
\_\_\_\_\_  
Certified Home Inspector

\_\_\_\_\_  
License #

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Building Inspector

\_\_\_\_\_  
Date

  
Property Manager/Agent

2/25/13  
Date

*For questions regarding these inspection requirements please contact Tony Falcone at (831) 454-3195*

*Copy to Supervisor John Reapold*

To: Planning Department  
County of Santa Cruz  
701 Ocean St, 4<sup>th</sup> Floor  
Santa Cruz Ca 95060

March 23, 2013

Subject: Application # 131066, APN: 025-033-07  
Comments

Attention: Barbara Ginsberg

The proposed action, if allowed, will change the character of the neighborhood from the present Residential to Commercial. This we object to emphatically.

Background: The house at 3709 Mission Drive has been rented out, evidently without a County permit, as a weekend rental. The following activities have been experienced by the neighbors during the past two years:

- (a) Multiple person parties which lasted far into the night (3:00am) accompanied by loud music, shouting and laughter.
- (b) Debris left over presumably from parties, dropped over from the back yard and balconies of the subject property. Debris had to be collected and removed by the afflicted neighbors.
- (c) Most frightening was the fire caused by the use of fireworks during the night of July 4, 2012. This event resulted in a column of fire below the balcony of the subject property which was witnessed by the neighbors who called the fire department. Actions immediately prior to the fire were fireworks jettisoned from the balconies of the subject residence. Firefighters were summoned who battled the fire and its aftermath until 2 AM. Fire Marshals from Calfire and the Fire Station located on Thurber Dr visited the nearby residences to collect data related to the fire.

The street which services Parcel APN 025-033-07 is private, maintained by a Homeowners <sup>Road</sup> Association. Added traffic from rental activities will increase the vehicle burden and result in maintenance costs to the neighbors. The property is a four bedroom home, which will encourage rental to large parties. There is no guarantee that objectionable activities will diminish if the County of Santa Cruz permits rental of the subject property.

Finally, we consider the presence of a rental-for profit residence within the confines of high priced homes will be a lowering the neighborhood quality, which must be disclosed to any future potential buyer. This in turn should be a basis for reassessing the present values of existing residences downwards.

Neighbors: *Douglas E. Horn and Cheryl R. Thorne - 3630 Mission Dr.*

*P.S. If approved, this home would be rented by multiple people on mostly weekends. This could result, over a year's time, in having hundreds of strangers in our midst - not fair to neighbors! This is a single family neighborhood and has been for years!*

*Thank you for your consideration.* **EXHIBIT**

SPALARIS  
3557 MISSION DR  
Santa Cruz CA 95065

CROSS  
P.O. Box 672  
Soguel CA 95073

To: Planning Department  
County of Santa Cruz  
701 Ocean St, 4<sup>th</sup> Floor  
Santa Cruz Ca 95060

March 23, 2013

Subject: Application # 131066, APN: 025-033-07  
Comments

Attention: Barbara Ginsberg

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- (a) Multiple person parties which lasted far into the night (3:00am) accompanied by loud music, shouting and laughter.
- (b) Debris left over presumably from parties, dropped over from the back yard and balconies of the subject property. Debris (empty beer and soft drink cans, food wrappers) had to be collected and removed by the afflicted neighbors.
- (c) Most frightening was the fire caused by the use of fireworks during the night of July 4, 2012. This event resulted in a column of fire below the balcony of the subject property which was witnessed by the neighbors who called the fire department. Actions immediately prior to the fire were fireworks jettisoned from the balconies of the subject residence.  
Firefighters were summoned who battled the fire and its aftermath until 2 AM. Fire Marshals from Calfire and the Fire Station located on Thurbur Dr visited the nearby residences to collect data related to the fire.

The street which services Parcel APN 025-033-07 is private, maintained by the home owners community. Added traffic from rental activities will increase the vehicle burden and result in maintenance costs to the neighbors. The property is a four bedroom home, which will encourage rental to large parties. There is no guarantee that objectionable activities will diminish if the County of Santa Cruz permits rental of the subject property.

Finally, we consider the presence of a rental-for profit residence within the confines of high priced homes will be a lowering the neighborhood quality, which must be disclosed to any future potential buyer. This in turn should be a basis for reassessing the present values of existing residences downwards.

Neighbors: Costas and Lenore Spalaris. Parcel 025-033-08 Jack Cross Parcel 025-033-09

*Lenore Spalaris*

*Jack W. Cross*

COUNTY OF SANTA CRUZ  
PLANNING DEPARTMENT  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060  
(831) 454-2580

**NOTICE OF PENDING ACTION**

The Planning Department has received the following application. The identified planner may be contacted for specific information on this application.

**APPLICATION NUMBER:** 131066

**APN:** 025-033-07

Proposal to operate a NEW 4 bedroom residential vacation rental for periods of not more than 30 days at a time for each rental.  
Property located at 3709 Mission Drive, Santa Cruz.

**OWNER:** Lynn Pennington

**APPLICANT:** Lynn Pennington

**SUPERVISORIAL DISTRICT:** 1

**PLANNER:** Barbara Ginsberg, (831) 454-2871

**email:** pln028@co.santa-cruz.ca.us

**Public comments must be received by 5:00 p.m. April 11, 2013.**

**A decision will be made on or shortly after April 18, 2013.**

**Appeals of the decision will be accepted until 5:00 p.m. May 2, 2013.**

Information regarding the appeal process, including required fees, may be obtained by phoning (831) 454-2130 from 1:00 until 4:00 p.m., Monday through Friday.

**For more information, call the project planner identified above.**

To: Planning Department  
County of Santa Cruz  
701 Ocean St, 4<sup>th</sup> Floor  
Santa Cruz Ca 95060

Subject: Application # 131066, APN: 025-033-07  
Comments

Attention: Barbara Ginsberg

March 23, 2013

From Costa's  
SPRINKLERS

(831)  
479-9256

The proposed action, if allowed, will change the character of the neighborhood from the present Residential to Commercial. This we object to emphatically.

Background: The house at 3709 Mission Drive has been rented out, evidently without a County permit, as a weekend rental. The following activities have been experienced by the neighbors during the past two years:

- (a) Multiple person parties which lasted far into the night (3:00am) accompanied by loud music, shouting and laughter.
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- (c) Most frightening was the fire caused by the use of fireworks during the night of July 4, 2012. This event resulted in a column of fire below the balcony of the subject property which was witnessed by the neighbors who called the fire department. Actions immediately prior to the fire were fireworks jettisoned from the balconies of the subject residence. Firefighters were summoned who battled the fire and its aftermath until 2 AM. Fire Marshals from Calfire and the Fire Station located on Thurbur Dr visited the nearby residences to collect data related to the fire.

The street which services Parcel APN 025-033-07 is private, maintained by a Homeowners Association. Added traffic from rental activities will increase the vehicle burden and result in maintenance costs to the neighbors. The property is a four bedroom home, which will encourage rental to large parties. There is no guarantee that objectionable activities will diminish if the County of Santa Cruz permits rental of the subject property.

Finally, we consider the presence of a rental-for profit residence within the confines of high priced homes will be a lowering the neighborhood quality, which must be disclosed to any future potential buyer. This in turn should be a basis for reassessing the present values of existing residences downwards.

Neighbors:

FROM DAVID HICKMAN  
3721 MISSION DRIVE  
SANTA CRUZ, CA 95065  
808-242-2572

Sincerely,

David Hickman  
& family

We also oppose this rental for the reasons identified above. That fire was caused by irresponsible tenants of which they have no control. Please ~~do~~ not allow this "business" in our neighborhood.

EXHIBIT



## Barbara Ginsberg

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**From:** Barbara Ginsberg  
**Sent:** Wednesday, April 03, 2013 8:37 AM  
**To:** 'brianna3@sbcglobal.net'  
**Subject:** Lease Agreement re Vacation Rental Agreement Application 131066 APN 025-033-07 3709 Mission Drive

Hello Diana and Lynn,

We have recently received information with regards to a fire on the subject property last summer apparently due to fireworks purportedly set off by guests. We have reviewed your Lease Agreement for the rental and found that you do not mention any restrictions regarding the use of fireworks. As you know the use of fireworks within the County of Santa Cruz is illegal. We recommend that you revise your rental agreement to include such language. Should you update the agreement we would appreciate being furnished with a copy.

Should you have any questions and / or wish to discuss further please feel free to contact me.

Kind Regards,

Barbara Ginsberg  
Planning Technician  
Development Review  
(831) 454-2871  
[Barbara.ginsberg@co.santa-cruz.ca.us](mailto:Barbara.ginsberg@co.santa-cruz.ca.us)

L

C.N. and Lenore Spalaris  
3557 Mission DR  
Santa Cruz CA 95065

April 3, 2013

John Leopold, Supervisor 1st District  
Board of Supervisors, County of Santa Cruz  
701 Ocean St Room 500  
Santa Cruz CA 95065

Subject: Pending Action # 13106, APN: 025-033-07 (Copy of announcement enclosed)

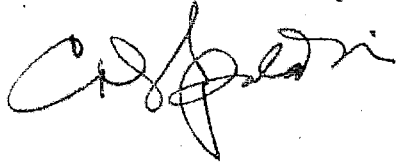
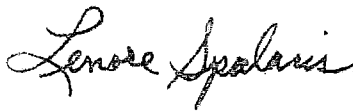
Dear Mr Leopold:

The subject action proposes to convert a residential property to a vacation rental. We emphatically oppose such action.

Please see a copy of our letter to the Planning Commission which states our concerns.

We ask your help in denying the proposed action.

Constantine and Lenore Spalaris.

**Barbara Ginsberg**

---

**From:** Diana Garza [brianna3@sbcglobal.net]  
**Sent:** Friday, April 05, 2013 12:22 AM  
**To:** Barbara Ginsberg  
**Cc:** brianna3@sbcglobal.net  
**Subject:** VRB0 Application 131066 APN 025-033-07 3709 Mission Dr.  
**Attachments:** vrbo rental agreement FINAL copy.doc; ATT00001.htm

Hello Barbara,

Attached is a revised Rental Agreement that notifies Guests that Fireworks are prohibited. Please let me know if the wording is acceptable or if there's anything else you would like me to add.

Thank you,

Diana Garza

Shared via Documents Unlimited Office Editor for iPhone

## Barbara Ginsberg

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**From:** Barbara Ginsberg  
**Sent:** Friday, April 05, 2013 7:19 AM  
**To:** 'Diana Garza'  
**Subject:** RE: VRB0 Application 131066 APN 025-033-07 3709 Mission Dr.

Looks good Diane! However, I have received several comments by concerned neighbors which among other things include loud partying till the wee hours and debris left on their properties. You may want to include some additional specific language addressing that as the permit and conditions of approval will refer specifically to the noise standards set forth by County Code Chapter 8.30. A copy of which will be included with the permit packet.

Kind Regards,

Barbara

**From:** Diana Garza [mailto:brianna3@sbcglobal.net]  
**Sent:** Friday, April 05, 2013 12:22 AM  
**To:** Barbara Ginsberg  
**Cc:** brianna3@sbcglobal.net  
**Subject:** VRB0 Application 131066 APN 025-033-07 3709 Mission Dr.

Hello Barbara,

Attached is a revised Rental Agreement that notifies Guests that Fireworks are prohibited. Please let me know if the wording is acceptable or if there's anything else you would like me to add.

Thank you,  
Diana Garza  
Shared via Documents Unlimited Office Editor for iPhone

Mission Drive Homeowners  
Santa Cruz, CA 95065  
April 7, 2013

County of Santa Cruz  
Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Attention: Barbara Ginsberg

Re: Application Number 131066  
Vacation Rental  
3709 Mission Drive

Dear Ms. Ginsberg,

We are several of the neighbors sharing the private road with the subject property. We have serious concerns regarding the proposed use of the property as a vacation rental. We ask that you consider this information, and hopefully conclude that the application for vacation rental should not be approved.

Our objections are based on the substantial harmful effect of the vacation rental use on the character of our neighborhood, and on the nuisance and safety problems we have already experienced from some of the renters.

Our private road has only 14 houses, and is not a through street. As a result, traffic is light, and we enjoy considerable privacy. Also, the neighborhood is quiet. The residents here own their homes, and most of us have been living here for 10 or 20 years or more. The neighborhood has a distinctly quiet, residential nature. The presence of a commercial establishment has had, and would continue to have, undesirable impacts on the peace and quiet here.

The property has already been in use as a vacation rental, at least since sometime in mid-2012, as far as we can tell. The subject house is large and accommodates many people as a vacation rental. We have seen as many as six to eight large vehicles parked in the driveway over the weekend, and sometimes additional vehicles in the street nearby, so it's easy to imagine as many as 12 to 16 or more people staying there. This property use is itself inconsistent with the character of our neighborhood, where the homes are occupied by single families.

During the several months that the house has been used as a vacation rental, the following nuisance (and worse) conditions were created:

- We understand that weekend renters have thrown trash over the hillside and into the yard of the neighbor immediately downslope.
- There have been several noisy parties late into the night, with the noise carrying to several adjacent properties.
- One weekend the renters conducted early-morning construction activities, starting around 6:30 am. This also involved use of several heavy duty trucks to transport equipment, and partially obstructed our shared road.

- Renters over the 4<sup>th</sup> of July started a brush fire by shooting fireworks over the hillside. Although they denied having done so, some of us saw the fireworks activity at the time. Fortunately, the fire was put out before it spread to other properties, thanks to the efforts of the fire department and neighbors with garden hoses. However, if weather conditions had been adverse and the neighbors didn't call the fire department promptly, the fire could have easily spread through our neighborhood. This incident was extremely frightening and unnerving.

Besides the unacceptable incidents described above, those of us who own property and live here have additional concerns:

- The potential of a constant stream of renters means that hundreds of strangers would be in our neighborhood each year, severely impacting our privacy. We have no assurance that these strangers would be considerate of our quiet residential neighborhood (so far, several have not!) – or even that they would not bring in a criminal element. It is unfair to the rest of the neighborhood to subject us to such an invasion of our privacy, peace and quiet week after week.
- We are concerned about our property values, if the house becomes a "party house". It is easy to imagine having to call the sheriff often enough to give our street a bad reputation. The privacy, peace and quiet of our neighborhood would be compromised, damaging the attractive nature of our residential street.
- Even with the vacation rental rules in place, how will compliance be maintained? Who will monitor for nuisance or safety or illegal conditions? If we have to do it, that monitoring alone is a nuisance and an unfair imposition on our lives.
- While we respect our neighbors' desire to use their property for income, we strongly object to the plan for vacation rentals. We believe that the applicants would object, if the tables were turned.

In summary, from the standpoint of nuisance conditions, noise, and safety, the vacation rental in our neighborhood is not appropriate.

We request that you to reject the application to use the property for a vacation rental. However, in the event that you decide to approve the application, we request a detailed response to our concerns; explaining how will each be addressed going forward, and what contingencies are in place in case the problems continue.

Thank you.

Sincerely,

Mission Drive Homeowners as Listed on the Attached Sheet

cc: Supervisor John Leopold

Sal Locatelli 3737 Mission Dr.  
Signature, Name and Address

Don & Claudia Kelly 3745 MISSION DR.  
Signature, Name and Address  
SANTA CRUZ, CA. 95065

Patricia 3851 MISSION DR SANTA CRUZ 95065  
Signature, Name and Address

Jocelyn Parker 3851 Mission Dr. Santa Cruz, 95065  
Signature, Name and Address

Pat Horn 3849 Mission Dr. Santa Cruz 95065  
Signature, Name and Address

Linda 3841 Mission Dr Santa Cruz 95065  
Signature, Name and Address

Steve 3855 MISSION DR SANTA CRUZ, CA. 95065  
Signature, Name and Address

Mark Hunt 3715 MISSION DRIVE 95065  
Signature, Name and Address

Debbie 3711 Mission Dr. Santa Cruz 95065  
Signature, Name and Address

Nancy S. Kohn 3711 MISSION DR SANTA CRUZ 95065  
Signature, Name and Address

*and*  
CD Jester 3- Lenore Spolaris 3557 Mission DR  
Signature, Name and Address

David A Hulme 3721 Mission Drive : Jamilah  
Signature, Name and Address : Jessica

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Signature, Name and Address



## Barbara Ginsberg

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**From:** Barbara Ginsberg  
**Sent:** Monday, April 08, 2013 7:10 AM  
**To:** 'Diana Garza'  
**Subject:** RE: VRB0 Application 131066 APN 025-033-07 3709 Mission Dr.

Good deal Diane! Thank you for pointing out that you will have an on-site attendant.

Barbara

**From:** Diana Garza [mailto:brianna3@sbcglobal.net]  
**Sent:** Friday, April 05, 2013 6:42 PM  
**To:** Barbara Ginsberg  
**Subject:** Re: VRB0 Application 131066 APN 025-033-07 3709 Mission Dr.

Hi Barbara,

I can understand the neighbor's concern so we have made arrangements to have an attendant on site including evenings and over night. The first sentence of the Agreement states this.

Under the Damage and Security Deposit section of the Agreement, I have addressed both the garbage/trash and the noise issues and cited the County Codes. Additionally, under the Occupancy section of the Agreement, I have also addressed the number of people allowed for gatherings/celebrations, along with the noise curfew hours per County Code.

All of our neighbors have our phone numbers and we can be reached 24/7 if they find it necessary to call us, which I hope they don't.

Please let me know if this is acceptable or if you would like me to add anything else to the Agreement.

Thank you once again,  
Diana's

On Apr 6, 2013, at 12:19 AM, Barbara Ginsberg <PLN028@co.santa-cruz.ca.us> wrote:

Looks good Diane! However, I have received several comments by concerned neighbors which among other things include loud partying till the wee hours and debris left on their properties. You may want to include some additional specific language addressing that as the permit and conditions of approval will refer specifically to the noise standards set forth by County Code Chapter 8.30. A copy of which will be included with the permit packet.

Kind Regards,

Barbara

**From:** Diana Garza [mailto:brianna3@sbcglobal.net]  
**Sent:** Friday, April 05, 2013 12:22 AM  
**To:** Barbara Ginsberg  
**Cc:** brianna3@sbcglobal.net  
**Subject:** VRB0 Application 131066 APN 025-033-07 3709 Mission Dr.

## Barbara Ginsberg

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**From:** Barbara Ginsberg  
**Sent:** Monday, April 08, 2013 8:51 AM  
**To:** 'Debra Moser'; John Leopold  
**Cc:** Ken Hart  
**Subject:** RE: Application Number 131066

Hello Debra Moser and thank you for your email. Your comments will be taken into consideration during our review of the proposal. In response to concerns, specific language regarding the illegal use of fireworks has been added to the subject property's rental agreement. Additionally, there will be an attendant living on-site. I will place a copy of your comments with the permanent project file. I will be in the office tomorrow 4/9 till approximately 3:30 p.m. if you wish to hand deliver any correspondence. There will be someone at our General Information Desk till 3:00 p.m. who will also be available to accept your letter.

Kind Regards,

Barbara Ginsberg

**From:** Debra Moser [mailto:djmoser@sbcglobal.net]  
**Sent:** Monday, April 08, 2013 8:25 AM  
**To:** Barbara Ginsberg; John Leopold  
**Subject:** Application Number 131066

Dear Ms. Ginsberg and Supervisor Leopold,  
Please see the attached letter, commenting on the Application Number 131066 for a vacation rental.

Would you please let me know that you have received this letter in good order?

Also, I would like to deliver an additional letter from our neighborhood on Tuesday 4/9/13. Is there a time that I could hand-deliver this letter to you?

Thank you.

Sincerely,  
Debra Moser  
(831) 212-8846

3711 Mission Drive  
Santa Cruz, CA 95065  
April 8, 2013

County of Santa Cruz  
Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Attention: Barbara Ginsberg

Re: Application Number 131066  
Vacation Rental  
3709 Mission Drive

Dear Ms. Ginsberg,

This letter conveys our concerns about the referenced application for vacation rental at 3709 Mission Drive. These concerns are based on the adverse impacts already experienced by us and our neighbors during the several months during 2012 that the house has been used for vacation rental. We are opposed to continued use of the property as a vacation rental, because it has already presented unacceptable impositions on our lives and use of our property.

The subject house is large and accommodates many people as a vacation rental. As such, it's often used as a party house, and noise has been an issue on more than one occasion. Our backyard is immediately adjacent to their backyard, and so when there is a party on the deck, the noise carries to our yard. When the party really gets going, we can hear it inside our house. The partying has gone on past midnight on occasion.

Sometimes we have clearly heard the renters get rowdy, ignore their crying children, and use foul and offensive language – all of which impose very unpleasantly on our lives and on the normally-prevailing peace and quiet in our neighborhood.

On another occasion, we were awakened at 6:30 am on a weekend, to the sound of metal-on-metal banging and construction noises. The renters were building a large metal scaffolding in the driveway.

From these examples, it's clear that some of the renters have no regard for disturbing the neighbors.

The worst experience we had was last July 4, when the renters were shooting fireworks off the back deck and over the hillside which the deck overlooks. (We didn't learn until later that neighbors on the other side saw the renters shooting fireworks.) We were awakened at 9:30 pm to a brush fire at the edge of our yard. We heard an adult male yelling to the other renters, not to call the fire department, because he had it under control. From the size of the flames, it was clear that it was not under control. We called 911 and raced to use our garden hoses to knock down sparks and embers blowing into our yard to prevent the fire spreading in our direction. The fire department responded, and they had to use

our yard as well as the neighbor's yard to access the brush fire. The response lasted several hours until 1:30 or 2:00 am and included using chain saws to cut a fire break. For much of that time, our road was closed and visitors could not leave in their cars, and residents could not drive to their homes.

Please note that I am not in any way complaining about the response to the fire – only pointing out that it should not have happened in the first place, and that the brush fire was caused by the renters playing with fireworks, and was a major adverse imposition on our lives and property.

The next day, one of the renters came to our door to talk about the fire. She said that she had called the fire department that night, but that they declined to respond because it was “just a brush fire” – a statement that we find impossible to believe. She also said that they were not shooting fireworks – also not true, based on eyewitness accounts we heard later from other neighbors.

Based on this experience, it's clear that some of the renters have disregard not just for the neighbors, but also for property, safety, laws prohibiting fireworks, and honesty.

This portion of Mission Drive is a private road, with only about 14 residences. All of the homes are occupied by the owners, and most of us have owned and lived in these homes for more than 10 years. Our private road has no “thru traffic” and no commercial establishments. Part of the attraction of purchasing a home and living in this immediate neighborhood is the privacy and quiet setting – which we have enjoyed for over 20 years. The vacation rental has changed the character of our neighborhood for the worse, summed up in the following concerns:

- In general, having a commercial establishment in the midst of this residential setting is undesirable. This in itself changes the character of the neighborhood.
- As described above, the rental party house next door has a major adverse impact on the quiet.
- The potential of a constant stream of renters means that hundreds of strangers would be in our neighborhood each year, severely impacting our privacy.
- While most of these people are probably fine, we have already experienced multiple groups that have presented problems since approximately last July. Besides the noise, use of fireworks and starting a brush fire, we understand that renters have thrown trash over the cliff into the downslope neighbor's yard. Apparently, as short-term renters, some people have no motivation to be respectful of other people or property in the neighborhood.
- It is unfair to the rest of the neighborhood to subject us to such an invasion of our privacy, peace and quiet week after week, as well as the stress and uncertainty of who will be there this weekend and what unacceptable, illegal or unsafe activities might take place.
- Having potentially noisy, inconsiderate and unlawful renters continue to stream into our neighborhood raises a serious concern about property values – since the privacy, peace and quiet of a small neighborhood on a private road would be violated. And, who would want to purchase a home next to a party house?
- How can we be assured that there isn't a criminal element this group of strangers renting week after week? It appears that anyone who can provide the deposit and rental fee can rent the house, without any additional screening.

- Even with the vacation rental rules in place, who will be responsible to monitor the compliance with the rules? Are we (the neighbors) expected to police compliance – to call the sheriff and the fire department as needed? That in itself is a nuisance, and an unpleasant, uncomfortable prospect imposing on our right to peacefully enjoy our property.
- While we respect our neighbors' desire to use their property for income, we strongly object to the plan for vacation rentals. We believe that they would strongly object too, if we were the ones applying for a vacation rental permit.

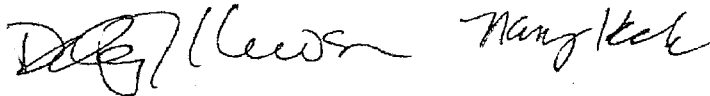
Based on all of the above considerations, it is clear that use of the subject property as a vacation rental is not appropriate for our neighborhood.

We strongly urge you to consider the facts presented above, and reject the application to use the property for a vacation rental. We would be happy to discuss our concerns in further detail at your convenience.

In the event that you decide to approve the application, we request a detailed response to each of our concerns, so that we know how each concern will be addressed going forward, and what contingencies are in place in case the problems continue.

Thank you.

Sincerely,

Handwritten signatures of Debra Moser and Nancy Keck. Debra's signature is on the left, and Nancy's is on the right.

Debra Moser and Nancy Keck  
3711 Mission Drive

cc: Supervisor John Leopold

4/8/13

To: Planning Dept.  
County of Santa Cruz  
701 Ocean St., 4<sup>th</sup> Flr.  
Santa Cruz, Calif. 95060

James Kelly  
3745 Mission Dr.  
Santa Cruz, Ca.  
95065

Subject: Application #131066 APN: 025-033-07

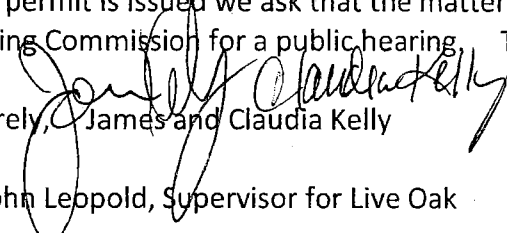
Attention: Barbra Ginsberg

We are writing this letter to object to the above application for a County Permit to operate as a Vacation Rental. We have lived in this small quiet neighborhood on a private road for almost 20 years. This last year while this house has been rented to large groups has changed the character of our neighborhood. All we have to do is drive up our private road and to our home and notice that the house in reference is all lit up inside and out to know that a large group of people has descended for the weekend and the activity begins. The driveway is usually full of cars. On one occasion trucks and construction equipment arrived and actually had a difficult time maneuvering the slope of the private road and driveway.

The most frightened we have been was on the night of July 4<sup>th</sup> when a neighbor called us to let us know that our street was blocked off by fire trucks and that a fire had started on the hillside and that we wouldn't be able to get home. It is easy to let your imagination take off and wonder where the fire will travel to. We are surrounded by open space and Eucalyptus trees. When we arrived home we had to park down the hill on Mission Drive and were not allowed to come up on our Private Road with our vehicle because of all of the hoses from the four fire trucks that had arrived to fight the fire. We left our vehicles down the street and walked up the hill and met our neighbors that had actually fought the fire and protected their homes with their garden hoses. We are thankful that the outcome of the fire was minimal in that it was contained to the hillside and no structures were lost. Cal Fire crews worked until 2:00 a.m. cutting and clearing a fire trail to make it safe.

We are asking for denial of this Permit for the reasons listed in all the letters that have been written and signed by our neighbors and neighborhood.

If this permit is issued we ask that the matter be referred to the Zoning Administrator or the Planning Commission for a public hearing. Thank you for your consideration.

Sincerely,  James and Claudia Kelly

CC: John Leppold, Supervisor for Live Oak

3711 Mission Drive  
Santa Cruz, CA 95065  
April 11, 2013

County of Santa Cruz  
Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Attention: Barbara Ginsberg

Re: Application Number 131066  
Vacation Rental  
3709 Mission Drive

Dear Ms. Ginsberg,

Thank you very much for taking the time to discuss this application with the small group of us on Tuesday. It was very helpful to understand more about the process and to review the permit file. We would like to submit some additional questions/concerns for your consideration in evaluating this permit application.

We appreciate that the Vacation Rental Ordinance has been established to set reasonable parameters for vacation rentals, and that the rental agreements under the Ordinance can be "vehicles" for compliance with the Ordinance. However, even with those in place, we have the following concerns:

- The Ordinance and the rental agreements cover the conditions under which the property can be used for vacation rental, but they do not address the inherent change in the character of our neighborhood that is caused by the vacation rental. For example, the privacy and security of our low-density, single-family residential neighborhood on a privately-maintained road would be compromised by having 10 to 20 unknown adults (and any number of children) showing up each weekend, basically to party. We do not see how such a concern is mitigated through regulation. How can we protect our rights as property owners and residents, with respect to preserving the character of our neighborhood?
- We would like to know how compliance with occupancy and other rules will be enforced. What is our recourse if the rules are not enforced?
- The proposed rental agreement states that the renters could lose their deposits if they do not comply with the rules, including noise. In addition, it states that they could lose their deposits if neighbors complain. We appreciate this as a nod to neighborhood concerns. However, the risk of losing the deposit is likely no deterrent to people who have been partying and drinking. In addition, the forfeited deposit does not itself stop the nuisance or compensate us for the disruption of our lives; it merely enriches the property owners.

- The Ordinance does not regulate how many parties can be held at the property during the course of the year. Because of the size and configuration of the house, large parties are likely to occur very frequently, quite possibly every weekend at a minimum. This would obviously be a nuisance and an unfair imposition on our neighborhood in general, and on the peace and quiet of our home.

Please consider this information, along with the concerns expressed in the other letters you have received from us and our neighbors.

We would appreciate having the Planning Director and/or the Zoning Administrator involved in reviewing this permit application.

If the application is going to be approved, we request detailed responses to our concerns.

Thank you for your consideration.

Sincerely,

The block contains two handwritten signatures in black ink. The signature on the left is 'Debra Moser' and the signature on the right is 'Nancy Keck'.

Debra Moser and Nancy Keck  
3711 Mission Drive

[djmoser@sbcglobal.net](mailto:djmoser@sbcglobal.net)  
[naneki26@sbcglobal.net](mailto:naneki26@sbcglobal.net)

cc: Supervisor John Leopold



- Ms. Garza does not permanently reside at property, but has her residence outside of Auburn, CA, >25 miles away.
- Is the on-site attendant's unit permitted?