



Staff Report to the Zoning Administrator

Application Number: **231484**

Applicant: Cheshire Rio Realty
Owner: Lynn Noren
APN: 043-152-34
Site Address: 547 Beach Drive, Aptos CA 95003

Agenda Date: 01/05/2024
Agenda Item #:
Time: After 9:00 a.m.

Project Description:

Proposal to operate a new four-bedroom residential vacation rental. Requires a Vacation Rental Permit and a determination that the project is exempt from further review under the California Environmental Quality Act (CEQA).

Property is located on the southern side of Beach Drive (547 Beach Drive), approximately 4,600 feet southeast of the intersection with Aptos Beach Drive in Aptos.

Permits Required: Vacation Rental Permit

Supervisory District: 2nd District (District Supervisor: Zach Friend)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 231484 based on the attached findings and conditions.

Project Description & Setting

The project site is located on the southern side of Beach Drive in the Aptos Planning Area. The neighborhood consists of predominately medium sized parcels (between 9,000 and 15,000 square feet) developed with single-family dwellings. Existing structures are located on the northern, approximately one-half of these parcels, inland of a riprap coastal protection structure, with the remaining portion comprised of unimproved beach area.

The subject property is developed with a two-story four-bedroom single-family dwelling built in 1986. This is a proposal to operate a vacation rental in the existing four-bedroom dwelling. As indicated in SCCC 13.10.694(D)(2), a public hearing is required for vacation rentals consisting of four or more bedrooms.

As indicated in SCCC Section 13.10.694(D)(2)(c)(iv)B, one on-site parking space is required for vacation rentals containing one to two bedrooms. In situations where the required on-site parking cannot be provided, an On-Site Parking Exception may be requested in conjunction with a Level 5 Vacation Rental Permit Application for consideration by the Zoning Administrator at a public hearing.

The existing residence covers nearly the entirety of the buildable portion of the parcel on which it is located. As such, there are no on-site parking spaces located on the subject parcel; therefore, approval of an On-Site Parking Exception is required in conjunction with this Vacation Rental Permit.

Granting the On-Site Parking Exception for the subject property will not adversely affect existing traffic and parking in the area, as parking is available along Beach Drive in front of the dwelling, partially within the private, gated right-of-way. The parcel is located on a residential block where many of the other residences also do not contain off-street parking facilities, such as driveways and garages. Historically, parking for many of these residents, as well as for visitors, has occurred on the street along Beach Drive. Therefore, the use of the subject dwelling as a vacation rental will not adversely impact parking in the neighborhood. Additionally, per the provided lease agreement, the applicant has limited the vacation rental to one vehicle.

Zoning & General Plan Consistency

The subject property is a 9,888 square foot lot, located in the RB (Single-Family Ocean Beach Residential) zone district, a designation that allows Vacation Rental uses, and the zoning is consistent with the site's O-R; R-UL (Recreation and Open Space; Urban Low Density Residential) General Plan designations. However, the proposed vacation rental is a conditionally permitted use within the zone district because it will be within a four-bedroom dwelling.

Vacation rentals within residential structures are permitted within the RB zone district, and the operation of the vacation rental is required to comply with all requirements of the vacation rental ordinance.

To date, staff has not received any public comment regarding this application.

Permit Expiration

Pursuant to SCCC 13.10.694(D), vacation rental permits expire the same month and day five years subsequent to the date of issuance of the Vacation Rental/Renewal Permit; therefore, the date of expiration of this permit is 1/19/2029.

Emergency Contact

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

Conclusion

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

Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **231484**, 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.sccoplanning.com

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Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Parcel information
- E. Project Plans
- F. Assessor's, Location, Zoning and General Plan Maps
- G. Vacation Rental Certification Form

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: 231484

Assessor Parcel Number: 043-152-34

Project Location: 547 Beach Drive, Aptos CA 95003

Project Description: Operate a four-bedroom residential vacation rental

Person or Agency Proposing Project: Cheshire Rio Realty

Contact Phone Number: (831) 688-2041

- A. The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
- E. **Categorical Exemption**

F. Reasons why the project is exempt:

Class 1 – Existing Facilities: Conversion of an existing single family residence, to a short term residential vacation rental, will not result in environmental impacts in that a vacation rental use is synonymous with a residential use.

Class 3-Conversion of Small Structures: Conversion of the existing single family residence, to allow for short term vacation rental use, will not result in modifications to the existing, legally constructed residential structure.

In addition, none of the conditions described in Section 15300.2 apply to this project.

John Hunter, Project Planner

Date: 1/18/2024

Development Permit Findings

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

This finding can be made; in that the proposed residential vacation rental is located in an existing residential structure in an area designated for residential uses and is not encumbered by physical constraints to development. The residential vacation rental will comply with health and safety standards established for vacation rental units, including smoke and carbon monoxide alarms, working ground fault circuit interrupters, emergency egress in all sleeping rooms, and handrails along stairs and walking surfaces above 30 inches in height to insure the optimum in safety. In addition, the vacation rental standards and the conditions of approval of this Permit, 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 RB zone district as the primary use of the property will be a residential vacation rental dwelling that meets all requirements of the vacation rental ordinance.

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

This finding can be made, in that the proposed residential vacation rental use is consistent with the use and density requirements specified for the O-R; R-UL land use designations 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 E: Project plans, prepared by Amber Cortes, dated 02/26/2020.

- I. This permit authorizes the operation of a vacation rental, as indicated on the approved Exhibit "E" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. Operational Conditions
 - A. The vacation rental shall be maintained and operated so that, at all times, it is in compliance with the items listed on the Vacation Rental Certification form (Exhibit G).
 - B. Issuance of this permit shall not imply approval of new development or the private use of any property outside of the subject parcel boundary, including public and private rights-of-way, State Parks land, and County owned property. The term "new development" shall include, but is not limited to, fencing, patios, and accessory structures. The term "use" shall include, but is not limited to, outdoor seating, parking (in non-designated areas), and storage of equipment or materials.
 - C. The maximum, overnight occupancy of the vacation rental shall not exceed 10 people (two per bedroom, plus two additional people, children under eight not counted).
 - D. The maximum number of vehicles associated with the overnight occupants shall not exceed one (1).
 - E. The maximum occupancy allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m. shall not exceed 20 people (twice the number of overnight occupants, children under 8 not counted). Any additional parking required for guests shall be within designated public parking spaces along Beach Drive and shall be in accordance with all posted parking restrictions.
 - F. Occupants and guests shall adhere to the noise standards contained in the County Noise Ordinance (County Code Chapter 8.30). A copy of the County Noise Ordinance (County Code Chapter 8.30) shall be posted inside the vacation rental in a location readily visible to all guests.
 - G. A list of rules shall be posted inside the vacation rental in a location readily visible to all guests. The rules shall include, but not necessarily be limited to the following: maximum number of guests allowed, maximum number of people allowed for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., maximum number of vehicles allowed, and a reference to the standards contained

- H. in the County Noise Ordinance (County Code Chapter 8.30).
- I. Fireworks are illegal in Santa Cruz County and prohibited at the vacation rental.
- J. The vacation rental shall have a sign identifying the structure as a permitted vacation rental and listing a 24-hour local contact responsible for responding to complaints and providing general information. The sign shall not exceed 216 square inches, be legible from, and be posted no more than 20 feet back from the nearest street.
- K. 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.
- L. 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.
- M. Permits for vacation rentals shall expire five years from the date of approval. To continue in operation as a legal vacation rental, an application to renew the permit must be made before the expiration date, but no sooner than 180 days before the expiration date. Vacation rental permits are non-transferable and become void when a property transfer triggers reassessment.
- N. A violation of any of the requirements to obtain a vacation rental permit may be grounds for denial of a new vacation rental permit application. Further, violations of vacation rental regulations, or of any other provision of the Santa Cruz County Code, may be grounds for denial of a renewal application or revocation of an existing vacation rental permit after consideration at a Level V public hearing by the Zoning Administrator (or by the Planning Commission upon referral).
- O. If more than two significant violations occur on a vacation rental property within a 12-month period, a permit shall be noticed for a Level V public hearing to consider permit revocation. "Significant violations" are: citations for violation of Chapter 8.30 SCCC (Noise); violation of any specific conditions of approval associated with the permit; mis-advertising the capacity and limitations applicable to the vacation rental; written warnings, or other documentation filed by law enforcement; violations of State or County health regulations; non-compliance with a public health order or emergency regulation issued by State or local authorities which may limit use and occupancy of vacation rentals; delinquency in payment of transient occupancy taxes, fines, or penalties; non-responsive property management, including failure by the local property manager to respond to calls within 60 minutes; and failure to maintain signage. In the event a permit is revoked, the person or entity from whom the permit was revoked shall be barred from applying for a vacation rental permit for the same parcel without prior consent of the Board of Supervisors.

- P. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

III. Indemnification

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

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

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

Please note: This permit expires five years from the effective date listed below unless the property is not rented.

Approval Date: 01/05/2024

Effective Date: 01/19/2024

Expiration Date: 01/19/2029

Steve Guiney
Deputy Zoning Administrator

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

Parcel Information

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz Sanitation District
Fire District: Central FPD
Drainage District: NA

Parcel Information

Parcel Size: 9,888 Square Feet
Existing Land Use - Parcel: Residential
Existing Land Use - Surrounding: Residential
Project Access: Beach Drive
Planning Area: Aptos
Land Use Designation: O-R; R-UL (Recreation and Open Space; Urban Low Density Residential)
Zone District: RB (Single-Family Residential)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No