

W66

**RECEIVED**

JUL 11 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS**

Name or description of project, LCP, etc.: Santa Cruz County LCP Amendment No. 1-11 Part 3 (Vacation Rentals)

Date and time of receipt of communication: see attached e-mail

Location of communication: Office of the Board of Supervisors, Santa Cruz, CA

Type of communication: correspondence received

Person(s) initiating communication: see attached e-mail

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:  
(Attach a copy of the complete text of any written material received.)

See attached correspondence.

Date: 7/7/11 Signature of Commissioner: *Mark Stone*

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

**Mark Stone**

---

**From:** L Vann [quallhollow@me.com]  
**Sent:** Thursday, July 07, 2011 3:47 PM  
**To:** Mark Stone  
**Subject:** vacation rental ordinance

July 7, 2011

Dear Mark,

I understand that you sit on the Coastal Commission as well as the Board of Supervisors, you are a busy guy. Thank you for your contribution to the body of work protecting our shoreline and keeping the beaches publicly accessible since 1972. The awesome results do not go unnoticed. I grew up hearing stories about the houses near the beach or in the woods that my grandmother's aunt rented at the close of the 19<sup>th</sup> century. I use to joke that my college preparation in a Cupertino High School was "Beach Party", but later my love for the coast influenced my studies and career choice to work with the management of coastal cultural resources.

We currently reside near Washington DC but continue to spend a great deal of time in our Ben Lomond home. I came to your office a few months ago to talk a little about how our use of our home as a longer term vacation/ corporate rental provided us a closer Santa Cruz experience. We can stay in town more often, employed local talent, and we are successfully competing with the beach areas to bringing good quality long term visitors to the San Lorenzo Valley. At this time we are booked solid until Nov. we have great reviews and our neighbors are delighted and bring our guests fresh eggs. I first purchased property in this valley nearly 35 years ago and could not then or now afford beach property. The closest to the experience of living near the shore was a day or two at a friend's home, or a vacation rental property. In hind site those were life-changing experiences. With that in mind, I have a few more thoughts about the vacation rental ordinance and public coastal access. Although this ordinance does not have much impact on me directly, I do think there are some significant public policy issues at play here.

The blessing to the residents and visitors of California made possible by the foresight of the coastal commission in preserving the public access to the beaches and access to the water are so obvious today, but controversial at the time in the mid 1970. So many places I visit these days are functionally assessable only by members of an elite set of property owners. This ordinance designed to close down already existing vacation rentals, speaks directly to public accessibility to the coastal experience.

Families with limited disposable income will more than likely not be able to compete for access if the housing supply becomes overly precious. Access to vacation beach rentals will be reduced to a margin of the demographic population residing in CA. Beach goers that now park their cars in the nearby driveways of vacation rentals will no longer have access to the same beaches. Additional parking lots will probably not be built. With no available parking and little public transportation this ordinance will further reduce public access to coastal areas bordering residential areas.

If the issue is noise and neighbor disturbance I cannot see a need for any thing so drastic and punitive

as this ordinance. Existing nuisance laws already on the books should be modified to become enforceable. The proposal on your desk appears to me to have a single overarching purpose: They are designed over time to reduce coastal accessibility to those few property owners that may afford to live on or adjacent to the beach. However, in the event you feel compelled to approve such a regulation I hope that you will consider the following points:

1. The costs born by the property owner compelled by complaints filed without merit. To reduce the abuse inherent in the proposed regulations, the filer (plaintiff) should be required to post a bond that would cover the cost of defense should the claim be determined to lack merit.

2. Families have enjoyed vacation rentals in Live Oak since before 1900 and this use of property should be part of the fabric of the general zoning plan. Individual property owners and blocks should not be singled out and subjected to new land use regulations or deprived of their use of their property when those regulations are found to be discriminatory, arbitrary and capricious. An existing vacation rental unit should not be put at risk due only to a disgruntled or NIMBY neighbor's complaint or series of complaints (which at this time includes both founded or unfounded merit).

3. Management should not be tied to the Real Estate Industry, there is no reliable office currently working with vacation rental properties in many parts of the county. I have had two minor bookings from Santa Cruz County Agents, fired 3 San Lorenzo Valley agents for failure to return phone calls or check up on guests. At this time there is not a single office in San Lorenzo Valley working with vacation rentals. Scotts Valley Century 21 rents space to Classic to Property Management that is actually operated by a broker out of Fresno..... This is a local industry just waiting to be born and advertised.

Thank you for your time, but please vote that the interests of the public are not protected by these proposed regulations.

Yours Truly,

Loetta M. Vann

9205 Harvey Rd, Silver Spring MD 20910

375 Vista Robles, Ben Lomond 95005

[loettavann@rcn.com](mailto:loettavann@rcn.com)

W6b

**CYNTHIA STARR EDWARDS**

**RECEIVED**

JUL 08 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Attorney at Law  
P.O. Box 4177 ~ Quincy, CA 95971  
Phone (530) 283-5384  
Fax (530) 283-5399

July 6, 2011

Commissioners  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Re: Hearing on July 13, 2011  
W6b, Santa Cruz County LCP Amendment No. SCO-1-11 Part 3 (Vacation Rentals)

Dear Commissioners:

I am writing regarding the meeting next week on July 13, 2011 in which you will be discussing the above referenced request by the County of Santa Cruz for an Amendment to the LCP regulations regarding vacation rentals in Santa Cruz County.

I am the owner of my family home which is in the Live Oak District, located at 120 Geoffroy Drive, Santa Cruz. I was born and raised in Santa Cruz until I moved to Quincy, California with my family several years ago.

My family continues to live in Santa Cruz and I visit often. In 2006, my grandmother passed away, leaving me her home which my grandparents built in 1948 and lived there continuously until her death. My intention is to return to Santa Cruz when my daughter graduates from high school in four years. I want my daughter to have the same experience as I did of living in the same location until she goes to college.

Due to the home prices in Santa Cruz, the property taxes for my home more than quadrupled when I became the full owner of the property. The upkeep and maintenance for a home on the ocean are staggering. In order for me to keep my home, I must be able to generate some income until I can return to live there.

This is why I chose to rent out the house as a vacation rental. That way I can enjoy it when I come down but be able to afford to keep my home.

My concerns regarding the proposed amendment are two fold. First, I feel strongly that the Live Oak District is being unfairly targeted for stricter regulations. This is discriminatory to the owners of homes in this area. The rules should be equally enforced as to all residences in Santa Cruz County.

Secondly, I am very concerned about the arbitrary language in the amendment that can result in the loss of a permit to have a vacation rental. If I should have a disagreement with a neighbor, that person merely needs to complain two times, even unjustified or unverified complaints, and I will lose my permit to continue to rent out my home as a vacation rental.

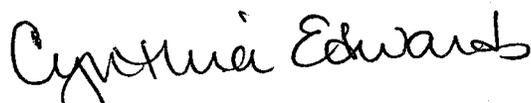
I have been cautious in my use of my home as a rental. I do not want to have a party house, excess damage to my home our the surrounding area, or cause a disturbance to the neighborhood. I have found a very capable person to help me rent out the house who is only about a half mile away so is available if there is any problem. I work hard to be in contact with my neighbors and considerate of their feelings and concerns (of which there have been none).

I am concerned that the proposed amendment is merely the beginning of a downward spiral of actions by the supervisor for the district and some of the more active residents of the area to force their will on the area and create a situation in which no property owner will be able to use their home as a vacation rental no matter what the reason or what actions are taken to be as considerate of the neighborhood as possible.

I strongly believe that the proposed amendment does not protect the owner of a vacation rental from anyone who complains about the use of a residence merely because the complaining person does not want vacation rentals in the neighborhood. This places too much power in the hands of a few to the detriment of legitimate homeowners who are doing what they legally can do, but for this broad, overreaching amendment which has no basis for determining the legitimacy of a complaint.

Thank you for your attention to my concerns. If you have any questions, please feel free to contact me.

Sincerely,



CYNTHIA S. EDWARDS

From Judith W6b  
Buck

To: California Coastal Commission re: July 13, 2011 agenda

We, the following, Oppose the Santa Cruz Vacation Ordinance

Abelscher  
RECEIVED

JUL 08 2011

**Analysis of Vacation Rental Ordinance**

(So you all don't have to decipher the 59 page document)

Passed by the Santa Cruz County Board of Supervisors  
presented by the "Good Neighbors of Santa Cruz County"

compiled by - Anthony Abene and dozens of others.

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

- *The italic comments are from "aGreatPlaceToStay.net," a Network of Friends with over 60+ Vacation Rental homes in Santa Cruz County, and part of the founding members of the "Good Neighbors of Santa Cruz County".*

=====  
On May 3, 2011, the Santa Cruz County Board of Supervisors passed a Vacation Home ordinance. **IT APPLIES TO ALL HOMEOWNERS IN THE COUNTY (not just Live Oak)**. It now has to go to the California Coastal Commission. Once the California Coastal Commission approves it, the ordinance will go into affect. The ordinance is exactly the same for all homes, regardless of location except for the following: In the Live Oak district there is a cap on permits (ie a ban on all FUTURE vacation homes) and also, in the Live Oak district, there will be a 5 year renewal fee. Note that Pajaro Dunes area is exempt from this ordinance. All other homeowners in this county will be subject to this ordinance.

Here is a summary of what is in the ordinance:

1. **All home owners wishing to do a Vacation Rental, regardless of location,** must get a permit. This permit can be revoked if they have two complaints (more on this below). The fee has yet to be determined. This will be ministerial (automatic).

*The owner must draw out the floor plan and the site plan showing all 9'x18' parking spaces and have it on file (does not need to be professionally) and state the number of bedrooms.*

2. **All homes, regardless of location:** Occupancy limits of 2-adults per bedroom +2 more adults with no limits on Guests under 12 years old. The home owner's permit will stipulate occupancy limits. If violated, the permit to rent is cancelled. The county will base the number people allowed\* in each home based on the county records on how many bedrooms are available. If the County says this is a 2-bedroom house only 6 adults will be allowed. (2X2=4+2=6). Home owners can not choose as to how many people can sleep in the house. The county will dictate.

*\*Dare we ask how this will be enforced? Are the police now allowed to come into our homes and ask to see which Guests have the Papers to sleeping in the home, and not just visiting for the day?"*

2. **All homes, regardless of location: Revocable permit with only 2-complaints.** These complaints do not have to be citations or even calls to the Sheriff. This ordinance gives FULL POWER to neighbors to stop the owner from renting his home.

*What if someone moves into your neighborhood who hates vacation homes? There is no method to give the owner protection from such neighbors. Even if you do everything right and are a perfect owner, a neighbor has full say on putting you out of business. We feel the*

*complainer must have some monetary investment in making this complaint. They could be request to post a bond of the same amount as we the Owner has to pay, should their complaint not have enough merit to substantiate repealing our permit to be a Vacation Rental.*

3. **All homes regarding: Signage\*** A sign has to be readable from a distance of 30 feet. The sign must list a local contact person that lives within 30 miles of the home.

*We owners are horrified at this proposal for a large sign which will be a garish destruction of the beauty of our home. We have NEVER permitted advertising signs our network Vacation Rentals homes with the typical VACATION RENTAL AND PHONE # notation that detract from the beauty of the neighborhood, and destroy our Guest's illusion that this is THEIR home, which it is for their stay. We, are in the process of making an elegant 6"x4" brass plate that can be on the outside of the home's mailbox or a small post near the street with the needed information engraved in no less than 12pt type which is very readable, rather like an historical marker.*

*My vacation rental management company provided several Good Neighbor post cards to each new vacation home rental owner. They are instructed to give these cards to all the home's neighbors. The cards state who to contact and how if there is any problem at the rental. (Please refer to a copy of the front and back of this card, at the end of this document)*

4. **Permits, outside Live Oak, do not expire.** Run with land in perpetuity. However, they are still **revocable, at any time, with 2 complaints.**

*These complaints do NOT have to be documented nor have any authorities verify that the matter is real or imaginary. Would you be willing to trust all of your neighbors to be truthful when two of my neighbors have said that; "We have nothing against you personally, we just don't want to live next to a Vacation Rental."*

5. **Permits in Live Oak expire in 5-years.** All Vacation Rental Homes in this area must reapply every 5-years and pay application fee. This permit will be **subject to public notice and hearing.** Cost of hearing could be as high as **\$5000** which would be paid entirely by the Vacation Home owner, Even if there are no complaints within a year of application the County is required to review the entire 5-year history of your house. The Planning Commission will then determine whether or not you get a permit. Renewals MUST meet the following criteria:

**Per County Code Section 18.1 0.230(a).** The five required findings are as follows:

1. That the proposed location of the project 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.

*Vacation Rental homes are maintained in better condition than most homes. They are being reviewed and paid for by Guests who demand higher standards of cleanliness than the average citizen's home. Every house is cleaned by professional housekeepers who are on duty at every change of occupancy. I have also heard and*

***am working to verify it, that California State law has ordained that a restriction on a part of a city or county cannot be made, unless it is made for the whole area.***

**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.**

***Vacation Rental homes are being used to provide Guests from all over the United States for the purpose of providing a safe home environment for their families. This is certainly consistent with all pertinent County ordinances.***

**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.**

***Vacation Rental homes have been in existence in this County for over 100 years. They were the main reason (as second home that could make income for the owners) that the area was settled. There is nothing in any Specific Plan that has stipulated that the areas, where they exist, are inconsistent with the general plan. We applaud the CCC in setting guidelines for all generations of citizens to come and enjoy the special environment & relaxation that only a beach can provide.***

**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.**

***Vacation Rentals are rarely used more than 50% of the time. Most stays are during the summer months. They generate less traffic than full time residents. Vacation Rentals also usually provide adequate parking on site for their Guest.***

**5. That the proposed project 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 gives great latitude to the Planning Commissioner to deny a renewal even if there are ZERO COMPLAINTS over the 5-year period. Most homes are used by their owners or are vacant when summer ends. These owners take pride in their homes as any other home owner.***

**6. There is a cap (READ BAN) in Live Oak only on all future vacation homes once the limit of 15% of the homes in this area has been reached. We have information that this number has already been exceeded. THIS IS AN IMMEDIATE BAN ON ANY FUTURE VACATION HOMES in Live Oak.**

***The Live Oak district has been the preferred area for generations of beach lovers. The request for this Ordinance was started by a petition of a small group of wealthy homeowners on 14<sup>th</sup> Ave. I, Judith Buck, the founder of aGreatPlaceToStay.net's Network of Friends with Family-Loved Vacation Homes, was able to attend that meeting as I also live in Live Oak. The overwhelming majority of the homeowners there complained about only two homes of the 20 or so homes in the area. They said that these two homes, that were Vacation Rentals, were the cause of over-parking, trash and noise.***

***This area is the entrance to the Twin Lakes Beach Park and had been popular for decades as a place for day-trips to the beach for all the surrounding area. These 2 rentals had nothing to do with the Parking, Trash & Noise.***

***As an example, my parents moved to this area 38 years ago. My parents did not wish to live in the beach area and only looked for housing north of Highway 1. They did not want the congestion that comes when the folks, from over the hill, come to enjoy the beach.***

***It's like the silly stories we hear about people moving next to the airport and then complaining about the noise. It was there first and the noise was obvious.***

***If my parents, years 42 years ago, could tell that a house next a beach would have problems, why couldn't these residents of 14<sup>th</sup> Ave? They want the beach for themselves. We have a recording of one of them stating that the Beaches should just be for the people who live there. They wishes to deny others a short vacation joy of living where their children can safely walk to the beach. They knew a beach area has always had Parking, Trash and Noise problems, but they don't want a vacation rental next door.***

For more detail: [http://sccounty01.co.santa-cruz.ca.us/bds/Govstream/BDSvData/non\\_legacy/agendas/2011/20110503/PDF/072.pdf](http://sccounty01.co.santa-cruz.ca.us/bds/Govstream/BDSvData/non_legacy/agendas/2011/20110503/PDF/072.pdf)

- From Anthony Abene and dozens of others.

***- The italic comments are from aGreatPlaceToStay.net, a Network of Friends with over 60+ Vacation Rental homes in Santa Cruz County.***

***A little published fact is that the Board of Supervisors has BANNED all new Vacation Rentals until the California Coastal Commission has "Approved" this Vacation Rental Ordinance. The Good Neighbors of Santa Cruz county, along with many upstanding businesses both large and small, from the prestigious Shadowbrook/Crows Nest Restaurants to the pizza joint on the corner, to neighbors who have lived in this area for years and understand the monetary value that the Guests who come to stay in Vacation Rentals bring to our area, voted 4 to 1 against this useless and destructive Ordinance.***

***We already have current laws to handle all the Over-Parking, Trash & Noise. And as one of the smarter Supervisors stated," There is no need to create a new and expensive bureaucracy to placate a few people that have been negatively affected by a home owner that has not restricted their Guests to families that are respectful of the area."***

***We petition the California Coastal Commission, to let our non-profit organization take the burden of controlling Vacation Rentals out of the County of Santa Cruz's hands.***

***We will create a set of 12 neighborhood Districts in the areas of the Beaches, not unlike the successful Neighborhood Watch program, that will get Owners and Neighbors to meet. We will have paid Mediators available to will assist in logical and reasonable solutions.***

***We have been successful in changing homes that have been noted as being a problem by their neighbors, by having these homes agree to have Security patrols come by twice a night after***

*the 10pm curfew. These Security patrols can verify what they have found as their actions are in a log that states if they saw or heard of any evidence of Over-Parking, Noise and Trash was found by their licensed and bonded patrol employees.*

*We ask of the California Coastal Commission to approve of this grass-roots movement so citizens can work together to solve the issues without resorting to the destruction of hard earned retirement plans.*

*Santa Cruz has often been a forefront leader in adopting methods of many diverse communities living in relative harmony. We ask your permission to do the following within the next year, with the approval of a majority of vacation home owners.*

- 1. Establish 12 districts that are historically part of the vacation rental areas in Santa Cruz County.*
- 2. These districts would be: Natural Bridges, Westside, Lighthouse Field, Boardwalk, Seabright, Twin Lakes, Pleasure Point, Opal Cliffs, Aptos-RioDelMar, Aptos-Seascape, LaSelva/Sunset & Redwood Mt areas.*
- 3. These Districts would meet as often as there was a request from a home owner in their area, not more than once a month, but no less than twice a year. Each meeting would be published in local papers and e- mailed to any persons that have request notice of such events.*
- 4. One Chairperson would be responsible for coordinating the activities of each Vacation Rental (VR) districts. This chairperson would receive a modest stipend per meeting to defray time & costs of organizing the community meetings. The chairperson will be chosen by the participating district's vote once every 5 years or at the request at the time by a simple majority of members*
- 5. Each VR District Chairperson will meet, as needed, with the other Chairpersons and a District Coordinator (which will also be a paid position,) no less than twice a year if needed.*
- 6. This District Coordinator will report to the Santa Cruz County Board of Supervisors, twice a year with statistics of what has been dealt with during the previous 6-months.*
- 7. These funds that will be collected from each Vacation Rental in Santa Cruz County, shall be collected once a year, at the end of August. We ask that the fee be included with TOT tax. We suggest that not more than \$100 per Vacation Rental, should cover expenses for the year.*
- 8. If this payment is not received, then the District, where the Vacation Rental is located, will be informed that VRs membership in the District will be terminated with lost of any benefit from any future arbitration until dues are paid.*
- 9. These are general guidelines to show the Good Neighbors of Santa Cruz's intension to create a self-sustaining and self-governing body of vacation home owners which we would be happy to provide.*
- 10. As to the restriction of the number of Vacation Rentals per neighborhood, we owners understand that those who choose to rent our homes would prefer to be in a neighborhood, rather than a complex of vacation rentals. The number of Vacation Rentals that have been tabulated by the county of Santa Cruz from 10 years before, to those that are now in business, has shown a modest increase from 500 to 530 units. Perhaps the*

*saturation point for new rentals may have reached the maximum that the Live Oak Area which it can profitably support.*

- 11. We, who have vacation rentals, know that our profit margin, given the high costs of our mortgages and taxes may not be attractive financially in today market as a few years ago. Vacation Rentals are a labor of love and endurance for those who want to have a home in the Santa Cruz area. Most car washes and Laundromats make a better return on their investment.*
- 12. My small Network of Friends that have Vacation Rental homes they love and nurture, have paid over \$100,000 dollars in Taxes to the County. It has been proven, in several independent studies by VRMA (Vacation Rental Managers Assoc.) and other travel institutions, that the Vacation Rental Guests spends more on buying local goods and services than what they spend on the Vacation Rental! Just my small network of Vacation Rentals brings in Guests that spend more than One Million Dollars in rental income, they also spend more than One Million Dollars in supporting the small local businesses, restaurants, activates & tours that sustain our economy in this time of bitter reductions. How many more of our small business will we loose, before the community realizes we cannot maintain our livelihood if we don't support the unique values that Vacation Rentals bring to this area.*

*Please let us keep this entreperurnial spirit alive in the beautiful area that we call home. Let us not forget the immortal words of Abraham Lincoln who stated:*

*— That this nation, under God, shall have a new birth of freedom – and that government of the people, by the people, for the people, shall not perish from the earth.*

TUESDAY, MAY 10

### **Letter from a Renter \*One of 100s that we can present.**

To Whom It Concerns,

I'd like to note my opposition to the proposed moratorium on rental houses. I've been a graduate student at UCSC for many years, and next month I'll be graduating with my PhD. To mark the occasion, my parents, siblings, aunts, uncles and cousins are traveling from across the US to visit Santa Cruz for 5 days. To house our group of 20 people, we're renting THREE vacation homes/condos in Santa Cruz. I anticipate that 20 people liberally shopping, sightseeing, dining out, putting money in parking meters, and tipping (on top of renting accommodations) will work out to be a big chunk of change for the city. If rental homes weren't available, we wouldn't bother staying in town for more than one or two nights—who wants to put 20 people in a motel for five days?

Having lived in Santa Cruz for 7-years, I'm sympathetic to homeowners who tire of the headaches of tourist season. Having lived next to rowdy undergraduates myself, I'm totally in favor of noise restrictions and low tolerance of house parties. However, I would think that the type of people who rent large beach homes are the kind of tourists that Santa Cruz would want.

Sincerely,

H. Christian Blood, Ph.D candidate  
Department of Literature  
University of California, Santa Cruz  
hblood@ucsc.edu

**RECEIVED**

JUL 08 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Wab  
From  
Loretta  
Vann

July 7, 2011

Dear Mark,

I understand that you sit on the Coastal Commission as well as the Board of Supervisors, you are a busy guy.

Thank you for your contribution to the body of work protecting our shoreline and keeping the beaches publicly accessible since 1972. The awesome results do not go unnoticed.

I grew up hearing stories about the houses near the beach or in the woods that my grandmother's aunt rented at the close of the 19<sup>th</sup> century. I use to joke that my college preparation in a Cupertino High School was "Beach Party", but later my love for the coast influenced my studies and career choice to work with the management of coastal cultural resources.

We currently reside near Washington DC but continue to spend a great deal of time in our Ben Lomond home. I came to your office a few months ago to talk a little about how our use of our home as a longer term vacation/corporate rental provided us a closer Santa Cruz experience. We can stay in town more often, employed local talent, and we are successfully competing with the beach areas to bringing good quality long term visitors to the San Lorenzo Valley. At this time we are booked solid until Nov. we have great reviews in our Guest Log Book and our neighbors are delighted and bring our Guests fresh eggs.

I first purchased property in this valley nearly 35-years ago and could not then or now afford beach property. The closest to the experience of living near the shore was a day or two at a friend's home, or a vacation rental property. In hindsight those were life-changing experiences. With that in mind, I have a few more thoughts about the vacation rental ordnance and public coastal access. Although this ordnance does not have much impact on me directly, I do think there are some significant public policy issues at play here.

The blessing to the residents and visitors of Northern California made possible by the foresight of the Coastal Commission in preserving the public access to the beaches and access to the water are so obvious today, but controversial at the time in the mid 1970. So many places I visit these days are functionally assessable only by members of an elite set of property owners.

This Santa Cruz County Vacation Rental Ordinance is designed to close down already existing vacation rentals, and speaks directly to public accessibility to the coastal experience. Families with limited disposable income will more than likely not be able to compete for access if the housing supply becomes overly precious. Access to vacation beach rentals will be reduced to a margin of the demographic population residing in CA.

Beach-goers that now can park their cars in the nearby driveways of vacation rentals will no longer have access to the same beaches. Additional parking lots will probably not be built. With no available parking and little public transportation this ordinance will further reduce public access to coastal areas bordering residential areas.

If the issue is noise and neighbor disturbance I cannot see a need for any thing so drastic and punitive as this ordinance. Existing nuisance laws already on the books should be modified to become enforceable. The proposal on your desk appears to me to have a single overarching purpose: They are designed, over time, to reduce costal accessibility to those few property owners that may afford to live on or adjacent to the beach. In the most popular area, Live Oak, they are now limiting one Vacation rental

However, in the event you feel compelled to approve such a regulation I hope that you will consider the following points:

1. The costs born by the property owner compelled by complaints filed without merit. To reduce the abuse inherent in the proposed regulations, the filer (plaintiff) should be required to post a bond that would cover the cost of defense should the claim be determined to lack merit.
2. Families have enjoyed vacation rentals in Live Oak since before 1900 and this use of property should be part of the fabric of the general zoning plan. Individual property owners and blocks should not be singled out and subjected to new land use regulations or deprived of their use of their property when those regulations are found to be discriminatory, arbitrary and capricious. An existing vacation rental unit should not be put at risk due only to a disgruntled or NIMBY neighbor's complaint or series of complaints (which at this time includes both founded and/or unfounded merit).
3. Management should not be tied to the Real Estate Industry, there is no reliable office currently working with vacation rental properties in many parts of the county. I have had two minor bookings from Santa Cruz County Agents, fired 3-San Lorenzo Valley agents for failure to return phone calls or check up on guests. At this time there is not a single office in San Lorenzo Valley working with vacation rentals. Scotts Valley Century 21 rents space to Classic to Property Management that is actually operated by a broker out of Fresno..... This is a local industry just waiting to be born and advertised.

Thank you for your time, but please vote that the interests of the public which are not protected by these proposed regulations.

Yours Truly,

Loetta M. Vann  
9205 Harvey Rd, Silver Spring MD 20910  
375 Vista Robles, Ben Lomond 95005  
[loettavann@rcn.com](mailto:loettavann@rcn.com)

From  
Buck Hoelscher

RECEIVED

JUL 08 2011

July 5<sup>th</sup>, 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Thank you in advance for your consideration & I will look forward to seeing you, July 13<sup>th</sup> at the Marin Center. Home Owner in the Live Oak area of Santa Cruz and the Rio Del Mar area of Aptos.

Buck Hoelscher

Director of Computer Engineering test group at VISA USA/International - Retired,  
Local Pleasure Point Surfer & Home Owner

Board member of the Big Stick Surf Club established in 1989 for the purpose of establish fellowship, donations, scholarships and comradely for young surfers in the surf areas of Santa Cruz.

[bucksbh@msn.com](mailto:bucksbh@msn.com)  
831 419-7550 (cell)

### **I am AGAINST this Santa Cruz Vacation Rental Ordinance!**

This terrible Ordinance essentially sends the message to Vacation Rental Tourists that they are NOT WELCOME IN SANTA CRUZ, and benefits only a few local beachfront homeowners who don't want Tourists in their neighborhoods and thus public beaches! This should not be LEGAL and it is WRONG!

We urge you, the California Coastal Commissioners, to redeem our confidence and Vote AGAINST this "Ban" of Vacation Rentals Ordinance. Show us you have real power and guts, and do the right thing for both home owners and Tourists by upholding the General Public's right to have good access to the beaches of Santa Cruz. There are 3 main reasons as listed below.

- 1) John Leopold and 3 other supporting Supervisors are undermining home-owner's rights. This is abuse of their public mandate.
- 2) This Ordinance, in effect, significantly lessens the public's access to the supposedly Public beaches, and reduces huge sources of income for Santa Cruz County. And, this County, according to news articles, is more than several million dollars in debt.
- 3) Vacation Home owners use a large portion of their property providing on-site parking spaces for beach visitors. We have not been able to tally how many parking spaces are provided as the County still does not have an accurate count and location of current Vacation Rentals. We estimate that there are more than 40-50 parking spaces for each beach access area and I'm sure that you can understand that no one wants have their neighborhood be the place to "Pave Paradise, and put up a Parking Lot."

These three reasons alone, (there are more,) hopefully will assist you, the California Coastal Commission, in understanding why it is to everyone's best interest to vote against this unpopular, unfair, and DISCRIMINATORY ordinance. You are our last resort before expensive litigation.

John Leopold, who drafted this ordinance, is in the opinion of many of us, selling out our rights for the benefit of a few. He is clearly doing this primarily for a small minority of selfish, wealthy beach-front home-owners who don't want Tourists in Santa Cruz, near their private homes like Carmel. This is not Carmel, it's Santa Cruz, and we like it the way it is. That's why we chose to live here, not Carmel.

Many of us have our life's savings invested, for retirement, in homes in Santa Cruz. We need to rent our homes as vacation homes to survive, especially in this economic climate.

We home owners want to be able to stay in our own homes some of the time. Vacation Rentals give us that freedom to use our homes as we wish. We cannot do that in Long-Term rental agreements. We Home owners purchased homes believing that, by renting as Vacation Rentals for short time periods, we could afford to purchase these homes. This has been the history of Santa Cruz for over 100 years. This proven history of vacation rental friendly Santa Cruz, caused us home owners to commit themselves for loans to purchase homes in this area, as sold to us by the Realtors, who helped us find our homes.

We learned to dislike Long-Term rentals because of all the inherent problems. Long-term rental people often trash our homes, and we get stuck with a remodel, assuming we can evict them, which usually takes several months. Also, many of us primarily live in our homes, and only vacate when we have a rental, choosing to visit friends and relatives or go camping, during that time.

Short term Vacation Rentals are much more preferable. Tourists that we invite to stay our homes are more respectful and our homes are sometimes left so clean, it is hard to tell the Tourists were there. If short term (under 30 days) renters become a problem, under the Hospitality law that has us pay the Transient Occupancy Tax (this TOT tax is 10% of the rental, housekeeping, security wavier, etc.) we can and do evict anyone who is being disrespectful to the home or the neighborhood as soon as we find out there is a problem. My Vacation Rental manager, screens so carefully, that in the last 12 years, she has only had to evict 5 sets of Tourists. That's a very small number as she reserves approximately 800 reservations a year.

This ordinance is unnecessary overbearing legislation. We have laws to deal with problems. Most of us are responsible property managers, with reasonable people as guests.

As this ordinance is written, most of the Supervisors completely ignored previous HAC recommendations. HAC tallied votes of a 4:1 with the majority against adopting any new ordinance.

Also, for example, we would like to know why, when the Parjaro Dunes area has many full-time residences as well as Vacation Rentals, they are excluded from this ordinance.

This ordinance gives unfair control and power to vindictive neighbors without due process of law, grievances or normal problem solving procedures. We may not even know who complained or how to correct their problem— that precludes the normal process of resolution. The complainer could even be making up a complaint or exaggerate the situation. County ordinances should never be allowed to supersede normal constitutional due process of law! Have you ever had a neighbor who was completely unreasonable and vindictive? How would you like to put your trust of your financial future in their hands?

This ordinance would in effect cripple hospitality tax revenues and ultimately property tax revenues due to subsequent forced foreclosures. We home owners are not able to sell in this terrible economy for the prices we paid for our homes. And if we were forced to this will HURT OUR ECONOMY EVEN FURTHER as short-sales destroy Comparisons for determining house values.

Although my vacation rental homes are Grandfathered in, my Vacation Rental Manager is going to be forced out of business. She has managed my 2-homes since 1999 and does a great job with the more than 50 homes she manages. Our Supervisors have voted that there can be NO MORE Vacation Rentals in Santa Cruz County until this Ordinance is passed by you. In the meantime, they are going to force her to close as there is historically a 10% annual turnover of homes in the Vacation Rental market and my Manager needs new Vacation Rentals to survive the closing of others. She manages a small network of friends whose homes paid in more than \$100,000 in TOT taxes last year.

Why are our Supervisors hurting us? We, the tax-generating and paying citizens, who pay their salaries. Will they take the responsibility for the results when the County is not able to afford their paycheck or pension – I doubt it!

That this Ordinance got this far, disturbs me greatly, that our Supervisors have so little disregard for home owner rights and fair & due process of existing laws to handle problems. They are basically steamrolling over and ignoring the majority home-owner opinions which are 4:1 against this ordinance would even consider to pass it. Many of us are retired, and cannot afford this disregard for our senior welfare and ability to earn income through previously perceived good housing investments, pay taxes and live the life we thought was of benefit to Santa Cruz County.

I hope you realize the serious problems this creates for many of us. .

Why is it that Supervisor Caput is the only Supervisor in Santa Cruz County that understands vacation home owner's objection to this ordinance? He did speak against this Ordinance and publicly stated his opposition as he stated: "We already have laws to handle all of the concerns that have been expressed."

Please help us and vote against this unworkable Ordinance. I hope we can count on your support. We homeowners will continue to fight this ordinance in the courts if necessary. This will take our time, energy, and money that we would rather spend on making our Vacation Homes even better.

**This page is intentionally blank.**

W6b



DL WHITE LAW GROUP

Nubia L. Goldstein  
Tel: 916.468.0946  
Fax: 916.468.0951  
nubia@dlwhitelawgroup.com

**RECEIVED**

JUL 08 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

July 8, 2011

**VIA FACSIMILE (831-427-4877)**

California Coastal Commission  
Central Coast District Office  
Attn: Dan Carl, Central Coast District Manager  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**Re: Santa Cruz County LCP Amendment Number 1-11 Part 3 (Vacation Home Regulations)**

Dear Ms. Craig:

As you are aware, we represent Good Neighbors of Santa Cruz County ("Good Neighbors") who oppose the proposed Santa Cruz County Vacation Home Ordinance (the "Project"). We respectfully request that the California Coastal Commission ("Commission") remove the Santa Cruz County LCP Amendment from the July 13, 2011 agenda. In addition to the reasons stated in our previous letter, we believe the Commission is not a responsible agency under CEQA Guidelines, California Code of Regulations, Title 14, Sections 15004 and 15050 and is therefore not authorized to hear this item. This is based on the County's admission that there are no responsible agencies for the proposed project in response to Good Neighbor's January 19, 2011 letter regarding adoption of the Project. Attached you will find the relevant portion of the County's response. The entire document can be found online on the Santa Cruz Board of Supervisors' website under meeting agendas and minutes for May 3, 2011.

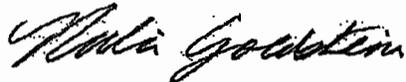
Thank you for your consideration of this letter which we request be included as part of the public comments the Commission will consider for the July 13, 2011 hearing. Please contact me at (916) 468-0946 or by email at [nubia@dlwhitelawgroup.com](mailto:nubia@dlwhitelawgroup.com) if you have any questions regarding this letter.

California Coastal Commission  
Susan Craig  
July 8, 2011  
Page 2 of 2

---

Very truly yours,

**DL WHITE LAW GROUP**



Nubia I. Goldstein

NIG

cc: Client  
Douglas L. White, Esq.  
Dan Carl, Central Coast District Manager

ATTACHMENT 3

- Also, it is unclear whether the County failed to provide the required notice of the proposed adoption of the Negative Declaration to transportation planning agencies and public agencies that have transportation facilities within their jurisdictions that could be affected by the project. As shown above, the ordinance will cause reasonably foreseeable increases in traffic, particularly during peak summer congestion periods when people are most likely to want to visit the beach, and the traffic increases will not be limited to County roads. The traffic increases will affect major local arterials and freeways and highways as vacationers who were unable to find local accommodations seek routes to the beach. Because the ordinance constitutes a project of statewide, regional, or areawide significance, the County was required to provide notice to transportation planning agencies and public agencies that have transportation facilities within their jurisdictions that could be affected by the ordinance. State CEQA Guidelines, 14 C.C.R. § 15072(e).

0575

If the County failed to give the transportation planning agencies notice of the Negative Declaration, this CEQA process has been faulty.

- 22. According to the State Clearinghouse, the document was submitted to Caltrans District 5, which provided no comments. As stated in CEQA Section 15072, "A lead agency shall provide a notice of intent to adopt a negative declaration to the public, responsible agencies, trustee agencies, and the County clerk of each county within which the proposed project is located, sufficiently prior to adoption by the lead agency of the negative declaration or mitigated negative declaration to allow the public and agencies the review period provided under Section 15105." The public was notified via the Santa Cruz Sentinel, the Pajaronian, and the Clerk of the Board's office; and although the package was distributed to the State Clearinghouse, there are no responsible and/or trustee agencies for the proposed project. The County has consulted with the Coastal Commission about this ordinance.**

In addition to the CEQA violations outlined above, the proposed ordinance also suffers from other fatal legal defects, including the following:

- The retroactive application of the ordinance is illegal. We are not aware of any authority that would allow the ordinance's retroactive application back to July 2010.
- 23. The proposed ordinance would require that for a vacation rental to be considered existing, the owner would have to substantiate the use of the unit as a vacation rental prior to the Board of Supervisors action on June 22, 2010, directing the development of the proposed ordinance. Such a requirement is not illegal and is not uncommon. Local governments through their police power can make an ordinance effective to a time before its adoption. Here, the County's purpose is to recognize pre-existing vacation rentals but not encourage a large number of new vacation rentals intended to not come within the statutory scheme and thereby defeating the purpose of the statutory scheme.**

- The ordinance is so vague and ambiguous regarding penalties that its enforcement is unconstitutional. The ordinance fails to clearly define what conduct violates it, and it fails to identify the progressive steps that will be taken for violations. Some aspects of the ordinance, such as limiting vacation rentals to two parking spaces on the public streets, are likely to be entirely unenforceable. The ordinance also suggests that the County will revoke permits without affording homeowners Due Process of law: for example, the ordinance suggests that statements of a violation from a Homeowners' Association (an out of court informal proceeding) would be used as evidence in favor of a permit revocation proceeding. In short, the ordinance fails to contain any safeguards to ensure that the County does not curtail homeowners' lawful use of their properties based on petty neighborhood disputes.

172



Web

Nubia I. Goldstein  
Tel: 916.468.0946  
Fax: 916.468.0951  
nubia@dlwhitelawgroup.com

RECEIVED

JUL 01 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

June 27, 2011

**VIA FIRST CLASS MAIL  
ALL MATERIALS HAVE BEEN FORWARD TO COMMISSION STAFF**

California Coastal Commission  
ATTN: Peter M. Douglas  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Re: Santa Cruz County LCP Amendment Number 1-11 Part 3 (Vacation Rental Regulations) to be presented for public hearing and California Coastal Commission action at the Commission's July 13, 2011 meeting.

Dear Commissioners:

Our firm represents Good Neighbors of Santa Cruz County, Anthony Abene and Holly Kimball (collectively, "Good Neighbors") in a Petition for Writ of Mandate and Complaint for Declaratory Relief challenging the County of Santa Cruz's ("County") environmental review of County Ordinance No. 5092 (the "Project"). Good Neighbors of Santa Cruz et al. vs. County of Santa Cruz, Case no. CV 171277 was filed on June 3, 2011. To take effect, the Project requires that the California Coastal Commission ("Commission") approve an amendment to the Santa Cruz County Local Coastal Program ("LCP Amendment"). This LCP Amendment is scheduled for the Commission's consideration at its July 13, 2011 hearing as Santa Cruz County LCP Amendment Number 1-11 Part 3 (Vacation Rental Regulations).

This letter serves as Good Neighbors formal request that the Commission not consider the LCP Amendment prior to resolution of the litigation between Good Neighbors and the County with regard to the Project. The County knowingly disregarded the requirements of CEQA when approving the Project. For instance, the existing environmental review for the Project consists of three paragraphs in a negative declaration, which fails to analyze the effects of the Project on circulation, land use and noise patterns, as well as the effect of these restrictions on public access to beaches, coastline and recreational opportunities.

Good Neighbors has consistently been on record as opposed to the Project until the impacts of the Project are studied through an environmental impact report ("EIR") and the Project impacts appropriately addressed and mitigated. The litigation initiated by Good Neighbors against the County seeks to compel the County to comply with CEQA and satisfy the requirements of state law when approving the Project.

Good Neighbors further requests that the Commission reject the County's submitted LCP Amendment. An examination of the submitted LCP Amendment will show that it is in conflict with the County's LCP land use plan ("LUP") as it restricts and discourages coastal access, recreational opportunities and visitor-serving facilities (*See* LUP Policy 2.22.1). The restrictions in the proposed LCP Amendment will significantly modify traffic, land use and noise patterns within the County and neighboring communities. Commission approval of the proposed LCP Amendment will impair the ability of homeowners in the County to rent to those who live elsewhere, preventing visitors from visiting the beach and experiencing California's coast line. Also, the proposed restrictions will particularly disadvantage the poor and middle class who may find it more feasible to rent a home rather than a hotel for their family. As proposed, the LCP Amendment is counter to the Commission's goals and policies it is charged with protecting.

Unfortunately, the Commission's current staff report for LCP Amendment is flawed because it relies on the County's defective negative declaration for the Project. Such misplaced reliance underscores the importance of the Commission requiring that the County provide the Project appropriate environmental review before being considered by the Commission. The Commission should only consider a similar LCP Amendment once an environmental impact report that analyses the significant environmental impacts of the Project is conducted and provided to the Commission for its review. Should this matter later progress, it will be incumbent upon the Commission to ensure that any such proposal is consistent with the Commission's charge to protect coastal access and recreational opportunities for the public.

On behalf of Good Neighbors, we again request that the Commission reject and not hear the County's proposed LCP Amendment at this time. Should you have any questions or wish to discuss this matter further please contact me at (916) 468-0946 or by email at [nubia@dlwhitelawgroup.com](mailto:nubia@dlwhitelawgroup.com).

Very truly yours,

**DL WHITE LAW GROUP**



Nubia I. Goldstein

NIG:jes

cc: client  
Douglas L. White, Esq.  
Commissioners  
Alternates for Commissioners  
Commission Staff

W66

**RECEIVED**

JUL 07 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

H Reed Searle  
114 Swift St  
Santa Cruz, C. 9506  
831-425-8721 phone and fax  
4 July 2011

California Coastal Commission  
Central Coast District Office  
Suite 300, 725 Front St.  
Santa Cruz, Ca. 950600-4508

Re: Item 6b , meeting of July 12, 2011, Santa Cruz County Vacation Rental Ordinance  
Comment in favor of the proposed ordinance

Dear Sir/Madam,

I support the proposed ordinance and the staff report.

Vacation rentals in our area have proliferated following increased use of the Internet. These rentals threaten to replace homes otherwise available for people who live and work here as well as damaging the residential ambiance and ultimate purpose of residential zoning. The proposed ordinance puts reasonable licensing and restriction requirements on new "conversions" of long-term or owner-occupied homes to short-term vacation rentals.

The proposed ordinance strikes a reasonable balance between competing interests. I urge the Commission to accept the staff report and permit implementation of the ordinance.

Sincerely,



H Reed Searle



# beach house rentals

W6b

**RECEIVED**

JUL 07 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

July 5, 2011

California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Re: Agenda item W6b, Santa Cruz County Vacation Rental Ordinance

Dear Sir or Madam:

Beach House Rentals manages a number of properties in the Santa Cruz County zone, which would be affected by the proposed ordinance.

We understand the concerns of some of the individual neighbors and sympathize with their concerns and desire to regulate the noise, parking and trash issues. It does appear that the problems have been limited to a few segregated areas in the Live Oak Area by a few neighbors.

As a vacation rental management company, we regulate these issues on all of our vacation rental properties. We have had very few, if any, problems or complaints resulting from our guests use of our properties in almost 8 years. All of our guests sign Rental Agreements, which address all of those issues. The following items are specifically addressed in our Rental Agreement:

1. Limit number of people in the property, which is typically 4 for a 1 bedroom, 6 for a 2 bedroom, 8 for a three bedroom, and 8 – 10 maximum for a 4 or 5 bedroom;
2. "Parties, smoking, loud noise or music are strictly prohibited";
3. Guests are charged for excessive trash pickup, which we remove when the trash overflows the garbage cans;
4. Parking is limited to the number of spaces the property provides.

The majority of our Guests are families with children that are very respectful of our properties, as well as the community as a whole. They love Santa Cruz County and many come year after year for return visits.

The guests support employment, and local businesses, including but not limited to restaurants, shops, the Boardwalk, golf, wineries, super markets, boating and many other

312 Capitola Avenue, Suite D  
Capitola, CA 95010  
(831) 475-1808; Fax (831) 475-5253  
[www.beach-houserentals.com](http://www.beach-houserentals.com)



## beach house rentals

recreational activities, such as boogie boarding and surf boarding, which all support the local economy, as well as contribute large sums to sales taxes and transient occupancy taxes, further helping the local economy. Additional, vacation rental companies employ many people in the community, including housekeepers, handymen, plumbers, gardeners, contractors, electricians, linen supply companies, appliance repair people, and others.

However, due to the economic situation in the country, and especially Santa Cruz County, with layoffs, furloughs, etc., we do not see the necessity for an Ordinance to enforce laws that we already have in place. There are currently laws on the books covering most if not all of the issues this ordinance covers. We seriously question who is going to be able to enforce such an ordinance.

We also can visualize a serious financial impact on the real estate market as a whole if purchasers of property were not allowed to rent their homes and/or investment properties. In fact, we have already spoken to a number of realtors who have lost prospective sales in an already down real estate market, because of this Ordinance.

Our industry promotes tourism in Santa Cruz County, which is the largest industry for the county, bringing much needed financial support. The Visitors Council, local Business Improvement Districts, The Santa Cruz Lodging Association, and Chambers of Counsel expend tremendous efforts and funds to promote and increase the tourism industry for Santa Cruz County. Some of the proposals in the Ordinance would negate these efforts and funds. This Ordinance Adversely affects the Santa Cruz County economy as a whole.

We also do not want to change our signs as most of the property management company's signs are professional and attractive signs, and promote the various vacation rental properties, and are an effective advertising tool. They do also provide a telephone number for anyone having a problem with a vacation rental guest.

Finally, and probably one of the biggest issues that was never seriously addressed during the many meetings over almost one year by the Board of Supervisors, is it is our belief that this Ordinance will not be adhered to by the people who are already violating the rules and regulations, who are renting their properties without paying the transient occupancy tax, driving them further "underground". This Ordinance will not restrict or penalize those that are the majority of the problem, but will seriously impact the vacation rental companies and owners abiding by the existing laws, rules and regulations.

**312 Capitola Avenue, Suite D  
Capitola, CA 95010  
(831) 475-1808; Fax (831) 475-5253  
[www.beach-houserentals.com](http://www.beach-houserentals.com)**



# beach house rentals

We would hope that all of these matters are taken into consideration when considering approving the Ordinance. Thank you for your consideration.

Respectfully submitted,

Beach House Rentals, LLC

Dede Harrington

Stefanie Ferris

**312 Capitola Avenue, Suite D  
Capitola, CA 95010  
(831) 475-1808; Fax (831) 475-5253  
[www.beach-houserentals.com](http://www.beach-houserentals.com)**

W6b

Re:

**W6b, Santa Cruz County LCP Amendment No. SCO-1-11 Part 3 (Vacation Rentals)  
Public hearing and action on request by the Santa Cruz County to add LCP  
regulations specific to vacation rents in the Santa Cruz County coastal zone. (SC-  
SC)**

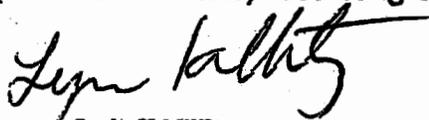
My husband and I own The Surf House, a vacation beach rental at Rio Del Mar Beach. I would like to describe to you the benefits our vacation rental provides our community.

1. The house is meticulously maintained. Prior to purchasing the home in Oct of 2007 the house was a monthly rental. The exterior was not maintained. It was an eye sore. As a vacation rental we have been able to improve the exterior, as well as the house's infrastructure. We have spent over \$65,000 with local business in make repairs on the house. We wouldn't have been able to afford the improvements if we only had monthly rental income. The county benefited from the sales taxes we paid and we're helping local small businesses stay in business.

2. Our guests spend money in Santa Cruz, Capitola, and Aptos. When our guests leave we always find boxes and bags from their food and clothing shopping forays.

3. Our guests pay transient taxes. Since we started getting vacationers in 2008 we have sent the Santa Cruz Tax collector \$10,350. Not a lot in the big picture of things but it's better than zero, which the county would get if we had to convert our property back to a full time rental.

Thank you for the opportunity to express our desire to keep our house as a vacation rental. We ask you to reject Santa Cruz County LCP Amendment No. SCO-1-11 Part 3 (Vacation Rentals) restricting our ability to continue maintaining a beach vacation rental.



Lynn & Jeff Killitz  
The Surf House  
205 Rio Del Mar Blvd  
Aptos, Ca 95003  
Phone 805 260-1255  
Website [www.lynnbeachhouse.com](http://www.lynnbeachhouse.com)

**RECEIVED**

JUL 07 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

*W66*

Faxed 7/7/11 to 831-427-4877

from Carol Nakamoto fax # 650-941-4906

*7/7/11*

California Coastal Commission – for CCC meeting, on July 13, 2011, Santa Cruz County LCP Amendment Number 1-11 Part 3

I am a vacation rental owner since 2004, have paid TOT taxes since I became a VR owner that year, engage a well-respected local property manager company and have acted incredibly responsibly toward my neighbors and guests. My home is in the Live Oak Designated Area (LODA) and is not one of the problem homes that one of the Board of Supervisors has sighted.

I have attended both Planning Commission and Board of Supervisors meetings when the topic of the Santa Cruz Vacation Rental Ordinance has been on the agenda. I have submitted written comments and have spoken when afforded the opportunity, outlining why I feel the final recommendations:

- are too strict and punitive toward well-managed vacation rentals
- are extremely detrimental to the property rights and home values of the home owners; resale values and time on market will be negatively affected
- potential property tax collections to the city/county will be reduced due to lowered values
- unfairly restricts current vacation rental owners from selling and upgrading to another VR home, as a permit may be denied
- add burdensome administration to already strapped government office staff, without true merit
- have negative consequences to the local economy; tourists may not feel welcome and will seek other destinations.

While I understand the "complexity" of the issue and the attempt of the Board of Supervisors to "satisfy" opposing factions, what I was very disturbed to see was the political process in full view that did not appear to try to fit the solution to the problem. There's way too much administration without supporting data and at a time when the economy is so fragile and city/county budgets are so tight. Neither the BOS nor Planning Commission have data on complaints exceeding 2-3 in the last two years, and they don't even know how many actual VR's there are, but already have recommended a percentage cap...wow.

According to the Sheriff's Office's data, there are a very few homes that create a problem for their neighbors (2-3 complaints in two years). Why not start with a simpler solution that doesn't penalize (and overly charge) well-intentioned and well-managed vacation rentals. Where it seems to be heading, with all the rules, notices and fees, is that it is very punitive to the majority.

What also shocked me is that we are dealing with only 12% of homes known to be VRs, but one of the commissioners is already proposing 15%-20% as what "feels good" to him, without knowing at all what the real 12% is. What if it's 19.5%, or 21.5%. Would pegging it at 15% be under the actual number right out the gate? What a nightmare.

At this time, I recommend you:

- not approve the amendment as submitted and ask for more supportive data to substantiate the restrictive nature of this proposal.
- not approve a more stringent set of rules for the LODA area, as insufficient data has been collected to substantiate this restrictive and punitive recommendation. It would be very unfortunate and unfair that this proposed amendment be adopted as is, with just feeble, heresay information.
- require that the BOS and/or Planning Commission go back and reconsider the phased approach: start with identifying all the VRs with a ministerial permit (3-5 yr limit), then determine where the VRs are, what the percentage mix is, require some written communication with neighbors about who to call if a problem occurs, gain cooperation from the Sheriff's Dept to record complaints.
- THEN, after a few years, if there continues to be a problem, revisit the issue with better data and possibly require a more stringent permitting process for problem areas. I think starting out as detailed and tiered as has been proposed will be a nightmare to administer, wrought with mistakes, and creating a VERY frustrated group of VR owners who are just trying to be good citizens.

I appreciate the dialogue and opportunity to watch the process in person, but I also am very nervous that some "decisions" are trying to be reached without proper data.

I strongly recommend the California Coastal Commission, BEFORE deciding on this important issue (negative to most vacation rental owners without cause), require that more data be collected to substantiate this proposal, prior to implementing a burdensome, punitive, and over-reaching policy, when a vast majority of homeowners have been playing by the rules and have caused NO negative issues.

Respectfully submitted,

A responsible VR owner who has a respected property manager,  
Carol Nakamoto  
916 Dolores Street  
Santa Cruz  
(live in Los Altos) 650-096-0861

*Carol Nakamoto*

**RECEIVED**

JUL 07 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

W6b

Bill & Rachelle Denton  
2701 East Cliff Drive  
Santa Cruz, CA 95062

RECEIVED

JUL 07 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

July 7, 2011

California Coastal Commission  
3501 Civic Center Drive, Room 330  
San Rafael, CA 94903

**RE: Agenda #SCO-1-11 (Vacation Rentals Santa Cruz County) (OPPOSE!)  
W6b, Santa Cruz County LCP Part 3**

To the California Coastal Commission,

My husband and I own a house on East Cliff Drive in Santa Cruz. We oppose the Vacation Rentals in our town. We live right next door to a vacation rental and have two children ages 6 and 10. We have no privacy at our home anymore and oppose having different people always coming and going next door, especially with two little girls.

We have had to call the owners in the past for noise. At one point, we found out that there was a hooker renting the house and different men were coming in and out of the house. If this were your house you owned, would you want this for your children? I'm really sick of it and would not mind full time tenants but no more vacation rentals!! Also, when people rent a vacation rental on the beach, they end up having tons of people staying in these houses to keep the cost down. There is no room for all their cars and they block our alley way so that I can't get my kids to school and have had to tell people to move their cars before. Please stop vacation rentals in our town and only allow full time rentals!

Thank you for your concern to this matter!! Please let us know the status of vacation rentals in Santa Cruz County.

Sincerely,



Rachelle Denton

**P.S. We live in a residential zone (R-1), which means: Single Family month to month rental. We are not in a commercial zone all the neighbors are renting week to week which is a hotel.**

W6b

Support Letter for LCP Amendment No. SCO 1-11

July 5, 2011

**RECEIVED**

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

JUL 05 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: Agenda Item W6b July 13th Meeting - Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals)

Dear Chair and Commission Members:

We are writing to urge the Commission to adopt the Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals). The information presented in your staff report accurately reflects the ordinance adopted by the County of Santa Cruz to regulate vacation rentals in residential neighborhoods of our County.

This ordinance was drafted through a very long hearing process which has resulted in an ordinance that balances the needs for coastal access and our neighborhood residents. We personally attended nine public hearings and spoke in support of the ordinance at many of those meetings.

What we now need is this type of ordinance, which will regulate vacation rentals- so if and when problems occur with the management of vacation rentals and guests, there is some recourse other than continually calling the Santa Cruz Sheriff Department.

Please be aware that the ordinance now before your Commission as, LCP Amendment No SCO 1-11 Part 3 Vacation Rentals, grandfathers all vacation rentals in Santa Cruz County so they can continue to operate. According to the California Coastal Commission staff report, the proposed Santa Cruz County vacation rental ordinance continues to provide coastal access but also recognizes that coastal neighborhoods have permanent residences that live and work in this community.

This ordinance is not unique. There are now 25 communities in California, both inside and outside the Coastal Zone that similarly regulate vacation rentals, including the three mentioned in your staff report.

We are asking the Commission to adopt LCP Amendment No SCO 1-11 Part 3 Vacation Rentals.

  
Robert and Judy Murillo  
121 8<sup>th</sup> Ave  
Santa Cruz, CA 95062

**This page is intentionally blank.**

W6b

Support Letter for LCP Amendment No. SCO 1-11

July 5, 2011

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**RECEIVED**

JUL 05 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: Agenda Item W6b July 13th Meeting - Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals)

Dear Chair and Commission Members:

I am writing to urge the Commission to adopt the Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals). The information presented in your staff report accurately reflects the ordinance adopted by the County of Santa Cruz to regulate vacation rentals in residential neighborhoods of our county. The staff report also accurately reflects the fact that this ordinance was drafted through a very long hearing process which resulted in an ordinance that balances the needs for coastal access and neighborhood living.

The Friends of Live Oak Neighborhoods was formed by neighbors who live in homes along the coastal areas of Santa Cruz County between the cities of Santa Cruz and Capitola. This area now has a high concentration of vacation rentals. Over a number of years, many neighbors in Live Oak have approached the County of Santa Cruz in hopes of developing some type of vacation rental regulations. The basic request then and now is to have some type of ordinance that would regulate vacation rentals so that when problems with the management of the rentals occur there is some recourse other than continually calling the County Sheriff.

It is important to note that the ordinance now before your Commission (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals) grandfathers all vacation rentals in Santa Cruz County so they can all continue to operate. In areas outside the coastal Live Oak Designated Area, the requirements are very limited and mainly involve registration. Vacation rentals in the Live Oak Designated Area have a few more requirements and some limits so that all the homes in a coastal neighborhood do not become vacation rentals. According to a County of Santa Cruz survey, there are 266 vacation rentals in the Live Oak Designated Area.

The ordinance is not unique--there are now 25 communities in California, both inside and outside the Coastal Zone, which regulate vacation rentals, including the three mentioned in your staff report. In addition, between 12<sup>th</sup> and 20<sup>th</sup> Avenues in the Live Oak Designated Area, there are a variety of small motels and a religious retreat open to the public that have nearly 70 rooms. These motels are within a block or two of the ocean.

Live Oak neighborhoods have always had vacation rentals; however, many of these homes are now advertised on the Internet and are used more as unstaffed motels than the past tradition of family summer retreats. This change in character is what motivated our group to seek adoption of regulations--to provide a requirement for sound management of these businesses next to our homes.

In summary, the proposed Santa Cruz County vacation rental ordinance continues to provide coastal access, but also recognizes that coastal neighborhoods have permanent residents who live and work in this community. The Friends of Live Oak Neighborhoods urges the Commission to adopt LCP Amendment No SCO 1-11 Part 3 Vacation Rentals.

Sincerely,



Marcella Hall  
Friends of Live Oak Neighborhoods

[friendsofliveoakneighborhoods@gmail.com](mailto:friendsofliveoakneighborhoods@gmail.com).

W6b

Support Letter for LCP Amendment No. SCO 1-11

July 5, 2011

RECEIVED

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

JUL 05 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: Agenda Item W6b July 13th Meeting - Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals)

Dear Chair and Commission Members:

We are writing to urge the Commission to adopt the Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals). The information presented in your staff report accurately reflects the Ordinance adopted by the County of Santa Cruz to regulate vacation rentals in residential neighborhoods of our County. Also accurately reflected in the staff report is the fact that this ordinance was drafted through a very long hearing process which resulted in an ordinance which balances the needs for coastal access and neighborhood living.

Unfortunately, due to work and other commitments we can not attend your July 13<sup>th</sup> meeting in San Rafael, but urge your Commission to adopt the Santa Cruz County Vacation Rental Ordinance, LCP Amendment No SCO 1-11 Part 3 Vacation Rentals.

Name Printed	Signature	Address
JOANNE WILHELMOSEN	<i>Joanne Wilhelmsen</i>	315 14 <sup>th</sup> Ave Santa Cruz CA 95062
Diana Thoits	<i>Diana Thoits</i>	235 14 <sup>th</sup> Ave Santa Cruz CA 95062
FRED THOITS	<i>Fred Thoits</i>	235 14 <sup>th</sup> AVE Santa Cruz CA 95062
Debbie Thoits	<i>Debbie Thoits</i>	200 14 <sup>th</sup> Ave. Santa Cruz 95062
Jim Shul	<i>Jim Shul</i>	200 14 <sup>th</sup> Santa Cruz 95062
Lou Pambianco	<i>Lou Pambianco</i>	25514 <sup>th</sup> Ave Santa Cruz, CA 95062
Jennifer VanNatta	<i>VanNatta</i>	260 14 <sup>th</sup> AVE Santa Cruz CA 95062

Support Letter for LCP Amendment No. SCO 1-11

July 5, 2011

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Re: Agenda Item W6b July 13th Meeting - Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals)

Dear Chair and Commission Members:

We are writing to urge the Commission to adopt the Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals). The information presented in your staff report accurately reflects the Ordinance adopted by the County of Santa Cruz to regulate vacation rentals in residential neighborhoods of our County. Also accurately reflected in the staff report is the fact that this ordinance was drafted through a very long hearing process which resulted in an ordinance which balances the needs for coastal access and neighborhood living.

Unfortunately, due to work and other commitments we can not attend your July 13<sup>th</sup> meeting in San Rafael, but urge your Commission to adopt the Santa Cruz County Vacation Rental Ordinance, LCP Amendment No SCO 1-11 Part 3 Vacation Rentals.

Name Printed	Signature	Address
OWEN VAN NATA		260 14th AVE Santa Cruz, CA

W66

Support Letter for LCP Amendment No. SCO 1-11

July 5, 2011

RECEIVED

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

JUL 05 2011

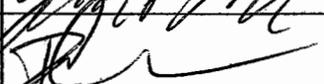
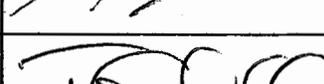
CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

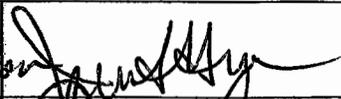
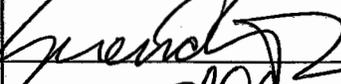
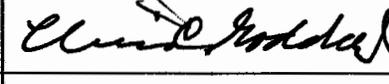
Re: Agenda Item W6b July 13th Meeting - Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals)

Dear Chair and Commission Members:

We are writing to urge the Commission to adopt the Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals). The information presented in your staff report accurately reflects the Ordinance adopted by the County of Santa Cruz to regulate vacation rentals in residential neighborhoods of our County. Also accurately reflected in the staff report is the fact that this ordinance was drafted through a very long hearing process which resulted in an ordinance which balances the needs for coastal access and neighborhood living.

Unfortunately, due to work and other commitments we can not attend your July 13<sup>th</sup> meeting in San Rafael, but urge your Commission to adopt the Santa Cruz County Vacation Rental Ordinance, LCP Amendment No SCO 1-11 Part 3 Vacation Rentals.

Name Printed	Signature	Address
Kimberly Goddard		415 Fourteenth Ave. Santa Cruz 95062
SCOTT GODDARD		415 14 <sup>TH</sup> AVE SANTA CRUZ, CA
John Boston		275 14 <sup>TH</sup> AVE, SANTA CRUZ, CA
BROOK GODDARD		415 14 <sup>TH</sup> AVE Santa Cruz CA
RODRIGO AZAMBUJA		275 14 <sup>TH</sup> AVE. SANTA CRUZ, CA
Toby Goddard		415 14 <sup>th</sup> Ave Santa Cruz, CA 95062
Frank O Andesson		212 16 <sup>th</sup> Ave Santa Cruz, 95062

Jennie Harris Anderson		212 16 <sup>th</sup> Ave SC. CA 95062
David Mark Smith		210 16 <sup>th</sup> Ave Santa Cruz, CA 95062
Serena P Smith		210 16 <sup>th</sup> AVE SANTA CRUZ CA 95062
KEVIN F RAFFERTY		210 16 <sup>th</sup> AVE SANTA CRUZ CA 95062
Betsy Riker		210 16 <sup>th</sup> Ave Santa Cruz CA 95062
CHRIS C. GODDARD		305 GEORGEY DR. SANTA CRUZ 95062
Christine Boston		275 14 <sup>th</sup> Ave Santa Cruz CA 95062

W6b

Support Letter for LCP Amendment No. SCO 1-11

July 5, 2011

RECEIVED

JUL 05 2011

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

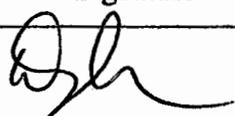
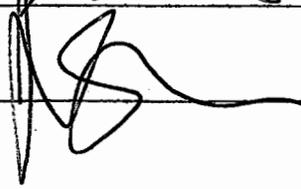
CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: Agenda Item W6b July 13th Meeting - Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals)

Dear Chair and Commission Members:

We are writing to urge the Commission to adopt the Santa Cruz County Vacation Rental Ordinance (LCP Amendment No SCO 1-11 Part 3 Vacation Rentals). The information presented in your staff report accurately reflects the Ordinance adopted by the County of Santa Cruz to regulate vacation rentals in residential neighborhoods of our County. Also accurately reflected in the staff report is the fact that this ordinance was drafted through a very long hearing process which resulted in an ordinance which balances the needs for coastal access and neighborhood living. It grandfathers all existing vacation rentals.

Unfortunately, due to work and other commitments we can not attend your July 13<sup>th</sup> meeting in San Rafael, but urge your Commission to adopt the Santa Cruz County Vacation Rental Ordinance, LCP Amendment No SCO 1-11 Part 3 Vacation Rentals.

Name Printed	Signature	Address
Doug Sanders		1313 Prospect St
Margaret Macksey		275 14 <sup>th</sup> Ave
Kevin Rosenburg		1310 Prospect St
Bruce Rosenburg		1320 14 <sup>th</sup> Ave SC
CHRIS CECILARIUS		209 14 <sup>th</sup> Ave Solman Res.
Kathryn Rosburg		300 14 <sup>th</sup> Ave. Santa Cruz CA 95062
JAMIE SANDERS		1313 PROSPECT ST.

ROGER DOUGLASS	Reg. Doyle	210 13 <sup>th</sup> Ave <del>4085</del> 95062
TERESA DOUGLASS	Teresa Douglas	210-13 <sup>th</sup> 95062
Terri Owen	Jenni Owen	210-13 <sup>th</sup> Ave S. 95062
Rick Bosta	Rich Bosta	275 14 <sup>th</sup> Ave.

**RECEIVED**

W6b

JUL 01 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

July 1, 2011

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**SUBJECT : AGENDA ITEM W6b – July 13, 2011 Meeting  
Santa Cruz County LSP Amendment Number 1-11 Part 3  
Vacation Rental Regulations**

California Coastal Commission

Because of the time of day, day of the week and distance from Santa Cruz, we are not able to attend in person the Public Hearing on the above referenced Santa Cruz County Vacation Rental Regulations. Accordingly we are submitting the following written comments regarding this Public Hearing and request that the Commission staff forward our comments to all Commissioners prior to the meeting for inclusion in their review and action on this matter.

We are writing this letter in support of the Santa Cruz County LSP Amendment regulating vacation rentals and urge your action to approve the proposed amendment as submitted and recommended by your staff.

There have been at least 10 public meetings over an eleven month period regarding the vacation rental regulations prior to the adoption by the Santa Cruz County Board of Supervisors on May 3, 2011. Throughout this process members of the vacation rental industry were effective in assembling a large turn out to oppose the adoption of any regulation of their industry. Their arguments were not based on the actual language and provisions of the draft or finally adopted ordinance, but were based on scare tactics and exaggerated predictions that would result from misrepresented consequences of regulating their industry.

It is important to note that the Ordinance now before your Commission will not reduce the number of vacation rentals because it grandfathers all existing vacation rentals in Santa Cruz County so they can all continue to operate. In areas outside the coastal Live Oak Designated Area the requirements are very limited and mainly involve registration. Vacation rentals in the Live Oak Designated Area have a few more requirements and some limits because of the already high concentration that exists in this area, so that all the homes in this coastal neighborhood do not become vacation rentals. Importantly, the Ordinance contains a review process for poorly managed vacation rentals that create problems with noise, parking, overuse, and neighborhood disruption.

The Coastal Commission Staff Report has:

correctly articulated the regulatory provisions of vacation rental ordinance;

correctly characterized the adopted ordinance as a balance of the needs for coastal access and residential neighborhood living.

provided an analysis showing these regulatory provisions are consistent with and adequate to carry out the certified Local Coastal Program's Land Use Plan; and

indicated that the proposed LCP amendment is consistent with a number of other LCP amendments regulating vacation rentals in the coastal zone approved by the Commission.

In summary, the proposed Santa Cruz County vacation rental ordinance continues to provide coastal access but also recognizes that coastal neighborhoods have permanent residences that live and work in this community. We urge the Commission to adopt LCP Amendment No SCO 1-11 Part 3 Vacation Rentals.

Sincerely,


Fred and Diana Thoits  
235 14<sup>th</sup> Ave.  
Santa Cruz, CA 95062

W6b

RECEIVED

JUL 01 2011

CALIFORNIA  
COMMISSION  
CENTRAL COAST AREA

June 30, 2011

CA Coastal Commission  
Central Coast District Office  
725 Front St., Ste 300  
Santa Cruz, CA 95050

RE: IMPORTANT PUBLIC HEARING NOTICE, 6/24/11  
MARIN CTY. BOARD/SUPERVISORS CHAMBERS

AGENDA ITEM: W6b Santa Cruz County LCP Amendment No.  
SCO 1-11 Part 3 (Vacation Rentals)

I oppose having additional sites dedicated as "vacation rental properties"  
in my neighborhood and surrounding properties.

Since moving to my home at 357 - 13th Avenue, Santa Cruz, CA  
95062, in 1981, I've noticed an ever increasing amount of properties  
being advertised as "vacation rentals." Many of the older homes do not  
have garages and property owners must park on streets. When the  
vacation rental properties are rented out, especially during "high season,"  
the street-parking situation becomes horrific, as does the increased  
volume of late-night noise. Many of these homes are owned by people  
who are NOT local residents and care only about the income from  
vacation rentals.

Please do consider my "voice," even though I'm unable to attend the  
meeting on July 13, 2011.

Very truly yours,



Ellen M. Wood  
357 - 13th Avenue  
Santa Cruz, CA 95062

W6b

REFERENCE: W6b, Santa Cruz County LCP Amendment No.  
SCO-1-11 Part 3 (Vacation Rentals)

June 28, 2011

In Favor

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

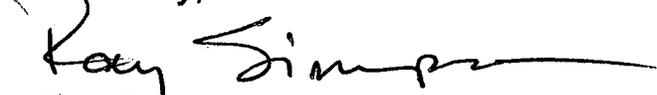
Dear Coastal Commission Members,

This letter is an expression of support for the above referenced 'Vacation Rentals' LCP Amendment. Our home is in an area with many vacation rentals. Most are well supervised; however others are owned by individuals not living in the area, and are not well monitored. Each year there have been problems at near-by neighborhood homes: loud parties, excessive numbers of people and cars, drinking by minors, and loud music late into the night.

In those cases there is no local contact and the only solution is to call the sheriff or 'grin and bear it'. Neither are appropriate solutions.

I urge your positive approval of this amendment, which hopefully will help remediate some of the issues and provide governance direction for these vacation rentals.

Sincerely,



Ray Simpson  
175 - 26<sup>th</sup> Avenue  
Santa Cruz, CA 95062

RECEIVED

JUN 30 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Sincerely,



Lynne M. Simpson  
175 - 26<sup>th</sup> Avenue  
Santa Cruz, CA 95062

RECEIVED

JUN 30 2011

CALIFORNIA  
COASTAL COMMISSION

W6b

**Santa Cruz County Hospitality & Lodging Association**  
P.O. Box 532, Santa Cruz, CA 95061

**RECEIVED**

June 28, 2011

JUN 30 2011

California Coastal Commission  
Central Coast District  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: W6b, Santa Cruz County LCP Amendment No. SCO-1-11 Part 3  
(Vacation Rentals)

Dear Commissioners

The Santa Cruz County Hospitality & Lodging Association is recommending that a decision regarding the new Vacation Rental Ordinance for Santa Cruz County be delayed until more facts and figures can be gathered to substantiate the need for another law that will not only be hard to enforce, but will restrict access to families visiting Santa Cruz County.

While hotels and motels are used by a great many visitors to our area, families often need and enjoy the additional space and amenities that can only be found in a vacation rental. Cooking and BBQ facilities make family vacations affordable.

Permitting vacation rentals is a good step forward. Asking for site plans, floor plans and possibly revoking permits because of unfounded accusations regarding noise and parking issues creates extra work for those vacation rental owners who are already doing the right thing. The fact that there have been one or two calls to the Sheriff regarding noise or overcrowding does not warrant a complete overhaul of the system. There are already laws against noise after 10:00 p.m. and parking restrictions. Those ordinances should be enforced before another law is imposed on vacation property owners.

California Coastal Commission

June 28, 2011

Page 2

Please consider all aspects of this ordinance before you cast your vote. Vacation rentals offer an attractive alternative for families visiting our area. Transient Occupancy Tax, sales tax, admissions tax and parking taxes paid by visitors who use vacation rentals fund our city and county governments. We need to enforce the current laws not impose new laws.

Thanks you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Merry L. Crowen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Merry L. Crowen  
Secretary/Treasurer

W6b

OPPOSITION TO PORTIONS OF PROPOSED AMENDMENT  
Nancy Sweatt and GNSCC (300+ Members) (Pac-Good  
Neighbors of Santa Cruz County) Agenda # W6b, Santa Cruz County LCP  
Amend. No. SCO-1-11 Part 3 (Vacation Rentals)

June 25, 2011 (Requesting copies be sent to all Commissioners and Staff)

To: California Coastal Commission, Central Coast District Office  
Charles Lester, Senior Deputy Director and Dan Carl, District Manager  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

RECEIVED

JUN 30 2011

Re: Santa Cruz County LCP Amendment No. 1-11 Part 3 (Vacation Rentals)  
Agenda Date: July 13, 2011, 9:00 am

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**I. The Evidence and Procedure As It Relates To Renewals, the Ban, and The Renewal Requirement Itself With The 5-Year Expiration, Disregard Due Process and Discriminate Against Live Oak (LODA) without Rational Basis...Besides the Current Ban Itself, The Entire LODA Is Being Set Up For Eventual Ban by Non-Renewal or Revocation.**

**A. Renewals & 5-Year Expirations: This is the most discriminating and arbitrary area of the proposed Ordinance with no legitimate factual data to support it. Permits should be granted Equally. It is not fair, not reasonable, not supported, discriminating, arbitrary and without rational basis to single out LODA.**

- No renewals are required throughout the County, except LODA.
- There is **No Rational Basis for Discriminating** against LODA set forth:
  - Planning has set up a process to deal with alleged "problem homes". If there were legitimate complaints on a home, it would have been documented legitimately by the Sheriff, and if significant, would have been addressed under Violations and Revocation or settled through Dispute Resolution. This is not a rational basis for requiring Renewals and a letter from the County concurred with this,.
  - Most people have stated all they wanted were some rules, a means to resolve a problem if the homeowner did not respond, and someone to call. (This is different from the handful of people who have spear headed this process through Supv. Leopold to get rid of vacation homes on their block along with their attempts to get rid of tourists to our beaches.) **This is not right!!!**
  - The only reason for requiring Renewals that Planning has set forth is because of the Cap they have put on LODA. This they contend may open it up for others who might want to rent. In other words, more unreasonable regulation upon already unnecessary regulation the County has created with an unfounded Cap.
  - Nevertheless, it is still not warranted as the County will know when a permit is abandoned by the lack of reporting and payment of TOT. Renewals are not necessary for this reason.
  - None of the other Supervisors wanted any of this in their districts leaving the entire burden only on LODA, but 3 passed it with no regard for the homeowners in the LODA district; one refused, Supv. Caput.
- **The Renewal Process as written, totally disregards DUE PROCESS, the Constitutional Guarantee of Regularity, Fairness, Equality, and a Degree of Justice not only as to the Procedures but the outcomes as well.**
  - Referencing (3) and (3)(A) P.6 of 9, under Sect. 18.10.124(b) and Sect. 18.10.223 any

member of the public can push this alleged ministerial permit to a "development" level.

- **Referencing (3)(C) THE MOST DAMAGING** – Not only does it put these Permits, and only in LODA, into the realm of development permits through Sect. 18.10.230(a), it opens the door to non-renewal without Due Process: "The renewal process shall include a staff review of County records and other pertinent information specific to complaints...that have been received about a particular vacation rental." (Language added at insistence of Supv Leopold at the end of this long process.) Not only is the renewal already Discretionary, it now allows neighbors or competitors to simply send complaints to their Supervisor or Sheriff to build some record against a homeowner that rents his home. This includes everything that is not legitimate, the basis of arguments all along. Legitimate complaints is one thing as set out under Violations – (Page 8 of 9) – "Copies of citations, written warnings, or other documentation filed by law enforcement...or copies of Homeowner Assoc. warnings, reprimands or other Assoc actions." Not hearsay complaints filed away with no notice to a homeowner for Due Process at the time of the alleged occurrence.\*\*\* As stated elsewhere, there are certain neighbors who have vowed to call and call, even using different numbers, take pictures of cars that don't belong to the rental, stretch pictures to make a vehicle look very large, they use binocular and sit there spying with their cameras taking pictures of the homeowner's own people (claiming they are renters), calling the Sheriff when it is the homeowner and not a tenant, calling when there is no problem. They will take pictures of people during the day claiming they are staying the night. They have said they will do so just to target a home until they can banish the rental from the street. Others have said they will just wait for the Ordinance and then get rid of the rentals through revocation. This has forced some homeowners to have to hire Security Companies just so there is a 3<sup>rd</sup> party involved.
- **Also referencing (3)(B)(ii), the cost of applications going to a hearing is to be borne by the applicant no matter if those causing it have accomplished this by illegitimate means. This is grossly Unfair with no ramifications for the other side and nothing to protect the homeowner.**
- **This is setting up the real coastal zone of LODA for only the very rich who do not need to rent which eventually impact a lot of coastal access and tourism by nonrenewal or revocation by just stacking complaints unknown to the homeowner and not reliable.**
- **Purely Political: Just like the existing LODA ban, the 5-yr expiration and unconscionable renewal scenario is purely political. None of the Supervisors wanted it in their districts, except Supv. Leopold for a handful of minority owners. Accordingly, it was removed from their districts. Three others went along with it then with no supporting reasons or facts for their votes. One refused.**
- **Nothing has been introduced to support any health, safety or welfare issues for a ban or 5-year Expiration for LODA. This is not an area of bars with after hour activity.**
- **This is not the will of the majority. At all nine hearings, those opposed outnumbered the small minority 4 to 1. The correspondence is the same. The opponents were a small number working hand in hand with Supv. Leopold. The only workshops were conducted by HAC, three in number. They listened to the people, analyzed the area and issues, and came up with a simple, reasonable Ordinance of Regulation, 9 to 1. They certainly saw no reason to treat Live Oak (LODA) differently. ..No Caps, No Expiring Permits, Renewals and means for illegitimate claims whether by calls or sending complaints to a Supervisor or Sheriff Office.**
- **There is no special problem in Live Oak (LODA) to support this discrimination. There were approx. 28 calls to the Sheriff in the entire County over a 2-yr period with one citation. It was never divulged if that was even in LODA. The calls with no action support the opposition to this Ordinance. We have all heard how certain people vowed to call**

and call even when there was no problem just to target certain homes and try to build a record, to no avail. There was no problem.

- **To date, no factual data has been submitted to support any "problem" in the LODA** differing from any other area or any other permanent resident or long term renters.
- **There is no proliferation. ..1.5% since 2002 (10 years).** The County records show very little increase since 2002. The probable reason is there is no consideration of "change in circumstances." Some reach a no need status while others experience a need when they didn't before. Some are rented until a person retires. There are a host of reasons. The result was pretty much the same # of homes, just different ones over time. There also is no consideration for the fact that according to the County the average time a home is rented is 37%; the homeowners use their homes as second homes. Some homes are rented very little at times, others are rented less as they are not in the direct rental zone. It is understandable, that the more homes that do rent, the less each home is rented. ...a reasonable conclusion.
- **In short, there has been no factual data to support permanent permits all over the County except in LODA where they will expire in 5 years subject to discretionary renewal, hearings, notices and possibly a lot of money. This is very Discriminatory without basis and may well be in violation of PROPOSITION 26...Pajaro pays no fees, the rest of the County pays a one time fee, LODA is to be subjected to fees every 5 years and possibly \$5000 for hearings and attorneys...all for the same exact right to rent.**

**We request that the Coastal Comm. Demand to see documented facts from the County due consideration before passing on the requirement of Discretionary Renewals and 5-year Expirations concerning LODA. Many have asked for this; none has been produced, supporting the widely held opinion this is purely political.**

## **ii. This Regulation Does Affect Beach Access in LODA., a World Famous Strip of Beach and Surf (Now a Surf Reserve) For All Levels.**

**A. Parking & Traffic** - Attached is a copy of the Parking Permit Streets in the LODA area. Anything that is left has no room for parking or is no parking as a Private Road. The only exceptions are 2 blocks on E. Cliff between Rockview and 32<sup>nd</sup>, 30<sup>th</sup> St., and 35<sup>th</sup> St. There is a small parking area at Moran Lake.

Owners obtain permits and park in front of their homes so tourists are not able to.

Traffic is increased because tourists are driving up and down all the streets looking for some reasonable place to park, finding there are none. Many park many blocks away, drop their families off at the beach, park their cars and walk many blocks back....only to repeat this scenario at the end of the day.

**Vacation homes provide the desperately needed parking at the beach.** Those families trying to vacation here will not put up with the lack of parking and will not return if they cannot rent their vacation homes in LODA area as they have for generations.

**B. Lodging & Access:** These second homes provide the lodging and beach access in LODA

**These homes along E. Cliff and on access streets to the beach provide almost half the lodging, especially for families, for the entire County for which it was developed.** Vacationers come to the beach to see and be next to the ocean for their vacations. Other types of lodging (and few there are) do not provide this. Families are not going to rent several rooms little motels for their vacation, nor are they going to rent rooms, walk many blocks or try and drive to get to the beach and still walk many blocks. **Avoiding this was the whole point of the early**

developments. Tourism is the life blood of the County far superior to a small minority that have for the past ten years tried to change its character.

**C. Caps** – No matter what the disguised reason, if any, Caps make no sense in the from E. Cliff to the Beach as it was developed for vacation homes, including the infamous Pleasure Point which derived it's name from "the day". There are areas behind E. Cliff Dr. that have become more like neighborhoods and perhaps caps would make some sense. However, those areas are not close enough to the beach and rentals are more sparse, therefore no Caps warranted in reality. The Caps are unreasonably low with 15% in the LODA area and 20% per block, an area predominantly 2<sup>nd</sup> homes and vacation homes. The County itself previously considered 25% per block as possibly being to low and a problem, especially in the frontal areas of this tourist serving coastal zone. LODA is being set up to be an eventual ban by non-renewals or revocations...all discretionary on procedures lacking due process. All of this when vacation rentals are the Priority Use.

**D. Conversions:** Those homes that were vacation rentals and were converted to simply owner occupied is prohibited under 2.16.9(LCP) and 2.22.2 (LCP) for maintaining the "Priority Use", but nothing has been done about that , which is unequal treatment again.

**III. Character of "LODA" Coastal Zone Was Developed and Established as 2<sup>nd</sup> Homes, Vacation Homes, not permanent family residential area:**

- i. Pleasure Pt. Is the oldest vacationing area in the County, over 100 years. It stretches from approx. Moran Lake to 41<sup>st</sup> and still maintains much of its character.
- ii. Developed with small and narrow lots specifically for sale to out of town people for vacation homes and rentals for tourists, the developers original visions.
- iii. Not an integrated family neighborhood. All along most of E. Cliff the homes face the ocean with direct access to the beach, a very busy main artery separating the area from E. Cliff to the beach from the rest of the LODA area.
- iv. Beach access streets run off of E. Cliff
- v. All heavily used by tourists as it has always been
- vi. This is the character of the neighborhood.
- vii. Those trying to change the character are those that now want to develop a neighborhood with no tourists, use of the beach by only the neighboring homes, all to their own Specifications and in violation of the LCP. Very few have tried to actually raise a family as a permanent home and even so were doing so against the true character of this area.
- viii. People moving to this area were well aware of the character near the beach and have no rational grounds to complain about it and try to change it.
- ix. Supv. Leopold has stated many times, "he" wants this coastal zone to be a family neighborhood with his handful of supporters to back him up. (Wouldn't we all like to carve out our own little spots on the beach.)

**IV. Violations (County-Wide): Procedures include means that lack Due Process.**

**A. The same problems exist here as set out in "I." Above under Renewals.**

i. Here it set out significant violations evidenced by documentation from Law Enforcement and Associations which is fair. However, again at Supv. Leopold's insistence in the end of this long process, they added the words "not limited" and "other documents which substantiate allegations of significant violations." Again, the door was opened for the neighbors and competitors and their illegitimate complaints.

ii. Remember, it is two strikes and you are out. It should at last be fair and with Due Process, not behind the scenes complaints sent to a Supervisor or Sheriff to stack up a record, all without the current knowledge of a homeowner at the time of the alleged infractions; and, all avoiding the methods set up in the Ordinance for Resolution.

We have respectfully submitted this opposition in supplement to the long correspondence forwarded to you by Dr. Anthony Abene also of GNSCC. We request that you please consider both of these together in opposition to portions of this proposed Ordinance. Our members and others in opposition are not disagreeable with the Ordinance in attempting to get vacation rentals regulated in the manner that has been proposed for the County as a whole (other than the illegitimate evidence under Violations.) Hundreds of people have taken time off from work and appeared and written hundreds of letters in an attempt to resolve issues which was very close after the HAC hearings, only to be tossed aside without actual consideration from the unfounded insistence of Supv. Leopold. HAC actually gave testimonial at the subsequent hearings against this proposed Ordinance. This correspondence has been submitted in an attempt to summarily set forth the concerns of the entire group rather than sending hundreds of letters from all the individuals once again.

**Considering the Commission's eye towards protecting due process and fairness in it's decision making process, we hope you will each please actually read and consider the facts set forth here. We had no idea you had been working all along with the proponents of this Ordinance without equal input from the majority. There is also strong concern that the CCC will not give independent and impartial consideration in light of the fact Supv. Stone of the County of Santa Cruz is sitting on the Commission and has already shown unwillingness to go against the insistence of Supv. Leopold.**

Thank you for your consideration.



Nancy Sweatt on behalf of GNSCC



**RECEIVED**

*W6b*

JUN 29 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

June 27, 2011

W6b, Santa Cruz County LCP Amendment No. SCO-1-11 Part 3 (Vacation Rentals)

**IN FAVOR**

CALIFORNIA COASTAL COMMISSION

Central Coast District Office

725 Front Street, Suite 300

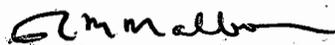
Santa Cruz, CA 95060

Dear Coastal Commissioners,

This is a support document for the above referenced amendment. We've had some vacation rentals in our area in the past that have operated under excellent management and were of little impact to the local neighborhood. Recently new "Vacational Rental" residences have sprung up that have little supervision or management that have a definite negative impact on the local neighborhood. As there's little or no guidance provided by the owner/operators, problems get out of control very quickly such as: 1) the handling of garbage, 2) noise control in the late night hours and 3) underage drinking of alcohol to name a few. In many cases there's no local contact for problem resolution and it's either put up with it or call the sheriff....not necessarily the most efficient or desirable solution.

I strongly urge your positive vote to approve this amendment which will provide some regulation and governance for these vacation rentals and help remediate some of these issues.

Sincerely,



Robert Malbon

154 26<sup>th</sup> Ave

Santa Cruz, CA 95062

I do not think that it is right to turn our coast into a Miami Beach of Vacation Rentals.  
Why Waikiki the whole Coast.

The monetary incentive to build bigger house and remodel to the maximum is higher with this commercial use. This would seem contrary to the desire to protect smaller development, as outlined as the reason for the Pleasure Point Plan.  
It also changes part of the reason people come to this special coastal community.  
This seem contrary to LCP.

If Staff thinks that the best use of the coast is hotels, above residential, then the whole coast needs to be zoned commercial and no residential zoning allowed, just mixed use.

The grandfathering in of some properties that have lower standards then new users seems arbitrary and unfair. This is a political expediency.

The commercial use going with title, creates a tiered value compared adjacent properties, those with the permits have a higher value.

Those with permits also have a monopoly while others a cut out of the financial benefits. There is no prevention of one entity owning all of the allowed Vacation Rentals in an area. They could be clustered or scattered in a neighborhood. The rest of the owners have to live with the effects.

If the objective is to have lower cost accommodations, then everyone needs to be able to compete for business and lower the cost.

We have commercial zoning and hotels in commercial zones. This is where the accommodations are meant to be.  
Is Staff saying there is not enough?

Carmel and other areas, do not allow this use.

I do not think Santa Cruz should either.

It just drives out owners and renters and reduces the community cohesion that exists in neighborhoods with residents that live together over time.

The vast majority of the houses along East Cliff, in Pleasure Pt, are not occupied by residents.

This is a big change from 10 yrs ago.

This pattern is moving into the neighborhoods also.

There is supposed to be protection for affordable housing in the Coastal Zone (LCP)

This commercialization helps to reduce that goal.

This only benefits the people who have caused the problems, by converting the properties to commercial use.

It should be all or none.

If one can benefit, then all should have the same rights, if no one can operate a commercial use, then the residential use is protected. This also helps protect affordable housing in the Coastal Zone, an equal concern under LCP.

The gerrymandering of this legislation is convoluted and only serves as a way to get around the logic of all or none.

Only one area is constrained by this proposal, Coastal Live Oak. All the others are not.

This would be better addressed by the uncompleted Coastal Live Oak Plan.

The Pajaro area is an example of unconstrained Vacation Rentals and Carmel is an example of constrained.

Staff seems to be saying that the LCP promotes the Pajaro model over the Carmel model.

Without a finding that we are not providing enough accommodation for visitors, then this program seems premature.

If the staff finds that we are not providing enough affordable accommodations, then that needs to be addressed.

This does not say that Vacation Rentals need to be affordable, only that it might encourage it.

If this is the goal, affordable, then no constraints is the best option, outside of a price ceiling on accommodations.

People for the Preservation of Pleasure Point

**RECEIVED**

JUN 29 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

To the California Coastal Commission  
Re: Santa Cruz County LCP Amendment No. 1-11 Part 3 (Vacation Rentals)  
Compiled by Anthony Abene

Please take the following into consideration

- **The Amendment will restrict access to the beach**
  - The Commission has already recognized the importance of vacation homes in terms of visitor accommodations
    - Santa Cruz County does not have enough Commercial visitor accommodations to serve the millions of visitors each year
    - Private homes provide valuable accommodations for visitors to the beach
      - Economical
      - Encourage families
      - Preferred method of travel for many tourists
      - Allow pets
  - The public wants the ability to stay in Private homes when they access the Beach
  - Private homes have been rented for over 100 years in Santa Cruz
    - This is a long standing tradition
  - There are many areas in Santa Cruz that have cliffs and dunes
    - Very few horizontal beach access points
    - Live Oak, where the Amendment is strictest, has narrow vertical access
      - Especially for Twin Lakes State Park
  - The Cap in Live Oak is a ban on future vacation homes
    - There are only 66 hotel rooms in Live Oak
    - Twin Lakes State Beach (in Live Oak) is one of the most popular beaches in the State
      - Nearly 2 million visitors
  - Live Oak already has a restrictive Parking permit program
    - There is little parking within walking distance to the beach
    - Visitors are forced to park far away
    - Many permanent residents park their cars on the street and prevent visitors from gaining access
  - Despite its popularity, Twin Lakes State Park, especially the Blacks Beach section, is very difficult to access
    - Few Commercial Accommodations
    - Little to no free or unrestricted parking spaces within walking distance
    - Vacation homes play a vital role in visitor accommodations and beach access, especially in Live Oak

**RECEIVED**

JUN 24 2011

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

- County Municipal Code Section 15.01.010 (b) requires the County “to provide public access and use of the Coastal beach and bluff areas”
- Limiting occupancy will, by definition, limit visitors
- The Commission has already recognized the uniqueness of Live Oak
  - Directly from a Commission Staff Report dated 12/18/2008 (<http://tinyurl.com/6x3yk5u>)
    - “Live Oak is part of a larger area, including the Cities of Santa Cruz and Capitola, that is home to some of the best recreational beaches and ocean waters in the Monterey Bay area.”
    - “Not only are north Monterey Bay weather patterns more conducive to beach and ocean recreation than the rest of the Monterey Bay area, and not only is it also home to multiple world class surfing areas, but north bay beaches are generally the first beaches accessed by visitors coming from the north of Santa Cruz.”
    - “With Highway 17 providing the primary access point from the north (including from the San Francisco Bay Area, San Jose and the Silicon Valley) into the Monterey Bay area, Santa Cruz, Live Oak, and Capitola are the first coastal areas that visitors encounter upon traversing the Santa Cruz Mountains (see Exhibit 1). As such, the Live Oak beach area is an important coastal access asset for not only Santa Cruz County, but also the entire central and northern California region.”
    - “The Live Oak coastal area is well known for excellent public access opportunities for beach area residents, other Live Oak residents, other Santa Cruz County residents, and visitors to the area”
    - “Walking, biking, skating, viewing, skimboarding, bodysurfing, surfing, fishing, sunbathing, and more are all among the range of recreational activities possible along the Live Oak shoreline.”

- "In addition, Live Oak also provides a number of different coastal environments including sandy beaches, rocky tidal areas, blufftop terraces, and coastal lagoons. These varied coastal characteristics make the Live Oak shoreline unique in that a relatively small area (roughly three miles of shoreline) can provide different recreational users a diverse range of alternatives for enjoying the coast. By not being limited to one large, long beach, or solely an extended stretch of rocky shoreline, the Live Oak shoreline accommodates recreational users in a manner that is typical of a much larger access system."
- "Twin Lakes State Beach unit and the Santa Cruz Harbor. Twin Lakes State Beach straddles the Santa Cruz Harbor, and features a mile of sandy shoreline (almost 100 acres of beach) that is an extremely popular recreational destination. Twin Lakes is also adjacent to Schwann Lagoon and includes the smaller Bonita Lagoon, both of which are excellent locations for bird watching. Public amenities at Twin Lakes State Beach include public restrooms, outdoor showers, picnic areas, vista benches, and seasonal lifeguard service, volleyball nets, and fire pits. Twin Lakes State Beach is also centrally located in relation to Harbor and surrounding area businesses and restaurants, increasing its appeal to coastal visitors."

- **Santa Cruz is a popular destination for families who use vacation homes**
  - The SC County Tourist Board Has Data regarding Tourists
    - 84% of visitors to SCC come for leisure
    - 73% go to the beach
    - 37% stay overnight
    - <50% stay in a hotel
    - >15% stay in a vacation home
    - >2/3 stay less than 3 nights
    - 6% stay a week or longer
    - 65% are families or couples
  - Study from Conference and Visitor Council
    - Average \$ spent for day visitor \$63/person
    - Average \$ spent for overnight guest \$775 for a week
    - 77% of visitors are for leisure
    - 11% of visitors stay in vacation homes
    - Total \$ for overnight group is \$1831 per trip
    - 44% of leisure visitors were considering other destination
      - Number one factor was seeking appropriate accommodations
      - #1 dissatisfaction with SCC was lack of value accommodations
  - Vacation homes provide a valuable service to the tourist
  - For families, a private home is often the preferred accommodation
  
- **Access to The Blacks/Lincoln beach part of Twin Lakes State park will be restricted even further.**
  - This beach is accessible only via 12,13,and 14<sup>th</sup> Avenues, especially during high tide and the winter. This vital access point to a state beach deserves special consideration.
  - Black's Beach is a primary public access point
    - LCP 7.62
  - The Amendment will place a permanent ban on new vacation homes in this area and on these streets
  - There are no parking lots within walking distance to this beach
  - There are only 15 hotel/motel rooms within walking distance to this beach
  - Public access to these beaches will be limited due to limited accommodations and occupancy restrictions
  - There is no horizontal access to this beach during high tide
  - 15<sup>th</sup> Ave and Geoffroy Ave used to have historic paths to this beach
    - Both are now blocked by private homeowners
  - There is restricted parking on these streets due to the Live Oak Parking Permit

- This is one of the Main entrances to Twin Lakes State Park
- This beach is where the annual Junior Lifeguard program occurs each summer
- The Amendment places its most severe restrictions on Live Oak
- **There is little public support for this Amendment**
  - Public testimony has been overwhelmingly against this Amendment
    - The opposition includes visitors/tourists, home owners, and businesses.
      - Groups such as the Senior Coalition, Santa Cruz County Republican Party, Fresno County Republican Party, owners of Shadowbrook restaurant, Crow's Nest, Chill Out Cafe, and Bailey Properties and leaders in the Santa Cruz Housing Advisory Commission, Aptos Times, KSCO radio, Scotts Valley City Council, Aptos Chamber of Commerce, Santa Cruz Realtors Association, Santa Cruz Business Council, Capitola Village and Wharf Business Improvement Association
    - A petition with over 400 signatures against the ordinance
    - Letters to the editor in the Santa Cruz Sentinel
      - <http://tinyurl.com/6gkmemt>
    - Radio show on KSCO
      - <http://tinyurl.com/23cc2cc>
    - Participation in online forums at the Santa Cruz Sentinel
    - Social Network sites such as Facebook and YouTube
    - Formation of a grassroots organization with over 300 homeowners
      - Formal PAC "Good Neighbors of Santa Cruz County"
        - Informational website:  
<http://blog.goodneighborsofsantacruz.org/>
- **A very small group of local homeowners are pushing for this Amendment**
  - This group has made it clear they want vacation homes banned and do not feel this Amendment goes far enough
  - One member of this group stated at a Board of Supervisors Meeting that the beaches are for locals only and not for visitors. This statement was attached to a YouTube Video: <http://www.youtube.com/watch?v=yi4gcl-6zX4>

- **The County's Housing Advisory Committee (HAC) rejected a proposed Amendment similar to the one that passed, by a 9-1 vote**
  - Conducted three well attended meetings
    - Overwhelming speakers against the ordinance
    - HAC meeting was the public workshop on the ordinance.
  - Based on public input, the HAC proposed a scaled down version of the Ordinance which included a simple ministerial permit for all home owners
  - Rejected occupancy limits
  - Rejected creating "special consideration" zones
  - Rejected treating Live Oak differently
  - Raised concerns regarding enforcement, privacy, effects on the local economy
- **Supervisor Caputo voted against the proposed Amendment stating that it was unenforceable, would limit access to the beach, and would create economic harm.**
  - He recommended enforcing laws already on the books for noise, trash, etc.
  - He stated that the ordinance could result in a "taking"
  - Did not like the discrimination against Live Oak
  - Voted against the Urgency Ordinance
- The County uses as its rationale Program 4.13 from the Housing Element **"Explore options for regulating the conversion of existing housing units to vacation rentals in order to limit the impact of such conversions on the stock of housing and on the integrity of single family neighborhoods."**
  - This does not implore the County to regulate current vacation homes.
  - The word "conversion" is used twice in the program description
    - The Program calls for regulation of conversion
    - The County does not define exactly what constitutes a conversion
      - On multiple occasions we asked the County for a definition but did not get an answer
  - The County's own data demonstrates that Vacation homes have no impact on housing stock. This was stated in a letter from the Planning Director dated Sept 21, 2010
    - *"Most vacation rentals would be single family homes if not rented. However, the total number of vacation rentals is small relative to overall housing supply. Further, the proposed ordinance will limit the number of new vacation homes by implementing a concentration test in all but a few areas. Because there is no indication that future conversion of vacation homes will occur on a scale that could create shortage of housing, impacts on housing supply are not expected"*

- The conclusion above from both the Planning Director and the HAC demonstrate that there is no evidence that Program 4.13 needs to be implemented.

o The County's data does not demonstrate a proliferation of vacation homes

- From Chapter 4 Housing Element:

- *"Over 60% of the housing stock is comprised of single-family detached homes, a trend that has not changed much over the past 20 years"*
- *"Over the past decade there has been a significant trend toward second homes in the County which has resulted in fewer units being available for local households."*
- Number of Households: 91,139 (2000), in 1990 it was 83,566
- 63% of housing stock in 2000 were single-family homes
- *"Between 1990 and 2000 the percentage of vacant for rent and for sale only units decreased significantly, whereas the percentage of seasonal, recreational, or occasional use units increased. The chart (in the report Chapter 4) shows the number of these units increased from 3,659 in 1990 to 5,051 in 2000. While the County does not specifically track the location of vacation rental homes, the neighborhoods that seem to be the most impacted by this use are the beach neighborhoods. Given the County's environment and proximity to urban areas with higher incomes, it is no surprise that the incidence of second home ownership has increased over the years. With the number of available units growing slowly over time the competition for ownership and rental housing has generally increased over the years. That trend, at least for ownership housing, has tempered since 2008, with the downturn of the national economy."*
- Based on the above numbers there was a growth of 1392 "seasonal, recreational, or occasional use" (SCO) homes between 1990 and 2000. We can assume they are talking about second homes
- The County estimated that there were 189 vacation homes in 1990. Note that this did NOT include Pajaro Dunes.

- By 2000 the County states that there were between 448 and 504
- Even if we take the biggest number (504) there were only 315 new vacation homes between 1990 and 2000
  - NOTE that 1990 did not include Pajaro Dunes and that many of the “new” homes in 2000 were actually the existing homes in Pajaro Dunes
- Of the 1392 new “seasonal, recreational, or occasional homes between 1990 and 2000 only 315 were vacation homes
  - 1077 were second homes
  - 75% of growth of “seasonal, recreational, and occasional use was due to second homes (NOT vacation homes)
  - The goal of Program 4.13 is to preserve housing stock
    - Program 4.13 only addresses Vacation homes which made up only 25% of the SCO homes.
    - Program 4.13 completely ignores the much bigger “problem” of second homes in terms of Housing Stock
- Nearly ALL the growth of vacation homes occurred between 1990 and 2000 (data from Planning Department documents)
- Growth of vacation homes dropped precipitously after 2000
  - 1990 189 homes
    - Again, artificially low do to not having Pajaro Dunes
  - 2000 448-504
  - 2010 570
- The County states there is a 200% increase in vacation homes between 1990 and 2010
  - The County ignores the fact that nearly all this growth occurred between 1990 and 2000
  - The data shows that there have been 66 new vacation homes over the past 10 years.
    - That equates to 6 new homes per year
    - A rate of growth less than 1.5% per year between 2000 and 2010

- Also from the Housing Element:
  - “Santa Cruz has long been a vacation destination and continues to provide many visitor-serving land uses including recreational opportunities, accommodations in hotels, beds and breakfast establishments, and private dwelling used as vacation rentals or second homes.”
    - Note that the County specifically mentions private dwellings as visitor serving
  - The General Plan and Housing Element do not implore the County to regulate EXISTING vacation homes
    - No requirement to regulate occupancy
- **The Amendment bans future vacation homes in the Live Oak area**
  - The “quota” of 15% has already been met
  - There is no rationale basis for placing a cap, let alone a cap just in Live Oak
    - As above there is only a 1.5% growth over the past 10 years
    - There is no evidence that Vacation homes are rapidly increasing
  - There are areas in the County with a higher concentration of vacation homes but yet no cap.
  - The County justifies the renewal process in Live Oak based on the Cap
    - This rationale was stated in a Letter dated Feb 3, 2011 (see later) from the Planning Director which stated that due to the cap, a renewal process would be necessary in Live Oak only in order to allow other homeowners the opportunity to get permits
- **The County provided no evidence that a vacation home “problem” exists**
  - Only 2 Sheriff Citations over a two year period
  - The County did not provide a reason why existing laws regarding noise, trash, and parking were not adequate enough to control the “problem”
  - Nearly all testimony in favor of the ordinance was from a group of 5 homeowners who all live on one street

- **The County's CEQA analysis is flawed**
  - Also confusing, they posted multiple dates for the expiration of public comment period
  - A lawsuit has been filed in Santa Cruz County claiming that the County's environmental review process suffered from several significant violations of CEQA.
  - The County failed to properly notice all vacation homeowners
  
- **The County violated the Brown Act**
  - A private, invitation only meeting was held with 2 Supervisors and opponents of Vacation homes. This meeting was held at Simkins Swim Center.
  
- **The Amendment Violates the LCP**
  - **2.16.4 (LCP) Allow small scale visitor accommodations in Urban Residential Areas**
    - Allow small scale visitor accommodations such as inns or bed and breakfasts where the use would be compatible with the neighborhood character, surrounding densities, and adjacent land uses.
      - The LCP already allows for visitor accommodations in Urban Residential areas therefore a new ordinance is not necessary
  - **2.16.9 (LCP) Conversion of Visitor Accommodations to Residential Use**
    - Prohibit conversion of visitor accommodations in the coastal zone to any non-priority use unless it can be demonstrated that it is economically infeasible to use the property for any priority use. Absolutely prohibit the conversion of hotels or motels in the coastal zone. Require any visitor accommodations that are converted to a permanent occupancy residential use conform to the applicable General Plan and LCP Land Use Plan density standards, and to provide a minimum of 15% of the units as affordable to lower and moderate income households.
  - **2.221 (LCP) Priority Use with the Coastal Zone**
    - First: Agriculture and Coastal-Dependent industry
    - Second: Recreation, including public parks; visitor serving commercial use, and coastal recreation facilities
    - Third: Private residential, general industry, and general commercial
      - The Amendments place private residential uses above visitor serving uses

- 2.22.2 (LCP) Maintaining Priority Uses
  - Prohibit the conversion of any existing priority use to another use
- 7.1.5 (LCP) Access to Recreational Facilities
  - Provide physical access to all recreational facilities through provision of public transportation, trail system development, protection of prescriptive rights to beach access trails and recreation programs. except for another use of equal or higher priority.
- 7.62 Primary Public Access Points
  - Twin Lakes
  - Blacks Beach
  - Other within Live Oak and throughout County
- 7.7a (LCP) Maximize the public use and enjoyment of Coastal recreational resources for all people, including those with disabilities
  
- 7.7.20 Yacht Harbor Beach Access
  - Encourage visitor beach access and visitor serving facilities in the Live Oak area to concentrate between the Yacht Harbor and 17<sup>th</sup> Ave. Maintain the present low intensity use of beaches east of 17<sup>th</sup> Ave
    - The Amendment does the complete opposite of this by banning future vacation homes in the Live Oak area
    - Intensity of use will increase east of Live Oak
    - The Harbor, which is a state resource, will be affected
  
- There are not enough Commercial Visitor Accommodations to serve all the tourists, especially within walking distance
  - Santa Cruz has not approved any new commercial accommodations within walking distance to the beach
  - There are only 66 hotel rooms in Live Oak within walking distance to the beach
  - The State Parks estimate that in 1991/92 there were 1,278,430 visitors to Live Oak Beach
    - This number is surely larger now
  - LCP 7.7.20 requires that visitor accommodations are concentrated near the harbor
    - The Amendment is in direct conflict with this

▪ **The renewal process will apply only in Live Oak**

- No data to support this
- Politically motivated
- From Planning Director in Letter Dated Feb 3, 2011

"Based on your Commission's discussion, the draft ordinance requires renewal of vacation rental permits five years after issuance, regardless of the location of the vacation rental. This makes sense in the LODA if the rationale is to potentially open up the vacation rental market to those not currently having a vacation rental who might want to enter the market, but who cannot because the maximum percentages on their block and/or overall have been met. However, outside of the LODA where there would not be any limit on the percentages of vacation rentals allowed, the rationale for renewal every five years, or at all, is less strong. If the rationale is to "check up" on how the owners of these vacation homes are doing in controlling the behavior of their guests, that will surface through complaints to the Supervisor in whose district the rental is located and/or calls to the Sheriff's office or Planning Department. Based on this, staff is recommending that the draft ordinance be modified to remove the permit renewal requirement for vacation rentals outside of the LODA."

- Permits will be revoked from some homeowners and given to others
  - Unfair, does not apply to any other homeowners
  - Not based on any data
- Renewal will be costly with Public Hearing
  - Could be over \$5000
  - Over time, due to this cost, there will be fewer permits
    - Fewer vacation homes. Fewer accommodations. Less beach access to the public.

- **The County has already recognized that Vacation homes were legal uses**
  - Vested right
  - In 1988, County Counsel was asked whether the renting of a single-family dwelling to a family was consistent with the uses allowed in the R-1 zone district. County Counsel's opinion cites an earlier memo to the Planning Department which concluded that "as long as a home in the R-1 district is not occupied by more than one family, as 'family' is defined by our ordinance, short-term rentals of such home by a single family are not prohibited by an ordinance." County Counsel re-affirmed this conclusion in 2001.
  - Current vacation home owners are registered and pay a Transient Occupancy Tax to the County
    - A permit scheme already exists
  - Recent Florida court case deemed this type of law Unconstitutional
    - Taking
    - <http://tinyurl.com/6cvo67b>
  - Florida passed law prohibiting local governments from restricting short-term rental
    - <http://tinyurl.com/67r2kmd>
  
- **Provisions for Permit Revocation are Vague**
  - No safe harbor
  - Allows neighbors to document violations
    - No police report necessary
  - Privacy issues
  - Gives too much power to local residents to decide whether or not vacation homes can be in their neighborhood
    - Usurps power of the Coastal Commission
    - Many vacation home opponents have stated that they want vacation homes banned
      - Some have gone as far as to stating that as soon as this Amendment is passed they will have permits revoked

- **Cumulative affects of Vacation Home bans will affect Coastal Access**
  - More and more local communities are moving toward regulating and banning vacation homes
  - Role of the CCC should be to instill some consistency in the way coastal resources are regulated and made available to the public
  - The mosaic of vacation rental ordinances indicate that local communities have too much discretion at present
  - A comprehensive framework is necessary
  - Protect the economic interests in tourism based business communities and allow the public to access their coastline in a more consistent wa
  
- **The Amendment ignores the History of the Area as a tourist destination**
  - Vacation Home area for over 100 years
  - The Avenues (12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, etc)
    - When the area was subdivided in 1897 the lots were sold primarily to outsiders who build weekend and vacation beach cottages.
    - Just like parts of Capitola, the area was intended to be sold to 'outsiders' as beach houses. There were very few families who are trying to bring up children in this area. 25 years ago, as today, a high percentage of the houses are 'second' homes, many that have been in the same family for generations
    - The Wilson Brothers subdivision of this area, begun in the late 1890s, was completed by 1907. Twin Lakes Baptist Church's subdivision was completed before this (7th & what is now East Cliff Dr bordered by the lagoon.)
    - In reality the character of the neighborhood, especially in Coastal Live Oak has been mostly second and vacation homes for over 100 years. The plots on 12th and 13th for example were laid out for the Methodist Camp.
      - The majority of homes in the LODA south of East Cliff are Second homes
      - This has been the character these neighborhoods for 100 years
    - Schwaan ,of Schwaan Lake, donated much of that land and the plots were laid out by a Los Gatos man

- **The Amendment Violates Proposition 26**
  - It applies a fee for the initial permit
    - This permit is for the "right" to short term rent a private home
  - Homeowners in Pajaro Dunes can rent their home without the fee
  - Homeowners in Live Oak will pay an additional fee every five years
    - In addition, renewal is subject to public notice and public hearing
    - Cost for public hearing
    - Rationale for renewal only in Live Oak is unfair and illegal
      - "the rationale is to potentially open up the vacation rental market to those not currently having a vacation rental who might want to enter the market"
  - No nexus study to support fees
  
- **The Occupancy Limits in the Amendment Violate State Law and the LCP**
  - Occupancy limits are a state power, not a county power
  - The rationale for occupancy limits in state law is for safety
  - The rationale for occupancy limits in the Amendment are for noise control and nuisance abatement
    - This is purely conjectural
    - No evidence that occupancy limits provide nuisance abatement
  - **Occupancy limits, by definition, will limit the amount of tourists allowed to stay in private homes**
    - If the limits eliminate 2 people per house X 570 homes means that over 1000 visitors may be permanently banned from visiting Santa Cruz County on a daily basis
    - The cumulative affect of occupancy limits will reduce public access, use, and enjoyment of Coastal recreational resources
  - This is in violation of the LCP
    - 7.7a (LCP) Maximize the public use and enjoyment of Coastal recreational resources for all people, including those with disabilities
  - Thousands of vacation renters will be displaced
    - No alternative accommodations
    - Loss of income and taxes to the County
    - Increased traffic
      - Visitors will still want to visit Twin Lakes State Beach and other Live Oak beaches
        - Without accommodations within walking distance they will be forced to drive to the beach
          - Increase parking demand in an area already restricted by permits

- **The Amendment violates California's Planning and Zoning Law**
    - Live Oak Designated Area (LODA) to have the "most stringent rules"
      - Spot Zoning
      - No rational basis to create LODA restrictions
        - LODA is zoned R-1 just like the rest of the County where the permits will apply
        - LODA does not have the highest concentration of registered vacation homes
          - County rationalizes discrimination based on "geography"
          - No evidence that geography is different in Live Oak vs other areas
            - Live Oak has more vertical beach access and bluffs than other areas
        - East Cliff Drive is a natural dividing point
          - Busy street
          - The vast majority of vacation homes in the LODA are on the beach side of East Cliff Drive
            - Walking distance to beach
- **The Amendment violates Equal Protection and Due Process under the US and California Constitutions**
  - Spot Zoning
  - No rational basis for treating one homeowner different than another
  - Places occupancy limits only on short term rentals
    - No occupancy limits on permanent residents or long-term renters
  - Violates due process
    - Permit revocation is vague
    - Gives power to neighbor to revoke permit
  - Imposes fees on some homeowners and not on others
    - No fee for Pajaro Dunes
    - Renewal fee only for LODA

• **The Urgency Ordinance is in Conflict with the Coastal Act**

- The Coastal Act has provisions that allow this action, unless the action is limited by or in conflict with state law (Coastal Act 30005 a, b, Coastal Constitution Article 11, Local Government 7)
- State and municipal codes require that Urgency Ordinances include supportive facts to demonstrate the immediate need to abate nuisances in order to preserve public health, safety, and welfare (California Government Code 36937 (b)).
- County staff has provided no such supportive facts or documentation.
- The County claims that the interim ordinance is necessary in that there is a current and immediate threat to the public health, safety, or welfare from unregulated operation of vacation rentals that may begin operation prior to the consideration of regulations by the California Coastal Commission. Again, they provide no documentation or facts to support this allegation. In fact, the public record clearly demonstrates that there is no immediate threat. The Sheriff's Office analyzed data from a two year time period. They discovered only 28 complaint calls and one citation in relation to a vacation home. The County did not provide any details as to the nature of the calls/citation or whether the calls/citation created any threat to the public health, safety, or welfare.
- The Urgency Ordinance is an immediate ban to all new vacation homes in the LODA. The stated goal of the Ordinance is to ensure that the number of vacation homes does not increase prior to the Coastal Commission consideration of the Ordinance. Unless it is the intention of the County to extend a permanent ban on future vacation homes, this does not make any sense. The Ordinance as currently proposed does allow for unfettered proliferation of vacation homes throughout the most of the Coastal Zone. There is a small section that the County does intend to cap (i.e. ban future vacation homes) based on faulty premises.
  - The original Urgency ordinance included all homes in the Coastal Zone
  - The updated Urgency ordinance was reduced only to the LODA
    - No justification or rationale was given
    - Did the Immediate threat to public safety in areas outside Live Oak get resolved in the 6 weeks prior to extending the ordinance?

- The Coastal Commission has already recognized the use of private homes as vacation rentals for visitor accommodations. There is a shortage of commercial accommodations in Coastal Santa Cruz County, especially in the Live Oak area near the Harbor and Twin Lakes State Park. Twin Lakes is the most popular beach in Santa Cruz County with over 1.3 million visitors per year. There are only 66 hotel rooms within walking distance to Twin Lakes Beach. Vacation homes, therefore, play a vital role in providing visitor accommodations. Furthermore, there is already a restrictive parking program in place Live Oak which restricts the public's ability to park within walking distance to the beach
- The County has failed to demonstrate nuisance conditions or an immediate threat. In fact, by not attaching any supportive documentation, the County makes no attempt to support its allegations. Since the facts do not support nuisance conditions, the County's action and Urgency Ordinance appear to be in conflict with the fact requirements of state and local laws as well as the LCP. Because there are conflicts, the County's action should not be exempt from Section 30005 of the Coastal Act and the Coastal Commission has the power and authority to protect public beach access.
- The Urgency Ordinance is in direct conflict with the County's LCP
  - 2.16.4 (LCP) Allow small scale visitor accommodations in Urban Residential Areas
    - Allow small scale visitor accommodations such as inns or bed and breakfasts where the use would be compatible with the neighborhood character, surrounding densities, and adjacent land uses.

- **2.16.9 (LCP) Conversion of Visitor Accommodations to Residential Use**
  - **Prohibit conversion of visitor accommodations in the coastal zone to any non-priority use unless it can be demonstrated that it is economically infeasible to use the property for any priority use. Absolutely prohibit the conversion of hotels or motels in the coastal zone. Require any visitor accommodations that are converted to a permanent occupancy residential use conform to the applicable General Plan and LCP Land Use Plan density standards, and to provide a minimum of 15% of the units as affordable to lower and moderate income households.**
  
- **2.22.1 (LCP) Priority of Uses within the Coastal Zone**
- **2.22.2 (LCP) Maintaining Priority Uses**
- **Objective 7.7a (LCP) To maximize the public use and enjoyment of coastal recreation resources for all people, including those with disabilities, while protecting those resources from the adverse impacts of overuse.**
- **Policy 7.7.15 Areas designated for Primary Public Access**
- **7.7.20 Yacht Harbor Beach Access Encourage visitor beach access and visitor serving facilities in the Live Oak area to concentrate between the Yacht Harbor and 17th Ave, maintain the present low intensity use for beaches east of 17th Ave.**

**This page is intentionally blank.**