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# F11c

**Prepared December 5, 2016 for December 9, 2016 Hearing**

Click here to go to  
original staff report

**To:** Commissioners and Interested Persons

**From:** Susan Craig, Central Coast District Manager

**Subject: Additional hearing materials for F11c  
Appeal Number LCP-3-SCO-16-0052-1 (Vacation Rental Update)**

Where checked in the boxes below, this package includes additional materials related to the above-referenced hearing item as follows:

- Staff report addendum
- Additional correspondence received in the time since the staff report was distributed
- Additional ex parte disclosures received in the time since the staff report was distributed
- Other: xxx

FHC ✓



# County of Santa Cruz

## BOARD OF SUPERVISORS

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November 29, 2016

California Coastal Commission  
45 Fremont Street, #2000  
San Francisco, CA 94105

RE: DECEMBER 6, 2016 MEETING: ITEM #11.C. SANTA CRUZ COUNTY LCP  
AMENDMENT NO. LCP-3-SCO-16-0052-1 (VACATION RENTAL UPDATE)

Dear Members of the Commission:

The purpose of this letter is to express my support for the staff recommendation regarding the above-mentioned item and to urge you to support it.

I am the Santa Cruz County Supervisor representing the unincorporated Davenport community and am extremely aware of the complexity of challenges it faces. My office worked closely with Davenport residents as well as the visitor industry in drafting the proposed LCP amendments, which were unanimously adopted by the Board of Supervisors. I have reviewed the staff report and think your staff's proposed revisions are reasonable. If approved by your Commission, I will support them when they return to our Board.

In my view, the following sentence from the staff report is an apt and accurate summary of the rationale for approving the amendments: "In sum, the proposed amendments protect neighborhood community character, while still ensuring the availability of vacation rentals for visitor accommodations, a Coastal Act and LCP priority use and a valuable component in preserving coastal access."

Thank you for your consideration.

Sincerely,

RYAN COONERTY, Supervisor  
Third District

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DEC - 6 2016

RC:jfr

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COASTAL COMMISSION  
CENTRAL COAST AREA

File

# DNCA/ DAVENPORT/ NORTH COAST ASSOCIATION

c/o Noel Garin Bock, P.O. Box 251, Davenport, CA 95017 831-423-3033 [ngbock@att.net](mailto:ngbock@att.net)

1 December 2016

California Coastal Commission Staff  
725 Front St # 300,  
Santa Cruz, CA 95060

California Coastal Commission Staff:

As board members of the Davenport/North Coast Association, a local community group established more than 60 years ago, we urge you to preserve the tight knit community character of Davenport by supporting the county's limit of ten Vacation Rentals per area.

The Santa Cruz County Board of Supervisors and the Santa Cruz County Planning Commission approved a 10% cap on vacation rentals in Davenport, Davenport Landing and the Swanton area (not including Last Chance Road). A community meeting was held in November 2015 where residents were informed of the proposal. The residents in attendance were in support of the limitations.

The community and DNCA Board advocated for the 10% cap, because and vacation rentals would have a disproportionate, negative effect on a small community like Davenport.

DNCA Board urges Coastal Commission Staff to preserve Davenport's special community character by approving the 10% cap on Vacation Rentals.

Sincerely,



Noel Garin Bock,  
DNCA Chairperson

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CENTRAL COAST AREA

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# F11c

**Prepared November 18, 2016 for December 9, 2016 Hearing**

**To:** Commissioners and Interested Persons  
**From:** Susan Craig, Central Coast District Manager  
Rainey Graeven, Coastal Planner  
**Subject:** **County of Santa Cruz LCP Amendment Number LCP-3-SCO-16-0052-1**  
**(Amendments to Vacation Rental Ordinance)**

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## SUMMARY OF STAFF RECOMMENDATION

The County of Santa Cruz proposes to amend its Local Coastal Program (LCP) to update its Vacation Rental Ordinance, a component of the Implementation Plan (IP). The proposed amendment consists of minor operational and language modifications that seek to clarify the existing ordinance, and includes the addition of a new designated area, the Davenport-Swanson Road Designated Area (DASDA), which establishes specialized standards for vacation rentals in that particular neighborhood. The new standards proposed by the DASDA designation are intended to address neighborhood compatibility issues, and the other proposed amendments that are the subject of this staff report are intended to ensure that vacation rentals are actively used, and that access to the coast is protected and improved. The continued overarching goal of the Vacation Rental Ordinance is to ensure that vacation rentals appropriately fit within and complement residential neighborhoods, and to provide a valuable form of coastal access and visitor accommodation.

After a close review of the LCP amendment, Commission staff identified some procedural issues with the proposed amendment and met with County staff to discuss those issues. In response to discussion with Commission staff, the County recognized that additional clarifying language was appropriate, and requested that Commission staff recommend in this staff report several “friendly” modifications to the amendment (developed in consultation with County staff) in order to address those issues. The proposed modifications to the Vacation Rental Ordinance include: 1) modifying the use chart to reflect that vacation rentals with four or more bedrooms are principally permitted uses, consistent with the existing use chart that considers vacation rentals as principally permitted uses regardless of the number of bedrooms (within applicable zoning districts); 2) modifying IP Section 13.10.694(B) to expressly state that accessory dwelling units shall not be used as vacation rentals, consistent with the existing vacation rental definition in IP Section 13.10.700-V; 3) clarifying the definition section of the ordinance (IP Section 13.10.694(C)) to include “unit in” a duplex and “unit in” a triplex to reflect that vacation

rental permits shall be limited to one permit per parcel; 4) clarifying the intent of requiring a Level-V permit<sup>1</sup> for vacation rentals with four or more bedrooms and the process for approving or denying a vacation rental permit; 5) clarifying that a failure to follow the conditions of a vacation rental permit would be a violation of that permit; and 6) retaining the definition of “vacation rental” in the definition section of IP (Section 13.10.700-V.)

With respect to the proposed IP amendment’s conformance with the County’s Land Use Plan’s policies, the proposed amendment is generally in conformance and adequate to implement the LUP. Specifically, the amendment continues to prioritize public access to the coast by allowing appropriately regulated overnight accommodations through continued operation of the County’s Vacation Rental Ordinance, which staff considers an effective and robust Vacation Rental program.

In sum, the proposed amendments protect neighborhood community character, while still ensuring the availability of vacation rentals for visitor accommodations, a Coastal Act and LCP priority use and a valuable component in preserving coastal access. Staff therefore recommends that the Commission approve the LCP amendment with the suggested modifications requested by the County. The required motions and resolutions to implement this recommendation begin on page 4 below.

**Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on November 3, 2016. The proposed amendment affects the Implementation Plan (IP), and the 60-day action deadline is January 2, 2017. (*See Pub. Res. Code §§ 30513, 30514(b).*) Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until January 2, 2017 to take a final action on this LCP amendment. (*See Id.* § 30517.)

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<sup>1</sup> The approval of a Level V permit requires a public hearing before the Zoning Administrator due to the potential for such vacation rentals to have disproportionate neighborhood impacts.

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**EXHIBITS**

Exhibit 1: Proposed IP Amendment

## I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment with suggested modifications. The Commission needs to make two motions in order to act on this recommendation.

### A. Deny the IP Amendment as submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the IP amendment as submitted and adoption of the following resolution. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission reject Implementation Plan Amendment Number LCP-3-SCO-16-0052-1 as submitted by the County of Santa Cruz.*

***Resolution:** The Commission hereby denies certification of Implementation Plan Major Amendment Number LCP-3-SCO-16-0052-1 as submitted by the County of Santa Cruz and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.*

### B. Certify the IP Amendment with Suggested Modifications

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission certify Implementation Plan Major Amendment Number LCP-3-SCO-16-0052-1 if it is modified as suggested in this staff report.*

***Resolution:** The Commission hereby certifies Implementation Plan Major Amendment Number LCP-3-SCO-16-0052-1 to the County of Santa Cruz Local Coastal Program if modified as suggested and adopts the findings set forth in this staff report on the grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment if modified.*

## II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Coastal Act consistency findings. If the County of Santa Cruz accepts each of the suggested modifications within six months of Commission action (i.e., by June 9, 2017) per 14 CCR § 13537(b), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Please see Exhibit 1 for the LCP Amendment and the suggested modifications. Text in ~~cross-out~~ format and text in underline format denotes the initial proposed text to be added/ deleted by the County, and text in double underline and ~~double cross-out~~ denotes the suggested modifications.

1. Modify the proposed IP amendment as shown in Exhibit 1.

## III. FINDINGS AND DECLARATIONS

### A. DESCRIPTION OF PROPOSED LCP AMENDMENT

The County proposes several amendments to the IP component of its certified LCP (see Exhibit 1 for proposed LCP amendment text). The proposed amendments primarily seek to enhance and clarify existing regulations for vacation rentals, as well as to expand and adapt the existing regulations that govern vacation rentals in the Live Oak Designated Area (LODA) and the Seacliff/ Aptos Designated Area (SADA), to also apply to the Davenport-Swanton Designated Area (DASDA) in a manner appropriate for the DASDA area.

The bulk of the proposed amendments are designed to ensure that vacation rentals are in fact being used as vacation rentals. For example, the proposed amendment will require vacation rental owners in the Designated Areas (LODA, SADA, DASDA) to demonstrate three years, rather than two years, of "significant rental use" in order to renew their permit. "Significant rental use" is defined as no fewer than 10% of weekend nights in a given year, or a minimum occupancy of five weekends or ten nights per calendar year. The proposed amendments also include the addition of a provision that states that vacation rental permits within the Designated Areas expire upon transfer of the property to new owners if the transfer triggers a reassessment (i.e., transfers into a family trust, inheritance, or other exchanges between family members will not be affected). The goal of this addition is to give more property owners the opportunity to acquire and use vacation rental permits by discontinuing automatic renewal of vacation rental permits upon transfers of property that trigger reassessment.

Other proposed amendments seek to further limit impacts from vacation rentals to residential neighborhoods. For example, the proposed amendment would modify the occupancy standards by not counting children ages seven and under; formerly, unrelated children ages eleven and under were not counted towards the number of allowed occupants. This proposed modification stems from numerous complaints that "large groups" were taking advantage of the vacation rental ordinance's occupancy standards, leading to disproportionate and adverse impacts for adjacent residences, and is intended to address those concerns. Another proposed amendment includes a requirement that all vacation rental owners inform renters that fireworks are illegal in Santa Cruz County in order to address ongoing complaints from neighborhood residences. The amendments also include a prohibition on more than one vacation rental permit on a single parcel because the existing ordinance was silent on this matter, allowing very large groups to rent

out dwelling groups or multiple properties located on a single parcel. The use of multiple vacation rentals on a single parcel allowed large groups to rent multiple units in close proximity, resulting in significant and disproportionate neighborhood impacts. These proposed amendments represent only slight modifications to the vacation rental ordinance and are appropriately narrow in scope and tailored to address valid neighborhood issues while still ensuring the continued operation of vacation rentals in Santa Cruz County.

Similarly, in an effort to increase transparency and public participation and to further decrease the likelihood that larger vacation rentals will have disproportionate neighborhood impacts, the proposed amendment would require new vacation rentals with four or more bedrooms to require a public hearing before the Zoning Administrator. Another proposed modification would require the expansion of vacation rental homes (i.e. additions) above a certain threshold to require a new vacation rental permit, rather than an amendment to an existing vacation rental permit (only if the proposed expansion entails increasing the square footage of a permitted vacation rental by 50% or more or increases the number of bedrooms). This modification seeks to add another layer of review and assessment to ensure that larger vacation rental homes do not disproportionately impact neighborhoods.

Finally, the proposed amendment includes two additional minor procedural changes. First, the proposed amendment includes a requirement that the expiration date of the vacation rental permit be displayed on the existing signage requirement. Second, the proposed amendment proposes to replace “onsite parking” with “on street parking” in section 13.10.694(D)(1)(d). This change appears insignificant because the original language appears intended to state “on street parking” in the context of the entire provision.

Please see Exhibit 1 for the proposed IP amendment text.

## **B. CONSISTENCY ANALYSIS**

### **Applicable Land Use Plan Policies**

The proposed amendment affects the IP component of the County of Santa Cruz LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified Land Use Plan (LUP).

The proposed amendment seeks minor language clarifications and certain operational changes to the County’s Vacation Rental Ordinance. The Santa Cruz County LUP contains objectives and policies that provide for visitor-serving uses with the intent of maximizing coastal access and providing appropriate upland support facilities, such as vacation rentals, directed towards coastal zone visitors. These policies include:

***LUP Objective 2.16** – To provide for a variety of temporary residential uses in both urban and rural areas which provide for visitor needs while preserving the unique environmental settings that attract visitors to the County and protecting residential communities in the County.*

***LUP Policy 2.22.1** – Priority of Uses within the Coastal Zone. Maintain a hierarchy of*

*land use priorities within the Coastal Zone:*

*First Priority: Agriculture and coastal-dependent industry*

*Second Priority: Recreation, including public parks; visitor-serving commercial uses; and coastal recreation facilities.*

*Third Priority: Private residential, general industrial, and general commercial uses.*

***LUP Objective 7.7a Coastal Recreation.*** *To maximize 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.*

### **Analysis**

Taken together, these LUP objectives and policies seek to protect, provide for, and enhance coastal access and recreational opportunities for the public via prioritizing visitor-serving uses including accommodating and maximizing public access and coastal recreational opportunities while preserving the unique environment that attracts visitors to the County and protecting residential communities.

As discussed above, the proposed LCP amendment is relatively minor in substance, and primarily seeks to further refine neighborhood compatibility issues; extend existing regulations that have been appropriately adapted into a new designated area (DASDA) to address residents' concerns about vacation rentals in the Davenport community; and ensure that individuals that obtain vacation rental permits actually use them. However, the suggested modifications were proposed as "friendly" modifications by County and Commission staff and are intended to address procedural issues regarding the operation of the proposed amendments, and thus are critical for the ability to find the proposed amendment, as modified, to be consistent with the certified LUP policies. The proposed modifications include: 1) modifying the use chart to reflect that vacation rentals with four or more bedrooms are principally permitted uses, consistent with the existing use chart that considers all vacation rentals (regardless of the number of bedrooms) as principally permitted uses (within applicable zoning districts); 2) modifying IP Section 13.10.694(B) to expressly state that accessory dwelling units may not be used as vacation rentals, consistent with the certified vacation rental definition in IP Section 13.10.700-V; 3) clarifying the definition section of the ordinance (IP Section 13.10.694(C)) to include "unit in" a duplex and "unit in" a triplex to clarify that vacation rental permits shall be limited to one permit per parcel; 4) clarifying the intent of requiring a level-5 permit for vacation rentals with four or more bedrooms and the process for approving or denying such a vacation rental permit application; 5) clarifying that a failure to follow the conditions of a vacation rental permit would be a violation of that permit; and 6) retaining the definition of "vacation rental" in the general definition section of IP Chapter 13, specifically (Section 13.10.700-V) (See Exhibit 1).

The proposed LCP amendment, with the suggested modifications, is consistent with the LUP's multiple goals to maximize public use and enjoyment of the coast by increasing availability of vacation rental permits, ensuring that property owners who have vacation rental permits actually rent out their properties to visitors, and ensuring that neighborhood issues associated with vacation rentals are minimized such that the neighborhoods are able to maintain their unique

character and thus able to maintain their appeal to visitors and residents alike. Specifically, the proposed IP Amendment, with the suggested modifications, is consistent with LUP Objective 2.16 because the proposed amendment continues to provide for visitors' needs while simultaneously helping to maintain the neighborhood appeal to residents and visitors. Specifically, the proposed amendment achieves consistency with LUP Objective 2.16 by increasing the availability of vacation rentals by ensuring that vacation rental permits are actively used (i.e. by requiring vacation rental owners to demonstrate three years, rather than two years, of "significant rental use" within a five-year period; and by potentially increasing the availability of vacation rental permits by eliminating some automatic permit renewals including when a vacation rental home changes ownership and when the home is redeveloped and expanded by 50% or more or if the number of bedrooms is increased through remodeling or demolition as discussed above.)

The proposed amendment is further consistent with LUP Objective 2.16 in that it addresses ongoing neighborhood issues associated with vacation rentals, particularly those stemming from larger groups renting vacation rentals. The proposed amendment addresses these issues by slightly modifying the occupancy standards to count unrelated children ages eight and older towards the maximum number of allowed occupants (previously only unrelated children twelve and older were counted) and via allowing only one vacation rental per parcel. These proposed modifications support the continued operation of vacation rentals, while preserving the unique community character and settings of Santa Cruz's coastal neighborhoods.

The proposed IP amendment, including the suggested modifications, is also consistent with LUP Policy 2.22.1 because it continues to prioritize recreation and visitor-serving commercial over private residential use (while, as acknowledged above, still protecting the community character of neighborhoods allowing for private residential use, in accordance with other LUP policies). Finally, the proposed IP Amendment, including the suggested modifications, is consistent with LUP Objective 7.7a because it maximizes public use and coastal recreational resources for all people by providing another means for people to continue to access the coast through vacation rentals in a popular tourist and visitor destination.

In summary, the proposed amendments do not alter where vacation rentals are allowed as vacation rentals are currently an allowed use County-wide. The proposed amendment continues to allow and support vacation rentals in the Davenport-Swanton Road Designated Area (DASDA). The addition of DASDA to the vacation rental ordinance simply sets forth appropriate regulations governing vacation rentals in this area (adapted from other designated areas). The proposed additional restrictions on the operation of vacation rentals are minor and intended to address neighborhood issues, to ensure that vacation rental permits are actively used, and to ensure that access to the coast is preserved and improved. Furthermore, the proposed amendments further facilitate the overarching goal of the Vacation Rental Ordinance i.e. that vacation rentals are being used and appropriately fit within residential neighborhoods. Thus, the County has succeeded in identifying additional appropriate vacation rental regulations that address potential visitor-resident conflicts and in satisfying the sometimes-competing objectives associated with facilitating public recreational opportunities near and within residential areas of the shoreline. Under the proposed rules, vacation rentals would be expected to continue to effectively co-exist in coastal residential areas with better clarity on use parameters to ensure that previous issues associated with vacation rentals are alleviated. For all the reasons discussed

above, the proposed IP amendment can be found consistent with and adequate to carry out the above-cited objectives and policies of the certified LUP.

### **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.9 of the California Public Resources Code (within CEQA) exempts local government from the requirement of preparing environmental review documentation under CEQA in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare any CEQA environmental review document in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCPA in carrying out its duties under CEQA and the Coastal Act when evaluating the LCPA. The Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission's review and analysis of the LCPA in this Staff Report satisfies CEQA environmental review requirements.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with certain CEQA provisions, including the requirement in Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment. See also, CEQA Guidelines Sections 13542(a), 13540(f), and 13555(b).

The County's LCP amendment consists of an Implementation Plan (IP) amendment. As part of its local action on the subject LCP amendment, the County issued an exemption from CEQA as specified under CEQA Guidelines Section 15061(b)(3) [the so-called "common sense" exemption]. The project was determined to be exempt because the project consists of minor ordinance amendments that place limits on development and will not have any potential impact on the environment. The Commission incorporates its findings on Land Use Plan conformity into this CEQA finding as if it is set forth in full. As discussed herein, the Implementation Plan amendment submitted does not conform with and does not adequately carry out the policies of the certified LUP because feasible mitigation measures (as embodied by the further modifications) would substantially lessen the adverse impacts on the environment that would result from certification of this IP amendment. Though the suggested modifications are primarily non-substantive, their purpose is to provide more clarity and in that sense facilitate the proposed amendment to better achieve consistency with the certified LUP policies. The Commission, therefore, concurs with the County that the LCP Amendment, with suggested modifications, conforms to the certified Land Use Plan. As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

**13.10.312 Uses in agricultural districts.**

**(B) Allowed Uses**

**AGRICULTURAL USES CHART**

USE	CA	A	AP
Vacation rentals <u>with 3 or fewer bedrooms</u> (subject to SCCC 13.10.694)	2P	2P	2P
<u>Vacation rentals with 4 or more bedrooms</u> (subject to SCCC 13.10.694)	<u>5P</u>	<u>5P</u>	<u>5P</u>

**13.10.322 Residential uses.**

**(B) Allowed Uses.**

**RESIDENTIAL USES CHART**

USE	RA	RR	R-1	RB	RM
Vacation rentals <u>with 3 or fewer bedrooms</u> (subject to SCCC 13.10.694)	2P	2P	2P	2P	2P
<u>Vacation rentals with 4 or more bedrooms</u> (subject to SCCC 13.10.694)	<u>5P</u>	<u>5P</u>	<u>5P</u>	<u>5P</u>	<u>5P</u>

**13.10.352 Parks, recreation and open space uses.**

**(B) Allowed Uses.**

**PR USES CHART**

USE	PR
Vacation rentals <u>with 3 or fewer bedrooms</u> (subject to SCCC 13.10.694)	2P
<u>Vacation rentals with 4 or more bedrooms</u> (subject to SCCC 13.10.694)	<u>5P</u>

**13.10.372 Uses in the Timber Production TP District.**

**(B) Allowed Uses.**

**TP USES CHART**

USE	PERMIT REQUIRED
Vacation rentals <u>with 3 or fewer bedrooms</u> (subject to SCCC 13.10.694)	2P
<u>Vacation rentals with 4 or more bedrooms</u> (subject to SCCC 13.10.694)	<u>5P</u>

**13.10.694 Vacation rentals.**

(A) The purpose of this section is to establish regulations applicable to dwellings that are rented as vacation rentals for periods of not more than 30 days at a time. These regulations are in addition to all other provisions of this title. This section does not apply to Pajaro Dunes where vacation rentals are governed by an existing development permit. ~~A vacation rental means the entire dwelling unit and does~~

~~not include the renting of individual rooms in a dwelling unit. The owner/operator/contact person/agent does not live in the dwelling unit while it is rented for use as a vacation rental and only the renter of the vacation rental dwelling and guests of the renter live in the dwelling unit while it is rented for use as a vacation rental. Where there are multiple dwelling units on a site, the owner/operator/contact person/agent may live in one of the dwellings that is not being rented as a vacation rental.~~

(B) Vacation rentals are allowed in all zone districts that allow residential use with no requirement for any other use, except that any vacation rental meeting the requirements of subsections (C)(42) and (D)(1) of this section may be permitted in any zone district. Habitable accessory structures, nonhabitable accessory structures, accessory dwelling units constructed under the provisions of SCCC 13.10.681, 13.20.107, or 13.20.108, and legally restricted affordable housing units shall not be used as vacation rentals.

(C) For the purposes of this section, the following terms have the stated meanings:

(1) "Vacation rental" means a single-family dwelling unit, unit in a duplex, or unit in a triplex (including condominium and townhouse units, but not including apartments or manufactured homes in a mobile home park), where the owner/operator/contact person/agent does not occupy the dwelling unit while it is rented, only the renter and guests thereof occupy the dwelling unit while it is rented, and the dwelling unit is rented for the purpose of overnight lodging for a period of not more than 30 days. Where there is more than one dwelling on a property, the owner/operator/contact person/agent may live in a dwelling that is not used as a vacation rental. For the purposes of these regulations, the following are not considered to be vacation rentals: (1) ongoing month-to-month tenancy granted to the same renter for the same unit, (2) one less-than-30-day period per year, (3) a house exchange for which there is no payment, or (4) renting of individual rooms in a dwelling unit while the primary occupant remains on-site.

(2) "Existing vacation rental" means a dwelling unit that was used as a vacation rental prior to April 5, 2011, and for which a vacation rental permit application was made on or before November 28, 2011, and for which a vacation rental permit was granted based on an application submitted on or before November 28, 2011.

(23) "New vacation rental" means a dwelling unit that was not used as a vacation rental prior to April 5, 2011, or for which a vacation rental permit application was not made on or before November 29, 2011, or for which a vacation rental permit has not been granted.

(34) The "Live Oak Designated Area" means the Yacht Harbor Special Community (as described in the General Plan—Local Coastal Program and depicted on the General Plan—Local Coastal Program map) and that portion of Live Oak that lies east and south of East Cliff Drive and Portola Drive from the intersection of 9th Avenue and East Cliff Drive to the intersection of Portola Drive and 41st Avenue, as depicted in Figure LODA, attached to the ordinance codified in this section.

(45) The "Sea Cliff/Aptos Designated Area" means that portion of the Aptos Planning Area bounded on the west by the Capitola city limit, on the north by Highway One, and on the east and southeast by Bonita Drive, San Andreas Road, and the Urban Services Line from San Andreas Road to Monterey Bay, as depicted in Figure SADA, attached to the ordinance codified in this section.

(6) The Davenport/Swanton Designated Area means that portion of the North Coast Planning area bounded on the south by Riverside Ave and San Vicente St in the unincorporated town of Davenport, and extending north along Highway 1 to include the areas of New Town and Davenport Landing south of Highway 1, and bounded on the north by the intersection of Swanton Road and Highway 1, and including all parcels within one-quarter mile of Swanton Road, but excluding any parcels that abut Last Chance Road, as depicted in Figure DASDA, attached to the ordinance codified in this section.

(75) "Block" means the properties abutting both sides of a street extending from one intersecting street to another or to the terminus of the street. In the DASDA, "blocks" shall apply only in the town of Davenport, extending to all the R-1 zoned parcels along San Vicente St, in New Town on Cement Plant, Adeline, and 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> streets, and on Davenport Landing.

(D) Permit Requirements. A vacation rental permit and transient occupancy tax registration are required for each residential vacation rental. Each vacation rental permit shall remain valid as long as the vacation rental operates at least three out of any consecutive five years, except that each vacation rental permit issued for a vacation rental located in the Live Oak Designated Area, and the Seacliff/Aptos Designated Area, or the Davenport/Swanton Designated Area shall expire five years the same month and day five years subsequent to ~~from~~ the date of issuance of the original permit or as otherwise provided in subsection (D)(3) of this section. If the expiration date falls on a Saturday or a Sunday, the following Monday shall be considered to be the expiration date. If an application for renewal has been submitted and is deemed complete prior to the expiration date, the expiration of the permit will

be stayed until final action on the renewal application. No application for renewal of a vacation rental permit shall be accepted more than 180 days before the expiration date. ~~The Planning Director may approve extensions of permit expiration dates or application submittal dates based on demonstrated hardship to the applicant or for other good cause.~~ Approval of a vacation rental permit does not legalize any nonpermitted use or structure. Vacation rental permits are subject to revocation as provided for in SCCC\_18.10.136.

(1) Existing Vacation Rental. An initial permit shall be obtained. No public hearing shall be required and no notice of an application for a permit for an existing vacation rental shall be given. For an existing vacation rental to be considered a legal use the applicant shall provide the following to the Planning Department within 90 days, and not later than November 28, 2011, after the certification of the original vacation ordinance (Ordinance No. 5092) codified in this chapter by the California Coastal Commission:

- (a) Completed application form.
- (b) Plans, which do not need to be drawn by a professional, drawn to scale including the following:
  - (i) Plot plan showing location of all property lines, location of all existing buildings, and location of dimensioned on-site parking spaces.
  - (ii) Floor plan showing all rooms with each room labeled as to room type.
- (c) Nonrefundable application fee as established by the Board of Supervisors, but no greater than necessary to defray the cost incurred by the County in administering the provisions of this chapter.
- (d) Copy of a rental/lease agreement, which shall include, but not necessarily be limited to, the following: number of guests allowed (two/bedroom plus two, prior to November 1, 2016, children under 12 not counted, on or after November 1, 2016, children under 8 not counted. ~~not counted~~; for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., the maximum number of people allowed is twice the maximum number of guests allowed); number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional that will be considered to use on-site street parking in the vicinity, but will not have any exclusive or assigned use of on-street parking); address noise, illegal behavior and

disturbances, including an explicit statement that fireworks are illegal in Santa Cruz County,  
trash management (e.g., trash to be kept in covered containers only).

(e) Proof that a dwelling unit was being used as a vacation rental prior to April 5, 2011. Such proof may consist of, among other things, the following items:

(i) Documentation that the owner paid County of Santa Cruz transient occupancy tax for the use of the vacation rental; or

(ii) Documentation that there has been vacation rental use of the unit. This could include the following: the owner allowed transient guests to occupy the subject property in exchange for compensation and the applicant furnishes reliable information, including but not limited to records of occupancy and tax documents, guest reservation lists, and receipts, showing payment and dates of stay.

(f) Retroactive Payment of Transient Occupancy Tax. For those applicants who provide adequate documentation that a dwelling unit was used as a vacation rental prior to April 5, 2011, but where the owner has not registered and paid transient occupancy tax, proof of retroactive payment of the transient occupancy tax amount due to the County to the extent allowed by law for the time during which a dwelling unit was being used as a vacation rental shall be submitted.

(g) Number of People Allowed. The maximum number of guests allowed in an existing individual residential vacation rental shall not exceed two people per bedroom plus two additional people, except for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., when the maximum number of people allowed is twice the maximum number of guests allowed. Prior to November 1, 2016 children under 12 are not counted toward the maximums, on or after November 1, 2016, children under 8 not counted toward the maximum number of guests. Children under 12 are not counted toward the maximums.

(2) New Vacation Rentals. For new applications for vacation rentals of 3 bedrooms or fewer, ~~Except~~ as provided in SCCC 18.10.124(B), no public hearing shall be required\_ and action on these applications shall be by the Planning Director or designee, with notice of the proposed action provided not less than 10 calendar days before issuance of the permit, pursuant to SCCC18.10.222(B) and (C). Approval or denial of a new vacation rental permit for a vacation rental with three or fewer bedrooms shall be based on the regulatory standards of this section. Denial

shall be based on the failure of an application to comply with the regulatory standards of this section. For new applications for vacation rentals of 4 bedrooms or more, a Level 5 review and public hearing shall be required, with notice of this public hearing provided in conformance with SCCC 18.10.223. The approval or denial of the vacation rental application shall be based upon findings as set forth in SCCC 18.10.230(A), with approval requiring affirmative findings in addition to compliance with the regulatory standards of this section. Denial of such a permit shall be based on an inability to make affirmative findings, or the non-compliance of the application with the regulations of this section. Appeals of the proposed action on the application may be made by the applicant or any member of the public. Pursuant to SCCC 18.10.124(B), the Planning Director may refer the application to the Zoning Administrator or Planning Commission for a public hearing.

(a) When a public hearing is required, notice of such a public hearing shall be provided not less than 10 calendar days before the public hearing, pursuant to SCCC 18.10.223.

(b) In the Live Oak Designated Area, the Seacliff/Aptos Designated Area, or the Davenport/Swanton Designated Area~~Live Oak Designated Area and the Seacliff/Aptos Designated Area~~, no new vacation rental shall be approved if parcels with permitted vacation rentals on the same block total 20 percent or more of the total parcels on that block that allow residential use, excluding those parcels in the Mobile Home Park Combining Zone District; except that in the following areas the percentage of parcels that may have vacation rentals is not limited: Pot Belly Beach Road; Las Olas Drive; those residentially zoned parcels in the Rio Del Mar flats consisting of parcels fronting on Stephen Road, Marina Avenue, and Venetian Road between its intersection with the Esplanade and Aptos Beach Drive to its intersection with Lake Court and Stephen Road; those parcels fronting on or gaining access from Cliff Court or fronting on or gaining access from Rio Del Mar Boulevard between its intersection with Aptos Beach Drive and Beach Drive to its intersection with Kingsbury Drive, Cliff Drive, and Beach Villa Lane; Beach Drive; and Via Gaviota. In addition, no more than 15 percent of all of the parcels that allow residential use in the Live Oak Designated Area and the Seacliff/Aptos Designated Area, and no more than 10% of all the parcels that allow residential use in the Davenport/Swanton Designated Area, excluding those parcels in the Mobile Home Park Combining Zone District, may contain vacation rentals. Notwithstanding these maximums, each block in the Live Oak Designated Area, the Seacliff/Aptos Designated Area, or the Davenport/Swanton Designated Area~~Live Oak Designated Area and the Seacliff/Aptos Designated Area~~ that has parcels that allow

residential use, excluding those parcels in the Mobile Home Park Combining Zone District, may have at least one vacation rental.

(c) Applicants for a permit for a new vacation rental shall provide the following to the Planning Department:

(i) Completed application form.

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

(iii) Plans, which do not need to be drawn by a professional, drawn to scale including the following:

A. Plot plan showing location of all property lines, location of all existing buildings, and location of dimensioned on-site parking spaces.

B. Floor plan showing all rooms with each room labeled as to room type.

(iv) Copy of a rental/lease agreement, which shall include, but not necessarily be limited to, the following: number of guests allowed (two/bedroom plus two, prior to November 1, 2016, children under 12 not counted, on or after November 1, 2016, children under 8 not counted.~~children under 12 not counted~~; for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., the maximum number of people allowed is twice the maximum number of guests allowed); number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional that will be considered to use on-street parking in the vicinity, but will not have any exclusive or assigned use of on-street parking); address noise, illegal behavior and disturbances including an explicit statement that fireworks are illegal in Santa Cruz County, trash management (e.g., trash to be kept in covered containers only).

(v) Copy of a County of Santa Cruz transient occupancy registration certificate for the purpose of the operation of a vacation rental.

(vi) No new vacation rental use may be permitted in a dwelling unit having a common wall or walls with another dwelling unit or units after the effective date of this ordinance amending the original vacation rental ordinance (Ordinance No. 5092, effective July 13, 2011), unless at the time of submission of the application the applicant provides a written agreement acceptable to the County and signed by all record owner(s) of the adjoining dwelling unit(s) stating that they are aware of the proposed vacation rental use and have no objection to issuance of a permit for such use. The agreement shall be binding on the parties thereto and their successors in interest for so long as the vacation rental permit for which the agreement was submitted, if issued, remains valid, and each party shall be responsible to inform its own successor(s) in interest in the unit of the agreement as part of the sale or transfer of the unit to such successor(s).

(vii) After the effective date of Ordinance \_\_\_\_\_ amending the vacation rental ordinance, only one vacation rental is permitted per parcel regardless of the number or configuration of dwellings on the parcel.

(d) Number of People Allowed. The maximum number of guests allowed in a new residential vacation rental shall not exceed two people per bedroom plus two additional people, except for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., when the maximum number of people allowed is twice the maximum number of overnight guests allowed. Prior to November 1, 2016 children under 12 are not counted toward the maximums, on or after November 1, 2016, children under 8 not counted toward the maximum number of guests. ~~Children under 12 are not counted toward the maximums.~~

(3) Renewal of Vacation Rental Permits in the LODA, SADA, and DASDA ~~Live Oak Designated Area and the Seacliff/Aptos Designated Area~~. In the Live Oak Designated Area, the Seacliff/Aptos Designated Area, or the Davenport/Swanton Designated Area ~~Live Oak Designated Area and the Seacliff/Aptos Designated Area~~ only, vacation rental permits must be renewed every five years. Beginning on May 14, 2015, the effective date of the establishment of the Seacliff/Aptos Designated Area, those vacation rental permits issued before that effective date for property in the Seacliff/Aptos Designated Area shall be limited to a term of five years from ~~that effective date~~ May

14, 2015 and application to renew the vacation rental permit must be made in accordance with the provisions of this section. -An application to renew a permit for a vacation rental in the Live Oak Designated Area, the Seacliff/Aptos Designated Area, or the Davenport/Swanton Designated Area~~Live Oak Designated Area and the Seacliff/Aptos Designated Area~~ shall be made no sooner than 180 days before the expiration date of the existing permit, and no later than the date of expiration of that permit. It is the intention of the County of Santa Cruz that there is a presumption that an application for renewal of a vacation rental permit will be approved, except that only one vacation rental permit may be renewed on any one parcel. Determination that the application is complete shall stay the expiration of the existing permit until final action is taken on the renewal application. Except as provided in SCCC 18.10.124(B), no public hearing shall be required and action on permit renewal applications for a vacation rental consisting of three or fewer bedrooms shall be by the Planning Director or designee, with notice of the proposed action provided not less than 10 calendar days before issuance or denial of the permit, pursuant to SCCC 18.10.222(B) ~~and (C)~~. Approval or denial of a renewal for a vacation rental with three or fewer bedrooms shall be based on the ability or failure, respectively, of an application to meet the regulatory standards of this section. For permit renewal applications a vacation rental with four or more bedrooms, a Level 5 review and public hearing shall be required, with noticing of the public hearing provided pursuant to SCCC 18.10.223. The approval or denial of the renewal application shall be based upon findings as set forth in SCCC 18.10.230(A), with approval requiring affirmative findings in addition to compliance with the regulatory standards of this section. Denial of such a permit shall be based on an inability to make affirmative findings, or the non-compliance of the application with the regulations of this section. -Appeals of the proposed action on the renewal application may be made by the applicant or any member of the public.

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

(b) Applicants for renewal of a permit for a vacation rental in the Live Oak Designated Area, the Seacliff/Aptos Designated Area, or the Davenport/Swanton Designated Area~~Live Oak Designated Area and the Seacliff/Aptos Designated Area~~ shall provide the following to the Planning Department:

(i) Completed application form.

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

(iii) Proof of payment of transient occupancy tax for the use of the dwelling as a vacation rental and a summary of the dates the unit was used as a vacation rental between the time of issuance of the existing permit and the date of application for the renewal. For Renewal applications processed prior to November 1, 2016, renewal applications must show significant rental use of the unit for two of the previous five years. For renewal applications processed on or after November 1, 2016 applications must show significant rental use for three out of the previous five years. Determination of significant rental use shall be made in accordance with guidelines adopted by resolution of the Board of Supervisors.

(iv) A photograph of the sign installed on the parcel as required by the existing permit, and clearly including all information required under section 13.10.694(F).

(c) Although the renewal process includes a staff review of County records and other pertinent information specific to complaints, if any, that have been received about the particular vacation rental, it is the intention of the County of Santa Cruz that there is a presumption that an application for renewal of a vacation rental permit will be approved if it has been operated in conformance with the regulations of this section and any conditions of approval of the prior permit. The presumption may be rebutted by evidence that the vacation rental has not been operated in conformance with this section or any conditions of approval of the prior permit. Approval of a vacation rental renewal permit shall be based on affirmative findings as set forth in ~~SCCC 18.10.230(A).~~ Denial of an application for renewal shall be based on one or more of the required findings not being able to be made, as set forth in ~~SCCC 18.10.230(A).~~

(4) Transfer of Property with Vacation Rental Permit in the LODA, SADA, or DASDA. Within the Live Oak Designated Area, the Seacliff/Aptos Designated Area, and the Davenport/Swanton Designated Area, when a property transfer triggers reassessment pursuant to the California Revenue and Taxation Code Section 60 et seq., as determined by the Assessor, the vacation rental permit(s) associated with the property shall expire at the time of property transfer.

(5) Expansion of Permitted Vacation Rental. In addition to any other permits required for a proposal to expand the square footage of a permitted vacation rental structure by an amount equal to or more than 50 percent or to increase the existing number of bedrooms by demolition or remodeling, an amendment to the permitted a new vacation rental permit shall be required in accordance with SCCC 13.10.694 (D)2 18.10.134 shall be required. The amendment application shall include a photograph of the sign installed on the parcel as required by the permitted vacation rental permit. Based on development and site standards for the applicable zone district, the amendment may allow a greater intensity of use than that allowed by the existing permit or may be conditioned such that the vacation rental use not exceed that authorized by the existing permit.

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

The name, address, and telephone number(s) of the local contact person, and the beginning and expiration dates of the vacation rental permit shall be submitted to the Planning Department, the local Sheriff Substation, the main County Sheriff's Office, and the local fire agency, and supplied to the property owners of all properties located within a 300-foot radius of the boundaries of the parcel on which the vacation rental is located. For all vacation rental permit applications, including applications for renewal and amendment, submitted after the effective date of this ordinance amending the original vacation rental ordinance (Ordinance No. 5092) contact information shall also be submitted to the Auditor-Controller-Treasurer-Tax Collector. Proof of mailing contact information to all of the above shall be submitted to the Planning Department within 30 days of permit approval, amendment, or renewal. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

(F) Signs. All vacation rentals shall have a sign identifying the structure as a permitted vacation rental and listing a 24-hour local contact responsible for responding to complaints and providing general information, which shall be placed no more than 20 feet back from the nearest street. In the LODA, SADA and DASDA, the sign must also display the beginning and end dates of the 5-year vacation rental permit. This information shall be updated upon any renewal of such a permit. The sign may be of any shape, but may not exceed 216 square inches. There is no minimum sign size so long as the information on the sign is legible from the nearest street. A sign required by this subsection shall be continuously maintained while the dwelling is rented.

(G) Posting of Rules. Vacation rental rules shall be posted inside the vacation rental in a location readily visible to all guests. The rules shall include, but not necessarily be limited to, the following: number of guests allowed (two/bedroom plus two prior to November 1, 2016 children under 12 not counted, on or after November 1, 2016, children under 8 not counted), ~~children under 12 not counted~~; for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., the maximum number of people allowed is twice the maximum number of guests allowed), number of vehicles allowed (not to exceed the number of existing on-site parking spaces, plus two additional that will be considered to use on-street parking in the vicinity, but will not have any exclusive or assigned use of on-street parking), address noise, illegal behavior and disturbances including an explicit statement that fireworks are illegal in Santa Cruz County, trash management (e.g., trash to be kept in covered containers only).

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

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

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

(K) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section or any conditions of approval contained in a vacation rental permit. The penalties for violation of this section are set forth in Chapter 19.01 SCCC, Enforcement of Land Use Regulations. If more than two documented, significant violations occur within any 12-month period a permit may be reviewed for possible amendment or revocation. Evidence of significant violations includes, but is not limited to, copies of citations, written warnings, or other documentation filed by law enforcement; copies of homeowner association warnings, reprimands, or other association actions; a permit holder providing false or misleading information on an application or renewal application; evidence of violations of State or County health regulations; evidence that a permit holder is delinquent in payment of transient occupancy taxes, fines, or penalties; evidence of non-responsive management or that appropriate signage has not been maintained in compliance with this section; verified neighbor complaints of noise or other disturbances, particularly those involving the use of fireworks by occupants of the vacation rental; or other documents which substantiate allegations of significant violations. In the event a permit is revoked based upon a review under this section, no application by the person or entity from whom the permit was revoked shall be filed for a vacation rental permit on the same parcel within two years after the date of revocation, without prior consent of the Board of Supervisors.

(L) It is unlawful to make a false report to the Sheriff's Office regarding activities associated with vacation rentals. [Ord. 5198 § 1, 2015; Ord. 5092 § 6, 2011].

### 13.10.700-V Definitions

"Vacation rental" means a single-family dwelling unit, unit in a duplex, or unit in a triplex (including condominium and townhouse units, but not including apartments or manufactured homes in a mobile home park), where the owner/operator/contact person/agent does not live in the dwelling unit while it is rented for use as a transient occupancy of less than 30 days, vacation rental and no one but the renter of the vacation rental dwelling and guests of the renter live in the dwelling unit while it is rented for use as a vacation rental and the entire dwelling unit is rented for the purpose of overnight lodging for a period of not more than 30 days other than (1) ongoing month-to-month tenancy granted to the same renter for the same unit, (2) one less than 30-day period per year, or (3) a house exchange for which there is no payment. Where there are multiple dwelling units on a site, the owner/operator/contact person/agent may live in one of the dwellings that is not being used as a vacation rental. Renting of individual rooms does not constitute use of a dwelling unit as a vacation rental. Habitable accessory structures, nonhabitable accessory structures, second units constructed under the

~~provisions of SCCC 13.10.681, 13.20.107, or 13.20.108, and legally restricted affordable housing units shall not be used as vacation rentals.~~