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W16b

LCP-3-SCO-20-0064-2 (VACATION RENTALS)

JANUARY 13, 2021 HEARING

EXHIBIT

Exhibit 1: Proposed IP Amendment

**ORDINANCE AMENDING SANTA CRUZ COUNTY CODE SECTIONS
13.10.694, VACATION RENTALS, AND 13.10.312, 13.10.322, 13.10.352, AND
13.10.372, USES CHARTS, TO IMPLEMENT AMENDMENTS TO 13.10.694**

The Board of Supervisors does ordain as follows:

SECTION I

Section (b) of Section 13.10.312 of the Santa Cruz County Code is hereby amended to change the permit level for new vacation rentals comprised of three or fewer bedrooms, from 2P to 4, and to require all vacation rental renewals to be processed as Level 4 permits as follows:

USE	CA	A	AP
Vacation rentals, <u>new</u> , with 3 or fewer bedrooms <u>and all vacation rental renewals</u> (subject to SCCC 13.10.694)	<u>2P 4</u>	<u>2P 4</u>	<u>2P 4</u>
Vacation rentals, <u>new</u> , with 4 or more bedrooms (subject to SCCC 13.10.694)	5	5	5

SECTION II

Section (b) of Section 13.10.322 of the Santa Cruz County Code is hereby amended to change the permit level for new vacation rentals comprised of three or fewer bedrooms, from 2P to 4, and to require all vacation rental renewals to be processed as Level 4 permits as follows:

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

SECTION III

Section (b) of Section 13.10.352 of the Santa Cruz County Code is hereby amended to change the permit level for new vacation rentals comprised of three or fewer bedrooms, from 2P to 4, and to require all vacation rental renewals to be processed as Level 4 permits as follows:

USE	PR
Vacation rentals, <u>new</u> , with 3 or fewer bedrooms <u>and all vacation rental renewals</u> (subject to SCCC 13.10.694)	<u>2P 4</u>
Vacation rentals, <u>new</u> , with 4 or more bedrooms (subject to SCCC 13.10.694)	5

SECTION IV

Section (b) of Section 13.10.372 of the Santa Cruz County Code is hereby amended to change the permit level for new vacation rentals comprised of three or fewer bedrooms, from 2P to 4, and to require all vacation rental renewals to be processed as Level 4 permits as follows:

USE	TP
Vacation Rentals, <u>new</u> , with 3 or fewer bedrooms <u>and all vacation rental renewals</u> (subject to SCCC 13.10.694)	3P4
Vacation rentals, <u>new</u> , with 4 or more bedrooms (subject to SCCC 13.10.694)	5

SECTION V

The Santa Cruz County Code is hereby amended by amending Section 13.10.694 to read as follows:

13.10.694 Vacation rentals.

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

(B) Vacation rentals are allowed in all zone districts that allow residential use with no requirement for any other use, except that any vacation rental meeting the requirements of subsections (C)(2) and (D)(1) of this section may be permitted in any zone district. Habitable accessory structures, nonhabitable accessory structures, accessory dwelling units (“ADUs”) 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. Further, no new vacation rental permits or transfer of permits shall be granted on parcels containing ADUs after March 9, 2018.

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

(1) “Vacation rental” means a single-family dwelling unit, duplex, or triplex (including condominium and townhouse units, but not including apartments or manufactured homes in a mobile home park), where the owner/operator/~~contact person~~local property manager/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 as part of a dwelling group, 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: (a) ongoing month-to-month tenancy granted to the same renter for the same unit, (b) one less-than-30-day period per year, (c) a house exchange for which there is no payment, or (d) 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.

(3) “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.

(4) The “Live Oak Designated Area” or “LODA” 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.

(5) The “Sea Cliff/Aptos/La Selva Designated Area” or “SALSDA” means that portion of the Aptos Planning Area bounded on the west by the Capitola city limit, on the north by Highway 1, and on the east and southeast by Bonita Drive, San Andreas Road, ~~and~~ the Urban Services Line from San Andreas Road to Monterey Bay, and the community of La Selva Beach, as depicted in Figure SADASALSDA, attached to the ordinance codified in this section.

(6) The “Davenport/Swanton Designated Area” or “DASDA” means that portion of the North Coast Planning Area bounded on the south by Riverside Ave and San Vincente Street 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.

(7) “Block” means the properties abutting both sides of a street extending from one intersecting street to another or to the terminus of the street, as indicated on the official Block Map (adopted by the Board of Supervisors on August 18, 2020). In the DASDA, “blocks” shall apply only in the town of Davenport, extending to all the R-1 zoned parcels along San Vincente Street, in New Town on Cement Plant, Adeline, and 1st, 2nd, and 3rd Streets, and on Davenport Landing.

(D) Permit Requirements. A vacation rental permit and transient occupancy tax registration (or proof of registration with verified vacation rental platforms) are required for each residential vacation rental. Each vacation rental permit shall remain valid as long as the vacation rental operates for 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, the Seacliff/Aptos Designated Area, or the Davenport/Swanton Designated Area~~ shall expire the same month and day five years subsequent to 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.~~ 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: At the inception of the Vacation Rental program, the County established a low-barrier method for recognizing and permitting then-existing vacation rentals. The term is retained here as an historic reference but no longer has regulatory distinction, and all vacation rentals are now considered to be either new or renewal vacation rentals.~~

~~(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 eight 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).~~

~~(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 eight not counted toward the maximum number of guests.~~

(2) New Vacation Rentals. For new applications for vacation rentals of three 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~~ through the ~~proposed-action~~ Level IV administrative use permit process as provided ~~not less than 10 calendar days before issuance of the permit, pursuant to SCCC 18.10.222 in SCCC 18.10.131(B) and (C).~~ Appeals of the ~~proposed~~ action on the application may be made by ~~the applicant or~~ any member of the public. ~~Pursuant pursuant~~ to SCCC 18.10.124(B), 324, and the Planning Director may refer the application to the Zoning Administrator or Planning Commission for a public hearing, in accordance with SCCC 18.10.124(B). For new applications for vacation rentals consisting of four or more bedrooms, the application shall be considered at a public hearing in accordance with ~~the public hearing procedures in Chapter 18.10 SCCC.~~

~~(a) — Level V use permit public hearing procedures as provided in SCCC 18.10.131(C). Any new vacation rental permit issued for vacation rentals consisting of four or more bedrooms will be given a one-year provisional permit subject to review for compliance with vacation rental code requirements~~

prior to granting the remainder of the standard 5-year term. 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, (a) Designated Area Caps. Within the LODA, no more than 220 vacation rental permits shall be issued, and no more than 18 hosted rental permits shall be issued, for a total of 238 vacation rentals and hosted rentals in the LODA. Within the SALSDA, no more than 241 vacation rental permits shall be issued, and no more than 45 hosted rental permits shall be issued, for a total of 286 vacation rentals and hosted rentals in the SALSDA. Within the DASDA, no more than 3 vacation rental permits shall be issued, and no more than 4 hosted rental permits shall be issued, for a total of 7 vacation rentals and hosted rentals in the DASDA.~~

(b) Designated Area Block Limits. In the LODA, SALSDA or DASDA (“Designated Areas”), no new vacation rental shall be approved if parcels with permitted vacation rentals or permitted hosted rentals on the same block total 20 percent or more of the total parcels on that block that allow residential use, excluding those. A Block Map adopted by resolution of the Board of Supervisors shall assign parcels to blocks to determine block capacity for future vacation rental permits. In the count of parcels that allow residential use in each of the Designated Areas, parcels in the Mobile Home Park Combining Zone District; except that in shall be excluded.

The count of parcels that allow residential use shall not include the following streets and areas the percentage of parcels that may have vacation rentals or hosted rentals is because numbers are not limited by caps or block limits in these locations: 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 percent 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 or hosted rentals. Notwithstanding these maximums, each block in the Live Oak Designated Area, the Seacliff/Aptos Designated Area, or the Davenport/Swanton Designated Area

Notwithstanding these block limits, each block in the LODA, SALSDA, or DASDA 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 or hosted rental if otherwise allowable under applicable Designated Area Caps for both vacation rentals and hosted rentals.

(i) Block Map Adjustment. Several areas throughout the County, especially in the LODA and SALSDA, are comprised of incongruous “blocks.” The Block Map is intended to clarify that parcels are permanently assigned to a block in the most organized fashion possible; however, adjustment of blocks may be warranted in certain circumstances. In conjunction with applying for a Vacation Rental Permit, an applicant may request a Block Map Adjustment.

(ii) The Planning Director or designee has the discretion to adjust the Block Map upon making the following finding:

Adjustment of the Block Map is warranted because the block in question is incongruous and such adjustment of the Block Map will not result in an overconcentration (20% or more) of parcels with vacation rentals on the assigned block.

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

(i) Completed application form.

(ii) Application fee deposit. The deposit will cover the estimated costs of processing the application for a new vacation rental permit. Upon notice by the Planning Department, applicants may need to deposit additional funds to cover further processing costs.

~~(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) CopyForm of a rental/lease agreement to be used, or house rules/requirements, which shall include, but not necessarily be limited to, the following: ~~number~~

A. Number of guests allowed ~~(, which shall not exceed two~~ per legal bedroom plus two additional guests, prior to November 1, 2016, children under 12 not counted, on or after November 1, 2016, (children under eight years old not counted); for celebrations and gatherings between 8:00 a.m. and 10:00 p.m., and 10:00 p.m., the maximum number of people allowed is twice the maximum number of guests allowed); number.

B. Number of vehicles a guest is allowed (to park on-site and off-site (specific to the neighborhood), which shall not exceed the number of existing, required, or permitted parking spaces. The on-site parking spaces, plus requirements for new vacation rental permits shall be a minimum of one on-site space for one and two additional that bedroom units, and a minimum of two on-site spaces for three- or more bedroom units. The guest will be considered to allowed to park one additional vehicle off-site. The guest must use on-street parking for the off-site vehicle in the vicinity, of the vacation rental but will not have any exclusive or assigned use of onstreet parking); address any available street parking. Should off-site parking occur within a parking district, the vacation rental permit holder will be required to purchase a parking permit at the business rate and will not be eligible for residential parking permit allocations. In situations where the required on-site parking cannot be provided, an on-site parking exception may be requested in conjunction with a Level V Vacation Rental Permit Application, for consideration by the Zoning Administrator at a public hearing, who shall make the following finding in conjunction with approval of the parking exception:

Existing traffic and parking on nearby streets and properties would not be adversely affected by granting of an on-site parking reduction, as off-site parking is typically available and not subject to significant levels of congestion.

A.C. Restrictions on noise, illegal behavior, and disturbances, including an explicit statement that fireworks are illegal in Santa Cruz County; and directions for trash management (e.g., trash to be kept in covered containers only).

(v) Copy of ~~a~~ County of Santa Cruz transient occupancy registration ~~certificate, or proof of registry with a verified on-line platform,~~ 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 the ordinance amending the original vacation rental ordinance (Ordinance No. 5092, effective July 13, 2011), unless at the time of submission of the application, unless~~ the applicant provides a written agreement acceptable to the County and signed by ~~all the~~ record owner(s) of the adjoining dwelling unit(s) either at the time of application submittal or prior to approval of the vacation rental permit, 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 No. 5229 amending the vacation rental ordinance, only~~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; on or after November 1, 2016, children under eight not counted.~~ Santa Cruz County, like many other coastal cities and counties, now faces an unprecedented ~~number of guests.~~

~~(d) Residences that are subject to affordable housing purposes are~~ covenants and/or are income-restricted vacation rental permit.

~~(e) Waiting List. The Planning Designated Area is at or exceeds~~ maintain a waiting list in the event that a designated area maximum, which shall be comprised of property owners who wish to operate either a vacation rental or a hosted rental in the LODA, SALSDA or DASDA. Prospective applicants shall submit requests via a Waiting List Request Form. Applicants for the waiting list must be the current owner/s of the property. The waiting list request shall become void upon transfer of ownership in accordance with the criteria outlined in SCCC 13.10.694(D)(4).

(3) ~~Renewal of Vacation Rental Permits in the LODA, SADA, and DASDA. In the Live Oak Designated Area, the Seacliff/Aptos Designated Area, or the Davenport/Swanton Designated Area only, All~~ 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, starting on September 15, 2020, except those in the LODA and SALSDA, where~~ vacation rental permits issued before that effective date for property in the Seacliff/Aptos Designated Area shall be limited to a term of must be renewed every five years from May 14, 2015, and application to renew the vacation rental permit must be made in accordance with the provisions of this section the date of issuance. 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 shall be made~~shall be submitted 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~~Upon receipt of a complete ~~shall stay~~application, the expiration of the existing permit shall be stayed until final action is taken on the renewal application. Except as provided in SCCC 18.10.124(B), ~~no public hearing shall be required and action on permit renewal applications shall be by the Planning Director or designee, with notice of the proposed action~~vacation rental renewals shall be processed pursuant to the Level IV administrative use permit process as provided not less than 10 calendar days before issuance or denial of the permit, pursuant to SCCC 18.10.222in SCCC 18.10.131(B) and (C). Appeals of the proposed action on the renewal application may be made by the applicant or any member of the public pursuant to SCCC 18.10.324.

(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~~ shall provide the following to the Planning Department:

(i) Completed application form.

~~(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.~~

(ii) Application fee deposit. The deposit will cover the estimated costs of processing the application for renewal of a vacation rental permit. Upon notice by the Planning Department, applicants may need to deposit additional funds to cover further processing costs.

(iii) Proof of payment of transient occupancy tax, or proof of registry with a verified on-line platform, 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~~Significant rental use shall be ~~made~~interpreted to include no fewer than 10% of weekend nights in accordance with guidelines adopted by resolution a given year, or a minimum occupancy of the Board of Supervisors: 5 weekends or 10 nights per calendar year.

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

(c) ~~Although the Processing of renewal process applications includes a staff review of County records any issued or pending building permits or other permits and other review of all pertinent information specific to complaints, if any, that have been received about the particular subject 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.~~ 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). Additionally, a County Code violation or violations related to the property, such as operating the vacation rental while under emergency orders from the state or County that prohibit such operation, mis-advertising the rental, citations for violation of SCCC 8.30 (Noise), and/or failure of the local property manager to timely respond to complaints are all grounds for denial.

(d) Renewals of "Existing Vacation Rentals," or permits issued pursuant to the first-adopted version of the County's vacation rental regulations in 2011, shall not be subject to block density, neighbor sign-off for condominium units with shared walls, on-site parking requirements, or the restriction on operating a vacation rental on a property which is also developed with an ADU. Additionally, the restriction not allowing vacation rentals in ADUs applies only to vacation rental permits originally issued after March 9, 2018.

(4) Transfer of Property with Vacation Rental Permit in the LODA, ~~SADA~~SALSDA, or DASDA. Within the Live Oak Designated Area, the Seacliff/Aptos/La Selva Designated Area, ~~(except within the La Selva Beach community)~~, and the Davenport/Swanton Designated Area, for properties transferred after September 13, 2016, 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 and shall become nonrenewable at the time of property transfer. For properties located in all other areas of the County, and including the community of La Selva Beach, that are transferred after September 21, 2020, 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 and shall become nonrenewable at the time of property transfer. Any future use as a vacation rental shall require approval of an application for a new vacation rental rather than a renewal vacation rental.

(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, a new vacation rental permit shall be required in accordance with subsection (D)(2) of this section.

(E) ~~Local Contact Person~~Local Property Manager. All vacation rentals shall designate a ~~contact person~~local property manager, who is located within ~~a 30-mile radius~~ of the vacation rental. The ~~contact person~~local property manager 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~~himself as the local property manager. Failure to respond within 60 minutes of being contacted, as verified by County Code Enforcement staff or the County Sheriff, shall constitute a significant violation and may lead to revocation of the permit in accordance with SCCC 18.10.136.

The applicant shall mail, deliver, or otherwise provide the name, address, telephone number(s) of the local ~~contact person~~property manager, and the beginning and expiration dates of the vacation rental permit ~~shall be submitted~~, to the Planning Department, the local Sheriff Substation, the Auditor-Controller-Treasurer Tax Collector, 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 the 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 mailingProof of mailing or delivery of the~~ 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-~~ personproperty manager shall be permanently posted in the rental unit in a prominent location(s). Any change in the local ~~contact personproperty manager~~'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 the~~ 24-hour local ~~contact-property manager~~ responsible for responding to complaints and providing general information, which shall be placed no more than 20 feet back from the nearest street. ~~In the LODA, SADA and DASDA~~For all rentals, the sign must also display the beginning and end dates of the five-year vacation rental permit. This information shall be updated upon any renewal of such a permit. The sign may be of any shape, but may not exceed 216 square inches. There is no minimum sign size so long as the information on the sign is legible from the nearest street. A sign required by this subsection shall be continuously maintained while the dwelling is rented.

(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 eight 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; restrictions on noise, illegal behavior, and disturbances, including an explicit statement that fireworks are illegal in Santa Cruz County; and directions for 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 SCCC 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 SCCC 4.24 SCCC,~~ including any required payment of transient occupancy tax for each residential vacation rental unit.

~~(J) Advertising. All advertising for vacation rentals shall include the vacation rental permit number in the first two lines of the advertisement text, and where photos are included, a photo containing the permit number shall be included, as well as a photo of the required signage that includes the 24-hour contact information and vacation rental identification. Advertising a vacation rental for a property without a vacation rental permit is a violation of this chapter and violators are subject to the penalties set forth in SCCC 19.01.~~

(K) 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.

(KL) Violation. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in ~~Chapter SCCC 19.01-SCCC,~~ Enforcement of Land Use Regulations.

A violation of any of the requirements to obtain a vacation rental permit may be grounds for denial of a new vacation rental permit application. Further, violations of vacation rental regulations, or of any other provision of the Santa Cruz County Code, may be grounds for denial of a renewal application or revocation of an existing vacation rental permit after consideration at a Level V public hearing by the Zoning Administrator (or by the Planning Commission upon referral).

If more than two ~~documented~~, significant violations occur on a vacation rental property within any 12-month period, a permit ~~may~~shall be ~~reviewed~~noticed for ~~possible amendment or a Level V public hearing to consider permit~~ revocation. ~~Evidence of significant “Significant violations” includes, but is not limited to, copies of~~ are: citations; for violation of SCCC 8.30 (Noise); violation of any specific conditions of approval associated with the permit; mis-advertising the capacity and limitations applicable to the vacation rental; written warnings, or other documentation filed by law enforcement; ~~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 ~~S~~state or County health regulations; non-compliance with a public health order or emergency regulation issued by state or local authorities which may limit use and occupancy of vacation rentals; evidence that a permit holder is delinquent delinquency in payment of transient occupancy taxes, fines, or penalties; ~~evidence of~~ non-responsive property management ~~or that appropriate, including failure by the local property manager to respond to calls within 60 minutes; and failure to maintain~~ 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~~ barred from applying for a vacation rental permit ~~on for~~ the same parcel ~~within two years after the date of revocation,~~ without prior consent of the Board of Supervisors.

~~(LM)~~ It is unlawful to make a false report to the Sheriff’s Office regarding activities associated with vacation rentals. [Ord. 5266 § 8, 2018; Ord. 5265 § 12, 2018; Ord. 5264 § 13, 2018; Ord. 5229 § 5, 2016; Ord. 5198 § 1, 2015; Ord. 5092 § 6, 2011].

SECTION VI

The adoption of this ordinance is not a “project” within the meaning of the California Environmental Quality Act (CEQA) because it involves organizational or administrative activities of the County that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines § 15378(b)(5)).

SECTION VII

The Board of Supervisors further finds and determines in its reasonable discretion on the basis of the entire record before it that the proposed amendments to SCCC 13.10 are consistent and compatible with and will not frustrate the objectives, policies, general land uses, and programs specified in the General Plan and Local Coastal Program.

SECTION VIII

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION IX

This ordinance shall take effect on the 31st day following adoption, or upon certification by the California Coastal Commission, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2020 by the Board of Supervisors and the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel