

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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F18a



March 19, 2003

TO: Commissioners and Interested Parties

RECORD PACKET COPY

FROM: Charles Lester, Deputy Director  
Diane Landry, District Manager  
Steve Monowitz, Coastal Planner

*DL 3/19*

SUBJECT: **SAN LUIS OBISPO COUNTY LOCAL COASTAL PLAN MAJOR AMENDMENT NO. 1-01, Part A (Vacation Rental Ordinance).** For public hearing and Commission action at its meeting of April 11, 2003, to be held at the Radisson Santa Barbara, 1111 E. Cabrillo Blvd., Santa Barbara.

**SYNOPSIS**

This amendment proposes to define and identify residential vacation rentals as a particular type of land use, conditionally authorize this use within various land use categories throughout the County coastal zone, and establish regulations for residential vacation rentals that are applicable only in the communities of Cambria and Cayucos, where residents have expressed significant concerns regarding the impacts of vacation rentals. Should the County determine a need to apply these standards to other communities in the future, a subsequent LCP Amendment may be proposed to accomplish this purpose.

The intent of the amendment is to ensure that the rental of residences for transient use takes place in a manner that is compatible with residential communities and neighborhoods. To achieve this objective, the proposed ordinance would establish parameters regarding the allowable length and frequency of vacation rentals, as well as the number of occupants allowed. The ordinance also would institute standards regarding appearance, noise, signs, parking and traffic. Additionally, the ordinance would require vacation rentals to obtain zoning clearances and building licenses, pay transient occupancy taxes, and be managed by a local contact person available 24 hours a day to respond to tenant and neighborhood questions or concerns.

The rental of a residence in Cambria or Cayucos would only be subject to these standards when it meets the definition of Residential Vacation Rental proposed by the amendment. The definition does not include the one time rental of a residence for 14 days or less per year, or the rental of an entire structure for 30 days or longer.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends certification of the amendment only if it is modified to better address the impacts of vacation rentals on coastal resources, public access and residential neighborhoods. Although residential vacation rentals provide opportunities for public access and recreation that are protected by Coastal Act and LCP, they can have adverse impacts on public parking, coastal water supplies, and the character

**California Coastal Commission**

and LCP, they can have adverse impacts on public parking, coastal water supplies, and the character and integrity of residential areas. The suggested modifications are intended to avoid and minimize these impacts, as required to carry out the certified LUP, by:

- Limiting the allowable density of residential vacation rentals by prohibiting their establishment within 500 feet of a parcel being used for the same purpose. This is similar to the LCP standard regulating Bed and Breakfast facilities in residential areas.
- Requiring that parking for all tenants of residential vacation rentals be provided on-site, to avoid reductions on the availability of on-street public parking that supports coastal access and recreation opportunities.
- Clarifying that vacation rentals must comply with the same LCP standards applicable to the construction of a residence.
- Requiring proposed Residential Vacation Rentals to provide evidence that water and sewer service providers have confirmed that there is adequate service capacity to accommodate the proposed use.

With these modifications, the Land Use Plan component of the amendment will be consistent with the Chapter 3 Policies of the Coastal Act, and the implementation component will be adequate to carry out the certified Land Use Plan.

### ANALYSIS CRITERIA

The relationship between the Coastal Act and a local government's Local Coastal Program can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving guidance as to the kinds, locations, and intensities of coastal development. The Implementation Program (IP), or zoning portion of an LCP typically sets forth zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act.

In this case, the proposed LCP Amendment affects both the LUP and IP components of the San Luis Obispo County LCP. The proposed definition of a Residential Vacation Rental, and the specification of which land use designations Residential Vacation Units are allowed, will be incorporated within the LUP, and must conform to the Coastal Act. The standard of review for the proposed Vacation Rental Ordinance is whether it is consistent with, and adequate to carry out the LUP.

### ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Steve Monowitz, Coastal Program Analyst, at the Central Coast District Office of the Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; telephone number (831) 427-4863.



**TABLE OF CONTENTS**

**I. STAFF RECOMMENDATION** ..... 3

**II. SUGGESTED MODIFICATIONS**..... 6

**A. Suggested Modifications to the LUP Amendments** ..... 6

**B. Suggested Modifications to the IP Amendments** ..... 6

**III. RECOMMENDED FINDINGS**..... 8

**A. LCP Background**..... 8

**B. Amendment Description** ..... 8

**C. Amendment Background** ..... 10

**D. Coastal Act Consistency** ..... 10

        1. Coastal Access and Recreation..... 10

        2. New Development..... 12

**D. Ability to Carry Out LUP**..... 13

        1. Coastal Access and Recreation..... 13

        2. Public Service Capacities..... 16

        4. Standards for the Construction of Residential Vacation Rentals..... 18

**E. California Environmental Quality Act (CEQA)** ..... 18

**EXHIBITS**

1. Regional Location Map
2. Amendment Submittal
3. Correspondence

**I. STAFF RECOMMENDATION**

**NOTE: A total of FOUR motions is required to complete the recommended action.**

**A. DENIAL OF LAND USE PLAN AMENDMENT NO. 1-01, PART A, AS SUBMITTED**

**MOTION: *I move that the Commission certify Land Use Plan Amendment 1-01 Part A as submitted by San Luis Obispo County.***

**STAFF RECOMMENDATION TO DENY:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.



**RESOLUTION TO DENY:**

The Commission hereby denies certification of the Land Use Plan Amendment 1-01, Part A as submitted by *San Luis Obispo County* and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. APPROVAL OF LAND USE PLAN AMENDMENT NO. 1-01, PART A, IF MODIFIED AS SUGGESTED

**MOTION:** *I move that the Commission certify Land Use Plan Amendment 1-01 Part A for San Luis Obispo County if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:**

Staff recommends a YES vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Land Use Plan Amendment 1-01 Part A for San Luis Obispo County if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. DENIAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. 1-01, PART A, AS SUBMITTED

**MOTION:** *I move that the Commission reject Implementation Program Amendment No. 1-01 Part A for San Luis Obispo County as submitted.*



**STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a YES vote. Passage of this motion will result in rejection of Implementation Program amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Program Amendment No. 1-01 Part A for San Luis Obispo County and adopts the findings set forth below on grounds that the Implementation Program as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program 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 Program as submitted.

**D. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT NO. 1-01 PART A IF MODIFIED AS SUGGESTED**

**MOTION:** *I move that the Commission certify Implementation Program Amendment No. 1-01 Part A for San Luis Obispo County if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION:**

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies Implementation Program Amendment No. 1-01 Part A for San Luis Obispo County if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program 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 Program 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.



## II. SUGGESTED MODIFICATIONS

The amendment submittal is attached to this report as Exhibit 2. The suggested modifications (below) indicate additions to the amendment submittal with underlines, and deletions with ~~strikethroughs~~.

### A. Suggested Modifications to the LUP Amendments

Suggested modification to the proposed definition of Residential Vacation Rental:

~~The use of residential property where~~ A Residential Vacation Rental is the use of an existing residence, or a new residential structure that has been constructed in conformance with all standards applicable to residential development, is rented as a rental for transient use. Rental shall not exceed one individual tenancy within seven consecutive calendar days. This definition does not include the one time rental of a residence for 14 consecutive days or less in any calendar year; “Bed and Breakfast Facilities”, “Homestays”, and Hotels, Motels” which are defined separately; and rooming and boarding houses (included under “Multi-Family Dwellings”) or rental of an entire structure for 30 days or longer.

### B. Suggested Modifications to the IP Amendments

Suggested modification to proposed Ordinance 23.08.165, attached to this report as Exhibit 2 (additions shown by underlines, deletions by ~~strikethroughs~~):

23.08.165 – Residential Vacation Rental. The development of a new structure intended for use as a Residential Vacation Rental shall comply with all standards applicable to the construction of a residence within the land use designation that the Residential Vacation Rental is proposed. Rental shall not exceed one individual tenancy within seven consecutive calendar days. The use of residential property as a vacation rental within the Cambria and Cayucos urban reserve lines shall comply with the following standards ~~within the Cambria and Cayucos urban reserve lines~~:

...

- b. Permit Requirements. Zoning Clearance, Business License and Transient Occupancy Tax Registration for each residential vacation rental. Where water or sewage disposal is provided by a community system, evidence shall be submitted with the application for Zoning Clearance to show that the service provider(s) has been informed of the proposed use of the property as a vacation rental, and has confirmed that there is adequate service capacity available to accommodate this use.
- c. Location. Within all residential land use categories, no residential vacation rental



shall be located within 500 feet of a parcel on which is located any residential vacation rental or other type of visitor-serving accommodation.

- e. ~~d.~~ Vacation rental tenancy. Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. ~~A four-day minimum rental is required, however, occupancy of the residence is not required to occur for the entire time period.~~ No additional occupancy (with the exception of the property owner) shall occur within that seven day period. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied unit. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
- ~~e.~~ e. Number of occupants allowed. The maximum number of occupants allowed in an individual vacation rental shall not exceed the number of occupants that can be accommodated consistent with the on-site parking requirement set forth in subsection i hereof, and shall not exceed two persons per bedroom plus two additional persons. The Zoning Clearance shall specify the maximum number of occupants allowed in each individual vacation rental.

*[Re-letter following subsections accordingly]*

...

- ~~g.~~ h. ~~Parking and~~ Traffic. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. For purposes of this section, normal residential traffic volume means up to 10 trips per day. ~~All parking shall occur on the garage, driveway and/or street frontage of the site. The conduct of the residential vacation rental shall not preclude the use of the garage for guest vehicle parking on a daily basis.~~
- i. On-Site Parking Required. All parking associated with a Residential Vacation Rental shall be entirely on-site, in accordance with subsection e., above. Tenants of residential vacation rentals shall not use on-street parking at any time.

...

- ~~k.~~ m. Effect on existing residential vacation rentals. Each individual vacation rental unit in existence on the effective date of this section (*insert effective date*) shall be subject to a Zoning Clearance, Business License, Transient Occupancy tax registration, and all standards set forth in this Section except subsection c regarding location, provided evidence that the vacation rental unit was in existence prior to April 11, 2003. Zoning Clearance, Business License, and Transient Occupancy Tax Registration, shall be requested from the County within 120 days of the effective date specified above. If the Zoning Clearance, Business License, and Transient Occupancy Tax Registration, have not been



requested within the time frames set forth in this section, the penalties of Chapter 22.10 (Enforcement) of this Title shall apply.

### III. RECOMMENDED FINDINGS

#### A. LCP Background

The San Luis Obispo County certified LCP is composed of seven parts: the Coastal Zone Land Use Ordinances, which is the Implementation Plan (IP) portion of the LCP; the Framework for Planning, the Coastal Plan Policies, and four area plans, which make up the Land Use Plan (LUP). The Commission approved the LUP with modifications on October 4, 1982, and the IP was approved as submitted on October 7, 1986. The County assumed permit-issuing authority on March 1, 1988. Currently, the LCP does not include standards for residential vacation rentals.

#### B. Amendment Description

The amendment proposes standards for the use of residences as vacation rentals, intended to improve the compatibility of such rentals with surrounding residential uses. The amendment was developed in response to resident's concerns about the impact of vacation rental on their communities. According to the County, these concerns have been limited to the communities of Cambria and Cayucos. Thus, most of the proposed standards for rental of residences as vacation units are applicable only within the urban reserve lines of Cambria and Cayucos. The County has indicated its intention to consider the expansion of these standards, via future LCP amendments, in the event that residential vacation rentals become an issue in other coastal communities.

Within the certified LUP, the amendment proposes to identify Residential Vacation Rentals as a special (i.e., conditional) use allowed within all land use designations except the Commercial Service, Industrial, Public Facility and Open Space designations. The only standard for Residential Vacation Rentals contained in the LUP portion of the amendment, which would apply countywide, is one that prohibits the frequency of rentals from exceeding one individual tenancy within seven consecutive calendar days. This standard is found in the proposed definition for Residential Vacation Rentals, which states:

*The use of residential property where a residence is rented for transient use. Rental shall not exceed one individual tenancy within seven consecutive calendar days. This definition does not include the one time rental of a residence for 14 consecutive days or less in any calendar year, "Bed and Breakfast Facilities, "Homestays", and Hotels, Motels" which are defined separately; and rooming and boarding houses (included under "Multi-Family Dwellings") or rental of an entire structure for 30 days or longer.*

All of the other proposed standards for Residential Vacation Rentals are to be located in the Coastal Zone Land Use Ordinance (CZLUO) component of the certified IP, and apply only to the Cambria and Cayucos urban areas. The proposed ordinance (CZLUO Section 23.08.165) identifies permit





requirements, limits the frequency and occupancy of vacation rentals, and establishes standards regarding the appearance, operation, and management of such units.

In terms of permit requirements, the proposed ordinance calls for Zoning Clearance, Business License and Transient Occupancy Tax Registration for each residential vacation rental. Zoning Clearance represents verification by the San Luis Obispo County Department of Planning and Building that certain proposed uses of existing buildings and other activities are in compliance with the LCP. Applications to establish a Residential Vacation Rental must also submit evidence that water and sewer service providers had been informed of the proposed use.

With regard to occupancy, the proposed ordinance establishes a maximum of two persons per bedroom plus two additional persons, and limits the frequency of such rentals to one per seven calendar days. There is a minimum rental period of four days, but the unit is not required to be occupied during the entire four day period.

The other proposed standards for residential vacation are summarized as follows:

- Where a residence is used as a vacation uses, other uses such as home occupations, temporary events, and homestays are prohibited;
- Vacation rentals must not change the residential appearance of the structure;
- On-site signs advertising vacation rentals are prohibited;
- Vehicle use associated with the rental unit must not exceed 10 trips per day;
- Parking for renters must be provided on the site (in the garage and driveway) and on the street frontage of the site;
- Residential Vacation Rentals must comply with the County Noise ordinance. Equipment requiring more than the standards household electrical currents, or that would produce noise, dust, odor, or vibration detrimental to adjoining residences are prohibited;
- A local property manager must be designated and available 24 hours a day to respond to tenant and neighborhood questions or concerns. This information must be posted in a prominent location in the unit and furnished to the County Planning Department, Sheriff stations, and fire agencies. Where the local property manager is unavailable or fails to respond the complaining party is to contact the Sheriff's Department.

In addition to being subject to the Enforcement Section of the CZLUO, the proposed ordinance specifies that violation of the above standards may result in revocation of the Zoning Clearance and Building License for the Residential Vacation Rental.



### **C. Amendment Background**

The proposed amendment was considered and continued by the Commission on March 7, 2002 in order to provide the County with time to respond to the concerns regarding the impacts of vacation rentals on coastal resources, coastal access opportunities, and the integrity of residential neighborhoods. On April 17, 2002, the Commission staff sent a letter requesting the County to further evaluate the need to limit the amount of residential vacation rentals; address impacts to water supplies, water quality, public parking, and other land use designations; address the American Disability Act (ADA) requirements; and, ensure that regulations will be effectively enforced. A copy of this letter is attached as Exhibit 3, page 15.

San Luis Obispo County submitted a response to this letter on February 20, 2003 (pages 20 – 22 of Exhibit 3) that presents the County's position on these issues. The County has not proposed any revisions to the amendment submittal, but has outlined some modifications for the Commission to consider. With respect to limiting the number of vacation rentals, the County has suggested prohibiting the establishment of any new vacation rental within 500 feet of a parcel already containing a vacation rental. This is the same way in which the existing LCP currently regulates the number of Bed and Breakfasts within Residential Suburban Land Use Categories. With regard to parking, the County's letter states that the Commission could require all parking to be provided on-site.

In terms of water use, the County response states that the Cambria Community Services District has indicated that vacation rentals use less water than full time residents. The letter also states that additional water information is being developed by a Property Manager's Association, and will be submitted at a later date.

Finally, with respect to enforcement, the County indicates that the Sheriff's Office, County Code Enforcement, and property managers will enforce compliance with the ordinance. A more detailed analysis of these issues is presented in the following findings.

### **D. Coastal Act Consistency**

The proposed amendment to the certified LUP must conform to the Chapter 3 policies of the Coastal Act. An analysis of the LUP amendment's consistency with the applicable Coastal Act policies is provided below.

#### **1. Coastal Access and Recreation**

##### **a. Access and Recreation Policies**

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from



overuse.

Coastal Act Section 30213 states, in relevant part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred. ...

Coastal Act Section 30222 provides:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities shall have high priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal dependent developments or users.

Coastal Act Section 30252 requires:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the development.

## 2. Analysis

The above policies protect coastal access and recreation opportunities for the general public, among other ways, by prioritizing the provision of visitor-serving commercial facilities, particularly lower cost facilities, and requiring that new development be accompanied by the planning and infrastructure necessary to protect and enhance existing access and recreation opportunities. Section 30210 recognizes that the provision of maximum access must protect public rights, private property rights, and natural resource areas from overuse.

The opportunity to rent residences within California's coastal communities represents one way in which California residents and visitors enjoy the coast. In some instances, residential vacation rentals may provide a lower cost alternative to renting hotel or motel rooms for large families or groups of individuals. In this context, proposals to regulate the rental of residences to visitors have the potential to conflict with Coastal Act objectives to protect access and recreation opportunities, as well as with the prioritization of visitor-serving commercial facilities established by Section 30222.

In the case of the proposed LUP amendment, the establishment of Residential Vacation Rentals as a



special (i.e., conditional) use will not reduce coastal access and recreation opportunities. The designation does not prohibit, or unduly restrict the rental of residences to visitors, in a manner that will diminish the public's ability to access and recreate on the coast by renting a coastal residence. Rather, the designation of a Residential Vacation Rental as a special use provides an opportunity to regulate Residential Vacation rentals, where necessary, in a manner that protects coastal resources and access and recreation opportunities consistent with the Chapter 3 policies of the Coastal Act and the certified Land Use Plan.

Indeed, regulating residential vacation rentals has been identified by residents of Cambria and Cayucos as a critical need for the protection of their private property, as required by Coastal Act Section 30210. Without proper regulation, vacation rentals can adversely affect the rights of adjacent residential property owners by introducing excessive noise and activity beyond that which is reasonable for a residential neighborhood. Notwithstanding the fact that vacation rentals provide visitor-serving and coastal recreation opportunities, some instances may arise where regulation is needed to ensure that such facilities respect the resource protection standards, and the integrity of the residential land use designations, established by the LCP. The County has proposed to provide these regulations in the certified Implementation Plan, which must be adequate to carry out the provisions of the certified Land Use Plan, and are analyzed in detail below. The Land Use Plan portion of the amendment is consistent with Coastal Act policies because it provides appropriate discretion over the proposed establishment of residential vacation rentals by designating them as a conditionally (rather than principally) permitted use.

### c. Conclusion

The proposal to establish Residential Vacation Rentals as an allowable but conditional use provides an appropriate means to ensure that such use, which provide coastal access and recreation opportunities, are established and operated consistent with the protection coastal resources and adjacent properties, in accordance with the Coastal Act access and recreation policies cited above.

## **2. New Development**

### a. Coastal Act Policies

Section 30250 requires, in relevant part:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. ...

### b. Analysis

The primary means by which LCP's carry out Section 32050 and other Coastal Act resource protection requirements is to establish regulations regarding the allowable type, intensity and location of particular



land uses. The submitted LUP amendment proposes to establish Residential Vacation Rentals as an allowable use, but does not include standards regarding the development of such uses necessary to ensure consistency with Coastal Act Section 30250 or other Coastal Act resource protection requirements. For example, the amendment does not identify height and density limits or setback standards that would apply to a proposal to construct Residential Vacation Rental units. Apparently this was an oversight related to the fact that most Residential Vacation Rentals take place within an existing residential development, and therefore do not involve any new construction.

To address this issue, the Suggested Modification to the Land Use Plan amendment revises the definition of Residential Vacation Rentals in a manner that clarifies that this use is limited to the rental of an *existing* residence, or a new residence *constructed in conformance with all LCP standards applicable to residential development*. This modification ensures that the establishment of a Residential Vacation Rental will be carried out in a manner that addresses the coastal resource protection criteria for new development established by Section 30250 and other Chapter 3 policies of the Coastal Act.

### c. Conclusion

The amendment must be denied as submitted because the establishment of Residential Vacation Rentals as an independent land use is not accompanied by standards necessary to ensure that the development of this use will take place consistent with Section 30250 and other Chapter 3 policies of the Coastal Act. Therefore, the Commission suggests that the amendment be modified in a manner that applies the same LCP development standards and performance criteria for residential uses to the development of a Residential Vacation Rental. Only with this modification can the amendment be found consistent with Chapter 3 of the Coastal Act.

## **D. Ability to Carry Out LUP**

### **1. Coastal Access and Recreation**

#### a. LUP Provisions

##### **Access Policy 4: Provision of Support Facilities and Improvements**

Facilities necessary for public access shall be provided. This may include parking areas, restroom facilities, picnic tables or other such improvements. The level of these facilities and improvements should be consistent with the existing and proposed intensity and level of access use and provisions for on-going maintenance. Requirements for coastal access and improvements are identified in the specific Planning Area Standards and the Land Use Ordinance for the coastal zone. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.430H OF THE CZLUO.]

##### **Access Policy 8: Minimizing Conflicts with Adjacent Uses**

Maximum Access shall be provided in a manner which minimizes conflicts with adjacent uses. Where a proposed project would increase the burdens on access to the shoreline at the present time or in the



future, additional access areas may be required to balance the impact of heavier use resulting from the construction of the proposed project. [THIS POLICY SHOULD BE IMPLEMENTED PURSUANT TO SECTION 23.04.420J OF THE CZLUO].

**Access Policy 10: Protection of Property Rights and Privacy**

The acquisition of rights for access and view purposes and other uses by the public should be consistent with the protection of the property and the use rights of private property owners. Access routes should be selected and designed so as to minimize the public impact on private property.

This is not meant to be exclusionary against public access rights but to cause a balance to be struck in protecting the individual citizen's property and privacy. Nothing in the Local Coastal Program is to be construed as encouraging, permitting, or endorsing trespass or invasion of private property rights or privacy. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.04.420K OF THE CZLUO.]

**Recreation and Visitor Serving Facilities Policy 1: Recreation Opportunities**

Coastal Recreation and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged, and where feasible provided by both public and private means. ...

**Recreation and Visitor-Serving Facilities Policy 2: Priority for Visitor-Serving Facilities**

Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources. The Land Use Plan shall incorporate provisions for areas appropriate for visitor-serving facilities that are adequate for foreseeable demand. ...

**b. Analysis**

Similar to the Coastal Act Policies previously cited, the LUP seeks to protect and maximize coastal access and recreation opportunities in a manner that is consistent with the protection of coastal resources and residential properties. The regulation of residential vacation rentals plays an important role in implementing these LUP policies by ensuring that this visitor-serving use is conducted in a manner that protects access, resources, and the integrity of residential land use designations.

**Impacts to public parking.** Vacation rentals are often occupied by more than one family, and therefore require more parking spaces than homes occupied by full time residents. As a result, the use of homes as vacation rentals reduces the amount of on-street parking used for beach day use and coastal recreation. As submitted, the proposed ordinance does not adequately address this impact because it allows residential vacation rentals to use on-street parking to meet parking requirements, and lacks the density standards necessary to prevent a cumulatively significant impact. The suggested modifications to this amendment seek to implement LUP policies calling for the protection and provision of adequate public access support facilities by requiring that all vacation rental parking be provided on-site, as suggested in the County's response to the concerns previously expressed by the Commission. This is to



be implemented by limiting the number of allowable applicants to that which can be accommodated by on-site parking.

**Impacts to residential properties and neighborhoods.** The intensity of use that occurs on a residential parcels being used as vacation rental exceeds that of a typical single-family residence in more than just parking. The number of people occupying vacation rentals, and the associated level of noise and activity, can increase demands on public infrastructure capacities and cause conflicts with adjacent property owners. Full-time residents concerned about the impacts that residential vacation rentals have on their community have asserted that their property rights, and the integrity of their residential neighborhoods, are being adversely affected by short-term rentals.

There are various regulatory tools available to address these impacts, which can be cumulatively significant. These include limiting the intensity of vacation rental use, and restricting the number and density of such units to address cumulative impacts. As submitted, the ordinance only regulates intensity, by limiting turn over to no more than one rental every seven days. This only partly addresses the impacts that vacation rentals can have on residential neighborhoods.

Another method for regulating the intensity of vacation rental use requested by local residents is a minimum 4-day rentals period, at full-value advertised rates. It appears that this request is based on a presumption that visitors who stay for longer periods of time are less likely to engage in disruptive behavior. Although the 4-day minimum stay limit was included in the version of the ordinance approved by the County Planning Commission, the enforceability of this requirement was diminished by the Board of Supervisors addition of language that does not require renters to be present during the 4 day rental period.

The suggestion to establish a four-day minimum stay requirement conflicts with LUP objectives, because it would unduly restrict the coastal access and recreation opportunities supported by weekend rentals. In addition, the establishment of minimum rental fees is inconsistent with LUP Policies protecting and encouraging lower-cost visitor serving opportunities, as well as with Coastal Act Section 30213, which specifically prohibits the Commission from fixing rental rates.

Therefore, rather than establishing minimum stays and rental prices that diminish lower-cost visitor-serving opportunities, the suggested modifications to this amendment seek to protect residential communities by restricting the overall density and number of such rentals allowed. This will ensure that the number of rentals do not exceed that which will diminish the residential character of neighborhoods, and will help protect the rights of full time residents by avoiding situations where a home is surrounded by rentals.

Although the County has indicated concern about imposing such limits, the February 20, 2003 letter from County planning staff states "that if the Commission were to apply such a restriction, then it should be the same restriction as applies to Bed and Breakfast facilities in the Residential Suburban land use category. This limitation does not allow for the establishment of a Bed and Breakfast facility within 500 feet of a parcel on which is located any other bed and breakfast facility. If imposed, this standard could apply to all new residential vacation rentals requested after the 120 day timeframe established in the ordinance for existing vacation rentals to receive zoning clearance/business license



approval. This would allow for all existing established vacation rentals to continue and would only affect new requests.

Application of the suggested standard provides a viable means for protecting the residential neighborhoods of Cambria and Cayucos, where the most prevalent numbers of vacation rentals are located. These areas contain small lots with about 50 feet of street frontage, and approximately 12 lots per block. Thus, the suggested modification would limit residential vacation rentals in most urban areas of Cayucos and Cambria to, in most cases, one per street. In addition, this would cap the overall number of rentals that could be established at buildout. More than one rental per street may occur when they are located on corner lots, or where the rentals were in operation prior to the Commission's action on this amendment. This is in contrast to the County's suggestion, which would essentially allow new rentals to be established within 500 feet of an existing residence for a period up to 120 days after the ordinance becomes effective, which could be over a year from the Commission's action.

### c. Conclusion

As submitted, the proposed ordinance is inadequate to carry out LUP Policies protecting parking that serves public access, and requiring that the provision of access and visitor-serving facilities protect adjacent properties. This is due to the fact that the amendment does not adequately address the cumulative impacts that an unlimited number of vacation rentals will have on public parking opportunities, and the integrity of residential neighborhoods. Therefore, only as modified to establish density limits and on-site parking requirements will the amendment carry out the LUP access and recreation policies cited above.

## 2. Public Service Capacities

### a. LUP Provisions

Coastal Plan Policy 1 for Public Works states:

New development (including the division of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if it can be serviced by adequate private on-site water and waste disposal systems.

The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise





be approved consistent with available resources.

**b. Analysis**

Both Cambria and Cayucos have limited public service capacities, particularly related to water supplies, that need to be considered when the LCP is amendment to expand the allowable type of land uses. In the case of the proposed amendment, the establishment of Residential Vacation Rentals is not an expansion of allowable land use per say, since short-term rentals of residences in these communities has been ongoing, and the amendment only regulates this existing use. Nevertheless, given the significant water constraints faced by both these communities, it is important to evaluate how the continued use of residences as vacation rentals may be impacting local water supply capacities.

In response to Commission concerns regarding this issue, the County staff has indicated that, based on their discussions with the Cambria Community Services District (CCSD), it can be assumed that vacation rentals use less water than full time residents. Specifically, the County's letter of February 20, 2003 states:

“Since primary use of vacation is in the summer months which means that other parts of the year the rental is empty, it was presumed by the CCSD that there would be less water use in that unit than in a unit that is occupied year round by a full time resident. Specific information about water use is being developed by the Property Manager's association and should be available soon. I will pass this information to you as soon as it becomes available.”

The additional information referenced by the County's letter has not been received as of the writing of this staff report, but is expected to be available prior to the hearing. Based on the information currently available, the submitted amendment requires applications to establish vacation rentals to include evidence that water and sewer providers have been informed of the proposed use of the property as a Residential Vacation Rental. This does not provide an effective mechanism to prevent a Residential Vacation Rental from being established in the event that there are not adequate services available. Thus, the suggested modifications require applications to be accompanied by evidence that the service providers have determined that there are adequate water and sewer capacities available to serve the proposed Residential Vacation Rental.

**c. Conclusion**

As submitted, the Implementation Plan amendment does not carry out LUP provisions requiring the demonstration of adequate and available public services, and therefore must be denied. Only with the suggested modification that requires applications to establish Residential Vacation Rentals to provide evidence of available public services will the implementation plan amendment effectively carry out the certified LUP.



#### 4. Standards for the Construction of Residential Vacation Rentals

##### a. LUP Coastal Resource Protection Provisions

As previously noted, the submitted amendment lacks the development standards necessary to address the full range of impacts that the construction of a new structure, proposed as a Residential Vacation Rental, may have on coastal resources, such as scenic views and sensitive habitats. Therefore, the LUP amendment must be modified to clarify that such development is subject to the same development and performance standards as the construction of a residence.

##### b. Analysis

To effectively implement the modified Land Use amendment, a parallel modification must be made to the submitted Implementation Plan amendment. Specifically, the ordinance regulating the establishment of Residential Vacation Rentals must be supplemented with a requirement that the development of a new structure intended for use as a Residential Vacation Rental must comply with all LCP standards applicable to the construction of a residence within the land use designation that the Residential Vacation Rental is proposed.

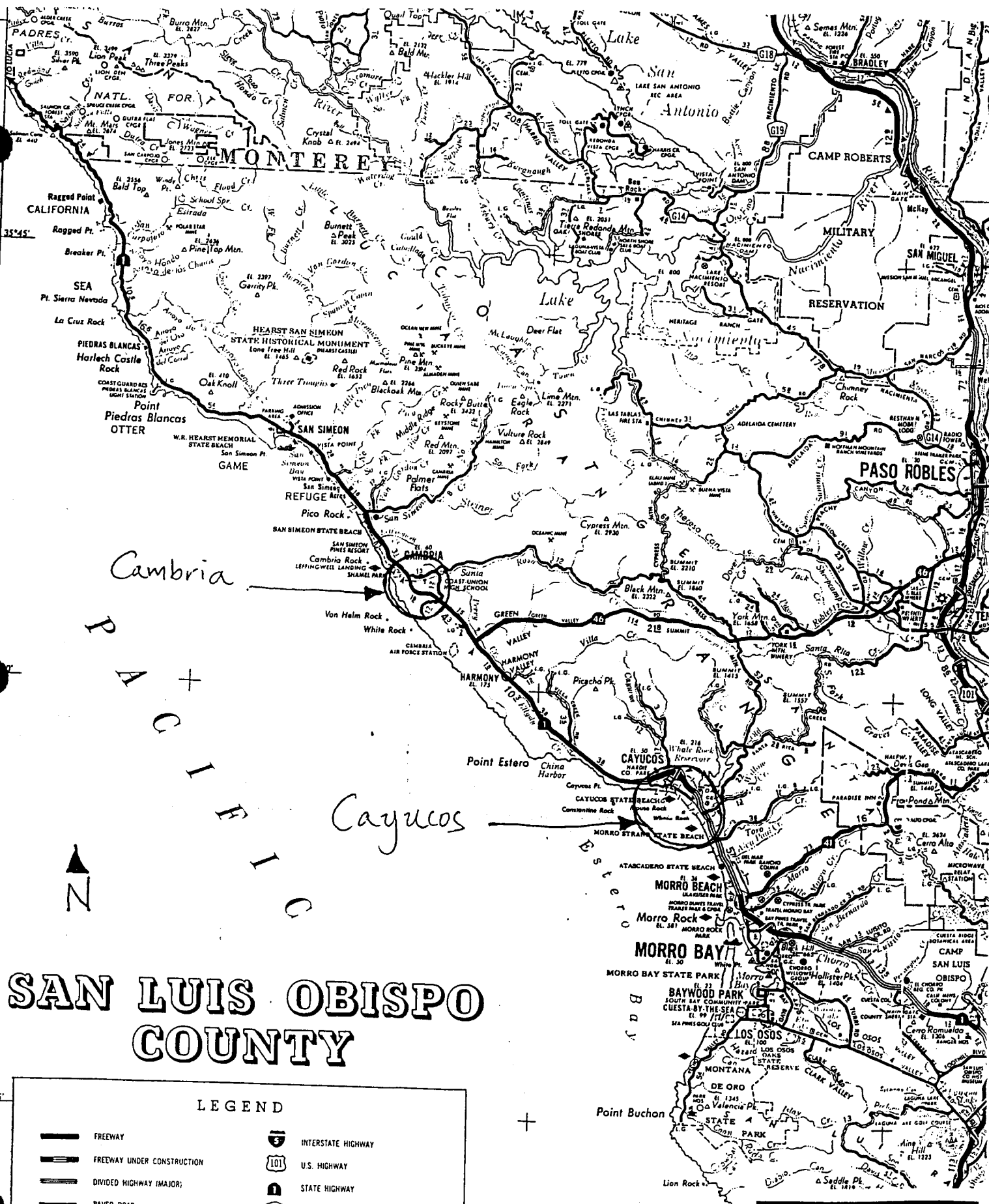
##### c. Conclusion

The implementation plan amendment must be denied as submitted because it does not contain adequate standards for the construction of a residential vacation rental to effectively implement the coastal resource protection provisions established by the certified Land Use Plan. Only with the suggested modification will the implementation plan amendment effectively carry out the certified Land Use Plan.

#### E. California Environmental Quality Act (CEQA)

The Secretary of Resources has certified the Coastal Commission's review and development process for Local Coastal Programs and amendments as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does use any environmental information that the local government has developed. In this case the County approved a Negative Declaration for the LCP amendment. Staff has applied the information presented in the Negative Declaration, as well as public comments received, in the analysis of the amendment submittal, and has identified additional measures that need to be incorporated into the amendment in order to avoid adverse environmental impacts. These measures are embodied in the suggested modifications to the County's amendment submittal. With these changes, approval of the amendment complies with the California Environmental Quality Act because as modified, the amendment will not have significant environmental effects for which feasible alternatives or mitigation measures have not been employed. The basis for this determination is documented in the findings of this report, which are incorporated by reference as if set forth herein in full.





# SAN LUIS OBISPO COUNTY

## LEGEND

- |  |                            |  |                                   |
|--|----------------------------|--|-----------------------------------|
|  | FREEWAY                    |  | INTERSTATE HIGHWAY                |
|  | FREEWAY UNDER CONSTRUCTION |  | U.S. HIGHWAY                      |
|  | DIVIDED HIGHWAY (MAJOR)    |  | STATE HIGHWAY                     |
|  | PAVED ROAD                 |  | COUNTY HIGHWAY                    |
|  | LOCAL ROAD                 |  | COUNTY SEAT                       |
|  | GRAVEL ROAD                |  | MILEAGE DART                      |
|  | GRADED DIRT ROAD           |  | MILEAGE BETWEEN DARTS             |
|  | DIRT ROAD                  |  | MILEAGE BETWEEN TOWNS & JUNCTIONS |
|  | POOR OR DOUBTFUL ROAD      |  | CALIFORNIA HIGHWAY PATROL OFFICE  |
|  | TRAIL                      |  |                                   |

**EXHIBIT NO. 1**

APPLICATION NO. SLO UCPA 1-01 Part A

Regional Location Maps

Copy

EXHIBIT G990004L:C

As recommended by the Board action 2/16/01

1. **Revise Chapter 6, Coastal Zone Framework for Planning - Part I of the Land Use Element/Local Coastal Plan of the County of San Luis Obispo General Plan, Page 6-34, Coastal Table O as follows:**

**Residential Uses** - Add Residential Vacation Rental as a "S-8" to the same land use categories where Single Family Dwellings are an allowed or special use.

	AG prime	AG non-prime	RL	REC	RR	RS	RSF	RMF	O&P	CR	CS	IND	PF	OS
Residential Vacation Rental	S-8	S-8	S-8	S-8	S-8	S-8	S-8	S-8	S-8	S-8				

2. **Revise Chapter 6, Coastal Zone Framework for Planning - Part I of the Land Use Element/Local Coastal Plan of the County of San Luis Obispo General Plan, Land Use Definitions as follows:**

**Bed and Breakfast Facilities [I1]**

Residential structures with one family in permanent residence where bedrooms without individual cooking facilities are rented for overnight lodging, where meals may be provided subject to applicable county Health Department regulations. Does not include "Homestays", "Hotels, Motels", and "Residential Vacation Rentals" which are defined separately; rooming and boarding houses (included under "Multi-Family Dwellings"); or the rental of an entire residence for more than 30 days .

**Homestays [I5]**

Residential structures in Residential Single Family and Residential Suburban neighborhoods with a family in permanent residence where no more than two bedrooms without cooking facilities are rented for overnight lodging. Does not include provision of meals. This definition does not include "Bed and Breakfast Facilities", "Hotels, Motels", and "Residential Vacation Rentals" which are defined separately; rooming and boarding houses (included under "Multi-Family Dwellings"); or rental of an entire structure for more than 30 days .

**Residential Vacation Rental [E14]**

The use of residential property where a residence is rented for transient use. Rental shall not exceed one individual tenancy within seven consecutive calendar days. This definition does not include the one time rental of a residence for 14 consecutive days or less in any calendar year, "Bed & Breakfast Facilities, "Homestays", and "Hotel, Motels" which are defined separately; and rooming and boarding houses (included under "Multi-Family Dwellings") or rental of an entire structure for 30 days or longer.

EXHIBIT NO. 2, p.1
APPLICATION NO. SLO LCPA 1-01 Part A
Calvin Hill

EXHIBIT G990004L:D

*As recommended by Board action 2/16/01*

ORDINANCE NO. 2933

AN ORDINANCE AMENDING TITLE 23 OF THE  
SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE  
CHAPTER 23.08 RELATING TO RESIDENTIAL VACATION RENTALS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1. Chapter 23.08 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding new Section 23.08.165 to read as follows:

23.08.165 - Residential Vacation Rental. The use of residential property as a vacation rental shall comply with the following standards within the Cambria and Cayucos urban reserve lines:

- a. Purpose. The purpose of this subsection is to establish a set of regulations applicable to residential vacation rentals. These regulations are in addition to all other provisions of this Title. In the adoption of these standards the Board of Supervisors find that residential vacation rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full time residents. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods they are located within.
- b. Permit requirements. Zoning Clearance, Business License and Transient Occupancy Tax Registration for each residential vacation rental. Where water or sewage disposal is provided by a community system, evidence shall be submitted with the application for Zoning Clearance to show that the service provider(s) has been informed of the proposed use of the property as a vacation rental.
- c. Vacation rental tenancy. Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. A four day minimum rental is required, however, occupancy of the residence is not required to occur for the entire time period. No additional occupancy (with the exception of the property owner) shall occur within that seven day period. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied unit. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
- d. Number of occupants allowed. The maximum number of occupants allowed in an individual residential vacation rental shall be two persons per bedroom plus two additional persons. The Zoning Clearance shall specify the maximum number of occupants allowed in each individual vacation rental.

- e. Appearance, visibility and location. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, ; or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.
- f. Signs. Availability of the rental unit to the public shall not be advertised on site.
- g. Parking and traffic. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. For purposes of this section, normal residential traffic volume means up to 10 trips per day. All parking shall occur in the garage, driveway and/or street frontage of the site. The conduct of the residential vacation rental shall not preclude the use of the garage for guest vehicle parking on a daily basis.
- h. Noise. All residential vacation rentals shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings.
- i. Local contact person. All residential vacation rentals shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. All the requirements enumerated in this section shall continue to apply.
- (1) The name, address and telephone number(s) of the local contact person shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency and supplied to the property owners within a 300 foot radius. 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.
  - (2) If the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office. The Sheriff will attempt to reach the local contact person. In cases where the Sheriff was unable to reach the local contact person, the penalties as set forth in Subsection 1 shall apply.
- j. Transient Occupancy Tax. Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.

SLO LCPA 1-01 Part A  
Exhibit 2, P. 3

- k. Effect on existing residential vacation rentals. Each individual vacation rental in existence on the effective date of this section (effective date , 20\_\_ ) shall be subject to a Zoning Clearance, Business License, Transient Occupancy Tax Registration, and all standards set forth in this Section. Zoning Clearance, Business License, and Transient Occupancy Tax Registration, shall be requested from the county within 120 days of the effective date specified above. If the Zoning Clearance, Business License, and Transient Occupancy Tax Registration, have not been requested within the time frames set forth in this section, the penalties of Chapter 22.10 (Enforcement) of this Title shall apply.
- l. Violation - vacation rental. 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 23.10 of this Title (Enforcement). Additional penalties for violation of this section may include revocation of the Zoning Clearance and Business License. If a local contact person is not able to be reached by the Sheriff more than three times in any consecutive six month period, this shall be grounds for revocation of the Business License consistent with Title 6 of the County Code.

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall become operative only upon approval without any modifications by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification.

SECTION 5. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SLO LCPA 1-01 Part A  
Exhibit 2, p. 4

INTRODUCED at a regular meeting of the Board of Supervisors held on the 16th day of January, 2001, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 6th day of February, 2001, by the following roll call vote, to wit:

AYES: Supervisors Shirley Bianchi, Peg Pinard, Chairperson K.H. "Katcho" Achadjian

NOES: Supervisors Harry L. Ovitt, Michael P. Ryan

ABSENT: None

ABSTAINING: None

K.H. ACHADJIAN

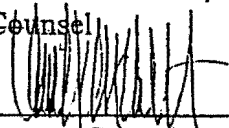
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

JULIE L. RODEWALD  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California  
BY: CHERIE AISFURO Deputy Clerk  
[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By:   
Deputy County Counsel

Dated: 1-2-01

SLO LCPA 1-01 Part A  
Exhibit 2, P. 5



# Central Coast Management Association

225 S. Ocean Avenue, Cayucos, CA 93430

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

Subject: Local Coastal Program Amendment 1-01

August 21, 2001

Dear Steve,

On February 6<sup>th</sup>, 2001 the Board of Supervisors passed Ordinance 2933, to amend Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance Chapter 23.08 relating to residential vacation rentals. This Ordinance establishes an array of regulations focusing on the operation of vacation rentals. These standards are intended to minimize the potential impact that vacation rentals might exert on residential neighborhoods and their full time residents. Application of the Ordinance is limited to the communities of Cayucos and Cambria, but is set for review 24 months from the Board of Supervisor's acknowledgment of Coastal Commission resolution of certification.

Vacation use of residential property by owners, their families and friends has an extremely long history in Cayucos and Cambria. Vacation rental of residential property has almost as much heritage and represents a slight variation on the theme of use by those who are not full time residents.

Professional property management entered the picture in the early 1970's and now handles the vast majority of the vacation rentals. The Central Coast Management Association formed in 1996 and represents 8 member companies that manage over 320 vacation rentals are scattered throughout Cayucos and Cambria.

The availability of vacation rentals within residential areas of small coastal communities reduces the demand for large visitor serving lodging developments that are often viewed as inconsistent with the scale and character of these communities. The present demand for lodging outstrips supply in all but the slowest times of the year. A combination of motels and vacation rentals offers a diversity of opportunities for a broad spectrum of visitors, especially families, to access and enjoy the coast.

County sponsored workshops, Planning Commission hearings and Board

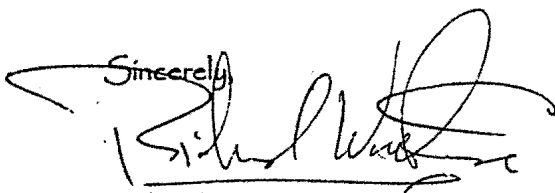
EXHIBIT NO. 3, p.
APPLICATION NO. SLO LCPA 1-01 Part
Correspondence

Supervisors' meetings offered numerous opportunities for the public to express their view and concerns. Despite the duration of the dialogue content of the arguments and key personalities remained static. Not unexpectedly, none of the participants in this lengthy process is totally satisfied with the results. However the Ordinance does achieve a degree of balance that should minimize land use conflicts. The Central Coast Management Association member companies intend to diligently adhere to the regulations and assess their impact on the vacation rental business and the residential neighborhoods.

The Ordinance addresses community concerns, including a requirement for permitting (zoning clearance, Business License and TOT Registration) that promises to discourage owner-managed rentals and should provide the kind of quality GIS data needed to better answer questions related to the number density and distribution of vacation rentals. Other sections of the document deal with tenancy limitations, number of occupants allowed per rental, appearance, signage, parking and noise. A local contact person available 24 hours a day is also required.

We have enclosed several items that may be of interest to you. <sup>\*</sup> They include an article in the New Times, an insert of the 24 hour complaint hotline, in operation since summer of 2000 and a typical brochure from a member Central Coast Management Association company. As you know, June and July are the busiest months for the vacation rental business and our association received only a few complaints during those months this year.

On a procedural note, it is our interest as an association, to have your Commission consider approval of the proposed amendment at the earliest possible time. It is our sincere hope that this could take place at the October meeting in San Diego. We have been participating in the review and approval of the proposed ordinance for several years now and are anxious to focus solely on the quality management of vacation rentals.

Sincerely,  
  
Richard Watkins  
President

\* enclosures available at Coastal Commission hearing  
and upon request of Commission staff

SLO LCPA 1-01 part A  
Exhibit 3, p. 2

Coastal Commission Land Use Element Review, SLO North Coast Area

Coastal access for moderate income long term renters has been negatively affected by the increase of vacation rentals in the San Luis Obispo North Coast residential areas. Particularly Cayucos has been demonstrably impacted by the prevalence of vacation rentals. Also in Cambria is the availability of affordable long term rentals scarce, and residential neighborhoods are experiencing the negative consequences from transient rentals.

Real estate agents and home rental operators have publicly proclaimed that coastal access is advanced by the dedication of residential housing to Transient Rental use. The residents, in a large scale protest action to the San Luis Obispo Planning Department, have forcefully objected to the ever ongoing commercial intrusion into their neighborhoods. They respectfully submit that providing commercial investment opportunities to out-of-town owners is not consistent with the Coastal Act policies. Converting existing long term rentals into transient rentals, and aiming new building sales at transient rentals, substantially limits long term renters to live in the coastal zone.

State Zoning Law statutes for residential neighborhoods (Carmel-by-the Sea, H007702, Oct. 1991) hold that "the maintenance of the character of residential neighborhoods is a proper purpose of zoning, and such character is threatened when a significant number of homes are occupied not by permanent residents but by a stream of tenants staying a short time". The court also held that banning vacation rentals does not violate homeowners substantive due process and equal protection rights. For Cayucos, the character of the residential neighborhoods has already been changed by threatening the viability of local public schools. New signups are steadily going down because of long term rental conversions, forcing residents to leave town.

The 1997/98 San Luis Obispo County Grand Jury Report on vacation rentals, which was initiated due to complaints about non-enforcement of regulations, stipulated the needed impact control for residents from vacation rentals. The report also specified County commitment to public comment from the residents. Petitions by 552 residents of Cambria and Cayucos, subsequent to the Grand Jury Report, in a 5 to 1 majority position requested adherence to this report and detailed petition items. Besides further regulations, the report affirmed strict enforcement of the established 7 consecutive day stay limits.

We respectfully request that the Land Use Element review, which the Coastal Commission staff is currently engaged in, follows State Zoning laws for Transient Rentals in residential areas. Also adherence to stipulations in the noted Grand Jury Report regarding enforcement, stay limits, geographic rental distribution, number of rentals per month, and other specified resident relief. One group of petitioning residents, unfairly affected by the vacation rental spread and non-regulated operation, are the motel owners. In this respect, we also request that the Land Use policies place the overwhelming majority of transient rental lodgings in commercially zoned districts.

In view of the foregoing and on behalf of the 552 petitioners, I implore the Coastal Commission staff to establish Land Use policies in the County of San Luis Obispo, which comply with established legal tenets and majority public comment petition response.

Martin Verhaegh  
551 Dorset Street  
Cambria, CA 93428

Sincerely,  
Martin Verhaegh

SLO LCPA 1-01A  
Ex. 3, p. 3



Attachments: 1997/98 San Luis Obispo Grand Jury Report on Vacation Rentals.  
H007702, 1991, Ewing vs City of Carmel-by-the-Sea.  
available at hearing and upon request of Commission staff

California Coastal Commission.

Cambria, 4-16-01

Sara Wan, Chair.

cc: Commission Staff, Central Coast Office,

725 Front Street, Suite 300, Santa Cruz, CA 95060-4508.

Charles Lester, Director. Tammy Grove, Deputy Director

Subject: Appeal to deny approval, and to amend the County of San Luis Obispo Coastal Land Use Ordinance on Vacation Rentals in Cayucos and Cambria.

Coastal Zone Land Use Ordinance, Chapter 23.04, Residential Vacation Rentals.

Handed to Commission Staff on 3-28-01, per Kami Griffin, SLO County Staff.

Madam Chair,

The subject vacation ordinance submitted to you by the County of San Luis Obispo is substantially flawed on both legal and ethical grounds. The five year ordinance formulation process was purposely delayed to bludgeon and wear out the resolve of residents in Cayucos and Cambria. The land use ordinance is the result of a complaint to the San Luis Obispo Grand Jury, followed up by signed petitions of more than 552 residents in the two communities. Appellate court State Zoning Law adjudication governs the imposition of Transient Rentals in Residential Neighborhoods.

I have been at the forefront of the campaign for a just and legal ordinance, and communicate to you on behalf of the large number of resident petitioners. When this action started, the original county ordinance defined minimum rental stays of seven consecutive days. This would have been acceptable if the county had enforced the seven day rental stays, and also the required Transient Occupancy Tax administration and collection. Instead, vacation rentals are allowed to be operated like motels in our neighborhoods, without any county oversight. Proliferation of rentals has resulted, causing unlawful deterioration of the Residential Character of our Neighborhoods. During the entire ordinance amendment process period, no county enforcement took place.

We are pleading with you to reign in the unlawful, unfair and unethical actions of the County of San Luis Obispo. In spite of a continuous effort to comply with underlying legal instruments, the ordinance before you contains unacceptable language, making it unenforceable. The video record submitted hereby contains the admittance by Supervisor Ryan that the ordinance as written is not enforceable, and rentals as short as one day will take place.

The residents very reluctantly have accepted the minimum four day stays if they are enforceable, and would be assuredly enforced by the county. Limiting the number of rentals per community to those on record with the County Tax Collector upon enactment of the ordinance is essential to meet State Zoning Law adjudication and Grand Jury defined impact relief. The displacement of Affordable Long Term Rentals by Transient Rentals is becoming an ever increasing problem in the County.

State Zoning Law clearly requires the Maintenance of the Character of Residential Neighborhoods when exposed to Transient Rentals. The Grand Jury report noted the appellate court adjudication case, alerting the County to this requirement. The majority position petitioning residents, and the North Coast Advisory Council, for that reason requested that the total allowed number of rental residences be limited. The limit would be the number on record with the County upon enactment of the amended ordinance.

Other coastal communities have limited the number of vacation rentals, e.g.: Santa Barbara, Carmel, Pacific Grove and Monterey. Another impact relieving measure requested by these bodies is the geographic distribution of rentals. Limiting and distributing vacation rentals is essential for compliance with the Grand Jury stipulations and State Law: impact relief and to maintain the character of residential neighborhoods.

The residents' complaint that County Code Enforcement is inadequate was recognized in the Grand Jury Report, but was not addressed in the ordinance. At one time during the ordinance process, our District #2 Planning Commission member had to recuse herself due to a conflict of interest: residing near a vacation rental. No case is made of the fact that the County of San Luis Obispo has a conflict of interest in crafting a vacation

Following is a background summary of actions and events substantiating our claims, including the noted legal instruments the County dismissed in the formulation of the ordinance. The following exhibits A through G, with itemized explanatory notes, are enclosed to aid in the review process: \*

A/ Representative ordinance exhibit, included to identify the requested amendment changes on page 3 of this letter.

B/ The 1997/98 San Luis Obispo Grand Jury report on Vacation Rentals, requiring remedial amendment action (submitted to Presiding Judge of the Superior Court).

1. Original ordinance minimum stay limits of seven to thirty days defined.
2. Original ordinance language ambiguous, interpretative and lacking clarity.
3. Evenhanded application and enforcement of the minimum seven day stay limit lacking.
4. The County to seek (abide with) substantial (majority) Public Comment.
5. Transient Rental impact limitations noted in 1991 Carmel appellate court case.
6. The ordinance must clearly define impact relief for the permanent residents.
  - Permissible length of stay.
  - Allowable number of rentals per month.
  - Allowable number of rental units per geographic area.
  - Allowable density of rental units.
  - Enforcement provisions for the ordinance.

C/ 234 Cal.App.3d 1579, 286 Cal.Rptr. 382 [Oct.1991], Ewing v. Carmel-by-the-Sea. Restrictions of Commercial Transient Rentals in Single-Family Zoned districts.

1. The property rights for owners of a Single-Family residence, with respect to rentals, are limited to rental stays for periods of 30 days or more.
2. The court held that the Maintenance of the Character of Residential Neighborhoods is a proper purpose of zoning, and such character is threatened when a significant number of homes are occupied, not by permanent residents, but by a stream of tenants staying a short time.

D/ Petitions and affirming Statements of Concern signed by more than 552 residents. List of names and address of petitioners submitted to the County is attached.

1. Minimum rental stays of seven consecutive days, with no exceptions.
2. Rental contracts from 7 to 30 days at full daily rate; TOT tax required.
3. Early departure practices causing routine shorter stays to be outlawed.
4. Requirement for TOT Registration Certificate and accessible lodging administration.
5. No Permit/Registration allowed for property deed restricted residential districts.
6. Restriction on allowable number of guests, motorized vehicles and boats.
7. Registration fee of 1000 dollars required to offset enforcement/infracton cost.
8. Rental frequency once per month; geographic distribution of rentals required.
9. No residential disturbing guest conveniences allowed: noice, music, lighting, etc.
10. All rentals to be locally managed, using guest ledger registration which are readily available to Code and Law Officers. Routine and complaint enforcement required.
11. Full manager registration of rental use by owners and/or "friend of the owner".

E/ North Coast Advisory Councils of Cayucos and Cambria; Empowered to direct San Luis Obispo County Government on behalf of local residents.

1. Ordinance requirement for Geographic Distribution of Vacation Rentals.
2. Ordinance Limit on the Total Number of Rentals per Community, not to exceed the number on record with the County Tax Collector as of a specified date.
3. Ordinance requirement for a seven day minimum rental period, including at least four days of occupancy, with full rate occupancy tax due during that period.
4. Ample Code Enforcement Officer shall be provided, with rental records available at all times. Code enforcement expenses to be offset by adequate TOT taxation and annual rental owner registration/permit fees.

\* These exhibits will be available for review at the Coastal Commission hearing and upon request of Commission staff.  
SLO LCPA 1-01 Part A  
Exhibit 3 - 7

F/ Video Record of the 2-6-01 Final Ordinance Meeting, County Board of Supervisors.

1. Critical comment by Supervisors and Planning Dept. Staff; afternoon session.
2. Definition of vacation rentals; long term stays in contrast to motels, etc.
3. Public Comment by resident petitioners that clear ordinance language shall define the fully taxed four day minimum rental stays. There can be no exceptions to the stay limits, and ordinance language must not allow private interpretation (such as manipulating the advertised daily rental rate contractually to permit shorter stays). Otherwise, the result would be an unenforcible ordinance, thus obviating the purpose of the ordinance.
4. Supervisors and Planning Staff did not respond to public comment, and did not discuss whether the ordinance language prepared by Staff and submitted for approval is clear or interpretative. Exception language, stating that occupancy of the full four day period is not required certainly is interpretative. Petitioners requested language for rental at full (advertised) daily rates, which is not included. Manipulation of the contractual daily rental rates to void strict four day stay requirements was noted by Supervisor Ryan. He suggested that since the stay limit therefore would not be enforceable, the four day limit rule should be eliminated. The only conclusion which can be drawn from these actions is:  
"ambiguous interpretative ordinance language was incorporated to void the four day stay limit requirement, thus rendering the ordinance unenforceable!"
5. Statements from the majority of Supervisors that they abide with the ordinance amendments advisories from the North Coast Advisory Councils. The Councils want a limitation on the number of vacation rentals, on record at the time of ordinance enactment. This State Law adjudicated limit, also petitioned to the Planning Director, is not included in the ordinance.

G/ Record of Communications with Planning Staff and Board of Supervisors, attesting to fact that the County of San Luis Obispo dismissed overwhelming comment and governing legal instruments, applicable to vacation rental ordinances..

1. Letter to Senior Planner Kami Griffin on 7-29-1996, questioning the original vacation rental ordinance language and lack of enforcement actions.
2. Letter to Planning Director Alex Hinds on 8-6-1996, questioning private departmental interpretation of the original vacation rental ordinance language.
3. Letter to County Tax Collector on 10-30-1997, with list of mainly out-of-county vacation rental owners, subject to Unsecured Property Taxes for businesses.
4. Grand Jury Complaint form on 11-11-1997, for inadequate County Ordinance provisions.
5. Letter to Alex Hinds on 7-10-1998, questioning the lack of enforcement for the seven day minimum stay requirement, and concurrent taxation administration.
6. Letter to Alex Hinds in August 1998, questioning non-compliance with Grand Jury affirmed rental stay requirements and Transient Occupant Tax (TOT) requirements.
7. Letter to District #2 Supervisor Bud Laurent on 8-25-1998, regarding the contents of the 1997/98 Grand Jury Report on Vacation Rentals, and the County aimed petition circulated among the residents in concurrence with the Grand Jury recommendations.
8. Record of speech to Board of Supervisors on 9-1-1998, presenting petitions signed by 450 residents of District #2 (including Cambria and Cayucos), requesting implementation of Grand Jury findings and petition items into ordinance amendments.
9. Cover page of Grand Jury Report response submittal report on 9-1-1998, with directions to forward the response to the Presiding Judge of the Superior Court.
10. Letter to Alex Hinds on 10-29-1998, pointing out the County Land Use change requirements for vacation rentals, and lack of enforcement of established rules.
11. Letter to Kami Griffin on 12-2-1998, seeking adherence to the legal instruments governing the intrusion of Transient Lodgings in Residential Neighborhoods.
12. Letter to Bryce Tingle, Acting Director of Planning on 4-7-1999, summarizing the residents' and motel owners claims for compliance with underlying legal instruments.
13. Letter to Art Trinidad, County Code Enforcement officer on 6-5-1999, enumerating Leon Kent's observations of vacation rental implications and County deficiency.
14. Letter to Bryce Tingle on 6-22-1999, with response of the petitioners view on County orchestrated workshops.

15. Letter to Bryce Tingle on 6-28-1999, with a Cayucos resident responding to the County orchestrated workshop in that community.
16. Letter to District #2 Supervisor Shirley Bianchi on 8-2-1999, commenting on the workshop and bringing the total number of signed resident petitions to 552.
17. Speech to the County Planning Commission on 8-10-2000, commenting on changes required to assure enforceability of the proposed ordinance language, and to limit the allowable number of rentals per community.
18. Letter to Victor Holanda on 8-16-1999, newly appointed Planning Director, attesting that the majority of petitioners insisted on the requirement for a Land Use Permit to implement vacation rental ordinances.
19. Letter to Victor Holanda on 8-20-1999, attesting to the intent and purpose of the resident petitions, and their majority position.
20. Letter the Board of Supervisors on 9-14-1999, indicating the ongoing violations of the seven day stay limits as well as the proposed four day stay limits.
21. Letter to Victor Holanda on 11-10-1999, summarizing the lack of response by the Planning Department for compliance with petitions and legal instruments.
22. Speech to the Board of Supervisors on 12-14-1999, pointing out that the newly proposed ordinance amendments disregard the majority Public Comment and the underlying legal instruments.
23. Items of discussion with Victor Holanda on 10-19-2000, with list of participants in trying to change the proposed ordinance amendments (motel owners present).
24. Letter to Supervisor Shirley Bianchi on 1-26-2000, commenting on the earlier meeting with Victor Holanda.
25. Letter to Dianne Hull, Chair of the County Planning Commission, recapitulating the resident petitioners position expressed to the Planning Director and Supervisors.
26. Letter to Victor Holanda on 7-15-2000, from a Cambrian resident who lives in a district of modest homes, away from the coast, commenting on vacation rentals.
27. Letter to Supervisor Shirley Bianchi on 7-18-2000, from a Cambrian resident commenting on the proposed ordinance amendments for vacation rentals.
28. Letter to the County Planning Director on 7-20-2000, from Cambrian residents, commenting on workshops and the proposed vacation rental ordinance amendments.
29. Speech to the Board of Supervisors on 7-25-2000, commenting on the ambiguous proposed vacation rental ordinance language and non-enforceability. Also the dismissal of Grand Jury stipulations and legally required limitation of rentals.
30. Letter to Planning Commission member Clifford Smith on 8-1-2000, emphasizing the critical factors with respect to proposed vacation rental ordinances.
31. Speech to the County Planning Commission on 8-10-2000, noting the ambiguous proposed ordinance language and lack of impact protection for the residents.
32. Letter to Victor Holanda on 11-30-2000, protesting the unfair and non-compliant proposed vacation rental ordinance amendments.
33. Group meeting with Supervisor Achadjian on 12-6-2000, emphasizing proposed ordinance flaws and asking him for his support of the residents.
34. Letter to Supervisor Achadjian on 1-10-2001 by the Cambrian Forum in support of the residents' petitions and ordinance amendments.
35. Petition to Supervisor Peg Pinard before 1-16-2001, signed by many residents, noting the requirement for number limitation of vacation rentals, full rate rental and taxation of at least four day stays, enforceability and assured enforcement.
36. Speech to the Board of Supervisors on 1-16-2001, reiterating the item 34 issues.
37. Letter to Supervisor Achadjian on 1-24-2001, commenting on the 1-16-2001 meeting.
38. Speech to the Board of Supervisors on 2-6-2001, with emphasis on clear enforceable ordinance language, number of rental limitations, and assured enforcement.
39. Speech to the Board of Supervisors on 2-6-2001, emphasizing the empowered Advisory Council directions to the County Planning Department for: community rental unit limitations, rentals stays and taxation for at least four days, and dedicated county code enforcement.
40. Speech to the Members of the Coastal Commission on 2-15-2001, noting the long delayed ordinance formulation process, and requesting an expedited and critical reponse to the forthcoming Commission approval of the vacation rental ordinance.



CL

Charles Lestor, Director  
Calif. Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, Ca. 95060-4508

5-4-01 **RECEIVED**

MAY 09 2001

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: Vacation Rentals in San Luis Obispo County

Mr. Lestor,

The enclosed documents will give only a brief history of the Vacation Rental issue in Cambria and Cayucos. My wife and I were directly impacted for three years by one next to our home. We were threatened with legal action by the lawyer representing the owner of the vacation rental. The case clearly stated that our opposition and complaints against the transient tenants clearly interfered with the property owner's right to make a profit on the rental. That clearly established the vacation rental business as a for profit business.

1) This process by private citizens to require the San Luis Obispo Planning Department and Board of Supervisors to enforce current codes began in the summer of 1996.

2) At that time, the code required enforcement of a seven day stay for all vacation rentals. The planning department stated that they did not have sufficient staff to enforce the code or to even verify how many vacation rentals existed. This certainly is evidence that the county did not even require a business license or track the Transient Occupancy Tax activity.

3) Our efforts and findings were certainly supported by the findings of the Grand Jury 1998 report. Since that report, the Planning Department and the Board of Supervisors has chosen to ignore the findings and write a completely ineffectual proposal.

4) The proposal offers no remedies for infractions, no monitoring of the Transient Occupancy Tax, no systematic procedure to account for the number of vacation rentals or setting limits in impacted areas, and no penalties for violations.

5) As a business owner in Cambria, this is very offensive. My wife and I are held accountable to many governmental agencies for licenses, taxes, permits, and many penalties for any violation of the codes and laws.

6) The area of vacation rentals has never been held accountable or played on a level playing field. We have gotten absolutely no support from any governmental agency in San Luis Obispo County to hold that industry accountable.

7) The majority of vacation rentals in this county exist in Cambria and Cayucos and in a very sensitive coastal zone. Most of them are now on the ocean frontage. There are areas in both towns where for many blocks, the dominant usage is vacation rentals.

8) Many of the documents submitted to you by others outline the many nuisances created by the transient nature of the vacation rental industry.

9) Realtors and property managers continue to find ways of evading the seven day or the new four day stay limitation. The Real Estate industry has no intention of complying with regulations. They have made that evident since they have never complied with the seven day stay limit which is the current code.

10) The county is at fault and very liable for the failure to enforce this current code. Some

\* The referenced enclosures will be available for review at the Coastal Commission hearing and upon request of Commission staff. SLO LCPA 1-01 Part A Exhibit 3 p. 10



ethical vacation rental owners have complied with the law and maintained the seven day rule. I am surprised that those ethical owners have not taken the county to court for failure to apply the law equally.

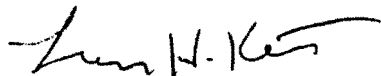
11) Some vacation home owners proudly brag that they have never paid Transient Occupancy Tax and never will. Again, this county is liable for not enforcing the law fairly and equally.

12) The Grand Jury referred to the current Transient Occupancy Tax as a "mandated voluntary tax" as administered by the County of San Luis Obispo. The proposed changes in the code does nothing to enforce this tax and make it equal to all other mandated taxes with penalties for failure to adhere to the tax.

13) The issue of vacation rentals in this county is of major concern. Of greater concern is the lack of interest given by the Planning Department or Board of Supervisors. They have not listened to the North Coast Advisory Council, the Cayucos Advisory Council, or the Grand Jury. They have not recognized the majority opinion as expressed in the petition circulated in this county, and they have not even recognized the issue as being one of potential harm to this area in that no limits are even being considered for the total number of vacation rentals that could exist.

Please give this matter your attention and I do appreciate your concerns as a group as presented in the recent Coastal Plan updates.

Sincerely,



Leon H. Kent  
1872 Tweed  
Cambria, Ca. 93428  
( A Cambria resident for 18 years)

SLO LCPA 1-01 Part A  
Exhibit 3, p. 11

RECEIVED

California Coastal Commission  
Commission Staff  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

June 25, 2001

JUN 29 2001

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Madam Chair:

The vacation rental ordinance sent to you by the County of San Luis Obispo is unsatisfactory and may very well be illegal. I have been involved in the very lengthy process of providing the county with volumes of information and responses concerning vacation rentals in California and in our own area. You have received correspondence from Martin Verhaegh that outlines precisely the steps taken by him and other community members to protest the past and current vacation rental ordinances.

I am a school board member on the Cayucos Elementary School District. For the past few years we have experienced declining enrollments and anticipate this trend will continue. Many families leaving our district do so because of lack of housing in the community. I gave your commission a copy of the known existing vacation rentals when you were in Cayucos last year. There were over 170 listings and there are more because all rentals are not maintained through a realtor. Over 10% of Cayucos homes are residential motels and the ordinance proposes no limitations on numbers or review of community impact. Homes that were rented year round are becoming residential motels on a regular basis. I believe that if half of the residential motels became full time rentals it would have a positive community impact. Our school would not be in a decline, businesses would have more year-round clientele and community churches and service organizations would have increased numbers of participants. That's what makes a community, not unlimited numbers of transient occupants inundating our neighborhoods.

There are many stipulations I would like the ordinance to provide, but our petition and letters and comments have fallen on deaf ears. I think since they operate as a business, they should have every requirement and restriction that a motel does. If they are to exist in our neighborhoods they should be considered special use and also be required to pay a special use fee. We have persistently provided the county planning department and commissioners with copies of ordinances in other coastal/tourist communities that have restricted or banned completely the vacation rental businesses. Why are these coastal communities banning this activity, but unincorporated Cayucos and Cambria are deemed as suitable locations for zoning laws to be ignored? My wish is that we not have them at all, unfortunately money speaks louder words. Please tell the San Luis Obispo County Commissioners to amend the ordinance with:

- a limit and review of community impact
- at least 4 day minimum stay (7 would be better)
- a special use fee per rental to be used for enforcement costs (the burden of this belongs to the businesses that benefit from this type of activity in residentially zoned neighborhoods.)

I hope that you will consider our pleas and think about what makes up your community and why many of us feel that it's worth saving.

Sincerely,

*Jan Lewis*

Jan Lewis  
Box 587-84 13<sup>th</sup> St.  
Cayucos, CA 93430

SLO CCPA 1-01 Part A  
Exhibit 3, p. 12

**Renee Brooke**

**From:** Charles Lester  
**Sent:** Tuesday, May 08, 2001 2:41 PM  
**To:** Renee Brooke; Steve Monowitz; Rick Hyman  
**Subject:** FW: vacation rentals

FYI

-----Original Message-----

**From:** Bob/LaVerne McDonnell [mailto:BobLaVerneMcDonnell@msn.com]  
**Sent:** Tuesday, May 08, 2001 2:32 PM  
**To:** clester@coastal.ca.gov  
**Subject:** vacation rentals

# THE CAMBRIA FORUM

P.O. BOX 762 Cambria, CA 93428  
(805) 927-2466

Phone/Fax:

May 8, 2001

**DIRECTORS-**

Bill Allen  
Bob Bell

Charles Lester, Director

Joan Glassey  
Bob McDonnell  
George Nedleman  
Wayne Ryburn  
Rob Trask  
Bill Warren  
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California Coastal Commission

725 Front Street, Suite 300

Santa Cruz, CA 95060

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Norman Fleming  
Ann Glaser  
Walt Glaser  
Brian Glusovitch  
Glenn Hascall

[clester@coastal.ca.gov](mailto:clester@coastal.ca.gov)

Dear Mr. Lester:

SLO LCPA 1-01 Part A  
Exhibit 3, p. 13

Pat Hascall  
Judith Jesness  
Peter Jesness  
Jacque Kelly  
Mike Levy  
Jim Lyon  
Bev Praver  
Jerry Praver  
Joyce Renshaw  
Ken Renshaw  
Mel Schwimmer  
Art Van Rhyn  
Pat Van Rhyn

Once again the Cambria Vacation Rental Ordinance is up for discussion. You and the Coastal Commission have a chance to finally turn a serious problem and a potentially very bad problem into a solved problem.

Please insure the following:

- That the county allows sufficient money in order to really enforce the law
- Rental stays must be for a minimum of four days, at the full daily rate.
- There must be a limit on the total number of rental units. This number must not exceed the number currently on the books.

05/08/01 2:12 PM

Our view is that controls and limits are essential on vacation rental units essentially scattered throughout the residential community. It is proper for short-term rentals, rentals for one, two or three days, to be handled by the many motels in the community.

Sincerely,

Bob McDonnell, Director

SLO LCPA 1-01 Part A  
Exhibit 3, p.14

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(408) 427-4863



April 17, 2002

Kami Griffin  
San Luis Obispo County Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

Subject: *Continuance of SLO LCPA 1-01, Part A (Residential Vacation Rentals)*

Dear Ms. Griffin:

On March 6, 2002 the Coastal Commission continued the hearing on the above referenced LCP Amendment and extended the time frame for action for an additional year. The deadline for Commission action on this amendment is now May 16, 2003.

The basis for the continuance was to provide the County and interested parties additional time to address the various concerns expressed by the Commission regarding the amendment as submitted. These concerns include, but are not limited to:

- The need to limit the amount of residential vacation rentals in a manner that protects the character and integrity of residential districts;
- The need to understand and address the impacts that residential vacation rentals have on water supplies, water quality, public parking, and the overall location, type, and intensity of land use established by LCP land use designations;
- The need to address ADA requirements; and
- The need to ensure that the regulations can and will be effectively enforced.

The expectation of the Commission is that the County will re-work the amendment in a manner that responds to these and other issues identified at the hearing. In order to provide adequate time for the Commission staff to evaluate a revised submittal and schedule the amendment for hearing prior to the May 16, 2003 deadline, we will need to receive the updated submittal and supporting information by February 1, 2003. In the mean time, I would appreciate being kept informed of the County's progress. Perhaps we can schedule a meeting in a while to discuss the information that the County will need to provide in order to respond to the Commissioner's concerns and how the County intends to proceed with this proposal. Thank you for your cooperation, and please feel free to contact me if you have questions or would like to discuss these matters further.

Sincerely,

A handwritten signature in black ink that reads "Steve Monowitz".

Steve Monowitz  
Coastal Planner  
Central Coast District Office

SLO LCPA 1-01 Part A  
Exhibit 3, p. 15

RECEIVED

Steve Monowitz  
California Coastal Commission Planner, Central Coast Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

OCT 03 2002

Cambria, 9-30-02

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Subject: Continuance of SLO LCPA 1-01, Part A (Residential Vacation Rentals).  
Reference: Letter from Steve Monowitz, California Coastal Commission Planner, to Kami Griffin, SLO County Department of Planning and Building, dated April 17, 2002.

Dear Mr. Monowitz,

Recently we obtained a copy of your continuance ground rules per referenced letter, forwarded to the San Luis Obispo County Department of Planning and Building. The petitioning residents in the communities of Cambria and Cayucos are in full agreement with the Coastal Commission stated concerns and ground rules for continuance of the above LCP Amendment. And we also agree that the concerns are not limited to those stated in referenced letter. Rather than waiting until the County of San Luis Obispo submits their response, we feel that both the Commission and the County would be served by receiving important additional information. The residents in Cambria and Cayucos have been exposed to the full range of experience in ordinance formulation, and have some important inputs to the benefit of the Commissioners, the Planning Office, and San Luis Obispo County Planning.

Information is derived from Commission deliberation, the residents' appeal, and the County rejection of residents/advisory council petitions. We also purchased and forwarded the March 7, 2002, Monterey meeting transcript to SLO County Planning Director Victor Holanda. Your attention is drawn to the fact that this LCP Amendment within SLO County was previously aimed at the inland areas of the county also. This section was omitted for expediency in this amendment before you, but all County residents will assuredly be affected by the finally approved LCP Amendment. The Coastal Commission is keenly aware that this LCP Amendment will serve as a model for statewide vacation rental controls in the Coastal Zone, but efforts within SLO County have demonstrated that all inland areas are equally affected.

We discussed the items contained in the referenced letter with other petitioning residents in Cambria and Cayucos, and their collective response is communicated to you herewith by Martin Verhaegh of Cambria and Jan Lew of Cayucos. In Cambria, the effect of vacation rentals on the water supplies is peculiarly critical. So critical that the attached letter (Exhibit A) has been forwarded to the Board of Directors of the Cambria Community Services District to serve as a directive to SLO County.

Currently there are 195 advertised vacation rental locations, and some 35 additional locations previously advertised in the Cambria CCSD District (on record or not known to the Tax Collector). Besides the impact on the permanent residents, they represent a credible water consumption source. Freezing/reducing the number on record with the Tax Collector must be part of an LPC amendment. Excess consumption results from the higher than average number of occupants per rental dwelling, and use of spas, jacuzzis and hot tubs. Commercial water rates should be in effect at vacation rentals. Lodging guests on a holiday also are not inclined to save water. The large share of new building evidently for use as vacation rentals also is in contradiction to the Statewide action to provide housing. And the existing affordable long term rental housing has steadily been converted into vacation rentals, resulting from the lax County enforcement policies during the long ordinance formulation period. This had a negative impact on school registration in Cayucos. The LCP Amendment allows occupation of a rental by the owner and/or his guests during the same weekly period that managed guests are staying, augmenting water usage. This also represents an additional impact on the neighborhoods, which was vigorously protested by the residents. The LPC amendment must limit occupation of a vacation rental in any weekly period to one party only. Either the managed paying guests or the owner, but not both. Weekly occupation by two parties frustrates enforceability, and forces onto the residents and the County a task which can easily be avoided within this LCP Amendment with County enforcement in place.

Both in Cambria and Cayucos the number of vacation rentals is exceeding in quantity and intensity the Land Use standards allowed by State Statutes for single-residence neighborhoods (John W. Ewing et al v. City of Carmel-by-the-Sea, No. H007702, Sixth Dist. Oct. 9, 1991). The court held that the maintenance of the character of residential neighborhoods is a proper purpose of zoning, and such character is threatened when a significant number of homes are occupied, not by permanent residents, but by a stream of tenants staying a short time. That is why the residents and community representative Advisory Council appealed to the County and the Coastal Commission to freeze the number of vacation rentals at the number currently on record with the County Tax Collector.

SLO LCPA 1-01 Part A  
Exhibit 3, p. 16

The additional impact on the residential neighborhoods from occupancy by the out-of-town owner(s) and/or his guests, during and in between managed weekly rental periods has been disregarded in the proposed ordinance. But this additional impact on the residents cannot be excluded from statute protection, and must be included and corrected in the LCP amendment to protect and maintain the character and integrity of residential districts.

During the March 7, 2002, California Coastal Commission meeting, statements were made by the rental managers that the total number of vacation rentals in Cambria and Cayucos was 315, and had been as high as 330. From advertised sources on the internet, etc, it has been determined that the total number of rentals in Cambria/San Simeon is 201 and Cayucos 203, for a total of 404 (Cambria and San Simeon are in the same North Coast Advisory Council District). See the attached lists for the advertised rentals in so far as information is available locally to the public. Also a geographic distribution of vacation rentals in Cambria (Exhibit B).

However, the residents in these communities are also exposed to privately managed vacation rentals, most likely advertised locally by out-of-town owners. They may or may not be registered with the County Tax Collector and as such would fall outside the required code enforcement sphere of influence. Complaints about such rentals with County Code Enforcement in the past got nowhere. SLO County does not follow up on such complaints by routinely accepting the owner's explanation for such lodgers as: "friends of the owner". This even though the County received a list of different license plate numbers recorded over time, defying the accepted logic. The residents are then left no recourse, and there is another vacation rental in their block. Please note that the "one-time-rental-per-week" rule is currently subject to the same lack of enforcement stance, because the owner (and of course his so called friends) are exempted from the stay limit included in the ordinance as proposed.

A measure of the number of such rentals may be those which were advertised earlier, but not presently. The totals for such rentals at this time are in Cambria 35 and Cayucos 46. In addition to above listed rentals, this brings the current total number of vacation rentals that the permanent residents in Cambria and Cayucos may be exposed to at 485. This number does not include the locations with out-of-town owners, often receiving lodgers other than the owner in so far as observed by neighbors. Due to overall lack of County enforcement, neighbors have given up on filing complaints, and are awaiting strict ordinance and enforcement rules following their appeal to the Commission. The residents requested from the County Tax Collector a list of vacation rentals currently on record. The answer we received was that records for vacation rentals were not segregated from other lodging records. The conclusion is that the location of licensed vacation rentals is not readily available from public records. Only a clear language LCP amendment, including enforcement by County Code officers and unimpeded access to public records, would eliminate unlicensed and untaxed operation of vacation rentals.

The proposed ordinance relies largely on the rental managers for enforcement. A situation which was called "with absolutely no enforceability behind it" by Commissioner Potter, and thus in agreement with resident petitioners' stated sentiments. The situation of the proposed ordinance reflects a County conflict-of-interest stance, whereby the substantial 9 percent Transient Occupancy Tax receipts are maximized through ambiguous and lax ordinance language. And the funds are then retained by renegeing on funding for required designated County Code Enforcement to protect the residents. This by delegating their responsibility to an impotent body, the managers. County enforcement is required for strict stay limits, number of occupants, renting at full market value, parking limitations, occupant nuisance control, elimination of unlicensed rental operation, rental contract review, and taxation. Enforcement requires that sufficiently punishing fines be specified in the LCP Amendment for violations. The residents of Cambria and Cayucos have given up on County enforcement during the period of ordinance formulation, which explains why the County is not flooded by complaint filings. The ongoing degradation of an ordinance which included seven day rental stays for vacation rentals, and the obvious bias towards the vacation rental operators in allowing ambiguous ordinance language, destroyed all confidence. The action by the Coastal Commission now has instilled in us the sense that clear impact relieving ordinance language and true County Enforcement will take place, and make a difference.

When the 1997/98 Grand Jury Report required the initiation of the present LCP amendment, the report noted the transient occupancy occurs on rentals that are seven days or more in length but less than 30 days. That is also what the Planning Director attested to in Advisory Council meetings. The Grand Jury stipulated that the ordinance should ensure impact relief and amendment representation for the permanent residents. The factors noted to achieve this were: clear definition of permissible length of stay, limited allowable number of rentals per month, defined allowable number of rental units per geographic area, nuisance control, and strict enforcement.

SLO LCPA 1-01 Part A  
Exhibit 3, p.17

Instead, the ordinance as proposed increased the impact on the residents drastically, and without enforcement. As the rental stays are shortened rental frequency increases, further impacting the residents. Contrary to the requests of the overwhelming majority signed petitions (more than 552 residents from Cambria and Cayucos), the County Planning Director allowed rental stay reduction from seven to four days. Then a provision was added that the renters were not required to stay the full four days (the incidental stay cancellation by guests has no place in an ordinance, and creates all sorts of rental stay violations at the detriment of the residents). The exception to the four day rental stays was not approved by the North Coast Advisory Council representing the communities at large, and was inserted into the ordinance by the Planning Department over vigorous protest by the residents.

This was followed by the rejection of residents' petitions to include the requirement that all rentals must be at full market value (advertised daily rate, see discussion per Exhibit C). This provision was part of the majority residents' petitions from the onset of the ordinance. In other words, by exception and lack of definition, the ordinance allows rentals as short as one day at the behest of the managers. Lodgings can then be made just for one night, the same as motels. This ordinance is for longer term vacation rental stays, not for motels in our neighborhoods! Rentals as defined can also be continuous, for 52 seven day periods in one year. Designated county enforcement funding, easily obtainable from rental owners and operators as petitioned and so essential to the residents, was left out of the ordinance.

To demonstrate the result of the ambiguous ordinance language so damaging to the permanent residents, we have provided herewith Exhibit C, a transcript of the final SLO Supervisors ordinance approval meeting on 2-6-2001. This shows that rental contract rates currently can be fluctuated at will to obviate ordinance stay limits. The conclusion: the need for strictly enforced four day minimum rental stays at full market value cannot be overstated. Preferable seven days minimum. Vacation rentals are not motels, which are not allowed in residential areas, and this distinction in stay limits must be made very clear in this Land Use Amendment.

On the subject of land use intensity, besides limiting the allowable number of vacation rentals, the petitioning residents followed the Grand Jury stipulation for geographic distribution, and proposed 1 rental per block with a spacing of at least 6 residences. The County dismissed this proposal, and allowed arbitrary location of vacation rentals during the many years of dragged out ordinance formulation. This caused extensive proliferation of rentals in both communities, without any planning norms. It also forced long term renters to move out of town due to vacation rental conversions. Some Cayucos residents have expressed that if all the allowable vacation rentals could be designated to the narrow zone directly fronting the beach, the community character could possibly be maintained with some reduction in the number of rentals. In Cambria vacation rentals are located in all residential neighborhoods (Park Hill, Lodge Hill, Marine Terrace, Happy Hill and Pine Knolls), with the exception of Leimert, which has a 30 page CC&R to keep rentals out. Only an overall reduction in numbers would somewhat restore the residential character of Cambria neighborhoods (see Exhibit 'B' for vacation rental intensity and geographic distribution).

San Luis Obispo County presumably has not appraised the California Coastal Commission of the fact that the proposed operation of vacation rentals per subject LCP Amendment is in addition to existing and ever multiplying other lodgings in residential areas. SLO County allows Bed and Breakfast and Homestay lodgings in our residential neighborhoods. From advertised sources, the number of such lodgings in Cambria is 20, and 4 in Cayucos. For purposes of resident complaints, at least a manager is on the premises. But the nuisance factor from early, late and frequent lodger traffic, etc., adds to that experienced from vacation rentals. They also add to the concentration of lodgings in residential neighborhoods, and at present there are no established limits as to the number allowed. This must be addressed within this LCP Amendment and/or potential existing LCP Amendment.

The ordinance as proposed includes a two year review period, to allow the residents a redress on the operational impact of vacation rentals in residential neighborhoods. The statutes of the State of California per H007702 (above) established that communities, subjected to transient rentals in their Single-Residence districts, can independently put up to vote the scope and validity of the measures they are subjected to. The 6 year long SLO formulation process of the LCP amendment made something very clear to the residents of Cambria and Cayucos. Any future changes, other than those imposed by the Commission, must be left to communities and not the County. The State statutes have established the legal precedence that local communities can vote on the extent and validity of Transient Rental zoning exceptions imposed upon them. Upon approval by the Coastal Commission, it must be clear that further changes of this LCP requested by any party shall be subject to the majority vote within the local community affected. This by special election or during the regular two year cycle Statewide elections. This remedy shall be retained within the LCP to protect and maintain the character and integrity of residential neighborhoods.

SLO LCPA 1-01-Part A  
Exhibit 3, p. 18

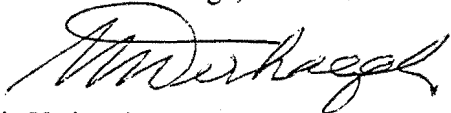


In summary, the residents of Cambria and Cayucos appreciate the support expressed by the Chair and Members of the California Coastal Commission, and we are looking forward to a restrictive Land Use Amendment which expectedly includes the following:

1. The LCP Amendment shall clearly state the minimum rental stay of four days, with no exceptions (the residents insist that the County dismissed Grand Jury stipulations for the weight of resident inputs when their majority petition to retain the seven day limit was denied).
2. All rental stays shall be contracted at full market value daily rental rates (as advertised, and competitive with lodgings in the area), for the full four day stays, and full four day Transient Occupancy Tax shall be included in the contract. The local coastal zone has plentiful alternate lodgings for shorter stays.
3. The number of vacation rentals in Cambria and Cayucos shall not exceed the number currently on record with the County Tax Collector to protect the character and integrity of residential neighborhoods. The true number on record, and the locations, shall be ascertained forthwith and made available to the public. No permanent resident in Cambria and Cayucos shall be exposed to a concentration of vacation rentals.
4. Other lodgings presently and in the future operating within Single-Residence zoned districts, such as B&Bs and Homestays must be accounted for in this LCP Amendment in view of State Zoning statutes protecting residential neighborhoods. Limits must be established for overall operation of all Transient Occupancy lodgings within residential neighborhoods.
5. Limit the occupancy of vacation rentals during any weekly period to either the owner or managed paying guests. Do not allow multiple party occupation during any weekly rental period.
6. To alleviate the impact of vacation rentals on the permanent residents, and to protect the character and integrity of residential districts, the number of weekly rental periods shall be limited to twice per 4 week period.
7. The LCP Amendment shall state the requirement for County enforcement, and designate the funding needed for a sufficient number of Code Enforcement officers. Sufficiently punishing violation fines must on record in the LCP. County based enforcement cannot be delegated to others, directly profiting from vacation rental operation.
8. The operating license for a vacation rental shall require an annual fee towards County funding of at least 50 percent of Code Enforcement operational cost, similar to proposed required funding by the residents.
9. The operating license for a vacation rental cannot be transferred to another residence, and expires after revocation or abandonment to alleviate the impact on the residents.
10. Vacation rentals shall not be used as a meeting place for a large number of people, such as occurs with weddings and reunions. The approved number is limited to the approved number of occupants only.
11. The County records pertaining to all vacation rental LCP Amendment rules, allowable limits, and violations must be readily available to the public at no cost. Such County records shall be kept separate from other lodging records. Changes to the number and location of vacation rentals require public notification.
12. Changes to the vacation rental LCP Amendment, other than those requested by the California Coastal Commission, are subject to community majority vote by special election or at the established two year spaced State Election dates. This pertains to a Cambria or Cayucos voting district only, not a Countywide.

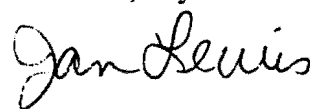
On behalf of the petitioning residents of Cambria and Cayucos, and also all residents in the State of California who are living in Single-Residence Districts, sincerely,

Martin Verhaegh, Cambria



Martin Verhaegh 551 Dorset Street, Cambria, CA 93428.  
Jan Lewis P.O. Box 587, Cayucos, CA 93430.

Jan Lewis, Cayucos



cc. Sara Wan, California Coastal Commission Chair.  
Charles Lester, California Coastal Commission Program Manager, Central Coast Office.  
Victor Holanda, San Luis Obispo County Director of Planning and Building.

SLO CCPA 1-01  
Part A  
Exhibit 3, p. 19

Attachments:

- Exhibit A, Letter 9-23-02, Martin Verhaegh to the Board of Directors of the Cambria Community Services District.
- Exhibit B, Summary list of Advertised Vacation rentals in Cambria and Cayucos, and Graphic Impact Display.
- Exhibit C, Partial Transcript by video record of the 2-6-01 SLO County Board of Supervisors Meeting on Vacation Rentals.

→ Attachments available at hearing and upon request of Commission staff.

SM/CL/RH



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

VICTOR HOLANDA, AICP  
DIRECTOR

FEB 24 2003

February 20, 2003

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

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Attn: Steve Monowitz

**SUBJECT: Residential Vacation Rental Ordinance**

Dear Mr. Monowitz:

In response to your letter of April 17, 2002, the county has been working with the local vacation rental property manager's association in an attempt to address the concerns raised by the Coastal Commission at their March 6, 2002 hearing.

The following concerns were raised by the Coastal Commission:

1. Limits on the numbers of residential vacation rentals.
2. Impacts of vacation rentals on water, parking, and intensity of land uses
3. ADA requirements
4. Enforcement

SLO LCFA 1-01  
Exhibit 3, p. 20

I will attempt to address these concerns in order.

1. The county's Board of Supervisors considered the need to limit numbers of vacation rentals in a particular area, block, or community and decided that with implementation of standards, limits would not be necessary and would be difficult to enforce. There was concern that you could not prohibit those units that are currently in operation and therefore an artificial limit would not accomplish much as most units are already in operation. There also may be a equal protection issue that should be evaluated. It continues to be the county's position that application of standards (that currently do not exist) negates the need for any limitations on these types of units.

However, if the Coastal Commission were to apply a restriction, then it should be the same restriction as applies to Bed and Breakfast facilities in the Residential Suburban land use category. This limitation does not allow for the establishment of a Bed and Breakfast facility

EX-3,  
p. 20

within 500 feet of a parcel on which is located any other bed and breakfast facility. If imposed, this standard could apply to all new residential vacation rentals requested after the 120 day timeframe established in the ordinance for existing vacation rentals to receive zoning clearance/business license approval. This would allow for all existing established vacation rentals to continue and would only affect new requests.

2. During development of the residential vacation ordinance by the county, staff discussed with the Cambria Community Services District (CCSD) water usage by vacation rentals. These discussions were not followed up by anything from the CCSD in writing. However, the Director of the CCSD at that time felt that vacation rentals used less water than full time residents. This was based on occupancy of the structure. Since the primary use of vacation rentals is in the summer months which means that other parts of the year the rental is empty, it was presumed by the CCSD that there would be less water use in that unit than in a unit that is occupied year round by a full time resident. Specific information about water use is being developed by the Property Managers Association and should be available soon. I will pass this information to you as soon as it becomes available.

Since vacation rentals are not prohibited by the county's current Coastal Zone Land Use Ordinance, and are allowed without any restrictions (with the exception that it is county policy to prohibit more than one occupancy within any seven day period), the county's Board of Supervisors determined that placing standards on parking, numbers of tenants, and noise, and requiring the issuance of individual Business Licenses would better address any potential impacts of these units than the current unregulated situation. The standards proposed as part of the county's residential vacation rental ordinance were intended to address any impact that residential vacation rentals have on public parking, and the overall intensity of the land use. For instance, the parking standard requires that parking be in the garage, driveway or street frontage of the site.

However, if the Coastal Commission were to apply an additional restriction, then it could require that all parking be on-site. This would assure that on-street parking would continue to be available for full time residents and visitors to the community and that it would not be taken up by residential vacation rentals. In addition, the ordinance proposes to apply the same standards as are currently applied to Home Occupations. These include appearance and visibility, traffic volumes, and noise. Identical standards to what are proposed for residential vacation rentals have been in place for over 20 years applicable to Home Occupations. These have been enforced by the county to assure that Home Occupations blend with the existing character of the residential neighborhood, do not create a nuisance and are not operated at an intensity greater than the surrounding single family residences that are not used for Home Occupations. These standards would be enforced in the same manner for residential vacation rentals.

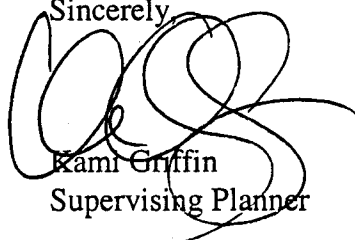
3. Discussions with the county's Building Division have clarified that ADA requirements would not be needed to establish this type of use because the code would not apply.

SLO LCPA 1-01 Part A  
Exhibit 3, p. 21

4. Enforcement of these standards would occur in a number of ways. As with any noise, traffic, or other issue that would be handled by the Sheriff's Office, an individual has the right to contact the Sheriff and register a complaint. The ordinance requires that there be a local contact person for each vacation rental and that the phone number of the local contact person be posted within the residential vacation rental and be given to neighboring property owners within a 300 foot radius of the subject site. This local contact person must be available 24 hours a day. If an individual is not able to communicate with the local contact person, the Sheriff's Office can be contacted. In addition, the county's Enforcement Unit has six individuals responsible for enforcing the county's codes. A complaint can be made to this Division who will investigate and pursue either correction, revocation of the land use permit/business license and/or fines.

I hope this helps to answer some of the concerns that were raised by the Coastal Commission. If you need any additional information or would like to meet to go over changes that could be proposed as part of your recommendation to the Commission, please feel free to contact me directly at (805) 781-5193 or at [kgriffin@co.slo.ca.us](mailto:kgriffin@co.slo.ca.us).

Sincerely,



Kami Griffin  
Supervising Planner

SLO LCPA 1-01 Part A  
Exhibit 3, p. 22

RECEIVED CL/SM

Steve Monowitz  
California Coastal Commission Planner, Central Coast District Office.  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

MAR 12 2003

Cambria, 3-10-03

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Subject: Continuance of SLO LCPA 1-01, Part A (Residential Vacation Rentals).  
Reference (a): Letter from Kami Griffin., San Luis Obispo County Department of Planning and Building, to Steve Monowitz, California Coastal Commission Planner, dated February 20, 2003 (copy attached).  
Reference (b): Letter from Steve Monowitz, California Coastal Commission Planner, to Kami Griffin, SLO County Department of Planning and Building, dated April 17, 2002.

Dear Mr. Monowitz,

The undersigned have been on record with the San Luis Obispo County Planning Department, to be informed on any subject developments pertaining to the residents of Cambria and Cayucos. As communicated to you on 9-30-02, the subject Local Coastal Plan Amendment (LCPA) resulted from the 1997/98 San Luis Obispo Grand Jury Report stipulations. This requires that the County fully informs the petitioning residents affected by the impact from vacation rentals, regarding amendment formulation changes.

It is unfortunate that the reference (a) response from the San Luis Obispo County Planning Department only consulted the local vacation rental property manager's association on the important concerns raised by the Coastal Commission. Also, the statute of the State of California regarding the operation of vacation rentals in residential communities has been disregarded in the reference (a) response (*Ewing v. City of Carmel-by-the-Sea*, H007702, Oct.1991). Prior to submitting the subject LCPA for Commission approval, the county received specific amendment changes approved by the North Coast Advisory Council. This is the county instituted body, representing all residents of Cambria and Cayucos. These amendment changes were noted in our letter dated 9-30-02, and are misconstrued in the reference (a) response. They pertain to the very important impact relieving aspects of the LCPA: the number of vacation rentals allowed per community and the minimum required stay limit. The latter provision specifically guards against our residential areas becoming motel districts.

The following comments are presented to you to express our viewpoint on behalf of the residents in Cambria and Cayucos, in order to consolidate in our favor the concerns as expressed by the Commission per reference (b), and the San Luis Obispo County response per reference (a):

1. **The need to limit the amount of vacation rentals (number and rental frequency) in a manner that protects the character and integrity of residential districts.**

Petitions by more than 552 residents from Cambria and Cayucos, affirmed by the North Coast Advisory Council, moved to limit the total number of vacation rentals to those on record with the County Tax Collector. The number and location of vacation rentals advertised in our small communities were included in our letter of 9-30-02 (well over 400), as well as their representative spacing distribution. These numbers exceed the noted statute standards, invoking reductions from present numbers. Requests to the County Tax Collector and the County Auditor to obtain the total number and location of vacation rentals on record did not yield results. Also petitioning for an annual fee to the owners of vacation rentals for enforcement expenses, and resulting rental discouragement, was not acted upon.

The county's concern that it cannot prohibit the operation of existing rental units is contradicted by our response below. The number of rentals tripled since 1997 when the Grand Jury initiated this LCPA, and no standards were ever considered to limit the impact on residential communities. The State statutes on vacation rentals impact were in force in 1997. But petitions by the residents for minimum allowable spacing between rentals were dismissed, even though the County specified such spacing for other lodgings. Enforcement is a matter of regular Code Officers and Tax Collector checks and audits, keeping valid and accessible records, and establishing sufficiently punishing fines for violations.

This amendment is about protecting the character and integrity of residential districts, which includes effective operational limits. We respectfully request that the Commission obtain the county records for the total number and location of vacation rental units, and other lodging units, per community. Only rentals with payment records for occupancy taxes during the last 12 months are valid in the final allowable counting. And then include that number in this LCPA as the maximum allowable number per community. Instead of allowing more vacation rentals in our communities, as proposed, existing rental locations should be phased-out to reduce that number. To start with, eliminate rental locations which cease operation, revert to long term rentals, or are transferred to a new owner. The vacation rental license shall be revoked, unless that rental is located at least 500 feet from the nearest lodging. Limiting the number of rentals is legal and required, as other counties have done so.

SLO LCPA 1-01 Part A  
Exhibit 3, p. 23

The county ordinance for Bed and Breakfast operation in our residential neighborhoods accentuates their additional impact on the residents, as noted in our letter of 9-30-02. They must be added into the overall number of lodgings in our residential districts. The 500 feet spacing limitation established for that ordinance, should also have been established in 1997 for vacation rentals to limit numbers. **The statement by the County that limits are not necessary for vacation rentals, and would be difficult to enforce, defies legal statutes. But also the concerns expressed by the residents and the commission. The proposed response by the County serves as a detriment to the character, maintenance and integrity of residential communities, which is contrary to the Commission directions.**

The rental frequency of vacation rentals has a major negative impact on the neighboring residents. Rental frequency is proportional to reduced length of stay. **That is why more than 552 residents petitioned, and the North Coast Advisory Council affirmed, full value (at advertised rates) four day minimum stay limit rentals contracts. This is a reduction from a seven day minimum stay effective in 1997, a major sacrifice to the residents.** Vacation rentals are not motels and should not replace short term lodgings. Plenty of motels, hotels, Bed and Breakfast's and Home Stays in our communities provide short term lodging. The Board of Supervisors approved the four day stay limit, but allowed specific language insertion which makes the ordinance unenforceable. **We respectfully request that the Commission insists on clear language for firm full value four day stay limits, which assures enforceability to gain valid protection for the character and integrity of our residential districts.**

**2. The need to understand and address the impacts that residential vacation rentals have on water supplies, water quality, public parking, and the overall location, type and intensity of land use established by LCP land use designations.**

The Commission on 9-30-02 received the letter directed to the Cambria Community Services District, regarding the water quality and supply impact from vacation rentals in Cambria. The letter noted the number of advertised vacation rentals, the high number of occupants per unit, and the many featured spa's, hot tubs and whirlpools. The need for a water usage audit of rentals was requested from the CCSD as an input into the County's response. Apparently, the County did not receive a written response. More prevalent use of outside sprinkler systems for vacation rentals also contributes to higher than average water usage at vacation rentals. **During the recent drought when the CCSD imposed high monetary penalties for excessive water usage, the local paper reported that vacation rentals and motels were prime offenders. People on vacation have a different mindset on saving water than the locals.**

The operation of vacation rentals in the mild climate at the Central Coast is steady throughout the year. In the short off-season, the managers are advertising winter rates and longer term rental of vacation rentals. The owners and the guests are allowed to occupy the rental during the remainder days of any week, and the weeks in between while no contract rentals are taking place. **Another indication of higher than average water usage by vacation rentals.**

**Parking near vacation rentals is a very objectionable impact of these rentals. The only way to solve this problem is to require that all parking be on-site.** This will also fend off the parking of campers, motor homes, busses, trucks, boats or any other oversized vehicle we have experienced, obstructing our streets and nearby private residence parking facilities. Our streets near many of the vacation rentals are narrow, curvy and sloping, affecting street parking facility. The advertised permissible occupants for many vacation rentals are too high for the available parking. Quite often additional guests are visiting or staying over to cause parking problems, as well as other offenses the neighbors have to deal with. The presence of many vacation renter cars in a residential neighborhood causes an excess of car trips during day and night, with revelry, door slamming, car alarms, you name it. Vacation rentals are used for all sorts of gatherings where additional people show up, including weddings, family meets, group meetings, etc. (a perfect example why County Code Officers are required, not a just a 24 hour phone line to the Rental Managers Association answering machine).

**The Land Use standards which the County is proposing to alleviate impact on the permanent residents will never allow vacation rentals to blend in with the surrounding single family residences. Particularly so since the County allowed the number and distribution of vacation rentals and other lodgings to reach beyond proportion, and in conflict with the legal statutes established to protect the character and integrity of residential districts. Only further limiting the numbers and spacing would reduce their impact and some semblance of statute compliance. The concerns expressed per item 4 below are also part of the impact considerations. Enforcement of the four day rental stays, which will eliminate the motel-mode rental operation of vacation rentals in our communities.**

**3. The need to address ADA requirements.**

A brief examination of this requirement on the internet refers under the heading "Accessible Transient Lodging" reference to Hotels, Motels, Inns, Boarding Houses, Dormitories, Resorts and Other Similar Places of Transient Lodging. In the category "Accessible Units, Sleeping Rooms and Suites" and "Sleeping Accommodations for Persons with Hearing Impairments" for units from 1-25 occupants, at least one room should meet the ADA requirements. Other requirements also would apply. **It would appear that vacation rentals require compliance with ADA requirements.**

SLO LCPA 1-01 Part A  
Exhibit 3, p. 24

4. **The need to ensure that the regulations can and will be enforced.**

The first requirement to ensure that regulations can be enforced is to insist that ordinance language must be clear, and not interpretative. The ordinance shall state the language agreed upon during the North Coast Advisory meetings, representing all residents of the community, and forwarded to the Board of Supervisors. **For the Vacation Rental Tenancy, it says: Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. A four day minimum rental contract at full value is required. Language which the County Planning has inserted since the NCAC approval, makes the ordinance non-enforceable as shown in the 9-30-02 letter.**

The proposals by the County place the burden of compliance monitoring squarely on the permanent residents. Effective enforcement can only be achieved through regular on-site checks of the rental premises by the County Code Enforcement officers. The 6 code officers take care of all county code enforcement. Dedicated officers sitting on their office chairs waiting for calls does not constitute enforcement. **The County is required to actively protect the character and integrity of residential communities: it not the job of the residents! Checking in personally with the residents on a timely basis, and leaving a phone number and complaint form is the appropriate way to monitor compliance. Also, regular on-site checks provide auditing records for violations and Transient Occupancy Tax infractions, which is in the interest of both the County and the general taxpayers.**

Many absent owners tell their permanent neighbors that only friends and relatives occupy their residence, but often such residents are judged to be vacation rentals by the neighbors. Submitting a long list of occupancies and license numbers by the residents to the County so far has not yielded the required verification (no ordinance in place).

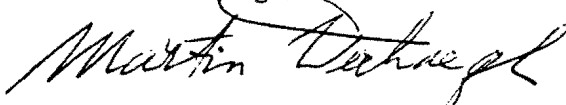
The ordinance does not specify fines for code violations, and slap-on-the wrist treatment of offenders would not be a deterrent for continuing violations. The number and severity of violations causing business license revocation must be specified in the ordinance. The practice by the County to assign a single license to the managers for multiple rentals defies violation deterrence, and effective taxation and enforcement. This practice was vigorously petitioned against by the residents. Individual owners should be held liable for compliance, which should be defined in the LCPA. **Effective enforcement requires the deployment of sufficient and actively engaged code enforcement officers. Unlicensed operation of a vacation rental must be vigorously enforced. A clear definition of violation fines for both owners and managers in the LCPA is required. Also the terms for revocation of a business license, as it affects individual and multiple rentals, shall be defined in the LCPA.**

We specifically request that the Commissioners assure full value stay limit contracts and rental unit limitation, as insisted on by the residents of Cambria and Cayucos, and expressed through a majority vote of their representative North Coast Advisory Council. The amendments were accepted by the County Supervisors, but rendered unenforceable prior to Commission submittal by insertion of ambiguous ordinance language.

While this LCPA currently is aimed at the communities of Cambria and Cayucos only, the Members of the California Coastal Commission have made certain considerations abundantly clear during the Monterey meeting on March 7, 2002. This Local Coastal Plan Amendment will be the baseline and model for all coastal communities along the entire coastline. The County of San Luis Obispo has demonstrated that it also will advance Land Use Changes to accommodate vacation rentals in the inland county districts. This assures that eventually the entire State will experience the attack on the traditional protection of Single-Family Residential districts. The residents throughout the State of California will be observing with keen interest the extent the Commission is prepared to take up this important fight. **The traditional and inherent protection of Residential Zoning: that is the protection of the Character and Integrity of Residential Communities in the State of California.**


On behalf of the petitioning residents of Cambria and Cayucos, and also for all residents in the State of California who are living in Single-Family Residential Districts, sincerely,

Martin Verhaegh, Cambria



Martin Verhaegh 551 Dorset Street, Cambria, CA 93428.  
Jan Lewis P.O. Box 587, Cayucos, CA 93430.

Jan Lewis, Cayucos



cc: Mike Reilly, California Coastal Commission Chair.  
Sara Wan, California Coastal Commission Public Member  
Other Coastal Commission Members  
Charles Lester, California Coastal Commission Program Manager, Central Coast District Office.

SLO LCPA 1-01 Part A  
Exhibit A, p. 25



# Central Coast Management Association

225 South Ocean Avenue, Cayucos, California, 93430

March 18, 2003

## RECEIVED

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

MAR 19 2003

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Attn: Steve Monowitz

**Subject: Residential Vacation Rental Ordinance, Cayucos and Cambria**

Dear Steve:

The Central Coast Management Association is an organization of eight companies that manage the great majority of vacation rentals in the communities of Cayucos and Cambria. It has thoughtfully participated in a lengthy process that formally began with County sponsored public workshops during the summer of 1999. The goal remains to create a balanced ordinance that addresses the concerns of the residents of these resort villages and remains sensitive to the historic role that vacation rentals play in providing visitor serving lodging in towns concerned about visual impacts associated with large scale commercial development.

The following comments refer to the discussion of Coastal Commission concerns contained in the February 20<sup>th</sup> letter to you from Kami Griffin of the SLOCo Department of Planning and Building.

### 1. Limits on the numbers of residential vacation rentals.

The Central Coast Management Association agrees with the San Luis Obispo County Board of Supervisors that there is no clear need to limit the numbers, density or distribution of vacation rentals at this time. Development, implementation and enforcement of standards defined in the absence of reliable data would be potentially problematic and controversial. Moreover, the numbers of vacation rentals do not show a marked increase over the past five years. Additionally, the public workshops demonstrated strong opposition to placing a limit on the number of vacation rentals in an initial ordinance. Establishing limits could also trigger an unintended side effect, an artificial demand for business licenses for properties not intended for immediate use as vacation rentals. As accurate data are derived from business licensure during the 24-month review period, correlations between alleged adverse impacts of vacation rentals, their overall numbers and their patterns of distribution may indicate that limits merit consideration.

The imposition of any standards regulating the density of new vacation rentals derived from Bed and Breakfast facilities in areas with Residential Suburban zoning on parcels that are an acre or more in size would be misplaced. Residential zoned areas in

SLO LCRA 1-01 Part A  
Exhibit 3, p. 26



the urban portions of Cayucos and Cambria contain lots with sizes generally between 3000 and 5000 sq ft and frontages of 40-50 ft. The suggested 500 ft standard would literally eliminate any additional vacation rentals in increments of one to several blocks. In addition, the 500 ft standard would act to force new vacation rentals into portions of these communities where few such rentals are in operation at present. Again, there are no sound data suggesting that radius standards would produce substantial benefits to the communities. The negative impact on the availability of future coastal lodging for vacationing families is obvious.

At present there is no requirement that vacation rentals managed by professionals have an individual Certificate Number for the collection of Transient Occupancy Tax. Hence, there is no official record of which properties are presently used as vacation rentals. The proposed plan for a 120 day period for existing vacation rentals to receive zoning clearance and business license is essential in establishing baseline statistical information.

## **2. Impacts of vacation rentals on water, parking and intensity of land uses.**

Water use of vacation rentals relative to owner occupied and long-term rental properties is another topic not illuminated by reliable data. The CCMA is preparing a preliminary comparison of similar sized vacation rental and non-vacation rental residences, but a more thorough, long term study is warranted if concerns persist.

Parking standards for vacation rentals should clearly be based on common sense and reasonable enforcement. The vehicles of vacation rental occupants cannot effectively be distinguished from any other vehicle that is legally parked on the street. The only effective way to actually enforce a standard requiring on site parking for vacation rentals would be to ban all on street parking in the residential areas of Cayucos and Cambria, certainly an extreme measure in coastal communities with a preponderance of small lots.

## **3. ADA requirements.**

ADA requirements for vacation rentals are not required, according to the SLOCo Building Division.

## **4. Enforcement.**

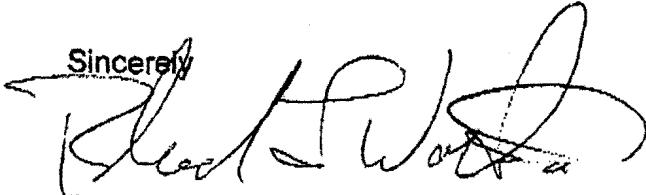
The basic mechanisms of enforcement of the proposed standards to be applied to vacation rentals are already in place. The Sheriff's Department, SLOCo Planning and Building's Enforcement Unit (now with 6 officers) and the local contact personnel, in the form of professional management companies, are in place to continue handling the very few formal complaints actually involving vacation rentals. SLOCo. Code Enforcement received 4 calls in a recent 3-year period. Standards based on sound information, common sense and reasonable enforceability are consistently more robust than arbitrary measures when tested by real world applications.

The members of the Central Coast Management Association look forward to the upcoming Coastal Commission meetings in Santa Barbara as another opportunity to achieve support for a compromise ordinance that creates a strong thread of support linking the diverse interests of these special communities. Because vacation rentals have an extended history and represent an integral part of the economic fabric of

SLO LCPA 1-01 Part A  
Exhibit 3, p. 27

Cayucos and Cambria, the imposition of standards where essentially none exist, is a delicate matter best approached with the full recognition that professional management companies are on the front line of compliance. County review of the performance of the ordinance in 24 months provides for further discussion of specific issues. If you have comments or questions, you may contact me at 800-421-8549, 805-235-1584 or [entertidal@aol.com](mailto:entertidal@aol.com).

Sincerely



Richard L. Watkins  
President, CCMA

SLO LCPA 1-01 Part A  
Exhibit 3, p. 28

Mr. Steve Monowitz  
California Coastal Commission, Central Coast Area Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

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COASTAL COMMISSION  
CENTRAL COAST AREA

November 1, 2002

Subject: Continuation of SLO LCPA 1-01, Part A (Residential Vacation Rentals)

Dear Mr. Monowitz:

Our names are Miles Hunt and Cindy Steidel. We are permanent residents of Cambria, in the Marine Terrace area (which is a coastal residential area bordering the southern boundary of the East/West Ranch), San Luis Obispo County. The purpose of this letter is to voice our support for the establishment of vacation rental controls. Although the current amendment is being considered as a model for statewide vacation rental controls in the Coastal Zone, our personal experience is specific to the SLO county northern coastal area and, accordingly, comments reflect this experience.

In general terms, we find that the existence of transient rental properties within our residential areas is negatively impacting quality of life for home owners in permanent residence. Our water supply is affected, our security is affected, the character of our neighborhoods is affected, affordable housing is affected, and infrastructures such as schools are affected.

YES, we want reduced levels of transient rentals. Having a single rental allowed within any given seven day period will curtail multiple overnight rentals - that is why we have the segregation of commercial and residential zones. That is why motels exist. Realize that it isn't just the traffic of the transient renters which our neighborhoods experience, it's the ancillary cleaning service and hot tub maintenance each time the property is used. The number of days a renter stays within a given seven day period isn't as significant an issue as the number of rentals being turned over in any seven day period. However, the suggested four day minimum does assist in keeping residential rentals more in line with a preferred usage and less an overnight motel option. As an absolute minimum, we support a limitation of a single rental during any given seven day period.

Water usage has become a heightened issue for Cambria specifically. There is no vested interest by transient renters to adhere to water use limitations. We have watched as renters from outside the area rinse off their cars in the morning to get rid of the overnight dew, wash cars, and allow children to play with hose water. The hot tub in the rental property next to us is emptied as often as once a month for usage maintenance.

Turn over by multiple renters during a single seven day period can be very disruptive. Most everyone coming to our neighborhoods under these conditions is here to have a good time. The result is hot tub visits with outside radios at midnight and BBQ's at 10:00 PM. We have attached an accounting of numbers of visitors and frequency for the rental property next door to our home. We finally stopped recording this information because we found that it only increased our frustration. It does however give an indication of volume and turnover.

SLO LCPA 1-01 Part A  
Exhibit 3, p. 29

YES, we want transient rentals to be controlled by business license and health/fire inspections. If people holding local rental properties and living outside the county want to have the financial benefit of operating a business, they should be treated on the same level playing field as the hotels and motels. Transient turn-over should require health, safety and fire regulations to protect the permanent residents. We also feel that it is extremely important that EACH rental property carry its own business license. To date, the real estate community has skirted this issue by holding the business license at the management company level and just hanging all its rental properties off that single license. This practice has worked to the financial benefit of the real estate companies but more importantly, **it has also cloaked visibility of rental property density and distribution.** Above and beyond the property management rentals, which have some visibility, our neighborhoods also have many "home stay" rentals operating as mini "B&B" environments. These, at least, tend to be more contained as the property owners are usually on-site and can control the more negative aspects of transient rentals within our residential neighborhoods. But, their numbers contribute to the overall transient rental use of our community.

YES, we want accountability by the real estate community. No matter how often they say accountability is already working, a proposed local ordinance would never have evolved if there was responsible and accountable behavior by real estate management companies. The permanent residents exposed to transient rentals need contact with the real estate agency managing the rental. The majority of rentals occur over week-end periods. Issues related to those rentals often occur during those weekends or after 5:00 PM. The real estate "managers" are not available. Having to call the sheriff's department (30 miles away) every time an issue arises is not only ludicrous; it is an irresponsible use of that valuable resource. Recently, the real estate community established an 800 number to "record" grievances. This does not address the problem.

YES, we want distribution limitations. Distribution limitations have not yet been addressed. The transient rental properties are discussed at somewhere around 10% by the real estate community in this area. That 10% is not evenly distributed. In fact, those of us living in "desired" locations near the water experience transient rental rates of 40 to 60%. On our street that number is 50%. We need recognition and consideration of this situation. Any rental ordinance should ensure that permanent residents in a single family zone are not negatively impacted by short term transient rentals. We ask that the number of vacation rentals, currently on record with the County Tax Collector, be frozen. Those rental properties, operating as transient rentals, which are not on record with the county, could be given a limited 30-60 day period to identify themselves for incorporation into the identified count.

SLO LCPA 1-01 Part A  
Exhibit 3, p. 30

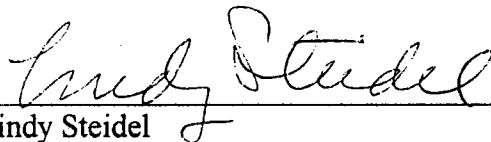
Page Three  
Steve Monowitz  
California Coastal Commission

NO, we do not want signs on every rental property advertising them as such. This should not be part of any ordinance language. It doesn't take much consideration of this approach to determine its negative impacts. If you were to put a sign on every rental house in the Marine Terrace area of Cambria, it would be a like a "Burma Shave" campaign. The potential for increased vandalism is a very subjective view. But, please note, Cambria does experience increased vandalism on weekends and holidays. We do experience an influx of families into our neighborhoods when they rent houses for themselves. This can actually go to an extreme, where several families coming in for a wedding or other celebration, will rent a house separate from the adults and put all the teens and "young adults" together on their own. Having personally experienced this kind of situation, we will tell you it is not pleasant. Unfortunately, teens do get bored and start considering things that they might not consider in their own town or neighborhood. Advertising where they could focus their attention is not a smart thing to do.

Thank you for your time in review and consideration of the opinions/information submitted here.



Miles Hunt



Cindy Steidel

Cc: Sara Wan, California Coastal Commission Chair  
Charles Lester, California Coastal Commission Program Manager, Central Coast Office  
Victor Holanda, San Luis Obispo County Director of Planning and Building

Attachment: Log of Rental Occupancy Feb 3 – Apr 22, 2001; Aug 20 – 23 Nov, 2001

SLO LCRA 1-01 Part A  
Exhibit 3, p. 31

Log of Rental Occupancy								
330 Jean Street								
Cambria, Ca								
Date of Arrival	Date of Departure	Length of Stay	# of Adults	# of Teens	#of children	Total People	# of Vehicle(s)	License Number(s)
4-Feb	6-Feb	2	2			2		
11-Feb	13-Feb	2	2			2		
16-Feb	18-Feb	2	3			3	3	CR AST, 3XCM261, 4ERC130
18-Feb	21-Feb	3	3			3		
25-Feb	27-Feb	2	2			2	1	4EQX341
9-Mar	11-Mar	2	2			2	1	
14-Mar	16-Mar	2	4			4	2	9021DFW (Nevada)
24-Mar	26-Mar	2	3			3	1	3DBK259
28-Mar	2-Apr	5	4		2	6	2	3GXX391, 4EUJ996,
7-Apr	9-Apr	2	4			4	1	3XBH317
14-Apr	16-Apr	2	4			4	2	2VNX492, 4JOP300
20-Apr	22-Apr	2	6			6	3	4ANP111, 4GLA559, 60505DP
22-Apr	28-Apr	6	2			2	1	LUV ABBA

SLD LCPA 1-01 Part A  
Exhibit 3, p 32

Log of Rental Occupancy								
330 Jean Street								
Cambria, Ca								
Date of Arrival	Date of Departure	Length of Stay	# of Adults	# of Teens	# of children	Total People	# of Vehicle(s)	License Number(s)
20-Aug	22-Aug	2 nights	2			2		
23-Aug	24-Aug	1 night	2			2		
25-Aug	29-Aug	4 nights	2	2	4	8	2	Dodge RAM, White SUV
29-Aug	6-Sep	8 nights	4			4	2	3UCZ030, 4AZG401
16-Sep	20-Sep	4 nights	4			4	2	
2-Oct	5-Oct	3 nights	2				1	3MHU243
4-Oct	5-Oct	2 nights	2				1	2XIR282
8-Oct	10-Oct	2 nights	2		1		1	
14-Oct	19-Oct	5 nights	2			2	1	3NOR551
19-Oct	26-Oct	7 nights	2			2	1	XLACPO
20-Oct	24-Oct	4 nights	2		1	3	1	4BLC335
20-Oct	23-Oct	3 nights	2			2	1	4BHK942
29-Oct	30-Oct	1 night	3			3	1	2VCS930
3-Nov	12-Nov	9 nights	Owner, 2 Adults			2	1	
House exterior being painted Nov 5 thru Nov 20								
23-Nov	28-Nov	5 nights	5			5	2	4HPP920, 3SKP902

SLD LCPA 1-01 Part A  
 Exhibit 3, p. 33

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CENTRAL COAST AREA

**Butz Enterprises**  
511 HUNTINGTON ROAD  
CAMBRIA, CA 93428-3605  
(805) 927-8457

March 6, 2002

Sara Wong, Chair and Members of the Commission  
California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95050

Madam Chair, Members of the Commission

Re: San Luis Obispo County LCP amendment SLO-MAJ-1-01A, Vacation Rentals.  
Agenda Item nr. **Th5c.** Application nr. **SLO LCPA 1-01 Part A**

We have thoroughly reviewed the proposed amendment of the Vacation Rental Ordinance. We agree with the Staff recommendations to deny approval of the San Luis Obispo County ordinance as written. We have been opposed to vacation rentals in Cambria since we moved here in 1978. Along with 550+ other Cambria residents, we have been petitioners against this degradation of our community's residentially zoned neighborhoods for more than five years. We are pleased to learn that the Coastal Commission has recognized the importance of Central Coast residents expressed concerns regarding the negative impact of vacation rentals in our communities.

Unfortunately, the subject ordinance amendments as submitted and included into the Staff summary fails to address our petition recommendations for necessary and enforceable detrimental impact relief. The 1997-98 San Luis Obispo County Grand Jury Report strongly recommended clear language to ensure ordinance enforceability as well as specifically noted rental stay limits as a required impact relief item. In 1991 the California Appellate Court adjudicated "Ewing vs. Carmel-by-the-Sea, Restriction of Commercial Transient Rentals in Single-Family Zoned districts". This court decision governs the required residential impact relief in our Central Coast communities (234 Cal. App. 3d 1579, 286 Cal. Rptr. 382, Oct. 1991).

The court held:

- 1. "The Maintenance of the Character of Residential Neighborhoods is a proper purpose of zoning and such character is threatened when a significant number of homes are occupied, not by permanent residents but by a stream of tenants staying but a short time."
- 2. "The property rights of residential owners are limited to rentals of 30 days or more."

SLO LCPA 1-01 Part A  
Exhibit 3, p. 34



The provisions of this decision allowed Carmel to ban vacation rentals entirely. Ideally, in a perfect world, this is the position we trust the Coastal Commission would take. The provisions of this decision also address directly the legal number of allowable vacation rentals per community and rental frequency. Notwithstanding the lengthy protest (5 years) by local residents, the ordinance language as submitted allows every-week motel-like operation of vacation rentals: a severe threat to neighborhood character and integrity.

In a move to appease non-resident owner/landlords the County of San Luis Obispo forced resident owners to accept a four-day stay limit in vacation rentals. It then inserted in the ordinance the provision: **'HOWEVER, OCCUPANCY IS NOT REQUIRED TO OCCUR FOR THE ENTIRE PERIOD'**. Functionally, this allows the rental owner/agent to change a four-day rental to a one-day rental or to adjust the total rent as he/she wishes so as to circumvent the spirit of the ordinance altogether. A strictly enforced minimum four-day stay limit (this is a reduction from the original minimum seven-day stay limit) is required to restore the character and integrity of our neighborhoods.

Also needed is a reasonable and enforceable ratio of vacation rentals / to housing units in the community. Currently it is estimated that twenty-five to thirty-five per cent of the housing units in Cambria are rentals. A large percentage of these are vacation rentals. Many of these vacation rentals charge rental rates that unfairly compete with legitimate businesses, i.e. motels; by operating in violation of the transient bed tax laws, while at the same time driving up month to month rental and leased housing rates. This has driven many former Cambria residents to other locations. The County Grand Jury report and the Central Coast resident petitioners were clear in their request for clear rental stay language in the ordinance. This remains so.

- We request that an enforceable vacation rental ordinance be written.
- That it contains language limiting the number of vacation rentals in ratio to total housing units in the community.
- That the minimum four days of stay be at full value and strictly enforced.
- That sufficient funds be dedicated to provide means and personnel for such enforcement.

Thank you,

Sincerely,

  
Frank and Nancy Butz

SLO LCPA 1-01 Part A  
Exhibit 3, p. 35

Big Sur

October 28, 2002

# NORTH COAST ALLIANCE

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Morro Bay

Steve Monowitz  
California Coastal Commission  
725 Front Street  
Santa Cruz, CA 95060

Dear Steve,

The North Coast Alliance and its constituents strongly support the Coastal Commission's concerns and ground rules for continuance of the San Luis Obispo County LCP amendment relating to vacation rentals.

The volume and management of vacation rentals in Cambria and Cayucos are a major concern to our permanent residents. The numerous problems related to vacation rentals are not amenable to self-policing by the real estate industry.

A vacation rental ordinance should include specific and concise regulations enforceable by staff of the San Luis County Planning Department.

Vacation rentals have been an ongoing concern since reported on by the 1999-98 Grand Jury. We hope that with Coastal Commission support this issue can be resolved without continued delay.

Respectfully,

William G. Allen,  
President

*SLO LCPA 1-01 Part A  
Exhibit 3, p. 36*

GEORGE NEDLEMAN D.D.S.  
a professional corporation

Subject: Continuance of SLO LCPA 1-01, Part A  
10/27/02

Dear Mr Monowitz:

The problem of short term vacation rentals has finally struck home (my home). At least 3 times a month there are renters across the Street-Orlando- that, while not malignantly noisy, are benignly, if I may use a medical metaphor, intrusive. The outdoor and indoor lights blaze on into the night destroying the black skies and any star watching. The Hot tub humms-a noise never experienced before. Petty? Maybe, but you define quality of life.

general  
DENTISTRY

The inability of the Bd of Supervisors to adequately mitigate this problem for it's constituents demands that the CCC act on our behalf.  
Thank You

George Nedleman, DDS  
Linda Nedleman, Ph.D  
538 Orlando  
Cambria, CA 93428

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SLO LCPA 1-01 Part A  
Exhibit 3, p.37

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**CALIFORNIA  
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CENTRAL COAST AREA**

October 28, 2002

Steve Monowitz, Coastal Commission Planner  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

Dear Mr. Monowitz:

When I moved to Cambria over ten years ago, the houses in my area were either occupied by neighbors whom I knew or were second homes that were unoccupied much of the time. In the last few years, the vacation rental business has mushroomed, tremendously impacting the quality of my life and the lives of many other full-time residents.

The vacation rental industry is profiting at our expense, and it is impacting every neighborhood. I live in a quiet residential neighborhood, away from the beach and commercial areas. Houses are close together and the lifestyles of neighbors can easily impact each other. Vacationers have neither the same needs nor spirit of neighborhood and cooperation.

Not only is it disconcerting to have different people, strangers, living next door each week, in such close proximity, but also vacation rentals have rendered our Neighborhood Watch system ineffective. We have relied on the system in our unincorporated area for our protection.

The problem of vacation rentals is increasing. Vacation rentals are destroying the character and integrity of our residential neighborhoods, turning them into commercial districts. These enterprises seem impossible to regulate properly. They should be strictly limited in number (no more than currently on record), area (preferably commercial), and length of stay (a minimum of four days at full-market daily rates), and the managers should be accountable and accessible.

Sincerely,



Donald Archer

Cc: Sara Wan, California Coastal Commission Chair

(SLO LCPA 1-01, PART A)

Exhibit 3, p.38

November 14, 2002

Steve Monowitz  
California Coastal Commission Planner  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

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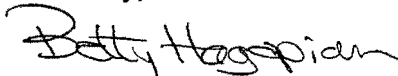
Dear Mr. Monowitz,

This week I received a pamphlet from the Cambria Community Services, reminding me that drought conditions have persisted in this small town as well as across the nation. Lack of rainfall and dwindling water levels in San Simeon and Santa Rosa Creeks have caused the CCSD Board of Directors to approve a water conservation surcharge, which is sensible.

People who rent vacation homes generally have no interest in the conservation of water. They feel they are paying for facilities which they want to use to the fullest extent. Excessive use of hot tubs, jacuzzis and spas add to the depletion of the water..

Because of the fragile nature of the water supply, I would urge you to accept a Vacation Rental Ordinance with specific protective rules for this area, and also request that there be a limit of vacation rentals to the number currently on record with the County Tax Collector.

Sincerely,



Betty Hagopian  
541 Dorset  
Cambria, CA 93428

cc: Sara Wan, California Coastal Commission Chair

SLO LCPA 1-01 Part A  
Exhibit 3, p. 39

