

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863

**W13c**

**August 21, 2003 (for September 10, 2003 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**RECORD PACKET COPY**

**From:** Diane Landry, Central Coast District Manager  
Steve Monowitz, Coastal Planner

**Subject: Certification Review for the County of San Luis Obispo Local Coastal Program Local Coastal Program Amendment 1-01 Part A (Residential Vacation Rentals)**

At the April 2003 meeting in Santa Barbara, the Coastal Commission approved, with suggested modifications, San Luis Obispo County Local Coastal Program (LCP) Amendment 1-01 Part A. The amendment incorporates regulations regarding the use of residences as vacation rentals into the certified Coastal Zone Framework for Planning and Coastal Zone Land Use Ordinance.

By action taken July 22, 2003, the County of San Luis Obispo adopted the amendment, as modified by the Commission. The Executive Director has determined that the actions taken by the County are legally adequate and that the LCP amendment should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP amendment be certified. If the Commission concurs, the LCP amendments will be certified as of today's date (i.e., September 10, 2003), and notification of this certification and Commission concurrence will be forwarded to the City on September 11, 2003 (see exhibit 1 for draft notification).

**Motion.** I move that the Commission concur with the Executive Director's determination that the actions taken by the City of Pismo Beach to accept the Commission's suggested modifications for SLO-MAJ-1-01 Part A are legally adequate.

**Executive Director's Recommendation.** The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Pismo Beach LCP amendment as directed by the Commission's approval with suggested modifications of SLO-MAJ-1-01 Part A; the amendment will be certified as of today's date (i.e., September 10, 2003). The motion passes only by affirmative vote of a majority of the Commissioners present.

**Exhibits**

Exhibit 1: Draft letter to San Luis Obispo County Board of Supervisors Chairman, Mike Ryan

Exhibit 2: Resolution of County's Acceptance of the Coastal Commission's Suggested Modifications



**California Coastal Commission**

**September 10, 2003 Meeting in Eureka**

SLO-MAJ-1-01 Part A ED certification stfprt 8.21.2003.doc

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SANTA CRUZ, CA 95060  
(831) 427-4863

# Draft

September 11, 2003



Mike Ryan, Chairman  
Board of Supervisors  
County Government Center, Room 310  
San Luis Obispo, CA 93408

**Subject: County of San Luis Obispo Local Coastal Program (LCP) Major Amendment No. 1-01  
Part A (Residential Vacation Rentals)**

Dear Supervisor Ryan:

We have received County of San Luis Obispo Resolution Number 2003-251 adopted by the Board of Supervisors on July 22, 2003. By those actions, the County acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 1-01 Part A, and incorporated the Commission's suggested modifications into the County's LCP.

I have determined, and the Commission has concurred, that the County's action with respect to LCP Major Amendment 1-01 Part A, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's September 10, 2003 meeting in Eureka. As a result, the County's LCP, as amended by LCP Major Amendment 1-01 Part A, was certified as of September 10, 2003 and is now in effect.

If you have any questions, please contact Steve Monowitz of my staff at (831) 427-4863.

Sincerely,

Peter M. Douglas  
Executive Director  
California Coastal Commission

Diane Landry  
District Manager  
Central Coast District Office

cc: Michael Wulkan, SLO County Dept of Planning & Building

EXHIBIT NO. 1
APPLICATION NO.
SLO-LCPA-MAJ
1-01 Part A

**RECEIVED**

IN THE BOARD OF SUPERVISORS

AUG 18 2003 COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

CALIFORNIA  
COMMISSION  
COAST AREA

Tues day July 22, 20 03

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Peg Pinard,  
K.H. "Katcho" Achadjian, and Chairperson Michael P. Ryan

ABSENT: None

RESOLUTION NO. 2003-251

RESOLUTION ACKNOWLEDGING RECEIPT AND AGREEING TO CALIFORNIA COASTAL  
COMMISSION'S MODIFIED LANGUAGE PERTAINING TO  
LOCAL COASTAL PLAN - MAJOR AMENDMENT NUMBER 1-01- PART A

The following resolution is now offered and read:

WHEREAS, the County of San Luis Obispo Board of Supervisors conducted a public hearing on October 19, 1999, and approved amendments to the Coastal Zone Land Use Ordinance; and

WHEREAS, the County submitted Local Coastal Plan - Major Amendment Number 1-01, to the California Coastal Commission for certification on March 29, 2001; and

WHEREAS, on April 11, 2003, the California Coastal Commission recommended modified language in Local Coastal Plan - Major Amendment Number 1-01- Part A; and

WHEREAS, on April 11, 2003, the California Coastal Commission certified Local Coastal Plan - Major Amendment Number 1-01- Part A provided certain modified language suggested by the California Coastal Commission was adopted by the County, said language is contained in the California Coastal Commission staff reports, dated March 19, 2003, attached hereto and incorporated by reference herein; and

WHEREAS, pursuant to the California Code of Regulations, title 14, sections 13544(a), 13544.5(a), 13547(a) and 13551(b), the San Luis Obispo County Board of Supervisors may now accept and agree to the terms and modifications suggested by the California Coastal Commission on Local Coastal Plan - Major Amendment Number 1-01 - Part A, and take formal action to satisfy the terms and modifications.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 22nd day of July, 2003, that the Board of Supervisors of San Luis Obispo County, acknowledges receipt and hereby agrees to the modified language, as suggested by the California Coastal Commission, without further changes, pertaining to Local Coastal Plan Major Amendment Number 1-01- Part A as set forth in Exhibits "A" and "B", attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that the Land Use Element and Local Coastal Plan, and the Coastal Zone Land Use Ordinance, Title 23 of the County Code, be amended and adopted as follows:

1. As to California Coastal Commission's suggested modification language, the Board of Supervisors takes the following action:

a. The Board of Supervisors accepts the modified language suggested California Coastal Commission pertaining to Land Use Ordinance - Residential Vacation I as it implements the California Coastal Commission's recommendation by amending and ad language as it appears on Exhibits A and B attached hereto and incorporated herein as thou set forth.

EXHIBIT NO. 2, p. 1

APPLICATION NO.

SLO LCPA

MAJ-1-01 Part A

BE IT FURTHER RESOLVED AND ORDERED that pursuant to California Code of Regulations, title 14, sections 13544.5(b) and 13547(b), the Board of Supervisors directs staff to submit this resolution to the Executive Director of the California Coastal Commission for a determination, in writing, that the County's action is legally adequate to satisfy the conditions of certification set forth in the California Coastal Commission's certification order.

Upon motion of Supervisor Bianchi, seconded by Supervisor Ovitt, and on the following roll call vote, to wit:

AYES: Supervisors Bianchi, Ovitt, Pinard, Achadjian, Chairperson Ryan

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

**Michael P. Ryan**

Chairman of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD

Clerk of the Board of Supervisors

By: C.M. CHRISTENSEN Deputy Clerk  
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.

County Counsel

By: [Signature]  
Deputy County Counsel

Date: July 10, 2003

STATE OF CALIFORNIA ) COUNTY OF SAN LUIS OBISPO ) ss
I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.
Witness, my hand and seal of said Board of Supervisors this <u>JUL 22 2003</u>
<b>JULIE L. RODEWALD</b> County Clerk and Ex-Officio Clerk of the Board of Supervisors
By <u>Cmchristensen</u> Deputy Clerk

EXHIBIT A

As modified by the California Coastal Commission 4/11/03

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]

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, 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 & 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 B

AMENDMENTS TO TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE,  
THE COASTAL ZONE LAND USE ORDINANCE  
CHAPTER 23.08 RELATING TO RESIDENTIAL VACATION RENTALS  
*As modified by the California Coastal Commission 4/11/03*

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 category 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:

- a. Purpose. The purpose of this section 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, 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 200 linear feet of a parcel on the same block on which is located any residential vacation rental or other type of visitor-serving accommodation that is outside of the Commercial land use category. This location standard can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.
- d. Vacation rental tenancy. Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. 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. Number of occupants allowed. The maximum number of occupants allowed in an individual residential 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.
- f. 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.
- g. Signs. Availability of the rental unit to the public shall not be advertised on site.
- h. 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.
- i. On-Site Parking Required. All parking associated with a Residential Vacation Rental shall be entirely on-site, in the garage, driveway or otherwise out of the roadway, in accordance with subsection e., above. Tenants of Residential Vacation Rentals shall not use on-street parking at any time.
- j. 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.
- k. 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.
- l. 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.
- m. 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 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 23.10 (Enforcement) of this Title shall apply.
- n. 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.