

CALIFORNIA COASTAL COMMISSION

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

W6b

RECORD PACKET COPY

Filed: 6/29/2005
49th day: 8/17/2005
Staff: SM-SC
Staff report prepared: 7/28/2005
Hearing date: 8/10/2005
Hearing item number: W6b

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

Appeal number.....A-3-SLO-05-046, Rod and Reel Mobile Home Park Closure
Applicants.....GFS Cambria, LLC/Jeff Edwards
Appellant.....Commissioners Reilly and Shallenberger
Local government.....San Luis Obispo County
Local decision.....Approved with conditions on May 26, 2005
Project location.....1460 Main St., Cambria, San Luis Obispo County
Project description.....Closure of the Rod and Reel Mobile Home Park
File documents.....San Luis Obispo County Certified Local Coastal Program (LCP); San Luis Obispo County Coastal Development Permit File DRC2004-00176.
Staff recommendation ...Substantial Issue

I. Recommended Findings and Declarations for Substantial Issue:

The Rod and Reel Mobile Home Park is one of the few sites in Cambria that has provided housing opportunities for persons and families of low to moderate income. The park is located in the mid-village of Cambria, on a 2.4-acre parcel adjacent to Main Street and Santa Rosa Creek (location maps attached as Exhibit 1), and is designated for residential multi-family land uses by the San Luis Obispo County certified Local Coastal Program (LCP). According to the County, there were 22 occupied mobile home spaces in 1991.¹ According to the applicant, the site is licensed by the State for 10 mobile home units, 10 Recreational Vehicles and one permanent residence.² Letters submitted by the applicant's legal representative describe a long term effort by the owners of the property to acquire coaches with the intent of phasing out the mobile home park - an objective that was achieved around November 2004, when the last residents (other than a caretaker) vacated the premises. The site currently contains 8 vacant mobile home coaches, one residence, and accessory structures (e.g., sheds and laundry facilities),

¹ A September 2, 2004 letter from the County's Housing and Economic Development Section to the former owner states that a response to a 1991 mobile home park survey submitted by the owner indicated that 22 spaces were occupied on the site.

² Personal communication with Jeff Edwards, July 27, 2005. According to Mr. Edwards, the maximum stay for a Recreational Vehicle was 6 months, at which point the vehicle was required to vacate the premises for a week prior to being eligible to return.



California Coastal Commission
August 2005 Meeting in Costa Mesa

Staff: S. Monowitz Approved by: *S.M.* 7/28/05

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and has cyclone fencing across its frontage on Main Street.

In September 2004, County staff informed the property owners of the need to obtain a coastal development permit to close the mobile home park pursuant to Section 23.08.164g of the LCP's Coastal Zone Land Use Ordinance (CZLUO), after reading an August 28, 2004 newspaper report regarding the closure (attached as Exhibit 2). On February 1, 2005, the property owner filed a development permit application under protest, asserting that Section 23.08.164g did not apply because the site no longer functioned as a mobile home park and no new use was proposed. In response to this protest, the County determined that the intentional closure of the park constitutes development that requires a permit and must comply with the LCP. Correspondence between the County and the applicants' representatives regarding the history of the closure and permit requirements are attached to this report as Exhibit 3.

On May 26, 2005, San Luis Obispo County's approved a Coastal Development Permit authorizing the closure of the mobile home park "after-the-fact" (County Findings and Conditions of Approval attached as Exhibit 4). Commissioners Reilly and Shallenberger filed a timely appeal of this decision on June 29, 2005, contending that the closure does not comply with Local Coastal Program (LCP) standards requiring the retention or replacement of affordable housing units, and is inconsistent with LCP regulations for the conversion of mobile home parks. Specifically, the appeal asserts that the local approval does not provide evidence that continued residential use is no longer feasible, or require affordable replacement units, as required by Section 23.04.092 of the LCP's Coastal Zone Land Use Ordinance (CZLUO). In addition, the appeal contends that the closure has not taken place consistent with the permitting, noticing, and information requirements established by CZLUO Section 23.08.164g. For example, the appeal questions whether former residents were adequately noticed of the closure, and whether the impacts to residents and availability of replacement housing have been effectively addressed. The submitted reasons for appeal are attached to this report as Exhibit 5, and the Sections of the CZLUO referenced by the appeal attached in full as Exhibit 6.

The appeal raises a **substantial issue** regarding the project's conformance to the San Luis Obispo County certified LCP for the following reasons:

1. There is No Substantial Evidence that Residential Use of the Site is Infeasible.

Section 23.04.092b(1) of the CZLUO states that demolition or conversion of any residential structure to a non-residential use as described in subsection a(3) of this section (e.g., conversion of a mobile home park to a non-residential use) shall not be authorized unless the Review Authority finds that any residential use at that site is no longer feasible, based on substantial evidence provided by the applicant (See Exhibit 6). The County's analysis of this requirement states:

Applicability of this section cannot be determined without knowing the proposed future use. Therefore, applicability of this section would need to be addressed in the subsequent development application.



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The local conditions of approval require the applicant to apply for permits for the physical improvements needed to complete the park closure (e.g., removal of remaining mobile homes, capping of utilities), and for future use of the property, within one year. According to the section of the County staff report cited above, it appears that the County intends to address the feasibility of continued residential use during the review of this future permit application. The current application does not contain any information regarding the feasibility of continued residential use.

This approach inappropriately defers application of a key LCP provision that protects affordable housing opportunities by prohibiting the conversion of such housing until specific requirements have been satisfied. The intent of CZLUO Section 23.04.092(b)1 is to ensure that affordable housing remains available unless and until specific findings regarding the feasibility of continued residential use can be made. Authorizing the conversion of the mobile home park to a vacant non-residential use prior to making the requisite findings undermines both the intent and the specific requirements of this ordinance, and raises a substantial issue regarding LCP compliance.

2. Replacement Affordable Housing Units Have Not Been Provided

In the event that continued residential use is not feasible, CZLUO Section 23.04.092(b)1 requires the provision of affordable replacement units at a 1 to 1 ratio, 12 months prior to filing the request for a demolition or conversion permit (exhibit 6).³ As discussed above, the feasibility of continued residential use on the site has not been addressed, so it is unclear whether replacing mobile home spaces with another form of affordable housing on site or elsewhere in the community could be allowed.

In light of creek setbacks requirements and other applicable development standards and site constraints, it may not be feasible to maintain pre-existing density of mobile homes (approximately 22 spaces) on this site. Section 23.04.092b(1) requires the applicant to provide substantial evidence documenting such constraints. If this information proves that retention of preexisting levels of affordable housing is infeasible, CZLUO Section 23.04.092 requires replacement units to be provided elsewhere in the community. The number of required replacement units would be equal to the difference between the pre-existing number of affordable units and the number of affordable units to be maintained on the site. These replacement units must be provided prior to the filing of the application to demolish or convert the mobile home park.

Contrary to the requirements of CZLUO Section 23.04.092, the conversion of the mobile home park to vacant non-residential status has been authorized without any provisions for retaining or replacing the affordable housing units that have been lost as a result of the closure. Again, this action undermines the

³ This requirement applies to the demolition or conversion to a non-residential use involving three or more dwelling units in one structure, or 11 or more dwelling units in two or more structures. Based on the previously operating capacity of the park, the proposed development involves the conversion of 11 or more dwelling units in more than two structures, and is therefore subject to the replacement requirements of CZLUO Section 23.04.092b(1).



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intent of the LCP to prohibit the conversion of affordable housing to a non-residential use without a specific plan for mitigating the impact of such conversions, as occurred here. As a result, the action raises a substantial issue regarding the development's consistency with CZLUO Section 23.04.092.

3. The Impact of the Closure and the Availability of Replacement Housing Has Not Been Addressed

CZLUO Section 23.08.164g requires Development Plan (i.e., coastal development permit) approval for the conversion of a mobile home park to another use, and requires applications for such conversions to include the report required by Government Code Section 66427.4 or 65863.7 as applicable (See Exhibit 6). This ordinance also requires verification that residents and mobile home owners have been notified of the proposed change in use consistent with the requirements of Section 798.56 of the Civil Code. As described by the County staff report, the referenced codes apply to the "cessation of use" of a mobile home park, require a report addressing the impact of the conversion, closure, or on displaced residents and the availability of adequate replacement housing, and establish specific noticing requirements. The County's analysis of the development's conformity with these requirements states:

Information provided by the applicant shows that there were no residents residing in the mobilehome park at the time the application was filed. Since there were no residents in the park, no one was displaced. Further, at no time was the Planning Department contacted by residents concerning the closure of the park or the termination of tenancy. There is no evidence to refute the applicant's and prior owner's claim that each tenant sold or vacated their mobilehome voluntarily, under their own free will. This information demonstrates that there was no impact to displaced residents and that there was adequate replacement housing available.

Similarly, with respect to noticing requirements, the County staff report states:

The last tenant vacated the property on November 15, 2004 and the remaining mobilehomes are owned by applicant. Therefore, there are no residents or mobilehome owners to notify of the closure.

The requirements of CZLUO Section 23.08.164g have not been adequately addressed by the County's review, which inappropriately analyzes the impact of the park closure according to the conditions that existed on the date that the application was submitted – well after the park had been closed in violation of permit requirements. Clearly the intent of ordinance 23.08.164g is to ensure that residents are notified, and that housing impacts are addressed, before such a closure takes place. Accordingly, the analysis of consistency with these requirements must be based on the conditions that existed when the property owner initiated efforts to phase out the mobile home park. Although it may indeed be too late to fully understand and rectify the impacts to individual residents that occurred as a result of the closure, opportunities to mitigate and offset these impacts may need to be further investigated and pursued. The County's approval of the closure does not address this need, and therefore raises a substantial issue regarding the consistency of the development with CZLUO Section 23.08.164.g.



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II. Recommended Motion and Resolution

MOTION:

*I move that the Commission determine that Appeal No. A-3-SLO-05-046 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-MCO-03-082 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

III. Appeal Procedures:

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is within 100 feet of Santa Rosa Creek and involves development that is not the principal permitted use established by the LCP.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not located between the first public road and the sea and



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thus, this additional finding is not required in a de novo review of this case.

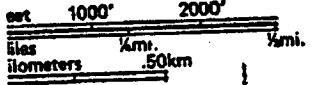
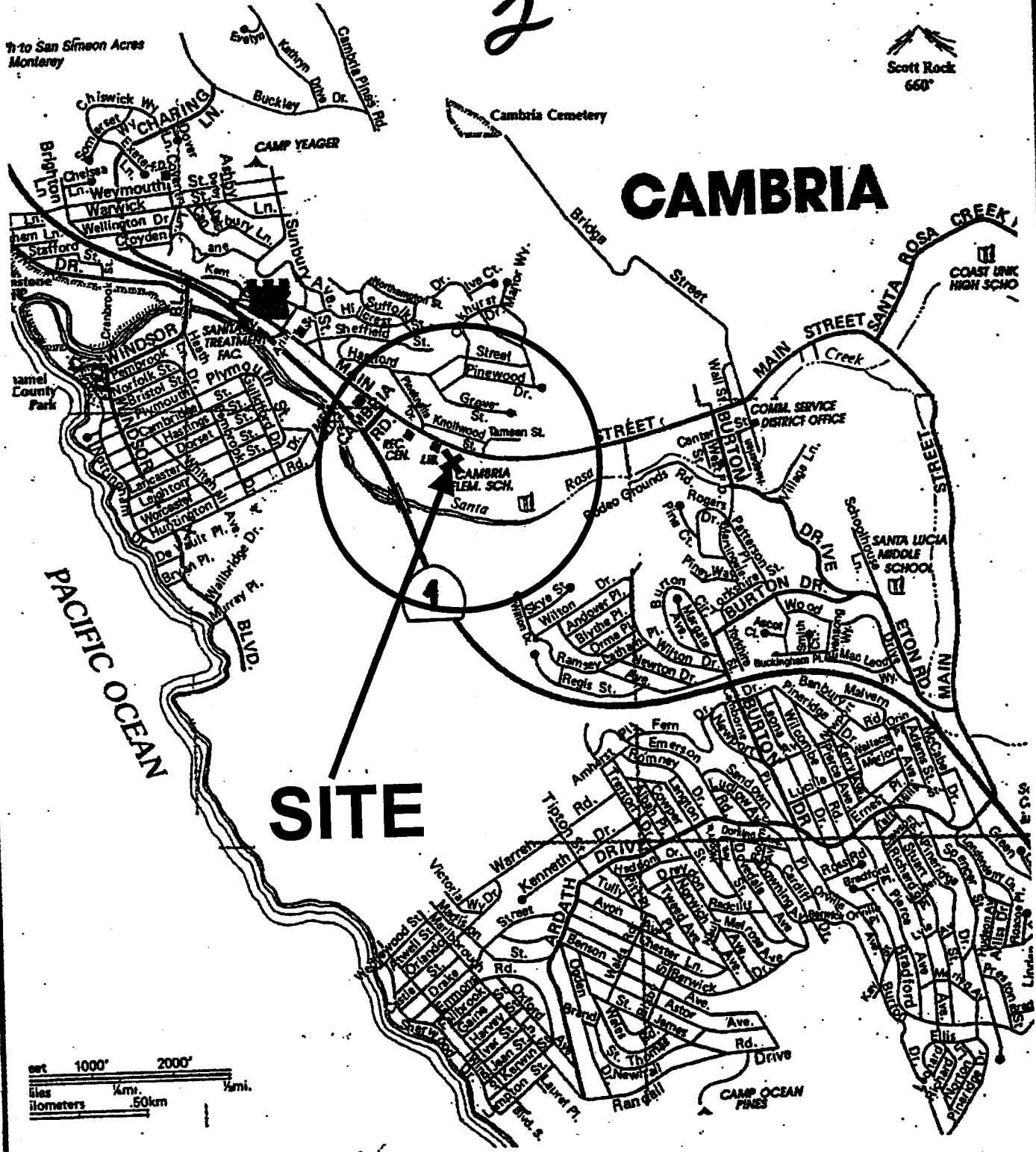
The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.



2-8



to San Simeon Acres Monterey



PROJECT
Conditional Use Permit
GFS Cambria LLC DRC2004-00176



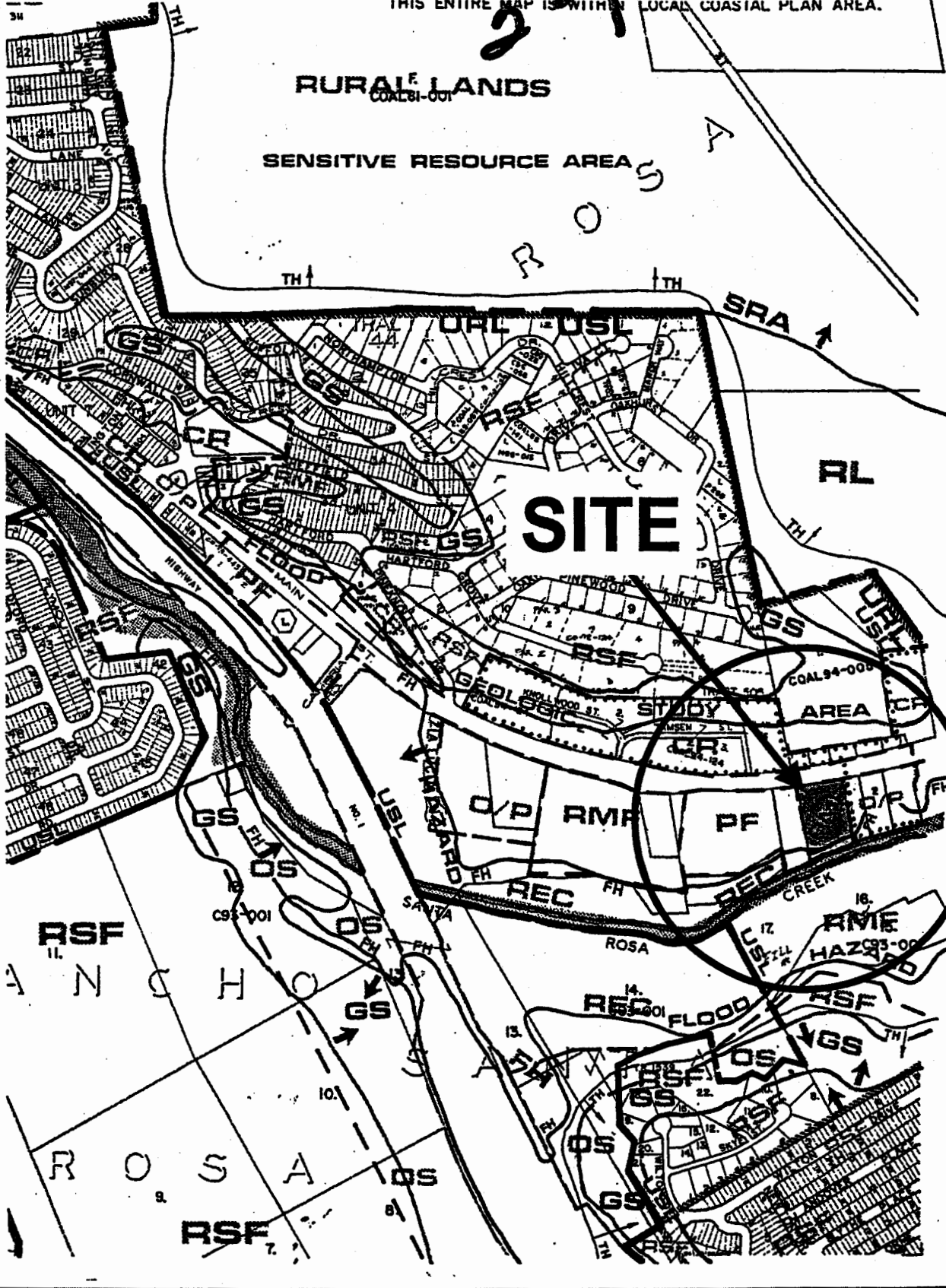
EXHIBIT
Vicinity Map
Exhibit 1 Pg 1 of 3

RURAL LANDS
COAL81-001

SENSITIVE RESOURCE AREA

R O S

SITE



PROJECT

Conditional Use Permit

GFS Cambria LLC DRC2004-00176

A3 SLO-05-046 (Red & Reel Mobil Home Park)

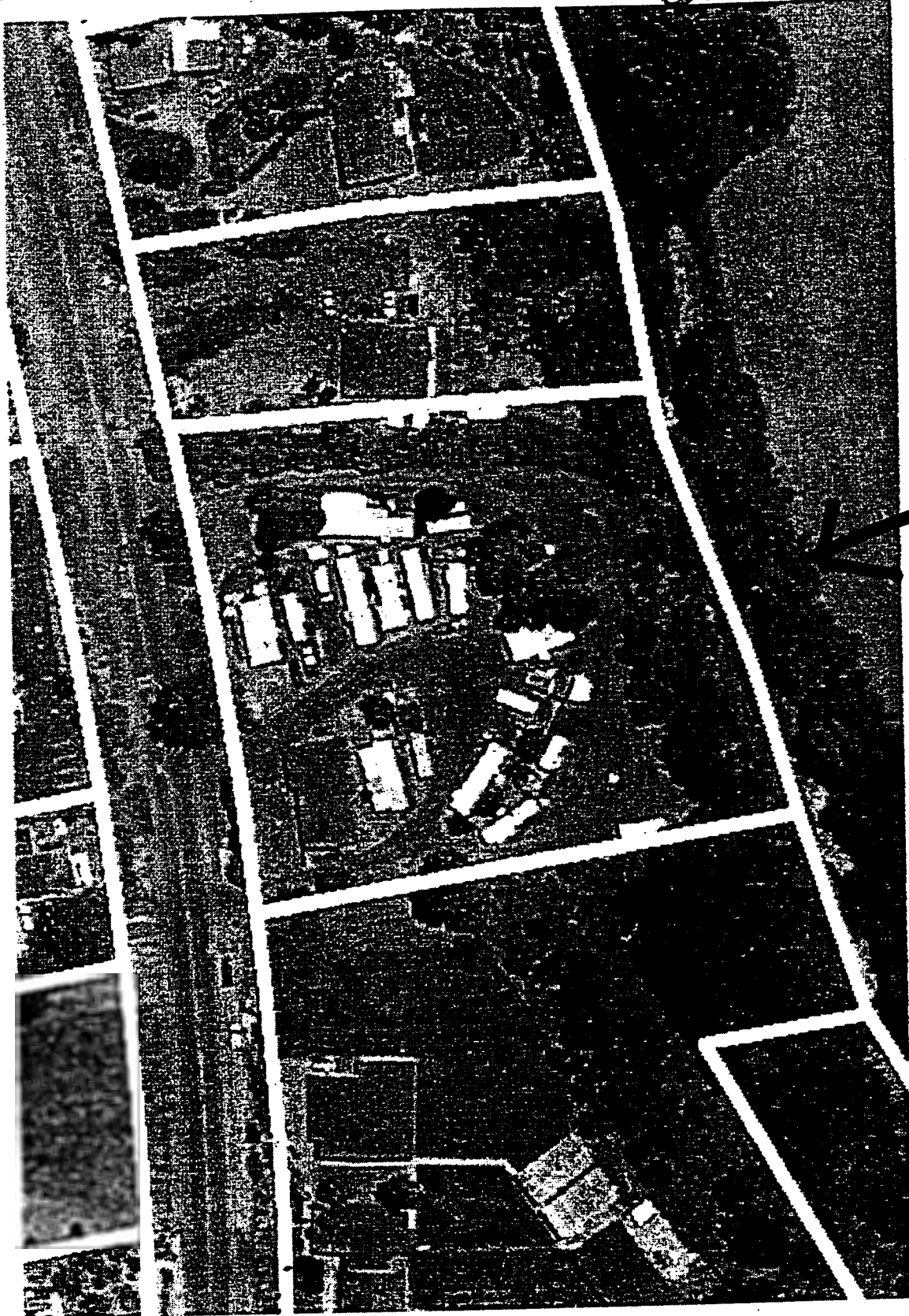


EXHIBIT

Land Use Category Map

Exhibit 1 Pg 2 of 3

2-11



PROJECT

Conditional Use Permit
GFS Cambria LLC DRC2004-00176



EXHIBIT

Aerial Photo

Exhibit 1 Pg 3 of 3

Steve Monowitz

From: Kathe Tanner [kathanner@charter.net]
Sent: Tuesday, July 26, 2005 2:28 PM
To: 'Steve Monowitz'
Subject: Rod & Reel

By Kathe Tanner

The Tribune

08-28-04

She may be blind and 84 years old, but fiercely independent Goldie Warren takes great pride in having lived on her own for so many years. Now, her Cambria home for the past two decades is being sold from underneath her.

Warren and about a dozen permanent or intermittent residents of the Rod & Reel mobile home park must find someplace else to live, probably by the end of the year. The plan is for the park, long an oasis of affordable housing in Cambria, to be torn down to make way for businesses, apartments and condos.

According to historian Dawn Dunlap, in the late 1940s Frank and Grace Sebastian built Rod & Reel on about 2 acres on a small family ranch at 1460 Main St. to accommodate sportsmen who came to Cambria to fish, collect abalone and rock-hound.

Ray and Carolyn Connelly have owned the park for 30 years but have signed a contract to sell it to developer Jeff Edwards. Escrow is due to close Jan. 1.

Edwards hopes to get county and state Coastal Commission permission to replace the mobile units with a commercial building with apartments upstairs on Main Street, detached housing units closer to the nearby Santa Rosa Creek and parking spaces in between.

'Everything I love'

It's an infuriating and worrisome turn of events for Warren, who is blind from glaucoma and has emphysema and other health problems. As she sat and talked, tapping her red-tipped white cane, patting her recently coiffed white hair and fussing with the Mandarin collar of her bright blue cardigan, she fretted about her uncertain future away from the snug doublewide trailer.

It is filled with her treasures - gnomes, dolls, frog sculptures, knickknacks, quilts and

doilies. Now, the mobile home also is laden with boxes and paper, as friends help her start the laborious process of weeding out and packing up.

"I'll probably have to have an auctioneer come to sell stuff, like my antique bedroom suite," Warren said. "Everything I love, I probably will have to part with."

After her husband died in 1950, Warren worked as many as three jobs at a time - at one, she X-rayed explosives at the China Lake military base - to support herself and her young son.

In 1985, she left Inyokern in the Mojave Desert area and moved to her Cambria mobile home, which cost her about \$25,000 to buy and another \$100 a month for rental of the space. That's gone up to \$400 a month, but it's relatively cheap.

These days, with the help of the Cambria Community Bus, Meals on Wheels and her son, Cambria resident James Tucker, she manages to get by on little more than her Social Security income.

Warren is better off than some. She owns her mobile home. Those in four other units rent from the park owners. Other park residents in 11 or so recreational vehicles are considered part-timers, although most of them work around a mandatory limit by leaving for 72 hours every seven months and then returning. A few other spots occasionally are occupied by overnights who pay \$33 a night to park there.

What's next?

Edwards and partner/financier Steve Miller of Cayucos and New York have offered to lease or sell the commercial building to the Cambria Community Services District, a possibility the district board will discuss it at a closed session today.

Edwards' previous projects include hotels and other buildings at Sea Pines Golf Course and Ragged Point Inn, a 30-unit development of homes at Morro Cove, a mixed-use project revamping the Sunnyside School in Los Osos, 13 single-family homes at Cerro de Avila in Avila Beach and 11 at Bishop Knoll in San Luis Obispo.

Neither Edwards nor the Connellys would say how much the two men are paying for Rod & Reel. Edwards' drawings show a two-story Cape Cod-style commercial building with four parking spaces on Main Street and five apartments upstairs. Behind that would be up to 43 parking spaces and 13 detached, condominium-style, three-bedroom housing units of 1,700 to 1,900 square feet each, with double garages. Some would have views of the creek and Rodeo Grounds area.

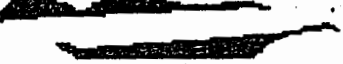
Edwards said the apartments atop the commercial structure would help make up for the loss of affordable housing, but he couldn't say yet how much the monthly rent for those units or the commercial building would be.

All that is somewhat academic to octogenarian Warren. "I guess they'll put in something better, but that's not helping me any," she said. "I have to find someplace I can buy or rent or whatever - someplace that's reasonable."

Even a "reasonable" rate by current Cambria standards will certainly be far more than the \$400 a month she's now paying for the space occupied by her dwelling.

With her health problems, "I think I need housing where I can get help," such as a senior-housing project in Morro Bay designed for those on limited incomes. "I've got my name in, but I don't know if there'll be a vacancy there by the time I have to leave here," she said. "I don't have a place to go."

J.H. EDWARDS COMPANY A real property concern

From the desk of
Jeff Edwards


2-13

**Fax
Transmission**

- Please call to confirm receipt
- Please respond by return fax
- Call only if transmission is incomplete

Date: April 15, 2005

To: Tammy L. Seale

Subject: DRC2004-00176 GFSCambria,LLC

Fax number: (805) 781-1242

From: Jeff Edwards 

Our phone: (805) 528-1567

Our fax: (805) 528-4473

of pages including cover page: 3

Dear Tammy, thank you for your assistance regarding the above referenced Development Plan application. Attached please find the completed matrix as requested. The two (2) footnotes on the matrix help explain the situation regarding space number 16 which was the only coach not owned by our predecessor, Ray and Carolyn Connelly. For purposes of our current discussion I will assume the application date is February 16, 2005. For your information, our "due diligence" with respect to the purchase of the property began on, or about July, 2004. As you may know, the escrow closed in January, 2005, transferring the property to GFS Cambria, LLC. All tenants were on a month-to-month tenancy and vacated voluntarily with the last tenant in space number 3 leaving on November 15, 2004 (see letter included). The gentleman (Steve Cole) staying in space number 16 simply keeps an eye on things for us. No rent is paid by him and we do not pay him either. Please do not hesitate to contact me with any questions you may have. I will assume that the subject application will be heard by the County Planning Commission on May 12, 2005.

c- Steve Miller
Jim Buttery

attachments

Exhibit 3 p.1

DRC2004-00176 GFS Cambria
 Development Plan/ Coastal Development Permit Application to close Mobile Home Park

Outstanding Information as of April 12, 2005

Mobile Homes Currently at Rod Reel Trailer Park

Unit	Occupants at time of application	Name(s) of last occupant(s)	Tenure	Status of Last Occupant (Renter/Owner)	Date Acquired by Ray and Carolyn Connelly	Owner at time of application
1	Vacant	Kanter/ Lindsay	11/03- 7/04	Renter	28-Feb-03	GFS Cambria LLC
3	Vacant	Green	6/03- 11/04	Renter	9-Feb-03	GFS Cambria LLC
7	Vacant	Norried	6/04- 9/04	Renter	1988	GFS Cambria LLC
11	Vacant	As of 4/1/04		Renter	1998	GFS Cambria LLC
12	Vacant	Castaneda	3/03- 6/04	Renter	1994	GFS Cambria LLC
13	Vacant	As of 4/1/04		Renter	1980	GFS Cambria LLC
16	Steve Cole *	Goldie Waren **	1/88- 10/04	Owner	15-Oct-04	GFS Cambria LLC
17	Vacant	Safonov	2/00- 10/04	Renter	2002	GFS Cambria LLC

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* Caretaker present since 12/04. No rental or lease agreement.

** Goldie Waren and Jim Tucker owned coach. Purchased by GFS Cambria, LLC 10/15/04.



2-17

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

September 2, 2004

Mr. Ray Connelly
Connelly's Rod and Reel
1460 Main St.
Cambria, Ca. 93428

Dear Mr. Connelly:

I am writing in reference to an article in the Saturday, August 28th, edition of the Telegram Tribune. It is our understanding that the longtime use of your property is some mixture of mobile homes and recreational vehicles, used as permanent residences. According to information you provided for our mobile home park survey in 1991, the park was approximately 40 years old at that time and 22 spaces were occupied. The recent newspaper article gave the impression that you are in the process of changing the use of your property and residents are being asked to move.

The San Luis Obispo County Coastal Zone Land Use Ordinance Section 23.08.164g, sets forth criteria for conversion of mobile home parks to other uses. If the property qualifies as a mobile home park, a Development Plan application must be filed with the county prior to any action to convert the park. Conversion includes requiring the tenants to move, and removing the units, even if no other use is planned.

We want to make you aware that, in the absence of an approved Development Plan, asking or requiring residents to move from a mobile home park for the purpose of converting it to another use is a violation of the county ordinance. We recommend that you ask us to evaluate the park and your proposed project to determine if a Development Plan is required at this time. Failure to comply with the mobile home park conversion standards will significantly complicate any future application for other uses on the property. In addition, there are also State laws regulating conversion of mobile home parks. You may want to contact your attorney regarding compliance with State laws.

If you have any questions, please call me at 781-5154.

Sincerely,

John Busselle, Senior Planner
Housing and Economic Development Section

C: Rubin Mireles, State Department of Housing and Community Development
Art Trinidad, Department of Planning and Building, Code Enforcement Division

2-18

Connelly's Rod & Reel
1460 Main St.
Cambria, CA 93428
Mailing address
846 Anchor
Morro Bay, CA 93442

RECEIVED
OCT 1 8-2004
Planning & Bldg

9/30/04

John Busselle
Dept. of Planning & Building
Housing & Economic Development Section
County Government Center
San Luis Obispo, CA 93408

Dear Mr. Busselle:

We have only recently received your letter dated 9/2/04. We no longer live at the Cambria property. Please make note of our mailing address.

The newspaper article from 8/28/04 was in error on many of its statements. I'll not bother you to those fallacies at this time.

We are NOT doing any conversions on our property. We are SELLING the property.

If you have any questions, you can call me at 772-2302

Sincerely,

Ray Connelly



CC: Rubia Mireles, State Dept. of Housing & Community Development
Art Trinidad, Code Enforcement Division

ANDRE,
MORRIS
& BUTTERY
A PROFESSIONAL LAW CORPORATION

2-19

RECEIVED
NOV 05 2004
Planning & Bldg

November 3, 2004

PETER R. ANDRE (1918-2000)
MICHAEL J. MORRIS
JAMES C. BUTTERY
DENNIS D. LAW
J. TODD MIROLLA
SCOTT W. WALL
KATHRYN M. EPPRIGHT
KEVIN D. MORRIS
WILLIAM V. DOUGLASS
JEAN A. ST. MARTIN
LISA LaBARBERA TOKE
MELISSA M. McGANN
BETH A. MARINO
JULIE CASEY MARTINEZ

2739 Santa Maria Way, Third floor
Post Office Box 1430
Santa Maria, CA 93456-1430

Telephone 805.937.1400
Facsimile 805.937.1444

1102 Laurel Lane
Post Office Box 730
San Luis Obispo, CA 93406-0730

Via Facsimile & U.S. Mail

John Busselle
Department of Planning and Building
County of San Luis Obispo
1050 Monterey Street, Room 310
San Luis Obispo, CA 93408

Re: 1460 Main Street, Cambria (Rod & Reel Trailer Park)

Dear Mr. Busselle:

Thank you for meeting with me last week. I received your voice mail that records of mobile home purchases by the Connelys since February, 2002 could be sufficient for your review. However, I have also discussed with the Connelys what records they maintained during their ownership of the property that they acquired in 1977. I am pleased to report that they can document their acquisition of mobile homes back to 1977, and in fact, they purchased one coach when they purchased the real property.

As I explained in our meeting, the Connelys adopted a policy of acquiring coaches with the long term intention of phasing out the mobile home park. Slowly but surely they were able to acquire the coaches until February 28, 2003, when only one remained that was not owned by them. At that point, under state law the property was no longer a mobile home park, because it did not meet the definition of a mobile home park under *Civil Code* Section 798.4. Nonetheless, during the period of time that the Connelys were acquiring coaches, they would rent those that were habitable on a month-to-month basis. In addition recreational vehicles continued to use the property with stays limited to six (6) months or less. In the last year, however, nearly all of their tenants have vacated the property. People moved voluntarily for a variety of reasons. In fact, the last recreational vehicles vacated the property over the weekend.

At this point, the Connelys have nearly completed 'going out of business as a mobile home park.' While eight (8) coaches remain on site, there are only two human beings occupying the property at this time, in Unit #3; and they have given notice that they will be vacating by November 15th. Presently, it can be anticipated that the owners will apply to the State to revoke their license to operate the mobile home park in the next few months. However, requirements under State Law must be met to complete this formality. The Connelys have not prepared any plans and have no intention of developing the property. They only wish to sell it for a fair price;

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John Busselle
November 3, 2004
Page 2

one that reflects their long term ownership of the property and their deliberate acquisition of coaches to the point that the site is no longer a mobile home park.

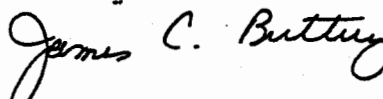
In support of this position, the Connellys' records disclose the following:

Date Acquired	Space #	Date Removed
1977	5	2002—January 16th
1980	13	Remains on site
1988	7	Remains on site
1994	12	Remains on site
1998	11	Remains on site
1998 Acquired at public auction	14	2001—January 14 th — salvaged to landfill
2002	17	Remains on site
2003—February 9th	3	Remains on site
2003—February 28 th	1	Remains on site

The Connellys respectfully request that you determine that the property does not constitute a mobile home park within the meaning of Coastal Land Use Ordinance Section 23.08.164(g), and further confirm that no development plan is required from them.

Please call me if you have any questions whatsoever.

Very truly yours,


James C. Buttery

JCB/sf

cc: Tim McNulty (San Luis Obispo County Counsel)
Ray and Carolyn Connelly



2-21
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

December 17, 2004

Jim Buttery
Andre Morris and Buttery
1102 Laurel Lane
P.O. Box 1430
San Luis Obispo, Ca. 93406-0730

Re: Connelly's Rod and Reel Mobilehome Park

Dear Mr. Buttery:

Thank you for the letter dated November 3, 2004, clarifying the situation with the mobile home park. It appears that the Connelly's have planned on phasing out the park for many years and have moved in that direction by acquiring coaches from residents. As noted, their last acquisitions were in February of 2003. At that time only one owner occupied coach remained.

On my site visit to the property on December 8th, the park appeared unoccupied and was fenced at the street. From the street, I was able to count 7 remaining coaches. At this time it appears that no coaches or spaces are being rented. However, as your letter states, as recently as early February of 2003, three spaces were rented (two that were acquired and one that was never acquired) for mobile home units. Therefore, as recently as February of 2003, the park met the State definition of a mobile home park. In addition, it is my understanding from talking to representatives from the State Department of Housing and Community Development, that the site is registered as a mobile home park for 10 mobile homes.

The San Luis Obispo County Coastal Zone Land Use Ordinance Section 23.08.164g, sets forth criteria for conversion of mobile home parks to other uses. If the property qualifies as a mobile home park, a Development Plan application must be filed with the county prior to any action to convert the park. Conversion includes requiring the tenants to move, and removing the units, even if no other use is planned.

It is clear from your letter that the property owner has intended to phase out the park. The ordinance is also clear that conversion of a mobile home park requires the filing of a Development Plan application with this department with the applicable reports as required by State law. Whether or not the site is currently a mobile home park by definition is arguable. However, as recently as early February of 2003, it was a park and the required application should have been filed prior to closure.

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I discussed the situation with members of our management staff. It is our view that the property is currently in violation of the Coastal Zone Land Use Ordinance Section 23.08.164g. This violation can be resolved by the filing of the appropriate application as previously noted. Applications for other uses or amendments to the general plan cannot be processed until the violation is resolved.

I would be happy to meet with you and discuss the application and contents of the required Tenant Impact Report. I am out of the office the week of December 20th and back on the 27th. I will need to have a person from our coastal team at the meeting since they will be processing any application.

If you have additional questions, please call me at 781-5154 or e-mail me at jbusselle@co.slo.ca.us

Sincerely,



John Busselle
Housing and Economic Development Section

C: Art Trinidad, Department of Planning and Building, Code Enforcement Division

ANDRE,
MORRIS
& BUTTERY

A PROFESSIONAL LAW CORPORATION

2-23

December 30, 2004

PETER R. ANDRE (1918-2000)
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JAMES C. BUTTERY
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SCOTT W. WALL
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Via Facsimile & U.S. Mail

John Busselle
Department of Planning and Building
County of San Luis Obispo
1194 Pacific Street
San Luis Obispo, CA 93408

Re: Rod & Reel Trailer Park

Dear Mr. Busselle:

I am in receipt of your letter dated December 17th that with the speed of the Postal System was not delivered until December 23rd. Thank you for meeting with me on December 29th to discuss this matter further. I appreciate your candor and that of your colleague, Martha Neder.

As I explained, I believe that the County's position is based on a false premise. The subject ordinance, 23.08.164(g), does not on its face apply to this situation, because the property owners are not proposing "new use." Rather, they have been endeavoring to cease the use as a mobile home park. They simply want to go out of the mobile home business, and frankly the language of the ordinance does not reference "closure" nor does it reference "cessation of use." Absent a modification of the ordinance that clarifies its applicability to the "cessation of use" as a mobile home park, it is our position that the ordinance simply does not apply.

In fact your letter mentions that "conversion includes requiring tenants to move, and removing the units, even if no other use is planned." First, no mobile home owner was required to sell their coach. They voluntarily sold their coaches. Second, no mobile home owner was required to vacate from the property. They left voluntarily except for those who passed away. With regard to whether any tenants (including those who were renting a coach) were required to move, it is my understanding that even those people left voluntarily.

While you suggested strongly in our meeting that the property owner should submit a development plan application to cease the mobile home park use, as described above I pointed out that both the language of the Ordinance and the prior interpretation of the Ordinance by the Planning Department did not support this conclusion. Rather than spending time in front of the Planning Commission with an application that describes events that occurred literally years, and

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A-3-SLO-05-046 (Rod & Reel Mobile Home Park)

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Exhibit 3 JAN 10 2005

Planning & Bldg

ANDRE,
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& BUTTERY

A PROFESSIONAL LAW CORPORATION

2-24

John Busselle
December 30, 2004
Page 2

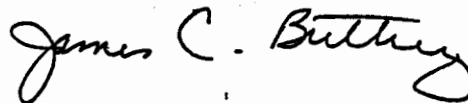
in some instances more than a decade ago, it would be more useful to spend that same time clarifying the language of the Ordinance. If the language of 23.08.164(g) was modified to define "change of use" to include "cessation of use" and "closure" of a mobilehome park, the public, including mobilehome park owners, would be clearly informed of the requirements that they must meet if they wished to discontinue their existing use.

I do want to make you aware of one unexpected change in circumstance that occurred since my letter dated November 3, 2004, was sent. Because of liability and insurance reasons, the property was fenced off, and for the same reasons a single tenant was installed. That tenant is in place at Space 16 and is the de facto caretaker of the property. Thus, while the tenant was placed for multiple reasons, it appears to me that there is no longer a "violation."

For the reasons I explained to you and as I have set forth in this letter, the Connelly's whole heartedly disagree with the County's position. It is not justified either factually or legally. They do not believe that there was, or is, a violation of Section 23.08.164(g) of your ordinance. My clients respectfully request that the Planning Department reconsider its decision as set forth in your letter of December 17th. It is my understanding that you will present this at your next meeting on January 5th.

Thank you for your time and your assistance in this matter.

Very truly yours,



James C. Buttery

JCB/sf

cc: Ray and Carolyn Connelly
Tim McNulty

FINDINGS - EXHIBIT A

Environmental Determination

- A. The project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 because the project involves the operation of existing private structures with no expansion of use.

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the mobilehome park closure does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the closure of the existing mobilhome park will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Main Street, an arterial road, and will not include additional traffic.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Sensitive Resource Area

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because no disturbance will occur.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because no disturbance will occur.
- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because no disturbance will occur.
- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because no disturbance will occur.

- L. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
- M. The proposed use will not significantly disrupt the habitat.

Archaeological Sensitive Area

- N. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because there will be no disturbance.
- O. The site design and development cannot be feasibly changed to avoid intrusion into or disturbance of archaeological resources because as proposed there will be no disturbance.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the closure of the Rod and Reel mobilehome park.

Conditions required to be completed within one year of authorization

2. Within one year of authorization for closure of the mobilehome park, the applicant shall apply for the appropriate permits for the physical improvements required for the closure of the park and for future use of the property.

On-going conditions of approval (valid for the life of the project)

3. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
4. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

June 29, 2005

Reasons for Appeal

San Luis Obispo Permit No. DRC2004-00176

Coastal Commissioners Reilly and Shallenberger

San Luis Obispo County's approval of Coastal Development Permit No. DRC2004-00176, allowing the closure of the Rod and Reel Mobile Home Park at 1460 Main Street in Cambria, is inconsistent with the San Luis Obispo County Certified Local Coastal Program for the following reasons:

1. The Project is Inconsistent with LCP Requirements for Affordable Housing.

Closure of the mobile home park has effectively converted one of the few affordable housing sites in Cambria to a non-residential use. This has occurred without documentation that continued residential use is no longer feasible, and without the provision of affordable replacement units, inconsistent with CZLUO Section 23.04.092. The future use of the site is unknown at this time.

2. The Project is Inconsistent with LCP Requirements Regarding Conversions of Mobile Home Parks.

The mobile home park has been closed in a manner that does not conform to the permitting, noticing, and information requirements established by CZLUO Section 23.08.164g. For example, the County's after-the fact approval of the closure does not establish that former residents were adequately noticed of the property owner's intent to close the park, or demonstrate that the impact to residents and the availability of replacement housing have been effectively addressed.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Mary K. Shallenbeger
Appellant or Agent

Date: June 29, 2005

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

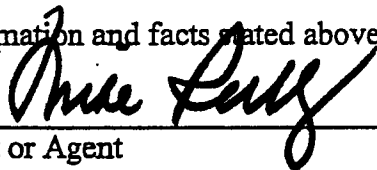
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Date: June 29, 2005

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

23.04.092

23.04.092 - Affordable Housing Required in the Coastal Zone: This section provides for the implementation of California Government Code Section 65590, which requires that housing opportunities in the Coastal Zone for persons and families of low or moderate income shall be protected, encouraged and where feasible, provided. It also recognizes that the provision of affordable housing may not be feasible in some developments.

a. **Applicability of standards:** The standards of this section apply only to the following types of projects located within the Coastal Zone:

- (1) New housing projects containing 11 or more dwelling units or parcels, created by a single developer. Such projects include multi-family rental or ownership units, single-family units where 11 or more units are proposed on a single building site or within a subdivision, or a subdivision of 11 or more residential lots for sale.
- (2) Demolition or conversion of one or more single-family dwellings, multi-family dwellings, mobilehomes, mobilehome lots in a mobilehome park, hotel or motel to condominium, cooperative or similar form of ownership, where the proposed demolition or conversion involves three or more dwelling units in one structure, or 11 or more dwelling units in two or more structures if any such units were occupied by persons or families of low or moderate income (as defined by California Health and Safety Code Section 50093) in the 12 months prior to filing the land use or division application for the project, except where demolition or conversion is to provide for a "coastal dependent" or "coastal related" use as defined in Section 23.11.030 of this title and Sections 30101 and 30101.3 of the California Public Resources Code.
- (3) Demolition or conversion of one or more single-family dwellings, multi-family dwellings, mobilehomes, mobilehome lots in a mobilehome park, hotel or motel to a non-residential use which is not "coastal dependent" as defined in Section 23.11.030 of this title and Section 30101 of the California Public Resources Code.

b. **Requirements applicable to proposed demolitions or conversions:**

- (1) **Demolition or conversion to non-residential use:** The demolition or conversion of any residential structure to a non-residential use as described in Subsection a(3) of this section shall not be authorized unless the Review Authority finds that any residential use at that site is no longer feasible, based on substantial evidence provided by the applicant. If the Review Authority makes this finding, and the proposed demolition or conversion involves three or more dwelling units in one structure or 11 or more dwelling units in two or more structures, and the proposed demolition or conversion is not to provide for a "coastal dependent" or "coastal related" use as defined in Section 23.11.030 of this title and Sections 30101 and 30101.3 of the California Public Resources Code, then affordable replacement units as defined in Section 23.04.094 of this title shall be provided at a ratio of one affordable unit for each demolished or converted unit that currently houses or has housed a family of low or moderate income within 12 months prior to filing of the request for a demolition or conversion permit.

- (2) **Demolition or conversion to condominium, cooperative or similar form of ownership:** Replacement units affordable to persons and families of low or moderate income as defined in Section 23.04.094 of this title shall be provided at a ratio of one affordable unit for each demolished or converted unit that currently houses or has housed a family of low or moderate income within 12 months prior to filing of the request for a demolition or conversion permit.
- (3) **Continued availability of affordable housing:** Affordable replacement housing units provided under Subsection b(1) or b(2) of this section shall be subject to the long-term housing affordability provisions described in Section 23.04.094 for a minimum period of time equal to 30 years minus the number of years beyond 10 years that the structure proposed for conversion or demolition has existed, but in no case less than 10 years.
- c. **Requirements applicable to proposed new housing projects:** The following standards apply to the types of projects described in Subsection a(1) of this section:
- (1) **Amount of required affordable housing:** Except as provided in Subsection c(2) of this section, 15 percent of the units will be provided as affordable housing for persons and families of low or moderate income as defined in Section 23.04.094. Provision of 15 percent of the project as affordable housing shall be presumed feasible unless the Review Authority finds that the project should not be reasonably expected to provide that level of affordable housing, as provided in Subsection c(2) of this section. Projects receiving a density bonus in return for agreeing to provide affordable housing for persons or families of very low-income or lower-income pursuant to Section 23.04.090 of this title are not required by this section to provide more affordable housing than is required to qualify for the density bonus.
- (2) **Feasibility finding required for fewer affordable housing units:** In order to approve a new housing project with fewer affordable housing units than otherwise provided by Subsection c(1) of this section, the Review Authority shall first find, based on substantial evidence provided by the applicant, that the level of affordable housing provided by the proposed project is all that may be feasibly accomplished in a successful manner within a reasonable period of time, taking into account the economic, environmental, social and technical factors affecting the project.
- (3) **Continued availability of affordable housing:** Affordable housing units provided under Subsection c(1) or c(2) of this section shall be subject to the long-term housing affordability provisions described in Section 23.04.094 for a period of 30 years.
- d. **Location and timing for provision of affordable units:** New or replacement affordable housing units required by this section may be placed on the same site as the other new housing units or demolished or converted units, or at some other site in the same community, provided that all other requirements of this title allow for such development. The affordable housing units must be completed, and their county construction permits finalized, before the construction permits for the market rate units shall be finalized by the county, except where the developer has posted a performance bond or entered into an alternative agreement ensuring provision of the affordable housing units, subject to approval by the Office of County Counsel and the Director of the County Department of Planning and Building. In any case, the period of time for provision of the new or replacement housing units required by this section shall not exceed that established by Section 65590 of the California Government Code.

[Added 1992, Ord. 2579; Amended 2004, Ord. 3001; 2004, Ord. 2995]

23.08.163 - 164

- e. **Mobilehome design standards.** The following standards apply to all new mobilehomes proposed within urban or village areas or in rural areas , except in mobilehome parks. These requirements apply in addition to all applicable standards of this title for single-family dwellings, as well as all applicable provisions of Chapter 19.60 of this code.
- (1) **Exterior design standards:**
- (i) **Siding materials.** Exterior siding (excluding windows) is to consist of non-reflective materials designed to resemble wood, stucco, rock, masonry or concrete block or other non-reflective, textured surface.
- (ii) **Roofing materials.** Roofs (excluding skylights) are to consist of non-reflective materials designed to resemble wood shakes, wood or composition shingles, tile, rock, sod, or metal with a baked-on color or other non-reflective, textured surface.
- (iii) **Roof overhang.** Roofs shall have eave and gable overhangs of not less than one foot as measured from the vertical side of the structure.
- f. **Special permit requirement.** If, in the opinion of the Planning Director, a proposed mobilehome does not satisfy the criteria of subsections b. or e. of this section, Minor Use Permit approval is required. The provisions of this section are not otherwise subject to waiver or modification pursuant to Section 23.08.012d.
- g. **Storage:** Unoccupied mobilehomes that are not fixed to a foundation system or otherwise installed on an approved permanent site shall be stored only in a mobilehome sales lot (Section 23.08.144), an approved storage yard (Section 23.08.146), or in a mobilehome park.

[Amended 1992, Ord. 2591; 1995, Ord. 2715]

23.08.164 - Mobilehome Parks: Mobilehome parks are subject to the regulations of Title 25 of the California Administrative Code, in addition to this section and other applicable standards of this Title.

- a. **Permit requirement.** Development Plan pursuant to Section 23.02.034 in addition to any permits required by the state Department of Housing and Community Development.
- b. **Application content.** 10 copies of the Development Plan application and all accompanying materials are to be provided.
- c. **Minimum site area and density.** A site proposed for a mobilehome park is to be a minimum of 5 acres. Maximum park density shall be as follows:
- (1) **Urban or village areas.** Eight dwelling units per acre of gross site area.

- (2) **Rural areas.** Allowed density is one mobilehome for each area equivalent to the minimum parcel size required by Section 23.04.020 et seq. for the land use category in which the site is located. Sites for individual mobilehomes may be clustered, and of a size consistent with subsection e(1) of this section, when the mobilehome park is provided on-site community water supply and sewage disposal systems.
- (3) **Recreation category.** Eight dwelling units per acre of gross site area.
- d. **Access.** A collector, arterial or freeway frontage road, except that a mobilehome park with less than 40 units may be on a local road not more than 500 feet from a collector, arterial or freeway frontage road.
- e. **Site design standards.**
- (1) **Required yards.**
- (i) **Individual mobilehome lots.** To be provided with a 10-foot front yard between the mobilehome and the edge of an internal park street, measured from the center point of the mobilehome wall to the edge of the interior park street; and five-foot side and rear setbacks, except that a carport or unenclosed patio may extend to one foot of the side lot line.
- (ii) **Separation between structures.** No mobilehome may be located closer than 10 feet to another mobilehome or structure.
- (iii) **Park boundary yards.** Mobilehomes are to be set back from park property lines as follows:
- Park Entrance Street: 25 feet
Other Street Frontage: 15 feet
Other Property Lines: 10 feet
- (2) **Coverage.** A maximum of 75% of the mobilehome park site may be covered by mobilehomes, structures, and paving for vehicle use.
- (3) **Landscaping.** Areas not occupied by mobilehomes, other structures or paving, or unpaved fenced storage areas are to be landscaped.
- (4) **Parking.** The mobilehome park is to be provided with parking spaces as follows.
- (i) **Individual mobilehome.** A minimum of two off-street parking spaces are to be located on each mobilehome site. Such spaces may be arranged in tandem, and may extend into the required front yard.

- (ii) **Guest parking.** To be provided at a ratio of one space for every four mobilehomes. Guest spaces may be located along interior streets within the park, provided that street width is in conformity with the provisions of Section 1106, Title 25 of the California Administrative Code.
 - (5) **Utilities.** All on-site utilities are to be installed underground.
 - (6) **Screening fencing.**
 - (i) **Fencing required.** The perimeter of a mobilehome park (with the exception of the park entrance street frontage) and any recreational vehicle storage areas are to be enclosed with solid wood or masonry fencing, or other alternative screening approved by the Planning Commission, a minimum of six feet in height.
 - (ii) **Location of fencing.** Park perimeter fencing is to be located at the setback line on street frontages where required, and on the property line elsewhere.
 - (iii) **Adjustment.** An adjustment to this standard may be authorized by the Planning Commission to reduce or eliminate the fencing requirement where topography, existing vegetation intended to remain, or other conditions would make screening unnecessary or in-effective.
 - (7) **Antennas.** A mobilehome park may be provided with cable television service or a single community receiving antenna. Individual television antennas shall not be used.
 - (8) **Skirting.** Each mobilehome shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobilehome located on-grade.
- f. **Mobile home park condominiums.** A mobilehome park condominium, planned development or similar residential unit ownership project may use smaller parcel sizes than what would otherwise be allowed by Sections 23.04.025 et seq., to be determined by the Review Authority through Development Plan approval provided that the density of the units is in compliance with Section 23.08.164(c). Mobile home park condominiums are also subject to the requirements of subsection g of this section.
- g. **Conversion of mobilehome park to another use.** Any subdivision of an existing mobilehome park or conversion of an existing mobilehome park to another land use is subject to the following requirements, in addition to all other applicable provisions of this title:
- (1) **Permit requirement.** Development Plan approval pursuant to Section 23.02.034
 - (2) **Application content.** The Development Plan application shall include the report required by Government Code Section 66427.4 or 65863.7 as applicable, in addition to all information required by Section 23.02.034 of this title.

- (3) **Special notice requirement.** As required by Government Code Section 65863.8, at least 30 days before the public hearing on the Development Plan, the Planning Department shall notify the applicant in writing of the provisions of Section 798.56 of the Civil Code regarding the responsibility of the applicant to notify residents and mobilehome owners of the mobilehome park of the proposed change in use. No hearing on a proposed mobilehome park conversion shall be scheduled until the applicant has verified such notification to the satisfaction of the Planning Director.

[Amended 1992, Ord. 2584; 1995, Ord. 2715]

23.08.165 - Residential Vacation Rentals: 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.