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original staff report

Agenda item **W10A**
Hearing date Nov. 13, 2013
Joyce Renshaw
In favor of CC Staff recommendation

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California Coastal Commission
Central Coast District Office
725 Front St. Ste. 300
Santa Cruz, CA 95060

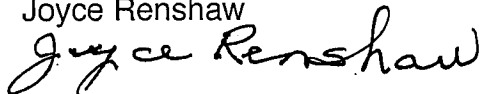
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: agenda item W10A

I am a Cambria resident for 15 years. I have been involved in the issue of regulation of Cambria vacation rentals for over a decade. I was Chair of the North Coast Advisory Council when this Ordinance came before us. We held many public hearings on the revisions to the Ordinance and went over the Ordinance sentence by sentence. When the Counties final revision of the Ordinance came before us, there were only minor objections. NCAC voted unanimously to advise the San Luis Board of Supervisors to approve the revisions to the Ordinance.

I SUPPORT THE COASTAL COMMITTEE STAFFS RECOMMENDATION find the proposed amendment consistent with and adequate to carry out the policies of the LUP.

Joyce Renshaw



Joyce Renshaw
1790 Ogden Dr
Cambria, CA 93428

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda Item: W10A

CC meeting date: Nov. 13, 2013

Position: Approve the staff recommendations

Name: Joe and Barbara Crowley

Nov. 3, 2013

Dear Coastal Commission:

We are in favor of the Coastal Commission recommendations as contained in the staff report.

As full-time residents of Cambria for 7 years and located next door to a vacation rental that is practically occupied every weekend and during the week days in summers and holidays, we can relate to the need for regulations such as in the SLO vacation rental ordinance. Furthermore, we see the great advantages to the revised amendments to the ordinance which you have before you for consideration.

With the present ordinance, we residents have no recourse when rental agencies and renters violate the rules. The present rules are vague and not enforceable. We have no police enforcement immediately available. We have to call the county sheriff and he is generally busy with other more important details. Hence, these violations are rarely documented as pertaining to a vacation rental.

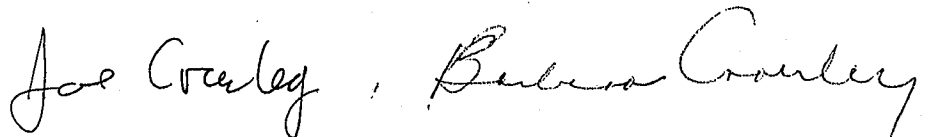
The proposed revised amendments to the ordinance articulate greater accountability. We believe residents and rental agencies will have greater clarity for responsibility and enforcement.

We bought a home in an R-1 zoned neighborhood which does not allow businesses. We expected our neighbor would also not operate a business; but this is not the case. These vacation rental homes are here to stay. The next best thing is to regulate their usage for balance so that full time residents and tourists can enjoy living and visiting the beautiful coastal area.

Please vote to approve the revisions to the SLO Vacation Rental Ordinance.

Thank you.

Respectfully,



Joe and Barbara Crowley
1801 Ogden Dr.
Cambria, CA 93428

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda No. W10a

SLO County LCP Amendment No. SLO-1-12

(Vacation Rentals)

November 13, 2013 Coastal Commission Meeting

John Lamb

APPROVE

November 1, 2013

Honorable Commissioners:

I urge you to APPROVE San Luis Obispo County's proposed amendments to its Vacation Rental Ordinance. As a long-time resident of Cambria and participant in the amendment process, I believe that the amendments significantly improve the existing ordinance and adequately address the concerns of all parties.

Since I moved to Cambria full time in 2004, six houses on my street have become vacation rentals. There are at least two more vacation rentals on the street just up the hill from me, and there are literally dozens in the area immediately down the hill from me (the Marine Terrace).

While most renters are respectful, some unfortunately are not. They create traffic, parking, overcrowding, and noise problems. Even the most respectful renters, however, do not have any personal stake in the neighborhood or contribute anything to it. They are transients, and detract from the residential character of the neighborhood.

The situation in my neighborhood is just one example why the revised location standard (proposed § 23.08.165(c)), frequency of renting standard (proposed § 23.08.165(d)), noise standard (proposed § 23.08.165(j)), local contact person requirement (proposed § 23.08.165(k)), and enforcement procedures (proposed §§ 23.08.165(n),(o)) are so important, and should be implemented right away.

The process of amending the ordinance began in July 2009. I was a member of the North Coast Advisory Council's Land Use Committee during the entire revision process and attended nearly every meeting and public hearing. (My tenure with the Committee ended last June, and I am writing as an individual.) Based on my participation, I can tell you that the Council and Committee considered vacation rental issues and proposed amendments during at least six meetings. Community members at these meetings included property owners, management companies, real estate agents, and Cambrians who favor and oppose vacation rentals. The issues and concerns of each of these parties were discussed at length and the Council used this input in its recommendations to the SLO Planning Department. The SLO Planning Commission reviewed the Planning Department's draft revisions section by section at four hearings, with significant public comment each time. The Commission voted 4-0 to approve the amendments. The SLO Board of Supervisors considered the proposed revisions at two hearings, again with significant public input. The Board voted 5-0 to approve the revisions.

The revision process has indeed been "lengthy and inclusive ... with multiple hearings,"

Agenda No. **W10a**
SLO County LCP Amendment No. SLO-1-12
(Vacation Rentals)
November 13, 2013 Coastal Commission Meeting
John Lamb
APPROVE
Page 2

as noted in the Staff Report (p. 8). The Staff Report concludes that through this process, SLO County "derived the proposed refined ordinance, which should continue to protect and encourage vacation rentals while at the same time continuing to protect residential communities consistent with the LCP." (p. 8.) The Report recommends that the Commission approve the amendment as submitted. (pp. 2, 3.)

In light of the lengthy and inclusive revision process, the multiple public hearings, your Staff's recommendation, and the demonstrated need for the revisions, I urge you to vote to APPROVE SLO County's proposed amendments to its Vacation Rental Ordinance.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Lamb", with a long horizontal flourish extending to the right.

John Lamb
1841 Ogden Dr.
Cambria, CA 93428
805-927-4640

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda # W10A
DATE NOV. 13, 2013
WILLIAM A. EDIS
POSITION: IN FAVOR

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT ST, STE 300
SANTA CRUZ, CA 95060

COMMISSIONERS;

⑥ R-1 ZONING I ACCEPTED — NOT TO RUN
A BUSINESS, SAME FOR MY NEIGHBORS. WE
MUST REGULATE

⑦ REVISED TENANCY RULES (RENTALS PER MONTH)
PARKING, REPORTING VIOLATIONS, DISTANCES)

THANK YOU FOR YOUR ASSISTANCE

WILLIAM A EDIS
629 ARDMORE DR.
CAMBRIDGE, CA 93428

W10a

Cambria, November 1, 2013.

California Coastal Commission: November 13, 2013 hearing,
W10a, San Luis Obispo County, LCP Amendment Number SLO-1-12 (Vacation Rentals).

We are in Favor of Proposed Amendments !

Joan and Martin Verhaegh.

Honorable Commissioners,

Over a period of about six years, we have been active with the formulation of the vacation rental ordinance as it currently applies to Cambria. More than 550 residential households then petitioned the SLO Board of Supervisors to develop and expedite the ordinance in our residentially zoned Single-Family Districts. And at the same time pleaded for our life-quality protection within the ordinance.

The most frustrating occurrence during this period: There was no effective County control on the spacing and location of the vacation rentals. Other short-term rentals such as Bed-and-Breakfasts and Home-stays were also added to the mix. While many of those concentrated rental locations are not in compliance with the ordinance rules, they were grandfathered in.

Following ordinance activation, the residents of Cambria worked through their County-district based 'North Coast Advisory Council' to seek life-quality enhancements en ensured code enforcement. Most of the Advisory Council recommendations were approved by the Supervisors, and are contained in the amendments before you. There is very strong support from the Cambrian residents.

Your acceptance of these amendments assures that no further concentrated deviant rental locations are created, and its share of Single-Family Residential life-quality will be retained.

As has become evident recent years in Cambria, this ordinance is only as effective as the Code Enforcement stance associated with it. The amendments remove interpretive language and create clearer enforcement rules.

Within the spirit that serves all residents of Cambria, as well as all coastal visitors to our community, we urge you to approve the vacation rental ordinance amendments.

Thank you.

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Joan and Martin Verhaegh.
551 Dorset Street, Cambria CA 93428
(805) 927-5792 verhae@charter.net

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NOV 04 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: W10A

Nov. 13, 2013

Elizabeth Bettenhausen

Position: In favor of SLO-1-12

and thus of NO vote on motion. p. 3

4 November 2013

California Coastal Commission
Central Coast District Office
725 Front St., Ste. 300
Santa Cruz, CA 95060

Dear Commissioners:

I had the privilege of moving to Cambria 11 years ago, after combining financial resources with my mother and sister and buying a house with two mortgages and semi-near views of the Pacific Ocean. Of course we were unaware at the time that within 300 feet of our new home on Park Hill were 14 vacation rentals.

Before we moved here, our family had rented vacation homes in Cambria several times. The coast belongs to none of us, and all of us are held accountable for its well-being by the effects of what we do.

The Resolution before you balances the interests of people on vacation and people living full-time near the Cambria State Marine Park and adjoining beaches. Putting businesses in a neighborhood zoned for residential use contradicts governing principles. But excluding vacationers from more affordable stays gives privileges only to the affluent.

Bombastic, beer-drinking, vacationing "associate vice-presidents" certainly disturb a neighborhood's peace. But ten quilters staying a week can be a fine addition. That's a bit of history from a vacation rental across the street from our home. I'll spare you more.

Please vote NO on the motion and thus certify the Implementation Plan Amendment Number SLO-1-12 as submitted by San Luis Obispo County and adopt the findings set forth after the Resolution. The LCP amendment helps all living here full-time or just a few days.

Thank you very much for your service to the State of California and especially to the Pacific Ocean's coast.

Sincerely yours,

Elizabeth Bettenhausen, Ph.D.
345 Plymouth Street
Cambria, CA 93428

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NOV 01 2013

IN FAVOR
W10A-SLO1-12

OCT. 30, 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

COASTAL COMMISSION

**AGENDA ITEM - W10A SLO LCP AM. NO. SLO-1-12
IN FAVOR OF ADOPTING REVISIONS**

Over the last six and one half years, there have been many hours spent by permanent full time residents, rental agencies, the North Coast Advisory Council and the Land Use Committee of Cambria as well as San Luis Obispo Department of Code Enforcement and Board of Supervisors regarding revisions to the rental code.

My husband and I believe that the Vacation Rental Amendments before you to the San Luis Obispo County code are necessary. The purpose is "To insure that these rentals will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods they are located within." This is stated in the current Purpose as your board originally approved.

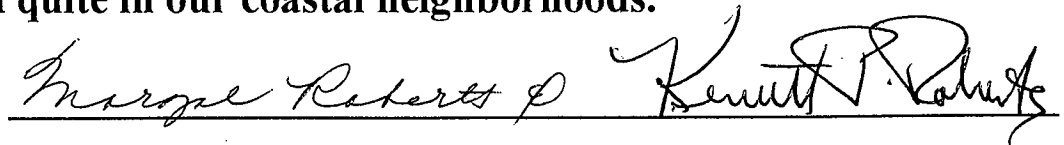
These amendments will allow local permanent residents an avenue to pursue complaints. Signed affidavits by members of the community may be used to verify violations. **THIS IS VERY IMPORTANT.**

Among such violations are: Excessive number of tenants occupying the property, vehicles parked in the roadway, violation of the tenancy period and improper disposal of trash.

We currently have approximately 15 rentals within 500 feet of our home. Any more would have a detrimental impact on our lives.

We urge you to vote to approve these amendments and allow us to live in peace and quite in our coastal neighborhoods.

Thank you.



MARGOL AND KEN ROBERTS

1880 MARLBOROUGH LANE, CAMBRIA CA 93428

805 927-0841 kenandmargol@charter.net

To: California Coastal Commission

From: Tom Gray

Re. SLO County Vacation Rental Ordinance

As a resident of Cambria, California, I would like to express my support for the proposed amendments to the San Luis Obispo County ordinance governing vacation rentals in the communities of Cambria, Cayucos and Avila Beach.

Agenda Item: W10a, Nov. 13, 2013; San Luis Obispo County LCP Amendment No. SLO -1-12 (Vacation Rentals).
Name: Tom Gray
Position on Agenda Item: In Favor of County's request for Commission approval of amended Vacation Rental Ordinance for communities of Cambria, Cayucos and Avila Beach

I am writing this as a private citizen, but also as someone who was closely involved in the process of developing the amended ordinance and providing community input on it to the San Luis Obispo County Board of Supervisors. I was chair of the Land Use Committee of the North Coast Advisory Council (covering Cambria and surrounding areas) when the Council – tasked with advising the Board of Supervisors – made its final recommendation on the amendments. This came after a lengthy process of public hearings and deliberations, in which Cambria residents and business owners had ample opportunity to be heard. The amendments ultimately approved by the Board of Supervisors were substantially in line with what we at the North Coast Advisory Council wanted to see. In my view, they reflect a sound balance between the interests of residents, local businesses and visitors. They are also a major improvement over the original ordinance, particularly in preserving the character of residential neighborhoods and giving local residents a way to identify responsible parties (e.g., management firms) so that problems such as noise and street parking do not get out of hand.

As the staff report notes, the proposed new distance standards (designed to prevent clustering of vacation rentals), reduce the potential number of such rentals in Cambria from 1,255 to 790. It is unlikely, however, that this reduction would have any real-world impact on the actual supply of rentals available to visitors. Right now, under the more lenient current ordinance, Cambria has only 315 rentals available – indicating that the market for these rentals has found its level well below 790, much less 1,255. Under the amended ordinance, in other words, the public's access to this form of accommodation in Cambria will continue to be adequate to meet any reasonably expected demand.

I would like to commend the Coastal Commission staff for its thorough and reasonable analysis of the amended ordinance. I urge the Commission to follow its recommendation and allow the amended ordinance to take effect.

If you have any further questions, here is my contact information:

Tom Gray
801 Warren Road, Cambria, CA 93428
805-927-4402. Mobile: 805-750-1257
tsgrey@sbcglobal.net

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NOV 07 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

W10A

November 13, 2013

Kathy D. Smith

IN FAVOR OF PASSAGE

November 5, 2013

California Coastal Commission
Central Coast District Office
725 Front St., Ste. 300
Santa Cruz, CA 95060

Dear Sir/Madam:

I wish to submit my request that you approve the above revisions to the above ordinance with no exceptions.

When we bought a home here in Cambria 11 years ago, we deliberately chose an R-1 zoning location so that we would not have businesses and undo noise and crowding where we lived. The climate has dramatically changed with the addition of many more vacation rentals to our small community creating a stressful environment with regard to noise, parking and disregard of the local residents who live here to enjoy the serenity and surroundings that we had come to expect.

This ordinance would create the balance needed for all to enjoy Cambria, both residents and visitors.

Please, please, pass this ordinance as written with the new revisions.

Thank you.

Kathy D. Smith

1975 Richard Avenue

Cambria, CA 93428

kdsmith@jps.net

(805) 927-9390

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda Item: W10A
Hearing Date: Nov. 13, 2013
Name: Barbara Snyder
Position: In Favor

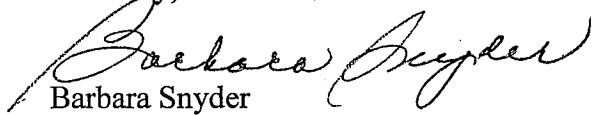
California Coastal Commission
Central Coast District Office
725 Front St. Ste 300
Santa Cruz, CA 95060

We have residential zoning for a reason. If zoning laws are to be abrogated to allow Vacation Rentals, protections should be built in to the Ordinance to allow residents the quiet enjoyment of their homes. The amendments to the Vacation Rental Ordinance that were approved 5-0 by the San Luis Obispo Board of Supervisors put such protections in place. Density requirements are particularly important to insure that a homeowner is not surrounded by Vacation Rental businesses.

Please approve the revisions to the Ordinance as stated in the approved SLO County Board of Supervisors revisions.

Thank you for the work that you do, and for your consideration in this matter.

Sincerely,



Barbara Snyder
1788 Dorking Ave.
Cambria, California 93428
bar.snyder@charter.net

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

W10a

11-13-13

SLO-1-12 Vacation Rentals

William Hughes

Favor the Amendment

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

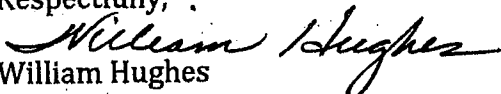
November 4, 2013

Dear Commissioners:

RE: SLO County LCP Amendment Number 1-12 (Vacation Rentals)

I appreciate and agree with the SLO County Amendment 1-12 on Vacation Rentals. This amendment is essential to maintaining quality of life and preserving the character of R1 neighborhoods in Cambria. I agree with the proposed changes and urge you to pass and adopt the amendment.

Respectfully,


William Hughes
434 Plymouth Street
Cambria, CA 93428

W10a

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A LAW CORPORATION

Shaunna Sullivan / Principal

California Coast Commission
(Central Coast)
725 Front Street, Suite 300
Santa Cruz, CA 95060

November 8, 2013

NOV 08 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

PERSONAL SERVICE,
US MAIL and

EMAIL: Daniel.Robinson@coastal.ca.gov

Re: *Comments regarding revisions to San Luis Obispo County
LCP Amendment No. SLO-1-12 Vacation Rentals*
Hearing Date: November 13, 2013
Agenda Item: W10a

Dear Honorable Members of the Board:

This letter is written on behalf of my mother, Ruth B. Sullivan, who is fortunate enough to own a wonderful beach front home on Studio Drive in Cayucos. Unfortunately, it sits vacant as she cannot rent it for less than 31 days under the County's ordinance prohibiting use of private homes as vacation rentals since a vacation home exists next door to her home. My mother's home was purchased in 2006 long after those who had vacation homes were grand fathered in when the first ordinance was adopted in Cayucos. There appears to be no rhyme nor reason for disallowing vacation rentals that lie on the oceanfront merely because they are adjacent to each other. Although the proposal reduces the current 200 linear foot restriction to 100 linear feet, the new 50 foot radius around the vacation rental will not allow more vacation homes. Moreover, the radius restrictions are illogical in an area that is configured like Studio Drive with basically one long strand of homes.

I have attended many many meetings pertaining to this vacation home ordinance trying to bring home through the various local bodies legislating this ordinance that it does not further the goals of the Coastal Act or help the tourist trade. I have repeatedly asked the county agencies reviewing this to point out even one additional home that could become a vacation home under this ordinance and not one has been indicated.

This inability to rent vacation homes is a terrible waste of resources that could and should be utilized to further the goals of the Coastal Act, which include providing low cost visitor-serving opportunities for others to enjoy our coastal resources. Moreover, our community gains from more bed taxes generated and collected from vacation rentals.

Instead this home, like the majority of the other homes in the Studio Drive enclave, sits

vacant¹. By this ordinance, a handful of vocal Cayucos home owners dictate to their non-resident neighbors use of their homes. This home purchased in 2006 has such a high property tax that renting it on a monthly basis at fair rental value would not cover, property taxes, let alone the mortgage. Unlike my mother's home, many of these homes have passed through families from generation to generation, which explains their extremely low property tax base and infrequent use. Others are owned by the ultra rich and are simply not used except on an infrequent basis. To limit vacation rentals and the opportunity to promote visitor-serving homes in an existing development to protect a minority of local home owners is the ultimate "Nimbyism" and certainly does not advance the goals of the Coastal Act.

The ordinance, which prohibits economic use is based on an arbitrary one vacation home per 50 to 200 foot radius or per 100 to 200 feet linear on the same block and across the street. The home on one side of my mother's is vacant, and on the other side, is a vacation house that has never presented any problems. It is perfectly logical to have two or more vacation homes in a row and to allow vacation homes on the beach front properties as there are no neighbors to be protected by a radius in front of those homes.

Under the current ordinance, it is simply impossible for my mom's house to qualify as a vacation rental. After my mother attempted to apply for the required permits and licenses, she received correspondence dated July 2, 2008, from County Senior Planner, John Busselle, confirming that she could not apply for the required business license and vacation rental application as the next door neighbor had already secured a vacation rental permit and only one vacation rental within every 200 feet is allowed. The July 2, 2008 letter also advised

"You can ask for a waiver of the 200 foot limitation through a coastal Minor Use Permit (MUP) application. A MUP is a discretionary land use permit that goes to a public hearing. The fee for this is \$2,787.00. Since the ordinance went into effect in 2004, there have not been any successful waivers of the 200 foot limitation. The fee is non-refundable so there is a significant risk that you would spend the money and not receive an approval of the waiver."

We are hoping that your Board will consider revisions to the ordinance to allow more permits for vacation homes while simultaneously adopting reasonable regulations to protect neighborhoods from the noise and partying issues that some claim are associated with vacation homes.

¹According to our calculations from public records, of the 109 beach front properties on Studio Drive, 28 (35%) are owner occupied and 26 (24%) are vacation homes mostly grand fathered. This leaves a lot of vacancies! Of the 146 homes along Studio Dr. about 18% are owner occupied and of the 181 homes in the Studio Drive tract about 25% are owner occupied. The county map of vacation homes is incomprehensible and it is virtually impossible to determine which names are legitimate vacation homes.

After attending numerous Planning Commission and Board of Supervisor hearings addressing the current and proposed vacation home ordinance, it is abundantly clear that this ordinance is structured to eliminate or certainly diminish the number of vacation homes within single family residential homes zoned areas. It certainly offers no ability to increase the number of vacation homes. From my participation in those hearings, it also was evident that there is no enforcement problem as County Code enforcement has confirmed only 5 or 6 reported complaints over the last several years. I submit the proposed subjective onerous rules and regulations are structured to jeopardize and revoke the permits to prevent others from enjoying the beach or the vacation home experience in Cayucos. This particular area in Cayucos is largely vacant with very few cars or people around to share the beach.

1. Vacation Homes Further the Goals of the Coastal Act.

The Coastal Act *encourages the protection of existing and provision of new affordable housing opportunities* in the Coastal Zone. Collectively, these requirements reflect fundamental goal of the Coastal Act: protection of coastal resources by concentrating new development in existing developed areas able to accommodate it.

The Coastal Act policies set forth in Section 30213 support recreational opportunities for "all the people" and encourage and protect lower cost visitor and recreational facilities. Section 30221 provides "Oceanfront land suitable for recreational use shall be protected for recreational use and development, unless present and foreseeable future demand for public commercial recreational activities that could be accommodated on the property is already adequately provided for in the area". Section 30222 further states:

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

If density requirements are necessary, we agree with the County's suggestion that different densities should apply to different areas. For example the radius proposal simply does not work for Studio Drive or other beachfront properties. Attached hereto are copies of maps of the Studio Drive area which consists of a long strand of homes. We suggest that the beach front properties have no density restrictions as there is no neighborhood on the seaward side of the homes to protect with a radius. Moreover, to allow only one vacation home a distance of 100 to 200 linear feet and a radius of 50 to 200 feet is a far cry from the 20% limitation of vacation homes allowed in any particular block in the recently adopted Santa Cruz vacation home ordinance approved by the Coastal Commission. This proposal purposefully seeks to eliminate, reduce and restrict vacation homes in single family zoned areas is much more akin to the recently rejected Pismo Beach ordinance.

2. The Proposed Revisions to San Luis Obispo County Ordinance 23.08.165 Should Be Modified.

With regard to mandatory onsite parking requirements, we suggest that the same parking requirements apply as would only apply to a full time resident in a residential neighborhood. Since many of the homes have coastal access walkways, there is no method to control the parking any time on public streets. Vacationers staying in private homes should not be banned completely from parking any time on public streets. Moreover, it is not realistic to monitor or enforce such a restriction as suggested in (i).

As provided in LUP Policy PR-1, "[T]he beach should be free to the public, some parking and/or public transportation access to the beach shall be free to the public, and recreational needs of children, teens, adults, persons with disabilities, elderly, visitors and others shall be accommodated to the extent resources and feasibility permit." To bar any onsite parking by anyone utilizing a vacation home is unreasonable and violative of the policy which provides some parking is to be provided to the beach going public.

We also submit that CEQA has not been complied with as the proposed amendments will have a significant adverse environmental impact by prohibiting additional vacation homes and diminishing the current stock of vacation homes.

With regard to the noise standards proposed in "j," we submit that the standard proposed is too subjective and requires a different standard than is applied under the regular San Luis Obispo County Noise Ordinance. If noise is an issue, that can be dealt with under current laws. Please don't set a new subjective standard of "disturbing the peace by vacationers." The same noise ordinance that applies to everyone should be the same standard applied to visitors.

With regard to the proposed "n" and "o" regarding enforcement, there needs to be notice and a hearing process identified for dispute resolution. The provision stating "[T]hree violations of subsection 'n' as determined by the County of Planning and Building staff person or a Sheriff's Deputy, within any consecutive six month period, shall be grounds for revocation of the Zoning Clearance" is too subjective and provides no opportunity to correct the violations. For example, if over one weekend, a visitor of the tenant is parked on the street and this is documented three times, or if a contact person fails to respond within an unspecified time period, this "will cause the processing of zoning clearance revocation" and "the penalties set forth in subsection n shall apply."

While reasonable regulations are fine and should be adopted to protect the character and quiet enjoyment of the neighborhood, the goal of such regulation should not be to provide a basis to reduce the number of vacation homes in the neighborhood. If anything, we believe it should be easier not more difficult to have a vacation home, especially near the shoreline. As pointed out by the Coastal Commission in denying Pismo Beach's severe restrictions on vacation homes, "vacation rentals provide an important visitor function that allows groups and families another option for overnight accommodations near the beach and shoreline including in areas without significant commercial overnight options where residential communities flank the immediate shoreline. We submit Planning Commission proposed amendments were largely swayed by vocal voting residents (who enjoy their private beach) against vacation homes and the commentary to and by the elected officials certainly indicated their intention to prohibit vacation

rentals or to significantly diminish the visitor-serving accommodations rather than provide a reasonable framework to appropriately regulate their establishment and operation. We request that you delete the mandatory language of "n" and "o" and instead provide for a discretionary hearing process that affords notice and due process before imposing any penalties or the loss of a permit.


We contend the ordinance as proposed is unconstitutionally vague and serves no public policy purpose. When a statute that is so vague that people of common intelligence must necessarily guess at its meaning and differ as to its application, it violates the first essential of due process. Such vague law may trap the innocent by not providing fair warning. It also impermissibly delegates the legislative job of defining what is prohibited to police officers, judges, and juries creating a danger of arbitrary and discriminatory application. Further, it may have a chilling effect causing people to steer a wider course than necessary in order to avoid the strictures of the law. Appellants further contend that this ordinance is tantamount to a taking in violation of the Fifth Amendment of the U.S. Constitution and State Constitution. Unlike *John W. Ewing v. City of Carmel by the Sea* (1991) 234 Cal.App.3d 1579, this ordinance does not advance a legitimate state interest and it denies the economically viable use of many property owners land and property (including my mother's).

The current and proposed ordinance is unfair, unconstitutional and counter-productive to county tourism and statewide encouragement of accessible visitor-serving use of our coastal resources. It is not right that a few vocal residents obstruct all economic use of homes owned by nonresidents who have to suffer the consequences of property taxes and assessments dictated by the residents. I suggest that an ordinance similar to the City of Morro Bay's vacation ordinance be considered for adoption. These resources should not be limited to a privileged few who are lucky enough to be voting residents and I submit that the Coastal Act is not furthered by these further limitations on vacation home.

I request that this letter together with the letter I sent to Daniel Robinson on August 6, 2013 addressing many of the same concerns be included in the administrative record. Nothing contained herein is intended to be, nor shall it be construed as, a waiver of any or all of our claims or objections to this ordinance, nor is this letter intended to be a complete statement of all such claims.

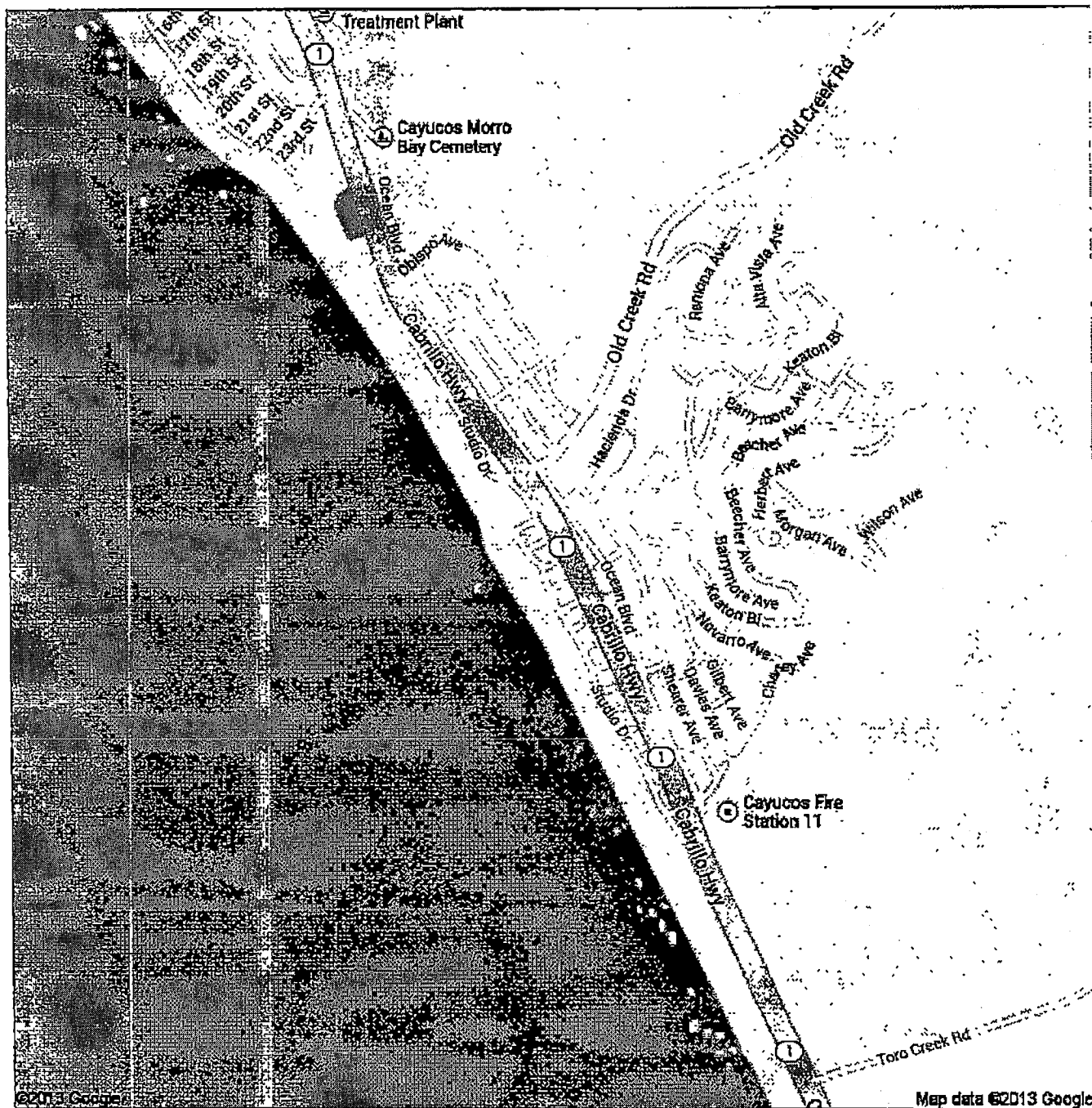
Very truly yours,

Sullivan & Associates
A Law Corporation

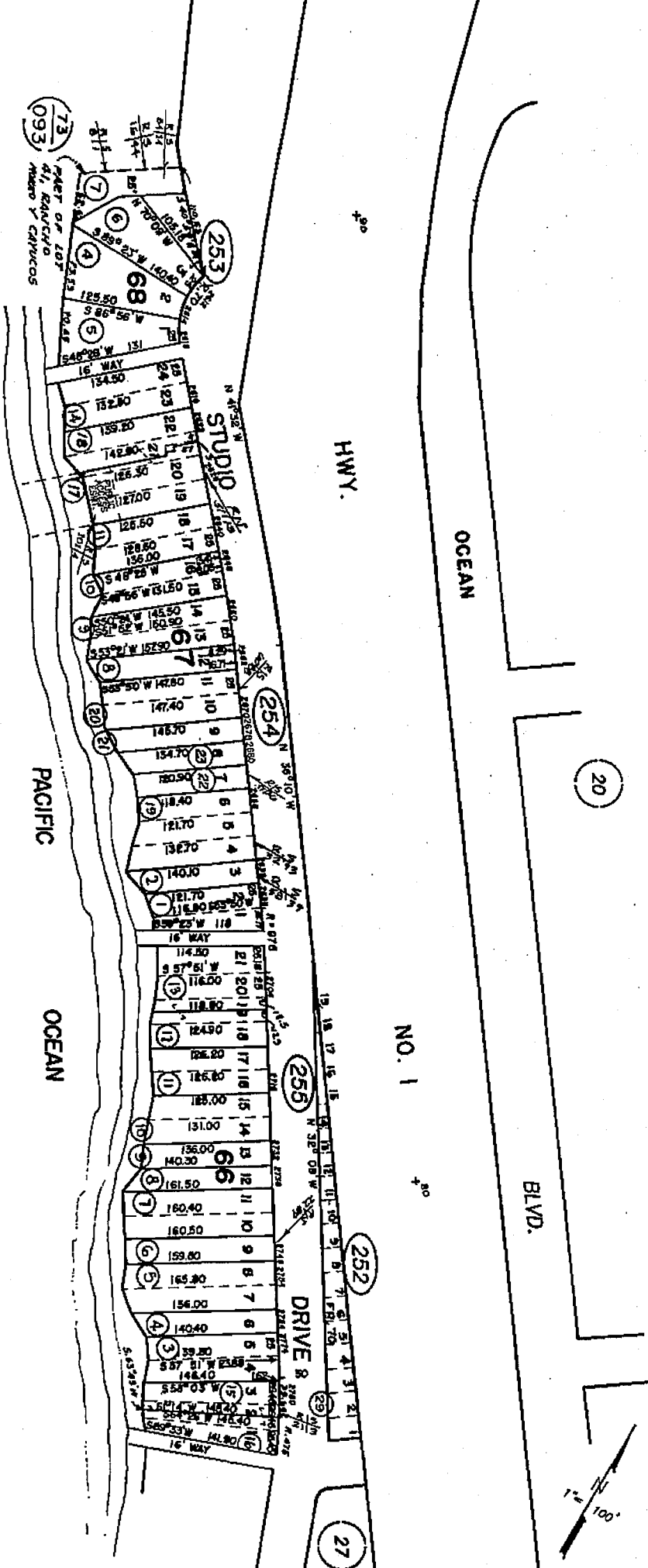
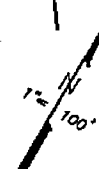


Shaunna Sullivan

SLS:ldc



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THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY.

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CAYUCOS
ASSASSOR'S MAP
SAN LUIS OBISPO
BOOK 064 PAGE 25



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RICHARD L. WATKINS
Real Estate Services

NOV 12 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

W10a
123 North Ocean Ave.
Cayucos, CA 93430

T 805-235-1584
F 805-995-1238
Adroitgambit@gmail.com

www.CayucosHouses.com

November 6th, 2013

California Coastal Commission
Central Coast District Office
Dan Carl, Deputy Director
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

RE: W10a San Luis Obispo County LCP Amendment Number 1-12 (Vacation Rentals)

Dear Deputy Director Carl,

Vacation rentals have a long history in the communities of Cayucos and Cambria. The vacation rental ordinance certified in 2003 (CZLUO Section 23.08-165) set forth density standards that were reinterpreted by the Board of Supervisors in 2005. The present amendment, (**c. location**) seeks to further modify those standards. The more stringent measurements proposed for Cambria may act to limit future numbers of vacation rentals where distribution and demand is relatively dispersed. The new density standards are relaxed in Cayucos. Grandfathered licenses produced supersaturation in high demand areas, so the changes should have minimal effect. In peripheral areas of Cayucos licenses are of marginal economic benefit to owners or management companies promising little effect there either.

The other amendments represent modest adjustments to an ordinance with a very favorable track record, although the **n. complaint** and **o. enforcement** sections may result in contentious hearings if residents pursue frivolous complaints, which has happened in the past.

Finally, Los Osos may have the least visitor serving lodging capacity of any comparably sized community on the California coast. Failure to include Los Osos within the amended vacation rental ordinance means continued licensing through a MUP process that exhibits a very poor success rate for applications in that community. The local advisory council drove the decision to exclude Los Osos, in the apparent belief that Section 30625b of the Coastal Act is primarily applicable to well known coastal resorts communities. I encourage the Commissioners to review the decision by San Luis Obispo County to not include Los Osos before voting on a motion to approve certification of the amendment as submitted.

Sincerely yours,

Richard L Watkins

Cayucos Management Companies

November 8, 2013

Daniel Robinson
California Coastal Commission/Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

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NOV 08 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Mr. Robinson,

We object to the approval of the proposed revisions to the Vacation Rental Ordinance in San Luis Obispo as presented to the Coastal Commission recently.

As a Vacation Rental business owners and resident of Cayucos, the results of the existing ordinance have created issues that the county has not found satisfactory solutions for. Prior to making major changes to the existing ordinance, the impact on visitor serving lodging and the economy in Cayucos needs to be researched in much more detail.

Cayucos is a very unique Central Coast community with excellent beach access. There are very few hotels, however, and even fewer with beach access at all. Vacation Rentals provide at least 58% of all visitor serving lodging in Cayucos, according to research we have recently conducted using TOT contributions as the basis. Our economy is almost entirely based on tourism.

Any reduction in the existing number of homes available for vacation rentals restrains the availability of coastal access to the public. Having been subject to this ordinance since 2004, the local Vacation Rental Companies have witnessed firsthand that the availability of active licensed vacation rentals is declining significantly. If the errors in this ordinance are not corrected, we will experience a continual and dramatic loss of homes available to visitors in Cayucos over the next 8 years.

There has been concern expressed, *primarily by communities with very different demographics*, that Vacation Rentals disturb the neighborhoods. Cayucos is different. Each month the Cayucos Advisory Council meets and the Sheriff gives a report. The minutes from these meetings reveal that there has not been one comment by the Sheriff regarding disturbances at Vacation Rentals. In addition, the county cannot provide us a list of valid complaints or calls to justify the density standard.

Our neighboring community in Morro Bay has a Vacation Rental ordinance, but it does not have a density standard. Has anyone from our county done research to see if their ordinance is effective? We believe we can have an even more effective ordinance without the proposed or existing density standard.

The Cayucos demographics are unique. According to the recent 2010 Census and county records:

- only 33.2% of households here are owner occupied
- 22 % are full time rentals
- 34% are second homes
- 10.10% are licensed vacation rentals (less if you take the inactive licensees into account)

The existing density standard in this ordinance has had and will continue to have a negative effect on coastal access to visitors, our Cayucos economic fabric and will create more disturbances in the neighborhoods with the increase in illegal rentals. The proposed changes to the density standard do nothing to rectify the inherent problems highlighted below, and may in fact make them worse.

151 Cayucos Dr., Cayucos CA 93430
(805)-995-3680 phone * (805)-995-1306 fax

Below are some of our concerns and some suggestions to consider.

The Existing Location (Density) Standard :

- **Allows property owners to hold a license even if it is not used as a vacation rental,** which reduces the amount of visitor serving lodging available in Cayucos and is currently creating a significant reduction in "active " rentals as these licensed homes become owner occupied or removed from the Vacation Rental market. **On the books, it would seem we have 244 vacation rentals, yet approximately 28% of them are virtually inactive according to tax collections.** This number has been increasing slowly each year and these rentals are not being replenished due to the density standard already in place.
- **Has dramatically increased the number of illegal vacation rentals in our community.** Enforcement of the density standard on illegal vacation rentals is ineffective due to the lack of staff. It is more difficult to monitor and locate an owner of these units. This defeats the original intention of the ordinance to be able to regulate the homes and keep an eye on the other parts of the ordinance for noise and disturbances.
- **Is costing the county a lot of tax revenue.** Many of these people would prefer to become legal if allowed, but are finding it is very easy to rent their homes through VRBO websites because there is no proactive enforcement of the ordinance. Also, they are losing a lot of revenue by allowing homes to have a license even if it is not used as an actual rental, no tax is collected.

Suggestion: Since Cayucos is allowed different standards based on the uniqueness of our community, we would like to see the 200 foot density standard eliminated, especially making an exemption for multi-family or oceanfront homes. Allow any home to be a vacation rental that complies with the rules of the ordinance and maintains a good track record. Perhaps having a limit on the percentage of homes in the area rather than a distance measurement would help. For example, not more than 15-20 percent of the total number of parcels could be eligible. The rest of the Ordinance is acceptable.

The other aspects of the Ordinance seem to be a benefit to our community. The density standard still needs more refining.

Thank you for your consideration of these comments. The Vacation Rental Businesses in Cayucos would be happy to answer any questions you may have about our business

Sincerely,

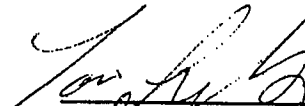
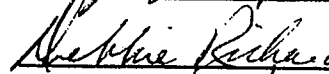

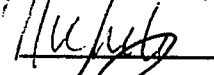
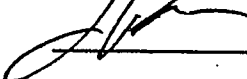
Toni Legras, Beachside Rentals, Inc.

Debbie Richards, See Lyon Rentals

Shirley Lyon, See Lyon Rentals

Michelle Lilley, Highway One Rentals

James Prange, Cayucos Vacation Rentals

 805-801-6705
 805/471-1286
 805-235-8552
 805-235-7180
 805-530-4640

Beachside Rentals, Inc.
151 Cayucos Drive, Cayucos, CA 93430

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W10a

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CALIFORNIA
COASTAL COMMISSION
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Reference Agenda Item W10A
Hearing Date Nov. 13, 2013
Roderick Craig Smith
In Favor of the Staff Recommendation

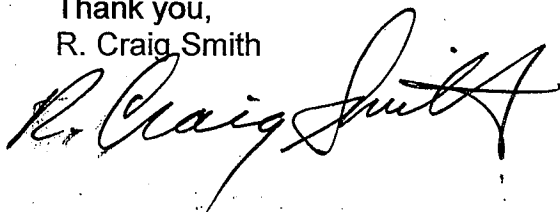
California Coastal Commission
Central Coast District Office
725 Front St., Ste. 300
Santa Cruz, CA 95060

When you accept R-1 zoning, you agree to not operate a business in a manner that will disturb your neighbors. You expect your neighbors to do so as well. Things have changed and vacation rental businesses are operated in R-1 zoning in increasing numbers and obviously this will not change. The next best thing is to regulate their usage for balance so that full time residents and tourists can enjoy living and visiting the beautiful coastal area.

The newly revised tenancy rules (how many rentals in a month), noise regulations, parking, contact info for reporting violations and the revised 'distance between vacation rentals' requirements are better articulated in the revised ordinance and provide better clarity for understanding.

I urge the commission to follow the Staff's recommendation to adopt the revisions as presented in the Staff Report on the Nov. 13, 2013 Agenda Item W10A (San Luis Obispo County LCP Amendment Number 1-12 (Vacation Rentals)).

Thank you,
R. Craig Smith



I am writing to you regarding the proposed amendments to the Central Coast Area's Vacation Rental Ordinance. The amendments are designed to provide more clarity and balance to the ordinance, ensuring that vacation rentals are operated in a manner that does not disturb the surrounding community. The amendments include changes to the tenancy rules, noise regulations, parking, and the distance between vacation rentals. I believe these changes are necessary to ensure that the ordinance is effective and that the community can enjoy the beautiful coastal area.

Avila Valley Advisory Council

San Luis Obispo County, California
P.O. Box 65
Avila Beach, CA 93424 www.AvilaValley.org

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CENTRAL COAST AREA

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Saul Goldberg

Karla Bittner (alt)

Bill Ziegler (alt)

See Canyon

Denise Allen

Bill Tickell

Karen Wickler (alt)

Squire Canyon

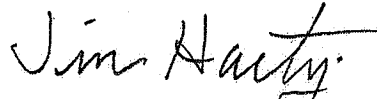
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California Coastal Commission
Central Coast Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Subject: San Luis Obispo County LCP Amendment Number 1-12(Vacation Rentals)

Commissioners,

Avila Valley Advisory Council continues it's support of vacation rental regulations and urges approval of the proposed ordinance amendments.



Jim Hartig, Chair Person

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



W10a

Prepared October 25, 2013 (for November 13, 2013 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, District Director
Daniel Robinson, Coastal Planner

Subject: San Luis Obispo County LCP Amendment Number 1-12 (Vacation Rentals)

SUMMARY OF STAFF RECOMMENDATION

San Luis Obispo County proposes to refine the Local Coastal Program's (LCP) vacation rental ordinance, first certified in 2003, and to extend certain specific requirements to the community of Avila Beach (general requirements apply Countywide, and specific requirements currently apply within the unincorporated communities of Cayucos and Cambria). The refinements stem from a recent five-year review of the existing vacation rental ordinance undertaken by the County, and are intended to respond to a variety of concerns (most notably noise, parking, and code enforcement) raised by property owners, property managers, vacation rental neighbors and other interested parties regarding the administration and enforcement of the existing vacation rental ordinance.

Vacation rentals in the County have led to some resident concerns that such rentals have at times led to problems (excessive noise, traffic, etc.) that negatively impact residents. At the same time, vacation rentals provide an important visitor function that allows groups and families another option for overnight accommodations near the beach and shoreline, including in areas without significant commercial overnight accommodation options and where residential communities flank the immediate shoreline. The County embarked on an inclusive planning process to refine its vacation rental ordinance in a way that could continue to effectively strike an appropriate balance to allow vacation rentals but to limit their number in vacation rental saturated areas, and to update operational parameters. As with the existing ordinance, the proposed amendment will not prohibit, or unduly restrict, the rental of residences to visitors in a manner that would diminish the public's ability to access and recreate on the coast by renting a coastal residence. Rather, the proposed amendment provides a means to refine the standards for operation and enforcement of vacation rentals in a way that continues to allow them to provide an important overnight visitor function at the same time as protecting coastal resources, including access and recreational opportunities and community character, consistent with the requirements of the LCP's Land Use Plan (LUP), the standard of review in this case.

Under the proposed refinements, vacation rentals would continue to be expected to effectively

co-exist in coastal residential areas with better clarity on use parameters to ensure that they do not become problematic. Also, the proposal to extend certain specific regulations to Avila Beach will provide more regulatory certainty for Avila Beach vacation rental users and owners, residents, and the County. Thus, staff recommends that the Commission find the proposed amendment consistent with and adequate to carry out the policies of the LUP, and that the Commission approve the amendment as submitted. The motion and resolution are found on page 3 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on October 8, 2013. The proposed amendment includes LCP Implementation Plan (IP) changes only, and the 60-day action deadline is December 7, 2013. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until December 7, 2013 to take a final action on this LCP amendment.

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EXHIBITS

- A. Proposed Amendment
- B. Land Use Maps of Avila Beach, Cayucos, and Cambria

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment as submitted. The Commission needs to make one motion in order to act on this recommendation. Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the implementation plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion: *I move that the Commission reject Implementation Plan Amendment Number SLO-1-12 as submitted by San Luis Obispo County, and I recommend a no vote.*

Resolution: *The Commission hereby certifies Implementation Plan Amendment Number SLO-1-12 as submitted by San Luis Obispo County and adopts the findings set forth below on the grounds that the amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment 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 which could substantially lessen any significant adverse impact which the Implementation Plan Amendment may have on the environment.*

II. FINDINGS AND DECLARATIONS

A. Description of Proposed LCP Amendment

Prior to 2003, vacation rentals were not explicitly regulated by San Luis Obispo County. At that time, vacation rentals in the County, particularly in Cambria and Cayucos, often resulted in concerns from neighboring residences regarding loud, late-night parties, increased traffic and parking difficulties, garbage accumulation, and other issues in largely residential settings, with a particular concern for the communities of Cambria and Cayucos. To address such concerns, the County developed a vacation rental ordinance that was certified by the Coastal Commission in May 2003 (LCP Amendment SLO-MAJ-1-01 Part A). That vacation rental ordinance provides some more limited general standards that apply countywide, and then some very specific standards that apply within Cambria and Cayucos.¹

¹ As a general rule, the County typically applies all of the standards of the vacation rental ordinance to proposed vacation rentals in other areas of the County as well, including as a tool for addressing other LCP consistency issues, and to ensure orderly use of vacation rentals overall.

SLO-1-12 (Vacation Rentals)

The County recently completed a five-year review of the LCP's vacation rental standards to determine how well the regulations have worked in terms of protecting neighborhood integrity while providing an important visitor accommodation use. The proposed amendment stems from the results of this review, as well as from County communications with stakeholders, including vacation rental property owners and neighboring residents. The amendment is intended to refine regulations regarding operation and enforcement for vacation rentals to further protect the integrity of neighborhoods, while continuing to allow vacation rentals to help provide a range of visitor-serving overnight opportunities in the County's coastal areas.

The proposed amendment would add definition language; change tenancy language (from no more than "one individual tenancy within seven consecutive days" to no more than "four individual tenancies per calendar month"); add additional criteria to prohibit noise from disturbing others or adversely impacting the character of the surrounding neighborhood; add additional noticing requirements to nearby property owners regarding any intent to establish a vacation rental; add a new "Complaints" section that describes who should be contacted and the procedures to be followed regarding any possible violations to the vacation rental standards; add requirements that the TOT certificate number to be included in all advertising of a vacation rental; add new procedures to follow if a business license expires; and add language defining the type and number of violations within a given period that will cause the revocation of a vacation rental approval. The proposed amendment would continue to allow vacation rentals in all residential land use designations within the Urban Reserve Line (URL) in Cambria and Cayucos, and would extend this same application to Avila Beach within all residential and recreation land use designations (see Exhibit B for location maps).

In Cambria, Cayucos and Avila Beach, the amendment would continue to specify that vacation rentals would need to be a certain distance away from other vacation rentals. For Cambria, this would be: (1) 200 linear feet from a parcel on the same side of the street; (2) 200 linear feet from a parcel on the opposite side of the street; and (3) 150-foot radius around the vacation rental. For Cayucos, and within the Residential Single-Family (RSF) and Residential Suburban (RS) land use designation, the distance requirement would be: (1) 100 linear feet from a parcel on the same side of the street; (2) 100 linear feet from a parcel on the opposite side of the street; and (3) a 50-foot radius around the vacation rental. Within the Residential Multi-Family (RMF) land use category in Cayucos, the distance requirement would be 50 feet from another parcel.

Outside of these three communities, vacation rentals would continue to be allowed in all land use designations except Open Space, Industrial, Public Facilities, and Commercial Service designations. Vacation rentals would continue to be a special (i.e., conditional) use in all allowable zoning districts.

See Exhibit A for the proposed LCP amendment language.

B. Consistency Analysis

Standard of Review

The proposed amendment affects the IP component of the County's LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the LCP's LUP.

Applicable Policies

The LCP's LUP contains objectives and policies that provide for visitor-serving uses, with the intent of maximizing coastal access and providing appropriate upland support facilities, such as vacation rentals, directed towards coastal zone visitors, including:

Recreation and Visitor-Serving Facilities Policy 1. Recreation Opportunities. Coastal recreational 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. ...

Access Policy 4. Provision of Support Facilities and Improvements. Facilities necessary for public access shall be provided. ...

Access Policy 8. Minimizing Conflicts with Adjacent Users. 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.

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 use rights of 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.

Similar to Coastal Act policies (e.g., Public Access and Recreation Policies 30210, 30213, 30222, and 30252), the LCP's LUP is clearly premised on protecting, providing, and enhancing coastal access and recreation opportunities for the general public, including by prioritizing visitor-serving commercial facilities, including lower cost visitor-serving facilities, and maximizing public use and enjoyment of coastal recreation resources for all people, while preserving the unique environment that attracts visitors to the County and protecting residential

communities in the County.

Analysis

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 all cases, vacation rentals increase the range of options available to coastal visitors, oftentimes in residential areas along the immediate shoreline where there are not other significant commercial overnight opportunities. In this context, proposals to regulate vacation rentals have the potential to conflict with the LUP's objectives to protect access and recreational opportunities, and to also conflict with the LUP's prioritization of visitor-serving commercial facilities. Proposals to regulate such rentals, though, also can be vehicles to help ensure that such rental uses appropriately address other LCP objectives as well, such as protecting community character. Thus, the regulation of residential vacation rentals plays an important role in implementing LUP policies by ensuring that type of visitor-serving use is conducted in a manner that protects access, coastal resources, and the integrity of residential communities.

The proposed amendment is primarily meant to refine the County's existing vacation rental requirements. Like the existing ordinance, the proposed refined ordinance won't result in a prohibition or a ban on vacation rentals, and it will not reduce the utility of vacation rentals for lower cost users (e.g., the rules do not include a required length of stay).² In addition, the proposed refined ordinance does not unduly restrict the rental of residences to visitors in a manner that would diminish the public's ability to access and recreate on the coast. Instead, the proposed amendment provides an opportunity to refine vacation rental regulations in a manner that protects coastal resources and access and recreational opportunities, as well as residential communities and community character, consistent with the requirements of the LUP. For example, the proposed amendment continues to limit the number of vehicles allowed at a vacation rental (to that which can be parked on-site), which will minimize the impact of vacation rentals on other beach users with regard to parking. The proposed amendment also continues to limit the number of guests allowed at each vacation rental (to that which can be accommodated via on-site parking and not to exceed two persons per bedroom plus two additional persons), which will help protect the adjacent residential community from overuse (and concomitant noise and other problems) of oversubscribed vacation rentals.

With respect to the revised 'distance between vacation rentals' requirements, the proposed block and radius distances for new vacation rentals continue to be appropriately designed to ensure that vacation rentals do not oversaturate particular areas (e.g., entire blocks converted to vacation rentals). The proposed amendment would change the minimum distance between any two vacation rentals or between a vacation rental and any other type of visitor-serving accommodation in Cayucos and Cambria, and add such provisions in Avila Beach. The existing distance requirement for Cayucos and Cambria prohibits any vacation rental from being located

² While the proposed LCP amendment includes a change in the tenancy allowances (from not more than one per seven days to not more than four per month) to provide more flexibility to the property owner or property manager, there continues to be no set minimum stay requirements with these allowances.

within 200 linear feet of a parcel containing another vacation rental or other type of visitor-serving accommodation on the same block. For Cambria, this would change to be: (1) 200 linear feet from a parcel on the same side of the street; (2) 200 linear feet from a parcel on the opposite side of the street; and (3) 150-foot radius around the vacation rental. For Cayucos, and within the Residential Single-Family (RSF) and Residential Suburban (RS) land use designation, the distance requirement would be: (1) 100 linear feet from a parcel on the same side of the street; (2) 100 linear feet from a parcel on the opposite side of the street; and (3) a 50-foot radius around the vacation rental. Within the Residential Multi-Family (RMF) land use category in Cayucos, the distance requirement would be 50 feet from another parcel.

All of the distance requirements could be reduced even further if special findings (through a CDP) are made to ensure, for one thing, that the operation will not 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. In addition the proposed project would have to be found to be consistent with the character of the immediate neighborhood and that it will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project.³

The effects of the proposed distance changes on the potential maximum amount of residential vacation rentals will be different for Cayucos and Cambria. The County has submitted data on the number of existing vacation rentals, with Cayucos having some 240 rentals (4.25% of its total housing stock) and Cambria having 315 rentals (7.75% of its total housing stock). Based on the existing vacation rental standards, the County estimates that the maximum possible number of vacation rentals would be 1,255 units in Cambria and 320 units in Cayucos. Based on the revised distance standards, the County estimates that the maximum possible number of vacation rentals would be 790 units in Cambria and 270 units in Cayucos. With special findings that might reduce distance requirements, these potential maximums could increase. In any case, the revised distance standards, including the possibility of special circumstances allowing for a lesser distance, appear to strike an appropriate balance in these communities, and should continue to ensure that vacation rentals can be provided in such a manner as to appropriately protect neighborhoods, and communities, and public access to the coast at the same time.

For Avila Beach, the situation is somewhat different. Although vacation rentals are allowed in Avila Beach subject to the existing general standards of the ordinance, vacation rentals in Avila Beach are not currently subject to the types of specific standards that apply in Cambria and Cayucos. Currently, the County estimates that there are about 30-35 vacation rentals in the residential portions of Avila Beach (about a quarter of its total housing stock). While it is a much smaller community than either Cayucos or Cambria, a rough calculation shows that approximately 30 additional vacation rentals could be added under the proposed amendment, for a possible total of up to 65 units. Again, as with Cayucos and Cambria, this seems an appropriate balance in Avila Beach.

Conclusion

Over time, vacation rentals have become a prominent component of many coastal communities,

³ All per LCP Sections 23.02.033 and 23.02.034(c).

including in San Luis Obispo County and its communities of Cayucos, Cambria and Avila Beach. According to the County, some residents of these communities requested refined vacation rental standards to ensure that growing numbers of vacation rentals appropriately protected neighboring areas. The County, through a lengthy and inclusive planning process with multiple hearings, derived the proposed refined ordinance, which should both continue to protect and encourage vacation rentals while at the same time continuing to protect residential communities, consistent with the LCP. The proposed revisions to the existing regulations appear to strike an appropriate balance in the County and these specific communities, and should continue to ensure that vacation rentals can be provided in such a manner as to appropriately protect neighborhoods and communities at the same time. Vacation rentals would continue to only be sited in residential structures that meet all other applicable provisions of the LCP.⁴

In summary, the County has refined and enhanced its vacation rental ordinance in a manner that should be able to effectively address potential visitor-resident conflicts and satisfy the sometimes competing objectives associated with facilitating public recreational opportunities near and within residential areas of the shoreline. Under the proposed refined ordinance, vacation rentals would be expected to continue to effectively co-exist in coastal residential areas with better clarity on use parameters to ensure that they do not become problematic. For all the reasons discussed above, the proposed IP amendment can be found consistent with and adequate to carry out the certified LUP.

C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The County, acting as lead CEQA agency, found the proposed LCP amendment to be exempt under CEQA. This report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

⁴ Allowing vacation rentals as a use contingent on residential development already consistent with the LCP addresses concerns about inappropriate development in certain land use designations, and essentially limits potential impacts to the residential impacts themselves.

ATTACHMENT A

LRP 2009-00005

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, SECTION 23.08.165 RELATING TO RESIDENTIAL VACATION RENTALS

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

SECTION 1: Section 23.08.165 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

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 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. This definition does not include the single tenancy rental of the entire residence for periods of thirty consecutive days or longer. Rental of a residence shall not exceed four individual tenancies per calendar month as defined in Subsection d. The use of residential property as a vacation rental within the Cambria, Cayucos, and Avila Beach 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 residential vacation rentals 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 is required for each residential vacation rental. Where water or sewage disposal is provided by a community system, evidence shall be submitted with the application for a 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

(1) **Cambria.** Within all residential land use categories, no residential vacation rental shall be located within: (1) 200 linear feet of a parcel and on the same side of the street as the vacation rental; (2) 200 linear feet of the parcel on the opposite side of the street from the vacation rental; and (3) 150 foot radius around the vacation rental. These same distances apply to other types of visitor-serving accommodation (i.e. Bed and Breakfast or Homestay) Distances shall be measured from the closest property line of the existing residential vacation rental unit, and/or other visitor serving accommodation, to the closest property line of the property containing the proposed residential vacation rental unit. This location standard can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.

(2) **Cayucos.**

(i) Within the Residential Single Family and Residential Suburban land use categories, no residential vacation rental shall be located within: (1) 100 linear feet of a parcel and on the same side of the street as the vacation rental; (2) 100 linear feet of the parcel on the opposite side of the street from the vacation rental; and (3) 50 foot radius around the vacation rental. These same distances apply to other types of visitor serving accommodation (i.e. Bed and Breakfast or Homestay) Distances shall be measured from the closest property line of the property containing the residential vacation rental unit and/or other visitor serving accommodation, to the closest property line of the proposed residential vacation rental unit.

(ii) Within the Residential Multi-Family land use category, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor serving accommodation. Distances shall be measured from the closest property line of the property containing the vacation rental and/or other visitor serving accommodation to the closest property line of the proposed residential vacation rental unit. In the case of condominium units, the property line shall be the wall of the individual unit.

(iii) The location standards established in Subsections c.(2)(I) and (ii) can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.

(3) **Avila Beach.** In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor serving accommodation. Distances shall be measured from the closest property line of the property containing the vacation rental and/or other visitor serving accommodation to the closest property line of the proposed residential vacation rental unit. In the case of condominium units, the property line shall be the wall of the individual unit. This location standard may be modified through a 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.~~ Rental of a residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy (with the exception of the property owner and private non-paying guests) 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 shall not 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. In addition, property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.
- 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 urban or village area 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 n shall apply.
- (1) A notice 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 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Zoning Clearance, Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
- (2) 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. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.
- I. 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. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.
- m. Effect on existing residential vacation rentals.** Each individual vacation rental in existence on the effective date of this section (September 10, 2003) 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. If a Business License issued for a residential vacation rental, expires pursuant to Title 6 of the County Code, a new Zoning Clearance and Business License shall be required and shall be subject to all standards as set forth in this Section.

n. Complaints

Complaints about possible violations of these standards should first be directed to the local contact person. If the local contact person is unavailable or fails to respond, the complaining party should contact the County Sheriff's Department (Dispatch). Sheriff Dispatch will attempt to reach the local contact person. If Sheriff Dispatch is unable to reach the local contact person because the contact person is not available or because current contact information has not been provided to the Sheriff's Department, the Sheriff's Department shall inform County Code Enforcement staff.

During normal business hours, complaints may also be submitted to County Code Enforcement staff. County staff will attempt to reach the contact person or will visit the property as appropriate. Complaints about alleged violations shall be documented by a County Code Enforcement Officer. County staff shall prepare a written report which describes the nature of the violation, when it occurred and how it came to the attention of County officials. In some cases, a report may also be written by the Sheriff's deputy responding to the complaint.

- o. 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 (including fines) and process for addressing a 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~~ Violations that will cause the processing of Zoning Clearance revocation include:

- (1) Failure to notify County staff when the contact person, or contact information, changes.
- (2) Violation of the residential vacation rental tenancy standards as set forth in Subsection d.
- (3) Violation of the residential vacation rental maximum occupancy, parking and noise requirements as set forth in Subsections e, i and j.
- (4) The inability of County staff or the Sheriff's Disptach to reach a contact person.
- (5) Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations of Subsection o, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Zoning Clearance. Signed affidavits by members of the community may be used to verify violations. Revocation of the Zoning Clearance shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

SECTION 2. This project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (Government Code 15061(b)(3)). It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment because no new development is authorized, no increase in density will occur, no change in allowed uses is proposed or authorized and no physical change to the environment will occur. Therefore the activity is not subject to CEQA.

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 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: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20_____, by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAINING:

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

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN
County Counsel

By: _____
Deputy County Counsel

Dated: _____

