

## BOARD OF SUPERVISORS



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**DEBBIE ARNOLD**  
SUPERVISOR DISTRICT FIVE

**LYNN COMPTON**  
SUPERVISOR DISTRICT FOUR

October 3, 2016

California Coastal Commission  
c/o Daniel Robinson  
[Daniel.Robinson@coastal.ca.gov](mailto:Daniel.Robinson@coastal.ca.gov)

RE: Appeal A-3-SLO-16-0080  
Support Staff Recommendation of Approval

Dear Chair Kinsey and Commissioners,

On August 9<sup>th</sup>, the San Luis Obispo County Board of Supervisors (BOS) voted to support an appeal brought forward by the property owners of 1736 Pacific Avenue, Cayucos. The property owners request the approval of their home to be used as a vacation rental. This home is very unique and positioned perfectly for a vacation rental. We are in agreement with the Coastal Commission's staff report to deny the appeal based on staff's no "substantial issue with respect to the project's conformance with the LCP" findings. The BOS worked with County staff to provide a visitor-serving accommodation along the coast while stipulating requirements to avoid negative impacts to the surrounding neighbors.

We respectfully ask that you consider the Board of Supervisors' decision when you deliberate this issue on October 4<sup>th</sup>.

Thank you for your consideration.

Sincerely,

Debbie Arnold  
Supervisor, 5<sup>th</sup> District

Lynn Compton  
Supervisor, 4<sup>th</sup> District



W19b

# BOARD OF SUPERVISORS

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RECEIVED

SEP 30 2016

BRUCE GIBSON  
SUPERVISOR DISTRICT TWO

September 30, 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL OFFICE

Chair Steven Kinsey  
California Coastal Commission  
C/O Daniel Robinson  
725 Front St. Suite 300  
Santa Cruz, CA 95060

RE: REQUEST TO FIND SUBSTANTIAL ISSUE  
AGENDA ITEM W19b  
Appeal No. A-3-SLO-16-0080

Dear Chairman Kinsey and Commissioners:

I write to request that the Commission find substantial issue exists regarding the appeal referenced above.

The fundamental LCP issue at hand is to balance the commercial activity of short-term (vacation) rentals with the character of and impacts to a residential community. Your staff report contains an extensive analysis of the specifics of this appeal, which I won't repeat in detail here. In short, the SLO County Board of Supervisors allowed a new vacation rental (VR) to be established in Cayucos after granting a waiver of the normal separation required between VRs by the Land Use Ordinance of our LCP.

If the local action is allowed to stand, our LCP will be unable to accomplish the needed limitation of commercial activity in our residential neighborhoods. This is a substantial issue that deserves full examination at a de novo hearing.

More specifically, inadequate findings were made to justify the local action and the conditions of approval applied do not mitigate the added commercial activity.

Inadequate findings. Your staff correctly notes that there are no specific findings required to approve a waiver of the separation standards of the local vacation rental ordinance (staff report, pg. 12). The ordinance purpose, however, explicitly recognizes the potential land use incompatibility of VRs, "especially when several are concentrated in the same area" (CZLUO 23.08.165(a)). Clearly, there is at least an implicit requirement that any separation waiver be based on findings that preserve the intent of the ordinance.

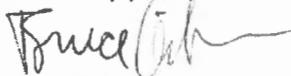


The findings made here (staff report Exhibit 3, pg. 3) are either inaccurate (E.i and E.ii), or could apply to hundreds of houses in Cayucos (E.iii). The VR ordinance is effectively rendered irrelevant and the LCP policy providing for balance between commercial and residential uses is impossible to implement.

Inadequate conditions of approval. I disagree with your staff's conclusion that the conditions attached to the approval (Exhibit 3, pg. 5) are adequate to protect residential character (staff report pg. 13, last paragraph). I would note that the conditions required are standard for VRs approved under the ordinance – these conditions are based the standard separation of VRs, not the increased density resulting from a separation distance waiver. Stricter conditions should be required in light of the specific location of this project.

In summary, I understand that undesirable impacts of short-term residential rentals are of growing concern throughout the Coastal Zone. Local jurisdictions have a reasonable interest in a proper balance of competing land uses and thus I believe the defense of the SLO County CZLUO provisions for vacation rentals raises a substantial issue that your Commission should consider. Thank you.

Sincerely yours,



BRUCE GIBSON

Supervisor, District 2

San Luis Obispo County



# CAYUCOS RESIDENTS PRESERVING COMMUNITY

	NAME	CAYUCOS ADDRESS	805 PHONE #
1.	Marie Jaqua	1201 Pacific Street	995. 0632
2.	Andy Ferron		
3.	Lou Smith	40 – 20 <sup>th</sup> St.	235.2176
4.	Jan Lewis	84 – 13 <sup>th</sup> St.	704.7985
5.	Hank Lewis	P.O. Box 587	
6.	Steven Beightler	900 So. Ocean Ave.	
7.	Joan Beightler		
8.	Carol Baptise	150 El Sereno	
9.	David Bains	51 – 20 <sup>th</sup> St.	471.6090
10.	Jeff Keyes		
11.	Ken Wright	1997 Pacific Street	995.3920
12.	Sandy Wright		
13.	Kate Larson	11 -19 <sup>th</sup> Street	748.8582
14.	Steve Larson		
15.	Katie Armstrong	18 -19 <sup>th</sup> Street	
16.	Pat Stallcup		
17.	Mark Interian	360 Old Creek Road	458.8372
18.	Natalie Interian		
19.	Jeff Davidson	17 – 15 <sup>th</sup> St.	215.8477
20.	Kathi Davidson		
21.	Jocelyn Taylor	856 St. Mary	
22.	Andy Bowlin	184 F Street	
23.	Greg Bettencourt	440 D street	995.1675
24.	Mary Bettencourt		
25.	Kat Kennedy	454 Old Creek Road	
26.	Mindy Cameron	470 Old Creek Road	



27.	Glen Oelker	480 Studio Drive	990.5274
28.	Carol Oelker		
29.	Joanne Riester	34 – 17 <sup>th</sup> Street	995.3846
30.	Laurie Leary	391 D Street P.O. Box 291	550.1250
31.	Jan Romanazzi	195 I Street	
32.	Rocki DeLamas	101 Fresno	995-0951
33.	Zeke DeLamas		
34.	Sandy Ford	179 I st	
35.	Carol Chubb	210 St. Mary Ave.	
36.	Kelly Borchard		
37.	Dave Dabritz	3650 Studio Drive	
38.	Lynn Schoenauer	3508 Studio Drive	
39.	Stephen Geil	725 Pacific Street	
40.	Kris Postil	45 – 20 <sup>th</sup> st.	995.1179
41.	Bud Postil		
42.	Bruce Paine	191 Stuart Ave.	
43.	Connie Paine		
44.	Diane Harris	80 – 6 <sup>th</sup> St.	
45.	Ingrid Goelz	2930 Santa Barbara St.	
46.	Melanie Gorda	P.O. Box 825	
47.	Kenneth Joy	46 – 20 <sup>th</sup>	
48.	Trina Lee		
49.	Roly Hutchinson	2190 Circle Drive	





September 23, 2016

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

Re: Coastal Commission Hearing of October 5, 2016  
1736PAC, LLC Minor Use Permit for a Residential Vacation Rental

Dear Commissioners,

By way of introduction, my name is Chuck Davison, President and CEO of Visit San Luis Obispo County, the countywide tourism marketing district for our county. I am writing in connection with the above referenced application to support residential vacation rentals in San Luis Obispo County that pursue licensing to operate legally.

On June 10, 2015 the County Board of Supervisors approved the formation of a Tourism Marketing District (TMD). The San Luis Obispo County TMD is comprised of all lodging businesses, including existing and future, within the incorporated and unincorporated areas of San Luis Obispo County. Lodging businesses are defined as all business that are assessed transient occupancy tax (TOT) in each respective jurisdiction. The combination of the various lodging businesses constitute a "unique lodging mix" that provides numerous opportunities for visitors to San Luis Obispo County.

The purpose of the TMD as outlined in the Management District Plan dated June 10, 2015 is for lodging businesses throughout the county to "engage in joint marketing, advertising, sales and promotional efforts." The goals are to increase demand for and revenue from lodging sales. The TMD will also work to increase the average length of stay, thus adding to total lodging revenue as well.

There are over 2,500 lodging businesses in San Luis Obispo County. They include hotels and motels, Bed & Breakfasts, Residential Vacation Rentals and select recreational vehicle (RV) parks. The majority of Residential Vacation Rentals in San Luis Obispo County are in the unincorporated areas with the largest concentration in the Coastal Zone.

On May 12, 2015 the San Luis Obispo County Civil Grand Jury submitted a report regarding Residential Vacation Rentals. "Working or Not: Challenges in Enforcing Coastal Vacation



From: CAMERON TAYLOR-BROWN cameron.taylorbrown@gmail.com  
Subject: Fwd: letters  
Date: September 27, 2016 at 5:56 PM  
To:



Cambria and Cayucos. We concur with the findings of the report and endorse and supplied feedback regarding its recommendations. A key finding of the report was the identification of "a significant number of unlicensed vacation rentals." It was estimated up to 50% of all vacation rentals may be unlicensed. An additional problem noted is the use of "preemptive licenses" for residential vacation rentals. This is where a property owner obtains a zoning clearance and TOT certificate in an effort to preclude a neighbor from securing a license to operate a vacation rental. This is particularly problematic in the communities of Cambria and Cayucos where stringent distance separation rules exist. For example, in Cayucos, there are approximately 270 licensed residential vacation rentals available, yet nearly one-half of them do not rent their homes out and do not collect any TOT. This problem would be exacerbated if there was not a process (Minor Use Permit) by which property owners could request approval of vacation rental nearby another licensed, yet unused rental.

Consequently, we support property owners who pursue legitimately licensed and operated lodging businesses that are vacation rentals. San Luis Obispo County should reward those individuals that play by the rules and want to contribute TOT. We support all such applicants that follow the formal public review process to seek authorization to operate under the existing ordinance.

It is worth noting, there has not been a new hotel or motel approved in Cayucos for over a decade. Given the increasing popularity of the Central Coast and the North Coast in particular, there must be ways to expand visitor-serving capacity using the existing inventory of potential accommodations. Enter, Residential Vacation Rentals as a way to increase the capacity in an environmentally-neutral fashion.

In conclusion, please consider the facts relative to the above-referenced application. It is the diversity of the visitors serving accommodations in our county that makes for an ideal experience when enjoying the Central Coast. It is critical to expand the capacity of all lodging businesses in an effort to capture the ever-increasing demand. Please feel free to contact either of us if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chuck Davison".

Chuck Davison  
President and CEO  
Visit San Luis Obispo County



W196



**Board of Directors**

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September 23, 2016

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

Re: Coastal Commission Hearing of October 5, 2016  
1736PAC, LLC Minor Use Permit for a Residential Vacation Rental

Dear Commissioners,

By way of introduction, my name is Shirley Lyon and I am the owner of See Lyon Beach Rentals in Cayucos, and the 2015-2016 Chair of the Advisory Board of the unincorporated San Luis Obispo County Tourism Business Improvement District (CBID). I am writing in connection with the above referenced application to support residential vacation rentals in San Luis Obispo County that pursue licensing to operate legally.

The San Luis Obispo unincorporated CBID was originally approved by the Board of Supervisors in 2009 and subsequently renewed annually. The purpose of forming the District was to provide revenue to defray the costs of services, activities and programs promoting tourism which will benefit the operators of lodging businesses in the District through the promotion of scenic, recreational, cultural and other attractions as a tourist destination. Overall, the mission of the CBID is to promote the economic well-being of our constituents (motels, hotels, B&Bs and vacation rentals).

There are over 800 lodging businesses within the boundaries of the 10 unincorporated areas that encompass the CBID. These areas include Ragged Point, San Simeon, Cambria, Cayucos, Los Osos/Baywood, Avila Beach, Oceano, Nipomo, Edna Valley and Arroyo Grande Valley, with approximately 85% of our constituency consisting of vacation rentals.

Consequently, we support property owners who pursue legitimately licensed and operated lodging businesses as vacation rentals. We support all such applicants that follow the formal public review process to seek authorization to operate under the existing ordinance.

Given the increasing popularity of the central coast, and the north coast in particular, there must be ways to expand visitor-serving capacity using the available inventory.

In conclusion, it is the diversity of our county's visitor-serving accommodations that creates an ideal experience for tourists. In a recent TripAdvisor survey, vacation rental lodging was noted as the fastest-growing preferred accommodation by travelers. And in our busy summer months a lack of vacation rental inventory is a real challenge, as a majority of our waterfront rentals are typically booked-out a year or two in advance. Thus, it is critical our lodging capacity increase to meet demand in order for our coastal communities to remain competitive with like destinations regionally and throughout California.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shirley Lyon", with a long horizontal flourish extending to the right.

Shirley Lyon, Advisory Board Past Chair  
Unincorporated San Luis Obispo County Tourism Business Improvement District

**San Luis Obispo County Tourism Business Improvement District**

P.O. Box 1875 | San Luis Obispo, CA 93406

Phone (805) 547.CBID (2243) | Fax (805) 547.2248 | admin@SLOcountyBID.com | Highway1DiscoveryRoute.com



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W196

**CCMA**  
**Central Coast Management Association**

September 23, 2016

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

Dear Coastal Commissioners:

Please support the SLO County approved Vacation Rental MUP for the parcel located at 1736 Pacific, Cayucos CA, 93430. This is a unique property and will add to the wonderful mix of Licensed Short term Rentals (STRs) in our community, without affecting the housing supply, or increasing nuisance complaints and traffic activity. It is consistent with the Visitor Serving Lodging goals in San Luis Obispo.

*Tourism is the #1 business in Cayucos.*

Cayucos is Unique because there are only few hotels to provide Visitor Serving Lodging; Short Term Rentals help fulfill the demand for visitation of the coastal areas by providing approximately 58% of all available lodging options in Cayucos.

The Vacation Rental Ordinance adopted for the unincorporated areas of San Luis Obispo has a critical flaw in it, which has resulted in a significant and continuing loss of legally licensed Short Term Rentals..

Below is an update of relevant Short Term Rental Data from the Tax Collector in San Luis Obispo:

- **Per the SLO County tax collector, there are about 269 licensed STRs in Cayucos.**
- **Of Note: 120, or 44.6% of these homes are inactive— they paid no TOT in 2015.**  
**\*\*\*In 2012, the number of inactive licensed home was about 28%** Owners of these homes hold their licenses without using them for various reasons, which leaves only about 149 homes that are truly offering lodging to our community and paying TOT.
- **The volume of Inactive (NON- TOT PAYING) licenses in Cayucos is increasing at a rate of approximately 11% per year.**
- Per county legal advice the county cannot legally revoke existing licenses if they pay their license fee each year, even if there is no Short Term Rental activity or TOT for any amount of years . . . this means each license that goes off the market is irreplaceable.
- Very few new licenses are issued per year because the density standard of the ordinance has created a situation where few new homes qualify in desirable areas.
- TOT collections for vacation rentals in Cayucos are far below the gains enjoyed other areas of the county as a result of the CBID and TMD efforts. For example TOT increases from BID Boards in San Luis Obispo Overall are reporting average TOT growth of 9%, while the TOT for Cayucos (including Hotels) according to the latest CBID report is only 2.5%. *(If STRs were measured separately, this rate would most likely be in the negative).*
- At the current rate the remaining 55.4% of **ACTIVE** (TOT Paying) legally licensed homes could be close to **ZERO** in just 6 years. It is prudent to add a certain amount of licensed STRs to the visitor serving lodging mix. Given the community temperament, adding hotels is not feasible.

**ccmacorrespond@gmail.com**



# CCMA

## Central Coast Management Association

In addition, we have attached:

- A recent report on effect STRs have on Housing
- A recent report on the effect STRs have Neighborhood Nuisance Complaints
- Cayucos population study based on information in the 2010 Census and the SLO County Tax Assessor.

This property owner should be commended for attempting the legal process to comply when they could very easily offer the home on the internet sites with no expense or enforcement . . . .

Sincerely,

CCMA Board

*Toni LeGras, Beachside Rentals, Inc.*

*Cindy Walton, Cayucos Vacation Rentals, Inc.*

*Shirley Lyon, SeeLyon Rentals, Inc.*

**ccmacorrespond@gmail.com**



## Cayucos Housing Statistics (based on the 2010 Census):

### Available Housing Inventory Statistics (based on the 2010 Census)

2354	Total Homes/Housing Units use stats:	% of total
781	Owner Occupied Household Properties	33.20%
533	Rentals (full time) Household Properties	22.00%
796	Vacant/2nd home Properties	34.00%
244	Licensed Short Term Residential Rental Properties* (STRs)	10.10%

*\*(current 2015/16 county TOT records indicate that approximately 45% of registered STRs are inactive, and that the inactive inventory is growing - this rate was 28% in 2012)*

**Note: Of the total 2354 Residential Properties in Cayucos**  
**1314 are being used as households**  
**1040 are either vacant, 2nd homes or STR**

### Population Statistics (based on the 2010 Census):

Age stats of the 2592 People residing in 1314 households -		% of total
337	under age 18	13.00%
169	aged 18-24	6.50%
488	aged 25-44	18.80%
946	aged 45-64	36.50%
652	aged 65 +	25.20%

*There are 1314 households, with 2592 people in residence.  
1555 are owners and 1037 are long term renters*

**Note: A comparison of the 2000 census to the 2010 census shows**  
**a trend that the Cayucos Population of those 45 and older (61.7%) is increasing**  
**(it was 52.2% in 2000) while the age group under 18 is decreasing (it was 16.8 in 2000).**  
**Housing reports attribute this trend to the Baby Boomer wave**



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# **The Effect of Short Term Rentals on The Supply of Housing in Santa Barbara City and County**

**What is the effect of the short-term rental (STR) market  
on the supply of long-term housing?**

A report prepared by the

## **California Economic Forecast**

5385 Hollister Avenue

Box 207

Santa Barbara, CA 93111

(805) 692-2498

[www.californiaforecast.com](http://www.californiaforecast.com)

May 12, 2016

**FINAL REPORT**



## Executive Summary

The purpose of this report is to present data-supported analysis and conclusions regarding the impact of Short-Term Rentals (STRs) on the supply of long-term housing in Santa Barbara City and County.

Short-Term Rentals (STRs) have grown to represent an important economic engine for the local economy. A recent STR Economic Impact Report for the Santa Barbara area concluded that the operation of STRs creates approximately \$471 million in overall economic activity per year, and approximately 5,000 jobs. STRs also provide significant annual Transient Occupancy Tax revenues to Santa Barbara City and Santa Barbara County.

However, community members and decision makers are concerned about the impact of STRs on the supply of long-term housing.

Is there a valid concern that the long-term rental housing supply in the City and County of Santa Barbara is negatively impacted by the operation of STRs? Yes. However the degree to which the supply is impacted is negligible, far less than presumed.

As a principal part of the study methodology, survey requests were sent to STR property owners in Santa Barbara City and County. The survey was conducted during the month of March 2016.

### Key Results of the Survey

- If STRs were prohibited in the City and/or County of Santa Barbara, 71% of STR owners would continue to rent their properties as short-term rentals. 49% would be rented legally (30+ night stays), and 22% illegally (less than 30-night stays).
- Less than 15 percent of STR property owners rent their properties full time throughout the year. The remaining owners only rent their properties part time. Most owners rent their homes out as vacation rentals for less than half of the calendar year.
- 51 percent of all STR properties in Santa Barbara County are located in the City of Santa Barbara.
- In 86 percent of all cases, the entire dwelling is rented out short term.
- Less than 13 percent of STR owners use the vacation rental business as their livelihood.



Using the survey responses as representative of all STRs in Santa Barbara County, extrapolations to the entire population of STRs show that the prohibition of STRs would create an estimated 67 additional long-term rental units in the City of Santa Barbara, and an estimated 77 additional long-term rental units in rest of the County of Santa Barbara. 144 total additional units out of 147,368 long-term housing units in the entire County of Santa Barbara represents 0.10% of total housing stock being added to the supply of rentals.

**An increase of 1/10<sup>th</sup> of 1% in the long-term rental supply is created by prohibition of STRs, and does not represent a significant number of housing units that would be converted from STR use to a longer term supply of housing for purchase or rent.**

This study also shows that if STR prohibition is enacted, 22% of STR operators may operate in a "grey market" in which rentals of less than 30-nights will continue in spite of the prohibition. This grey market will add additional regulatory costs, and will not produce transient occupancy revenues to Santa Barbara City and County.

In conclusion, the empirical evidence does not justify the perception that the operation of STRs in Santa Barbara County or City materially impacts the supply of housing for residents. Only a negligible increase in the long-term housing supply would be created by the prohibition of STRs, and approximately half of that negligible increase would not be considered "affordable" housing.

**Consequently, this study does not support the perception that STRs have a significant negative impact on the supply of long-term housing.**



# What is the effect of the short-term rental (STR) market on the supply of long-term housing?

In Santa Barbara City and County, and in other coastal areas of California, home prices are between 2 and 6 times higher than the median home price for all homes nationwide. Average rents for apartments are twice as high as the national average. Housing is simply more expensive in the Bay Area, Santa Barbara, and along Coastal California in general than in most other areas of the country. Why? Because demand for homes in California remains strong and the growth of housing supply is dwarfed by the growth of housing demand.

Housing supply growth is constrained by many factors, but the most prominent are growth controls and the regulation of new housing supply. Growth controls come in many forms, including zoning policies, urban growth boundaries, affordable housing policies, development fees, new unit limitations per year, and other land use policies.<sup>1</sup>

**Los Angeles Times**

SDAY DEC 30 2015 MOST POPULAR LOCAL ENTERTAINMENT SPORTS EDUCATION POLITICS OPINION PLACE #

## Airbnb and other short-term rentals worsen housing shortage, critics say



BY **Tim Logan, Emily Alpert Reyes and Ben Poston** • Contact Reporters

MARCH 11 2015 1:08 AM

**T**he last time he advertised one of his apartments, longtime Los Feliz landlord Andre LaFlamme got a request he'd never seen before.

A man wanted to rent LaFlamme's 245-square-foot bachelor unit with hardwood floors for \$875 a month, then list it himself on Airbnb.

While there are many reasons for a constrained housing supply, a recent allegation has been aimed at short-term rentals as having a meaningful effect on restricting the supply of rental units.

<sup>1</sup> See for example, the March 2016 edition of the California Economic Forecast's monthly newsletter on Urban Growth Controls: <http://californiaforecast.com/march-2016/>



If the owner of a condo, home, studio, or multi-family apartment structure (who does not use the property during a portion of the year) decides to dedicate an entire unit exclusively to STR use, there is the potential to remove housing from the stock available to local residents.

In the majority of cases, removing the housing unit from the housing stock would likely mean removing the unit from the rental housing stock, though it's also possible that a unit dedicated to STR use might otherwise be available for sale, too.

It is not accurate to say that all units that are dedicated to STR use are being removed from the rental stock because some of them have never been part of it, and/or the property owner is unwilling to have a non-relative tenant. Consequently, they would leave the unit vacant or exclusively available for relatives, friends or other uses if they were unable to rent it out short-term.

A full listing of STRs from short-term rental websites such as AirBnB.com, HomeAway.com, VRBO.com, and Flipkey.com would include the following types of listings:

Housing types that impact the supply of long-term housing:

- Units that are being short-term rented full time without a resident in the home, and there is no personal use of the property by the owner

Housing types that do not impact the supply of long-term housing:

- Second homes that are used a portion of the year by the owner
- Extra bedrooms that someone is renting out some of the time
- Full units that someone is renting out when they happen to be out of town
- Other listings by property owners who took the time to make a listing, but don't actually follow through with renting because they don't need the money at this moment.



For the purposes of determining the impact that STRs have on the supply of housing available to tenants or new purchasers, we need to know:

- (1) The total number of housing units in Santa Barbara City and County
- (2) The total number of STRs in Santa Barbara City and County
- (3) Whether the STRs are “whole house” or “whole units”, and if they are made available throughout the year.
- (4) What alternatives would current owners of STR properties choose if their current use of the property as a short-term rental was prohibited.

The current total supply of housing is presented here:

#### **Housing Supply today / Santa Barbara County**

	Total Single Family	Total Apartments	Total Supply*
	----- units -----		
<b>Santa Barbara City:</b>	<b>21,457</b>	<b>16,609</b>	<b>38,066</b>
<b>Other Incorporated Cities in SB County**:</b>	<b>41,472</b>	<b>20,726</b>	<b>62,198</b>
<b>Unincorporated Areas of SB County:</b>	<b>38,505</b>	<b>8,599</b>	<b>47,104</b>
<b>Total Santa Barbara County</b>	<b>101,434</b>	<b>45,934</b>	<b>147,368</b>

\* Does not include mobile homes

\*\*Cities include: Santa Maria, Lompoc, Goleta, Carpinteria, Solvang, Guadalupe, Buellton

Source: Department of Finance, report E-5, May 2015

The table is the most recent inventory of housing stock in Santa Barbara County, and is updated annually every May by the Department of Finance. Currently, there are 38,066 housing units in the City of Santa Barbara, 62,198 housing units in



Other Incorporated Cities in SB County, and 47,104 housing units in the Unincorporated Areas of SB County. This results in a total of 147,368 housing units in Santa Barbara County.

### **Estimated STR Inventory / Santa Barbara City and County**

The total supply of STRs was determined in a recent report prepared by TXP, Inc.<sup>2</sup> "Approximately 2,550 unique STR properties were listed in 2014 throughout Santa Barbara County across a variety of major online vacation rental platforms."<sup>3</sup>

TXP determined that the total output impact of STRs in Santa Barbara County is \$472 million per year and that the City of Santa Barbara's contribution to that impact is 46.8 percent of the county total. Applying the ratio of the City to County output impact to the number of STR properties in the County, it is estimated that at most, there are 1,193 properties located within the Santa Barbara City limits.<sup>4</sup>

### **STR Inventory / Santa Barbara County**

	<u>number of properties</u>
Santa Barbara City:	1,193*
Rest of Santa Barbara County:	<u>1,357</u>
TOTAL:	2,550

*\* represents 46.8 of total STR supply in the County of Santa Barbara*

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<sup>2</sup> TXP, Inc., "The Local Economic Impact of Short Term Rentals in Santa Barbara, CA," Fall 2015

<sup>3</sup> *ibid.*, page 4

<sup>4</sup> We say "at most" because STR properties in the City of Santa Barbara would, like housing prices, typically have a higher average rental price than the collective average of the properties outside of the City (including Carpinteria, Montecito, Goleta, Lompoc Santa Ynez and Santa Maria). A higher price would lead to a larger impact per property. A larger impact per property means that to contribute 46.8 percent of the total output in the county, the number of STR properties in the City would be less than 46.8 percent of the total STR properties in the County



## Survey of STR properties / County of Santa Barbara

A recent survey of STR property owners was conducted to obtain information that is pertinent in the determination of the STR impact on housing supply.

Two principal vacation rental websites (AirBnB.com and HomeAway.com) were contacted for the purpose of disseminating a survey to all STR property owners in Santa Barbara County. Surveys were also sent to owners of properties managed by professional STR management companies.

1,660 survey requests were sent to the following recipients:

Surveys sent to owners by email from HomeAway corporate office*:	575
Surveys sent to owners through the HomeAway inquiry system:	476
Surveys sent to owners through the AirBnB inquiry system:	336
Surveys sent to owners by local STR management companies:	273
<b>TOTAL:</b>	<b>1,660</b>

*\*Approximately 425 STR property owners were not sent the survey from HomeAway.com corporate office because those property owners had "opted out" of receiving ancillary email correspondence from HomeAway.com.*

The survey was conducted during the month of March 2016. A total of 319 responses were received. This represents a 19 percent response rate.

Responses to six principal questions were requested for the analysis. An additional 4 responses were requested from STR owners if they selected the 4<sup>th</sup> or 5<sup>th</sup> answer in question 6).

The Survey Questions and the responses are presented below.

### 1) Where is your property located?

Answer	percent	number
Santa Barbara	51.10%	163
Montecito	14.42%	46
Goleta	1.25%	4
Carpinteria	10.66%	34
Santa Ynez Valley	14.73%	47
Lompoc Valley	0.63%	2
Santa Maria Valley	0.94%	3



Other (please specify)	6.27%	20
Total	100%	319

The proportion of 51 percent of respondents having their properties located in Santa Barbara is statistically comparable to the 47 percent of total properties in Santa Barbara County estimated (above) to be located in Santa Barbara.

Most STRs are located along the South Coast of Santa Barbara County (83%) with only a small representation of properties in the North County.<sup>5</sup>

## 2) What type of property is your short-term rental?

Answer	percent	number
Single Family Home	76.18%	243
Condo or Townhouse	9.09%	29
Apartment	2.51%	8
Other (please specify)	12.23%	39
Total	100%	319

The dominant response is that the typical STR is a detached single-family home. Apartments really do not comprise a meaningful portion of the short-term rental stock. The "other" category of 39 properties was mostly guest homes or cottages, separate mother-in-law or grannie units, or artist or studios, or single-family ranch homes on a ranch.

## 3) What do you offer for rent?

Answer	percent	number
Entire dwelling	86.52%	276
Individual room(s) in the dwelling	13.48%	43
Total	100%	319

Clearly, most STRs comprise the entire property. Consequently, it would appear that the potential to augment the housing stock would be quite high if all of these homes were precluded from STR activity.

<sup>5</sup> The "other" category included 5 homes in Summerland, 4 homes in "Noleta" (commonly interpreted as the unincorporated area between Goleta and Santa Barbara), 1 in Montecito, and 6 in the unspecified unincorporated South Coast region of the county. There were only 4 in the North County including the Santa Ynez Valley. Consequently, 16 of the 20 "other" responses can be allocated into the South Coast.



#### 4) Please provide the best answer as to why you use your property as a short-term rental

Answer	percent	number
I need to rent the property (or rooms) to help finance the mortgage	28.84%	92
I need the additional income to make ends meet	32.92%	105
I don't use the home full time, so I might as well rent it out when I'm not here	25.71%	82
This is my business	12.54%	40
Total	100%	319

Less than 13 percent of STR owners claim that the vacation rental business is their livelihood. The remainder engages in STR activity to augment their incomes to finance their properties or the general cost of living.

#### 5) How many nights during the year do YOU personally use your short-term rental property?

Answer	percent	number
None. My property is available for rent 100 percent of the year	14.42%	46
1 to 90 nights	45.77%	146
91 to 180 nights	19.75%	63
181 to 364 nights	20.06%	64
Total	100%	319

Less than 15 percent rent their properties full time throughout the year. The remaining STR owners only rent their properties part time. And most rent their homes out as vacation rentals for less than half of the calendar year.

This is consistent with the previous question that property owners who rent their homes out as vacation rentals are doing so to augment their income. It is not their primary business. Furthermore, the home is used for their personal occupation (or their family's), and would not be available to augment the long-term supply of housing if STR activity was banned.



## 6) If rentals of less than 30-nights were prohibited, what would you do?

Answer	percent	number
I would personally live in the property full time	5.96%	19
I or my extended family (or friends) would use the property more	5.96%	19
I would continue to rent my property short-term, but with a 30-night minimum per rental	49.22%	157
I would convert the property to a long-term rental (1 year lease or longer)	5.64%	18
I would sell the property	10.97%	35
I would continue to rent my property for less than 30-nights, and accept the risk of enforcement action	22.26%	71
Total	100%	319

The responses above demonstrate that most STR owners would choose an option for their property other than one that would augment the housing supply in Santa Barbara County, including the City of Santa Barbara. Only 16.6 percent of respondents indicated they would either long-term rent or sell their property.

**Consequently, while some additional properties would be added to the housing stock, mostly as new for-sale inventory, the vast majority (72 percent) would continue to be used as short term rentals, legally or illegally.**

The following 3 questions pertained only to the 18 (5.6%) of respondents (above responders in blue) who indicated they would convert their rental to long-term rental property. The purpose of the 3 questions was to determine the potential rental rates of the homes (and, for shared homes, the "per-room" rental rates) that were added to the long-term housing supply.

## 7) As a long-term rental (1-year leases or longer), what do you think you would rent the property for:

Answer	percent	number
\$1,500 per month or less	11.11%	2
\$1,501 - \$3,000 per month	16.67%	3
\$3,001 - \$5,000 per month	22.22%	4
\$5,001 - \$7,500 per month	33.33%	6
\$7,501 - \$9,000 per month	11.11%	2



Greater than \$9,000 per month	5.56%	1
Total	100%	18

Half of respondents indicated they would rent their home for \$5,000+ per month. This tends to be the higher end of rental properties in Santa Barbara, Goleta, Montecito and Carpinteria, and very high elsewhere. A review of houses for rent on Craig's List clearly demonstrates this. Consequently, only 9 homes out of 319 STR properties surveyed (2.8 percent) would be added to the rental supply of homes in an affordable range for professionally working families. The other half (2.8 percent) would be added to the rental supply in the luxury home category.

**8) As a long-term rental, how many bedrooms would be available in your property?**

Answer	percent	number
1	16.67%	3
2	22.22%	4
3	44.44%	8
4	5.56%	1
5	5.56%	1
6 or more	5.56%	1
Total	100%	18

**9) What would the "per room" rate be for your long-term rental (calculated as the total monthly rent divided by the total number of bedrooms)?**

Answer	percent	number
\$500 or less	0.00%	0
\$501 - \$1000	5.56%	1
\$1001 - \$1,500	50.00%	9
\$1,501 - \$2,000	33.33%	6
Greater than \$2,000	11.11%	2
Total	100%	18

The following question pertained only to the 35 (10.97%) of respondents (question 6 responders in green) who indicated that they would sell their property. The purpose of the question was to determine a potential for-sale price or "value" of the type of homes that would be added to the long-term housing supply.



# 10) What is the market value of your property?

Answer	percent	number
\$500,000 or less	0.00%	0
\$500,001 - \$1,000,000	18.92%	7
\$1,000,001 - \$1,500,000	13.51%	5
\$1,500,001 - \$3,000,000	32.43%	12
\$3,000,001 - \$5,000,000	21.62%	8
Greater than \$5,000,000	13.51%	5
Total	100%	35

25 of the 35 of the above responders indicated the market value of their home was \$1.5 million and up. 10 of the 35 indicated the market value of their home was \$3.0 million and up. The median value of the 35 STR homes is \$2,581,081.



## Conclusion

The tables below quantify the effect of STRs on the supply of long-term rental and for-sale housing units in the:

- 1) City of Santa Barbara
- 2) County of Santa Barbara (excluding the City of Santa Barbara), and
- 3) Combined Total: City & County of Santa Barbara.

<b><u>City of Santa Barbara (only)</u></b>	<b><u>Units</u></b>	<b><u>percent</u></b>
Total Housing units:	38,066	100.00%
Total Short-Term Rental units:	1,193	3.13%
Long-Term Rental Housing Inventory lost due to STR activity:	67	0.18%
Long-Term For-Sale Housing Inventory lost due to STR activity:	131	0.34%
Total Long-Term Housing Inventory lost due to STR activity:	198	0.52%

<b><u>County of Santa Barbara</u></b> <b><u>(excluding the City of Santa Barbara)</u></b>	<b><u>Units</u></b>	<b><u>percent</u></b>
Total Housing units:	109,302	100.00%
Total Short-Term Rental units:	1,357	1.24%
Long-Term Rental Housing Inventory lost due to STR activity:	77	0.07%
Long-Term For-Sale Housing Inventory lost due to STR activity:	149	0.13%
Total Long-Term Housing Inventory lost due to STR activity:	226	0.20%

<b><u>Combined Total: City &amp; County of Santa Barbara</u></b>	<b><u>Units</u></b>	<b><u>percent</u></b>
Total Housing units:	147,368	100.00%
Total Short-Term Rental units:	2,550	1.73%
Long-Term Rental Inventory lost due to STR activity:	144	0.10%



Long-Term For-Sale Housing Inventory lost due to STR activity: 280 0.19%

Total Long-Term Housing Inventory lost due to STR activity: 424 0.29%

Is the allegation true that the long-term housing supply in the City of Santa Barbara is impacted by the operation of STRs? Yes. But the degree to which the supply is impacted is statistically negligible.

Only 16.6 percent of current STR properties would be converted to long-term rental or for-sale housing stock in the event that STR activity was prohibited in Santa Barbara County. **This represents only 0.29% of the entire housing stock in Santa Barbara County.**

In conclusion, prohibition of STRs will create an estimated 67 additional long-term rental units in the City of Santa Barbara, and 77 additional long-term rental units in rest of the County of Santa Barbara. 144 total additional units out of 147,368 long-term housing units in the entire County of Santa Barbara **represents only 0.10% of the total housing supply.** This is a negligible increase in the supply of long-term rental units, and is unlikely a large enough increase in supply to have any long-term impact on rental rates.

Similarly, prohibition of STRs will create an estimated 131 additional for-sale housing units in the City of Santa Barbara, and 149 additional for-sale housing units in rest of the County of Santa Barbara. 280 total additional housing units out of 147,368 long-term housing units in the entire County of Santa Barbara represents only 0.19% of the total housing supply, and is unlikely a large enough increase in supply to reduce housing purchase prices.

Finally, for half of the estimated increase in the supply of long-term housing created by the prohibition of STRs, it is likely that rental rates for these properties would exceed \$5,000 per month (and, in a shared home, over \$1,500 per room per month). This level of monthly rent is generally not considered an "affordable housing" rate. Therefore, a significant amount of any increase in rental properties caused by prohibition of STRs would unlikely have any impact on the "affordable housing" problem in the region.

The empirical evidence does not justify the perception that the operation of STRs in Santa Barbara County or City materially impact the supply of housing for residents. Only a negligible increase in the long-term housing supply would be created by the prohibition of STRs, and approximately half of that negligible increase would not be considered "affordable" housing. Consequently, this study does not support the allegation that STRs have a significant negative impact on the supply of long-term housing.



## References

The AirBnB Impact:

<http://www.sfchronicle.com/airbnb-impact-san-francisco-2015/#1>

LAANE report:

<http://www.laane.org/wp-content/uploads/2015/03/AirBnB-Final.pdf>

Response by AirBnB to LAANE study

<http://www.latimes.com/business/hiltzik/la-fi-mh-airbnb-study-of-rentals-20150930-column.html>

Airbnb listings in Vancouver: How many? What type? Where?

<https://shorttermconsequences.wordpress.com/2015/06/20/airbnb-listings-in-vancouver-how-many-what-type-where/>

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Can Short-Term Rental Arrangements Increase Home Values? A Case for AirBNB and Other Home Sharing Arrangements

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STRs worsen housing crisis, LA Times, March 11, 2015

<http://www.latimes.com/business/realestate/la-fi-airbnb-housing-market-20150311-story.html>



# **The Effect of Short Term Rentals on Neighborhood Nuisance Complaints Along the Central Coast**

**Do short-term rentals cause an increase  
in nuisance complaints in Central Coast cities?**

A report prepared by the

## **California Economic Forecast**

5385 Hollister Avenue

Box 207

Santa Barbara, CA 93111

(805) 692-2498

[www.californiaforecast.com](http://www.californiaforecast.com)

June 28, 2016

**FINAL REPORT**



## Executive Summary

The purpose of this report is to present data-supported analysis and conclusions regarding the incidence of nuisance complaints for Short-Term Rentals (STRs) in cities and unincorporated areas along the Central Coast. This study addresses the specific question: Do short-term rentals cause an increase in nuisance complaints in Central Coast cities?

Nuisance complaints can be associated with safety issues for residential neighborhoods. Nuisance reporting includes noise, parking on front yards or setbacks, trash, suspicious activity, abandoned automobiles, and outside storage.

The areas that we evaluated for nuisances included the cities of San Luis Obispo, Santa Maria, Lompoc, Solvang, Goleta, Santa Barbara, Carpinteria, Ventura, Thousand Oaks, and the unincorporated areas of Santa Barbara County.

Nuisance report data for STRs are only collected in three cities along the Central Coast: Santa Barbara, Goleta, and Ventura. For Santa Barbara, the compiling of nuisance reported data for STRs began in 2006. For Goleta and Ventura, the compiling of nuisance reported data for STRs began in 2015.

For **STR residential homes**, the rate of nuisance reporting per year is as follows:

<u>Area</u>	<u>Reporting Period</u>	<u>Nuisance Report Rate per Home</u>
Santa Barbara City	01/06 – 05/16	0.00662
City of Goleta	02/15 – 05/16	0.00
City of Ventura	11/15 – 04/16	0.00

Nuisance report rates for all residential homes were compiled for the areas that maintain such records. These areas include the cities of Santa Barbara, Santa Maria, Thousand Oaks, and San Luis Obispo, and the unincorporated areas of Santa Barbara County.



For **ALL residential homes**, the rate of nuisance reporting per year is as follows:

<u>Area</u>	<u>Reporting Period</u>	<u>Nuisance Report Rate per Home</u>
City of Santa Barbara	01/06 – 05/16	0.00699
City of Santa Maria	03/97 – 03/16	0.065
Unincorporated Santa Barbara County		
Including Isla Vista	01/15 – 12/15	0.045
Excluding Isla Vista	01/15 – 12/15	0.014
Thousand Oaks	01/15 – 12/15	0.025
San Luis Obispo	01/15 – 12/15	0.019

The results above indicate that the nuisance report rates for STRs in Santa Barbara City, the City of Goleta, and the City of Ventura are substantially less than the nuisance report rate for all residential homes in Santa Maria, the unincorporated area of the County, Thousand Oaks, and San Luis Obispo.

Furthermore, the nuisance report rate for STRs in Santa Barbara City is slightly lower than the rate for all residential properties in the City.

**Consequently, the findings of this study strongly suggest that the presence of STRs do not result in heightened nuisance issues in Central Coast residential neighborhoods. Moreover, the presence of STRs may actually reduce the rate of nuisance complaints; possibly because of the type of occupant that utilizes STRs.**



## Nuisance Reports for Short-Term Rental Properties

In a separate report, we concluded that STR properties are principally single-family detached homes.<sup>1</sup> Consequently, they would largely be located in residential neighborhoods around the County of Santa Barbara.

The question of safety was originally raised in a report by the Los Angeles Alliance for a New Economy.<sup>2</sup> In the report, the authors write about numerous complaints made to Neighborhood Councils by neighbors over actions by tourists staying in AirBnB rentals. "These complaints include unfamiliar cars blocking driveways, late night parties on formerly quiet streets, and concerns about child safety in an environment with fewer familiar eyes on the street."<sup>3</sup>

For this study, we reviewed nuisance reports for 6 cities and found that the cities of Goleta, Santa Barbara and Ventura monitor these reports for homes designated as STRs. No such designation exists in Santa Maria, Lompoc, Carpinteria, or the unincorporated areas of Santa Barbara County.

The fact that the majority of cities have not deemed it necessary to establish a zoning designation for homes being used as STRs (for the purpose of monitoring complaints and/or safety issues) is evidence that they generally are not considered safety threats in neighborhoods.

In the City of Goleta, there have been no reports or complaints filed regarding short-term rentals since the monitoring started in February 2015. Our contact at the City of Goleta was Vyto Adomaitis, Director, Neighborhood Services and Public Safety.

In the City of Ventura, the monitoring of STR homes commenced in November 2015. We spoke to Noelle Sorensen, the administrator in the City of STRs. She indicated that no nuisance reports had been received regarding STRs in the 5-month period between the inception of the program and April 1, 2016.

However, in the City of Santa Barbara, there is a zoning designation for homes that rent short term, and this designation has been in effect for approximately 10 years.

In a report to the City Council, staff wrote the following:

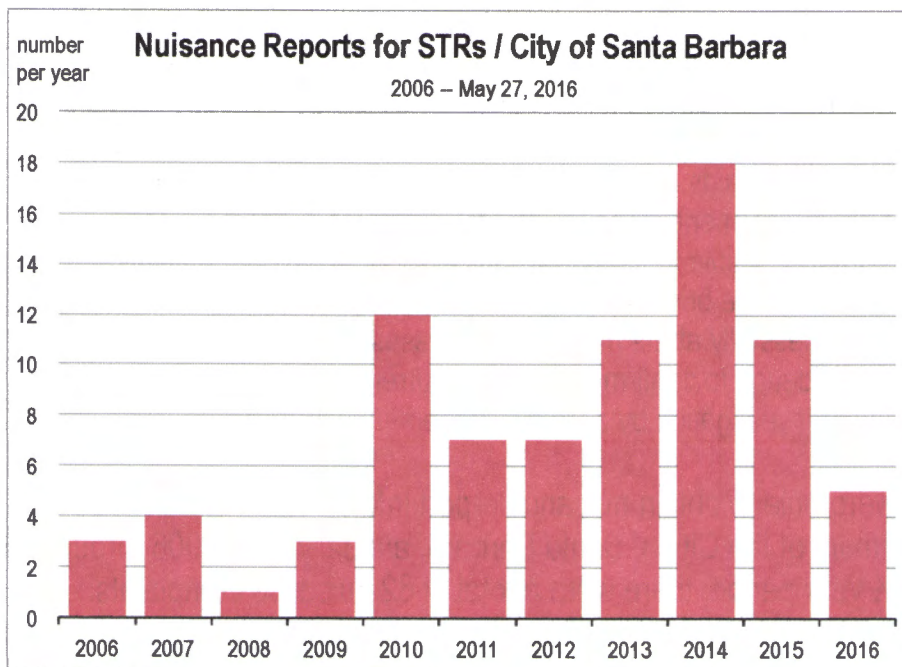
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<sup>1</sup> "The Effect of Short Term Rentals on the Supply of Housing in Santa Barbara City and County," a report prepared by the California Economic Forecast, May 12, 2015.

<sup>2</sup> AirBnB, rising rent, and the housing crisis in Los Angeles, <http://www.laane.org/wp-content/uploads/2015/03/AirBnB-Final.pdf>

<sup>3</sup> *ibid.*, page 21





82 nuisance reports over a 10.42 year period produces an average of 7.9 nuisance complaints coming from STRs per year.

There are 1,193 STRs operating in the City of Santa Barbara as of 2015<sup>6</sup> and 7.9 nuisance reports per year on average. The rate of STR nuisance reports in the City of Santa Barbara for STRs is therefore:

$7.9 \text{ reports per year} / 1,193 \text{ STRs} = 0.00662 \text{ nuisance reports per STR per year.}$

## Nuisance Reports for ALL Residential Properties

Nuisance and/or noise complaint data for ALL residential properties is available for the City of Santa Maria, the unincorporated areas of Santa Barbara County, the City of San Luis Obispo, the City of Thousand Oaks, and the City of Santa Barbara.

Nuisance and/or noise complaint data for ALL residential properties was not available for the cities of Goleta and Ventura until only recently. For Lompoc, Solvang or Carpinteria, no complaint data on nuisance issues could be acquired because databases do not exist for non-STR properties in these jurisdictions. For the City of Santa Barbara nuisance report

<sup>6</sup> See: TXP, Inc., "The Local Economic Impact of Short Term Rentals in Santa Barbara, CA," Fall 2015, and page 7 of our first report entitled: "The Effect of Short Term Rentals on the Supply of Housing in Santa Barbara City and County," *op. cit.*



The City has seen a slight rise in complaints about vacation rentals, and the majority involve cases where the entire housing unit is being rented out as a vacation rental. The City has received very few complaints to date where a single room is rented out and the primary occupant remains on the property. Vacation rental complaints are extremely challenging enforcement cases, as the activity is not necessarily easily observed from the street or visible to the public. Since 2004, over 60 complaints regarding vacation rentals have been received. Zoning staff has been able to verify noncompliance and successfully abate most of those cases. The remaining cases were closed due to lack of evidence to confirm a violation. Currently, there are seven vacation rental complaints under investigation by zoning enforcement staff.<sup>4</sup>

We requested and were able to obtain nuisance report information from the Code Enforcement Department of the City of Santa Barbara, annually from 2006 through May of 2016.<sup>5</sup> For this 10 ½ year period, there were a total of 82 nuisance complaints:

2006	3
2007	4
2008	1
2009	3
2010	12
2011	7
2012	7
2013	11
2014	18
2015	11
2016	5

Source: Andrew Perez, Code Enforcement Officer, City of Santa Barbara

<sup>4</sup> City of Santa Barbara Staff Report to the City Council; Subject: the Council Direction on Short-Term Vacation Rental Regulations, June 23, 2015, pages 5 and 6.

<sup>5</sup> The data was provided by Andrew Perez on May 27, 2016. (805) 564-5470 x4559. The reports for 2016 were year-to-date.



data for all residential properties was obtained annually for the 2006 through June 2016 period.<sup>7</sup>

### City of Santa Barbara

The report data for the City of Santa Barbara originate in 2006 and are available annually through May of 2016. Total residential nuisance complaints per year are as follows:

2006	278
2007	228
2008	294
2009	247
2010	151
2011	130
2012	151
2013	228
2014	210
2015	329
2016	378

Annual information on the occupied housing stock for the City of Santa Barbara was obtained from the Department of Finance, Report E-5 for all years since 2006. Consequently, a nuisance report rate for all residential properties could be computed each year.

For 2016, the annual rate was adjusted to account for the partial year-to date- in which total nuisance complaints have been received. There have been an extraordinary number of complaints during the first 6 months of 2016 for all residential properties in the City. The nuisance report rate was 0.0208 per home, or 2.08 per 100 homes.

The annual average over the entire 2006 to 2016 period was 0.00699 complaints per home (or 0.761 complaints per 100 homes).<sup>8</sup> A chart of the nuisance rate for STRs and All Residential Homes in Santa Barbara is presented here:

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<sup>7</sup> This information was received from Andrew Perez in Code Enforcement on June 27, 2016.

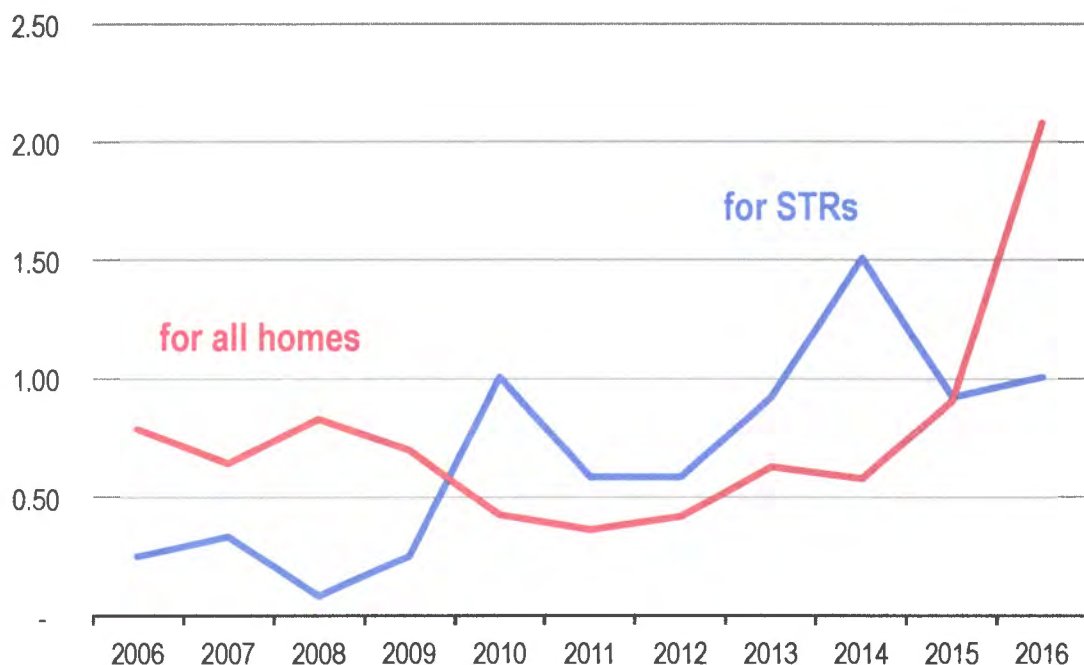
<sup>8</sup> See Appendix A.



number of reports  
per 100 homes  
per year

## Nuisance Report Rates / City of Santa Barbara

2006 -- May 2016



The nuisance report rates over time for STRs versus All Homes are very close. The rate for STRs was the lower rate from 2006 to 2009. The rate for All Homes was lower between 2010 and 2014. The rates were even in 2015. The rate for All Homes is substantially higher this year.

## City of Santa Maria

The reports for the City of Santa Maria span 19 years and pertain to all properties. The total for the March 1997 to March 2016 period shows 38,131 complaints. Many of these complaints would not be the type associated with a short term rental, such as not having a temporary use permit, business sales without permits, keeping of roosters, living in recreational vehicles, legal recordings, conducting business in a residential neighborhood, or vector issues. If these are omitted, the total shrinks to 33,373, an average of 1,756 per year.

There are 27,185 occupied residential units in the City of Santa Maria. The average number of occupied housing units over the 19-year period was 26,936. Consequently, the rate of relevant nuisance reports is:

$$1,756 / 26,936 = 0.065 \text{ per home per year.}$$



## Unincorporated Areas of Santa Barbara County

For the unincorporated area of Santa Barbara County, we obtained the following information on noise complaints:

Unincorporated Area	2014	2015
Santa Barbara	152	174
Santa Maria	261	210
Lompoc	69	55
Santa Ynez	51	67
Isla Vista	1,353	1,476
Montecito/Summerland Area	91	68
Totals	1,977	2,050

Total residential units that are occupied in the unincorporated area of the County sum to 45,992.<sup>9</sup>

For 2015, the noise complaint rate was:

$$2,050 / 45,992 = 0.0446 \text{ complaints per home}$$

The rate is clearly skewed upward, by Isla Vista.

If Isla Vista is removed from the rate determination for the unincorporated area noise complaint rate, the rate declines to:

$$574 \text{ complaints} / 40,828 \text{ occupied housing units}^{10} = 0.0140 \text{ per home}$$

## San Luis Obispo and Thousand Oaks

We obtained information on nuisance reports in 2015 for Thousand Oaks and San Luis Obispo. The nuisance report rate for each was:

<sup>9</sup> The housing stock information is from Table 2 of Report E-5 City/County Population and Housing Estimates 1/1/2015, from the Department of Finance, Population Research Unit.

<sup>10</sup> There are 5,164 occupied housing units in Isla Vista. If these are removed from the total occupied housing units in the unincorporated area of Santa Barbara County (45,982), the total is reduced to 40,828. See <http://islavista.areaconnect.com/statistics.htm>



Nuisance Report  
Rate per Home

San Luis Obispo 0.0252

Thousand Oaks 0.0193

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Calculations for these rates: see Appendix A



## Conclusion

One of the principal efforts to monitor the nuisance and/or safety issues associated with STRs in residential neighborhoods is to determine how many complaints are filed by neighbors for disturbances coming from STR homes.

### Nuisance Reports for Short Term Rental Properties

An average of 7.9 nuisance complaints per year for STR properties in the City of Santa Barbara were received over a 10.42 year period, ending May 2016. The rate of complaints per STR home is 0.0066 per year.

Zero nuisance complaints have been recorded for STR properties in the City of Goleta since monitoring commenced in February 2015. Zero nuisance complaints have been recorded for STR properties in the City of Ventura since monitoring commenced in November 2015.

### Nuisance Reports for ALL Residential Properties

Nuisance and/or noise complaint data for ALL residential properties is available for the City of Santa Maria, the Unincorporated Areas of Santa Barbara County, the City of San Luis Obispo, the City of Thousand Oaks, and the City of Santa Barbara.

Nuisance and/or noise complaint data for ALL residential properties was not available for the cities of Goleta or Ventura until just recently. Complaint data is entirely unavailable for Lompoc, Solvang or Carpinteria because databases do not exist for non-STR properties.

The nuisance report rates for STRs in Santa Barbara, Goleta, and Ventura are substantially less than the nuisance report rate for all residential homes in the cities for which data could be obtained. For the City of Santa Barbara, the two rates were approximately the same, but slightly lower for STRs over the entire 2006-2016 period of examination.

**Consequently, the findings of this study strongly suggest that the presence of STRs do not result in heightened nuisance issues in Central Coast residential neighborhoods. Moreover, the presence of STRs may actually reduce the rate of nuisance complaints in residential neighborhoods.<sup>11</sup>**

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<sup>11</sup> See Appendix B



## Appendix A / Methodology and Calculations

A number of cities in the central coast were contacted to obtain reports on residential nuisances. For the central coast, the cities of Santa Barbara, Goleta, Carpinteria, Santa Maria, Ventura, Solvang, Thousand Oaks, Lompoc, and San Luis Obispo were contacted. We requested reports of the number of nuisance calls made on residential properties over time.

However, not every city maintained data on nuisance reports and virtually no cities maintained information that was separate between STR classified houses and non-STR classified homes. The cities of Santa Barbara and Goleta were the only two cities in our sample that tracked nuisance reports separately for STR classified properties and non-STR classified properties.

In fact, some cities, such as Lompoc, had no information on nuisance reports whatsoever. Furthermore, Solvang, Ventura, and Carpinteria reported that even though they have a Code Enforcement Division, they do not track the number of nuisance reports received over time, nor do they have any record of the current number of nuisance reports.

Below is a table that presents our city contacts:

Location	Contact(s)
Santa Barbara City	Andrew Perez
City of Goleta	Vyto Adomaitis
Carpinteria	Silvia Echeverria
Santa Maria	Ezekial Moran
Santa Barbara County - Uninc.	Jessica Metzger
Ventura	Noelle Sorensen
Solvang	805 - 688 - 5575 (Name Not Given)
Thousand Oaks	Geoff Ware
San Luis Obispo	805 - 781 - 7311 (Name Not Given)

Following receipt of the nuisance reported information from the cities, a ratio of nuisance reports per occupied housing unit was created by city for each year. The ratio was scaled per 100 homes.



San Luis Obispo			
Year	Housing Stock	DAC Reports	Reports per 100 Homes
2006	17867	1217	6.81
2007	17906	1286	7.18
2008	18022	1364	7.57
2009	18083	1148	6.35
2010	17,711	785	4.43
2011	17,720	639	3.61
2012	17,720	544	3.07
2013	17629	515	2.92
2014	17679	549	3.11
2015	17752	448	2.52
Average for 2006 to 2015			4.76

Thousand Oaks			
Year	Housing Stock	Reports	Reports per 100 Homes
2011	45913	879	1.91
2012	46278	1039	2.25
2013	46723	743	1.59
2014	46914	1327	2.83
2015	47095	907	1.93
Average for 2011 to 2015			2.10

Santa Maria			
Year	Housing Stock	Reports per year	Reports per 100 Homes
1997 - 2015 Cumulative			
	26936	1756	6.52

Santa Barbara Unincorporated Cumulative			
Year	Housing Stock	Reports	Reports per 100 Homes
2014	45751	1977	4.32
2015	45992	2050	4.46
Average for 2014-2015			4.39



## City of Santa Barbara

The total number of nuisance reports for STR properties in the City of Santa Barbara is 82 between January 2006 and May 2016. The average per year is therefore  $82 / 10.42 \text{ years} = 7.9$ . Total STR housing stock has been estimated at 1,193 in the City of Santa Barbara. The rate is therefore:

$$7.9 / 1,193 = 0.00662 \text{ per home}$$

Year	Number of STRs	Reports for STR	Reports per 100 STR Homes	adjusted
2006	1,193	3	0.25	0.25
2007	1,193	4	0.34	0.34
2008	1,193	1	0.08	0.08
2009	1,193	3	0.25	0.25
2010	1,193	12	1.01	1.01
2011	1,193	7	0.59	0.59
2012	1,193	7	0.59	0.59
2013	1,193	11	0.92	0.92
2014	1,193	18	1.51	1.51
2015	1,193	11	0.92	0.92
2016	1,193	5	0.42	1.01

Average rate for the 2006 to 2016 period 0.625 0.0662

Year	Housing Stock	Total Reports	Reports per 100 Homes	adjusted
2006	35,168	278	0.79	0.79
2007	35,270	228	0.65	0.65
2008	35,372	294	0.83	0.83
2009	35,413	247	0.70	0.70
2010	35,449	151	0.43	0.43
2011	35,633	130	0.36	0.36
2012	35,793	151	0.42	0.42
2013	36,154	228	0.63	0.63
2014	36,250	210	0.58	0.58
2015	36,337	329	0.91	0.91
2016	36,383	378	1.04	2.08

Average rate for the 2006 to 2016 period 0.667 0.0699

The adjusted column adjusted the rate for the full calendar year;  
only 2016 has been adjusted, based on reports for the first 5 months of 2016

Source: Andrew Perez City of Santa Barbara



For all residential properties in the City, the total number of nuisance complaints over the 10.5 year period (January 2006 through June 2016) was 2,624. The average per year is:

$$2,624 / 10.5 \text{ years} = 249.9 \text{ per year}$$

The average annual occupied housing stock in the City of Santa Barbara over the 2006 to 2016 time period was 35,747 homes. The nuisance rate is therefore:

$$249.9 / 35,747 = 0.006991 \text{ per home}$$



## Appendix B

### **STRs may actually reduce the rate of nuisance complaints in residential neighborhoods**

Because of the type of home (and therefore the type of occupant) that typically engages in STR activity, this conclusion should intuitively follow. A survey that was conducted of 319 STR homeowners indicated that the value of the median home was \$2.6 million.<sup>12</sup>

Occupants of these types of properties are more likely to be older and more affluent than the typical homeowner in Santa Barbara. More affluent and older users of STRs are going to be less likely to create nuisances in City neighborhoods.

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<sup>12</sup> *op.cit.*, "The Effect of Short Term Rentals on the Supply of Housing in Santa Barbara City and County," a report prepared by the California Economic Forecast, May 12, 2015. See page 13



W 19b

Robinson, Daniel@Coastal

From: Bruce and Connie Paine <caypaine@hotmail.com>  
Sent: Thursday, September 29, 2016 2:17 PM  
To: Robinson, Daniel@Coastal  
Cc: Bruce Gibson; John Carsel; John Belsher; Linda Mayfield; Carol Baptiste; Bill Shea and Carol Kramer; Louisa Smith; Marie Jaqua; Paul Choucalas; Betty Winholtz; Cyndi Malmén  
Subject: Appeal Number: A-3-SLO-16-0080

Mr. Robinson,

Please see that all Commissioners receive a copy of the below letter prior to the October, 2016 Hearing.

Respectfully,  
Bruce & Connie Paine

September 29, 2016

California Coastal Commissioners, All  
Central Coast District  
25 Front Street Suite 300  
Santa Cruz, CA 95060-4508

RECEIVED  
SEP 29 2016  
CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Item: W19b  
Appeal Number: A-3-SLO-16-0080  
Bruce and Connie Paine

Dear Commissioners:

I am a 16 year resident of Cayucos and am writing in support of the appeal filed by the Cayucos Residents Preserving Community. The community of Cayucos is known for being warm and friendly to all visitors and has abundant vacation rentals in the form of motels, condos, and single family homes.

The LCP regulation concerning standard location and distance separation requirements (i.e., no vacation rental shall be located closer than 100 feet from another vacation rental), that limits vacation rentals within residential areas was put in place for the good of the residential community. Simple logic should tell one that if you cluster vacation rentals you are far more likely to have disturbances (noise, lighting, loss of parking) within a residential setting. Therefore, the project will be detrimental to persons residing in the neighborhood. Thinking otherwise would have to come from one unfamiliar with residential beach communities that are also tourist destinations. This may explain, in part, why the San Luis Obispo Board of Supervisors approved the exception with a 3 -2 vote. The two opposing votes came from the two Supervisors whose districts include the vast majority of vacation rentals within beach residential communities. Two of the three supporting votes came from Supervisors whose districts do not include any coastal property.

45



With respect to the County having conditioned its approval to protect residential community character and neighborhood compatibility by including strict limitations on occupancy, vehicles and parking (e.g., onsite parking, tenancy, and noise; a prohibition against changing the residential character of the home's appearance; there is no way you're going to get a County employee to respond in a timely manner to a complaint regarding matters such as excessive occupancy or parking beyond the rental property; we have enough difficulty in getting a timely response to a noise complaint.

Mostly and maybe most importantly, this project most certainly would be precedent setting for the simple reason that the grounds for its approval could easily be applied to hundreds – not an exaggeration - of other properties in Cayucos.

These are substantial issues that should result in a no vote on this matter.

Sincerely,

Ruence & Connie Paine



W196

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SEP 30 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, Ca. 9506

Attention: Daniel Robinson  
Re: Coastal Appeal for DRC2015- 00073/1736  
Position: Please support Appeal A-3-SLO-16-0080 - Substantial Issue Determination

Dear Chairman Kinsey, Commissioners, and Staff,

I urge you to find that this appeal does raise substantial issues and agree to hear our appeal at a future date.

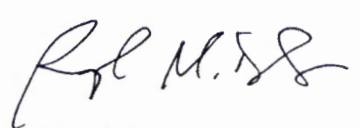
We, as a community, actively participated in the development of the Vacation Rental Ordinance and support the objectives of the Estero Area Plan in the certified LCP. The intent of the ordinance is to preserve the character of our beach community and maintain our small town feel. The ordinance is intended to strike a balance between the desire to maintain a sense of neighborhood and community coupled with respect for the rights of individual property owners. By establishing very reasonable separation requirements, and therefore limiting the density to acceptable levels, we feel that we would have a situation that works.

The recent San Luis Obispo Board of Supervisors decision to grant an exception is a substantial issue, as it greatly increases the density in this neighborhood. By allowing this vacation home, in this location, we would have three out of four homes in-a-row that are vacation rentals. This is not striking a balance and not what the intent of the exception clause in the approved Vacation Rental Ordinance was written for. As a long-term, full-time resident of Cayucos, we have seen firsthand the impact of the increasing number of vacation homes in our residential neighborhoods. Our neighborhood has several licensed vacation homes and several more that operate outside the vacation rental ordinance or other county requirements using such options as VRBO. As a result, we have seen increasingly heavy traffic and impacts on our narrow streets due to the already limited parking. These guests are only visiting for short periods of time and are not invested in our neighborhoods. Guests often fail to drive slowly past homes with children and pets. Guests are often loud late into the evenings on work nights. Ultimately, our neighborhoods begin to feel less and less like home. Without density requirements, these problems are only going to become worse.

Allowing us to appeal this decision gives us the opportunity to have our voice heard and not be subject to the whims of the Board of Supervisors. We need to have checks and balances in the systems. Please find substantial issue and agree to hear our appeal.

Thank you for your time and consideration.

Sincerely,



Raquel deLlamas  
Cayucos, Ca



W196

Robinson, Daniel@Coastal

From: Lynn Schoennauer <osopuppy99@yahoo.com>  
Sent: Wednesday, September 28, 2016 10:07 AM  
To: Robinson, Daniel@Coastal; Marie Jaqua  
Subject: Cayucos, CA exemption for Pacific Ave home

RECEIVED

SEP 29 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Sir,

Allowing an exemption from San Luis Obispo's vacation rental ordinance as it effects Cayucos would encourage others who don't want to comply to current County ordinances to apply for similar exemptions. That has the potential to turn R-1 residential neighborhoods into commercial environments. The full time residents of those neighborhoods have a right to live in the R-1 neighborhoods in which they purchased their homes. The county ordinance does not prevent vacation rentals in the R-1 neighborhoods, but seeks to find a balance between the various property owners' needs and wants. The ordinance is reviewed on a biannual basis, and everyone has opportunity for input. To override the laws of those who know the effects best because they are closest would be hindering our county's ability to self govern.

Lynn Schoennauer



**CAMERON TAYLOR-BROWN**

W196

418 South Mansfield Avenue  
Los Angeles, CA 90036  
323.938.0088  
cameron.taylorbrown@gmail.com

September 28, 2016

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

**RECEIVED**

SEP 30 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: October 5 Hearing; 1736 Pacific Avenue MUP  
Appeal Number A-3-SLO-16-0080

Dear Commissioners,

Enclosed please find many letters in support of your staff's recommendation of  
"No Substantial Issue" in regard to 1736 Pacific Avenue in Cayucos, California.

These letters reflect the views of many in the community who consider licensed  
vacation rentals an essential part of what makes Cayucos accessible and inclusive.

Please vote to uphold your staff's recommendation.

Sincerely,



Cameron Taylor-Brown



W19b

California Coastal Commission

725 Front Street Suite 300

Santa Cruz CA 95060

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SEP 28 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

W19b

1736 Pacific

Support of staff recommendation of no substantial issue

I live in Cayucos a couple of blocks from the property and don't see any issues with this home becoming a Vacation Rental. I think it's an important part of our economy and brings families to Cayucos which has been happening for years and years.

Also professionally managed homes (which this one will be) are no issue in my opinion.

Larry Brundley  
1625 Cass Street  
9-25-16

Michelle Lilly  
323 Pacific Ave.  
Cayucos 9-25-16



**From:** Cayucos Cellars <cayucoscellars@yahoo.com>

**Subject:** Appeal on 1736 Pacific Ave, Cayucos

**Date:** September 27, 2016 at 1:30:48 PM PDT

**To:** "daniel.robinson@coastal.ca.gov" <daniel.robinson@coastal.ca.gov>

**Reply-To:** Cayucos Cellars <cayucoscellars@yahoo.com>

To: California Coastal Commission,

This letter is sent to you in regards to appeal number A-3-SLO-16-0080 on 1736 Pacific Ave. in Cayucos, CA. As a lifelong resident and small business owner in Cayucos I can state that visitors/vacationers are vital to the local economy and providing lodging has been and remains very important to that end. The SLO County Vacation Rental Ordinance as written allows homeowners to register a rental and then not rent it out, thus preventing other homeowners from registering and renting their homes. This results in a shortage of rental stock, driving up prices and preventing the public from having the opportunity to enjoy the California Coast. This project was granted an MUP by the SLO County Board of Supervisors and has a recommendation of "no substantial issue" by your staff. I urge you to uphold the MUP and your staff's recommendation.

Please forward this letter to all commissioners.

Sincerely,

Stuart Selkirk  
11030 Santa Rita Rd.  
Cayucos, CA 93430



W196

California Coastal Commission

725 Front Street Suite 300

Santa Cruz CA 95060

Appeal A-3-slo-16-0080

W196

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SEP 28 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

I support your findings in the Appeal Staff Report:

No substantial issue

My name is Cindy Walton and my firm Cayucos Vacation Rentals will be the property management company if this property is approved, by way of background I have 29 years of VR Management experience in Cayucos. I love what I do which is renting to families that want to enjoy the beautiful coast of Cayucos, The homes are owned by families that hope to be residents someday just like the rest of us.

My office is open 7 days a week and has an answering service 24/7 in the event a renter or a neighbor has an after-hours issue. We are ready to be proactive on either topic if they were to arise, but it doesn't happen often..

My office takes pride in representing both sides and are considerate of all people when we place a family in a property - in case you weren't aware we have to answer to the owner of the properties and don't just stick a bunch of people in a house and hope for the best. We have 46 % repeat clientele, most people are just like you and I - taking their family on a beach vacation and some even end up buying their dream retirement home.

Now every once in a while there is a bad apple in the bunch but there seems to be a bad apple in every bunch these days no matter where you look. If we have an issue my office is very proactive and will show up if there is a parking, occupancy, noise or trash problem. We put a lot of work into vetting prospective renters and follow the ordinance rules.

Not all properties are a good fit to become a VR and I let owner's know when they inquire about my management services, in fact the biggest constraint is parking, but that's not an issue at 1736.

Cayucos has always been a vacation destination and will continue to be because of its natural beauty. People are going to continue to find a way to come here and I do believe 1736 should be approved.

Please approve 1736 pacific to be a legal Vacation Rental

Thank you

Cindy Walton  
Cayucos Vacation Rental Inc  
9-25-16



W196

California Coastal Commission

725 Front Street Suite 300

Santa Cruz CA 95060

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SEP 28 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Appeal A-3-slo-16-0080 W19b

1736 Pacific request for VR license

I am a business owner in Cayucos and support the staff recommendation of no substantial issue.

I believe our town needs to have visitor surveying Vacation Rental homes as there aren't enough hotels and Inns and there hasn't been a new hotel built in 10+ years in Cayucos.

I'm in favor of 1736 Pacific becoming a legal Vacation Rental home.

Paul's Liquor

Sam. 9-27-16



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W196

California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, Ca. 9506

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SEP 29 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Attention: Daniel Robinson

Re: Appeal A-3-SLO-16-0080 of local decision DRC 2015- 00073/1736

Position: Please support Appeal A-3-SLO-16-0080 - Substantial Issue Determination

Dear Chairman Kinsey, Commissioners, and Staff

I respectfully disagree with staff findings and urge the Commission to determine that this appeal does raise substantial issues.

This project does not conform to the approved LCP. The certified vacation rental ordinance was crafted to meet certain goals and objectives as defined the Estero Area Plan specific to Cayucos. These goals include but are not limited to preserve the residential nature of the neighborhoods and maintain the small town character. By modifying the location standards and allowing such intense density (3 out of 4 homes in this particular stretch) the approval of this minor use permit certainly does not preserve the residential neighborhood and is not consistent with the intent of the LCP specific to Cayucos.

The exception clause which allows the county modification of standards was included in the vacation ordinance to allow some room for interpretation or some variance based on the lot size or location. It was not intended to allow the density to increase to the point of allowing 3 out of 4 homes to be used as short term vacation rentals. This is the very reason the residents of our community wanted restrictions placed on short term vacation rentals. The determination that this is consistent with the character of the neighborhood is simply not true. This project (short term vacation rental) will have significant impact on limited parking, increase traffic on already busy and narrow roadway and directly affect the quality of life of the full time residents in the surrounding neighborhood.

For staff to assert that the County specifically conditioned approval of this project to protect the residential community and neighborhood compatibility is misleading at best. This is the standard language included in the approval of any vacation rental. Although this standard language addresses occupancy limitations, parking requirements and noise statues they are often ignored and seldom enforced. In this case, even though the density is significantly increased, no special provisions have been added as staff report would lead one to believe.

55



In summary, this project does NOT provide an appropriate balance between providing visitor serving accommodations and the associated impacts to the adjacent residents, surrounding neighborhood and the community as a whole. The vacation rental ordinance was carefully and thoughtfully crafted to avoid this exact situation. For the San Luis County Board of Supervisors to overturn the County Planning Department decision to deny this project only further illustrates the need to have appropriate checks and balances. Without the finding of substantial issue and a hearing of our appeal, we as a community have no way of ensuring the goals and objectives of our approved LCP are thoughtfully debated at the appropriate level.

I urge you find substantial issue with conformance to vacation rental ordinance and the approved LCP.

Thank you for your time and consideration

All the best



Zeke DeLlamas

Cayucos, Ca. 93430



Sept 28, 2016

California Coastal Commission  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060

Dear Commissioners,

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SEP 28 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

I am writing today to encourage each of you to deny the appeal from "Cayucos Residents Preserving Community", which is on your agenda in October and rule "No Substantial Issue" per your staff's recommendations, for 1736 Pacific Street in Cayucos. This Minor Use Permit was approved by the San Luis Obispo County Board of Supervisors in August 2016 after a very thoughtful discussion by the supervisors and several comments in support by the public. The leadership in San Luis Obispo County, as in most coastal communities across the state, are seeing the value in vacation rental properties as a wonderful addition to the hospitality inventory that caters to multi-generational families, vacationers with pets, and those that want to stay longer than the typical hotel stay. These existing homes reduce construction sprawl and allow families to keep such properties in the family for generations.

It is estimated that over 100 vacation rentals are currently listed on such sites are VRBO and AirBnB, most operating outside the ordinance and not contributing TOT tax or holding a business license, not to mention usually not professionally managed, leading to the degradation of the neighborhoods due to parking and noise issues. To this end, the SLO County Board of Supervisors just approved a contract with Host Compliance, LLC, to install a software program that will identify unlicensed vacation rentals in the county so they can be contacted and brought into compliance, including securing a business license and paying TOT tax, plus adhering to county building codes and vacation rental ordinances. SLO County local elected leaders have a clear goal and a solid plan for licensing and managing its vacation rentals, so that the laws are followed, visitors have a safe and quality experience at our coastal properties, and, most importantly, our natural resources are protected.

I encourage you to respect the decision of the SLO County Board of Supervisors on this issue. They concluded that the home represents a unique and scarce lodging option that was deserving of the Minor Use Permit based on over 10 separate features of the property.

This is not new construction or even a remodel; this home was built in the late 1960's and maintains the same footprint and design. The claims by the appeal applicant regarding sprawl and coastline degradation are without merit in regards to this home.

The market for vacation rentals with a more casual "live like a local" feel to them, have never been in more demand. San Luis Obispo County has never been more on the tourism radar, both nationally and internationally, and we owe it to these wonderful visitors to showcase the best our county has to offer in accommodations.

The Taylor Family, who has continuously owned this property on the beach since it was built in the late 1960's, wants to do the right thing and showcase our gorgeous beach front, four bedroom home, with its unique mid-century modern architecture and floor to ceiling windows on three sides of the ocean view living room, as a professionally managed, tax paying, legal vacation rental in the town of Cayucos.

The Taylors have done extensive surveying of the neighborhood, resulting in no negative feedback regarding our seeking of the MUP. A management company has been selected and a very strict contract



written, forbidding parking issues, noise issue or overcrowding of the unit.

But you can be sure that when visitors stay at 1736 Pacific Street for their week-long vacation, whether they are from France or Fresno, they will return home with incredibly positive experiences from their stay in Cayucos. From the tide pools and rock formations just in front of the home, to the surf spot just yards away, to the viewing of the whales and dolphin off shore from the telescope on the front porch.

Please allow The Taylor Family to add this incredible, locally owned and professionally managed, beautiful property to the inventory of Cayucos accommodations, for other families to enjoy.

We ask that you support your staff's recommendation of "No Substantial Issue", plus consider the decision of our locally elected officials and of the many citizens that spoke (or wrote letters) in support of their approval of the MUP in August.

Regards,

*Sarah Maggelet*

Sarah Maggelet  
735 Forest Ave  
Templeton CA 93465 (805) 440-5418



W196

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SEP 28 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Robinson, Daniel@Coastal

**From:** Joanne Riester <djriester@sbcglobal.net>  
**Sent:** Wednesday, September 28, 2016 3:49 PM  
**To:** Robinson, Daniel@Coastal  
**Subject:** Vacation rentals in Cayucos

I am writing to ask the Coastal Commission to enforce the existing regulations in regards to distance separation between vacation rentals in Cayucos, California. The San Luis Obispo Board of Supervisors accepted the appeal from the landowner at 1736 Pacific Avenue in Cayucos to waive the 100 foot distance requirement which the Planning Department had denied. This granted exception sets the precedent for all other requests for vacation rentals.

I have lived on 17th Street which is near the property in question and have noted the increase in noise, parking, traffic, etc. over the past ten years due to the increased number of vacation rentals in our area.

Please deny this exception so that the County Board of Supervisors knows the error they made. The regulations on rental property are in force for a reason and this landowner's property is no different than any other property in the area.

Thank you,  
Joanne Riester  
34 17th Street  
Cayucos, CA 93430



W196

September 29, 2016

Daniel Robinson  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

RECEIVED  
SEP 29 2016  
CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

ATTN: Daniel Robinson

Re: A Coastal Appeal for  
DRC 2015 - 00073/1736 PAC, LLC  
San Luis Obispo County

Dear Mr. Robinson,

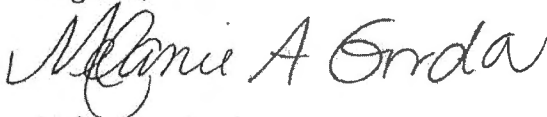
I am writing you today to stress my concerns about the "Existing Vacation Rental Ordinance for SLO County. I moved to Cayucos with my daughter and husband from Maryland in 2007. We lived on 20<sup>th</sup> Street in Cayucos for 7 years. We moved to Cayucos (specifically) for the "Exceptional" school and small town community. We lived on what we thought was a quiet street with established neighbors/full time residents.

Within months of living here, it was apparent this was NOT the case. Every home that surrounded us was a revolving door every weekend. We battled with loud obnoxious people, drunks, cigarette butts and underwear thrown in our backyard, fireworks, speeding drivers, and our street used as a parking lot. The police have their hands tied and can't seem to do much about the problem.

I was lucky enough to find work in Cayucos. I run the Business Office for Cayucos Elementary School. I went through a divorce over a year ago. I COULD NOT find a rental for myself and my daughter. I searched for 6 months. I was fortunate to find a place in North Morro Bay. I have noticed living in Morro Bay has increased our quality of life. This is due to living on a street that has full time residents/rentals. I have noticed a decrease in enrollment at our school. There is not enough full time rentals available in this community.

Please accept this letter of appeal. Your time and consideration is greatly appreciated.

Regards,



Melanie A. Gorda  
430 Nassau St.  
Morro Bay, CA 93442



Coastal Commission  
Attn: All Coastal Commissioners  
c/o Daniel Robinson  
25 Front Street  
Santa Cruz, CA 95060

RE: W19b  
Cayucos Vacation rental exception

September 29, 2016

Dear Mr. Kinsey, Mr. Robinson and all commissioners,

I am writing in support of the appeal filed in response to the approval of an exception to our Vacation Rental Ordinance in San Luis Obispo County

*Are our coastal towns, communities or just vacation rental destinations?*

This application will have an impact on all coastal communities. That makes this appeal a "Substantial Issue" and deserves a full hearing by your board.

The denial of a "Substantial Issue" by your board and the granting of this exception by our Board of Supervisors **WILL** set a precedent. It opens the door, in all coastal communities to expect an exception to any ordinance that has been enacted to control the proliferation of vacation rentals in single-family residential neighborhoods.

The findings by our local Board of Supervisors and the assumptions made by your staff in their report are only opinions not based in reality.

The voters of the State of California, granted you authority to be an oversight board, whose mandate, is to protect our coastal communities. The SLO County ordinance has left the Exception Clause too open for interpretation. This allowed the Board of Supervisor's to grant an exception while ignoring the intent of the Exception Clause. As has been done many times in the past, your board needs to step forward, and provide direction to our Board of Supervisors.

Your staff should not require any more time, since their staff report is extensive. So please allow this appeal to move forward and grant it a hearing.

Thank you for your time.

Sincerely,

Kris Postil  
45 - 20<sup>th</sup> St.  
Cayucos

W19b

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SEP 29 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



W195

**Robinson, Daniel@Coastal**

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**From:** Roly Hutchinson <roly54@gmail.com>  
**Sent:** Wednesday, September 28, 2016 9:19 PM  
**To:** Robinson, Daniel@Coastal  
**Subject:** Vacation rental EXCEPTION in Cayucos Appeal

**RECEIVED**

SEP 29 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

[daniel.robinson@coastal.ca.gov](mailto:daniel.robinson@coastal.ca.gov)  
Daniel Robinson  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
[831.427.4863](tel:831.427.4863)

Please deem the Appeal as having a Substantial Issue and allow the community an opportunity to present its case. To allow this exception, to a standard lot, sets a precedent that would qualify nearly all standard lots in Cayucos for an exception.

Thank you for your attention to this matter,

Roland Hutchinson

2190 Circle Drive

Cayucos, CA 93430



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SEP 29 2016

W196

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Mr. Kinsey, Mr. Robinson and commissioners,

I am writing as a representative of the "Cayucos Residents Preserving Community.

We can appreciate the work that staff has put into our appeal, but unfortunately we have to respectfully disagree with their conclusion.

***Are our coastal towns, communities or vacation rental destinations ?***

**Statewide Influence**

Though this is a project in Cayucos, every coastal town is experiencing the effects of the proliferation of vacation rentals in their single-family neighborhoods. We feel this appeal needs to be heard to provide guidance to other coastal communities.

**Intent of Existing ordinance**

Placing a commercial use in the middle of a single Family residential neighborhood, logically will be detrimental to the community. The VR ordinance was an attempt to minimize the negative effects with both a density/distance separation AND regulations. They both need to be in place to achieve the goal of minimizing the disturbance.

The decision by our B of S, to grant an exception to the density/distance requirement, to a standard lot was wrong. Their justifying it by saying it will follow the strict controls/regulations, therefore there will Not be negative impacts, can not be justified. This makes the distance requirement moot and will open the door for every lot in Cayucos, to qualify for the exception. What does this say to other coastal community's.

We feel that this decision, though it follows the letter of the law, it does not follow the intent of the exception clause.

**Invalidity of the Findings**

The B of S's action and your staff's opinion seem to be based solely on the supposed it, strict control/regulations. But they are not strict and are violated continually, thus the granting of this exception is even more egregious. It may be said is an enforcement issue. But pitting neighbor against neighbor in reporting a violation requires a hearing to understand the complications.

I will not go into detail, since the appeal document lays out the reasoning for the appeal. But please read the attached letter, which goes into more detail about the county's findings. Also attached is a list of 50 people who are part of this appeal. This should give you an indication of the failure of the "strict controls" and those in the community who feel it is a Substantial Issue

**Precedent Setting**

Your staff's characterization of the decision as providing balance and their expectation that it will not set a precedent are only opinions with no basis.



We understand that this one lot in the little town of Cayucos may not be a project of much size. Especially as compared to the projects you have before you. But we feel that your decision may have a statewide affect.

The CC was granted authority to protect or coastal communities. They have used that authority many times in the past to provide direction to a local jurisdiction when an ordinance is open for interpretation. It is clear the exception clause in our VR ordinance is wide open for interpretation. We feel that this is one of the applications where the CC can provided needed direction to our B of S.

Staff has prepared an extensive report, so the work required by them to hear this item should be minimal.

We thank you for your time and beseech you to deem the Appeal as having a Substantial Issue and allow the community an opportunity to present its case.



W 196

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SEP 29 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

September 15, 2016

Daniel Robinson  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Atten: Daniel Robinson

RE: A Coastal appeal for  
DRC 2015 – 00073/1736 PAC, LLC  
San Luis Obispo County

In looking more closely at this action, and not to repeat what you have already heard from other residents of Cayucos, there are several issues I would like to address.

**Existing Vacation Rental Ordinance, CZLUO 23.08.165 c2.(iii)**

In reading the Exception Clause that was included in the ordinance, it becomes clear, that it left the door wide open. The intent of the inclusion of this Exception Clause, was to make those projects which may not follow the exact letter (95 feet instead of 100 feet) but do follow the intent of the ordinance, a less onerous process to be able to grant an exception. In hindsight, further language similar to the Variance Findings should have been included, such as not the granting of special privilege, uniqueness to the property, and not setting precedent. Saying this, even though this Exception Clause exists, the same Findings of a Variance should be considered. If not, then the question becomes, if this exception is granted, which is no different than any other bluff top lot, then why not the next, then the next, and so forth. Until such time, that even our board majority, may see that enough vacation rentals exist. Those that received the exception would be granted special privilege, then those whose application was not as timely.

**THE FINDINGS**

When you compare the findings of staff to deny the exception and then the findings when the board overturned staff, the only difference is the use of the word "not". The language is very subjective.

Exhibit A of the staff report, Finding D. ....states the use "will" be detrimental while

Exhibit A, Finding D in the letter of August 16, 2016 states, ....state the use "will not" be detrimental

Letter dated August 16, 2016, (attached)

Finding D - is only an opinion that this exception will not be detrimental to the community. The finding never addresses the fact that 2 other vacation rentals exist within 80 feet and what impact an additional rental will have. The proliferation of Vacation rentals has been detrimental to our community for all sorts of reasons not the least, the drop in population,

45



the loss of basic services and the drop of the students enrolled at our school. These are all indications of a dying community.

Finding E – this is irrelevant, since the Vacation Rental applies to the property not the structure. The structure could burn down or change, and the Vacation Rental designation would remain

Finding F – stating that a vacation rental is similar to a single-family residence is ludicrous. By their nature, several families will share a 4-bedroom home with the potential of 10 people and 4 cars. That is not similar to a single-family residence. And again nothing was stated about the impact of having 2 other vacation rentals within 80 feet. Our children ride their bikes to school and for recreation along this street. There is also a continuous use of this street by walkers and runners with and without their dogs.

The *original* Findings by staff were based on the adopted Estero Area Plan, the local Ordinance, data and common sense logic. The Findings of the letter dated August 16, 2016, were solely manufactured to affirm a vote by a pro-development majority of the board of supervisors

### **Democracy in local government**

It can be said, that a democratically elected body approved this exception. For our town, the ruling body is the county, whose officials are elected by district. So, it should be noted that the 3 supervisors who voted for this exception were not elected by the citizen's of Cayucos and do not represent Cayucos nor any coastal district. The elected official who does represent Cayucos, Bruce Gibson, and the democratically elected Cayucos Citizen's Advisory Council, both strongly rejected this exception. The citizen's of Cayucos will never be able to hold those Supervisor's who voted for this exception, accountable for their vote.

In the early 1970's the citizens of California recognized that our coast needed additional protection. So as is currently happening with another development in Cayucos, the citizens of Cayucos need the Coastal Commission to review this action by our Board of Supervisor's and protect our coastal community.

For these reasons stated, there is a Substantial Issue, and it deserves the Coastal Commission's consideration and review so that the integrity of the ordinance can be maintained and the character of Cayucos not be undermined and jeopardized. Please accept this appeal with a Substantial Issue, and let it proceed forward in the process and eventually have the Coastal Commissioners deny the exception.

Thank you,

Lou Smith  
40 – 20<sup>th</sup> Street, Cayucos  
805.235.2176  
louisasmith@sbcglobal.net



W19b

California Coastal Commission

725 Front Street Suite 300

Santa Cruz CA 95060

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SEP 28 2016

CALIFORNIA  
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Appeal A-3-slo-16-0080

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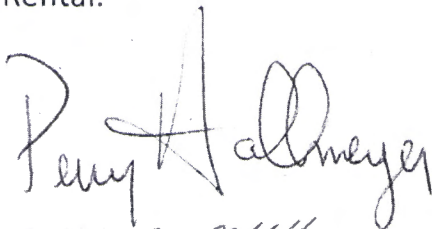
1736 Pacific request for VR license

I Support the staff recommendation of there being NO Substantial issue

I own a business in town and rely on tourism to stay in business and from what I can tell there is a very small % of homes that are vacation rentals, maybe 10%.

In my opinion this is a small amount in a Coastal town that has always been known for its second home and retirement community type of use. I feel it's important for there to be a mix for us all to have services that exist due to the homes that are legal and comply with local ordinances and the other type of lodging properties.

I believe 1736 Pacific should be granted the right to become a legal Vacation Rental.



CAYUCOS COFFEE

155 N OCEAN AVE

CAYUCOS, CA 93430

9/26/2016

67



W19b

California Coastal Commission  
725 Front Street Suite 300  
Santa Cruz CA 95060

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SEP 28 2016

Appeal A-3-slo-16-0080 W19b

1736 Pacific request for VR license

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

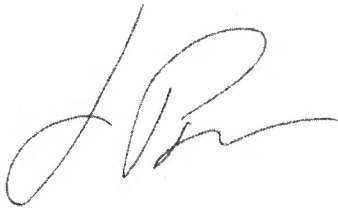
I support the staff recommendation of there being NO substantial issue.

I work for a vacation rental company and I am a third generation property manager. This line of work has allowed my grandparents to move here and the family to follow. It allowed my mother to raise her two sons on her own and allowed me to live in this wonderful town.

I know for fact that every business profits from vacation rental users. We have had past renters buy homes in Cayucos, spend money in Cayucos and make everlasting memories in Cayucos. I can't think of a single business in town we haven't recommended to our renters. We work hand in hand with this community to make Cayucos as great as possible.

We now have second generation renters that have been vacationing in Cayucos for thirty plus years. They are now bringing their kids to the beach to share and make an everlasting impression on how great the beach and Cayucos are. 1736 Pacific just adds to the magic of vacationing at Cayucos.

1736 Pacific should be allowed to be a legal vacation rental in Cayucos.



James Prange

176 Ocean Front Ave

Cayucos CA 93430

9/26/16



W196

California Coastal Commission

725 Front St., Suite 300

Santa Cruz, CA 95060

W19b

Appeal A-3-slo-16-0080

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CENTRAL COAST AREA

I support the staff's recommendation of there being NO substantial issue.

I am part owner of a legal Vacation Rental property in Cayucos that is a Duplex. I live there part time in order to volunteer with the Cayucos Fire Department as a Captain and do on average 15-18 duty shifts a month and show up for calls and other business even when not on duty. I give back to my community while I'm there and enjoy being able to continue on as a Volunteer even after moving inland. My vacation rental allows me to live in town part time.

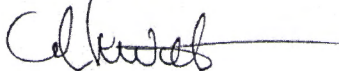
There is some negativity surrounding vacation rentals, this is unfortunate and in my opinion is due to the excessive amount of illegal vacation rental homes sprinkled throughout town.

The owners of this property are going through the correct process to become a legal vacation rental and by being legal, there are pluses, the property manager is in town and available 24/7 for any issues that may arise, it provides jobs for locals and a big bonus - collect transient occupancy tax dollars- just from this property \$6000.00 per year could go into the general fund.

The balance of tourism in Cayucos is important, vacation rentals make up about 45% of the total transient occupancy tax monies that go into the general fund. It all starts with the guest booking a place to stay and then that guest uses their coastal access to the beach, patronizes local businesses and restaurants which helps keep us hard working Cayucans in business; which isn't an easy task to do in such a small town.

Please vote yes to allow this property to become a legal vacation rental.

Thank you



Mark Walton

99 5<sup>th</sup> St

Cayucos, CA 93430



W19b

California Coastal Commission  
725 Front Street Suite 300  
Santa Cruz, Ca 95060

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SEP 28 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

W19b  
1736 Pacific Avenue Cayucos, Ca

Support of staff recommendation of no Substantial issue

I live in Cayucos just a short distance from the property in question and do not see any issues with this home becoming a Vacation Rental.

Vacation rentals serve as an important and imperative part of our economy. The families eat in our restaurants, buy groceries and sundries in all of our stores, visit our parks and recreation through out the county.

I look forward to meeting new people and get to know many of them well as they return year after year to the same properties.

Cayucos has been a haven for wonderful families coming to vacation for generations.

With professional management (as this one will be), we find absolutely no issues with vacation rentals in Cayucos.

Sincerely,

Debbie Richards  
1497 Cass Avenue  
Cayucos, Ca 93430  
9/26/16

70



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California Coastal Commission

725 Front Street Suite 300

Santa Cruz CA 95060

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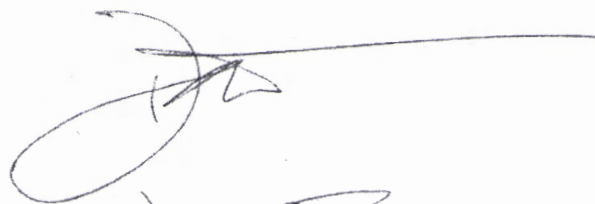
W19b

1736 Pacific

Support of staff recommendation of no substantial issue

I live in Cayucos a couple of blocks from the property and don't see any issues with this home becoming a Vacation Rental. I think it's an important part of our economy and brings families to Cayucos which has been happening for years and years.

Also professionally managed homes (which this one will be) are no issue in my opinion.



DAVID BRUNS

1210 PACIFIC AVE

93430

9-23-2016



W19b

California Coastal Commission  
725 Front Street Suite 300  
Santa Cruz CA 95060

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SEP 28 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Appeal A-3-slo-16-0080 W19b

1736 Pacific request for VR license

I Support the staff recommendation of there being NO Substantial issue

I work for the VR company that will be managing the subject property and live in Cayucos. I live on my own and am fortunate to be able to live here and most likely wouldn't be able to if there wasn't tourism.

I know for a fact that VR homes are typically only rented for a % of the year, typically not exceeding on average 50% of the year. Our office gets more complaints on full time rentals than Vacation Rental properties.

I believe our town should allow this property to become illegal as it fulfills the visitor surveying aspect of allowing access to the Coast line of California.

I'm in favor of 1736 Pacific becoming a legal Vacation Rental home.

Lindsey Alapall 9/26/16  
P.O. Box 699  
Cayucos, CA 93430



W19b

California Coastal Commission  
725 Front Street Suite 300  
Santa Cruz CA 95060

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CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Appeal A-3-slo-16-0080 W19b

1736 Pacific request for VR license

Support the staff recommendation of there being NO Substantial issue

I worked for the hospitality industry in Cayucos for approximately 20 years and also live in Cayucos and wouldn't be able to live here if there wasn't tourism.

I don't believe VR homes that are typically only rented for part of the year are a problem. I think sometimes full time rentals can be more of an issue.

I haven't heard of multiple requests and in fact any that have tried to become legal

I believe our town needs to have visitor surveying Vacation Rental homes as there aren't enough hotels and Inns and there hasn't been a new hotel built in 10+ years in Cayucos.

I'm in favor of 1736 Pacific becoming a legal Vacation Rental home.

8-26-16

Kathryn Willcutt  
2789 S. Ocean Blv  
Cayucos, Ca. 93430



W196

September 21, 2016

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SEP 27 2016

CALIFORNIA  
COASTAL  
CENTRAL

California Coastal Commission  
C/O Daniel Robinson  
725 Front Street Suite 300  
Santa Cruz, CA 95060

Re: Appeal A-3-SLO-16-0080  
1736 Pacific Ave. Cayucos, CA  
Vacation Rental Variance

Dear Chairperson Kinsey and Coastal Commissioners:

I am writing in support of the appeal for a variance for a vacation rental at 1736 Pacific Ave. Cayucos. I am a member of the Cayucos Citizens Advisory Council and was present when this request for a variance was heard. I strongly object to it. The main concern I have is we will be setting a precedent.

**For a \$3,000,000 home to be a rental there should be some type of hardship to the owners. In this case there is none. The only reason to make this a rental is to allow the owners to take a tax write-off as a commercial property. This is not a compelling reason to give an exemption to this property.**

This is against existing code for rentals. I urge you to make your case based on the code, not on emotion. How do we say "No" to future requests if we say "Yes" to this one? Please don't open that Pandora's Box.

Ignoring density regulations for new vacation rentals threatens our community and our way of life. Please uphold this appeal and support the people of our community instead of part-time residents.

Thank you for your time and consideration.

Sincerely,

Stephen Geil  
725 Pacific Avenue  
Cayucos, CA 93430

74



W19b

To: California Coastal Commission  
Subject: 1736 Pacific Avenue, Cayucos, CA  
Appeal Number A-3-SLO-16-0080

September 26, 2016

*I am writing in full support of your staff's recommendation of "No Substantial Issue" in regard to 1736 Pacific Avenue in Cayucos, CA.*

*As a current resident of Atascadero, I am a regular visitor to Cayucos and have enjoyed this magical home many times over the years. This residence is a truly unique property in every way, and would offer visiting families an opportunity to enjoy an architectural work of art and a memorable beach vacation in beautiful Cayucos. Please vote to uphold your staff's recommendation!*

Sincerely,  
Thomas Brazil  
10950 Vista Road  
Atascadero, CA

75



W196

Robinson, Daniel@Coastal

From: Mark Interian <minterian@hotmail.com>  
Sent: Sunday, September 25, 2016 1:15 PM  
To: Robinson, Daniel@Coastal  
Cc: Louisa Smith  
Subject: Cayucos vacation rental exception

Hello Mr. Robinson,

My name is Mark Interian and I have been a resident of Cayucos for over twenty years. I am writing this letter to you in order to express my frustration with the increased density of non licensed vacation rentals all over Cayucos. I am in support of the appeal filed with the Coastal Commission which opposes the exception to the vacation rental ordinance.

This summer has seen an unprecedented amount of non licensed homes being used as vacation rentals in addition to the number of homes that are licensed legally. The main issues I have as a home owner and father of a young family with this increased density of transient homes are as follow:

Parking problems and compromised road safety resulting from a ridiculous amount of cars/trucks parked in front of these homes.

The changing of the community demographics away from families and permanent residents towards vacation rentals occupied by individuals that don't share the same level of respect towards the community that many of the full time property tax paying residents do.

Increased noise, crime and trash.

Thank you very much for hearing my view point and I hope the Commission changes its decision towards this issue.

Sincerely,

Mark Interian

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SEP 26 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



W19b

Robinson, Daniel@Coastal

From: Christine Maguire <christine@rinconadadairy.com>  
Sent: Friday, September 23, 2016 3:49 PM  
To: Robinson, Daniel@Coastal  
Subject: 1736 Pacific Avenue, Cayucos, CA

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SEP 23 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

To: California Coastal Commission  
Re: Appeal Number A-3-SLO-16-0080  
Date: September 23, 2016

We are writing in full support of your staff's recommendation of "No Substantial Issue" with regard to 1736 Pacific Avenue in Cayucos, CA

We are long-time residents of San Luis Obispo County and have always enjoyed the beach community of Cayucos. And as farm stay hosts, we know that visitors have a completely different experience when they can stay in homes rather than hotels. Also, making homes available to visitors means fewer hotels need to be built, a huge consideration especially in a beach town like Cayucos. 1736 Pacific is a unique home that would be a great addition to vacation options in Cayucos.

Please forward this letter to all the commissioners, and vote to uphold your staff's recommendation.

Sincerely,  
Tom and Christine Maguire  
680 West Pozo Road  
Santa Margarita, CA 93453



W196

**Robinson, Daniel@Coastal**

**From:** Zach Taylor <zachpremium@gmail.com>  
**Sent:** Friday, September 23, 2016 3:08 PM  
**To:** Robinson, Daniel@Coastal  
**Cc:** 'CAMERON TAYLOR-BROWN'  
**Subject:** Appeal Number A-3-SLO-16-0080

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SEP 23 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

*To: California Coastal Commission  
Subject: 1736 Pacific Avenue, Cayucos, CA  
Appeal Number A-3-SLO-16-0080*

*Dear Daniel,*

*I am writing in full support of your staff's recommendation of "No Substantial Issue" in regard to 1736 Pacific Avenue in Cayucos, CA.*

*My parents built 1736 Pacific Avenue and I grew up there. Now this architect-designed beachfront home is used by our extended family as a vacation home. Cayucos has always included a large number of family vacation homes, with many of them rented to other families. Beachfront lodgings in Cayucos are in short supply, and licensing our house as a vacation rental immediately helps with this shortage without adding new infrastructure.*

*Given the unique characteristics of 1736 Pacific and the need for additional visitor serving capacity, please vote to uphold your staff's recommendation!*

*Please forward this to your fellow commissioners*

*Sincerely,  
Zachary Taylor  
901 Stratford Dr  
Encinitas CA 92024*

**ZACH | TAYLOR**

[zachpremium@gmail.com](mailto:zachpremium@gmail.com)  
619-813-7908



W19b

Robinson, Daniel@Coastal

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**From:** Carol Nickel <carol.f.nickel@gmail.com>  
**Sent:** Monday, September 26, 2016 5:53 AM  
**To:** Robinson, Daniel@Coastal  
**Subject:** 1736 Pacific Ave.

*To: California Coastal Commission*

*Subject: 1736 Pacific Avenue, Cayucos, CA*

*Appeal Number A-3-SLO-16-0080*

*I am writing in full support of your staff's recommendation of "No Substantial Issue" in regard to 1736 Pacific Avenue in Cayucos, CA.*

*I own Windhaven at 1834 Pacific, a home built by my grandfather which we use as a family vacation home. Cayucos has always been a mix of full-time residents, part-time residents and families who rent homes. The use of 1736 Pacific as a vacation rental is in keeping with the use of homes in our neighborhood and I do not consider it to be disruptive, particularly given the strict guidelines that must be followed for any home that is a licensed vacation rental.*

*1736 Pacific was granted a Minor Use Permit after careful consideration by the San Luis Obispo County Board of Supervisors. Your staff recommends upholding their decision. Please vote to uphold your staff's recommendation!*

*Sincerely,*

*Carol Nickel  
29820 Rd. 162  
Visalia, CA 93292  
559-280-0640*

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SEP 26 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



W196

Robinson, Daniel@Coastal

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From: Natalie Interian <Talie218@hotmail.com>  
Sent: Sunday, September 25, 2016 1:31 PM  
To: Robinson, Daniel@Coastal  
Cc: louisasmith@sbcglobal.net  
Subject: Vacation rental exception in Cayucos

Dear Mr. Robinson,

I am writing to oppose the exception granted to the non-licensed rentals in Cayucos. As a resident of Cayucos with a young family, the increase of non licensed vacation rentals has a negative impact on the community. The main issues I see are an increase in noise and trash from people who don't respect the community since they are only here for a short time. The increase in vehicle traffic creates a hazard when my son and I walk through the neighborhood. I sincerely hope the Commission changes its decision on this issue.

Sincerely,

Natalie Interian

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SEP 26 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



W196

Robinson, Daniel@Coastal

From: Hutton Taylor <hutton52@yahoo.com>  
Sent: Thursday, September 22, 2016 5:03 PM  
To: Robinson, Daniel@Coastal  
Cc: Cameron.taylorbrown@gmail.com  
Subject: Appeal Number A-3-SLO-16-0080

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SEP 23 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Mr. Robinson, please forward the letter below to all the commissioners.

To: California Coastal Commission  
Subject: 1736 Pacific Avenue, Cayucos Ca.  
Appeal Number A-3-SLO-16-0088

I am writing in full support of your staff's recommendation of "No Substantial Issue" in regard to 1736 Pacific Avenue in Cayucos, CA.

My parents built 1736 Pacific Ave in the 1960's and it is now being used by three generations of our family as a vacation home. We have a long history in Cayucos and consider ourselves members of the Cayucos community, an inclusive community that has always been a mix of full-time residents, part-time residents and vacationers who rent homes.

Our family thinks that this vision of Cayucos as an inclusive community is currently under assault. We are gratified that the county of San Luis Obispo and the Coastal Commission recognize that licensed residential vacation rentals are a valid way to make a beach vacation accessible to families who love Cayucos as much as we do.

1736 Pacific was granted an MUP after careful consideration by the San Luis Obispo County Board of Supervisors. Your staff recommends upholding their decision. Please vote to uphold your staff's recommendation!

Sincerely,  
Hutton H. Taylor  
56 Shattuck Ave.  
Berkeley, CA. 94707



W196

**Robinson, Daniel@Coastal**

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**From:** Gail Taylor <gail@applynx.com>  
**Sent:** Wednesday, September 21, 2016 9:02 AM  
**To:** Robinson, Daniel@Coastal; CAMERON TAYLOR-BROWN  
**Subject:** 1736 Pacific St. Cayucos, CA

Dear Mr. Robinson,

I am a relative of the Taylor family that owns this vacation property, and have had the pleasure of staying there on many occasions.

This is a unique property, and uniquely well suited for a vacation rental. It is large enough for families to gather, it is out on a peninsula overlooking the beach, so there are no noise issues with neighbors as they are set far back from the social areas at 1736. There is also ample on site parking so the neighborhood is not negatively affected by vehicular traffic.

I cannot imagine any better use for this property than as an ambassador for Cayucos and our beautiful county. People want to enjoy our coast, but we need to protect our coast. Using a property like this one to house our out of town guests obviously meets both of those needs.

I strongly encourage your favorable attention to the continued use of 1736 Pacific St. as a stellar vacation rental, and, as such, a huge asset for the town of Cayucos and the County of San Luis Obispo.

Very truly yours,

Gail S. Taylor  
Attorney at Law, Retired  
1306 Peach St.  
San Luis Obispo, CA 93401  
805-746-6274

**RECEIVED**

SEP 21 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



W196

To: California Coastal Commission

Subject: 1736 Pacific Avenue, Cayucos, CA

Appeal Number A-3-SLO-16-0080

RECEIVED

SEP 20 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL BOARD

I am writing in full support of your staff's recommendation of "No Substantial Issue" in regard to 1736 Pacific Avenue in Cayucos, CA.

I've been a Cayucos homeowner and resident since 1975 and my children graduated from Cayucos Elementary School. In my experience, the Cayucos community has always been a mix of full and part-time residents, with families renting to other families.

More beachfront rentals are needed in Cayucos, and this beachfront property, designed by famous local architect George Nagano, is a magnificent and unique masterpiece that would be thoroughly enjoyed by families given the opportunity to vacation there.

Please vote to uphold your staff's recommendation!

Sincerely,



Andy Hinsdale

148 Birch Ave.

Cayucos, CA. 93430



W19b ✓

**Robinson, Daniel@Coastal**

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**From:** Marjory Niles <mlniles@sbcglobal.net>  
**Sent:** Monday, September 19, 2016 4:28 PM  
**To:** Robinson, Daniel@Coastal  
**Subject:** 1736 Pacific Avenue, Cayucos, CA Appeal Number A-3-SLO-16-0080: letter of support

*To: Doug Robins, California Coastal Commission,  
Please forward this email to all Coastal Commissioners*

*Subject: 1736 Pacific Avenue, Cayucos, CA*

*Appeal Number A-3-SLO-16-0080*

*I am writing in full support of your staff's recommendation of "No Substantial Issue" in regard to 1736 Pacific Avenue in Cayucos, CA.*

*I am a long-time resident of San Luis Obispo County and enjoy introducing our out-of-area friends to the beach community of Cayucos. My husband and I like to suggest that our friends rent a Cayucos beachfront house to truly experience what makes our coastline so special, and there aren't enough licensed beachfront homes available. 1736 Pacific is a unique home that would be a wonderful addition to the mix of family vacation options in Cayucos. Please vote to uphold your staff's recommendation!*

*Sincerely,  
Marjory Niles  
665 Carpenter Canyon Road  
Arroyo Grande, CA 93420  
805-489-9274*

84



W19b

✓

Robinson, Daniel@Coastal

**From:** CAMERON TAYLOR-BROWN <cameron.taylorbrown@gmail.com>  
**Sent:** Monday, September 19, 2016 5:33 PM  
**To:** Robinson, Daniel@Coastal  
**Subject:** 1736 Pacific Avenue  
**Importance:** High

Dear Mr. Robinson, Here is my letter of support for 1736 Pacific Avenue. Please forward this to all the California Coastal Commissioners. Thank you, Cameron Taylor-Brown

*To: California Coastal Commission  
Subject: 1736 Pacific Avenue, Cayucos, CA  
Appeal Number A-3-SLO-16-0080*

*I am writing in full support of your staff's recommendation of "No Substantial Issue" in regard to 1736 Pacific Avenue in Cayucos, CA.*

*My parents built 1736 Pacific Avenue and I grew up there. Now it is our extended family vacation home and we were awarded a permit by the County of San Luis Obispo so that we could rent it part time to other families. As part of this process, **I walked door to door to 29 houses closest to our home along Pacific Avenue**, spoke with residents and left fliers with those who were not at home. I told them of our plans to apply for a Minor Use Permit, and left my contact information should they have any questions or concerns. **NOT A SINGLE PERSON on these 4 blocks of Pacific Ave objected to our plan and NONE HAVE PARTICIPATED IN THIS APPEAL.***

*Please vote to uphold your staff's recommendation!*

*Sincerely,  
Cameron Taylor-Brown  
418 South Mansfield Avenue  
Los Angeles, CA 90036*



Robinson, Daniel@Coastal

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From: Katy Stallcup <katystallcup@gmail.com>  
Sent: Monday, September 19, 2016 7:54 PM  
To: Robinson, Daniel@Coastal  
Cc: louisasmith@sbcglobal.net  
Subject: Cayucos Vacation Rentals

Dear Mr. Robinson,

Having been born and raised in Cayucos, I have over 30 years of experience in watching our little town change over time. I am concerned that recent increases in tourism are negatively impacting our community in many ways.

I remember a time when our residential streets and neighborhoods were a place where local children and families would gather and play. I remember a time when the 4th of July parade was a community event that locals looked forward to each year. I remember a time when quaint beach houses lined the bluffs overlooking the Pacific.

Today, I live on a street that is less than 30% occupied by local families. Most families have been pushed out due to inflated real estate prices. Census numbers show that the population in Cayucos has severely declined in the last decade. Declined! Today, my "neighbors" are visitors from out of town who show up on weekends and holidays. They pack their houses over-full and oftentimes make noise and commotion well into the late hours. We have TWO permitted vacation rentals on our tiny street, and many more that are rented out illegally and go unenforced. Local families have been replaced by speeding tourists and lifted golf carts (yes, really).

Holidays such as the 4th of July have become a congested mess of strangers that many locals choose to avoid altogether. Holidays in Cayucos are punctuated by overcrowding, illegal fireworks, and trash on the beach. These are problems largely created by tourists, left for the locals to deal with clean up.

Our quaint beach houses are being systematically removed and replaced by gaudy monstrosities. Construction noise and clutter is commonplace now, as our quaint town is being overrun by visitors and their vacation homes.

There are some things that we can't do anything about, but there are some things that WE ABSOLUTELY CAN DO to minimize the impacts of tourism in Cayucos. Specifically, limit the amount of vacation rentals in Cayucos. The guidelines in place currently allow way too many vacation rentals in our residential communities. Please help to stop the bleeding by denying any application for exemption/exception from our current zoning ordinances. Period.

Please help to preserve small town Cayucos, before it is too late. Thank you.

Sincerely,

Katy Stallcup  
819th St  
Cayucos



W196

Robinson, Daniel@Coastal

**From:** William Stallcup <wpstallcup@gmail.com>  
**Sent:** Monday, September 19, 2016 9:30 AM  
**To:** Robinson, Daniel@Coastal  
**Cc:** Louisa Smith  
**Subject:** Cayucos Vacation Rentals

Dear Mr. Robinson/to whom else it may concern,

As a permanent resident of Cayucos for over 10 years, I have had the pleasure and of living in one of the last remaining small California beach towns. Over the course of this time, I have also seen inflated real estate prices and an increase of tourism take a negative toll on town in many ways. While I believe Cayucos is a treasure to be enjoyed by my residents and tourists alike, FIRM guidelines must be designated and strictly enforced to maintain the charm and sense of community that IS residential Cayucos.

The negative side effects of vacation rentals and tourist overcrowding in Cayucos are real, and are a burden that the locals have been made to bear. Speeding traffic on residential roadways, garbage on the beach, and excessive noise in our neighborhoods after hours are but a few of the side effects of the tourism/vacation rental industry here in Cayucos. Each and every year, the problems resulting from tourism in Cayucos are noticeably worse and I fear that we are losing our local community to transient tourism.

I understand that there are guidelines in place to limit the number of vacation rentals in town. We have ENOUGH vacation rentals and motels here already (too many in my opinion). Please respect the current zoning ordinances and deny all applications for exception to the guidelines that are in place for vacation rentals in Cayucos. Allowing ANY exception to our current ordinances can and will open the door to future applications for similar exemptions. If anything, we need to amend the current ordinance to restrict the amount of vacation rental properties in our residential neighborhoods, not the other way around.

Please help Cayucos locals preserve our special town. Once we lose it, we will never get it back.

Respectfully,

William P. Stallcup  
8 19th St, Cayucos  
(805)835-8814

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SEP 19 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST, CA



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W196

Ken and Sandy Wright  
1997 Pacific Avenue \* Cayucos, CA 93430 \* 805-995-3920

September 16, 2016

Daniel Robinson  
California Coastal Commission  
daniel.robinson@coastal.ca.gov

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SEP 16 2016

CALIFORNIA  
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Dear Mr. Robinson:

This letter is written to show our support for the California Coastal Commission's overturn of the August 9, 2016 San Luis Obispo (SLO) County Board of Supervisor's decision to approve the request of a Cayucos homeowner to convert the home on 1736 Pacific Avenue to a vacation rental. As members of the Cayucos Residents Preserving Community, we respectfully request that you review our concerns and overturn the SLO County Board of Commission decision on this matter. Our letter covers sections on *background*, *list of concerns*, and *conclusion*.

### Background

The SLO Planning Department Hearing Officer on April 8, 2016 recommended the denial of a Cayucos homeowner's request to turn the home on 1736 Pacific Avenue into a vacation rental following current planning commission policies. That request was denied because three other vacation rentals are located within the restricted 100-foot area of the home. The homeowner then re-applied to the SLO Planning Department Hearing Officer and again their request was denied. Seeking to overturn the second denial, the homeowner appealed to the SLO County Board of Supervisors.

On August 9, 2016, the SLO County Board of Supervisors voted 3:2 to approve the homeowner's appeal to overturn the initial recommendation made by the Planning Commission Hearing Officer. Our local SLO County Supervisor, Bruce Gibson lives in the Cayucos community on Pacific Avenue, voted against the appeal. During the meeting, numerous local Cayucos residents recommended that the original decision to deny the appeal should be upheld. Also, the Cayucos Citizen's Advisory Council recommended that the appeal be denied.



Then, on August 9, 2016, the homeowner's appeal was approved by the County Board of Supervisors, acting against the recommendations of their staff, on the basis of the homeowner's description of their property as a "unique" property. The County Board of Supervisors also indicated that Cayucos residents' parking concerns were not significant enough to cause them to decide against the requesting homeowner.

To review, then, the sequence of events included the following decisions:

1. SLO Planning Department Hearing Officer: First denial
2. Cayucos Citizen's Advisory Council: Denial
3. SLO Planning Department Hearing Office: Second denial
4. SLO County Board of Supervisors: Approval

Because of the SLO County Board of Supervisors decision, Cayucos citizens have now filed an appeal to the California Coastal Commission to overturn that decision.

### **List of Concerns**

There are numerous properties located on the Cayucos coastline that could easily be described as "unique." The description of "unique" is a subjective term that reflects the "eye of the beholder." It is our concern that the decision made on the basis of vague "unique" criteria will permit a good lawyer to "drive a truck through" the decision. It will also set a precedent that makes it an attractive option for other Cayucos homeowners who might consider turning their homes into vacation rentals and, if denied, they could feel emboldened to ask for a waiver to support the 100-foot vacation rental license requirement.

Further objections raised by local Cayucos residents include the following:

1. The SLO County Board of Supervisors' decision disregarded the Cayucos small neighborhood beach culture and placed an emphasis on the commercial benefits of vacation rental homes, e.g., increased revenue to Cayucos businesses (i.e., restaurants, gas station, shopping sites) that are generated during multiple holiday and other temporarily increased population periods.



2. It was noted that the decision did not meet the intent of the CA Supreme Court ruling. That decision states:

*"They [vacation rentals] are not conducive to residential zoning (as determined by the Calif. State Supreme Court in 1991, Ewing v. City of Carmel-by-the-Sea 234 App. 3d 1579) which determined that it's not denying anyone's property rights if a community does not allow their existence and part of the ruling stated, 'It stands to reason that the 'residential character' of a neighborhood is threatened when a significant number of homes--at least 12 percent in this case, according to the record--are occupied not by permanent residents but by a stream of tenants staying a weekend, a week, or even 29 days. Whether or not transient rentals have the other 'unmitigatable, adverse impacts' cited by the council, such rentals undoubtedly affect the essential character of a neighborhood and the stability of a community. Short-term rentals have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a Scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow--without engaging in the sort of activities that weld and strengthen a community,"*

3. Increased parking and congestion problems characterize the presence of vacation rentals within the neighborhood. The parking status quo allows only for local family parking rather than parking for multiple cars that are often seen with vacation rentals. Cayucos does not have sidewalks; increased traffic and excess parking presents a safety problem for walkers, bikers, beach-goers, skateboarders, and those wishing to enjoy the ambiance of a beach town. Further, the Sheriff's Department is faced with a larger responsibility to patrol Cayucos during the periods of visitor influx and the resultant increase of traffic and decrease of safety in the area.

4. While we recognize that the California Coastal Commission works to support a mission involving the preservation and control of our Coastline, the issues of illegal and legal vacation rentals impact that mission.



5. The vacation rental problem is also aggravated by the number of unregulated vacation rentals. With vacation rentals, long term rentals and second homes, the transit population is close to 35% in Cayucos. Further, the County Board of Supervisors stated that the number of legal and illegal vacation rentals was not known at this time. This puts in question how the combined impact of said vacation rentals (both legal and illegal) impact the infrastructure on our small beach neighborhood environmental character.

6. The SLO County Board of Supervisors did not appear to consider the following additional issues for vacation rentals:

- a. Since the cost of vacation rentals can exceed \$750 per night, many families go together to rent a given vacation rental. We have noticed that as many as 4 or more cars are parked at one vacation rental...sometimes with tents in the back yard apparently to accommodate the number of visitors who do not fit into the vacation rental property... obviously impacting not only the use of water, but also adding to party-like noise, multiple barbecues, increased walking traffic, and other related issues that Cayucos residents must endure.
- b. At the southern end of Pacific Avenue, on 24<sup>th</sup> Street, a day-use park identified as Cayucos State Beach, a day use park, is located. It is a public park with a parking lot located on the beach. On holiday weekends, in addition to Cayucos vacation rental parking congestion, this small neighborhood park is full past its capacity, causing a further increase in the already problematic parking and walking traffic on Pacific Avenue. Further, vacation rentals also involve increased numbers of adults, supervised and unsupervised children, beach furniture/coolers, and family pets going to the beach via Pacific Avenue stairs as their primary accesses to the beach.
- c. During the County Board of Supervisors' meeting, we noted that the decisions made regarding impact of legal and illegal vacation rentals appeared to have not been studied nor an



analysis of the actual number of vacation rentals considered in order to determine the number of vacation rentals that impact the beach and the surrounding small neighborhood beach communities.

## **Conclusion**

The number of vacation rentals, their often overflowing capacities, and their impacts on our small neighborhood beach community are grave concerns to Cayucos residents because the vacation rentals are not well-controlled and this situation seems to be worsening. Issues such as traffic flow, parking spaces, and resident safety (due to increased automobiles and people) are important items that should be addressed. Further, noise is often problematical due to large numbers of people in crowded spaces (e.g., 1-2 tents in the vacation rental backyard or people staying in trailers parked on or near to vacation rental property). In accordance with the California Supreme Court ruling (see *Concerns, Item 2*), the non-permanent resident number of homes should not exceed 12%. No data were presented concerning this important criterion.

For these reasons, it is highly recommended that a study be conducted to determine the number of legal and illegal vacation rentals and that traffic and parking analyses be included in that study. Also, the impact of these issues on the coastline, beach, and beach accesses should be studied. Further,

1. Until appropriate studies and actual data can be ascertained to allow our officials to make an informed decision and
2. Until the criteria for a "unique" homes have been clearly defined in measurable terms

the study of these issues is inconclusive, leaving informed decisions at risk.

We feel that until these data are available, the California Coastal Commission must consider disapproving the homeowner's appeal to turn the Cayucos property located at 1736 Pacific Avenue into a vacation rental and establishing a badly needed precedent for informed County leaders who make decisions that will preserve the



Community's uniqueness on the basis of replicable data, the Cayucos small neighborhood beach community will continue to face living conditions that are not consistent with residents' rightful expectations for the area in which they live.

Thank you for your review of our concerns.

Most sincerely,  
(signed by:  
Ken and Sandy Wright)



W196

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Daniel Robinson  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

SEP 16 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

September 15, 2016

Atten: Daniel Robinson

RE: A Coastal appeal for  
DRC 2015 – 00073/1736 PAC, LLC  
San Luis Obispo County

In looking more closely at this action, and not to repeat what you have already heard from other residents of Cayucos, there are several issues I would like to address.

**Existing Vacation Rental Ordinance, CZLUO 23.08.165 c2.(iii)**

In reading the Exception Clause that was included in the ordinance, it becomes clear, that it left the door wide open. The intent of the inclusion of this Exception Clause, was to make those projects which may not follow the exact letter (95 feet instead of 100 feet) but do follow the intent of the ordinance, a less onerous process to be able to grant an exception. In hindsight, further language similar to the Variance Findings should have been included, such as not the granting of special privilege, uniqueness to the property, and not setting precedent. Saying this, even though this Exception Clause exists, the same Findings of a Variance should be considered. If not, then the question becomes, if this exception is granted, which is no different than any other bluff top lot, then why not the next, then the next, and so forth. Until such time, that even our board majority, may see that enough vacation rentals exist. Those that received the exception would be granted special privilege, then those whose application was not as timely.

**THE FINDINGS**

When you compare the findings of staff to deny the exception and then the findings when the board overturned staff, the only difference is the use of the word "not". The language is very subjective.

Exhibit A of the staff report, Finding D. ....states the use "will" be detrimental while

Exhibit A, Finding D in the letter of August 16, 2016 states, ....state the use "will not" be detrimental

Letter dated August 16, 2016, (attached)

Finding D - is only an opinion that this exception will not be detrimental to the community. The finding never addresses the fact that 2 other vacation rentals exist within 80 feet and what impact an additional rental will have. The proliferation of Vacation rentals has been detrimental to our community for all sorts of reasons not the least, the drop in population,

95



the loss of basic services and the drop of the students enrolled at our school. These are all indications of a dying community.

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Finding E – this is irrelevant, since the Vacation Rental applies to the property not the structure. The structure could burn down or change, and the Vacation Rental designation would remain

Finding F – stating that a vacation rental is similar to a single-family residence is ludicrous. By their nature, several families will share a 4-bedroom home with the potential of 10 people and 4 cars. That is not similar to a single-family residence. And again nothing was stated about the impact of having 2 other vacation rentals within 80 feet. Our children ride their bikes to school and for recreation along this street. There is also a continuous use of this street by walkers and runners with and without their dogs.

The *original* Findings by staff were based on the adopted Estero Area Plan, the local Ordinance, data and common sense logic. The Findings of the letter dated August 16, 2016, were solely manufactured to affirm a vote by a pro-development majority of the board of supervisors

### **Democracy in local government**

It can be said, that a democratically elected body approved this exception. For our town, the ruling body is the county, whose officials are elected by district. So, it should be noted that the 3 supervisors who voted for this exception were not elected by the citizen's of Cayucos and do not represent Cayucos nor any coastal district. The elected official who does represent Cayucos, Bruce Gibson, and the democratically elected Cayucos Citizen's Advisory Council, both strongly rejected this exception. The citizen's of Cayucos will never be able to hold those Supervisor's who voted for this exception, accountable for their vote.

In the early 1970's the citizens of California recognized that our coast needed additional protection. So as is currently happening with another development in Cayucos, the citizens of Cayucos need the Coastal Commission to review this action by our Board of Supervisor's and protect our coastal community.

For these reasons stated, there is a Substantial Issue, and it deserves the Coastal Commission's consideration and review so that the integrity of the ordinance can be maintained and the character of Cayucos not be undermined and jeopardized. Please accept this appeal with a Substantial Issue, and let it proceed forward in the process and eventually have the Coastal Commissioners deny the exception.

Thank you,

Lou Smith  
40 – 20<sup>th</sup> Street, Cayucos  
805.235.2176  
louisasmith@sbcglobal.net



W196



## OFFICE OF TOM J. BORDONARO, JR., COUNTY ASSESSOR

COUNTY GOVERNMENT CENTER, 1055 MONTEREY STREET, SUITE 360-D, SLO, CA 93408  
(805) 781-5643 FAX: (805) 781-5641 WEB SITE: WWW.SLOCOUNTY.CA.GOV/ASSESSOR

September 12, 2016

RE: Application No. A-3-SLO-09-058 (DeCicco, San Luis Obispo) - Support

Dear Daniel Robinson and Commissioners:

Franco DeCicco's project, Cayucos Del Mar, has gone through numerous revisions over the last 11 years. He has worked closely with the San Luis Obispo county planners and has followed all the Local Coastal Land Use Elements for Estero Bay and Cayucos. It is made up of 18 lots in two zones, commercial and MFR. The project follows the guidelines for each of the zones as required in the LCP. The Board of Supervisors approved the project on October 28, 2008.

To relieve parking issues on the street, the design provides underground parking. The motel will provide large rooms, with amenities, for families to enjoy the beaches and coast. It provides much needed visitor lodging to serve the visitors to the southern end of Cayucos. No new hotels or motels have been built in Cayucos in over a decade.

Mr. DeCicco has listened and responded to the concerns of the neighbors. The project has been revised to reduce the size, especially on the third floor. This is a mixed use project in a predominantly SFR zone, so it will appear larger than a home. It is now time to move this project forward and approve his application for a CDP.

Thank-you for your consideration.

Sincerely,

Tom J. Bordonaro, Jr.

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**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



# W19b

Appeal Filed: 9/1/2016  
49th Day: 10/20/2016  
Staff: Daniel Robinson - SC  
Staff Report: 9/16/2016  
Hearing Date: 10/5/2016

## APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

**Appeal Number:** A-3-SLO-16-0080

**Applicants:** 1736PAC, LLC

**Appellant:** Cayucos Residents Preserving Community

**Local Government:** San Luis Obispo County

**Local Decision:** County File Number: DRC 2015-00073 approved by the San Luis Obispo County Board of Supervisors on August 9, 2016.

**Location:** 1736 Pacific Avenue, Cayucos, unincorporated San Luis Obispo County (APN 064-236-007).

**Project Description:** Use of an existing 2,478-square-foot single-family residence as a vacation rental.

**Staff Recommendation:** No Substantial Issue

---

**Important Hearing Procedure Note:** This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. (*See generally* Title 14 California Code of Regulations (hereinafter, "CCR") Section 13115.) Generally and at the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. (*Id.* Section 13117.) Others may submit comments in writing. (*Id.*) If the Commission determines



that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony. (*Id.* Section 13115(b).)

## **SUMMARY OF STAFF RECOMMENDATION**

San Luis Obispo County approved a coastal development permit (CDP) allowing an existing oceanfront single-family residence to be used as a vacation rental at 1736 Pacific Avenue in the community of Cayucos. The Appellant, the Cayucos Residents Preserving Community, contends that the County-approved project is inconsistent with the underlying purpose and distance location requirements of the Local Coastal Program's (LCP) Coastal Zone Land Use Ordinance (CZLUO) Section 23.08.165, which is the County's certified vacation rental ordinance, as well as certain goals and objectives of the LCP's Estero Area Plan specific to Cayucos, which aim to preserve the character of Cayucos as a beach community, stress the residential nature of the community, and to maintain the community's small-town character. The Applicant declined to grant a 49-day waiver, and thus Commission staff is required to bring this item to hearing in October 2016.

After reviewing the local record, staff has concluded that the appeal does not raise a substantial issue with respect to the project's conformance with the LCP. First, while the project does not conform to the LCP's standard location and distance separation requirements (i.e., no vacation rental shall be located closer than 100 feet from another vacation rental), and in fact would be located within 100 feet of *two* other existing vacation rentals, the LCP specifically allows for modifications to those requirements through the County's public coastal development permit process. In addition, the County made specific coastal development permit findings, including that modifying the locational standards will not be detrimental to public health, safety, and welfare of the general public or persons residing or working in the neighborhood of the use, that the project is not inconsistent with the character of the neighborhood or contrary to its orderly development, and that the proposed use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project. Finally, the County conditioned its approval to protect residential community character and neighborhood compatibility by including strict limitations on occupancy, vehicles and parking (e.g., onsite only), tenancy, and noise; a prohibition against changing the residential character of the home's appearance; and penalties for violations of any of these conditions, consistent with and pursuant to the standards required in the LCP's vacation rental ordinance.

In summary, the County used the language of the vacation rental ordinance to allow for a distance location modification that will provide for a high-priority Coastal Act and LCP visitor-serving use. Vacation rentals provide an important visitor function that allows small groups and families another option for overnight accommodations near the beach and shoreline throughout the state of California. The County-approved project provides an appropriate balance between providing a visitor-serving accommodation along the coast and ensuring controls are in place to avoid negative impacts to adjacent residents. Staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.



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## EXHIBITS

Exhibit 1 – Project Site Maps

Exhibit 2 – Project Site Photos

Exhibit 3 – County’s Final Local Action Notice

Exhibit 4 – Appeal of San Luis Obispo County’s CDP Decision

Exhibit 5 – Vacation Rental Location Map

Exhibit 6 – Correspondence



## I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. 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 affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-SLO-16-0080 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act. I recommend a yes vote.*

***Resolution to Find No Substantial Issue.** The Commission finds that Appeal Number A-3-SLO-16-0080 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 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.*

## II. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION AND LOCATION

The County-approved project authorizes an existing oceanfront 2,478-square-foot single-family residence to be used as a residential vacation rental (APN 064-236-007).<sup>1</sup>

The project site is located at 1736 Pacific Avenue on the west side of Pacific Avenue adjacent to Morro Strand State Beach, between 17<sup>th</sup> Street and 18<sup>th</sup> Street in the unincorporated community of Cayucos in San Luis Obispo County (see **Exhibit 1**). The property is located in the County's Residential Single-Family (RSF) land use category and within the Urban Reserve Line (URL) of Cayucos. Vacation rentals are allowed as a conditional use in the RSF land use category.

See **Exhibit 1** for location maps; see **Exhibit 2** for photographs of the site and surrounding area.

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<sup>1</sup> A residential vacation rental is defined in CZLUO Section 23.08.165 as "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." The definition in the LCP's Coastal Zone Framework for Planning has not been updated since the vacation rental ordinance was first adopted in 2003: "A Residential Vacation Rental is the use of an existing residence, or a new residential structure that has been constructed in conformance with all standards applicable to residential development, as a rental for transient use. Rental shall not exceed one individual tenancy within seven consecutive calendar days. This definition does not include the one time rental of a residence for 14 consecutive days or less in any calendar year, "Bed & Breakfast Facilities," "Homestays," and "Hotel, Motels," which are defined separately; and rooming and boarding houses (included under "Multi-Family Dwellings") or rental of an entire structure for 30 days or longer." [Added 2003, Ord 2933]



## **B. SAN LUIS OBISPO COUNTY CDP APPROVAL**

On April 8, 2016, the San Luis Obispo County Planning Department Hearing Officer considered and *denied* the Applicant's proposed CDP/Minor Use Permit (MUP) application number DRC2015-00073 to modify the location standard for vacation rentals (as applied to the Applicant's proposal) and allow the use of an existing single-family dwelling to be used as a vacation rental. The Applicant appealed the Hearing Officer's denial to the County's Board of Supervisors on April 15, 2016. The Board of Supervisors held public hearings to consider the appeal on June 21 and August 9, 2016. On August 9, 2016, the Board upheld the Applicant's appeal and reversed the Hearing Officer's original denial, subject to specific findings and conditions of approval intended to ensure that the project satisfies specific LCP requirements regarding vacation rentals. A complete and legally sufficient Notice of Final County Action (NOFA) from the County for the CDP was received in the Coastal Commission's Central Coast District Office on August 30, 2016 (see **Exhibit 3**). The Coastal Commission's ten-working-day appeal period for this action began on August 31, 2016 and concluded at 5pm on September 14, 2016. One valid appeal, submitted by the Cayucos Residents Preserving Community c/o Marie Jaqua, was received during the appeal period (see **Exhibit 4**). A 49-day waiver was requested of the Applicant but that request was declined, and thus Commission staff is required to bring this item to hearing in October 2016.

## **C. APPEAL PROCEDURES**

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (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 tide line 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, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. (*See* Coastal Act Section 30603(a)(1)-(4).) In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. (*Id.* Section 30603(a)(5).) This project is appealable per 30603(a)(1), (2) and (3) because a vacation rental is not designated as a principally permitted use in the RSF land use category, and because the site is located between the sea and first public road, within 300 feet of the beach, and within 300 feet of a coastal bluff.

The grounds for appeal under Section 30603 of the Coastal Act are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. (*Id.* Section 30603(b)(1).) Section 30625(b) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.<sup>2</sup> Under Section 30604(b) of the Coastal Act,

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<sup>2</sup> The term "substantial issue" is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its



if the Commission conducts the de novo portion of an appeals hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) of the Coastal Act 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. Because this project is located between the nearest public road and the sea, this additional finding would need to be made if the Commission were to approve the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who opposed the project before the local government (or their representatives), and the local government. (Title 14 CCR Section 13117.) Testimony from other persons regarding the substantial issue question must be submitted in writing. (*Id.*) Any person may testify during the de novo CDP determination stage of an appeal (if applicable).

#### **D. SUMMARY OF APPEAL CONTENTIONS**

The Appellant contends that the County-approved project is inconsistent with the certified LCP because it is in violation of the goals and objectives of the Land Use Plan's (LUP) Estero Area Plan (EAP) for Cayucos, as well as Coastal Zone Land Use Ordinance (CZLUO, the County's certified Implementation Plan (IP)) Section 23.08.165, which regulates residential vacation rentals in the Coastal Zone of San Luis Obispo County. In general, the Appellant's contentions are that the project should not have been granted a modification to the LCP's required 100-foot minimum distance from other vacation rentals, as provided for in CZLUO Section 23.08.165, because the property is "no different than surrounding properties" and because there is "nothing exceptional about this parcel that makes it different from any other property on the bluff top." Further, the Appellant argues that approval of this vacation rental through the LCP's distance modification provision will set a precedent for other such modifications to take place in the County and that vacation rentals are "destroying our neighborhoods and hurting our community" in violation of the goals and objectives to protect and maintain Cayucos's small-town character and the LCP's emphasis on the attraction of permanent year-round residents in Cayucos. See **Exhibit 4** for the full text of the appeal contentions.

#### **E. SUBSTANTIAL ISSUE DETERMINATION**

##### *Applicable Policies*

The County's LCP includes operational standards for vacation rentals, along with other policies related to visitor-serving uses and neighborhood compatibility. CZLUO Section 23.08.165, first adopted by the County in 2003 and amended in 2013, is the primary mechanism for regulating vacation rentals in the Coastal Zone of San Luis Obispo County, and is applicable to the urban areas of Cambria, Cayucos, and Avila Beach. CZLUO Section 23.08.165 states (*in relevant part*):

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LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal (by finding no substantial issue), appellants nevertheless may obtain judicial review of a local government's CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.



**23.08.165 – Residential Vacation Rentals.** *The 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 and 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 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.(emphasis added)*

...

- c. **Location.**

**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) **a 50 foot radius around the vacation rental.** ... 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. (emphasis added)*

...

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

- d. **Vacation rental tenancy.** *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 of the residence (with the exception of the property owner and private non-paying guests) shall occur. 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.*
- ...*
- 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 onsite, 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).<sup>3</sup> 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*

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<sup>3</sup> **CZLUO Sections 23.06.044-050 - Noise Standards.** Sections 23.06.044-050 establish standards for acceptable exterior and interior noise levels and describe how noise is to be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and the full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property. It is the intent of this chapter to protect persons from excessive levels of noise within or near various residential development and other specified noise-sensitive land uses.



*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.*

...

Other LCP policies protect and encourage, and give certain priorities to, visitor-serving accommodations in the coastal zone, 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.*

Finally, the LCP includes several goals, objectives, and vision statements relevant to Cayucos and the subject appeal, including:

***Estero Area Plan, Chapter 1, Section V. Vision and General Goals. B. Cayucos:***

- 4. Preserve the character of Cayucos as a beach community.*
- 5. Stress the residential nature of the community.*
- 9. Maintain the community's small-town character*

***Estero Area Plan Appendix B: General Community Goals-Cayucos:***

- 1. The General Plan should take full advantage of the natural assets of the area, preserving the character of the planning area as beach resort with emphasis on the attraction of permanent year-round residents. The residential nature of the community should be stressed with provision being made for essential services to this type of community.*

In general, LCP policies, such as LCP Coastal Plan Recreation and Visitor-Serving Facilities Policies 1 and 2, encourage and protect visitor-serving facilities, and state that visitor-serving facilities shall be prioritized over non-coastal dependent use, but not over agriculture or coastal dependent industry. The purpose of the County's vacation rental ordinance is to provide for Coastal Act and LCP priority visitor-serving facilities and uses, particularly adjacent to the coast, but also in a manner that ensures vacation rentals "will not act to harm and alter the neighborhoods they are located within" or have a "deleterious effect on the adjacent full time residents." As described in CZLUO Section 23.08.165(a), the LCP recognizes that "residential vacation rentals have the potential to be incompatible with surrounding residential uses" and that



because of this potential “special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses.” This section also recognizes that high concentrations of vacation rentals in the same geographic area have the potential to cause incompatibility. As such, the LCP’s vacation rental ordinance seeks to balance the objectives of providing visitor-serving uses in a manner that protects residential community character by including numerous standards and restrictions on such rentals, including on noise, traffic, occupancy, and location. On this latter point, the LCP’s vacation rental location standard requires a minimum separation distance between vacation rentals with the purpose of avoiding concentrations of vacation rentals and associated neighborhood impacts in the same area. Specifically, the LCP states that, in Cayucos, no residential vacation rental shall be located within 100 linear feet of a parcel and on the same side of the street as another vacation rental, within 100 linear feet of the parcel on the opposite side of the street from another vacation rental, and within a 50 foot radius from another vacation rental.<sup>4</sup> The project does not comply with this standard because it would be located within 100 feet of *two* existing vacation rentals (i.e. 1702 Pacific Avenue and 1698 Pacific Avenue) that are located on the same side of the street (see **Exhibit 5**).

#### *Appellant’s Contentions*

The Appellant contends that the County-approved project is inconsistent with the certified LCP because it is in violation of the EAP’s goals and objectives for Cayucos, as well as the above-described residential vacation rental standards specified in CZLUO Section 23.08.165. Specifically, the Appellant’s contentions are that the project should not qualify for a modification of the required 100-foot distance requirement, as allowed pursuant to 23.08.165(c)(2)(iii), because the property is “no different than surrounding properties” and that there is “nothing exceptional about this parcel that makes it different from any other property on the bluff top.”

Further, the Appellant argues that the approval of this vacation rental through a distance modification will set a precedent for other modifications to take place in the County and that vacation rentals are “destroying our neighborhoods and hurting our community” in violation of the goals and objectives to protect and maintain Cayucos’s small-town character and the LCP’s emphasis on the attraction of permanent year-round residents in Cayucos. For example, the Appellant has cited Chapter 1, Section V, Vision and General Goals (developed by the Cayucos Citizens Advisory Council), which broadly encourages “*carefully planned development that respects the area’s natural assets, maintains the community’s small-town character as a beach community, and balances and promotes both the residential and visitor-serving aspects of the community.*” In terms of residential land uses, three goals in particular are cited by the Appellant: 1) Preserve the character of Cayucos as a beach community; 2) Stress the residential nature of the community; and 3) Maintain the community’s small-town character.

The Appellant also cites Appendix B (General Community Goals-Cayucos) of the Estero Area Plan: “*The General Plan should take full advantage of the natural assets of the area, preserving the character of the planning area as beach resort **with emphasis on the attraction of***

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<sup>4</sup> For the purposes of these measurements, the LCP states that 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.



***permanent year-round residents.*** *The residential nature of the community should be stressed with provisions being made for essential services of this type of community.* (Appellant’s emphasis)

Lastly, the Appellant also cites a California appellate court case from 1991 (*Ewing v. City of Carmel by the Sea* 234 App. 3d 1579) regarding short-term rentals and additional arguments generally relating to the rise in vacation rentals to the decline of overall population and student numbers,<sup>5</sup> and how the “loss of full time rentals has exacerbated the already huge problem of housing affordability.” See **Exhibit 4** for the full text of the appeal contentions. It is worth noting that *Ewing* does not control the current situation as that case simply **upheld** a local municipality’s ordinance **prohibiting** transient commercial uses in a residential zoning district as a valid and constitutional exercise of a local government’s police power (for the reasons cited to by the Appellant above). By contrast, the Appellant here seeks to **invalidate** the County’s decision approving a residential vacation rental (as specifically **allowed** under the LCP *vis a vis* the location distance modification provision).

#### *Analysis*

In this case, the County conditioned its approval with the standards and requirements of CZLUO Section 23.08.165, including limits on occupancy (ten persons total, or two persons per bedroom plus two additional persons), vehicles used and traffic generated (not to exceed that normally generated by a full-time resident, or up to ten trips per day), parking (onsite only), tenancy (maximum of four individual tenancies per month), and noise (no loud or unreasonable noise); requirements for a local property manager or contact person to be available 24 hours a day; a prohibition against changing the residential character of the home’s appearance; and penalties (including potential permit revocation) for violations of any of these conditions, all pursuant to CZLUO Section 23.08.165. These requirements are, by design, intended to protect residential community character and neighborhood compatibility, and the County appropriately conditioned this project accordingly. However, the County-approved project does not meet the location standard in CZLUO Section 23.08.165(c)(2)(i). Specifically, it would be located within 40 feet of an existing vacation rental at 1702 Pacific Avenue and within 80 feet of one at 1698 Pacific Avenue, both located just upcoast of the subject vacation rental<sup>6</sup> (again, see **Exhibit 5**).

However, the location standards are allowed to be modified through “minor use permit approval” as stated in CZLUO Section 23.08.165(c)(2)(iii). This section does not specify under what circumstances the modification is allowable and what findings need to be made when approving the modification. In the absence of this specificity in the vacation rental ordinance section, the County relied on the findings required to be made for each CDP approval as specified in CZLUO Section 23.02.034, which includes broad required findings that projects must be found to be

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<sup>5</sup> For example, the Appellant states that Cayucos’s overall population has dropped 12% from 2943 in 2000 to 2595 in 2010, and that enrollment at Cayucos’s elementary school has declined by 33% (from over 300 to about 200).

<sup>6</sup> This Exhibit map does not show vacation rentals that are operated through online websites like AirBnB.com or VRBO.com, and any unregulated vacation rentals of which the County is unaware. In other words, there could be additional vacation rentals in the vicinity that are not shown on this map.



consistent with the general welfare, and that projects will not be inconsistent with neighborhood character and will not generate traffic exceeding road capacity, as follows:

***CZLUO Section 23.02.034(4).*** *The Review Authority shall not approve or conditionally approve a Development Plan<sup>7</sup> unless it first finds that:*

- (iii) 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;*
- (iv) the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and*
- (v) the proposed use or project 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.*

Again, while the Appellant argues that the project should not qualify for a modification of the required 100-foot distance requirement because the property is “no different than surrounding properties” and that there is “nothing exceptional about this parcel that makes it different from any other property on the bluff top,” CZLUO Section 23.08.165(c)(2)(iii) does not require the County to find uniqueness with the residence to allow a distance modification. In fact, this CZLUO section does not specifically state the required findings and circumstances under which the County may allow a deviation from the otherwise required location standards.<sup>8</sup> In the absence of specific language direction, the County applied the broad community character and neighborhood compatibility-type findings applicable to CDP approvals, as well as the typical vacation rental ordinance requirements regarding noise, traffic, and other operational limitations as conditions of approval to find overall consistency with the LCP. Thus, the County used its discretion in the processing of this vacation rental application.

With respect to the Appellant’s contentions about loss of community character and impacts to neighborhood compatibility, it is recognized that vacation rentals engender unique issues and potential impacts regarding the appropriate number, location, and concentrations of vacation rentals, and how vacation rentals may or may not adversely impact a community’s residential and community character and the ability for communities to provide a stable year-round populace and services, such as school systems, police, fire, and library staff. It is also recognized that the LCP’s goals and vision for Cayucos clearly include protection and maintenance of its

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<sup>7</sup> In the coastal zone, a Development Plan is a type of coastal development permit. An MUP is another type.

<sup>8</sup> To provide further clarity in the implementation of CZLUO Section 23.08.165(c)(2)(iii), the County could request an LCP amendment to its vacation rental ordinance to provide specificity as to when and why a distance modification could or should be granted.



small-town character and its emphasis on the residential nature of, and on the attraction of permanent year-round residents to, the beach community. At the same time, the LCP specifically allows for vacation rentals, including because of the importance of providing visitor-serving uses in the coastal zone, particularly along oceanfront properties such as this project site, which the Coastal Act and the LCP prioritize for visitor-serving uses over lower-priority private residential uses. The approved project being analyzed under appeal is allowing a particular existing single-family residence to be used as a vacation rental, and it is not a broader determination of whether vacation rentals generally may or may not be appropriate in residential land use categories and/or how they may or may not impact local residents on a community-wide scale. Those questions have already been settled in this case as the LCP allows for vacation rentals and distance modifications, and puts in place standards for evaluating such rentals. The reduction in the distance requirements in this case, which can increase the concentration of vacation rentals and their associated potential impacts to residents and the community on a case by case basis, is expressly allowed per the LCP. Thus, issues related to the possibility that vacation rentals are undesirable or incompatible with residential uses and local residents more generally do not raise a substantial issue.<sup>9</sup>

In general, the LCP seeks to protect and maximize coastal access and recreation opportunities in a manner that is consistent with the protection of coastal resources, including community character (see LCP Recreation and Visitor-Serving Facilities Policies 1 and 2 above). The regulation of residential vacation rentals plays an important role in implementing such goals by ensuring that rentals are provided in a manner that protects access, resources, and the integrity of communities. Such regulation is intended to, among other things, ensure that such rentals do not cause problems in the surrounding area (such as noise and parking issues, etc.). There are various regulatory tools available to address these kinds of potential problems. These include limiting the intensity and duration of vacation rental use, and restricting the number and density of such units to address cumulative impacts. The County-approved project includes numerous conditions to protect community character and neighborhood compatibility, including with respect to traffic, noise, and occupancy, and thus the project can be found consistent with the LCP.

In this case, the County appropriately found that by requiring the project to adhere to the standards of CZLUO Section 23.08.165 (with respect to parking requirements, limitations on numbers of occupants, designation of a 24-hour property manager contact, etc.), and including stipulations for revocation of the CDP/MUP if these standards are violated, potential impacts to surrounding property owners can be avoided and that the use will not have community-wide adverse impacts. Additionally, the project is also conditioned to comply with CZLUO Section 23.06.040 et seq. related to noise standards, which prohibits the rental from producing “noise, dust, odor or vibration detrimental to occupants of adjoining dwellings.” All told, the County applied thirteen conditions designed to protect residential community character and neighborhood compatibility, including by placing strict limits on maximum occupancy, parking and locations, tenancy, and noise; a prohibition against changing the residential character of the home’s appearance; and penalties for violations of any of these conditions. These conditions

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<sup>9</sup> As stated above, Commission staff notes that the County should update its vacation rental ordinance to ensure that distance requirement modifications are implemented in a consistent manner by including specific findings of approval necessary to approve vacation rentals within the distance requirement.



appropriately ensure that the vacation rental will successfully operate compatible with the neighborhood. Thus, the appeal contentions do not raise a substantial LCP conformance issue.

Finally, in terms of the precedential nature of the County's approval, the County evaluated the fact-specific circumstances of this particular site, including that it is an oceanfront property that is highly suitable for visitor-serving uses, and found the site appropriate for a residential vacation rental. The County thus provided adequate analysis in this case, and thus this appeal contention does not raise a substantial issue.

## F. CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for the development. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As explained above in footnote 1 above, the Commission has historically been guided in its decision of whether the issues raised in a given case are "substantial" by the following five factors: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the County's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance. With respect to the first factor (degree of factual and legal support for the government's decision), the appeal contentions relate to the project's consistency with CZLUO Section 23.08.165 and the community character and neighborhood compatibility goals and vision of the certified LCP. The County's approval appropriately considered the LCP's requirements with respect to these issue areas, and the approved conditions are designed to minimize any potential impacts to surrounding property owners from the approved development, including with a distance modification reduction, which is allowed per the LCP. Although the LCP does not provide a clear implementing standard for granting a location distance modification per CZLUO Section 23.08.165, the County reasonably relied on the findings required to be made for a CDP/development plan approval per CZLUO Section 23.02.034 to grant the modification. (*See* CZLUO Section 23.08.165(c)(2)(iii) ["The location standards established in Subsections c.(2)(i) ... can be modified through Minor Use Permit approval **when a Development Plan is not otherwise required**" (emphasis added)].) Thus, there is adequate factual and legal support for the County's decision.

With respect to the second and third factors (extent/scope of development as approved or denied and significance of coastal resources affected by the decision, respectively), the approved project would result in allowing an existing residence to be used as a residential vacation rental, and does not include any physical expansion of the existing residence. As conditioned, the approval ensures that the use of the site as a residential vacation rental will not result in an intensification of use impacts as compared to a year-round residential use. Such mitigating conditions include limitations on the number of tenancies in a month, the number of occupants allowed, modifications to the exterior of the building, traffic generated, and noise compliance. Thus, the



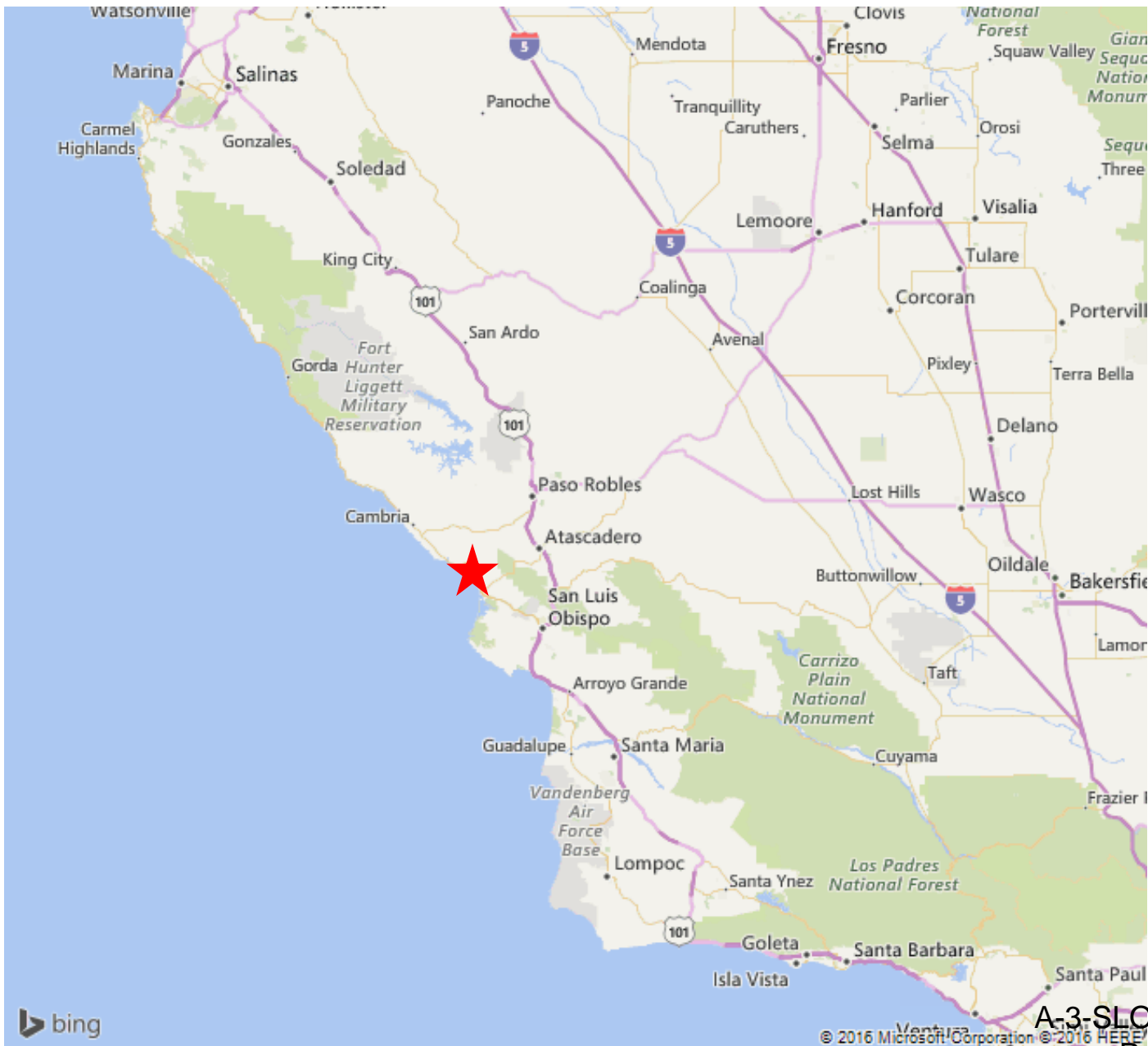
extent and scope of the approved development is relatively minor, and the use will not have any significant adverse effects on coastal resources.

With respect to the fourth factor (precedential value of the County's decision for future interpretations of its LCP), because the County followed the requirements of CZLUO Section 23.08.165 in its approval, this project is not expected to set an adverse precedent for future interpretation of the LCP. However, specifically with respect to the location distance modification allowed per CZLUO Section 23.08.165(c)(2)(iii), the County should update the LCP to provide clear implementing standards and to ensure consistent future application of this provision. With respect to the fifth factor (whether the appeal raises only local issues as opposed to those of regional or statewide significance), the availability of visitor-serving recreational opportunities is, in general, an issue of statewide significance. The County-approved project, however, is solely related to approval of one new vacation rental and does not on its own raise an issue of regional or statewide significance.

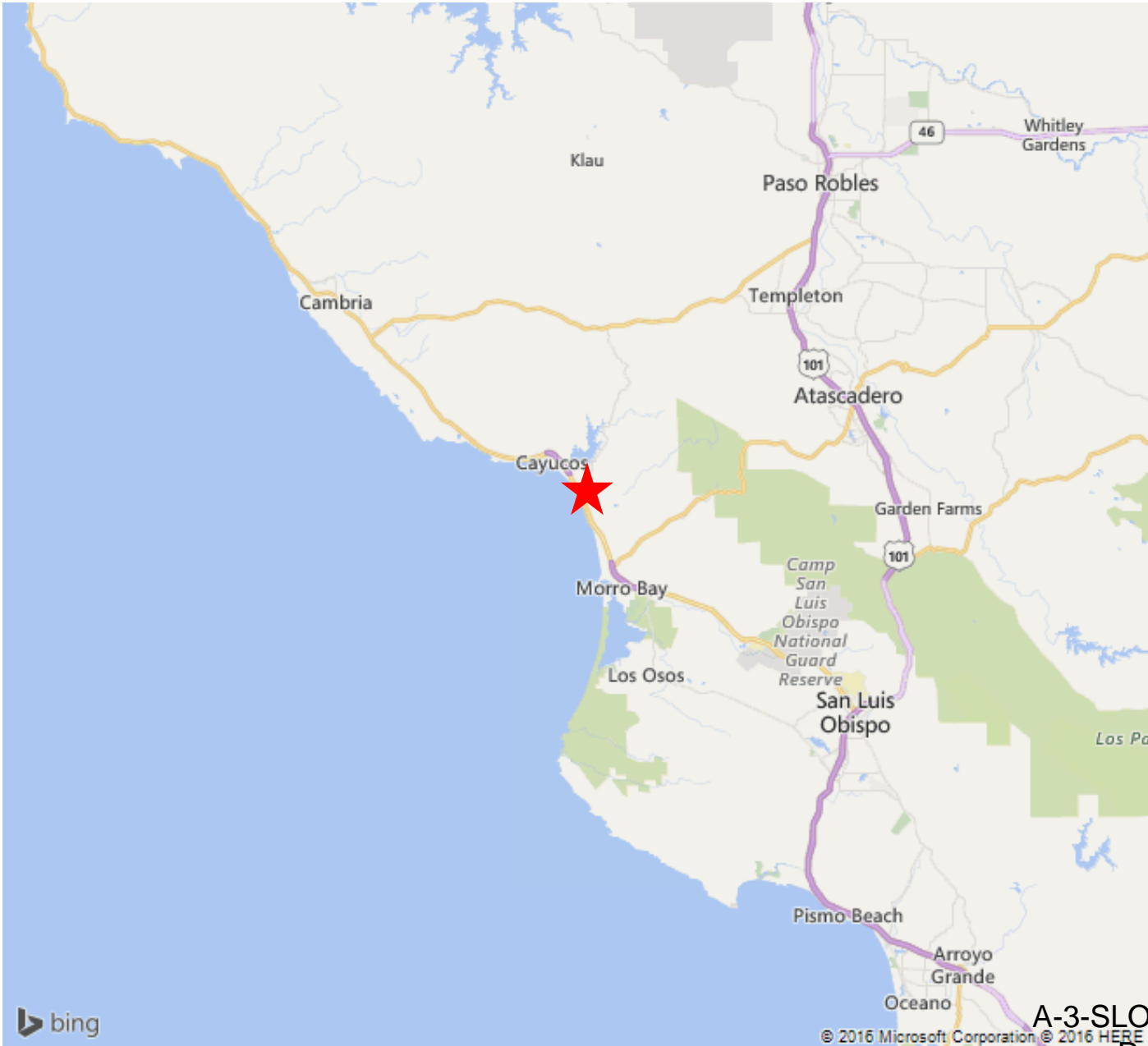
In short, the Appellant's contentions do not raise a substantial issue with respect to consistency with applicable LCP policies and standards and are further adequately addressed by the County's conditions of approval. Based on the foregoing, including when all five substantial issue factors are weighed together, the appeal contentions do not raise a substantial LCP conformance issue and thus the Commission declines to take jurisdiction over the CDP application for this project.

For the reasons stated above, the Commission finds that Appeal Number A-3-SLO-16-0080 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

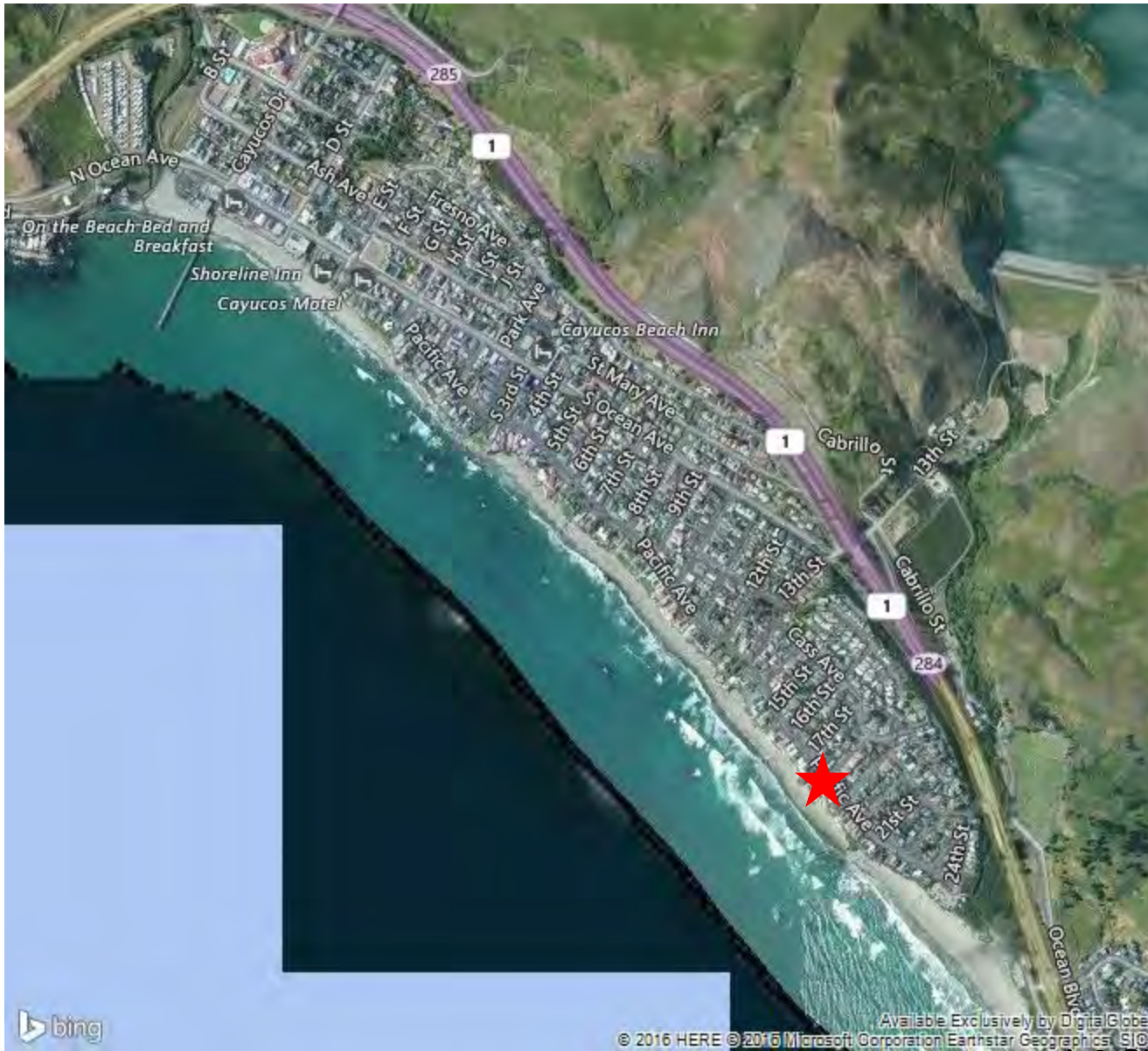




















1736 Pacific Avenue





1736 Pacific Avenue

Exhibit 2  
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Exhibit 2  
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SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

August 16, 2016

Jeff Edwards  
P.O. Box 6070  
Los Osos, CA 93412

**FINAL LOCAL  
ACTION NOTICE**

REFERENCE # 3-SLO-16-0856  
APPEAL PERIOD 8/31/16-9/14/16

**RECEIVED**

AUG 30 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: August 9, 2016 / SLO County Board of Supervisors  
SUBJECT: 1736PAC, LLC. / County File Number: DRC2015-00073  
Minor Use Permit/Coastal Development Permit

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Board of Supervisors, based on the approved Findings and Conditions, which are attached for your records. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Land Use Ordinance.

This action is appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission ten (10) working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

If the use authorized by this Permit approval has not been established, or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.


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If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six (6) months, or conditions have not been complied with, such Permit approval shall become void.

If you have questions regarding your project, please contact me at (805) 781-5612.

Sincerely,



RAMONA HEDGES  
Custodian of Records

cc: California Coastal Commission,  
725 Front Street, Suite 300, Santa Cruz, California 95060

Lou Smith  
979 Osos Street, Suite A-2, San Luis Obispo, California 93401

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(Planning Department Use Only – for California Coastal Commission)

Date NOFA copy mailed to Coastal Commission: 8/17/16

Enclosed:   X   Staff Report(s) dated 8/9/16 with Findings and Conditions



**EXHIBIT A – FINDINGS**  
**1736PAC, LLC Minor Use Permit DRC2015-00073**

***CEQA Exemption***

- A. The project qualifies for a Categorical Exemption (Class 1, ED15-225) pursuant to State CEQA Guidelines Section 15301 because the project consists of the operation and leasing of the existing residence as a residential vacation rental, involving negligible or no expansion of the use beyond that existing at the time of the Lead Agency's determination.

***Minor Use Permit/Coastal Development Permit***

- 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 proposed residential vacation rental does not generate activity that presents a potential threat to the surrounding property and buildings. The operational standards for vacation rentals as set forth in Coastal Zone Land Use Ordinance section 23.08.165 have been added as conditions to this project. Because these standards further limit parking requirements, number of occupants and require the designation of a 24 hour property manager contact, potential impacts to surrounding property owners will be minimized. The proposed conditions of approval have routinely been added to other minor use permits for establishment of vacation rentals. 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 existing residence will not change and, as conditioned, the residential vacation rental will not conflict with the surrounding lands and uses because:
- I. Outdoor activities associated with the use of the existing residence as a residential vacation rental would occur in an interior courtyard, which would help to reduce noise impacts on neighboring homes.
  - II. Based on evidence submitted in the record, the existing residence is one of only four in the neighborhood that is located on a rocky point and that projects over a bluff-top.
  - III. The existing residence is approximately 2,500 square feet in size and has unique architectural design.
- 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 Pacific Avenue, and no additional traffic is anticipated with the project because it is using an existing approved residence.



as a residential vacation rental. 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. Normal residential traffic volume means up to 10 trips per day. Additionally, the proposed residential vacation rental will include a condition that all parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway.

***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 will not inhibit access to the coastal waters and recreation areas.



**EXHIBIT B - CONDITIONS OF APPROVAL  
1736PAC, LLC Minor Use Permit DRC2015-00073**

**Authorized Use**

1. This Minor Use Permit / Coastal Development Permit authorizes the use of an existing single family residence as a residential vacation rental.

**Residential Vacation Rental Operational Conditions**

2. Rental of the single family 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 of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or 10 persons total.
4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.
5. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking. Any and all advertising for this vacation rental shall be consistent with these conditions of approval.
6. 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. Normal residential traffic volume means up to 10 trips per day.
7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time.
8. The residential vacation rental 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. The 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.



9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:
  - a. 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 Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
  - b. 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. 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.
10. The residential vacation rental 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 the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.
11. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include:
  - a. Failure to notify County staff when the contact person, or contact information, changes.
  - b. Violation of the residential vacation rental tenancy standards.
  - c. Violation of the residential vacation rental maximum occupancy, parking and noise requirements.
  - d. The inability of County staff or the Sheriff's Dispatch to reach a contact person.
  - e. Failure of the local contact person, or property owner, to respond to a complaint.

Three verified violations, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Signed affidavits by members of the community may be used to verify violations. Revocation of the Minor Use Permit, Zoning Clearance and/or Business License 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.

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

12. The 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 proof of Transient Occupancy Tax payment to the County Tax Collector is submitted to the Department of Planning and Building within 24 months of approval.
13. 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 Coastal Zone Land Use Ordinance.





## DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

August 30, 2016

Daniel Robinson, Coastal Planner  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
San Francisco, CA 94105-2219

**RECEIVED**

AUG 30 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Subject: 1736PAC, LLC Minor Use Permit/Coastal Development DRC2015-00073**

Dear Mr. Robinson:

On April 8, 2016, the Planning Department Hearing Officer of the County of San Luis Obispo (Hearing Officer) considered and denied the application of 1736PAC, LLC for Minor Use Permit/Coastal Development Permit DRC2015-00073 to modify the location standard for vacation rentals (Coastal Zone Land Use Ordinance Section 23.08.162.C.2) and allow the use of an existing single family residence, located at 1736 Pacific Avenue in Cayucos, as a residential vacation rental.

On April 15, 2016, the applicant filed an appeal of the Hearing Officer's decision. The appeal was scheduled for a hearing before the San Luis Obispo County Board of Supervisors (Board of Supervisors) on June 21, 2016, and the matter was continued to August 9, 2016.

On August 9, 2016, at a duly noticed public hearing, the Board of Supervisors upheld the applicant's appeal, reversed the Hearing Officer's decision, and approved Minor Use Permit / Coastal Development Permit DRC2015-00073 based on the attached findings and conditions.

Sincerely,

Airlin M. Singewald

Attachments:

1. Notice of Final County Action for DRC2015-00073



## AGENDA

Board of Supervisors Chambers  
1055 Monterey Street  
San Luis Obispo, CA



## BOARD OF SUPERVISORS

Frank R. Mecham, 1<sup>st</sup> District  
Bruce Gibson, 2<sup>nd</sup> District  
Adam Hill, Vice-Chairperson 3<sup>rd</sup> District  
Lynn Compton, Chairperson, 4<sup>th</sup> District  
Debbie Arnold, 5<sup>th</sup> District

Dan Buckshi, County Administrator

Tuesday, August 09, 2016

### CONSENT AGENDA

9:00 AM

#### REVIEW AND APPROVAL

PUBLIC COMMENT PERIOD

BOARD BUSINESS

HEARINGS

CLOSED SESSION

RECESS

AFTERNOON SESSION

1:30 PM

REPORT ON CLOSED SESSION

PRESENTATIONS

BOARD BUSINESS

HEARINGS

ADJOURNMENT

5:00 PM

- The Board of Supervisors' weekly agenda and staff reports are available at the following website: [www.slocounty.ca.gov](http://www.slocounty.ca.gov). Packets are also available at the County Government Center and may be viewed on-line at the Atascadero, Arroyo Grande, Paso Robles, Nipomo, Morro Bay, SLO City/County Libraries and the SLO Law Library.
- All persons desiring to speak on any Board item, including the Consent agenda, Closed Session or during the general public comment period are asked to fill out a "Board Appearance Request Form" and submit to the Clerk of the Board *prior* to the start of the Board item. Each individual speaker is limited to a MAXIMUM of three (3) minutes.
- Please refer to the information brochure located in the back and outside of the Board Chambers for additional information regarding accommodations under the Americans with Disabilities Act, supplemental correspondence, and general rules of procedure.

### 9:00 FLAG SALUTE

### CONSENT AGENDA – REVIEW AND APPROVAL

The items listed on this portion of the agenda are scheduled for consideration as a group. The staff recommendations will be approved as outlined within the staff report. Any Supervisor may request an item be withdrawn from the Consent Agenda to permit discussion or change the recommended course of action for an item.



Items: Set for Hearing:

1. Introduction of amendments to the Public Facilities Fee Ordinance, Title 18 of the San Luis Obispo County Code to remove an exemption listed within Section 18.03.020 (10) of the Muni Code regarding collection of certain public facility fees for specific community services districts and fire protection districts. Hearing set for September 13, 2016. All Districts.

Consent Agenda - Administrative Office Items:

2. Receive and file the responses of the District Attorney and Sheriff-Coroner to the Grand Jury Report "Keeping Suspects in Custody: When is Scheduled Bail Not Enough?" All Districts.
3. Request to approve a Memorandum of Understanding between the County of San Luis Obispo and the Lucia Mar Unified School District designating a portion of the Central Coast New Tech High School / Nipomo High School campus as an Evacuee Monitoring and Decontamination and Reception Center. All Districts

Consent Agenda - Board of Supervisors Items:

4. Submittal of resolutions honoring the 2016 CattleWoman of the Year, the 2016 Cattleman of the Year, and the 2016 Agriculturalist of the Year in San Luis Obispo County. All Districts.
5. Request to approve the reappointment of Paula Ufflerheide to the Commission on the Status of Women. District 2.
6. Request to formalize the name change from Estrella Cemetery District to Pleasant Valley Estrella Cemetery District. District 1.
7. Request to approve an agreement with the Central Coast Aquarium allocating \$5,000 from District Three Community Project Funds – Fund Center #106 to be used for expenses associated with holding the annual "Catch of the Sea" fund raiser on September 10, 2016. District 3.
8. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3 (d). District 2.

Consent Agenda - Central Services Items:

9. Request to approve a Master Lease between the County of San Luis Obispo and San Luis Coastal Unified School District to allow for the County Fire Department's continued operation of a training and education facility in the unincorporated community of Los Osos, for up to 12 additional years and seven months. District 2.



10. Request to approve a First Amendment to Lease with San Luis Obispo Coastal Unified School District for 4,800 square feet of modular office space at 1981 Vicente Drive, Building "A" in San Luis Obispo for the County Health Agency, Behavioral Health Department, Mental Health Division to continue its San Luis Obispo Outpatient Youth Services Program and Day Treatment Program, for up to ten (10) additional years. District 3.

Consent Agenda - County Fire Items:

11. Request to approve the FY 2016-17 renewal agreement for cooperative fire protection services with California Department of Forestry and Fire Protection in the amount of \$17,935,764. All Districts.

Consent Agenda - Health Agency Items:

12. Request to approve five FY 2016-17 renewal contracts, with the option to renew for two additional years, in the cumulative amount not to exceed \$513,170 per year with five group home facilities to provide residential board and care and social support services for youth and adolescents with severe emotional and mental health issues. All Districts.
13. Request to approve a FY 2016-17 Standard Agreement Performance Contract (Clerk's File) with the State Department of Health Care Services delegating responsibility for establishing community mental health services to the County related to the Mental Health Services Act, Projects for Assistance in Transition from Homelessness (PATH), and the Community Mental Health Services Grant programs. All Districts.
14. Request to approve a three-year renewal agreement (Clerk's File) with the California Department of Public Health to conduct Supplemental Nutrition Assistance Program Education (SNAP-ED) services for Federal FY 2016-17 through Federal FY 2019-20 in a total amount not to exceed of \$1,361,448. All Districts.
15. Request to approve four FY 2016-17 renewal contracts, with the option to renew for two additional years, with four Prevention and Early Intervention providers in the cumulative amount not to exceed \$432,951 to provide prevention and early intervention behavioral health services to individuals throughout the County as part of the Mental Health Services Act. All Districts.

Consent Agenda - Planning & Building Items:

16. Request to Authorize the use of Alternative Publication Procedures for the Summer General Plan Amendment Cycle. All Districts.

Consent Agenda - Public Works Items:

17. Request to approve a grant of extension of time to commence collection of food waste as a recyclable material for the Solid Waste Collection Franchise Agreement with Mid-State Solid Waste and Recycling Services, Inc. Districts 1 and 5.



18. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the 2015-16 Chip Seal Various County Roads, San Luis Obispo County. Districts 1, 4, and 5.
19. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of 2015-16 Surface Treatment Various County Roads, San Luis Obispo County. Districts 1, 4 and 5.
20. Request to approve a contract with Fraser Seiple Architects, in the amount of \$115,745 for master planning design consultant services for the County Operations Center. District 2.

Consent Agenda - Public Works Sitting as Flood Control District:

21. Request to 1) approve the Amended and Restated Nacimiento Water Project Wheeling Contract (Contract) with Heritage Ranch Community Services District (HRCSD); 2) authorize the Director of Public Works to execute a one (1) year extension with the HRCSD as provided for in the Contract; and 3) find that project exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). All Districts.
22. Request to approve an amendment to the reimbursement agreement between the San Luis Obispo County Flood Control and Water Conservation District (District) and County of San Luis Obispo on behalf of County Service Area 16 (County) for the construction of the Shandon Turnout Project; and authorize a budget adjustment in the amount of \$20,000 from District reserves to complete funding for the County Service Area 16 (CSA 16) State Water Turnout; and authorize an additional \$20,000 loan from the District to align the total loan with CSA 16 (\$180,000 total loan). District 1.

Consent Agenda - Social Services Items:

23. Request to approve a FY 2016-17 new service contract (Clerk's File) for California Work Opportunity and Responsibility to Kids (CalWORKs) Expanded Subsidized Employment (ESE) with Eckerd Youth Alternatives, Inc. (Eckerd), in the amount of \$562,606. All Districts.

Public Comment Period:

24. The general public comment period is intended to provide an opportunity for members of the public to address the Board on matters within the Board's purview that are not scheduled on the current agenda. Individuals interested in speaking are asked to fill out a "Board Appearance Request Form" and submit it to the Clerk of the Board prior to the start of general public comment. When recognized by the Chair, each individual speaker may address the Board and is limited to a MAXIMUM of three (3) minutes or a reasonable period of time as determined by the Board Chairperson.



Board Business:

25. Request: 1) to receive and file a plan (Clerk's File) regarding participation in California's Drug Medi-Cal Organized Delivery System (DMC-ODS); 2) approval to implement the DMC-ODS plan in San Luis Obispo County, should the Board choose to effectuate the plan; 3) approval of a resolution amending the Position Allocation List to add a total of 26.50 FTE positions to Fund Center 166 – Behavioral Health; 4) authorization of a budget adjustment in the amount of \$2,071,405 from unanticipated revenue to FC 166-Behavioral Health to fund services associated with the Drug Medi-Cal Organized Delivery System. All Districts.
26. Request to receive and file a project update for the Women's Jail Expansion, authorize a budget adjustment in the amount of \$1,100,000 from Capital Project Savings and Facilities Planning Reserve Designation to the Women's Jail Expansion project budget, and direct staff to extend consultant services contracts. Project located at 1585 Kansas Avenue, San Luis Obispo. All Districts.

Hearings:

27. Hearing to consider a request from the Land Conservancy of San Luis Obispo County to waive permit processing fees for construction permits associated with an agricultural museum and event space with associated support features proposed for the historic Octagon Barn, south of the City of San Luis Obispo. District 3.

Closed Session Items:

28. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Three.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) PG&E's 2017 General Rate Case A. 15-09-001; (4) Edmond Paul Price v. County of San Luis Obispo, et al;

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (5) San Luis Obispo Government Attorney's Union (SLOGAU); (6) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (7) Deputy County Counsel's Association (DCCA); (8) Sheriffs' Management; (9) San Luis Obispo County Probation Peace Officers' Association (SLOCPPOA); (10) Deputy Sheriff's Association (DSA); (11) District Attorney Investigators' Association (DAIA); (12) San Luis Obispo County Probation Managers' Peace Officers' Association (SLOCPMPOA); (13) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (14) Unrepresented Management



and Confidential Employees; and (15) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

## RECESS

### 1:30 REPORT ON CLOSED SESSION

#### Presentations:

29. Submittal of a resolution proclaiming August 2016 as "Child Support Awareness Month" in San Luis Obispo County. All Districts.

#### Board Business:

30. Submittal of a resolution authorizing: 1) the surplus and sale by public auction of County-owned real property at 790 and 800 Cornwall Street in Cambria; and 2) a budget adjustment to repay the Cambria Friends of the Library and pay the Library Department's Facilities Planning Reserve Fund Center 1205, by the amount of the net proceeds of sale less costs of sale, by 4/5 vote. District 2.

#### Hearings:

31. Hearing to consider a request by Grid Alternatives to extend the time within which it may use the remainder of the previously-approved waiver of building permit fees to include an additional five year period (2016-2021) for individual affordable residential photovoltaic system installations. All Districts.
32. Hearing to consider a resolution adopting the updated 2015-16 County Bikeways Plan; and find the project to be exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). All Districts.
33. Continued hearing to consider an appeal by 1736PAC, LLC of the Planning Department Hearing Officer's denial of a request for a Minor Use Permit / Coastal Development Permit (DRC2015-00073) to waive the 100-foot distance requirement and allow an existing 4-bedroom single family residence, located at 1736 Pacific Avenue in Cayucos, to be used as a residential vacation rental; exempt from CEQA. District 2.

#### ND. WEEKLY REPORT OF ENVIRONMENTAL DOCUMENTS AVAILABLE FOR REVIEW

The purpose of the environmental review process is to provide information about the environmental effects of the actions and decisions made by the County, so that environmental considerations become a part of the decision making process. The following is a summary of the most recent determinations made by the County's Environmental Coordinator. The purpose of this listing is to notify the public of pending actions, which may affect the environment of San Luis Obispo County.

You are invited to participate in this process by reviewing and providing comments on the recommendations of the Environmental Coordinator. Your comments should be in

Exhibit 3

A-3-SLO-16-0080

Page 14 of 112



writing and should be delivered to: Ellen Carroll, Environmental Coordinator, Department of Planning and Building, 976 Osos Street, Room 300, San Luis Obispo, Ca 93408-2040. For more information about the environmental review process, please write to the address above, call the Department of Planning and Building at (805) 781-5600, or review the environmental determination and other information on our website located at [www.sloplanning.org](http://www.sloplanning.org).

#### Proposed Negative Declarations

A Negative Declaration is issued for projects that would not result in significant effects on the environment. In many cases, the project applicant has added mitigation measures to the project to reduce environmental impacts in order to qualify for a Negative Declaration. If you disagree with the issuance of a proposed Negative Declaration, you may provide comments or file a Request for Review (appeal) of the Negative Declaration. Requests for Review must be filed within two weeks of the date that the proposed Negative Declaration is posted and must address only environmental issues. There is a fee for the request. If you would like more information about this process, please contact the Environmental Coordinator.

For Week of July 28th, 2016

#### San Luis Obispo Area

A request by Greengate Farms SLO LLC and Green Gate Farms Edna Valley, LLC for a Minor Use Permit to allow up to 125 temporary events (ranging from 200 to 500 guests) and activities on a 210 acre site.

The project is located within the Agriculture land use category and is located on the east side of Edna Road (SR 227) at the intersection of Corbett Canyon Road. The project site is about 2.5 miles south of the City of San Luis Obispo in the South County planning area (San Luis Obispo Sub Area South).

DRC2012-00078 (ED15-125)



**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_ -

**PRESENT:** Supervisors

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DENYING THE APPEAL OF 1736PAC, LLC, MODIFYING AND  
AFFIRMING THE DECISION OF THE PLANNING DEPARTMENT HEARING OFFICER,  
AND DENYING THE APPLICATION OF 1736PAC, LLC FOR MINOR USE PERMIT/  
COASTAL DEVELOPMENT PERMIT DRC2015-00073

The following resolution is now offered and read:

**WHEREAS**, on April 8, 2016, the Planning Department Hearing Officer of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and denied the application of 1736PAC, LLC for Minor Use Permit/Coastal Development Permit DRC2015-00073 to modify the location standard for vacation rentals (Coastal Zone Land Use Ordinance Section 23.08.165.C.2) and allow the use of an existing single family residence as a residential vacation rental, and

**WHEREAS**, 1736PAC, LLC has appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

**WHEREAS**, a public hearing was duly noticed and conducted by the Board of Supervisors on June 21, 2016, and the matter was continued to August 9, 2016, and a determination and decision was made on August 9, 2016; and

**WHEREAS**, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and



Attachment 1

**WHEREAS**, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be modified and affirmed, and that the application (DRC2015-00073) should be denied for the reasons described in the modified findings set forth below.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
4. That the appeal filed by 1736PAC, LLC is denied, that the decision of the Hearing Officer is modified and affirmed, and that the application for Minor Use Permit/Coastal Development Permit DRC2015-00073 is hereby denied for the reasons described in the findings set forth below.

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

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted

\_\_\_\_\_  
Chairperson of the Board of Supervisors




ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: July 21, 2016

STATE OF CALIFORNIA,                    )  
  )  
County of San Luis Obispo            )       ss

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By: \_\_\_\_\_  
Deputy Clerk



**EXHIBIT A – FINDINGS**

*CEQA Exemption*

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

*Minor Use Permit*

- B. The proposed project or use is inconsistent with the San Luis Obispo County General Plan because the requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively change the character of the neighborhood from a primarily residential area to a visitor-serving area.
- C. The proposed project or use does not satisfy all applicable provisions of Title 23 of the County Code because it would allow a vacation rental to be established closer to an existing vacation rental than what is allowed by Section 23.08.165(C)(2). According to this section, no residential vacation rental in Cayucos shall be located within: 1) 100 feet of an existing residential vacation rental on the same or opposite side of the street; or 2) within a 50-foot radius around the proposed vacation rental. The proposed vacation rental does not comply with this standard because it would be located within 100 feet of two existing vacation rentals on the same side of the street. Specifically, it would be located within 40 feet of an existing vacation rental at 1702 Pacific Avenue and within 80 feet of one at 1698 Pacific Avenue.
- D. The establishment and subsequent operation or conduct of the use will 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 requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively change the character of the neighborhood from a primarily residential area to a visitor-serving area. This would degrade the quality of life enjoyed by neighboring residents.
- E. The proposed project or use will be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively change the character of the neighborhood from a primarily residential area to a visitor-serving area. This would degrade the quality of life enjoyed by neighboring residents.



Attachment 1

- F. The proposed project or use will 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 allowing a vacation rental on the project site would exceed the concentration of vacation rentals allowed by the ordinance and because granting this modification and others for similar projects in the area would cumulatively change the character of the neighborhood from a primarily residential area to a visitor-serving area.



#915



## COASTAL APPEALABLE FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

**Please Note:** An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

## PROJECT INFORMATION

Name: 1736 PAC, LLCFile Number: DRC2015-00073

## Type of permit being appealed:

- ☐ Plot Plan    ☐ Site Plan    ☒ Minor Use Permit    ☐ Development Plan/Conditional Use Permit  
☐ Variance    ☐ Land Division    ☐ Lot Line Adjustment    ☐ Other: \_\_\_\_\_

## The decision was made by:

- ☐ Planning Director (Staff)    ☐ Building Official    ☒ Planning Department Hearing Officer  
☐ Subdivision Review Board    ☐ Planning Commission    ☐ Other: \_\_\_\_\_

Date the application was acted on: April 8, 2016

## The decision is appealed to:

- ☐ Board of Construction Appeals    ☐ Board of Handicapped Access  
☐ Planning Commission    ☒ Board of Supervisors

## BASIS FOR APPEAL

☐ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the Certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: \_\_\_\_\_

☒ INCOMPATIBLE WITH PUBLIC ACCESS POLICIES. The development does not conform to the public access policies of the California Coastal Act - Section 30210 et seq of the Public Resource Code (attach additional sheets if necessary).

Explain: DENIAL OF MUP APPLICATION IS CONTRARY TO REQUIREMENTS TO PROVIDE AND PROTECT PUBLIC ACCESS TO THE COAST VIA SHORT-TERM RENTALS WHICH ARE A TYPE OF VISITOR-SERVING ACCOMMODATIONS

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number \_\_\_\_\_ Reason for appeal (attach additional sheets if necessary)

## APPELLANT INFORMATION

Print name: JEFF EDWARDS (AGENT FOR APPLICANT)Address: P.O. BOX 6070 LOS OSOS Phone Number (daytime): (805) 235-0873CA 93412

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Signature: \_\_\_\_\_

Date: 4/15/16

## OFFICE USE ONLY

Date Received: 4/10/2016By: NABAmount Paid: 0Receipt No. (if applicable): N/A

COASTAL APPEAL FORM  
 SAN LUIS OBISPO COUNTY PLANNING & BUILDING  
 SLOPLANNING.ORG

PAGE 2 OF 3  
 APRIL 23, 2015  
 PLANNING@CO.SLO.CA.GOV

Exhibit 3

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Promoting the wise use of land  
Helping build great communities

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

MEETING DATE April 8, 2016	CONTACT/PHONE Airlin M. Singewald, Senior Planner (805) 781-5198 asingewald@co.slo.ca.us	APPLICANT 1736PAC, LLC.	FILE NO. DRC2015-00073
LOCAL EFFECTIVE DATE April 22, 2016			
APPROX FINAL EFFECTIVE DATE May 13, 2016			
<b>SUBJECT</b> A request by 1736PAC, LLC for a Minor Use Permit / Coastal Development Permit to allow an existing 2,478 square-foot, 4-bedroom single family residence to be used as a residential vacation rental. The Minor Use Permit is requesting to modify the location standard for vacation rentals per Coastal Zone Land Use Ordinance Section 23.08.165(C)(2). The requested waiver would allow the proposed vacation rental to be located within 40 feet of an existing vacation rental, which is closer than the distance requirement allows for. The proposed project will result in no site disturbance on a 5,432 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1736 Pacific Avenue, approximately 75 feet north of the 18 <sup>th</sup> Street and Pacific Avenue intersection, within the community of Cayucos. The site is in the Estero planning area.			
<b>RECOMMENDED ACTION</b> Deny Minor Use Permit / Coastal Development Permit DRC2015-00073 based on the findings listed in Exhibit A.			
<b>ENVIRONMENTAL DETERMINATION</b> This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Archeologically Sensitive Area, Coastal Appealable Zone, Flood Hazard, Geologic Study Area, Local Coastal Plan, Small Scale Neighborhood	ASSESSOR PARCEL NUMBER 064-236-007	SUPERVISOR DISTRICT 2
<b>PLANNING AREA STANDARDS:</b> None applicable <i>Does the project meet applicable Planning Area Standards?: N/A</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 23.08.165 – Residential Vacation Rentals <i>Does the project conform to the Land Use Ordinance Standards?: No – see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<p>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • FAX: (805) 781-1242</p>			

Exhibit 3

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### Attachment 3

Planning Department Hearing  
Minor Use Permit / Coastal Development Permit DRC2015-00073 / 1736PAC, LLC.  
Page 2

EXISTING USES: Single family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family / residences <i>East:</i> Residential Single Family / residences <i>South:</i> Residential Single Family / residences <i>West:</i> Residential Single Family / residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Cayucos Sanitary District, Paso Robles Beach Water Association, Cal Fire, Cayucos Citizens Advisory Council, and California Coastal Commission	
TOPOGRAPHY: Nearly level	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Paso Robles Beach Water Association Sewage Disposal: Cayucos Sanitary District Fire Protection: Cal Fire	ACCEPTANCE DATE: January 25, 2016

## DISCUSSION

### PROPOSED PROJECT

The proposed project is a request to use an existing residence at 1736 Pacific Avenue in Cayucos as a residential vacation rental. The subject parcel is located within 100 feet of two existing vacation rentals, which are located 40 and 80 feet to the north. The applicant is requesting minor use permit approval to modify the ordinance requirement that no residential vacation rental shall be located within: 1) 100 feet of an existing residential vacation rental on the same or opposite side of the street; or 2) within a 50-foot radius around the proposed vacation rental.

### LAND USE ORDINANCE STANDARDS

#### Section 23.08.165 – Residential Vacation Rentals

The proposed project is a request to use an existing residence as a residential vacation rental. Section 23.08.165 allows for residential vacation rentals in Cayucos, Cambria, and Avila Beach subject to a set of rules to ensure compatibility with surrounding residences. These rules include operational standards to address issues such as noise, traffic, and overflow parking, as well as a location standard, which requires a minimum separation distance between vacation rentals. The purpose for the location standard is to avoid concentrations of vacation rentals and associated neighborhood impacts in the same area. The ordinance allows for vacation rentals with zoning clearance ("over the counter") approval provided that they comply with the location standard and all other ordinance provisions. The location standard can be modified through Minor Use Permit approval.

#### Location Standard

In Cayucos, no residential vacation rental shall be located within: 1) 100 feet of an existing residential vacation rental on the same or opposite side of the street; or 2) within a 50-foot radius around the proposed vacation rental. The proposed vacation rental does not comply with this standard because it would be located within 100 feet of two existing vacation rentals on the same side of the street. Specifically, it would be located within 40 feet of an existing vacation rental at 1702 Pacific Avenue and within 80 feet of one at 1698 Pacific Avenue. See figure 1 below.

Exhibit 3

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### Attachment 3

Planning Department Hearing

Minor Use Permit / Coastal Development Permit DRC2015-00073 / 1736PAC, LLC.

Page 3

As shown in Figure 1, the concentration of vacation rentals in this neighborhood already exceeds the limit set by the ordinance, with a number of existing vacation rentals located closer than 100 feet from each other. This is because, when the vacation rental ordinance was adopted in 2003, it exempted existing legally established vacation rentals from the location standard. Community members have expressed concerns that the existing concentration of vacation rentals is already impacting the residential character of Cayucos's neighborhoods, and that any waivers or modifications made to the ordinance would further diminish the quality of life enjoyed by permanent residents living in Cayucos.



Figure 1: Proximity to Existing Vacation Rentals

This minor use permit is a request to modify the location standard, which would allow for the existing residence at 1736 Pacific Avenue in Cayucos to be used as a residential vacation rental.

The purpose of the location standard is to protect residential neighborhoods by limiting the concentration of vacation rentals. This is clear from the purpose statement of the ordinance which states "...vacation rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area..." However, the ordinance does not specify what criteria should be considered in reviewing a minor use permit to modify the location standard. In the absence of specific criteria, staff evaluated the project based on the standard minor use permit findings in Section 23.02.034, placing particular emphasis on the following findings:

1. 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; and

2. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development.

Staff has determined that these findings cannot be made because the proposed project would result in a higher concentration of vacation rentals than the ordinance allows for, and because there are no unique circumstances that set the project site apart from any other oceanfront property in Cayucos or that render the minimum separation requirement unnecessary.

The applicant has submitted findings in support of the requested modification (see Attachment 4). Specifically, the applicant points out that the site has adequate on-site parking and access from Pacific Avenue, is adjacent to and oriented towards the beach, which means noise from outdoor activities would have less of an impact on neighbors, and that the surrounding residential neighborhood is not overly dense. The applicant also points out that the house has unique historical and architectural interest since it was designed by a well-known local architect.

While these unique characteristics could help mitigate some noise and land use compatibility impacts on nearby homes, they don't sufficiently set the subject property apart from almost every other oceanfront home on Pacific Avenue. Most homes on Pacific Avenue and other bluff-top parcels in Cayucos and Cambria could claim similar findings in support of a modification to the location standard. In recent years, the county has seen a surge in vacation rental requests and this trend is expected to continue as websites like AirBNB and VRBO continue to grow in popularity. Approving this modification request and others like it would cumulatively transform the character of oceanfront neighborhoods from residential areas to visitor-serving commercial areas, undermining the intent of the vacation rental ordinance to limit the density of vacation rentals.

At the February 3, 2016 Cayucos Citizens Advisory Council meeting, Cayucos residents described some of the deleterious effects that vacation rentals have on neighborhoods. Concerns included noise, parking overflow, and regular turnover of visitors who are not familiar with the residential neighborhoods where they are lodging. The advisory council also felt that this property wasn't different than any other oceanfront home on Pacific Avenue and was concerned about setting a precedent of waiving the distance standard for any other oceanfront property in Cayucos.

#### Residential Vacation Rental Operational Standards

In addition to the location standard, the vacation rental ordinance establishes a number of operational standards that are intended to minimize the impacts of vacation rentals on nearby homes and to ensure that they are operated in a manner that is generally consistent with the expectations for a residential neighborhood. These standards include: 1) a requirement to designate a local property manager with contact information given to neighbors within 200 feet, 2) a limitation on the number of occupants allowed (2 people per bedroom plus another 2 people), 3) on-site parking required, 4) noise limitations, 5) tenancy limited to four times per month, 6) traffic shall be consistent with the number of trips generated by a typical home, 7) the exterior appearance shall not be modified and no advertising onsite, 8) payment of transient occupancy tax required, and 9) code enforcement and permit revocation procedures for non-compliant vacation rentals.



### Attachment 3

Planning Department Hearing

Minor Use Permit / Coastal Development Permit DRC2015-00073 / 1736PAC, LLC.

Page 5

If the hearing officer decides to approve the proposed project, staff recommends that these standards be added as conditions of approval.

#### COMMUNITY ADVISORY GROUP COMMENTS:

The proposed project was reviewed by Cayucos Citizens Advisory Council on February 3, 2016. The advisory council voted 8 to 3 to recommend denial of the requested modification. As described above, the advisory council was concerned about the impacts of vacation rentals on residential neighborhoods and the precedent of waiving the location standards for any oceanfront property in Cayucos. The advisory council also stated that the ordinance should be strictly upheld and enforced (without granting modifications) since it is the product of a long process that included extensive public and stakeholder involvement.

#### AGENCY REVIEW:

Public Works – No comment, per referral response dated July 17, 2015.

Cayucos Sanitary District – No comments received.

Paso Robles Beach Water Association – No comments received.

California Coastal Commission – No comments received.

#### LEGAL LOT STATUS:

The lot legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Airlin M. Singewald and reviewed by Karen Nail.



**EXHIBIT A – FINDINGS**  
**DRC2015-00073 / 1736PAC, LLC**

*CEQA Exemption*

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

*Minor Use Permit*

- B. The proposed project or use is inconsistent with the San Luis Obispo County General Plan because the requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively increase noise to levels in excess of the limits established in the Noise Element and could result in roadway safety concerns that are inconsistent with the Circulation Element.
- C. The proposed project or use does not satisfy all applicable provisions of Title 23 of the County Code because it would allow a vacation rental to be established closer to an existing vacation rental than what is allowed by Section 23.08.165(C)(2). According to this section, no residential vacation rental in Cayucos shall be located within: 1) 100 feet of an existing residential vacation rental on the same or opposite side of the street; or 2) within a 50-foot radius around the proposed vacation rental. The proposed vacation rental does not comply with this standard because it would be located within 100 feet of two existing vacation rentals on the same side of the street. Specifically, it would be located within 40 feet of an existing vacation rental at 1702 Pacific Avenue and within 80 feet of one at 1698 Pacific Avenue.
- D. The establishment and subsequent operation or conduct of the use will 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 requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively increase commercial lodging and associated impacts, including noise, overflow parking, and non-residential traffic, in residential neighborhoods. This would degrade the quality of life enjoyed by neighboring residents.
- E. The proposed project or use will be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively increase commercial lodging and associated impacts, including noise, overflow parking, and non-residential traffic, in residential neighborhoods. This would degrade the quality of life enjoyed by neighboring residents.
- F. The proposed project or use will 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



### Attachment 3

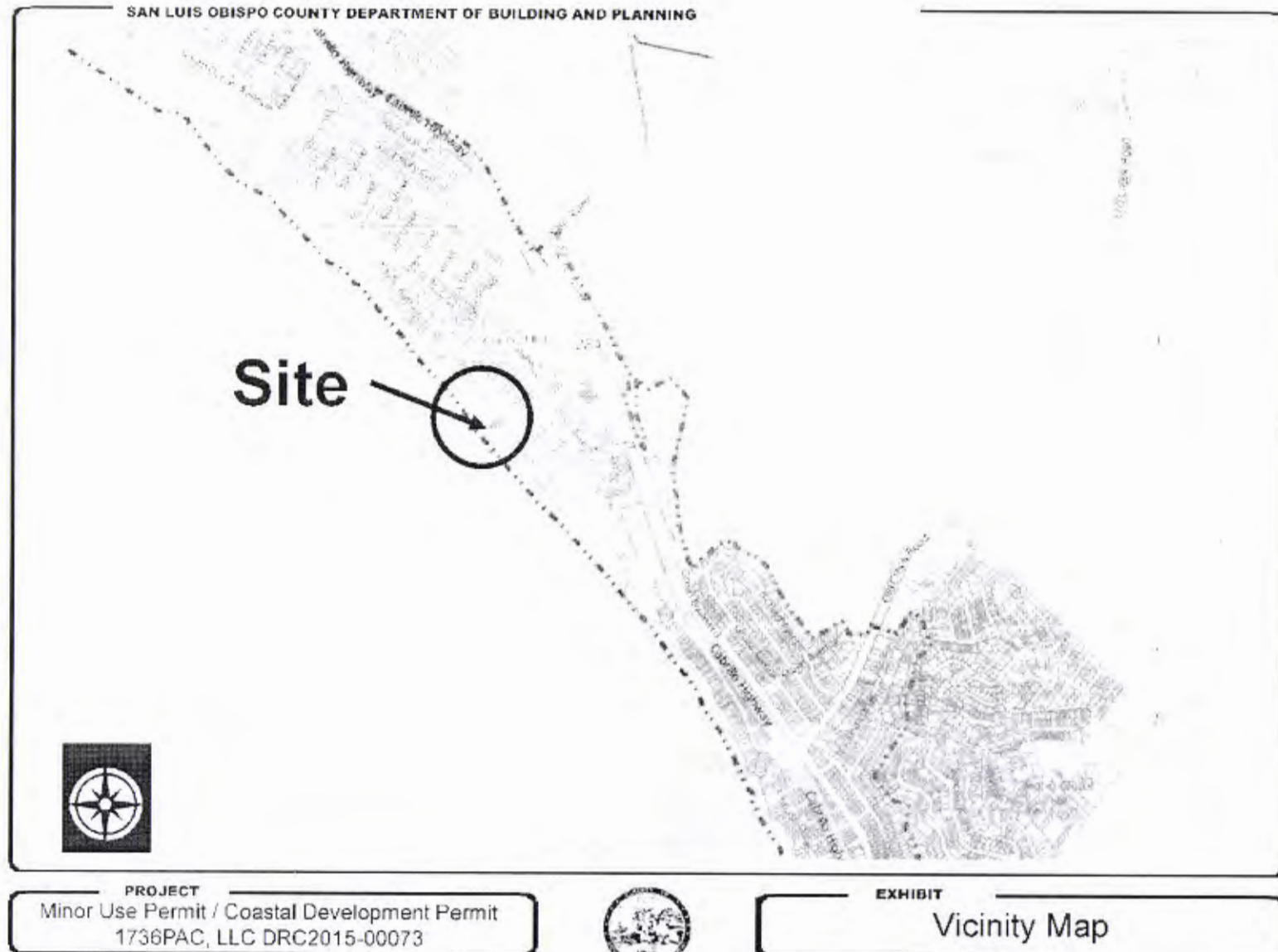
project, because allowing a vacation rental on the project site would exceed the concentration of vacation rentals allowed by the ordinance and because granting this modification and others for similar projects in the area would cumulatively increase non-residential traffic and street parking on Pacific Avenue in a residential neighborhood.

#### *Coastal Access*

- G. The proposed use is not in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is adjacent to the coast and could inhibit access to the coastal waters and recreation areas. Granting this modification and others for similar properties could transform the character of oceanfront properties along Pacific Avenue from residential to commercial. This could hinder public access to the beach by reducing the supply of street parking on Pacific Avenue.

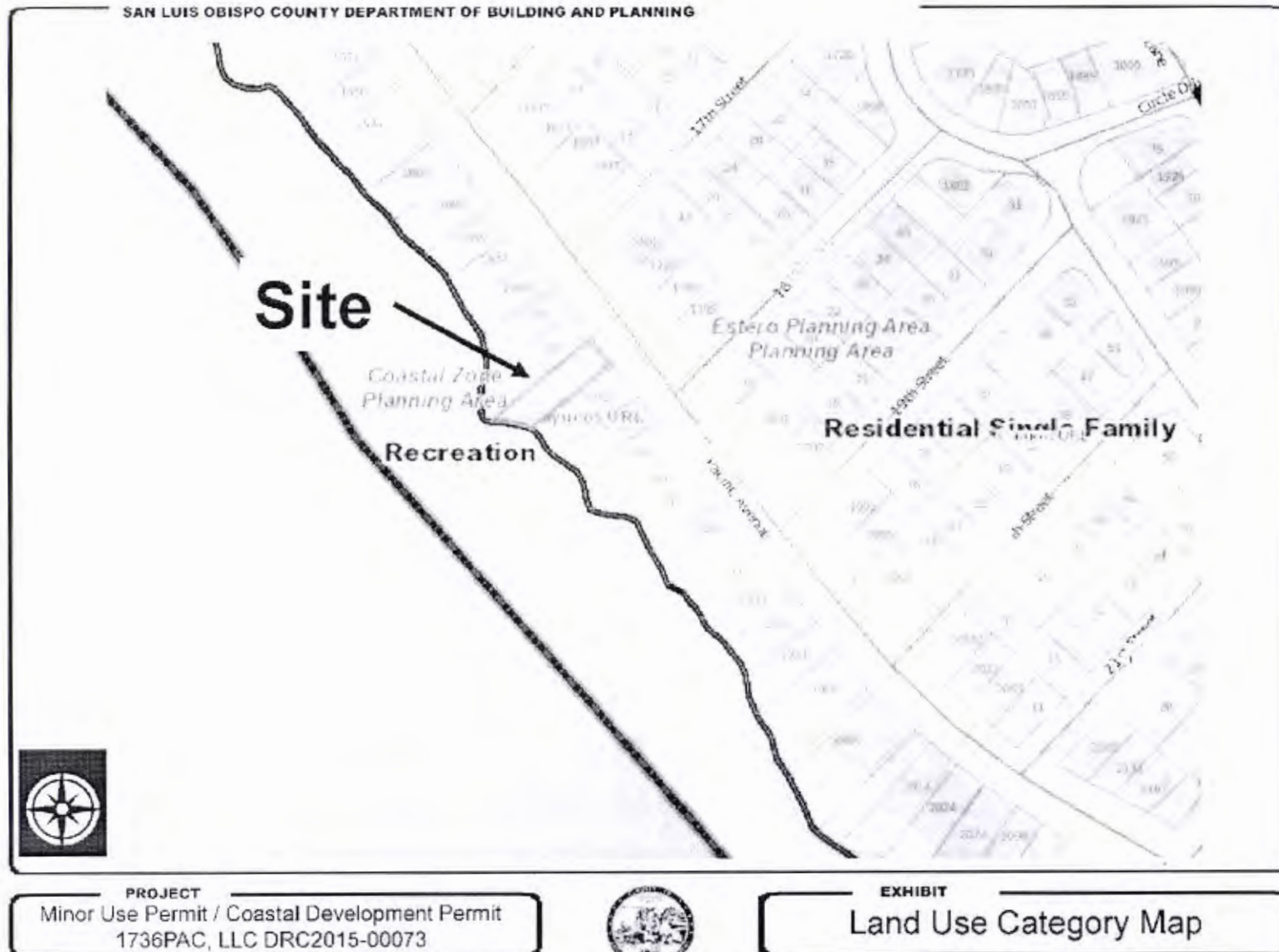


Attachment 3





# Attachment 3





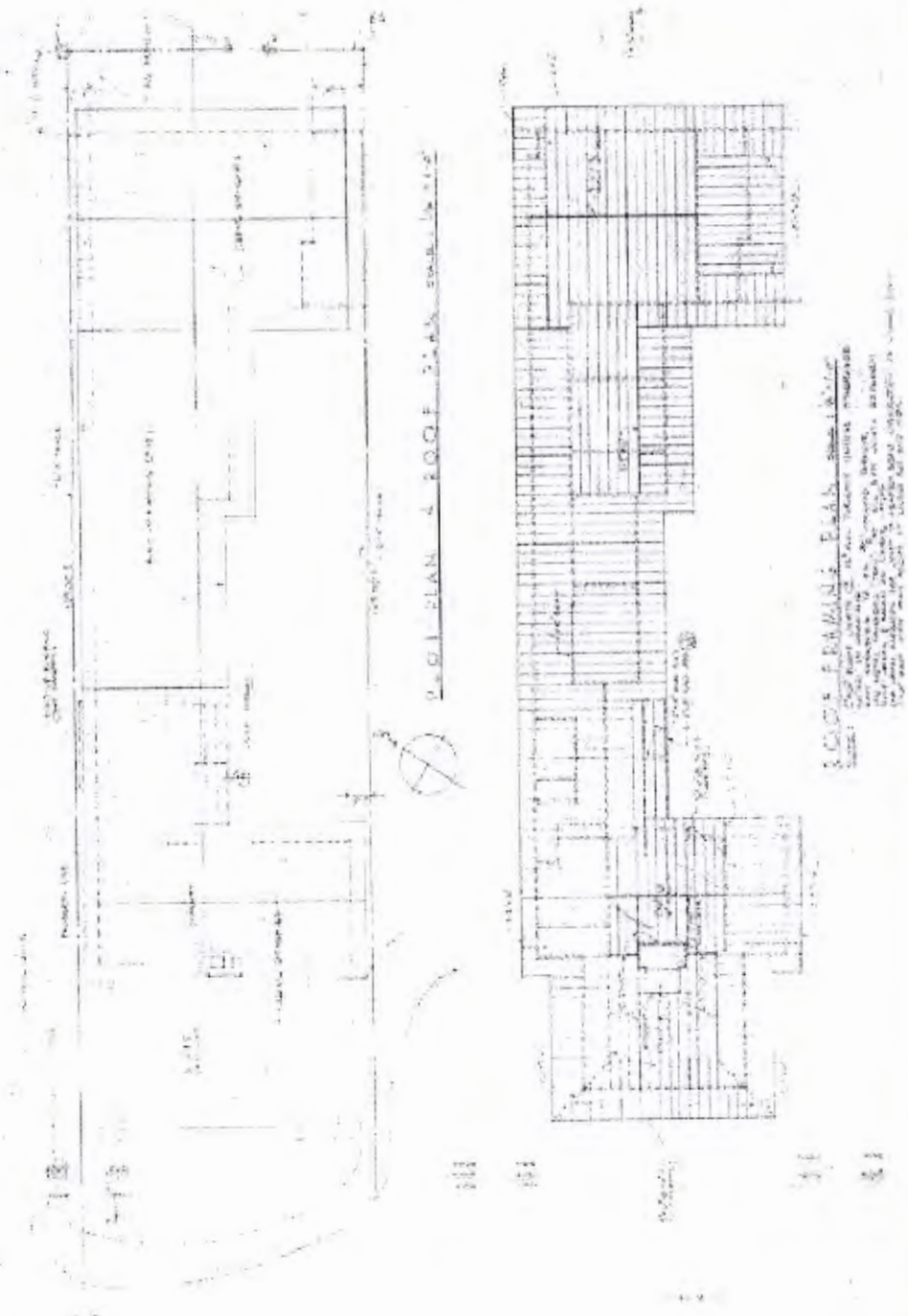
Attachment 3





# Attachment 3

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit / Coastal Development Permit  
1736PAC, LLC DRC2015-00073



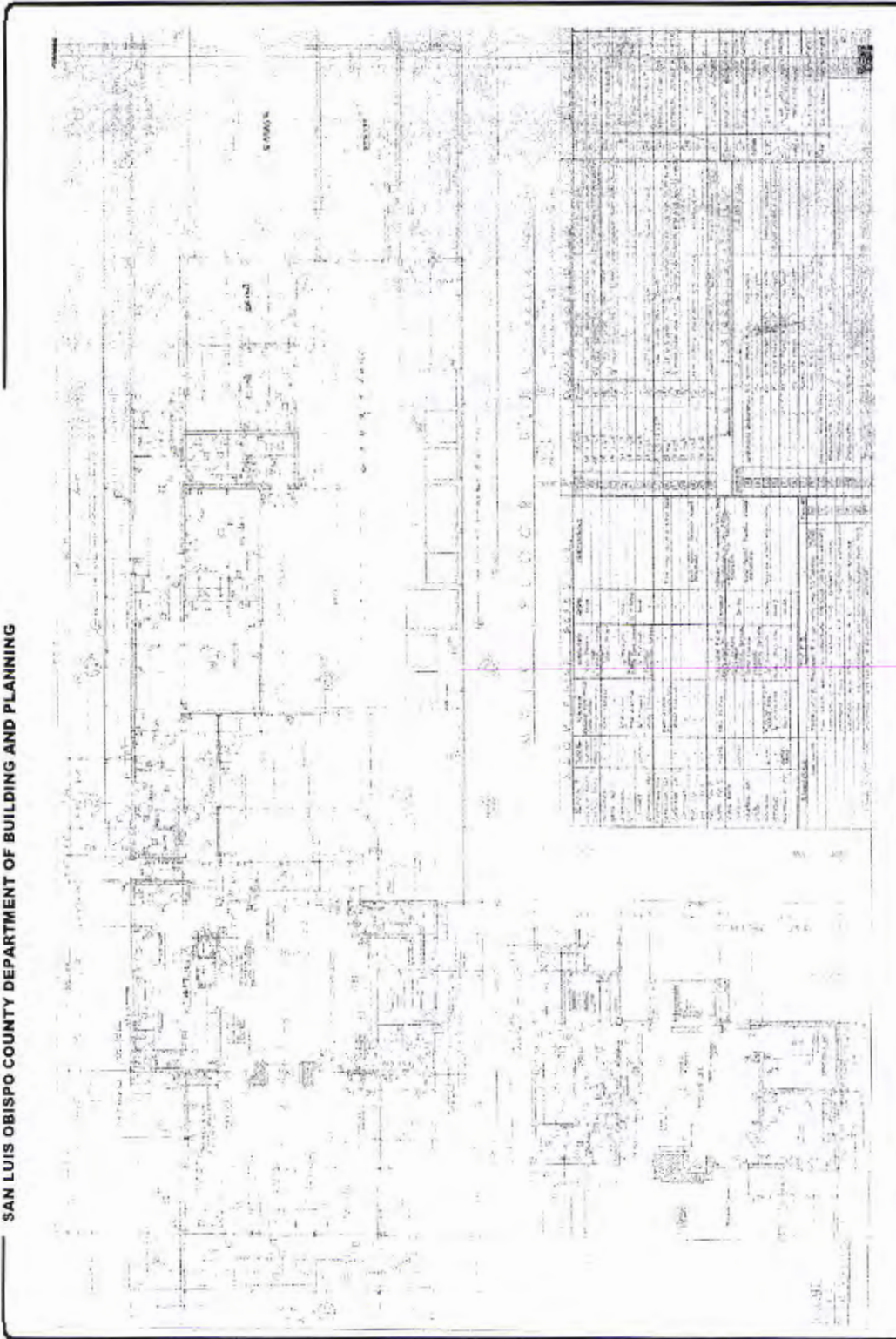
EXHIBIT

Site Plan and Roof Plan



# Attachment 3

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit / Coastal Development Permit  
1736PAC, LLC DRC2015-00073

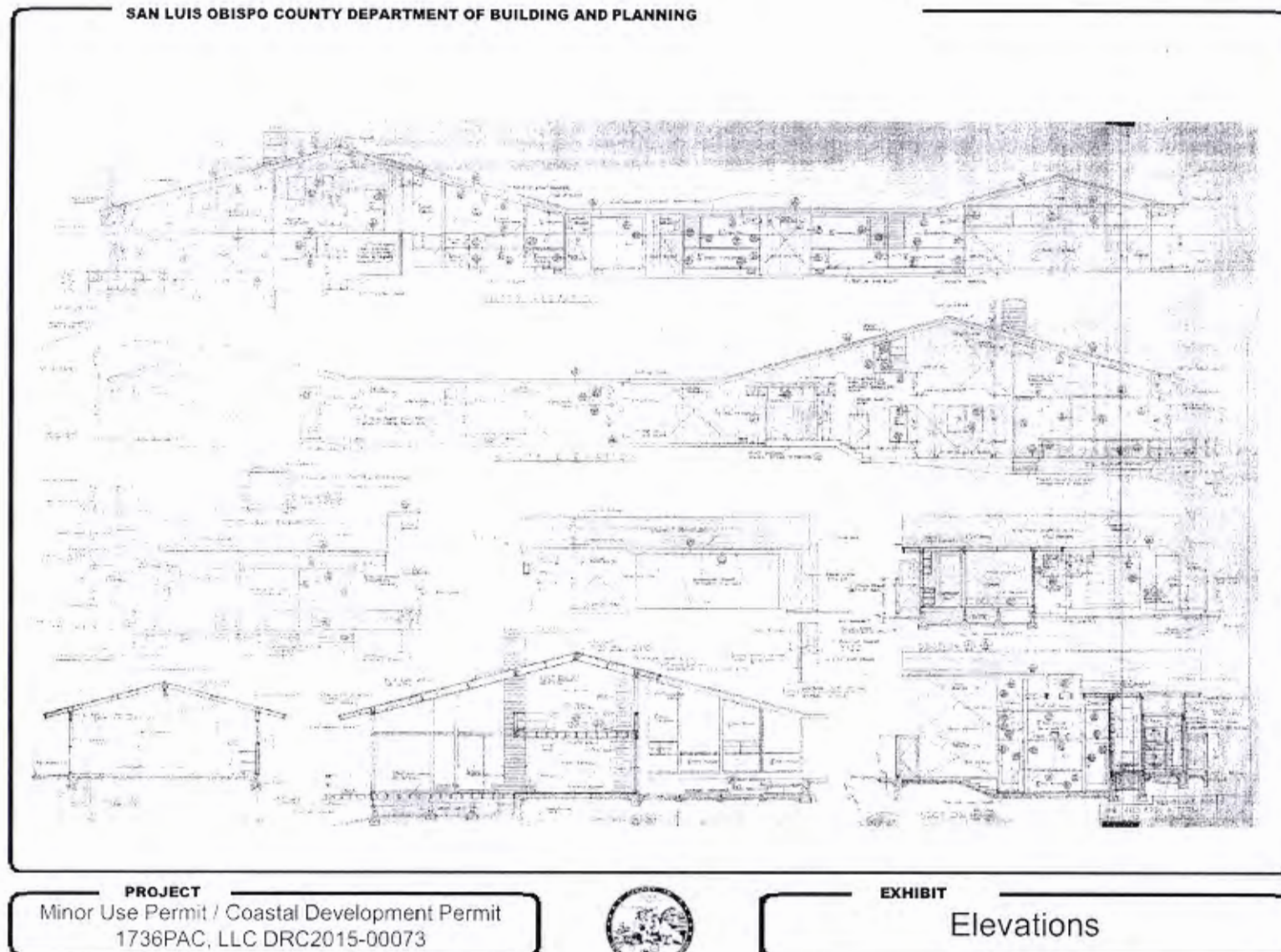


EXHIBIT

Floor Plans



Attachment 3





## Attachment 3

### Attachment 3 - Referral Responses

Cayucos Citizens Advisory Council February 3, 2016

Mark Hutchinson: There are four other principals who are eligible to purchase Nacimiento water. CSA 10A's portion is 15 acre feet. A set of policies has been worked out as to how that additional water can and can not be used. The existing amount CSA 10A currently has rights to is 75 acre feet. I would like to hear responses to the policies that were passed out at the last meeting.

Dave Dabritz: With our water use going down, I just wonder what's happening here. I'm confused. As far as I'm concerned, it's a done deal.

John Carsel: What was of concern to everyone on the council was that this water not be used outside the Urban Service Line. It is not going to increase our rates. These policies are designed to state that this water will not be used as a back door to development.

Mark Hutchinson: Where we are at is if the Board were to decide to buy the water, what would the policies be.

Cheryl Conway: Science tells us that we are going to have more and more droughts. I look at this favorably. If we are going to sell the water, it should be on a temporary basis.

Dave Dabritz: We have also been hearing that our waste water will be sellable.

Cheryl Conway: There are no standards yet for sewer water to be used for drinking water. That is apples to oranges.

Stephen Geil: I would like to make a motion to approve the staff report.

Larry Fishman: I second the motion.

Roll call vote:

10 Yes.

1 No.

The motion carries.

#### **New Business:**

A.MUP to waive 100 ft. separation so 1736 Pacific Avenue can be used as a vacation rental.

[http://www.slocount.ca.gov/Assets/PL\\_referrals\\_coastal/](http://www.slocount.ca.gov/Assets/PL_referrals_coastal/)

[DRC 2015-00073\\_1736PAC\\_ LLC\\_MUP Referral\\_Pkg.pdf](#)

Marie Jaqua: We are discussing whether to grant a waiver of the 100' separation to allow the residence at 1736 Pacific to be a vacation rental. The Land Use Committee voted unanimously to deny this proposal.

Jeff Edwards: I'm representing the owners at 1736 Pacific Ave. We are requesting a MUP to allow this home to be a vacation rental. The home is accessed from Pacific Avenue. The single family residence neighborhood is not overly dense. The property has four onsite parking spaces. The orientation and design of the beach front property is particularly conducive for use as a vacation rental. The residence was designed by George Nagano, a well known local architect.

Dave Dabritz: How close are the other vacation rentals.

Toni LeGras: The one nearby on Pacific Avenue is only used as a vacation rental three months out of the year.

Cameron Taylor Brown: I am one of the three owners of the home at 1736 Pacific Avenue. I lived at this address until I went to college. My family has a long history in Cayucos. We would like to rent it part time to help pay for maintenance. We would like to hire a local vacation rental agency to oversee the rental.

Mark Walton: I am speaking in favor of supporting the vacation rental proposal. I am in favor of the legal vacation rental route.



## Attachment 3

### Attachment 3 - Referral Responses

Cayucos Citizens Advisory Council February 3, 2016

Andy Hinsdale, 148 Birch: I have lived here since 1975. I'm a musician here in town, I've been around a long time. Cameron Taylor Brown is my cousin. I am here to validate what Cameron has said.

Stuart Selkirk, Santa Rita Rd.: The only person who has been here longer than me is Greg Bettencourt. Vacation rentals have been disappearing for some time because people will get the vacation rental permits and then sit on them. I think the 100' ordinance should be revised. The County is losing bed tax because of the illegal vacation rentals.

Cheryl Conway: I'm not a relative and I don't live on Pacific Avenue. The ordinance was put into place to protect full time residents and to preserve the neighborhood community. Giving a waiver here would set a bad precedence.

Toni LeGras: I passed out an update on vacation rental statistics.

Mr. Prange: I applaud this family for pursuing the legal route. There are over 60 illegal vacation rentals in town.

Jeff Edwards: These should be considered case by case. The number of complaints could be counted on one hand. The MUP process has a high bar. For all of the reasons presented here, I recommend that you recommend approval of this home as a vacation rental.

Steve Beightler: Is it typical for vacation rentals to allow parking in the garage?

Toni LeGras: It depends on the property.

Mr. Prange: Some garages are available and some aren't.

Gil Igleheart: It seems like the worst thing is that the County is not enforcing the existing policies.

Toni LeGras: If the current trend continues, legal vacation rentals won't exist.

Larry Fishman: I wanted to commend the owner for pursuing the legal route. We need to make a connection between what we do here and the outcome. The ordinance was established through a long arduous process. It sets up a bad situation.

Terry Wahler: What I am hearing is that there are reasons for taking another look at the vacation rental ordinance. We've had this in Avila Beach where there is more acceptance of a higher concentration of vacation rentals downtown and less in the residential area.

Marie Jaqua: We recommend that when a home sells, the vacation rental permit does not go with it but it does.

Terry Wahler: We hear about parking issues and noise issues but it depends on the management.

Marie Jaqua: We suggested that if the vacation rental permit was not used that it should lapse and that the permit should not go with the sale of a house but those suggestions were ignored. We have been fighting this for a long time but it keeps coming up like parking does. There are already illegal vacation rentals. The density keeps going up one way or another.

Terry Wahler: I like the idea of rotating vacation rental permits so that everyone gets a chance.

Steve Beightler: What about the resident who lives in that house near those three vacation rentals who would prefer not to have the constant turmoil; people looking for addresses, going in and out, slamming doors, all of the stuff that goes along with vacation rentals.

John Carsel: There was a question about were the neighbors notified of this application?

Jeff Edwards: The noticing is in excess of thirty days for residents within three hundred feet.



## Attachment 3

### Attachment 3 - Referral Responses

Cayucos Citizens Advisory Council February 3, 2016

John Carsel: Were they noticed that we would be talking about this here tonight?

Dave Dabritz: Some of the vacation rental properties have been bought and sold and the vacation rental permits were not used. The ordinance says with a MUP you can do it. They have the parking, they have all of the requirements. This is a way to do it legally.

Stephen Geil: If we allow this, under what circumstances can we turn someone down? One of the reasons listed here is that this is a beach front property. Does that mean that all beach front properties should be vacation rentals? Another reason is that the house was designed by George Nagano. What about the other homes designed by George Nagano? I have personal experience with the vacation rental ordinance being enforced. If we are going to consider this, we should first address the code. I see nothing listed here that would support a reason to go around the existing ordinance/code.

Roland Hutchinson: I make a motion to deny approval of this MUP for a vacation rental.

Francie Farinet: I second it.

Terry Wahler: The issue of code enforcement has come up so many times, I would like to say there are six code enforcement guys. They don't work weekends or nights. We are understaffed.

Jeff Edwards: The ordinance requires the managers to notify the neighbors.

Marie Jaqua: Call for the Question.

Roll call vote:

8 Yes.

3 No.

The motion carries.

**Good of the Order:**

**Next meeting of the CCAC will be March 2, 2016**

Set up and refreshments will be precincts 3 & 4.

The next Land Use Committee meeting will be February 24, 2016.

John Carsel: Meeting Adjourned.

Respectfully Submitted: Carol Baptiste      February 28, 2016



## Attachment 3

**J. H. EDWARDS COMPANY**  
A REAL PROPERTY CONCERN  
Specializing in Water Neutral Development

February 2, 2016

1736 Pacific Avenue, Cayucos, DRC2015-00073

**Findings to Support Approval of Distance-or Separation Modification for  
Authorization of a Residential Vacation Rental at 1736 Pacific Ave.**

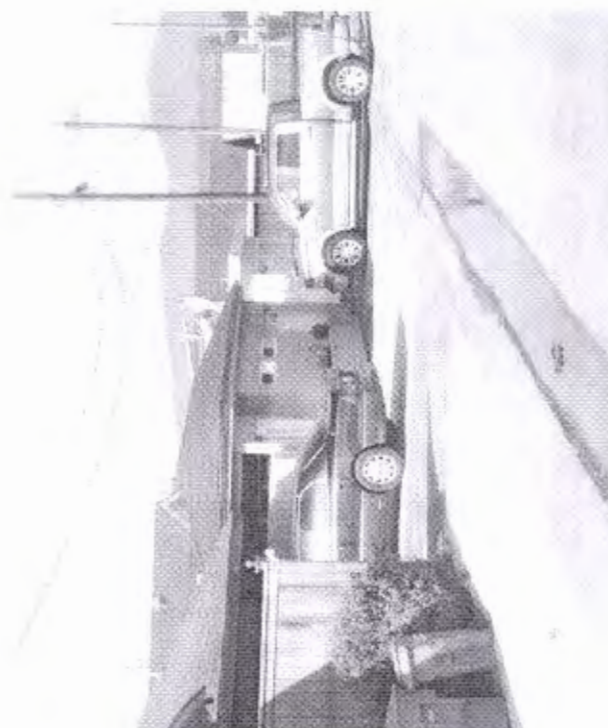
- 1) The home is accessed from Pacific Avenue. Pacific Avenue is an 80 ft. right-of-way and is a collector street. The topography is flat and visibility for vehicular and pedestrian traffic is excellent. There are ample travel lanes with a large paved road section to accommodate pedestrian and bicycle traffic. Pacific Avenue and the side streets provide good circulation patterns and there are no dead end streets limiting access and circulation for the neighborhood. Access to HWY 1 is easy.
- 2) The single-family residential neighborhood is not overly dense and the lot patterns and sizes are typical for the community of Cayucos. The subject property exhibits the same characteristics as the neighborhood.
- 3) The traffic anticipated from the use of the residence as a vacation rental is the same level of traffic as an owner or tenant occupied home.
- 4) There are four (4) onsite parking spaces available at the subject residence. The available parking should be adequate for purposes of accommodating vacation rental guests. Given the width of Pacific Avenue there is additional on-street parking that is available for guests and other beach goers.
- 5) The orientation and design of the beachfront subject property is particularly conducive for use of the home as a vacation rental. The majority of windows are oriented towards the ocean and not the neighbors on either side. There is a private interior courtyard that is a well located outdoor use area for bar-b-ques, etc. There is well established vegetative screening; activities in the courtyard should not affect the neighbors.
- 6) Given the subject property is ocean front; many guests will be recreating on the beach and will generate less activity and noise at the residence itself.
- 7) The subject residence has historical and architectural interest in that it was designed and built by George Nagano, a well-known local architect. Other Nagano designs include a law office on Santa Rosa Street in San Luis Obispo and a Buddhist Temple near Avila Beach.

P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 jhedwardscompany@gmail.com  
ACQUISITION MARKETING LAND USE REDEVELOPMENT











**SAN LUIS OBISPO PLANNING DEPARTMENT HEARING  
MINUTES FOR THE MEETING OF  
Friday, April 08, 2016**

REVIEWED 5/24/16  
MATT JANSSEN

Minutes of the Regular Meeting of the County Planning Department Hearings held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by **Matt Janssen, Hearing Officer.**

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

**HEARINGS ARE ADVERTISED FOR 9:00 A.M. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.**

Matt Janssen, Hearing Officer: opens meeting.

**PUBLIC COMMENT PERIOD**

1. Members of the public wishing to address the Planning Department Hearing Officer on consent agenda items and matters other than hearing items may do so at this time, when recognized by the Hearing Officer. Presentations are limited to three minutes per individual.

Matt Janssen, Hearing Officer: opens public comment with no one coming forward.

**CONSENT AGENDA**

2. Unless pulled from the consent agenda by the Planning Department Hearing Officer for separate action, the following items will be acted on collectively because individual public hearings were not requested or required pursuant to Land Use Ordinance Section 22.062.050B.4.b. or Coastal Zone Land Use Ordinance Sections 23.02.033b.(2)(ii) and 23.02.033b.(4)(ii).
3. A request by the **CAMBRIA COMMUNITY SERVICES DISTRICT (CCSD) and FRIENDS OF FISCALINI** for a Minor Use Permit / Coastal Development Permit (DRC2015-00016) to allow for hazardous fuel reduction and forest restoration activities on approximately 50 acres of the Fiscalini Ranch Preserve in Cambria. These activities would include removal of dead and dying trees, ladder fuel, and woody debris; thinning stands of overcrowded small trees; and removal of invasive plants. The project description includes various measures to minimize or avoid environmental impacts. The work would occur first in three approximately 1-acre size test plots and then the most successful treatment will be applied to the balance of the project acreage. The proposed project will result in approximately 50 acres of temporary site disturbance, primarily by hand crews with chain saws, of a 378-acre parcel. The proposed project would also finalize ZON2014-00693 authorizing the removal of up to 300 hazardous trees on CCSD properties. No permanent site disturbance is proposed. The proposed project is within the Open Space land use category and is located on the Fiscalini Ranch, which is bounded by Warren Road to the south, Huntington Road to the North, the Pacific Ocean to the west, and Highway 1 and Trenton Avenue to the east, within the community of Cambria. The site is in the North Coast planning area. Also to be considered is approval of the proposed environmental



determination. The proposed project is consistent with the Final Environmental Impact Report for the Fiscalini Ranch Preserve Management Plan certified by the CCSD on November 16, 2009.

**County File Number:** DRC2015-00016  
**Supervisory District:** 2  
**Project Manager:** Airlin M. Singewald

**Assessor Parcel Number:** 013-121-025  
**Date Accepted:** January 15, 2016  
**Recommendation:** Approval

Thereafter, on motion of the hearing officer, the request by CAMBRIA COMMUNITY SERVICES DISTRICT (CCSD) and FRIENDS OF FISCALINI for a Minor Use Permit/Coastal Development Permit (DRC2015-00016) is granted based on the Findings A. through N. in Exhibit A and subject to the Conditions 1 through 16 in Exhibit B. (Document Number: 2016-25\_PDH)

4. A request by JIM COLO for a Minor Use Permit/Coastal Development Permit (DRC2015-00066) to allow the establishment of a vacation rental at an existing single-family residence. The project will result in no site disturbance. The proposed project is within the Residential Multi-Family land use category and is located at 1872 Strand Way, approximately 0.4 miles southwest the Pier Avenue and Lakeside Avenue intersection, within the community of Oceano. The site is in the San Luis Bay (Coastal) sub-area of the South County Coastal Planning Area. A Class 1 Categorical Exemption was issued on March 2, 2016 (ED15-166).

**County File Number:** DRC2015-00066  
**Supervisory District:** 4  
**Project Manager:** Brandi Cummings

**Assessor Parcel Number:** 061-072-003  
**Date Accepted:** February 25, 2016  
**Recommendation:** Approval

Thereafter, on motion of the hearing officer, the request by JIM COLO for a Minor Use Permit/Coastal Development Permit (DRC2015-00066) is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 14 in Exhibit B. (Document Number: 2016-26\_PDH)

5. A request by ELIZABETH CRUMP for a Minor Use Permit / Coastal Development Permit (DRC2015-00080) to allow an existing single family residence to be used as a residential vacation rental. The proposed project is within the Residential Multi-Family land use category and is located at 320 Sandpiper Lane, approximately 90 feet east of Strand Way, in the community of Oceano. The site is in the San Luis Bay (Coastal) planning area. Also to be considered is the approval of the environmental document. A Class 1 categorical exemption was issued for this project.

**County File Number:** DRC2015-00080  
**Supervisory District:** 4  
**Project Manager:** Cody Scheel

**Assessor Parcel Number:** 061-061-030  
**Date Accepted:** February 4, 2016  
**Recommendation:** Approval

Matt Janssen, Hearing Officer, states for the record this item will be approved with a set of revised Conditions that were presented prior to the hearing.

Thereafter, on motion of the hearing officer, the request by ELIZABETH CRUMP for a Minor Use Permit/Coastal Development Permit (DRC2015-00080) is granted based on the Findings A. through G. in Exhibit A and subject to the Conditions 1 through 13 in Exhibit B. (Document Number: 2016-27\_PDH)



6. A request by **MAURICE & JOY MONTOYA** for a Minor Use Permit / Coastal Development Permit (DRC2015-00064) to allow for the construction of a two-story, 2,158 square foot single-family dwelling with an attached 583 square foot garage, 103 square foot balcony, and 480 square foot roof deck. The proposed project will result in the disturbance of the entire 2,996 square foot vacant parcel. The proposed project is within the Residential Multi-Family land use category and is located on York Avenue, approximately 110 feet east of the intersection of Strand Way and York Avenue, in the community of Oceano. The site is in the San Luis Bay (Coastal) planning area. Also to be considered is the approval of the environmental document. A Class 3 categorical exemption was issued for this project.

County File Number: DRC2015-00064  
 Supervisorial District: 4  
 Project Manager: Cody Scheel

Assessor Parcel Number: 061-062-012  
 Date Accepted: February 25, 2016  
 Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by **MAURICE & JOY MONTOYA** for a Minor Use Permit/Coastal Development Permit (DRC2015-00064) is granted based on the Findings A. through H. in Exhibit A and subject to the Conditions 1 through 29 in Exhibit B. (Document Number: 2016-28\_PDH)

7. A request by **ROWLAND TWISSELMAN & T-MOBILE** for a Minor Use Permit (DRC2015-00045) to allow for the co-location, construction and operation of an unmanned wireless communications facility consisting of three (3) new 8-foot tall panel antennas and three (3) Remote Radio Units mounted behind the proposed panel antennas, all to be located at a height of 60 feet on an existing 140-foot tall monopole. The project also involves the installation of two (2) equipment cabinets and one (1) H-frame on a concrete slab on grade, enclosed by an approximately 7-foot tall chain-link fence, located within an approximately 400 square foot lease area. The project will result in the disturbance of approximately 300 square feet of a 159-acre parcel. The proposed project is within the Agriculture land use category and is located at 7390 Cattle Drive, approximately 2 miles east of Bitterwater Road, approximately 7 miles northwest of the California Valley Village Reserve Line. The project site is in the Shandon-Carrizo sub area of the North County planning area. Also to be considered is the approval of the environmental document. A Class 3 categorical exemption was issued for this project.

County File Number: DRC2015-00045  
 Supervisorial District: 5  
 Project Manager: Cody Scheel

Assessor Parcel Number: 071-161-035  
 Date Accepted: November 4, 2015  
 Recommendation: Approval

Airiin Singewald, Project Manager: clarifies the applicant's name, Twisselman and Crown Castle (agent for T-Mobile).

Matt Janssen, Hearing Officer: states for the record this item will be approved with a set of revised Conditions that were presented prior to the hearing.

Thereafter, on motion of the hearing officer, the request by **ROWLAND TWISSELMAN AND CROWN CASTLE (Agent for T-MOBILE)** for a Minor Use Permit (DRC2015-00045) is granted based on the Findings A. through F. in Exhibit A and subject to the REVISED Conditions 1 through 35 in Exhibit B. (Document Number: 2016-29\_PDH)

#### HEARING ITEMS

8. A request by **DAVID NANKIVELL** for a Minor Use Permit / Coastal Development Permit (DRC2015-00074) to allow an existing 2,140 square-foot, 4-bedroom single family residence to be used as a

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 A-3-SLO-16-0080  
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residential vacation rental. The Minor Use Permit is requesting to modify the location standard for vacation rentals per Coastal Zone Land Use Ordinance Section 23.08.165(C)(1). The requested waiver would allow the proposed vacation rental to be located within 40 feet of an existing vacation rental, which is closer than the distance requirement allows for. The proposed project will result in no site disturbance on a 3,963 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 5840 Moonstone Beach Drive, between Stafford and Chatham Roads, within the community of Cambria. The site is in the North Coast planning area. Also to be considered is the proposed environmental determination. This project is exempt under CEQA.

**County File Number:** DRC2015-00074  
**Supervisory District:** 2  
**Project Manager:** Airlin M. Singewald

**Assessor Parcel Number:** 022-052-052  
**Date Accepted:** January 14, 2016  
**Recommendation:** Denial

Airlin Singewald, Project Manager: states the applicant has requested to continue this item to June 3, 2016.

Matt Janssen, Hearing Officer: opens public comment and explains the process for a continued item. Also, states he received a request to speak on this item from Sherry and John Bell, questions if they would like to speak today or on June 3, 2016. Confirms they will return on June 3, 2016 and speak at that hearing.

**Thereafter, on motion of the hearing officer, the request by DAVID NANKIVELL for a Minor Use Permit / Coastal Development Permit (DRC2015-00074) is Continued to June 3, 2016.**

9. A request by 1736PAC, LLC. for a Minor Use Permit / Coastal Development Permit (DRC2015-00073) to allow an existing 2,478 square-foot, 4-bedroom single family residence to be used as a residential vacation rental. The Minor Use Permit is requesting to modify the location standard for vacation rentals per Coastal Zone Land Use Ordinance Section 23.08.165(C)(2). The requested waiver would allow the proposed vacation rental to be located within 40 feet of an existing vacation rental, which is closer than the distance requirement allows for. The proposed project will result in no site disturbance on a 5,432 square-foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1736 Pacific Avenue, approximately 75 feet north of the 18th Street and Pacific Avenue intersection, within the community of Cayucos. The site is in the Estero planning area. Also to be considered is the proposed environmental determination. This project is exempt under CEQA.

**County File Number:** DRC2015-00073  
**Supervisory District:** 2  
**Project Manager:** Airlin M. Singewald

**Assessor Parcel Number:** 064-236-007  
**Date Accepted:** January 14, 2016  
**Recommendation:** Denial

Airlin Singewald, Project Manager: presents staff report via power point.

Matt Janssen, Hearing Officer, expresses his ex-parte communications regarding the proposed project.

Jeff Edwards, Agent: discusses the approval of the proposed project in which the applicant has provided Findings for approval. Also, notes correspondence to be entered into the record.

Matt Janssen, Hearing Officer: states he has read the grand jury report.

Zack Taylor, Owner: states reason for approval of the proposed property.



Hutton Taylor, Owner: states reasons for approval on the proposed property.

Cindy Walton, Owner of Cayucos Vacation Rentals: speaks to the approval of the proposed property.

Mark Walton: Owner of Cayucos Vacation Rental: states for the record would like to make correction to the Case Number and item number.

Richard Walkins, neighbor: speaks to historical aspect of of Cayucos.

James Prange, Employee of Cayucos Vacation Rental: speaks to legal and illegal vacation rentals in Cayucos.

Jeff Edwards, Agent: speaks to comments made by the public.

Matt Janssen, Hearing Officer: closed public comment.

Arlin Singewald, Project Manager: states Conditions were not included with the staff report but, is able to craft Finding and Conditions if the project is approved.

Matt Janssen, Hearing Officer: deliberates on the proposed property.

**Thereafter, on motion of the hearing officer, the request by 1736PAC, LLC. for a Minor Use Permit / Coastal Development Permit (DRC2015-00073) is Denied and subject to the Findings A. through G. in Exhibit A.**

#### **ADJOURNMENT**

**Next Scheduled Meeting: May 6, 2016, in the County Board of Supervisors Chambers, County Government Center San Luis Obispo, CA.**

**Nicole Retana, Secretary  
Planning Department Hearings**

**Minutes will be approved at the June 3, 2016, Planning Department Hearings Meeting.**



FW: Additional Correspondence Received on 6/21/16 BOS Item #45

Annette Ramirez

On: 6/17/2016 4:18 PM

Original sender: mshaw@slc.ca.us; To: brand.berke@slc.ca.us

Subject: FW: Additional Correspondence Received on 6/21/16 BOS Item #45

\*\*\*\*\*

From: Airlin Singewald

Sent: Friday, June 17, 2016 4:18 PM

To: Annette Ramirez <aramirez@co.slo.ca.us>

Subject: Additional Correspondence Received on 6/21/16 BOS Item #45

Please see attached, distribute to supervisors, and post online.

Thank you!

Item No. 45

Meeting Date: June 21, 2016

Presented by: Singewald

Rec'd prior to meeting & posted to web on: June 20, 2016

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Bonita Churney  
Cayucos, California 93430

June 10, 2016



San Luis Obispo County Board of Supervisors  
c/o Mr. Airlin M. Singewald  
San Luis Obispo County Dept. of Planning and Building

San Luis Obispo, California 93408

Re: File No. DRC 2015-00073  
APN 064-236-007; 1736 Pacific Avenue, Cayucos, CA  
Appeal by 1736 PAC, LLC of Denial of Minor Use Permit/Coastal Dev. Permit

Dear Board of Supervisors:

I am writing in support of the Planning Department Hearing Officer's denial of a request for a Minor Use Permit/Coastal Development Permit to allow an existing residence to be used as a residential vacation rental. The appeal of this decision should be denied. We do not need another vacation rental in our neighborhood.

I am a resident of Cayucos with a home on 19<sup>th</sup> Street, just around the corner from the subject property. There are already too many vacation rentals in our residential area. Typically, vacationers using the rental homes along Pacific Avenue near 19<sup>th</sup> Street use 19<sup>th</sup> Street to access those homes from Cass. This produces constant traffic, noise, congestion and pollution on my street during busy summer weeks and on weekends throughout the year. Vacationers often show utter disregard for our small community while visiting, many times using these vacation rentals as "party houses." Also, on at least one occasion in the recent past, clueless and careless vacation home users endangered the entire neighborhood by lighting an illegal bonfire on the beach in front of the house, sending sparks and embers flying for blocks (this in our fourth year of severe drought at the time, under very dry conditions throughout the community and the surrounding hills). Absentee landlords are, of course, no help in these situations and probably could not care less as many are "LLCs" or corporate entities such as the appellant, probably based elsewhere such as LA or Bakersfield with no real connections to our community.

Additionally, we have a Coastal Plan and Land Use Ordinance Zoning for a good reason – to prevent willy-nilly development and disregard for common sense residential use standards. Please do not waive or modify the standards set forth in Coastal Zone Land Use Ordinance Sec. 23.08.165(C)(2) to allow this proposed vacation rental. Enough is enough.

For all of these reasons, please do not grant this appeal. The Hearing Officer's original decision was correct.

Very truly yours,

Bonita Churney

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FW: email version for distribution

Annette Ramirez

cc: Lynn Compton

cc: Lynn Compton, Clerk, Recorder, Airin Singewald, J.H. Edwards Company

cc: Lynn Compton

cc: Lynn Compton

**From:** Airin Singewald  
**Sent:** Monday, June 20, 2016 2:53 PM  
**To:** Annette Ramirez <aramirez@co.slo.ca.us>  
**Subject:** Fw: email version for distribution

FYI - additional correspondence from applicant

**From:** Jeff Edwards <jeffedwardscompany@gmail.com>  
**Sent:** Monday, June 20, 2016 2:15 PM  
**To:** lynn.compton\_earthlink.net; Bruce Gibson; Frank Mecham; Debbie Arnold; Adam Hill; Airin Singewald  
**Subject:** Fwd: email version for distribution

Ladies and Gentlemen,

Attached please find the power point presentation regarding the BOS 6/21/16 agenda-item #45.

Thanks,

Jeff Edwards

Julie Tacker  
Administrative Assistant

J.H. Edwards Company

Item No. 41  
Meeting Date: June 21, 2016  
Presented by: Airin Singewald  
Rec'd prior to meeting & posted to web on: June 20, 2016

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----- Forwarded message -----

From: Richard Watkins <[adroitgambit@gmail.com](mailto:adroitgambit@gmail.com)>

Date: Mon, Jun 20, 2016 at 1:20 PM

Subject: email version for distribution

To: Jeff Edwards <[jedwardscompany@gmail.com](mailto:jedwardscompany@gmail.com)>

--

**Richard L. Watkins**

*Real Estate Services*

CalBRE #00897389

[adroitgambit@gmail.com](mailto:adroitgambit@gmail.com)

[www.CayucosHouses.com](http://www.CayucosHouses.com)

If you like Cayucos, please "like" my page [www.facebook.com/cayucospropertiesandlifestyles](https://www.facebook.com/cayucospropertiesandlifestyles)

*San Luis Obispo Association of REALTORS, CCRMLS*

*Santa Barbara Association of REALTORS, SBMLS*

*Please consider the environment before printing this e-mail.*

Item No. 4

Meeting Date: June 21, 2011

Presented by: Airlin Singewald

Rec'd prior to meeting & posted to web on: June 20, 2011

Exhibit 3

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San Luis Obispo County Board of Supervisors  
Hearing to Consider Appeal by 1736 PAC, LLC  
Requesting Modification of Location Standard for  
Vacation Rentals  
Tuesday, June 21, 2016



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**1736 Pacific Ave, Cayucos**



## Key Appeal Issues

- \* Whether, or not 1736 Pacific Ave is unique, special or remarkable?
- \* Would the approval of the application result in a change to the existing neighborhood character?
- \* Would the approval of the application set a precedent with respect to future decisions?

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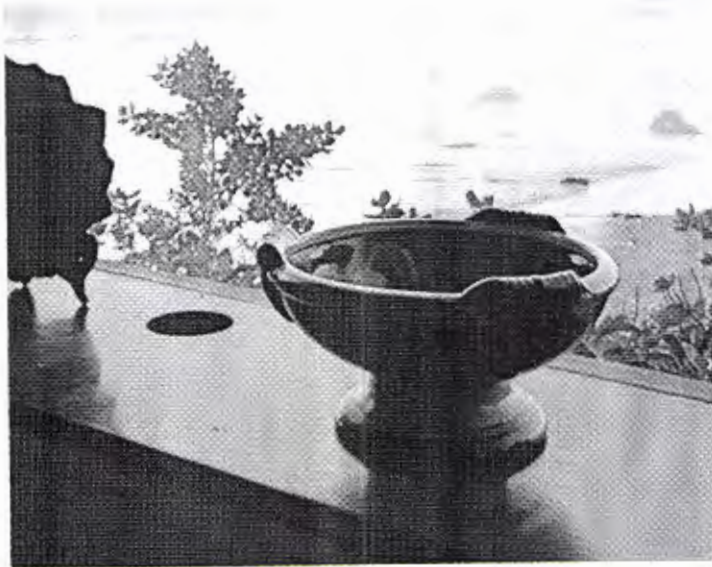


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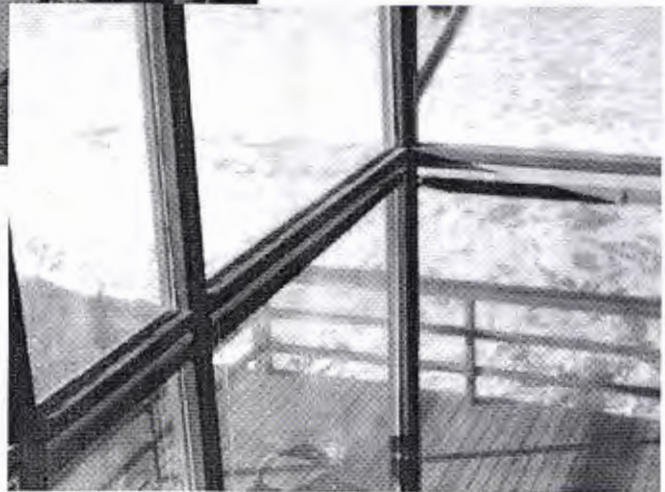


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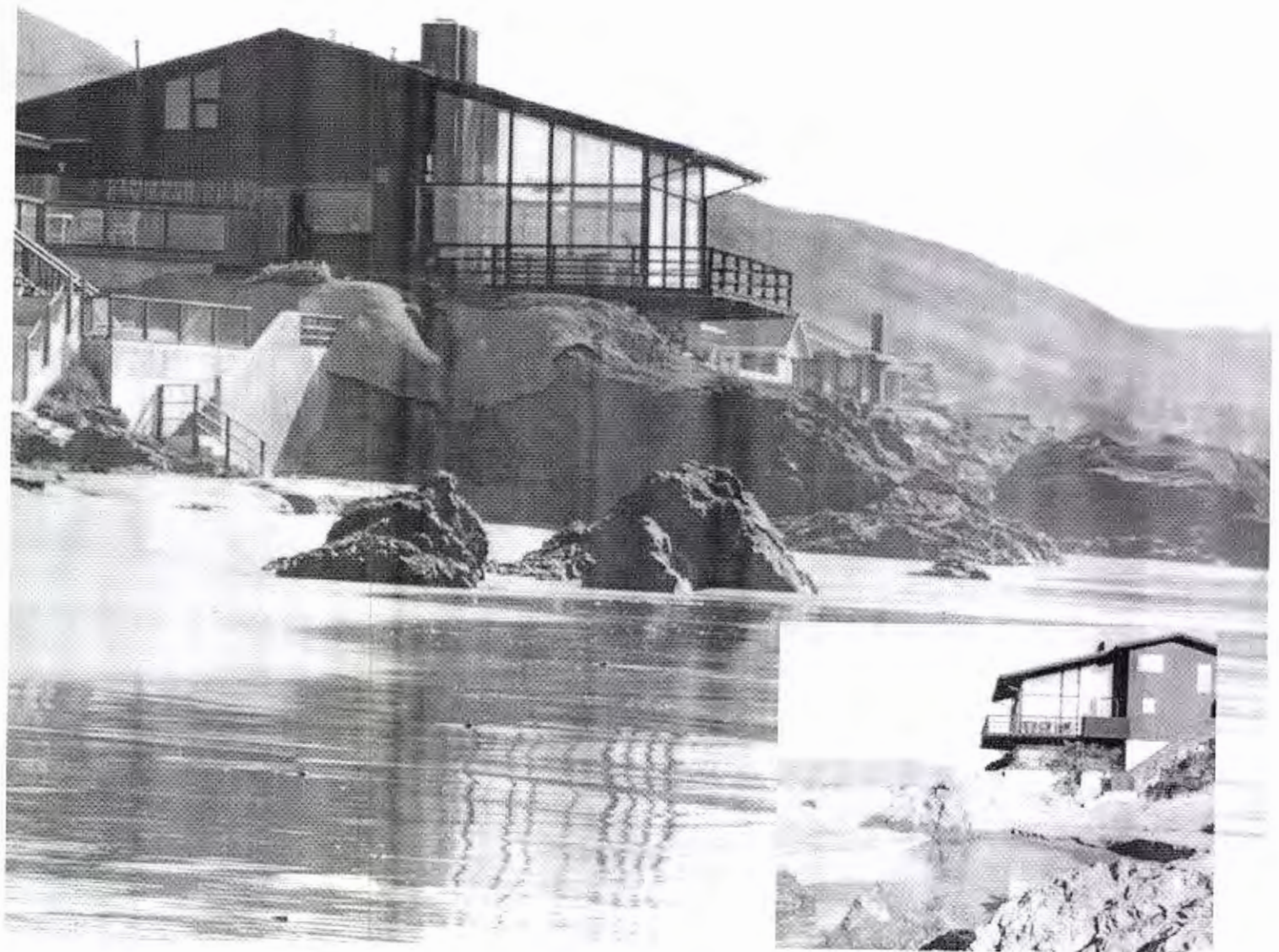
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Google earth

miles  
km



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**The entire town of Cayucos, and especially the beachfront, have attracted visitors year round for decades.**



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## Is an approval precedent setting?

- \* In 2003 the California Coastal Commission approved the County's first vacation rental ordinance and expressly provides for a case by case analysis of requests to locate a vacation rental within the distance provisions through the Minor Use Permit process.
- \* Precedent - a case that serves as a guide or justification for subsequent situations.
- \* Conclusion - this application is so unique that any precedent set would be extremely narrow and difficult, if not impossible, to duplicate.



### Vacation Rental Report Card for 1736 Pacific Ave.

* Location	Single Family Residential	X
* Maximum Tenancies	Four Per Month	X
* Maximum Occupancies	10 People	X
* Dwelling Type	Compliant	X
* Appearance and visibility	Conforming	X
* Traffic	10 ADT	X
* Onsite Parking	4 Vehicles	X
* Noise	<45db & <50db	X
* Local Contact	Cayucos Vacation Rentals	X
* TOT Payment	Display Certificate	X
* No Temporary Events	Applicant Agrees	X

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## **Findings to Support Approval of Request for Modification of Location Standard**

- \* Pacific Avenue is 80ft wide with safe capacity
- \* Existing SFR and lot are consistent with neighborhood
- \* The volume of traffic anticipated- Ten average daily trips
- \* Four on-site parking spaces meets parking requirement
- \* Residence constructed on point lot beyond neighbors
- \* Guest recreation to occur largely on beach below
- \* Residence has unique architectural style and history
- \* Ambient noise from wave action between 55-85db
- \* Beachfront location is optimal for surfing, fishing, kayaking and paddle boarding
- \* Closest vacation rentals are indistinguishable from other residential quiet enjoyment

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**Action requested:**  
**Uphold the appeal and approve with findings  
and conditions.**

- \* The residence and lot are exceptional, extraordinary, unique and remarkable.
- \* The approval of a vacation rental license will not incrementally change the residential character of the neighborhood.
- \* A decision to approve the application will not set a precedent because of its unique nature.



FW: MPU Cayucos DRC2015-00073

Hannah Miller

Legislative Assistant

6075\_ legislative @sanluisobispo.org  
 (or: alexgough@charter.net)

Hannah Miller

Legislative Assistant to Supervisor Adam Hill  
 District 3, County of San Luis Obispo

San Luis Obispo, CA 93408

From: alexgough@charter.net (mailto:alexgough@charter.net)

Sent: Sunday, June 19, 2016 10:07 PM

To: Adam Hill <ahill@co.slo.ca.us>

Subject: MPU Cayucos DRC2015-00073

To: Adam Hill and members of the Board of Supervisors

From: Alex and Anne Gough

6-19-16

Good Evening Adam

We are writing in support of an upcoming appeal by our son Taylor Brown in regards to a recent denial of a Minor Use Permit application for a vacation rental in Cayucos.

Item No. 45

Meeting Date: June 21, 2016

Presented by: Legislative Assistant

Rec'd prior to meeting & posted to web on: June 20, 2016

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<https://outlook.office365.com/owa/?viewmodel=ReadMessageItem&ItemID=AAMkA...>



The appeal is, specifically, for reversal of a denial of approval of a vacation rental (VRBO) at 1736 Pacific Avenue, Cayucos, which is up for hearing Tuesday, June 21<sup>st</sup>. The file number is: Cayucos DRC 2015-00073.

We are sure you and your colleagues are aware that sales generated by such businesses have a significant overall effect on the local economy.

We own a retail yarn business across from Mission San Luis Obispo and can attest that out-of-town summer visitors make up the bulk of our summer

retail sales. Our business (Yarns at the Adobe) as well as membership in the Downtown Association puts us in touch with many nearby retail and restaurant facilities and we can attest that the summer income factor is the same for virtually all local small businesses.

Without sales to such visitors we could not survive the summer retail period, when locals are visiting other areas. Visitors to this area, it is worth noting, also

contribute to the Transient Occupancy Tax when they stay in authorized facilities such as Cameron's and in addition generate other taxes with purchases at other businesses, boosting overall local sales and revenue. Most visitors here spend their money on specialty retail items, food, and accommodations such as

the applicant's

Adam, we hope you will share this with your colleagues and that all of you will support local businesses by approving this appeal.

May 14, 2016

Adobe (Yarns at the Adobe)

Item No. 45  
Meeting Date: June 21, 2016  
Presented by: Assistant  
Rec'd prior to meeting & posted to web on June 20, 2016



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**From:** CAMERON TAYLOR-BROWN <cameron.taylorbrown@gmail.com>  
**Sent:** Friday, August 05, 2016 12:31 PM  
**To:** Singewald Airlin  
**Cc:** Annette Ramirez  
**Subject:** letters of support - please post ASAP  
**Attachments:** AlexGoughSupport.pdf; ATT00001.htm; AndyHinsdaleSupport.pdf; ATT00002.htm; ChuckDavisonSupport.pdf; ATT00003.htm; GailTaylorSupport.pdf; ATT00004.htm; MardiNilesSupport.pdf; ATT00005.htm; ShirleyLyonSupport.pdf; ATT00006.htm; TomBrazilSupport.pdf; ATT00007.htm; ToniLeGrasSupport.pdf; ATT00008.htm; ZachTaylorSupport.pdf; ATT00009.htm

Dear Mr. Singewald,

Here are nine letters of support for the Request for Minor Use Permit for 1736 Pacific Avenue Cayucos DR2015-0073, item #33 at the hearing on August 9. Could you please confirm receipt of these letters and post them on the county website ASAP? Thank you. Cameron Taylor-Brown

Meeting Date: 08/09/2016

Agenda Item No. 33

Presented By: Cameron Taylor-Brown

Posted: 08/08/2016

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Re: Request for Minor Use Permit - 1736 Pacific Ave., Cayucos DRC2015-00073

Dear Ms. Arnold: I am writing in full support of the application of Cameron Taylor- Brown for the above minor use permit for a vacation rental in Cayucos.

I have full confidence that this will be a most positive addition to the community, helpful in serving the needs of visitors to our area and leaving them with a favorable perception of our county and our beaches. I should add, it will increase County revenue as well both through the bed tax and increased property tax. .

Basically, this a woefully under-met need in our county, particularly in areas frequently visited by tourists. We have stayed at similar spots throughout California and found it to be a wonderful alternative. Carmel, for example, has many such places and it is as charming today as it has ever been, perhaps more so.

These visitors, it is worth pointing out, will also increase the revenue of local shops, stores and restaurants while here, and further enhance the reputation of our county in general and Cayucos in particular as a tourist destination.

Yours,

Alex Gough  
The Sauer-Adams Historical Adobe

San Luis Obispo CA 93401



To the San Luis Obispo County Board of Supervisors

August 2, 2016

Re: Request for Minor Use Permit - 1736 Pacific Ave. - Cayucos DCR2015-00073

August 9, 2016

Dear Supervisors,

My name is Andy Hinsdale and I've been a Cayucos homeowner and resident since 1975. I'm carpenter, property manager, Real Estate Broker, and have built several houses in Cayucos over the years. My wife and two children live in Cayucos and my children graduated from Cayucos Elementary School.

I agree the owners of the property at 1736 Pacific Ave. Cayucos, CA. should be granted a Minor Use Permit to allow them to operate the property as a vacation rental. More vacation rentals are needed in Cayucos, especially on the beach! It's nice when someone steps forward and wants to comply with county regulations to meet the needs of the community! My focus will be on discussing the uniqueness of the home and property.

The home was designed by famous local architect George Nagano in the late 1960's. At the time, most of the houses on the beach were of modest construction at best and served as summer houses for people mostly from the central valley of California. Well, this was to be no summer home as it was commissioned by the owners to be a spectacular year round residence. The requirements of the owners were many, but of main importance was making the home a living, breathing environment that would incorporate the incredible building site. One only needs to visit the site to see just how unique it truly is. The site is on a unique point of land that enables the home enjoy a 180 degree view of Estero Bay. Marveling at the uniqueness of property, George knew he would have to create a masterpiece to match the splendor of the property.

So with inspiration and purpose George set out to design what many people believe is one of the nicest and most unique homes on the beach in Cayucos. George was a disciple of the great architects such as Frank Lloyd Wright and

Meeting Date: 08/09/2016

Agenda Item No. 33

Presented By: Carolyn Brown

Printed: 08/05/2016

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Exhibit 3



carried on with the tradition of creating an environment in the home that gives the feeling of the outside being part of the inside living area. This was achieved in many ways, but the main concentration was creating plenty of glass walls and skylights to let in the natural light and let the occupants observe the beauty of nature before them on the beautiful Beach and Ocean. One only needs to see pictures or visit the home to see that his goal was mightily achieved! One of the other tools he used to create the feeling of openness, was his use of space. There aren't a lot of 8' walls in the home. Instead, there're soaring ceilings, and articulate placement of doors, windows and walls. George loved to play with space. He created a large volume shell and then proceeded to divide up the interior into different levels where he could craft out detailed built in cabinets and useful work and entertainment areas. He hated wasted space, so every detail was thought out and had purpose.

To top off the breathtaking location and design of the home George and the owners would have to use the most natural and beautiful building materials. As you can see, the entire home, inside and out, is sided in clear heart redwood. The cabinets are made of redwood as well. The floors are a beautiful long and wide plank, vertical grain Douglas Fir. The fireplace is a double sided red-brick masterpiece that serves the dining area and living room as well. To top it all off the home has been beautifully maintained by the owners with all the original natural finishes.

This home is truly unique and deserves your recognition by granting the owners a Minor Use Permit to enable them to use the home as a vacation rental!

Sincerely, Andy Rinsdale

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April 6, 2016

San Luis Obispo County Planning and Building Department  
County Government Center, Room 200  
San Luis Obispo, CA 93408

Re: Planning Department Hearing of April 8, 2016  
1726PAC, LLC Minor Use Permit for a Residential Vacation Rental

Dear Ladies and Gentleman,

By way of introduction, my name is Chuck Davison, President and CEO of Visit San Luis Obispo County. I am writing in connection with the above referenced application to support residential vacation rentals in San Luis Obispo County that pursue licensing to operate legally.

On June 10, 2015 the County Board of Supervisors approved the formation of a Tourism Marketing District (TMD). The San Luis Obispo County TMD is comprised of all lodging businesses, including existing and future, within the incorporated and unincorporated areas of San Luis Obispo County. Lodging businesses are defined as all business that are assessed transient occupancy tax (TOT) in each respective jurisdiction. The combination of the various lodging businesses constitute a "unique lodging mix" that provides numerous opportunities for visitors to San Luis Obispo County.

The purpose of the TMD as outlined in the Management District Plan dated June 10, 2015 is for lodging businesses throughout the county to "engage in joint marketing, advertising, sales and promotional efforts." The goals are to increase demand for and revenue from lodging sales. The TMD will also work to increase the average length of stay, thus adding to total lodging revenue as well.

There are over 1,300 lodging businesses in San Luis Obispo County. They include hotels and motels, Bed & Breakfasts, Residential Vacation Rentals and select recreational vehicle (RV) parks. Of the 1,300 lodging businesses, approximately 940 are Residential Vacation Rentals. The majority of Residential Vacation Rentals in San Luis Obispo County are in the unincorporated areas with the largest concentration in the Coastal Zone.

On May 12, 2015 the San Luis Obispo County Civil Grand Jury submitted a report regarding Residential Vacation Rentals. "Working or Not: Challenges in Enforcing Coastal Vacation Rental Regulations" was an investigative report that focused on the coastal areas of Avila Beach, Cambria and Cayucos. We concur with the findings of the report and endorse and supplied feedback regarding its recommendations. A key finding of the report was the identification of "a significant number of unlicensed vacation rentals." It was estimated up to 50% of all vacation rentals may be unlicensed. An additional problem noted is the use of "preemptive licenses" for residential vacation rentals. This is where a property owner obtains a zoning clearance and TOT certificate in an effort to preclude a



neighbor from securing a license to operate a vacation rental. This is particularly problematic in the communities of Cambria and Cayucos where stringent distance separation rules exist. For example, in Cayucos, there are approximately 270 licensed residential vacation rentals available, yet nearly one-half of them do not rent their homes out and do not collect any TOT. This problem would be exacerbated if there was not a process (Minor Use Permit) by which property owners could request approval of vacation rental nearby another licensed, yet unused rental.

Consequently, we support property owners who pursue legitimately licensed and operated lodging businesses that are vacation rentals. San Luis Obispo County should reward those individuals that play by the rules and want to contribute TOT. We support all such applicants that follow the formal, public review process to seek authorization to operate under the existing ordinance.

It is worth noting, there has not been a new hotel or motel approved in Cayucos for over a decade. Given the increasing popularity of the Central Coast and the North Coast in particular, there must be ways to expand visitor-serving capacity using the existing inventory of potential accommodations. Enter, Residential Vacation Rentals as a way to increase the capacity in an environmentally-neutral fashion.

In conclusion, please consider the facts relative to the above-referenced application. It is the diversity of the visitors serving accommodations in our county that makes for an ideal experience when enjoying the Central Coast. It is critical to expand the capacity of all lodging businesses in an effort to capture the ever-increasing demand. Please feel free to contact either of us if you have any questions.

Sincerely,



Chuck Davison  
President and CEO  
Visit San Luis Obispo County



Gail Taylor

1736 Pacific St., Cayucos, CA

August 5, 2016 at 12:08 PM

, CAMERON TAYLOR-BROWN

Dear Mr. Mecham,

I am loosely related to the Taylor family who own the above-referenced vacation property, and have had the pleasure of enjoying this unique home on many occasions.

This is a large home, suitable for family gatherings, and situated right on the bluff overlooking the shoreline. The dramatic floor to ceiling windows in the living area allow breathtaking views of the changing sea, and are dramatic in any weather.

Last February, I had a retreat there for a group from St. Stephens Episcopal Church and since that time, two of the seven people who attended have indicated their desire to book the house for a family event.

The best and most productive use of this property is as a vacation rental. It's size and location speak to this use, and it serves as a wonderful invitation to visitors from out of the area who are so vital to the economy of this county.

The house has plenty of parking on the property so street parking will not impact the neighborhood. Between the garage and the driveway, six cars can be parked on site without difficulty. The house is situated on a peninsula of stone that extends well beyond the bluff line where adjoining homes are located, so there are absolutely no noise issues for the neighboring homes.

I am hard pressed to think of any reason why this spectacular property should not be licensed as a vacation rental property. It's use in this capacity can do nothing but good for the reputation and economy of our beautiful county.

I strongly urge your favorable consideration of the necessary application to retain this wonderful asset for the community.

Sincerely,

Gail S. Taylor

Attorney at Law, retired

Meeting Date: 08/09/2016

Agenda Item No. 33

Submitted By: Cameron Taylor-Brown

Posted: 08/05/2016

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**Exhibit 3**

**A-3-SLO-16-0080**

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**From:** Marjory Niles <mlniles@sbcglobal.net>  
**Subject:** Request for Minor Use Permit - 1736 Pacific Ave - Cayucos  
DRC2015-00073

**Date:** June 15, 2016 at 5:58:15 PM PDT  
**To:** lcompton@co.slo.ca.us

Supervisor Compton,

Subject: Request for Minor Use Permit - 1736 Pacific Ave - Cayucos  
DRC2015-00073

I am a long time resident of Arroyo Grande and enjoy spending time in the beach community of Cayucos. I guess that makes me both a local and a tourist, and as such I would like to weigh in on the issue of residential vacation rental properties. My husband and I enjoy having access to beach homes we can rent and like to suggest these homes to out-of-area friends. We prefer a beachfront house that is both licensed and professionally managed, and there aren't enough of these in Cayucos. The property at 1736 Pacific Avenue is applying for a permit and I think it should be granted. I have been in this home many times over the years. It a completely unique beachfront property that would be a wonderful addition to the mix of vacation rentals in Cayucos.

Please vote yes!

Sincerely,

Marjory Niles

Arroyo Grande, CA 93420

Meeting Date: 06/03/2016

Agenda Item No: 03

Presented By: 0090

Printed: 06/15/2016

0011





**Board of Directors**

Mike Hanchett

Laila Fiege Kollmann

John King

Shirley Lyon

Matt Masia

Lori Keller

Bram Winter

Cheryl Cuming  
Chief Administrative  
Officer

Nikki Schmidt  
County Liaison

April 7, 2016

San Luis Obispo County Planning and Building Department  
County Government Center, Room 200  
San Luis Obispo, CA 93408

Re: Planning Department Hearing of April 8, 2016  
1726PAC, LLC Minor Use Permit for a Residential Vacation Rental

Dear Ladies and Gentleman,

By way of introduction, my name is Shirley Lyon and I am the owner of See Lyon Beach Rentals in Cayucos, and the current Chair of the Advisory Board of the unincorporated San Luis Obispo County Tourism Business Improvement District (CBID). I am writing in connection with the above referenced application to support residential vacation rentals in San Luis Obispo County that pursue licensing to operate legally.

The San Luis Obispo unincorporated CBID was originally approved by the Board of Supervisors in 2009 and subsequently renewed annually. The purpose of forming the District was to provide revenue to defray the costs of services, activities and programs promoting tourism which will benefit the operators of lodging businesses in the District through the promotion of scenic, recreational, cultural and other attractions as a tourist destination. Overall, the mission of the CBID is to promote the economic well-being of our constituents (motels, hotels, B&Bs and vacation rentals).

There are over 800 lodging businesses within the boundaries of the 10 unincorporated areas that encompass the CBID. These areas include Ragged Point, San Simeon, Cambria, Cayucos, Los Osos/Baywood, Avila Beach, Oceano, Nipomo, Edna Valley and Arroyo Grande Valley, with approximately 85% of our constituency consisting of vacation rentals.

Consequently, we support property owners who pursue legitimately licensed and operated lodging businesses as vacation rentals. We support all such applicants that follow the formal, public review process to seek authorization to operate under the existing ordinance.

Given the increasing popularity of the central coast, and the north coast in particular, there must be ways to expand visitor-serving capacity using the available inventory.

In conclusion, it is the diversity of our county's visitor-serving accommodations that creates an ideal experience for tourists. In a recent TripAdvisor survey, vacation rental lodging was noted as the fastest-growing preferred accommodation by travelers. And in our busy summer months a lack of vacation rental inventory is a real challenge, as a majority of our waterfront rentals are typically booked-out a year or two in advance. Thus, it is critical our lodging capacity increase to meet demand in order for our coastal communities to remain competitive with like destinations regionally and throughout California.

Sincerely,

A handwritten signature in dark ink, appearing to read "Shirley Lyon".

Shirley Lyon, Advisory Board Chair  
Unincorporated San Luis Obispo County Tourism Business Improvement District

San Luis Obispo County Tourism Business Improvement District

Meeting Date: 06/09/2016  
Agenda Item No. 3.8  
Highway1DiscoveryRoute.com  
Presented By: Cheryl Cuming  
Revised: 05/03/2016

**Exhibit 3**  
**A-3-SLO-16-0080**  
**Page 75 of 112**



Dear Ms. Arnold,

I am writing in regards to the request for a Minor Use Permit for 1736 Pacific Avenue in Cayucos. As a current resident of Atascadero, I am a regular visitor to Cayucos and have enjoyed this magical home many times over the years. My hope is that you will grant this permit. This residence is a truly unique property in every way - from how it is positioned along the coast line, to the incredible craftsmanship throughout its original redwood interior and striking architecture and views. This special home offers visitors an opportunity to enjoy an architectural work of art and a memorable vacation in beautiful Cayucos like no other. I cannot stress enough how unique this property is! I hope you will vote yes to this request.

Respectfully,  
Thomas Brazil

Atascadero CA



# Beachside Rentals, Inc

April 5, 2016

Attn: Planning Department Staff

RE: Item # 8 on the Planning Department Agenda for MUP for 1736 Pacific file  
DRC2015-00074

**Please support a MUP for this parcel.**

**Below is an update of some very important Vacation Rental Data.**

*Tourism is the #1 business in Cayucos, as well as other communities in our County.*

**Per the tax collector, there are currently 269 licensed Vacation Rentals in Cayucos.**

**Of Note: 120, or 44.6% of these homes are inactive– they paid no TOT in 2015.**

**This number was 28% in 2012.** Owners of these homes hold their license for various reasons, which leaves only about 149 homes that are truly offering lodging to our community and paying TOT.

**In 2014 there were 109 inactive homes. In 2012 there were about 80 inactive homes.**

**The number of homes holding Inactive (NON- TOT PAYING) licenses in Cayucos is increasing at a rate of approximately 11% per year.**

- Per county legal advice the county cannot legally revoke existing licenses if they pay their license fee each year.
- Very few new licenses are issued per year because the density standard of the ordinance has created a situation where few new homes qualify in desirable areas.

**Please seriously consider the approval of a certain percentage of MUPs for vacation rentals per year to help with this economic imbalance.**

At the current rate the remaining 55.4% of **ACTIVE** (TOT Paying) legally licensed homes could be close to ZERO in just 6 years.

This property owner should be commended for attempting the legal process to comply when they could very easily offer the home on the internet sites with no expense or enforcement . . . .

Please consider what is possible to create a reasonable balance given the inequitable restrictions we face.

Sincerely,

Toni LeGras  
President Beachside Rentals, Inc.

Meeting Date: 08/09/2016  
Agenda Item No. 11  
Presented By: J. J. J. J.  
Approved: 08/09/2016

**Exhibit 3**  
**A-3-SLO-16-0080**  
**Page 77 of 112**



**From:** "Zach Taylor" <zachpremium@gmail.com>  
**Subject:** Request for Minor Use Permit - 1736 Pacific Ave - Cayucos  
**DRC2015-00073 August 9, 2016**  
**Date:** August 5, 2016 at 10:41:09 AM PDT  
**To:** <darnold@co.slo.ca.us>

Dear Debbie,

When I was a kid, our family lived in Hanford and rented houses in Cayucos as an affordable way to enjoy the beach and escape the heat. Later my parents were able to purchase a little beach house and we became part time residents - a typical story of so many of the families who enjoy Cayucos to this day.

In approximately 1968 we moved to 1736 Pacific Ave, and I became a local, attending Cayucos Grammar School beginning in first grade . Now 1736 is owned by our extended family and has become our vacation home. It is used by a third generation of Taylors who come from all over the state, plus one local Taylor who lives in Templeton.

Cayucos has always included a big percentage of vacation homes used by families - and some of these homes are rented part-time to other families who look to escape the heat. But now Cayucos is part of a global tourism market that seeks unique beachfront lodging as part of their experience, and there is more demand than supply.

Licensed vacation rentals immediately address the lodging shortage without adding new infrastructure - but almost 50% of the currently licensed rentals in Cayucos are inactive! We are aware that an MUP is needed before our home can be licensed, and that the home must possess unique qualities for the MUP to be granted. We are confident that 1736 Pacific Avenue possesses so many

Mailing Date: 08/09/2016  
Agency: Item No. 31  
Printed By: [redacted]  
Printed: 08/09/2016  
Page 11 of 11



unique characteristics that it should qualify for the MUP we seek.

San Luis Obispo County is "on the map " and gaining more and more recognition, but the shortage of high quality lodgings in the North Coast remains a persistent problem that affects the economy of the entire county. Recently, Paso Robles was awarded "Best Wine Country Town" by Sunset magazine, with a follow-up article in the Los Angeles Times and the Tribune. And Highway 46 , mentioned as "a bucolic drive with more than a dozen wineries" leads visitors right to Cayucos and Cambria, where visitors could spend a week on the beach at 1736 Pacific, enjoying all that Cayucos has to offer!

Given the unique characteristics of 1736 Pacific Ave and the need for lodging, please vote YES and grant the MUP.

Sincerely,

**ZACH TAYLOR**

[zach.taylor@slco.net](mailto:zach.taylor@slco.net)



**Annette Ramirez**

---

**From:** CAMERON TAYLOR-BROWN <cameron.taylorbrown@gmail.com>  
**Sent:** Sunday, August 07, 2016 12:14 PM  
**To:** Annette Ramirez  
**Cc:** Airlin Singewald  
**Subject:** letter of support - please post  
**Attachments:** SarahMaggeletSupport.pdf; ATT00001.htm  
  
**Importance:** High

Here is an additional letter of support for the Request for a Minor Use Permit for 1736 Pacific Avenue Cayucos DR2015-0073, item #33 at the hearing on August 9. Could you please confirm receipt of the letter and post it on the county website ASAP? Thank you, Cameron Taylor-Brown

Exhibit 3

A-3-SLO-16-0080

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Agenda Item #33 • Meeting Date: August 9, 2016  
Submitted by: Cameron Taylor-Brown  
Rec'd prior to the meeting & posted on: August 8, 2016



August 6, 2016

San Luis Obispo County Board of Supervisors  
1055 Monterey Street  
San Luis Obispo, CA 93401  
RE: DRC 2015-00073

Dear Supervisors Arnold, Compton, Gibson, Hill, and Mecham,

I am writing today to encourage each of you to grant the Minor Use Permit for 1736PAC, LLC, which is on your agenda this Tuesday, August 9. I have had the opportunity to meet with almost all of you personally on this agenda item, and I am grateful for your time and your careful consideration of this request.

While a request for a MUP on vacation rentals on the coast is not granted without very careful consideration, I am confident that this property exhibits the extraordinary features that merit an exception to the Coastal Vacation Rental Ordinance. We have identified 10 separate features of the property that meet the requirements to grant the exception, which are detailed on the document dated April 2, 2016. I hope you will refer closely to that document as it outlines why a decision by you to approve the MUP would not be "setting a precedent" with just any home in Cayucos. This is NOT just any home in Cayucos, we would not have come this far in the process if we believed that it was.

As we discussed in our meetings, it is estimated that over 100 vacation rentals are currently listed on such sites as VRBO and AirBnB, most operating outside the ordinance and not contributing TOT tax or holding a business license, not to mention usually not professionally managed, leading to the degradation of the neighborhoods due to parking and noise issues.

Furthermore, over 40% of the current holders of the vacation rental license in Cayucos are not actively renting their property and therefore also not contributing TOT tax or helping to satisfy the need for more beds for our county visitors. Any given summer or holiday weekend, every hotel room in Cayucos is full nor do these hotels offer the experience that many families visiting our coast are looking for.

The market for vacation rentals; homes that feature multiple bedrooms (for several families traveling together, travelers with pets or multi-generational traveling groups), a full kitchen (to cook healthy, delicious meals from our local farmer's and fish markets) and a more friendly, casual "live like a local" feel to them, have never been in more demand. San Luis Obispo County has never been more on the tourism radar, both nationally and internationally, and we owe it to these wonderful visitors to showcase the best our county has to offer in accommodations.

Transient Occupancy Tax accounts for a decent amount of our county budget and could be dramatically increased if more of these illegal vacation rentals are identified and converted to legal properties. I have included a chart from Visit San Luis Obispo.com, that, when sent to me, Chuck Davidson, the CEO, stated,

"As you will see in the first column for the first 11 months of the fiscal year TOT for the un-incorporated area of the county totaled \$8.3 million, no drop in the bucket financially especially for a county confronted with the lost of tax revenue from the Diablo closure"

The Taylor Family, who has continuously owned this property on the beach since it was built in the late



1960's, wants to do the right thing and showcase our gorgeous beach front, four bedroom home, with its unique mid-century modern architecture and floor to ceiling windows on three sides of the ocean view living room, as a professionally managed, tax paying, legal vacation rental in the town of Cayucos.

We have done extensive surveying of the neighborhood, resulting in no negative feedback regarding our seeking of the MUP. We have a management company selected and a very strict contract written, forbidding parking issues, noise issue or overcrowding of the unit.

The very nature of the design of the home is why we know this property deserves the MUP approval: there are very few four bedroom homes (sleeps 10) right on the beach for rent in Cayucos. The redwood siding, floor to ceiling windows on three sides of the living room, and the fact that it juts out over the sand on one of only five rocky outcropping peninsulas along Cayucos Beach, make it a **showcase property that dramatically stands out among the homes on that stretch of coastline.** It is a very different property, very desirable and perfect as a vacation rental. The fact that five cars can park on the property (off the street) is also very remarkable. The garage is just that: a garage for cars (two of them!). This home is suited for operating as a vacation rental, not workforce housing, as it is too large for most working families to need or to afford. The orientation of the home mitigates all noise that might be generated from visitors, as the surf drowns out anything from the front porch and the enclosed yard has mature trees and walls on all sides.

But you can be sure that when visitors stay at 1736 Pacific Avenue for their week-long vacation, whether they are from France or Fresno, they will return home with incredibly positive experiences from their stay in Cayucos. From the tide pools and rock formations just in front of the home, to the surf spot just yards away, to the viewing of the whales and dolphin off shore from the telescope on the front porch.

Please allow us to add this incredible, locally owned and professionally managed, beautiful property to the inventory of Cayucos accommodations. The ordinance, when written 10 years ago, may not have seen AirBnB coming, but it did allow for extraordinary properties to gain exemption from the distance limit, to allow our county to focus on why the ordinance is in place: to allow for high quality tourism services without degradation of the neighborhood or loss of workforce housing.

This property, 1736 Pacific Avenue, meets that high bar for exception and, if granted, will take the opportunity very seriously, with professional management and paying of all applicable county taxes. There should not be concern for "setting a precedent" here because the property clearly meets the extraordinary characteristics to merit the MUP, with over 10 points to that end. That said, we do believe it is time to review the ordinance and find a way to maximize tax collection, be sure vacation rental properties are managed properly to benefit of the visitor, the county and the neighborhood, and be sure our gorgeous county and coastline are being showcased in the best light for these visitors.

Thank you for your consideration of the MUP for 1736PAC, LLC. We look forward to the opportunity to host families at the beach house soon!

Regards,

*Sarah Maggelet*

Sarah Taylor Maggelet

Templeton CA 93465

Exhibit 3

A-3-SLO-16-0080

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## FW: Vacation rentals in small scale neighborhoods

Cherie McKee

08/08/16 11:46 AM

From: Board Clerk Respondent <Joan.L.Henke@slo.ca.us>, Admin Mail <am11@co.slo.ca.us>, Bruce Gibson <bgibson@co.slo.ca.us>, Debbie Arnold <carndol@co.slo.ca.us>, Frank Medham <fmedham@co.slo.ca.us>, Lily R. Compton <lcompton@co.slo.ca.us>

Hannah Miller <hmiller@co.slo.ca.us>, Jennifer Gaffey <jcgaffey@co.slo.ca.us>, Jocelyn Brennan <jbrennan@co.slo.ca.us>, Vicki Shelby <vshelby@co.slo.ca.us>

Attachment: 20160808

VACATION RENTALS IN THE SMALL SCALE NEIGHBORHOODS.docx Photos of vacation rentals in small scale neighborhoods.pdf

fyi

Cherie McKee  
Legislative Assistant  
District 2

From: Louisa Smith [mailto:louisasmith@sbcglobal.net]  
Sent: Friday, August 05, 2016 2:57 PM  
To: Cherie McKee <cmckee@co.slo.ca.us>; Marie Jagua <ayubins@charter.net>; Ken & Sandy Wright <kenwright08@sbcglobal.net>; Joanné Riester <jriester@sbcglobal.net>; Bruce Gibson <bgibson@co.slo.ca.us>  
Subject: Vacation rentals in small scale neighborhoods

Good Afternoon Cherie and Bruce,

I hope all is well.

Attached is a letter I am hoping can be distributed to the board for the meeting on Tuesday. I will also be reading in at the time of the hearing. There is a letter and photos in 2 different attachments.

Let me know if you have any questions,  
Lou Smith

Item No. 33  
Meeting Date: August 9, 2016  
Presented by: Lou Smith  
Rec'd prior to meeting & posted to web on August 8, 2016

Exhibit 3  
A-3-SLO-16-0080  
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## VACATION RENTALS IN THE SMALL SCALE NEIGHBORHOODS

Vacation Rentals, which are allowed by the County in the Cayucos small-scale neighborhoods has been a disaster for the residents. Allowing these rentals has turned our neighborhoods in to hotel/motel zones.

The numbered streets are especially impacted. These are small neighborhoods with small lots, whose houses are only 6 feet apart in some cases. The streets are in scale with the neighborhoods, and cannot accomodate the influx of cars. This neighborhood should be able to create communities by getting to know their neighbors.

BUT NO.....

Transient renters are able to come in every weekend and use the neighborhood as their own private vacation spot. The attached photos will show that the parking is a disaster and the renters use the driveways and streets to gather. They are on vacation and everyday to them is weekend, so gathering outside in the middle of the week is the norm. While those of us who have to work the next day, are keep up by the noise.

The County has tried to regulate these renters, but that has been a failure. The county says the neighbors should complain but people don't like to complain and when they do, nothing seems to happen to alleviate the situation, which makes complaining useless. Those of us whose homes are located here want to live our lives in peace and don't want to be responsible for having to police our own neighborhoods.

If the county wants transient housing in Cayucos, then it should encourage motels, timeshare or hotels to be built in commercial zones. If the need exists, there will always be someone willing to fill the hole.

The use of single-family homes to fill this need is only an advantage to the rental agencies and the out-of-town owners who want to make money on their second homes. If they need the money, they are quite welcome to rent their homes as full time or long-term rentals. The need for full time rentals in Cayucos, is widespread. Adding more full time residents in these rentals will provide support to our businesses, schools and organizations.

It is time, to put a moratorium on issuing any additional vacation rental permits in the small-scale neighborhood. And it is certainly time to refuse any requests to waive the 100-foot separation of properties to allow another vacation rental.

If the county feels bad for those owners whose properties already have vacation rental permits, those could be grandfathered, providing the owners renew the permit in the time allowed. These grandfathered permits, would NOT be allowed to be transferred with the sale of the property nor passed down to inheritors on the death of the owners. As the properties change hands, that vacation rental permit will be retired.

If the county feels bad for the vacation rental businesses, they can take those permits lost in the small scale neighborhood and distribute them to those properties that are along the major streets, not in the single family neighborhoods.

Those of us who bought our single family home in a R-1 single family neighborhood, have right to what we purchased and to live in peace.

This is the sentiment of the majority of the residents in this neighborhood. How would you feel if you lived 6 feet away from a house that is constantly being used as a motel? Please do the right thing and help the residents of this neighborhood reclaim and build their community.

Lou Smith  
40 20<sup>th</sup> Street  
Cayucos





Item No. 33  
Meeting Date: August 9, 2016  
Presented by: Lou Smith  
Rec'd prior to meeting & posted to web on: August 8, 2016  
Page 3 of 5





Item No. 33  
Meeting Date: August 9, 2016  
Presented by: Lou Smith  
Rev'd prior to meeting & posted to web on: August 8, 2016  
Page 4 of 5





Item No. 33  
Meeting Date: August 9, 2016  
Presented by: Lisa Smith  
Rec'd prior to meeting & posted to web on: August 8, 2016  
Page 5 of 5



# FW: Statement for BOS Meeting

Cherie McKee

Cheryl Conway

Adam Hill <ahill@co.slo.ca.us>, Bruce Giesen <brugesien@co.slo.ca.us>, Debbie Arnold <darnold@co.slo.ca.us>, Frank Merham <fmerham@co.slo.ca.us>, Lynn Compton <lcompton@co.slo.ca.us>, Hannah Miller <hmillen@co.slo.ca.us>, Jennifer LaBee <jlabee@co.slo.ca.us>, Jonelyn Brennan <jbrennan@co.slo.ca.us>, Vicki Shelby <vshelby@co.slo.ca.us>, Deborah Clark-Bearden <dclark@co.slo.ca.us>, Airlin Singewald <asingewald@co.slo.ca.us>

fyi

Cherie McKee  
Legislative Assistant  
District 2

From: Cheryl Conway [mailto:cheryl@charter.net]  
Sent: Monday, August 08, 2016 11:42 AM  
To: Cherie McKee <cmckee@co.slo.ca.us>  
Subject: FW: Statement for BOS Meeting

Cherie – Marie Jaqua asked that I forward a copy of this to you for the record in case no one can read it at the meeting. I am going to try and get there, but haven't been able to move any appointments yet.

Thank you,  
Cheryl Conway

Dear Supervisors:

The vacation rental ordinance, while not perfect, was a hard fought solution to an increasingly untenable situation in our beach front communities. The ever increasing numbers of short term rentals was making Cayucos a sometimes miserable place for the permanent residents – noise, parking, trash, weekend parties.

Now, the family of a long term resident would like us to approve them turning the family home into a vacation rental when that would exceed the number allowable on that stretch of street. Their representative came before the Land Use Committee of the Cayucos Citizens Advisory Council and argued that (1) since they had been around for so long and (2) they had adequate parking and (3) the parties would be mostly on the beach, not in the house and (4) the other allowed rentals weren't always in use, that the Land Use Committee should just agree to waive the restriction on the number of houses and let them turn the house into another vacation rental. The Committee unanimously said no. They and their representative went before the Cayucos Citizens Advisory Council, made the same arguments, and again were unanimously told no.

The point was, when you agree to one waiver of the ordinance with no compelling reason, how do you tell the next one no? Just because the party is on the beach doesn't mean it will not disrupt family life for the neighborhood residents. Here on the south end of Cayucos and we have fewer less of a problem with vacation

Item No. 33  
Meeting Date: August 9, 2016  
Presented by: Cheryl Conway  
Rec'd prior to meeting & posted to web site  
Page 1 of 2

Exhibit 3  
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rental quantities in our area, but the recent two week celebration of the Fourth of July found that almost every early morning we were awakened by groups coming back from their parties on the beach between 1:30 and 3:30 am. I can just imagine what it was like for the people living on the ocean side who had to listen to them all weekend. Just because one of the other allowable rental is not often used today does not mean it will not be well used tomorrow.

While I appreciate the economic benefit that we reap from tourism, we have to remember that first and foremost, we have to look out for the residents of our towns and make sure that we do not destroy their quality of life.

I urge you to deny this request for an exemption to the vacation rental ordinance in Cayucos.

Thank you,  
Cheryl Conway  
Cayucos



FW: A letter of support for MUP request on Tuesday's agenda

Frank Mecham

Mon Aug 8, 2016, 7:27 PM

cc: board clerk Clerk Recorder & County Clerk: Clerk@co.slo.ca.us; Planning Commission: sbj@co.slo.ca.us; Attorney: Ashby Hill  
ashhill@co.slo.ca.us; Lynn Compton: lcompton@co.slo.ca.us; Debbie Arnold: darnold@co.slo.ca.us;

cc: [unintelligible]

Letter to Supervisors re: 1736 Pacific, plot 5, SLO County, 11770 Oceanview, J. Lynn Arnold, plot

Vicki M. (Shelby) Fogleman  
Legislative Assistant for  
First District Supervisor Frank R. Mecham

San Luis Obispo CA 93408

email: [vsfoglem@co.slo.ca.us](mailto:vsfoglem@co.slo.ca.us)

"Thinking a smile all the time will keep your face youthful" - Frank G. Burgess  
"Wrinkles should merely indicate where smiles have been" - Mark Twain

From: Sarah Maggelet (<mailto:sarah@templetonchamber.com>)  
Sent: Saturday, August 06, 2016 5:08 PM  
To: Frank Mecham <[fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us)>  
Subject: A letter of support for MUP request on Tuesday's agenda

Dear Frank,

Thanks for taking some time to meet with me a while back about my family's home in Cayucos. Our item is on your agenda for Tuesday, when we will be requesting a Minor Use Permit for a vacation rental license, an exception for the distance requirement that is currently limiting our ability to secure that license.

I have attached a summary letter of support for this MUP. If it is okay you can take a moment to read it before the meeting. Let me know if you have any questions. Call my cell at

Regards,  
Sarah

Item No. 33  
Meeting Date: August 9, 2016  
Presented by: Sarah Taylor Maggelet  
Rec'd prior to meeting & posted to website August 9, 2016

Exhibit 3  
A-3-SLO-16-0080  
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Sarah Taylor Maggelet  
Executive Director  
Templeton Chamber of Commerce

10/27/16 (08/04/16)

[www.templetonchamber.com](http://www.templetonchamber.com)

Item No. 33  
Meeting Date: August 9, 2016  
Presented by: Sarah Taylor Maggelet  
Rec'd prior to meeting & posted to web on: August 8, 2016

Exhibit 3

A-3-SLO-16-0080

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August 6, 2016

San Luis Obispo County Board of Supervisors

San Luis Obispo, CA 93401  
RE: DRC 2015-00073

Dear Supervisors Arnold, Compton, Gibson, Hill, and Mecham,

I am writing today to encourage each of you to grant the Minor Use Permit for 1736PAC, LLC, which is on your agenda this Tuesday, August 9. I have had the opportunity to meet with almost all of you personally on this agenda item, and I am grateful for your time and your careful consideration of this request.

While a request for a MUP on vacation rentals on the coast is not granted without very careful consideration, I am confident that this property exhibits the extraordinary features that merit an exception to the Coastal Vacation Rental Ordinance. We have identified 10 separate features of the property that meet the requirements to grant the exception, which are detailed on the document dated April 2, 2016. I hope you will refer closely to that document as it outlines why a decision by you to approve the MUP would not be "setting a precedent" with just any home in Cayucos. This is NOT just any home in Cayucos, we would not have come this far in the process if we believed that it was.

As we discussed in our meetings, it is estimated that over 100 vacation rentals are currently listed on such sites as VRBO and AirBnB, most operating outside the ordinance and not contributing TOT tax or holding a business license, not to mention usually not professionally managed, leading to the degradation of the neighborhoods due to parking and noise issues.

Furthermore, over 40% of the current holders of the vacation rental license in Cayucos are not actively renting their property and therefore also not contributing TOT tax or helping to satisfy the need for more beds for our county visitors. Any given summer or holiday weekend, every hotel room in Cayucos is full nor do these hotels offer the experience that many families visiting our coast are looking for.

The market for vacation rentals; homes that feature multiple bedrooms (for several families traveling together, travelers with pets or multi-generational traveling groups), a full kitchen (to cook healthy, delicious meals from our local farmer's and fish markets) and a more friendly, casual "live like a local" feel to them, have never been in more demand. San Luis Obispo County has never been more on the tourism radar, both nationally and internationally, and we owe it to these wonderful visitors to showcase the best our county has to offer in accommodations.

Transient Occupancy Tax accounts for a decent amount of our county budget and could be dramatically increased if more of these illegal vacation rentals are identified and converted to legal properties. I have included a chart from Visit San Luis Obispo.com, that, when sent to me, Chuck Davidson, the CEO, stated,

"As you will see in the first column for the first 11 months of the fiscal year TOT for the un-incorporated area of the county totaled \$8.3 million, no drop in the bucket financially especially for a county confronted with the lost of tax revenue from the Diablo closure"

The Taylor Family, who has continuously owned this property on the beach since it was built in the late



1960's, wants to do the right thing and showcase our gorgeous beach front, four bedroom home, with its unique mid-century modern architecture and floor to ceiling windows on three sides of the ocean view living room, as a professionally managed, tax paying, legal vacation rental in the town of Cayucos.

We have done extensive surveying of the neighborhood, resulting in no negative feedback regarding our seeking of the MUP. We have a management company selected and a very strict contract-written, forbidding parking issues, noise issue or overcrowding of the unit.

The very nature of the design of the home is why we know this property deserves the MUP approval: there are very few four bedroom homes (sleeps 10) right on the beach for rent in Cayucos. The redwood siding, floor to ceiling windows on three sides of the living room, and the fact that it juts out over the sand on one of only five rocky outcropping peninsulas along Cayucos Beach, make it a **showcase property that dramatically stands out among the homes on that stretch of coastline.** It is a very different property, very desirable and perfect as a vacation rental. The fact that five cars can park on the property (off the street) is also very remarkable. The garage is just that: a garage for cars (two of them!). This home is suited for operating as a vacation rental, not workforce housing, as it is too large for most working families to need or to afford. The orientation of the home mitigates all noise that might be generated from visitors, as the surf drowns out anything from the front porch and the enclosed yard has mature trees and walls on all sides.

But you can be sure that when visitors stay at 1736 Pacific Avenue for their week-long vacation, whether they are from France or Fresno, they will return home with incredibly positive experiences from their stay in Cayucos. From the tide pools and rock formations just in front of the home, to the surf spot just yards away, to the viewing of the whales and dolphin off shore from the telescope on the front porch.

Please allow us to add this incredible, locally owned and professionally managed, beautiful property to the inventory of Cayucos accommodations. The ordinance, when written 10 years ago, may not have seen AirBnB coming, but it did allow for extraordinary properties to gain exemption from the distance limit, to allow our county to focus on why the ordinance is in place: to allow for high quality tourism services without degradation of the neighborhood or loss of workforce housing.

This property, 1736 Pacific Avenue, meets that high bar for exception and, if granted, will take the opportunity very seriously, with professional management and paying of all applicable county taxes. There should not be concern for "setting a precedent" here because the property clearly meets the extraordinary characteristics to merit the MUP, with over 10 points to that end. That said, we do believe it is time to review the ordinance and find a way to maximize tax collection, be sure vacation rental properties are managed properly to benefit of the visitor, the county and the neighborhood, and be sure our gorgeous county and coastline are being showcased in the best light for these visitors.

Thank you for your consideration of the MUP for 1736PAC, LLC. We look forward to the opportunity to host families at the beach house soon!

Regards,

*Sarah Maggelet*

Sarah Taylor Maggelet

Templeton, CA 93465



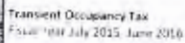
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Exhibit 3  
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**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 8/9/2016	(3) CONTACT/PHONE Airlin M. Singewald, Senior Planner / (805) 781-5198	
(4) SUBJECT Continued hearing to consider an appeal by 1736PAC, LLC of the Planning Department Hearing Officer's denial of a request for a Minor Use Permit / Coastal Development Permit (DRC2015-00073) to waive the 100-foot distance requirement and allow an existing 4-bedroom single family residence, located at 1736 Pacific Avenue in Cayucos, to be used as a residential vacation rental; exempt from CEQA. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution denying the appeal and affirming the Planning Department Hearing Officer's denial of the project.			
(6) FUNDING SOURCE(S) Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>45 minutes</u> ) <input type="checkbox"/> Board Business (Time Est. <u>    </u> )			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)  N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? N/A	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: <u>6/21/16</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 2			



## County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Airlin M. Singewald, Senior Planner

VIA: Ellen Carroll, Planning Manager / Environmental Coordinator

DATE: 8/9/2016

SUBJECT: Continued hearing to consider an appeal by 1736PAC, LLC of the Planning Department Hearing Officer's denial of a request for a Minor Use Permit / Coastal Development Permit (DRC2015-00073) to waive the 100-foot distance requirement and allow an existing 4-bedroom single family residence, located at 1736 Pacific Avenue in Cayucos, to be used as a residential vacation rental; exempt from CEQA. District 2.

### **RECOMMENDATION**

It is recommended that the Board adopt the resolution denying the appeal and affirming the Planning Department Hearing Officer's denial of the project.

### **DISCUSSION**

#### **Background**

On April 8, 2016, the Planning Department Hearing Officer heard and denied a request by 1736PAC, LLC for a Minor Use Permit/ Coastal Development Permit to allow an existing 4-bedroom single family residence to be used as a residential vacation rental. The minor use permit sought to waive Coastal Zone Land Use Ordinance Section 23.08.165(C)(2), which states that any new vacation rental in Cayucos must be located at least 100 feet from an existing vacation rental. The waiver was necessary because the existing residence at 1736 Pacific Avenue is within 80 feet of two existing vacation rentals (see Figure 1 on next page).

The Coastal Zone Vacation Rental Ordinance establishes rules to ensure that vacation rentals in Cayucos, Cambria, and Avila Beach are operated in a manner that is compatible with neighboring homes. This includes a location standard which limits the concentration of vacation rentals in residential neighborhoods. This standard can be waived through the minor use permit process, when applicants are able to show that their property has unique characteristics which help to mitigate concerns (e.g. noise, parking, and traffic) associated with a concentration of vacation rentals in residential neighborhoods.

In support of the waiver request, the applicant contends that the following factors distinguish the project site from others in Cayucos: 1) since the existing home is located on a bluff adjacent to the shoreline, tenants will focus their recreational activities on the beach where noise will not disturb neighbors; 2) the existing single family residence has an interior courtyard, which will help contain outdoor noise associated with the vacation rental; 3) the site has adequate onsite parking and access on Pacific Avenue; 4) the surrounding residential neighborhood is not overly dense; and 5) the house has unique historical and architectural interest since it was designed by a well-known local architect.

In denying the project, the Hearing Officer determined that these factors did not make the project site unique or mitigate the type of neighborhood character impacts that the 100 foot location standard seeks to address. The Hearing Officer was particularly concerned about the precedent of approving a waiver primarily on the basis of an oceanfront location. Approving this modification request and others like it could potentially transform the character of oceanfront



neighborhoods from residential areas to primarily visitor-serving areas, undermining the intent of the ordinance to preserve residential neighborhoods.



Figure 1: Proximity to Existing Vacation Rentals

As shown in Figure 1, the concentration of vacation rentals in this neighborhood already exceeds the limit set by the ordinance, with a number of existing vacation rentals located closer than 100 feet from each other. This is because, when the vacation rental ordinance was adopted in 2003, it exempted existing legally established vacation rentals from the location standard. Community members have expressed concerns that the existing concentration of vacation rentals is already impacting the residential character of Cayucos's neighborhoods, and that any waivers or modifications made to the ordinance would further diminish the quality of life enjoyed by permanent residents living in Cayucos.

At the February 3, 2016 Cayucos Citizens Advisory Council meeting, Cayucos residents described some of the deleterious effects that vacation rentals have on neighborhoods. Concerns included noise, parking overflow, and regular turnover of visitors who are not familiar with the residential neighborhoods where they are lodging. The advisory council also felt that this property wasn't different than any other oceanfront home on Pacific Avenue and was concerned about setting a precedent of waiving the distance standard for any other oceanfront property in Cayucos. On an 8 to 3 vote, the advisory council recommended denial of the request.

The attached April 8, 2016 Planning Department Hearing staff report goes into greater detail on the purpose of the vacation rental ordinance, the location standard, and the minor use permit process.



## Appeal

The applicant filed an appeal of the Hearing Officer's decision on April 15, 2016. The appeal states that the Hearing Officer's denial of the minor use permit application is "contrary to requirements to provide and protect public access to the coast via short-term rentals which are a type of visitor-serving accommodation." Although the appeal doesn't cite the reasons why the waiver should be approved, staff's analysis below describes and responds to previous information submitted by the applicant in support of the waiver.

**Overall Appeal Issue:** Denial of the minor use permit application is "contrary to requirements to provide and protect public access to the coast via short-term rentals which are a type of visitor-serving accommodation."

**Staff Response:** This appeal issue alludes to policies in the County's Local Coastal Plan (LCP), which encourage visitor-serving facilities. Of these policies, the most relevant is Policy 1 (Recreation Opportunities) in the Recreation and Visitor-Serving Facilities chapter of the County's Coastal Plan Policies document. This policy states "Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means." However, this policy goes on to state that "Visitor-serving facilities include all lodging establishments included in the definition of Hotels, Motels in Chapter 7 of Framework for Planning of the Land Use Element and Local Coastal Plan." Vacation rentals are considered a residential use and are not included in the definition of Hotels, Motels. Therefore, this policy does not apply to residential vacation rentals.

Although vacation rentals are not covered under the recreation and visitor-serving chapter of the Coastal Plan policies, they do play a major role in providing visitor-serving accommodations along the coast. The vacation rental ordinance recognizes this by allowing for short-term rentals of homes in coastal communities at limited concentrations. The requested waiver would result in a higher concentration of vacation rentals than what's allowed by the ordinance and could degrade the quality of life enjoyed by neighboring fulltime residents.

**Applicant's Justification for a Waiver #1:** Since the existing home is located on a bluff adjacent to the shoreline, tenants will focus their recreational activities on the beach where noise will not disturb neighbors.

**Staff Response:** While the existing home's proximity to the shoreline could help reduce the amount of noise impacting neighboring residents, it is not guaranteed and during evening hours, when neighbors would be most sensitive to noise disturbance, partying and noisy activities would likely take place in the residence and could spill over to the front driveway area.

The minor use permit process allows applicants to request a waiver based on unique project-specific factors that were not contemplated with the adoption of the communitywide location standard for vacation rentals. When the vacation rental ordinance was first adopted (in 2003) and later updated (in 2013), the decision-makers were well aware of the prevalence of vacation rentals along the shoreline, and they could have exempted such properties from the location standard had they believed that higher concentrations of vacation rentals were acceptable in oceanfront neighborhoods. However, the decision-makers decided instead to apply the same location standard to all properties in Cayucos including oceanfront lots.

Finally, the existing home's oceanfront location is not a unique characteristic that sets it apart from other homes in Cayucos. The Department of Planning and Building receives regular inquiries from owners of oceanfront lots in Cayucos and Cambria seeking business license clearance for vacation rentals. If this project is approved for the reasons given by the applicant, it would set a precedent for approving other vacation rentals in over-concentrated areas on the coast.

**Applicant's Justification for a Waiver #2:** The existing single family residence has an interior courtyard, which will help contain outdoor noise associated with the vacation rental.

**Staff Response:** While the interior courtyard could help reduce the amount of noise that spills over on neighboring homes, there is no guarantee that partying and noisy activities will be limited to the courtyard. Also, a concentration of late night noise and partying in the courtyard could significantly impact the immediately adjacent neighbor to the south.

**Applicant's Justification for a Waiver #3:** The site has adequate onsite parking and access on Pacific Avenue.



**Staff Response:** This does not make the project site unique. There are hundreds of homes on Pacific Avenue that could make the same claim. Every new vacation rental would be required to show adequate onsite parking.

**Applicant's Justification for a Waiver #4:** The surrounding residential neighborhood is not overly dense.

**Staff Response:** With homes built out to narrow setbacks on 40-foot wide, 3,500 square-foot lots, the density of this neighborhood, which is about double the current standard for a residential single family neighborhood, is very typical of Cayucos and is not unique.

**Applicant's Justification for a Waiver #5:** The house has unique historical and architectural interest since it was designed by a well-known local architect.

**Staff Response:** While this is a factor that may make the house unique and an attractive vacation rental, it does nothing to mitigate impacts (e.g. noise, parking, traffic) on neighboring residents.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

The project was referred to Coastal Commission and the Cayucos Citizens Advisory Council. As described above, the advisory council recommended denial of the request for a vacation rental. In addition, County Counsel has reviewed and approved the attached resolution with findings.

#### **FINANCIAL CONSIDERATIONS**

This project is in the Coastal Zone and is not subject to an appeal fee. This appeal was processed using department allocated general fund support.

#### **RESULTS**

Denying the appeal and affirming the decision of the Planning Department Hearing Officer would be a denial of the distance waiver request and would not allow for the existing home at 1736 Pacific Avenue in Cayucos to be used as a residential vacation rental. This action would be consistent with the countywide goals of promoting well-governed and livable communities. Upholding the appeal would grant the distance waiver and allow the existing home to be used as a residential vacation rental.

#### **ATTACHMENTS**

Attachment 1 - Resolution and Findings  
Attachment 2 - 1736PAC, LLC Appeal Form; April 15, 2016  
Attachment 3 - Planning Department Hearing Staff Report; April 8, 2016  
Attachment 4 - Planning Department Hearing Minutes; April 8, 2016  
Correspondence 1- Posted June 20, 2016  
Correspondence 2- Posted June 20, 2016  
Correspondence 3- Posted June 20, 2016



Tuesday, August 09, 2016

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

**PRESENT:** Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.**

**Consent Agenda – Review and Approval:**

**1-23.** This is the time set for consideration of the consent agenda.

**Chairperson Compton:** opens the floor to public comment.

The action taken for Consent Agenda Items 1 through 23 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Items: Set for Hearing:**

1. Introduction of amendments to the Public Facilities Fee Ordinance, Title 18 of the San Luis Obispo County Code to remove an exemption listed within Section 18.03.020 (10) of the Muni Code regarding collection of certain public facility fees for specific community services districts and fire protection districts. Hearing set for September 13, 2016. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Administrative Office Items:**

2. Receive and file the responses of the District Attorney and Sheriff-Coroner to the Grand Jury Report "Keeping Suspects in Custody: When is Scheduled Bail Not Enough?" All Districts.

**The Board approves as recommended by the County Administrative Officer.**

3. Request to approve a Memorandum of Understanding between the County of San Luis Obispo and the Lucia Mar Unified School District designating a portion of the Central Coast New Tech High School / Nipomo High School campus as an Evacuee Monitoring and Decontamination and Reception Center. All Districts

**Dr. C. Hite; Ms. Jane Swanson – Mothers for Peace; Mr. Eric Greening; Ms. Linde Owen; Ms. Linda Seeley – Mothers for Peace; and Ms. Kathy Oliver:** speak.

**Mr. Dan Buckshi - County Administrative Officer and Emergency Services Director:** discusses the reasons for this request, with Board Members responding.

**The Board approves as recommended by the County Administrative Officer.**



**Consent Agenda - Board of Supervisors Items:**

4. Submittal of resolutions honoring the 2016 CattleWoman of the Year, the 2016 Cattleman of the Year, and the 2016 Agriculturalist of the Year in San Luis Obispo County. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2016-198, 2016-199 and 2016-200, adopted.**

5. Request to approve the reappointment of Paulla Ufferheide to the Commission on the Status of Women. District 2.

**The Board approves as recommended by the County Administrative Officer.**

6. Request to formalize the name change from Estrella Cemetery District to Pleasant Valley Estrella Cemetery District. District 1.

**The Board approves as recommended by the County Administrative Officer.**

7. Request to approve an agreement with the Central Coast Aquarium allocating \$5,000 from District Three Community Project Funds – Fund Center #106 to be used for expenses associated with holding the annual "Catch of the Sea" fundraiser on September 10, 2016. District 3.

**Ms. Julie Tacker: speak.**

**The Board approves as recommended by the County Administrative Officer.**

8. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3 (d). District 2.

**Dr. C. Hite: speaks.**

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Central Services Items:**

9. Request to approve a Master Lease between the County of San Luis Obispo and San Luis Coastal Unified School District to allow for the County Fire Department's continued operation of a training and education facility in the unincorporated community of Los Osos, for up to 12 additional years and seven months. District 2.

**Ms. Linde Owen: speaks.**

**The Board approves as recommended by the County Administrative Officer.**

10. Request to approve a First Amendment to Lease with San Luis Obispo Coastal Unified School District for 4,800 square feet of modular office space at 1981 Vicente Drive, Building "A" in San Luis Obispo for the County Health Agency, Behavioral Health Department, Mental Health Division to continue its San Luis Obispo Outpatient Youth Services Program and Day Treatment Program, for up to ten (10) additional years. District 3.

**Ms. Suzi Cain – County Fire: corrects the meeting date listed on the agenda item transmittal.**

**Dr. C. Hite: speaks.**

**This item is amended by correcting meeting date listed on the agenda item transmittal to read "08/09/2016" not "07/26/2016". Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

**Consent Agenda - County Fire Items:**



11. Request to approve the FY 2016-17 renewal agreement for cooperative fire protection services with California Department of Forestry and Fire Protection in the amount of \$17,935,764. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Health Agency Items:**

12. Request to approve five FY 2016-17 renewal contracts, with the option to renew for two additional years, in the cumulative amount not to exceed \$513,170 per year with five group home facilities to provide residential board and care and social support services for youth and adolescents with severe emotional and mental health issues. All Districts.

**Dr. C. Hite:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

13. Request to approve a FY 2016-17 Standard Agreement Performance Contract (Clerk's File) with the State Department of Health Care Services delegating responsibility for establishing community mental health services to the County related to the Mental Health Services Act, Projects for Assistance in Transition from Homelessness (PATH), and the Community Mental Health Services Grant programs. All Districts.

**Dr. C. Hite:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

14. Request to approve a three-year renewal agreement (Clerk's File) with the California Department of Public Health to conduct Supplemental Nutrition Assistance Program Education (SNAP-ED) services for Federal FY 2016-17 through Federal FY 2019-20 in a total amount not to exceed of \$1,361,448. All Districts.

**Mr. Jeff Hamm – Health Agency Director:** corrects a typographical error to the Federal Fiscal Years listed in the subject line.

**Dr. C. Hite:** speaks.

**This item is amended by correcting a typographical error to the Federal Fiscal Years listed in the subject line to read "2016-17 through 2018-19" not "2016-17 through 2019-20". Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

15. Request to approve four FY 2016-17 renewal contracts, with the option to renew for two additional years, with four Prevention and Early Intervention providers in the cumulative amount not to exceed \$432,951 to provide prevention and early intervention behavioral health services to individuals throughout the County as part of the Mental Health Services Act. All Districts.

**Dr. C. Hite:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Planning & Building Items:**

16. Request to Authorize the use of Alternative Publication Procedures for the Summer General Plan Amendment Cycle. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

17. Request to approve a grant of extension of time to commence collection of food waste as a recyclable



material for the Solid Waste Collection Franchise Agreement with Mid-State Solid Waste and Recycling Services, Inc. Districts 1 and 5.

**The Board approves as recommended by the County Administrative Officer.**

18. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the 2015-16 Chip Seal Various County Roads, San Luis Obispo County. Districts 1, 4, and 5.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-201, adopted.**

19. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of 2015-16 Surface Treatment Various County Roads, San Luis Obispo County. Districts 1, 4 and 5.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-202, adopted.**

20. Request to approve a contract with Fraser Seiple Architects, in the amount of \$115,745 for master planning design consultant services for the County Operations Center. District 2.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Sitting as Flood Control District:**

21. Request to 1) approve the Amended and Restated Nacimiento Water Project Wheeling Contract (Contract) with Heritage Ranch Community Services District (HRCSD); 2) authorize the Director of Public Works to execute a one (1) year extension with the HRCSD as provided for in the Contract; and 3) find that project exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). All Districts.

**The Board approves as recommended by the County Administrative Officer.**

22. Request to approve an amendment to the reimbursement agreement between the San Luis Obispo County Flood Control and Water Conservation District (District) and County of San Luis Obispo on behalf of County Service Area 16 (County) for the construction of the Shandon Turnout Project; and authorize a budget adjustment in the amount of \$20,000 from District reserves to complete funding for the County Service Area 16 (CSA 16) State Water Turnout; and authorize an additional \$20,000 loan from the District to align the total loan with CSA 16 (\$180,000 total loan). District 1.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Social Services Items:**

23. Request to approve a FY 2016-17 new service contract (Clerk's File) for California Work Opportunity and Responsibility to Kids (CalWORKs) Expanded Subsidized Employment (ESE) with Eckerd Youth Alternatives, Inc. (Eckerd), in the amount of \$562,606. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Public Comment Period:**

24. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

**Ms. Elaina Cano – Assistant Clerk-Recorder:** announces August 12<sup>th</sup> is nomination period deadline for the upcoming election. Further, states the deadline will be extended to August 17<sup>th</sup> if any incumbent chooses not file for a particular office.



**Dr. C. Hite:** addresses her concerns regarding the failures of civility at Board meetings (video).

**Mr. Eric Greening:** speaks to Item No. 3; the public not having access to view the item online; and the need to take a comprehensive look at emergency evacuations.

**Mr. Ben DiFatta:** comments on the Los Osos Community Services District's General Manager employment history; and drug problems in the county.

**Ms. Julie Tacker and Ms. Linde Owen:** discuss various issues concerning the Basin Management Committee and their efforts on the Basin Plan. Additionally, Ms. Tacker suggests an update on the Los Osos Wastewater Project; Ms. Owen states conservation funds should be used for repurposing septic tanks; and announces the South Bay Community Center will be celebrating their 30 years of existence on August 13<sup>th</sup>.

**Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB):** questions the county's policy regarding intervening on PG&E's joint proposal to close Diablo Canyon Power Plant. **No action taken.**

#### **Board Business:**

25. Request: 1) to receive and file a plan (Clerk's File) regarding participation in California's Drug Medi-Cal Organized Delivery System (DMC-ODS); 2) approval to implement the DMC-ODS plan in San Luis Obispo County, should the Board choose to effectuate the plan; 3) approval of a resolution amending the Position Allocation List to add a total of 26.50 FTE positions to Fund Center 166 – Behavioral Health; 4) authorization of a budget adjustment in the amount of \$2,071,405 from unanticipated revenue to FC 166-Behavioral Health to fund services associated with the Drug Medi-Cal Organized Delivery System. All Districts.

(This item is amended, per the addendum to the agenda, by attaching the Clerk's File Coversheet that was inadvertently omitted. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

**Ms. Anne Robin – Behavioral Health Administrator and Dr. Star Graber – Health Agency:** provide the staff presentation (powerpoint).

**Board Members:** discuss the plan's future funding; performance measures; and coordinating referrals with other systems of care, with Ms. Robin, Dr. Graber, and Mr. Dan Buckshi - County Administrative Officer responding.

**Chairperson Compton:** opens the floor to public comment.

**Chief Probation Officer Jim Sallo; Ms. Sue Warren – North County Connection; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); and Dr. C. Hite:** speak.

**Chairperson Compton:** opens the floor to public comment on a matter not related to this item.

**Mr. John Rinaldi:** suggests the weed abatement ordinance be amended to require a 100 feet clearance from property lines (letter).

**The Board:** 1) receives and files the plan regarding the implementation of the Drug Medi-Cal Organized Delivery System (DMC-ODS); 2) approves the request to implement the DMC-ODS plan; 3) **RESOLUTION NO. 2016-203** a resolution amending the Position Allocation List resolution for Fiscal Year 2016-17, adopted. The adopted resolution adds a total of 26.50 Full Time Employee (FTE) positions to Fund Center 166 – Behavioral Health, including 2.00 FTE Administrative Services Officer I/II, 1.00 FTE Accountant I/II, 1.00 FTE Mental Health Program Supervisor, 2.00 FTE Licensed Psychiatric Technicians I/II/III, 8.00 FTE Mental Health Therapist I/II/III/IV, 3.00 FTE Drug and Alcohol Specialist I/II/III/IV, 2.00 FTE Drug and Alcohol Worker I/II, 1.50 FTE Health Information Technician I/II/III, and 6.00 FTE Administrative Assistant I/II/III; and 4) authorizes a Fiscal Year 2016-17 budget adjustment in the amount of \$2,071,405 from unanticipated revenue to FC 166-Behavioral Health for the DMC-ODS.



**Motion by:** Bruce S. Gibson

**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Direction is provided to staff to return with an update one (1) year after the plan is implemented.**

26. Request to receive and file a project update for the Women's Jail Expansion, authorize a budget adjustment in the amount of \$1,100,000 from Capital Project Savings and Facilities Planning Reserve Designation to the Women's Jail Expansion project budget, and direct staff to extend consultant services contracts. Project located at 1585 Kansas Avenue, San Luis Obispo. All Districts.

**Mr. Dave Flynn – Public Works Director and Chief Deputy Sheriff Rob Reid:** provide the staff presentation (powerpoint).

**Chairperson Compton:** opens the floor to public comment without response.

**The Board:** 1) receives and files the report on the current status of the Women's Jail Expansion project at 1585 Kansas Avenue in San Luis Obispo; 2) authorizes a budget adjustment in the amount of \$1,100,000 from Capital Project Savings and Facilities Planning Reserve Designation to the Women's Jail Expansion project budget for extension of consultant services contracts; and 3) directs staff to extend consultant services contracts with Construction Manager, ARCADIS US, Inc.; Inspector of Record, 4LEAF, Inc.; Architect/Engineer; and AECOM, Technical Services, Inc. and bring back at a later date.

**Motion by:** Bruce S. Gibson

**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

#### Hearings:

27. Hearing to consider a request from the Land Conservancy of San Luis Obispo County to waive permit processing fees for construction permits associated with an agricultural museum and event space with associated support features proposed for the historic Octagon Barn, south of the City of San Luis Obispo. District 3.

**Ms. Ellen Carroll – Planning and Building:** speaks to the request and recommendation.

**Supervisor:** questions if this is in the City's Sphere of Influence, with Ms Carroll responding.

**Mr. Brian Pedrotti – Planning and Building:** provides the staff presentation (powerpoint).

**Chairperson Compton:** opens the floor to public comment without response.

**RESOLUTION NO. 2016-204, a resolution approving the request by the Land Conservancy of San Luis Obispo County for a waiver of permit processing fees for various construction permits associated with an agricultural museum and event space with associated support features proposed for the historic Octagon Barn on South Higuera Street, adjacent to the City of San Luis Obispo, adopted and based upon the findings in "Exhibit A".**



**Motion by:** Adam Hill  
**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Closed Session Items:**

28. The Board announces they will be going into Closed Session regarding:

(Added Closed Session, per the addendum to the agenda: "CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (16) California Water Impact Network v. County of San Luis Obispo, et al." Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Three.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) PG&E's 2017 General Rate Case A. 15-09-001; (4) Edmond Paul Price v. County of San Luis Obispo, et al.;

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (5) San Luis Obispo Government Attorney's Union (SLOGAU); (6) San Luis Obispo County Employees Association - Trades and Crafts (SLOCEA-T&C); (7) Deputy County Counsel's Association (DCCA); (8) Sheriffs' Management; (9) San Luis Obispo County Probation Peace Officers' Association (SLOCPPOA); (10) Deputy Sheriff's Association (DSA); (11) District Attorney Investigators' Association (DAIA); (12) San Luis Obispo County Probation Managers' Peace Officers' Association (SLOCPMPOA); (13) San Luis Obispo County Employees Association - Public Services, Supervisors, Clerical (SLOCEA - PSSC); (14) Unrepresented Management and Confidential Employees; and (15) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

**Chairperson Compton:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

**Presentations:**

29. Submittal of a resolution proclaiming August 2016 as "Child Support Awareness Month" in San Luis Obispo County. All Districts.

**Ms. Julie Paik – Child Support Services Director; Ms. Alisha Griffin – Child Support State Director; and Mr. George Chance – State Regional Administrator:** speak.

**Chairperson Compton:** opens the floor to public comment without response.



**RESOLUTION NO. 2016-205, a resolution proclaiming August as "Child Support Awareness Month" in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Board Business:**

30. Submittal of a resolution authorizing: 1) the surplus and sale by public auction of County-owned real property at 790 and 800 Cornwall Street in Cambria; and 2) a budget adjustment to repay the Cambria Friends of the Library and pay the Library Department's Facilities Planning Reserve Fund Center 1205, by the amount of the net proceeds of sale less costs of sale, by 4/5 vote. District 2.

**Ms. Shauna Dragomir – Real Property Manager:** announces no written bids were received by the deadline of 5:00 PM on August 8, 2016 and without receiving any written bids, an oral auction cannot be conducted at this time. Additionally, states on behalf of the Library Director, recommends the Board not reschedule the auction; allow staff to evaluate alternatives with the Library Department for the selling property; and return to the Board next year with a request for a new auction date.

**Chairperson Compton:** opens the floor to public comment without response.

**The Board directs staff to postpone rescheduling another auction on the Cornwall Street property while staff continues to perform further analysis and return to the Board at a later date.**

**Motion by:** Bruce S. Gibson

**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Hearings:**

31. Hearing to consider a request by Grid Alternatives to extend the time within which it may use the remainder of the previously-approved waiver of building permit fees to include an additional five year period (2016-2021) for individual affordable residential photovoltaic system installations. All Districts.

**Mr. Tony Navarro – Planning and Building:** presents the item.

**Chairperson Compton:** opens the floor to public comment.

**Ms. Barby Wunsch - Grid Alternatives, Development Officer:** requests an amendment to their request to include the Multi-Family Affordable Solar Homes (MASH) program, with Mr. Matt Janssen – Planning and Building stating the resolution can be amended to reflect her request.

**The Board amends the resolution to include the Multi-Family Affordable Solar Homes (MASH) program. Furthermore, RESOLUTION NO. 2016-206, a resolution approving a request by Grid Alternatives to extend the time within which it may use the remainder of the previously-approved waiver of building permit fees to include an additional five year period (2016-2021) for individual and multi-family affordable residential photovoltaic system installations countywide, adopted as**



amended.

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

32. Hearing to consider a resolution adopting the updated 2015-16 County Bikeways Plan; and find the project to be exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). All Districts.

**Ms. Michelle Matson – Public Works, Bicycle Advisory Committee Secretary:** provides the staff presentation (powerpoint).

**Chairperson Compton:** opens the floor to public comment.

Ms. Esmeralda Barragan; Ms. Kelly Knox; Ms. Joy Sherrick; Ms. Lea Brooks – Bike SLO County; Mr. Griffin Paul; Mr. Richard Riedl; Mr. Ken Price; Mr. David Coburn; Mr. Tim Jonet; Mr. Dave Abrecht - SLO Bicycle Club President (photographs); Mr. Dale Sutliff –Bicycle Advisory Committee; Mr. Myron Amerine - Bicycle Advisory Committee; Mr. Robert - Davis Bicycle Advisory Committee; Mr. Jeff Brubaker – San Luis Obispo Council of Governments (SLOCOG); Mr. Eric Greening; and Ms. Anne Wyatt: speak.

**RESOLUTION NO. 2016-207, a resolution adopting the updated 2015/16 County Bikeways Plan and finding the project exempt from Section 21000 et seq. of the California Public Resources Code California Environmental Quality Act (CEQA), adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

33. Continued hearing to consider an appeal by 1736PAC, LLC of the Planning Department Hearing Officer's denial of a request for a Minor Use Permit / Coastal Development Permit (DRC2015-00073) to waive the 100-foot distance requirement and allow an existing 4-bedroom single family residence, located at 1736 Pacific Avenue in Cayucos, to be used as a residential vacation rental; exempt from CEQA. District 2.

**Board Members:** report their ex-parte communications relating to this hearing.

**Mr. Airlin Singewald – Planning and Building:** provides the staff presentation (powerpoint).

**Board Member:** address not being able to obtain the total number of licenses held that are actually being used as vacation rentals, with Mr. Singewald and Mr. Justin Cooley – Auditor-Controller, Treasurer, Tax Collector, Public Administrator's Office responding.

**Mr. Jeff Edwards – Appellant's Agent:** provides his powerpoint presentation, findings and conditions of approval.

**Chairperson Compton:** opens the floor to public comment.

**Ms. Camron Taylor-Brown and Mr. Hutton Taylor - Appellants; Mr. Steve Beightler; Ms. Carol**



Baptiste – Cayucos Citizens Advisory Council and Cayucos Land Use Committee (letter); Ms. Marie Jaqua – Cayucos Citizens Advisory Council and Cayucos Land Use Committee; Ms. Louisa Smith (handout and photographs); Mr. Stuart Selkirk; Mr. Kenneth Wright; Ms. Sandra Wright (letter); Ms. Cindy Walton; Mr. James Prange; Mr. Mark Walton (letter); Mr. Richard Watkins; Ms. Jan Lewis; and Ms. Wendy Hinsdale: speak.

Mr. Edwards: provides closing remarks and letters of support for the record.

**Supervisors Mecham, Arnold, and Chairperson Compton:** address the uniqueness of the property and that it is suitable for a vacation rental, with Supervisors Hill and Gibson responding.

**On motion by Supervisor Gibson, seconded by Supervisor Hill, to deny the appeal and uphold the decision of the Planning Department Hearing Officer, is discussed.**

**Supervisor Gibson:** states the Board was not presented with evidence to establish the house as unique; and would violate two ordinance distance standards, with Supervisor Mecham responding.

**The Board denies the appeal by 1736PAC, LLC and upholds the decision of the Planning Department Hearing Officer.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)		x		
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)		x		
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)		x		

**The motion on the floor fails.**

Mr. Singewald: presents new findings and conditions of approval to support upholding the appeal.

**On motion by Supervisor Mecham, seconded by Chairperson Compton, to uphold the appeal based on the findings and conditions of approval presented by staff, is discussed.**

**Supervisor Gibson:** states he is not going to support the motion on the floor; the findings are weak; E.1, the homes are just as close as the other homes on the beachfront and the open courtyard could create more noise; E.2 is incorrect; the one (1) photograph presented by the Appellant's Agent is not adequate evidence to support E.2; E.3 will allow anyone with a home of a substantial size and what they consider a unique architectural design to make the same case; and approval of this will open up over development of vacation rentals in Cayucos.

**The Board upholds the appeal by 1736PAC, LLC for a Minor Use Permit / Coastal Development Permit (DRC2015-00073) to waive the 100-foot distance requirement and allow an existing 4-bedroom single family residence, located at 1736 Pacific Avenue in Cayucos, to be used as a residential vacation rental based on the following findings and conditions: Findings – Exhibit A: CEQA Exemption: A. The project qualifies for a Categorical Exemption (Class 1, ED15-225) pursuant to State CEQA Guidelines Section 15301 because the project consists of the operation and leasing of the existing residence as a residential vacation rental, involving negligible or no expansion of the use beyond that existing at the time of the Lead Agency's determination; Minor Use Permit/Coastal Development Permit: 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 proposed residential vacation rental does not generate activity that presents a potential threat to the surrounding property and buildings. This operation meets standards for vacation rentals as set forth in Coastal Zone Land Use Ordinance section 23.08.165**



have been added as conditions to this project. Because these standards further limit-parking requirements, number of occupants and require the designation of a 24-hour property manager contact, potential impacts to surrounding property owners will be minimized. The proposed conditions of approval have routinely been added to other minor use permits for establishment of vacation rentals. 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 existing residence will not change and, as conditioned, the residential vacation rental will not conflict with the surrounding lands and uses because: **I. Outdoor activities** associated with the use of the existing residence as a residential vacation rental would occur in an interior courtyard, which would help to reduce noise impacts on neighboring homes; **II. Based on evidence** submitted in the record, the existing residence is one of only four in the neighborhood that is located on a rocky point and that projects over a bluff-top; **III. The existing residence** is approximately 2,500 square feet in size and has unique architectural design; 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 Pacific Avenue, and no additional traffic is anticipated with the project because it is using an existing approved residence as a residential vacation rental. 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. Normal residential traffic volume means up to 10 trips per day. Additionally, the proposed residential vacation rental will include a condition that all parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway; and **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 will not inhibit access to the coastal waters and recreation areas. **Conditions of Approval – Exhibit B: Authorized Use:** 1. This Minor Use Permit / Coastal Development Permit authorizes the use of an existing single-family residence as a residential vacation rental; **Residential Vacation Rental Operational Conditions:** 2. Rental of the single-family 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 of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, home stay) shall be allowed on the site; 3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or 10 persons total; 4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas; 5. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking. Any and all advertising for this vacation rental shall be consistent with these conditions of approval; 6. 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. Normal residential traffic volume means up to 10 trips per day; 7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time; 8. The residential vacation rental 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. The 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; 9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply: a. A notice shall be submitted to the

Findings



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 Business License and Transient Occupancy Tax Certificate for the residential vacation rental; b. 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. 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; 10. The residential vacation rental 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 the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental; 11. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include: a. Failure to notify County staff when the contact person, or contact information, changes; b. Violation of the residential vacation rental tenancy standards; c. Violation of the residential vacation rental maximum occupancy, parking and noise requirements; d. The inability of County staff or the Sheriff's Dispatch to reach a contact person; e. Failure of the local contact person, or property owner, to respond to a complaint. Three verified violations, as determined by a County Planning and Building staff person, within any consecutive six-month period, shall be grounds for revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Signed affidavits by members of the community may be used to verify violations. Revocation of the Minor Use Permit, Zoning Clearance and/or Business License 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; and On-going conditions of approval (valid for the life of the project); 12. The 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 proof of Transient Occupancy Tax payment to the County Tax Collector is submitted to the Department of Planning and Building within 24 months of approval; and 13. 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 Coastal Zone Land Use Ordinance.

**Motion by:** Frank R. Mecham

**Second by:** Lynn Compton

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)		x		
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)		x		
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for

Exhibit 3

A-3-SLO-16-0080

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which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, August 09, 2016, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

**DATED:** August 15, 2016



## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060-4508

VOICE (831) 427-4863 FAX (831) 427-4877

RECEIVED

SEP - 1 2016

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Cayucos Residents Preserving Community - Marie Jaqua  
Mailing Address: 1701 Pacific Ave  
City: Cayucos, CA Zip Code: 93430 Phone: (805) 995-0632

SECTION II. Decision Being Appealed

1. Name of local/port government:

SAN LUIS OBISPO COUNTY

2. Brief description of development being appealed:

AN APPEAL BY 1736 PAC, LLC OF THE PLANNING DEPARTMENT HEARING OFFICER'S DENIAL OF A REQUEST FOR A MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT LPRC2015-00073 TO WAIVE THE 100 FOOT DISTANCE REQUIREMENT AND ALLOW AN EXISTING 4-BEDROOM SINGLE FAMILY RESIDENCE, LOCATED AT 1736 PACIFIC AVENUE IN CAYUCOS, TO BE USED AS A RESIDENTIAL VACATION RENTAL.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1736 PACIFIC AVENUE BETWEEN 13TH & 24TH STREETS  
CAYUCOS, CA. 93430  
064-236-007

4. Description of decision being appealed (check one.):

- ☒ Approval; no special conditions  
☐ Approval with special conditions:  
☐ Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-3-SLO-16-0080  
DATE FILED: 9/1/2016  
DISTRICT: Central Coast

Exhibit 4

A-3-SLO-16-0080

Page 1 of 18



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator  
☒ City Council/Board of Supervisors  
☐ Planning Commission  
☐ Other

6. Date of local government's decision: August 9, 2016

7. Local government's file number (if any): DRC 2015-00073/1736 PAC, LLC

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Marie Jagna  
1201 Pacific Ave  
Cayucos, CA 93430

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Steven Beightler  
900 Ocean Ave.  
Cayucos, CA 93430

(2) JAN LEWIS  
P.O. Box 581  
84-13TH ST.  
CAYUCOS, CA. 93430

(3) LOUISA SMITH  
40-20TH ST.  
CAYUCOS, CA. 93430

(4) DAVID BAINES  
JEFF KEYES  
51 20TH ST.  
CAYUCOS, CA. 93430



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

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

Marie Jozua

Signature of Appellant(s) or Authorized Agent

Date: 8-18-16

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby  
authorize

\_\_\_\_\_

to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

### **SECTION IV. Reasons Supporting This Appeal**

#### **PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- 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.)
- This 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.

REFER TO ATTACHED



## Reasons Supporting This Appeal

### SUBSTANTIAL ISSUE

367 The ESTERO AREA PLAN, which was program certified by the California Coastal Commission on February 25, 1988, and updated and accepted in 2009, states definitely the value of full-time residents in Cayucos and the maintenance of its small-town character.

#### Page 1-7 B. CAYUCOS

##### RESIDENTIAL AND COMMERCIAL LAND USES

4. *Preserve the character of Cayucos as a beach community*
5. *Stress the residential nature of the community*
9. *Maintain the community's small-town character*

#### Page B-1, APPENDIX: GENERAL COMMUNITY GOALS – CAYUCOS

1. *The General Plan should take full advantage of the natural assets of the area, preserving the character of the planning area as a beach resort with emphasis on the attraction of permanent year-round residents. The residential nature of the community should be stressed with provisions being made for essential services of this type of community.*

The SLO Board of Supervisors' approval of this exception, without adequate findings, is in violation of the Estero Area Plan and Coastal Zone Land Use Ordinance, and will set a precedent not only locally but statewide, if not reversed by the Coastal Commission. The acceptance of this application will open the door to any property owner to ask for an exception to a Vacation Rental ordinance in any community in California.

The purpose statement of the SLO County Vacation Rental Ordinance (CZLUO 23.08.165a.) states:

*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 the surrounding residential uses and will not act to harm and alter the neighborhoods they are located within.*

The action by the Board of Supervisors on August 9, 2016, to make an exception for another vacation rental at a property which is no different than surrounding properties, is in direct violation of this section of the zoning ordinance.



Refer to Exhibit A, date April 8, 2016, page 6 of 19 of the staff report, (refer to Attached EXHIBIT A). Staff has expertly defined in its Findings in that document, why this application was denied. These initial Findings still stand and are based on the adopted Estero Area Plan, the local Ordinance, data and common sense logic. These findings define the issue perfectly.

In the Letter dated August 16, 2016, (refer to attached EXHIBIT B), these findings, were required from staff and to be found only because of the vote of a pro-development majority of the Board of Supervisor's. Findings B., C., D., E., and F. are erroneous and have been manipulated to conform to the vote.

CZLUO 23.08.165c. (1) & (2) Clearly lays out the distances required for the location of a vacation rental. (Refer to attached EXHIBIT C). Figure 1 on Page 3 of the staff report (Refer to attached EXHIBIT D) shows that not only is there a vacation rental within 40 feet, there is one right next door to that, at 80 feet. The applicant clearly does not comply with the letter or the intent of the ordinance.

The reasons their representative stated for an exception, as stated in the letter dated February 19, 2016, page 17 of the staff report, do not justify granting this exception, since there is nothing exceptional about this parcel that make it different from any other property on the bluff top.

Since you have access to the staff report, I will not restate the letter (Refer to attached EXHIBIT E)

- 1) This point could apply to any bluff top lot and is not specific to the parcel in question
- 2) This point is pure conjecture and has no bearing on the issue
- 3) This point is erroneous; vacation rentals are typically used by several families, especially a 4 bedroom. Therefore in its nature it is different than a single-family residence. Refer to attached photos taken 8.17.16, of parking at property, in violation of CZLUO 23.08.165(i) (EXHIBIT F)
4. This point is no different than any 2-car garage, therefore not unique to this site. Refer to attached photos taken 8.17.16, of parking at property, in violation of CZLUO 23.08.165(i) (EXHIBIT F)
- 5) The vacation rental permit is issued to the property not the structure, so its orientation is irrelevant. There is no guarantee that this structure will remain on the site. It could burn down, the owners could decide to remodel, new owners could decide to tear down and start over. The property location is the issue.



6. This point could apply to any bluff top lot and is not specific to the parcel in question
- 7) The vacation rental permit is issued to the property not the structure, so the description of the structure is irrelevant. There is no guarantee that this structure will remain on the site. It could burn down, the owners could decide to remodel, new owners could decide to tear down and start over. The property location is the issue.

While there are reasons for granting an exception, for example, if existing structures meet the distance test although the measurements from property lines (the ordinance requirement) do not. This property has no such criteria that make it any different than those surrounding it. In fact, from the street it is indistinguishable from its neighbors.

If this approval stands, it a) grants special privilege to this property and b) opens the door for all the other bluff top parcels to the same exception.

The community worked many hours and went through a wrenching process to see this ordinance established, thus creating a balance between the full-time residents and vacation rentals. The county and your Commission accepted it. There is no point in having this ordinance, if it is not enforced or exceptions allowed without clearly singular reasons.

The local community body, the Cayucos Citizens Advisory Council rejected this exception. As did the county staff and the MUP hearing officer. We agree with everything that was stated in the staff report that justified the denial.

Regarding short-term rentals, the California Superior Court stated:

*They are not conducive to residential zoning (as determined by the Calif. State Supreme Court in 1991, Ewing v. City of Carmel-by-the-Sea 234 App. 3d 1579) which determined that it's not denying anyone's property rights if a community does not allow their existence and part of the ruling stated, "It stands to reason that the "residential character" of a neighborhood is threatened when a significant number of homes-at least 12 percent in this case, according to the record-are occupied not by permanent residents but by a stream of tenants staying a weekend, a week, or even 29 days. Whether or not transient rentals have the other "unmitigatable, adverse impacts" cited by the council, such rentals undoubtedly affect the essential character of a neighborhood and the stability of a community. Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow-without engaging in the sort of activities that weld and strengthen a community."*



If one strictly applied the distance standard 23.08.165, and with the average lot width of 40 feet, it means a vacation rental could be located every fourth lot. This would make the percentage of vacation rentals at 25%. That would far exceed what was acceptable in this court case.

The statement that Cayucos needs additional visitor serving accommodations to meet the Coastal Act is erroneous. With the vacation rentals, Air B&B, VRBO's and the use of second homes as visitor serving, Cayucos probably has something more on the 40% of the homes in transient housing. In return, this transient housing in our residential neighborhoods, hurts our hotel and motels.

The population of Cayucos has dropped 12% from 2000 to 2010, from 2943 to 2595. This seems to be a direct result of the increase in vacation rentals and other residences not occupied full time. As a result, many standard services that would exist in a community, have left Cayucos. This forces the residents to drive to Morro Bay to take care of their everyday needs.

Denial of this approval does not unfairly impinge on the property rights of these owners, as they have the option of renting their property as a long-term or full time rentals. The number of full time rentals in Cayucos has significantly decreased in recent years-as evidenced by a 33% decline (from over 300 to about 200) in the enrollment at Cayucos elementary School. The loss of full time rentals has exacerbated the already huge problem of housing affordability.

The use of vacation rentals, a commercial use in our single-family residential neighborhoods, is destroying our neighborhoods and hurting our community. For the reasons stated, this project has a substantial issue and could have statewide impact. It would set a precedent for other coastal communities. We implore you to hear this item, and deny this exception to the vacation rental standard.



**EXHIBIT A – FINDINGS**  
**DRC2015-00073 / 1736PAC, LLC**

*CEQA Exemption*

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

*Minor Use Permit*

- B. The proposed project or use is inconsistent with the San Luis Obispo County General Plan because the requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively increase noise to levels in excess of the limits established in the Noise Element and could result in roadway safety concerns that are inconsistent with the Circulation Element.
- C. The proposed project or use does not satisfy all applicable provisions of Title 23 of the County Code because it would allow a vacation rental to be established closer to an existing vacation rental than what is allowed by Section 23.08.165(C)(2). According to this section, no residential vacation rental in Cayucos shall be located within: 1) 100 feet of an existing residential vacation rental on the same or opposite side of the street; or 2) within a 50-foot radius around the proposed vacation rental. The proposed vacation rental does not comply with this standard because it would be located within 100 feet of two existing vacation rentals on the same side of the street. Specifically, it would be located within 40 feet of an existing vacation rental at 1702 Pacific Avenue and within 80 feet of one at 1698 Pacific Avenue.
- D. The establishment and subsequent operation or conduct of the use will 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 requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively increase commercial lodging and associated impacts, including noise, overflow parking, and non-residential traffic, in residential neighborhoods. This would degrade the quality of life enjoyed by neighboring residents.
- E. The proposed project or use will be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the requested modification would result in a greater concentration of vacation rentals on the 1600/1700 block of Pacific Avenue in Cayucos than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Single Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively increase commercial lodging and associated impacts, including noise, overflow parking, and non-residential traffic, in residential neighborhoods. This would degrade the quality of life enjoyed by neighboring residents.
- F. The proposed project or use will 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



**EXHIBIT A**

project, because allowing a vacation rental on the project site would exceed the concentration of vacation rentals allowed by the ordinance and because granting this modification and others for similar projects in the area would cumulatively increase non-residential traffic and street parking on Pacific Avenue in a residential neighborhood.

*Coastal Access*

- G. The proposed use is not in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is adjacent to the coast and could inhibit access to the coastal waters and recreation areas. Granting this modification and others for similar properties could transform the character of oceanfront properties along Pacific Avenue from residential to commercial. This could hinder public access to the beach by reducing the supply of street parking on Pacific Avenue.



**EXHIBIT B – FINDINGS**  
**1736PAC, LLC Minor Use Permit DRC2015-00073**

***CEQA Exemption***

- A. The project qualifies for a Categorical Exemption (Class 1, ED15-225) pursuant to State CEQA Guidelines Section 15301 because the project consists of the operation and leasing of the existing residence as a residential vacation rental, involving negligible or no expansion of the use beyond that existing at the time of the Lead Agency's determination.

***Minor Use Permit/Coastal Development Permit***

- 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 proposed residential vacation rental does not generate activity that presents a potential threat to the surrounding property and buildings. The operational standards for vacation rentals as set forth in Coastal Zone Land Use Ordinance section 23.08.165 have been added as conditions to this project. Because these standards further limit parking requirements, number of occupants and require the designation of a 24 hour property manager contact, potential impacts to surrounding property owners will be minimized. The proposed conditions of approval have routinely been added to other minor use permits for establishment of vacation rentals. 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 existing residence will not change and, as conditioned, the residential vacation rental will not conflict with the surrounding lands and uses because:
- I. Outdoor activities associated with the use of the existing residence as a residential vacation rental would occur in an interior courtyard, which would help to reduce noise impacts on neighboring homes.
  - II. Based on evidence submitted in the record, the existing residence is one of only four in the neighborhood that is located on a rocky point and that projects over a bluff-top.
  - III. The existing residence is approximately 2,500 square feet in size and has unique architectural design.
- 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 Pacific Avenue, and no additional traffic is anticipated with the project because it is using an existing approved residence



## EXHIBIT B

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as a residential vacation rental. 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. Normal residential traffic volume means up to 10 trips per day. Additionally, the proposed residential vacation rental will include a condition that all parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway.

### ***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 will not inhibit access to the coastal waters and recreation areas.



**23.08.165 - Residential Vacation Rentals:** The 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 and 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.**
  - (1) **Cambria.** Within all residential land use categories, no residential vacation rental shall be located within (1) 200 linear feet of a parcel 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.



## EXHIBIT C

23.08.165

- (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 four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. 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.



## EXHIBIT D

Planning Department Hearing  
Minor Use Permit / Coastal Development Permit DRC2015-00073 / 1736PAC, LLC.  
Page 3

As shown in Figure 1, the concentration of vacation rentals in this neighborhood already exceeds the limit set by the ordinance, with a number of existing vacation rentals located closer than 100 feet from each other. This is because, when the vacation rental ordinance was adopted in 2003, it exempted existing legally established vacation rentals from the location standard. Community members have expressed concerns that the existing concentration of vacation rentals is already impacting the residential character of Cayucos's neighborhoods, and that any waivers or modifications made to the ordinance would further diminish the quality of life enjoyed by permanent residents living in Cayucos.

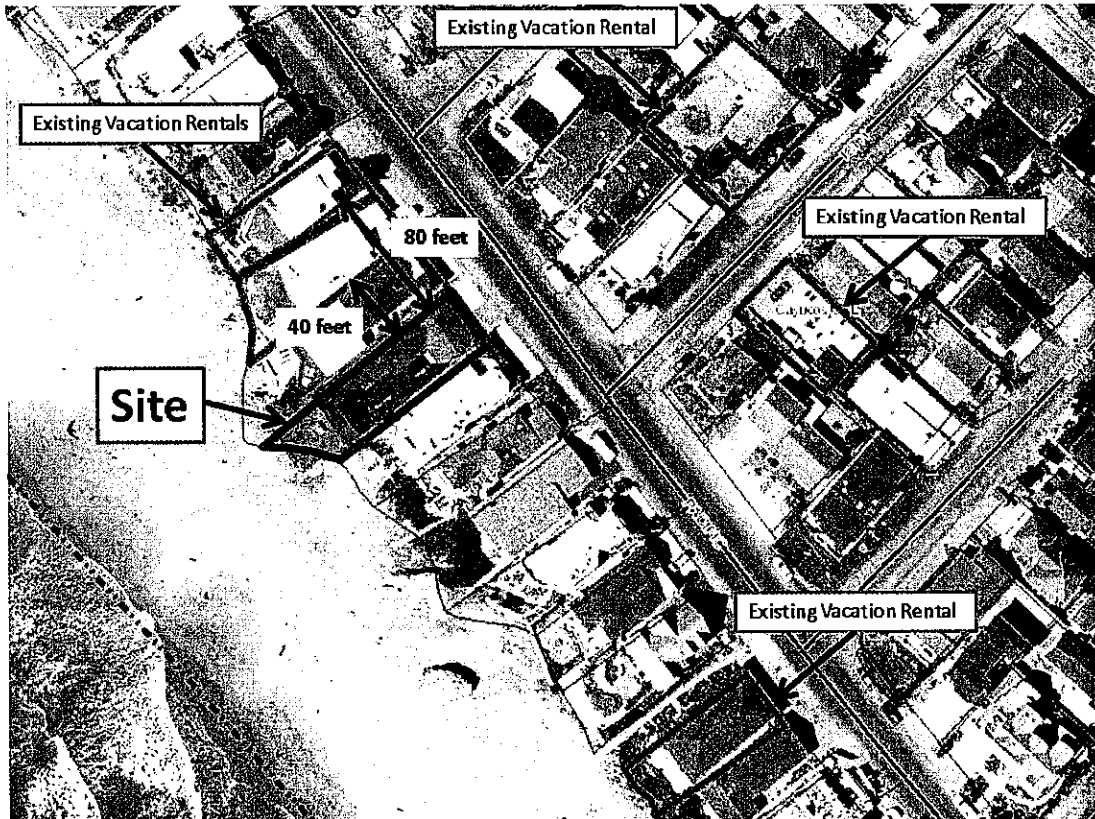


Figure 1: Proximity to Existing Vacation Rentals

This minor use permit is a request to modify the location standard, which would allow for the existing residence at 1736 Pacific Avenue in Cayucos to be used a residential vacation rental.

The purpose of the location standard is to protect residential neighborhoods by limiting the concentration of vacation rentals. This is clear from the purpose statement of the ordinance which states "...vacation rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area..." However, the ordinance does not specify what criteria should be considered in reviewing a minor use permit to modify the location standard. In the absence of specific criteria, staff evaluated the project based on the standard minor use permit findings in Section 23.02.034, placing particular emphasis on the following findings:

1. 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



## EXHIBIT E

**J. H. EDWARDS COMPANY**  
A REAL PROPERTY CONCERN  
Specializing in Water Neutral Development

February 2, 2016

1736 Pacific Avenue, Cayucos, DRC2015-00073

**Findings to Support Approval of Distance or Separation Modification for  
Authorization of a Residential Vacation Rental at 1736 Pacific Ave.**

- 1) The home is accessed from Pacific Avenue. Pacific Avenue is an 80 ft. right-of-way and is a collector street. The topography is flat and visibility for vehicular and pedestrian traffic is excellent. There are ample travel lanes with a large paved road section to accommodate pedestrian and bicycle traffic. Pacific Avenue and the side streets provide good circulation patterns and there are no dead end streets limiting access and circulation for the neighborhood. Access to HWY 1 is easy.
- 2) The single-family residential neighborhood is not overly dense and the lot patterns and sizes are typical for the community of Cayucos. The subject property exhibits the same characteristics as the neighborhood.
- 3) The traffic anticipated from the use of the residence as a vacation rental is the same level of traffic as an owner or tenant occupied home.
- 4) There are four (4) onsite parking spaces available at the subject residence. The available parking should be adequate for purposes of accommodating vacation rental guests. Given the width of Pacific Avenue there is additional on-street parking that is available for guests and other beach goers.
- 5) The orientation and design of the beachfront subject property is particularly conducive for use of the home as a vacation rental. The majority of windows are oriented towards the ocean and not the neighbors on either side. There is a private interior courtyard that is a well located outdoor use area for bar-b-ques, etc. There is well established vegetative screening; activities in the courtyard should not affect the neighbors.
- 6) Given the subject property is ocean front; many guests will be recreating on the beach and will generate less activity and noise at the residence itself.
- 7) The subject residence has historical and architectural interest in that it was designed and built by George Nagano, a well-known local architect. Other Nagano designs include a law office on Santa Rosa Street in San Luis Obispo and a Buddhist Temple near Avila Beach.

P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 [jhedwardscompany@gmail.com](mailto:jhedwardscompany@gmail.com)  
ACQUISITION MARKETING LAND USE REDEVELOPMENT

Exhibit 4

A-3-SLO-16-0080

Page 16 of 18



## Spread Footing Design Program

**VerTech Engineering**

**Project:** Kaplan

Comments

Date: 5/30/2016

Units As noted

Column Size	B.	5.5 in
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H: 55 in

Ultimate Factor ( $1.2 < \gamma < 1.6$ ): 1.2

Lt Wt Factor: 1

Soil Bearing 1.8 ksf

Concrete Strength: 2.5 ksi

Yield Strength. 60 ksi

Minimum Thickness: 12 in

Footing	Allowable Soil Load kips	Pu kips	Depth in	Thickness in	vu/phi ksi	Mu k-in	As(ult) in^2	As (min) in^2	Takeoff lb
F- 1.25	2.8	3.4	8	12	0.002	3	0.01	0.32	3
F- 1.5	4.1	4.9	8	12	0.007	5	0.01	0.39	4
F- 2	7.2	8.6	8	12	0.018	15	0.04	0.52	8
F- 3	16.2	19.4	8	12	0.052	63	0.15	0.78	17

Notes Depth is chosen in 6 inch increments satisfying code minimums.

Takeoff includes 10% increase over required values for incremental rebar sizes.



# EXHIBIT F

August 16, 2016  
Parking violation at  
1736 Pacific Street  
Caycuos









**Robinson, Daniel@Coastal**

---

**From:** SunnyBeansCoffee@aol.com  
**Sent:** Thursday, September 15, 2016 9:31 AM  
**To:** Robinson, Daniel@Coastal  
**Subject:** Cayucos Vacation Rentals

Hello Daniel,

I'm sending you another letter (different issue than last week's letter), to please forward on the Coastal Commission.

Thanks for all your help.

Francie Farinet

Coastal Commissioners

Dear Coastal Commissioners:

On August 19, 2016, the development happy San Luis Obispo County Board of Supervisors voted against staff recommendation not to make an exception to the Coastal Ordinance. (CZLUO). The exception to the ordinance is in violation of said ordinance and sets a precedent for others who want to turn their property into a Vacation Rental.

They are in place an abundance of Vacation Rentals, both legal and illegal. In addition, there are hundreds of second homes, vacant most of the time. The character of Cayucos is that of a small little beach town. One of the last of it's kind in state whose coastal lands have been almost completely buried in development. The small businesses that serve the local community are not served by all these vacationers, regardless of their length of stay. They come stocked with everything they need from WalMart or Costco. There is a difference between tourists and vacationers. The tourists stay in our hotels, patronize the local businesses. They plan to spend money.

This location already has several more vacation rentals than allowed. The property owner could rent the house out as a long term rental, better for the neighborhood, and still make money, just not as much. Exceptions should not be made for someone's greed.

In closing, this ordinance is in place and should not be exempted, ever.

Please do allow this exemption to proceed. Please protect Cayucos and keep it the quiet little beach town that everyone loves

Thank you,

Francie Farinet  
83 12th St.  
Cayucos





CITIZENS ADVISORY COUNCIL  
P.O. BOX 781 • CAYUCOS, CA 93430

Reply To:  
3285 Shearer Ave  
Cayucos, CA 93470  
805-995-1467

September 14, 2016

Steve Kinsey, Chair  
California Coastal Commission

RE: Appeal of Exemption of Vacation Rental Status for 1736 Pacific Avenue  
Cayucos, California

Dear Chairperson Kinsey and Coastal Commissioner:

As President of the Cayucos Citizens Advisory Council I can attest to the fact that vacation rentals have long been a concern for the residents of Cayucos. We have heard many issues regarding noise, traffic, general congestion, and behaviors associated with these rentals. Because of this we initiated a committee, composed of Council members and interested parties, to work with the County to write a Vacation Rental Ordinance. After months of back and forth we were able to come up with an Ordinance that we could live with. Primary in that Ordinance was the limitation of the density of these rentals. Though rentals that already had permits were grandfathered, the Ordinance would restrict the number of additional rentals.

Then we received a request for the density exception for the property at 1736 Pacific Ave, an area that is already has the greatest density of vacation rentals. Our Land Use Committee voted that we deny the exemption as did our Council. We heard later that the Planning Staff also felt there should be no exemption to the Ordinance. We were very disheartened to learn that the BOS, by a 3 to 2 vote led by the Supervisors who had no ordinance in their Districts, approved the exemption.

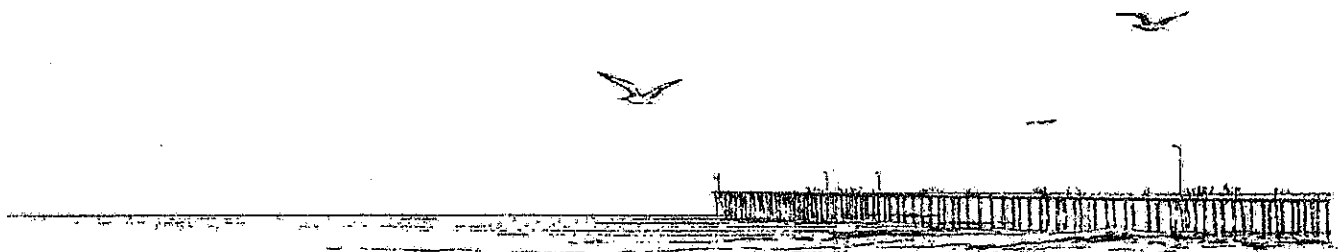
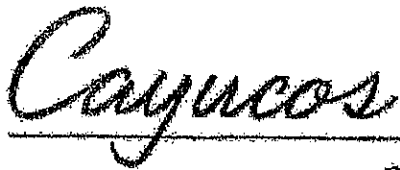


Exhibit 6  
A-3-SLO-16-0080  
Page 2 of 19





CITIZENS ADVISORY COUNCIL  
P.O. BOX 781 • CAYUCOS, CA 93430

An appeal has been made to the Coastal Commission. County Planning has stated that most areas of Cayucos are "already over-saturated with vacation rentals". The Pacific Avenue area and the surrounding small-scale neighborhood definitely fit this description. Owners of the property in question claim that they should get an exemption because of the uniqueness of their home. Their home is no more unique or exceptional than other homes on the bluffs. And even if it were, vacation rental status is given to the property, not the home. So if the owners sell, or if they house burns down, the property will still have vacation rental status.

This may seem like a minor issue: one house in one very small town. But it sets a disturbing precedent – that density means nothing and that if one house can be approved for non-compelling reasons, why can't others be.

We ask the Commission and its Staff to weigh the concerns of the residents of Cayucos against the wishes of non-residents who wish to turn their home into a mini-motel. We ask you to uphold the Vacation Rental Ordinance density requirements and the appeal.

Thank you,

Very truly yours,

CAYUCOS CITIZENS ADVISORY COUNCIL

By 

JOHN M. GARSEL, President

JMC:pp

cc: Bruce Gibson, Supervisor  
Carol Baptiste, Secretary, CCAC  
Marie Jaqua, CCAC LUC





David Bains  
51 20th Street  
Cayucos, CA 93430  
805-471-6076  
[dbains8@gmail.com](mailto:dbains8@gmail.com)

Daniel Robinson  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

September 15, 2016

Dear Mr. Robinson;

I have lived in Cayucos for over 20 years, and been a homeowner here for most of that time. As a full time property tax paying resident, I would like to express my opinion that the California Coastal Commission should overturn the San Luis Obispo County Board of Supervisors decision of 8/9/2016 which granted an exception to the vacation rental ordinance to a bluff top lot here in Cayucos. This particular house already has two rentals within 80 feet of each other.

We are very fortunate that on 20th street that the majority of homes are occupied by full time residents. Of the 16 house on our block, which runs between Cass and Pacific avenue, nine are full time residences, three are second homes and not rented out, and four are rented out in some capacity. One of the rentals functions as a "longer" short term rental, and the other three as rentals of questionable legality. Having more than half the street as full time residents makes our street a wonderful place to live. We know all our neighbors and see them daily while walking our dog, or working in the yard. We keep an eye on our neighbors homes and they do the same for us. The full time residents create a feeling of community on our street and I'm happy that we can contribute to that.

The short term rental homes and their transient occupants are another story. These homes have a continually rotating set of tenants, often housing more people than would ever live together in a full time residence. This creates an overflow of cars parked on the street. Whereas a two bedroom house with full time residents may only have two cars in the driveway, it's not uncommon for the smaller houses to have twice that number of cars because people are doubled up in the bedrooms. Both the excess cars and people create a noticeable density on our small, compact streets.

For the most part, other than contributing money to the economy of Cayucos, the temporary residents are not contributing members of our community. They do not have the same stake of ownership, or even of "home" that full time residents have. They are generally louder, generate



substantially more traffic, and don't keep the same hours as full time, working residents. This often creates conflicts between those of us who live here, and those who are vacationing. I understand that these people are on vacation; we take vacations ourselves. But it's frustrating when the vacationers forget that their neighbors may be getting up at 5:40 AM the next morning for work.

We have an illegal vacation rental behind on us on Cass street, which I've reported to the county several times. I've had to get out of bed late at night, walk across the street to ask the tenants to be quiet on more than one occasion. It's not uncommon for the renters to be sitting on the deck after 10:30 PM on a weeknight, drinking and talking loudly. In a quiet, dense neighborhood, the sound carries easily and even with our bedroom window shut, it can be enough noise to keep us awake on a work night. We've also had to ask people not to park in front of our garage door. Imagine trying to leave your house to find out somebody has blocked your driveway with their car? It's frustrating.

I would like for the Coastal Commission to review the Supervisor's decision for the following reasons:

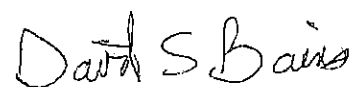
- This exception is a slippery slope. The reasons given for the exception open the door to anybody who wants to claim their home is "special" or different. The house itself should be irrelevant; it has no bearing on density or the effect of more transient neighbors in a residential neighborhood with existing vacation rentals.
- "...attraction of permanent full-time residents" is a clearly stated goal of the Estero Bay Plan. Converting more homes to vacation rentals clearly violates the spirit of this goal. There is no shortage of SLO County residents struggling to find full time rental homes - why encourage property owners to take away housing from local, working families?
- Every home that converts into a vacation rental means one less full time family in Cayucos. With each family that leaves, Cayucos becomes more and more generic, eventually turning into nothing more than an anonymous resort town with no true spirit or community. This would be a shame and a loss for California.
- If Cayucos needs more vacation accommodations, hotels should be built in the commercial zone to suit that need. Taking existing housing away from SLO County residents in an already tight housing market makes no sense and in the long run, can only be detrimental to the county's economic health.
- This exception was carefully reviewed by the Cayucos Citizen Advisory Council and the SLO County Building and Planning staff who both denied it. The Supervisors who approved this exception don't live in Cayucos; they will not feel the affects of the higher density, but those of us who live here will.

Cayucos is a wonderful place to live. It's been my home for over 20 years. Yes - it's also a great place to take a vacation, I understand that. But where should the loyalties of the county lie: with the permanent property tax paying members who live and work here, or the transient vacationers? The vacation rental policy exists to help keep a balance and keep communities in



tact. Let's not undermine its intent. Please vote to overturn the exception the SLO County Board of Supervisors passed on 8/9/2016.

Sincerely,

A handwritten signature in black ink that reads "David S. Bains". The signature is written in a cursive, slightly slanted style.

David Bains



Daniel Robinson  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

September 14, 2016

Dear Mr. Robinson

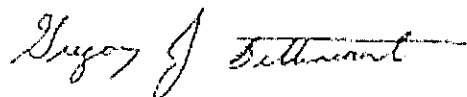
I am writing regarding the San Luis Obispo County Board of Supervisor's action on August 9, 2016 to make an exception for another vacation rental in an area which already has the maximum number allowed by County ordinance.

This is a request that the Coastal Commission accept the appeal of that action for processing. I serve on the Cayucos Citizens Advisory Council (CCAC) and have for many years. During that time, the CCAC has worked with our District Supervisor and County Planning staff for many hour crafting an ordinance that meets the intention and spirit of the General Plan and is fair to property owners and citizens of Cayucos.

When the request for a waiver was brought to the CCAC earlier this year we considered it seriously and listened to arguments opposing and supporting it. Ultimately the CCAC voted overwhelmingly against making an exception to the ordinance.

Please recommend that the Coastal Commission consider this matter so that the integrity of the ordinance can be maintained and the character of Cayucos will not be undermined and jeopardized.

Thank you

A handwritten signature in cursive script, appearing to read "Greg Bettencourt", with a horizontal line extending from the end of the signature.

Greg Bettencourt  
440 D St.  
Cayucos



**Robinson, Daniel@Coastal**

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**From:** Jan Romanazzi <janromanazzi@gmail.com>  
**Sent:** Wednesday, September 14, 2016 8:35 PM  
**To:** Robinson, Daniel@Coastal  
**Cc:** Louisa Smith  
**Subject:** Vacation rental EXCEPTION in Cayucos

Mr. Daniel Robinson

California Coastal Commission

725 Front Street, Suite 300

Santa Cruz, Ca 95060

Dear Mr. Robinson:

My name is Jan Romanazzi, I live, work and own property in Cayucos. I am writing to you today to voice my opposition to any exception to the adopted ordinance. Our community faces many challenges and each offers opportunities. One of our challenges is about how to manage an apparent need for more vacation rentals.

Please help us support the Estero Area Plan as it is intended. No exceptions. Your support is an opportunity for this community to embrace its neighborhoods, assured the Estero Area Plan will help us maintain our small town nature.

Thanks for all you do,

Jan Romanazzi

195 I. Street

Cayucos , Ca 93430

(805) 995-3355



## Robinson, Daniel@Coastal

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**From:** jan lewis <jlobispo@hotmail.com>  
**Sent:** Wednesday, September 14, 2016 4:27 PM  
**To:** Robinson, Daniel@Coastal  
**Cc:** Louisa Smith  
**Subject:** Appeal to vacation rental ordinance, San Luis Obispo

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Daniel,

I oppose any exception to the vacation rental (residential motel) ordinance that would allow another vacation rental that is not within the allowable spacing. I have been in opposition of commercial businesses in our residentially zoned neighborhoods since the 1990's, I moved to Cayucos in 1971 and vacationed here as a child. Here is what I told the San Luis Obispo Board of Supervisors before they approved the exception that is now being appealed:

Vacation rentals are utilizing residentially zoned housing for commercial use and providing transient occupants housing in our neighborhoods. They are not subject to Meagan's Law. They are not conducive to residential zoning (as determined by the Calif. State Supreme Court in 1991, Ewing v. City of Carmel-by-the-sea 234 App. 3d 1579) which determined that it's not denying anyone's property rights if a community does not allow their existence and part of the ruling stated, **"It stands to reason that the "residential character" of a neighborhood is threatened when a significant number of homes-at least 12 percent in this case, according to the record-are occupied not by permanent residents but by a stream of tenants staying a weekend, a week, or even 29 days. Whether or not transient rentals have the other "unmitigatable, adverse impacts" cited by the council, such rentals undoubtedly affect the essential character of a neighborhood and the stability of a community. Short-term tenants have little interest in public agencies or in the welfare of the citizenry. They do not participate in local government, coach little league, or join the hospital guild. They do not lead a scout troop, volunteer at the library, or keep an eye on an elderly neighbor. Literally, they are here today and gone tomorrow-without engaging in the sort of activities that weld and strengthen a community."**

They cause reduced permanent housing in communities as was the case in Cayucos when school enrollment in the late 90's started decreasing relative to the increase of vacation rentals (I call them residential motels). The rental agents have used the argument that there is some requirement in the Coastal Act that deems these rental opportunities are mandated, that's totally ludicrous. They need to be minimally allowed (preferably not allowed) and held to the same



standards as commercial hotels. They need to pay commercial rates for water, sewer and any other fees hotels incur. Also, I think they should have to pay a yearly Special Use Fee, since they are running a business in a residential zone, of let's say \$1,000-\$2,000 per year. A lot of the proprietors are not even residents of Cayucos and in the past it was a selling factor by realtors to encourage buyers to purchase investment properties/second homes and get their mortgage paid for at the same time.

Please consider the impact these businesses have on our communities and begin efforts to reduce their numbers; we definitely do not want more. Eliminating them would be preferable.

Thank you for your consideration in this matter,

Jan Lewis

PO Box 587

Cayucos, CA 93430



Jeffrey P Keyes  
51 20th Street  
Cayucos, CA 93430  
805-471-6090  
[jevid2@gmail.com](mailto:jevid2@gmail.com)

Daniel Robinson  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

September 14, 2016

Dear Mr Robinson;

I would like to add my voice to those who are seeking to have the California Coastal Commission overturn the San Luis Obispo County Board of Supervisors decision of 8/9/2016, granting an exception to the vacation rental ordinance to a bluff top parcel in Cayucos, which has 2 rentals within 80 feet of one another. There are a number of reasons that I am asking for this to be heard by The Commission, and they include:

- Creating a much more dense concentration of vacation rentals in one location. This is direct violation to the spirit of the adopted SLO County Vacation Rental Ordinance, if not to the law itself.
- A violation of the Estero Bay Plan, adopted by The Commission on 2/25/88, in that it is in opposition to the stated goals of: "preserving the character of Cayucos, stress the residential nature of the community, and maintain the community's small town character."
- The Estero Bay Plan also states that the general plan should emphasise "...the attraction of permanent full-time residents." This variance is in direct conflict that that stated goal.
- The Cayucos Citizens Advisory Council rejected the exception for this property, as did the SLO County Building and Planning staff who studied this issue. The SLO County Board of Directors who voted to approve this exception were the representatives of non-coastal citizens, and clearly have no regard for this issue, which is mainly an issue in the coastal areas of SLO county. It was in their political interest to vote for the exception, and is clearly against the interests of the citizens of Cayucos.



The owners of the property stated to the SLO County Board of Supervisors:

- That this property is special....it is not. Other than being large, and on a rocky outcropping on the bluff top, it is just another house.
- That the neighbors don't mind there being another vacation rental in that area....that is clearly not the case.
- That Cayucos needs additional visitor servicing accommodations. If that is true, then they need to build a hotel in the commercial zone of Cayucos.
- That not granting the exemption will impinge on their property rights...that is not true. They are welcome to put it up as a long term rental for those who want to be permanent full-time residents of Cayucos.

The proliferation of vacation rentals in our residential housing areas is damaging the very nature of our community. This is just another example of local government disregarding the laws set up to protect our community, and also ignoring the will of the residents of our community. We implore you to hear this issue and to deny the exemption to the legal vacation rental standards!

Thank you,

Jeffrey Keyes



September 14, 2016

Steve Kinsey, Chair  
California Coastal Commission  
C/O Daniel Robinson  
725 Front Street Suite 300  
Santa Cruz, Ca. 95060

Re: Vacation Rental Variance Appeal  
1736 Pacific Avenue, Cayucos, Ca.  
In Support of the Appeal

Dear Chairperson Kinsey and Coastal Commissioners:

I am writing in support of the appeal regarding a request for a variance for a vacation rental for the residence at 1736 Pacific Ave. Cayucos.

I am a member of the Cayucos Citizen's Advisory Council and I serve as secretary. I have been doing this for seven years and I have been a member of the Advisory Council for nine years. The Cayucos Citizen's Advisory Council has worked extensively with Cayucos citizens and with the vacation rental agency managers to create the Cayucos Vacation Rental Ordinance. This ordinance specifies that there can only be one vacation rental within a 100 ft. radius.

Many hours and many discussions went into creating the Cayucos Vacation Rental Ordinance. The vacation rental managers were part of the CCAC sub-committee which worked on the ordinance to come up with a balance that would be in the best interest of our Cayucos community and it's visitors.

Cayucos is a small residential beach town. Sunset magazine has called Cayucos the last little beach town in California.

The County of San Luis Obispo created the Estero Area Plan which was certified by The Coastal Commission on February 25, 1988. A Cayucos and Rural Portion Update was done January 7, 2009 - Resolution 2008 -359.

In section V. B. 5. of the Estero Area Plan, with regard to Cayucos, it states, with regard to land use, "Stress the residential nature of the community".

Vacation rentals disrupt the nature of a community. Vacation renters are not "neighbors". Vacation renters do not participate in community affairs, they are visitors who are on vacation and they often have no respect for the residents in the adjacent homes. In order to have a neighborhood which supports community, there must be a balance between full time residents and vacation rental homes. Vacation renters are transient unknowns to the full time residents. As secretary of the CCAC, I receive many



complaints about vacation rental homes. I also observe the nature of the vacation rental homes in my neighborhood. They are often very disruptive to every day life in the small quiet town of Cayucos. The vacation rental managers refer to the vacation rental contracts as the monitor to control how many people and how many cars may be at a vacation rental, but in practice (in real life experience), these contracts are not followed and are not enforced. I have personally witnessed this in my neighborhood many many times. The vacation rental home renters tend to maximize the number of people and the number of cars, over the contracted limit, to offset their cost.

This is why there has been so much work done by the CCAC, the Cayucos residents and the vacation rental managers to create the Cayucos Vacation Rental Ordinance which specifies that there must be a 100 ft. radius between vacation rentals.

This is to create a balance between full time residents, preserving the nature of our community, as well as to provide vacation rentals for visitors.

To grant a variance for the home at 1736 Pacific Ave. where there are already two vacation rental homes within the 100 ft. radius would be to ignore (thumb your nose) at the Cayucos Vacation Rental Ordinance. This would create a very bad precedence for all future applications.

Please honor the Estero Area Plan to preserve the residential character of Cayucos, please honor the Cayucos Vacation Rental Ordinance, and please deny the vacation rental variance requested by the owners of the home at 1736 Pacific Avenue.

Thank you for your consideration and expertise.

Very truly yours,

Carol Baptiste  
150 El Sereno Avenue  
Cayucos, California  
93430

cc: Bruce Gibson, Supervisor  
John Carsel, CCAC President



**Robinson, Daniel@Coastal**

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**From:** Larsons <larsykate@gmail.com>  
**Sent:** Wednesday, September 14, 2016 12:16 PM  
**To:** Robinson, Daniel@Coastal  
**Subject:** Cayucos Vacation Rentals

Steve and Kate Larson  
11 19th Street  
Cayucos, CA 93430

September 14, 2016

Daniel Robinson  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

re: Appeal to SLO County,  
DRC2015-00073/1736, LLC  
appeal by Marie Jaqua

Dear Mr. Robinson,

Kindly accept our letter expressing our opposition to granting an exception to the existing ordinance regarding vacation rentals in Cayucos. It is our belief that each exception to the ordinance not only interferes with the quality of life of permanent residents, but negatively impacts the fabric of community life as a whole.

We saw a great sign posted on one of the residential streets recently, "Drive like your kids live here." All we are asking is for you to base your decision to grant exceptions on a similar premise. Decide as if your children and grand children live in this neighborhood. Will they benefit from increased noise, traffic and transiency or are they more likely to flourish growing up stable neighborhood environment?

Thank you for your consideration.

Sincerely,

Steve and Kate Larson



**Robinson, Daniel@Coastal**

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**From:** Oelker <goelker@yahoo.com>  
**Sent:** Tuesday, September 13, 2016 2:12 PM  
**To:** Robinson, Daniel@Coastal  
**Cc:** Louisa Smith  
**Subject:** Cayucos Vacation Rental Ordinance variance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Robinson

We would like to urge the California Coastal Commission to NOT grant an exception to the Cayucos vacation rental ordinance for a bluff top parcel which will come before you in the near future. We believe that there is not substantial cause for this variance. Allowing this exception will significantly weaken this ordinance, opening future exceptions for virtually any reason. Thank you for your consideration.

Glenn and Carol Oelker  
3480 Studio Drive  
Cayucos, CA 93430



**Robinson, Daniel@Coastal**

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**From:** Joan Beightler <sjcayucos@charter.net>  
**Sent:** Wednesday, September 14, 2016 10:40 AM  
**To:** Robinson, Daniel@Coastal  
**Cc:** Joan Beightler  
**Subject:** Cayucos Vacation Rentals  
**Attachments:** Reasons Supporting This Appeal.docx

Dear Mr. Robinson:

We are writing regarding the vacation rental ordinance or the Estero Area Plan. The community worked many hours and went through a wrenching process to see this ordinance established, thus creating a balance between the full-time residents and vacation rentals. The county and your Commission accepted it. There is no point in having this ordinance, if it is not enforced or exceptions allowed without clearly singular reasons.

The ESTERO AREA PLAN, which was program certified by the California Coastal Commission on February 25, 1988, and updated and accepted in 2009, states definitely the value of full-time residents in Cayucos and the maintenance of its small-town character.

Page 1-7 B. CAYUCOS  
RESIDENTIAL AND COMMERCIAL LAND USES

4. *Preserve the character of Cayucos as a beach community*
5. *Stress the residential nature of the community*
9. *Maintain the community's small-town character*

The use of vacation rentals, a commercial use in our single-family residential neighborhoods, is destroying our neighborhoods and hurting our community. For the reasons stated in the attached document, this project has a substantial issue and could have statewide impact. It would set a precedent for other coastal communities. We implore you to hear this item, and deny this exception to the vacation rental standard.

Thank you for your time and consideration.

Steve and Joan Beightler  
900 S. Ocean Avenue  
Cayucos, CA



**Robinson, Daniel@Coastal**

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**From:** Jocelyn Taylor <Jocelyn.Taylor@prada.com>  
**Sent:** Wednesday, September 14, 2016 9:13 AM  
**To:** Robinson, Daniel@Coastal  
**Subject:** Appeal of 1736 Pacific, Cayucos

Re: Appeal of 1736 Pacific, Cayucos

To Whom it May Concern,

As a full-time resident of Cayucos, I am imploring you to uphold the appeal and deny the exemption for vacation rental status to 1736 Pacific Ave. Cayucos.

I speak from personal experience about what vacations rentals can do to our residential area. I have several of them close to me and one directly behind my home. I work mostly from home and am continually faced with noise from renters at all hours of the day and night. The noise is not confined to weekends, as the "vacationers" are disruptive throughout their stay and seem to forget we aren't all on a vacation here. There is also increased traffic and general congestion which make it difficult for those of us who make our homes here. Parking is also a large concern as renters tend to overtake the streets as just one vacation rental can easily mean four or five cars in need of parking. Renters seem to ignore traffic laws and race through our streets with no regard for children or pets that may be in harm's way. People who use these rentals, unlike most who rent motels and hotels, tend to stay in and party rather than eat out and seek some type of entertainment. They are, as a rule, extremely disruptive. I understand this may sound like a generalization, and prior to residing here I may have assumed as much, but with time here it is clear there is a very real problem that needs to be managed and contained and I am not the only resident who feels this way. Vacation rentals have always been a bone of contention for Cayucos residents.

I realize we are stuck with the vacation rentals we have, but we absolutely must enforce the Vacation Rental Ordinance to limit the number of new short term rentals. The thought of not complying with the Vacation Rental Ordinance and giving an exemption to someone who does not live here and is not affected by the downside of these rentals is absolutely appalling. I understand that we live in a desirable place and that people are drawn to the beach and the beautiful surroundings. But there needs to be a balance and we must also protect the desirability and the beauty of our surroundings.

I urge you to consider the desires of those of us who live here full time and contribute to our community daily by rejecting the plans of someone who does not live here and simply wants to turn their house into a money-making business by getting special treatment and by-passing our Ordinance which was put in place for strong reasons and deserves to be respected and upheld. Allowing this "exemption" is a dangerous precedent to set and effectively undermines the intent and purpose of the ordinance and will open the floodgates to many more greedy exemption seekers hoping to cash in at the expense of our town and its full time residents.

Thank you for your time and consideration.

Jocelyn Taylor  
856 Saint Mary Avenue  
Cayucos, CA

Exhibit 6  
A-3-SLO-16-0080  
Page 18 of 19



**Robinson, Daniel@Coastal**

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**From:** kelly borchard <kellyborchard@sbcglobal.net>  
**Sent:** Tuesday, September 13, 2016 8:07 PM  
**To:** Robinson, Daniel@Coastal  
**Subject:** Change in ordinance.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please honor the integrity of our town,by denying,the ordinance, exception. Not,taking into account,the,undocumented,illegal vacation rentals,that exist,all over Cayucos, already,(3 in my block,not managed,by agents),the current ordinance,is overly, liberal,at 100',in my personal opinion. There seems no reason,to alter,existing laws,that weigh on the side, of the vacation rentalers,at the expense and aggravation,of it's permanent citizens. The current law,doesn't address,noise ordinances,and garbage disposal,and basic respect for neighbors,from,what I have observed. Thank you for your consideration,in denying,this motion,that sets a dangerous precedence. Sincerely,Kelly Borchard ,A citizen of Cayucos,since 1963.