

CALIFORNIA COASTAL COMMISSION

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W13a

Prepared November 5, 2021 (for November 17, 2021 Hearing)

To: Coastal Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Kevin Kahn, Central Coast District Supervisor

Subject: Extension of Time Limit for Commission Action on San Luis Obispo County Local Coastal Program (LCP) Amendment Number LCP-3-SLO-21-0027-1-Part F (Los Osos Vacation Rentals)

San Luis Obispo County has submitted the above-referenced LCP amendment request intended to update the LCP's vacation rental provisions to provide for specific requirements in the unincorporated community of Los Osos.

Coastal Act Section 30510 requires proposed LCP amendment submittals to contain materials sufficient for a thorough and complete review. Once that requirement is satisfied and an amendment request is deemed submitted (or "filed"), the Coastal Act requires the Commission to act on Implementation Plan (IP) amendments within 60 working days, and on Land Use Plan (LUP) amendments and combined LUP/IP amendments within 90 working days. If Commission action is not taken within the applicable timeframe, then the amendment is deemed approved and certified by the Commission.

This proposed LCP amendment application was filed as complete on September 2, 2021. Because it includes proposed changes to only the LCP's IP, the 60 working day deadline for action applies, and such deadline is currently December 1, 2021. Therefore, this amendment would have to be scheduled for action (and final action taken) by the Commission's November 2021 meeting if it were to be decided within the applicable timeframe. However, Coastal Act Section 30517 allows the Commission to extend, for good cause, the time limit for Commission action for a period not to exceed one year.

In this case, recently received comments and correspondence have raised new questions about the manner in which the program would function in relation to whole house vacation rentals versus homestays (the latter where a room or rooms in a house are rented out but the property owner is on-site), buffer requirements, and ensuring that the limited and capped number of vacation rentals are actually functioning as vacation rentals. Because the proposed Los Osos provisions mirror the structure of the LCP's community-specific vacation rental provisions in other areas of the County (i.e.,

Cambria, Cayucos, and Avila Beach), these questions are also pertinent more globally to the LCP's vacation rental provisions overall. Staff has begun to engage County staff on these questions and issues, but need more time to work through them, and potential solutions, than is afforded by the current deadline. A later deadline date would allow for adequate time to thoroughly analyze the proposed amendment and these new questions/issues to ensure that important visitor-serving uses are appropriately provided for in the coastal zone consistent with the Coastal Act and LUP, and would also critically allow for necessary consultation with the County and interested members of the public (of which there are many) regarding any issues raised and possible amendment modifications. A one-year extension would result in a new deadline for Commission action of December 1, 2022.

Although staff believes that these matters will be brought to hearing before the new deadline, it has generally been the Commission's practice to extend such deadlines for a full year as provided by the Coastal Act to allow for flexibility in hearing scheduling (including to accommodate any requested or otherwise necessary postponements, continuances, etc.) and in terms of allotting scarce staff resources. Therefore, staff recommends that the Commission extend the deadline for Commission action on the proposed LCP amendment by one year.

Summary of the Staff Recommendation

Staff recommends that the Commission extend the deadline for Commission action on the proposed amendment by one year. Staff recommends a **YES** vote on the motion below. Passage of the motion will result in a new deadline for Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion.** I move that the Commission extend the time limit to act on San Luis Obispo County Local Coastal Program Amendment Number LCP-3-SLO-21-0027-1-Part F to December 1, 2022, and I recommend a yes vote.*