

CALIFORNIA COASTAL COMMISSION

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Prepared April 23, 2021 (for May 14, 2021 Hearing)

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Brian O'Neill, Coastal Planner

**Subject: San Luis Obispo County LCP Amendment Number LCP-3-SLO-21-0026-1-
Part E (Code Enforcement Process Updates)**

Proposed Amendment

San Luis Obispo County proposes to modify the Implementation Plan (IP) component of its LCP related to the violation and enforcement hearing process. Specifically, the proposed amendment would: 1) establish a new County Hearing Officer position with the authority to conduct code enforcement, nuisance abatement, and permit revocation hearings; 2) establish new procedures for such violation and enforcement hearings; and 3) clearly state that the advertisement of an unpermitted short-term rental, homestay, temporary event, and/or campground is a violation subject to enforcement proceedings.

Overall, the proposed amendments are relatively minor in scope and mostly serve to create a separate Hearing Officer position who will specialize in violation hearings in an attempt to streamline the enforcement process. See **Exhibit 1** for the proposed amendment text.

Minor LCP Amendment Determination

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

14 CCR Section 13554(c). Change in the notification and hearing procedures that is consistent with the requirements of the Coastal Act.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third or more of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment

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determination, then the amendment is deemed approved and it becomes a certified part of the LCP.

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

The proposed LCP amendment retains the existing LCP violation ordinance's structure regarding noticing and scheduling of enforcement hearings. The proposed amendment simply creates a new Hearing Officer position. The Hearing Officer will have the authority to conduct enforcement hearings, an authority that is currently vested with the Director of Planning and Building. The amendment also provides additional detail regarding both the qualifications of the Hearing Officer and the presentation of witnesses and evidence during hearings. In addition, the amendment clearly states that the advertisement of certain unpermitted development, such as unpermitted vacation rentals, homestays, and temporary events, also constitutes a violation. As such, the proposed amendment does not change the kind, location, intensity, or density of use of land, and qualifies under the regulatory definition of a minor LCP amendment.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the County exempted the proposed amendment from environmental review (citing CEQA Section 15061(b)(3)).

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed LCP amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed amendment would necessitate. Thus, the proposed amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

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Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its virtual meeting on May 14, 2021. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Susan Craig at the Coastal Commission's Central Coast District Office via email at Susan.Craig@coastal.ca.gov. If you wish to comment on the proposed amendment and/or object to the proposed minor LCP amendment determination, please do so via regular mail (directed to the Central Coast District Office) or email (by emailing centralcoast@coastal.ca.gov) by 5:00 p.m. on May 7, 2021.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on March 10, 2021. The proposed amendment affects the LCP's IP only, and the 60-working-day deadline for the Commission to take action on it is June 4, 2021. Thus, unless the Commission extends the action deadline (it may be extended by up to one year by the Commission per the Coastal Act), the Commission has until June 4, 2022 to take a final action on this LCP amendment.

Exhibit 1: Proposed Amendment Text