

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

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE
HEARING OFFICER AND CONDITIONALLY APPROVING
THE APPLICATION OF ANDREW GRAHAM
FOR MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT
DRC2012-00012

The following resolution is now offered and read:

WHEREAS, on October 5, 2012, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of Andrew Graham for Minor Use Permit/Coastal Development Permit DRC2012-00012; and

WHEREAS, Edwin J. Rambuski on behalf of Penni and Greg Tidwell 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

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WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on February 26, 2013, and determination and decision was made on February 26, 2013; 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

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 affirmed and that the application should be approved subject to the findings and conditions 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 the Board of Supervisors makes all of the findings of fact and determinations set forth in revised Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That this project is found to be categorically exempt from the California Environmental Quality Act under the provisions of California Code of Regulations, title 14, section 15303 (class 3).
4. That the appeal filed by Edwin J. Rambuski on behalf of Penni and Greg Tidwell is hereby denied and the decision of the Hearing Officer is affirmed and that the application of Andrew Graham for Minor Use Permit/Coastal Development Permit

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DRC2012-00012 is hereby approved subject to the revised conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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]

EXHIBIT “A” – REVISED FINDINGS FOR APPROVAL

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because it is considered a conversion of the use of a small existing structure.

Minor Use Permit

- B The proposed project or use is consistent with the San Luis Obispo County General Plan and the County’s certified Local Coastal Program 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 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 the designation of a 24 hour property manager contact, potential impacts to surrounding property owners can be avoided. 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 vacation rental use will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located off San Luis Street Parkway, and no additional traffic is associated with the project because it is using an existing approved residence as a residential vacation rental. Additionally, this vacation rental will have a condition of approval that will limit the number of cars associated with the vacation rental to two cars per rental period and require the two cars to park inside the existing 2 car garage.

Coastal Access

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

EXHIBIT "B" – REVISED CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes a Minor Use Permit to allow the existing residence to be used as residential vacation rental.

Operational Conditions

2. Availability of the residence as a rental to the public shall not be advertised on site.
3. 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. For purposes of this vacation rental, no more than two vehicles shall be used and all parking associated with the vacation rental shall be located in the attached 2 car garage. 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. A lease to the tenants of the Vacation Rental shall contain these parking requirements.
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 emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.
5. 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.
6. 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) The name, address and telephone number(s) of the local contact person shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency and supplied to the property owners within a 300 foot radius. The name, address and telephone number(s) of the local contact person shall be permanently posted in the residence in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.
 - (b) If the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office. The Sheriff will attempt to reach the local contact person. In cases where the Sheriff was unable to reach the local

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contact person, the penalties as set forth in 23.08.165 Subsection n shall apply.

7. Rental of the residence shall not exceed one individual tenancy within seven consecutive calendar days. No additional occupancy (with the exception of the property owner) shall occur within that seven day period. The 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.
8. 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 to the County Tax Collector for each residential vacation rental.
9. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit and Business License. If a local contact person is not able to be reached by the Sheriff more than three times in any consecutive six month period, this shall be grounds for revocation of the Business License consistent with Title 6 of the County Code.
10. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to the Coastal Zone 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.
11. 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.
12. The applicant shall as a condition of approval of this minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to approval or implementation of this minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.