



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

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE September 18, 2015 LOCAL EFFECTIVE DATE October 2, 2015 APPROX FINAL EFFECTIVE DATE October 23, 2015	CONTACT/PHONE Cody Scheel, Project Planner (805) 781-5157 cscheel@co.slo.ca.us	APPLICANT Bailey Family Revocable Trust	FILE NO. DRC2014-00158
SUBJECT <p>A request by BAILEY FAMILY REVOCABLE TRUST for a Minor Use Permit / Coastal Development Permit (DRC2014-00158) to allow an existing 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)(1). The location standard restricts new vacation rentals to locations at least 150 – 200 feet from existing vacation rentals. The nearest active vacation rental is located approximately 50 feet to the south of the subject property on the opposite side of Drake Street. The proposed project will result in no site disturbance on the 2,240 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 313 Drake Street, at the intersection with South Windsor Boulevard, within the community of Cambria. The site is in the North Coast planning area.</p>			
RECOMMENDED ACTION <p>Approve Minor Use Permit / Coastal Development Permit DRC2014-00158 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.</p>			
ENVIRONMENTAL DETERMINATION <p>A Class 1 Categorical Exemption was issued on July 29, 2015 (ED15-028).</p>			
LAND USE CATEGORY: Residential Single Family	COMBINING DESIGNATION Geologic Study Area, Archeologically Sensitive Area, Local Coastal Program Area	ASSESSOR PARCEL NUMBER 023-045-039	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: <p>Limitation on Development, Cambria Community Services District Review, Parking Requirements <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i></p>			
LAND USE ORDINANCE STANDARDS: <p>Section 23.01.043c.(4): Appeals to the Coastal Commission (Coastal Appealable Zone) Section 23.07.080 – Geologic Study Area Section 23.07.104 – Archeologically Sensitive Area Section 23.07.120 – Local Coastal Program Area Section 23.08.165 – Residential Vacation Rentals <i>Does the project conform to the Land Use Ordinance Standards: Yes – see discussion</i></p>			
FINAL ACTION <p>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.</p> <p>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 & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Single family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family / vacant parcel <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, Cambria Community Services District (Water/Sewer/Fire), North Coast Advisory Council, California Coastal Commission	
TOPOGRAPHY: Nearly level to slightly sloping	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Cambria Community Services District Sewage Disposal: Cambria Community Services District Fire Protection: Cambria CSD Fire Department	ACCEPTANCE DATE: July 29, 2015

DISCUSSION

PROPOSED PROJECT

The proposed project is a request to use an existing single family residence in the Marine Terrace neighborhood of Cambria as a residential vacation rental. Pursuant to Coastal Zone Land Use Ordinance Section 23.08.165 (Vacation Rentals), an existing home in Cambria may be used as vacation rentals with zoning clearance approval, subject to various operational standards, provided that it complies with the location criteria for vacation rentals. The location criteria states that a proposed vacation rental cannot be located within a 150 foot radius (or 200 linear feet on the same block or across the street) from an existing vacation rental. However, the ordinance specifies that this standard can be modified through Minor Use Permit approval. In this case, the proposed vacation rental is located across the street (within 50 feet) of an existing vacation rental and therefore requires Minor Use Permit approval.

NORTH COAST PLANNING AREA STANDARDS

As described below, the project complies with applicable Combining Designations, Cambria Urban Area, and Residential Single Family development standards of the North Coast Area Plan.

Combining Designations

Local Coastal Program Area (LCP)

In accordance with the Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.120 the project is within the California Coastal Zone as determined by the California Coastal Act of 1976.

Cambria Urban Area Standards – Community Wide

Limitation on Development – Water Conservation Requirements

New development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the Cambria Community Service District's service area, or through other verifiable actions to reduce existing water use in the service area.

Staff Response: The project proposes to use an existing single family residence as a residential vacation rental for visitor serving use. The project does not propose any new development and is therefore consistent with the intent of this standard.

Cambria Community Services District Review (water/sewer/fire)

Building permit applications shall include a written verification of water and sewer service availability from the Cambria Community Services District (CCSD), and all new development shall comply with applicable state and local Cambria fire codes.

Staff Response: The project was referred to the Cambria Community Services District (water/sewer/fire) for their review. The project does not propose any new development, and no new water or sewer services are proposed with the project. The project will not require a building permit, but as conditioned, prior to issuance of a Business License for the Residential Vacation Rental, the project is required to provide evidence showing that the Cambria Community Services District 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 the use.

Residential Single Family

Parking Requirements

Two off-street spaces are required for each single-family dwelling. At least one space shall be covered (garage or carport), and the other space may be located within the front setback.

Staff Response: The project complies with this requirement because the existing residence has at least three off-street parking spaces. Two of the spaces are located within the footprint of the existing driveway, and one of the spaces is covered within the existing one vehicle garage. The proposed residential vacation rental is conditioned to have all parking associated with the residential vacation rental entirely on-site, in a garage, driveway or otherwise out of the roadway, and the tenants of the vacation rental shall not use on-street parking at any time.

LAND USE ORDINANCE STANDARDS

Section 23.01.043c.(4) – Appeals to the Coastal Commission (Coastal Appealable Zone)

The proposed residential vacation rental is considered a Special (S) Use as listed in Coastal Table O, Part I of the Land Use Element, and is therefore appealable to the Coastal Commission.

Section 23.07.080 – Geologic Study Area

A Geologic Study Area combining designation is applied by the Official Maps (Part III) of the Land Use Element, to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. This section requires projects located within a GSA to include a report prepared by a certified engineering geologist. The report must identify, describe, and illustrate, where applicable, potential hazards of surface fault rupture, seismic shaking, and liquefaction or landslide.

Staff Response: The project proposes to use an existing single family residence as a residential vacation rental for visitor serving use. The project does not propose any new development, and is therefore consistent with the intent of this standard.

Section 23.07.104 – Archeologically Sensitive Area

The proposed project falls within the Archeologically Sensitive combining designation as delineated by the official maps of the Land Use Element. Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required.

Staff Response: A preliminary site survey is not required because there will be no new construction or development.

Section 23.07.120 – Local Coastal Program Area

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

Section 23.08.165 – Residential Vacation Rentals

A residential vacation rental is the use of an existing residence as a rental for transient use. This does not include the rental of the entire residence for periods of thirty days or longer. Within the community of Cambria and in 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. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

Staff Response: The proposed project does not meet the location standard because it is within 150 feet of two existing vacation rentals. The nearest vacation rental is located approximately 50 feet to the south of the subject property on the opposite side of Drake Street (320 Drake Street), and the other vacation rental is located at 334 Castle Street, approximately 85 feet to the northeast of the subject property. The applicant has submitted a Minor Use Permit to modify the location standard to allow for the existing residence to be used as vacation rental.

Figure 1: Proximity to Existing Vacation Rentals



The intent of the distance limitation is to avoid concentrated pockets of visitor serving uses in residential neighborhoods. Too many residential vacation rentals in one area could increase neighborhood compatibility concerns (e.g. noise, traffic, excessive street parking) and degrade quality of life for neighboring residents.

There are several vacation rentals in the surrounding neighborhood, including two within 85 feet of the proposed vacation rental. To date, these two existing vacation rentals have been operating in a manner that is compatible with the character of the surrounding residential neighborhood, without any code enforcement cases or complaints. Therefore, approval of the distance waiver would not add to any existing neighborhood compatibility concerns associated with the neighboring vacation rentals.

It should also be noted that the proposed vacation rental is uniquely situated on a corner lot with only one direct neighbor (to the northeast). The adjacent lot to the northwest is vacant and the southerly and westerly sides of the parcel face Drake Street and Windsor Boulevard, respectively. Because the vacant lot and the existing roads surround three sides of the subject residence, they act as buffers and can reduce possible impacts from the proposed vacation rental to other neighboring properties. The proposed vacation rental is also located within close proximity to many recreational opportunities in the immediate neighborhood. The existing residence is located one block from the coast, and within walking and biking distance to the beach, coastal bluff trails, Fiscalini Ranch Preserve, and other facilities for recreational uses.

Because of the unique location within the existing neighborhood and the close proximity to visitor serving recreation opportunities, staff supports the modification to the location standard.

The proposed residential vacation rental is not to operate differently than a full time occupied single family residence and is subject to all operational standards for vacation rentals.

Residential Vacation Rental Operational Standards:

Local contact person. *The residential vacation rental shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. 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. 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.*

Number of occupants allowed. *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 eight persons total.*

On-site parking required. *All parking associated with the residential vacation rental shall be entirely onsite, in the garage, driveway or otherwise out of the roadway. Tenants of the residential vacation rental shall not use on-street parking at any time.*

Noise. *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 ensure 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.*

Vacation rental tenancy. *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.*

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. Normal residential traffic volume means up to 10 trips per day.*

Appearance, visibility and location. *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.*

Signs. *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 the conditions of approval (see Exhibit B – Conditions of Approval).*

Transient Occupancy Tax. *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.*

The existing residence is currently permitted as a three bedroom residence, and is not permitted to convert the garage into a bedroom or a group room. Penalties for violation of these standards may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Because these standards set parking requirements, limit the number of occupants and designate a 24-hour property manager contact, potential impacts to surrounding property owners can be avoided, therefore staff can support the modification to the location standard.

COASTAL PLAN POLICIES:

Shoreline Access: N/A
Recreation and Visitor Serving: Policy No(s): 1 & 2
Energy and Industrial Development: N/A
Commercial Fishing, Recreational Boating and Port Facilities: N/A
Environmentally Sensitive Habitats: N/A
Agriculture: N/A
Public Works: Policy No(s): 1
Coastal Watersheds: N/A
Visual and Scenic Resources: N/A
Hazards: N/A
Archeology: N/A
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Recreation and Visitor Serving Facilities

The Coastal Plan policies for Recreation and Visitor serving uses are focused primarily on commercial recreational uses and commercial lodging facilities such as hotels, motels, bed and breakfast establishments and recreational vehicle parks. These are all classified as transient lodging in Coastal Zone Framework for Planning, Table "O". Residential Vacation Rentals are single family residences by design (or occasionally multi-family residences) and are listed in the Residential use group in Table "O". Although they do serve visitors they are sometimes rented by the month or not rented at all subject to the desire of the property owner. While Coastal Plan Policies generally encourage visitor serving facilities in certain circumstances, residential vacation rentals are not discussed.

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.

Staff Response: The proposed project supports this policy by creating visitor serving lodging opportunities within an existing single family residence. The existing residence is within close proximity to many recreational opportunities in the community of Cambria. The existing residence is within walking and biking distance to the beach, coastal bluff trails, Fiscalini Ranch Preserve, and other facilities for recreational uses. This project is consistent with this policy.

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. Visitor-serving commercial developments that involve construction of major facilities should generally be located within urban areas. Provisions for new facilities or expansion of existing facilities within rural areas shall be confined to selected points of attraction.

Staff Response: This project complies with this policy as it creates visitor lodging opportunities within the urban area of Cambria and recognizes statewide priority to protect and enhance public opportunities for coastal recreation.

Public Works

Policy 1 – Availability of Service Capacity

New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff Response: The project is consistent with this policy because the existing residence currently has water and sewer service from the Cambria Community Services District (CCSD). The project does not propose any new development, and no new water or sewer services are proposed with the project. The project will not require a building permit, but as conditioned, prior to issuance of a Business License for the Residential Vacation Rental, the project is

required to provide evidence showing that the Cambria Community Services District 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 the use.

COMMUNITY ADVISORY GROUP COMMENTS:

The North Coast Advisory Council made a blanket recommendation denying residential vacation rental distance waivers on July 14, 2014, which reads “all ordinances that apply to the North Coast Region are to be strictly upheld and enforced by the County and the County Planning for vacation rentals.”

Staff Response: The Coastal Zone Land Use Ordinance for Residential Vacation Rentals (section 23.08.165) allows the residential vacation rental location standard to be modified through a Minor Use Permit approval.. The applicant has submitted a Minor Use Permit to modify the location standard to allow for the existing residence to be used as vacation rental. As discussed above, staff supports this request because of the parcel’s unique location on a corner lot, proximity to existing recreational uses/amenities, the lack of historical neighborhood compatibility concerns associated with the existing vacation rentals in the area, and the proposed operational standards, which are intended to ensure that the proposed vacation rental is operated in a manner that is consistent with the residential character of the neighborhood.

AGENCY REVIEW:

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

Cambria Community Services District (Water, Sewer, Fire) – No comments received.

California Coastal Commission – No comments received.

LEGAL LOT STATUS:

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

Staff report prepared by Cody Scheel and reviewed by Airlin M. Singewald.