



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

Promoting the wise use of land
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Tentative Notice of Action

MEETING DATE December 18, 2015	CONTACT/PHONE Megan Martin (805) 781-4163 mamartin@co.slo.ca.us	APPLICANT Rick West	FILE NO. DRC2015-00043
LOCAL EFFECTIVE DATE January 4, 2015			
APPROX FINAL EFFECTIVE DATE January 15, 2015			
SUBJECT A request by RICK WEST for a Minor Use Permit / Coastal Development Permit (DRC2015-00043) to allow an existing single family residence to be used as a residential vacation rental. The proposed project is within the Agriculture land use category and is located at 18710 Cabrillo Highway, approximately 14 miles north of the community of San Simeon. The site is in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit / Coastal Development Permit DRC2015-00043 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued on October 14, 2015 (ED15-106).			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Geologic Study Area, Coastal Zone, Coastal Appealable Zone, Local Coastal Program Area	ASSESSOR PARCEL NUMBER 011-021-010	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: North Coast Planning Area – North Coast Rural Area Standards <i>Does the project meet applicable Planning Area Standards:</i> None applicable.			
LAND USE ORDINANCE STANDARDS: Local Coastal Program Area & Appeals to the Coastal Commission <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			
FINAL ACTION 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 to 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 land use permits prior to the end of the Coastal Commission process.			
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			

Combining Designations

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.

Special Uses

Section 23.08.165 – Residential Vacation Rentals

Coastal Zone Land Use Ordinance section 23.08.165 governs the establishment of residential vacation rentals in the coastal zone. However, the standards set forth in this section only apply to the urban areas of Cambria, Cayucos and Avila Beach.

Staff Comments: Residential Vacation Rentals are single family residences by design (or occasionally multi-family residences) and are listed in the Residential use group of the Coastal Zone Land Use Ordinance 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.

The proposed project is located in the rural portion of the North Coast and therefore the Residential Vacation Rental Ordinance standards do not apply. While those standards only apply to Zoning Clearances issued in Cambria, Cayucos, and Avila Beach, they may be added to a discretionary permit where appropriate.

The proposed residential vacation rental is not to operate differently than a full time occupied single family residence; therefore, the project has been conditioned for residential vacation rental operational standards. 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. The proposed conditions of approval have routinely been added to other minor use permits for establishment of residential vacation rentals.

COASTAL PLAN POLICIES:

Shoreline Access: Policy No(s): See discussion below
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 & 7
Coastal Watersheds: N/A
Visual and Scenic Resources: Policy No(s): 1
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:

Shoreline Access

To implement the provisions of the Coastal Act, policies for Shoreline Access represent the commitment of San Luis Obispo County to preserving, protecting and providing access to the coast. The proposed vacation rental use will occupy an existing single family residence that lies adjacent to coastal resources; however, the single family residence is not located between the first public road (Highway 1) and the Pacific Ocean and therefore will not conflict nor will it interfere with the public's right of access to the sea.

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 Comments: The proposed project supports this policy by creating visitor serving lodging opportunities within an existing single family residence. The existing residence is located on Cabrillo Highway, within close proximity to Ragged Point, north approximately 14 miles from the Community of San Simeon and beaches with public access.

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 Coastal Act Public Resources Code Section 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 Comments: This project complies with this policy as it creates visitor lodging opportunities 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 Comments: The project is consistent with this policy because the existing residence is currently served by an on-site well and on-site septic system.

Policy 7: Permit requirements: A permit is required for projects within the coastal zone.

Staff Comments: The applicant is requesting approval of a Minor Use Permit / Coastal Development Permit, consistent with the requirements of this policy.

Visual and Scenic Resources

Policy 1: Protection of Visual and Scenic Resources. Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved, protected, and in visually degraded areas restored where feasible.

Staff Comments: The proposed project is consistent with this policy because the proposed vacation rental use will be within an existing residence and guesthouse already approved and sited in the least visible area of the site.

COMMUNITY ADVISORY GROUP COMMENTS:

The project was referred to the North Coast Advisory Council (NCAC). The NCAC recommended approval of the proposed vacation rental use at a regular meeting on November 18, 2015. NCAC provided the following recommended conditions: the single family residence and guesthouse are to be rented as a single vacation rental tenancy only, vehicles are to be allowed only on paved areas, not vegetated areas due to fire concerns, and special events should not be allowed due to traffic concerns on rural roads, lighting, and noise.

Staff Response: Staff has limited the use of the vacation rental as a single vacation rental tenancy and also included a condition not allowing special events.

AGENCY REVIEW:

Public Works – “No concerns.” (Glenn Marshall, October 5, 2015.)

Building Division – “No comments.” (Michael Stoker, October 6, 2015.)

County Sheriff – None received.

Cal Fire – “No concerns.” (Clint Bullard, October 7, 2015)

California Department of Transportation – None received.

California Coastal Commission – No comments received.

LEGAL LOT STATUS:

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

Staff Report prepared by Megan Martin and reviewed by Ryan Hostetter and Steve McMasters.