

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

(Public Resources Code §30222)

PLANNING COMMISSION

EXHIBIT: 4

DATE: 4/14/11

DO NOT REMOVE FROM FILE



Fwd: Vacation Rental ordinance - potential changes
Bob Kasper to: Rhedges
Cc: bgibson, jbusselle

04/14/2011 08:58 AM

Ramona-

Jim asked me to forward this to you for today's meeting regarding vacation rentals. I hope it is not too late.

Thank you.

-Bob Kasper
Cambria

----- Forwarded message -----

From: **Bob Kasper** <bob@breenrealty.com>
Date: Wed, Apr 13, 2011 at 4:32 PM
Subject: Vacation Rental ordinance - potential changes
To: Jim Irving <jim@jimirving.com>
Cc: bgibson@co.slo.ca.us, jbusselle@co.slo.ca.us

Good afternoon Jim!

I understand that you have recused yourself regarding the potential changes to the Vacation Rental ordinance. If you have indeed recused yourself, I don't know what, if anything, you can do about these potential changes, but as the closest Planning Commissioner to me in Cambria, I wanted to let you know of my thoughts. I have two large and one small issue with the potential changes.

1) The biggest problem I have is in section d. I am somewhat certain that this change has not been thought through completely. The suggested change notes that if a house is rented on a Friday, it cannot be rented again until the following Friday. This is logical, and supports the current verbiage, which currently states that there can only be one rental in each seven day period. While this APPEARS to further correct the current verbiage, what this change WILL do is create a 13 day blackout period, because it does not address the week PRIOR to this Friday rental. This change would cause the inability to rent the six days PRIOR to the Friday reservation, due to this "Friday to Friday" rule. (i.e., the earliest one could make a reservation before this Friday reservation would be the Friday prior...creating a 13 day blackout period due to a two (or even one!) day reservation. In times like these, when the County needs to make as much revenue as it can, this is NOT a logical restriction!

For another example, let's say we make a reservation for two nights in October, the typical length of a reservation in the off-season. Let's also assume that this rental doesn't start on Friday, but

rather on Saturday. What this would do would be to all but eliminate the possibility of that house getting rented the next weekend (as almost all rentals start on Friday, and depart on Sunday) because that house is not rentable until the following Saturday, and not the following Friday.

For those of us who follow this (current) rule, there are never more than two reservations over a two week period of time. This is what the goal of the verbiage seems to be. There does not need to be any changes made.

2) The next biggest issue I have is in section k. The potential change forces anyone who wants to simply start the application process (by going to the County and requesting that a Planner look up their APN and see if it qualifies as a Vacation Rental) to

- a) create and send out a letter to all owners within 200 feet of the property, and
- b) create a list of the owners to whom the letter was sent.

My issue is that this is a lot of work that should not have to be done until after the license has been issued. Let me use an example that happened to me. What if an owner (or property manager) were to go to the County and find that someone living less than 200 feet from their property had applied for and was granted a Vacation Rental license a few hours before their arrival. All of the work that this new proposed change creates would have been unnecessary. I am fine with doing the work, but let's not make it mandatory until after we know that a license can be/is issued!

The small issue I mentioned above is with the 200 linear feet AND the 100 foot radius. I understand the desire to include the "house across the street" when determining whether a new Vacation Rental should be approved. That is logical. But if 100 feet is good enough for houses that are facing the potential new house, why shouldn't 100 feet be good enough for houses that are in line with said house? 200 feet, especially when the houses all line up, is quite a distance, and noise coming from a house will not be heard from a house that is 200 feet away linearly, (while it may be heard 100 feet across the street). If a change is made at all, I think a 100 foot radius is much more logical.

Thanks for taking the time to read this.

Have a great day!

Bob

--

Breen Realty
DRE#: 01423355

John Busselle, County Planning
CC: Honorable Bruce Gibson

RE: Proposed Amendments to Ordinance 23.08.165
relating to residential vacation rentals, March
2011 Planning Commission Draft

Dear John:

We have read the proposed amendments and discussed it with other neighbors. There seems to be confusion about interpretation as it is written in the draft of March 2011.

23.08.165 (d) Vacation rental tenancy

This is a commendable improvement on interpretation of the 7-days. But to eliminate all doubt on the when the first day starts for 7-day tenancy counting purposes, we recommend that the word "beginning" be inserted after the word "unit." So that the change would read, "For example, if a person or group rents the unit (beginning) on a Friday, the next individual or group cannot rent the same unit until the following Friday."

(c) Location...(1) Cambria, Cayucos and Los Osos
"...no residential vacation rental shall be located within a 100 foot radius and 200 linear feet of a parcel on the same block..."

As written, the "and" implies that both conditions must be met to exclude a new rental. But, they are in conflict with one another. In Nov. 2005, the Board already interpreted "same block" to include bordered by streets on all sides. So, this would include 200 ft behind and to the sides of the existing rental. Do you mean that 100 ft radius applies only to the measurement across the street?

To clarify what is intended, we suggest, "...no residential vacation rental shall be located within a 100 foot radius and/or 200 linear feet of a parcel on the same block..." Also, the words "same block" need to have a definition, namely, bordered by streets on all sides.

A simpler solution, recommended by the NCAC, is to use the same distance in all directions. A rental across the street will have more impact on disturbances because the line of sight has less interference.

The NCAC recommendation is:

"Within all residential land use categories, no parcel shall be approved as a residential vacation rental if it is within 200 feet of another parcel with a residential vacation rental. The distance shall be measured from the point on the parcel containing the vacation rental that is nearest to the parcel containing the proposed vacation rental."

This NCAC wording eliminates the confusion of terms like, "radius", "linear", "same block". But it requires that all measurements will have the same distance and NCAC recommends 200 feet.

Could you please provide your understanding of the amendment wording on "c Location (1) as it is presently written? Thank you for your consideration and we look forward to the reply at your earliest opportunity.

Sincerely,
Joe and Barbara Crowley, 1801 Ogden Dr., Cambria

CAMBRIA NEIGHBORS

c/o P.O. BOX 80 ■ 1841 OGDEN DRIVE ■ CAMBRIA, CA 93428 ■ (805) 927-4640

March 28, 2011

Honorable Planning Commissioners
County Government Center
San Luis Obispo, CA 93408

**Re: Residential Vacation Rental Ordinance Amendments – Planning Commission Draft,
March, 2011; Planning Commission Hearing, April 14, 2011**

Dear Commissioners Irving, Topping, Christianson, Murphy and O’Grady:

We are Cambrians who are concerned with maintaining the residential character of our neighborhoods. We have reviewed the March, 2011 draft amendments to the Vacation Rental Ordinance and have these comments.

We are particularly concerned with the proposed location standard (section c.(1)) as it would apply in Cambria. The proposed standard would add a 100 foot radius standard to the existing 200 foot linear foot standard. The proposed section reads:

“Within all residential land use categories, no residential vacation rental shall be located within a 100 foot radius and within 200 linear feet of a parcel on the same block on which is located any residential vacation rental or other type of visitor serving accommodation
.....”

Because of the extremely small size of lots in Cambria, we are concerned that the 100 foot radius standard would not provide adequate buffer between vacation rentals and their neighbors. As presently interpreted, the 200 linear foot standard precludes a new vacation rental within 200 feet to the sides and rear of an existing vacation rental. A 100 foot radius standard would cut the rear buffer area in half.

The proposed standard also is internally contradictory. This is because measuring in a radius would include parcels across the street from an existing vacation rental, but “on the same block” would exclude parcels across the street.

At a minimum, the proposed standard is confusing.

We urge the Commission to reject the language proposed in section c.(1) of the draft, and adopt instead the standard proposed by the North Coast Advisory Council in its November 23, 2010 comments to the Planning Department, as follows:

“Within all residential land use categories, no parcel shall be approved as a residential vacation rental if it is within 200 feet of another parcel with a residential vacation rental. The distance shall be measured from the point on the parcel containing the vacation rental that is nearest to the parcel containing the proposed vacation rental. “

Honorable Planning Commissioners
March 28, 2011
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The North Coast Area Plan sets as goals protecting Cambria's residential areas from incompatible land uses and protecting the residential character of single-family areas. (2007 North Coast Area Plan, page 1-4.) The location standard proposed in the March 2011 draft is contrary to both of these goals. The standard proposed by the NCAC, on the other hand, furthers both. It also is straightforward and easy to apply.

We urge the Commission to reject the location standard proposed in section c.(1) of the draft and adopt instead the standard proposed by the NCAC, as set forth above.

Thank you for considering these views.

Sincerely,

Cambria Neighbors



JOHN LAMB
Lodge Hill

JOYCE RENSHAW
Lodge Hill

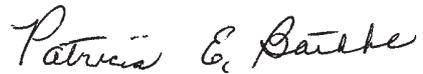


KEN RENSHAW
Lodge Hill

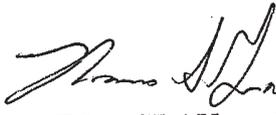


STEVE COLE
East Village

JESS BATHKE
Marine Terrace



PATRICIA BATHKE
Marine Terrace



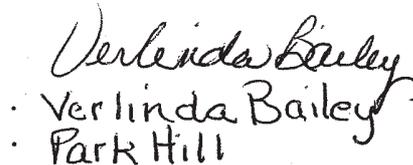
TOM GRAY
Marine Terrace



GAIL ROBINETTE
Park Hill

/s/ Martin Verhaegh
MARTIN VERHAEGH
Park Hill

/s/ Joan Verhaegh
JOAN VERHAEGH
Park Hill



Verlinda Bailey
Park Hill



GEORGE LECLERCQ
Lodge Hill

/s/ Marty Main
MARTY MAIN
Leimert Estates

/s/ Larry Edwards
LARRY EDWARDS
Lodge Hill

/s/ Roger Pond
ROGER POND
Lodge Hill

Honorable Planning Commissioners

March 28, 2011

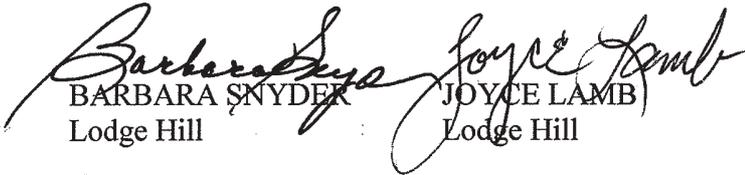
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GALEN RATHBUN
Top of the World

/s/ Bruce Kessler
BRUCE KESSLER
Park Hill

/s/ Sandy Kessler
SANDY KESSLER
Park Hill



BARBARA SNYDER
Lodge Hill

JOYCE LAMB
Lodge Hill

/s/ Linda Balfé
LINDA BALFE
Lodge Hill



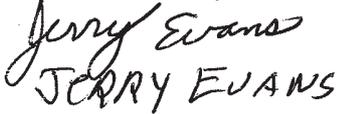
KEN ROBERTS
Marine Terrace



MARGOL ROBERTS
Marine Terrace

/s/ William Hughes
WILLIAM HUGHES
Park Hill

LODGE HILL



JERRY EVANS

/s/ Walt Picker
WALT PICKER
Sea Clift Estates

/s/ Kathy Smith
KATHY SMITH
Top of the World

/s/Craig Smith
CRAIG SMITH
Top of the World

[All /s/ signatures are authorized by the individuals whose names are listed.]

4/14 PC #4

DATE: April 8th, 2011

TO: Planning Commissioners Irving, Topping, Christianson, Murphy and O'Grady
RE: FILE NO. LRP2009-00005, Proposed Amendments to Coastal Zone Land Use Ordinance Section 23.08.165- Residential Vacation Rentals
FROM: Richard L. Watkins

Comments on the March 2011 Planning Commission Draft

2011 APR - 8 PM 1:15
SLO COUNTY
PLANNING/BUILDING
DEPT

1. Section 23.08.165 – First Paragraph

The inclusion of Avila and Los Osos imposes a “one size fits all” array of vacation rental regulation stemming from almost 20 years of persistent rancor concentrated in Cambria on two additional communities with unique regulatory needs. Application of this ordinance, will assure that vacation rentals will not play a significant role in the visitor serving lodging or economic future of either community. This is particularly unfortunate in Los Osos, an area that may have the lowest “pinow count” from hotel/motel/B&B development among any similarly sized community in California.

2. Section 23.08.165(c) - Location

The proposed amendment to the density standard represents is the latest chapter in a remarkable evolution.

- The Ordinance first approved by the Board in 2001 had NO density standard of any kind.
- The Coastal Commission Staff “suggested” a density standard be inserted prior to the second Coastal Commission hearing, at which the Commissioners fully understood the nature of the 200 ft. linear measure, despite what various people who weren't present now contend (check the minutes, I was present).
- The 2005 “Bianchi Interpretation” creatively extended the 200 ft. to include the lots in the same legal block behind the subject. That change negatively impacted visitor serving lodging, without approval of the Coastal Commission.
- The present draft includes BOTH the 200 ft. Bianchi Interpretation AND a newly proposed 100 foot radius overlay (except in Avila). Among lots with 40 ft. frontage and 40 ft. street width, eligibility is eliminated for 5 lots across the street from a licensed rental. An even more extreme case is found on corners at a “T” intersection. Although laborious, it would be useful to determine how many lots loose eligibility because of the this change, before judging its merit.

The efficacy of density standards in reducing complaints is unproven. On average fewer vacation rentals should translate to fewer complaints, but averages are little comfort to neighbors of a rental with more than typical complaint frequency. There is no consistent tracking system, so correlations between densities and complaints aren't available for reference. What this amendment definitely does accomplish is to progressively reduce the future role of vacation rentals in providing lodging opportunities to vacationers seeking to access their coastline. Grandfathering of existing rentals in 2003 created a supersaturated density in prime locations. Over time some of these original vacation rentals inevitably cease operation, even if the licenses remain in place. Owners move into the property full time, decide to reserve it only for personal use and in rare cases are harassed into terminating vacation rental by persistent neighbors. The resulting attrition removes key vacation rental inventory from availability with no avenue for replacement. New rentals are forced into peripheral areas not favored by visitors and unable to attract strong occupancy figures. The vacation rental Ordinance assures local tourist dependent businesses experience less and

less traffic and diminished economic vitality over time. Are the benefits of density standards really worth the costs? Unfortunately, there are no reliable data with which to address that question.

Another disturbing aspect of density standards is that they carry a tacit assumption that the performance standards in the Ordinance aren't going to offer sufficient control, either because performance standards are unenforceable or because the County is not willing to enforce them. Density standards seek to control problems seen as an inevitable by reducing the number of locations where the problem might arise. Density standards represent a cynical mechanism of last resort that ultimately harms the innocent and responsible.

The new noise standard is measured at 50 feet, but the density standard remains at 200 ft., with 100 foot radius overlay. Consider what aspect of vacation rental occupancy, OTHER THAN NOISE, is likely to be offensive to local residents at a distance between 50 and 200 feet? One of the very few possibilities is the mere presence of strangers in their vicinity.

Houses don't cause complaints, people do. There are bad drivers, but traffic laws don't limit the number of drivers licenses issued or the number of cars allowed on the road to control bad driving. Traffic laws target bad drivers, they don't limit use of highways by good drivers. The vacation rental Ordinance attempts to control complaints by limiting the number of vacation rentals in the process, thereby penalizing conscientious owners, management companies and vacationers, not to mention all the tourist supported businesses in the coastal communities.

3. Section 23.080.165(d) - Vacation Rental Tenancy

The "For example. . ." redline sentence added to the PC draft confuses the issue. It doesn't define all possible tenancy patterns and is a departure from the way the "7 day rule" has been interpreted for almost 7 years. The redline addition harkens back to the Randy Sabin letter of 1995, written well before the Vacation Ordinance was drafted and prior to 16 years of hearings and discussion. The initial sentence of (d) describes the standard as it is now interpreted. If a change is desired that initial sentence should be rewritten accordingly, but only after a careful evaluation of impacts throughout the calendar year, particularly on holiday bookings. The few days involved are unlikely to shift existing opinions among opponents.

4. Section 23.080.165(j) - Noise

The amendment to the noise section might seem easier to enforce, but it creates an odd situation in which noise isn't the issue. The identity of the person responsible for the noise ultimately defines a violation of the Ordinance. Residents, second home owners and guests are held to one standard, but vacation renters are held to a more subjective and far more restrictive standard. The opponents of vacation rentals are evidently less offended by noise from people they know than people they don't know and the Ordinance support that double standard. It's worth noting that violation of the arbitrary noise standard can potentially be cause for revocation of a Vacation Rental License.

5. Section 23.080.165(m) - Effect on existing rentals

This is another amendment evidently intended to diminish future numbers of vacation rentals, further adding to the attrition of available visitor serving lodging in prime coastal areas. Because of the supersaturation revocation of licenses will not provide opportunities for new rentals to commence operation in prime areas.

6. Sections 23.080.165(n) & (o) - Violations and Complaints

These two sections are likely to cause administrative and legal complications unless the County develops a consistent means of tracking and corroborating complaints. Prime vacation rentals often produce significant gross income. Revocation of a license associated with an income stream of such magnitude has significant financial consequences extending beyond rental income to impact the market value of the property. The subjective nature of many possible complaints and the large potential damages involved are likely to encourage full exploration of remedies contained in Chapter 23.10 at considerable expense.

Conclusions

We can all see that the Ordinance is becoming incrementally more restrictive, but what are the ultimate target thresholds for the number and frequency of complaints? How many is too many? Is the target an absence of complaints, as those opposed to vacation rentals seem to favor? Discussions of a target threshold may be a moot, in the absence of a complaint tracking system with which to measure the occupancy and performance of individual rentals, types of rentals, neighborhoods, communities, etc.

Legitimate complaints may be no more frequent today than they were in 2004 when there were fewer vacation rentals. In the absence of careful analysis using validated tracking data and considering the potential costs to tourist based economies, is it reasonable to assume the Vacation Rental Ordinance, soon to affect 4 communities, warrants more restrictive amendments largely because a minority of Cambria residents persist in long held concerns?

Richard L. Watkins

Richard L. Watkins Real Estate Services
P.O. Box 211
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cc: John Busselle

Appendix A

This brief history of the present Vacation Rental Ordinance is offered partly because this Planning Commission has had relatively brief tenure with the topic and partly because my fate has been considerably less fortunate.

Heritage

The small coastal towns of Cayucos and Cambria owe origins to agriculture and shipping, but their growth and prosperity flowed from tourism and second homes. The exchange of money or services for the use of coastal homes began as friends offered money, bartered agricultural products or maintenance services to property owners in exchange for a stay in one of these magical

communities by the sea. Later, real estate brokers began managing vacation rentals. Clyde Borne in Cayucos was reportedly the first. Hugo Pearson bought Clyde's firm in the early 70's and by the late 80's several more real estate brokerages (including mine) were managing vacation rentals. Thanks to the California Department of Real Estate's jurisdiction over short term rentals (DRE later gave up jurisdiction of tenancies of 30 days or less), San Luis Obispo County achieved excellent compliance with the Transient Occupancy Tax Ordinance addressing vacation rentals when it was implemented in December 1988. Wording of that Ordinance was less than clear, creating later issues.

Setting the Stage for Regulation

Some 7 years after TOT commenced, the Randy Sabin Letter, June 1995, signaled heightened awareness of vacation rentals, complete with a vague reference to complaints. Within a year, a small group of residents in Cambria began a formal effort to ban vacation rentals on the basis that they were necessarily incompatible with the "character" of residential neighborhoods. Complaints increased, but still involved a small percentage of the residents complaining a small percentage of the time about a small percentage of the vacation rentals. A portion of the complaints were patently frivolous. Others had clear validity, but the County lacked a specific protocol for tracking location, origin or resolution of complaints so there are no pre-Ordinance baseline figures to use in estimating change over time.

The vacation rental management firms in Cambria gathered to hold informal meetings in 1996, then formed the Central Coast Management Association to seek dialogue with the opponents and better address concerns. Dialogue was not productive, largely because the opponents remained adamant that vacation rentals be banned. Soon after, Cambria based opponents traveled to Cayucos with anti vacation rental messages.

The Process Begins

One of the more frustrated Cambria residents filed a Complaint with the 1997/1998 Grand Jury alleging that the San Luis Obispo Planning and Building Department was negligent in addressing problems associated with vacation rentals. The Grand Jury Report was relatively balanced in addressing the benefits of vacation rentals to the communities, the tourists and property owners, while expressing concern over the occasional problems caused by behavioral excess. The response to the Grand Jury Report by County Planning was also a balanced treatment of a complex array of benefits and costs posed by vacation rentals. Unfortunately, the process of creating an ordinance later slipped into a reactionary mode framing the vacation rental matter as a political issue best addressed by appeasement of vocal residents. Contrasts between the bundle of property rights claimed by residents (owners and long term tenants) and those claimed by out of area owners were accorded only slight attention.

The ordinance was written during 1999, approved by the Planning Commission after two hearings, then approved by the Board in mid January of 2001. The first of two Coastal Commission hearings was held in March of 2002, but resulted in a continuance, based, in part, on there being no density standard. There was no limit on where vacation rentals could be located in the Board approved version. A revised Ordinance, with a 200 ft. density standard included, and a few minor changes, went back to the Coastal Commission in May of 2003 and was approved. The Ordinance became effective in 2004 and, except for the 2005 "Bianchi Interpretation" of the density standard, has remained unchanged.

Recent History

One approach in evaluating the need to modify the Ordinance is to ask what changes have occurred in Cambria and Cayucos in the past 7-10 years. The single biggest change relates to the Internet. In 2004 the vast majority of vacation rentals Cayucos and Cambria were managed by a few local firms, most members of the CCMA. In recent years, a growing number of "for rent by owner" properties have appeared on the Internet for rent without a license or any of the restrictions set forth in the Ordinance. The County adopted a "complaint driven" policy of enforcing vacation rental license requirements. If an owners manage a vacation rental illegally, they are cited and issued a cease and desist order, ONLY after a complaint is filed. Because these illegal "businesses" collect no TOT, no BID, no management fees, no tax on cleaning, etc. they can undercut rates of professionally managed vacation rentals by 30% or more.

Another major change in Cambria and Cayucos over the past 7-10 years involves the availability of visitor serving lodging and the overall business environment. The Coastal Act was implemented in 1976 when there were 22 million Californians. There are nearly 38 million today, a 73% increase. What coastal community in San Luis Obsipo County has seen a 73% increase in "pillow count" from hotel/motel development since 1976? The Coastal Act has greatly improved physical access to the coast, but has fallen far short of producing a proportionate improvement in the availability of the lodging needed to make that access more than an empty promise to those living beyond a day trip from the coast. At peak summer season and holidays the existing lodging from hotels, motels and vacation rentals cannot meet demand. Tourists then go elsewhere. They may return at later date, or they may not. The success of the CBID program in attracting additional tourism risks creating demand for lodging that small coastal communities cannot meet.

The vacancy factor for Cambria retail space has increased in recent years. In Cayucos turnover of retail tenants rose. Among the more important causes were changes in the school year that removed weeks at both ends of summer and the chill of the overall economic climate. Visitor serving lodging capacity at prime times still defines the economic vitality of coastal resort towns. Vacation rentals represent a major share of the "pillow count". A reduction in that capacity has a direct impact on TOT, sales tax and the viability of a majority of the local businesses.

Investment in new hotel/motel development is not likely for a number of years due the challenges in commercial real estate and financing. Vacation rentals represent a flexible reservoir of visitor serving lodging in coastal towns with relatively fixed hotel/motel "pillow count". Vacation rentals are energy efficient (no new construction or embodied energy requirements), visually compatible with residential areas and can resume use as long term residences-- if the need arises. However, 2010 Census figures show the number of residents in nearby coastal towns is declining.

It is critically important to explore all reasonable means of regulating vacation rentals in ways that don't cause unnecessary attrition among rentals in prime coastal areas. Any visitor serving lodging lost as a result of amendments to the existing Ordinance will be not be made up in the foreseeable future, much to the detriment of the local communities, the County and the State.

10 April 2011

Chair Christianson and Commissioners:

Vacation rental nuisance issues have been among the most controversial topics I have seen in nearly 15 years of involvement with local planning in Cambria. Discussion consistently brings more people to NCAC meetings than virtually any other.

It is my belief that most people in Cambria and elsewhere in our county accept that vacation rentals are commercial uses which can and often do operate with minimal adverse effects in our county's residential areas and should be allowed in some fashion.

Even under the best of circumstances, however, a high percentage cluster of vacation rentals create a different neighborhood atmosphere than actual residents living in our residential areas, and they compete with potential residents for our limited housing stock. In the worst of cases, neighboring residents are deprived of the quiet enjoyment of their homes and forced to shoulder the burdens of the commercial use, while the benefits of the commercial endeavor are largely enjoyed exclusively by the vacation rental owner, creating an unfair allocation of cost and benefit.

While the county does benefit somewhat from the collection of transient occupancy taxes on legal rental operations, and merchants benefit from vacation rental occupant generated expenditures, many of these "public" benefits could be similarly enjoyed, for example, by increasing type, size and supply of transient accommodation in the county's commercially zoned areas, where there is available capacity with less residential neighborhood impact. The City of Carmel, which has eliminated vacation rentals as an allowable use in residential zones, stands illustrative of one option we could choose to pursue in encouraging tourism, but shifting lodging away from residential into commercial zones to minimize adverse impacts.

I doubt you will be hearing many if anyone argue here that we should go the route of Carmel. However, the current vacation rental ordinance provisions fall far short of providing needed resident neighborhood protections, and residents firmly expect their decision makers to use their discretionary powers to protect the uniquely defined character of their neighborhoods, carefully weigh apportionment of cost and benefit, and cautiously regulate compatible uses by applying and enforcing reasonable standards.

Until we have a mechanism, such as a nuisance ordinance, that solidly shifts the burden of enforcement of good neighborliness onto the commercial operators and away from neighbors, where burdens now often unfairly rest and are clearly unwanted, we have reason to be cautious about issuing unlimited new vacation rental permits in our residential areas. We need to find fair solutions that both protect homeowners' rights to quiet enjoyment in their homes and also maintain and strengthen our vital tourist economy.

As Mr. Busselle points out in your staff report, the purpose of the changes before you today is to both clarify the existing ordinance and also to help with administration and enforcement. Further, he notes, ongoing issues include: definitions, location, tenancy, noise, notice, existing vacation rentals, violations, complaints. It is my belief that with a few changes and clarifications the ordinance changes proposed by staff here today can bring us closer to striking an adequate balance.

Suggested Changes:

- **Location, Distance, Direction and Form of Measurement:** (p. 4-7, C1) As Mr. Busselle points out and many of you are already well aware, the current ordinance location, distance and measurement wording is not clear and is subject to various interpretations. The newly proposed wording adequately clarifies the form of measurement (“measured from the closest property line of the existing residential vacation rental unit... to...”) Yet, the distance between units remains unclear, as does the direction of the measurement. If the purpose of your update is indeed to provide added clarity, I would suggest changing the confusing current staff proposed wording of the distance requirement, calling for a **“100 foot radius and 200 linear feet of a parcel on the same block”** to meet the intent of the recommendation of the NCAC and add clarity -- to simply a radius of some feet. Including both the radius measurement and the linear feet measurement by block, when definition of a block and which directions such block encompasses is not clear, is problematic. Wording, as follows, would both meet the intent of the NCAC and many community members and be clearer to all:

"Cambria and Los Osos: Within all residential land use categories, no residential vacation rental shall be located within a 200 foot radius of any residential vacation rental or other visitor serving accommodation (e.g. Bed and Breakfast, Homestay). Distances are measured from the closest property line of the existing residential vacation rental unit, or other visitor serving accommodation, to the closest property line of the proposed residential vacation rental unit."

Maybe because many Cambrians feel strongly that distance measurements should be strengthened between vacation rental units, as you see evidenced by NCAC notes and community weigh in, the above 200 foot radius could apply to Cambria and Los Osos, and a less restrictive 100 foot radius could apply in Cayucos (see below). Since staff has already separated out a lesser 50 foot standard for Avila Beach, why not make one more category of 100 feet for Cayucos? This would make the ordinance clearer and provide a consistent form of measurement all around, and also it would meet the concerns of both the NCAC and CAAC uncompromisingly.

"Cayucos: Within all residential land use categories, no residential vacation rental shall be located within a 100 foot radius of any residential vacation rental or other visitor serving accommodation (e.g. Bed and Breakfast, Homestay). Distances are measured from the closest property line of the

existing residential vacation rental unit, or other visitor serving accommodation, to the closest property line of the proposed residential vacation rental unit.”

- **Avila Standard for measurement not clear:** The clarity of form of measurement, a start and end point of measurement you have in the draft for areas outside Avila, is currently not included in the Avila Beach standard. If you also added it there, it would add both clarity and consistency, no matter what differing distance requirement you choose for Avila and whether or not you keep the changed standard of measurement for condos.

Add to Avila standard, same as other areas: “Distances are measured from the closest property line of the existing residential vacation rental unit, or other visitor serving accommodation, to the closest property line of the proposed residential vacation rental unit.”

- **Avila type of measurement not clear:** the word “radius”, included in the other area section, is not included in the Avila section. Adding it into this section also would make the distance measurement more clear.

Suggested new wording for Avila section, consistent with Cayucos and Cambria/Los Osos wording, adding clearer distance measurement from property line to property line and “radius”:

“Within the Avila Beach urban reserve line, in all residential and recreational land use categories, no residential vacation rental shall be located within a 50 foot radius of any residential vacation rental or other visitor serving accommodation (e.g. Bed and Breakfast, Homestay). Distances are measured from the closest property line of the existing residential vacation rental unit, or other visitor serving accommodation, to the closest property line of the proposed residential vacation rental unit. In the case of condominium units...”

- **4-8: K1: Local contact person:** “Information shall be displayed in a prominent location inside the unit...” Is this prominent for the renters inside the unit or for the neighbors in the window in order to see the contact number from the outside? It would seem helpful to add clarity of purpose here. Are we trying to accomplish one, or the other, or both? If the intent is for neighbors to see contact number, will this detract from neighborhood character in identifying units as rentals? My understanding is that most neighborhoods oppose having rentals so designated from the outside. Maybe there is a way to subtly accomplish the posting or just make sure area noticing, getting the property manager contact number directly to neighbors, is more thoroughly and consistently accomplished?

- **Standards on rental agreements:** Appreciate the standard requiring standards be attached to rental contracts, so renters know area rules upfront. This may alleviate some problems.

I understand the difficulty you face today in creating more or less a single set of standards for several areas when the NCAC suggests detailed, stricter standards for Cambria, the CAAC recommends fewer standards for Cayucos, and LOCAC is divided on wanting to be included in standards at all. I encourage you to focus on clarifying the location, distance allowances and form of measurement and creating three such area standards to meet the area resident concerns on these points, minimally. Thank you for your consideration.

Sincerely,

Anne Wyatt
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