

Attachment A

Planning Commission Letter and Recommended Ordinance

TO: BOARD OF SUPERVISORS
FROM: PLANNING COMMISSION SECRETARY
DATE: FEBRUARY 7, 2012
SUBJECT: PLANNING COMMISSION ACTION ON AMENDMENTS TO THE LAND USE ORDINANCE – RESIDENTIAL VACATION RENTALS

The Planning Commission of the County of San Luis Obispo held a public hearing on September 22, 2011 to consider proposed amendments to Section 23.08.165 of the Coastal Zone Land Use Ordinance, Title 23 of the County Code. The Planning Commission, at the conclusion of the public hearing, adopted findings for the amendments and recommended them for approval. The Planning Commission made changes to the proposed ordinance amendments as follows:

1. Modified 23.08.165 first paragraph as follows:
 - a. Revised the definition of a Residential Vacation Rental.
 - b. Changed the tenancy requirement to 4 per month.
2. Adopted minor word changes to 23.08.165a&b. No significant change.
3. Modified 23.08.165c(Location) as follows:
 - a. Added Los Osos and Avila Beach to areas covered by the Ordinance.
 - b. Excluded Cabrillo Estates (Tracts 306,307& 310) in Los Osos from the Ordinance.
 - c. Adopted new distance standards for the communities to include radius and linear measurements.
4. Modified 23.08.165d(vacation rental tenancy) as follows:
 - a. Changed from one rental every 7 days to 4 per month.
 - b. Established the first day of the tenancy as the month assigned to that tenancy.
5. Approved a minor word change (adding “shall”) to 23.08.165f.
6. Modified Section 23.08.165j (noise) as follows:
 - a. Added language to make loud and unreasonable noise a violation of the ordinance.
 - b. Established a threshold of noise, related to the vacation rental, that is audible from 50 feet.

7. Modified Section 23.08.165k regarding noticing to require a 200 foot radius instead of the 300 feet now required. Added specific language regarding what the notice must contain and language regarding how the verification of noticing is to be provided to the Planning and Building Department. Added language to require posting of the notice inside the vacation rental unit and language to require certain operational standards be placed in the vacation rental contracts.
8. Changed Section 23.08.165l to require that the Transient Occupancy Tax Certificate number be included in all advertising for the vacation rental unit.
9. Deleted most of 23.08.165m and added language to explain what happens if a business license for a vacation rental expires.
10. Modified 23.08.165n and retitled it “Complaints”. Added specific language as to how complaints about vacation rentals will be handled.
11. Changed what was previously Section 23.08.165(n) to(o). Added specific language regarding violations that could cause the revocation of the Zoning Clearance for a vacation rental. Added language to allow signed affidavits from community members to help verify violations.

The ordinance amendments, as recommended by the Planning Commission for approval to your Board, are attached to this transmittal letter.

The San Luis Obispo County Planning Commission recommends to the Board of Supervisors of the County of San Luis Obispo, State of California, approval of Land Use Ordinance amendment LRP2009-00005 as shown in Exhibit LRP2009-00005:B based on the recommended findings.

On the motion of Kenneth Topping, seconded by Tim Murphy, and on the following roll call vote, to wit:

AYES: Commissioners Kenneth Topping, Tim Murphy, Dan O'Grady and, Carlyn Christianson.

NOES: None.

ABSENT: Commissioner Jim Irving