

**THURSDAY, SEPTEMBER 22, 2011**

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of September 22, 2011 together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 9:00 A.M. HEARINGS GENERALLY PROCEED IN THE ORDER LISTED, UNLESS CHANGED BY THE PLANNING COMMISSION AT THE MEETING. (9:13 AM)

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ROLL CALL (9:18 AM)

PRESENT: Commissioner(s) Tim Murphy, Dan O'Grady, Ken Topping, and Chairperson Carlyn Christianson.

ABSENT: Commissioner(s) Jim Irving.

1. Continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO to amend Section 23.08.165, Residential Vacation Rentals, of the Coastal Zone Land Use Ordinance, Title 23 of the County Code, regarding definition, location, tenancy, noise, notice, existing vacation rentals, violations and complaints. This project is not subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. (Continued from 4/14/11 & 8/25/11) County File Number: LRP2009-00005 Assessor Parcel Number: Various Supervisorial District: 2, 3 & 4 Date Authorized: July 21, 2009 John Busselle, Project Manager Recommend approval (9:21 AM)

John Busselle, Project Manager: begins updating commissioners on where they left off at the last hearing

Carlyn Christianson: opens Public Comment.

Tony Spennelli, Martin Verhea, Pamela Burton, Margo Roberts, Bob Van Reth, Marie Ducass, Robert Shambram, John Lamb, Gordon Hensley, Joseph Crowley, Shauna Sullivan, Debbie Reynolds: speak.

John Busselle, Project: addresses Public Comment issues.

Carlyn Christianson: discusses Los Osos in terms of having no regulations and inclusion of Los Osos in this ordinance with Mr. Busselle responding.

Ken Topping: overviews provisions of ordinance as they currently stand referring to Section B. 1. in terms of linear requirements with Mr. Busselle stating the radius distance can be changed. Comments on Cambria in terms of the 150' radius.

Dan O'Grady: explains the purpose of the radius distance reasoning. Requests clarification on the continuation of the radius with Mr. Busselle responding.

Ken Topping: would like the language on Pg. 2-4 item C. 1. explained for clarity.

Nancy Orton, staff: suggests language "around the parcel" for further clarity.

Ken Topping: discusses zoning clearances with the same standards as Cambria.

Tim Murphy: comments on Bed and Breakfast and Framework for Planning in terms of the written language regarding B&Bs and Homesteads being excluded.

Dan O'Grady: asks if the ordinance could exclude Los Osos with Mr. Busselle stating it could.

Ken Topping: discusses noise enforcement in Section J. on Pg. 2-5. Takes issue with the word "willfully" and would like to know if this is an appropriate word. Would like this word removed with staff agreeing. Referring to 'Violation' on Pg. 2-6, Section N in terms of any need for comparison to the events ordinance -commissioners state there is no need for consistency with another ordinance. Referring to Pg. 2-7 would like definition of "as appropriate" with Mr. Busselle responding.

Matt Janssen, staff: clarifies what Code Enforcement does when they receive a complaint in terms of complaints that occur on the weekends and mitigations for such.

Dan O'Grady: asks why there are un-permitted vacation rentals in terms of concerns brought forth by Public Comment with Mr. Janssen responding.

John Busselle, Project Manager: comments on GIS photo capability to identify properties which are in violation for the purpose of Code Enforcement actions .

Carlyn Christianson: would like to know if the Planning and Building website has contact information for calls to register complaints with Mr. Janssen responding.

Matt Janssen, staff: encourages the public to notify the Planning & Building Dept. of any un-permitted vacation rentals.

John Busselle, Project Manager: cites language for certificate numbers.

Ken Topping: comments on field citation procedures for Code Enforcement and whether the County has considered this with Mr. Busselle explaining the Sheriff's Dept. resolves Disturbing the Peace calls during the weekends.

Tim Murphy: comments that Code Enforcement staff issuing citations is a technical problem with Mr. Busselle explaining to correct violations the Planning & Building Dept. writes a letter notifying the owner there has been a violation.

Ken Topping reiterates what Code Enforcement staff does in violation cases with Mr. Janssen responding.

John Busselle, Project Manager: explains the technicalities of who is contacted when violations occur.

Dan O'Grady: referring to Pg. 2-6 n. suggests language to address "Complaint Process" to clarify how a person can enter a complaint.

Carlyn Christianson: would like to see a way the complaints are verified.

Dan O'Grady: would like an affidavit to be part of the complaint form for the citizen to sign with all commissioners in agreement.

Matt Janssen, staff: explains the complaints are treated serious and reasonably in terms of requirements of affidavits. Stresses what triggers the permit revocation process are 3 verified complaints.

Carlyn Christianson: would like distinctions between complaints and violations made clear in the language on Pg. 2-6 with Mr. Busselle suggesting how this language can be written.

Ken Topping: suggest adding the language "and verified".

Dan O'Grady: suggests adding a paragraph titled "Complaints and Violations". Further continues with Pg. 2-3 Section 1 language suggestions. Pg. 2-4 C. 1. suggests exclusion of Cabrillo Estates in Los Osos with Commissioners agreeing. Moves on to Pg. 2-4 Paragraph d. suggests "The first day of each tenancy determines the month assigned to that tenancy". Pg. 2-5 j. in terms of the word "threshold" receives clarity from staff. Pg. 2-6 n. 1. suggests "...or when the contact information changes". Cites suggested language to add number 5. to Pg. 2-6 n. 1. to add a contact person. Pg. 2-7 o. suggests insertion of the word "should".

John Busselle, Project Manager: explains there are 2 different ways to exclude Cabrillo Estates. States he will make all edits suggested at today's hearing and return this afternoon for final review by the commissioners.

**Thereafter, on motion of Ken Topping, seconded by Tim Murphy, and on the following vote:**

**AYES: Commissioner(s) Ken Topping, Tim Murphy, Dan O'Grady and Carlyn Christianson.**

**NOES: None.**

**ABSENT: Commissioner(s) Jim Irving.**

**The Commission approves the Land Use Ordinance amendment LRP2009-00005 based on findings listed in Exhibit A and forwards this amendment for a recommendation of approval to the Board of Supervisors.**

Dan O'Grady: discusses Cayucos requirements from current 200' to 100'. Comments on lack of discussion of occupancy numbers to bathroom numbers. Comments on counting children under 12

when determining occupancy with Mr. Busselle explaining the ordinance covers describes all occupants as "persons".

**Respectfully submitted,  
Ramona Hedges, Secretary  
Planning Commission**