



DEPARTMENT OF PLANNING AND BUILDING

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**Residential Vacation Rental Ordinance (LRP2015-00007)
Public Review Draft – January 2016**

The San Luis Obispo County Department of Planning and Building is seeking public input on proposed ordinance amendments governing residential vacation rentals in the inland part of the county (similar provisions already exist in the Coastal Zone). The purpose of these amendments, which were authorized by the Board of Supervisors on October 13, 2015, is to address neighborhood compatibility concerns and community character impacts associated with establishing vacation rentals in residential neighborhoods and rural/agricultural areas of the county. Of particular concern are impacts (e.g. noise and traffic) generated by events venues that are currently operating as residential vacation rentals. The proposed amendments would address this concern by disallowing temporary events (e.g. weddings, reunions, concerts, etc.) at sites with residential vacation rentals unless they obtain land use permit approval for holding temporary events.

The proposed amendments affect three different sections of the County Land Use Ordinance, Title 22 of the County Code. The most significant revisions are those in Article 4 (Standards for Specific Land Uses), which will establish development standards (e.g. parking, noise, occupancy limitations, location, noticing procedures, etc.) for residential vacation rentals. The other sections affected by this update include: Article 2 (Allowable Uses and Permit Requirements) where residential vacation rentals will be added as an allowable (A2) use in specified land use categories subject to Article 4 development standards; and Article 8 (Land Use Ordinance Definitions) where a land use definition will be added for residential vacation rentals.

Submit your comments on the draft ordinance amendments to Airlin M. Singewald by email (asingewald@co.slo.ca.us) or to the Department of Planning and Building, San Luis Obispo County Government Center, 976 Osos Street, San Luis Obispo, CA 93408. **The deadline for submitting comments on these amendments is February 26, 2016.** For questions on this ordinance amendment, contact Airlin M. Singewald at (805) 781-5198.

The public review draft of the proposed amendments is provided below:

I. Article 4 (Standards for Specific Land Uses) Amendments: Add new section (22.30.510) governing residential vacation rentals.

Residential Vacation Rentals: A Residential Vacation Rental is the use of an entire existing residence as a rental for transient use. This definition does not include the single tenancy rental of the entire residence for periods of thirty consecutive days or longer. Rental of a room or portion of an existing residence for less than 30 days is instead subject to Section 22.30.260 (Lodging - Bed and Breakfast Facilities) or Section 22.30.270 (Lodging - Homestays). Rental of a residential vacation rental shall not exceed four individual tenancies per calendar month as defined in Subsection d. Temporary events (e.g. weddings, reunions, concerts, etc.) are not allowed on any

site containing a residential vacation rental unless they are authorized under Section 22.30.610 (Temporary Events).

- a. **Purpose.** The purpose of this section is to establish a set of regulations applicable to residential vacation rentals. These regulations are in addition to all other provisions of this Title. Residential vacation rentals have the potential to be incompatible with surrounding residential uses and adjacent rural/agricultural lands, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full time residents and the character of the surrounding neighborhood or rural setting. Special regulation of residential vacation rentals is necessary to ensure that they will be compatible with surrounding uses and will not act to harm and alter the neighborhoods they are located within.
- b. **Permit requirements.** Zoning Clearance, Business License and Transient Occupancy Tax Registration is required for each residential vacation rental. Where water or sewage disposal is provided by a community system, evidence shall be submitted with the application for a Zoning Clearance to show that the service provider(s) has been informed of the proposed use of the property as a residential vacation rental, and has confirmed that there is adequate service capacity available to accommodate this use.
- c. **Location.** Within the Residential Single Family, Residential Multi-family and Recreation land use categories, no residential vacation rental shall be located within 500 feet (using the straight line method as defined in Article 8, Distance – measurement) of any parcel containing an existing residential vacation rental. This location standard can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required.
- d. **Vacation rental tenancy.** Rental of a residence shall not exceed four individual tenancies/occupancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence 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 unit.
- e. **Number of occupants allowed.** The maximum number of occupants allowed in an individual residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the on-site parking requirement set forth in subsection i hereof, and shall not exceed two persons per bedroom plus two additional persons. The Zoning Clearance shall specify the maximum number of occupants allowed in each individual vacation rental.
- f. **Number and type of dwellings allowed as vacation rentals.** No more than one residential vacation rental shall be established on any single site. Farm support quarters and/or caretaker dwellings shall not be used as residential vacation rentals. On sites that contains secondary dwellings, only one of the dwelling shall be used as a residential vacation rental and the owner must occupy one of the units as his or her primary residence as required by Section 22.30.470 (Residential – Secondary Dwellings).
- g. **Appearance, visibility and location.** The residential vacation rental shall not 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.

- h. Signs.** Availability of the rental unit to the public shall not be advertised on site.
- i. 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. For purposes of this section, normal residential traffic volume means up to 10 trips per day.
- j. On-site parking required.** All parking associated with a residential vacation rental shall be entirely on- site, in the garage, driveway or otherwise out of the roadway, in accordance with subsection e., above. Tenants of residential vacation rentals shall not use on-street parking at any time.
- k. Noise.** All residential vacation rentals shall comply with the standards of Section 22.10.120 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. In addition, property owners and/or property managers shall insure 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.
- l. Local contact person.** All residential vacation rentals 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. Where a property owner lives within the same urban or village area as the residential vacation rental, the property owner may designate themselves as the local contact person. All the requirements enumerated in this section shall continue to apply.

 - (1)** A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, and the local fire agency; and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site within URL/VRLs and a 1,000 foot radius in rural areas. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. 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. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Zoning Clearance, Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
 - (2)** The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection. In addition, the standards for parking, maximum occupancy and noise shall be posted

inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.

- m. Transient Occupancy Tax.** Each residential vacation rental unit 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 each residential vacation rental unit. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.
- n. Temporary Events.** Temporary events (e.g. weddings, reunions, concerts, etc.) are not allowed on any site containing a residential vacation rental unless they are authorized under Section 22.30.610 (Temporary Events). Unpermitted event venues that are operating as residential vacation rentals as of the effective date (INSERT) of this section shall be subject to the standards of this section, and owners of such venues shall request the required land use permits within 18 months of the effective date specified above. If the required land use permit has not been requested within the time frames set forth in this section, the penalties of Chapter 22.74 (Enforcement) of this Title shall apply.
- o. Williamson Act Land.** A residential vacation rental shall not be established on any parcel under a Land Conservation (Williamson Act) Contract.
- p. Right to Farm Disclosure.** For residential vacation rentals near agricultural land, all rental agreements for individual tenancies shall include the following disclosure language: “The County of San Luis Obispo recognizes the statewide policy to protect and encourage agriculture. Sections 3482.5 and 3482.6 of the California Civil Code and Chapter 5.16 of the San Luis Obispo County Code protect certain, pre-existing agricultural production and processing operations (“agricultural operation”) from nuisance claims. If your rental property is near an agricultural operation in the unincorporated area of the County you may at times be subject to one or more inconveniences and/or discomfort arising from that operation. Such inconveniences may include (depending upon the type of agricultural operation protected), but are not necessarily limited to, the following: noise, odors, fumes, dust, legal pesticide use, fertilizers, smoke, insects, farm personnel and truck traffic, visual impacts night time, lighting, operation of machinery and the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations. For additional information pertaining to this disclosure and the Right to Farm Ordinance, or concerns with an agricultural operation, please contact the San Luis Obispo County Agricultural Commissioner’s Office.”
- q. Effect on existing residential vacation rentals.** Each individual vacation rental in existence on the effective date of this section shall be subject to a Zoning Clearance, Business License, Transient Occupancy Tax Registration, and all standards set forth in this section except subsection c. regarding location, provided the owner submits evidence showing that the vacation rental was in existence prior to [INSERT DATE]. Zoning Clearance, Business License, and Transient Occupancy Tax Registration shall be requested from the county within 120 days of the effective date specified above. If the Zoning Clearance, Business License, and Transient Occupancy Tax Registration have not been requested within the time frames set forth in this section, the penalties of Chapter 22.74 (Enforcement) of this Title shall apply.
- r. Complaints.** Complaints about possible violations of these standards should first be directed to the local contact person. If the local contact person is unavailable or fails to respond, the complaining party should contact the County Sheriff’s Department (Dispatch).

Sheriff Dispatch will attempt to reach the local contact person. If Sheriff Dispatch is unable to reach the local contact person because the contact person is not available or because current contact information has not been provided to the Sheriff's Department, the Sheriff's Department shall inform County Code Enforcement staff.

During normal business hours, complaints may also be submitted to County Code Enforcement staff. County staff will attempt to reach the contact person or will visit the property as appropriate. Complaints about alleged violations shall be documented by a County Code Enforcement Officer. County staff shall prepare a written report which describes the nature of the violation, when it occurred and how it came to the attention of County officials. In some cases, a report may also be written by the Sheriff's deputy responding to the complaint.

s. Violation - vacation rental. It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties (including fines) and process for addressing a violation of this section are set forth in Chapter 22.74 of this Title (Enforcement). Additional penalties for violation of this section may include revocation of the Zoning Clearance and Business License. Violations that will cause the processing of Zoning Clearance revocation include:

- (1) Failure to notify County staff when the contact person, or contact information, changes.
- (2) Violation of the residential vacation rental tenancy standards as set forth in Subsection d.
- (3) Violation of the residential vacation rental maximum occupancy, parking and noise requirements as set forth in Subsections e, i and j.
- (4) The inability of County staff or the Sheriff's Dispatch to reach a contact person.
- (5) Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations of subsection r, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Zoning Clearance. Signed affidavits by members of the community may be used to verify violations. Revocation of the Zoning Clearance shall follow the same procedure used for land use permit revocation as set forth in Section 22.74.160 of the County Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

II. Article 2 (Allowable Land Uses and Permit Requirements): update Table 2-2 to include Residential Vacation Rentals as an allowable (A2) use.

Table 2-2 (Allowable Land Uses and Permit Requirements) will be updated to add a new row under the heading Residential Uses for Residential Vacation Rentals, which will be an allowable (A2) use subject to specific use standards in Section 22.30.510 in the following land use categories: Agriculture, Rural Lands, Recreation, Residential Suburban, Residential Single Family, Residential Multi-Family, Office and Professional, and Commercial Retail.

III. Article 8 (Definitions): Add land use definition for Residential Vacation Rentals.

Residential Vacation Rentals (land use). A Residential Vacation Rental is the use of an existing residence, or a new residential structure that has been constructed in conformance with all standards applicable to residential development, as a rental for transient use. Rental shall not

exceed four individual tenancies per calendar month. This definition does not include "Bed & Breakfast Facilities", "Homestays", and "Hotel, Motels" which are defined separately under "Lodging"; and rooming and boarding houses (included under "Multi-Family Dwellings") or rental of an entire structure for 30 days or longer.