RESIDENTIAL VACATION RENTAL ORDINANCE USERS GUIDE

What is a Residential Vacation Rental?

A Residential Vacation Rental is the use of an existing residence as a rental for transient use. This does not include the rental of the entire residence for periods of thirty days or longer.

How do I establish a new Residential Vacation Rental?

When an individual wants to establish a new Residential Vacation Rental, the Permit Center in the Department of Planning and Building will need to be contacted first. A Permit Center Planner can determine if the property qualifies for a Zoning Clearance or requires the processing of a Minor Use Permit. The Planner will provide forms to begin the application process. If a Zoning Clearance can be issued, the applicant must apply for a business license in person at the Tax Collector's Office. The Business License Clerk processes the application and the Planning and Building Department issues the required Zoning Clearance. Once the Zoning Clearance is issued, a Business License is issued upon payment of the license fee to the Tax Collector.

In the inland areas of the County, there is no Land Use Permit required, so only a Business License is required. The Tax Collector requires that the Planning and Building Department approve the Business License application. This is done by a Permit Center Planner in the Department of Planning and Building.

What are the required permits and approvals?

Cambria and Cayucos

Zoning Clearance, Business License and Transient Occupancy Tax Certificate if the property complies with Coastal Zone Land Use Ordinance Section 23.08.165 (see attached). The location standard (Section 23.08.165c(1)(2)) can be modified through approval of a Minor Use Permit.

Avila Beach

Zoning Clearance, Business License and Transient Occupancy Tax Certificate if the property complies with Coastal Zone Land Use Ordinance Section 23.08.165 (see attached). The location standard (Section 23.08.165c(3)) can be modified through approval of a Minor Use Permit.

Other coastal communities (such as Los Osos, Oceano, San Simeon) and rural areas

Minor Use Permit is required.

What does an applicant for a Zoning Clearance need to provide?

- Will Serve Letter

  Evidence that the community water and/or sewer providers for the property have been informed of the use of the property as a vacation rental and have confirmed that there is adequate service capacity to accommodate the use.

- Site Plan

  Prepare a site plan that shows the number and location of parking spaces available (within garage, driveway, etc.) and designation of the number of bedrooms in the vacation rental house.

- Local Property Management

  Verification of who will provide local property management services. This may be through contract or agreement, or designation of owner if owner lives locally. Services must be available 24 hours per day to respond to tenant and neighborhood concerns.

- Proof of Notification

  Provide the name, address and telephone number of the local contact person to the Department of Planning and Building, main County Sheriff's Office, local Fire Agency and local Sheriff Substation, as well as all property owners within 200 feet of the vacation rental.

How does a Business License expire?

A Business License becomes inactive after 12 months, if not renewed. When a Residential Vacation Rental Business License becomes inactive, a new Zoning Clearance is required for that Residential Vacation Rental. The new Zoning Clearance cannot be issued unless the Residential Vacation Rental is consistent with **all** standards of the ordinance, including the required distance to another Residential Vacation Rental. Where a Residential Vacation Rental was authorized by a Minor Use Permit, a new Business License can be granted subject to the conditions established under that Minor Use Permit.

Can a Business License be transferred to a new property owner?

The Business License for a Residential Vacation Rental cannot be "transferred" to a new owner. However, a new owner who applies for a new Business License before the old Business License becomes inactive can be issued a new Business License without having to get a new Zoning Clearance and meeting all standards of the ordinance, including the required distance to another Residential Vacation Rental. If the old Business License becomes inactive, the new owner has to qualify the property as a new Residential Vacation Rental, including complying with **all** standards of the ordinance.

Cambria Example - Properties within 150 & 200 foot Measurement

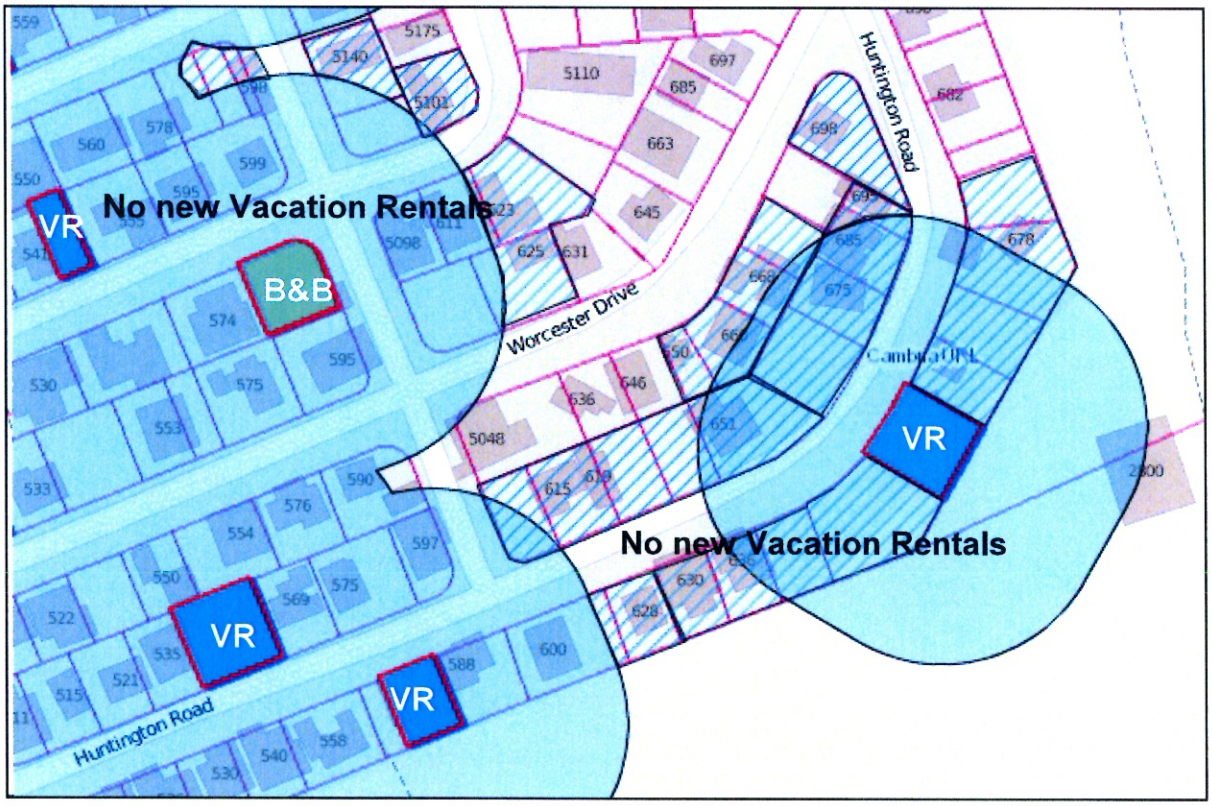

Figure 1-Cambria

Legend

Existing Vacation Rentals (VR)

Existing Bed & Breakfast

No new Vacation Rentals within:

(1) 200 feet of same side of the street;
(Includes lots divided by radius)
(2) 200 feet of opposite side of the street;

(3) 150 foot radius around the parcel.

Note: Figure is for illustrative purposes

Ordinance

Cambria. Within all residential land use categories, no residential vacation rental shall be located within: (1) 200 linear feet of a parcel and on the same side of the street as the vacation rental; (2) 200 linear feet of the parcel on the opposite side of the street from the vacation rental; and (3) 150 foot radius around the vacation rental. These same distances apply to other types of visitor-serving accommodation (i.e. Bed and Breakfast or Homestay) Distances shall be measured from the closest property line of the existing residential vacation rental unit, and/or other visitor serving accommodation, to the closest property line of the property containing the proposed residential vacation rental unit. This location standard can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.

Cayucos Example - Properties within 50 & 100 foot Measurement

Figure 2-Cayucos

Legend

Existing Vacation Rentals (VR)

No new Vacation Rentals within:

(1) 100 feet of same side of the street;
(Includes lots divided by radius)
(2) 100 feet of opposite side of the street;

(3) 50 foot radius.

Note: Figure is for illustrative purposes

Ordinance

(1) Within the Residential Single Family and Residential Suburban land use categories, no residential vacation rental shall be located within: (1) 100 linear feet of a parcel and on the same side of the street as the vacation rental; (2) 100 linear feet of the parcel on the opposite side of the street from the vacation rental; and (3) 50 foot radius around the vacation rental. These same distances apply to other types of visitor serving accommodation (i.e. Bed and Breakfast or Homestay) Distances shall be measured from the closest property line of the property containing the residential vacation rental unit and/or other visitor serving accommodation, to the closest property line of the proposed residential vacation rental unit.

(2) Within the Residential Multi-Family land use category, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor serving accommodation. Distances shall be measured from the closest property line of the property containing the vacation rental and/or other visitor serving accommodation to the closest property line of the proposed residential vacation rental unit. In the case of condominium units, the property line shall be the wall of the individual unit.

(3) The location standards established in Subsections c.(2)(I) and (ii) can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.

Avila Beach Example - Properties within 50 foot Measurement

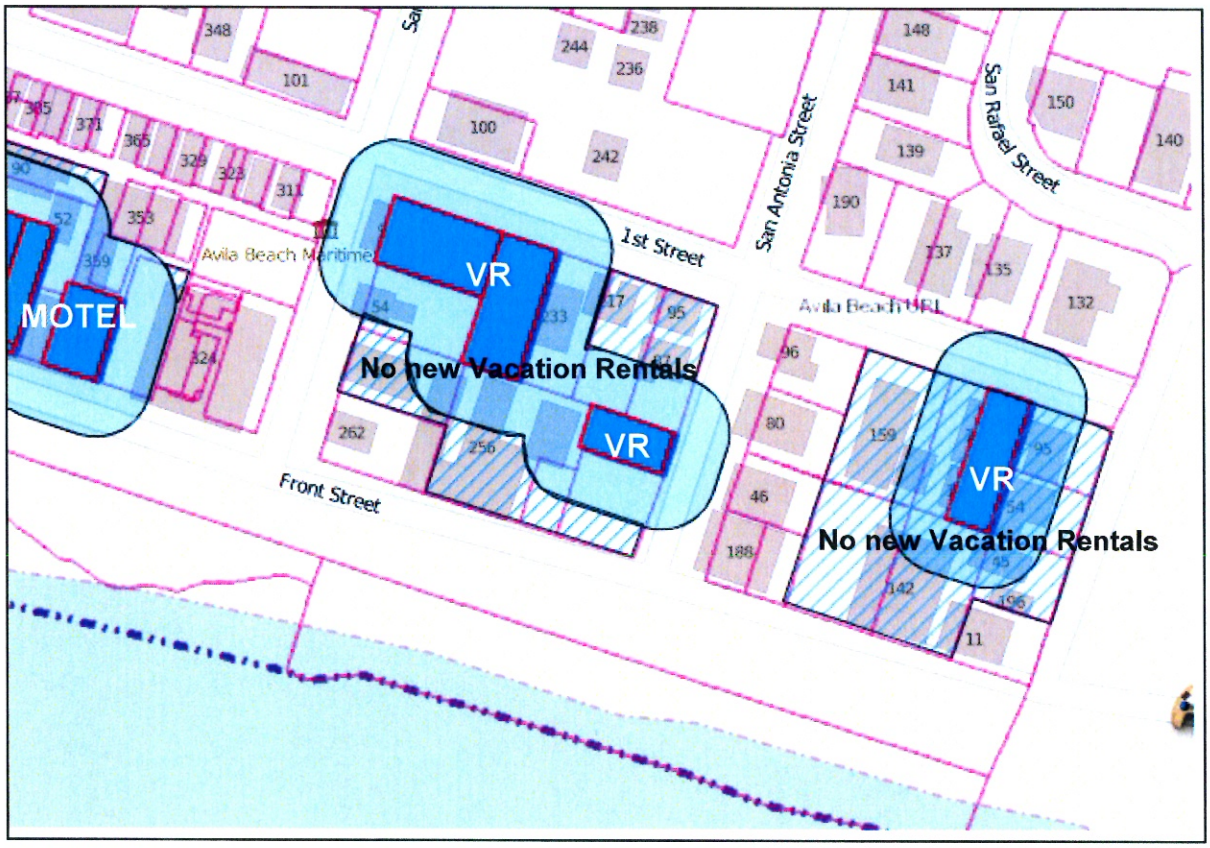

Figure 3 - Avila Beach

Legend

Existing Vacation Rentals (VR)

No new Vacation Rentals within:

(1) 50 foot radius;

(2) Lots divided by radius.

Note: Figure is for illustrative purposes

Ordinance

Avila Beach. (1) In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor serving accommodation. Distances shall be measured from the closest property line of the property containing the vacation rental and/or other visitor serving accommodation to the closest property line of the proposed residential vacation rental unit. In the case of condominium units, the property line shall be the wall of the individual unit. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

BUSINESS LICENSE
CONSENT OF LANDOWNER

PLANNING & BUILDING DEPARTMENT • COUNTY OF SAN LUIS OBISPO
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

DECLARATION

I (we) the undersigned am (are) owner of record of the fee interest in the parcel of land located at (print address): _____,
Identified as Assessor Parcel Number _____, for which an Application is being submitted for a Business License.

Such Application may be filed and processed with my (our) fullest consent and I (we) have authorized the agent named below to act as my (our) agent in all contacts with the County and to sign for all necessary permits in connection with matter.

Person or Entity Granting Consent:

Print Name: _____
Print Address: _____
Daytime Telephone Number: _____

Signature of Landowner: _____ Date: _____

Authorized Agent:

Print Name: _____
Print Address: _____
Daytime Telephone Number: _____

Signature of Authorized Agent _____ Date: _____

NOTICE TO NEIGHBORS AND PUBLIC AGENCIES

Date: _____

I, _____, as property manager or owner for the Vacation Rental located at the following address:

_____

_____

I hereby certify that notice will be given to the following within 5 days of receiving a business license:

- Property owners within 200 feet of the property listed above
- Sheriff's Main office
- Local Sheriff Substation _____(name)
- and Local Fire Agency _____(name)

Regarding the local property manager for the vacation rental for the property listed above. The name and contact information for the property manager is:

Name: _____

Address: _____

24 Hour Phone Number(s) _____

Signed:

_____

Print Name:

_____

SAMPLE LETTER

Date: *(this letter must be sent upon submitting your application to the county)*

Property Owner Address: (*all property owners within 200 feet of the subject site and the applicable fire department and sheriff's office are required to be notified)*

SUBJECT: Vacation Rental for *(address and assessor parcel number)*

The landowner of the property, located at *(address)*, plans to use this home as a vacation rental.

County ordinance requires the applicant to notify the local sheriff's office, fire department, and the neighboring property owners. This letter is acting as that notice.

The Coastal Zone Land Use Ordinance Vacation Rental requirements are as follows:

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 and shall not exceed two persons per bedroom plus two additional persons. See on-site parking required below.

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. Tenants of Residential Vacation Rentals shall not use on-street parking at any time.

Noise. All residential vacation rentals shall comply with the standards of Section 23.06.040 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.

If any issues arise please contact the property manager. *(Name and contact information)*

Sincerely,

(Property owners or agents signature)
(Property owner's or Applicant's name typed)

FULL WORDING OF VACATION RENTAL ORDINANCE

23.08.165 - Residential Vacation Rentals: The 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. This definition does not include the single tenancy rental of the entire residence for periods of thirty consecutive days or longer. Rental of a residence shall not exceed four individual tenancies per calendar month as defined in Subsection d. The use of residential property as a vacation rental within the Cambria and Cayucos and Avila Beach urban reserve lines shall comply with the following standards:

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. In the adoption of these standards the Board of Supervisors find that residential vacation rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full time residents. Special regulation of residential vacation rentals is necessary to ensure that they will be compatible with surrounding residential 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 vacation rental, and has confirmed that there is adequate service capacity available to accommodate this use.

c. **Location.**

(1) **Cambria.** Within all residential land use categories, no residential vacation rental shall be located within (1) 200 linear feet of a parcel on the same side of the street as the vacation rental; (2) 200 linear feet of the parcel on the opposite side of the street from the vacation rental; and (3) 150 foot radius around the vacation rental. These same distances apply to other types of visitor-serving accommodation (i.e. Bed and Breakfast or Homestay.) Distances shall be measured from the closest property line of the existing residential vacation rental unit, and/or other visitor-serving accommodation, to the closest property line of the property containing the proposed residential vacation rental unit. This location standard can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.

(2) **Cayucos.**

(i) Within the Residential Single Family and Residential Suburban land use categories, no residential vacation rental shall be located within: (1) 100 linear feet of a parcel and on the same side of the street as the vacation rental; (2) 100 linear feet of the parcel on the opposite side of the street from the vacation rental; and (3) 50 foot radius around the vacation rental. These same distances apply to other types of visitor serving accommodation (i.e. Bed and Breakfast or Homestay) Distances shall be measured from the closest property line of the property containing the residential vacation rental unit and/or other visitor-serving accommodation, to the closest property line of the proposed residential vacation rental unit.

(ii) Within the Residential Multi-Family land use category, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor-serving accommodation. Distances shall be measured from the closest property line of the property containing the vacation rental and/or other visitor-serving accommodation to the closest property line of the proposed residential vacation rental unit. In the case of condominium units, the property line shall be the wall of the individual unit.

(iii) The location standards established in Subsections c.(2)(I) and (ii) can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.

(3) **Avila Beach**. In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor-serving accommodation. Distances shall be measured from the closest property line of the property containing the vacation rental and/or other visitor-serving accommodation to the closest property line of the proposed residential vacation rental unit. In the case of condominium units, the property line shall be the wall of the individual unit. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

d. **Vacation rental tenancy.** Rental of a residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) 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. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.

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. **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.

g. **Signs.** Availability of the rental unit to the public shall not be advertised on site.

h. **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.

i. **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.

j. **Noise.** All residential vacation rentals shall comply with the standards of Section 23.06.040 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.

k. **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; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. 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.

l. **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.

m. **Effect on existing residential vacation rentals.** If a Business License issued for a residential vacation rental, expires pursuant to Tide 6 of the County Code, a new Zoning Clearance and Business License shall be required and shall be subject to all standards as set forth in this Section.

n. **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 Sheriffs Department, the Sheriffs 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.

o. **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 23.10 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 o, 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 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

[Added 2003, Ord. 2933; Amended 2013, Ord. 3226]