

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th5c

February 14, 2002

TO: Commissioners and Interested Parties

FROM: Charles Lester, District Manager
Steve Monowitz, Coastal Planner

SUBJECT: SAN LUIS OBISPO COUNTY LOCAL COASTAL PLAN MAJOR AMENDMENT NO. 1-01, Part A (Vacation Rental Ordinance). For public hearing and Commission action at its meeting of March 7, 2002, to be held at the Hyatt Regency Monterey, One Golf Course Drive, Monterey.

SYNOPSIS

This amendment proposes to define and identify residential vacation rentals as a particular type of land use, conditionally authorize this use within various land use categories throughout the County coastal zone, and establish regulations for residential vacation rentals that are applicable only in the communities of Cambria and Cayucos, where residents have expressed significant concerns regarding the impacts of vacation rentals. Should the County determine a need to apply these standards to other communities in the future, a subsequent LCP Amendment may be proposed to accomplish this purpose.

The intent of the amendment is to ensure that the rental of residences for transient use takes place in a manner that is compatible with residential communities and neighborhoods. To achieve this objective, the proposed ordinance would establish parameters regarding the allowable length and frequency of vacation rentals, as well as the number of occupants allowed. The ordinance also would institute standards regarding appearance, noise, signs, parking and traffic. Finally, the ordinance would require vacation rentals to obtain zoning clearances and building licenses, pay transient occupancy taxes, and be managed by a local contact person available 24 hours a day to respond to tenant and neighborhood questions or concerns.

The rental of a residence in Cambria or Cayucos would only be subject to these standards when it meets the definition of Residential Vacation Rental proposed by the amendment. The definition does not include the one time rental of a residence for 14 days or less per year, or the rental of an entire structure for 30 days or longer.

**California Coastal Commission**

SUMMARY OF STAFF RECOMMENDATION

Staff recommends certification of a slightly modified version of the proposed amendment, which establishes an appropriate balance between the need to preserve opportunities for coastal access and recreation (Coastal Act Sections 30210, 30213, and 30222), and at the same time protect adjacent public and private properties (Coastal Act Section 30210). The amendment does not prohibit the use of residences for vacation rentals (a visitor serving use that provides opportunities for coastal recreation), but establishes regulations designed to enhance the compatibility of vacation rentals with surrounding residential uses. The amendment also provides an opportunity to ensure that vacation rentals will not diminish opportunities for other forms of coastal access and recreation by requiring rentals to provide adequate parking (Coastal Act Sections 30252).

The suggested modifications to the amendment submittal recommended by staff clarify that the development must comply with the same development standards applicable to the construction of a residence. This includes compliance with all applicable performance standards established by the LCP to protect coastal resources. Such a modification is needed to regulate the type, location, and density of Residential Vacation Rentals in accordance with Chapter 3 of the Coastal Act and the coastal resource protection provisions of the LCP.

Another suggested modification recommended by staff relocates a standard regarding the allowable frequency of such rentals from the proposed definition of a Residential Vacation Rental to the ordinance regulating this use. This is intended to differentiate the definition of Residential Vacation Rentals from the range of standards with which this use must comply. This modification also maintains consistency with the way in which other land uses are defined and regulated by the LCP.

Finally, the suggested modifications build on the submittal's requirement that applications to establish Residential Vacation Rental units be accompanied by evidence that water and sewer service providers have been informed of the proposed use of a residence as a vacation rental. Specifically, the suggested modification requires that the application be accompanied by evidence that the service providers have confirmed that there is adequate capacity to serve the proposed use, in accordance with Coastal Act Section 30250 and related standards of the LCP.

With these modifications, the proposed amendments to the San Luis Obispo certified Land Use Plan is consistent with Chapter 3 of the Coastal Act, and the proposed amendments to the certified Implementation Program are adequate to carry out the certified Land Use Plan.

ANALYSIS CRITERIA

The relationship between the Coastal Act and a local government's Local Coastal Program can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving guidance as to the kinds, locations, and intensities of coastal development. The Implementation Program (IP), or zoning portion of an LCP typically sets forth zone districts and site



regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act.

In this case, the proposed LCP Amendment affects both the LUP and IP components of the San Luis Obispo County LCP. The proposed definition of a Residential Vacation Rental, and the specification of which land use designations Residential Vacation Units are allowed, will be incorporated within the LUP, and must conform to the Coastal Act. The standard of review for the proposed Vacation Rental Ordinance is whether it is consistent with, and adequate to carry out the LUP.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Steve Monowitz, Coastal Program Analyst, at the Central Coast District Office of the Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; telephone number (831) 427-4863.

TABLE OF CONTENTS

I. STAFF RECOMMENDATION 4

II. SUGGESTED MODIFICATIONS 6

 A. Suggested Modifications to the LUP Amendments 6

 B. Suggested Modifications to the IP Amendments 6

III. RECOMMENDED FINDINGS..... 7

 A. LCP Background 7

 B. Amendment Background and Description 7

 C. Coastal Act Consistency..... 9

 1. Coastal Access and Recreation 9

 2. New Development..... 11

 D. Ability to Carry Out LUP 12

 1. Development Standards for Residential Vacation Rentals 12

 2. Public Service Capacities..... 12

 E. California Environmental Quality Act (CEQA)..... 13

EXHIBITS

- 1. Regional Location Map
- 2. Amendment Submittal
- 3. Correspondence



I. STAFF RECOMMENDATION

A. DENIAL OF LAND USE PLAN AMENDMENT NO. 1-01, PART A, AS SUBMITTED

MOTION: *I move that the Commission certify Land Use Plan Amendment 1-01 Part A as submitted by San Luis Obispo County.*

STAFF RECOMMENDATION TO DENY:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY:

The Commission hereby denies certification of the Land Use Plan Amendment 1-01, Part A as submitted by *San Luis Obispo County* and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. APPROVAL OF LAND USE PLAN AMENDMENT NO. 1-01, PART A, IF MODIFIED AS SUGGESTED

MOTION: *I move that the Commission certify Land Use Plan Amendment 1-01 Part A for San Luis Obispo County if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan Amendment 1-01 Part A for San Luis Obispo County if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1)



feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. DENIAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. 1-01, PART A, AS SUBMITTED

MOTION: *I move that the Commission reject Implementation Program Amendment No. 1-01 Part A for San Luis Obispo County as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment No. 1-01 Part A for San Luis Obispo County and adopts the findings set forth below on grounds that the Implementation Program as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

D. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT NO. 1-01 PART A IF MODIFIED AS SUGGESTED

MOTION: *I move that the Commission certify Implementation Program Amendment No. 1-01 Part A for San Luis Obispo County if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.



RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies Implementation Program Amendment No. 1-01 Part A for San Luis Obispo County if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

The amendment submittal is attached to this report as Exhibit 2. The suggested modifications (below) indicate additions to the amendment submittal with underlines, and deletions with ~~strikethroughs~~.

A. Suggested Modifications to the LUP Amendments

Suggested modification to the proposed definition of Residential Vacation Rental:

~~The use of residential property where~~ A Residential Vacation Rental is the use of an existing residence, or a new residential structure that has been constructed in conformance with all LCP standards applicable to residential development, is rented as a rental for transient use. Rental shall not exceed one individual tenancy within seven consecutive calendar days. This definition does not include the one time rental of a residence for 14 consecutive days or less in any calendar year; “Bed and Breakfast Facilities”, “Homestays”, and Hotels, Motels” which are defined separately; and rooming and boarding houses (included under “Multi-Family Dwellings”) or rental of an entire structure for 30 days or longer.

B. Suggested Modifications to the IP Amendments

Suggested modification to proposed Ordinance 23.08.165, attached to this report as Exhibit 2 (additions shown by underlines, deletions by ~~strikethroughs~~):

23.08.165 – Residential Vacation Rental. The development of a new structure intended for use as a Residential Vacation Rental shall comply with all LCP standards applicable to the construction of a residence within the land use designation that the Residential Vacation Rental is proposed. Rental shall not exceed one individual tenancy within seven consecutive calendar days. In addition, within the Cambria and Cayucos urban reserve lines, ~~The use of residential property~~



as a vacation rental shall comply with the following standards ~~within the Cambria and Cayucos urban reserve lines:~~

...

- b. Permit Requirements. Zoning Clearance, Business License and Transient Occupancy Tax Registration for each residential vacation rental. Where water or sewage disposal is provided by a community system, evidence shall be submitted with the application for 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.

...

III. RECOMMENDED FINDINGS

A. LCP Background

The San Luis Obispo County certified LCP is composed of seven parts: the Coastal Zone Land Use Ordinances, which is the Implementation Plan (IP) portion of the LCP; the Framework for Planning, the Coastal Plan Policies, and four area plans, which make up the Land Use Plan (LUP). The Commission approved the LUP with modifications on October 4, 1982, and the IP was approved as submitted on October 7, 1986. The County assumed permit-issuing authority on March 1, 1988. Currently, the LCP does not include standards for residential vacation rentals.

B. Amendment Background and Description

The amendment proposes standards for the use of residences as vacation rentals intended to improve their compatibility with surrounding residential uses. The amendment was developed in response to concerns expressed by residents regarding the impact of vacation rental on coastal residential communities. According to the County, concerns about the impacts of residential vacation rentals have been limited to the communities of Cambria and Cayucos. Thus, most of the proposed standards for rental of residences as vacation units are applicable only within the urban reserve lines of Cambria and Cayucos. The County has indicated its intention to consider the expansion of these standards, via future LCP amendments, in the event that residential vacation rentals become an issue in other coastal communities.

Within the certified LUP, the amendment proposes to identify Residential Vacation Rentals as a specific type of land use, and allow Residential Vacation Rentals as a special (i.e., conditional) use within all land use designations except the Commercial Service, Industrial, Public Facility and Open Space designations. The only standards regarding the Residential Vacation Rental land use contained in



the LUP portion of the amendment prohibits any such rental, regardless of location, to exceed one individual tenancy within seven consecutive calendar days. This standard is found in the proposed definition for Residential Vacation Rentals, which states:

The use of residential property where a residence is rented for transient use. Rental shall not exceed one individual tenancy within seven consecutive calendar days. This definition does not include the one time rental of a residence for 14 consecutive days or less in any calendar year, “Bed and Breakfast Facilities, “Homestays”, and Hotels, Motels” which are defined separately; and rooming and boarding houses (included under “Multi-Family Dwellings”) or rental of an entire structure for 30 days or longer.

All of the other proposed standards for Residential Vacation Rentals are to be located in the Coastal Zone Land Use Ordinance (CZLUO) component of the certified IP, and would be applicable only within the Urban reserve Lines of Cambria and Cayucos. The proposed ordinance (CZLUO Section 23.08.165) identifies permit requirements, limits the frequency and occupancy of vacation rentals, and establishes standards regarding the appearance, operation, and management of such units.

In terms of permit requirements, the proposed ordinance calls for Zoning Clearance, Business License and Transient Occupancy Tax Registration for each residential vacation rental. Zoning Clearance represents verification by the San Luis Obispo County Department of Planning and Building that certain proposed uses of existing buildings and other activities are in compliance with the LCP. Applications to establish a Residential Vacation Rental must also submit evidence that water and sewer service providers had been informed of the proposed use.

With regard to occupancy, the proposed ordinance establishes a maximum of two persons per bedroom plus two additional persons, and limits the frequency of such rentals to one per seven calendar days. There is a minimum rental period of four days, but the unit is not required to be occupied during the entire four day period.

The other proposed standards for residential vacation are summarized as follows:

- Where a residence is used as a vacation uses, other uses such as home occupations, temporary events, and homestays are prohibited;
- Vacation rentals must not change the residential appearance of the structure;
- On-site signs advertising vacation rentals are prohibited;
- Vehicle use associated with the rental unit must not exceed 10 trips per day;
- Parking for renters must be provided on the site (in the garage and driveway) and on the street frontage of the site;
- Residential Vacation Rentals must comply with the County Noise ordinance. Equipment requiring more than the standards household electrical currents, or that would produce noise, dust, odor, or vibration detrimental to adjoining residences are prohibited;



- A local property manager must be designated and available 24 hours a day to respond to tenant and neighborhood questions or concerns. This information must be posted in a prominent location in the unit and furnished to the County Planning Department, Sheriff stations, and fire agencies. Where the local property manager is unavailable or fails to respond the complaining party is to contact the Sheriff's Department.

In addition to being subject to the Enforcement Section of the CZLUO, the proposed ordinance specifies that violation of the above standards may result in revocation of the Zoning Clearance and Building License for the Residential Vacation Rental.

C. Coastal Act Consistency

The proposed amendment to the certified LUP must conform to the Chapter 3 policies of the Coastal Act. An analysis of the LUP amendment's consistency with the applicable Coastal Act policies is provided below.

1. Coastal Access and Recreation

a. Access and Recreation Policies

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30213 states, in relevant part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred. ...

Coastal Act Section 30222 provides:

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

Coastal Act Section 30252 requires:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that



will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the development.

2. Analysis

The above policies protect coastal access and recreation opportunities for the general public, among other ways, by prioritizing the provision of visitor-serving commercial facilities, particularly lower cost facilities, and requiring that new development be accompanied by the planning and infrastructure necessary to protect and enhance existing access and recreation opportunities. Section 30210 recognizes that the provision of maximum access must protect public rights, private property rights, and natural resource areas from overuse.

The opportunity to rent residences within California's coastal communities represents one way in which California residents and visitors enjoy the coast. In some instances, residential vacation rentals may provide a lower cost alternative to renting hotel or motel rooms for large families or groups of individuals. In this context, proposals to regulate the rental of residences to visitors have the potential to conflict with Coastal Act objectives to protect access and recreation opportunities, as well as with the prioritization of visitor-serving commercial facilities established by Section 30222.

In the case of the proposed LUP amendment, the establishment of Residential Vacation Rentals as a special (i.e., conditional) use will not reduce coastal access and recreation opportunities. The designation does not prohibit, or unduly restrict the rental of residences to visitors, in a manner that will diminish the public's ability to access and recreate on the coast by renting a coastal residence. Rather, the designation of a Residential Vacation Rental as a special use provides an opportunity to regulate Residential Vacation rentals, where necessary, in a manner that protects coastal resources and access and recreation opportunities consistent with the Chapter 3 policies of the Coastal Act. For example, the proposed standards for this special use require that vacation rentals provide adequate parking facilities, which will minimize the impact of vacation rentals on other beach users in accordance with Coastal Act Section 30252.

c. Conclusion

The proposed amendment is consistent with the access and recreation policies of the Coastal Act because it will not reduce the ability of the public to access and recreate on the coast by renting a coastal residence. The proposal to establish Residential Vacation Rentals as an allowable but conditional use provides an appropriate means to ensure that such use will be conducted consistent with the protection of surrounding properties and the coastal environment, in accordance with the Coastal Act.



2. New Development

a. Coastal Act Policies

Section 30250 requires, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. ...

b. Analysis

The primary means by which LCP's carry out Section 32050 and other Coastal Act resource protection requirements is to establish regulations regarding the allowable type, intensity and location of particular land uses. The submitted LUP amendment proposes to establish Residential Vacation Rentals as an allowable use, but does not include standards regarding the development of such uses necessary to ensure consistency with Coastal Act Section 30250 or other Coastal Act resource protection requirements. For example, the amendment does not identify height and density limits or setback standards that would apply to a proposal to construct Residential Vacation Rental units. Apparently this was an oversight related to the fact that most Residential Vacation Rentals take place within an existing residential development, and therefore do not involve any new construction.

To address this issue, the Suggested Modification to the Land Use Plan amendment revises the definition of Residential Vacation Rentals in a manner that clarifies that this use is limited to the rental of an *existing* residence, or a new residence *constructed in conformance with all LCP standards applicable to residential development*. This modification ensures that the establishment of a Residential Vacation Rental will be carried out in a manner that addresses the coastal resource protection criteria for new development established by Section 30250 and other Chapter 3 policies of the Coastal Act.

c. Conclusion

The amendment must be denied as submitted because the establishment of Residential Vacation Rentals as an independent land use is not accompanied by standards necessary to ensure that the development of this use will take place consistent with Section 30250 and other Chapter 3 policies of the Coastal Act. Therefore, the amendment is suggested to be modified in a manner that applies the same LCP development standards and performance criteria for residential uses to the development of a Residential Vacation Rental. Only with this modification can the amendment be found consistent with Chapter 3 of the Coastal Act.



D. Ability to Carry Out LUP

1. Development Standards for Residential Vacation Rentals

a. LUP Provisions

As detailed above, the submitted amendment lacks the development standards necessary to address the full range of impacts that the construction of a new structure, proposed as a Residential Vacation Rental, may have on coastal resources, such as scenic views and sensitive habitats. Therefore, the LUP amendment must be modified to clarify that such development is subject to the same development and performance standards as the construction of a residence.

b. Analysis

To effectively implement the modified Land Use amendment, a parallel modification must be made to the submitted Implementation Plan amendment. Specifically, the ordinance regulating the establishment of Residential Vacation Rentals must be supplemented with a requirement that the development of a new structure intended for use as a Residential Vacation Rental must comply with all LCP standards applicable to the construction of a residence within the land use designation that the Residential Vacation Rental is proposed.

c. Conclusion

The implementation plan amendment must be denied as submitted because it does not contain adequate standards for the construction of a residential vacation rental to effectively implement the Land Use Plan amendment as modified above. Only with the suggested modification will the implementation plan amendment effectively carry out the certified Land Use Plan.

2. Public Service Capacities

a. LUP Provisions

Coastal Plan Policy 1 for Public Works states:

New development (including the division of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if it can be serviced by adequate private on-site water and waste disposal systems.

The applicant shall assume responsibility in accordance with county ordinances or



the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved consistent with available resources.

b. Analysis

Both Cambria and Cayucos have limited public service capacities, particularly related to water supplies, that need to be considered when the LCP is amendment to expand the allowable type of land uses. In the case of the proposed amendment, the establishment of Residential Vacation Rentals as a conditional use is not expected to result in increased demands on public services. Short term rentals of residences in these communities have been ongoing. The proposed regulations likely will not increase the amount of vacation rentals that have historically taken place, and therefore will not affect current demands for public services.

Nevertheless, given the significant water constraints faced by both these communities, it is important to ensure that the review procedures for vacation rentals established by the amendment include an evaluation of the availability of essential public services to assure the adequacy of these services. Towards this end, the submitted amendment requires applications to establish vacation rentals to include evidence that water and sewer providers have been informed of the proposed use of the property as a Residential Vacation Rental. This does not, however, provide an effective mechanism to prevent a Residential Vacation Rental from being established in the event that there are not adequate services available. Thus, the suggested modifications require applications to also be accompanied by evidence that the service providers have determined that there are adequate water and sewer capacities available to serve the proposed Residential Vacation Rental.

c. Conclusion

As submitted, the Implementation Plan amendment does not carry out LUP provisions requiring the demonstration of adequate and available public services, and therefore must be denied. Only with the suggested modification that requires applications to establish Residential Vacation Rentals to provide evidence of available public services will the implementation plan amendment effectively carry out the certified LUP.

E. California Environmental Quality Act (CEQA)

The Secretary of Resources has certified the Coastal Commission's review and development process for Local Coastal Programs and amendments as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does use any environmental information that the local government has developed. In this case the County approved a Negative declaration for the LCP amendment. Staff has used this information in the analysis of the amendment submittal, and has identified additional measures that need to be incorporated into the amendment in



order to avoid adverse environmental impacts. These measures are embodied in the suggested modifications to the County’s amendment submittal. With these changes, approval of the amendment complies with the California Environmental Quality Act because as modified, the amendment will not have significant environmental effects for which feasible alternatives or mitigation measures have not been employed.

