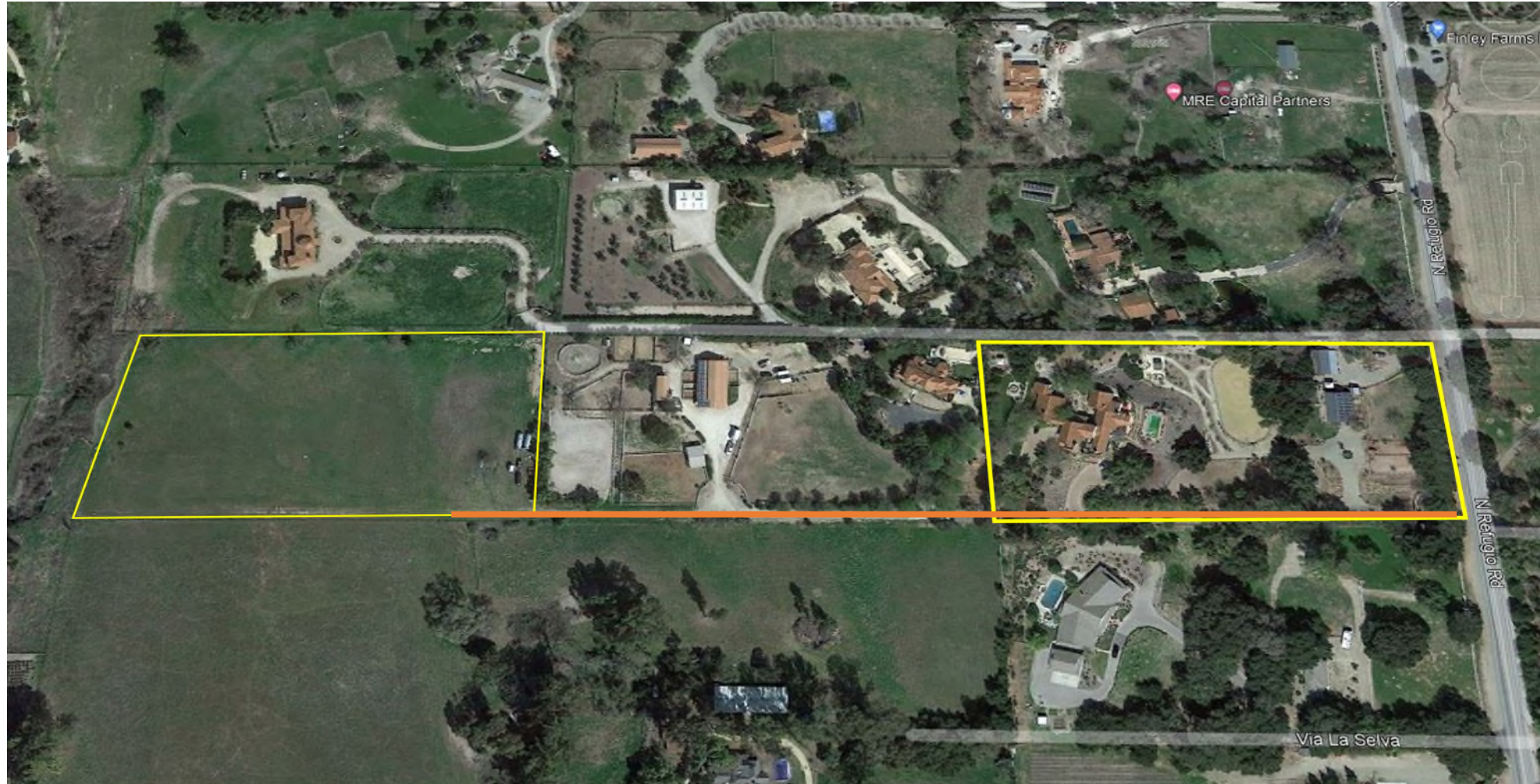Hacienda Amador Homestay Appeal
Board of Supervisors - April 5, 2022
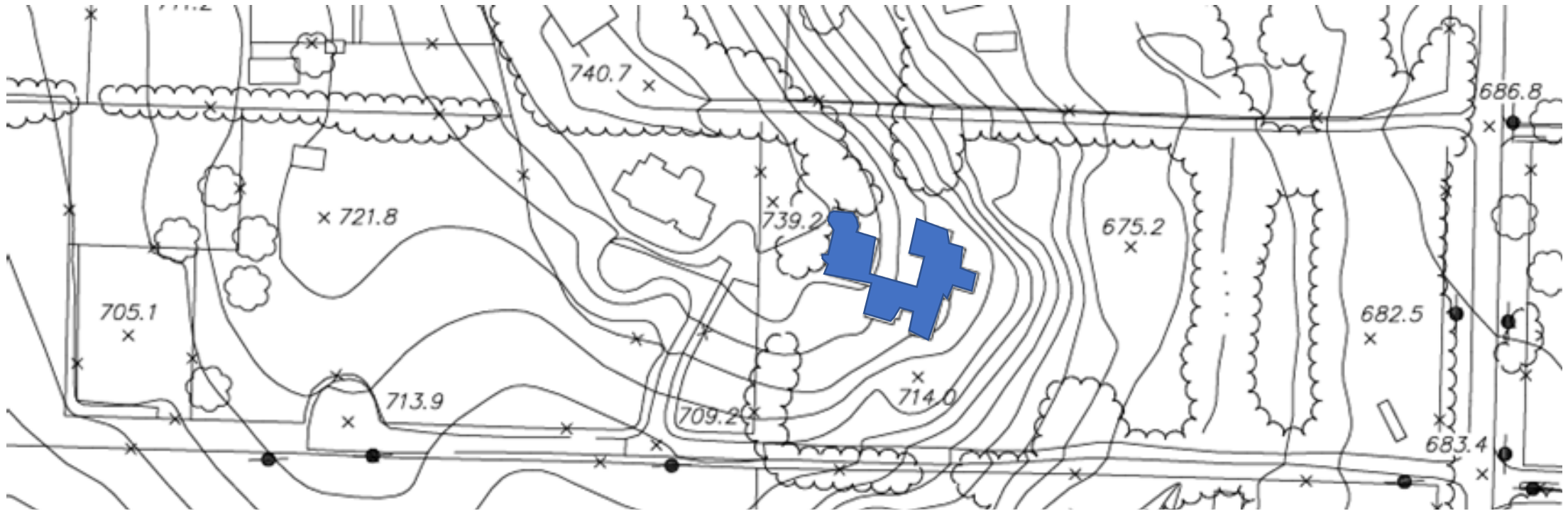
1

Via La Selva/North Refugio Road
AG-1-5

2905 Via La Selva

Site Topo – SBCFC Control Sheet Number H9

Site Topography: 739.2 (Property Line) to 683.4 (Refugio Rd)

Site Topography: Photo taken at approximately 675.2 looking up to home at 714

Attachment 1, PC Findings for Denial - 2.1.1
Santa Ynez Valley Community Plan - Applicable provisions of the LUDC

Due to the Homestay's:

1. Proximity to the neighboring dwellings & noise generating activities
2. Incompatible with the surrounding area
3. Out of character with the surrounding properties
4. Inconsistent with the requirements of the SYVCP to maintain the rural character of the Santa Ynez Valley
5. Nuisance Response Plan Section 35.42.193.D.11

1. Proximity to the Neighboring Dwellings

Max density:

One (1) one-family dwelling per lot;

plus one (1) ADU or one (1) JADU

Side setback: 20'

Dwellings are 120' apart, three (3) times the side yard setback requirement

Development Feature		Requirement by Zone	
		AG-I Agriculture I	AG-II Agriculture II
Residential density		*Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.*	
	Maximum density	One one-family dwelling per lot; plus one accessory dwelling unit or one junior accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units and Junior Accessory Dwelling Units); plus agricultural employee housing where allowed by Table 2-1 and applicable standards provided that the lot complies with Section 35.21.040 (Agricultural Zones Lot Standards).	
Setbacks		*Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.*	
	Front	50 ft from road centerline and 20 ft from edge of right-of-way.	50 ft from road centerline and 20 ft from edge of right-of-way.
	Side	20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.	None.
	Rear	20 ft; 25 ft on a lot of less than 1 acre.	None.
	Building separation	None, except as required by Building Code.	
Height limit		*Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.*	
	Maximum height	35 ft for a residential structure, no limit otherwise; **Toro Canyon Plan area** - 25 ft for a residential structure.	35 ft for a residential structure, no limit otherwise; **Toro Canyon Plan area** - 25 ft for a residential structure.
Landscaping		See Chapter 35.34 (Landscaping Standards).	
Parking		See Chapter 35.36 (Parking and Loading Standards).	
Signs		See Chapter 35.38 (Sign Standards).	

7

1. Proximity to the Neighboring Dwelling & Noise Generating Activities

Chicken coops

120'

74'

54'

1. Noise Generating Activities

35.42.193.D Development Standards

8. Noise

The volume of sound generated by the Homestay shall not exceed 65 dB **or existing ambient levels, whichever is greater**, at any point beyond the property boundary, except that between the hours of 10 p.m. and 8 a.m., the volume of sound generated by the Homestay shall not exceed 45 dB **or existing ambient levels, whichever is greater,** at any point beyond the property boundary.

1. Noise Generating Activities:
Facts About Noise – 60dB is ½ 70dB

Examples for Context

- **60-70 dB Laying hens at their loudest**

- 70dB Vacuum Cleaner

- 80dB Garbage Disposal

- 90dB Dog Barking & Blow Dryer

- 95dB Leaf Blower

- 150dB Fireworks

*Noise Over Distance from Table B.1: Federal Agency Review of Selected Airport Noise Analysis Issues page B-6

- 20dB Soft Whisper @ 6'

- 60dB AC Unit at 100'*

- 60dB Dishwasher Rinse @ 10'*

- **60dB Typical Conversation @ 6'**

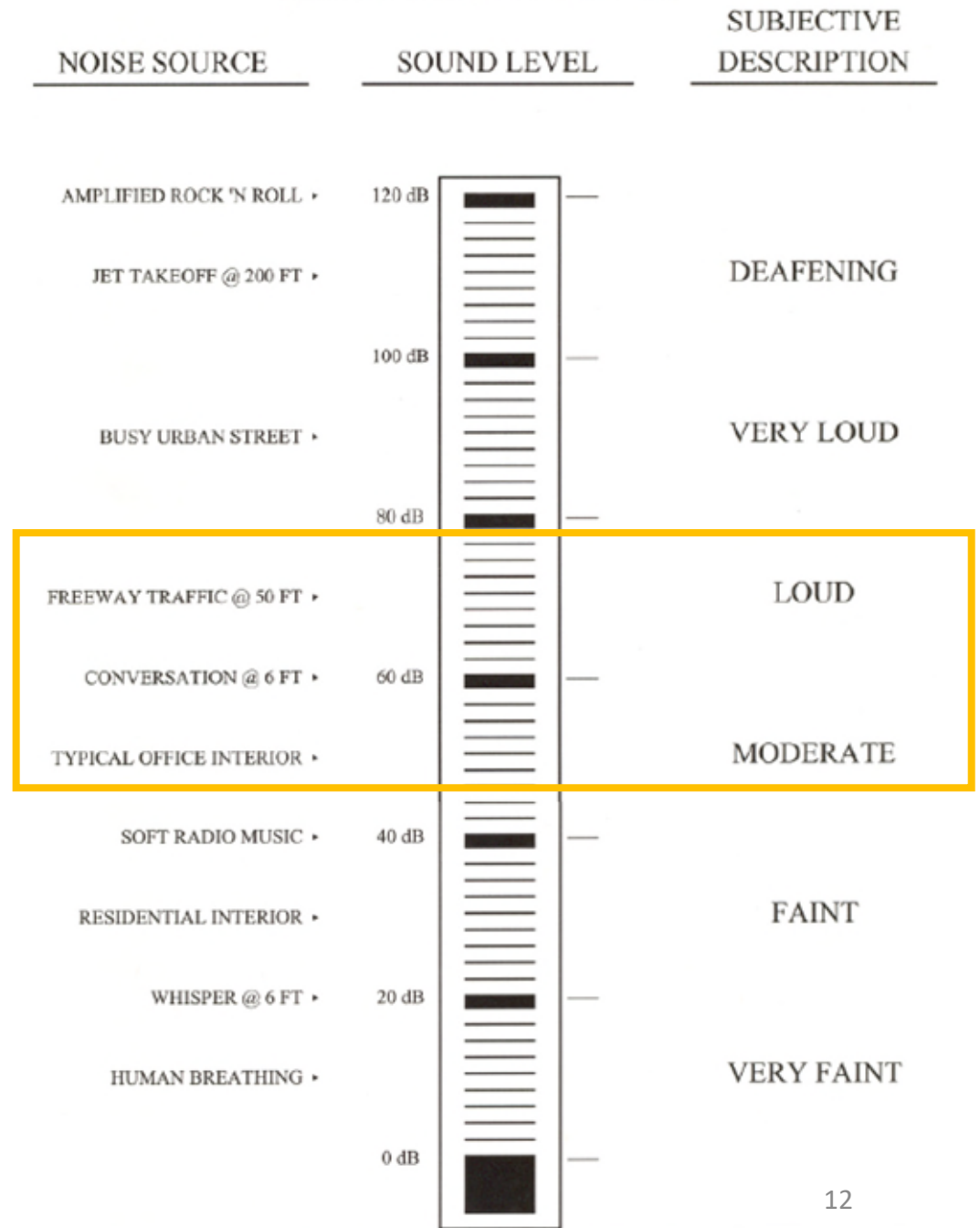- 90dB Motorcycle @ 25'*

Chicken Coop

1. Noise Generating Activities at a Homestay (Residential House)

What do you do at an Airbnb or VRBO?

- Sleep in the house
- Cook meals in the house
- BBQ outside
- Sit outside & visit – a conversation at 6' is only 60 decibels
- Children playing
- Star gaze, play card games

How can these activities generate noise equivalent to freeway traffic at 50' at the property line?

EXAMPLES OF SOUND LEVELS

NOISE SOURCE	SOUND LEVEL	SUBJECTIVE DESCRIPTION
AMPLIFIED ROCK 'N ROLL ▸	120 dB	
JET TAKEOFF @ 200 FT ▸		DEAFENING
	100 dB	
BUSY URBAN STREET ▸		VERY LOUD
	80 dB	
FREEWAY TRAFFIC @ 50 FT ▸		LOUD
CONVERSATION @ 6 FT ▸	60 dB	
TYPICAL OFFICE INTERIOR ▸		MODERATE
SOFT RADIO MUSIC ▸	40 dB	
RESIDENTIAL INTERIOR ▸		FAINT
WHISPER @ 6 FT ▸	20 dB	
HUMAN BREATHING ▸		VERY FAINT
	0 dB	

View from Property Line

View from Homestay front door

View from Homestay Porch

North end of Homestay

2. Incompatible with the Surrounding Area

- Regulations adopted on 10/3/17 (property purchased 12/2017) went into effect on 10/1/18

- Homestays are allowed in the following zones:

- **Agriculture: AG-1 (was specifically selected due to parcel size)**

- Residential: RR, R-1/E-1, EX-1, R-2, DR, PRD, SLP, MHP, MHS, MR-O

- Commercial: CM-LA (Los Alamos)

- Special Purpose Zones: MU, NTS, OT-R, OT-R/LC, OT-R/GC (Old Town Orcutt)

2. Incompatible with the Surrounding Area Homestay is a Residential Use

35.42.193 – Homestays

Purpose and intent. The purpose and intent of this Section is to establish standards that will regulate the use of dwellings as Homestays **in order to ensure that Homestays are compatible with and do not adversely impact surrounding properties.**

- 6,936 SF home w/7 beds & 7 baths
- Homestay for 2 bedrooms
- Not new development
- At intake, staff stated that it was the "perfect floorplan" for this use

Floor Plan
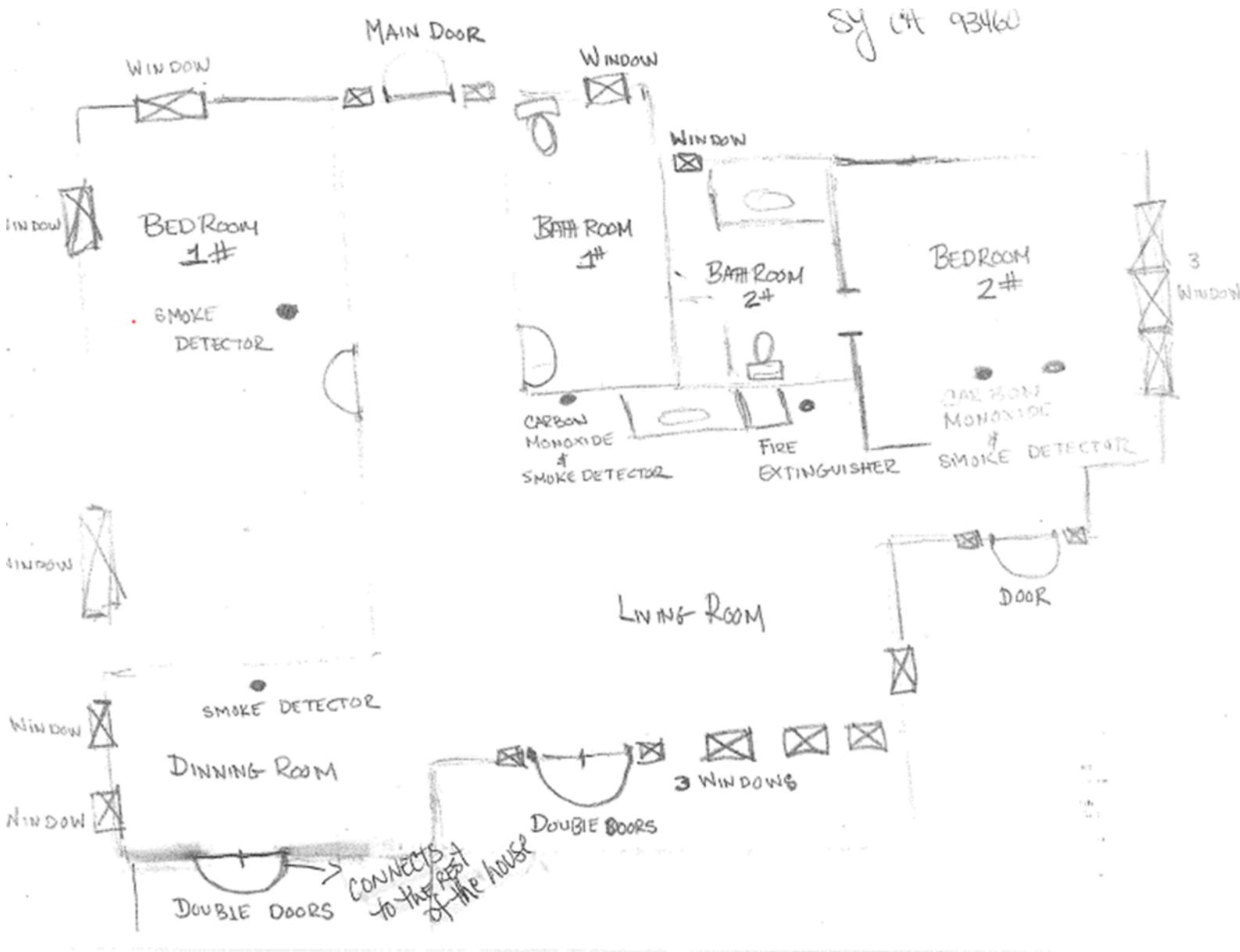
Airbnb Listing

Guests are met at gate, remote provided for access not the code

House rules

🕐 Check-in: 4:00 PM - 9:00 PM

🕐 Checkout: 12:00 PM

🚭 No smoking

🐾 No pets

🎉 No parties or events

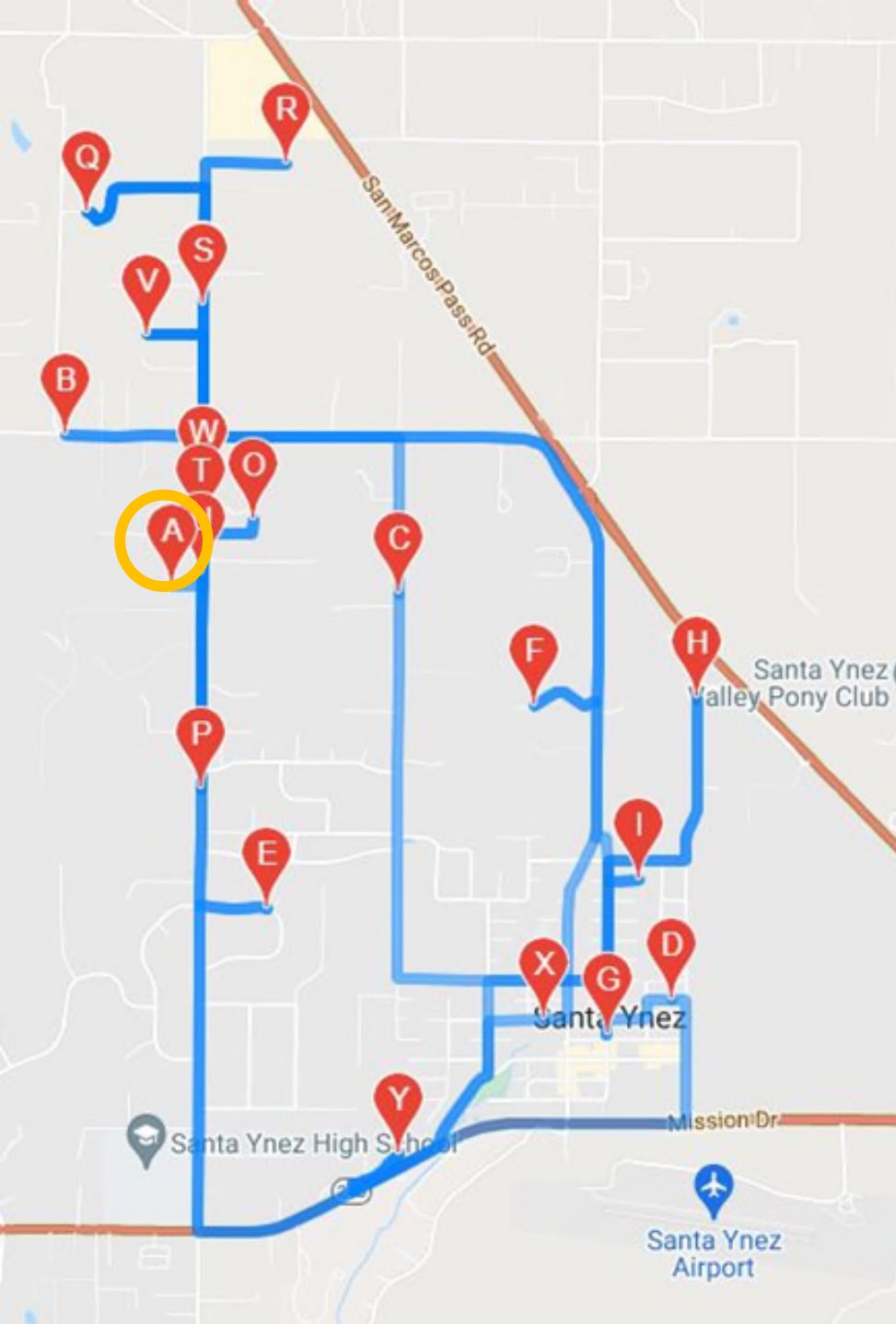## Additional rules

NO PETS ALLOWED unless it is a service animal

Extra guests not on reservation will be reported air bnb and charged $25 per night

Quiet time is from 10pm to 8 am out of respect for the neighborhood.

Due to the private nature of this location we ask that you do not wander off the property.

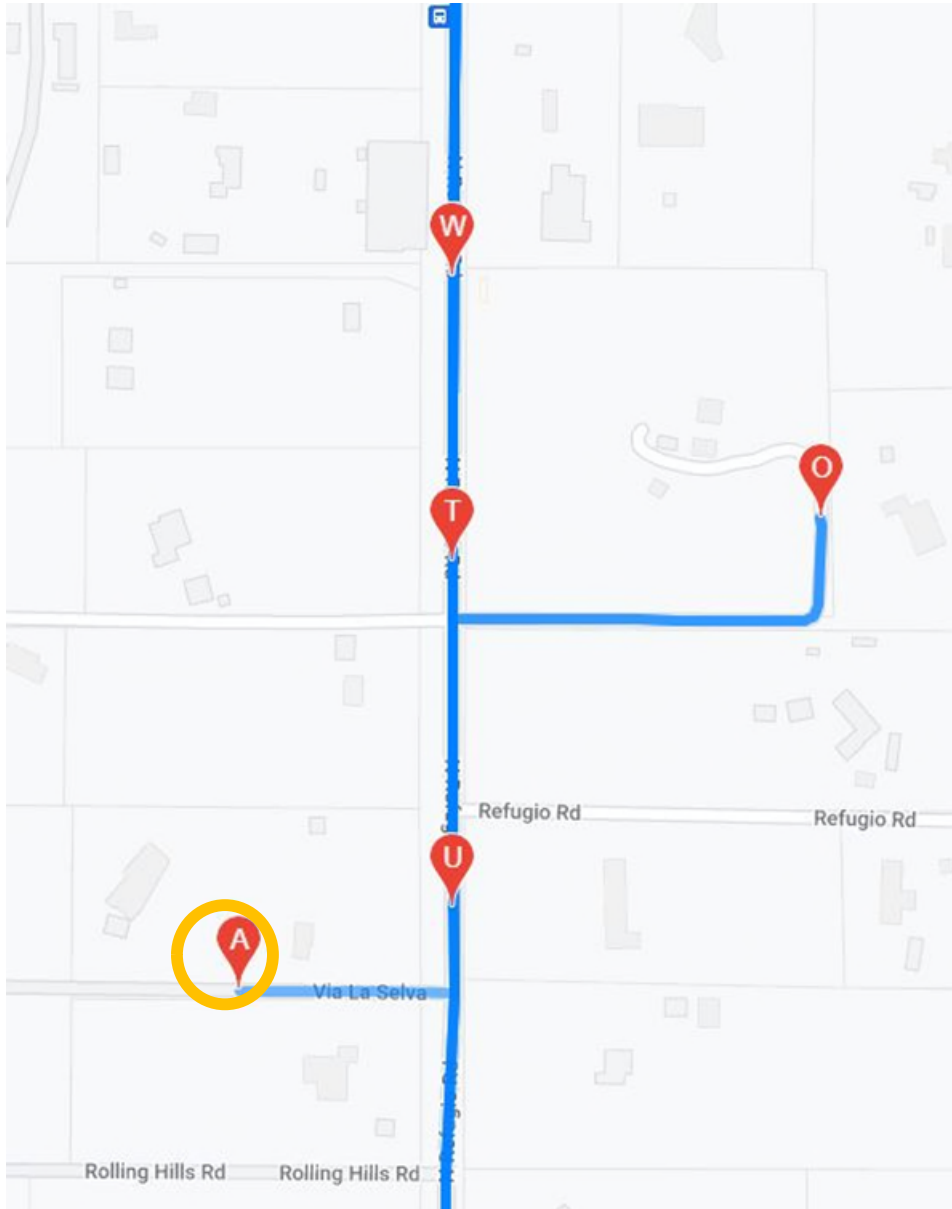# 3. Out of Character with the Surrounding Properties

3. Out of Character
24 Homestay Permits (HS)
West of San Marcos Pass Road

- PRA 6/19/2018-1/5/2022 (42 mos)
  - 56 permit applications submitted
  - 41 unique addresses
  - 3 withdrawn
  - 1 appeal
  - 12 are on or off Refugio Rd
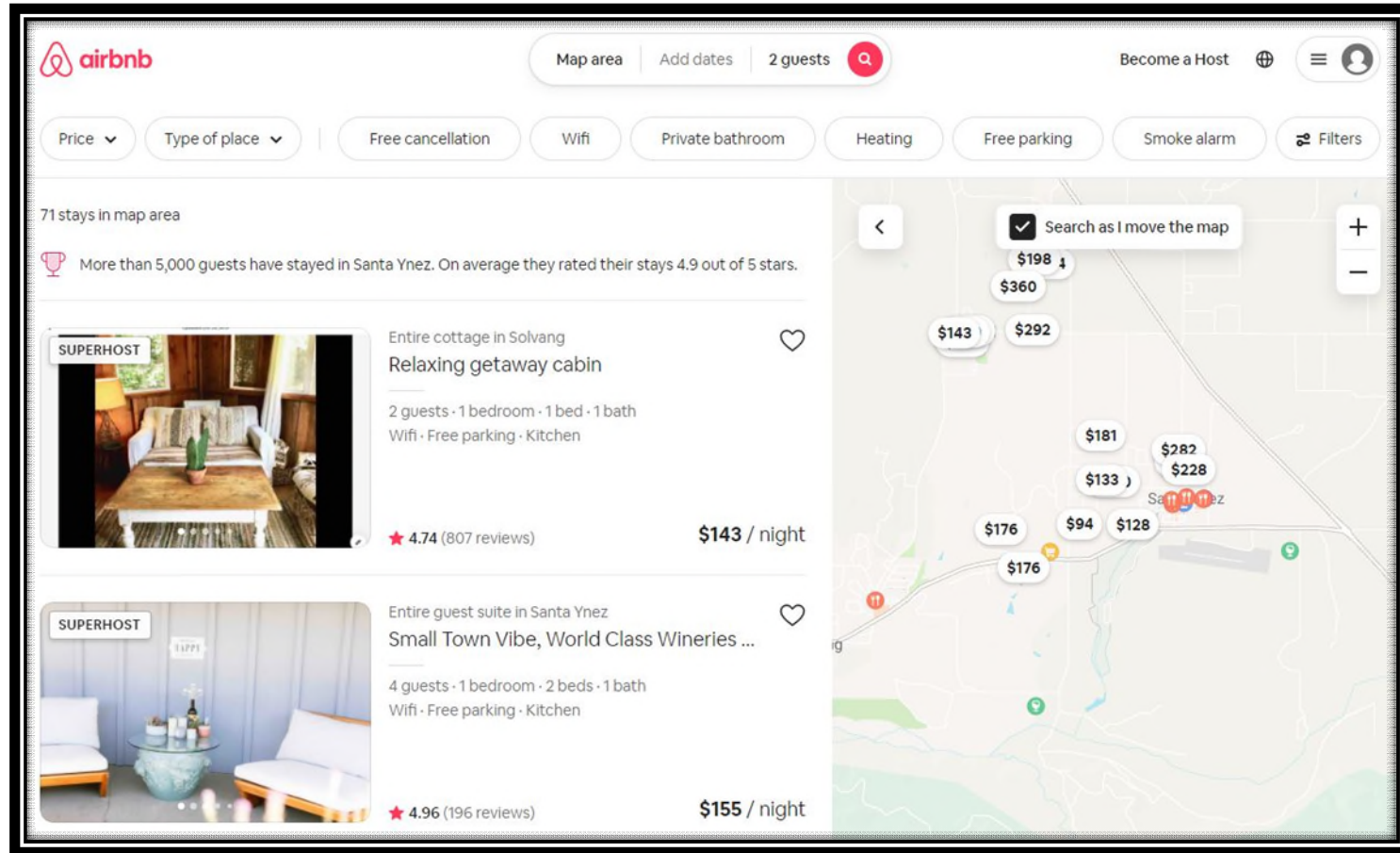
3. Out of Character
4 within .4 miles

- "A" 2905 Via La Selva
- U: .1 mile – 2-minute walk
- T: .2 mile – 4-minute walk
- W: .3 mile – 6-minute walk
- O: .4 mile – 7-minute walk

3. Out of Character
71 Airbnb Options West of San Marcos Pass Rd

 # HOM Permits
2018: 15
(June-December)
2019: 18
2020: 10
2021: 9 (13%)

4. Inconsistent with the Requirements of the SYVCP to Maintain the Rural Character of the SY Valley

- The LUDC includes Homestay as a Permitted Use in AG-1
- The Homestay Ordinance provides conditions to ensure no adverse impact to neighborhood
- No alterations to the home except for additional landscaping installed 1/28/22 along property line
- Staff Findings for approval at the 5/4/21 Planning Commission Hearing describe consistency with the LUDC & SYVCP

Nuisance Response Plan

- 2/11/21 Homestay permit approved
- 2/22/21 Homestay permit appealed, cell block removed in Summer 2020

5/10/21 Letter to the PC from Ingrid Jackson states on page 4: *"**Additionally, applicant has advised that she blocked Ingrid Jackson's phone number in summer of 2020, thereby preventing communication of any nuisance issues.**"*

- Jackie Abbud stated that she blocked Ingrid for a **couple of weeks in 2020** out of frustration **PRIOR** to her application for a homestay permit in February 2021
- The Jackson's had access to & maintained contact without interruption through Carlos' cell phone; a landline was also available.

Request Your Approval

- Applicant has made mistakes that have been corrected
- Homestay Permits are annually renewable & can be revoked
- The appeal has taken over a year
- The Planning Commission findings for denial cannot be made
- Adopt the findings for approval included in the Planning Commission Staff Report dated 5/4/21, Attachment A for Case No. 21HOM-00005 subject to the conditions included as Attachment B

Hacienda Amador Homestay Appeal