

Public Comment -
Montecito Association
dated May 11

Daly, Julia Rutherford

From: Victoria Greene <execdirector@montecitoassociation.org>
Sent: Thursday, May 18, 2017 9:38 AM
To: sbcob
Subject: Letter of Comment for June 6 Short Term Rental Agenda Item
Attachments: STR BoS 6-6.pdf

Hello,

We would like to submit the attached letter and it's attachment to the Board of Supervisors for their hearing of June 6.
Thank you,

Victoria Greene, Executive Director
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805-969-2026



The voice of our community

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May 11, 2017

Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101

Re: Short-Term Rental Ordinance, Board Agenda of June 6, 2017

Dear Chair Hartmann and Supervisors:

Montecito has the largest number of illegal short-term rentals in the County. For this reason, the Montecito Association has been vocal in its efforts for several years to gain clarification of zoning provisions related to the short-term rental of properties in our residentially zoned neighborhoods. Despite the fact that transient occupancy of dwellings is not allowed under current ordinances, the use has been allowed to expand to the point that it is detrimental to the community by disrupting the fabric of our neighborhoods in Montecito and across the County. We ask that you move forward now to adopt ordinances that clarify that short-term rentals are not permitted in residential zones.

If the Board wishes to further consider allowing homestays and short-term rentals in specific geographic locations, we ask that you separate those issues and act today on the whole house ban on short-term rentals. Many in the community have been waiting to regain the quality of life inherent to single-family, non-transient living that has been lost to this commercial use as a result of the lack of enforcement of existing ordinances. There are many complexities associated with homestays and zoning overlays that would require significant time and expense to fully explore, some of which are outlined in our letter of December 15, 2016 (attached). Given current fiscal constraints at the County, it is imperative that the time and effort expended to date not be lost. Please enact the whole house ban today and send a clear message that residential zones are for residential living, not commercial use.

Thank you for considering these comments.

Sincerely,

Charlene Nagel
President



The voice of our community

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December 15, 2016

Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101

Re: Short-Term Rentals

Dear Chair Adam and Members of the Board of Supervisors and Supervisors-Elect Williams and Hartmann:

We write to you in connection with the outcome of the hearing on December 6, 2016 regarding short-term rentals. As the community with the largest number of short-term rentals countywide, we are disappointed that the Board did not pass the ordinance recommended by the Long Range Planning Division. We recognize, however, that legitimate policy questions may exist regarding the scope of a ban. The purpose of this communication is to help outline for the Board and its staff the direction we believe the proposed rule-making should pursue in connection with the scope of a short-term rental ban in residential zones.

The Board of Supervisors appeared to identify four main areas for additional staff research: (1) permit pathway for homestays;¹ (2) possible overlay to allow short-term rentals in residential zones where they would not otherwise be permitted; (3) Coastal Commission interpretations; and, (4) enforcement.

Homestays

Throughout public comment, all parties (for and against short-term rentals) have considered the unique circumstances of a homeowner seeking to rent a room in his or her home to a short-term renter while the owner occupies the home. While nonetheless a commercial use, as Supervisor Farr pointed out, this arrangement could be treated in a manner similar to a home occupation, possibly avoiding negative impacts to the residential character of the neighborhood. Other jurisdictions have attempted to allow for homestays with mixed results, including reversals of those decisions when adequate enforcement measures were not included.

We believe that to ensure a possible homestay permit remains residential in nature, three critical elements must be established: (1) the homeowner seeking a homestay permit must establish that the home for which the permit is being sought is the **homeowner's primary residence** for federal and state tax purposes; (2) the **property owner must occupy the residence** at the same time as the short-term renter; and (3) the use may only occur within **a legal dwelling unit**. While we are concerned about adequate enforcement, and thus the feasibility of allowing homestays, these three requirements at least will help ensure compliance requiring owner-occupancy.

Overlay

We interpret the discussion among the Board regarding overlay research to pertain to Miramar Beach. Historically, Miramar Beach has had a

¹ Although Montecito has one area zoned AG-1, this letter focuses only on residential zones and will defer discussion regarding farmstays to a later date.

significant amount of transient housing. It is our understanding the Equal Protection Clause provides limitations as to creating such an overlay. That being said, in conducting research on a possible overlay path, we would request that the Board and staff consider: (1) limiting a possible overlay to areas used historically for vacation rentals (e.g. those properties on Miramar Beach); and, (2) the impact to residential neighborhoods, such as Miramar, where the Caruso Miramar Beach Hotel and resort new development will already change the character of the neighborhood by increasing additional parking demand, traffic, and congestion.

Coastal Commission

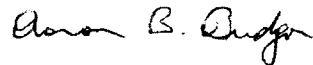
We have reviewed the Coastal Commission's preliminary analysis of the proposed ordinance. We believe that the record from the County Planning Commission and Montecito Planning Commission addresses the Coastal Act's concerns regarding low cost tourist accommodations. We are confident that the Board will also reach the same conclusion after having received the additional information from staff.

Enforcement

As stated in prior communications, effective enforcement is essential for a successful ordinance. The current zoning fines are inadequate to deter violators. We ask that as part of the rule-making process, the Board direct Long-Range Planning to develop effective enforcement mechanisms. Learning from other jurisdictions, these enforcement mechanisms must include: (1) revocable permits for any homestay; (2) advertising for unpermitted STRs is a violation of the ordinance; and (3) subpoena power over rental platforms and agents for this activity.

In conclusion, the county zoning ordinance already prohibits short-term rentals in residential zones and the county's lack of enforcement continues to negatively impact the fabric of the Montecito community. With bans already in place in the City of Santa Barbara and parts of Carpinteria, the flow of short-term rentals will increase into Montecito, thereby placing further stress on its residents and neighborhoods. We therefore urge the Board to remain focused on an expedited path to adopt an ordinance clarifying the rules regarding short-term rentals.

Very truly yours,



Aaron Budgor, President

cc: Jessica Metzger, P&D