

**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Board of Supervisors

FROM: Glenn S. Russell, Ph.D., Director

DATE: November 17, 2016

HEARING
DATE: December 6, 2016

RE: Short-Term Rental Ordinance

On December 6, 2016, your Board will be considering the proposed Short-Term Rental (STR) Ordinance amendments of which the Planning Commission and Montecito Planning Commission recommended approval.

Since the time at which County staff prepared the administrative record for the proposed STR ordinance amendments for your Board's consideration, your Board adopted the Gaviota Coast Plan and associated zoning ordinance amendments. The Gaviota Coast Plan created a number of new land use policies with which your Board must find the STR ordinance amendments to be consistent. In addition, the zoning ordinance amendments associated with the Gaviota Coast Plan changed a number of the regulations set forth in the Land Use and Development Code (LUDC) and Article II Coastal Zoning Ordinance (Article II), which the STR Ordinance would further amend.

Therefore, staff made the following changes to the draft STR Ordinance amendments to the LUDC and Article II, findings for approval, and general plan policy consistency analysis, in order to ensure that—if your Board decides to approve the STR Ordinance amendments—your Board's actions will be consistent with the Gaviota Coast Plan and associated zoning ordinance amendments.

Changes to the Draft Amendments to Article II

The adoption of the Gaviota Coast Plan created a Gaviota Coast Plan Overlay and changed the permissible uses listed in Section 35-69.3 (Permitted Uses) of Article II, for property that has an AG-II zoning designation and is subject to the Gaviota Coast Plan Overlay. The STR Ordinance amendments would allow the use of STRs in the AG-II zone districts that are subject to the Gaviota Coast Plan Overlay. Therefore, staff revised the draft STR Ordinance amendments to: (1) reflect the changes resulting from the adoption of the Gaviota Coast Plan; and (2) include STRs as permissible uses on property that has an AG-II and Gaviota Coast Plan Overlay zoning designation. See Attachment 6a, Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) that sets forth these changes to the draft STR Ordinance amendments.

Changes to the Draft Amendments to the LUDC

Similar to the changes to the draft STR Ordinance amendments for Article II discussed above, staff made minor edits and format changes to the draft STR Ordinance amendments to the LUDC, in order to reflect the recently-adopted Gaviota Coast Plan. See Attachment 3a that sets forth these changes to the draft STR Ordinance amendments to the LUDC.

Changes to the Findings for Approval of the Draft STR Ordinance Amendments

In order to account for the changes to the draft STR Ordinance amendments described in this memo and shown in the attached documents, staff revised the draft findings for approval of the STR Ordinance amendments to the LUDC and Article II. See Attachment 1a that sets forth the revised findings for the LUDC, and Attachment 4a that sets forth the revised findings to Article II, which include references to this memo and its attachments.

Revised General Plan Policy Consistency Analysis

Staff prepared an analysis of the proposed STR Ordinance amendments' consistency with the Gaviota Coast Plan policies. See Attachment 19a that sets forth the policy consistency analysis.

Revisions to Recommended Actions

As stated in the Board letter, dated November 15, 2016, for the December 6, 2016, hearing on the STR Ordinance amendments, staff is requesting that your Board adopt the STR Ordinance amendments of which the Planning Commission and Montecito Planning Commission recommended approval. Provided that your Board decides to approve the STR Ordinance amendments, your Board's actions should refer to the revised ordinance amendments, findings, and general plan policy consistency analysis documents that are attached to this memo, instead of the original ordinance amendments, findings, and general plan policy consistency analysis documents that were included in the Board letter, dated November 15, 2016.

Recommended Actions:

On December 6, 2016, your Board's actions should include the following:

- a) Case No. 16ORD-00000-00009 (County LUDC Amendments)
 - i) Make the required findings for approval, including California Environmental Quality Act (CEQA) findings (Attachment 1a of the Board memo, dated November 17, 2016);
 - ii) Determine that adoption of this ordinance is exempt from the CEQA pursuant to Section 15061(b)(3) of the State Guidelines for Implementation of CEQA (Attachment 2 of the Board Agenda Letter, dated November 15, 2016); and
 - iii) Adopt an Ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code by amending Article 35.2, Zones and Allowable Land Uses, Article 35.3, Site Planning and Other Project Standards, Article 35.4, Standards for Specific Land Uses, Article 35.8,

Planning Permit Procedures, Article 35.10, Land Use and Development Code Administration, and Article 35.11, Glossary, to implement new regulations regarding the land use of Short-Term Rentals and make other minor clarifications, corrections, and revisions (Case No. 16ORD-00000-00009) (Attachment 3a of the Board memo, dated November 17, 2016).

- b) Case No. 16ORD-00000-00011 (MLUDC Amendments)
 - i) Make the required findings for approval, including CEQA findings (Attachment 7 of the Board Agenda Letter, dated November 15, 2016);
 - ii) Determine that adoption of this ordinance is exempt from the CEQA pursuant to Section 15061(b)(3) of the State Guidelines for Implementation of CEQA (Attachment 8 of the Board Agenda Letter, dated November 15, 2016); and
 - iii) Adopt an Ordinance amending Division 35.2, Montecito Zones and Allowable Land Uses, Division 35.3, Montecito Site Planning and Other Project Standards, and Division 35.10, Glossary of the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, to implement new regulations regarding the land use of Short-Term Rentals (Case No. 16ORD-00000-00011) (Attachment 9 of the Board Agenda Letter dated November 15, 2016).
- c) Case No. 16ORD-00000-00012 (Article II Amendments)
 - i) Make the required findings for approval, including CEQA findings (Attachment 4a of the Board memo, dated November 17, 2016);
 - ii) Determine that adoption of this ordinance is exempt from the CEQA pursuant to Section 15061(b)(3) and section 15265 of the State Guidelines for Implementation of CEQA (Attachment 5 of the Board Agenda Letter, dated November 15, 2016); and
 - iii) Adopt an Ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code by amending Division 1, In General, Division 2, Definitions, Division 4, Zoning Districts, Division 6, Parking Regulations, Division 7 General Regulations, and Division 12, Administration, to implement new regulations regarding the land use of Short-Term Rentals and make other minor clarifications, corrections, and revisions (Case No. 16ORD-00000-00012) (Attachment 6a of the Board memo, dated November 17, 2016).
- d) Resolution Transmitting Case No. 16ORD-00000-00012 (Article II Amendments) to the Coastal Commission
 - i) Adopt a Resolution transmitting Article II amendments (16ORD-00000-00012) for certification by the California Coastal Commission as an amendment to Santa

Barbara County's certified Local Coastal Program (Attachment 10 of the Board Agenda Letter, dated November 15, 2016);

- ii) Find that transmittal of the Resolution is an administrative activity of the County, which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15378(b)(5); and
- iii) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the Coastal Commission.

Attachments to Memorandum: The revised attachments supersede the previous corresponding attachments included in the Board Letter dated November 15, 2016.

Attachment 1a - LUDC Findings

Attachment 3a - Ordinance amending the LUDC (Case No. 16ORD-00000-00009)

Attachment 4a - Article II Findings

Attachment 6a - Ordinance amending Article II (Case No. 16ORD-00000-000012)

Attachment 19a - Plans, Policy, and Ordinance Consistency Analysis