



The voice of our community

Public Comment -
Montecito Association
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April 24, 2017

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Chair Hartmann
Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93109

Re: Short-Term Rental Ordinance Comprehensive Plan Consistency

Dear Chair Hartman and Supervisors:

The Montecito Association would like to draw your attention to the attached letter from Kathleen Weinheimer dated February 20, 2017. This letter raises important issues regarding the necessity of implementing a ban on Short-Term Rentals in order to comply with the Montecito Community Plan and the implementing zoning provisions.

Thank you,

Charlene Nagel
President

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

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February 20, 2017

Ms. Jessica Metzger
Planner
Long Range Planning
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, California 93101

Re: Short Term Rentals

Dear Jessica,

As you know, I have been representing Deborah Hearst in her opposition to short term rentals for some time now. Until the Board's last hearing, we had been optimistic that a comprehensive ban on these uses in single family and some agricultural zones would be put in place, but we are now fearful that the Board may be considering something short of a complete ban. As such, it wasn't until this possibility arose that a discussion of consistency with the Montecito Community Plan and the Montecito Development Code became relevant.

The purpose of this letter is to share with you something that we believe controls the Board's actions in moving forward. Like the General Plan, the Montecito Community Plan includes goals and policies to guide development in Montecito. Included among these is Goal G-M-1, which is to "maintain and preserve the residential, low intensity, semi-rural character of Montecito." The Montecito Development Code carries out this goal by classifying and regulating land uses within the Community Plan area, including uses in the residential zone, which are intended to "protect the residential characteristics of an area and to promote a suitable environment for family life." In addition to these guiding principles are the existing definitions and restrictions in the zoning code, which support the requested STR ban. These include the definition of a dwelling: "A room or rooms...occupied or intended to be occupied by a family on a non-transient basis," and the restriction on accessory structures, which limits them to "the exclusive use of the residents of the site and their guests, and [which use] does not involve a commercial enterprise on the site." Both the Montecito Community Plan and the Montecito Development Code have been approved by the Coastal Commission, where one can

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assume, findings were made that these goals and policies were consistent not only with the General Plan, but with the Local Coastal Plan as well, no doubt in part because other zoning designations already provide for transient housing/visitor serving opportunities.

When these are taken as a whole, as is required by both statute and case law (see, for example, California Government Code Section 65860(a) and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d, 553, 570) it becomes clear that the adoption of a total ban on STRs in Montecito is not only defensible, but in fact, necessary to assure consistency with the existing, approved, and controlling Community Plan presently in place. Arguments that such a ban will negatively impact low cost visitor serving uses or constitute a change requiring a Coastal Development Permit or an amendment to the LCP are misplaced. The STR ban in Montecito is nothing more or less than a refinement of the existing regulations, and a necessary step to assure consistency with the adopted Community Plan and LCP. The time to argue about visitor serving facilities in Montecito was during the adoption of the Montecito Community Plan and the Montecito Development Code, not now when the proposal merely implements the goals of those two documents.

In closing, we would argue that anything short of a complete ban on STRs in Montecito is in direct conflict with the Montecito Community Plan for the many reasons that have been stated at the past workshops and hearings. STRs do not protect the residential characteristics of the area or promote a suitable environment for family life, nor do they maintain and preserve the residential, low intensity, semi-rural character of Montecito. They are commercial operations which belong in commercial zones.

We look forward to staff's continued support of the STR ban in residential zones, and thank you again for all your efforts in that regard.

Sincerely,



Kathleen M. Weinheimer

cc: Montecito Association