

Public Comment - Forwarded
by P&D - Group 3

Daly, Julia Rutherford

From: Metzger, Jessica
Sent: Monday, June 05, 2017 8:34 AM
To: sbcob
Subject: Next Batch of STR letters from his weekend
Attachments: Fwd: Why Short Term Rentals Should Be Prohibited; STR Ordinance Hearing June 6 - Letter Attached; STR's; Fwd: Short term Rental Comment Letter from COLAB; doc06169320170605081507.pdf; SHORT TERM RENTALS; STR hearing on June 6th, 2017

#1

Daly, Julia Rutherford

From: Frank Blue <mendes1941@yahoo.com>
Sent: Thursday, June 01, 2017 11:43 PM
To: sbcob
Cc: Metzger, Jessica
Subject: Fwd: Why Short Term Rentals Should Be Prohibited

Dear Sir or Madam, a check of the public comments on file for the upcoming meeting on STR's reflects that the comment I sent in below (on May 20) is not included. Please DO include my comments with the others and provide them to the BOS.

I submitted comments on this issue to the BOS before and they were not included, inexplicably. Please confirm that these will be/are included.

Thank You, Frank W. Blue

Sent from my iPad

Begin forwarded message:

From: Frank Blue <mendes1941@yahoo.com>
Date: May 20, 2017 at 12:45:59 AM GMT+2
To: sbcob@co.santa-barbara.ca.us
Cc: Jessica Metzger <jmetzger@co.santa-barbara.ca.us>
Subject: Fwd: Why Short Term Rentals Should Be Prohibited

To The Honorable Santa Barbara County Board of Supervisors

From: Frank W. Blue

I am resending my message to you of February 17, 2017 and providing additional commentary as well. Since the BOS directed its staff to study the STR issue, the number of STR's in Montecito has grown - unregulated and unfettered - to the point that Montecito's essential and special character and the integrity of its single family zoned neighborhoods are at risk of being permanently, unalterably and negatively impacted. Whereas only a few score of such properties existed when the study started, there are at least 800, and counting, as of this writing.

In the meantime, some 30 California cities and municipalities have banned STR's. On the other hand, single family residents in Palm Springs neighborhoods have awakened, perhaps too late, to the new, harsh reality facing them: Now, multiple owners run "STR factories," there are no limits on the number of times a year an STR property can be rented as an STR, and any attempt to seek a pause in the continuing spread of the STR virus is beaten back by various financial interests, primarily real estate entities and city council members who represent their interests. Palm Springs residents who seek the pleasures brought by living in single family residential neighborhoods have, in short order, lost control over those neighborhoods.

Without, finally and unequivocally, action by this Board, the Montecito community, and other single family zoned area in the County, will soon be approaching the hinge of fate from which there will be no recovery, just as has occurred in Palm Springs.

Those special interests who are fighting the STR ban seek to change the subject away from the essential issue. They speak about job creation, private property rights, tax revenue enhancement, "good old" American entrepreneurship, the "sharing economy," or the "gig economy" - anything to avoid the essential issue before you Supervisors.

The essential issue here is a zoning issue, and it has ever been thus. The creation of single family zoned areas has been a recognized feature of American life for almost a 100 years. To that end, Santa Barbara County created single family zoned districts in Montecito and elsewhere for the reasons that such districts are always created: prohibited commercial activity in those areas creates adverse impacts on residents, gives rise to increased levels of commercial and residential traffic, parking demand, light and glare, and excessive noise.

Our next door neighbor's property has been an STR since they have owned it (3 years). They have never lived in it as their residence. In those years, scores and scores of families, groups, contingents and other unduly large crowds have made next door "home." That is NOT single family occupancy and is, in and of itself, living proof of the legitimacy of and need for single family residential zoning.

It is no excuse to speak of budget shortfalls and the inability to enforce an STR prohibition. It is no excuse to think in terms of "Found Money" for the County through TOT payments. Any well thought out STR prohibition would attack illegal STR's on all levels: the derelict STR owner, adult STR occupants, aiders and abettors (e.g., real estate agents and other support services), and online advertisers. Armed with subpoena power, the County could enhance and burnish its zoning prerogative, save our residential communities from permanent damage, AND derive revenues from enforcement, not depending on tax dodging STR owners to make up a budget shortfall.

There was no budget shortfall 3 years ago when the County started down this STR trail. Now, the "STR interests" are fervidly acting to change the facts on the ground so that the County will not do what it has long had the right to do (and indeed has already done): Take clarifying action to demonstrate that the single family residential zoned areas in the County are to be used and occupied solely for what the County says they are to be used: true, single family occupancy with failures to adhere punished by far reaching, systematically enforced penalty provisions.

Finally, I herewith provide one example of how STR interests seek to change the facts on the ground. Herewith I am providing two photos of the STR next door taken last Tuesday morning, May 16th. There are 9 vehicles sprawled in the driveway and on the street. These photos are representative of what we have to endure on a routine basis. The STR next door is a 3 bed room house. Who need beds, when the gang can gather by the pool (20 feet from our property line) and





party, party, party...

Please act now and unequivocally prohibit STR's AND provide for the means of effective enforcement

Frank W. Blue

Sent from my iPad

Begin forwarded message:

From: Frank Blue <mendes1941@yahoo.com>
Date: February 17, 2017 at 2:31:17 PM PST
To: sbcob@co.santa-barbara.ca.us
Cc: Jessica Metzger <jmetzger@co.santa-barbara.ca.us>
Subject: Why Short Term Rentals Should Be Prohibited

To: The Honorable Santa Barbara County Board of Supervisors

From: Frank W. Blue

I own and reside in a single family zoned home in Montecito. My wife and I have been Montecito property owners since 1996 and have resided in our present home (2165 Alisos Drive) for over three and a half years. I am presently on the Board of Directors of the Montecito Association but this communication is being sent to you as a private, extremely concerned citizen.

Within the last year, we noticed that a home about two blocks from ours had occupants who were running a private business on their property. They had a sign on their gate boldly advertising the business's name. Many, many vehicles were haphazardly parked all around the property, and we saw their business advertisements in local newspapers. We complained to the County whose representatives have since sent one or more letters to the suspicious address. This property, a zoned single family Montecito home, was clearly and unquestionably being used in an illegal manner, and it appears that the County's action has met with some success.

Right next door to us, another zoned single family home is likewise being used purely and simply as a business, and just as surely this business must be considered illegal: the business is the Short Term Rental business. This house (call it "House K") was owned by an elderly couple when we moved next door over three years ago. The couple soon passed away and House K was sold to owners who live in the Bay Area and have never used it as their domicile. Save for the months spent on limited renovation, House K has been a Short Term Rental ever since. In that time, at least 50 to 75 different groups have passed through the property, playing host to wedding parties, wedding receptions, Super Bowl parties, pre - Super Bowl parties, hen parties, bachelor parties, and just plain old fashioned loud parties.

These Short Term Rental occupants and their party guests have arrived in all manner of vehicles, including buses, and have managed to fill the adjacent street

to capacity and beyond, paying no apparent attention to where, or how, they parked. Noise, noise and more noise (music, shouts, laughter, screams and plain, unvarnished carousing) was and is the abiding characteristic of these visitors since their focus on being at House K was, and is, straightforward: Having a good time. The locus of "action," unfortunately for us, is the swimming pool that practically abuts our property line.

The disturbances, noise, and traffic created by these partygoers and STR occupants is not all. Since these people come and go with relative rapidity, they are inevitably followed up by real estate rental agents, cleanup crews, plumbers, and the like who set about readying House K for the next invasion.

As I reiterate, House K's owners have never lived in the house and use it purely as an investment vehicle and income generator, an unlicensed small hotel. This activity is just as much an illegal activity, in a single family zoned home, as any other commercial business being operated from such a home.

Each of you Supervisors have no doubt been subjected to a variety of arguments about how "beneficial" Short Term Rentals are to the affected community, its residents, STR homeowners, and affected businesses. I wish to address those main arguments below:

A) "STR'S ARE A GREAT WAY TO MEET NEW PEOPLE." The truth is that in an STR situation, the homeowner never lives on the property (as is the case with House K) so that it can be ready for occupancy by paying occupants. These absentee owners advertise their homes on Internet sites and hire rental agents for any face to face interaction with occupants. It is true that in most so called "home stay" cases, the owner is on premises and may meet paying visitors. However, a "home stay" is not an STR and the latter has no saving social or other grace. A true STR owner cannot make this quoted argument at all.

B) "STR'S ARE A GREAT WAY FOR OWNERS TO DEFRAY THE COST OF THEIR MORTGAGES AND ALLOW THEM TO KEEP THEIR HOMES." The fallacy here is that, in the true STR case, that home owner for whom we are supposed to have sympathy is NOT EVEN occupying his home. The home, like House K, must be ever ready for short term rental so, ironically, that benighted homeowner is living somewhere else! While one might have sympathy for an owner actually living in his home while trying to make ends meet, why have sympathy to that owner when he gives up his home entirely - finding the wherewithal to live somewhere else - so that he can rent it out continuously to strangers?

C) "STR'S ARE A GREAT ALTERNATIVE FOR WORKING FAMILIES/FOLKS TO AFFORD A VACATION." House K rents for at least \$600 a night and most STR'S in Montecito are similarly expensive. People who can afford to rent an STR in Montecito can stay just about anywhere. If every Montecito STR disappeared from Air BnB/VRBO tonight, those people who frequent Montecito STR's would not stay home. They would use commercially available accommodation. Montecito STR's, generally speaking, are not affordable for the great majority of this country's vacationers. These STR's are owned by people with money which are made available to people with money.

D) "STR'S CREATE JOBS SO THEY ARE GOOD FOR THE ECONOMY." In the second paragraph of this email above, I discussed the illegal, home centered business that advertised in the local papers. It is true that advertising is the lifeblood of a newspaper but ad revenue received from an illegal business, sustained by that advertising, places no mantle of protection over the revenues derived from a criminal client. In principle, it is great that VRBO, real estate rental agents, landscape service employees, and cleanup crews etc. can make a living. If their income, however, represents fruit from a poisoned tree, it is tainted income - income derived from operating unlicensed, unregulated de facto hotels located in single family zoned neighborhoods - and is not deserving of the County's protection.

E) "STR'S ARE A GREAT SOURCE OF TAX REVENUE TO THE COUNTY." Apart from the fact that most STR owners assiduously avoid paying TOT to the County, this argument has no traction anyway. People visit this area not because of STR's (and it has always been thus) but because this area has attractions that draw people to it. That being so, they will continue to come as they have always come, even if STR's disappeared, but they would find accommodation in commercial establishments that have been here, and that make sure to collect TOT. The City of Santa Barbara has already dealt with this argument, in any case. STR proponents made their case and the City said that tax revenues were beside the point when it was discovered that STR's had a pernicious effect on the character and integrity of city neighborhoods.

I am sure that the Board of Supervisors is being subjected to something of a stage managed assault which is intended to persuade you of the "ground well" of support for STR'S in this County. That assault is supported and actually led by monied interests that have the most to gain by allowing these STR's to continue. That monied support is not, I suspect, from many true STR owners but from those who service STR's for their own profit, e.g., realty firms, Internet host sites and the like. This was demonstrably the case in other communities across this State, this country and, indeed, across the globe when prohibition/regulation of STR's was up for consideration by governing bodies.

As you and County Staff know, this literally world wide, impressive movement toward STR prohibition/regulation is not being pursued by the monied interests. It is being pursued by communities, neighborhoods - PEOPLE! - who value the peace, tranquility, camaraderie, integrity and character engendered by and within single family zoned residential areas. My home and House K are zoned for single family occupancy. If 75 families (clusters of visitors, actually, who may or may not be families) occupied House K at different times in the last 18 months, how can that be legal? How can that be "single family occupancy" when the owner is never there?

STR's have come to be defined as house rentals of less than 30 days. In reality, most such stays are considerably shorter than 30 days, which serves to drive up the "public nuisance quotient" even higher. STR's are not "home stays" where the owner typically stays on site and rents out a portion of his premises to visitors. "Home stays" need regulating, as well, but they are not at all the same as the true STR. Each need a separate regulatory approach. Further, I am not

opposed to long term rentals of single family residences, such periods normally being no less than six months. Such rentals are not inconsistent with zoned single family occupancy.

You as Supervisors must use your Police Power not only to outlaw STR'S, but to also create the means for proper and effective enforcement of a ban. That means attacking not just STR owners but their "enablers" down the food chain: STR occupants, Internet hosting sites and the real estate agents/representatives that provide the lubricant to make this illicit organism work.

FRANK W. BLUE

Sent from my iPad

Daly, Julia Rutherford

From: John Raffo <jaraffo@gmail.com>
Sent: Saturday, June 03, 2017 8:19 AM
To: Metzger, Jessica
Subject: STR's

We own a five acre ranch with two legal residences in Los Olivos. One house is a very small, 1960's log cabin. When we bought the property in 2011 it was empty and unused. We listed it on VRBO in 2012 and it has become a valuable source of income. We screen and limit the number of visitors to 4, we don't allow parties, and never rent out the cabin when we are not present. We scrupulously pay the bed tax and report the income on our state and federal tax returns. Our property is zoned "Ag 1" and the cabin is over 100 yards from the nearest neighbor. We've NEVER had a single complaint.

Our vrbo-ers are cyclists, wine-lovers, hikers, people who appreciate the things a house offers (over a hotel room): kitchen, laundry, private yard, fireplaces, etc. Our visitors spend HUGE amounts of money at the wineries, shops and local restaurants. It's absurd that the county would ban an industry that has generated millions in taxes and benefits almost everyone. Los Olivos has one hotel, with a total of nineteen rooms. The hotel is very expensive and always full. We are a valuable alternative.

Los Olivos is a special place, but its not cheap to live here. We've found renting our cabin/second unit has become an essential piece of our financial plan... it's not cheap to live on five acres in Los Olivos: Our real estate taxes are more than \$13,000 per year, our water bill average \$4000 or more (and that's going up, thirty percent over the next three years), insurance (for both houses) is more than \$5,000. We estimate that general maintenance, tree care, landscaping at around \$10,000 annually and some years it's more.

We do manage to make a profit and we share that (through income tax) with the Federal government, the state government, and the county. More importantly since 2012 we have paid well over \$20,000 dollars in "bed tax" (and with the TOT at 12%, it will soon be more).

If the planning commission decides to ban STR's they also must consider the impact on the real estate market. Our property will certainly be affected in the negative... and we may very well have to consider selling. We've seen enough damage to our property values in the last ten years without the county contributing to that bit of misery.

We also see the planning commission's previous decision regarding a division between Ag-one and Ag-two lots (in terms of STR's) as completely arbitrary and unfair.

The answer isn't to eliminate STR's but to carefully regulate the industry. Consider them on a case-to-case basis. Make sure the rentals are fit for habitation, charge adequate taxes, invest the surplus income in programs for the homeless or low income housing, look at the programs in use in Paris, Santa Monica, San Francisco and use them as models.

We know there are people abuse the system by renting illegally converted garages or rooms in their homes. There are people who don't pay TOT taxes. We also think STR's should be carefully looked at in residential zones. We think "party houses" are inappropriate in our community and should be eliminated either by limiting the number of visitors in each rental or by regulating the number of days in the year a house can be rented.

An outright ban on STR's is regressive and draconian, the decision to limit the STR's to "Ag 2" is arbitrary and unfair.

Sincerely,

John Raffo

PO Box 485

Los Olivos, CA

LETTER

Vacation rentals: the actual disaster

So much of this vacation rental Scrackdown is utter nonsense (I do not have one). My first experience with vacation rentals was with Airbnb; we used them for a driving trip all the way down the coast of Croatia. All of the people we rented from were wonderful, and really added more charm to the experience. I am sure many feel the same staying here in our paradise.

The biggest complaint I seem to read about is partying noise. I have never heard a complaint from an actual person in the 31 years I have lived here. What I have observed is most of the complaints come from intolerant, controlling people with too much time, money and snobbery on their hands ... people who wake up looking for things to complain about.

Reputable companies like Airbnb, and the few people I know who have these rentals here, screen for this problem. Will it occasionally happen? Yes. But the likes of Airbnb will blacklist someone from rentals after that.

Seems a simple solution would be something like a progressive system of perhaps a warning, a couple of fines once a police report has verified the complaint, then maybe a suspension, and then shut it down. This would get rid of the relatively few who are the problem, while allowing the many good ones to continue earning the income some rely on.

I am surprised there has not been a class-action lawsuit filed to return, with interest and punitive penalties, all of the millions of dollars in taxes that have been collected over decades. If this is an illegal activity, then is it not illegal for the city and county to benefit from such?

This is such a huge mistake, as so many decisions made in politics these days are. Then again, none of this will hurt the people who make these decisions; they will just vote themselves yet another pay raise.

Mac Wheeler
Santa Barbara

RE: meeting on December 6, 2016 at the Betteravia Government Center, Santa Maria, about proposed short term rental controls in unincorporated areas of Santa Barbara County.

Since 2006 we have rented part of our home on 5 acres, (not a separate building) through a vacation rental site, originally only on a monthly basis, but with burgeoning cost increases in water and other amenities and with more short term rentals being offered we decided to include short term vacation rentals to cover some of the costs. We duly obtained a TOT certificate and pay the 10% (soon to be 12%) bed tax. The County now seems determined to ban all short term vacation rentals even in unincorporated areas of Santa Barbara county unless you are on 40 acres! How was this acreage decided since it bans in effect all short term vacation rentals.

We attended the first meeting held on this matter by the county at the Marriott Buellton where we were told to put colored stickers on a board to indicate what proposals we agreed with, (a rather strange system). All subsequent meetings were held either in Santa Maria or Santa Barbara which makes it difficult for us to attend as we are 30+ miles away. We are 78 and 67 years old so the chances that we could find a job to replace the vacation rental income are pretty slim. We have never had a complaint from our renters nor from our neighbors about our vacation rental.

However, in August 2015 the county authorized \$90,000 to hire one full time and one part time employee to focus solely on policing short term rentals.

The county is receiving more than one million \$ in TOT taxes from these vacation rentals which the County is now set to do away with! Why not simply block any vacation rentals that have had more than say 2 complaints?

We strongly oppose this overreach of power which decides what we can or cannot do with our own home!

Thank you for your courteous thoughtfulness.

GUEST COMMENTARY

County spends a lot, gets very little

In the last two months the County Planning & Development Department has failed miserably and with great expense to crush the short-term rental and the winery businesses.

Over the course of five hearings at the Planning Commission

LEE ROSENBERG and two in Montecito, plus a host of public-outreach meetings, P&D

created such a flawed attack on short-term rentals that the Board of Supervisors voted 4-1 to insist planners come back with a more sensible plan.

In order to try again, they must once again go before the Planning Commission, seek approval there, then come back to

the board.

Even the California Environmental Quality Act (CEQA), one of several bibles used by P&D, has three sections in which it declares, "no possible impact" from short-term rentals.

Complaints from the public are most often used as the basis of storm-trooper action by supervisors and planners. However, after reading 756 pages of reports about this issue one can only discover two areas where possibly legitimate complaints could be found. Since there is no current ordinance for reference, most of this mountain of print was consumed with inter-office emails among planners.

At the last board hearing, about five people in Santa Barbara and a couple in the Santa Maria hearing room spoke against short-term rentals. At least 75 speakers lined up in support.

Neither planners nor supervisors took much note of this disparity. Supervisor Wolf spoke for a complete ban. After asking numerous questions to which she already knew the answers, she lost the vote to four other Supervisors.

The most frequently heard complaints are non-specific and subjective. They fall into the category of "spoiling the character of the neighborhood" — classic NIMBY-ism. How does one define the character of a neighborhood, or what spoils it?

Arguably, there are five possible nuisances — noise, lights, traffic, parking and dust. One

can complain about these to the sheriff and even the county with mixed results. It's a bit easier to call the owner of the premises or even drop in on the nuisance makers and request moderation or mitigation of the problem. If that fails, the sheriff or county would be the next stop.

These nuisances are reasonably dealt with in the Land-use Development Code, and this has operated very successfully in the special-events business. Complaints in this area are counted by the county. They are available as public records. I challenge readers to demand that information from the county and then observe how few complaints over the last four years have been directed at wineries and special events.

The heart of this matter is the enormous expense generated by these initiatives that, along with terrible budgeting, has put our county on the financial edge. Steve Lavagnino shined light on this disaster in the last board hearing on short-term rentals when he outlined how much tax was collected from such units. He did not mention the deferred maintenance and huge pension fund liabilities, which have been deferred.

I urge readers to follow these county shenanigans closely. When they produce the inevitable crash, we will all be on the hook. In fact, you can start writing the check now.

Lee Rosenberg is a Santa Ynez Valley resident.

Daly, Julia Rutherford

From: Christy Holz <christyholz@cox.net>
Sent: Sunday, June 04, 2017 8:39 AM
To: Metzger, Jessica
Subject: STR hearing on June 6th, 2017 .
Attachments: Seattle STR proposal.pdf

Dear Jessica- here is the letter I have sent to the supervisors:

Please support the continued use of homes in R1 residential areas for STR's and put in place rules that reasonably address any real issues that exist that might be specific to STR's and not to rentals broadly. Discriminating against STR's due to 1-29day rental vs 30+ day rental does not seem either fair nor beneficial for anyone.

I am a long time homeowner in More Mesa Shores community and have been doing short term rentals part of the year for over 13 years. As I live in two places, when I am gone my home is ideal for short term rental to families. I have dozens of families who have been repeat renters for more than 8 years. Being on the coast my home is a much lower cost option for a full family vacation than other local choices like hotels. I believe that fairly regulated STR's in residential neighborhoods adds to the community more than it distracts. Unlike the growing number of homes in my neighborhood that sit empty much of the year and make for security concerns and lack of community feeling, my home houses family's , especially ones with school age children, who enjoy the beach access and community. I have all the parking my renters need, off the street.

The STR issue has been very divisive in our community due to misleading information spread about the legality of STR's in our R1 zoning. Our MMSHA board has not yet clarified to the our community that STR's are legal in our R1 zoning, thereby continuing the animosity this misunderstanding has created. Quite a few people in our neighborhood prefer to leave their homes empty when they travel or live in their second home. However, many people in our community can use the extra income of a STR to help with the cost of ownership. It is difficult to see how a neighbor renting her home to multiple students for more than 30 days is more beneficial to our R1 neighborhood than my renting to families visiting the area for less than 30 days, often visiting relatives or friends of theirs in the area. The housing issue is real but part time owners cannot rent for a full year and this is what renters want. Students need to rent for 8-9 months but this does not align with the single family mandate of our neighborhood.

Attached is an example of another city (Seattle) creatively dealing with STR's in an area with significant housing challenges. Have you considered something like this?

Despite written claims in several neighbors letters to the county there is no evidence of problems with STR's in our neighborhood for over 9 years now. They should be required to bring forth the evidence if this claim is to be used by the county to justify changing rules that change property use rights and negatively impact people like me without providing any of the benefits the county claims to be achieving (like more long term housing, less nuisance, family vs non family usage)

My renting short term in no way takes a long term rental off the market- my home never has been on the long term rental market and won't be as I live in it part of the year. I make my resources available to others, paying taxes, helping keep our neighborhood safe by occupancy, and giving families access to the beach- it seems reasonable to continue to allow STR's and make reasonable rules. The revenues it brings to the county and to the many businesses (grocery stores, restaurants, shopping malls, car rentals, etc...) is real and tangible and adds to the health of our beautiful county.

I ask you to support allowing STR's to continue in residential areas of the county and in making reasonable rules that allow Santa Barbara to continue to be a destination for families (the vast majority from other parts of CA) wanting to enjoy the coast in a noncommercial setting.

Sincerely,

Christy Holz



Proposed Regulations of Short Term Rentals in Seattle

Frequently Asked Questions

What is the goal of short term rental regulations?

The City of Seattle's primary goal is to balance the economic opportunity created by short term rentals with the need to maintain supply of long-term rental housing stock available at a range of prices. The City faces a housing affordability crisis, and the proposed regulations attempt to both make more units available for long-term housing and provide residents with extra income.

Regulations focused on this primary goal will also have positive impacts on two secondary goals: the creation of a level playing field for individuals and companies in the short term rental market and the protection of the rights and safety of owners, guests and neighbors of these units.

What is a short term rental?

A short term rental is any booked stay of fewer than 30 consecutive nights. Stays of 30 days or longer are not subject to regulation under this proposal.

What is required currently of short term rentals in Seattle?

Currently, short term rental operators need to have a city-issued business license and pay applicable taxes, but there are no specific zoning or regulatory restrictions on their use.

What will change for short term rental operators under the proposed regulations?

The proposed regulations will not change anything for the approximately 80% of short term rental operators that rent their property for no more than 90 cumulative nights in a 12-month period. These

operators need to simply meet the current requirements, which are to get a city-issued business license and pay applicable taxes.

Operators that provide a short term rental for 91 or more nights a year will only be able to continue doing so if the unit is their primary residence and they get a separate, city-issued regulatory license. Commercial year-round short term rentals will no longer be allowed.

The following table summarizes these regulations.

| | Primary Residence Short term rental operator resides on-site | Not Primary Residence Short term rental operator resides off-site |
|--|--|---|
| Rented 90 cumulative nights or fewer for short term rentals in 12 month period | Status Quo (includes having a business license and paying applicable taxes) | Status Quo (includes having a business license and paying applicable taxes) |
| Rented 91 cumulative nights or more for short term rentals in 12 month period | Prohibited - Short Term Rental Operators Operational - Residential - Prohibited to Multi-Unit - Prohibited | Prohibited |

Why restrict year-round commercial short term rental operators? Why limit year-round short term rentals to an operator’s primary residence?

The growth of the short term rental market has exacerbated affordability issues by restricting housing supply in an already tight housing market. By prohibiting year-round commercial short term rentals, more property owners will put their units back into the long term housing market, which will help alleviate the current shortage.

What are the provisions of the regulatory license required for short term rental operators who cross the 90 night threshold?

The regulatory license will require: (1) proof that the unit being rented is the operator’s primary residence, (2) proof of liability insurance that covers the short term rental use, (3) a local contact number for guests, (4) a signed declaration that the unit meets building and life-safety codes, and (5) basic safety information posted for guests in the unit.

Why isn't a regulatory license required from Day 1 of operation?

There is a lot of churn among short term rental operators as individuals determine whether it is feasible for them. By only requiring the regulatory license for the more serious operators, we focus the City's limited regulatory resources on the listings with the highest volume of visitors.

Are booked stays that are 30 consecutive nights or longer counted when considering whether an operator has crossed the 90 night threshold?

No, the 90 night threshold only includes the cumulative total of stays under 30 nights. One-month or two-month stays are an important niche in our housing market as residents transition in or out of more permanent homes. The proposed framework therefore does not seek to limit these stays or include them in the new regulations.

What will be required of the short term rental platforms like Airbnb and VRBO?

The platforms will also be required to get a regulatory license with the City if they wish to operate within Seattle. The platforms will be required to provide information about Seattle's regulations to operators using the platform and share basic data with the City on a quarterly basis, including the names and address of operators and the number of nights each operator has rented a short term rental on the platform.

Is the City requiring the online platforms to share information that violates the privacy of operators?

No. Operating a short term rental is a business; the information that the platforms must provide is basic information that other types of businesses regulated by the City must already provide.

How will the City use this information?

The City's regulatory function will examine this data to ensure all operators are following the new regulations.

Why not just legalize and tax all short term rentals and dedicate the tax revenue to affordable housing?

Lodging taxes that apply to short term rentals, hotels, bed and breakfasts, and other similar establishments are only allowed as permitted by state law. The State already collects these taxes on behalf of the City, but by State statute are dedicated to various purposes other than affordable housing. An effective regulatory scheme will actually help the State secure tax compliance from all the short term rental operators in the market.

What will the new regulations mean for traditional bed and breakfasts?

In order to create a level playing field, traditional bed and breakfasts will be treated similarly to short term rentals moving forward. In practice, this means they will see a lower regulatory burden than they currently face.

How do these proposed regulations compare with the regulations put in place in other cities?

There is no recognized best practice for how to regulate short term rentals; every city that has introduced regulations has adopted a slightly different approach. The proposal for Seattle most closely mirrors regulations in Philadelphia. Some cities, like New York and Los Angeles, have more restrictive regulations proposed or in place. Other cities, like Nashville or San Jose, have more permissive regulations.

What is the Council's process for considering this proposal? How can the public provide comment on these regulations?

The Council will hold its first discussion of this proposal at a meeting of the Affordable Housing, Neighborhoods and Finance Committee at 9:30 a.m. on Wednesday, June 15 at City Hall (600 Fourth Ave). This committee plans to hold further discussions at its meetings on July 6 and July 20.

Public comment is taken at the beginning of every Council committee meeting. Members of the public may also submit feedback via email or phone. Contact information for Councilmembers is available at <http://www.seattle.gov/council/meet-the-council>.

Daly, Julia Rutherford

From: David Leon <dleon@soundmindmusic.com>
Sent: Sunday, June 04, 2017 9:05 PM
To: Metzger, Jessica
Cc: Nina Gross
Subject: STR Ordinance Hearing June 6 - Letter Attached
Attachments: STR Letter for hearing June 6 2017 - Giannotti.pdf

Dear Jessica,

In contemplation of the June 6 hearing regarding STRs, please accept the attached letter for consideration both during the hearing and generally as part of the body of documents related to this matter.

I am requesting that I will be allowed five minutes to read the letter during the hearing. Will you please let me know if my request to speak will be accepted?

Thank you,

David

{Attachment - PDF document}

June 3rd, 2017

Board of Supervisors
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93103

Re: Short Term Rental Ordinance Hearing of June 6th, 2017

May it please the Board of Supervisors,

I respectfully suggest to the Board that **there is no compelling reason to change the current regulations, or their interpretation, as there is no evidence that prohibiting short term rentals would achieve any positive result.** As the California Coastal Commission, who is in favor of the status quo states, "short-term rentals, including those in residential zones, can provide an important source of visitor accommodations in the Coastal Zone."

In communities that now prohibit STRs, we see that the remaining lodging places have significantly raised their rates. In communities that prohibit STRs, the resulting unoccupied (second) homes create off season ghost towns. This results in less people inhabiting and visiting, and subsequently less revenue for the local businesses which all full time residents would benefit from. As for some of the concerns of residents, **there is no evidence to support the claim that in areas where STRs have been banned, the rate of police calls for crime or noise or any other public nuisance is decreased.** In contrast, if you have many unoccupied second homes, all desirable activity will decrease making it unattractive for the remaining full time residents. It will be replaced by undesirable activity as unoccupied homes are the perfect target for crime. As a former Probation Officer and District Criminal Prosecutor, it is my experience that **banning STRs in residential homes will not discourage criminal activity or relieve the burden on our police or court systems,** but rather encourage and increase it.

In deciding the present issue before you, please consider the following points:

1. Hosting in one's own residential home for compensation, is neither a short nor long term rental

Think of it this way, if I were to host a **foreign exchange student** through the EF language school, anywhere from two weeks to a year, I would give the student a room, breakfast and dinner and introduce them to the beauty of Santa Barbara, the US culture and language. I would receive a stipend for doing this and also the joy of learning about my guests' country and culture. I have never heard a SB County Resident or Hotel oppose this sort of short term rental. Yet it is exactly the service I provide through Airbnb, which they are now opposing. Shouldn't we get this inconsistency sorted out before changing any rules of governance?

Here's a further example: When I leave my home for an extended period of time, whether for work, vacation or childcare, I need to enlist the help of others to occupy my home so that it will not fall prey to burglars who are attracted to unoccupied homes. Would the opposing party also suggest I cannot receive the services of a **house/pet/child sitter** who would pay me for the use of and living in my home, in exchange for the caring of the animals, children and property? I have not heard residents opposing **short term Caregivers**, who pay for the use of living in and using a home in in the owner's absence, with their services. No one objects to this short term rental scheme.

I suggest to the Board that, similar to the aforementioned examples, services that I can offer through employers such as Airbnb do not fall within the scope or contemplation of the drafters of existing short or long term rental regulations. The proposed changes of these regulations, would not address the concerns voiced by opposing residents of our County, but they would instead exacerbate and create new problems which currently do not exist.

Beware the smoke screen!"

The inconsistency of the above examples and the sudden opposition of short term rentals which have existed for many decades, supports my theory that the main opposition of STRs is not from the residents of the County who suffer no true detriment to the enjoyment of their homes, but rather from the existing hospitality industry trying to stifle their competition of employers such as Airbnb, one community at a time. This is in stark violation of Anti-trust laws, guised by the businesses instilling fear among residents to achieve not the betterment of the residents' quality of life, but rather their own business profit margin.

The County of Santa Barbara should send a clear message that we do not support this hidden agenda. That the proposed changes will not protect our residents, but only protect the trade group of the American Hotel and Lodging Association in its current attempt to thwart Airbnbs throughout the country. In doing so, the existing lodgings can offer an inferior service for more money without consequence. They are the only ones who will gain from the proposed changes. The majority of residents of Santa Barbara, California and the United States are in favor of short term rentals and other services such as Airbnbs and we ask that you decide with the wishes of the majority of the people in mind.

2. Occupied homes are a benefit to all full time residents and businesses. Short term rentals help keep otherwise empty permitted living spaces occupied for homeowners wishing to continue living in their home.

There is a minority of residents who object to second homes being rented out for less than thirty days. To these residents I ask, "How does having the homeowner/ neighbour next door only occupy the house six months a year, better your neighbourhood? Would you rather live in a ghost town of close-shuttered empty houses or one where there is life even if it means that there was that one time out of many that you were bothered?"

Please just leave well enough alone. If there was ever an unruly short term rental guest, **I would be comforted in the fact that troublesome Short term Tenants have no right to stay, unlike Long term Tenants who are difficult to remove from a rental which is permitted in residential zones.**

3. Employment

The current trend of communities such as Santa Barbara, concerned about the use, or more correctly the abuse of short term rentals is the direct result of the success and increasing popularity of start up employers such as Airbnb, for travelers world-wide, which follow similar business models such as that of Uber. That is, individuals drive or host guest individuals in their private home or car for compensation.

Do you know which company created the most jobs in the U.S. in last three years? It was Uber. It has been a great benefit to all of us, but to think that, this too was challenged by the existing competition

cab/limousine industry. Thankfully, the opposition did not prevail in preventing its use as I hope will be in the instant case. Likewise, Airbnb **has allowed our residents, who were unemployed because of age, family obligations or medical concerns, the opportunity to become employed and earn an income, from their own home doing what they would do otherwise in their own home.** There is no change in the character of permitted use. These are guests in my home who help me out in one form or another for the privilege of sharing the use of my home which has one of the most unique and magical heritage gardens in Santa Barbara and should be shared and not selfishly locked away for my sole enjoyment. How wonderful that by allowing guests to visit and stay and enjoy my space, I am given a small stipend to defray the maintenance costs of this special place. It would be a true loss to the community to allow this heritage garden and property to deteriorate. As a single mother of three children, and many animals, I can earn income, without compromising the childcare or at home responsibilities I already have, by hosting guests. I do not receive any other forms of employment income or government aid or assistance, but instead can contribute both TOT and Income tax, and donations to those in need. I am thankful I can continue to do so through part- time employment opportunities such as Airbnb. My neighbors include the Tennis Club, a Firestation, the Botanical Gardens and Natural History Museum. I do not disturb them but rather support these “businesses in residential zones” with visitors who stay in my home.

4. Solution:

If we were to require that the homeowner in a residential area actually continue to reside on the rental property, then all the concerns offered by the opposing parties are addressed: No Risk of noise, criminal activity, parking space limitations, and burden on utilities, safety and traffic. That is, if I have a four bedroom home and only one is currently occupied, then the use of those other three rooms is already planned for. If I am living in the home, then the neighbors would have the same recourse to address nuisances with me as they did before. I would monitor and control the use of the property more than any Hotel, Inn or traditional Bed and Breakfast would, because it is my family home. The many levels of screening, rules and regulations already imposed on Hosts and Guests by Airbnb is far greater than that of any other model of lodging. This new hosting model is such a great benefit to everyone both as guest and host that it would be a tremendous loss if we allow the existing hospitality industry to slowly eliminate this service by instilling unfounded fear in communities one by one in order to prohibit their own fear of competition.

In sum, I respectfully request the Board of Supervisors not to change the current regulations or their interpretation because there is no factual or compelling reason indicating the need for a change. If the Board wishes to implement limitations as to the management of Short Term Rentals, then I suggest to add a requirement that Homeowners continue to reside on the property they are renting out.

I thank you in advance for your kind consideration,

Nina Marie Giannotti

J.D., LL.M. International Business Law

790 Mission Oaks Lane, Santa Barbara, CA 93105

Daly, Julia Rutherford

From: Russell, Glenn
Sent: Saturday, June 03, 2017 10:55 AM
To: Black, Dianne; Klemann, Daniel; Fogg, Mindy; Metzger, Jessica
Subject: Fwd: Short term Rental Comment Letter from COLAB

FYI

Sent from my iPhone

Begin forwarded message:

From: Andy Caldwell <andy@colabsbc.org>
Date: June 3, 2017 at 10:40:20 AM PDT
To: "Russell, Glenn" <grussell@co.santa-barbara.ca.us>
Subject: **FW: Short term Rental Comment Letter from COLAB**

Dear Chair Hartmann and Honorable Supervisors,

Please consider these comments in your deliberations concerning short term rentals at your meeting on June 6, 2017.

As you are painfully aware, the county is dealing with a severe budget crisis. We believe the board should be actively permitting every imaginable revenue source, within reason, to enable the county to withstand the fiscal crisis including the TOT revenue generated by short term rentals.

Having said that, we acknowledge that relatively few bad actors have tempted the board to shut down this sector of our economy altogether, which in our opinion would be a mistake.

From what I have gathered from watching previous hearings on this subject, I believe there are only a handful of properties in the unincorporated area of the county that have garnered negative attention. We believe that is insufficient reason to ban the rentals in their entirety or throughout much of the region!

We encourage the Board of Supervisors to consider a key principle having to do with the concept of limited government, that having to do with the demonstration of compelling need to interfere with the free market and private property rights.

We believe the county can ensure the tranquility and safety of the community by regulating rather than prohibiting short term rentals as other communities have done.

Requiring as a condition of operation certain safeguards and protocols to be in place will protect the neighbors from noise, traffic and other nuisance concerns. These would include 24 hour on call oversight, time limits on outside activities and excessive noise, parking restrictions, etc.. Any property owner who allows their tenants to violate said rules would lose their ability to participate in the STR sector.

As is the case with the proposed Good Neighbor Policy having to do with events on private property, we believe that the board can create controls, based on sound objective standards, that will serve to abate nuisances, while allowing our economy to grow and prosper.

Thank you for consideration of these comments.

Andy Caldwell
COLAB

Daly, Julia Rutherford

From: Lyn Hesford <lynh@gte.net>
Sent: Sunday, June 04, 2017 9:09 AM
To: Metzger, Jessica
Cc: sbcob
Subject: SHORT TERM RENTALS

June 4, 2017

Board of Supervisors
County of Santa Barbara
Dear Board of Supervisors,

I live on a one acre parcel in Janin Acres in the unincorporated area of Santa Barbara County. All the homes in our neighborhood are on one acre parcels. Three years ago the home next door to me was purchased to add to the owner's large pool of vacation rentals. This home is a vacation paradise. It boasts a pool and Jacuzzi with a waterfall. Bocce ball court, basketball, horseshoes, complete outdoor kitchen and numerous outdoor activities. The owners of this home urge their renters to park their vehicles in the four car garage so they are hidden from view but it's not uncommon to see additional vehicles in the driveway. It becomes a gathering place for parties. It is literally a "party house"

The backyard of this party house butts up to my backyard. The noise is so loud that on some days I can no longer enjoy my own backyard. I can't leave my windows open at night because of the noise coming from this house. Does anyone really think that a house that is being rented to large groups and multiple families with children doesn't generate a large amount of noise? A house that is advertised to sleep multiple people attracts multiple families.

The owners of this house gave a 24 hour contact to all the nearby neighbors. I have called this number several times in the last three years to complain about loud noise. At the last Supervisor meeting, the owner of this home (Theo Kracke) boasted that there are no complaints on record. This is blatantly false. The neighbors were not calling the sheriff but we were calling Mr. Kracke's complaint hotline.

Mr. Kracke organized "Save our Rentals". They were out in force at the last meeting. All people who benefit monetarily from these businesses. He's been operating Paradise Retreats for several years. His list of former renters is extensive. An email urging former renters of his business to write letters of support to the County Supervisors was sent to his large customer base. Mr. Kracke mentioned all the letters of support at the last meeting. These people don't live in our neighborhoods and are not impacted on an almost daily basis by vacation rentals.

On March 11 of this year, my gardener was working on a backyard project for me. It was a Saturday afternoon about 4:00 pm. The renter next door ordered him to stop his work because it was disturbing his backyard enjoyment. When my gardener told him he couldn't stop work without my permission, the man demanded that I stop my gardener from finishing his task. When I refused, he told me he would call the sheriff. I explained to the vacation renter that this a neighborhood and this was the kind of work that happens in neighborhoods on a Saturday afternoon. He then asked me how I was going to like it when he made noise later that evening.

Mr. Kracke has now added a policy that a portion of the deposit is forfeited if he receives a customer complaint. Who benefits from that policy? Certainly not the neighbors.

These homes are "HOTELS" and have no place in our residential neighborhoods. They are operating as businesses. Why is that allowed? A realtor informed me that I would have to declare that I live next to a STR nuisance if I were to sell my home. The value of my home is reduced because these vacation rentals are being allowed to grow and prosper in our neighborhoods.

I urge you to please consider how these vacation rentals are impacting our neighborhoods.

Sincerely,

Lyn Hesford

Daly, Julia Rutherford

From: Metzger, Jessica
Sent: Monday, June 05, 2017 3:07 PM
To: sbcob
Subject: FW: Short term Rental Comment Letter from COLAB

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Sent: Saturday, June 03, 2017 10:55 AM
To: Black, Dianne; Klemann, Daniel; Fogg, Mindy; Metzger, Jessica
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Thank you for consideration of these comments.

Andy Caldwell
COLAB