

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report
Short-Term Rental Ordinance
Case No. 16ORD-00000-00009 and 16ORD-00000-00012

Hearing Date: August 3, 2016
Staff Report Date: July 27, 2015
Case No.: 16ORD-00000-00009 and
16ORD-00000-00012

Interim Deputy Director: Mindy Fogg
Division: Long Range Planning
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Environmental Document: Notice of Exemption pursuant to CEQA Section 15061(b)(3).

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission:

1. Adopt a recommendation to the Board of Supervisors that the Board of Supervisors adopt an ordinance (16ORD-00000-00009) 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, 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 as set forth in Attachment A, Exhibit 1; and
2. Adopt a recommendation to the Board of Supervisors that the Board of Supervisors adopt an ordinance (16ORD-00000-00012) amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code by amending Division 2, Definitions, Division 4, Zoning Districts, Division 6, Parking Regulations, and Division 7 General Regulations, to implement new regulations regarding the land use of Short-Term Rentals and make other minor clarifications, corrections, and revisions as set forth in Attachment B, Exhibit 1.

The Ordinances propose to implement new regulations and other revisions permitting the land use of Short-Term Rentals in Agricultural and Mixed-Use zoning districts, and permitting the use in certain Commercial zoning districts, where other transient lodging are also permitted, and adding text to prohibit the land use of Short-Term Rentals in Residential, Resource Protection, Industrial, and Special Purpose zoning districts in both the Land Use and Development Code (LUDC) and the Santa Barbara County Coastal Zoning Ordinance (Article II).

2.0 RECOMMENDATION AND PROCEDURES

2.1 Case No. 16ORD-00000-00009. Follow the procedures outlined below by recommending that the Board of Supervisors approve Case No. 16ORD-00000-00009 based upon the ability to make the appropriate findings, including CEQA findings. Your Commission's motion should include the following:

1. Make the findings for approval including CEQA findings, and recommend the Board make the findings for approval of the proposed ordinance amendment (Attachment C);
2. Recommend that the Board of Supervisors determine that the adoption of the proposed ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment D); and
3. Adopt the Resolution recommending that the Board of Supervisors adopt Case No. 16ORD-00000-00009, an ordinance amending the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, to implement new regulations regarding the land use of Short-Term Rentals and make other minor clarifications, corrections, and revisions (Attachment A).

2.2 Case No. 16ORD-00000-00012. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 16ORD-00000-00012 based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval including CEQA findings, and recommend the Board make the findings for approval of the proposed ordinance amendment (Attachment E);
2. Recommend that the Board of Supervisors determine that the adoption of the proposed ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment F); and
2. Adopt the Resolution recommending that the Board of Supervisors adopt Case No. 16ORD-00000-00012, ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, to implement new regulations regarding the land use of Short-Term Rentals and make other minor clarifications, corrections, and revisions (Attachment B).

Refer back to staff if the County Planning Commission takes any action other than the recommendation for appropriate findings and documentation.

3.0 JURISDICTION

- 3.1 Case No. 16ORD-00000-00009.** This project is being considered by the County Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.104 of the LUDC. The Government Code and the LUDC require that the County Planning Commission, as the designated planning agency for the unincorporated area of the County located outside of the Montecito Community Plan Area, review and consider proposed amendments to the LUDC and provide a recommendation to the Board of Supervisors.
- 3.2 Case No. 16ORD-00000-00012.** This project is being considered by the County Planning Commission in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code that provides that the County Planning Commission makes recommendations to the Board of Supervisors on text amendments to Article II of Chapter 35, Zoning, of the County Code.

4.0 BACKGROUND

- 4.1 Project Initiation.** During the review of the 2015/2016 Annual Work Program for the Long Range Planning Division, both the County Planning Commission and the Montecito Planning Commission recommended adding the review of STRs to the list of projects to be started in the 2015/2016 fiscal year. The Board of Supervisors considered the Planning Commissions' recommendation during the Board's budget workshop and directed staff to review and clarify provisions in the County zoning ordinances concerning the use of STRs within the unincorporated areas of the County as part of the 2015/2016 Long Range Planning Annual Work Program.
- 4.2 Public Outreach.** Staff gathered public input on the use of Short-Term Rentals (STRs) in the County through a variety of outlets since the project began in July 2015. Public outreach was initiated by holding four public meetings. Staff has received over 250 emails and letters from the public on the topic. These correspondences have all been transmitted to the County Planning Commission at previous hearings or with this report. County staff continues to see an emergent interest in the issue and public involvement and engagement has grown through the course of the project.
- 4.3 Agricultural Preserve Advisory Committee (APAC)**
On February 5, 2016, the APAC reviewed and considered the use of STRs on lands in agricultural preserve contracts and submitted a letter to the County Planning Commission outlining their recommendation on February 8, 2016 (Attachment G). The APAC unanimously voted that STRs are not a compatible use on contracted lands according to the Uniform Rules. The APAC is concerned that a commercial, non-agricultural use such as STRs can result in temporary increases in population and agricultural/urban conflicts could impact on-site and adjacent agricultural operations. The APAC is also concerned about potential impacts of allowing STRs on non-contracted agricultural lands since the potential economic return could be an incentive for landowners to non-renew their agricultural preserve contracts to pursue this use. The APAC recommends that the Planning

Commission consider new agritourism lodging uses on agricultural land as part of the Gaviota Coast Plan and the Agricultural Permit Streamlining projects instead of in isolation as part of the STR ordinance. If the Planning Commission determines to allow the use on agricultural preserve lands, through a Land Development Permit or Coastal Development Permit, the permit application would still be reviewed by the APAC for a recommendation of use compatibility with the Uniform Rules.

- 4.4 County Planning Commission.** At the November 4, 2015 hearing, the County Planning Commission considered the land use of STRs and received testimony from the public. The item was continued to the December 9, 2015 meeting.

The Commission directed staff to draft an ordinance prohibiting STRs in Residential zoning districts at the December 9, 2015 meeting. The Commission continued the hearing to February 24, 2016 and directed staff to return with further information on a regulatory approach for permitting STRs on Agricultural zoned lands.

At the February 24, 2016 meeting, the Commission directed staff to develop regulations to permit STRs in Agricultural zoning districts.

- 4.4 Montecito Planning Commission.** The Montecito Planning Commission met on November 18, 2015 and received staff's briefing and public testimony on the land use of STRs. The Commission directed staff to develop specific zoning ordinance amendments to the Montecito Land Use Development Code and the portion of Article II in the Montecito Community Plan to prohibit STRs in zoning districts that do not currently permit traditional transient lodging uses. Staff plans to return to the Montecito Planning Commission in September.

5.0 ISSUE SUMMARY

5.1 County Regulatory Authority

The County has the authority to establish a long-range land use plan and to implement these policies through regulations. The County has adopted a Comprehensive Plan and zoning regulations that direct the location and extent of land uses, as well as provide standards and regulations that serve to differentiate appropriate land uses within each zone district and create regulations for orderly development. The land use of STRs has not previously been specifically defined in the LUDC or Article II. The proposed amendments conditionally allow STRs in agriculturally zoned areas, allow STRs through a land use permit in commercial and mixed use zoning districts, and prohibit the use of STRs in residential zoning districts. These amendments are within the County's authority to ensure orderly growth and development through zoning.

5.2 Ordinance Development Rationale

As stated above, the Planning Commissions have directed staff to develop ordinance language that prohibits STRs in residential zoning districts. In the Planning Commission discussions and public comment, there was a variety of reasons stated about STRs being inappropriate in residential zoning districts. One of the main reasons was the nuisance issues that STRs have caused long-term neighbors. In addition to noise and parking concerns, there was also much

discussion on the behavior of short-term renters who do not live in and are not invested in the neighborhood. By allowing a constant stream of short-term renters coming through a neighborhood, the intent of the residential zoning district is threatened. The general intent states:

Residential zones...are zones that protect residential character, promote public health, safety, and welfare, ensure compatibility, provide housing opportunities, preserve the character of an area, and minimize the services needed.

Another key point that was used to determine the direction to prohibit the use in residential zoning districts was the current vacancy rate in the Santa Barbara County area. Growth in the STR market is exacerbating the availability of housing, including affordable and rental housing, in a market where housing is already constricted. This determinately affects the cost of housing for both affordable housing and workforce housing.

The Planning Commission also directed staff to develop ordinance language to provide a path for permitting STRs in Agriculturally zoned areas of the County. This recognizes that agricultural parcels are normally larger in size than the traditional residentially zoned parcels. The larger lot area would allow for parking to be on-site, alleviating that nuisance issue. It would also generally provide a greater buffer between long-term neighbors and the STR use, so noise would not have the same impacts as it would in residential areas. The allowance of the STRs on agricultural lands would require the approval of a land use permit or coastal development permit, which could include specific conditions, along with yearly renewal. This process would allow staff to monitor the use and allow neighbors recourse through the renewal consideration process.

5.3 Ordinance Effective Date

Adoption of this project will affect a number of existing STRs in residential zoning districts where the land use would no longer be allowed. During the public process, it was often stated, "STRs are booked out far in advance". Staff recommends that the ordinance prohibiting the use in residential zoning districts include a grace period of nine months (270 days) from the adoption date of the new zoning ordinances for owners and operators to respond to the new regulations. The grace period will also give staff time to create educational materials about the changes and develop and fund an enforcement plan.

Adoption of this project will affect a number of existing STRs both in zoning districts where the land use would no longer be allowed and for zoning districts where a permit is now required for the use. Staff recommends that the ordinance prohibiting the use in residential zoning districts include a grace period of nine months (270 days) from the adoption date of the new zoning ordinances for owners and operators to respond to the new regulations. Staff also recommends the same grace period of nine months (270 days) for owners and operators in zoning districts where the use is allowed to obtain a permit for the land use of a STR. The grace period will also give staff time to create educational materials about the changes and develop and fund an enforcement plan.

6.0 DISCUSSION AND STAFF RECOMMENDATIONS

6.1 Proposed Amendments

The amendments for the use of STRs are proposed in the LUDC and Article II. The amendments to the LUDC will take effect nine months (270 days) following the adoption of the ordinance by the Board of Supervisors. The amendments to Article II constitute an amendment to the County's certified Local Coastal Program, therefore the amendments will take effect following final certification of the amendments by the California Coastal Commission, but no sooner than nine months (270 days) after the adoption of the ordinance.

The complete texts of the ordinance amendments are contained in Attachment A, Exhibit 1 for the LUDC and Attachment B, Exhibit 1 for Article II. Proposed deletions are shown by striking through the text and proposed additions are underlined in red.

6.2 The Allowance of STRs in AG-I and AG-II Zoning Districts in the LUDC and Article II (outside of the Montecito Community Plan).

The proposed amendments will conditionally permit the land use of STRs in Agricultural zoning districts. The conditions have been developed after extensive research staff completed on the effectiveness of the standards and the enforceability seen in other jurisdiction, along with considering issues heard through the public process.

Compliance with fire, building, and health codes

Compliance with fire, building, and health codes is in place to protect the safety and welfare of the renter of the property. This regulation will allow permit staff to review a site plan and make sure each room is equipped with carbon monoxide and smoke alarms. It also allows for additional requirements to be implemented when codes change in the future.

Prohibited structures

In staff review of STR hosting sites, it quickly became apparent that many rented spaces were not up to code as a habitable dwelling. This standard sets in place that the rented unit must be a legally established dwelling unit and shall not be an agricultural accessory structure, tent, trailer, vehicle, yurt or any other space that may not be legally used as a dwelling. It also calls out that structures built to be occupied on a temporary basis, such as guest houses and cabañas, are not be used at a STR. Finally, dwellings subject to agreements or covenants like affordable housing unit or farm worker housing are not allowed to be used as a STR.

Limit on number of STRs allowed per lot

There are instances where investors buy multiple units on one lot and turn them all into STRs. Residential second units have been allowed in the County to combat the lack of housing and provide additional options for long-term housing. It is not the intent of this ordinance to allow multiple STRs on single lots; staff has proposed a standard that only allows one STR per lot.

Limitation on the number of guests and parking restrictions

Through the public process, staff and the Planning Commissions heard about nuisance issues, including excessive noise and constricted on-street parking due to over-crowding in STRs. To address these issues, staff recommends a maximum occupancy of two adults per bedroom and a

requirement that all parking be located on site. Parking is required to be one space per bedroom. Provision of required parking will be verified by staff during the application review process.

Nuisance response plan

Staff proposes development and implementation of a nuisance response plan that requires the STR operator to maintain a 24-hour contact within 30 miles of the property for neighbors to contact if issues arise with the STR. Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit. Responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall occur within two hours of the initial call.

Posted notice within unit

In addition, the regulations would require the operator to post a set of rules in the unit so the renter can clearly understand what is expected of them. These rules reiterate occupancy, parking, and noise standards for the unit.

Noise

Noise standards are called out specifically for the use of STRs. Quiet hours are proposed between 10 p.m. to 10 a.m.

Internet listing

The proposed regulations would also require the operator to disclose all internet hosting site listing numbers at the issuance of the LUP. This would allow enforcement staff to distinguish those STRs on hosting sites that have permits from those operating without required planning permits.

Renewal of permit

The regulations would require the permit to be renewed on a yearly basis. This would allow staff to review the past year for compliance and enforcement issues before considering renewal of a new permit.

Revocation standards

The final subsection is in regards to the revocation of the permit in the instance of non-compliance with any of the above standards and/or complaints against the STR.

6.3 The Allowance of STRs in MU, CM-LA, C-1, C-2, C-3, CH, and C-V Zoning Districts in the LUDC and in C-1, C-2, and C-V in Article II Zoning Districts.

The proposed amendments will permit the land use in certain commercial zoning districts where other traditional transient lodging uses (e.g. hotels) are permitted. Because the use would be surrounded by other commercial uses, staff does not recommend the application of the additional development requirements developed for agricultural zoning districts.

6.4 The Prohibition of STRs in Residential Zoning Districts

As stated above, in section 5.2 of this staff report, it is the Planning Commission's direction that STRs are not a compatible use in residential zoning districts. This proposed ordinance does not contemplate allowing the use in any residential zoned area.

6.6 Ordinance Effective Date

As stated in section 5.3 above, adoption of this ordinance will affect a number of STRs in Residential zoning districts where the land use would no longer be allowed. In review of STR platforms, staff found that a renter could reserve a rental unit up to 3 years into the future. STRs are often booked for a guest to stay in the area for special occasions (e.g. weddings, anniversaries, reunions). Although the planning of these events can vary, most wedding venues are booked at least 9 months in advance. Due to these factors, staff is recommending that a grace period be given for the prohibition of STRs in residential zones of nine months (270 days). This will allow the owner of the property to transition it out of the bookings to a permitted residential use.

6.7 Supplemental Application

Staff is proposing to permit STR with a LUP or CDP. Staff has developed a supplemental application for STR to provide additional information regarding STR proposals (See Attachment H). The supplemental application includes:

- Copy of the owner/operators standard rental contract;
- Transient Occupancy Tax number;
- Floor plan;
- Neighbor Notification containing the following information:
 - The name and phone number of the local contact available on a 24-hour basis
 - The maximum number of occupants allowed to stay overnight in the unit
 - The maximum number of vehicles allowed to be parked on the property;
- Complain call and response log.

6.8 Economic Analysis

The County of Santa Barbara Treasurer-Tax Collector's office, through the Taxation portion of the County Code (Chapter 32), requires Transient Occupancy Tax (TOT) to be collected for STRs. The TOT certificate is for tax collection purposes and does not constitute land entitlement under the LUDC or Article II. If the Ordinances are approved as proposed, the Treasurer-Tax Collector would only collect TOT for those permitted STRs in Agriculture, Mixed Use, or Commercial zoning districts. This will represent a reduction in TOT collected for STRs of approximately 75 percent.

The Planning Commission received an economic report on STRs generated by a company called TXP from a STR operator as a public comment. This report was not broken up by incorporated and unincorporated areas of the County but did show that STRs brought in \$129.8 million to the County as a whole in direct lodging spending. Staff research found that this company produces many reports for STRs across the County. All of these reports have the same message of large economic gains due to STRs. Staff requested that the University of California, Santa Barbara Economic Forecast department assess the information and the assumptions presented in this report.

The view of this outside expert is that the study is upward biased. It appears to be assuming that all of the people staying at STRs are additional guests to the County and would not have stayed

elsewhere. For example, a visitor could be coming to Santa Barbara County for a friend's graduation. This person finds a cheaper AirBnb than the hotel they were planning on staying. They book the AirBnb instead of the hotel. This would actually decrease revenue for the County. An increase in revenue for the County would have to come from someone who was not planning on ever coming here unless they could stay at a STR.

Another question that is not answered in the study is in regards to those who come stay in a STR, who would not have stayed in a hotel. Do these people spend in the same magnitude and proportion on other services as the hotel visitors? Through the public hearing process, we heard that people in STRs cook for themselves and do not frequent restaurants every night like a hotel guest would. This may represent a decrease in additional revenue for the County as well. The 5,000 job creation number was not supported by much data and the methodology was not clearly stated to allow reviewers to determine if this number is also inflated. Based upon the outside review, the economic effects of limiting STRs are not clear.

6.9 Permitting and Enforcement

The Department's current approach to enforcement is generally reactive, in response to reported complaints. The enforcement program is funded and staffed to support this approach. Enforcement of the proposed ordinance could take a variety of approaches:

- Complaint driven, as with the current program;
- Added public outreach and education;
- Some proactive enforcement, such as reviewing hosting platforms/spot checking compliance with the ordinance; and
- Actively enforcing the ordinance.

Decisions about the approach to enforcement would be considered by the Board of Supervisors during the fiscal year 2016-17 budget process.

7.0 ENVIRONMENTAL REVIEW

7.1 Case No. 16ORD-00000-00009. The proposed ordinance amendment to the LUDC is exempt from environmental review pursuant to 15061(b)(3) of CEQA. Section 15061(b)(3) states that "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As explained further in Attachment D (Notice of Exemption), no significant environmental impacts would occur due to the ordinance amendments.

7.2 Case No. 16ORD-00000-000012. The proposed ordinance amendment to Article II is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA. Section 15061(b)(3) states that "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As explained further in Attachment F (Notice of Exemption), no significant environmental impacts would occur due to the ordinance amendments.

7.3 Case No. 16ORD-00000-000012. The proposed ordinance amendment to the Article II Coastal Zoning Ordinance is exempt from environmental review pursuant Section 15265 of the

California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, provides that compliance with CEQA is the responsibility of the California Coastal Commission.

8.0 POLICY CONSISTENCY

POLICY REQUIREMENT	DISCUSSION
AGRICULTURAL RESOURCES	
<p><i>Agricultural Element, Goal I:</i> Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow (taking into account environmental impacts), expansion and intensification shall be supported.</p>	<p>Consistent: The ordinance would conditionally allow STRs on agricultural lands. STRs support agriculture as they provide an additional revenue stream, which may help to maintain agricultural operations. Therefore, adoption of the ordinances would be consistent with this goal.</p>
<p><i>The Land Use Element, Land Use definition-Agriculture:</i> The purpose of an agricultural designation is to preserve agricultural land for the cultivation of crops and the raising of animals... In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including related or incidental residential uses...</p>	<p>Consistent: The ordinance would conditionally allow STRs on agricultural lands. The use of STRs will most likely occur in existing dwellings that have been through the permitting process and have complied to development standards. The use is an incidental residential use and has the potential to bring additional revenue streams to the agricultural operation, consistent with this land use definition.</p>
<p><i>Santa Ynez Valley Community Plan Policy LUA-SYV-2</i> <i>Santa Ynez Valley Community Plan Policy LUA-SYV-3</i> <i>Santa Ynez Valley Community Plan Policy LUA-SYV-4</i></p>	<p>Consistent: The ordinance would conditionally allow STRs on agricultural lands. STRs support agriculture as they provide an additional revenue stream, which may help to maintain agricultural operations. Therefore, adoption of the ordinances would be consistent with this goal.</p>
HOUSING ELEMENT	
<p><i>Goal 3: Provide Fair and Safe Access to Housing.</i> <i>Goal 4: Preserve the Affordable Housing Stock and Cultivate Financial Resources for the Provision of Affordable Housing in Santa Barbara County.</i></p>	<p>Consistent: The ordinance would prohibit the use of Short-Term Rentals on residentially zoned land. This maintains the housing stock for rental, affordable, market rate, and assisted housing. Therefore, adoption of the ordinances would be consistent with these policy.</p>
LOCAL COASTAL PLAN	
<p><i>3.7.1 Coastal Act Policies</i> 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. Neither the commission nor any regional commission shall either: (1) require that overnight</p>	<p>Consistent: STRs in Residential zoning districts in the coastal areas do not provide low cost accommodations for visitors to the County of Santa Barbara. Costs of STRs in the Coastal area of the County range from \$300 a night for a one bedroom to over \$1,000 per night for a three bedroom, and the majority of advertisements for STRs reviewed on hosting platforms required a three-night minimum stay. Further, STR would continue to be</p>

<p>room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low and moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.</p>	<p>available in agricultural areas of the Coastal Zone. Therefore, adoption of the ordinances would be consistent with this policy.</p>
<p><i>Land Use Element, Visual Resource Policy 2 Visual Resource Policy #4 Scenic Highway Element Santa Ynez Valley Community Plan Policy VIS-SYV-1 Santa Ynez Valley Community Plan Policy VIS-SYV-3 Conservation Element, Recommendation Santa Ynez Valley Community Plan Policy BIO-SYV-1 Land Use Element, Historical and Archaeological Sites Policy 1 Santa Ynez Valley Community Plan Policy HA-SYV-1.1 Santa Ynez Valley Community Plan Policy HA-SYV-2.1 Seismic Safety and Safety Element, Geologic and Seismic Goal 1 Land Use Element, Hillside and Watershed Protection Policy 1 Land Use Element, Hillside and Watershed Protection Policy 2 Santa Ynez Valley Community Plan Policy GEO-SYV-1.1 Seismic Safety and Safety Element, Goal 1 Seismic Safety & Safety Element, Flood Protection Goal 1 Seismic Safety & Safety Element, Flood Protection Objective 1 Land Use Element, Flood Hazard Area Policy 1 Santa Ynez Valley Community Plan Policy FLD-SYV-1 The Santa Barbara County Comprehensive Plan Santa Ynez Valley Community Plan Noise Element, Recommended Policy 1 Circulation Element</i></p>	<p>Consistent: The use of STRs will mainly occur in existing dwellings. The existing dwellings would have complied with development criteria during the permit process. For those new STRs, they will be reviewed for consistency with applicable policies of the Comprehensive and Coastal Land Use Plans. Therefore, adoption of the ordinances would be consistent with these policies, goals, objectives and recommendations.</p>

<p><i>Santa Ynez Valley Community Plan Policy CIRC-SVY-1</i> <i>Santa Ynez Valley Community Plan Policy CIRC-SVY-2</i></p>	
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9.0 ORDINANCE COMPLIANCE

9.1 Ordinance Compliance with Agriculture Zoning Districts. The proposed ordinances are consistent with the remaining portions of the LUDC or Article II that would not be revised by these ordinances. In order to approve a LUP or CDP based on these proposed amendments, it still must be determined that the project is consistent with the whole of the LUDC or Article II, as applicable. Furthermore, the ancillary use of STRs on Agriculturally zoned lands does not change the below intents as the use will primarily be in existing structures.

Article II

AG-I - Agricultural I

The purpose of the Agricultural I zone is to designate and protect lands appropriate for long-term agricultural use within or adjacent to urbanized areas, and to preserve prime agricultural soils.

AG-II - Agricultural II

The purpose of the Agricultural II zone is to establish agricultural land use for large prime and non-prime agricultural lands in the rural areas of the County (minimum 40 to 320 acre lots) and to preserve prime and non-prime soils for long-term agricultural use.

LUDC

AG-I - Agricultural I

The AG-I zone is applied to areas appropriate for agricultural use within Urban, Inner Rural, Rural (Coastal Zone only), and Existing Developed Rural Neighborhood areas, as designated on the Comprehensive Plan maps. The intent is to provide standards that will support agriculture as a viable land use and encourage maximum agricultural productivity.

AG-II - Agricultural II

The AG-II zone is applied to areas appropriate for agricultural land uses on prime and non-prime agricultural lands located within the Rural Area as shown on the Comprehensive Plan maps. The intent is to preserve these lands for long-term agricultural use.

The use of STRs could supplement the income of the agricultural operations further supporting the use of agriculturally continuing through times of uncertainty. The existing structures with the use of STR will have been previously permitted to be located outside of prime soils and to minimize impacts to the agricultural operations.

9.2 Ordinance Compliance with Residential Zoning Districts. The prohibition of STRs in Residential zoning districts is also supported by the purpose and intent of residential zones. The LUDC and Article II describes thirteen residential zones, each unique in character. Main points from these purpose and intent section of the zoning codes are:

“...to protect the residential characteristics of an area and to promote a suitable environment for family life.”

“...to ensure that development protects the residential character of the area and is consistent with sound standards that promote public health, safety, and welfare.”

“(to) provide housing opportunities which meet the needs of the community, including housing for low, moderate, and middle income households, families with children, senior citizens, and other identified households in need.”

Prohibiting STRs in residential zoning districts will protect residential areas and maintain them for single-family and multi-family uses. The housing market will cycle in traditional ways allowing new homeowners to enter the market as others move up. Persons who need affordable housing will have more options due to the units not being in the STR market. Renters will also benefit from this prohibition, as more units will be in the long-term rental market and out of the transient markets.

9.3 Ordinance Compliance with Commercial and Mixed Use Zoning Districts. The ordinance proposes to allow the use of STRs through a LUP or CDP without any additional regulations in the zoning districts of MU, CM-LA, C-1, C-2, C-3, CH, and C-V Zoning Districts in the LUDC and in C-1, C-2 and C-V in Article II Zoning Districts. Main points from these purpose and intent section of the zoning codes are:

“...zones appropriate for both retail and service commercial activities that serve the local community and in the Coastal Zone, the traveling public as well”

“...appropriate for retail business and commercial needs”

“...will be a vibrant mix of uses along Bell Street with retail on the ground floor fronting Bell Street and housing above and in buildings fronting secondary streets of the corridor”

“...zone is applied to areas of unique scenic and recreational value appropriate for tourist recreational development”

“...areas that are suited for mixed-use development (i.e., residential, commercial and/or industrial uses) because of their location in relation to existing or planned land uses of adjacent areas and infrastructure improvements”

Due to the commercial nature of the use of STRs, it is appropriate that they to be allowed in these zoning districts as STRs closely resemble the commercial and visitor serving operations common in the districts.

The STR ordinance would be consistent with the remainder of the zoning ordinance provisions. Each LDP or CDP for a STR will be reviewed against the STR supplemental application and other regulations set forth in the zoning ordinances.

11.0 APPEALS PROCEDURE

The recommendation of the Planning Commission will be automatically sent to the Board of Supervisors, therefore no appeal is required

12.0 ATTACHMENTS

Attachment A	Planning Commission Resolution
Exhibit 1	Board of Supervisors Ordinance Amending the LUDC as set forth in Case No. 16ORD-00000-00009
Attachment B	Planning Commission Resolution
Exhibit 1	Board of Supervisors Ordinance Amending Article II as set forth in Case No. 16ORD-00000-000012
Attachment C	Findings (Case No. 16ORD-00000-00009)
Attachment D	CEQA Notice of Exemption (Case No. 16ORD-00000-00009)
Attachment E	Findings (Case No. 16ORD-00000-00012)
Attachment F	CEQA Notice of Exemption (Case No. 16ORD-00000-00012)
Attachment H	Agricultural Preserve Advisory Committee Letter
Attachment G	Short-Term Rental Supplemental Application Example

ATTACHMENT A

**RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING THAT THE)
BOARD OF SUPERVISORS ADOPT AN ORDINANCE) RESOLUTION NO. 16 - _____
AMENDING SECTION 35-1, THE SANTA BARBARA)
COUNTY LAND USE AND DEVELOPMENT CODE,) Case No.:
OF CHAPTER 35, ZONING, OF THE COUNTY CODE) 16ORD-00000-00009
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, 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.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code.
- B. Staff facilitated meetings with the public and community organizations to gather community input on Short-Term Rentals in the County and how the use should or should not be operated and located.
- C. The establishment of an appropriate regulatory program for Short-Term Rentals in Agricultural, Mixed-Use, and Commercial zoning districts will allow for alternate lodging opportunities for public access to the County as a visitor destination.
- D. The for profit nature of Mixed-Use and Commercial zoning districts makes them more appropriate for the use of Short-Term Rentals than Residential zoning districts.
- E. After a duly noticed public hearing on November 9, 2015, the Planning Commission received a staff briefing and public comment on the use of Short-Term Rentals.
- F. After a duly noticed public hearing on December 9, 2015, the Planning Commission directed staff to return with an ordinance prohibiting the use of Short-Term Rentals in Residential zoning districts.
- G. After a duly noticed public hearing on February 24, 2016, the Planning Commission directed staff to return with an ordinance allowing the use of Short-Term Rentals in Agricultural zoning districts with regulations.

- H. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, the Santa Barbara County Local Coastal Program, and the requirements of California planning, zoning, and development laws.
- I. This County Planning Commission has held a duly noticed hearing in compliance with Government Code Section 65854 on the proposed ordinances at which hearing the ordinances were explained and comments invited from the persons in attendance.
- J. In compliance with Government Code Section 65855 which requires the County Planning Commission's written recommendation on the proposed ordinances to include the reasons for the recommendation and the relationship of the proposed ordinances to applicable general and specific plans, the County Planning Commission has determined that the proposed amendments and ordinances are consistent with the Comprehensive Plan, including community plans, as discussed in the findings in Attachment C of the County Planning Commission staff report dated August 3, 2016, which is incorporated by reference.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. The County Planning Commission now finds, consistent with its authority in Government Code Section 65358, that it is in the public interest to provide orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to recommend that the Board of Supervisors:
 - a. 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, 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 as set forth in Exhibit 1.
4. This County Planning Commission endorses and transmits a certified copy of this Resolution to the Board of Supervisors in compliance with Government Code Section 65855.
5. This County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this County Planning Commission, based on the findings included as Attachment C of the County Planning Commission staff report dated August 3, 2016.

5. The Chair of this Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Planning Commission.

PASSED, APPROVED AND ADOPTED by the County Planning Commissioner of the County of Santa Barbara, State of California, this 3rd day of August 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

LARRY FERINI, CHAIR
Santa Barbara County Planning Commission

ATTEST:

DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

Exhibit 1 - Board of Supervisors Short-Term Rental Ordinance (Case No. 16ORD-00000-00009)

EXHIBIT 1

ORDINANCE NO. _____

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, 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

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section of Table 2-1 Allowed Land Uses and Permit Requirements for Agricultural Zones, of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

<p>Table 2-1 - Continued</p> <p>Allowed Land Uses and Permit Requirements for Agricultural Zones</p>	<p>E Allowed use, no permit required (Exempt)</p> <p>P Permitted use, Land Use or Coastal Permit required (2)</p> <p>MCUP Minor Conditional Use Permit required</p> <p>CUP Conditional Use Permit required</p> <p>S Permit determined by Specific Use Regulations</p> <p>— Use Not Allowed</p>									
LAND USE (1)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4" style="text-align: center;">PERMIT REQUIRED BY ZONE</th> <th rowspan="2" style="text-align: center;">Specific Use Regulations</th> </tr> <tr> <th style="text-align: center;">AG-I</th> <th style="text-align: center;">AG-I CZ</th> <th style="text-align: center;">AG-II</th> <th style="text-align: center;">AG-II CZ</th> </tr> </table>	PERMIT REQUIRED BY ZONE				Specific Use Regulations	AG-I	AG-I CZ	AG-II	AG-II CZ
PERMIT REQUIRED BY ZONE				Specific Use Regulations						
AG-I	AG-I CZ	AG-II	AG-II CZ							

SERVICES

Cemetery	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	
Large family day care home	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Residential	MCUP	MCUP	MCUP	MCUP	35.42.090
Lodging - Guest ranch	—	—	CUP	CUP	
Lodging - Hostel	—	—	CUP	—	35.42.240
<u>Lodging - Short-term rental</u>	<u>P</u>	—	<u>P</u>	—	35.42.245
Mausoleum	CUP	—	CUP	—	
Medical services - Animal hospital	MCUP	CUP	P	CUP	35.42.250
Mortuary, accessory to cemetery	CUP	—	CUP	—	35.42.120

Key to Zone Symbols

AG-I	Agriculture I
AG-II	Agriculture II

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.21.030.C](#).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see [Section 35.42.205](#).
- (4) Limited to specific locations. See the limitations on location for the use in [Chapter 35.42 \(Standards for Specific Land Uses\)](#).

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section of Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zones, of Section 35.22.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.22, Resource Protection Zones, to read as follows:

Table 2-4 - Continued Allowed Land Uses and Permit Requirements for Resource Protection Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed					
	PERMIT REQUIRED BY ZONE					Specific Use Regulations
LAND USE (1)	MT-GOL	MT-TORO	MT-TORO CZ	RMZ	RMZ CZ	

SERVICES

Cemetery	CUP	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	
Large family day care home	P	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Residential	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Drive-through facility, accessory to a permitted use	—	CUP	CUP	—	—	
Lodging - Guest ranch, low intensity	—	CUP	CUP	CUP	CUP	
Lodging - Hostel	CUP	CUP	—	CUP	—	
<u>Lodging - Short-term rental</u>	=	=		=		
Mausoleum	CUP	CUP	CUP	CUP	—	
Medical services - Clinic	—	CUP	CUP	—	—	
Medical services - Extended care	—	CUP	CUP	—	—	
Medical services - Hospital	—	CUP	CUP	—	—	
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	—	35.42.120
Mortuary	—	—	CUP	—	—	35.42.120
Music recording studio	—	CUP	—	—	—	

Key to Zone Symbols

MT-GOL	Mountainous - Goleta	RMZ	Resource Management
MT-TORO	Mountainous - Toro Canyon	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.22.030.C](#).

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section of Table 2-7, 2-8, and 2-9 Allowed Land Uses and Permit Requirements for Residential Zones, Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

SERVICES

Cemetery	CUP	CUP	CUP	CUP	—	—	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	—	—	
Large family day care home	P	P	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	—	—	—	—	—	—	
Child care center, Residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Drive-through facility, accessory to permitted use	—	—	CUP	CUP	—	—	35.42.130
Lodging - Hostel	CUP	—	CUP	—	—	—	
Lodging - Hotel or motel	—	—	—	—	—	—	
<u>Lodging - Short-term rental</u>	—	—	—	—	—	—	
Mausoleum	CUP	—	CUP	CUP	—	—	
Medical services - Clinic	—	—	CUP	CUP	—	—	
Medical services - Extended care	—	—	CUP	CUP	—	—	
Medical services - Hospital	—	—	CUP	CUP	—	—	
Mortuary	—	—	—	CUP	—	—	35.42.120
Mortuary, accessory to cemetery	CUP	—	CUP	CUP	—	—	35.42.120
Music recording studio	—	—	CUP	—	—	—	
Personal services	—	—	—	—	—	—	
Resort visitor-serving facilities	—	—	—	—	—	—	

Key to Zone Symbols

RR	Rural Residential/Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	ZC	Zoning Clearance						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ	

SERVICES

Cemetery	CUP	CUP	CUP	CUP	—	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	—	CUP	CUP	
Large family day care home	P	P	P	P	—	P	P	35.42.090
Small family day care home	E	E	E	E	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP	35.42.090
Day care center, Non-residential accessory	—	—	P	P	ZC	P	P	35.42.090
Day care center, residential	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP	35.42.090
Drive-through facility, accessory to permitted use	CUP	CUP	CUP	CUP	—	CUP	CUP	35.42.130
Lodging - Hostel	CUP	—	CUP	—	—	CUP	—	
Lodging - Hotel or motel	—	—	—	—	—	—	CUP	35.23.100.H
<u>Lodging – Short-term rental</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	
Mausoleum	CUP	CUP	CUP	CUP	—	CUP	CUP	
Medical services - Clinic	CUP	CUP	CUP	CUP	—	CUP	CUP	
Medical services - Extended care	CUP	CUP	CUP	CUP	—	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	—	CUP	CUP	
Mortuary	—	CUP	—	CUP	—	—	CUP	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	—	CUP	CUP	35.42.120
Music recording studio	CUP	—	CUP	—	—	CUP	—	
Personal services	—	—	—	—	—	CUP	CUP	35.23.100.G
Resort visitor-serving	—	—	—	—	—	—	P(3)	

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).
- (3) Where allowed by the Coastal Land Use Plan.

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

SERVICES

Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	CUP	
Large family day care home	P	P	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	P	P	P	—	—	—	35.42.090
Day care center, Residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Drive-through facility, accessory to permitted use	—	—	—	—	—	—	
Kennel, animal boarding, commercial	—	—	—	—	—	—	
Kennel, private	—	—	—	—	—	—	
Lodging - Hostel	CUP	—	—	CUP	—	CUP	
Lodging - Hotel or motel	—	—	—	—	—	—	
Lodging - Hotel or motel, where Coastal Land Use Plan requires visitor-serving uses	—	—	—	—	—	—	
<u>Lodging - Short-term rental</u>	—	—	—	—	—	—	
Mausoleum	CUP	CUP	CUP	CUP	CUP	CUP	
Medical services - Clinic	CUP	CUP	CUP	CUP	CUP	CUP	
Medical services - Extended care	CUP	CUP	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	CUP	CUP	
Mortuary	—	CUP	CUP	—	CUP	—	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	CUP	35.42.120
Music recording studio	CUP	—	—	CUP	—	CUP	
Personal services	—	—	—	—	—	—	

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section of Table 2-14, 2-15, and 2-16, Allowed Land Uses and Permit Requirements for Commercial Zones, Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-1 CZ	C-2	C-2 CZ	

SERVICES - GENERAL

Cemetery, mausoleum	CUP	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	
Large family day care home	P	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	E	35.42.090
Day care center, Non-residential	P	P	P	P	P	35.42.090
Day care center, Non-residential, accessory	—	—	—	—	—	
Day care center, Residential	MCUP	P	P	MCUP	MCUP	35.42.090
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Lodging - Bed and breakfast inn	—	P	P	MCUP	MCUP	
Lodging - Guest ranch	—	—	—	—	—	
Lodging - Hostel	CUP	CUP	P	CUP	—	
Lodging - Hotel or motel	—	CUP	CUP	P	P	
Lodging - Resort	—	—	—	—	—	
Lodging - Short-term rental	—	CUP		P		
Mortuary	—	—	CUP	—	CUP	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	35.42.120
Music recording studio	CUP	CUP	—	CUP	—	
Personal services	P	P	P	P	P	
Repair service - Equipment, appliances, etc. - Indoor	—	—	—	P	P	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	P	P	
Repair service - Farm implements and equipment	—	—	—	—	—	
Repair service - Small appliances	P	P	P	P	P	
Vehicle services - Carwash, mechanical	—	—	—	MCUP	MCUP	35.42.270
Vehicle services - Major repair, bodywork	—	—	—	—	—	
Vehicle services - Minor maintenance/repair	MCUP	—	—	P	P	
Vehicle services - With outdoor work areas	—	—	—	MCUP	MCUP	

Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Includes miniature golf and practice/putting range.
- (4) Allowed only on a lot with no commercial use, and subject to all development standards of the R-1/E-1 zone except minimum lot size

Table 2-15 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	C-3	CS	CH	CM-LA	

SERVICES - GENERAL

Cemetery, mausoleum	CUP	CUP	CUP	—	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	
Large family day care home	P	—	P	P	35.42.090
Small family day care home	E	—	E	E	35.42.090
Day care center, Non-residential	P	MCUP	MCUP	P	35.42.090
Day care center, Non-residential, accessory	—	P	P	P	35.42.090
Day care center, Residential	MCUP	—	MCUP	MCUP	35.42.090
Drive-through facility	CUP	CUP	CUP	—	35.42.130
Lodging - Bed and breakfast inn	MCUP	—	—	P	
Lodging - Guest ranch	—	—	—	—	
Lodging - Hostel	CUP	CUP	CUP	P	
Lodging - Hotel or motel	P	—	P	P	
Lodging - Resort	—	—	—	P	
<u>Lodging - Short-term rental</u>	<u>P</u>	<u>—</u>	<u>P</u>	<u>P</u>	
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	CUP	CUP	CUP	—	35.42.120
Music recording studio	CUP	CUP	CUP	CUP	
Personal services	P	—	—	P	
Repair service - Equipment, appliances, etc. - Indoor	P (3)	P (3)	—	P (3)	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	—	
Repair service - Farm implements and equipment	P (3)	P (3)	—	—	
Vehicle services - Carwash, mechanical	MCUP	—	MCUP (4)	—	35.42.270
Vehicle services - major repair, bodywork	P (3)	—	—	—	
Vehicle services - Minor maintenance/repair	P (3)	P (3)	P	P	
Vehicle services - With outdoor work areas	—	—	—	—	

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.24.030.C (Commercial Zone Allowable Land Uses).
- (3) Includes miniature golf and practice/putting range.
- (4) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

Table 2-16 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-V	C-V CZ	SC	PI	PI CZ	

SERVICES - GENERAL

Cemetery, mausoleum	CUP	CUP	CUP	P	P	
Charitable or philanthropic organization	CUP	CUP	CUP	P	P	
Large family day care home	P	P	—	P	P	35.42.090
Small family day care home	E	E	—	E	E	35.42.090
Daycare center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	P	P	P	P	P	35.42.090
Day care center, Residential	MCUP	MCUP	—	MCUP	MCUP	35.42.090
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Lodging - Bed and breakfast inn	—	—	—	—	—	
Lodging - Guest ranch	P	P	—	—	—	
Lodging - Hostel	CUP	—	CUP	CUP	—	
Lodging - Hotel or motel	P	P	—	—	—	
Lodging - Resort	P	P	—	—	—	
<u>Lodging - Short-term rental</u>	<u>P</u>		<u>—</u>	<u>—</u>		
Mortuary	—	CUP	—	—	CUP	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	35.42.120
Music recording studio	CUP	—	CUP	CUP	—	
Personal services	—	—	—	P	P	
Repair service - Equipment, appliances, etc. - Indoor	—	—	—	—	—	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	—	—	
Repair service - Farm implements and equipment	—	—	—	—	—	
Vehicle services - Carwash, mechanical	—	—	—	—	—	
Vehicle services - Major repair, bodywork	—	—	—	—	—	
Vehicle services - Minor maintenance/repair	—	—	—	—	—	
Vehicle services - With outdoor work areas	—	—	—	—	—	

Key to Zone Symbols

C-V	Visitor Serving Commercial	PI	Public and Institutional
SC	Shopping Center	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Destination-type facility required; see Section [35.24.060](#) (C-V Zone Additional Standards).
- (4) Not including trade schools using heavy equipment.

SECTION 5:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section of Table 2-22 Allowed Land Uses and Permit Requirements for Industrial Zones, Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, to read as follows:

Table 2-22 - Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	M-RP	M-RP CZ	M-1	M-2	M-CR	M-CR CZ	M-CD CZ	

SERVICES - GENERAL

Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Large family day care home	—	—	—	—	P	P	P	35.42.090
Small family day care home	—	—	—	—	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	P	P	P	—	—	—	—	35.42.090
Day care center, Residential	—	—	—	—	MCUP	MCUP	MCUP	35.42.090
Drive through facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	35.42.130
Lodging - Hostel	CUP	—	CUP	CUP	CUP	—	CUP	
Lodging - Hotel or motel	—	—	P	—	—	—	—	
<u>Lodging - Short-term rental</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	
Mausoleum	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Mortuary	—	CUP	—	—	—	CUP	—	
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Music recording studio	CUP	—	CUP	CUP	CUP	—	CUP	
Personal services, employees only	P	P	P	—	—	—	—	
Public safety facility	—	—	P	—	—	—	—	
Repair service - Equipment, large appliances, etc. - Indoor	—	—	P	P	—	—	—	
Repair service - Equipment, large appliances, etc. - Outdoor	—	—	P	P	—	—	—	
Repair service - Small appliances	—	—	P	P	—	—	—	
Vehicle services - Major repair, bodywork	—	—	P(3)	P	—	—	—	
Vehicle services - Minor maintenance/repair	—	—	P(3)	P	—	—	—	

Key to Zone Symbols

M-RP	Industrial Research Park	M-CR	Coastal-Related Industry
M-1	Light Industry	M-CD	Coastal-Dependent Industry
M-2	General Industry	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.25.030.D](#) (Development Plan approval required).
- (3) Dwellings may be allowed for the employees of the owner or lessee of the land engaged in a permitted use of the land upon which the dwelling is located.
- (4) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

SECTION 6:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section of Table 2-24 and 2-25 Allowed Land Uses and Permit Requirements for Special Purpose Zones, Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

SERVICES - GENERAL

Cemetery, mausoleum	—	—	CUP	CUP	CUP	
Charitable or philanthropic organization	P	—	CUP	CUP	CUP	
Large family day care home	P	—	P	P (3)	P (3)	35.42.090
Small family day care home	E	—	—	E	E	35.42.090
Day care center, Non-residential	MCUP	—	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	P	—	—	—	—	35.42.090
Day care center, Residential	MCUP	—	MCUP	MCUP	MCUP	35.42.090
Drive-through facility	—	—	CUP	CUP	CUP	35.42.130
Laundry and dry cleaning pick-up stores	P	—	—	—	—	
Lodging - Hostel	CUP	—	CUP	CUP	CUP	
Lodging - Hotel or motel	CUP	—	—	—	P	
<u>Lodging - Short-term rental</u>	<u>CUP</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>P</u>	
Mortuary	—	—	—	—	—	35.42.120
Mortuary, accessory to cemetery	—	—	CUP	CUP	CUP	35.42.120
Music recording studio	MCUP	—	CUP	CUP	CUP	
Personal services	P	—	—	P (4)	P	
Personal services, employees only	P	—	—	—	—	
Repair service - Equipment, appliances, etc. - Indoor	P	—	—	—	P	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	—	P	
Repair service - Small appliances	P	—	—	—	P	
Vehicle services - Minor maintenance/repair	—	—	—	—	P	

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) Use not allowed if the OT designation is OT-LC or OT-GC, and not OT-R/LC or OT-G/LC.
- (5) Not allowed in addition to an artist studio.
- (6) Second unit restricted to lots where the primary use is a one-family dwelling.
- (7) May include beer brewing and wine making provided (a) the area devoted to beer brewing and wine making, including the area devoted to equipment and storage of materials and supplies, does not exceed 50 percent of the interior floor area of the primary business, and (b) the product is primarily sold for on-site consumption.
- (8) Must be conducted within a completely enclosed building.

Table 2-25 - Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ(3)	

SERVICES - GENERAL

Cemetery, mausoleum	CUP	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	
Large family day care home	—	—	P	P	—	35.42.090
Small family day care home	—	—	E	E	—	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	—	—	—	—	—	
Day care center, Residential	—	—	MCUP	MCUP	—	35.42.090
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Lodging - Hostel	—	—	CUP	—	CUP	
Lodging - Hotel or motel	—	—	—	—	—	
<u>Lodging - Short-term rental</u>	—	—	—	—	—	
Mortuary	—	CUP	—	CUP	CUP	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	35.42.120
Music recording studio	CUP	—	CUP	—	—	
Personal services	—	—	—	—	—	
Personal services, employees only	—	—	—	—	—	
Personal services in mixed use project	—	—	—	—	—	
Repair service - Equipment, appliances, etc. - Indoor	—	—	—	—	—	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	—	—	
Repair service - Small appliances	—	—	—	—	—	
Vehicle services - Minor maintenance/repair	—	—	—	—	—	

Key to Zone symbols

PU	Public Works Facilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Uses allowed as a “P” in abutting zones and in compliance with any applicable specific use regulations.
- (4) Allowed only in an urban area designated by the Coastal Land Use Plan.

SECTION 7:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.36.060, Required Number of Spaces: Nonresidential Uses, of Chapter 35.36, Parking and Loading Standards, to read as follows:

35.36.060 - Required Number of Spaces: Nonresidential Uses

Nonresidential parking requirements shall be in compliance with the provisions in this Section, and in [Section 35.36.080 \(Standards for All Zones and Uses\)](#) and in [Section 35.36.110 \(Standards for Nonresidential Zones and Uses\)](#) below. Unless otherwise noted, the indicated parking requirements shall apply to uses in both the Coastal Zone and the Inland area.

- A. **CM-LA zone.** Table 3-6 shall not apply to development on lots zoned CM-LA (Community Mixed Use-Los Alamos). Development located in the CM-LA (Community Mixed Use - Los Alamos) zone shall be in compliance with the parking standards of Subsection 35.36.110.H (Community Mixed Use - Los Alamos (CM-LA) zone) as applicable.

Table 3-6 - Nonresidential Parking Standards

Recreation, Education & Public Assembly Uses:	Parking Spaces Required
Bowling alley	8 spaces per lane
Library, museum, art gallery, or similar use	Coastal 1 space per 2 employees Inland 1 space per 2 employees and; 1 space per 300 square feet of gross floor area
Religious institutions, school auditoriums, college auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls, and other places of general assembly	With fixed seats - 1 space per 4 fixed seats Without fixed seats - 1 space per 30 square feet of auditorium floor space
Places of amusement without fixed seats (e.g., dancehalls, skating rinks, etc.)	1 space per 300 square feet of assembly area
Racquetball facility & tennis facility	1.5 spaces per court
School - Colleges: art, craft, music, or dancing schools; business, professional, or trade school	1 space per 5 students and 1 space per 3 employees
School - Day school or Nursery school	1 space per 10 students and 1 space per 2 employees
School - Elementary and Middle School	1.5 spaces per teaching station
School - High School	6 spaces per teaching station
Spas, health clubs, etc.	1 space per 300 square feet of gross floor area
Spectator seating	1 space per 5 seats or 1 space per 35 square feet of seating area
Swimming pool, public	Coastal 1 space per 25 square feet of pool area Inland 1 space per 200 square feet of pool area and 1 space per 500 square feet of area related to the pool and facilities
Retail Trade	Parking Spaces Required
Furniture and appliance stores; heating, ventilating, and hardware stores; motor vehicle and machinery sales and service	1 space per 1,000 square feet of gross floor area
Restaurants, cafes, taverns, etc.	1 space per 300 square feet of space devoted to patrons 1 space per 2 employees

Retail business and general commercial	1 space per 500 square feet of gross floor area (1) (2)
Services and Offices– Business, Financial, Professional	Parking Spaces Required
Business and professional offices e.g. banks, lawyers’ offices, etc.	1 space for each 300 square feet of gross floor area (3)
Hotels/motels	1 space per guest room and 1 space per 5 employees
Medical services - extended care	1 space per 3 beds and 1 space per 3 employees
Medical services - hospitals	1 space per 2 beds and 1 space per 3 employees
Medical Services - medical clinics, medical and dental offices	1 space per 200 square feet of gross floor area
<u>Short-Term Rentals</u>	<u>1 space per bedroom.</u>

Notes:

- (1) See Subsection 35.36.110.E (Retail Commercial (C-2) zone, Coastal Zone).
- (2) See Subsection 35.36.110.J (Shopping Center (SC) zone).
- (3) See Subsection 35.36.110.K (Professional and Institutional (PI) zone).

SECTION 8:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Section 35.42.245, Short-Term Rentals, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

35.42.245 – Short-Term Rentals

A. Purpose and applicability.

1. Purpose. This Section establishes the standards for Short-Term Rentals. These standards are intended to ensure that Short-Term Rentals are compatible with and do not adversely impact surrounding properties.

2. Applicability.

a. Short-Term Rentals existing as of [effective date of ordinance].

(1) Short-Term Rentals that may be permitted.

(a) For Short-Term Rentals that may be permitted in compliance with Article 35.2 (Zones and Allowable Land Uses), to continue operating, the owner and/or operator shall obtain the issuance of the required permit no later than 270 days following [effective date of this ordinance].

(b) If the required permit is not issued no later than 270 days following [effective date of this ordinance], then use of the structure as a Short-Term Rental shall cease. If the use of a structure as a Short-Term Rental does not cease, then this use shall be considered a violation of this Development Code and subject to enforcement in compliance with Chapter 35.108 (Enforcement and Penalties).

(2) Short-Term Rentals that may not be permitted. The use of a structure as a Short-Term Rental in zones where Short-Term Rentals may not be permitted in compliance with Article 35.2 (Zones and Allowable Land Uses) shall cease no later than 270 days following [effective date of this ordinance]. If the use of a structure as a Short-Term Rental does not cease within this period, then this use shall be considered a violation of this Development

Code and subject to enforcement in compliance with Chapter 35.108 (Enforcement and Penalties).

- B. Permit requirement.** Short-Term Rentals may only be located in the AG-I and AG-II zones in compliance with the permit requirement identified in Article 35.2 (Zones and Allowable Land Uses). Except as provided in Subsection A (Purpose and Applicability), above, the required permit shall be obtained and all conditions of the permit shall be satisfied prior to the commencement of the Short-Term Rental.
- C. Permitted structures.** Short-Term Rentals shall only be allowed in a legal dwelling unit.
- D. Development standards.** A Short-Term Rental shall comply with all of the following standards in addition to any other applicable standards of this Development Code.
- 1. Compliance with fire, building, and health codes.** Any dwelling used as a Short-Term Rental shall be in compliance with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association standards and/or regulations, and other relevant laws and codes.
 - 2. Prohibited structures.** Short-Term Rentals shall not be allowed in:
 - a.** Any dwelling subject to agreements, conditions, or covenants entered into with the County restricting their use including affordable housing units, agricultural employee housing, including farmworker housing.
 - b.** Any structure that is only permitted to be occupied on a temporary basis including cabañas and guest houses.
 - c.** Any structure or space that may not be legally used for dwelling or overnight accommodations including agricultural accessory structures, tents, trailers, vehicles, and yurts.
 - 3. Limit on number of Short-Term Rentals allowed per lot.** Only one dwelling, including legally-established residential second dwelling units, shall be used as a Short-Term Rental on any lot.
 - 4. Signs.** No signs shall be permitted to be located on or off the lot that contains the Short-Term Rental that indicates the presence of the Short-Term Rental.
 - 5. Limitation on the number of guests, parking restrictions and requirements for Short-Term Rental:**
 - a. Maximum occupancy.** The maximum occupancy shall be no more than two persons per bedroom, excluding children under three years of age.
 - b. Parking.** All parking shall be provided on site at a ratio of one parking space for each bedroom and in compliance with Chapter 35.36 (Parking and Loading Standards) of this code except as provided in below.
 - (1)** Parking spaces for Short-Term Rentals may include garage(s), carport(s) and/or driveway spaces and may be provided in a tandem parking arrangement.
 - (2)** No parking associated with the Short-Term Rental shall be allowed on-street.
 - 6. Nuisance Response Plan.**
 - a. Call response availability.**
 - (1)** The operator shall submit the name, address, and telephone number of a local contact who will respond to calls regarding the Short-Term Rental to the Department prior to the commencement of the Short-Term Rental.
 - (2)** The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding the Short-Term Rental.

(3) Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit issued to allow the use of a Short-Term Rental.

(4) For purposes of this Subsection C.6, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.

b. Local contact. The operator, property owner, or managing agency is required to immediately notify the County with any changes to the local contact.

7. Posted notice within unit. Each Short-Term Rental shall have a clearly visible and legible notice posted within the unit containing the following information:

a. The name and phone number of the local contact available on a 24-hour basis.

b. The maximum number of occupants allowed to stay overnight in the unit.

c. The maximum number of vehicles allowed to be parked on the property.

d. Noise standards.

e. Notification that failure to conform to the above standards is a violation of the County Code and subject to penalties and enforcement.

8. Noise. The volume of sound generated by the Short-Term Rental shall not exceed 65 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary, except that:

a. Between the hours of 10 p.m. to 10 a.m., the volume of sound generated by the Short-Term Rental shall not exceed 45 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary.

9. Internet listing. All current internet hosting platforms for the Short-Term Rental and all listing identification numbers shall be provided to the County.

E. Renewal of permit.

1. A land use permit issued for a Short-Term Rental shall only be valid for one year commencing upon the effective date of the Land Use Permit, except as provided below.

2. The operator, owner, or managing agency shall submit an application to renew the Land Use Permit to the Department for review and approval on an annual basis as directed below commencing upon the effective date of the permit.

a. The renewal shall be approved through a Land Use Permit issued by the Director in compliance with Section 35.82.110 (Land Use Permit).

b. The Land Use Permit application for the initial renewal and any subsequent renewal shall be submitted no later than 30 days prior to the effective date of previous the Land Use Permit.

3. If the approval of a Land Use Permit for the renewal of a Land Use Permit for a Short-Term Rental has been appealed, then the validity of the Land Use Permit shall be extended until processing of the appeal(s) has been completed.

F. Revocation.

1. A Land Use Permit to allow a dwelling to be used as a Short-Term Rental may be revoked in compliance with Section 35.84.060 (Revocations).

a. In addition to the basis for revocation in compliance with Subsection 35.84.060.A (Revocations), the Land Use Permit may also be revoked if:

- (1) The applicant, after receiving a Short-Term Rental permit and any renewal, fails or refuses to inform the County of alterations to the property that would compromise the original permit approval (e.g., removal of required parking, conversion of space), has submitted false or misleading information as part of the application, fails to comply with the permit conditions, or fails to obtain or comply with any other required County, state or local permit.
- (2) The Department determines that the call response availability is deemed inadequate due to the failure of the local contact to respond to calls in a timely and appropriate manner within one hour of the time the initial call was made, and commence corrective action within two hours of the initial call to address any violation of this Chapter.

SECTION 9:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.110.020, Definitions of Specialized Terms and Phases, of Chapter 35.110, Definitions, to amend the existing definition of “Lodging” to read as follows:

Lodging.

1. **Bed and Breakfast.** A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable County health regulations.
2. **Boarding or Rooming House.** A residence or dwelling other than a hotel, where the business of keeping boarders is generally carried on and which is held out by the owner or keeper as a place where boarders are kept.
3. **Guest Ranch.** A vacation resort, generally a farm or ranch, that derives all or part of its income from the use of its facilities by paying visitors or guests, and provides food, lodging, and recreational activities.
4. **Hostel.** Overnight sleeping accommodations that provide supervised and inexpensive lodging for travelers, and may provide kitchen and eating facilities. Occupancy is generally of a limited duration.
5. **Hotel.** A building or group of buildings containing six or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who, for compensation, are lodged with or without meals, but not including a trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint.
6. **Motel.** A transient lodging establishment containing six or more rooms with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through a main lobby.
7. **Resort Hotel.** A hotel which serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.
8. **Short-Term Rental.** A structure which is permitted to be rented for overnight lodging in compliance with this Development Code, in whole or in part and with or without the presence onsite of the Owner or representative of the Owner, that is rented for 30 consecutive days or less. Additionally, the following terms are defined for the purposes of Section 35.42.245 (Short-Term Rentals).
 - a. **Hosting Platform.** A marketplace which facilitates the consummation of Short-Term Rental agreements through advertising and from which, in whatever format, information about or relating to a Dwelling available for occupancy on a Short-Term Rental basis is shown.
 - b. **Local.** Belonging or relating to a particular area or neighborhood, typically within 30 miles of its center.

- c. Local Contact.** A person designated by the Operator who shall be available during the term of any Short-Term Rental for the purpose of responding to complaints regarding the condition or operation of the Dwelling or portion thereof used for Short-Term Rental, or the conduct of Transient Occupants and taking remedial action to resolve such complaints.
- d. Managing Agency.** Any person, enterprise or agency representing, directly or indirectly, the Property Owner or Operator, of a Dwelling which is used as a Short-Term Rental.
- e. Operator.** A person or enterprise who is Property Owner or proprietor of a Dwelling, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee or any other capacity. If the Operator performs his or her functions through a Managing Agency or Rental Agent, the agency or agent is deemed to have the same duties as its principal.
- f. Transient Occupant.** Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in any lodging or Short-Term Rental shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

SECTION 10:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.110.020, Definitions of Specialized Terms and Phases, of Chapter 35.110, Definitions, to add the following new definitions of “Local”, “Short-Term Rental”, and “Transient” to read as follows:

Local. Belonging or relating to a particular area or neighborhood, typically within 30 miles of its center.

Short-Term Rental. See “Lodging”.

Transient. Occupancy of a dwelling or lodging use for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days.

SECTION 11:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 12:

Except as amended by this Ordinance, 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, and Article 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 13.

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of ____, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PETER ADAM, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT B

**RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF AN) RESOLUTION NO. 16 - _____
ORDINANCE THAT AMENDS ARTICLE II, THE)
SANTA BARBARA COUNTY COASTAL ZONING) Case No.:
ORDINANCE, OF CHAPTER 35, ZONING, OF THE) 16ORD-00000-00012
COUNTY CODE BY DIVISION 2, DEFINITIONS,)
DIVISION 4, ZONING DISTRICTS, DIVISION 6,)
PARKING REGULATIONS, AND DIVISION 7)
GENERAL REGULATIONS, TO IMPLEMENT NEW)
REGULATIONS REGARDING THE LAND USE OF)
SHORT-TERM RENTALS AND MAKE OTHER)
MINOR CLARIFICATIONS, CORRECTIONS AND)
REVISIONS.)

WITH REFERENCE TO THE FOLLOWING:

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code.
- B. Staff facilitated meetings with the public and community organizations to gather community input on Short-Term Rentals in the County and how the use should or should not be operated and located.
- C. Pursuant to its police powers, the County has the authority to enact laws, which promote the public health, safety, and general welfare of its residents.
- D. The impacts associated with Short-Term Rentals are particularly acute in Residential zoning districts where the peace, safety, and general welfare of the long-term residents and neighborhoods are threatened.
- E. The Planning Commission has determined that Short-Term Rentals are having negative impacts on the quality and character residential neighborhoods and on the availability and affordability of housing.
- F. The Planning Commission has determined that protection of the County's residential housing stock for long-term residency is important to local workforce housing.
- G. The regulation of the Short-Term Rental land use is consistent with both State law, which recognizes the vital role local government's play in the supply and affordability of housing, and County Housing Element policies, which, in part, call for maintenance and preservation of the County's residential housing stock.

- H. The establishment of a prohibition in Residential zoning districts for Short-Term Rentals will preserve and protect neighborhood character and livability from nuisances that often associated with the Short-Term-Rentals.
- I. The establishment of an appropriate regulatory program for Short-Term Rentals in Agricultural and Commercial zoning districts will allow for alternate lodging opportunities for public access to the County as a visitor destination.
- J. After a duly noticed public hearing on November 9, 2015, the Planning Commission received a staff briefing and public comment on the use of Short-Term Rentals.
- K. After a duly noticed public hearing on December 9, 2015, the Planning Commission directed staff to return with an ordinance prohibiting the use of Short-Term Rentals in Residential zoning districts.
- L. After a duly noticed public hearing on February 24, 2016, the Planning Commission directed staff to return with an ordinance allowing the use of Short-Term Rentals in Agricultural zoning districts with regulations.
- M. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, the Santa Barbara County Local Coastal Program, and the requirements of California planning, zoning, and development laws.
- N. This County Planning Commission has held a duly noticed hearing in compliance with Government Code Section 65854 on the proposed ordinances at which hearing the ordinances were explained and comments invited from the persons in attendance.
- O. In compliance with Government Code Section 65855 which requires the County Planning Commission's written recommendation on the proposed ordinances to include the reasons for the recommendation and the relationship of the proposed ordinances to applicable general and specific plans, the County Planning Commission has determined that the proposed amendments and ordinances are consistent with the Comprehensive Plan, including community plans, as discussed in the findings in Attachment E of the County Planning Commission staff report dated August 3, 2016, which is incorporated by reference.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. The County Planning Commission now finds, consistent with its authority in Government Code Section 65358, that it is in the public interest to provide orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to recommend that the Board of Supervisors:

- a. Adopt an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code by Amending Division 2, Definitions, Division 4, Zoning Districts, Division 6, Parking Regulations, and Division 7 General Regulations, to implement new regulations regarding the land use of Short-Term Rentals and make other minor clarifications, corrections and revisions.
4. This County Planning Commission endorses and transmits a certified copy of this Resolution to the Board of Supervisors in compliance with Government Code Section 65855.
5. This County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this County Planning Commission, based on the findings included as Attachment E of the County Planning Commission staff report dated August 3, 2016.
6. The Chair of this Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Planning Commission.

PASSED, APPROVED AND ADOPTED by the County Planning Commissioner of the County of Santa Barbara, State of California, this 3rd day of August 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

LARRY FERINI, CHAIR
Santa Barbara County Planning Commission

ATTEST:

DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI

COUNTY COUNSEL

By _____
Deputy County Counsel

Exhibit 1 - Board of Supervisors Short-Term Rental Ordinance (Case No. 16ORD-00000-00012)

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 6, PARKING REGULATIONS, AND DIVISION 7 GENERAL REGULATIONS, 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

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58 titled "Definitions", to add the following new definitions of "Bed and Breakfast", "Short-Term Rental", "Local," and "Transient" to read as follows:

Bed And Breakfast. A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable County health regulations.

Local. Belonging or relating to a particular area or neighborhood, typically within 30 miles of its center.

Short-Term Rental. A structure which is permitted to be rented for overnight lodging in compliance with this Article, in whole or in part and with or without the presence onsite of the Owner or representative of the Owner, that is rented for 30 consecutive days or less. Additionally, the following terms are defined for the purposes of Section 35-144S (Short-Term Rentals).

- 1. Hosting Platform.** A marketplace which facilitates in the consummation of Short-Term Rental agreements through advertising and from which the operator of the Hosting Platform derives compensation for maintaining and operating said Hosting Platform when said Platform displays, in whatever format, information about or relating to a Dwelling available for occupancy on a Short-Term Rental basis.
- 2. Local.** Belonging or relating to a particular area or neighborhood, typically within 30 miles of its center.
- 3. Local Contact.** A person designated by the Operator who shall be available during the term of any Short-Term Rental for the purpose of responding to complaints regarding the condition or operation of the Dwelling or portion thereof used for Short-Term Rental, or the conduct of Transient Occupants and taking remedial action to resolve such complaints.
- 4. Managing Agency.** Any person, enterprise or agency representing, directly or indirectly, the Property Owner or Operator, of a Dwelling which is the used as a Short-Term Rental.
- 5. Operator.** A person or enterprise who is Property Owner or proprietor of a Dwelling, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee or any other capacity. If the Operator performs his or her functions through a Managing Agency or Rental Agent, the agency or agent is deemed to have the same duties as its principal.
- 6. Transient Occupant.** Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a Hotel or Short-Term Rental shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

Transient. Occupancy of a dwelling or lodging use for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days..

SECTION 2:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-68.3 titled "Permitted Uses" of Section 35-68 AG-I - Agriculture I, to read as follows:

Section 35-68.3 Permitted Uses.

1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Section 35-68.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept. In no case shall more than three hogs be kept on any such lot.
3. Private kennels, and small animals and poultry raising limited to reasonable family use on a non-commercial basis.
4. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).
5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a Development Plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans). For any greenhouse or related development, packing and shipping facility, and shade and hoop structure in the Carpinteria Valley additional regulations of the Carpinteria Agricultural (CA) Overlay District (Section 35-102F) shall apply.
6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
7. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use of the same lot.
8. Home occupations, subject to the provisions of Section 35-121 (General regulations) and accessory to a residential use of the same lot.
9. One Attached Residential Second Unit per legal lot zoned AG-I-5, AG-I-10 or AG-I-20, subject to the provisions of Section 35-142 (Residential Second Units).
10. Except for lots located in the Montecito Community Plan area, short-term rentals, in compliance with the requirements of Section 35-144S (Short-Term Rentals).
- ~~101.~~ Special Care Homes, subject to the provisions of Section 35-143.4.
- ~~142.~~ Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 3:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-69.3 Permitted Uses, of Section 35-69 AG-II - Agriculture II, to read as follows:

Section 35-69.3 Permitted Uses.

1. All types of agriculture and farming, including commercial raising of animals, subject to the limitations hereinafter provided in this Section 35-69.
2. Sale of agricultural products pursuant to the provisions of Section 35-131 (Agricultural Sales).
3. Commercial boarding of animals.
4. Private and/or commercial kennels.
5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 *et seq.*) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, subject to the provisions of Section 35-141 (General Regulations).
6. One guest house or artist studio per legal lot subject to the provisions of Section 35-120 (General Regulations) and accessory to the primary residential use located on the same lot.
7. Greenhouses, hothouses, or other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.; however, for any development of 20,000 square feet or more and all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Section 35-174 (Development Plans).
8. On-shore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for on-shore oil and gas, and truck terminals subject to the requirements set forth in DIVISION 9, OIL & GAS FACILITIES.
9. Excavation or quarrying of building or construction materials, including diatomaceous earth, subject to the provisions of Section 35-177 (Reclamation Plans).
10. Home occupations, subject to the provisions of Section 35-121 (General Regulations) and accessory to a residential use located on the same lot.
11. Short-term rentals, in compliance with the requirements of Section 35-144S (Short-Term Rentals).
12. Special Care Homes, subject to the provisions of Section 35-143.4.
13. Uses, buildings and structures accessory and customarily incidental to the above uses.

SECTION 4:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-77A.3 Permitted Uses, of Section 35-77A C-1 - Limited Commercial, to read as follows:

Section 35-77A.3 Permitted Uses.

1. Retail stores, shops or establishments supplying commodities for travelers, as well as residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.
2. Service uses conducted entirely indoors such as laundry, laundromats, dry-cleaning sub-stations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical

fitness studios, and other similar uses.

3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.
4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.
5. Retail Plant nurseries.
6. Community non-profit recycling facility.
7. Child Care Facilities.
8. One Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-77A.6, Minimum Lot Size, and Section 35-71 (R-1/E-1).
9. On lots where commercial uses are present, residential uses that are secondary to the primary commercial use.
10. Any other uses which the Planning Commission determines to be similar in character to those enumerated in this section and not more injurious to health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, or vibration.
11. Overnight visitor-serving accommodations such as bed-and-breakfasts, lodges and hostels.
- 12. Short-Term Rentals.**
123. Accessory uses, buildings and structures which are customarily incidental to any of the above uses provided:
 - a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments.
 - b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.

SECTION 5:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-78.3 Permitted Uses, of Section 35-75 C-2 - Retail Commercial, to read as follows:

Section 35-78.3 Permitted Uses.

1. Amusement enterprises if conducted wholly within a completely enclosed building, such as video arcades and pool halls.
2. Automobile service station, provided no gasoline is stored above ground.
3. New and used automobile and machinery sales, leases and rentals.
4. Automobile and machinery repair and service if conducted wholly within a completely enclosed building or within an area enclosed by a solid wall, hedge, or fence not less than six feet in height approved as to design by the Director, but not including automobile or machinery wrecking establishments or junk yards.
5. Retail stores, shops, or establishments supplying commodities for residents of the community, provided such enterprises are conducted within a completely enclosed building, such as bakeries, ice cream shops, grocery, and liquor stores, furniture, hardware, and appliance stores, department stores, sporting goods stores, pet shops, florist shops, automobile accessory stores, and the like.

6. Repair and service uses such as laundry and dry cleaning establishments, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, copy shops, radio and TV repair shops, etc.
7. Restaurants, bars, cocktail lounges, and microbreweries that are secondary and accessory to a restaurant, bar, or lounge.
8. Financial institutions such as banks and savings and loan offices, professional, administrative and general business offices.
9. Business, professional, and trade schools.
10. Hotels and motels.
11. Automobile parking lot.
12. Golf course, miniature or practice range.
13. Nursery.
14. Outdoor restaurant, cafe, or tea room.
15. Music recording studio.
16. Indoor theater.
17. Community non-profit recycling facility.
18. Residential uses existing at the time of adoption of this Article shall be considered permitted uses rather than legal nonconforming uses.
19. Any other light commercial use which the Planning Commission finds is of similar character to those enumerated in this section and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, danger to life or property, or other similar causes.

20. Short-Term Rentals.

- ~~20~~1. Spas or health clubs.
- ~~21~~2. Non-Residential Child Care Center, pursuant to Section 35-143.3.
- ~~22~~3. Accessory uses, buildings, and structures, which are customarily incidental to any of the above uses provided:
 - a. There shall be no manufacture, assembly, processing, or compounding of products other than such as are customarily incidental or essential to retail establishments, and provided further that there shall be not more than five persons engaged in any such manufacture, processing, or treatment of products.
 - b. Such operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life or property, or other similar causes.

SECTION 6:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-81 titled Permitted Uses, of Section 35-81 C-V - Resort/Visitor Serving Commercial, to read as follows:

Section 35-81.5 Permitted Uses.

1. Resort, guest ranch, hotel, motel, country club, convention and conference center.
2. Light commercial uses (i.e., barber and beauty shops, gift shops, restaurants, etc.) normally associated with the needs of visitors, provided such commercial activities are so designed and limited as to be incidental and

directly oriented to the needs of visitors and do not substantially change the character of the resort/visitor-serving facility.

3. Recreational facilities, including but not limited to piers, boat docks, golf courses, parks, playgrounds, riding and hiking trails, tennis courts, swimming pools, beach clubs.
4. Non-Residential Child Care Centers, that are accessory and subordinate to uses permitted by this Section 35-81.5, for use by on-site employees of the development, when sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent parcels.
5. Accessory uses, buildings, and structures which are customarily incidental to the above uses.

6. Short-term Rentals.

SECTION 7:

DIVISION 6, Parking Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-109 titled Required Number of Spaces: Miscellaneous Non-Residential, to read as follows:

Section 35-109. Required Number of Spaces: Miscellaneous Non-Residential.

1. **Churches, school auditoriums, college auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls, and other places of general assembly:**
 - a. **With fixed seats:** One space per four fixed seats.
 - b. **Without fixed seats:** One space per 30 square feet of auditorium floor space.
2. **Places of amusement without fixed seats such as dancehalls, skating rinks, etc.:** One space per 300 square feet of assembly area
3. **Schools:**
 - a. **Day school or Nursery school:** One space for each two employees and one space for each 10 students.
 - b. **Elementary and Junior High:** 1.5 spaces for each teaching station.
 - c. **High School:** Six spaces for each teaching station.
 - d. **Colleges; art, craft, music or dancing schools; business, professional, or trade school:** One space for each three employees and one space for each five students.
4. **Library, museum, art gallery, or similar use:** One space for each two employees.
5. **Short-Term Rentals: One space per bedroom.**

SECTION 8:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-120 titled Guest House, Artist Studio, or Pool House/Cabaña, to read as follows:

Section 35-120. Guest House, Artist Studio, or Pool House/Cabaña.

1. Accessory structures used as guest houses, artist studios, or cabañas shall conform to criteria set forth in this section and as defined by ordinance.
2. No guest house shall be located on a lot containing less than one gross acre.

3. There shall not be more than one guest house or artist studio on any lot. There shall be not more than one cabaña on any lot.
4. The floor area of such guest house, artist studio, or pool house/cabana shall not exceed 800 square feet; however, such structures may be attached to another accessory structure so that the total area of the combined structures exceeds 800 square feet, provided no interior access exists between the guest house, artist studio, or cabaña and the other accessory structure.
5. No guest house, artist studio, or cabañas shall exceed a height of 16 feet or contain more than one story. A loft shall be counted as a story. A guest house, artist studio, or cabaña may be located above or below another accessory structure.
6. There shall be no kitchen or cooking facilities within a guest house, artist studio, or cabaña. However, a wet bar may be provided, limited to the following features:
 - a. A counter area with a maximum length of seven feet.
 - b. The counter area may include a bar sink and an under counter refrigerator.
 - c. The counter area may include an overhead cupboard area not to exceed seven feet in length.
 - d. The counter area shall be located against a wall or, if removed from the wall, it shall not create a space more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
 - e. No cooking facilities shall be included in the wet bar area.
7. Guest houses and cabañas may contain bathrooms as defined by ordinance. An artist studio may contain a restroom, however bathing facilities are not permitted.
8. Guest houses, artist studios, or cabañas shall conform to all of the setback regulations set forth in the applicable zone district for dwellings.
9. A guest house shall be used on a temporary basis only by the occupants of the main dwelling or their non-paying guests or servants and is not intended to be rented or let out, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the premises for no more than 120 days in any 12 month period.
10. Artist studios and cabañas shall not be used as temporary sleeping quarters, guest houses, or as a dwelling unit.
- 11. Guest houses, artist studios, or cabañas shall not be permitted to be used as Short-Term Rentals.**
- ~~142.~~ A Notice ~~To~~ Property Owner shall be recorded by the property owner prior to issuance of a Coastal Development Permit for any guest house, artist studio or cabaña that specifies, at a minimum, the allowable uses of the structure.
- ~~123.~~ A cabaña may be approved in conjunction with a proposed pool or sport court (see definition of cabaña) provided that construction of the proposed pool or sport court is completed prior to or simultaneously with completion of the cabaña. A cabaña may also be approved on a lot that is directly adjacent to the beach.
- ~~134.~~ A home occupation permit shall be required for all artist studios.
- ~~145.~~ If an Attached or a Detached Residential Second Unit exists or has current approval on a parcel, a guest house or artist studio may not also be approved (see also Section 35-142.6.i).
- ~~156.~~ Additional requirements, identified in Division 15 (Montecito Community Plan Overlay District), exist for parcels identified with the MON overlay zone.
- ~~167.~~ Commercial sales or transactions shall not occur either within an artist studio or on the lot containing the artist studio unless allowed pursuant to an issued Coastal Development Permit for a home occupation.

SECTION 9:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add new Section 35-144S titled Short-Term Rentals, to read as follows:

Section 35-144S. Short-Term Rentals

A. Purpose and applicability.

1. Purpose. This Section establishes the standards for Short-Term Rentals. These standards are intended to ensure that Short-Term Rentals are compatible with and do not adversely impact surrounding properties.

2. Applicability.

a. Short-Term Rentals existing as of [effective date of ordinance].

(1) Short-Term Rentals that may be permitted.

(a) For Short-Term Rentals that may be permitted in compliance with Division 4, ZONING DISTRICTS, to continue operating, the owner and/or operator shall obtain the issuance of the required permit no later than 270 days following [effective date of this ordinance].

(b) If the required permit is not issued no later than 270 days following [effective date of this ordinance], then use of the structure as a Short-Term Rental shall cease. If the use of a structure as a Short-Term Rental does not cease, then this use shall be considered a violation of this Development Code and subject to enforcement in compliance with 35-185. Enforcement, Legal Procedures, and Penalties.

(2) Short-Term Rentals that may not be permitted. The use of a structure as a Short-Term Rental in zones where Short-Term Rentals may not be permitted in compliance with Division 4, ZONING DISTRICTS shall cease no later than 270 days following [effective date of this ordinance]. If the use of a structure as a Short-Term Rental does not cease within this period, then this use shall be considered a violation of this Development Code and subject to enforcement in compliance with 35-185. Enforcement, Legal Procedures, and Penalties.

B. Permit requirement. Short-Term Rentals may only be located in the AG-I and AG-II zones in compliance with the permit requirement identified in Division 4, ZONING DISTRICTS. Except as provided in Subsection A (Purpose and Applicability), above, the required permit shall be obtained and all conditions of the permit shall be satisfied prior to the commencement of the Short-Term Rental.

C. Permitted structures. Short-Term Rentals shall only be allowed in a legal dwelling unit.

D. Development standards. A Short-Term Rental shall comply with all of the following standards in addition to any other applicable standards of this Development Code.

1. Compliance with fire, building, and health codes. Any dwelling used as a Short-Term Rental shall be in compliance with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association standards and/or regulations, and other relevant laws and codes.

- 2. Prohibited structures.** Short-Term Rentals shall not be allowed in:
 - a. Any dwelling subject to agreements, conditions, or covenants entered into with the County restricting their use including affordable housing units, agricultural employee housing, including farmworker housing.
 - b. Any structure that is only permitted to be occupied on a temporary basis including cabañas and guest houses.
 - c. Any structure or space that may not be legally used for dwelling or overnight accommodations including agricultural accessory structures, tents, trailers, vehicles, and yurts.
- 3. Limit on number of Short-Term Rentals allowed per lot.** Only one dwelling, including legally-established residential second dwelling units, shall be used as a Short-Term Rental on any lot.
- 4. Signs.** No signs shall be permitted to be located on or off the lot that contains the Short-Term Rental that indicates the presence of the Short-Term Rental.
- 5. Limitation on the number of guests, parking restrictions and requirements for Short-Term Rental:**
 - a. Maximum occupancy.** The maximum occupancy shall be no more than two persons per bedroom, excluding children under three years of age.
 - b. Parking.** All parking shall be provided on site at a ratio of one parking space for each bedroom and in compliance with Division 6, PARKING REGULATIONS of this code except as provided in below.
 - (1) Parking spaces for Short-Term Rentals may include garage(s), carport(s) and/or driveway spaces and may be provided in a tandem parking arrangement.
 - (2) No parking associated with the Short-Term Rental shall be allowed on-street.
- 6. Nuisance Response Plan.**
 - a. Call response availability.**
 - (1) The operator shall submit the name, address, and telephone number of a local contact who will respond to calls regarding the Short-Term Rental to the Department prior to the commencement of the Short-Term Rental.
 - (2) The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding the Short-Term Rental.
 - (3) Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit issued to allow the use of a Short-Term Rental.
 - (4) For purposes of this Subsection C.6, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.
 - b. Local contact.** The operator, property owner, or managing agency is required to immediately notify the County with any changes to the local contact.
- 7. Posted notice within unit.** Each Short-Term Rental shall have a clearly visible and legible notice posted within the unit containing the following information:
 - a. The name and phone number of the local contact available on a 24-hour basis.
 - b. The maximum number of occupants allowed to stay overnight in the unit.

- c. The maximum number of vehicles allowed to be parked on the property.
 - d. Noise standards.
 - e. Notification that failure to conform to the above standards is a violation of the County Code and subject to penalties and enforcement.
- 8.** Noise. The volume of sound generated by the Short-Term Rental shall not exceed 65 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary, except that:
- a. Between the hours of 10 p.m. to 10 a.m., the volume of sound generated by the Short-Term Rental shall not exceed 45 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary.
- 9.** Internet Listing. All current internet hosting platforms for the Short-Term Rental and all listing identification numbers shall be provided to the County.

E. Renewal of permit

- 1. A land use permit issued for a Short-Term Rental shall only be valid for one year commencing upon the effective date of the Land Use Permit, except as provided below.
- 2. The operator, owner, or managing agency shall submit an application to renew the Coastal Development Permits to the Department for review and approval on an annual basis as directed below commencing upon the effective date of the permit.
 - a. The renewal shall be approved through a Coastal Development Permits issued by the Director in compliance with Section 35-169 (Coastal Development Permits).
 - b. The Coastal Development Permits application for the initial renewal and any subsequent renewal shall be submitted no later than 30 days prior to the effective date of previous the Coastal Development Permits.
- 3. If the approval of a Land Use Permit for the renewal of a Land Use Permit for a Short-Term Rental has been appealed, then the validity of the Land Use Permit shall be extended until processing of the appeal(s) has been completed.

F. Revocation

- 1. A Coastal Development Permits to allow a dwelling to be used as a Short-Term Rental may be revoked in compliance with Section 35-169.8 Revocation.
 - a. In addition to the basis for revocation in compliance with Subsection 35-169.8 Revocation, the Coastal Development Permits may also be revoked if:
 - (1) The applicant, after receiving a Short-Term Rental permit and any renewal, fails or refuses to inform the County of alterations to the property that would compromise the original permit approval (e.g., removal of required parking, conversion of space), has submitted false or misleading information as part of the application, fails to comply with the permit conditions, or fails to obtain or comply with any other required County, state or local permit.
 - (2) The Department determines that the call response availability is deemed inadequate due to the failure of the local contact to respond to calls in a timely and appropriate manner within one hour of the time the initial call was made, and commence corrective action within two hours of the initial call to address any violation of this Chapter.

SECTION 10.

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 11.

Except as amended by this Ordinance, Division 2, Definitions, Division 4, Zoning Districts, Division 6, Parking Regulations, and Division 7 General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 12.

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors noting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PETER ADAM, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT C: FINDINGS

CASE NO. 16ORD-00000-00009

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

- 1.1.1 The County Planning Commission finds and recommends that the Board of Supervisors find that the proposed project, 16ORD-00000-00009, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment D, Notice of Exemption, of this County Planning Commission staff report, dated August 3, 2016, incorporated herein by reference.

2.0 ADMINISTRATIVE FINDINGS

Findings required for all amendments to the Comprehensive Plan, Development Code, and the County Zoning Map. In compliance with Section 35.104.060 of the County Land Use and Development Code (LUDC), prior to the approval or conditional approval of an Amendment to the Comprehensive Plan, Development Code, or Zoning Map, the review authority shall first make all of the following findings, as applicable:

2.1 **The request is in the interests of the general community welfare.**

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will serve to (1) define and clarify the zoning districts that allow the land use of a Short-Term Rental, (2) add new development standards and restrictions pertaining to the land use of Short-Term Rentals which will serve to minimize potential adverse impacts to the surrounding area, (3) define the Use of Short-Term Rental and other associated terms, as analyzed in the County Planning Commission staff report dated August 3, 2016, which is hereby incorporated by reference. Therefore, the proposed ordinance is in the interest of the general community welfare.

2.2 **The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the County zoning ordinances.**

Adoption of the proposed ordinances, as analyzed in the County Planning Commission staff report dated August 3, 2016, which is hereby incorporated by reference, will provide more effective implementation of the State planning and zoning laws by revising the County Land Use and Development Code to provide a clear and efficient permit processes that will benefit the public. The proposed ordinances define the use of Short-Term Rentals and other applicable uses. The proposed ordinances set forth standards on which zoning districts will allow the land use of Short-Term Rentals and also sets forth regulations for the use where allowed. The proposed ordinance is consistent with the adopted policies and development standards of the Comprehensive Plan including the Community and Area Plans. The proposed ordinance amendment is also consistent with the remaining portions of the County Land Use and Development Code that would not be revised by this ordinance. Therefore, these ordinances may be found to be consistent with the Comprehensive Plan including the Community and Area Plans, the requirements of State Planning and Zoning Laws, and the County Land Use and Development Code.

2.3 The request is consistent with good zoning and planning practices.

The proposed ordinance, as analyzed in the County Planning Commission staff report dated August 3, 2016, which is hereby incorporated by reference, clearly and specifically addresses the land use of Short-Term Rentals within the unincorporated areas of Santa Barbara County. It is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it provides for clear direction on where the land use is allowed, and adds new development standards and restrictions pertaining to the land uses that will serve to minimize potential adverse impacts to the surrounding area. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including the Community and Area Plans, and the County Comprehensive Plan, and County Land Use and Development Code. Therefore, adoption of the proposed ordinance is consistent with sound zoning and planning practices to regulate land uses.

ATTACHMENT D: NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Mindy Fogg, Interim Deputy Director, Long Range Planning Division
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County guidelines for the implementation of CEQA.

Case No.: Case No. 16ORD-00000-00009

Location: The proposed ordinance would apply to all of the unincorporated areas of the County of Santa Barbara except for lots located in the Montecito Community Plan area.

Project Title: Short-Term Rental Ordinance

Project Description:

An ordinance (16ORD-00000-00009) 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, 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 to the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: County of Santa Barbara

Exempt Status:

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect

Cite specific CEQA Guideline Section: CEQA Section 15061(b)(3) states that “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

Reasons to support exemption findings: The ordinance amendments revise and clarify existing permit processes to enhance efficiency and add new development standards and restrictions pertaining to the land use of Short-Term Rentals which will serve to minimize potential adverse impacts to the surrounding areas. This ordinance amendment is not related to any particular

development projects and individual projects will be subject to compliance with CEQA, as applicable.

The proposed ordinance identifies where the land use is prohibited (Residential Zones) and allowed and adopts development standards to mitigate their presence in the zones where the use is allowed subject to a permit (Agricultural Zones). The ordinance also clarifies that Short-Term Rentals are an allowed use in Commercial and Mixed Use Zones without any additional development standards (with a permit). Approximately 75% of the Short-Term Rentals currently paying transient occupancy tax exist in residential zoning, thus, the results of the ordinances could be a reduction in Short-Term Rentals in the County. Implementation of the ordinance does not increase density or the intensity of use in the allowed zoning districts of Agricultural, Mixed Use, and Commercial, as the standards adopted herein are consistent with otherwise allowable residential use.

Therefore, it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment.

Lead Agency Contact Person: Jessica Metzger, Senior Planner, Long Range Planning Division

Phone #: (806) 568-3532

Department/Division Representative: _____

Date: August 3, 2016

Acceptance Date: _____
[date of final action on project]

Distribution: County Hearing Support Staff

Date Filed by County Clerk: _____

ATTACHMENT E: FINDINGS

CASE NO. 16ORD-00000-00012

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

- 1.1.1 The County Planning Commission finds and recommends that the Board of Supervisors find that the proposed project, 16ORD-00000-00012, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment F, Notice of Exemption, of this County Planning Commission staff report, dated August 3, 2016, incorporated herein by reference.

2.0 ADMINISTRATIVE FINDINGS

Findings required for all amendments to the Comprehensive Plan, Development Code, and the County Zoning Map. In compliance with Section 35.104.060 of the County Land Use and Development Code (LUDC), prior to the approval or conditional approval of an Amendment to the Comprehensive Plan, Development Code, or Zoning Map, the review authority shall first make all of the following findings, as applicable:

2.1 **The request is in the interests of the general community welfare.**

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will serve to (1) define and clarify the zoning districts that allow the land use of a Short-Term Rental, (2) add new development standards and restrictions pertaining to the land use of Short-Term Rentals which will serve to minimize potential adverse impacts to the surrounding area, and (3) define the Use of Short-Term Rental and other associated terms, as analyzed in the County Planning Commission staff report dated August 3, 2016, which is hereby incorporated by reference. Therefore, the proposed ordinance is in the interest of the general community welfare.

2.2 **The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the County zoning ordinances.**

Adoption of the proposed ordinances, as analyzed in the County Planning Commission staff report dated August 3, 2016, which is hereby incorporated by reference, will provide more effective implementation of the State planning and zoning laws by revising the County Coastal Zoning Ordinance (Article II) to provide a clear and efficient permit processes that will benefit the public. The proposed ordinances define the use of Short-Term Rentals and other applicable uses. The proposed ordinances set forth standards on which zoning districts will allow the land use of Short-Term Rentals and also sets forth regulations for the use where allowed. The proposed ordinance is consistent with the adopted policies and development standards of the Comprehensive Plan including the Community and Area Plans. The proposed ordinance amendment is also consistent with the remaining portions of the County Coastal Zoning Ordinance (Article II) that would not be revised by this ordinance. Therefore, these ordinances may be found to be consistent with the Comprehensive Plan including the Community and Area Plans, the requirements of State Planning and Zoning Laws, and the County Land Use and Development Code.

2.3 The request is consistent with good zoning and planning practices.

The proposed ordinance, as analyzed in the County Planning Commission staff report dated August 3, 2016, which is hereby incorporated by reference, clearly and specifically addresses the land use of Short-Term Rentals within the unincorporated areas of Santa Barbara County outside of the Montecito Community Plan. It is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it provides for clear direction on where the land use is allowed, and adds new development standards and restrictions pertaining to the land uses that will serve to minimize potential adverse impacts to the surrounding area. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including the Community and Area Plans, and the County Comprehensive Plan, and County Coastal Zoning Ordinance. Therefore, adoption of the proposed ordinance is consistent with sound zoning and planning practices to regulate land uses.

ATTACHMENT F: NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Mindy Fogg, Interim Deputy Director, Long Range Planning Division
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County guidelines for the implementation of CEQA.

Case No.: 16ORD-00000-00012

Location: The proposed ordinance would apply to the unincorporated areas of the County of Santa Barbara within the Coastal Zone.

Project Title: Short-Term Rental Ordinance

Project Description: An ordinance (16ORD-00000-00012) amending Division 2, Definitions, Division 4, Zoning Districts, Division 6, Parking Regulations, and Division 7 General Regulations, to implement new regulations regarding the land use of Short-Term Rentals and make other minor clarifications, corrections and revisions to the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: County of Santa Barbara

Exempt Status:

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect

Cite specific CEQA Guideline Section: CEQA Section 15061(b)(3) states that “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. “Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

Reasons to support exemption findings: The ordinance amendments revise and clarify existing permit processes to enhance efficiency and add new development standards and restrictions pertaining to the land use of Short-Term Rentals, which will serve to minimize potential adverse impacts to the surrounding areas. This ordinance amendment is not related to any particular development projects and individual projects will be subject to compliance with CEQA, as applicable.

The proposed ordinance identifies where the land use is prohibited (Residential Zones) and allowed and adopts development standards to mitigate their presence in the zones where the use is allowed subject to a permit (Agricultural Zones). The ordinance also clarifies that Short-Term Rentals are an allowed use in Commercial Zones without any additional development standards (with a permit). Approximately 75% of the Short-Term Rentals currently paying transient occupancy tax exist in residential zoning, thus, the results of the ordinances could be a reduction in Short-Term Rentals in the County. Implementation of the ordinance does not increase density or the intensity of use in the allowed zoning districts of Agricultural, Mixed Use, and Commercial, as the standards adopted herein are consistent with otherwise allowable residential use.

Therefore, it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment.

Lead Agency Contact Person: Jessica Metzger, Senior Planner, Long Range Planning Division

Phone #: (806) 568-3532

Department/Division Representative: _____

Date: August 3, 2016

Acceptance Date: _____
[date of final action on project]

Distribution: County Hearing Support Staff

Date Filed by County Clerk: _____

COUNTY OF SANTA BARBARA

Debbie Trupe
Chair



123 E. Anapamu St.
Santa Barbara, CA 93101
Telephone: (805) 568-2000

AGRICULTURAL PRESERVE ADVISORY COMMITTEE

February 8, 2016

Santa Barbara County Planning Commission
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Short Term Rentals on Agricultural Preserve Contracted Land

On February 5, 2016, the Agricultural Preserve Advisory Committee (APAC) unanimously voted that Short Term Rentals (STRs) are not a compatible use on contracted lands according to the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Uniform Rules). Land enrolled in the Agricultural Preserve Program must be principally used for commercial agriculture, and compatible activities should be supportive to that agriculture. The APAC is concerned that a commercial, non-agricultural use such as STRs can result in temporary increases in population and agriculture/urban conflicts impacting on-site and adjacent agricultural operations. Additional concerns include the lack of enforcement to monitor and enforce potential restrictions (e.g. limiting the number of rental days and owner requirements to be on the premises during the rental period) to ensure the short term rental remains incidental to the principal agricultural use of the land.

The APAC is also concerned about potential impacts of allowing STRs on non-contracted agricultural lands. STRs can be very lucrative and the potential economic return could be an incentive for landowners to non-renew their agricultural preserve contracts to pursue this use on non-contracted lands.

The APAC recognizes that opportunities exist for additional revenue streams that could be supportive of the primary agricultural use of the land. If the County Planning Commission is interested in new agri-tourism lodging uses on agricultural land, the APAC recommends the County consider these uses as part of the Gaviota Coast Plan and Agricultural Permit Streamlining projects instead of in isolation as part of STR ordinance.

The Gaviota Coast Plan Agricultural Tiered Permit Structure and Agricultural Permit Streamlining project are two planning efforts which would broaden and expand allowable uses

(both agricultural support and non-agricultural uses) on agricultural land. Both projects propose a new agri-tourism lodging opportunity to allow a small-scale guest ranch\farmstay to encourage overnight stays on farms and ranches where agricultural production is the primary source of income.

Truly yours,

A handwritten signature in blue ink, appearing to read "Debbie Trupe". The signature is fluid and cursive, with the first name being more prominent.

Debbie Trupe, Chair,
Agricultural Preserve Advisory Committee

Cc: Agricultural Preserve Advisory Committee members

ATTACHMENT H: STR SUPPLEMENTAL APPLICATION



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

Short-Term Rental Supplement Application

Short-Term Rental Supplement Application: All Land Use Permits or Coastal Development Permits must be accompanied by this application and also comply with sections Section 35-144S Short-Term Rentals in Article II or 35.42.245 - Short-Term Rentals in the Land Use and Development Code.

Submitted materials must include the following:

Rental Safety Certification

- Carbon monoxide detector installation and operation
- Smoke detector
- GFCI's
- Emergency egress window
- Handrail
- Fire extinguisher

Floor Plan

- Show all rooms, drawn to scale, including windows and doors
- Label all rooms
- Label all rooms to be used for sleeping

Local Contact Person

- The name, address, and telephone number(s) of the local contact person
- Must be located within a 30 mile radius of the rental and be available 24 hours a day; may be the property owner, if within 30 miles and available 24 hours a day

Copy of standards rental/lease agreement. Please indicate on the rental/lease agreement where the following information is stated:

- The maximum number of guests that are allowed
- The maximum number of vehicles that are allowed
- Information regarding limitations on noise (quiet hours between 10:00 p.m. and 10:00 a.m.)

To be submitted at issuance of permit:

South County Office
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
Fax: (805) 568-2030

Energy Division
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
Fax: (805) 568-2030

North County Office
624 W. Foster Road, Suite C
Santa Maria, CA 93455
Phone: (805) 934-6250
Fax: (805) 934-6258

Transient Occupancy Tax Registration Certificate. For information about registering to pay Transient Occupancy Tax, contact the Treasurer-Tax Collector at 105 E Anapamu St, Room 109, Santa Barbara CA, 93101 or (805) 568-2920

Hosting Listing Numbers

RENTAL SAFETY CERTIFICATION

The following items require verification to assure the rental unit is equipped and maintained to minimum safety standards to help provide for a safe experience. Verification can be performed by owner (self certified), certified home inspector, or by the property manager. All items must be checked with form signed and dated.

- Smoke alarms** (listed and approved by the State Fire Marshall) installed in the following locations per California Residential Code, Sec. R314.1.
 - In each sleeping room.
 - Outside each separate sleeping area in the immediate vicinity of the bedroom(s).
 - At least one alarm on each story, including basements and habitable attics.
- Carbon Monoxide alarms** installed in the following locations per the California Health and Safety Code, Sec. 17926.
 - Outside each separate sleeping area in the immediate vicinity of the bedroom(s).
 - At least one alarm on each story, including basements and habitable attics but not including crawl spaces or uninhabitable attics.
- Working **GFCI's** (ground fault circuit interrupters) required at all receptacles within 6 feet of all kitchen, bathroom, bar and laundry sinks per 1987 National Electrical Code, Art. 210-8.
- All sleeping rooms shall be provided with at least one **emergency egress window** with a minimum net clear opening of 5 square feet, with a minimum opening height of 24 inches and minimum net clear opening width of 20 inches. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided such devices are releasable or removable from the inside without the use of a key, tool or special knowledge.
- All stairs shall have at least one continuous **handrail** running the full length of the stairs.
- Rental equipped with at least one **fire extinguisher** installed in a readily visible/accessible location near the kitchen.

FLOOR PLAN

- Show all rooms, drawn to scale, including windows and doors
- Label all rooms
- Denote which rooms will be occupied for sleeping
- Denote location of fire extinguisher, smoke and carbon monoxide alarms

24-HOUR CONTACT

Name (If different from owner)					
Mailing Address				Apartment/Unit #	
City		State		ZIP	
Home Phone			Cell Phone		
Email					

COPY OF STANDARDS RENTAL/LEASE AGREEMENT

Please indicate on the rental/lease agreement where the following information is stated:

- The maximum number of guests that are allowed
- The maximum number of vehicles that are allowed
- Information regarding limitations on noise (quiet hours between 10:00 p.m. and 10:00 a.m.)
- This agreement is signed by every tenant prior to rental

To be submitted at issuance of permit:

TRANSIENT OCCUPANCY TAX REGISTRATION CERTIFICATE

- A copy of the Transient Occupancy Tax Certificate has been received

Certificate date		Certificate Number	
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For information about registering to pay Transient Occupancy Tax, contact the Treasurer-Tax Collector at 105 E Anapamu St, Room 109, Santa Barbara CA, 93101 or (805) 568-2920

INTERNET HOSTING SITES AND IDENTIFICATION NUMBERS

Hosting Site		Listing Number	
Hosting Site		Listing Number	
Hosting Site		Listing Number	