



The voice of our community

September 27, 2017

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

Re: **Short-Term Rental Ordinance**

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Dear Chair Hartmann and Members of the Board of Supervisors,

The Montecito Association is extremely pleased that the Board of Supervisors (“BoS”) has, by its prior vote, demonstrated its support for a ban on short-term rentals (“STRs”) in residentially zoned neighborhoods. We ask that, at the October 3rd hearing, the BoS take final action on the order to ban “whole house” STRs, where an absentee owner engages in STR operations, effective no later than September 30, 2018, along with adequate enforcement.

Homestay

We understand that the BoS is considering a permit pathway to allow “homestays” where the owner of the property is present during a short-term rental lease. We continue to believe that a homestay is a commercial operation similar to a bed & breakfast, and therefore an impermissible use in residential zones. Recognizing, however, that the BoS may nonetheless permit homestay operations, we believe that the following permit requirements and enforcement efforts must be in place if a homestay were to be permitted:

- (1) The owner of the residence must also be the occupant. If the owner on title is listed as a non-individual, such as a trust, LLC, corporation or other entity, the permit applicant must demonstrate with proof that he/she is the legal beneficial owner of the property.¹
- (2) The permit must contain an acknowledgement by the owner that the County may inspect, without notice at anytime, to ensure that the owner is present during a homestay.
- (3) The permit must be renewed on an annual basis.
- (4) The residence must comply with the same building and safety standards as a bed & breakfast or similar lodging.
- (5) The residence may rent only one (1) bedroom; or, alternatively, to one (1) family and allow only one (1) car.²
- (6) The permit shall prohibit outdoor activities after 9:00 pm.

¹ The proposed ordinance introduced a new concept to allow a long-term tenant to engage in short-term rentals. Such a provision would essentially wipe out any rule banning short-term rentals by allowing the long-term tenant to be a property manager for a commercial enterprise.

² The parking challenges on small, and, in many cases, substandard roads in Montecito dictate a one car limitation.

- (7) The County shall issue only a limited number of annual homestay permits not to exceed 3% of the total Montecito housing stock outside of the proposed “Miramar” overlay and not having more than 1 homestay permit per 10 continuous parcels.

Enforcement

It is essential that the County have adequate enforcement tools, including significant fines, stepped up fines for serial violators, and subpoena power. The enforcement must also include fines for enabling the violations to occur, such as the hosting platforms (AirBnb, VRBO, etc.) as well as property managers. Particularly due to the nature of homestays, and the size of the proposed “Miramar” overlay, the County must add sufficient FTEs to ensure effective enforcement, including a code enforcement officer on a 24-hour basis Thursday through Sunday.

Conclusion

The Montecito Association remains skeptical about the success and enforceability of a homestay permit and is therefore concerned about the negative impacts on the community, particularly in light of the proposed overlay, which will commercialize an entire residential neighborhood of Montecito. In an effort to at least clarify the ban on “whole-house” STRs, however, we are willing to compromise in our position so long as the permit and enforcement requirements contained in this letter are met.

Very truly yours,



Charlene Nagel
President
Montecito Association