

Public Comment - Forwarded  
from P&D

Daly, Julia Rutherford

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**From:** Metzger, Jessica  
**Sent:** Friday, June 02, 2017 9:54 AM  
**To:** sbcob  
**Subject:** More STR letters  
**Attachments:** SBAOR Letter re: STR Ordinance; RE: BOS June 6 STR vote; VACATION RENTALS IN SANTA BARBARA COUNTY ~; FW: Proposed Short-Term Rental Ordinance; FW: Proposed Short-Term Rental Ordinance; FW: STR; Fwd: No to Montecito STR's; STRs; STRs; Fw: STR SB County; STR's - Short Term Rentals - June 6th Meeting; STR - Board of Supervisors Hearing; Board of Supervisors June 6th hearing on STRs

Cheers,

*Jessica Metzger, AICP*

Senior Planner  
Long Range Planning – County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101  
p: 805-568-3532

*I raise up my voice—not so I can shout,  
but so that those without a voice can be heard...  
Malala Yousafzai*

## Daly, Julia Rutherford

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**From:** Krista Pleiser <kpleiser@sbaor.com>  
**Sent:** Thursday, June 01, 2017 4:06 PM  
**To:** Williams, Das; Wolf, Janet; Hartmann, Joan; Adam, Peter; Lavagnino, Steve  
**Cc:** Fogg, Mindy; Metzger, Jessica  
**Subject:** SBAOR Letter re: STR Ordinance  
**Attachments:** County BOS - STR Ordinance 6-6-17.pdf

Greetings,

Attached is a letter from the Santa Barbara Association of REALTORS® regarding the Short Term Rental Ordinance. If you have any questions, please do not hesitate to contact me.

### ***Krista Pleiser***

Government Affairs Director & Professional Standards Administrator  
Santa Barbara Association of REALTORS®  
1415 Chapala Street \* Santa Barbara, CA 93101  
(805) 884-8609 Direct  
(805) 963-3787 Main  
(805) 966-9664 Fax  
[kpleiser@sbaor.com](mailto:kpleiser@sbaor.com)

For more information please visit [www.sbaor.org](http://www.sbaor.org)

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June 6, 2017

Supervisor Joan Hartmann, Chair  
Supervisor Das Williams, Vice-Chair  
Supervisor Janet Wolf  
Supervisor Peter Adam  
Supervisor Steve Lavagnino  
105 East Anapamu Street  
Santa Barbara, CA 93101

Re: Short-Term Rental Ordinance

Dear Chair Hartmann and Supervisors,

The Santa Barbara Association of REALTORS® (SBAOR) represents roughly 1,200 REALTORS® throughout the South Coast and our mission includes engaging in real estate related community issues affecting our members and/or their clients. While we are pleased you are addressing the short-term vacation rental issue we encourage you to look at the issue from all viewpoints, from the private property owner to the impact on the neighborhood. Property owners should have flexibility with their property use within reason and neighbor concerns need to be addressed. We request that instead of outright banning short-term rental use in residential zones, you direct staff to revise the proposed STR Ordinances and return with revisions that are fair and balanced.

It's important that you look at this proposed ordinance from *all* viewpoints. Listening to neighbor concerns is what you as a Board do, but property owners have core rights which are their "bundle of rights". This bundle of rights pertains to ownership which includes the rights to possess and use the property, the right to exclude others from the property, and the right to gain income from the property by "foregoing personal use... and allowing others to use it". Among the core rights that a property owner typically has, and that an owner does not expect to be deprived of by regulation, is the right to lease or rent the property on a temporary basis to another party. That party temporarily acquires, in exchange for payment of rent, one of the "rights" in the bundle of property rights; the right to use and occupy the property for the agreed upon rental period to the exclusion of all others. The Supreme Court of Connecticut upheld this right by stating that stripping essentially one-third of the bundle of economically productive rights constituting ownership is a very significant restriction on their right of ownership. In order to avoid stripping any property owner of their "bundle of rights" with a ban in residential zones, we encourage you to take a fair and balanced approach that addresses the concern of neighbors while preserving the rights of the home owners, similar to the Goleta Vacation Rental Ordinance.

More recently, a Pepperdine Law Review (Volume 44, Issue 2, Article 11) *Embracing Airbnb: How Cities Can Champion Private Property Rights Without Compromising the Health and Welfare of the Community*, specifically discussed what is included in the ownership "bundle of rights". Within this law review there were several outstanding thoughts that should be considered while talking about STR's.

Santa Barbara Association of REALTORS® | 1415 Chapala Street | Santa Barbara, CA 93101

(805) 963-3787 | (805) 966-9664 FAX | [www.sbaor.com](http://www.sbaor.com)



REALTOR® is a registered trademark that identifies a professional in real estate who subscribes to a strict code of ethics as a member of the National Association of REALTORS®

- 1) In Hohfeldian terms, property owners hold the entire “bundle of rights” with respect to their property, meaning they can occupy, sell, lease, license, or burden the property according to their individual needs.
- 2) By imposing restrictions on short-term rentals, states and cities are severely limiting two very important “sticks” within the property owner’s bundle of rights: the right to lease and the right to license.
- 3) In attempting to preserve the property owner’s bundle of rights, many courts have held that short-term rentals do not violate the residential-purpose requirement, thus protecting the right to lease and license. *Slaby v. Mountain River Estates Residential Ass’n*, 100 So. 3d 569, 582 (Ala. Civ. App. 2012) (restriction on commercial use of property does not prohibit short-term rentals); *Pinehaven Planning Bd. v. Brooks*, 70 P.3d 664, 668 (Idaho 2003) (“[R]enting [the] dwelling to people who use it for the purposes of eating, sleeping, and other residential purposes does not violate the prohibition on commercial and business activity as such terms are commonly understood.”); *Lowden v. Bosley*, 909 A.2d 261, 267 (Md. 2006) (finding that receipt of rental income does not detract from the use of the property as residences by tenants).
- 4) A report by the American Planning Association notes that as “telecommuting and home offices ... become a way of life, local zoning codes should reflect, rather than deny, that reality.”

It’s also important to note that while some cities throughout California are banning short-term vacation rentals in residential zones, it would behoove the County to realize that the “cat is out of the bag” and short-term vacation rentals are occurring. The “cat” will not go back into the bag. By adopting an ordinance like the one from the City of Goleta, the County can regulate the short-term vacation rental market, regulate how neighborhoods are impacted, and collect Transient Occupancy Tax (TOT). To be more consistent with neighboring communities, we encourage you to allow vacation rentals in all residential zones with the addition of common sense restrictions similar to those found in the City of Goleta short-term vacation rental ordinance.

Another aspect to consider with the currently written ordinance is that having a ban within certain zones could open up the County to potential litigation. There have been a multitude of lawsuits brought against jurisdictions everywhere in the Country, and specifically in California there have been at least ten lawsuits filed:

- 1) *Talmadge v. City of Anaheim* (filed August 12, 2016) – The complaint alludes that the new ordinance superimpose an extensive regime of additional regulations and new and higher fees onto the existing short-term rental (“STR”) permits issued by the City, prohibit new short-term rentals (“STRs”) in Anaheim’s residential zones, and, at the end of eighteen (18) months, fully revoke the vested and fundamental vested rights of STR permit holders, subject only to individual permit extensions through a hardship application process.
- 2) *Airbnb v. City of Anaheim* (filed July 28, 2016) – The complaint alludes that the new ordinance directly conflicts with, and is preempted by, the Communications Decency Act of 1996. In addition, the law violates the First Amendment as an impermissible content-based regulation. It also violates both the First Amendment and the Due Process Clause of the Fourteenth Amendment by imposing criminal penalties on hosting platforms without requiring a showing that the platform knew a rental in a listing was unpermitted or otherwise not in compliance with City law before it published the listing.
- 3) *Homeaway v. City of Anaheim* (filed July 29, 2016) – The complaint alludes that the new ordinance impermissibly burden speech on the Internet in violation of Section 230 of the Communications Decency Act of 1996 The Ordinance also violates the First and Fourteenth Amendments to the United States Constitution. The Ordinance is a content-based restriction and therefore the City

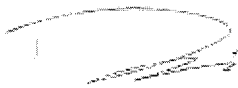


bears the burden of establishing, at a minimum, that it furthers a substantial governmental interest and is narrowly tailored to achieve its purpose.

- 4) *Holtz v. City of Hermosa Beach* (filed June 27, 2016) – The complaint filed is a petition for writ of mandate and complaint for civil penalties for violation of the California Coastal Act.
- 5) *Johnson v. City of Hermosa Beach* (filed July 8, 2016) – The complaint alludes that the new ordinance banning all short term rentals of less than thirty (30) days, within residential zoning districts within the coastal zone, is unconstitutional on its face and as applied to Petitioners and Plaintiffs pursuant to the California and United States Constitutions, the California Coastal Act of 1976, Public Resources Code § 30000 et seq. ("Coastal Act"), and CCP § 1060.
- 6) *Beach Vacations Coalition v. City of Laguna Beach* (filed November 14, 2016) – The complaint alludes that the new ordinance failed to comply with the California Environmental Quality Act (Public Res. Code § 21000 et seq.: "CEQA") and Guidelines for Implementing CEQA (Title 14, Cal. Code Reg., § 15000 et seq.: the "Guidelines"), a statutory and regulatory framework often referred to as the "Holy Grail" of California's environmental laws, and other laws and regulations applicable to the Project.
- 7) *San Clemente Vacation Rental Alliance v. City of San Clemente* (filed June 20, 2016) – The complaint alludes that the new ordinance violates CEQA, PZL, and the Coastal Act.
- 8) *Airbnb v. City of San Francisco* (filed June 27, 2016) – The complaint alludes that the new ordinance directly conflicts with, and is preempted by, the Communications Decency Act of 1996. The Ordinance also violates Airbnb's First Amendment rights. It is a content-based restriction on advertising rental listings, which is speech.
- 9) *Kracke v. City of Santa Barbara* (filed November 30, 2016) – The complaint is a petition for writ of mandate and complaint for civil penalties for violation of the California Coastal Act.
- 10) *Rosenblatt v. City of Santa Monica* (filed June 21, 2016) – The complaint alludes that Santa Monica's Ordinance discriminates against interstate commerce in violation of the Commerce Clause, Art. I, § 8, cl. 3 of the Constitution of the United States.

We request that you direct staff to revise the proposed STR ordinances and return with revisions that do not include a ban of STR's within residential zones. Please allow a commonsense ordinance be drafted that would be fair to neighbors and property owners. Thank you.

Sincerely,



David Kim  
2017 President



## Daly, Julia Rutherford

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**From:** Jacqueline Lowther <jackielow@aol.com>  
**Sent:** Wednesday, May 31, 2017 10:39 AM  
**To:** Haage,; Williams, Das; Hartmann, Joan; Adam, Peter; Lavagnino, Steve; Metzger, Jessica  
**Subject:** VACATION RENTALS IN SANTA BARBARA COUNTY ~  
**Attachments:** Updated Version of Letter Sent to SB Supervisors.docx

Jacqueline Lowther-Phillips  
PO Box 40238  
Santa Barbara, CA 93140  
[jackielow@aol.com](mailto:jackielow@aol.com)

May 31, 2017

Dear Members of the Santa Barbara County Board of Supervisors,

I am well aware that the issue of Vacation Rentals in Santa Barbara County will be coming up for vote at your next session scheduled for June 6, 2017.

I would like to address a few issues that I am certain you will be considering in making your final decision with respect to this topic.

#### 1- Effect of Short-Term Rentals on Affordable Housing in Santa Barbara County

An independent report prepared by California Economic Forecast, in May 12, 2016, indicated that only 16.6% of current STR properties would be converted to long-term rentals or 'for sale' housing stock in the event STR's were banned in SB County. This represents a mere 0.29% of the entire housing stock of SB County.

This small percentage no doubt reflects the fact that most STR's in our community are either primary or secondary homes that owners keep for personal use, which would not be converted to long-term rentals and would remain empty for most of the year.

They further find that for half of the estimated increase in the supply of long-term housing created by the prohibition of STR's, it is likely that the rental rates for these properties would exceed \$5,000 per month. This level of monthly rent is generally not considered an "affordable housing" rate. Therefore, any increase in rental properties caused by the prohibition of STR's would not have an impact on the "affordable housing" problem in the region.

#### 2- Do Short-term Rentals Cause More Complaints from Neighbors?

The findings of an independent study performed by the California Economic Forecast in June 2016 revealed that the nuisance report rate for short-term rentals is slightly lower than the rate for all other

residential properties, and they concluded that short-term rentals may actually reduce the rate of nuisance complaints in residential neighborhoods.

This is not surprising given that it is not the length of the rental but rather the screening process which takes place prior to accepting a tenant and the regulations and landlord oversight that are attached to that tenancy that mostly determine the outcome of this experience for all involved. As STR's are usually private residences, their owners are highly motivated to screen out any tenants that might be undesirable.

### 3- Are Short-term Rentals Good for the Local Economy?

An independent study performed by TXP, Inc., in 2015, reported that the overall impact of STR's throughout Santa Barbara County in 2014 accounted for more than \$471.6 million in economic activity and nearly 5,000 jobs. This leaves no doubt that spending by STR guests contributes greatly to the Santa Barbara economy.

### 4- Coastal Commission's Position on Short-Term Rentals

In all instances where this decision was brought before the Commission, it has ruled that short-term vacation rentals increase the range of options available to visitors to the coast and such rentals constitute a high-priority visitor service for the public and coastal communities alike. The Coastal Commission supports the increased coastal access opportunities.

A ban on vacation rentals in coastal areas would be inconsistent with the Certified Land Use Plan, in light of the public access and recreation policies of the Coastal Act.

### 5- Beach Overlays

The Coastal Commission has already supported the creation of Beach Overlays in several coastal communities. This ensures the public's ability to access and recreate on the coast, as mandated by the Coastal Act.

This would be particularly relevant in areas such as Padaro Lane and Miramar Beach. The County should identify and preserve the historic use of STR's in these beach areas.

For all of the above reasons, my position is that instead of banning STR'S, the County and interested parties should work together to develop regulations for STR's that address the concerns raised by some while ensuring consistency with the Coastal Act.



My request to this Board of Supervisors is that it honors the mandate of the Coastal Act and continues to work with all players in developing reasonable and balanced regulations that would allow STR's to continue being a part of the landscape of our community.

PLEASE VOTE "NO" ON THE BAN OF SHORT-TERM RENTALS IN  
SANTA BARBARA COUNTY

Sincerely,

Jacqueline L. Phillips ~

## Daly, Julia Rutherford

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**From:** Lackie, David  
**Sent:** Wednesday, May 31, 2017 10:37 AM  
**To:** Metzger, Jessica; Fogg, Mindy  
**Subject:** FW: Proposed Short-Term Rental Ordinance

FYI

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**From:** Mark Hubert [mailto:markahubert@gmail.com]  
**Sent:** Wednesday, May 31, 2017 10:36 AM  
**To:** Lackie, David  
**Subject:** Proposed Short-Term Rental Ordinance

As a resident of the unincorporated area of Santa Barbara County, I want to express my opposition to proposed short-term rental ordinance. My wife and I, who have been County residence for 24 years, have enjoyed the ability to rent our home over weekends once or twice each year. It has allowed us to take a couple of short vacations each year. Vacations we would not be able to enjoy if we were not able to rent our home.

Mark Hubert  
5311 Paseo Orlando  
Santa Barbara  
964-0068

## Daly, Julia Rutherford

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**From:** Cori Hayman <corihayman@cox.net>  
**Sent:** Wednesday, May 31, 2017 9:50 AM  
**To:** sbcob; Metzger, Jessica  
**Subject:** Fwd: No to Montecito STR's

Sent from my iPhone

Begin forwarded message:

**From:** Tim Werner <[twerner@villaelegante.com](mailto:twerner@villaelegante.com)>  
**Date:** May 31, 2017 at 9:14:27 AM PDT  
**To:** [delliott@countyofsb.org](mailto:delliott@countyofsb.org)  
**Cc:** Cori Hayman <[corihayman@cox.net](mailto:corihayman@cox.net)>  
**Subject:** **No to Montecito STR's**

To Whom has the power to enforce zoning laws,

Please include me to this long list of people who adamantly oppose the use of STR's in our residential community. I live on Hill Rd in Montecito and have no less than three vacation rentals on my short block. They at times can be horrible neighbors! The entire purpose of creating zoning laws was to allow specific uses in specific areas. Residential zoning means residential usage. STR's are a commercial use and should never be allowed in residentially zoned areas. In the City of SB STR's are only allowed in commercial, R-4, R-4, and HRC zoned areas.

I should know as I own the only legally permitted vacation rental in Santa Barbara. Villa Elegante. I designed and built this concept in the HRC zoned area located by the Santa Barbara Inn and the Double Tree resorts. The permitting process included approval by the Architectural Board of Review, Sign Committee, Planning Commission, and the California Coastal Commission. The development was required to adhere to specific permitting guidelines due to the "commercial" nature of the project. Stringent guidelines for extra parking, ADA accessibility and sidewalk improvements were included during the entitlement process. These same requirements need to be adhered to for any STR usage throughout our community as well.

Additionally, "second" homes that are turned into vacation rentals disrupt the rental market for families who live and work in our community. The vacancy factor in the SB area has never been as low as it is today, and rents are too high for too many families. STR's are dangerous to the residential character of family neighborhoods and harm the people of our community!

Please adopt the correct language in our residential zoned areas to allow the correct enforcement of zoning laws.

Thank you for your attention to this urgent matter.

Tim Werner  
1180 Hill Rd.

1) Montecito ordinances already prohibit commercial lodging in the form of hotels, motels, inns, bed and breakfast, etc., in residential zones. The Community Plan is to preserve semi-rural, residential living.

You are only asking that the BoS uphold those ordinances by clarifying that STRs are illegal in residential zones.

(2) City of Santa Barbara and many other cities and counties in California have already banned STRs in residential zones.

(3) The purpose of residential zoning in your neighborhood is to provide for single-family, residential living without the nuisances of commercial and industrial uses. Transients have no investment in the neighborhood and residents suffer from excessive: trash, noise, traffic, parking, [anything else you may have endured]. Neighbors become a string of strangers coming and going.

(4) STRs disrupt the fabric of the single-family community with impacts on schools. [MUS has about 50% long-term renters; short-term rentals take that housing off of the market and risk a further declining population].

(5) The notion of allowing "homestays" when an owner is present, is unenforceable and will further put neighbor against

neighbor. Am I to knock in my neighbors door to make sure the owner is home every time there is a guest? What if the owner is not there? What is my remedy?

(6) My home is my largest asset. STRs risk a decline in my property value. Who would want to purchase a home adjacent to an STR?

(7) Fannie Mae and Freddie Mac government subsidized loans should not be allowed for these "second" homes that turn into commercial businesses.

**Daly, Julia Rutherford**

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**From:** Michael Arnold <mnarnold@hascosb.com>  
**Sent:** Tuesday, May 30, 2017 4:26 PM  
**To:** Metzger, Jessica  
**Subject:** STRs

YES to Short Term Rentals

*M*

**Michael Neal Arnold, MAI, MRICS**

*Certified Appraiser, No. AG002089 (CA)  
Chartered Valuation Surveyor, No. 1238128*

**Hammock, Arnold, Smith & Company**

215 West Figueroa Street  
Santa Barbara, Calif. 93101

Tele.: 805-966-0869

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Email: [mnarnold@hascosb.com](mailto:mnarnold@hascosb.com)

Website: [www.hascosb.com](http://www.hascosb.com)

## Daly, Julia Rutherford

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**From:** Rick Hannay <rickhannay12@gmail.com>  
**Sent:** Tuesday, May 30, 2017 3:06 PM  
**To:** Fogg, Mindy; Metzger, Jessica  
**Cc:** Katrina Murdoch; Debbie Mann  
**Subject:** STR's - Short Term Rentals - June 6th Meeting  
**Attachments:** Letter to Supervisors- Vacation Rental.docx; ATT00001.txt

Hello:

My wife and I will NOT be able to attend the June 6th STR meeting but wanted to provide the attached letter (see below) to explain our sincere request.

Rick and Lynne Hannay  
557 Dentre Drive  
Santa Barbara CA 93111

May 31, 2017

Santa Barbara County Board of Supervisors  
c/o County Clerk at [sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us)

To Whom it May Concern:

My wife and I registered our home 4-5 months ago as a Vacation Rental in order to periodically rent our home and do it legally by paying the Transient Occupancy Tax. We are in the County at 557 Dentre Dr which is sometimes referred to as Noleta. We understand that SB County is in the process of considering an adjustment to the Vacation Rental policy and we'd like to provide some insight for you to consider.

We have lived in Santa Barbara for over 30 years where we raised our two children and were renters for 19 years before we could stretch to afford a house. We worked hard over the years and here we are at 71 years old and we have a large mortgage. Our daughter, son-in-law and two infant grandsons live in Fairfax VA. They often ask us to come and stay with them for several months at a time to assist with her children while our daughter travels for her demanding job with Amazon.

The only way we can make it happen is to arrange for short term rentals of our furnished property during those periods when we are away and Vacation Rentals seems to be a win-win for everyone. We are able to assist our daughter and family, we can provide a safe comfortable rental for families visiting our area and SB County can collect TOT. We also charge a \$500 security deposit to deter any damage or for not following our quiet neighborhood rules.

**We respectfully request that you allow STR's in residential areas WITH commonsense regulations in place such as the City of Goleta policy rather than the very restrictive City of Santa Barbara policy.** You should have received the study done by the economist Mark Schneip; if not it is at [STRSantaBarbara.org](http://STRSantaBarbara.org). His report shows that there are no more neighbor complaints from short term rentals than there are from long term rentals. Vacation rentals should not be discriminated against.

I'm sure there is a strong lobby group against vacation rentals from the hotel owners in SB but they already enjoy a very high occupancy rate (I believe it averages above 85%). Vacation rentals provide a more affordable and at-home atmosphere for families who want to visit our area without spending huge amounts on several hotel rooms and restaurants.

We will periodically go back east to help out with grandchildren over the years so we'd like to have the right to rent for terms less than 30 days. I have been a Realtor for over 40 years and I have always marketed real estate as having a bundle of rights that government cannot take away from us. We pay huge property taxes for these rights and we strongly recommend that you not take them away.

Sincerely,  
Rick and Lynne Hannay  
[rick@betterhomessb.com](mailto:rick@betterhomessb.com)  
805-451-6061



## Daly, Julia Rutherford

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**From:** Cori Hayman <corihayman@cox.net>  
**Sent:** Thursday, May 11, 2017 10:08 PM  
**To:** Metzger, Jessica  
**Cc:** Kathleen Weinheimer  
**Subject:** Board of Supervisors June 6th hearing on STRs  
**Attachments:** CCE11052017\_2.pdf; ATT00001.htm

Dear Jessica,

In connection with the upcoming hearing of the Board of Supervisors regarding short term rentals, attached please find: (1) relevant provisions from the Montecito Land Use and Development Code demonstrating the illegal use of short term rentals in residential zones; and, (2) certain 2007 internal Santa Barbara County documents indicating enforcement efforts against short term rentals in Montecito and a County Counsel document abruptly stopping those enforcement efforts.

In order to facilitate an easy read of the documents, I have inserted a brief cover sheet for each of the two categories of documents and marked the controlling provisions of the MLUDC. I would suggest perusing my marks before reading the documents in more detail.

I would greatly appreciate your forwarding this email along with the attachment to County Counsel.

Please do not hesitate to call me if you have any questions.

Very truly yours,

Cori Hayman  
310-701-2867.

Sent from my iPad

Begin forwarded message:

**From:** Cori <corihayman@cox.net>  
**Date:** May 11, 2017 at 9:52:19 PM PDT  
**To:** Administrator <corihayman@cox.net>

Santa Barbara County Code-Chapter 35  
Montecito Land Use Development Code

- Montecito's Code identifies allowable uses. A land use not listed is not allowed.
- Hotel, motel, inn, bed & breakfast, hostel, and all other visitor accommodations are absent from the list of residential allowable uses.
  - Guest houses, cabanas and similar accessory structures may not be used in residential zones for commercial purposes
- Conflict of interpretation with County ordinances shall be interpreted in the most restrictive manner.
- Resort/visitor serving commercial zone is the only zone where overnight commercial accommodations are allowed with a permit.
- California Coastal Commission approved the Montecito Land Use Development Code

## CHAPTER 35.400 - PURPOSE AND APPLICABILITY OF DEVELOPMENT CODE

### Sections:

- 35.400.010 - Purposes of Development Code
- 35.400.020 - Authority, Relationship to Comprehensive Plan and the Local Coastal Program
- 35.400.030 - Responsibility for Administration
- 35.400.040 - Applicability of the Development Code
- 35.400.050 - Validity

### 35.400.010 - Purposes of Development Code

The Santa Barbara County Montecito Land Use and Development Code, hereafter referred to as the "Development Code," constitutes a portion of Chapter 35 of the Santa Barbara County Code. This Development Code carries out the policies of the Santa Barbara County Comprehensive Plan, including the Montecito Community Plan, and the Local Coastal Program by classifying and regulating the uses of land and structures within the Montecito Community Plan area, consistent with the Comprehensive Plan and the Local Coastal Program. This Development Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the Montecito community. More specifically, the purposes of this Development Code are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the Montecito community that will assist in protecting the character and stability (social and economic) of agricultural, residential and commercial uses, as well as the character and identity of the Montecito community;
- B. Conserve and protect the Montecito's natural beauty and setting, including waterways, hills and trees, scenic vistas, and historic and environmental resources;
- C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- D. Encourage the most appropriate uses of land in order to prevent overcrowding of land and avoid undue concentration of population, and maintain and protect the value of property; and
- E. Ensure compatibility between different types of development and land use.

### 35.400.020 - Authority, Relationship to Comprehensive Plan and the Local Coastal Program

- A. **Authority.** The regulations within this Development Code are enacted based on the authority vested in the Santa Barbara County by the State of California, including: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the California Coastal Act (Public Resources Code Section 30,000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
- B. **Consistency with Comprehensive Plan and Montecito Community Plan and Local Coastal Program.** This Development Code is a primary tool used by the County to carry out the goals, objectives, and policies of the Santa Barbara County Comprehensive Plan, including the Montecito Community Plan, and the Local Coastal Program. The Santa Barbara County Board of Supervisors intends that all provisions of this Development Code be consistent with the Comprehensive Plan, Montecito Community Plan and Local Coastal Program and that any land use, subdivision, or development approved in compliance with these regulations will also be consistent with the Comprehensive Plan, Montecito Community Plan and Local Coastal Program.

- C. Local Coastal Program provisions.** The provisions of this Development Code identified as applicable within the Coastal Zone constitute, in conjunction with Chapter 9A (Brush Removal Southeasterly Coastal Area and Coastal Zone) and Chapter 14 (Grading), the County's ordinances for the implementation of the Local Coastal Program, in compliance with the California Coastal Act.

### 35.400.030 - Responsibility for Administration

- A. Responsible bodies and individuals.** This Development Code shall be administered by:
1. The Santa Barbara County Board of Supervisors, hereafter referred to as the "Board;"
  2. The Montecito Planning Commission, hereafter referred to as the "Montecito Commission;"
  3. The Montecito Board of Architectural Review;
  4. The Director of the Santa Barbara County Planning and Development Department, hereafter referred to as the "Director;" and
  5. The Santa Barbara County Planning and Development Department is hereafter referred to as the "Department."
- B. Responsibility and authority of Director.** Whenever this Division refers to the Department, it is expressly understood that the Department staff are acting under the direction and control of the Director and that they report directly to the Director rather than the Montecito Commission, or Board.

### 35.400.040 - Applicability of the Development Code

This Development Code applies to all land uses, subdivisions, and development within the Montecito Community Plan Area, as follows.

- A. New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 35.420.020 (Prerequisites for Development and New Land Uses), and Chapter 35.491 (Nonconforming Uses, Structures, and Lots). No Building Permit or Grading Permit shall be issued by the Department unless the proposed construction complies with all applicable provisions of this Development Code.
- B. Subdivisions.** Any subdivision of land proposed within the County after the effective date of this Development Code shall be consistent with the minimum lot area and width requirements of Division 35.2 (Montecito Zones and Allowable Land Uses), unless a reduction is allowed in compliance with Section 35.472.180 (Variances), the County's Subdivision Regulations (County Code Chapter 21), and all other applicable requirements of this Development Code.
- C. Continuation of an existing land use.** An existing land use is lawful and not in violation of this Development Code only when operated and maintained in compliance with all applicable provisions of this Development Code, including Chapter 35.491 (Nonconforming Uses, Structures, and Lots). However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Development Code or any applicable amendment, except as otherwise provided by Chapter 35.491 (Nonconforming Uses, Structures, and Lots).
- D. Effect of Development Code changes on projects in progress.** A project that is under construction on the effective date of this Development Code or any Amendment, need not be changed to satisfy any new or different requirements of this Development Code, provided that construction, (i.e., the placing of construction materials in permanent position and fastened in a permanent manner) was lawfully begun prior to the effective date of this Development Code or any Amendment.
- E. Incorporation of existing ordinances and development plans.** Previously adopted ordinances which added development and zone text provisions applicable to particular property in compliance with the following provisions of previously adopted zoning regulations are hereby incorporated by reference into

this Section and shall have the same force and effect as if the provisions of those ordinances were specifically and fully set forth in this Section.

**1. Ordinances.**

- a. Ordinance No. 453, Article 3.1.
- b. Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article II of Chapter 35 of the County Code.
- c. Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article IV of Chapter 35 of the County Code.

**2. Development Plans, Precise Plans, and Plot Plans.**

- a. Development Plans and Precise Plans previously adopted in compliance with Ordinance No. 453.
- b. Development Plans and Plot Plans within the Coastal Zone which received County approval prior to February 1, 1973.
- c. Development Plans or Plot plans that received a Coastal Development Permit from the State Coastal Commission.
- d. Development Plans previously adopted in compliance with Article II of Chapter 35 of the County Code for property located within the Montecito Community Plan Area.
- e. Development Plans previously adopted in compliance with Article IV of Chapter 35 of the County Code.

**F. Conflicting requirements.**

- 1. **Development Code and County Code provisions.** If conflicts occur between requirements of this Development Code, or between this Development Code and the Santa Barbara County Code, or other regulations of the County, the most restrictive shall control unless specifically indicated otherwise. Within the Coastal Zone, conflicts shall be resolved in manner which on balance is the most protective of significant coastal resources.
- 2. **Development Agreements or Specific Plans.** If conflicts occur between the requirements of this Development Code and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.
- 3. **Private agreements.** This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The County shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.

**G. State, County, Local Agency, and School District sites and facilities.**

- 1. **Inland Area.** Within the Inland areas of the Montecito Community Plan area, the provisions of this Development Code do not apply to the following governmental properties and activities.
  - a. Development by the Federal Government on leased or Federally owned land.
  - b. Development by the County or any district of which the Board is the governing body.
  - c. Development within any state university or college.
  - d. Development by the State or an agency of the State acting in its sovereign (governmental) capacity.
  - e. Certain facilities of local agencies as defined in Government Code Section 53090 et seq.



- 2. Coastal Zone.** Within the Coastal Zone of the Montecito Community Plan area, the provisions of this Development Code do not apply to the following governmental properties and activities:
- a. Lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents. (16 USC Section 1453, Federal Coastal Zone Management Act of 1972).
  - b. New or expanded thermal electric generating plants and electric transmission lines connecting such plants to existing electric transmission systems under the exclusive jurisdiction of the California Energy Resources Conservation and Development Commission in compliance with Public Resources Code Sections 25500 and 30264.
  - c. Any development proposed or undertaken within any state university or college, in compliance with Public Resources Code Section 30519.
  - d. Repair and maintenance, other than within an environmentally sensitive habitat area, undertaken by the County or any district or agency of which the Board is the governing body.
- H. Other requirements may apply.** Nothing in this Development Code eliminates the need for obtaining any other permits required by the County, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency.

**35.400.050 - Validity**

If any division, section, sentence, clause or phrase of this Development Code is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Development Code. The Board hereby declares that it would have passed this Development Code and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

## CHAPTER 35.420 - DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

### Sections:

- 35.420.010 - Purpose
- 35.420.020 - Prerequisites for Development and New Land Uses
- 35.420.030 - Allowable Development and Planning Permit Requirements
- 35.420.040 - Exemptions from Planning Permit Requirements
- 35.420.050 - Temporary Uses

### 35.420.010 - Purpose

This Chapter describes the County's requirements for the approval of proposed development and new land uses. The permit requirements established by this Development Code for specific land uses are in Chapter 35.421 through Chapter 35.428.

### 35.420.020 - Prerequisites for Development and New Land Uses

Each land use and structure shall be established, constructed, reconstructed, altered, moved, or replaced in compliance with the following requirements.

- A. **Allowable use.** A proposed land use must be allowed by this Development Code in the zone applied to the site. The basis for determining whether a use is allowable is in Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. **Permit and approval requirements.** Any planning permit or other approval required by Section 35.420.030 (Allowable Development and Planning Permit Requirements) shall be obtained before the issuance of any grading, building, or other construction permit, and before commencing any work pertaining to any development or use or using any land or structure, unless such structure or use is listed in Section 35.420.040 (Exemptions from Planning Permit Requirements).
- C. **Development standards, conditions of approval, Comprehensive Plan and Montecito Community Plan requirements.** Each land use and structure shall comply with the development standards of this Chapter, the requirements of Division 35.3 through Division 35.7, all other applicable requirements of this Development Code, any applicable conditions imposed by a previously granted planning permit, the Comprehensive Plan and the Montecito Community Plan.
- D. **Legal lot.** The site of a proposed development or land use shall be one or more lots as defined in this Development Code.

### → 35.420.030 - Allowable Development and Planning Permit Requirements

- A. **Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in Chapters 35.421 through 35.428, together with the type of planning permit required for each use. Each listed land use type is defined in Division 35.10 (Glossary).
  1. **Establishment of an allowable use.** Any land use identified by Chapter 35.421 through Chapter 35.428 as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B. (Permit requirements) below and compliance with all applicable requirements of this Development Code, unless the approval and/or issuance of a planning permit is not required in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements).
  - 2. **Use not listed.** A land use not listed in Chapter 35.422 through Chapter 35.428 or not shown in the table of allowable land uses and permit requirements for a particular zone is not allowed, except as otherwise provided in Subsection A.3 (Similar and compatible use may be allowed) below.

3. **Similar and compatible use may be allowed.** In the following zones the Montecito Commission may determine that a proposed use not listed in this Division is allowable in compliance with Section 35.472.170 (Use Determinations):

- a. **Applicable zones:**
- (1) CN (Neighborhood Commercial)
  - (2) PU (Public Utilities)
  - (3) REC (Recreation)
- b. **Applicable standards and permit requirements.** When the Montecito Commission determines that a proposed but unlisted use is similar to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.
- c. **Medical Marijuana Dispensaries.** Medical Marijuana Dispensaries are not allowed in any zone district and shall not be approved through a Use Determination (Section 35.472.170).

- B. **Permit requirements.** Proposed development and land uses shall comply with the following permit requirements, in addition to the requirements of a Building Permit or other permit required by the County Code.

1. **General planning permit requirements.** The allowable land use tables within Chapter 35.422 through Chapter 35.425 provide for land uses that are:
- a. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Land Use Permit (Section 35.472.110). These are shown as "P" uses in the tables;
  - b. Allowed subject to the approval of a Conditional Use Permit (Section 35.472.060), and shown as "CUP" uses in the tables;
  - c. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Zoning Clearance (Section 35.472.190). These are shown as "ZC" uses in the tables;
  - d. Allowed as an exempt use as listed in Section 35.20.040 (Exemptions from Planning Permit Requirements) and shown as "E" uses in the tables;
  - e. Allowed subject to the type of County approval required by a specific provision of Chapter 35.442 (Standards for Specific Land Uses), and shown as "S" uses in the tables; and
  - f. Not allowed in particular zones and shown as "—" in the tables. Use may be subject to a similar use determination in compliance with Subsection A.3 (Similar and compatible use may be allowed) above.
  - g. Where the last column in each table ("Specific Use Regulations") includes a Section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

A proposed land use type that is not listed in the tables is not allowed, except as provided by Subsection A.3 (Similar and compatible use may be allowed) above, or if allowed in compliance with Chapter 35.428 (Montecito Overlay Zones), or if allowed in compliance with Division 35.4 (Montecito Standards for Specific Land Uses).

2. **Design Review.** Development authorized in compliance with Subsection B.1 (General planning permit requirements) above, may also require Design Review approval in compliance with Section 35.472.070 (Design Review).



**35.420.040 - Exemptions from Planning Permit Requirements**

The requirements of this Development Code that one or more planning permits (e.g., Land Use Permit, Conditional Use Permit, Development Plan) be obtained prior to proposed development or the establishment of a land use do not apply to the land uses, structures, and activities identified by this Section.

**A. General requirements for exemption.** The land uses, structures, and activities identified by Subsection B. (Exempt activities and structures) below, are exempt from the planning permit requirements of this Development Code only when:

1. The use, activity, or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, the required provisions and conditions of any existing, approved permits for the subject lot and, where applicable, Chapter 35.491 (Nonconforming Uses, Structures, and Lots); and
2. Any permit or approval required by regulations other than this Development Code is obtained (e.g., a Building Permit and/or Grading Permit).

**B. Exempt activities and structures.** The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A. (General requirements for exemption) above.

1. **Animal keeping.** Animal keeping when shown as an "E" in Section 35.442.060 (Animal Keeping).
2. **Antennas.** Ground or roof mounted receive-only satellite dish or wireless television antenna less than one meter in diameter used solely by the occupants of the property on which the antenna is located for the noncommercial, private reception of communication signals, see Section 35.444.020 (Noncommercial Telecommunications Facilities).
3. **Change of occupancy or use.** A change in occupancy or use of an existing structure that complies with all of the following:
  - a. The occupancy or use that exists prior to the change is a legal, permitted use of the structure.
  - b. The change is from a land use listed as a permitted use in the applicable land use tables within Chapter 35.422 through Chapter 35.425 to the same land use (e.g., from restaurant, café or coffee shop to a restaurant, café or coffee shop).
  - c. The new occupancy or use does result in an increase in the number of parking spaces required to be provided on-site.
  - d. The new occupancy or use is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, including any required provisions and conditions of any existing, approved permits for the subject lot.
  - e. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit and/or Grading Permit).
4. **Cultivated agricultural, orchards and vineyards.** Cultivated agriculture, orchards and vineyards when shown as an "E" in the Land Use Tables in Chapter 35.424 through Chapter 35.425.
5. **Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director.
  - a. The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent, or 250 square feet, whichever is less. For the purposes of this Subsection B.5, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the

structure.

- b. If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall require Design Review in compliance with Section 35.472.070 (Design Review).
6. **Demolition.** The demolition of a structure less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.
7. **Fences, gates, gateposts, walls, retaining walls.** See Section 35.430.070 (Fences and Walls).
8. **Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map including Vesting Tentative Maps.
9. **Grading.** Grading activities that do not require the approval of a Development Plan by the requirements of the applicable zone and grading for which a permit is not required by County Code Chapter 14. The provisions of this Subsection shall not be construed to alter the requirements of County Code Chapter 14.
10. **Grazing.** Grazing when shown as an "E" in the Land Use Tables in Chapter 35.42+2 through Chapter 35.425 and the Animal Keeping Table (Table 4-1) in Section 35.442.040 (Animal Keeping).
11. **Interior alterations.** Interior alterations that do not increase the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.
12. **Irrigation lines.** The installation of irrigation lines that do not require a Grading Permit in compliance with County Code Chapter 14.
13. **Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.
14. **Minor additions and accessory structures.**
  - a. **Accessory structures.** One story detached accessory structures used as tool or storage sheds, playhouses, gazebos, pergolas, and similar structures, provided that the height does not exceed 12 feet, the floor area does not exceed 120 square feet, and the structure does not have plumbing or electrical facilities.
  - b. **Decks, platforms, walks, driveways.** Decks, platforms, walks, and driveways that are not required to have a Building Permit or Grading Permit, and that are not over 30 inches above finish grade, or located over a basement or story below.
  - c. **Door, window features and skylights.** Doors, windows, and skylights, and window awnings that are supported by an exterior wall and project no more than 54 inches from an exterior wall of a building.
  - d. **Spa, hot tub, pond.** A spa, hot tub, fish pond, or other water feature that does not exceed a total area of 120 square feet, including related equipment, or does not contain more than 2,000 gallons of water.
15. **Onsite wastewater treatment systems.**
  - a. Onsite wastewater treatment systems, not including alternative wastewater treatment systems, and the installation and performance testing of drywells for sewage disposal.
  - b. The modification, replacement or repair of all or any portion of an existing onsite wastewater treatment system, including alternative wastewater treatment systems, provided that the modification, replacement or repair occurs in substantially the same area as the existing

system.

16. **Propane tanks.** Propane tanks located in residential and agricultural zones.
17. **Repair and maintenance.** Repair and maintenance activities that do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities.
18. **Replacement in-kind of an existing and conforming structure.** The replacement in-kind of an existing permitted and conforming structure provided:
  - a. The reconstructed structure shall comply with all requirements of the applicable zone, shall be for the same use, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the existing structure. For the purposes of this Subsection B.19, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
  - b. The exterior design or specifications is not proposed to be revised, or, if revisions are proposed, the revisions are determined to be minor by the Director.
  - c. The structure is less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.
19. **Seismic retrofitting.** Seismic retrofits to existing structures that are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.
20. **Signs, flags, and similar devices.** Signs, flags and similar devices in compliance with Section 35.438.030 (Exempt Signs, Flags, and Devices).
21. **Solar energy systems.** The addition of solar energy systems to the roofs of existing structures and the installation of freestanding solar energy systems in compliance with Section 35.430.160 (Solar Energy Systems).
22. **Structures of limited value.** A structure with an aggregate value of less than \$2,000, as determined by the Director.
23. **Utility facilities.** Poles, wires, underground gas pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by a public agency or public service or utility district or company.
24. **Water wells.**
  - a. The testing and installation of a water well to serve one domestic, commercial, industrial, or recreational connection.
  - b. Except in zones requiring Development Plans, water wells for water systems for agricultural purposes.

### 35.420.050 - Temporary Uses

Requirements for establishing a temporary use (e.g., seasonal sales lot, special event, temporary office trailer) are in Section 35.442.180 (Temporary Uses and Trailers).



**CHAPTER 35.423 - RESIDENTIAL ZONES**

**Sections:**

- 35.423.010 - Purpose
- 35.423.020 - Purposes of the Residential Zones
- 35.423.030 - Residential Zones Allowable Land Uses
- 35.423.050 - Residential Zones Development Standards
- 35.423.060 - DR Zone Standards
- 35.423.070 - PRD Zone Standards

**35.423.010 - Purpose**

This Chapter lists the land uses that may be allowed within the residential zones established by Section 35.404.020 (Zoning Map and Zones) that are applied to property in Montecito, determines the type of planning permit required for each land use, and provides basic standards for site layout and building size.

**35.423.020 - Purposes of the Residential Zones**

The purposes of the individual residential zones and the manner in which they are applied within the Montecito Community Plan area are as follows:

- A. **R-1/E-1 (One-Family Residential) zone.** The R-1 and E-1 zones are applied to areas appropriately located for family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area and to promote a suitable environment for family life.
- B. **R-2 (Two-Family Residential) zone.** The R-2 zone is applied to areas appropriate for multiple residential development in the form of two-family dwellings (duplexes) and to maintain a residential character similar to that of one-family neighborhoods. This zone is intended to ensure the compatibility of duplex development with surrounding multiple and one-family dwellings and neighborhoods.
- C. **DR (Design Residential) zone.** The DR zone is applied to areas appropriate for one-family, two-family and multi-family dwellings. This zone is intended to ensure comprehensively planned and well-designed residential development, while allowing flexibility and encouraging innovation and diverse design, and requiring that substantial open space be maintained within new residential developments.
- D. **PRD (Planned Residential Development) zone.** The PRD zone ensures the comprehensively planned development of large acreage within designated Urban areas that are intended primarily for residential use. The intent of this zone is to:
  1. Promote flexibility and innovative design of residential development, to provide desirable aesthetic and efficient use of space and to preserve significant natural, scenic, and cultural resources of a site;
  2. Encourage clustering of structures to preserve a maximum amount of open space;
  3. Allow for a diversity of housing types; and
  4. Provide recreational opportunities for use by both the residents of the site and the public.

**35.423.030 - Residential Zones Allowable Land Uses**

- A. **General permit requirements.** Table 2-7 and Table 2-8 (Allowed Land Uses and Permit Requirements for the Residential Zones) identify the uses of land allowed by this Development Code in each residential zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).

- B. Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in the tables includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit and/or may establish other requirements and standards applicable to the use.
- C. Development Plan approval required.** Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit as follows:
1. **R-1/E-1 and R-2 zones.** Final Development Plan approval is required for a structure that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the same lot will total 20,000 square feet or more in gross floor area.
  2. **DR zone.** Final Development Plan approval is required for all development, including grading, except that the development of one, one-family dwelling and its accessory uses and structures on a single lot does not require Development Plan approval unless required in compliance with Subsection C.1 above. Such one-family dwellings, including those subject to Subsection C.1 above, shall be developed in compliance with the development standards applicable to the R-1/E-1 zone provided in Section 35.423.050 (Residential Zones Development Standards).
  3. **PRD zone.** Final Development Plan approval is required for all development, including grading.
- D. Design Review required.** Design Review may be also required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.472.070 (Design Review).
- E. Accessory structures and uses.** Each use allowed by Table 2-7 and Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) may include accessory structures and uses that are customarily incidental to the primary use, provided that the uses and structures are:
1. Within the R-1/E-1, R-2 and DR zones, when accessory to dwellings, for the exclusive use of the residents of the site and their guests, and do not involve a commercial enterprise on the site; and
  2. In compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in Chapter 35.442 (Standards for Specific Land Uses).

Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	R-1/E-1	R-2		

**AGRICULTURAL, MINING, & ENERGY FACILITIES**

LAND USE (1)	R-1/E-1	R-2	
Agricultural accessory structure	P	P	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	E	E	
Greenhouse - commercial or noncommercial, 300 sf or less	P	P	35.442.110
Greenhouse - commercial or noncommercial, greater than 300 sf to less than 800 sf	CUP	CUP	35.442.110

**RECREATION, EDUCATION & PUBLIC ASSEMBLY**

LAND USE (1)	R-1/E-1	R-2	
Community center	P	P	
Conference center	---	---	35.442.080
Country club, swim and tennis club	CUP	---	
Equestrian facilities	---	---	
Golf course	CUP	---	
Library	CUP	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Park, playgrounds - Commercial	---	---	
Park, playgrounds - Private	---	---	
Park, playground - Public	P	P	
Private residential recreation facility	---	---	
School	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	

**RESIDENTIAL**

LAND USE (1)	R-1/E-1	R-2	
Artist studio	P	---	35.442.120
Dwelling, one-family (3)	P	P	35.442.140
Dwelling, two-family	---	P	
Dwelling, multiple	---	---	
Farmworker dwelling unit	P (3)	P (3)	35.442.105
Farmworker housing complex	CUP	CUP	35.442.105
Guesthouse	P	---	35.442.120
Home occupation	P	P	35.442.130
Mobile home park	CUP	CUP	
Organizational house (fraternity, sorority, etc.)	---	---	
Residential accessory use or structure	P	P	35.442.020
Residential project convenience facilities	---	---	
Residential second unit	P	---	35.442.160
Special care home, 7 or more clients	CUP	CUP	35.442.070

**Key to Zone Symbols**

R-1/E-1	Single-Family Residential
R-2	Two-Family Residential

**Notes:**

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.442.140 (Mobile Homes on Foundations).

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E P CUP S			Allowed Use, no permit required (E, S only) Permitted Use, Land Use Permit required (2) Conditional Use Permit required Permit determined by Specific Use Regulations Use Not Allowed	
	LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
		R-1/E-1	R-2		

**SERVICES**

absent

Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Day care center, Non-residential	CUP	CUP	35.442.070
Day care center, Non-residential, accessory	—	—	35.442.070
Day care center, Residential	CUP	CUP	35.442.070
Medical services - Clinic	—	—	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Mortuary	—	—	
Mortuary, accessory to cemetery	—	—	

**Key to Zone Symbols**

R-1/E-1	Single-Family Residential
R-2	Two-Family Residential

**Notes:**

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).



LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	R-1/E-1	R-2	

**TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE**

LAND USE (1)	R-1/E-1	R-2	Specific Use Regulations
Drainage channel, watercourse, storm drain less than 20,000 sf	---	---	
Drainage channel, watercourse, storm drain 20,000 sf or more	---	---	
Electrical substation - Minor (3)	CUP	CUP	
Electrical substation - Major (3)	CUP	CUP	
Electrical transmission line (4)	CUP	CUP	
Flood control project less than 20,000 sf total area (5)	---	---	
Flood control project 20,000 sf or more total area (5)	---	---	
Public safety facility (6)	CUP	CUP	
Public works and utilities	CUP	CUP	
Road, street less than 20,000 sf total area (5)	---	---	
Road, street 20,000 sf or more total area (5)	---	---	
Sea wall, revetment, groin or other shoreline structure	---	---	
Telecommunications facility	S	S	35.444
Utility service line with 4 or fewer connections (5)	---	---	
Utility service line with 5 or more connections (5)	---	---	

**WATER SUPPLY & WASTEWATER FACILITIES**

LAND USE (1)	R-1/E-1	R-2	Specific Use Regulations
Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater	---	---	
Reservoir	CUP	CUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	
Water well, agricultural	E	E	

**Key to Zone Symbols**

R-1/E-1	Single-Family Residential
R-2	Two-Family Residential

**Notes:**

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.
- (6) May include paramedic services associated with a fire station.

<b>Table 2-8</b> <b>Allowed Land Uses and Permit Requirements for Residential Zones</b>	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required (2)
	CUP	Conditional use, permit required
	S	Permit determined by Specific Use Regulations
		Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	DR	PRD
		Specific Use Regulations

**AGRICULTURAL, MINING, & ENERGY FACILITIES**

Agricultural accessory structure	—	—	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	—	—	
Greenhouse, commercial or noncommercial 300 sf or more	P (3)	—	35.442.110
Greenhouse, commercial or noncommercial greater than 300 sf to less than 800 sf	—	—	

**RECREATION, EDUCATION & PUBLIC ASSEMBLY**

Community center	P	—	
Conference center	—	—	
Country club, swim and tennis club	—	—	
Equestrian facilities	—	—	
Golf course	CUP	—	
Golf driving range	—	—	
Library	CUP	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Parks, playgrounds - Commercial	—	—	
Parks, playgrounds - Private	—	—	
Parks, playground - Public	P	—	
Private residential recreation facility	P	P	
School	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	

**Key to Zone Symbols**

<b>DR</b>	Design Residential
<b>PRD</b>	Planned Residential Development

**Notes:**

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
- (3) Non-commercial only.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	PERMIT REQUIRED BY ZONE		
	DR	PRD	Specific Use Regulations
	DR	PRD	Specific Use Regulations
Allowed use, no permit required (1 exempt)	---	---	
Permitted use, Land Use Permit required (2)	P	P	
CUP - Conditional Use Permit required	CUP	CUP	
Permit determined by Specific Use Regulations			
Use Not Allowed	---	---	

**RESIDENTIAL**

LAND USE (1)	DR	PRD	Specific Use Regulations
Artist studio	---	---	
Dwelling, one-family	P	P	
Dwelling, two-family	P	P	
Dwelling, multiple	P	P	
Farmworker dwelling unit	P	P	
Farmworker housing complex	P	---	35.442.105
Guesthouse	---	---	35.442.105
Home occupation	P	P	
Mobile home parks	CUP	CUP	35.442.130
Organizational house (fraternity, sorority, etc.) (3)	CUP	---	
Residential accessory use or structure	P	P	35.442.020
Residential project convenience facilities	P	P	
Residential second unit	---	---	
Special care home, 7 or more clients	CUP	CUP	35.442.070

**SERVICES**

Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Day care center, Non-residential	CUP	CUP	35.442.070
Day care center, Non-residential, accessory	P	P	35.442.070
Day care center, Residential	CUP	CUP	35.442.070
Medical services - Clinic	---	---	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	

**Key to Zone Symbols**

DR	Design Residential
PRD	Planned Residential Development

**Notes:**

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
- (3) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	DR	PRD	

**TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE**

Drainage channel, watercourse, storm drain less than 20,000 sf	---	---	
Drainage channel, watercourse, storm drain 20,000 sf or more	---	---	
Electrical substation - Minor (3)	CUP	CUP	
Electrical substation - Major (3)	CUP	CUP	
Electrical transmission line (4)	CUP	CUP	
Flood control project less than 20,000 sf total area (6)	---	---	
Flood control project 20,000 sf or more total area (6)	---	---	
Public safety facility (7)	CUP	CUP	
Public works and utilities	CUP	CUP	
Road, street less than 20,000 sf total area (6)	---	---	
Road, street 20,000 sf or more total area (6)	---	---	
Sea wall, revetment, groin or other shoreline structure	---	---	
Telecommunications facility	S	S	35.444
Utility service line with 4 or fewer connections (6)	---	---	
Utility service line with 5 or more connections (6)	---	---	

**WATER SUPPLY & WASTEWATER FACILITIES**

Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater	---	---	
Reservoir	CUP	CUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	
Water well, agricultural	---	---	

**Key to Zone Symbols**

<b>DR</b>	Design Residential
<b>PRD</b>	Planned Residential Development

**Notes:**

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-13 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.
- (6) May include paramedic services associated with a fire station.

**35.423.040 - Residential Zones Lot Standards**

**A. Minimum lot size.**

1. **Minimum area and width.** Each lot in a proposed subdivision shall comply with the minimum lot area and width requirements in Table 2-9 (Minimum Lot Size). Area requirements are gross or net as noted; minimum lot widths are gross or net, as noted.
2. **Minimum depth.** Minimum lot depth shall be determined by the review authority through the subdivision approval process.

**B. Minimum building site area for residential use.** Each primary dwelling and its allowed accessory structures shall be located on a lot with the minimum area and width shown in Table 2-9 (Minimum Lot Size); except that:

1. A dwelling and its accessory structures and uses may be located on a lot of less area, except for a fraction lot; and
2. A dwelling and its accessory structures and uses may be located on a lot of less width.

**Table 2-9 - Minimum Lot Size**

Zoning Map Symbol	Minimum Lot Area	Minimum Lot Width
7-R-1	7,000 square feet net	65 feet
20-R-1	20,000 square feet net	100 feet
1-E-1	1 acre gross	120 feet
2-E-1	2 acres gross	150 feet
3-E-1	3 acres gross	210 feet
5-E-1	5 acres gross	270 feet
10-E-1	10 acres gross	380 feet
7-R-2	7,000 square feet net	65 feet
DR(1)	Determined by Final Development Plan	
PRD	Determined by Final Development Plan	

(1) The DR zoning map symbol is accompanied by a number that specifies the allowable number of units per gross acre, see Table 2-11 (DR Zone Maximum Density).

**35.423.050 - Residential Zones Development Standards**

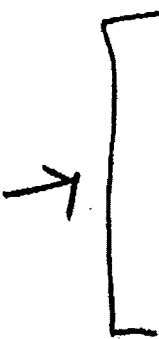
- A. General development standards.** Development within the residential zones shall be designed, constructed, and established in compliance with the requirements in Table 2-10 (Residential Zone Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code. These standards apply within the Coastal Zone and Inland area, except where noted.

4. **Setbacks.** No greenhouse or greenhouse related structure shall be located within 30 feet of the right-of-way line of any street nor within 50 feet of the lot line of a lot zoned residential. On lots containing five or more gross acres, an additional setback of 30 feet from the lot lines of the lot on which the structure is located shall be required.
- C. Greenhouses in residential zones.**
1. **300 square feet or less in size.** In the R-1/E-1, R-2, and DR zones, the following standards shall apply to greenhouses not exceeding 300 square feet in area:
- Greenhouse structures shall be used only for the propagation and cultivation of plants.
  - No advertising signs, commercial display rooms, or sales stands shall be maintained.
  - Greenhouse structures shall be accessory to the primary residential or agricultural use.
2. **Greenhouses exceeding 300 square feet and less than 800 square feet.** In the R-1/E-1 and R-2 zones, no advertising signs, commercial display rooms, or sales stands shall be maintained in association with greenhouses that exceed 300 square feet and are less than 800 square feet.
- D. Greenhouses in TC zone - Coastal Zone.** In the TC zone, greenhouses, hothouses, other plant protection structures and related development (i.e., packing sheds, parking, driveways) shall be subject to the requirements applicable to greenhouses in the AG-I zone as outlined in Subsection B. (Greenhouses in the AG-I zone) above.

### **35.442.120 - Guesthouses, Artist Studios, and Cabañas**

- A. Purpose and applicability.** This Section provides standards for the establishment of guesthouses, artist studios, and cabañas, where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses).
- B. Accessory structure and use.** Guesthouses, artist studios, and cabañas are accessory structures and their use shall be accessory to a primary residential use of the lot.
- C. Lot size.**
- Coastal Zone.** Within the Coastal Zone, a guesthouse shall not be located on a lot containing less than one gross acre.
  - Inland area.** Within the Inland area, a guesthouse shall not be located on a lot containing less than two gross acres.
- D. Number on a lot.**
- Coastal Zone.**
    - A lot may contain one artist studio or one guesthouse.
    - A lot may contain one cabaña in addition to one artist studio or one guesthouse in compliance with Subsection M. (Cabaña).
  - Inland area.**
    - AG-I zone.** On lots zoned AG-I:
      - A lot may contain one artist studio or one guesthouse.
      - A lot may contain one cabaña in addition to one artist studio or guesthouse in compliance with Subsection M. (Cabaña).
    - Zones other than AG-I.** On lots zoned other than AG-I:
      - A lot may contain one artist studio and one guesthouse.

- (2) A lot may contain one cabaña in addition to one artist studio and one guesthouse in compliance with Subsection M. (Cabaña).
- E. Floor area.** The net floor area of a guesthouse, artist studio, or cabaña shall not exceed 800 square feet. However, the guesthouse, artist studio, or cabaña structure may be attached to other accessory structures provided the building footprint area of the combined structure does not exceed 800 square feet and interior access does not exist between the guesthouse, artist studio, or cabaña and the other accessory structure(s).
- (1) For the purposes of this Subsection E.:
- (a) Building footprint area is measured to the interior surface of the exterior, perimeter walls; and,
- (b) Footprint refers to how the building sits on the ground as viewed perpendicularly from above, and includes any cantilevered portions of the structure.
- (2) Within the Inland area, the 800 square foot restriction on the building footprint area of a combined accessory structure shall not apply to projects that received preliminary or final Design Review approval and were constructed before May 16, 1995. However, these projects are still subject to the 800 square foot net floor area limitation on guesthouses, artist studios, pool houses/cabañas, and interior access between these uses and another portion of a combined accessory structure shall not be provided.
- F. Height limitations.** A guesthouse, artist studio, or cabaña shall not exceed a height of 16 feet or contain more than one story. A loft shall be counted as a story. A guesthouse, artist studio, or cabaña may be located above or below another accessory structure in areas where the H-MON overlay does not apply.
- G. Kitchen and cooking facilities prohibited.** There shall not be a kitchen or cooking facilities (e.g., ovens including microwave ovens, hot plates) within a guesthouse, artist studio, or cabaña.
- H. Wetbars.** Guesthouses, artist studios, and cabañas may contain a wetbar limited to the following features:
1. A counter area with a maximum total length of seven feet.
  2. The counter area may include a bar sink.
  3. The counter area may include an overhead cupboard area not to exceed seven feet in length.
  4. The counter area shall be located against a wall, or if removed from the wall, it shall not create a space between the counter and the wall of 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.
  5. A refrigerator limited to an under-counter unit located within the counter area.
- I. Plumbing facilities.**
1. **Guesthouses and cabañas.** Guesthouses and cabañas may contain a bar sink associated with a wetbar as described in Subsection H. (Wetbars) above, and bathrooms (e.g., toilet, sink, and bathing facilities).
  2. **Artist studios.** Artist studios may contain a bar sink associated with a wetbar as described in Subsection H. (Wetbars) above, and a restroom (i.e. toilet and washbasin). Bathing facilities shall not be allowed in artist studios.
- J. Setbacks.** Guesthouses, artist studios, and cabañas shall comply with setback requirements applicable to the principal dwelling.
- K. Use restrictions.**
1. A guesthouse shall be used on a temporary basis only by the occupants of the principal dwelling or their nonpaying guests or employees and is not intended to be rented, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined



- as occupying the guesthouse for not more than 120 days in any 12-month period.
  - 2. Artist studios and cabañas shall not be used as a guesthouse or as a dwelling and shall not be used for overnight accommodations.
  - 3. Commercial sales or transactions shall not occur within an artist studio or on the lot containing the artist studio unless allowed under a Coastal Development Permit (Section 35.472.050) or Land Use Permit (Section 35.472.110) for a home occupation issued in compliance with Section 35.442.130 (Home Occupations),
  - 4. Guesthouses, artist studios, or cabañas may be determined to constitute a dwelling by the Director in compliance with Subsection 35.442.020.B.9 (Determination that accessory structure constitutes a dwelling).
- L. Notice to property owner.** Before issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for a guesthouse, artist studio, or cabaña, a Notice to Property Owner that specifies at a minimum the allowable uses of the structure shall be recorded by the property owner.
- M. Cabaña.** A cabaña may be approved as an accessory structure provided that its use is accessory to a sports court or swimming pool, or is located on a lot directly adjacent to the sea.
- 1. **Definition of swimming pool.** For the purposes of this Subsection M (Cabaña), swimming pool is defined a structure containing a body of water, whether above or below the ground, having a minimum length, width and depth of 45 feet, eight feet and 42 inches, respectively, and which shall be designed for and used or intended to be used for swimming by individuals. The following shall be excluded from this definition:
    - a. Hot tubs, spas, including swim spas, and similar facilities.
    - b. Ornamental ponds or water features, developed as landscape design features where swimming is not intended and does not occur.
    - c. Portable, inflatable, and wading pools.
  - 2. **Restrictions on use.** The cabaña may be maintained and used as a cabaña provided that the sports court or swimming pool that the cabaña is accessory to is also maintained on the lot. If the sports court or swimming pool to which the cabaña is accessory to is abandoned or removed, then the use of the cabaña shall cease and the structure shall either be removed or lawfully converted to an allowed accessory structure within 90 days following the abandonment or removal of the sports court or swimming pool.
  - 3. **Sequence of construction.** A cabaña may be approved in conjunction with a proposed pool or sports court provided that construction of the proposed pool or sports court is completed before or simultaneously with completion of the cabaña.
- N. Artist studios.** Issuance of a Coastal Development Permit in compliance with Section 35.472.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) for a home occupation in compliance with Section 35.442.130 (Home Occupations) shall be required prior to the issuance of a Coastal Development Permit or Land Use Permit for an artist studio.
- O. Residential second unit.** If a residential second unit exists or has current approval on a lot, a guesthouse or artist studio shall not also be approved.

**35.442.130 - Home Occupations**

- A. Purpose and applicability.** This Section provides development and operational standards for home occupations where allowed by Division 35.2 (Montecito Zones and Allowable Land Uses). The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties.



**CHAPTER 35.424 - COMMERCIAL ZONES**

**Sections:**

- 35.424.010 - Purpose
- 35.424.020 - Purposes of the Commercial Zones
- 35.424.030 - Commercial Zones Allowable Land Uses
- 35.424.040 - Commercial Zones Development Standards
- 35.424.050 - CN Zone Standards
- 35.424.060 - CV Zone Standards

**35.424.010 - Purpose**

This Chapter lists the land uses that may be allowed within the commercial zones established by Section 35.404.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

**35.424.020 - Purposes of the Commercial Zones**

The purposes of the individual commercial zones and the manner in which they are applied are as follows.

- A. **CN (Neighborhood Commercial) zone.** The CN zone is applied to areas within residential neighborhoods appropriate for local retail or service businesses to meet daily needs for food, drugs, gasoline, and other incidentals of residents in the immediate area. The intent is to provide local serving commercial establishments while preserving the residential character of the area.
- B. **CV (Resort/Visitor Serving Commercial) zone.** The CV zone is applied to areas of unique scenic and recreational value appropriate for tourist recreational development, while providing for maximum conservation of site resources through comprehensive site planning. The intent is to provide for maximum public access, enjoyment, and use of an area's scenic, natural, and recreational resources while ensuring preservation of such resources. This zone is not intended for highway related uses that normally service travelers. Where this zone is applied to areas adjacent to the shoreline, uses permitted shall in part require an oceanfront location in order to operate.

only visitor serving zone in Montecito

**35.424.030 - Commercial Zones Allowable Land Uses**

- A. **General permit requirements.** Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) identifies the uses of land allowed by this Development Code in each commercial zone, and the planning permit required to establish each use, in compliance with Section 35.420.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Land Use Permit, Development Plan, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.** Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit for all development, including grading, except that residential units that meet the County's definition of affordable housing with the Housing Element of the Comprehensive Plan.
- D. **Design Review required.** Design Review is required prior to the approval of a planning permit for a structure, or an addition to or alteration of, an existing structure in compliance with Section 35.472.070 (Design Review).

E. **Accessory uses and structures.** Each use allowed by Table 2-12 (Allowed Land Uses and Permit Requirements for Commercial Zones) may include accessory uses and structures that are customarily incidental to the permitted use.

LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	CN	CV	

**AGRICULTURAL, MINING & ENERGY FACILITIES**

Animal keeping	S	S	35.442.040
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**RECREATION, EDUCATION & PUBLIC ASSEMBLY USES**

Campground	—	—	
Conference center	—	—	35.442.080
County club, swim and tennis club	—	—	
Equestrian facility	—	CUP	
Fairgrounds	—	—	
Golf course	—	P	
Golf driving range	—	P	
Library	P	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Park, playground - Public	—	P	
School	CUP	CUP	
Sports and outdoor recreation facility	CUP	CUP	
Studio - Art, dance, martial arts, music, etc.	P	—	
Theater - Performing arts, 100 person maximum capacity	CUP	—	
Trail	—	P	

**RESIDENTIAL USES**

Caretaker/Manager dwelling	—	CUP	35.442.060
Farmworker dwelling unit	CUP	—	35.442.105
Farmworker housing complex	—	—	35.442.105
Home occupation	P	P	35.442.130
Mixed use project residential component - market rate	CUP	—	35.424.050
Mixed use project residential component - 1 unit (3)	P	P	35.424.050
Mixed use project residential component 2 to 4 units (3)	CUP	CUP	35.424.050
Special care home, 7 or more clients	CUP	CUP	35.442.070

**Key to Zone Symbols**

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

**Notes:**

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Must comply with standards of Section 35.424.050.A (Mixed use affordable residential unit standards) or 35.424.060.D (Mixed use affordable residential unit standards) as applicable to the specific zone.

LAND USE (d)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	CB	CV	

**RETAIL TRADE**

Drive-through facility	CUP	---	35.442.100
General retail	P	---	
Grocery and specialty food stores	P	---	
Health club, spa	P	P (3)	
Restaurant, café, coffee shop	P	P (3)	
Service station	P	---	35.442.050
Visitor serving commercial	---	P (3)	

**SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL**

Bank, financial services	P	---	
Business support service	P	---	
Drive-through facility	CUP	---	35.442.100
Medical services - Clinic, urgent care	P	---	
Medical services - Doctor office	P	---	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Office - Business/service	P	---	
Office - Professional/administrative	P	---	
Public safety facility	P	---	

**SERVICES - GENERAL**

Charitable or philanthropic organization	---	---	
Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Day care center, Non-residential	CUP	CUP	35.442.070
Day care center, Non-residential, accessory	P	P	35.442.070
Day care center, Residential	CUP	CUP	35.442.070
Drive-through, facility	CUP	---	35.442.100
Furniture repair accessory to furniture store or interior decorator	CUP	---	
Lodging, Hotel or Motel	---	---	
Lodging - Resort hotel, guest ranch	---	P	35.424.060
Personal services	P	P (3)	
Vehicle services - Minor maintenance/repair	P	---	35.442.050

**Key to Zone Symbols**

CB	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

**Notes:**

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Use only allowed accessory and incidental to an approved resort or guest ranch.

<b>Table 2-12 - Continued</b> <b>Allowed Land Uses and Permit Requirements for Commercial Zones</b>	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulation
		Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	CN	CV
	Specific Use Regulations	

**TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE**

Drainage channel, water course, storm drain less than 20,000 sf	—	—	
Drainage channel, water course, storm drain 20,000 sf or more	—	—	
Electrical substation - Minor (3)	CUP	CUP	
Electrical substation - Major (3)	CUP	CUP	
Electrical transmission line (4)	CUP	CUP	
Flood control project less than 20,000 sf total area (6)	—	—	
Flood control project 20,000 sf or more total area (6)	—	—	
Public works and utilities	CUP	CUP	
Road, street less than 20,000 sf total area (6)	—	—	
Road, street 20,000 sf or more total area (6)	—	—	
Sea wall, revetment, groin, or other shoreline structure	—	—	
Telecommunications facility	S	S	
Utility service line with 4 or fewer connections (6)	—	—	
Utility service line with 5 or more connections (6)	—	—	

**WATER SUPPLY & WASTEWATER FACILITIES**

Onsite wastewater treatment system, individual, alternative	CUP	CUP	
Onsite wastewater treatment system, individual, conventional	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater	—	—	
Reservoir	CUP	CUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 or more connections	CUP	CUP	

**Key to Zone Symbols**

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

**Notes:**

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.

**35.424.040 - Commercial Zones Development Standards**

Development within the commercial zones shall be designed, constructed, and established in compliance with the requirements in Table 2-13 (Commercial Zones Development Standards) and all applicable standards in Division 35.3 through Division 35.6 of this Development Code.

Table 2-13 - Commercial Zones Development Standards

Development Feature	Requirement by Zone	
	CN & CN(CZ) Neighborhood Commercial	CV & CV(CZ) Retail Visitor Serving Commercial
Minimum lot size	Minimum area for lots proposed in new subdivisions.	
Area	None required; minimum lot size shall be determined by the review authority through the subdivision approval process.	
Residential density	Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.	
Maximum density	Sec Table 2-12 (Allowed Land Uses and Permit Requirements for the Commercial Zones) - Residential Uses	
Setbacks	Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions for exceptions).	
Front - Primary	50 ft from road centerline and 20 ft from right-of-way.	
Front - Secondary	Same as primary front.	Lot less than 100 ft wide - 20% of lot width, 10 ft minimum Lot 100 ft wide or more - Same as primary front setback.
Side	5 ft	20 ft; 50 ft from a lot zoned residential.
Rear	10% of lot depth to a maximum requirement of 10 ft; 25 ft if abutting a residential zone.	20 ft; 50 ft from a lot zoned residential.
Building separation	<b>Inland</b> - Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site. <b>Coastal</b> - Buildings contained dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.	<b>Inland</b> - Buildings contained dwellings shall be located a minimum of 10 feet from any other detached building on the same building site. <b>Coastal</b> - None required.
Height limit	Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements and height limit exceptions.	
Maximum height	35 ft	35 ft and 2 stories.
Exception	Within the Coastal Zone, the height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Floor Area Ratio	Maximum floor area ratio allowed.	
Maximum FAR	0.25	<b>Inland</b> - 0.10 <b>Coastal</b> - 0.25
Site coverage	Maximum percentage of net site area that may be covered by structures.	
Maximum coverage	30 %	<b>Inland</b> - 30 % <b>Coastal</b> - 33% (gross) on a lot surrounded by residential zoning; no maximum elsewhere.
Open space	Minimum percentage of net site area to be maintained as common open space.	
Minimum open space	No minimum.	40%
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

**35.424.050 - CN Zone Standards**

Proposed development and new land uses within the CN zone shall comply with the following standards, in addition to those in Section 35.424.040 (Commercial Zones Development Standards).

**A. Mixed use affordable residential unit standards.** Residential units allowed as part of a mixed use

project in the CN zone shall be attached to the primary commercial structure, and shall comply with the following standards.

1. **Floor area limitations.** The maximum net floor area shall not exceed 800 square feet for a studio or one-bedroom unit, and 1,000 square feet for a two-bedroom unit.
  2. **Limitation on rental.** The unit shall be rented only to a low or moderate income household at a level that meets the County's affordability criteria.
  3. **Limitation on sale.** The residential unit shall not be sold or financed separately from the principal commercial structure.
- B. Mixed use market-rate residential unit standards.** One or more residential units accessory to a commercial use that do not comply with the affordability requirements of Subsection A. (Mixed use affordable residential unit standards) above, shall comply with the following:
1. **Bedroom limitations.** The total number of bedrooms of the residential development shall not exceed two bedrooms per 1,000 square feet of total gross floor area of commercial development on the same lot.
  2. **Floor area limitations.** The total gross floor area of the residential development shall not exceed the total gross floor area of the commercial uses.
- C. Restaurant, café or coffee shop.** A restaurant, café or coffee shop may include a bar or cocktail lounge only if accessory to the principal use.
- D. Site planning.**
1. **Enclosure of activities required.** Within the CN zone, the land use types identified by Table 2-12 (Allowed Land Uses and Permit Requirements for the Commercial Zones) shall occur within a completely enclosed building, except for service stations and outdoor restaurants, cafes, and tearooms, or other appropriately screened outdoor uses specifically approved by the review authority.
  2. **Storage areas and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

### → 35.424.060 - CV Zone Standards

Proposed development and new land uses within the CV zone shall comply with the following standards, in addition to those in Section 35.424.040 (Commercial Zones Development Standards).

**A. Allowable uses.**

1. **Resorts and guest ranches.** Resort and guest ranches shall be of a self-contained, destination-point nature rather than those that primarily provide short-term overnight accommodations for travelers.
2. **Visitor serving commercial.** The approval of allowable visitor-serving commercial uses shall require that the review authority first determine that each commercial use is designed and limited to be incidental and directly oriented towards the needs of visitors, is part of a larger resort/visitor-serving facility, and will not substantially change the character of the larger resort/visitor-serving facility of which it is part.


**B. Development standards, general.**

1. **Height limitations.** Two-thirds of any new or reconstructed buildings which are guest rooms shall be limited to 16 feet in height except as allowed in compliance with Chapter 35.491 (Nonconforming Uses, Structures, and Lots).
2. **Limitation on separate occupancies.** New or reconstructed cottages shall be limited to six units (keys) per cottage, except as provided in Chapter 35.491 (Nonconforming Uses, Structures, and

Lots).

**C. Development standards, hotel resort.**

1. **Area.** A hotel shall be located on a lot having a minimum lot area of five acres.
2. **Building limitations.**
  - a. Not less than 80 percent of the sleeping accommodations for guests shall be provided in one-story detached buildings.
  - b. Said buildings shall have an aggregate building area not to exceed one-third of the total area of the site.
  - c. Said buildings shall contain no more than six sleeping rooms.
3. **Personal services.** Hotel resorts shall provide personal services customarily furnished at hotels, including the serving of meals. Such services shall be limited as follows:
  - a. There shall be no advertising displays, visible from a public street.
  - b. Access to the personal services shall be provided from within the hotel resort only and there shall be no outside entrances.

 **D. Mixed use affordable residential unit standards.** Residential units allowed as part of a mixed use project in the CV zone shall be attached to the primary commercial structure, and shall comply with the following standards.

1. **Floor area limitations.** The maximum net floor area shall not exceed 800 square feet for a studio or one-bedroom unit, and 1,000 square feet for a two-bedroom unit.
2. **Limitation on rental.** The unit shall be rented only to a low or moderate income household at a level that meets the County's affordability criteria.
3. **Limitation on sale.** The residential unit shall not be sold or financed separately from the principal commercial structure.
4. **Secondary to existing commercial use - Coastal Zone.** In the Coastal Zone, the residential use of the lot shall be secondary to the existing commercial use for projects that have more than one residential unit.

County documents showing enforcement of zoning violations for short-term rentals in Montecito and then a county counsel directive to stop enforcement in 2007.

There are many documents that are missing from this group that likely are relevant. In particular, it appears that a 2002 County Counsel memorandum existed on short term rentals.





Chronological Activity with Notes and Labor Hours, For CAP Number 07ZEV-00000-00188

Project Information

Project Name: CONSOS VACATION RENTAL - SPECIAL EVENTS
Date Filed: 7/9/2007
Site Address: 470 HOT SPRINGS RD, SANTA BARBARA, CA 93108
Parcel Number: 009-051-010
Officer: Brian Banks
Proj. Description: Vacation rental & special events (weddings, etc.) on residential property.
Labor Estimate: None Entered

Printed on March 13, 2015 at 11:50 am

Activity Summary

Status Date

Table with 4 columns: Status Date, Activity, Status, Time Spent. Contains 11 rows of activity logs from 7/9/2007 to 9/6/2007.

## Activity Summary

**Status Date**

**Comment:** All attempted contacts failed. Still being advertised. Must abate vacation rental and abate or permit special events.

**9/6/2007 Activity: Violation Processing — Status: NOV Sent** **Time Spent: 0.8** Brian Banks

**Comment:** Draft NOV, sent to KHM for review

**9/7/2007 Activity: Violation Processing — Status: NOV Sent** **Time Spent: 0.2** Brian Banks

**Comment:** Reviewed final draft of NOV and changes by KHM. Sent NOV- too late to go out today so will go out 9/10/07, dated 9/10/07.

**9/26/2007 Activity: Complaint Entry and Research — Status: In Progress** **Time Spent: 0.2** Brian Banks

**Comment:** Spoke w/ RP. Discussed status of case. Told RP we are still pursuing but have not made contact w/ owner.

**9/26/2007 Activity: Violation Processing — Status: NOV Sent** **Time Spent: 0.2** Brian Banks

**Comment:** Rec'd nov card. KHM also spoke to attorney for PO. Case in limbo - County Counsel Memo today states that we cannot pursue vacation rentals in residential zones. Still need permit for events so will pursue that portion of violation.

**11/1/2007 Activity: Violation Determination — Status: No Violation** **Time Spent: 0.5** Brian Banks

**Comment:** Meeting w/ KHM. County counsel determined that vacation rentals are not a violation of the zoning ordinance given the current wording. Closing case.

**11/1/2007 Activity: Violation Determination — Status: No Violation** **Time Spent: 0.0** Brian Banks

**11/1/2007 Activity: Follow-up and Close — Status: Closed** **Time Spent: 0.0** Brian Banks

**Comment:** No Violation

**Total Processing Hours Worked: 3.9**

**Total Inspection Hours Worked: 0.0**

**Grand Total of Hours Worked: 3.9**



# County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning

August 3, 2007

Peter P. Consos  
2000 Crow Canyon Pl., Suite 130  
San Ramon, CA 94583

Re: Violation of County Code Chapter 35 (Zoning), APN 009-051-010, 470 Hot Springs Road

Dear Property Owner:

On July 9, 2007, the Planning & Development Department received a complaint regarding a possible zoning violation on the above referenced property. The reporting party indicated that the residence is being utilized as a vacation and special events rental property. Staff has verified the existence of a violation onsite. The residence is being advertised as a vacation rental on the *Vacation Rentals by Owner* website ([www.vrbo.com](http://www.vrbo.com)) and at [www.haciendaandaluz.com](http://www.haciendaandaluz.com). Both websites advertised weekly rental rates as well as offering the residential property for special events (i.e., weddings, rehearsal dinners, corporate events and private parties).

The commercial use of the dwelling as a vacation rental violates the site's zone designation (2-E-1, one-family residential, two acre minimum lot size). The Montecito Land Use & Development Code defines a dwelling as follows:

***DWELLING:** A room or group of rooms with interior access between all habitable rooms, including permanent provisions for living, sleeping, eating, cooking, bathing and sanitary facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy by one family on a non-transient basis and having not more than one kitchen. Boarding or rooming houses, dormitories, and hotels are not dwellings. (emphasis added)*

Furthermore, the use of residences for "commercial reception and similar gatherings" requires approval of a Minor Conditional Use Permit pursuant to §35.442.130.D (Table 4-7) and compliance with all applicable Development Standards specified within §35.442.130.E (Development standards for all temporary uses) of the Montecito Land Use & Development Code (see attached).

Abatement of the violations requires ceasing all vacation rentals and removing all advertising of the residence as a commercial rental. Please contact me on or before July 20, 2007 to discuss any existing outstanding rental agreements and termination of the commercial operations.

---

Development Review  
Building & Safety  
Energy, Administration  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
Phone: (805) 568-2000

Long Range Planning  
30 E. Figueroa St, 2<sup>nd</sup> Floor  
Santa Barbara, CA 93101  
Phone: (805) 568-3380  
FAX: (805) 568-2076

Building & Safety  
185 West Hwy 246, Ste 101  
Buellton, CA 93427  
Phone: (805) 568-3380  
FAX: (805) 568-2076

Development Review  
Building & Safety  
Agricultural Planning  
624 W. Foster Road  
Santa Maria, CA 93455  
Phone: (805) 568-2000



# County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning

## Notice of Violation

September 10, 2007

Peter P. Consos  
470 Hot Springs Road  
Santa Barbara, CA 93108

RE: Violation of County Code Chapter 35 (Zoning), APN 009-051-010, 470 Hot Springs Rd

Dear Mr. Consos:

County records indicate that you are the owner of record of the above referenced property. Staff has verified the existence of a violation onsite.

The following violations were noted:

1. The residence is being commercially utilized as a vacation rental.
2. The residential property is being commercially utilized for special events (i.e., weddings, rehearsal dinners, corporate events and private parties).

The commercial use of the dwelling as a vacation rental violates the site's zone designation (2-E-1, one-family residential, two acre minimum lot size). The Montecito Land Use & Development Code defines a dwelling as follows:

***DWELLING:** A room or group of rooms with interior access between all habitable rooms, including permanent provisions for living, sleeping, eating, cooking, bathing and sanitary facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy by one family on a non-transient basis and having not more than one kitchen. Boarding or rooming houses, dormitories, and hotels are not dwellings. (emphasis added)*

Furthermore, the use of residences for "commercial reception and similar gatherings" requires approval of a Minor Conditional Use Permit pursuant to §35.442.130.D (Table 4-7) and compliance with all applicable Development Standards specified within §35.442.130.E

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FAX: (805) 686-5028

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Building & Safety  
Agricultural Planning  
624 W. Foster Road  
Santa Maria CA 92455

(Development standards for all temporary uses) of the Montecito Land Use & Development Code (see attached).

To correct this violation you must:

1. Cease all vacation rentals and remove all advertising of the residence from the *Vacation Rentals by Owner* website [www.vrbo.com](http://www.vrbo.com), [www.haciendaandaluz.com](http://www.haciendaandaluz.com) and any other media, print or other advertisement.
2. Apply for, and receive, a Minor Conditional Use Permit to validate the use of the site for Reception facilities or cease the use of the residential parcel for commercial special events.

The vacation rental violation must be abated within thirty days from receipt of this Notice of Violation. If you will not be seeking after-the-fact approval for the commercial use of the site (Reception facilities/special events only) this use must also cease within thirty days from receipt of this Notice of Violation. Should you wish to seek a Minor Conditional Use Permit to validate the use of the site for Reception facilities, please submit a complete application for a Minor Conditional Use Permit within 30 days from receipt of this Notice of Violation. Please contact the Zoning Information Counter or visit our website ([www.sbcountyplanning.org](http://www.sbcountyplanning.org)) to review the permit application requirements. I will also be happy to provide you information regarding the Minor Conditional Use Permit processing procedures.

In the event these violations are not abated and or the required permit application (Reception facilities only) within 30 days from receipt of this Notice of Violation, you will receive a Notice of Determination of Fine and be subject to an administrative fine of up to \$100.00 dollars per day from the day of transmittal of this notice, for each noted violation pursuant to the County Administrative Fine Ordinance, County Code, Chapter 24A. Therefore, non-compliance could result in total fines in excess of \$3000. No fine will be incurred if you comply with the actions described above.

As advised in previous correspondence, upon resolution of the zoning violation and closure of the zoning enforcement case, zoning enforcement fees will be assessed to cover all the time spent by enforcement staff investigating and resolving the case. The current processing fee in effect, as approved by the Board of Supervisors is \$129.00 per hour. The payment of processing/administrative fees is required regardless of any fines incurred under the Administrative Fine Program (Ordinance 24A) as described within this Notice of Violation and any subsequent Notice of Determination of Fines. You will have the right to object to these processing/administrative charges by filing a Request for Hearing with the Department of Planning & Development within 10 days from receipt of the billing statement (mailed upon closure of enforcement case) pursuant to §35.498.070.E of the Santa Barbara County Montecito Land Use & Development Code. Unappealed or upheld processing fees can be recovered in a civil action or by



# County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning

July 9, 2007

Peter P. Consos  
470 Hot Springs Road  
Santa Barbara, CA 93108

Re: Violation of County Code Chapter 35 (Zoning), APN 009-051-010, 470 Hot Springs Road

Dear Property Owner:

On July 9, 2007, the Planning & Development Department received a complaint regarding a possible zoning violation on the above referenced property. The reporting party indicated that the residence is being utilized as a vacation and special events rental property. Staff has verified the existence of a violation onsite. The residence is being advertised as a vacation rental on the *Vacation Rentals by Owner* website ([www.vrbo.com](http://www.vrbo.com)) and at [www.haciendaandaluz.com](http://www.haciendaandaluz.com). Both websites advertised weekly rental rates as well as offering the residential property for special events (i.e., weddings, rehearsal dinners, corporate events and private parties).

The commercial use of the dwelling as a vacation rental violates the site's zone designation (2-E-1, one-family residential, two acre minimum lot size). The Montecito Land Use & Development Code defines a dwelling as follows:

***DWELLING:** A room or group of rooms with interior access between all habitable rooms, including permanent provisions for living, sleeping, eating, cooking, bathing and sanitary facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy by one family on a non-transient basis and having not more than one kitchen. Boarding or rooming houses, dormitories, and hotels are not dwellings. (emphasis added)*

Furthermore, the use of residences for "commercial reception and similar gatherings" requires approval of a Minor Conditional Use Permit pursuant to §35.442.130.D (Table 4-7) and compliance with all applicable Development Standards specified within §35.442.130.E (Development standards for all temporary uses) of the Montecito Land Use & Development Code (see attached).

Abatement of the violations requires ceasing all vacation rentals and removing all advertising of the residence as a commercial rental. Please contact me on or before July 20, 2007 to discuss any existing outstanding rental agreements and termination of the commercial operations.

---

Development Review  
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123 E. Anapamu Street  
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Santa Maria, CA 93455

July 9, 2007

Page 2

Should you wish to seek a Conditional Use Permit to validate the use of the site for Reception facilities, please contact the Zoning Information Counter or visit our website ([www.sbcountyplanning.org](http://www.sbcountyplanning.org)) to review the permit application requirements. I will also be happy to provide you information regarding the Conditional Use Permit processing procedures.

Please be advised that as a violation is identified to exist on your property, an enforcement case has been opened on the property and all staff time expended to resolve/abate the violation will be charged to you at an hourly rate of \$129.00 per hour. This includes research, correspondence, site visits, etc. You will have the right to object to these charges by filing a request for a hearing with the Department of Planning & Development within 10 days from receipt of the billing statement (mailed upon closure of enforcement case) pursuant to §35.498.070.E (Hearing on objections) of the Santa Barbara County Montecito Land Use & Development Code. Unappealed or upheld processing fees can be recovered in a civil action or by recording a lien against the property pursuant to the requirements and procedures detailed in §35.498.070.E.6 of the Santa Barbara County Montecito Land Use & Development Code. Additionally, as provided for within Section 35.498.080, if a permit is required to cure a verified violation, a permit processing penalty fee equal to double the permit cost (up to \$2,000.00) will be assessed pursuant to the Board of Supervisor's currently adopted Fee Schedule.

I look forward to working with you in a cooperative manner.

Sincerely



Brian Banks, Enforcement Planner  
Building & Safety Division, Zoning Enforcement

(805) 568-3559\_

xc: 07ZEV-00000-00188

encl: §35.442.130, Table 4-7  
§35.442.130.E & §35.442.130.F

# COUNTY OF SANTA BARBARA

Stephen Shane Stark  
County Counsel



105 E. Anapamu St., Suite 201  
Santa Barbara, CA 93101  
Telephone: (805) 568-2950  
FAX: (805) 568-2982  
e-mail: [mbsrry@co.santa-barbara.ca.us](mailto:mbsrry@co.santa-barbara.ca.us)

## COUNTY COUNSEL

June 7, 2007

VIA E-MAIL AS ATTACHMENT

Cotty Chubb  
E-mail: [cotty@chubbco.com](mailto:cotty@chubbco.com)

Re: Short-term Rental of One-family Dwelling in R-1/E-1 Zone

Dear Cotty Chubb:

Supervisor Carbajal has requested that this office respond to your specific inquiry regarding whether the County may pursue code enforcement action against a property owner who rents a one-family dwelling located in a Single Family Residential (R-1/E-1) zone to another family, as that term is defined by the County, on a short-term basis (i.e., a term of fewer than 30 consecutive days).

As you may know, many California coastal communities have addressed the problem of short-term rentals in residential zones. Some communities, such as Carmel and Huntington Beach, have prohibited short-term rentals, while others (e.g., Laguna Beach, Newport Beach) regulate such rentals. In either case, these communities have enacted legislation that specifically addresses the issue.

Santa Barbara County's Land Use & Development Code (LUDC) does not directly address the short-term rental use of a one-family dwelling located in an R-1/E-1 zone, and therefore does not contain language that allows the County to enforce against the short-term rental of such a dwelling to another family.

In Santa Barbara County, a one-family dwelling is a permitted use in residential zones. (LUDC, section 35.23.030.) The LUDC differentiates a dwelling from lodging, and defines the following forms of lodging: 1) Bed and Breakfast; 2) Board or Rooming House; 3) Guest Ranch; 4) Hostel; 5) Hotel; 6) Hotel,



Cotty Chubb  
Re: Short-term Rental of One-family Dwelling  
June 7, 2007  
Page 2

Resort; and 7) Motel. (LUDC, section 35.110.020(L).) Most of these forms of lodging are prohibited uses in the R-1/E-1 zone.

It has been suggested that the LUDC's definition of "dwelling," which describes a dwelling as being "occupied or intended for occupancy by a family on a non-transient basis," could establish grounds for the County to enforce as a zoning violation the short-term rental of a one-family dwelling located in an R-1/E-1 zone. This suggested approach must be rejected for several reasons.

To begin, the words "on a non-transient basis" are somewhat vague because the term "non-transient" is undefined in the LUDC. Second, even assuming that "non-transient" means "of a duration of 30 days or more," the description of a dwelling as being "intended for occupancy by a family on a nontransient basis" is subject to claims of ambiguity as it raises the questions of what a property owner's intent is for his her home and what is the relevant time frame for establishing that intent. Finally, it appears that the purpose served by the language "non-transient" in the definition of "dwelling" is to distinguish a dwelling from lodging. Notably, "short-term rental of a one-family dwelling" is not listed in the LUDC as a form of lodging. The LUDC does not indicate that inclusion of the "non-transient" language in the definition of "dwelling" was intended to prohibit an owner from renting his or her single-family home to another family for any particular period of time.

In sum, the County's LUDC does not provide a clear basis for code enforcement action against a property owner who rents his or her one-family dwelling, located in an R-1/E-1 zone, to another family for a term of fewer than 30 consecutive days. This opinion is limited to the specifics of your inquiry and does not preclude County enforcement action in other circumstances, for example where facts indicate that a one-family dwelling has taken on characteristics of lodging, such as a Bed and Breakfast.

If you have any questions, please do not hesitate to contact me.

Sincerely,  
*Mary Pat Barry*  
Mary Pat Barry  
Deputy County Counsel

cc (via E-mail):      traxfilm9092@cs.com  
                            Mimidegruy@aol.com  
                            laura.lodato@verizon.net

**Daly, Julia Rutherford**

---

**From:** Sybil Rosen <sybilrosen4@gmail.com>  
**Sent:** Thursday, June 01, 2017 1:09 PM  
**To:** Villalobos, David  
**Cc:** Metzger, Jessica  
**Subject:** RE: BOS June 6 STR vote  
**Attachments:** BOS letter for June 6.doc

I sent this on May 24 but just received an alert that it wasn't received. Please see attached & resubmit to Board of Supervisors

Thank you  
Sybil Rosen

**Sybil Rosen**  
**134 Hermosillo Road**  
**Santa Barbara, CA 93108**

June 2, 2017

Santa Barbara County Board of Supervisors  
15 E Anapamu Street  
Santa Barbara, CA 93101  
Re: Short-Term Rental Ordinance, Board Agenda June 6, 2017

Dear Chair Hartmann and Supervisors:

I have been working since July 2013 to bring fair warning of the destructive changes to our community. It started with a home sale to absentee owners used as a short-term rental next door. Every weekend the anxiety built as a new group would come rolling in; strange cars, strangers, all their friends and Marco Polo in the pool all weekend. No protection from the county due to a faulty interpretation by County Council in 2007. **Look at us now 4 years later.**

Every year in our County there is an increase in ads for short-term rentals and a decrease in rental housing for families. Cost are driven up and neighborhoods are on there way to just becoming "hoods."

City Council of Santa Barbara stood up for community & banned homes and home-stays; as did Ojai, Buellton, & Solvang. Many communities including Santa Monica are struggling with allowing some & not others. Home-stays do nothing to free up housing to relieve the workforce living availability.

Cities that ban are seeing the return of housing for people that work and participate in the communities where they live. I have friends that are now renting a three-bedroom/2 bath home for \$5000 (shouldn't this be enough income) on a two-year lease that had been a vacation rental. The cul-de-sac neighbors all came over to welcome them and thank them.

For years owners have been illegally renting out artists studios, cabanas, garages, & guesthouses & even their decks with outside showers. What makes you think that if you allow with regulations they will start paying the TOT and obeying the law? No dollar amount will be enough to enforce this. What happened to zoning? Will we have to leave the County if we cannot be assured that the house we buy will end up being a bed & breakfast next door.

Give us the tool to report illegal uses and confidence that County Code enforcement will respond and stop the behavior. **Keep it simple & cost effective to prove and enforce. Ban Short-term rentals including home stays except in Tourist and commercial zones where already allowed. This is transient housing. This is not sound land use and planning practice based on County General Plan and Montecito Community Plan.**

Here is a partial list of cities and quotes by leaders that understand the devastation. Take a look at the quotes. **Let's put our name on this list.**

Anaheim Mayor Tom Tait- "STR's are motels in residential neighborhoods"  
Healdsburg City Planning Director "STR's commercialize neighborhoods. Continuous visitors end up replacing long-term residents that participate and contribute to social & economic fabric of the neighborhood & community."

Healdsburg Mayor McCaffrey- "halfway measures are difficult to enforce"  
Hermosa Beach City Attorney working to curb expansion of hotel-like uses in residential neighborhoods. We will enforce this ordinance."

Irvine Communications Director, Craig Reem-"A dwelling rented out for 30 days or less is considered a hotel and isn't allowed in residential neighborhood. A homeowner can rent a portion of his owner occupied home as long as it is for a period of 31 days or more."

Manhattan Beach Mayor Wayne Powell- "The residential nature of our community, the peace and quiet of our residents----that rules over someone's profits"

Laguna Beach City Councilman Robert Zur Schmiede- "Allowing STR in residential areas would essentially be a policy to convert residential districts into Commercial vacation areas. Long range rentals will be reduced, second homes will become year-round mini hotels, with our Police Department and 911 serving as the front desk."

Ojai Councilwoman Betsy Clapp- "This is about money and not community. Allowing short-term rentals is a self-destructive process. These seemingly harmless home-based hotels impact school enrollment, housing stock volunteerism and community cohesion. I have seen how they have turned neighbor against neighbor. They are not good for our town."

Santa Barbara City Council unanimously swore allegiance to residents over visitors, lauding zoning as a guiding force of City government.

Santa Monica Planning Administrative Analyst- "We are proactive with enforcement but the big negative has been allowing home stays. Too many people are skirting the law and being deceptive."

Sonoma City Mayor Laurie Gallian- "Vacation rentals leading to disjointed neighborhoods."

St. Helena resident- "I ask you to give higher priority to your citizens' quality of life than to some tourists' desire for a neighborhood experience, some absentee owners desire to finance their second home through a STR or some misguided notion that we can balance our city's budget by cramming our neighborhoods full of STR's and collecting the TOT."

Tiburon Councilman Jim Fraser- "We're a residential community. Commercializing a neighborhood town is not something I think we should be doing.

Is the National headline going to read: "SANTA BARBARA COUNTY BOARD OF SUPERVISORS ABANDONS THEIR ZONING LAWS AND THEIR RESIDENTS IN FAVOR OF TOURISTS."

Please make a decision you can be proud of for generations to come. Save our County

Sincerely,

Sybil Rosen, 28-year resident of Montecito (Santa Barbara County)

"A society grows great when old men (or women) plant trees whose shade they know they shall never sit in"

## Daly, Julia Rutherford

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**From:** Fogg, Mindy  
**Sent:** Wednesday, May 31, 2017 10:44 AM  
**To:** Metzger, Jessica  
**Subject:** FW: Proposed Short-Term Rental Ordinance

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**From:** Mark Hubert [mailto:markahubert@gmail.com]  
**Sent:** Wednesday, May 31, 2017 10:40 AM  
**To:** Fogg, Mindy  
**Subject:** Proposed Short-Term Rental Ordinance

As a resident of the unincorporated area of Santa Barbara County, I want to express my opposition to proposed short-term rental ordinance. My wife and I, who have been County residence for 24 years, have enjoyed the ability to rent our home over weekends once or twice each year. It has allowed us to take a couple of short vacations each year. Vacations we would not be able to enjoy if we were not able to rent our home.



Mark Hubert  
5311 Paseo Orlando  
Santa Barbara  
964-0068

## Daly, Julia Rutherford

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**From:** Carla B. Reeves <carlabreeves@gmail.com>  
**Sent:** Wednesday, May 31, 2017 9:14 AM  
**To:** Metzger, Jessica  
**Subject:** STRs

Please don't throw the baby out with the bathwater. Allow STRs with reasonable restrictions in residential neighborhoods. I have traveled in many countries and have found these opportunities wonderful for getting to know local culture. Not everyone wants to stay in a hotel.

Thank you

***Carla B. Reeves, REALTOR***

Voted **2013 Best Real Estate Agent** by SB Newspress Reader's Choice

GRI, CRS, SRES, ABR,

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## Daly, Julia Rutherford

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**From:** greg merrill <mac12g@yahoo.com>  
**Sent:** Tuesday, May 30, 2017 3:23 PM  
**To:** Metzger, Jessica  
**Subject:** Fw: STR SB County

Dear Mindy and Jessica:

As a concerned tax payer and citizen I am writing you today in support of STRs being allowed within the residential neighborhoods of SB County. I offer a unique perspective as my experience as both a past, "above board", owner of a STR in SB , as well as a local property owner who lives next door to a home which was once operated as a "loosely supervised" STR. I have also attended all the past hearings for the City ordinance as well as the last County hearing in Santa Maria.

While I sympathize and also agree with many of the concerns and complaints of those on the "against" side, I also strongly feel the benefits of STRs far out weigh the negatives .....WITH the very important caveat that a common sense set of guidelines be set forth and enforced. (I.E. If an operator fails to adhere to said guides they lose their license to operate under a 3 strikes system) The situation in the city provides an ideal opportunity to see the ill effects of their ban:

- 1) Millions in lost potential revenue (TOT)
- 2) Sending the message to today's progressive vacationers that SB is closed for business (millions more in lost economic stimulus)
- 3) adding to other factors and ensuring the extinction of the small retailer (lower state shuttered)
- 4) Badly needed rental income (for many) to afford to live in SB was lost.
- 5) neighborhoods are no better off and a case could be made for the opposite.

There are many reasons why DT Santa Barbara is experiencing a rash of recent store closings while lower State st. is falling into disarray. The Homeless situation, unrealistic retail property owners, online retail competition are all valid contributing factors. I concede that some of these factors may not apply to the County situation. However, the reality that millions of dollars of lost retail revenue has resulted from the elimination of STRs in SB is irrefutable. If the same thing is allowed to happen in the County, it will be the kiss of death to towns like Los Olivos, Los Alamos, SY, and countless others that rely on the weekend traveler who supports local business. Today's modern vacation traveler does not want to stay on an AG property or in a C zone in Buelton. They want to walk to a shop, a wine room, and to enjoy a meal.

I could go on but the main point I would like to convey is that there is a middle ground where all concerned parties can be accommodated. It all comes down to a common sense set of rules that must be adhered to. When I operated my property in SB, I had each traveler sign a detailed lease and set of house rules. It was clear that any violation of a "house rule" (i.e. noise ordinance, max. occupants, pets, smoking ....) results in the automatic forfeiture of the 1-2k security deposit. I also went to all my surrounding neighbors and gave them my phone number with a friendly suggestion that they call me if there is an issue. I never had one complaint and we received 5 stars from our

guests. The possibility of peaceful coexistence coupled with a bounty of new County revenue is sitting on the table. It is my sincere hope that the County Board of Supervisors will strongly consider the bigger picture and seize the opportunity that the City of SB has squandered. I ask you to please craft some guidelines and allow for progressive change to continue in SB County.

Respectfully Yours,

***Greg Merrill***



## Daly, Julia Rutherford

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**From:** Jena Harris <jena.harris@coldwellbanker.com>  
**Sent:** Tuesday, May 30, 2017 2:55 PM  
**To:** Fogg, Mindy; Metzger, Jessica  
**Subject:** STR - Board of Supervisors Hearing

Dear Mindy and Jessica, I'm writing to provide my input on STR in the County of Santa Barbara.

I don't see these as the nuisance that some have made them out to be. So, I want to express my encouragement for a thoughtful, commonsense approach like the one that Goleta has adopted so successfully.

I'd like to encourage the Supervisors to consider a similar (or the same) approach so as not to completely eliminate STRs from homeowner's options for renting their homes during short absences. The cost of living in Santa Barbara is so high and if people can use this option during their planned absences, it can help them defray the costs of homeownership and provide temporary housing for visitors to this beautiful area of Santa Barbara. It's a win/win!

Thank you for your work on this and so many other issues that are being considered by the County's governing bodies.

Best, Jena Harris

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## Daly, Julia Rutherford

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**From:** Metzger, Jessica  
**Sent:** Friday, June 02, 2017 3:31 PM  
**To:** sbcob  
**Subject:** FW: STR letter  
**Attachments:** doc06168620170602153010.pdf

-----Original Message-----

**From:** PADsbLRPcopier@countyofsb.org [mailto:PADsbLRPcopier@countyofsb.org]  
**Sent:** Friday, June 02, 2017 3:30 PM  
**To:** Metzger, Jessica  
**Subject:**

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# LETTER

## Vacation rentals: the actual disaster

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

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

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

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

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

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

Mac Wheeler  
Santa Barbara

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

Since 2006 we have rented part of our home on 5 acres, (not a separate building) through a vacation rental site, originally only on a monthly basis, but with burgeoning cost increases in water and other amenities and with more short term rentals being offered we decided to include short term vacation rentals to cover some of the costs. We duly obtained a TOT certificate and pay the 10% (soon to be 12%) bed tax.

The County now seems determined to ban all short term vacation rentals even in unincorporated areas of Santa Barbara county unless you are on 40 acres! How was this acreage decided since it bans in effect all short term vacation rentals.

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

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

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

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

please keep this info in mind  
when making decisions.  
Thank you for courteous thoughtfulness

## GUEST COMMENTARY

## County spends a lot, gets very little

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

Over the course of five hearings at the Planning Commission and two in Montecito, plus a host of public-outreach meetings, P&D

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

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

the board.

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

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

At the last board hearing, about five people in Santa Barbara and a couple in the Santa

María hearing room spoke against short-term rentals. At least 75 speakers lined up in support.

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

The most frequently heard complaints are non-specific and subjective. They fall into the category of "spoiling the character of the neighborhood" — classic NIMBY-ism. How does one define the character of a neighborhood, or what spoils it? Arguably, there are five possible nuisances — noise, lights, traffic, parking and dust. One

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

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

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

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

Lee Rosenberg is a Santa Ynez Valley resident.