

Public Comment - Forwarded by
P&D

Lenzi, Chelsea

From: Metzger, Jessica
Sent: Tuesday, May 30, 2017 1:48 PM
To: sbcob; Board Letters
Subject: STR comments received for 6/6 hearing
Attachments: doc06155120170530133811.pdf; Input of Short term rentals; FW: STRs WILL REDUCE THE DEFICIT; Letter to Board of Supervisors ~; Short term rentals; FW: Short-Term Rental Ordinances POSTPONED; Update; STRs and the Community Plan; STR - Comments ; Short Term Rental Ordinance; Please save home stays from the STR ban; Current STR Guidelines in Santa Barbara County ; FW: STRentals; FW: Short term rentals; STR Hearing June 6, 2017; June 6th Hearing: STRs; Copying You! Fwd: Letter Regarding Short Term Rentals in Santa Barbara County in Anticipation of Hearing, June 6, 2017; Fwd: Please support a BAN on Short Term Rentals in Santa Barbara County Residential Neighborhoods

Please find the attached comments I have received that do not look like they went to you yet. Thanks!

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

May 12, 2017

Ms. Jessica Metzger
Planning & Development - County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

MAY 15 2017
S B COUNTY
PLANNING & DEVELOPMENT

Re: Short Term Rental Ordinance - Citizen Input to Board of Supervisors

Thank you for the opportunity to submit public comment to the Board of Supervisors for their May 16, 2017 meeting. Citizens, the Planning Department, and the Planning Commission have worked long and hard to create these proposed ordinances. Some of the newly elected Board of Supervisors may not be as close to the issues we have grappled with, therefore, in a nutshell, and for the reasons outlined below, **PLEASE BAN ALL SHORT TERM VACATION RENTALS IN RESIDENTIAL ZONES, ESPECIALLY IN MISSION CANYON.**

Pass the ordinances against short term rentals, home sharing, lodging, boarding or rooming houses and hostels **especially** in areas such as Mission Canyon and above Foothill Road where it will present a **literal** disaster in case of fire or emergency evacuation, and **forbid** in **any** zoning district not intended for this type of commercially oriented use.

Supporting some of the arguments against:

Unlawful use of residential property as a commercial venture: Property owners do NOT have the right to use their property however they wish; established zoning, building codes and permitting and use regulations are in place for a reason. A home in a residential zone is not a business opportunity to be exploited at the expense of the neighborhood and the community.

Do NOT collect transit occupancy taxes or business taxes as this would tacitly approve the illegal use and violation of the zoning code. Enforcement of violations with **significant** fines would provide funds for enforcement program and act as deterrent. Merely enforcing existing noise and nuisance violations does not suffice, does not address all the impact issues. **Do not be swayed by the amounts of TOT collected; at what price would you sell out the soul of our neighborhoods?**

Neighborhood issues of traffic, parking, safety, emergency evacuation, noise: Short term renters are not protected with required smoke alarms, emergency exits, evacuation procedures and other safety features and inspections required for hotels. There is not adequate parking provided for this use. No planning or environmental review has approved this commercial use and neighbors are not protected from the impacts these short term renters impose on them. The proposed STR Supplemental Application only addresses these issue after the fact and without full planning review. **We should not have to continue to bear strangers in and out of our neighborhoods making additional noise, impacting parking and traffic and causing safety and security issues around our homes. The quiet enjoyment of our residence is obliterated when there is a short term rental on a property of less than one acre.**

Home sharing with an owner present is a smoke screen; the same impact issues exist and it would be ridiculous to try to enforce. Home sharing still has a negative impact because of the frequent turnover of guests and intensity of the land use.

Affordable Housing: every short term vacation rental in a legal unit is taking away an ownership or long term rental opportunity from our community. Home prices and rents continue to rise and extremely low

May 12, 2017

Ms. Jessica Metzger

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vacancy rates making workforce housing unaffordable and unavailable. Rising housing prices and rental rates along with extremely low rental vacancy rates continue to challenge the availability of housing affordable to the workforce. Every short term rental unit not available for long-term housing creates an increasing demand on an already challenged marketplace.

Debunking some of the arguments in favor:

Promotes tourism – it is not the burden of residentially zoned neighborhoods to disproportionately bear. Residents bear the burden and contribute to tourism through commercial zones, retail taxes, traffic, parking restrictions and the like.

Generates revenue for community – I challenge you to create a system of collecting revenue fairly and completely from directly short term rentals. The jurisdictions that have tried have faced severe roadblocks and impediments from both the homeowners and the online platforms. Additionally, this money is seldom earmarked for mitigation of the impact of short term rentals on those it directly adversely affects, and generally goes to general funds.

Defrays costs of mortgage – Since when is it the role of government functioning as long range planners to assist homeowners in defraying their costs?! If these are legal rental units, a long term renter provides payments to the owner AND the community gains affordable housing. If local government wants to assist homeowners with their mortgage payments, the appropriate vehicle is affordable housing programs, lower interest loans and the similar home buying assistance. These are subsidized by the *entire* community; not on the backs of specific neighbors.

It is the power and responsibility of local government to regulate and to preserve residential neighborhoods and address housing issues:

Land use regulations placing restrictions on the way one may use a property are an essential function of government ordinances and upheld by legal rulings. Only commercial and multiple residential zones can support short term rental activity. ***Please protect R-1 neighborhoods, particularly on parcels of less than one acre, and especially in areas such as Mission Canyon and above Foothill Road where it will present a literal disaster in case of fire or emergency evacuation, and forbid it in any zoning district not intended for this type of commercially oriented use.***

PLEASE PASS THE ORDINANCE THAT BANS SHORT TERM RENTALS in residential zones in ALL of its forms including “home sharing” (which is a smokescreen and unenforceable) and provide STRICT enforcement tools. Please protect and support the law-abiding citizens of residential neighborhoods and our communities.

Sincerely,

Concerned Mission Canyon Resident

May 12, 2017

***PLEASE PRESERVE OUR RESIDENTIAL NEIGHBORHOODS
BY BANNING SHORT TERM RENTALS!***

In San Diego you will see signs in favor of short term rental restrictions that read "Neighborhoods Are For Neighbors".

One early Sunday morning in mid-December this was brought home (and I mean that very literally) by the following occurrences in the space of two hours:

- Before setting out on her walk one resident discovered a pail of fruit left pre-dawn by a neighbor to be shared.
- This resident and walker promised two young girls with a gingerbread cookie and milk sale (a winter take on the lemonade stand) she would make a return trip after her walk and stopping back at home to get some money.
- Another resident and walker brought the sale to the attention of the first walker; he, too, was not carrying money and promised and did the same. He also encouraged the first walker to spread the word as he was.
- A third resident went across the road to seek some medical advice from a neighbor who is a doctor.
- A fourth resident went to another neighbor to seek travel advice due to weather delays from a neighbor who is a travel agent.
- A fifth resident sought rehab advice following surgery from a different neighbor in the medical field.

Two homeowners who use their homes as short term rentals rarely participate in these friendly, cooperative and neighborly rituals, even when they present. The short term renters who may be occupying these homes most certainly do not.

By banning short term rentals in the R-1 zone we can keep neighborhoods for neighbors here in Santa Barbara County.

Sincerely,

Concerned Mission Canyon Resident

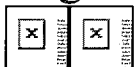
Lenzi, Chelsea

From: Pete Slaga General Manager <pete.slaga@turnkeyvr.com>
Sent: Monday, March 27, 2017 11:22 AM
To: Metzger, Jessica; Fogg, Mindy
Subject: Input of Short term rentals
Attachments: regulations for STVRs.pdf

Hello Jessica and Mindy,

Attached is some information that I would like to share with you regarding first the definition of a vacation rental and secondly a potential process and proposed regulation for your consideration.

Regards,



Pete Slaga
General Manager Gold Coast California
Turnkey Vacation Rentals

[Why TurnKey Video](#)
[The TurnKey Story](#)

Direct (805) 833-0086 | pete.slaga@turnkeyvr.com
888-512-0498 (24-hour reservations & support)
www.TurnKeyvr.com



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Here is my input on regulations for Short Term Vacation Rentals that will make the best efforts to ensure good neighbor policies. By far the biggest improvement will be on defining how many people can stay in a Short Term Rental based on # of bedrooms. Please note that there are many cases that have ruled that a residence being used as a vacation rental is not a commercial use of a property

A growing number of states are protecting the rights of homeowners to rent out their homes as vacation rentals, but Michigan's legal stance on the issue threatens the summer vacation rental market.

State courts in Maryland and Alabama have been the latest to rule that renting a residence as a vacation rental is not a commercial use of property. Those rulings are in stark contrast to a 2010 Michigan Court of Appeals ruling, which deemed vacation rentals a commercial use that could be banned via common deed restrictions.

The Michigan Court of Appeals ruling cast a legal cloud over the summer vacation rental market in Michigan, which is significant, especially in western and northern Michigan. Under that ruling, the vacation rental market is at risk of being shut down under a broad characterization of the term "commercial use."

The Michigan Court of Appeals ruling stemmed from a dispute between cottage owners Thomas and Jeannie Schilling and a neighborhood association. Like many cottage owners, the Schillings entered into an agreement with a rental agency and occasionally rented their summer cottage to vacationers for periods of a week or less.

A neighborhood association called the Enchanted Forest Property Owners sought to end the Schillings' use of their cottage as a vacation rental. The association argued that renting to vacationers was a commercial use, which the group claimed was in direct violation of a deed restriction that prohibited commercial uses in the cottage neighborhood. On these grounds, the association filed suit to enjoin the Schillings from renting their cottage.

In 2010, the Michigan Court of Appeals decided against the Schillings because it believed that renting a summer cottage as a vacation home violated a deed restriction that prohibits "commercial" use. The court reasoned that including vacation rentals within the ambit of a commercial purpose restriction was bolstered by the "clear intent" of the drafters of the deed to restrict the use of the property to private residential use. Private residential use, the court concluded, did not include private residential use by renters.

The Michigan Supreme Court had previously considered restrictions similar to those in the *Schilling* case in the context of commercial use, and had prohibited activities that most would consider to be more typically "commercial," such as daycare operations and operating a convalescent home. Those cases involved the operation of actual businesses in a residential area, not the mere renting of residential properties by individuals to vacationers.

Further highlighting the peculiar nature of the *Schilling* ruling was a recent case in Alabama, in which the court refused to follow the *Schilling* decision. The Alabama court faced a similar question involving cabin owners whose property was subject to a deed restriction prohibiting commercial uses. Unlike the Michigan Court of Appeals, the Alabama court found that renting to vacationers was not a commercial

use. The Alabama court focused its reasoning on the character of the use by the vacationers and found that the vacationers used the cabins in the same manner as other residents.

The Alabama court noted that "[t]he income the [owners] derive from the rental of the property derives solely from the use of the property in the same manner as the other landowners in this subdivision use their properties. The fact that the [owners] receive rental income does not transform the character of the subdivision."

Consistent with the Alabama court's reasoning and focus on the use of the property, the Maryland Court of Appeals likened renting property to similar arrangements that certainly do not violate commercial use restrictions. The Maryland court ruling articulated that argument, saying:

The owner's receipt of rental income in no way detracts from the use of the properties as residences by the tenants. There are many residential uses of property which also provide a commercial benefit to certain persons. Both in Maryland and in a great majority of states, over 30 percent of homes are rented rather than owned by families residing therein, thus providing much rental income to landlords. In addition to conventional rentals, a commercial benefit may be realized from residential property by persons or entities holding ground rents, mortgages, or deeds of trust. When property is used for a residence, there is simply no tension between such use and a commercial benefit accruing to someone else.

Current County Process for a Vacation Rental: All that is required is to notify Rian Diep of your address and intention to offer your home as a short term vacation rental

Proposed Processes and Regulations for a Vacation Rental:

Acquiring proper licensing for a Short Term Vacation Rental

Step 1) There should be a Short Term Rental Application and business license application that is required. The STR will have a place where either an inspection or the planning department can enter in the number of bedrooms the property has. This will set the maximum number of overnight guests allowed. As an example if it is a 2 bedroom then the home will allow for 6 overnight guests $2 \text{ per bedroom} + 2$.

Step 2) The Short Term Rental Application will cost \$500 and be required to be annually renewed at the tax department for a price of \$500

Step 3) TOT taxes will continue to be collected, reported and remitted as they currently are.

Short Term Rental Application Short Term Rental Application will cost \$500 and be required to be annually reviewed before possibly being renewed at the tax department for a price of \$500

The short term rental application should contain the following information

Owner(s): Name, Mailing Address, Email, and Phone number.

Property Information: Property Address, # of bedroom(s), # of bathroom(s), Number of off street parking spot(s)

Property Manager Information: Name of PM, 24/7 contact #, Secondary contact number, email.

Nuisance Response Information: (This is to be posted online on county website) Address of Property and at least 2 contact numbers. Combined they must be able to answer the phone 24/7. Any changes to this information will cost \$20 to update. Could impose a fine for not having updated information. Additionally, at least once a year each property should be called on by the county or an outside party to verify owners/managers are responding.

Suggested Regulations

- 1) Regulation can ensure that each registered property is assigned a maximum number of two overnight guests per bedroom count + 2, and the maximum # of daytime guests and cars allowed at the property at any time.
- 2) Outdoor quiet time (9:00pm to 7:00am), No RVs, No parties or hosted events, and many other controls could be put into place to ensure neighborhood compatibility.
- 3) Modern technology now allows for vacation rentals to monitor guests entering a home through devices like the Ring doorbell which has a motion activated camera that an owner or manager can use to monitor a property. There are also in home noise decibel meters that can send alerts if a certain noise threshold is exceeded.(Example Noiseaware.io)
- 4) A Nuisance Response Plan system similar to the City of Ventura. (See list of *Registered Nuisance Response Plans* at: <http://www.cityofventura.net/ft/STVR>). Plan posts owner or manager contact details for all registered properties.
 - a) Short-Term Rental Permit Holders should be required to respond to nuisance complaints within a reasonable amount of time with a central number that goes to a Virtual Assistant Company could be used to field complaints and contact either the owner/manager or security company thus relieving the burden on the Sheriff department. This could be funded partially by STVR permit fees and fees to come out and check on a property due to a complaint.
 - b) Noise complaints could be registered, and response times recorded and monitored via Virtual Assistant Company (cost is a retainer and which allows for a certain number of minutes per month. A per incident cost can be assessed to the owner or manager \$30).
- 5) By having regulations, there can also be a means for vacation rentals that do not respect regulations to have their permit revoked or not renewed.
- 6) In each property there should be required a Good Neighbor Policy for renters to see including the following
 - 1) Units max nighttime occupancy, daytime guests and off street parking
 - 2) No parties, loud music or events allowed. Violators subject to eviction

- 3) Outdoor quiet time 9pm - 7 am. Please respect your neighbors who may have to work tomorrow and need to sleep.
- 4) Obey all parking regulations. Violators can be towed.
- 5) If pets are allowed, please make sure to pick up after your pet(s).

Please feel free to reach out to me if you have questions or would like additional input

Regards,
Pete Slaga 805-833-0086

Lenzi, Chelsea

From: Stephen Pepe <steve@clospepe.com>
Sent: Tuesday, March 07, 2017 11:30 AM
To: Metzger, Jessica
Subject: FW: STRs WILL REDUCE THE DEFICIT
Attachments: STRs WILL REDUCE THE DEFICIT.doc

Hi Jessica,
Attached is my Letter to the Editor about STRs.
Steve.

Stephen Pepe
President EconAlliance
4777 East Hwy 246
Lompoc, CA 93436
T 805 735 7867
F 805 736 4754

STRS WILL REDUCE THE DEFICIT

By Stephen Pepe, President EconAlliance

The County faces a growing budget deficit of about \$ 35 million. There is no upside to blaming the County employees' pension agreements. When you make a deal, good, bad or ugly, you live up to your agreement. Similarly, proposing to cut programs should be the last resort. Instead, we should view the glass as half full and increase revenue. Can we? Sure.

In generating revenue, the County is at the bottom of the barrel. In sales tax, per capita revenue, Buellton is at \$385, Solvang and Santa Barbara are \$205 and \$209 respectively while the County is the lowest at \$65. The returns from the Tax on Transients ("TOT" or bed tax) is similar. The incorporated cities generate \$44 million a year in bed tax while the County generates \$8.9 million with less than \$4 million coming from the agricultural North County.

At last year's Supervisors' meeting on Short Term Rentals ("STRs") it was noted STRs produce about \$1.5 million in bed tax. Only about 50% of the actual STRs operating are paying the bed tax. Allowing these folks to be lawful will be at least a \$1.5 million increase. While there are no figures on sales tax generated by STRs, it is significant.

There are many positive reasons to encourage and allow STRs on agricultural land:

- STRs permit farmers to supplement their income, especially in years where drought or excessive rains result in lost production.
- In "normal" years STRs provide farmers with a regular supplement to their income which reduces the need for short term financing while waiting for the sale of their crops.
- Consumers who reside on farm land for a couple of days will develop a greater affinity for that farm's products and will be more loyal customers.
- The "farm to table" and organic movement is growing each year and the ability of city dwellers to spend several days on a farm will enhance their appreciation of farming.

- There is a false narrative that commercial activity on agricultural land is somehow illegal, immoral or unamerican. That is wrong historically and factually. The State and County Right to Farm Ordinances permit farmers to sell their crops directly to consumers. This commercial activity enables farmers to receive a higher price for their crops and facilitates consumers developing a personal relationship with farmers. Our neighbors to the North in San Luis Obispo County, permit STRs, hotels, bed and breakfasts and restaurants on farm land. Farmers with extra space in their coolers rent it to other farmers. Thoroughbred stud farms on Highway 246 and in Happy Canyon, as well as the horse hospital on Alamo Pintado are big buck commercial activities on agricultural land.
- In many grape growing countries, such as Italy, for example, the government provides low cost loans to farmers to erect STR facilities on their farms to keep the small farmer in business. This is known as Agritourism.

None of the correct noise and parking criticisms of STRs that have been the subject of much debate in the incorporated areas exist for STRs on farm land:

- Noise will not be a problem since the minimum parcel size will be 5 acres with most in the 20+ acre range. Besides there are already existing regulations to deal with such issues.
- Neither parking nor traffic is an issue on agriculture land.

For all the above reasons, the Board of Supervisors should permit STRs on farm land.

Will this solve the County's deficit? Not by itself, but it is a long overdue right step in the right direction. It will lead to increased revenue, instead of playing the divisive zero-sum game of cutting services.

Lenzi, Chelsea

From: Jacqueline Lowther <jackielow@aol.com>
Sent: Wednesday, March 01, 2017 10:01 AM
To: Metzger, Jessica
Subject: Letter to Board of Supervisors ~
Attachments: Emailed Version Letter to Supervisors.docx; Beach Overlay.docx

Dear Ms. Metzger,

Attached please find a copy of a letter sent to all members of the Board of Supervisors on the issue of Vacation Rentals in Santa Barbara County.

As a vacation rental owner myself, I look forward to working with the County in a collaborative effort to come up with fair and balanced regulations that will allow STR's to continue existing in our community while adhering to the mandates of the Coastal Act.

I thank you for your efforts in this regard.

Best regards,

jacqueline l. phillips ~
(310) 384-8034

Jacqueline Lowther-Phillips
PO Box 40238
Santa Barbara, CA 93140
jackielow@aol.com

March 1st, 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 March 21st.

As you know, our coastal community has a long-standing tradition of providing a valuable resource to visitors by means of our short-term rental options available to them.

I would like to address certain 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 was prepared by California Economic Forecast (5385 Hollister Avenue, Box 207, Santa Barbara, CA 93111 - (805) 692-2498), on May 12, 2016, in response to the question: "What is the Effect of the Short-Term Rental Market on the Supply of Long-Term Housing in Santa Barbara?" Their findings indicate that only 1.6.6% 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. These homes would therefore never be converted to long-term rentals and would most likely 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?

An independent study performed by the California Economic Forecast, prepared for the City and County of Santa Barbara, Santa Maria, Thousand Oaks, and San Luis Obispo, in June 2016, issued a report titled: "Do Short-Term Rentals cause an increase in nuisance complaints in Central Coast cities?" Their findings 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. 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?

A study titled "The Local Economy Impact of Short-Term Rentals in Santa Barbara, CA", performed by TXP, Inc., 1310 South 1st Street #105, Austin, Texas 78704, 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

We all know that the Coastal Commission is the state agency created and charged with administering the Coastal Act. In all instances, the Commission 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 providing important overnight accommodations for the public and coastal communities and support the increased coastal access opportunities, as mandated by the Coastal Act.

As stated by a Coastal Commission Staff in San Diego "a prohibition on short-term rentals would have a significant adverse impact on visitors and would set an adverse precedent for balancing the needs of residents and visitors". Furthermore, it would be inconsistent with the Certified Land Use Plan, in light of the public access and recreation policies of the Coastal Act.

For all 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.

Successful short-term rental regulations should be developed through an open and transparent dialogue between providers, policymakers, industry stakeholders and the entire community.

I must add that my family owns a beach house on Padaro Lane that we rent out as a vacation rental. Doing this allows us to continue enjoying it. We have always had wonderful experiences with our guests and have never once received a complaint from neighbors.

I can personally attest to the fact that properly run vacation rentals can be an asset to our community and I wholeheartedly support this practice.

My fervent 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 ~

BEACH OVERLAY

The Coastal Commission has already supported the creation of Beach Overlays in several coastal communities.

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.

The creation of a Beach Overlay ensures the public's ability to access and recreate on the coast.

Together with the appropriate regulations in place, this Beach Overlay would avoid any adverse impacts associated with the allowance of lodging in residential areas, while ensuring that visitor-serving accommodations are allowed. This plan conforms to and is adequate to carry out the public access and recreation policies as mandated by the Coastal Act.

Lenzi, Chelsea

From: Mary Myers <mbmyers@me.com>
Sent: Friday, February 24, 2017 6:41 PM
To: Metzger, Jessica
Subject: Short term rentals

Hello,

I am writing to support short term rentals in the county with appropriate taxes and regulations.

I am a homeowner in Montecito living on a shared driveway. There are four homes altogether. Mine, the primarily vacation rental immediately next door, another owner, plus the house he rents traditionally.

The vacation rental is managed by Paradise retreats. It is very well maintained. I have called them twice over the last two and one half years regarding noise and parking and both times the issue was managed quickly and politely. The renters tend towards older, families, and active types.

The traditional rental on the other hand, is an ongoing nightmare. Perhaps 12-15 people living in a 2/1 house, 9 or more cars crowding the driveway and street. Strangers coming and going, day and night. My car broken into the night they had a party, my boyfriend threatened. The yard filled with garbage. Loud music, car repairs and so on. I have spoken to the owner multiple times, and called the county as well with zero results over the same two and one year period.

I am strongly in favor of short term rentals as well as some needed reforms on rentals over all -- health and safety, overcrowding and nuisance measures for example. These issues are running down my property value and taking its toll on my peace of mind.

It is not short versus long term rentals. It about the owner's responsibility to the neighborhood and renters as well.

Thank you.

Sincerely,

Mary Elizabeth Myers
1225 east valley road
Santa Barbara 93108
805.453.2924

Sent from my iPhone

Lenzi, Chelsea

From: Rodriguez, Terry
Sent: Friday, February 24, 2017 2:14 PM
To: Metzger, Jessica
Subject: FW: Short-Term Rental Ordinances POSTPONED

For your records

From: Nina Gross [<mailto:ninagross@me.com>]
Sent: Friday, February 24, 2017 2:10 PM
To: Rodriguez, Terry
Subject: Re: Short-Term Rental Ordinances POSTPONED

Thank you for this notice.

Is this hearing open to the public both as an audience or as a speaker? If yes, may I sign up for attendance or time to present my argument for or against new Ordinances for short term rentals?

I am in favour of not changing the current laws and regulations, and to continue to allow short term rentals such as Air BnB. They create jobs and a supplemental income source, for those who otherwise do not have the ability to maintain 9to5 jobs (ie single moms, unemployed do to physical hindrances or illness) but do still have the ability and space to receive guests in their home.

They create tax revenue both through T.O.T. 12% and Income, and promote tourism with affordable and unique places to stay.

After the City of SB disallowed Air BnB's, the prices of Inns and Lodging skyrocketed because they no longer had to compete with Air BnB's. They are outrageously misusing the Ordinances, for private gain and to the detriment of small business already suffering in downtown Santa Barbara.

Please continue to allow the residents of Santa Barbara county the choice and freedom to welcome short term rental guests from near and far, into their home and in turn allow the guests to see, learn and respect all that we (personally as resident hosts) love about Santa Barbara.

Thank you kindly,

Nina Giannotti

On 24 Feb 2017, at 11:43, Rodriguez, Terry <Trodrigu@co.santa-barbara.ca.us> wrote:

Good Morning,

The Board of Supervisors hearing on the Short-Term Rental Ordinances scheduled for March 21, 2017, has been **POSTPONED** due to the need for additional review time.

When this item is rescheduled, the Planning and Development department will publish the hearing notice and an email will be sent out with the new date for the meeting to this interested parties list.

Jessica Metzger, AICP

jmetzger@countyofsb.org

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

You have received this email because your address is registered with our list of interested parties for the Short-term Rental Ordinance. If you have received this email by mistake, or would like to be removed from our interested parties list, please reply to this email with 'REMOVE STRs' in the subject line.

Lenzi, Chelsea

From: mtilley@lixivia-inc.com
Sent: Friday, February 24, 2017 12:15 PM
To: Metzger, Jessica
Subject: Update

Hi Jessica,

Thanks for the update on the public hearing.

Just an update - I've been told (not verified by myself personally) that my neighbor at 1451 orange grove avenue is now digging up his garden to expand the amount of parking on his property to accommodate what will amount to a small hotel! This will create problems such as additional run-off and further degrade the appearance of the location.

This is another example of why short term rentals are detrimental to residential neighborhoods.

Thank you, Mark

Sent from my iPhone

Lenzi, Chelsea

From: Kathleen Weinheimer <kathleenweinheimer@cox.net>
Sent: Monday, February 20, 2017 10:13 AM
To: Metzger, Jessica; Metzger, Jessica
Cc: execdirector@montecitoassociation.org
Subject: STRs and the Community Plan
Attachments: Scan0171.pdf

Good morning Jessica,

Please see the attached letter regarding the controlling nature of the Montecito Community Plan.

Thank you,

Kathleen

Kathleen M. Weinheimer
Attorney At Law

420 Alameda Padre Serra
Santa Barbara, CA 93103

Phone (805) 965-2777

Fax (805) 965-6388

kathleenweinheimer@cox.net

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

420 ALAMEDA PADRE SERRA

SANTA BARBARA, CALIFORNIA 93103

TELEPHONE (805) 965-2777

FAX (805) 965-6388

EMAIL: kathleenweinheimer@cox.net

February 20, 2017

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

Re: Short Term Rentals

Dear Jessica,

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

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

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

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

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

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

Sincerely,



Kathleen M. Weinheimer

cc: Montecito Association

Lenzi, Chelsea

From: Mark Tilley <mtilley@lixivia-inc.com>
Sent: Sunday, January 22, 2017 4:52 PM
To: Lackie, David; Metzger, Jessica
Subject: STR - Comments

Dear David and Jessica,

I am writing to you to let you know of a situation that is happening in my neighborhood regarding AirBnB rental. Of course, every situation is unique, but this is an example of the downside of STR for long term residents.

I purchased a lot on Orange Grove Avenue in the Mission Canton area some time ago, with the goal of building a modestly size home.

My neighbor, Tom Moritz at 1451 Orange Grove, owns a house. He had added on to this house. I have since learned that the permit for the addition was for a work shop above a carport, though he has turned this extension into a residence for himself. I believe his continued development of this extension has resulted in his construction being red-flagged by the County planning department.

In addition, he built a small outbuilding, and I believe contrary to zoning laws, has run electricity and set it up as a bedroom.

In April last year, Mr. Moritz suggested that I move into the main, established part of the house on a month to month contract since I was planning to build next door. I said I would like to move in but only with a lease. We wrote a lease that would extend until June this year. In the meantime, Mr Moritz has been leasing out a attached studio under AirBnB for \$110-120/night (the studio is managed by Mr Moritz's partner, Carla Francesca).

In November of last year, Mr, Moritz said he had a business idea for the portion of the house I was renting. He then asked me to vacate the property. I said I had a lease, which he said he would terminate. He then tried to create excuses to terminate the lease and threatened to have me evicted by the Sheriff. The situation was so unpleasant, I decided to voluntarily terminate my lease on January 15, 2017.

In the last week of my lease, Mr Moritz moved in furniture, and did certain work on the property. He added two bunk beds into what was the master closet and added a door from the living area into the master bedroom. Mr Mortitz put a day bed on a loft space in the living room. He moved a king size bed into the master bedroom.

I believe he feels he can make more money leasing the property on AirBnB on a short term basis, than to a long term Santa Barbara resident as myself. Further, if he leases all the potential bedrooms on AirBnB, he will potentially have two people staying the attached studio, two people staying in the detached studio, one person in the loft space, two people in the master bedroom, and two people in the studio in addition to him and his partner and baby, in the workshop/carport area. This is a total of up to 11 people and likely a considerable number of cars. His studio guests are already parking in an easement area, and often, he or his guests have parked on my empty lot without permission.

This house, like many in the county, is on septic tank. I know in building my house, I am restricted to two bedrooms so that the septic tank can handle the volume waste generated without risking environmental damage.

I am concerned about parking driven by what could become a small hotel. Mr. Mortitz since has created a hostile environment for me and has informed me he is trying to challenge the easement I have through his property to my

property. I believe this is motivated by his effort to create more parking spaces for his AirBnB rental plans, though perhaps there are other reasons.

Some of what I am saying maybe speculation, but this is an example of what can happen if there are no controls on the number of sleeping spaces that can be created in a single family home neighborhood and motivated by the lure of short term rental income. Potentially, Mr. Mortitz could generate \$500/night or more, off course, being far more profitable than a stable long term renter, but creating multiple problems for the neighborhood in doing this.

I am a supporter of AirBnB (and user when visiting foreign cities), and private property rights, but not to the extent that they motivate friction and hostile behavior between neighbors. I hope the county will consider such scenarios carefully, when contemplating restrictions on short term rentals as the City of Santa Barbara did with their restrictions.

My phone number is 805-451-5388 in case you would like more details or verification on anything I have shared with you in this email.

Best wishes, Mark

Mark Tilley PhD
Senior Vice President, Business Development Lixivia Inc.

Lenzi, Chelsea

From: matt CLABAUGH <mclabaugh1@me.com>
Sent: Friday, January 13, 2017 6:40 PM
To: Lackie, David; Metzger, Jessica
Cc: Clabaugh Chris; David McIntire
Subject: Short Term Rental Ordinance

Sirs:

Please DO NOT adopt Case No. 16ORD-00000-00011, which amends the Santa Barbara County Montecito Land Use and Development Code. My reasons are as follows:

- 1) Finding 2.1, that the proposed ordinance is in the best interest of the general community welfare, is false. This "Finding" simply restates the proposed regulations, and does not offer any evidence that this ordinance has any beneficial effect.
- 2) Finding 2.2 is also false. The proposed ordinance is not consistent with the existing Comprehensive Plan, rather it significantly changes that Plan, and leaves uncertain many issues that will have unintended and complicated consequences.
- 3) Further in Finding 2.2, the statement that "the proposed plan is consistent with the parts of the existing plan that it does not affect" is an absurd inclusion, perhaps added to give words but no meaning to an otherwise incorrect statement.
- 4) The proposed ordinance acts to confiscate property rights from a wide swath of property owners who are unaffected by whatever incidents this proposed ordinance is supposed to address. It indirectly gives those confiscated rights to a small group of commercial hospitality operators, but without the due process and compensation of a typical eminent domain procedure.

I am an agricultural landowner in the Santa Rita Hills area between Solvang and Lompoc, and do not have a potential rental property which could be affected by this ordinance. I simply see the wrong that is being proposed here, and want to defend the property rights of landowners and the general community.

Matt Clabaugh

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Lenzi, Chelsea

From: Ben Claydon <benclaydon@gmail.com>
Sent: Friday, January 13, 2017 4:47 PM
To: Metzger, Jessica
Subject: Please save home stays from the STR ban

Hello,

In regards to the proposed short term rental ordinance, I saw that the County Board of Supervisors asked for a review of Home Stays. I would like to discuss the benefits, compare them against investor owned properties, and propose methods for enforcement. I am asking the County to save homestays from the STR ban.

The Value of Homestays

Homestays are owner-occupied short term rentals, which are a different from investor owned rentals. Homestays offer guests a cultural experience, a chance to live in real Santa Barbara neighborhoods, meet and talk with their hosts, and an affordable way to visit our area. For the home owner it gives us the same cultural experience, the joys of showing off Santa Barbara, and also a flexible way to help with our high mortgages. Santa Barbara is very hard to afford for both renters and owners, and this gives those of us with part time availability a chance to bring in a little extra cash. Mortgages are roughly double rents, so it's a little mercy. My wife and I converted our garage to host my wife's mother, who will be with us part time. We need to save the space for my mother in law so we can't have a long term renter in there, but it would be wasted space if we couldn't have guests in it. I've met a few people who have extra space, such as mother in law suites, separated master bedrooms, or guest houses, that can't have long term renters. I know someone who has their kid every other month and hosts guests while their kid is away. I have heard of retirees that like offering bed and breakfast services. It brings a little life into their homes and let's them meet new people, and in some cases it's the only way they can support themselves. Also, having the homeowner on the property is very different than not knowing where they are. My neighbors still see me on the property every day and feel safe knowing that my guests will be quiet and respectful, and my guests know that we're not a party house. I don't think we can get the same guarantees from investor owned properties.

Enforcement

Verifying that the property owner lives on site should be pretty easy. An enforcement officer can compare the list of registered Home Stay host names and addresses to the following verifiable items. A detailed check shouldn't take too long for each property, and STR taxes could cover the effort.

- SB County Recorder or Assessor records for the name of the property owner.
- Work pay stubs indicating primary residence and employee name. Or social security income records for retirees.
- Name on the electric, water, gas, cell phone bills, etc.

The enforcement officer could cross reference the number of room rented vs. the total number of rooms. For instance if someone is advertising a whole house you could ask to see the guest house or studio they're living in while hosting.

Thank You,

Ben Claydon

Lenzi, Chelsea

From: Diane Keep <diane.keep@cox.net>
Sent: Monday, May 08, 2017 2:23 PM
To: Metzger, Jessica
Subject: Current STR Guidelines in Santa Barbara County

Follow Up Flag: Follow up
Flag Status: Completed

Hi Jessica,

While recognizing the ongoing debates and hearings on the subject of short-term vacation rentals (STRs) in R-1 zoned areas of Santa Barbara County, the County zoning code currently in effect clearly defines single-family residential permitted uses. It has recently come to my attention that there is a contradictory interpretation, and that STRs are currently permitted in Santa Barbara County. The following are excerpts from the relevant Santa Barbara County code that specifically address R-1 zoning, permitted uses and definitions:

1. SANTA BARBARA COUNTY CODE - CHAPTER 35

Section 35-71. R-1/E-1 - Single-Family Residential

Section 35-71.3 Permitted Uses (Amended by Ord. 3518, 06/03/1985, Ord. 4186, 03/14/1995) 1. One single-family **dwelling** per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Section 35-141. (Amended by Ord. 4557, 12/07/2004) Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the **exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.**

DEFINITIONS (per SB COUNTY CODE)

Dwelling: A room or group of rooms having 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 lodging houses, dormitories, and hotels shall not be defined as dwelling units.** (Amended by Ord. 4557, 12/07/2004)

Dwelling, One-family: A building designed for and occupied exclusively by one family, and containing one dwelling. (Amended by Ord. 3834, 03/20/1990; Ord. 4557, 12/07/2004)

2. SANTA BARBARA COUNTY CODE - CHAPTER 32

- **Article II. - Transients**
- **Sec. 32-11. - Definitions.**

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

***Hotel.** Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by **transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.**

Occupancy. The use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

Operator. The person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of

this article and shall have the same duties and liabilities as his principal. Compliance with the provisions of this article by either the principal or the managing agent shall, however be considered to be compliance by both.

Rent. The consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

Transient. Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

***Every hotel, motel, and individual vacation rental operator in the unincorporated areas of Santa Barbara County are required to collect the Transient Occupancy Tax (TOT) from transients who stay for a period of thirty (30) consecutive days or less.**

Can you provide the rationale that is being used to conclude that STRs are currently permitted? I would like to be able clarify and convey this to members of the community.

Thank you for your dedicated support.

■□ Diane Keep 805•729•7932

President, More Mesa Shores Homeowners Association

Lenzi, Chelsea

From: Lackie, David
Sent: Tuesday, May 30, 2017 1:27 PM
To: Metzger, Jessica
Subject: FW: STRentals

From: Sue Irwin [<mailto:sueirwinrealtor@gmail.com>]
Sent: Tuesday, May 30, 2017 1:27 PM
To: Lackie, David
Subject: STRentals

Hi Mindy,

I urge you to strongly consider a model for the County of Santa Barbara that is similar to the City of Goleta -- basically allowable with neighborhood approval and lack of complaints. This is a common sense solution that works for neighbors and homeowners alike, and it would be no less difficult to oversee than a full "no" to STRs in residential neighborhoods, with people sneaking short termers into their properties.

I personally do not have a stake in this, but many of my friends do, most of them have people renting attached units and they are always there to supervise. Many of them are people of retirement age who had difficulty during the downturn, or have very little in the way of retirement income. They are responsible homeowners and landlords. It breaks my heart to see them potentially denied this means of not going into debt.

Thank you for your consideration!
Sue Irwin

--

Sue Irwin, Realtor
805.705.6973 Lic. # 01413354
Berkshire Hathaway Home Services, California Properties, Santa Barbara, CA

READ REVIEWS from my past clients: <https://www.zillow.com/profile/Sue-Irwin/Reviews/>
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Lenzi, Chelsea

From: Fogg, Mindy
Sent: Tuesday, May 30, 2017 1:12 PM
To: Metzger, Jessica
Subject: FW: Short term rentals

From: lainns@accesswest.com [<mailto:lainns@accesswest.com>]
Sent: Tuesday, May 30, 2017 12:12 PM
To: Fogg, Mindy
Subject: Short term rentals

Mindy, I am in favor of the proposed zoning ordinance as written. No short term rentals in single family areas. Larry Linn, past president Santa Barbara Association of REALTORS.

Lenzi, Chelsea

From: Tom Condon <tomcondon@cox.net>
Sent: Wednesday, May 24, 2017 3:11 PM
To: Metzger, Jessica
Subject: STR Hearing June 6, 2017

May 24, 2017

Ms. Jessica Metzger
Santa Barbara County, Planning Dept.
105 E. Anapamu Street
Santa Barbara, CA 93109

Re: Short-Term Rental Ordinance, Board of Supervisors Hearing of
June 6, 2017

Dear Ms. Metzger,

My name is Tom Condon. My wife Christy and I have raised our three children in the Santa Barbara County neighborhood of More Mesa Shores since 2007. In moving to More Mesa Shores we sought a safe, nurturing single family neighborhood with a strong sense of community. In 2007, that described More Mesa Shores very well. In 2017, that description is slipping away due to an explosion of short-term rentals ("STRs"). I am writing to request that you protect single family neighborhoods like mine by banning short-term rentals within residentially zoned communities in Santa Barbara County.

More Mesa Shores has experienced the negative effects of STRs, including issues with littering, after-hours noise, and conflicts between residents and tenants. But most alarming is the increasing conversion of single-family homes into de facto hotels: our community of approximately 96 homes now has at least 8 STR businesses up and running (8.3%). This number is expected to rise as companies such as Airbnb, VaCasa, and others target property owners from coastal communities with promises of turning their single-family homes into cash machines. Scariest of all, an out-of-state homeowner operating an STR in our community just purchased a **second** single-family home in the neighborhood. This speaks to both the lucrative nature of STRs and the hollowing out of the intent of residentially zoned neighborhoods. Unless STRs are prevented, our neighborhood is in real danger of becoming dominated by a handful of ultra-wealthy business owners.

STRs are businesses--they belong in commercial zones, NOT in single-family zones. The tenants of STRs do not have a vested interest in the County's single-family zoned communities, and this fundamental imbalance leads to many of the problems our neighborhood has experienced.

Please follow the examples of our neighbors in Santa Barbara, Carpinteria, and Solvang in prohibiting STRs in residential zones. Please also consider that the prohibition of STRs in neighboring cities means that any allowance of STRs in single-family zones in Santa Barbara County would put enormous pressure on Santa Barbara County's single-family zones: prevented from operating in nearby areas, the STR industry would specifically target Santa Barbara County single-family communities. Our problems today will certainly intensify.

To close, please consider what has NOT changed in recent years: the intent behind zoning ordinances and thoughtful land use policy. The need for orderly structure of our society is NOT in question. What HAS changed is the technology that allows people to circumvent both the existing land use intent and the societal structures that have been in place for

decades. Please do not allow technological innovations to undo the careful planning and organization that has gone into making Santa Barbara County a great place to raise a single family.

Thank you,

Tom Condon
1257 Orchid Drive
Santa Barbara, CA 93111

Lenzi, Chelsea

From: papalima <papalima@sysdyn.com>
Sent: Sunday, May 21, 2017 10:52 PM
To: Metzger, Jessica
Subject: Copying You! Fwd: Letter Regarding Short Term Rentals in Santa Barbara County in Anticipation of Hearing, June 6, 2017

Dear Ms. Metzger,

I am enclosing for your reference, a copy of the letter that I recently sent to each of the County supervisors regarding my strong feelings regarding short term rentals and enforcement of the zoning ordinance for residential neighborhoods. Please feel free to forward to whomever you believe might be interested beside yourself. Thank you very much for your continued support in this matter.

Sincerely yours,

Patricia Feingold
5242 Austin Rd
Santa Barbara, CA 93111
448-5657

Begin forwarded message:

From: papalima <papalima@sysdyn.com>
Subject: Letter Regarding Short Term Rentals in Santa Barbara County in Anticipation of Hearing, June 6, 2017
Date: May 15, 2017 at 4:55:57 PM PDT
To: jwolf@countyofsb.org

May 15, 2017

Dear Supervisor Wolf,

My husband and I live in a small fairly isolated SINGLE FAMILY (zoned R1) neighborhood near the beach in Santa Barbara county. I have lived in this neighborhood for over twenty years. I have personally seen and experienced the changes and impacts that short term rentals ("STRs") have brought to my neighborhood, and in my experience, and those of many of my neighbors, these changes have not been positive. In my small neighborhood of 90 homes we have experienced all of the problems associated with short term rentals that you have heard articulated before - - and in addition, we have had numerous issues with STRs which host major events such as weddings, and photo and film shoots. My neighborhood has been experiencing ongoing problems associated with some of these rentals for the past seven years, and with the number of these rentals growing with each year, I fear it will only get worse. If this industry is allowed to grow unchecked, what will happen to my neighborhood - - and so many others in our county - - in 5 years? 10 years? What are we leaving for our children to inherit? Do we who reside here really want to live in one big massive commercial tourist zone? Because that is what I fear the family neighborhoods in Santa Barbara County will become if our existing residential zoning laws are not respected and enforced.

In addition, I would like to emphasize that this movement toward dedicated short term rental properties is having a significant negative impact on the inventory of housing stock which has historically been available for permanent long term residents of our county.

I would also like to point out that the argument has been made (a major proponent being the California Coastal Commission) that the STRs in my neighborhood are more affordable than the conventional venues, and therefore allow visitors with lower incomes to have access to vacation lodgings near the beach area. This is, as evidenced by current research, in most cases, not accurate. The prices for STRs in my neighborhood well exceed the average rates one would pay for a room in a local affordable hotel or motel.

Make no mistake, short term rentals are an industry. This is Big Business, and it's only getting bigger, and unchecked will continue to do so. Please do not be pressured or persuaded by Big Business - - because that is exactly what the STR "economy" is: It is Big Business, and it is an Industry and it will change our neighborhoods forever - Don't get me wrong, I have no problem with business - I myself am a business person. But commercial business activities and the tourist industry do not belong in residential neighborhoods, which have historically been LEGALLY ZONED to exclude such activities. Since when do commercial business interests take priority over the peaceful enjoyment of our home life? There are already ample legally designated and zoned areas for vacation lodgings, wedding venues and the like, which is where, I respectfully submit, they belong. I consciously chose to live in a residential, non commercial, non tourist zone neighborhood. I have paid a lot of money to do so. Please do not take that away from me! I am begging you to support the banning of short term rentals in my and all of the other R1 zones in Santa Barbara County. Please!

I am attaching a page of quotes of public comments taken from a local County newsletter/forum, where many people have come to discuss this very current and pressing issue. These are my neighbors in the County of Santa Barbara - - there are so many of us who share these views. I hope you will help us.

Thank you so very much for your time and attention to this matter.

Sincerely yours,

Patricia Feingold
Santa Barbara County, 93111
805 448-5657

Attachment (Please see below)

Attachment: Public Comments Regarding Short Term Rentals

"STRs violate the spirit and letter of zoning laws if they are in residentially zoned areas in the city or county or in ag. in the County. There are many communities in the country where none of these AirBnB or VRBOs are allowed. There are hotels/motels/inns/BnBs which are in the commercial zones and that pay dearly in these zones. That's where we get the \$\$\$ and the peace of mind that the house next door won't turn into a party house."

"NO amount of TOT revenue from short term vacation rentals (STR) or home share (HS) can ever replace affordable housing. Besides that, NO ONE wants a commercial business next door with vacationer's traipsing through the neighborhood at all hours, the noise or parking issues. We want neighbors NOT and endless stream of vacationer's."

"The problem is people who run VRBOs have taken the law into their own hands and decided that ordinances and codes do not apply to them, all in the name of profit. The quality of a neighborhood is degraded by private homes being hijacked into hotels, rather than being occupied by permanent residents. R-1 exists for good reason. By this type of reasoning, we should all be able to open any kind of business, for any purpose out of our private homes, so long as we pay taxes, business licenses, bed tax, and the like. This would not be tolerated, so why must I live next door to and down the street from hotels?"

"People pay dearly to live in neighborhoods free of commercial enterprises."

"I resent living in a commercial zone surrounded by what was once neighbors and are now scofflaw owners and their hotel 'guests.' The ruination of Santa Barbara. RIP."

"When those of us in the Santa Barbara community decided to move here and raise our families our decision was based on the character and nature of the community. The selection of our homes was our second decision. These decisions were arguably the most important decisions of our lives. We then entered into 2 contracts: the first purchase our home; and the second was with our future local government in the form of zoning laws. Just as we expected the seller of our homes to adhere to the terms of our house contract, we expect our neighbors and community leaders to adhere to the zoning laws which shaped our community - which means that these laws must be enforced otherwise they are meaningless."

"These commercial/business/hotel schemes are illegal in R-1 zones. No amount of justification ameliorates that simple fact. The overparking, while not noise inducing is extremely inconvenient for people who pay dearly to live here. Our bargain was to live in a nice neighborhood, not next door to for profit enterprises owned by folks who just don't give a fig what the rules entail: Hurray for me and the hell with you attitude."

"I have lived here for 30 years and VRBOs have massively impacted my neighborhood - negatively. Some people are quiet, but most behave as many do on a vacation, while staying at a HOTEL - loud, late and a lot."

"Zoning regulations were put in place as a response to the bozos who couldn't get the obvious and who would use any excuse to bypass the common sense zoning separations so they can make some money at everyone else's expense. VRBO and Air BnB are companies that exploit loopholes to make a buck because they are led by selfish a**holes."

"We will surely not manage density by turning homes into hotels, encouraging more interlopers and in many instances, unruly, inconsiderate guests. People have paid dearly to live in R-1 zones, pay property taxes accordingly and should not have to tolerate someone's desire to profit as much as possible by foisting unwelcome cars, people, trash, noise and congestion on a neighborhood. The homeowners who are victimized by this behavior have a right to the quiet enjoyment of their homes, are entitled to protect their investment and have rights superior to those breaking the law. Move to an R-4 zone if you want to run a hotel."

"Where do people get the idea that they are such special snowflakes that zoning regulations do not apply to them? Would be fun for these folks to check with their mortgage lien holder wherein they signed on the dotted line that their home is financed as it is because it is single family, owner occupied (federal funds, BTW), and, oh, also check out the terms of most homeowner's policy... No coverage for a commercial use such as a hotel."

"Now local families will be pushed out, with nowhere to rent because of these vacation rentals and a city full of tourists. Heinous, how this county treats its citizens. Just wrong! And what about the homeowners who are doing everything they are supposed to? THEY have to live next to these unregulated vacation rentals with outsiders coming and going? SHAMEFUL, SB."

"All the pro VC arguments are about the needs of the VC owner, never about all of their neighbors. 'I can't afford my mortgage and need to rent it out short term'. So what? Your neighbors bought their residences with a residential atmosphere in mind. If they wanted to buy in a business district they would have done so."

Narcissist Nation. Me, Myself, and I. My neighbors can just put up with me, myself and I, and my problems like I bought in too high and can't really afford it so now I'm going to make that their problem as well.

"I have not heard one compelling reason to allow vacation rentals in a residential zone. Not one. If you can't afford to keep your house without turning it into a hotel in which you don't reside, you should get a job or consider moving and let someone with a job get into the housing market."

"Short term rentals are being negatively viewed worldwide for a reason. They impact the neighborhoods they exist in. Zoning laws are in place for good reasons and protect those who live there."

"There is a community here after all, you know, that bring their families up in neighborhoods that were established to house those who work, go to school, and contribute to their community, it's not all about tourism!"

"R-4 is so zoned for good reason, just as is R-1. Trying to force rotating hotel guests on one's R-1 neighbors is nothing but pure avarice and selfish disdain for the rules and regs one agreed to when they purchased in an R-1 zone. Stop trying to shove the proverbial square peg into a round hole."

Zoning laws in residential areas exist for a reason: To protect homeowners in a given zoning classification from being deprived of their quiet enjoyment and to keep the surrounding properties from being commercialized. If zoning allows for short term rentals (which mirror hotels and motels), then they are fine. If the zoning bans them, it is illegal and violators should be prosecuted if they do not follow the law.

"I do not appreciate for one second being forced to share my R-1 neighborhood with a commercial business, otherwise known as a hotel. I pay exorbitant property taxes for the privilege of living in a private home, not one surrounded by illegal for-profit enterprises that bring noise, congestion and burdensome overparking."

" ' I live here and I wouldn't be able to afford to live here if I couldn't generate income from the vacation rental that I built on my property.'This quote speaks directly to the issue of illegal vacation rentals. Let's make a little change to your comment and see how you like it. 'I live here and I wouldn't be able to afford to live here if I couldn't generate income from selling heroin.' I can hear you now saying that is a ridiculous comparison. But if an individual such as yourself is allowed to decide which laws apply to them, then by your reasoning every other individual should have the same freedom. The zoning ordinance is not there for the individual's convenience, but to create a workable community. The belief that since he owns his property, he can do anything he wants with it may work if he were the only person on Earth, but living in a community of 100,000+ people the idea is just plain infantile".

"Make it illegal for Airbnb to profit from Short Term Rentals (STRs). We get more STRs whether we want them or not. They aid "Hosts" in breaking the law & evading taxes. City laws are NOT followed. "Host's" are NOT shut down. Past taxes are NOT collected. Affordable housing is close to nonexistent. Neighborhoods are ruined. Tax payers have to pay to shutter illegal STRs. An ordinance making it ILLEGAL for any business or person to process or accept payments for STRs or "Home Shares" for less than 31 days &/or advertising them should be implemented. We need to go after the businesses that profit not just the "Host" to stop STRs. -We should allow anyone to sue a "Host" for a refund if they paid for something that was illegal too."

Lenzi, Chelsea

From: Gail Johnson <gsjoh50@gmail.com>
Sent: Sunday, May 21, 2017 9:49 AM
To: Metzger, Jessica
Subject: Fwd: Please support a BAN on Short Term Rentals in Santa Barbara County Residential Neighborhoods
Attachments: MMap.jpg; Supervisor Hartman STR 5-18-2017.pdf; Email STR wCounty 2017-5-15 11.05.34.pdf; MMS Short Term Rentals Rev1 4-27-2017 Sheet1.pdf

FYI...

I inadvertently sent this letter without copying you!!

Best regards,

Gail Johnson

----- Forwarded message -----

From: **Gail Johnson** <gsjoh50@gmail.com>

Date: Thu, May 18, 2017 at 2:31 PM

Subject: Please support a BAN on Short Term Rentals in Santa Barbara County Residential Neighborhoods

To: jhartmann@countyofsb.org

Dear Chair Hartman,

I met with you awhile ago along with Bonnie Freeman, a former neighbor, and Tom Condon, who is my neighbor in More Mesa Shores to discuss Short Term Rental impacts on our neighborhood. We are and continue to be appreciative of your time and attention mitigating the negative impacts of Short Term Rentals (STRs) in our neighborhood and many others within the County of Santa Barbara.

I know that District 3 is very large district with a large winery presence and that Short Term Rentals are in abundant supply in the Santa Ynez Valley. These commercial enterprises generate a lot of revenue for the hospitality industry and Transient Occupancy Tax revenue for the County. I have also attended many Planning Commission meetings and one County Board of Supervisor meeting to plead the case for the protection of single family residences in R1 zones by banning STRs. We have been drowned out by the hospitality and resort industry lobby at all of these meetings because of the financially lucrative short term rental businesses they operate and their pressure to continue with the unfettered expansion of their operations. Surely there must be County neighborhoods that are zoned for single-family occupancy within the County that are protected from the excessive commercialization that has been caused by this multi-billion dollar industry.

I have attached a more detailed letter, along with attachments, that describe the impacts of STRs on our community. I again ask that you uphold a ban on Short Term Rental in County R1 neighborhoods. Please protect our neighborhood communities.

Sincerely,



STR:065- 300-004

STR:065- 300-023

STR:065- 300-10

STR:065- 300-24

STR:065- 300-009

STR:065- 310-001

STR:065- 310-021

STR:065- 310-014

Gail S. Johnson
5162 Via Valverde
Santa Barbara, CA. 93111
(805) 886-5539

May 18, 2017

Joan Hartman, District 3 County Supervisor and Board Chair
County of Santa Barbara
105 E. Anapamu St.
Santa Barbara, CA. 93101

Dear Chair Hartman,

My husband and I live in a semi-rural residential County neighborhood in the Eastern Goleta Valley called More Mesa Shores. We observe the continual commercialization of our neighborhood from the growth of Short Term Rentals (STRs). One or two homes were rented out in 2007 but that number has increased to 8 or 9 during peak and holiday seasons. County zoning ordinances don't appear to prevent this and a new ordinance has taken many years to develop and has not been approved.

I have also attended numerous Santa Barbara County Planning Commission hearings and the only County Board of Supervisor's hearing on the proposed ordinance to ban STRs in Residential and Agricultural neighborhoods. It is frustrating that an ordinance or meaningful restrictions are still pending. Meanwhile, the impacts to our neighborhood and other residentially neighborhoods zones as single-family accrue. Here are some examples:

- Increased, unrestricted growth of Short Term Rentals in R1 neighborhoods (See attached map).
- Commercialization of our neighborhood community. Commercialization has changed the fundamental neighborhood characteristics from one that is safe, stable, and family-friendly to one that is transient, disruptive, commercialized, full of conflict, and, in some cases, unsafe.
- Increased traffic and street parking. All roads in our community are fire lanes and on-street parking causes safety hazards. The County Fire Department has said that on-street parking could cause significant delays in getting to an emergency here in More Mesa Shores.
- Reduction of housing stock that is clearly needed across all of Santa Barbara County.
- Reduction of affordable housing for people who live and work in Santa Barbara County. Note in the attached spreadsheet that business owners' rental income over a 3-day weekend or a single week is the same as the monthly rent for others living here and in Santa Barbara County.
- Confusing and conflicting interpretations by two legs of the County of Santa Barbara about zoning definitions and transient occupancy. The County Tax Collectors Office and their code interpretations directly conflict with the Planning Departments interpretation of zoning ordinances and violations. Oddly, the two organizations appear to not be coordinated even though they are less than 100 feet apart in the County's administration building. Residents are left to sort out this confusion on their own, attend countless County meetings, and be drawn out by the hospitality and resort lobbyists, yet not see meaningful action to protect, ban or restrict transient occupancy in residential neighborhoods. (See Attachment of email exchange with Jessica Metzger.)

We are again asking for your support to ban whole-house rentals in residential neighborhoods that are zoned R1.

Sincerely, •

Gail & Ted Johnson

cc: Jessica Metzger, Senior Planner

Gail S. Johnson
5162 Via Valverde
Santa Barbara, CA. 93111
(805) 886-5539

FW: Current STR Guidelines in Santa Barbara County

8 messages

[REDACTED]
To: Gail Johnson <gsjoh50@gmail.com>

Tue, May 9, 2017 at 10:11 AM

Gail,

FYI – the County’s rationale that STRs are currently allowed, pending future action by the board of supervisors. It appears that our codes and definitions are contradictory. I guess it doesn’t matter that one-family dwellings are being rented to multi-families as STRs.

[REDACTED]

From: Metzger, Jessica [mailto:jmetzger@co.santa-barbara.ca.us]
Sent: Tuesday, May 9, 2017 9:39 AM
To: [REDACTED]
Subject: Current STR Guidelines in Santa Barbara County

[REDACTED]

Thank you for your comments. Unfortunately, that is not the way that we interpret the code and the current conditions. It is our interpretation that a one-family dwelling rented to another family for any period of time (transient or other) is still being used as a one-family dwelling, not as a commercial use, regardless of short or long term renting. Furthermore, “Transient” is not currently defined in the Land Use and Zoning Code. The language you show below from the Tax Collectors Code on the collection of transient occupancy tax, chapter 32, is not part of the Land Use and Zoning Code, so the definitions cannot be used.

Through our STR project process, we will add additional definitions to clarify these matters, along with any other direction received from our Board in regards to where the use should be prohibited and allowed. Once these new definitions are in place in the Land Use and Zoning Code then our enforcement officers will be able to take action on complaints about the use of a Short Term Rental. We hope that at the June 6th hearing we will get such direction. Thank you again.

Cheers,

Jessica Metzger, AICP

Senior Planner

Long Range Planning – County of Santa Barbara

123 East Anapamu Street

Santa Barbara, CA 93101

From: [REDACTED]
Sent: Monday, May 08, 2017 2:23 PM
To: Metzger, Jessica
Subject: Current STR Guidelines in Santa Barbara County

Hi Jessica,

While recognizing the ongoing debates and hearings on the subject of short-term vacation rentals (STRs) in R-1 zoned areas of Santa Barbara County, the County zoning code currently in effect clearly defines single-family residential permitted uses. It has recently come to my attention that there is a contradictory interpretation, and that STRs are currently permitted in Santa Barbara County. The following are excerpts from the relevant Santa Barbara County code that specifically address R-1 zoning, permitted uses and definitions:

1. SANTA BARBARA COUNTY CODE - CHAPTER 35

Section 35-71. R-1/E-1 - Single-Family Residential

Section 35-71.3 Permitted Uses (Amended by Ord. 3518, 06/03/1985, Ord. 4186, 03/14/1995) 1. One single-family **dwelling** per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a permanent foundation system, pursuant to Health & Safety Code Section 18551, and subject to the provisions of Section 35-141. (Amended by Ord. 4557, 12/07/2004)

Uses, buildings, and structures accessory and customarily incidental to the above uses. When accessory to dwellings, said uses, buildings and structures shall be for the **exclusive use of the residents of the premises and their guests and shall not involve the maintenance of a commercial enterprise on the premises.**

DEFINITIONS (per SB COUNTY CODE)

Dwelling: A room or group of rooms having 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 lodging houses, dormitories, and hotels shall not be defined as dwelling units.** (Amended by Ord. 4557, 12/07/2004)

Dwelling, One-family: A building designed for and occupied exclusively by one family, and containing one dwelling. (Amended by Ord. 3834, 03/20/1990; Ord. 4557, 12/07/2004)

2. SANTA BARBARA COUNTY CODE - CHAPTER 32

- Article II. - Transients
- Sec. 32-11. - Definitions.

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Hotel. Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by **transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.**

Occupancy. The use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

Operator. The person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this article and shall have the same duties and liabilities as his principal. Compliance with the provisions of this article by either the principal or the managing agent shall, however be considered to be compliance by both.

Rent. The consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

Transient. Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

*Every hotel, motel, and individual vacation rental operator in the unincorporated areas of Santa Barbara County are required to collect the Transient Occupancy Tax (TOT) from transients who stay for a period of thirty (30) consecutive days or less.

Can you provide the rationale that is being used to conclude that STRs are currently permitted? I would like to be able clarify and convey this to members of the community.

Thank you for your dedicated support.

A large blacked-out redaction covering the signature and name of the person at the bottom of the page.

**Short Term Vacation Rentals
More Mesa Shores**

As of 4-27-2017

Address	APN/Owner	Rental Co	Rates	Comments
5205 Austin Rd (Villa Ballena)	APN: 065-310-014 Ball/Holz	Paradise Rental, VRBO	\$800/night, \$4500/week, \$13500/Mo	Additional Costs: Security Deposit & Cleaning Fees
5277 Austin Rd	APN: 065-310-021 Gerlach	VRBO/Airbnb	Summers and Holidays: \$4500/night, \$32,000/week Winter: \$3800/night, \$25,000/week	3-5 night minimum stay; Additional Costs: Security Deposit & Cleaning Fees Average \$4385/night
5295 Austin Rd	APN: 065-310-001 Gilkenson	Airbnb	\$1150/night	3-5 night minimum stay; Additional Costs: Security Deposit & Cleaning Fees
1300 Orchid Drive (Sea Breeze)	APN: 065-300-023 Melvin	VRBO	\$949/nightly, \$2995/week, \$6300/Mo	Property continues to be advertized by popular vacation businesses but presently is rented month-to-month
5285 Louisiana Pl	APN: 065-300-000 Popp	VRBO	\$595- \$645/night	1-4 night minimum stay; Additional Costs: Security Deposit & Cleaning Fees
5275 Louisiana Pl.	APN: 065-300-010 Ridenour, T & H	Airbnb	\$147/night: Cottage Appt; \$375/night: Whole house	Are rented as separate units simultaneously; Additional Costs: Security Deposit and Cleaning Fees
5425 James Rd	APN: 065-300-023 Uhler	Airbnb	\$148/night cottage;	Additional Cost: Security Deposit