

1.0 Development Standards.

Below is a list of possible development standards and application requirements that the Board of Supervisors could adopt for Short Term Rentals (STRs). During the application review process, staff could review the site plan of the lot and floor plan of the proposed STR building to ensure that the applicant meets the below standards.

1.1 Possible Development Standards

STRs could be subject to the following new development standards, to address safety and compatibility issues. These development standards are based (in part) on research that staff conducted regarding the effectiveness of the standards and other jurisdictions' success with enforcing the standards, and consideration of issues presented during the development of the Planning Commissions' recommended STR ordinance amendments.

Compliance with Fire, Building, and Health Codes

The Board of Supervisors could adopt regulations requiring that dwellings used as STRs to be in compliance with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association standards and/or regulations, and other relevant laws and codes regarding carbon monoxide detectors, smoke detectors, emergency egress window, handrails, and fire extinguishers.

Prohibited Structures

The Board of Supervisors could prohibit STRs in (1) any dwelling subject to agreements, conditions, or covenants entered into with the County restricting their use including affordable housing units, agricultural employee housing, including farmworker housing, (2) any structure that is only permitted to be occupied on a temporary basis including cabañas and guest houses, or (3) any structure or space that may not be legally used for dwelling or overnight accommodations including agricultural accessory structures, tents, trailers, vehicles, and yurts.

Primary Structure

The Board of Supervisors could permit STRs in only the primary structure on the lot.

Limit on Number of STRs Allowed Per Lot

The Board of Supervisors could limit the number of STRs to only one dwelling (including legally-established residential second dwelling units) on any lot.

Signs

The Board of Supervisors could prohibit signs on and/or off the lot on which the STR is located which indicate the presence of the STR.

Limitation on the Number of Guests and Parking Restrictions

While developing the Planning Commissions' recommended STR ordinance, there were a substantial number of comments regarding nuisance issues, including excessive noise and constricted on-street parking due to over-crowding in STRs. To address these issues, the Board of Supervisors could adopt a development standard that would limit the maximum occupancy of a bedroom to two adults (with an exception for children under the age of six) and a requirement that all parking be located on-site with a parking requirement of one space per bedroom.

Nuisance Response Plan

The Board of Supervisors could adopt development standards requiring STR operators to develop and implement a nuisance response plan which requires the STR operator to maintain a 24-hour contact for residents located within 30 miles of the property. This contact would be available for

neighbors if issues arise with the STR. Failure to respond to calls in a timely and appropriate manner could result in revocation of the permit to allow the STR. Responding in a timely and appropriate manner means that the permittee must respond to an initial call within one hour of the time the initial call was made. Furthermore, the permittee would be required to implement a corrective action, if required, within two hours of the initial call. The permittee would be required to maintain a call log that could be reviewed by staff at permit renewal for compliance.

Posted Notice within Unit

Possible regulations could require the operator to post a set of rules in the unit to clearly disclose to the tenant the requirements that apply to the use of the STR. This posted notice could state the occupancy, parking, and maximum noise standards for the unit.

Noise

Noise standards could be called out specifically for the use of STRs. The standards could establish a maximum acceptable noise level of 65 dB or existing ambient levels, at any point beyond the property boundary, whichever is greater, and exceeding maximum acceptable noise level of 45 dB between 10 p.m. to 8 a.m.

Internet Listing

Another possible regulation would be to require the operator to disclose all internet hosting site listing numbers upon issuance of the permit. This would allow enforcement staff to identify those STRs on hosting sites that have been legally established.

Renewal of Permit

In order to ensure that permittees continue to use and maintain STRs in compliance with the STR development standards, the Board could require permittees to renew their STR permits annually, or at another designated interval. This would allow staff to review the permittee's history of compliance with the terms and conditions of the STR permit, when considering whether to renew the permit.

Revocation Standards

The Board also could require that the STR permit clearly indicate under what conditions the STR permit could be revoked (e.g., due to violations of the conditions of the STR permit).

1.2 Supplemental Application

In order to verify compliance with the STR development standards, staff recommends that STRs be allowed subject to a Land Use Permit (LUP), Coastal Development Permit (CDP), or Conditional Use Permit (CUP). Staff has developed a supplemental permit application for STRs that could be used to obtain additional needed information regarding the STR permit request, and is not included the standard application for a LUP, CDP, or CUP. The supplemental application could include the following:

Copy of the Owner's/Operator's Standard Rental Contract

The STR permit application could include a requirement to have the owner/operator submit a copy of the standard rental contract for the STR, in order to ensure that the limitations on the use of the STR are clearly communicated to the occupants of the STR, and the contract is consistent with the terms and conditions of the permit for the STR.

TOT Certificate Number

This requirement would ensure that the taxes are collected and assist in enforcement efforts.

Floor Plan

Requiring a floor plan would ensure that only defined bedroom spaces are being counted for the purposes of determining the maximum occupancy of the STR.

Neighbor Notification

Prior to inaugurating the use of the STR, the applicant could be required to mail a postcard notice to neighbors within a certain distance from the STRs. The notice could include the following information:

- The name and phone number of the local contact available on a 24-hour basis;
- The maximum number of occupants allowed to stay overnight in the unit;
- The maximum number of vehicles allowed on the property; and
- County enforcement contact information.

1.3 Additional Permit Review

If a permit is required, the Agricultural Preserve Advisory Committee (APAC) could review permit applications for STRs on parcels that are subject to an agricultural preserve contract. The APAC would determine if the use is compatible on the land in contract pursuant to the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules). The Uniform Rules define eligibility requirements and qualifying uses to which each participating landowner must adhere in order to receive a reduced property tax assessment.

The Uniform Rules state that land under contract is to be used principally for commercial agricultural production; however, it may be appropriate to allow secondary uses on contracted land that are either incidental or supporting the agricultural operation on the property. The Uniform Rules provide compatibility guidelines, criteria, and eligibility requirements that the APAC must consider when making its determination. For a secondary use to be allowed on contracted land, the zoning ordinance must permit it and the APAC must find it to be compatible with agriculture pursuant to the Williamson Act and the Uniform Rules.