

Alexander, Jacquelyne

From: waltonmasters <waltonmasters@cox.net>
Sent: Friday, September 29, 2017 11:40 AM
To: Williams, Das; Wolf, Janet; Adam, Peter; Lavagnino, Steve; sbcob
Subject: Regulation of STRs in Santa Barbara County

To the Santa Barbara County Board of Supervisors:

As a 19 year resident of Montecito, I ask that the Board of Supervisors support a fair regulation of Short Term Rentals.

I have operated an STR for nearly one year now, and I carefully choose and monitor my guests. My neighbors are all aware of my business, and know that they can call me if there are any problems, as my policy is ALWAYS neighbors first, guests second. I have not yet received one call.

Since November 21st, 2016 until September 30th 2017 I have paid \$8355.62 in Transient Occupancy Tax to SB County. I also employ legal workers who help maintain and improve the property.

Please reconsider your ban: Santa Barbara County is a beautiful but expensive place to reside. If you take away law-abiding residents' rights to generate income from their homes, I believe you will be contributing to income inequality locally. As a taxpayer, I am all for low-income housing, but what about middle-income housing? Please remember of all of us 'middle-income' people who pay taxes, educate our children locally, run businesses locally, volunteer locally, hire locally and make up a good part of the fabric of our wonderful community. We would like to be able to stay here in town!

Sincerely,
Charity Walton Masters
2231 Camino Del Rosario
Montecito, CA 93108

Alexander, Jacquelyne

From: kelly.rose1@verizon.net
Sent: Friday, September 29, 2017 12:59 PM
To: sbcob
Subject: October 3rd Board Meeting - Short Term Rental Regulations
Attachments: October 3rd Letter to the Board.doc

Dear Clerk of the Board of Supervisors,

Attached is a letter to the Board of Supervisors regarding the Agenda Item on Short Term Rental Regulations. Would you please distribute my letter to the Board Members.

Thank you,
Kelly Rose

Kelly A. Rose
3210 Acampo Road
Los Olivos, CA 93441

September 28, 2017

Board of Supervisors
County of Santa Barbara

Re: Proposed Regulations for Short Term Rentals

Dear Supervisors,

I would like to express my appreciation to Planning and Development Staff who have been involved in this important issue since 2015. They have done a great job of listening to the residents of Santa Barbara County, to the Members of the Planning Commission and to the Board of Supervisors in preparing proposed regulations relative to transient and short term rentals. I would also like to thank the Board of Supervisors for identifying a path that addresses and balances the needs of residents and neighborhoods with the needs of those people who are economically challenged and depend on transient rental income to keep their primary residences.

WHY HOMESTAYS AND FARM STAYS MAKE SENSE

A number of people have spoken before the Planning Commissioners and the Board of Supervisors stating that they depend on revenue from renting out a room (or rooms) in their homes so that they can afford to keep their primary residence. **The proposed regulations on homestays and farmstays will continue to allow them to generate this needed income.** Such regulations will also address the concerns that many homeowners and neighborhoods have regarding noise, security, parking, etc. generated by short term rentals.

“Save the Rentals”, a Santa Barbara based trade association created to promote the short term rental industry, surveyed local owners/operators of short term rentals. **The survey results showed that 15% of the properties listed for short term rentals were not used at all by the owners of such residences. Another 60% reported that they used the properties for less than 3 months per year. These responses clearly demonstrate that these short term rental properties are either owned for investment purposes or represent 2nd or 3rd homes.** In other words, the owners of such properties don't occupy them as their principal residence. These are the properties that create most of the problems because the owners are not neighbors, they are absentee landlords.

Under the proposed regulations, this activity by absentee landlords will end. Additionally, the proposed regulations will have a positive impact on the inventory of available homes (for rent or sale). We all know the challenges within Santa Barbara County relative to affordable housing and the proposed regulations will bring homes back to the rental and sale markets – versus their current use as weekend and short term vacation rentals.

IMPACT OF AUXILIARY DWELLING UNIT LEGISLATION

The recent legislation to reduce the requirements regarding adding auxiliary dwelling units to most properties zoned residential and single family residential is a clear response to the severe shortfall of affordable housing. This is definitely relevant and applicable to Santa Barbara County – especially in Districts #1, #2 and #3. However, I noted that the current proposed regulations do not address the status of Auxiliary Dwelling Units (“ADUs”).

The purpose and goal of the ADU legislation is to increase the stock/inventory of affordable housing. It would therefore be counterintuitive and counterproductive to allow ADUs to be used in connection with Homestays and Farmstays. These dwellings should be used exclusively for long term rentals. This issue is addressed in the legislation where the regulations allow local jurisdictions and agencies to establish a minimum rental period of 30 days as it applies to rental of ADUs. **I strongly suggest that the Board include ADUs on the list of dwellings that are prohibited from use as transient and short term rentals.**

REGULATING THE NEW ORDINANCE

This will be one of the most challenging elements of the proposed regulations. Transient and short term rentals generate significant revenue to property owners, property managers and web hosting companies. Unless the Board establishes procedures and resources for enforcing its regulations, such regulations will be ignored.

I previously mentioned that “*Save the Rentals*” commissioned a survey of local owners of properties listed as available for transient and short term rentals. **Nearly 25% of such owners stated that if regulations were passed to eliminate their short term rental business, they would simply ignore the regulations and continue to rent such properties on a short term basis until they were caught.** This means that the penalties for breaking the law should be sufficiently large to stop people from ignoring the regulations.

While this may seem aggressive, it should be noted that this approach is followed by a number of cities, counties and even countries that severely restrict or ban short term rentals. It is common knowledge that less than 50% of the properties listed for short term rental on such web hosting sites as Airbnb and VRBO have valid transient occupancy tax certificates or pay transient occupancy tax to the appropriate governmental agency. **To ensure compliance with the County’s proposed regulations, there has to be a meaningful and substantive penalty for noncompliance.**

Additionally, I suggest that the Board consider directing Planning and Development Staff to review the City of Santa Barbara’s efforts to enforce its regulations banning short term rentals, including pursuing those people who were operating short term rentals without paying transient occupancy taxes. According to information provided by the City of Santa Barbara, there were nearly 1,000 short term rentals listed on hosting websites that were not licensed and were not paying “TOT”. It is actively pursuing more than 200 of

these properties to recover the TOT that should have been paid prior to the ban. Another example is San Francisco – the headquarters of Airbnb. The City identified over 10,000 properties listed for transient and short term rental – but only 1,600 properties were licensed and paying TOT.

This is big business and it generates big revenue. It is also a business that doesn't like to be regulated as demonstrated by the number of lawsuits filed by hosting websites against such cities as San Francisco, Anaheim, Santa Monica, New York - and even Santa Barbara. That is also why it is important that the County establish robust enforcement protocols, including sufficient staffing. Fines will go a long way in both assuring compliance with the County's regulations as well as funding its enforcement efforts.

Thank you for considering my observations and suggestions.

Respectfully yours,
Kelly Rose

Alexander, Jacquelyne

From: jdgerlach <jdaltongerlach@gmail.com>
Sent: Friday, September 29, 2017 1:11 PM
To: Metzger, Jessica; sbcob
Subject: Coastal overlay/historic use More Mesa Shores
Attachments: Home Away 2008 receipt (1).pdf; Homeaway Gerlach Listing 2007 (1).tiff

Hi Jessica:

Thank you for your call today. Per your request, I have attached evidence of historical rental use for my property in More Mesa Shores starting in 2007 and copied the Clerk of the Board. We were told by the County at that time that we did not need a business license and there was no mention of TOT. We obtained our TOT permit after getting a letter from the County. My neighbor, Tim Ball, has submitted documentation separately for his More Mesa Shores property documenting rentals dating back to 2004. Adopting a coastal overlay map permitting short-term rentals to continue in some coastal areas but stopping them in others, even though there has been long-term historical use, does not make sense. The coastal overlay map as proposed (Miramar only) excludes (for some unexplained reason), the More Mesa Shores vacation rentals and others North of the Santa Barbara harbor that have been historically renting short term. If the ordinance and map are adopted as is without More Mesa Shores, a 15 mile stretch of coastline from the Santa Barbara harbor to the Bacara hotel will no longer have coastal accommodations for the public.

Best Regards,

James

Brian Sharples (name on invoice) rented in early 2008

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J. Dalton Gerlach
805-636-6335

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Invoice/Receipt



James Gerlach
United States

Invoice number: 456410 of Apr 24 2008
Order number: 203469/236570 of Apr 24 2008
Username: jdgerlach@cox.net
Property number: 187804 ()

Item	Quantity	Unit cost (\$)	Total cost (\$)
HomeAway Network Listing - 4 sites with 12 photos (12m)	1	299.00	299.00
		Sub total	299.00
		Free listing per Brian Sharples X 1	- 299.00
		Sub total	0.00
		Total	0.00

Payments for this invoice (to date)	Payment amount (\$)
Total payment received	0.00
Total outstanding	0.00

Your payment has been received. Thank you! Please keep this receipt for your records.

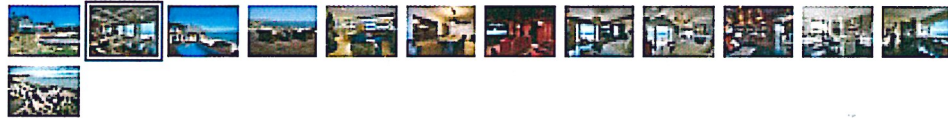
HomeAway
1011 W. 5th St, Suite
300, Austin, TX 78703
+1 877-225-6723

*VRBO 2007 -
records no longer exist.*



Living Room

2 of 13



Details

House	Sleeps	Bedrooms	Bathrooms	Half Baths	Minimum Stay
7,100 sq. ft.	16	5	6	1	2 - 4 nights

About the property

5 bedrooms, 7 baths

The Santa Barbara Beach Club...nothing short of spectacular.

PLEASE CONTACT DIRECTLY - WE DO NOT SHOW CALENDAR

One of the Finest Oceanfront Estates available in Southern California.

Everything you can imagine in one house for large or multiple families.

The views of the Ocean, Channel Islands and Mountains are unsurpassed.

This property boasts an incredible Ocean View Master with paneled Library stocked with NY Times Best Sellers and four Ocean View Suites that open up to the amazing scenic Observation and Pool Deck. This deck has an Endless Pool, a ten seat Hot Tub, fireplace and an outdoor LCD TV to watch the game. The oversized ground level decks and fire pit provide for outdoor dining and entertaining areas that take advantage of the spectacular views.

[More Details](#)

Property Manager



Kari Gerlach
Member since: 2007

Contact Manager

Speaks: English
Response time: Within a few days
Response rate: 100%
Calendar last updated: September 28, 2017

[Read more about Kari Gerlach](#)

Alexander, Jacquelyne

From: Don Erickson <d.erickson@cox.net>
Sent: Friday, September 29, 2017 3:25 PM
To: sbcob
Subject: To The Clerk of the Board RE: Short -Term Rental Ordinance

Chair Hartmann and Members of the Board of Supervisors:

As a homeowner directly adjacent to a problematic STR located at 2380 Sycamore Canyon Rd., I appreciate your support of a ban on STR's in residential neighborhoods. That ban will be instrumental in returning this area to the quiet state we enjoyed when we moved in 25 years ago. It is my hope that at the October 3rd hearing you will finalize that support and take action on the order to ban STR's.

I would also encourage you to *not* consider the Homestay option. Given that the owner of the STR property at 2380 Sycamore Canyon Rd. lives in an apartment above the garage, allowing Homestays would have no effect on the property, and the unacceptable impact of vacation renters would continue.

If the Board is inclined to support Homestays, I would request that you implement the following additional requirements

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

Thanks you for your consideration

Don Erickson
d.erickson@cox.net
805-845-9733 land
805-722-2842 mobile

Alexander, Jacquelyne

From: Zach Rissel <zrissel@hotmail.com>
Sent: Friday, September 29, 2017 3:56 PM
To: sbcob
Subject: comments re short term rental provisions
Attachments: submission re STR 9.29.17.docx

Hello

Please find attached a submission letter regarding short term rentals on AG-I and AG-II properties in Santa Barbara County.

Thank you

Zach Rissel

29 Sep. 17

RE: Submission on Short Term Rental Ordinance

Dear Chairman Hartmann and Honorable Members of the Board

My name is Zach Rissel and I am a partner in La Patera Ranch ('La Patera') located in the Goleta foothills. Our family has owned and operated La Patera since 1872. La Patera is over 700+ acres in size with over 250+ planted acres of commercial avocado and lemon orchards.

La Patera has one, registered Short Term Rental (STR) house located in the northwest part of the Ranch (around ¾ of a mile north of Cathedral Oaks and the closest residential neighbourhoods). The house belonged to my great-aunt who gifted the house to La Patera when she passed in 2000. We operate the STR in order to help cover maintenance and operational costs for the house, which is also used occasionally by partners and their families.

On behalf of the partner group, I would like to fully endorse the submission made by Paul Van Leer, Chair of the Agriculture Advisory Committee, to the Board (dated 9/27/2017). In addition, on behalf of the partners, I would like to make the following submission points to the Board regarding STRs on Ag-I and Ag-II properties:

1. We strongly urge the Board to allow STR usage on AG-I and AG-II properties.
2. The current STR use on La Patera is most certainly compatible with the principal use of commercial avocado and lemon production. In other words, we are able to carry-out our avocado and lemon operations without any problems or conflict with the STR. The two uses are able to exist side-by-side with the agricultural operations always taking precedent and priority.
3. The partners are committed to the long-term stewardship and sustainable and profitable operation of La Patera. Aunt Maria's house is part of La Patera and the revenue generated from the STR helps us achieve our Ranch stewardship goals.

Thank you for the opportunity to comment on this issue.

Kind regards

Zach Rissel
Vice President of Operations for La Patera Ranch

Lenzi, Chelsea

From: Cori Hayman <corihayman@cox.net>
Sent: Friday, September 29, 2017 8:29 PM
To: sbcob
Cc: Metzger, Jessica
Subject: Short-Term Rental Ordinance
Attachments: ordinance 2016-03 str final 11-09-16.pdf; ATT00001.htm

Dear Clerk:

Please include the below email and attachment in public comment in connection with the October 3rd Board of Supervisors hearing on short-term rentals.

Thank you,

Cori Hayman.

Sent from my iPhone

Begin forwarded message:

From: Cori Hayman <corihayman@cox.net>
Date: September 29, 2017 at 4:16:32 PM PDT
To: Jessica Metzger <jmetzger@co.santa-barbara.ca.us>, Daniel Klemann <dklemann@co.santa-barbara.ca.us>
Cc: Das Williams <dwilliams@countyofsb.org>, Darcel Elliott <delliott@countyofsb.org>
Subject: Homestays

Dear Jessica and Dan,

Attached please find the short-term rental ordinance adopted by the city of Trinidad. This ordinance, among other things, limits the issuance of homestay permits to the legal owners of the properties and to their primary residences only. It is my understanding that the Coastal Commission has approved this ordinance, but I have not independently verified that.

Very truly yours,

Cori Hayman.

<http://www.trinidad.ca.gov/phocadownload/PlanningDocs/ordinance%202016-03%20str%20final%2011-09-16.pdf>

TRINIDAD CITY HALL
P.O. BOX 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

DWIGHT MILLER, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE 2016-03

AN ORDINANCE OF THE CITY OF TRINIDAD REPEALING EXISTING SECTION 17.56.190 AND ADDING A NEW SECTION 17.56.190 AND AMENDING SECTION 17.56.060 OF TITLE 17 OF THE TRINIDAD MUNICIPAL CODE (REPEALING EXISTING SECTION 6.26 AND ADDING A NEW SECTION 6.26 AND AMENDING SECTION 6.06 OF THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE)

The City Council of the City of Trinidad does hereby ordain as follows:

ORDINANCE 2016-03, SECTION 1: PREAMBLE

The City of Trinidad (hereinafter City) is a small town with a population of approximately 350 people. Historically, most houses in the City accommodated resident owners or long-term renters. Over the last twenty years there has been an ongoing trend wherein many houses in the City have been converted to Short Term Rentals (STRs).

The effect on the City has been a noticeable change within many residential neighborhoods. In the winter, many houses in the City are vacant as STR's are not rented as often in the winter months. In the summer, STR's are occupied by transient visitors, often in higher numbers than a residential home. Tourists are concerned with their recreation and vacation pursuits but do not always display an appropriate level of concern for City residents' right to quiet peace and enjoyment of neighboring property.

By this new STR Ordinance, the City attempts to find an appropriate balance between the interests of the City residents, property owners, STRs owners, commerce in the City, and visitors enjoying the City and the coast. In considering these issues the City Council has made the following findings and determinations after long and careful study of the issues:

* The proportion of homes in the City being used primarily as vacation rentals or STRs has risen from approximately 5 percent of the total dwelling units in the City in 2000 to approximately 18 percent in 2014.

* Short Term Rentals in Trinidad provide significant lodging opportunities for visitors and tourists, who are economically important to the retail businesses and restaurants in Trinidad.

*Transient Occupancy Tax from STRs is a significant annual component of the City's General Fund income.

* Given the City's small size and desirability as a tourist destination, the proportion of homes used primarily as STRs may continue to increase in the absence of regulation.

* STRs have the potential to alter the residential character of neighborhoods with impacts related to traffic, parking, noise, occupancy, septic system capacity, housing availability, real estate prices, neighborhood character, City population, the availability of citizens to participate in the community, and the quality of life in the City for both residents and tourists.

* City residents have raised concern over the impacts caused by STR's and the increased number of homes becoming STR's, and called on the City to find a balance between residential and vacation rental uses.

* High numbers and concentrations of STRs can have negative impacts on coastal resources such as environmentally sensitive habitat areas and public access, and STR use needs to be regulated to minimize impacts.

* A City Ordinance regulating some aspects of STRs went into effect in 2015, but did not address the overall number of vacation rentals in the City.

*The California Coastal Commission (Commission) has oversight of City STR regulations, therefore understanding the Commission's guidance and decisions on these issues is a prudent place to start. The Commission has established that:

- STRs are an allowable use in Residential Zoning,
- STRs serve a benefit to the Coastal Act's goals by providing coastal lodging,
- Cities do have legitimate reasons to regulate STRs.
- Coastal Act section 30213 protects lower cost visitor serving uses, including STRs, and the City has an obligation to accommodate those uses.
- Attempts to ban STRs outright have been overruled based on impacts to visitor services opportunities.
- Limits on the number or proportion of homes used as STRs have been upheld, along with reasonable regulations to address potential nuisance impacts.

* California state law and the City of Trinidad General Plan require the City to maintain a mix of affordability in its residential housing stock, but affordability and accessibility of housing for long-term residents is negatively affected by STRs. Prospective buyers interested in living in Trinidad are competing with buyers interested in the house as primarily an STR investment property.

* Engaged citizens who live in a community are the basic fabric that makes up a community, and too high of a tourist-to-resident ratio in our residential neighborhoods can dramatically alter the health and welfare of the City and its residents.

* At the City Council's direction, the Planning Commission devoted substantial effort over nine months of public meetings to developing this ordinance, and the City Council then further considered changes over four months of public meetings to complete this revised ordinance.

* A cap on the number of STR's allowed in Residential Zones is an appropriate tool to set a balance between the benefits and impacts of Short Term Rentals.

* Regulating the transferability of STR licenses will reduce their impact on real estate prices, and it will help achieve the City's desired balance between STRs and long-term residents

* By establishing standards for visitor behavior and occupancy, the City will mitigate the potential conflict between tourists who want to enjoy their vacations and nearby residents who have a right to the peaceful use and enjoyment of their homes.

* Standards for health and safety will ensure appropriate facilities for tourists.

* Standards for visitor behavior, water use, and occupancy will help the City protect the sensitive coastal resources and environment of Trinidad.

ORDINANCE 2016-03, SECTION 2:

There is hereby added to the Trinidad Municipal Code a new Section, Section 17.56.190, replacing the existing Section 17.56.190 (and hereby added to the Coastal Commission certified Zoning Ordinance a new Section 6.26, replacing the existing Section 6.26), "City of Trinidad Short Term Rental Ordinance," which shall read as follows:

Section 17.56.190 (6.26) Regulations for Short Term Rentals

Sections:

17.56.190 (6.26).A	Short Title
17.56.190 (6.26).B	Findings
17.56.190 (6.26).C	Purpose
17.56.190 (6.26).D	Definitions
17.56.190 (6.26).E	Application Requirements
17.56.190 (6.26).F	Maximum Number of Short Term Rentals
17.56.190 (6.26).G	Location
17.56.190 (6.26).H	One STR License Per Owner
17.56.190 (6.26).I	Effect on Existing STRs
17.56.190 (6.26).J	License Transferability
17.56.190 (6.26).K	Homeshare STR Licenses
17.56.190 (6.26).L	Resident STR Licenses
17.56.190 (6.26).M	STR Standards
17.56.190 (6.26).N	Tourist Occupancy Tax
17.56.190 (6.26).O	Audit and Inspection
17.56.190 (6.26).P	Dispute Resolution
17.56.190 (6.26).Q	Administrative Standards and Rules
17.56.190 (6.26).R	Violations
17.56.190 (6.26).S	Ordinance Review
17.56.190 (6.26).T	Severability

17.56.190 (6.26).A Short Title

This Section shall be known and may be cited as "City of Trinidad Short Term Rental (STR) Ordinance."

17.56.190 (6.26).B Findings

The City Council finds that adoption of a comprehensive code to regulate issuance of and standards for Short Term Rental Licenses is necessary to protect the public health, safety and welfare and to strike a proper balance between City residents' concerns and the rights of property owners, STR owners and operators as well as visitors to the City. The City Council finds the regulation of short-term rental uses through this Ordinance, including its non-transferability provisions, to be a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this chapter.

17.56.190 (6.26).C Purpose

The purpose of this Section is to establish a permitting process, together with appropriate standards that regulate short-term rental of dwellings in the City in order to: minimize negative secondary effects of Short Term Rentals (STRs) on surrounding residential neighborhoods; preserve the character of neighborhoods in which any such use occurs; ensure that STRs are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located; minimize impacts to coastal resources; provide for visitor services in accordance with the Coastal Act; and to ensure STRs are consistent with all other provisions of the General Plan and Zoning Ordinance. This section addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of licenses issued to ensure long-term availability of the affordable housing stock and to ensure Trinidad has enough residents to maintain a viable community. This chapter also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.

17.56.190 (6.26).D Definitions

1. City Manager

"City Manager" means the City Manager of the City of Trinidad or their designee.

2. Dwelling.

"Dwelling" means a single family dwelling, including associated accessory structures, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.

3. Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings, of no more than the maximum allowed occupancy, consistent with normal residential use.

4. Existing STR.

"Existing STR" means an STR that had a valid STR license as of the effective date of this ordinance.

5. Full-time STR

"Full-time STR" means any STR that is not a Homeshare STR or Resident STR.

6. Good Neighbor Contract & Good Neighbor Brochure.

"Good Neighbor Contract" means a document, specific to each STR, prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the contract shall include provisions for maximum occupancy and visitors, off-street parking, noise standards, and penalties for violations. The "Good Neighbor Brochure" is a brief summary of the Good Neighbor Contract, in a form approved by the City Manager, which may include additional information and suggestions for Occupants for minimizing disturbance to neighbors and environmentally sensitive habitat areas. The Good Neighbor Brochure shall be posted or placed in a prominent location inside each STR.

7. Homeshare STR

"Homeshare STR" means a Short Term Rental whereby a homeowner rents out no more than one bedroom in their primary residence and is present on site between the hours of 10PM to 7AM while rented as an STR.

8. Occupant.

"Occupant" within this Section means a person, not a host, owner, guest or tenant, renting or occupying an STR in accordance with this section and staying overnight therein. As used in this Section, 'occupant' does not include up to two children aged 12 or under.

9. Primary Residence

"Primary Residence" means the dwelling owned and occupied as the owner's principle place of residence, where the homeowner lives more than 50% of the year. A person can only have one primary residence at any time.

10. Resident STR

"Resident STR" means a Short Term Rental that is operated less than 60 nights per year and which is the owner's primary residence, but the owner does not have to be in residence while the dwelling is rented as an STR.

11. Responsible Person.

"Responsible Person" means an occupant of an STR who is at least twenty-five (25) years of age, who signs the Good Neighbor Contract and who shall be legally responsible for compliance of all occupants of the STR and / or visitors with all provisions of this Section.

12. Short Term Rental (STR)

“Short Term Rental” (STR) means a rental of any dwelling, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast, (2) ongoing month-to-month tenancy granted to the same renter for the same dwelling, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment.

13. STR Watch List

“STR Watch List” means a list of one or more Short Term Rentals that the City Manager has identified on the basis of good cause, including one or more significant violations, as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

14. Transient Use.

“Transient use” means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

15. Visitor.

“Visitor” means someone staying temporarily at a STR, such as guests of occupants, who is not an ‘occupant’ and not staying at the STR overnight.

17.56.190 (6.26).E Application Requirements

1. Initial Application.

- a. Each STR must procure an STR License. No additional business license is required for an STR. The STR License shall identify the existence of an STR at a particular address and declare the type of STR, number of bedrooms rented in the STR and its intended maximum occupancy.
- b. A site plan and floor plan must be submitted along with the STR License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that includes the Good Neighbor Contract and any other forms as required by the City Manager shall also be provided. Applicants for a Homeshare or Resident STR License shall include documentation that the property is their Primary Residence.
- c. At the time of application for a new STR, the dwelling shall be subject to inspection by the Building Inspector. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulations. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.
- d. Each application for an STR License shall be accompanied with proof of general liability insurance in the amount of one million dollars combined single limit. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can be held responsible for the behavior of their occupants and visitors in accordance with this Section.
- e. The City will notify all property owners within 300 feet of an STR property of the STR License within 10 working days of its issuance or re-issuance. This notice shall be combined with the distribution of contact information required in subsection 2.c below. STR License information, including, but not limited to, license number, address, maximum occupancy, Local Contact Person and 24-Hour Contact Phone Number, will also be posted on the City’s website.
- f. Upon initial application for an STR License, the City shall provide all STR licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the short term

rental use of the residence. Such protective measures include, but are not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. Contact Information

a. Local Contact Person (LCP).

Each STR must designate a Local Contact Person on the STR License form. That person may be the owner or the property manager. The LCP may designate a temporary LCP for a specific rental night(s); that designation must be reported to the City at least 24 hours before the rental date. The LCP, or their temporary designee, must live within 20 miles of Trinidad and be able to respond personally to an STR concern within 30 minutes.

b. 24-Hour Contact Phone Number.

A 24-hour Contact Phone Number is required for each STR. The 24-hour Contact Phone Number shall be prominently placed for the occupants' use inside the STR. Any change to the 24-hour Contact Phone Number shall be promptly posted within the STR and provided to the Trinidad City Clerk at least 15 days prior to any change. A temporary LCP designee shall utilize the same Contact Phone Number as the LCP.

c. Distribution of Contact Information.

The name of the LCP and 24-hour Contact Phone Number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 300 feet of the STR, and posted on the City's website within 10 business days after the issuance or reissuance of an STR License for the STR.

The contact information sent to neighbors may include further instructions in the case that a response from the LCP is not forthcoming. If there is an emergency or complaint, and the LCP does not respond within a reasonable period of time, concerned persons will be encouraged to report an emergency through the 911 emergency calling system or the Police or Sheriff's Department for other complaints. It is unlawful to make a false report or complaint regarding activities associated with an STR.

3. STR License Renewals

STR licenses shall be renewed annually. Renewals must be submitted by February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year.. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal application. Existing STRs that have not had an initial inspection as required by §17.56.190.E.1.c will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of an STR License for an existing STR will be approved as long as all applicable standards are still met unless or until such time as the license is revoked pursuant to §17.56.190.R.4 (6.26.R4, *Revocation*) or 17.56.190.M.14 (6.26.M14, *Minimum Activity*) or until the STR license expires pursuant to 17.56.190.J (6.26.J, *License Transferability*) or if it is voluntarily withdrawn.

4. Appeals

Appeals of staff determinations or decisions in accordance with this section shall be appealable per section 17.72.100 (7.14) except that STR License decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding section 17.72.100.D (7.14.D), fees for appeals of STR License decisions shall be set by resolution of the City Council.

5. Fees

Fees for initial applications and renewals for each type of STR shall be set by resolution of the City Council.

6. Application Wait List & Lottery

It is the City's intention to maintain no more than 19 Full-time STR Licenses and 6 Resident STR Licenses in the UR Zone and 6 Full-time STR Licenses in the SR Zone. When an STR license becomes available within one of those limits, the City will hold a lottery to allocate that STR License. The City will maintain a waiting list, for each type of STR License by zone as needed, of property owners who are interested in obtaining an STR License for their dwelling. A property owner may place his or her name on the waiting list at any time, but only once per property. The City will randomly draw a name from the waiting list for the appropriate type of license and zone. If the property meets the applicable location standards (§17.56.190.G (6.26.G)), that owner will have 45 days to submit a complete STR License application, along with any other associated license or permit applications (Use Permit, OWTS Operating Permit, etc.) that may be required. If the property owner does not obtain an STR License within 90 days, or if the property does not meet the applicable location standards, the City will draw another name from the waiting list for that zone and STR type.

17.56.190 (6.26).F Maximum Number of Short Term Rentals

In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, no new Full-time STR licenses shall be issued by the City if the total number of Full-time STR Licenses would exceed 19 in the UR Zone and 6 in the SR Zone, with no limit in other zones. An additional 6 Resident STR Licenses shall be allowed in the UR Zone, with no limit in other zones. Additional Resident STR Licenses may be granted in the UR Zone with approval by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 (Sections 7.06 - 7.18) of the Zoning Ordinance.

17.56.190 (6.26).G Location

STR's are permitted only in legally established dwellings within any zoning district. Each separate STR must obtain its own, individual STR License. There shall be no more than one STR per parcel.

No new STR within the UR zone shall be located where it shares a property boundary with a property containing another STR within the UR zone.

Either of these location standards may be modified through an exception approved by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 (Sections 7.06 7.18) of the Zoning Ordinance. Such an exception shall only be valid as long as the associated STR license is maintained.

17.56.190 (6.26).H One STR License Per Owner

No new STR license shall be issued for a property in the UR or SR Zone if the owner already holds another STR license unless there are fewer than the maximum number allowed pursuant to §17.56.190.F (6.26.F) and no other names are on the wait lists. This limitation shall not apply to renewals of existing STR licenses.

17.56.190 (6.26).I Effect on Existing STRs

Existing STRs, in excess of the number allowed in §17.56.190.F, or that do not meet the location requirements of §17.56.190.G (6.26.G), shall be allowed to continue to operate under an STR license as long as the permit is renewed in accordance with §17.56.190.E.3 (6.26.E.3) unless or until such time as the permit is revoked pursuant to §17.56.190.R.4 (6.26.R.4, *Violations*) or 17.56.190.M.14 (6.26.M.14, *Minimum Activity*) or until the STR license expires pursuant to 17.56.190.J (6.26.J, *License Transferability*).

17.56.190 (6.26). J. License Transferability

An STR License is issued to a property owner for a single location. The STR License shall be revoked when the license holder sells or transfers the real property which was rented pursuant to the STR License except as provided below. For purposes of this section, "sale or transfer" means any change of ownership during the lifetime of the license holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner's death to a trust which benefits only a spouse for the spouse's lifetime, or lifetime transfers between spouses. If the owner is a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, then "sale or transfer" shall mean a change in 50% or more of the shareholders or members or partners or beneficiaries. A license holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the STR License held by the transferor shall be revoked.

17.56.190 (6.26).K Homeshare STR Licenses

Homeshare STR Licenses allow owners, in their Primary Residence, to rent up to one bedroom as an STR, and the owners must be present at night as host during STR use. Homeshare STRs are subject to all the provisions of this ordinance (section) except the following:

- 17.56.190 (6.26).F Maximum Number of Short Term Rentals
- 17.56.190 (6.26).G Location
- 17.56.190 (6.26).H One STR License Per Owner
- 17.56.190 (6.26).M.14 Minimum Activity

17.56.190 (6.26).L Resident STR Licenses

Resident STR Licenses only allow STR use up to 59 nights per year. Resident STRs are subject to all the provisions of this ordinance (section) except the following:

- 17.56.190 (6.26).M.14 Minimum Activity

17.56.190 (6.26).M STR Standards

All STRs will be required to meet the following standards:

1. Transmittal of Rules and Good Neighbor Contract

Prior to rental of an STR, the Responsible Person shall be provided with a Good Neighbor Contract, consisting of a list of rules and responsibilities, in a form approved by the City Manager. The Responsible Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, occupants can be fined by the City, lose their security deposit and / or be evicted. In addition, the STR owner or manager, or designated LCP shall meet at least one occupant on the day of their arrival in order to ensure that the rules are understood, and that the occupants have represented themselves correctly. A Good Neighbor Brochure, summarizing the Good Neighbor Contract shall be placed or posted in a clearly visible location within the STR.

2. Noise.

Occupants of STR properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 pm and before 7:00 am should be contained within the STR and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any City noise standards or ordinances.

3. Number of Occupants. The maximum number of occupants allowed in an STR shall not exceed two persons per bedroom plus two people (e.g., a two-bedroom STR may have six occupants), less any residents, tenants, hosts or caretakers living onsite while it is rented. Except that in the UR Zone, on lots less than 10,000 sq. ft. in area, the maximum occupancy is two people per bedroom (e.g. a two bedroom STR in the UR zone may have four occupants). In the SR Zone, if the STR has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor

area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

4. Visitors.

The number of visitors to an STR shall be limited to not more than the allowable occupancy of the STR at any time. For example, if the maximum occupancy is 6, then no more than 6 visitors are allowed. Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

5. Guest Registry

The STR owner or manager shall maintain an occupant and vehicle register for each tenancy of the STR. The register shall include the names and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for City inspection upon request.

6. Off-Street Parking.

An STR must provide at least one off-street parking space for every two occupants allowed in the STR pursuant to Section 17.56.190 (6.26).M.3. The off-street parking space(s) shall be entirely on the STR property. STR owners/managers shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. STRs that were previously granted a parking exception by the City may continue to operate under that exception as long as they maintain their STR license in good standing. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

7. Water Use.

To prevent overloading of septic systems, each STR shall be operated in a manner to ensure that the occupancy and use of an STR shall not result in annual domestic water use greater than that associated with the non-STR use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the STR License and application materials to allow for verification that the STR water use did not exceed allowable volumes as described above.

If the City determines that the STR use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the STR owner/manager shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the STR.

8. Septic System.

Each STR's owner or property manager must provide proof that the septic system for the structure in which the STR is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City Manager, shall be posted in each kitchen and bathroom in the STR.

9. Appearance and Visibility.

The outside appearance of the STR structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160 (6.16)). The STR shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

10. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size may be attached to the STR structure or placed immediately adjacent to the front of the STR structure. The purpose of the sign is to notify the public that the structure is or contains an STR. The sign must provide the 24-hour Contact Phone Number for complaints, and a business telephone number for persons seeking information on the STR. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

11. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the STR.

12. Traffic.

Vehicles used and traffic generated by the STR shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

13. Tenancy.

The rental of an STR shall not be for less than two successive nights.

14. Minimum Activity.

A Full-time STR shall be rented for a minimum of 60 nights per year in order to maintain an STR License. If the STR owner / manager fails to document rentals of at least 60 nights per year, the City Manager may determine that license is inactive and ineligible for renewal.

15. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Volunteer Fire Department siren and real emergencies shall be included.

17.56.190 (6.26).N Tourist Occupancy Tax

The letting, leasing, or other contractual use of an STR is subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each STR owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190 (6.26).O Audit & Inspection

Each owner and manager or representative of any owner shall provide access to each STR for inspection and any records related to the use and occupancy of the STR to the City at any time during normal business hours with at least 24 hour notice, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

17.56.190 (6.26).P Dispute Resolution

By accepting an STR License, STR owners agree to act in good faith to resolve disputes with neighbors arising from the use of a dwelling as an STR, including engaging in mediation, at owners' expense. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

17.56.190 (6.26).Q Administrative Standards and Rules

The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Section. In particular, the City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk and posted on the City's website.

17.56.190 (6.26).R Violations

1. Penalty

It is unlawful to violate the provisions of this Section. Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 (7.20) of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these STR regulations by way of nuisance abatement action pursuant to Chapter 8.12 of the Municipal Code. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Fines

- (a) The City Manager shall be authorized to impose administrative penalties for the violation of any provision of this section or ordinance in an amount not to exceed a maximum of \$1000 per day for each continuing violation, except that the total administrative penalty shall not exceed \$100,000 exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations.
- (b) In determining the amount of the administrative penalty, the City Manager may take any or all of the following factors into consideration:
 - (i) The duration of the violation;
 - (ii) The frequency, recurrence and number of violations, related or unrelated, by the same violator;
 - (iii) The seriousness of the violation;
 - (iv) The effect the violation may have upon adjoining properties;
 - (v) The good faith efforts of the violator to come into compliance;
 - (vi) The economic impact of the penalty on the violator; and/or
 - (vii) The impact of the violation on the community.
- (c) In most cases, initial fines will start at \$200, with higher amounts reserved for exceptional situations like repeated violations, failures to promptly correct violations, or deliberate violations of this Section.

3 Property Watch List

Upon a determination of good cause including but not limited to one or more significant violations, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the Property Watch List; (2) placement or imposition of special conditions or performance standards for Owners, Owner's Agents, Local Contact Persons, and their affected STRs on the Property Watch List; and (3) and removal of an STR from the Property Watch List.

4. Revocation

If the STR owner or property manager is deemed by the City Manager to be negligent in responding to a complaint more than two times in a 12-month period, or if more than two documented, significant violations, defined below, occur in any 12-month period, the STR License may be revoked. No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the Local Contact Person as set forth in the STR application. Revocation may be temporary or permanent depending on the nature and number of the violations.

5. Appeals

Appeals of City Manager determinations or decisions regarding violations, penalties, and fines shall be appealable per Section 17.72.100 (7.14), except that such determinations and decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding Section 17.72.100.D (7.14.D), fees for appeals of violation and penalty decisions shall be set by resolution of the City Council.

6. Significant Violations

Complaint as used in this subsection means the need or requirement to contact the Local Contact Person to rectify a situation that is disturbing to a neighbor or resident. Complaints, and their resolution, must be reported to the City Clerk's office by the Local Contact Person within two business days of being received.

As used in this subsection, significant violation is a situation where the Local Contact Person is either unable or unwilling to rectify the situation within 30 minutes, and / or when public safety personnel must be called to assist in resolving the situation, or that causes substantial disturbance to the neighbors or neighborhood.

Examples of significant violations include, but are not limited to:

- (i) Failure of the local contact person, owner or manager to respond to a complaint within 30 minutes.
- (ii) The inability of City staff or the Sheriff's Dispatch to reach a contact person.
- (iii) Failure to maintain or provide the required guest registry.
- (iv) Violation of the STR maximum occupancy, parking, noise and other requirements as set forth in Section 17.56.190.H (6.26.H).
- (v) Failure to notify City staff when the contact person or contact information changes.
- (vi) Failure to pay fees or TOT in accordance with this Section.
- (vii) Providing false or misleading information on an STR License application or other documentation as required by this Section.
- (viii) Violations of state or County, or City health regulations
- (ix) Repeated minor violations and / or complaints

Examples of acceptable documentation of significant violations include, but are not limited to:

- (i) Copies of citations, written warnings or other documentation filed by law enforcement.
- (ii) City file information.
- (iii) Advertisements for the STR
- (iv) Signed affidavits and / or photographic evidence from neighbors or other witnesses
- (v) Other documents which substantiate allegations of significant violations.

The City Manager shall have the authority to determine what constitutes a significant violation, as necessary, to achieve the objectives of this Section. A list of all such additional significant violations shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

7. False Reports and Complaints

It is unlawful to make a false report to law enforcement or City officials regarding activities associated with short term rentals.

17.56.190 (6.26).S Ordinance Review

This ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

17.56.190 (6.26).T Severability

Should any subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ORDINANCE 2016-03, SECTION 3:

Revise Chapter 17.56, Section 17.56.060, Home Occupations, (Article 6, Section 6.06, Home Occupations) to read, in context, as follows:

17.56.060 (6.06) Home occupations

Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, or bookkeeping, ~~rooming and boarding, of not more than two persons, including tourists,~~ shall be permitted as an accessory use to any dwelling subject to the following conditions:...

PASSED, APPROVED, AND ADOPTED this 1st day of November, 2016.

Ayes: West, Fulkerson, Miller, Baker, Tissot
Noes: None
Abstain: None
Absent: None

Attest:

Approved:

Gabriel Adams
City Clerk

Dwight Miller
Mayor

First Reading: ***Tuesday, November 01, 2016***

Second Reading:

Lenzi, Chelsea

From: Tania Allen <tania_allen@earthlink.net>
Sent: Saturday, September 30, 2017 6:58 AM
To: Williams, Das; Wolf, Janet; Hartmann, Joan; Adam, Peter; Lavagnino, Steve
Cc: sbcob; Arya Farinpour
Subject: October 3, 2017 HEARING - Consider recommendations regarding a Short-Term Rental (STR) Ordinance

County of Santa Barbara Board Members,

My husband and I own an short term rental in the town of Los Olivos at 2856 Alta St. We bought the home in March of 2013 with plans of retiring there in about 20 years. We also enjoy visiting the Santa Ynez Valley regularly with our family and friends so this also provided us with accommodations. Although this was not our original plan, we decided to use our home as a short term rental (STR) to help off set the expenses of owning a second home. We hired Paradise Retreats to manage our property so we could accommodate STR guests. It has been successful and although we do not make enough to cover all the expenses, it definitely helps. We have a maximum occupancy of 6 guests and there are strict rules in the guests' contract regarding noise and parking. Paradise Retreats carefully screens the guests and ensures the rules are followed. We have personally spoken to our neighbors and they have told us they have never had any guests cause disruption, noise after hours or an inconvenience to them. Our neighbors have our direct phone numbers and I have asked them to call us and report any issues, to date, we have never received a call.

The town of Los Olivos has very little to offer guests who would like to stay there in a reasonably priced accommodation. At this time, other than short term rentals, the only other accommodation we are aware of is the Fess Parker Inn which starts at \$450 per night for double occupancy with a 2 night minimum stay on weekends. A home like ours is much more affordable for small groups or families. STRs also bring income and jobs to the local areas wineries, restaurants, tours, businesses and more. Through Paradise Retreats, TOT is generated which brings in additional revenue to the town/county. If STRs are banned, we will not consider renting our home out long term.

Our request is to please allow the County of Santa Barbara to continue using short term rentals in towns like Los Olivos with regulations.

Thank you,

Tania Allen and Arya Farinpour

Lenzi, Chelsea

From: Bob Field <bfield1745@icloud.com>
Sent: Saturday, September 30, 2017 7:05 AM
To: sbcob
Cc: Bob Field
Subject: Comment for 10/3 BOS hearing on STR

Hello Supervisors,

SUBJECT: IF HOMESTAYS, THEN PRIMARY RESIDENCE ONLY

I have previously submitted comments on the STR issue which I hope you are able to read. As an afterthought I wish to add the following.

IF homestays are approved,
then I think it is imperative that they be allowed in Primary Residences only, and only if the property owner (not an agent or tenant) is on the property during the homestay activity.

In addition to the considerable enforcement problems raised by permitting any form of homestays, to do otherwise is at odds with the sympathetic goal of providing supplemental income to residents. The problem arises from the significant differences between the three classes of operators of short-term rentals:

- Real estate speculators who are acquiring portfolios of properties for rental profits. (Airbnb reports this to be the fastest growing segment of the market.) There is no justification for turning over our local housing stock for this purpose.
- Wealthy people who are using rentals to help pay for their second (or third) homes. There is no justification for enabling the turning over our local housing stock for this purpose.
- Local residents seeking supplemental income. Finally, a sympathetic group.

Only by restricting homestays to Primary Residences while the property owner is present can you simultaneously achieve the goals of 1) providing supplemental income to residents, and 2) preserving our local housing stock for local residents.

Bob Field, Santa Ynez

Sent from my iPhone

Lenzi, Chelsea

From: Hilary Anderson <hilaryanderson@yahoo.com>
Sent: Saturday, September 30, 2017 5:40 PM
To: Williams, Das; Wolf, Janet; hartmann@countyofsb.org; Adam, Peter; Lavagnino, Steve; sbcob
Subject: In favor of STRs
Attachments: Letter to Board of Supervisors re STRs Sept 30 2017.docx; img-170930173656.pdf; img-170930173726.pdf

Please see attached and thank you for your consideration.
HA.

Hilary Anderson,
Las Canoas Rd,
Santa Barbara, CA 93105

September 30 2017

Dear Board Members,

I am a supporter of Short Term Rentals. I own one and I use them every time I travel.

I live in the foothills of Mission Canyon. I have been renting my home as a short term rental for over 17 years. I have learned a lot during this time in my role as a vacation home proprietor. My goal is to make the guests' stay as comfortable and pleasant as possible while maintaining our quiet, semi-rural environment. I have learned to use stringent vetting processes. I am including a copy of a Good Neighbor Brochure put out by the City of Palm Springs which is provided to all STR guests in that city. The County of Santa Barbara could offer something similar.

My husband and I stay in the guesthouse on our property when the main house has STR guests. We use the house during the winter off season for ourselves and our visiting family. It is our family home and our adult children grew up here.

Of course we pay the TOT.

We suffered a large hillside slip in 2001 which, after 16 years of litigation with neighbors, has just been repaired at our sole expense. We have had to re-mortgage our house in order to pay all our costs. It is a beautiful property and my husband has 27 years of landscape improvements invested. We are able to afford to stay here with the assistance of the revenue our STRs generate.

I am requesting that you do not ban STRs in residential zones, but implement regulations as other jurisdictions have successfully done.

Thank you,

Hilary Anderson

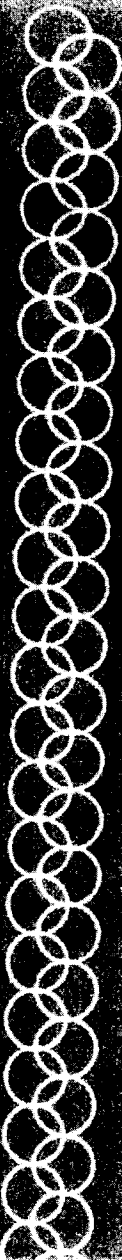
HOW MANY IS TOO MANY?

Please check with the person who rented you the unit as to the maximum number of overnight occupants and the maximum number of daytime occupants permitted to stay there. Limits have been established for both.

Compliance with these rules will assure that you and your neighbors will both enjoy your stay. We're glad you're here!

WHAT ELSE SHOULD I KNOW?

It is important to be a good neighbor - whether you're at home or on vacation. Please keep in mind that you may be cited or fined by the City, or even evicted by the owner, for creating a disturbance or for violating other provisions of the City's Vacation Rental Ordinance. The surrounding neighbors have been given a 24-hour number to call should they need to file a complaint.



WELCOME TO PALM
SPRING

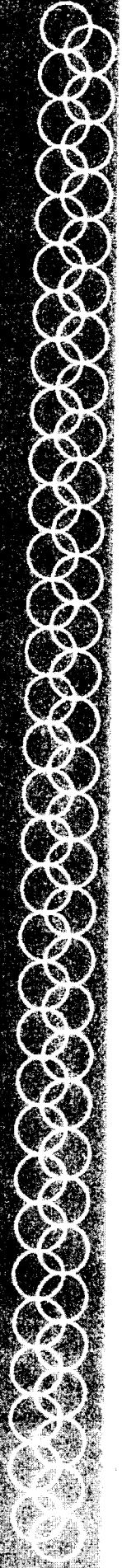
WHO'S MAKING ALL
THAT NOISE?

PUPPY LOVE

WHOSE TURN IS IT TO
TAKE OUT THE TRASH?

WHOSE CAR IS THAT?

WHEN YOU NEED TO
RELAX



Lenzi, Chelsea

From: Vinita Levet <vslevet@yahoo.com>
Sent: Sunday, October 01, 2017 9:29 AM
To: sbcob
Subject: STVR

To Whom it May Concern,

We bought a property in Summerland last year in hopes of retiring here in next few years.

We are very concerned about the new ordinance if it passes. We rent out our home to make expenses until we can move down there in 2 yrs.

we are hoping that the Board of Supervisors will allow at least a 90 day rental allowance per year as it is here in San Francisco.

We understand neighborhood concerns and we make every effort to maintain good relations.

We love Summerland and hope we do not have to forsake our retirement plans.

Keeping our fingers crossed for Tuesday's vote, in hopes that a compromise can be reached as homeowners and property cleaners/caretakers would also suffer financially.

Thank you for your time.

Sincerely,

Vinita and Benoit Levet

Lenzi, Chelsea

From: Taka Puna <TakaPuna@West.net>
Sent: Sunday, October 01, 2017 10:04 AM
To: sbcob; Williams, Das
Cc: Lavagnino, Steve; Adam, Peter; Hartmann, Joan; Wolf, Janet
Subject: In support of STRs
Attachments: Sept 30 2017 ltr to County.docx

Michael Anderson

2255 Las Canoas Road

S.B. CA 93105

Sept 30th 2017

Dear Board Members

I am dismayed to hear the Santa Barbara Board of Supervisors is again considering a ban on Short Term Rentals.

I'm well aware of the objections to STRs and the many bogus complaints about them. I am also aware the County has received a great deal of well researched, accurate information refuting the claims of those in favor of a ban so why is a ban again being considered?

The adamant and blinkered opponents of STRs, a generally well funded, wealthy group with a "drawbridge", begrudging attitude, have made all sorts of greatly exaggerated, unsubstantiated and fictitious claims which would not matter greatly if Santa Barbara County was not willing to consider their claims as having equal weight to evidence to the contrary.

To protest STRs is like protesting anything and everything the information, social media age has made possible.

My wife and I have been renting vacation homes around the world and renting our home as a vacation rental using agents before VRBO or AirBnB even existed. At first it was only when our family was on vacation but now our children are grown and have left home we rent it much more often. Our finances have greatly changed and we rely on

the income to be able to remain in the house which has been our home of 27 years. As gardeners we have 27 years of well established, drought resistant landscaping we are much attached to.

We have paid TOT since it was first introduced. S.B. County could greatly increase their revenue with a much better system of licensing and collecting tax from all STRs.

We quickly became expert at vetting would-be guests and do not accept any visitors who might spoil the peaceful nature of our Mission Canyon area. We are easily able to insure our guests follow the rules of our rental agreement because we also live on the two acre property in a guesthouse which we occupy when our main house is rented. The majority of our guests are families or reunion groups, decent people who like us prefer the domestic nature of a family home to a series of hotel rooms. If it were not for the ability to rent a house where they can all be together I doubt these people would consider staying in Santa Barbara at all.

Our own family is, together with grandchildren, now quite large. We would not, could not even think of going to a resort that did not allow vacation rentals. We have already booked a large house in Palm Springs for a week at Christmas. Palm Springs has pro-actively tackled the reality of STRs. I see no good reason why Santa Barbara shouldn't follow their lead. Simple regulations are all that's needed. A ban on STRs might please a small, and let's face it, selfish group but the businesses who rely on tourists would suffer and the message a ban would convey, especially to millennials, is that Santa Barbara is an unaccommodating, ultra conservative, small minded, backward looking place.

I know the California Coastal Commission is in favor of STRs so that coastal vacations are not limited solely to those who can afford expensive hotels. It makes sense therefore to allow STRs in a much larger area. Many families cannot afford to stay in houses close to the beach. We live about 4 miles from the beach. We provide beach chairs, umbrellas and beach toys with our STR because we know our visitors like to spend time on the beach. This egalitarian "coastal access" is surely what the California Coastal Commission encourages.

We absolutely need the revenue our home rental supplies and many visitors want to stay in homes. Hotel rooms are simply not a viable alternative to families and people like us.

Yours

Michael Anderson

Lenzi, Chelsea

From: Kathleen Weinheimer <kathleenweinheimer@cox.net>
Sent: Sunday, October 01, 2017 7:37 PM
To: Hartmann, Joan; Wolf, Janet; Adam, Peter; Williams, Das; Lavagnino, Steve; sbcob
Subject: Additional submittal on STR/Homestay ordinance
Attachments: Scan0256.pdf

Ladies and Gentlemen,

Please see the attached letter regarding tenants as operators of homestays.

Thank you.

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

October 1, 2017

Chairwoman Joan Hartmann and Members
of the Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

Re: Tenant as Homestay Operator - Short Term Rental Ordinance

Dear Chairwoman Hartmann and Members of the Board of Supervisors:

I have submitted a letter outlining my client, Deborah Hearst's concerns about the proposed Short Term Rental Ordinance as it relates to homestays. As previously stated, her primary concern with the proposal is the provision which would permit "long term tenants" (defined as those renting for 30 days or more) to operate homestays. While my letter mentioned the fact that such a use constituted a sublease, which in many standard California residential leases is prohibited, I did not provide any additional detail. During recent discussions, I have understood that this provision had been added because of a concern about equal protection, and a fear that a distinction could not be drawn in zoning between an owner's rights and those of a tenant.

I believe this concern is misplaced. This is not solely a zoning designation, where ownership of the property is not a prerequisite to use. Rather, this is a condition on a permit, one which would prohibit the use of the property as a homestay by the tenants. This kind of prohibition, essentially a prohibition on subleasing or assignment, is well-established in the law. See, for example, Cohen V. Ratinoff (1983) 147 Cal. App. 3d 321, Kendall v. Ernest Pestana, Inc. (1985) 40 Cal. 3d 488. Both held that restrictions on subleasing were enforceable, and did not find that a tenant had an absolute right to sublet. In the commercial lease setting, which arguably may apply to a business operation such as homestays, see Carma Developers (California) Inc. v. Marathon Development Co. (1992) 2 Cal. 4th 324, which affirmed the right of contracting parties to restrict alienation of commercial leases and did not find an implied "reasonableness" standard in a lessor's right to terminate for violation of the prohibition against subleasing. Even the Department of Consumer Affairs' tenant handbook notes the legality of prohibitions against subleasing (see "California Tenants: A Guide to Residential Tenants' and Landlords' Rights and Responsibilities" July 2012, pages 35-36.) While landlords may

Chairwoman Joan Hartmann and Members
of the Board of Supervisors
October 1, 2017
Page two

consent on this issue, it does not create a new and separate right under the Equal Protection Clause or any other law.

In short, tenants do not share the same rights as owners. To argue that under the Equal Protection Clause of the Constitution, there is a need to include tenants as operators of homestays is incorrect. Courts have long held that tenants' rights to the use of the leasehold interest can be restricted. Therefore, for the reasons stated in my earlier letter, I would urge the Board to limit homestay operators to owners only, if indeed, homestays must be permitted at all. The potential for abuse from sham "tenants" operating "homestays" in homes that are rented to a different operator every month is unlimited. The current language provides an open-ended invitation to operate STRs under the guise of homestays and completely defeats the goal of helping those who need the income to remain in their homes. A homestay operation by an owner living in the residence during the stay may be an acceptable and enforceable solution. Anything more is simply an STR by a different name.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kathleen M. Weinheimer', written in black ink.

Kathleen M. Weinheimer

Lenzi, Chelsea

From: Michael Baum <mbaum@rpblaw.com>
Sent: Monday, October 02, 2017 7:36 AM
To: Williams, Das; Wolf, Janet; Hartmann, Joan; Adam, Peter; Lavagnino, Steve; sbcob
Subject: Do not Limit My Right to Rent My Home--Please Respect the Rights of all Coastal Zone Property Owners

Dear Supervisors,

I have owned a home at 1112 Hill Road for over 3 years. When I bought the home, which is primarily for my personal use, one of the ways I was able to afford it was with the intention of doing short term vacation rentals.

This has worked out well as I am able to own and enjoy my home, and also make it available to others at a reasonable price where the hotels in the area would be cost prohibitive. My home is in the Coastal Zone which is often out of bounds to anyone but the wealthy. My home provides an affordable alternative to people seeking to enjoy Montecito and Santa Barbara. I have my home registered and licensed and pay the appropriate transient occupancy taxes—so this is a benefit to the tax base of the area. My guests are screened and create no issues for my neighbors and I have never received any complaints. My visitors are respectful of my property and also the rights of my neighbors. I think this is the situation with most rentals in the area—i.e. there is no burden on the neighborhood.

It is improper to deprive me of my property rights by taking away my ability to do short term rentals—particularly because my home is in the Coastal Zone and because public policy favors making the Coastal Area accessible to more Californians.

While your proposal provides for a Coastal Historic Overlay which will to some extent afford coastal access for vacationers, there is no logical reason that it should be limited to the Miramar area. My home is in the Biltmore Hotel area which is already a heavily traveled tourist and vacationers area. As a matter of equal protection and fairness, the Coastal Historic Overlay should include all of the homes in the Coastal Zone, including those, like mine, which are already in areas frequented by tourists and visitors.

The proper approach to short term rental is regulation and not outright prohibition. If you intend to limit rental to the Coastal Area, the Overlay Zone should not be as limited as you propose. Passage of the ordinance as proposed will be a financial hardship to me and will prevent me from affording and enjoying my own home in Montecito. Short term rentals are for me a necessary part of my home ownership and was something I had counted on to enable me to afford the home.

Also, the ordinance is set to take effect 333 days after enactment. This is too short a time. I typically have reservations more than a year in advance. At a minimum the effective date of any ordinance should be 365 days. This will allow impacted homeowners time to adjust both financially and to honor commitments to guests.

Thank you for your consideration of my comments and your dedication to all of the residents of the county.

Michael Baum
1112 Hill Road, Montecito

This e-mail may contain information which is confidential and/or privileged attorney-client information or work product. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient please immediately delete this e-mail and notify the sender.

Lenzi, Chelsea

From: Metzger, Jessica
Sent: Monday, October 02, 2017 10:47 AM
To: sbcob
Cc: Janet Colby
Subject: RE: Suggested options for your STR Ordinance Hearing

Please post this letter for STRs. Thanks!

Begin forwarded message:

From: Timothy Walker <tim@thwalker.com>
Subject: Suggested options for your STR Ordinance Hearing
Date: October 2, 2017 at 10:37:54 AM PDT
To: steve.lavagnino@countyofsb.org, dwilliams@countyofsb.org, jwolf@sbcbos2.org,
jhartmann@countyofsb.org, peter.adam@countyofsb.org
Cc: sbco@co.santa-barbara.ca.us

Commissioners ,

My wife and I are residence of Montecito and Pasadena. It is interesting that tonight the Pasadena City Council will vote to put into place and ordinance to keep short-term rentals in the city under the guidance of a properly written ordinance. Like Santa Barbara this is an issue that has been debated in the city this past year. It appears that having listened to the Pasadena community the City Council will adopt the city staff recommendation for guidelines.

We have written the Santa Barbara City Council and you the Santa Barbara County Supervisors in the past regarding this subject. We own a duplex in Montecito not far from the Biltmore Hotel. We have it in a short-term rental managed by a respected management company. Our guests are reviewed before being accepted, the TOT taxes paid and our property has been improved for the past 2 1/2 years since we purchased it. The funds generated from the short term rental allowed us to spent approximately hundred and twenty five thousand on landscaping and exterior improvements thereby improving our neighborhood. Many of our guest have expressed that they cannot afford the Biltmore Hotel or the proposed Miramar. They would rather stay in a smaller Montecito environment, eat at the local restaurants, and enjoy the atmosphere that our city is renowned for.

The list of short-term rentals advantages and disadvantage for our community is considerable for both sides. It would seem that a proper business approach, a properly structured ordinance with a balance for both sides could achieve a winning situation for the County of Santa Barbara as well as its residents. A ordinance managed by the County, taking into consideration the reasons that the state of California structured a coastal overlay zone could be beneficial to this program. If short-term rentals are eliminated the County will lose a considerable amount of income. Many cities in California that have eliminated short-term rentals not only have lost income they cannot afford the added expense of monitoring underground program that takes place when STR are eliminated.

Please consider an ordinance that can be reviewed on a periodic basis. An example, this would allow for a test case by year to be refined and adjusted geographically as well as an economically.

We've attached for your review a proposed modification to the historic coastal zone that is being proposed. Our duplex is located within the suggested additional area. Green. This is an ideal situation to consider. This is a small neighborhood made up of small beach cottages that were originally beach rentals. It is within the State of California's coastal zone. It is within walking distance of Coast Village Road, a great sales tax generator.

On Tuesday at your commission meeting I urge you to step back and look at the long-range implications for cost, a well-balanced community that is still marketable to the outside world, and an ordinance that would have flexibility to be adjusted in the ensuing years. This will be a policy and business decision for our community's future.

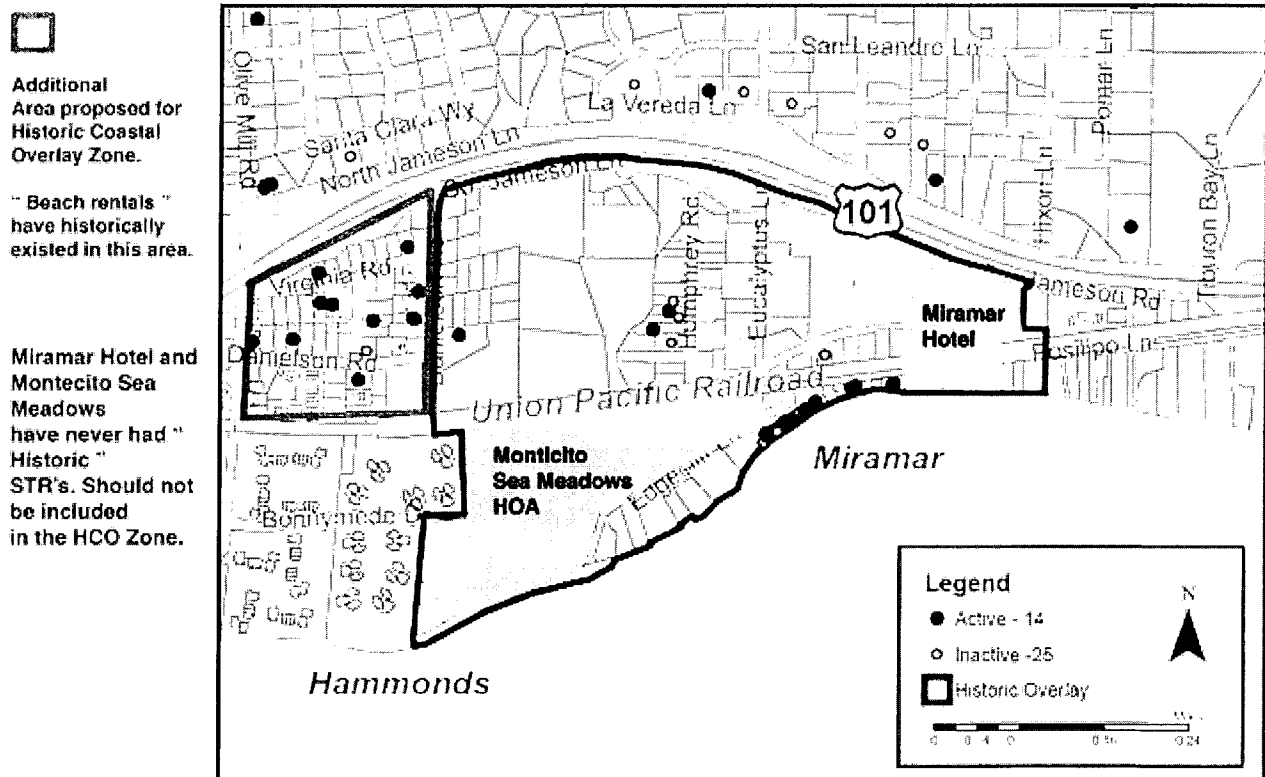
Respectfully submitted,

Tim Walker

tim@thwalker.com

Proposed Montecito "Historic Coastal Overlay"

(With proposed additions in Green and deletions in Orange)



Lenzi, Chelsea

From: Timothy Walker <tim@thwalker.com>
Sent: Monday, October 02, 2017 10:50 AM
To: sbcob
Subject: FW: Suggested options for your STR Ordinance Hearing
Attachments: STR Historic Coastal zone copy (002).jpeg

From: Timothy Walker [<mailto:tim@thwalker.com>]
Sent: Monday, October 2, 2017 10:38 AM
To: 'steve.lavagnino@countyofsb.org' <steve.lavagnino@countyofsb.org>; 'dwilliams@countyofsb.org' <dwilliams@countyofsb.org>; 'jwolf@sbcbos2.org' <jwolf@sbcbos2.org>; 'jhartmann@countyofsb.org' <jhartmann@countyofsb.org>; 'peter.adam@countyofsb.org' <peter.adam@countyofsb.org>
Subject: Suggested options for your STR Ordinance Hearing

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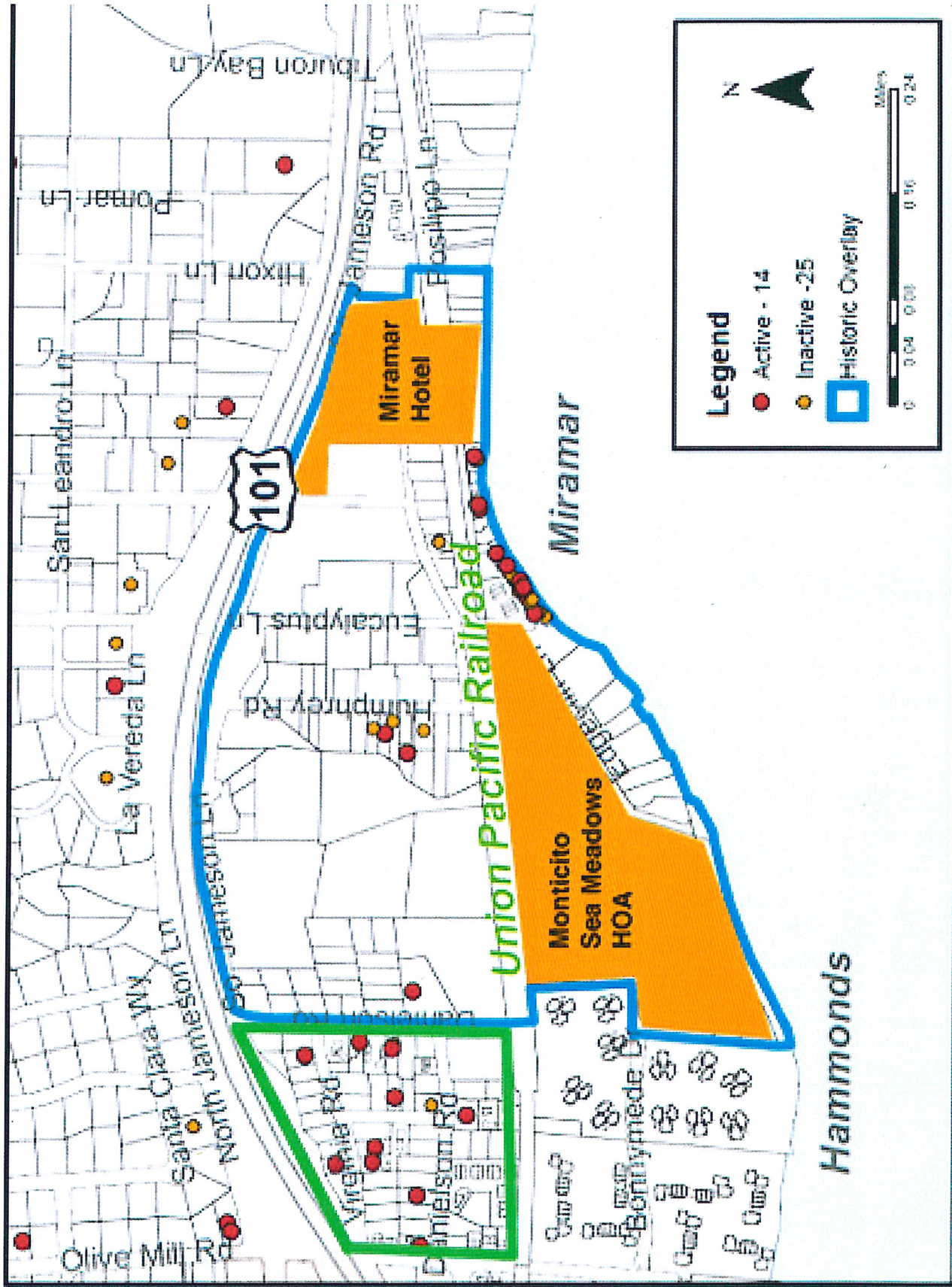
Respectfully submitted,

Tim Walker

tim@thwalker.com

Proposed Montecito "Historic Coastal Overlay"

(With proposed additions in Green and deletions in Orange)



Additional Area proposed for Historic Coastal Overlay Zone.

" Beach rentals " have historically existed in this area.



Miramar Hotel and Montecito Sea Meadows have never had " Historic " STR's. Should not be included in the HCO Zone.