

March 29, 2013

**VIA EMAIL (Noel@co.santa-barbara.ca.us)**

Santa Barbara County Board of Supervisors  
c/o Noel Langle  
Santa Barbara County  
123 Anapamu Street  
Santa Barbara, CA 93101

RE: Proposed Amendments to Special Events Ordinance

Dear Honorable Board Members:

We the undersigned are land owners, business owners, and members of the special events industry in Santa Barbara County who are interested in the proposed changes to the Special Events Ordinance.

Although we appreciate staff's work to modify the Special Events Ordinance, we are concerned that the proposed modifications to "plug the holes" in the Special Events Ordinance is an attempted solution creating an even larger problem.

**I. Introduction**

Approximately two years ago, the Board asked staff and the Planning Commission to consider potential modifications to the Special Events Ordinance after significant community concerns were raised about special events that were creating disturbances in the surrounding community. These concerns focused particularly on one event in Montecito and two or three other properties that were regularly being rented short-term for special events.

The proposed amendments to the Special Events Ordinance are intended to address these community concerns. Unfortunately, two of the proposed changes – the prohibition on events in short-term rentals without a CUP and the complete ban on all but nonprofit and political fundraising events in Montecito outside commercial areas – create significantly more issues without solving any.

**II. The Proposed Fixes Risk Significantly Altering Current Activities, Which Are Incidental to the Existing Zoning and Our Way of Life in Santa Barbara**

Members of the special event community can document that *each month there are currently 250 to 300 special events* held on private property throughout the County. These events are held without notice or complaint. Weddings and family reunions are held. Anniversaries, quinceaneras, and bar and bat mitzvahs are celebrated. We celebrate here; and we share our beautiful County with visitors from all over the world who come here to celebrate these important moments. These events are a sustainable part of our economy and we should take great care before taking actions that could threaten them. The vast majority of these events would be prohibited under the currently proposed regulations because they occur on private property without a CUP.



These events are part of our way of life and are an expected occurrence on property with all types of zoning. Parties and gatherings are a mainstay in residential neighborhoods and always have been. The same can be said for agricultural properties. Agricultural, residential, and commercial land owners regularly receive remuneration to open their properties to host celebrations. As long as these events do not interfere with the character of the residential neighborhood or the agricultural use, rental of property for events is and always has been incidental to the zoning of the property.

Furthermore, these special events are part of the life blood of the economic engine for our County and represent the livelihood of literally thousands of our County's residents. Has the County studied the potential economic impact to our region from this regulation? Special care should be taken regarding actions that could inadvertently threaten this portion of our economic sector and therefore the economic viability of the region.

### **III. The Proposed Fixes Risk Eliminating Short-Term Rentals**

Staff has stated that they are not intending to regulate people staying at short-term rentals who are not hosting what most would consider an event there (i.e., a wedding or other party). The language of the ordinance however is so broad that the proposed changes to the regulations would also inadvertently prohibit the vast majority of short-term rentals (even when the tenants are not actually hosting a "party").

The proposed changes to the Special Events Ordinance broadly define "event" as "any gathering of individuals, whether on public or private property, assembled with a common purpose, and usually for a specified period of time, including ceremonies, competitions, festivals and parties." People regularly rent a short-term rental property to stay for a family reunion or go to a film festival or other event. These type of gathering falls within the County's broad definition. Furthermore, people who rent a short-term rental may have other people over for a dinner party or other gathering. These activities qualify as an "event."

The proposed fixes prohibit all "events" at short-term rentals outside Montecito without a CUP. In Montecito, a property owner outside a commercial zone cannot even apply for a CUP to do an "event" at a short-term rental. These proposed fixes therefore prohibit the vast majority of the activities that occur at the hundreds of short-term rentals currently operating legally throughout the County.

The new 75 people floor (which is the only "fix" to the ordinance that makes sense) only applies to non-commercial and non-profit events, so it does not apply to short-term rentals.

The County therefore is inadvertently prohibiting activities that occur weekly at the hundreds of short-term rentals throughout the County. The County collects significant Transfer Occupancy Tax ("TOT") from these rentals and will not only lose that income, it will risk losing the benefits of this additional significant economic engine for the County and its residents if it enacts this "fix."

### **IV. The Proposed Fixes Fail to Address the Real Issue – Impacts to Neighbors**

Complaints associated with the two or three short-term rental properties led to this effort to revise the Special Events Ordinance. Although the "fixes" are intended to prevent similar issues in the future, the regulation hinges on whether the property is rented "short-term" or not. This approach fails to address the real issue – impacts to neighbors.

A party is a party. An event is an event. Whether the owner receives remuneration does not change the impacts of the events. Whether the property is rented for 30 days or 31 days does not change the impacts to neighbors of an event. In fact, event professionals who regularly organize events have



developed procedures to limit impacts to neighbors. When these professionals help run the events, the impacts are more likely to be minimized.

The proposed "fixes" prohibiting events at short-term rentals do not regulate the true issue – impacts to neighbors. Instead, the fixes assume that if events at short-term rentals are prohibited, the impacts on neighbors will be removed. Instead, the County's Special Events Ordinance should focus on the real issue, avoiding impacts to neighbors. That is how the vast majority of us in this County live our lives. For that reason, we ask that you consider asking Planning and Development to consider and adopt a different approach to regulating special events, an approach like that in the Good Neighbor Ordinance.

The revenue generated by the Transfer Occupancy Tax ("TOT"), the information provided from the party rental firms, interest in the Santa Barbara area for destination weddings as gleaned from various web-sites, along with the normal everyday activities of residents in the unincorporated areas of Santa Barbara County indicate that there are literally thousands of events held every year throughout the County that will be curtailed by the proposed fixes. Records indicated that there are a very few number of venues hosting events that cause impacts to their neighbors. The real fix involves establishing realistic, enforceable thresholds for nuisances that are regularly created at these venues and directing law enforcement to address and solve these isolated impacts at the time that they occur.

#### **V. The Proposed Fixes Are Largely Impossible to Enforce**

Trying to regulate the impacts of special events by prohibiting events at short-term rentals creates a system that is largely impossible to enforce. The County's enforcement process is complaint driven. In a complaint driven system how are neighbors supposed to know if a house is rented for 30 or 31 days? How is the County? It's impossible to know if an owner is receiving rent or remuneration for an event or he or she is simply allowing someone to borrow the property for an event. These "fixes" create a ban that is an enforcement nightmare for the County and neighbors.

#### **VI. The Proposed Fixes Are Unconstitutional**

The proposed amendment removes the CUP permit path for commercial events outside commercially zoned areas in Montecito. That includes large agricultural and residential properties. Does the Board really understand which parcels will be impacted by this regulation? Do staff? Do landowners in the area and the rest of the public? There are numerous residential and agricultural areas in Montecito that rent their properties for events without any issues or concerns from neighbors. Banning these events and blocking land owners from being able to apply for a CUP for these events is a harsh and unconstitutional restriction.

There are Constitutional restrictions on a local government's right to restrict the right to gather and speech. The proposed fixes (banning CUPs for special events outside commercial areas in Montecito and prohibiting events at short-term rentals outside Montecito without a CUP) regulate events too strictly and are unconstitutional. See the White Paper on the Santa Barbara Special Events Ordinance for more information concerning the constitutional requirements regarding special events regulation.

Sincerely,

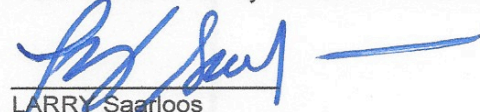
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Willy Chamberlin  
Santa Ynez Valley Property Owner

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Richard Good  
Montecito Property Owner  
General Manager, Classic Party  
Rentals

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Andy Mills, President  
Santa Barbara County Cattlemen's Association



LARRY Saarloos  
PROPERTY OWNER, SANTA YNEZ SELF STORAGE, SAARLOOS AND SONS LOS OLIVOS EL  
CAMINO REAL VINEYARD ZACA STATION \_\_\_\_\_

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Lynette LaMere  
Montecito Property Owner  
Owner, Pure Joy Catering

