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Honorable Supervisors:

I plead with you to give the issue of Short-term vacation rentals, best defined as transient occupancy in the LUDC, your highest priority in the County Work Program for 2015-2016. The timing is crucial as our neighborhoods are being eroded and work force housing has already diminished.

So many of us moved here for a way of life and an opportunity to be part of community. Some chose rural, semi rural, or city life. We looked to the Zoning Code to protect our choice & way of living.

We are now threatened with phenomena that are commercializing all zones. Our Board of Supervisors has the power to regulate this industry and have chosen not to in the past.

The previous debacle referred to Temporary Uses relating to Events in Santa Barbara County. There are other sections of Code that will support Residential Zoning regulations not allowing commercial uses. Please be proactive and allow the Staff to present the best solution to this crucial issue and not be intimidated by the VRBO lobbyists.

The County Counsel has NOT been asked the right questions by Board of Supervisors. "How can we support our constituents that have chosen to live in R1 zones now threatened? Let's help those that want to continue to live, work, be major contributors in dollars and volunteerism to make our communities attractive, vibrant and safe?" "Find existing law and regulations that define what is allowed and not allowed and suggest more clarity.

In zones where transient occupancy (less than 30 days) has already overtaken a neighborhood, perhaps rezoning could be considered if you got consensus from all the homeowners of that area.

Strict rules and strong enforcement are a necessary component of any regulations. Don't we have enough Hotels, Motels, B & B's, and mixed use areas that can see to the needs of our Tourists?

Perhaps we will now allow residents with owner occupied secondary structures or guesthouses to rent them long term for extra income, as they are not permitted to now. Owners of vacation rentals are doing this anyway!! This could increase the pool of workforce housing while enriching our neighborhoods. This would only work with tenant rules and that so called "Good Neighbor Policy". What happened to love thy neighbor?

Want to sell or rent your house because there is a commercial lodging next door? Your only recourse is to sell as another lodging. What family wants to purchase next to commercial lodging? And so the dominoes fall. Lower property values, less tax revenue for County, less children in our schools, less work force housing. The wonderful environment that people come to from all over the world will be gone. The caring residents that raised their families here and contributed mightily to the greatness of Santa Barbara County will have moved on. What will be left are streets full of transient dwellings. All the people that can't find affordable housing to buy or rent will stop trying to work three jobs and move on to have a descent life.

We are not talking about struggling families trying to augment their income by renting out a room in their home. The home is owner-occupied and less of a concern as long as the owner screens and informs tenants of rules of consideration of neighbors. Of course it would be best if they would rent long term and provide much needed housing

We are talking about people without a care for what it means to live in a neighborhood and participate in its community. The new industry is coming into our area, purchasing homes strictly to be used as short-term transient living, hiring Property Managers that are not screening except for their ability to pay. Tell me this is not commercial use.

Picture this:

Tranquil living in R1 zone, house next door and across the street are sold and used for short-term vacation rental. Advertised on VRBO 3 bedroom, 2-bath home, sleeps 8, pool, spa, entertainment center, close to beach. Here they come----every 3-7 days 8 to 14 people, plus several small children screaming everyday. Complaints to owner and property manager fall on deaf ears. This is my experience. Only recourse is file a zoning violation complaint or call Sheriff that guarantees adversarial contact or no contact with owner.

Don't be shortsighted about the so-called benefit of collecting TOT. Even the TOT application requests hotel/business name. Please instruct staff to be creative in finding new revenue streams to maintain our zoning protection? We need clarity & enforcement of existing zoning laws and descriptions. You don't know what is coming until it arrives on your street or next door to you. I encourage you to educate yourselves. Read the ads AND the reviews on www.VRBO.com

Attached:

Definitions in the County Code & LUDC that shows existing language meant to protect our various zones

Partial list of Cities and Counties that have responded to constituents

SYBIL ROSEN

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VRBO listings Santa Barbara Area Includes:

Santa Barbara 521**, Carpinteria 131, Goleta 20, Hope Ranch 17,
Montecito 142, Summerland 31 TOTAL 862 LISTINGS

SANTA YNEZ VALLEY TOTAL LISTINGS 133

Los Olivos 36, Buellton 5, Lompoc 5, Santa Ynez 51, Solvang 22,

Santa Maria 2

VRBO SANTA BARBARA CENTRAL: 521 LISTINGS**

- ☐ Grouped by neighborhood
- San Roque 22
 - The Mesa (Beach Area) 107
 - Upper East 26
 - Upper Riviera 29
 - Waterfront 2!!!! Gee, could it be because there are hotels
 - West Beach 44
 - West Side 16
 - Alta Mesa 13
 - Bel Air Knolls 4
 - Downtown 74
 - East Beach 19
 - Eastside 6
 - Eucalyptus Hill 6
 - Hidden Valley 1
 - Las Positas 3
 - Lower Riviera 28
 - Mission Canyon 27
 - More Mesa 1
 - Oak Park 5
 - Paseo Chapala 4
 - Samarkand 1
 - Other Santa Barbara Properties 61

CITIES OR COUNTIES NOT ALLOWING OR RESTRICTING

Napa County:

- *County of Napa:* Title 18, Chapter 18.104.410- Transient commercial occupancy of dwelling units prohibited. Any commercial use, defined as a use that involves the exchange of cash, goods or services for lodging, of dwelling units for a period of time less than thirty consecutive days is prohibited.
- *City of Napa:* Title 17 Zoning- Chapter 17.52.515. Transient occupancy uses are not permitted or conditionally permitted in residential districts, unless either: (a) the city has approved a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this chapter; or (b) the city has approved an interim vacation rental permit (pursuant to Ordinance No. O2008-9) and the owner timely applies for, obtains, and holds a current *vacation* rental permit pursuant to the procedures and requirements of this section. Certain property owners (defined herein as those authorized to be issued a *vacation* rental permit) have made good faith efforts to comply with city requirements for the establishment of *vacation* rental businesses. Despite such good faith efforts, those owners were not in compliance with the requirements of this title prior to obtaining an interim *vacation* rental permit (pursuant to Ordinance No. O2008-9), which requires compliance with the requirements of this section. The city intends, by this section, to ameliorate the disruption to the community that might otherwise occur if those owners were required to cease operations immediately.
- *St. Helena:* Title 17 Zoning- Chapter 17.134. Each short term rental within city limits must obtain a permit, meet all applicable safety, size, parking, and structural restrictions, and remit all transient occupancy taxes. Homeowner shall not hold more than one permit, and there are a maximum of 25 permits available for the city. Short-term rentals are also subject to annual fire and safety inspections as well as a public notice process.
- *Hermosa Beach:* Short term rentals less than 30 days are not allowed except in commercial zones when all permits have been obtained. Chapter 3.32, Transient Occupancy Tax, states: for occupancy of any hotel or hospital as defined, each transient is subject to and shall pay a tax in the amount of ten percent of the rent or bill charged by the operator.
- *Santa Monica:* Article 9, Chapter 9.04. 02- The housing is designed for use by individuals who will reside on the property for a minimum stay of at least 30 consecutive days, but who otherwise intend their occupancy to be temporary. The housing is intended for use by persons who will maintain or obtain a permanent place of residence elsewhere. The housing includes some or all of the following amenities: Maid and linen service, Health club, spa, pool, tennis courts, or memberships to area facilities, Business service centers, Meeting rooms, Fully furnished units including a combination of some but not necessarily all of the following: furniture, appliances, housewares, bed linens, towels, artwork, television sets, stereos, VCRs, CD players, fax machines, and Internet access, and/or Valet parking.
- *Long Beach:* Every transient will pay a tax of 12% total of the rent for their occupancy in any room, space, or portion thereof in a hotel. "Hotel" means any apartment house, auto court, boarding house, bungalow court, club, hotel, inn, lodging house, motel, rooming house, camp, studio, dormitory, tourist home or other structure, private or public, or portion thereof, within the city offering or renting to transients for lodging, dwelling, or sleeping purposes, in guestrooms for compensation, and shall further include any trailer court, trailer spaces, or combinations of such

spaces and trailers, including mobile homes, timeshare units not occupied by the timeshare owner or a guest of the owner, and docked boats and ships, occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes. No transient occupants are allowed unless the use is also approved and licensed as a hotel, as stated in the Zoning Definitions.

- Monterey: County wide- Title 21: Zoning, Chapter 21.64.280- “Transient Use of Residential Property” means the use, by any person, of residential property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for not less than seven (7) nor more than thirty (30) consecutive calendar days. The Board of Supervisors finds that occupancy of less than thirty days of residential property is a transient use of residential property for remuneration and may be allowed only upon the issuance of an administrative permit in the coastal zone, or an administrative permit in the non-coastal area. “Use of residential property for transient use (‘Short-term rentals’ – rental housing units for less than 30 days) is allowed with discretionary permit in residential districts in the non-Coastal area (County Code Section 21.64.280-Title 21), but is not allowed in the Coastal Zone (County Code Section 20.02.040-Title 20). Title 21 sets minimum regulations for such uses, including minimum stay length, notice requirements, limitations on occupancy and advertising, and remittance of transient occupancy taxes.”
- Carmel by the Sea: Title 17: Zoning, Chapter 17.08.060- Uses such as transient bed and breakfast, hostel, hotel, inn, lodging, motel, hotel, resort and other transient lodging uses for remuneration, are prohibited in the residential districts. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section. The county ordinance differs, so units that fall outside of the city limits can be rented for less than 30 days.
- Dana Point: Short term vacation rentals in residential zones are a prohibited use since it is not expressly allowed in the Zoning Code. Code Enforcement does not have a pro-active short term vacation rental enforcement program, but has responded on a complaint-driven basis. A draft ordinance was discussed during a public hearing on March 5, 2013, but no final decisions were made.
- Huntington Beach: Vacation Rentals fall under the broad definition of Visitor Accommodations, categorized as a Commercial Use, and therefore are prohibited in all residential zones.
- Coronado: Municipal code, Chapter 86.78, states that no dwelling unit in any residential zone in Coronado can be used for transient occupancy. The codes define a transient occupancy as “a period of 25 consecutive calendar days or less.”
- Imperial Beach: Municipal Code, Title 19.04, Short-term rental of residential property is defined as the commercial use by any person of residential property for transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is less than thirty (30) consecutive calendar days. Transient occupancy is allowed in the C-1, C-2 and MU-2 Zones subject to approval of a Short-Term Permit

application. Vacation rental operator must obtain a valid business license, register for TOT, and apply for a short-term rental permit

San Francisco County:

- *San Francisco*: Under Chapter 41A- It is unlawful for any unit to be used for rent for tourist or transient use, defined as the use of a residential unit for occupancy for less than a 30-day term of tenancy. The Building Inspection Commission, although not formally introduced, discussed the possibility of regulating Short-term Vacation Rentals during their January 16, 2013 meeting. The proposed alternative to the current ban would create a registration process as well as a maximum of 90 days per calendar year for rentals.
- *The County of San Luis Obispo*: Residential Vacation rentals within the Cambria and Cayucos urban reserve lines require zoning clearance, business license and transient occupancy tax registration for each residential unit. Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days, with a 4 night minimum. Within all residential land use categories, no residential vacation rental shall be located within 200 linear feet of a parcel on the same block on which is located any residential vacation rental or other type of visitor-serving accommodation that is outside of the Commercial land use category. The Residential Vacation Rental Chapter establishes permit requirements, location restrictions, occupancy and tenancy requirements, noise and parking limits, and signage and contact requirements.
- *San Luis Obispo (City)* : San Luis Obispo Municipal Code, Chapter 17.22, Zoning Use Regulations states -Vacation Rentals are prohibited in any zone, within the city limits. Under Title 17 Zoning, Chapter 17.100.220, defines a “Vacation rental” as ‘a dwelling or part of a dwelling where lodging is furnished for compensation for fewer than thirty consecutive days. Does not include fraternities, sororities, convents, monasteries, hostels, bed and breakfast inns, hotels, motels, or boarding/rooming houses, which are separately defined.’
- *Santa Barbara*: A hotel is a building, group of buildings or a portion of a building which is designed for or occupied as the temporary abiding place of individuals for less than thirty (30) consecutive days including, but not limited to establishments held out to the public as auto courts, bed and breakfast inns, hostels, inns, motels, motor lodges, time share projects, tourist courts, and other similar uses. Hotels are restricted to certain zones and prohibited from operating in family dwelling residential zones.
- *Sonoma County*: Chapter 26, Article 88, Section 26-88-120- Vacation Rentals must obtain a zoning permit and abide by occupancy, parking, noise, emergency contact, and posting of standards requirements. Each unit will register to pay TOT. The Vacation Rental Ordinance was not adopted for the Sonoma Coast (Sea Ranch, Bodega Bay) as those communities fall under the legislation of the California Coastal Commission.
- *Healdsburg*: Vacation rental homes are not permitted in R-1 (Single Family Residential), RM (Multi-Family Residential), DR (Downtown Residential),
- *City of Ojai*: The city of Ojai has interpreted the Municipal Code to require short term vacation rental units to register for and collect TOT, per the Uniform Transient Occupancy Tax article. Zoning issues have also been addressed as city code does not list transient rentals as a permitted or prohibited use in residential zones and therefore require a conditional-use permit.
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SANTA BARBARA COUNTY CODE –

CHAPTER 35 - COUNTY LAND USE & DEVELOPMENT CODE

Santa Barbara County LUDC Chapter 35.110 – DEFINITIONS

(Starting on page 647 of the PDF version of LUDC) Note that it also says that if words are not defined in this Glossary, then definitions from other provisions in the County Codes apply

R-1/E-1 (Single Family Residential) zone The R-1 and E-1 zones are applied to areas appropriately located for **one-family living** at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone **is intended to protect the residential characteristics of an area and to promote a suitable environment for family life.**

Family. One or more persons occupying premises and living as a **single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use** A family shall not include a fraternal, religious, social, or business group. A family shall be deemed to include domestic servants employed by the family.

Dwelling" Page 660 of the PDF version of the LUDC:

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

Guesthouse. Detached living quarters of a permanent type of construction without kitchen or cooking facilities, used primarily for temporary guests of the occupants of the principal building on the lot, and **not rented or otherwise used as a separate dwelling.**

Home Occupation. A **commercial activity conducted entirely within the dwelling portion of a dwelling by residents of the dwelling**, or conducted entirely within an artist studio by a person residing in a dwelling on the same lot.

Transient: Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. **Any such person so occupying space in a hotel** shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. (Ord. No.1570, § 2) **"Transient"** is not defined in the definition glossary of LUDC, but is defined in County Codes, Chapter 32, Section 32-11

DEFINITION LODGING CODE SECTION 11 PAGE 28 & 29

1. Bed and Breakfast- A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable County health regulations.

2. Boarding or Rooming House. A residence or dwelling other than a hotel where the business of keeping boarders is generally carried on and which is held out by the owner or keeper as a place where boarders are kept

3. Guest Ranch. A vacation resort, generally a farm or ranch that derives all or part of its income from the use of its facilities by paying visitors or guests, and provides food, lodging, and recreational activities.

4. Hostel. Overnight sleeping accommodations that provide supervised and inexpensive lodging for travelers, and may provide kitchen and eating facilities. Occupancy is generally of a limited duration.

5. Hotel. A building or group of buildings containing six or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who, for compensation, are lodged with or without meals, but not including a trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint.

6. Motel. A transient lodging establishment containing six or more rooms with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through a main lobby.

7. Resort Hotel. A hotel which serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated

Comforting but hollow words:

"All of us are so grateful to have the opportunity and privilege of serving our citizens and visitors in the exquisitely beautiful and distinctive communities which comprise our County. In return, we strive day to day to administer the laws of the state and ordinances and policies of the elected Board of Supervisors, in the highest traditions of civic professionalism and competency."

Quote: Mona Miyasato, CEO SB County