

MONTECITO PLANNING COMMISSION
Staff Report
Short-Term Rental Ordinance
Case No. 16ORD-00000-00011

Hearing Date: September 21, 2016
Staff Report Date: September 14, 2016
Case No.: 16ORD-00000-00011

Environmental Document: Notice of Exemption pursuant to CEQA Section 15061(b)(3).

Interim Deputy Director: Mindy Fogg
Division: Long Range Planning
Staff Contact: Jessica Metzger
Staff Phone No.: (805) 568-3532

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission:

- 1.1 Case No. 16ORD-00000-00011.** Adopt a recommendation to the Board of Supervisors that the Board of Supervisors adopt an ordinance (16ORD-00000-00011) amending Division 35.2, Montecito Zones and Allowable Land Uses, Division 35.3, Montecito Site Planning and Other Project Standards, and Division 35.10, Glossary of the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, to implement new regulations regarding the land use of Short-Term Rentals.

The Ordinance proposes to implement new regulations and other revisions permitting the land use of Short-Term Rentals where other transient lodging uses are also permitted in the Resort/Visitor Serving Commercial (CV) zone district and to prohibit the land use of Short-Term Rentals in the Resource Management Zone (RMZ), One-Family Residential (R-1/E-1), Two-Family Residential (R-2), Design Residential (DR), Planned Residential Development (PRD), Neighborhood Commercial (CN), Recreation (REC), and Public Utilities (PU) zone districts in the Santa Barbara County Montecito Land Use and Development Code (MLUDC).

2.0 RECOMMENDATION AND PROCEDURES

- 2.1 Case No. 16ORD-00000-00011.** Follow the procedures outlined below by recommending that the Board of Supervisors approve Case No. 16ORD-00000-00011 based upon the ability to make the appropriate findings, including the CEQA findings. Your Commission's motion should include the following:

1. Make the findings for approval, including the CEQA findings, and recommend the Board make the findings for approval of the proposed ordinance amendment (Attachment A);
2. Recommend that the Board of Supervisors determine that the adoption of the proposed ordinance is exempt from the California Environmental Quality Act pursuant to Section

15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and

3. Adopt the Resolution recommending that the Board of Supervisors adopt Case No. 16ORD-00000-00011, an ordinance amending the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, to implement new regulations regarding the land use of Short-Term Rentals (Attachment C).

Refer back to staff if the Montecito Planning Commission takes any action other than the recommendation for appropriate findings and documentation.

3.0 JURISDICTION

- 3.1 **Case No. 16ORD-00000-00011.** This project is being considered by the Montecito Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.494 of the MLUDC. The Government Code and the MLUDC require that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the County located within the non-Coastal Zone portion of the Montecito Community Plan Area, review and consider proposed amendments to the Montecito Land Use and Development Code and provide a recommendation to the Board of Supervisors.

4.0 BACKGROUND

- 4.1 **Project Initiation.** During the review of the 2015/2016 Annual Work Program for the Long Range Planning Division, both the Montecito Planning Commission and the County Planning Commission recommended adding the review of Short-Term Rentals (STRs) to the list of projects to be started in the 2015/2016 fiscal year. The Board of Supervisors considered the Planning Commissions' recommendations during the Board's budget workshop and directed staff to review and clarify provisions in the County zoning ordinances concerning the use of STRs within the unincorporated areas of the County as part of the 2015/2016 Long Range Planning Annual Work Program.
- 4.2 **Public Outreach.** Staff gathered public input on the use of STRs in the County through a variety of outlets since the project began in July 2015. Public outreach was initiated by holding four public meetings. Staff has received over 250 emails and letters from the public on the topic. These correspondences have all been transmitted to the Montecito Planning Commission at previous hearings or with this report. County staff continues to see emerging interest in the issue and public involvement and engagement has grown through the course of the project.
- 4.3 **Montecito Planning Commission.** The Montecito Planning Commission met on November 18, 2015 and received staff's briefing and public testimony on the land use of STRs. The Commission directed staff to develop specific zoning ordinance amendments to the MLUDC and the portion of Article II in the Montecito Community Plan boundary to prohibit STRs in zone districts that do not currently permit traditional transient lodging

uses (e.g. hotels).

4.4 County Planning Commission. At the November 4, 2015 hearing, the County Planning Commission considered the land use of STRs and received testimony from the public. The item was continued to the December 9, 2015 meeting. At this meeting, the County Planning Commission directed staff to draft an ordinance prohibiting STRs in Residential zone districts.

The Commission continued the hearing to February 24, 2016 and directed staff to return with further information on a regulatory approach for permitting STRs in Agricultural zone districts. At the February 24, 2016 meeting, the Commission directed staff to develop regulations to permit STRs in agricultural zone districts.

At the August 3, 2016 Commission meeting, staff presented amendments to the LUDC and Article II. The item was continued to the August 10, 2016 meeting, at which time the County Planning Commission recommended the Board approve the amendments to Article II. The amendments to the entirety of Article II (Attachment D), covering the whole coast of Santa Barbara County, will conditionally permit the use of STRs with Coastal Development Permit (CDP) in the AG-II zone district and permit STRs through a CDP in the C-1, C-2, and C-V zone districts.

The coastal portion of the Montecito Community Plan boundary is governed by Article II. In this Coastal portion of Article II of the Montecito Community Plan, the only zone district that exists permitting the use of STRs is the C-V zone district, which currently allows other traditional transient lodging uses. There are no AG-II zone districts existing in the Montecito Community Plan boundary. The direction to staff regarding Article II that the Montecito Planning Commission made on November 18, 2015 was communicated to the County Planning Commission and the County Planning Commission's recommendation to the Board is consistent with the Montecito Planning Commission's direction to staff.

The County Planning Commission also recommended that the Board approve amendments for the inland area (outside the Montecito Community Plan Boundary) of the unincorporated County that will allow STRs in Agricultural II, Mixed Use, and certain Commercial zone districts.

5.0 ISSUE SUMMARY

5.1 County Regulatory Authority

The County has the authority to establish a long-range land use plan and to implement these policies through regulations. The County has adopted a Comprehensive Plan and zoning regulations that direct the location and extent of land uses, as well as provide standards and regulations that serve to differentiate appropriate land uses within each zone district and create regulations for orderly development. The land use of STRs has not previously been specifically defined in the MLUDC. The proposed amendments allow STRs in the CV zone district, and prohibit the use of STRs in the RMZ, R-1/E-1, R-2, DR, PRD, CN, REC, and PU zone districts. These amendments are within the County's authority to ensure orderly growth and development through zoning.

5.2 Ordinance Development Rationale

As stated above, the Montecito Planning Commission has directed staff to develop ordinance language allowing STRs in the CV zone district that allows other transient lodging uses like hotels and prohibiting STRs in the RMZ, R-1/E-1, R-2, DR, PRD, CN, REC, and PU zone districts. In the Montecito Planning Commission discussion on the topic, there was a variety of reasons stated about STRs being inappropriate in zone districts that do not allow other traditional transient lodging uses, including Residential zone districts of R-1/E-1, R-2, DR, PRD. One of the main reasons to prohibit the use in these zone districts was the nuisance issues that STRs cause long-term neighbors and how the use changes the fabric of a neighborhood. In addition to noise and parking concerns, there was also much discussion on the behavior of short-term renters who do not live in and are not invested in the neighborhood. The intent of the residential zone district is threatened by allowing a constant stream of short-term renters to come through a neighborhood. The general intent states:

Residential zones...are areas appropriately located for family living and protect the residential characteristics of an area and to promote a suitable environment for family life...consistent with sound standards of public health, safety, and welfare.

Another key point that was used to determine the direction to prohibit the use in Residential zone districts was the current vacancy rate in the Santa Barbara County area. Growth in the STR market is exacerbating the availability of housing, including affordable and rental housing, in a market where housing is already constricted. This detrimentally affects the cost of housing for both affordable housing and workforce housing.

The proposed ordinance also prohibits the use of STRs in the RMZ, CN, REC, and PU zone districts due to the fact that other traditional transient lodging uses are not allowed in these districts. The intent of RMZ is:

To limit development because of extreme fire hazards, minimum services, and/or environmental constraints, and to encourage the preservation of these areas for uses including grazing, scientific and educational study, and limited residential uses.

The renting of a residential structure to short-term occupants would not support the intent of the RMZ district. Although commercial in nature, the CN zone district does not allow Hotels or other lodging options and its intent speaks to providing services to the neighborhood:

The CN zone is applied to areas within residential neighborhoods appropriate for local retail or service businesses to meet daily needs for food, drugs, gasoline, and other incidentals of residents in the immediate area. The intent is to provide local serving commercial establishments while preserving the residential character of the area.

The use of a STR does not meet the intent of the CN zone. The Special Purpose zones of REC is applied to public or private open space and would not be appropriate for the use of STRs. The PU zone is for public utilities and would not be appropriate for STRs.

6.0 DISCUSSION AND STAFF RECOMMENDATIONS

6.1 Proposed Amendments

The amendments for the use of STRs are proposed in the MLUDC. The direction to staff that the Montecito Planning Commission provided regarding amendments to Article II was communicated to the County Planning Commission after the last Montecito Planning Commission meeting. The County Planning Commission has recommended that the Board approve the amendments to Article II, including the allowance of STRs only in the CV zone district in the Montecito Community Plan Area.

The complete text of the ordinance amendment is contained in Attachment C, Exhibit 1 for the MLUDC. Proposed deletions are shown by striking through the text and proposed additions are underlined in red.

6.2 STRs Permitted in CV Zone Districts

The proposed amendments will permit the land use of STRs in the CV zone districts where other traditional transient lodging uses are permitted. Because the use would be surrounded by other commercial uses, staff does not recommend the application of any additional development requirements.

6.3 The Prohibition of STRs in RMZ, R-1/E-1, R-2, DR, PRD, CN, REC, and PU Zone Districts

The proposed MLUDC ordinance (Attachment C) reflects the Montecito Planning Commission direction to prohibit STRs in the zone districts that do not currently permit traditional transient lodging uses. STRs would be prohibited in Residential, Resource Management, and other Special Purpose zone districts.

6.4 Ordinance Effective Date

The amendments to the MLUDC are proposed to take effect nine months (270 days) following the adoption of the ordinance by the Board of Supervisors. The amendments to Article II constitute an amendment to the County's certified Local Coastal Program, therefore the amendments will take effect following final certification of the amendments by the California Coastal Commission, but no sooner than nine months (270 days) after the adoption of the ordinance. Adoption of this ordinance will affect a number of STRs in zone districts where the land use would no longer be allowed. In review of STR platforms, staff found that a rental unit could be reserved up to three years into the future. STRs are often booked for a guest to stay in the area for special occasions (e.g. weddings, anniversaries, reunions). Although the planning of these events can vary, most wedding venues are booked at least nine months in advance. Due to these factors, staff is recommending that a grace period be given for before the ordinance is in effect of nine months (270 days). This will allow the owner of the property to transition it out of the STR bookings to a permitted use.

6.5 Transient Occupancy Taxes

The County of Santa Barbara Treasurer-Tax Collector's office, through the Taxation portion of the County Code (Chapter 32), requires Transient Occupancy Tax (TOT) to be collected for

STRs and all other transient lodging uses. The TOT certificate is for tax collection purposes and does not constitute land entitlement under the MLUDC or Article II. If the proposed zoning ordinance is approved the County Tax Code, Section 32, would still require collection of TOT whether or not the STR had a legal permit through the Planning and Development department. Although this issue is not part of this current proposal, staff will look for guidance from the Board to revise the Tax Collector standards once the proposed ordinance is approved.

6.6 Permitting and Enforcement

The Department’s current approach to enforcement is generally reactive, in response to reported complaints. The enforcement program is funded and staffed to support this approach. Enforcement of the proposed ordinance could take a variety of additional approaches including:

- Complaint driven, as with the current program;
- Added public outreach and education;
- Some proactive enforcement, such as reviewing hosting platforms/spot checking compliance with the ordinance; or
- Actively enforcing the ordinance.

Decisions about the approach to enforcement would be considered by the Board of Supervisors during the 2017-18 budget process.

7.0 ENVIRONMENTAL REVIEW

7.1 Case No. 16ORD-00000-00011. The proposed ordinance amendment to the MLUDC is exempt from environmental review pursuant to 15061(b)(3) of CEQA. Section 15061(b)(3) states that “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As explained further in Attachment B (Notice of Exemption), no significant environmental impacts would occur due to the ordinance amendments.

8.0 POLICY CONSISTENCY

POLICY REQUIREMENT	DISCUSSION
MONTECITO COMMUNITY PLAN	
<i>Goal G-M-1: Maintain and Preserve the Residential, Low Intensity, Semirural Character of Montecito.</i>	Consistent: The ordinance would prohibit the use of Short-Term Rentals on residentially zoned land. Short-Term Rentals introduce a commercial use to a residential area. The commercial nature of the use creates a revolving number of visitors in the neighborhood. This is at odds with the low intensity of the community plan goal. Prohibiting the use will maintain and preserve the residential character of the areas. Therefore, adoption of the ordinance would be consistent with this policy.

<p><i>Goal LU-M-l: In order to protect the semi-rural quality of life, encourage excellence in architectural and landscape design. Promote area-wide and neighborhood compatibility; protect residential privacy, public views, and to the maximum extent feasible, private views of the mountains and ocean.</i></p>	<p>Consistent: The ordinance would prohibit the use of Short-Term Rentals on residentially zoned land. This will protect residential privacy by keeping a revolving number of short-term visitors from intruding into the neighborhood. The prohibition of Short-Term Rentals will also promote neighborhood compatibility by only allowing long-term renters and owners to live in the area. Therefore, adoption of the ordinance would be consistent with this policy.</p>
<p><i>Policy LUC-M-l.3: No additional Visitor-Serving Commercial (i.e. CV-zoned) areas shall be designated in Montecito. However, existing resort hotels and motels may be improved on existing sites.</i></p>	<p>Consistent: The ordinance would allow the use of Short-Term Rentals on CV zoned land. Therefore, adoption of the ordinance would be consistent with this policy.</p>
<p><i>Goal H-M-l: Strive to ensure that Montecito meets its fair share of affordable housing within the planning area.</i></p>	<p>Consistent: The ordinance would prohibit the use of Short-Term Rentals on residentially zoned land. This maintains the housing stock for long-term rental, affordable, market rate, and assisted housing. Therefore, adoption of the ordinance would be consistent with this policy.</p>
<p><i>GOAL PRT-M-l: Develop and protect diverse outdoor recreational opportunities to strive to ensure that the Community's current and future recreational needs are met.</i></p>	<p>Consistent: The ordinance would prohibit the use of Short-Term Rentals in the Recreation zone district. By not allowing the use in these areas, they will be further protected for future use as recreation opportunities. Therefore, adoption of the ordinance would be consistent with this policy.</p>
<p>HOUSING ELEMENT</p>	
<p><i>Goal 3: Provide Fair and Safe Access to Housing.</i> <i>Goal 4: Preserve the Affordable Housing Stock and Cultivate Financial Resources for the Provision of Affordable Housing in Santa Barbara County.</i></p>	<p>Consistent: The ordinance would prohibit the use of Short-Term Rentals on residentially zoned land. This maintains the housing stock for long-term rental, affordable, market rate, and assisted housing. Therefore, adoption of the ordinance would be consistent with these policies.</p>
<p>LOCAL COASTAL PLAN</p>	
<p><i>3.7.1 Coastal Act Policies</i> <i>30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.</i></p>	<p>Consistent: STRs in residential zone districts in the coastal areas do not provide low cost accommodations for visitors to the County of Santa Barbara. Costs of STRs in the Coastal area of the County range from \$300 a night for a one bedroom dwelling unit to over \$3,500 per night for a three</p>

<p><i>Neither the commission nor any regional commission shall either: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low and moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.</i></p>	<p>bedroom. The majority of advertisements for STRs reviewed on hosting platforms required a three-night minimum stay at those rates. Furthermore, STR would continue to be available in the Visitor-Service Commercial zone and in some agricultural areas of the Coastal Zone outside of the Montecito Community Plan Boundary. Therefore, adoption of the ordinance would be consistent with this policy.</p>
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9.0 ORDINANCE COMPLIANCE

9.1 Ordinance Compliance with Residential Zone Districts. The prohibition of STRs in Residential zone districts is also supported by the purpose and intent of Residential zones. The MLUDC describes four Residential zones, each unique in character as shown below:

R-1/E-1 (One-Family Residential) zone. The R-1 and E-1 zones are applied to areas appropriately located for 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.

R-2 (Two-Family Residential) zone. The R-2 zone is applied to areas appropriate for multiple residential development in the form of two-family dwellings (duplexes) and to maintain a residential character similar to that of one-family neighborhoods. This zone is intended to ensure the compatibility of duplex development with surrounding multiple and one-family dwellings and neighborhoods.

DR (Design Residential) zone. The DR zone is applied to areas appropriate for one-family, two-family and multi-family dwellings. This zone is intended to ensure comprehensively planned and well-designed residential development, while allowing flexibility and encouraging innovation and diverse design, and requiring that substantial open space be maintained within new residential developments.

PRD (Planned Residential Development) zone. The PRD zone ensures the comprehensively planned development of large acreage within designated Urban areas that are intended primarily for residential use. The intent of this zone is to:

- 1. Promote flexibility and innovative design of residential development, to provide desirable aesthetic and efficient use of space and to preserve significant natural, scenic, and cultural resources of a site;*

2. *Encourage clustering of structures to preserve a maximum amount of open space;*
3. *Allow for a diversity of housing types; and*
4. *Provide recreational opportunities for use by both the residents of the site and the public.*

Prohibiting STRs in Residential zone districts will protect residential areas and maintain them for single-family and multi-family uses. The housing market will cycle in traditional ways allowing new homeowners to enter the market as others move up. Persons who need affordable housing will have more options due to the units not being in the STR market. Renters will also benefit from this prohibition, as more units will be in the long-term rental market and out of the transient markets. Therefore, the proposed changes are consistent with the MLUDC zoning ordinance.

9.2 Ordinance Compliance with the Resource Management Zone (RMZ), Neighborhood Commercial (CN), Recreation (REC), and Public Utilities (PU) Zone Districts. The proposed ordinance also prohibits the use of STRs in the RMZ, CN, REC, and PU zone districts because other traditional transient lodging uses like hotels are not allowed in these districts. The intent of RMZ is:

To limit development because of extreme fire hazards, minimum services, and/or environmental constraints, and to encourage the preservation of these areas for uses including grazing, scientific and educational study, and limited residential uses.

The renting of a residential structure to short-term occupants would not support the intent of the RMZ district. Although commercial in nature, the CN zone district does not allow Hotels or other lodging options and its intent speaks to providing services to the neighborhood, which does not include the use of a STR:

The CN zone is applied to areas within residential neighborhoods appropriate for local retail or service businesses to meet daily needs for food, drugs, gasoline, and other incidentals of residents in the immediate area. The intent is to provide local serving commercial establishments while preserving the residential character of the area.

The use of a STR does not meet the intent of the CN zone. The Special Purpose zones of REC is applied to public or private open space and would not be appropriate for the use of STRs. The PU zone is for public utilities and would not be appropriate for STRs. Therefore, the proposed changes are consistent with the MLUDC zoning ordinance.

9.3 Ordinance Compliance with the Resort/Visitor Serving Commercial Zone District. The ordinance proposes to allow the use of STRs through a LUP or CDP without any additional regulations in the C-V zone district. This is proposed due to the nature of a STR being closely related to other transient uses like a hotel. The purpose and intent section of this zoning codes is:

C-V (Resort/Visitor Serving Commercial) zone. The C-V zone is applied to areas of unique scenic and recreational value appropriate for tourist recreational development, while providing for maximum conservation of site resources through comprehensive site planning. The intent is to provide for maximum public access,

enjoyment, and use of an area's scenic, natural, and recreational resources while ensuring preservation of such resources.

Due to the commercial nature of the use of STRs, it is appropriate that they to be allowed in this zone district as STRs closely resemble the commercial and visitor serving operations common in the district. It is anticipated that STRs in this zone will be a use incorporated into existing structures that were previously permitted as other uses and not new construction. Therefore, the proposed changes are consistent with the MLUDC zoning ordinance.

10.0 APPEALS PROCEDURE

The recommendation of the Montecito Planning Commission will be automatically sent to the Board of Supervisors, therefore no appeal is required

11.0 ATTACHMENTS

Attachment A	Findings (Case No. 16ORD-00000-00011)
Attachment B	CEQA Notice of Exemption (Case No. 16ORD-00000-000)
Attachment C	Montecito Planning Commission Resolution
Exhibit 1	Board of Supervisors Ordinance Amending the MLUDC as set forth in Case No. 16ORD-00000-00011
Attachment D	County Planning Commission's Resolution to the Board of Supervisors for Article II

ATTACHMENT A: FINDINGS

CASE NO. 16ORD-00000-00011

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

- 1.1.1 The Montecito Planning Commission finds and recommends that the Board of Supervisors find that the proposed project, 16ORD-00000-00011, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment B, Notice of Exemption, of this Montecito Planning Commission staff report, dated September 21, 2016, incorporated herein by reference.

2.0 ADMINISTRATIVE FINDINGS

In compliance with Section 35.494.080.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the Santa Barbara County Montecito Land Use and Development Code the following findings shall be made by the Montecito Planning Commission in order to recommend approval of a text amendment to the Montecito Land Use and Development Code, and the Board of Supervisors shall adopt the following findings in order to approve a text amendment to the Montecito Land Use and Development Code:

2.1 **The request is in the interests of the general community welfare.**

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will serve to (1) define a new land use titled “Short-Term Rental” and, (2) indicate those zones that allow the land use of a Short-Term Rental, as analyzed in the Montecito Planning Commission staff report dated September 21, 2016, which is hereby incorporated by reference.

2.2 **The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the Montecito Land Use and Development Code.**

Adoption of the proposed ordinances, as analyzed in the Montecito Planning Commission staff report dated September 21, 2016, which is hereby incorporated by reference, will provide more effective implementation of the State planning and zoning laws by revising the Montecito Land Use and Development Code to provide a clear and efficient zoning standards that will benefit the public. The proposed ordinance defines the use of Short-Term Rentals and sets forth those zones that allow the land use of Short-Term Rentals. The proposed ordinance is consistent with the adopted policies and development standards of the Comprehensive Plan including the Montecito Community Plan. The proposed ordinance amendment is also consistent with the remaining portions of the Montecito Land Use and Development Code that are not revised by this ordinance. Therefore, these ordinances may be found to be consistent with the Comprehensive Plan including the Montecito Community Plan, the requirements of State Planning and Zoning Laws, and the Montecito Land Use and Development Code.

2.3 **The request is consistent with good zoning and planning practices.**

The proposed ordinance, as analyzed in the Montecito Planning Commission staff report dated September 21, 2016, which is hereby incorporated by reference, clearly and specifically addresses the use of land for Short-Term Rentals within the Montecito

Community Plan boundary in the unincorporated area of Santa Barbara County. The ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it provides for clear direction on where Short-Term Rentals are allowed and prohibited which serves to minimize potential adverse impacts to the surrounding area. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including the Montecito Community Plan, and Montecito Land Use and Development Code. Therefore, adoption of the proposed ordinance is consistent with sound zoning and planning practices to regulate land uses.

ATTACHMENT B: NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Mindy Fogg, Interim Deputy Director, Long Range Planning Division
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County guidelines for the implementation of CEQA.

Case No.: Case No. 16ORD-00000-00011

Location: The proposed ordinance would apply to the unincorporated area of the County of Santa Barbara located in the Montecito Community Plan boundary, outside of the Coastal zone.

Project Title: Short-Term Rental Ordinance

Project Description:

An ordinance (16ORD-00000-00011) amending Division 35.2, Montecito Zones and Allowable Land Uses, Division 35.3, Montecito Site Planning and Other Project Standards, and Division 35.10, Glossary of the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, to implement new regulations regarding the land use of Short-Term Rentals.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: County of Santa Barbara

Exempt Status:

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect

Cite specific CEQA Guideline Section: CEQA Section 15061(b)(3) states that “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

Reasons to support exemption findings: The ordinance amendments revise and clarify restrictions pertaining to the land use of Short-Term Rentals which will serve to minimize potential adverse impacts to the surrounding areas. This ordinance amendment is not related to any particular development projects and individual projects will be subject to compliance with CEQA, as applicable.

The proposed ordinance identifies where the land use is prohibited (Resource Management Zone (RMZ), One-Family Residential (R-1/E-1), Two-Family Residential (R-2), Design Residential (DR), Planned Residential Development (PRD), Neighborhood Commercial (CN), Recreation (REC), and Public Utilities (PU) zone districts) and allows the use in the zone where other transient occupancy uses are allowed (Resort/Visitor Serving Commercial Zone (CV)) with a Coastal Development Permit. Approximately 75% of the Short-Term Rentals currently paying transient occupancy tax exist in residential zoning, thus, the results of the ordinances could be a reduction in Short-Term Rentals in the County. Implementation of the ordinance does not increase density or the intensity of use in the allowed zone district of CV, as the standards adopted herein are consistent with otherwise allowable commercial use.

Therefore, it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment.

Lead Agency Contact Person: Jessica Metzger, Senior Planner, Long Range Planning Division

Phone #: (806) 568-3532

Department/Division Representative: _____

Date: September 21, 2016

Acceptance Date: _____
[date of final action on project]

Distribution: County Hearing Support Staff

Date Filed by County Clerk: _____

ATTACHMENT C

**RESOLUTION OF THE MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING THAT THE)
BOARD OF SUPERVISORS ADOPT AN ORDINANCE) RESOLUTION NO. 16 - _____
(16ORD-00000-00011) AMENDING DIVISION 35.2,)
MONTECITO ZONES AND ALLOWABLE LAND) Case No.:
USES, DIVISION 35.3, MONTECITO SITE PLANNING) 16ORD-00000-00011
AND OTHER PROJECT STANDARDS, AND)
DIVISION 35.10, GLOSSARY OF THE SANTA)
BARBARA COUNTY MONTECITO LAND USE AND)
DEVELOPMENT CODE, OF CHAPTER 35, ZONING,)
OF THE SANTA BARBARA COUNTY CODE, TO)
IMPLEMENT NEW REGULATIONS REGARDING)
THE LAND USE OF SHORT-TERM RENTALS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code.
- B. Staff facilitated meetings with the public and community organizations to gather community input on Short-Term Rentals in the County and how the use should or should not be operated and located.
- C. The establishment of an appropriate regulatory program for Short-Term Rentals in Commercial zoning will allow for alternate lodging opportunities for public access to the County as a visitor destination.
- D. The for profit nature of Commercial zoning districts makes them more appropriate for the use of Short-Term Rentals than Residential zoning districts.
- E. The intent of the Resource Management Zone, Recreation, and Public Utility zone districts does not support the allowance of the use of Short-Term Rentals.
- F. The intent of the Neighborhood Commercial zone district is to provide for the daily needs for food, drugs, gasoline, and other incidentals of residents to the area and is not appropriate for the use of Short-Term Rentals.
- G. After a duly noticed public hearing on November 18, 2015, the Montecito Planning Commission received a staff briefing and public comment on the use of Short-Term Rentals and directed staff to return with an ordinance allowing the use of Short-Term Rentals only in zoning districts that allow other transient lodging uses.

- H. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 16ORD-00000-00011) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, define a new land use titled "Short-Term Rental" and, indicate those zones that allow the land use of a Short-Term Rental. Said ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- I. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Montecito Community Plan, and the requirements of the State Planning, Zoning and Development Laws.
- J. This Montecito Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.
- k. In compliance with Government Code Section 65855 which requires the Montecito Planning Commission's written recommendation on the proposed ordinances to include the reasons for the recommendation and the relationship of the proposed ordinances to applicable general and specific plans, the Montecito Planning Commission has determined that the proposed amendments and ordinances are consistent with the Comprehensive Plan, including community plans, as discussed in the findings in Attachment A of the Montecito Planning Commission staff report dated September 14, 2016, which is incorporated by reference.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The Montecito Planning Commission now finds, consistent with its authority in Government Code Section 65855, that it is in the public interest to provide orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to recommend that the Board of Supervisors:
 - a. Adopt a recommendation to the Board of Supervisors that the Board of Supervisors adopt an ordinance (16ORD-00000-00011) amending Division 35.2, Montecito Zones and Allowable Land Uses, Division 35.3, Montecito Site Planning and Other Project Standards, and Division 35.10, Glossary of the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, to implement new regulations regarding the land use of Short-Term Rentals as set forth in Exhibit 1.
- 3. This Montecito Planning Commission endorses and transmits a certified copy of this Resolution to the Board of Supervisors in compliance with Government Code Section 65855.

4. The Chair of this Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Montecito Planning Commission.

PASSED, APPROVED AND ADOPTED by the Montecito Planning Commission of the County of Santa Barbara, State of California, this ____day of _____2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MICHAEL PHILLIPS, CHAIR
Santa Barbara Montecito Planning Commission

ATTEST:

DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

Exhibit 1 - Short-Term Rental Ordinance (Case No. 16ORD-00000-00009)

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2 MONTECITO ZONES AND ALLOWABLE LAND USES, DIVISION 35.3 MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS, AND DIVISION 35.10 GLOSSARY, TO IMPLEMENT NEW REGULATIONS REGARDING THE LAND USE OF SHORT-TERM RENTALS.

Case No. 16ORD-00000-00011

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section of Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.424, Resource Protection Zone, to read as follows:

Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zone	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	RMZ	
		Specific Use Regulations

SERVICES

Large family day care home	P	35.442.070
Small family day care home	E	35.442.070
Day care center, Non-residential	CUP	35.442.070
Day care center, Residential	CUP	35.442.070
<u>Short-term rental</u>	<u>—</u>	

SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section of Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	R-1/E-1	R-2	

SERVICES

Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Day care center, Non-residential	CUP	CUP	35.442.070
Day care center, Non-residential, accessory	—	—	35.442.070
Day care center, Residential	CUP	CUP	35.442.070
Medical services - Clinic	—	—	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
Mortuary	—	—	
Mortuary, accessory to cemetery	—	—	
<u>Short-term rental</u>	==	==	

SECTION 3:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services section of Table 2-8 Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	DR	PRD	

SERVICES

Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Day care center, Non-residential	CUP	CUP	35.442.070
Day care center, Non-residential, accessory	P	P	35.442.070
Day care center, Residential	CUP	CUP	35.442.070
Medical services - Clinic	—	—	
Medical services - Extended care	CUP	CUP	
Medical services - Hospital	CUP	CUP	
<u>Short-term rental</u>	==	==	

SECTION 4:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services - General section of Table 2-12 Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.424.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, to read as follows:

Table 2-12 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	CN	CV	

SERVICES - GENERAL

Charitable or philanthropic organization	—	—	
Large family day care home	P	P	35.442.070
Small family day care home	E	E	35.442.070
Day care center, Non-residential	CUP	CUP	35.442.070
Day care center, Non-residential, accessory	P	P	35.442.070
Day care center, Residential	CUP	CUP	35.442.070
Drive-through, facility	CUP	—	35.442.100
Furniture repair accessory to furniture store or interior decorator	CUP	—	
Lodging, Hotel or Motel	—	—	
Lodging - Resort hotel, guest ranch	—	P	35.424.060
<u>Lodging – Short-Term Rental</u>	<u>—</u>	<u>P</u>	
Personal services	P	P (3)	
Vehicle services - Minor maintenance/repair	P	—	35.442.050

Key to Zone Symbols

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Use only allowed accessory and incidental to an approved resort or guest ranch.

SECTION 5:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Services - General section of Table 2-14 Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.425.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.4254, Special Purpose Zones, to read as follows:

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	REC	PU	

SERVICES - GENERAL

Large family day care home	P	—	35.442.070
Small family day care home	E	—	35.442.070
Day care center, Non-residential	CUP	CUP	35.442.070
Day care center, Residential	CUP	—	35.442.070
Lodging – Short-term rental	—	—	

Key to Zone Symbols

Recreation
Public Utilities

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.425.030.C (Development Plan approval required).

SECTION 6:

ARTICLE 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 3-5 Nonresidential Parking Standards of Section 35.436.060, Required Number of Spaces: Nonresidential Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

Table 3-5 - Nonresidential Parking Standards

Recreation, Education & Public Assembly Uses	Parking Spaces Required
Library, museum, art gallery, or similar use	1 space per 2 employees and; 1 space per 300 square feet of gross floor area
Religious institutions, school auditoriums, college auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls, and other places of general assembly	With fixed seats - 1 space per 4 fixed seats Without fixed seats - 1 space per 30 square feet of auditorium floor space
Racquetball and tennis facility	1.5 spaces per court

School - College	1 space per 5 students and; 1 space per 3 employees
School - Day school or Nursery school	1 space per 10 students and; 1 space per 2 employees
School - Elementary and Middle School	1.5 spaces per teaching station
School - High School	6 spaces per teaching station
Spas, health clubs, etc.	1 space per 200 square feet of spa area and; 1 space per 500 square feet of area related to the spa facilities
Spectator seating	1 space per 5 seats or 1 space per 35 square feet of seating area
Swimming pools, public	1 space per 200 square feet of pool area and; 1 space per 500 square feet of area related to the pool facilities
Retail Trade	Parking Spaces Required
Furniture and appliance stores, hardware stores	1 space per 1,000 square feet of gross floor area
Restaurants, cafes, , etc.	1 space per 300 square feet of space devoted to patrons and; 1 space per 2 employees
Retail business and general commercial	1 space per 500 square feet of gross floor area
Services & Offices - Business, Financial, Professional	Parking Spaces Required
Business and professional offices e.g., banks, lawyers' offices	1 space for each 300 square feet of gross floor area
Hotels/motels	1 space per guest room and; 1 space per 5 employees
Medical services - extended care	1 space per 3 beds and; 1 space per 3 employees
Medical services - hospitals	1 space per 2 beds and; 1 space per 3 employees
Medical services - medical clinics, medical and dental offices	1 space per 200 square feet of gross floor area
<u>Short-Term Rental</u>	<u>1 space per bedroom</u>

SECTION 7:

ARTICLE 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to amend the existing definition of “Lodging” to add the definition of “Short-Term Rentals” to read as follows:

Lodging.

1. **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.
2. **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.

3. **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.
4. **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.
5. **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.
6. **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.
7. **Short-Term Rental.** A structure which is permitted to be rented for overnight lodging in compliance with this Development Code, in whole or in part and with or without the presence onsite of the Owner or representative of the Owner, that is rented for 30 consecutive days or less.

SECTION 8:

ARTICLE 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to add the following new definitions of “Short-Term Rental” and “Transient” to read as follows:

Short-Term Rental. See “Lodging”.

Transient. Occupancy of a dwelling or lodging use for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days.

SECTION 9:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 10:

Except as amended by this Ordinance, Division 35.2 Montecito Zones and Allowable Land Uses, Division 35.3 Montecito Site Planning and Other Project Standards, and Division 35.10 Glossary, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35,

Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 11.

This ordinance shall take effect 30 days from the date of its passage and be in force 270 following the effective date of the ordinance. Before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PETER ADAM, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT D

**RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF AN) RESOLUTION NO. 16 - _____
ORDINANCE THAT AMENDS ARTICLE II, THE)
SANTA BARBARA COUNTY COASTAL ZONING) Case No.:
ORDINANCE, OF CHAPTER 35, ZONING, OF THE) 16ORD-00000-00012
COUNTY CODE BY DIVISION 2, DEFINITIONS,)
DIVISION 4, ZONING DISTRICTS, DIVISION 6,)
PARKING REGULATIONS, AND DIVISION 7)
GENERAL REGULATIONS, TO IMPLEMENT NEW)
REGULATIONS REGARDING THE LAND USE OF)
SHORT-TERM RENTALS AND MAKE OTHER)
MINOR CLARIFICATIONS, CORRECTIONS AND)
REVISIONS.)

WITH REFERENCE TO THE FOLLOWING:

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code.
- B. Staff facilitated meetings with the public and community organizations to gather community input on Short-Term Rentals in the County and how the use should or should not be operated and located.
- C. Pursuant to its police powers, the County has the authority to enact laws, which promote the public health, safety, and general welfare of its residents.
- D. The impacts associated with Short-Term Rentals are particularly acute in Residential zoning districts where the peace, safety, and general welfare of the long-term residents and neighborhoods are threatened.
- E. The Planning Commission has determined that Short-Term Rentals are having negative impacts on the quality and character residential neighborhoods and on the availability and affordability of housing.
- F. The Planning Commission has determined that protection of the County's residential housing stock for long-term residency is important to local workforce housing.
- G. The regulation of the Short-Term Rental land use is consistent with both State law, which recognizes the vital role local government's play in the supply and affordability of housing, and County Housing Element policies, which, in part, call for maintenance and preservation of the County's residential housing stock.

- H. The establishment of a prohibition in Residential zoning districts for Short-Term Rentals will preserve and protect neighborhood character and livability from nuisances that often associated with the Short-Term-Rentals.
- I. The establishment of an appropriate regulatory program for Short-Term Rentals in Agricultural and Commercial zoning districts will allow for alternate lodging opportunities for public access to the County as a visitor destination.
- J. After a duly noticed public hearing on November 9, 2015, the Planning Commission received a staff briefing and public comment on the use of Short-Term Rentals.
- K. After a duly noticed public hearing on December 9, 2015, the Planning Commission directed staff to return with an ordinance prohibiting the use of Short-Term Rentals in Residential zoning districts.
- L. After a duly noticed public hearing on February 24, 2016, the Planning Commission directed staff to return with an ordinance allowing the use of Short-Term Rentals in Agricultural zoning districts with regulations.
- M. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan, including the Community and Area Plans, the Santa Barbara County Local Coastal Program, and the requirements of California planning, zoning, and development laws.
- N. This County Planning Commission has held a duly noticed hearing in compliance with Government Code Section 65854 on the proposed ordinances at which hearing the ordinances were explained and comments invited from the persons in attendance.
- O. In compliance with Government Code Section 65855 which requires the County Planning Commission's written recommendation on the proposed ordinances to include the reasons for the recommendation and the relationship of the proposed ordinances to applicable general and specific plans, the County Planning Commission has determined that the proposed amendments and ordinances are consistent with the Comprehensive Plan, including community plans, as discussed in the findings in Attachment E of the County Planning Commission staff report dated August 3, 2016, which is incorporated by reference.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. The County Planning Commission now finds, consistent with its authority in Government Code Section 65358, that it is in the public interest to provide orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to recommend that the Board of Supervisors:

- a. Adopt an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code by Amending Division 2, Definitions, Division 4, Zoning Districts, Division 6, Parking Regulations, and Division 7 General Regulations, to implement new regulations regarding the land use of Short-Term Rentals and make other minor clarifications, corrections and revisions.
4. This County Planning Commission endorses and transmits a certified copy of this Resolution to the Board of Supervisors in compliance with Government Code Section 65855.
5. This County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this County Planning Commission, based on the findings included as Attachment E of the County Planning Commission staff report dated August 3, 2016.
6. The Chair of this Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution to reflect the above described action by the Planning Commission.

County Planning Commission
Short-Term Rental Ordinance
August 3, 2016
Attachment B: Resolution for 16ORD-00000-00012
Page 4

PASSED, APPROVED AND ADOPTED by the County Planning Commissioner of the County of Santa Barbara,
State of California, this ____ day of _____2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

LARRY FERINI, CHAIR
Santa Barbara County Planning Commission

ATTEST:

DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI

COUNTY COUNSEL

By _____
Deputy County Counsel

Exhibit 1 - Board of Supervisors Short-Term Rental Ordinance (Case No. 16ORD-00000-00012)