

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING SANTA BARBARA
MUNICIPAL CODE TITLE 28 (COASTAL ZONING
ORDINANCE) TO ADD CHAPTER 28.91 SHORT-TERM
RENTALS AND AMEND SECTIONS 28.88.028 AND
28.90.045 PERTAINING TO REGULATIONS FOR SHORT-
TERM RENTALS AND HOMESHARES

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Chapter 28.91 (Short-Term Rentals) of Title 28 of the Santa
Barbara Municipal Code is added to read as follows:

Chapter 28.91 Short-Term Rentals

Sections:

<u>28.91.010 Purpose</u>	<u>28.91.090 Operational and Performance</u>
<u>28.91.020 Definitions</u>	<u>Standards</u>
<u>28.91.030 STR/Homeshare License</u>	<u>28.91.100 Posting and Listings</u>
<u>Required</u>	<u>28.91.110 Business License; Business Taxes;</u>
<u>28.91.040 Applicability</u>	<u>Transient Occupancy Tax</u>
<u>28.91.050 Where Allowed</u>	<u>28.91.120 Insurance</u>
<u>28.91.060 Tenant Protection for STR</u>	<u>28.91.130 Defense and Indemnification</u>
<u>Licenses</u>	<u>28.91.140 Record-Keeping</u>
<u>28.91.070 Ineligible Units and Structures</u>	<u>28.91.150 Inspection and Monitoring</u>
<u>28.91.080 STR/Homeshare License</u>	<u>28.91.160 Complaints and Violations</u>
<u>Application and Issuance</u>	<u>28.91.170 Enforcement and Penalties</u>

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28.91.010 Purpose.

The purpose of this Chapter is to regulate the use of residential structures as short-term rentals (STRs) and homeshares to protect the City's long-term housing supply, ensure compatibility with surrounding neighborhoods, safeguard public health and safety, and provide clear operational standards for property owners, hosts, and managers. This Chapter also seeks to hold operators accountable for guest conduct, ensure compliance with business license and tax requirements, and implement the City's land use and coastal policies while balancing neighborhood livability with visitor-serving uses.

28.91.020 Definitions.

The following definitions apply specifically to this Chapter:

A. **Homeshare.** A homeshare is a short-term rental that is the primary residence of either the property owner or a designated host. A homeshare involves the rental of a portion of the residential unit for a period of 30 consecutive days or less, while the owner or host is physically present and residing in the unit during the rental period.

B. **Host.** A host is a natural person designated by the property owner to reside at the property and act as the responsible party for a homeshare. The host must occupy the property as their principal place of residence and is jointly and severally responsible with the property owner for compliance with this Chapter. For homeshare, the host must reside at the property during all rental periods.

C. **Principal Place of Residence.** The sole dwelling unit in which a person resides for more than six months of the calendar year and maintains as their legal domicile. It is the place where the individual lives the majority of the time, remains when not temporarily absent due to special or limited circumstances, and to which they regularly return, such as after work, travel, or vacation. Only one principal place of residence may be claimed at any given time. If a person owns or

maintains multiple residences, the burden of proof is on the individual to demonstrate that the dwelling unit qualifies as their principal place of residence. Evidence may include, but is not limited to, qualification for the homeowner's property tax exemption, voter registration, vehicle registration, utility bills, or other documentation indicating residency. In cases of common ownership, such as tenancy in common, at least one owner or a group of owners representing a minimum of fifty percent ownership interest must reside in the dwelling and maintain it as their principal place of residence. Any individual who qualifies for the homeowner's exemption under the California State Board of Equalization shall be deemed an owner-occupant for the purposes of this definition. Also called Primary Residence.

D. **Property Manager.** A property manager is a natural person designated by the property owner to oversee the day-to-day operation of a short-term rental or homeshare. The property manager is responsible for ensuring compliance with this Chapter, including responding to complaints, maintaining the property in accordance with applicable codes, and serving as a point of contact for the City and the public. The property manager must be available to respond to issues on a 24-hour basis during any period the unit is rented as a short-term rental or homeshare.

E. **Rent.** The terms rent, rented, and rental mean allowing use of a residential unit or property, or any portion thereof, in exchange for consideration in any form.

F. **Short-Term Rental (STR).** A short-term rental is the rental, for a period of 30 consecutive days or less, of a whole residential unit or portion thereof. A short-term rental is considered a residential use of property and must comply with the standards set forth in this Chapter. The rental of commercial lodging uses, including hotels and similar uses as defined in this Title, is not considered a short-term rental.

28.91.030 STR/Homeshare License Required.

Except as authorized by this Chapter, a residential unit, any part of a residential unit, or a residential property cannot be rented or advertised for rent for 30 consecutive days or less without a valid STR/Homeshare License issued by the Community Development Department. Any rental agreement that permits termination before the completion of a minimum 31-day occupancy period by the same tenant, or any arrangement intended to circumvent this Chapter, is prohibited.

28.91.040 Applicability.

A. This Chapter applies to all STRs, including homeshares, in the City of Santa Barbara, except as provided under Subsection 28.91.040.B.

B. **Exemptions.** This Chapter does not apply to:

1. Commercial lodging uses including, but not limited to, hotels, motels, auto courts, bed and breakfast inns, hostels, inns, motor lodges, timeshare projects, or overnight recreational vehicle and camping parks.

2. Home exchanges, in which the owner of a residence allows the use of that residence in exchange for the use of another person's residence for a limited time with no rent exchanged.

28.91.050 Where Allowed.

Except as provided in this Chapter, all STRs and homeshares are required to comply with the zoning regulations applicable to residential units in the base zone and any applicable overlay, special district, or Specific Plan zone, where they are located.

A. Homeshares are allowed in all zones that allow residential uses.

B. STRs are allowed only within the "STR License Area" as shown in Figures 28.91.050.A through 28.91.050.E, located at the end of this Chapter. These figures illustrate the STR License Area, including the overview map and four detailed area maps.

28.91.060 Tenant Protection for STR Licenses.

This section applies exclusively to STRs; homeshares are not subject to this section. An STR License will only be issued if the residential unit has not been occupied under a long term rental arrangement (more than 30 consecutive days) within the past 24 months, and no tenant was displaced, evicted, or bought out within the past 24 months to facilitate the STR. Evidence includes lease records, utility billing history, and sworn owner declarations.

28.91.070 Ineligible Units and Structures.

An STR or homeshare is not allowed in any of the following:

A. A unit that is not a legally established residential unit.

B. Rooms, spaces, or structures that are nonresidential or not legally established or permitted for residential use.

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C. A unit permitted as an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU), or the primary residential unit associated with an ADU or JADU, except that a homeshare is allowed in a primary residential unit occupied by the owner or host.

D. A unit subject to a recorded covenant or other restriction limiting its use, including but not limited to affordable housing, employee housing, live-work units, or manager/caretaker units.

E. A residential unit or structure without a final building inspection or valid certificate of occupancy.

F. Rooms or structures not designed or intended for human habitation, including but not limited to workshops, barns, garages, sheds, and storage rooms, unless all required City approvals and permits have been completed to convert the structure to livable residential use in compliance with applicable codes.

G. Recreational vehicles (RVs), non-motorized travel trailers, and other structures without permanent foundations, including yurts, tents, and treehouses.

H. Any unit located within a High Fire Hazard Area, including the Coastal, Coastal Interior, Foothill, or Extreme Foothill High Fire Hazard Zones, as defined in the City's Community Wildfire Protection Plan adopted by City Council.

28.91.080 STR /Homeshare License Application and Issuance.

A valid STR/Homeshare License issued by the Community Development Department pursuant to this Chapter is required for any person that seeks or receives any rent, payment, fee, commission or compensation in any form, to rent, offer for rent, advertise for rent, or facilitate the rental of an STR or homeshare.

A. **Who May Apply.** An STR/Homeshare License may be applied for by either:

1. The property owner of the residence where the STR or homeshare is proposed to be located; or
2. A designated host, provided the host resides at the property as their primary residence at the time of application, and, for homeshare, resides at the property during all rental periods, and is authorized in writing by the property owner to act as the responsible party.

B. STR /Homeshare License Limitations.

1. Where ownership is divided among multiple parties, one owner will be designated as the responsible party for purposes of this Chapter.
2. A homeshare must be located within the principal place of residence of the property owner or host, or within a residential accessory building that is legally established and permitted for residential occupancy on the same property and is not an ADU or JADU.
3. A person or entity, including any affiliated entity, is limited to one STR/Homeshare License within the City.
4. An STR/Homeshare license is limited to one license per residential unit. On a lot containing multiple residential units under common ownership, including but not limited to duplexes, cottage courts, or apartment complexes, only one residential unit on that lot is eligible for an STR/Homeshare license. This limitation does not apply to condominium units that are separately owned within a legally established condominium subdivision.
5. An STR/Homeshare License must not be issued to or held by:
 - a. A real estate investment trust as defined in Section 856 of the Internal Revenue Code;
 - b. A corporation;
 - c. A limited liability company in which any member is a corporation; or
 - d. A limited liability company in which any member is a member of another limited liability company that holds an STR/Homeshare License for any other property in the City.
6. If a change in ownership results in a prohibited owner under this section, the license shall immediately expire.

C. STR/Homeshare License Application Requirements. Applications and fees for an STR/Homeshare License must be submitted to the Community Development Director on forms provided by the City and are required to include, at a minimum:

1. *Site Plan.* Showing the property lines, all buildings on the site, the driveway, and the location and dimensions of on-site parking spaces.

2. **Photographs.** Current color photographs of the front entry of the residential unit, the interior common areas, and all bedrooms intended for rental. Photographs must clearly depict the condition and layout of the unit and may be used by the City to verify compliance with applicable standards.
3. **Affidavit.** A signed STR/Homeshare License Zoning Affidavit acknowledging awareness of operational standards and penalties for violations. All owners of record of the residential unit and the host, as applicable, are required to sign the STR/Homeshare License Zoning Affidavit and shall be jointly and severally liable for any violations of this Chapter.
4. **Primary Residence.** For homeshares, proof that the residential unit is the owner's or host's primary residence. Acceptable documentation includes at least three of the following, each listing the applicant's name and the property address, and each dated within the past 12 months unless otherwise specified: valid driver's license or state-issued ID, motor vehicle registration, voter registration, tax documents (e.g., homeowner's exemption on property tax bill), utility bill (e.g., water, gas, electricity) dated within the past 60 days, current lease or rental agreement for the property.
5. **HOA Approval.** Written consent from the homeowner's association (HOA) to operate an STR or homeshare, if applicable.
6. **Advertising Compliance.** Demonstrate that all advertisements and listings will display the City-issued STR/Homeshare License number.
7. **Applicant Disclosure and Verification.** The applicant must disclose all direct and indirect ownership interests, including members, managers, officers, parent entities, subsidiaries, and any assumed business names (DBAs). The applicant must attest, under penalty of perjury, that the information provided is complete and accurate and that the applicant is not a prohibited owner under Subsection B above. The City may require submission of organizational documents sufficient to confirm beneficial ownership. The applicant must update ownership information within 30 days of any change. Failure to disclose, or providing false or incomplete information, constitutes grounds for denial, suspension, or revocation of the STR/Homeshare License and may result in administrative penalties.

D. License Issuance

1. **Review of Applications.** STR/Homeshare License applications are processed by the Community Development Director in accordance with the City's zoning clearance procedures and the requirements of this Chapter. The Director will determine that the proposed use complies with all applicable provisions of this Title before issuing a zoning clearance.

2. **Director Decisions.** A public hearing will not be conducted regarding license applications under this Chapter. Decisions of the Community Development Director on STR/Homeshare License applications are final and not subject to appeal. This provision applies only to the license and does not affect any rights or procedures related to any other land use approvals required prior to license issuance.

3. **Licenses Not Transferrable.** An STR/Homeshare License is personal to the applicant, non-transferable, and expires upon any change of property ownership, or any change in controlling interest in any entity holding title. Operation after conveyance requires a new license and proof of compliance. Changes to indirect ownership interests that do not affect controlling interest (e.g., addition or removal of non-controlling members, corrections to member names or addresses) do not, by themselves, void the license, but must be disclosed pursuant to Subsection 28.91.080.C.9 within 30 days.

E. **License Notification.** Within ten days of issuance or renewal of an STR/Homeshare License, the Community Development Director will provide written notification to all owners and occupants of properties within 300 feet of the licensed property. The notice will identify the property as an STR or homeshare and provide the name, phone number, and email address of the owner, property manager, and host if applicable. This notification is for informational purposes only and does not constitute a public hearing or provide grounds for appeal.

F. **License Term.** STR/Homeshare Licenses are issued or renewed for a maximum term of one year and expire immediately upon:

1. Recordation of a deed or other instrument transferring title to the property; or
2. Any change in controlling interest in an entity holding title to the property.

G. **License Suspensions and Revocations.**

1. STR/Homeshare Licenses may be suspended or revoked by the Community Development Director if there is evidence of a violation of this Chapter, any applicable law,

or a material misrepresentation related to the operation of the STR or homeshare. Upon suspension, the Director will provide written notice to the licensee of a public hearing before the Planning Commission to determine whether the license should be revoked. The notice will include a statement of the facts supporting the suspension.

2. The Planning Commission will conduct the hearing and may consider any evidence presented by the Director, the licensee, or other interested parties regarding the alleged violation or misrepresentation. Following the hearing, the Planning Commission will issue a written decision. If the Commission finds that a violation or misrepresentation occurred, it may revoke the license and will provide a written statement of findings to the licensee and any participating parties. If no violation or misrepresentation is found, the suspension will be lifted and the license reinstated.

H. License Renewals.

1. If a complete renewal application is submitted at least 30 days before the license expiration date, the license remains valid until the renewal is approved or denied.

2. If a renewal application is submitted fewer than 30 days before the license expiration date, the license remains valid until the renewal is approved or denied, but the applicant must pay a late fee established by City Council resolution.

3. If the license has expired, the STR or homeshare operation must cease immediately, and a new license application is required.

4. The City will not renew an STR/Homeshare License if there have been more than three verified violations during the previous 12-month license term or more than five verified violations within any two-year period. A violation means a complaint that results in a code enforcement case and a verified finding of noncompliance, as determined by the Community Development Director. Verified findings may include documentation from City staff investigations, administrative hearings, or official reports from law enforcement agencies. The City may deny renewal for any STR or homeshare that has engaged in conduct posing a significant risk to public health, safety, or welfare.

I. Waiting Period After Revocation or Non-Renewal. If an STR/Homeshare License is revoked pursuant to Subsection 28.91.080.G or is not renewed under Subsection 28.91.080.H.4, the property owner or host, including any affiliated entity, is prohibited from applying for a new

STR/Homeshare License for the same property for 24 months from the date of revocation or non-renewal.

28.91.090 Operational and Performance Standards.

The following operational and performance standards apply to all STRs and homeshares. All owners, hosts, managers, renters, occupants, and visitors of STRs and homeshares must comply with these standards. The property owner, manager, or host, if applicable, are responsible for ensuring compliance and are liable for violations.

A. **Occupancy Limits.** The total number of persons on the property at any time is limited to the number allowed by this subsection, or the occupancy limitations of the International Property Maintenance Code (IPMC), whichever is more restrictive. Exceeding these limits is a violation of this Chapter.

1. **Short-Term Rentals.** The total number of people on the property at any time, including daytime guests, is limited to two guests per sleeping room, plus up to six additional daytime guests, and in no case more than 16 people. Overnight occupancy is limited to ten rental guests in no more than five sleeping rooms.

2. **Homeshares.** The total number of people on the property at any time, including daytime guests, is limited to four rental guests plus the household of the owner or host, and up to six additional daytime guests. Overnight occupancy is limited to four rental guests in no more than two sleeping rooms, plus the household of the owner or host.

3. **Quiet Hours.** Persons who are not staying overnight are not allowed on the property during quiet hours as defined in Subsection E.

4. **One Group.** Only one rental agreement may be in effect at any given time. STRs and homeshares must not be rented to more than one group concurrently.

B. **Minimum Stay.** Each STR or homeshare must be rented for a minimum of two consecutive nights. For purposes of this section, two nights means a rental period that begins on one calendar day and ends after at least two overnight stays, with checkout on the third calendar day or later. Hourly or same-day rentals are prohibited.

C. **Maximum Vehicles Allowed.** The City determines the number of vehicles allowed at the time of license issuance based on the number of available on-site parking spaces. The property

owner, property manager, or host must ensure that the number of vehicles at the STR or homeshare does not exceed the number authorized on the license.

D. Parking Requirements.

1. **Location of Required Parking.** Parking spaces are allowed in a garage, carport, or permitted uncovered parking space.

2. **Minimum Number of Spaces.** The minimum number of required parking spaces for each STR or homeshare unit is based on the applicable residential housing type (e.g., single-unit, two-unit, multi-unit), as set forth in Chapter 28.90, Automobile Parking Requirements. Existing parking facilities that were legally established prior to the effective date of this section may remain and be used for STR or homeshare purposes, even if they do not conform to current standards.

3. **No Exceptions.** Parking exceptions or reductions in Chapter 28.90, Automobile Parking Requirements, and the near-transit parking exemption under Government Code §65863.2 (AB 2097) do not apply to STRs and homeshares because, for purposes of parking exceptions only, they are considered transient lodging.

4. **Unobstructed Spaces.** All designated parking spaces and driveways must remain unobstructed and available during the rental period. Failure to maintain required parking constitutes a violation.

5. **Tandem Parking and Backing Out.** Tandem parking and backing out onto a public street or sidewalk are allowed for STRs and homeshare units, subject to the same restrictions and requirements applicable to the underlying residential housing type (e.g., single-unit, two-unit, multi-unit), as set forth in Chapter 28.90, Automobile Parking Requirements. Existing parking facilities that were legally established prior to the effective date of this section may remain and be used for STR or homeshare purposes, even if they do not conform to current standards.

E. Noise.

1. A use or activity must not generate noise exceeding the standards established in Chapter 9.16, Noise, of the Santa Barbara Municipal Code.

2. Quiet hours must be observed from 10:00 p.m. to 7:00 a.m. During this time, occupants and overnight guests must refrain from activities that create noise audible beyond

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the property line and that may disturb the peace or comfort of neighboring residents. This includes, but is not limited to, loud conversations, music, televisions, animal sounds, and the use of mechanical or recreational equipment. Repeated violations of quiet hours constitute grounds for license suspension or revocation.

F. **Events and Activities.** Unless authorized by a Conditional Use Permit, an STR or homeshare must not be rented or used for any event or activity, including commercial photography or filming, parties, weddings, or commercial gatherings, that exceeds the occupancy limits established in this section, violates the noise standards in this section, or violates any other applicable law.

G. **Performance Standards.** All STR and homeshare activities must comply with the performance standards applicable to residential use under this Title and any other relevant provisions of the Santa Barbara Municipal Code, including but not limited to standards for noise, lighting, trash storage and disposal, screening, and neighborhood compatibility.

H. **Property Management Requirements.**

1. **Homeshares.** While rented, the owner or host of a homeshare must be physically present within the same residential unit between 10:00 p.m. and 7:00 a.m., and available by phone at all other times, to ensure compliance with this Chapter.

2. **Short-Term Rentals.** While rented, an STR must have one or more designated property managers, one of whom must always be available by phone, to ensure compliance with this Chapter. The owner may serve as one of the property managers.

3. **Property Manager Information.** Each STR/Homeshare License application must include the name, address, and telephone number of the property managers, along with their signatures. Any change in property manager must be submitted in writing, signed by the owner and proposed property manager, and approved in writing by the Community Development Director prior to taking effect.

4. **Local Contact Response Time.** The designated property manager, owner, or host must be able to respond on-site within 30 minutes of a complaint or request from the City

28.91.100 Posting and Listings.

A. **Outside Posting.** While rented as an STR or homeshare, the property manager's, owner's, or host's contact information and the City's enforcement contact information must be posted on a

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weather-resistant sign no larger than 8.5 inches x 11 inches, affixed to an exterior wall visible from the main entrance or, if applicable, posted adjacent to the main entry gate. Commercial advertising of the rental must not be posted on the property.

B. **Interior Posting.** The operational and performance standards of Section 28.91.090, and the property manager's, owner's, or host's contact information, must be posted in a conspicuous location inside the residence within six feet of the main entrance. The posting must include a notice pursuant to Civil Code Section 52.6 regarding human trafficking.

C. **Rental Agreements, Advertisements, and Listings.** Every advertisement or listing for an STR or homeshare must include a valid STR/Homeshare License number. Advertising an unlicensed STR or homeshare constitutes a violation of this Chapter. Each rental agreement, advertisement, and online listing must prominently display:

1. The allowed occupancy and guest limits for day and night;
2. Notice of quiet hours (10:00 p.m. to 7:00 a.m.);
3. Notice of City limitations on outdoor amplified music or sound;
4. Notice that the property may not be used for events exceeding occupancy limits or violating quiet hours, noise standards, or other laws;
5. The number of available on-site parking spaces, with a notice discouraging on-street parking;
6. The City-issued STR/Homeshare License number;
7. The current City-issued Business License Tax Certificate identification number;
8. For homeshares, a statement that the unit is the primary residence of the owner or host, and that the owner or host will be present; and
9. At least one photograph of the front entry of the residence must be included in an online listing.

28.91.110 Business License; Business Taxes; Transient Occupancy Tax.

The owner or host is required to obtain and maintain a valid City Business Tax Certificate and Transient Occupancy Tax Registration Certificate and is required to timely pay all applicable

business taxes, Transient Occupancy Taxes (TOT), and Tourism Business Improvement District (TBID) assessments, including any past-due taxes, penalties, and interest owed for the preceding three years, where legally allowed. Operating an STR or homeshare without current registration or timely payment of applicable taxes or assessments constitutes a violation of this Chapter.

28.91.120 Defense and Indemnification.

As a condition of the issuance and continued validity of any STR/Homeshare License, the owner and any operator of the STR or homeshare must defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City and its elected and appointed officials, officers, employees, agents, and representatives from and against all claims, demands, causes of action, damages, losses, liabilities, costs, and expenses, including without limitation reasonable attorneys' fees and litigation costs, upon written tender of defense by the City, arising out of or in any way related to: (a) the issuance of the permit or registration; (b) the operation, occupancy, use, or maintenance of the STR or homeshare; or (c) any act or omission of the owner, operator, guests, invitees, or any other person in connection with the STR or homeshare except to the extent caused by the sole negligence or willful misconduct of the City. This indemnification obligation shall survive the expiration, revocation, suspension, or termination of the permit or registration and any cessation of the STR or homeshare use.

28.91.130 Record-Keeping.

The owner or host of an STR or homeshare must keep and preserve all records necessary to demonstrate compliance with this Chapter, including, but not limited to, rental agreements, advertisements, and online listings. Records must be maintained for the duration of the license and for at least two years thereafter and must be made available in electronic format within five business days upon request.

28.91.140 Inspection and Monitoring

A. **Pre-Permitting Inspection.** Prior to the initial issuance and each renewal of an STR license, the Building Official will conduct an inspection to determine the number of bedrooms within the unit and ensure the residential unit and site comply with the requirements of this Chapter and all applicable building and zoning codes and regulations regarding parking, access, fire, and other relevant health and safety standards. If any violations are identified, the STR/Homeshare license will not be issued or renewed until all violations are corrected to the satisfaction of the Building Official.

B. **Inspections.** City staff may conduct inspections during the license term, upon reasonable notice, to verify compliance with this Chapter and all applicable codes and regulations.

28.91.150 Complaints and Violations

A. **Complaints.**

1. Complaints regarding the condition, operation, or conduct of renters, occupants, or visitors of an STR or homeshare should be directed to the property manager, host, or owner for investigation and resolution. The property manager, host, or owner must be available by phone at all times the residence is rented.

2. Upon receipt of a complaint alleging unreasonable noise, disturbance, or violation of any operational standard of this Chapter, the property manager, host, or owner shall take all necessary actions to promptly resolve the issue, including a documented attempt to contact the renter within 60 minutes, or within 30 minutes during quiet hours (10:00 p.m. to 7:00 a.m.). Acceptable documentation includes a phone log, text message, email, or other verifiable communication. Timely response and documented attempts to resolve a complaint do not constitute a violation of this Chapter.

3. Within 24 hours of receiving a complaint, the property manager, host, or owner shall complete the online reporting form provided by the Community Development Director to: (i) describe the complaint and the time received; (ii) describe actions taken to resolve the issue, including times; and (iii) describe the resolution or current status.

4. Failure to promptly resolve a valid complaint or to timely and fully report a complaint as required shall each constitute a separate violation of this Chapter.

B. **Violations.** Any violation of this Chapter constitutes a separate violation. Each day a violation continues or occurs constitutes a separate offense.

28.91.160 Enforcement and Penalties

A. **Enforcement.** Any violation of the provisions in this Chapter will be enforced in compliance with Section 30.205.160, Enforcement and Penalty, and through any legal remedies available to correct and abate a nuisance as set forth in Santa Barbara Municipal Code Chapters 1.25 (Administrative Code Enforcement Procedures), 1.28 (Penalty), and 1.30 (Appeals from Administrative Decisions and Time Limits for Judicial Review of Administrative Decisions).

B. **Civil Administrative Penalties.** Notwithstanding any other law, and consistent with Government Code Section 36900(d)(1), violations of this Chapter are subject to civil administrative penalties as follows:

1. A fine not exceeding one thousand five hundred dollars (\$1,500) for a first violation.
2. A fine not exceeding three thousand dollars (\$3,000) for a second violation of the same ordinance within one year.
3. A fine not exceeding five thousand dollars (\$5,000) for each additional violation of the same ordinance within one year of the first violation.
4. Each day a violation occurs constitutes a separate and distinct offense.

28.91.170 Platform Compliance Requirements.

This section is adopted pursuant to California Government Code Sections 51050–51059 (SB 346), which authorize local regulation of short-term rental hosting platforms. Hosting platform means any person or entity that provides an online marketplace or application through which STRs are advertised or booked.

A. **Listing Restrictions.** Hosting platforms must not list or facilitate the booking of any STR or homeshare within the City unless the property has a valid STR/Homeshare License.

B. **Tax Collection and Remittance.** Hosting platforms must collect and remit all applicable Transient Occupancy Taxes (TOT) and Tourism Business Improvement District (TBID) assessments on behalf of the operator, consistent with this section and City tax ordinances.

C. **Data Sharing.** Hosting platforms must provide the City, upon request, with monthly reports identifying all listings within City limits, including property address, operator name, and booking activity. Reports must be provided in an electronic format specified by the City and comply with applicable state and federal privacy laws.

D. **Notice Requirement.** Hosting platforms must display a notice to prospective hosts and guests stating that STRs are subject to City regulations and are prohibited in certain zones.

E. **Penalties.** A hosting platform that violates this section is subject to administrative fines of up to \$1,000 per illegal listing per day, in addition to any other remedies available under law.

F. **Compliance Timeline.** Hosting platforms must comply with the requirements of this section within 30 days of its effective date. Failure to provide required data within the specified timeframe constitutes a separate violation subject to fines of up to \$1,000 per day

28.91.180 Existing Hotels, STRs, and Homeshares.

A. **Permitted Hotels, STRs, or Homeshares.** Any residential unit that was legally permitted to operate as a hotel or similar use prior to the effective date of this section may either apply for an STR/Homeshare License or continue operating as a hotel or similar use. If the hotel operator chooses to obtain an STR/Homeshare License, the License can be issued notwithstanding the eligibility requirements of this section.

B. **Unpermitted Hotels, STRs, or Homeshares.** Any residential unit operating as a hotel or similar use without required City approvals prior to the effective date of this section may continue to operate only during a limited grace period, as identified below:

1. The use may continue to operate for a maximum of 180 days from the effective date of this section, unless a valid STR/Homeshare License is issued prior to the end of that period.
2. After the 180-day grace period, operation without a valid STR/Homeshare License constitutes a violation subject to immediate enforcement and penalties.
3. This section does not authorize or confer any legal status or vested rights on an STR or homeshare that operated in violation of City regulations before the effective date of this section. Obtaining a business license or paying TOT or TBID does not legalize the use.

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From Current Code

Figure 28.91.050.A: Coastal Zone STR License Area – Overview Map



Figure 28.91.050.B: Coastal Zone STR License Area – Area 1

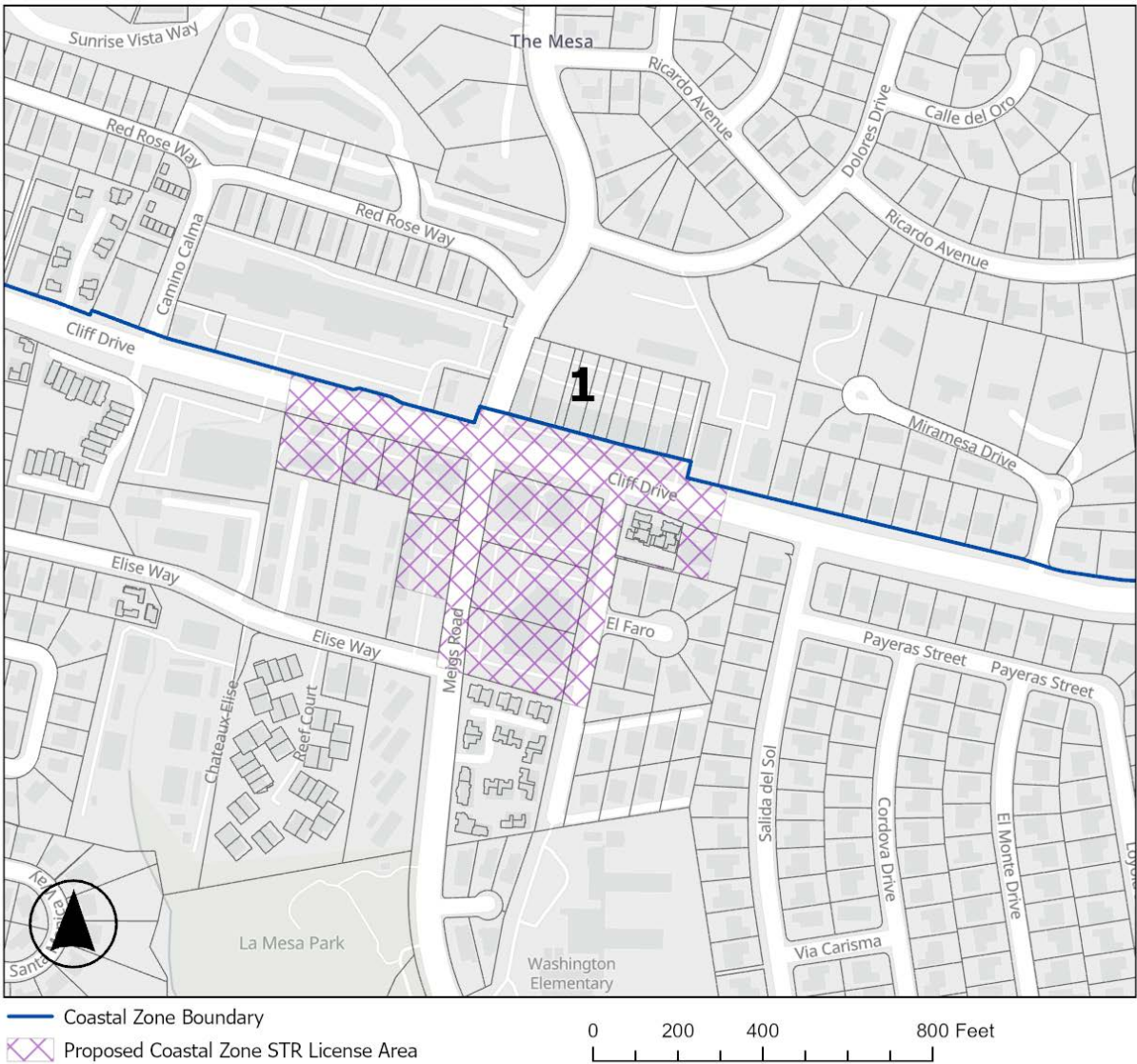


Figure 28.91.050.C: Coastal Zone STR License Area – Area 2

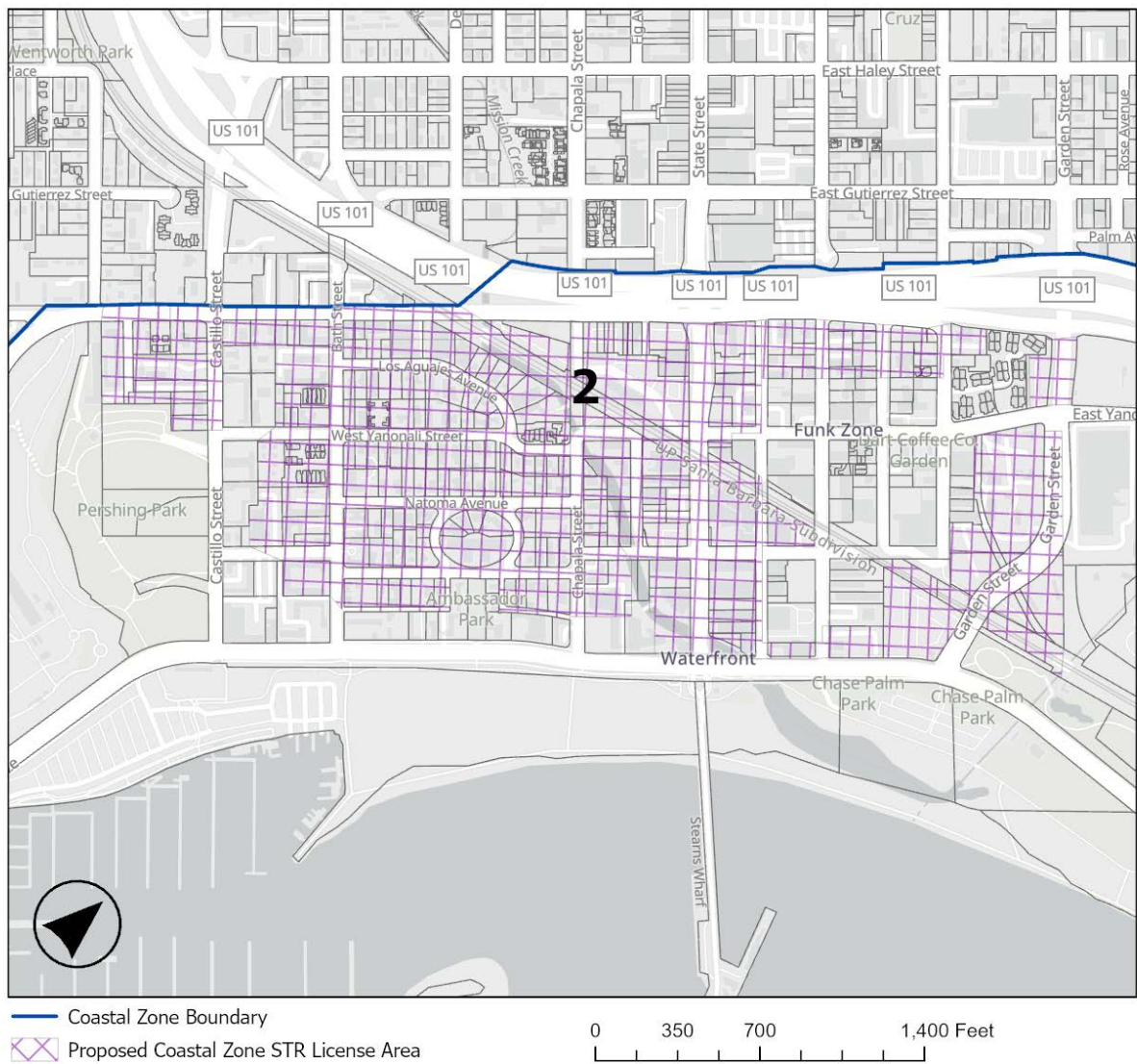


Figure 28.91.050.D: Coastal Zone STR License Area – Area 3

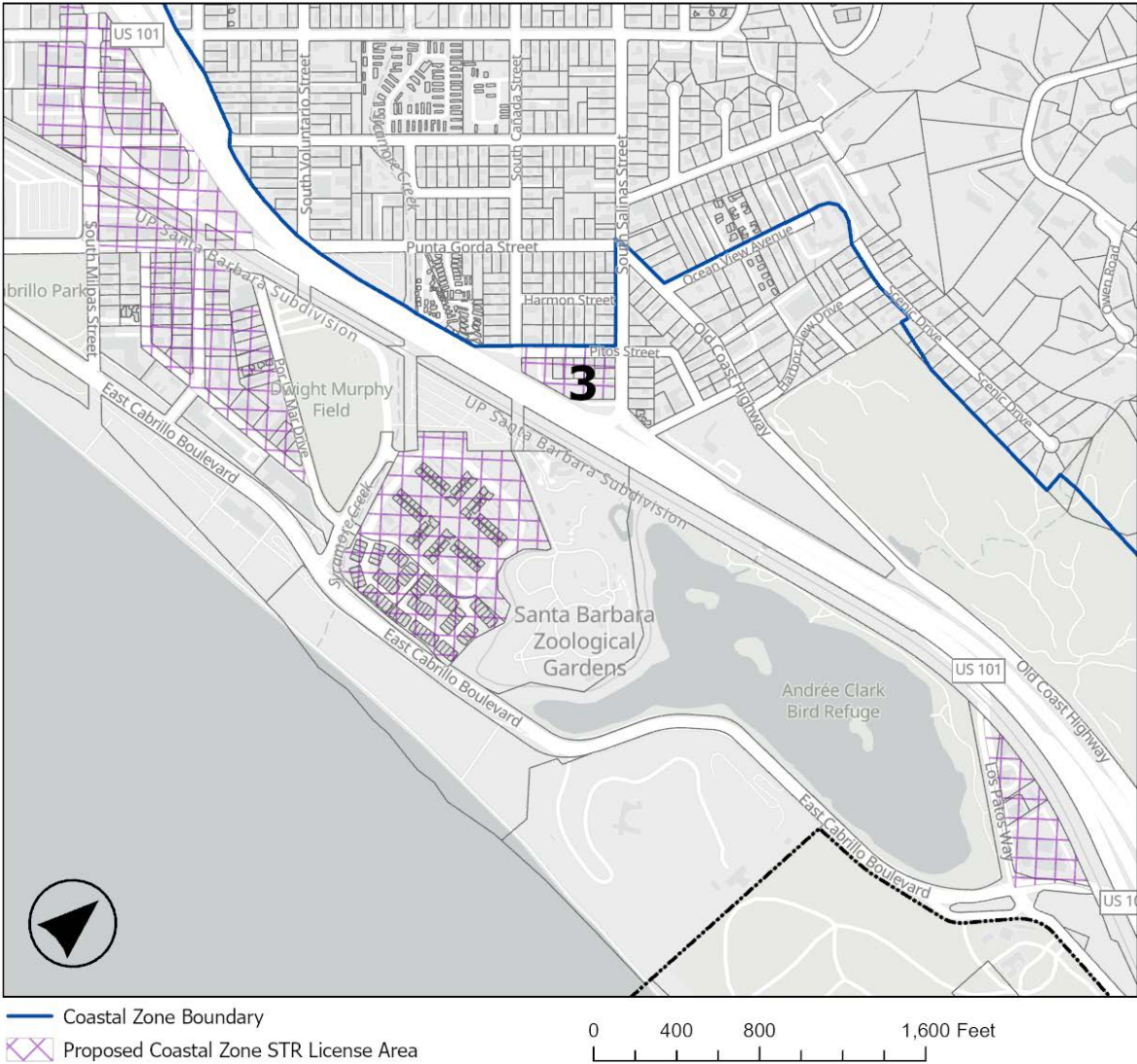
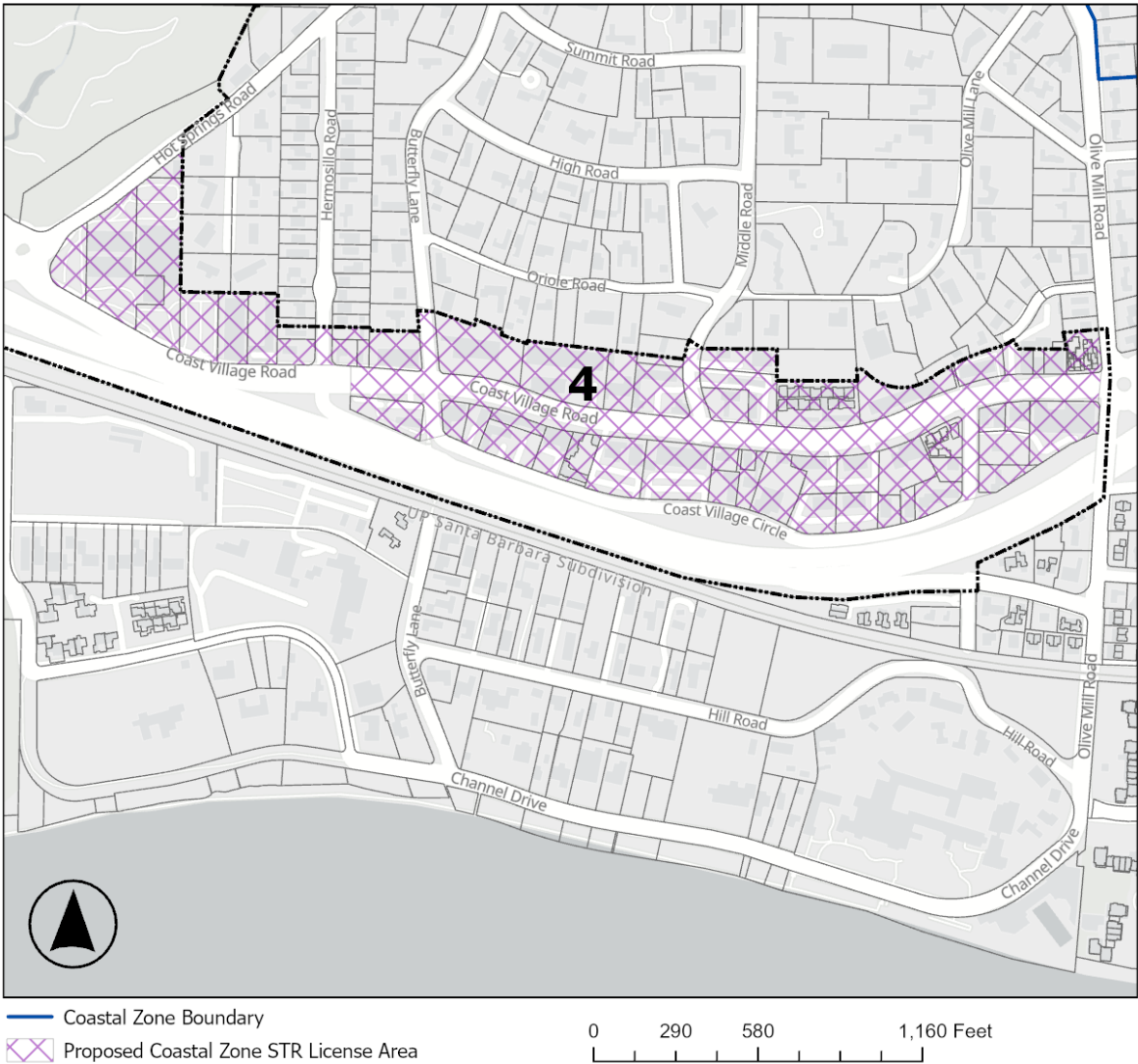


Figure 28.91.050.E: Coastal Zone STR License Area – Area 4



SECTION 2. Section 28.88.028 of Chapter 28.88 (Conversion of Dwelling Units to Condominiums, Hotels or Similar Uses) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.88.028. Permit Required, Exceptions.

- A. **Permit required.** No person, firm, corporation, partnership or other entity shall convert existing dwelling units to a condominium, hotel or similar use without first having said conversion approved by the Planning Commission or the City Council on appeal and having been issued a conversion permit by the Chief Building Official. For conversions of dwelling units to condominium units, the body that shall serve as the Advisory Agency for the required subdivision, as specified in Section 27.03.010 of this code, shall review the application for the conversion pursuant to this chapter.
- B. Exceptions to requirements for conversion permits. The following shall be exempt from the provisions of this chapter:
1. A project creating a condominium, ~~hotel or similar use~~ and using no more than one existing dwelling unit as part of said project shall not be considered a conversion. To qualify for this exception, the number of dwelling units on the project site shall not have been previously reduced by use of this exception clause. For the purposes of this exclusion, the number of existing dwelling unit(s) shall be determined on the date of application for the permit. If the project calls for destruction of the structure housing the dwelling unit(s), those units shall not be counted as existing unit(s).
 2. A stock cooperative or community apartment which has received final approval from the California Department of Real Estate or has otherwise been legally created prior to the adoption date of the ordinance establishing this chapter.

No exception under this subsection shall affect the applicability of the Zoning Ordinance, the California Building Code as adopted and amended by the City, or other applicable ordinances or regulations.

SECTION 3. Section 28.90.045 of Chapter 28.90 (Automobile Parking Requirements) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.90.045. Parking Design Standards.

A. **Requirements.** All parking facilities must be designed and constructed pursuant to the following:

1. Backing out onto a public street or sidewalk from a parking space shall be permitted only for a one-family or two-family dwelling, where not more than four spaces are provided.
2. All turnaround movements shall be accomplished in one maneuver. One maneuver is considered to be one back up and one forward movement.
3. The required dimensions and criteria for parking plans and vehicle ramps shall be as shown in the current City Standard for Parking Design as prepared by the Transportation Engineer and on file with the Public Works Department.
4. It shall be the duty of the Transportation Engineer to review and approve all parking plans.

B. **Variation.** Any variation from the above requirements must be approved pursuant to a waiver by the Public Works Director or his or her designee.

C. **Vehicle ramps.**

1. A vehicle ramp is defined to be a sloping connection between a street level and a parking level or two parking levels.
2. For multiple-family dwellings or nonresidential uses, all parking plans involving ramps shall be accompanied by a profile showing the ramp, ramp transitions and overhead and adjacent wall clearances.
3. The length of a ramp is defined as that portion of the ramp from the beginning of the transition at one end of the ramp to the end of the transition at the opposite end thereof.

4. For ramps longer than 65 feet, the ramp grade shall not exceed 12% with the first and last eight feet of the ramp not exceeding six percent.
5. For ramps 65 feet or less, the ramp grade shall not exceed 16% with the first and last 10 feet of the ramp not exceeding eight percent.
6. The slopes of all parking areas shall not exceed five percent, excluding ramps.
7. The maximum grade for the driveway (vehicle ramp) serving a one-family dwelling shall not exceed 16%, except when the distance from the street pavement to the rearmost portion of any structure on the subject parcel is 150 feet or less in which case the maximum grade shall not exceed 20%.

D. Tandem Parking.

Tandem parking is prohibited unless approved with a waiver by the Public Works Director and in accordance with the following.

1. **Residential Uses.** Tandem automobile parking for any residential use, including single-unit, two-unit, multi-unit, accessory dwelling units, and residential uses in mixed-use developments, must comply with all of the following:

- a. No more than two automobiles may be parked one behind the other;
- b. Both automobile parking spaces in the tandem arrangement must be assigned to the same residential unit;
- c. Tandem parking must not create a safety hazard or traffic impacts;
- d. All vehicle movements required to access or depart a tandem space must occur entirely off the public street or alley, except where specifically authorized by the Public Works Director; and
- e. Vertical or stackable tandem parking systems using mechanical lifts are subject to approval by the Public Works Director. Such systems must be fully enclosed within a permanent structure and must be governed by a recorded maintenance agreement.

2. *Nonresidential Uses.* Tandem automobile parking for nonresidential uses shall meet the following:

a. *Allowed Uses.* Limited to hospitals and clinics, medical and dental offices, and hotels and similar uses or other uses as determined by the Public Works Director.

b. *Minimum Number of Spaces.* Parking lots used for tandem automobile parking shall contain a minimum of 20 automobile parking spaces;

c. *Design and Operation.* Shall be designed and operated as valet parking; and

d. *Recorded Agreement Required.* A recorded agreement shall be executed establishing the valet parking will be maintained and reserved for the uses served for as long as such uses are in operation.

~~Notwithstanding any other provision in this title, parking for mixed use developments may be provided in a tandem configuration (one parking space behind the other) if each set of tandem parking spaces is assigned to a single residential unit, and the tandem parking spaces are provided either on the subject lot or on an immediately adjacent lot. Vehicle movements necessary to move cars parked in a tandem arrangement shall not take place on any public street or alley. Guest parking spaces shall not be provided in a tandem configuration.~~

E. **Bicycle parking.** All bicycle parking facilities must be designed and constructed pursuant to the following:

1. All facilities intended for permanent use shall provide a method for securing or locking the bicycle. A rack or space shall be provided for locking both the frame and the wheels.
2. All bicycle areas shall be accessible and lighted, on an all-weather surface.
3. A typical bicycle space shall be a minimum of two and one-half feet in width and six feet in length or less, if a permanent device is provided to stand the bicycle on end. A backout or maneuvering space of approximately five feet shall be provided.

SECTION 4. Severability

If any provision of this Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 5. California Environmental Quality Act

This action is exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) [General Rule]. The proposed Short-Term Rental Housing ordinance does not directly approve or authorize any specific construction, nor does it grant entitlements or directly result in any physical changes to the environment.

SECTION 6. Effective Date

The entirety of this ordinance shall take effect upon final certification of the Local Coastal Program Amendment for the Title 28 amendments by the California Coastal Commission.