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Board of Supervisors
County of Marin
3501 Civic Center Drive
San Rafael, Ca. 94903



Re: LCPA Hearing (December 11, 2012)
Short Term Vacation Rentals

Dear Staff and Supervisors,

Thank you for another opportunity to comment on the LCP update. I appreciate the time staff has taken to research vacation rentals and their impacts on the surrounding community. It is an excellent first step.

I would once again like to propose that Policy C-HS-6 and Program C-HS-6 be reworded to say “regulate” rather than “restrict”. The goal shouldn't be to restrict the number of visitor accommodations available. It should be to regulate those accommodations so that they are not a nuisance to the rest of the community.

A rental house that disrupts the neighborhood disrupts other well behaved visitors, not just residents.

Insufficient wastewater treatment is a health hazard to visitors staying in the rental MORE than it is a hazard to a neighboring resident.

Insufficient parking at a rental house negatively impacts neighboring rental houses as much as it impacts neighboring residents.

A rental operator that does not pay the TOT puts honest operators at a competitive disadvantage.

Regulating short term rentals will benefit honest operators because it will level the playing field.

Policy C-HS-6 ~~Restricted~~ Regulated Short-Term Rental of Primary or Second Units. Consider ~~Restricting~~ Regulate the use of residential housing for short term vacation rentals.

Program C-HS-6.a Address Short-Term Rental of Primary or Second Units.

~~Consider restricting~~ Regulate the use of residential housing for short term vacation rentals.

1. Work with community groups to ~~determine the level of support for~~ create an ordinance ~~restricting~~ regulating short-term vacation rentals so that they meet basic health and safety standards.
2. Research and report to the Board of Supervisors on the feasibility of such an ordinance, options for enforcement, estimated program cost to the County, and the legal framework associated with rental properties.

Here are some specific criteria that could be incorporated into Policy C-HS-6, as requested by CCC staff:

Require a use permit.

Limit occupancy to what the structure can accommodate without being a nuisance to neighbors or danger to occupants.

Require TOT taxes (past and present) be paid in full.

Require proper liability insurance coverage (home insurance policies may not cover investment rental properties).

Require a site inspection of premises before issuing a use permit. (To insure all electrical, plumbing, and propane appliances are safe and installed properly).

Require adequate sewage disposal be demonstrated for the level of occupancy to be allowed.

Require annual inspections of septic systems (and grey water systems).

Require adequate parking be demonstrated for level of occupancy to be allowed.

Require the owner and/or operator (management company) to have someone available to respond to complaints 24 hours a day.

Example 1: Unnamed property in Dillon Beach- not listed in Attachment 2.

Does not pay TOT.

Cesspit overflows, so overflow is now pumped to second, homemade pit. New pit sometimes overflows, but has not recently.

Multiple grey water drains with varying levels of function.

Improperly vented gas appliance in sleeping area (converted garage).

No carbon monoxide detectors.

These conditions would never be allowed in any restaurant, hotel, B&B, or business that has members of the general public on site. It is time to treat short term vacation rentals the same as other visitor serving businesses in the coastal zone. They are businesses, not private residences.

Every business should pay required taxes.

Every business should be safe for it's customers.

No business should be a nuisance (public or private).

No business should be exempt.

This is not a Renter vs. Resident issue.

It is a Dishonest Operator vs. Honest Operator issue.

Short term vacation rentals are here now, and here to stay. Some are an asset to the coastal zone, some are not. They should be regulated now, not sometime in the distant future. Program C-HS-6 is long overdue. It is time for action (an ordinance), not more procrastination.

Sincerely,

Scott Miller

Additional info attached:

Additional minor corrections:

Attachment #2: Dillon Beach overnight accommodations are:
Dillon Beach Property Management: 24 houses
Moore Vacation Rentals: 29 houses
Dillon Beach Resort: 3 cabins
Total: 56

Lawson's Landing has 417 campsites, not 650.
(233 trailers are not available to the public)

Additional TOT info:

I kept track of the occupancy of one vacation rental in Dillon Beach from October 1, 2011 through September 30, 2012.

I then used the house's website to figure total rents collected.

Gross receipts came out to \$73,155.

The TOT due for this one house for one year is \$7,315.

It has been a rental house since late 2006.

$\$7,315 \times 5 \text{ years} = \mathbf{\$36,575}$

\$7,315 is more than the property tax for the same house (\$5,531).

Surely you would not let 5 years of property taxes go unpaid.

Unlike property taxes, this money would all remain within the county.

This is one of 357 rental houses in the coastal zone.

$357 \times \$7,315 = \mathbf{\$2,611,455}$

Let's all hope Roy Given does a better job than Michael Smith. It would certainly help balance the budget.