

Report & Recommendations re Draft STR Regulations
Marin County Planning Commission
October 11, 2023

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Marin County Planning Commission
Board of Supervisor Chambers, Room 330
Civic Center
San Rafael CA

***Report & Recommendations Concerning Draft Short Term Rental Regulations for
Unincorporated Marin County, September 2023***

Dear Members of the Planning Commission:

We are members of the West Marin Access Coalition (WMAC), a grass-roots organization of 225 individuals (and growing), predominantly West Marin homeowners, but including long- and short-term rental (STR) hosts, visitors, local businesses, and concerned citizens interested in preserving West Marin’s tourism-friendly community.¹ We are entirely volunteer-operated and receive no funding whatsoever.

We believe that everyone should have access to the beautiful parks, beaches, and forests of West Marin. This area has a unique and unparalleled range of coastal and outdoor recreation offerings, framed by over 100 miles of coastline in Marin County along the Pacific Ocean and Tomales Bay and their inlets. The area includes three national park units—Golden Gate National Recreation Area, Muir Woods National Monument and Point Reyes National Seashore—collectively receiving millions of visitors per year. Also in or adjacent to West Marin are three spectacular state parks (Mt. Tamalpais, Samuel P. Taylor and Tomales Bay State Parks), and further open space and beaches owned or administered by local agencies and Marin County Parks. Beyond enjoying the coast and open space, visitors come to the region to connect with nature, family, and self.

On June 9, 2023, we submitted a letter in connection with a June 12, 2023 hearing held before the Marin County Planning Commission. The June 9, 2023 Letter was co-signed by 51 members of the community who are concerned with the County’s targeting of short-term rentals (STRs) and ongoing efforts to reduce or eliminate this essential means of visitor access and mainstay of the local economy. Many of our members spoke at the June 12 hearing. Our central message has been consistent: the County’s recent efforts to target STRs under the guise of protecting housing have been misplaced and not backed by sound data or analysis. In its zeal to target STRs, the County risks jeopardizing coastal access for visitors while irreparably harming the local economy.

¹ See <https://www.westmarinaccesscoalition.com/>.

With the following Report & Recommendations, we address the 11 pages of draft regulations released by the County, after several unexplained delays, on September 18, 2023. These draft regulations, relating to the licensure, operation and reduction of STRs in all of unincorporated Marin County, are referred to below as the “September 2023 Draft Regulations” or “Draft Regulations.”

We recommend that the Planning Commission vote to reject the September 2023 Draft Regulations as unworkable, impractical, and inconsistent with the mandates under the Coastal Act and Local Coastal Program that the County provide visitor access to coastal Marin. Our position is explained below. We thank you for your time and attention to this matter which is essential to the security and livelihood of so many members of our community.

With our gratitude,

West Marin Access Coalition

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I. Introduction & Summary of Analysis

Because we cover considerable subject matter with this Report & Recommendations, we begin with an Executive Summary and then provide an outline of the detailed discussion points that follow.

A. Executive Summary

The September 2023 Draft Regulations are deeply flawed, and the Planning Commission should vote to reject them. In brief, the Draft Regulations suffer from the following key flaws:

1. The September 2023 Draft Regulations will reduce visitor access by imposing arbitrary numerical caps for unhosted or whole-house STRs—by far the most popular form of rental—that are *lower* than those currently in place. These caps were not arrived at by any form of democratic process, and appear to simply represent the status quo ante from the period immediately prior to the County’s announcement of its intent to impose a moratorium. This would create a permanent moratorium frozen at early 2022 levels. Reducing STRs in this manner will reduce lodging options, especially of more modestly priced homes. The result would be to greatly limit public access to the 100+ miles of Pacific and Tomales Bay coastline in Marin County and the nearly 500 square miles of land comprising all of unincorporated Marin County and each of the parks therein. This would represent the single greatest loss in public access in the history of Marin County, if not the entire state of California.
2. The Draft Regulations will further reduce visitor access to the Coast and unincorporated Marin County by making the ongoing operation of existing STRs so burdensome, costly and uncertain that many STR operators will be driven from the market. Potential operators of new STRs will be discouraged from applying for a license due to the unreasonably high costs and uncertainty of completing an application and qualifying for the onerous criteria the County is seeking to impose. The loss of coastal access will be felt most acutely by visitors of modest means who lack the resources to rent luxury homes or stay in expensive local hotels.
3. The September 2023 Draft Regulations irreconcilably conflict with the Coastal Act and applicable Local Coastal Program by changing the long-standing legal status of STRs from a principal permitted use under current law to a presumptively illegal use absent a County-issued permit. This flaw renders the Draft Regulations vulnerable to being rejected by the California Coastal Commission or overturned via costly legal challenges.
4. The County has not outlined the purpose of the September 2023 Draft Regulations, nor presented data or analysis showing that the Draft Regulations will do anything to increase housing availability or affordability in West Marin,

despite the County's claim that this is the main reason for proposing the Draft Regulations in the first place. The County has likewise presented no data demonstrating what impacts these unprecedented regulations will have on the economy of the region, especially the low- and middle-income workers whose livelihood depends on the local tourist economy. Finally, the County has not shown that the 11 pages of detailed and highly burdensome Draft Regulations are justified by current risks to public health, safety or welfare uniquely created by STRs. Indeed, the County's pivot away from a housing-focused approach and toward enacting hyper-technical and unnecessarily burdensome "health and safety" and "good neighbor" rules—with no showing that current regulations are falling short or that the Draft Regulations will be a net benefit to the community—appears indicative of an ulterior motive to punish STR operators and drive them out of the market.

5. By reducing or taking away an economic lifeline counted on by homeowners and local workers alike, the September 2023 Draft Regulations will destroy local jobs and destabilize the very communities they purport to protect. The Draft Regulations will also reduce tax revenues and Measure W funds that are intended to support fire safety and affordable housing goals—directly undermining the very goal the County purports to be protecting. The County has done nothing to quantify these impacts, much less explain how (if at all) it intends to ameliorate these very foreseeable adverse consequences. This further deprives the Commission of the ability to perform a meaningful analysis of the costs and benefits of the Draft Regulations.
6. The September 2023 Draft Regulations are discriminatory. They single out a long-standing residential property use for unprecedented levels of scrutiny and financial burden, as well as unequal and illegal treatment by local agencies. To give one example, the Draft Regulations would expressly permit water companies to cut water allotments to any property with an STR license, such that any property with an STR license could be allotted *less* water than any other similarly situated residential use. If long-term tenants were treated in this way, housing advocates would be howling in protest. The full extent of the burdens is presently unknown, as the County has not disclosed the anticipated permitting fees or the scope of future administrative regulations to be enacted outside of the democratic process. The Draft Regulations would also deprive STR operators of due process rights by vesting unfettered enforcement authority in the Community Development Agency (CDA). Under the Draft Regulations, the CDA could suspend an STR license based on any claim of violation, with no due process rights or recourse for property owners. Owners are concerned about being subject to the whims of the CDA, an unelected body that has shown unjustified hostility by scapegoating STRs for the last several years for a housing situation that STRs did not create.

7. The September 2023 Draft Regulations will create unintended but entirely foreseeable consequences beyond reducing visitor access, destroying local jobs and reducing tax revenues. For instance, the requirement for highly conspicuous signage announcing that a property operates as an STR will act as an invitation for vandalism or break-ins when guests are away. The County's collection of burdensome levels of private data will also bring unwelcome and unnecessary scrutiny to any individual with an interest in a property operated as an STR while risking data breaches. For example, the CDA has made available for download on its website, perhaps accidentally, the names, addresses and business license numbers of all people currently operating Short Term Rentals in unincorporated Marin County, inviting vandalism and theft to these properties. And, by making the lawful operation of STRs virtually impossible to achieve for many properties, the Draft Regulations will encourage individuals to look for ways to circumvent the law and operate in a shadow market.²

For each of these reasons, and as further explained below, we recommend that the Planning Commission vote to reject the September 2023 Draft Regulations.

B. Outline of Report & Recommendations

In this Report & Recommendations, we first provide a Historical Background discussing: (1) the history of the region and the fact that STRs have long played a leading role in providing public access to unincorporated Marin County; (2) housing-related issues in unincorporated Marin County; (3) the unfortunate history of anti-visitor sentiment in West Marin; (4) facts and data concerning the operation of STRs in West Marin; and (5) a discussion of the lack of data presented by the County supporting its efforts to target and reduce STRs in West Marin.

Second, we provide a Regulatory Background discussing: (1) the regulatory framework applied by the California Coastal Commission in the evaluation of STR regulations, and (2) the Local Coastal Program (LCP) in unincorporated Marin County and its applicability to STRs.

Third, we provide a Summary of Comments and Questions received during the Planning Commission's June 12, 2023 Hearing, both from members of the Planning Commission and the public.

Fourth, we provide a detailed Analysis of the September 2023 Draft Regulations. We begin by articulating the major flaws in the September 2023 Draft Regulations, before providing commentary in response to each individual provision.

² For a cautionary tale of what happens when overzealous bureaucrats try to limit STRs by governmental fiat, see Amanda Hoover, *New York's Airbnb Ban Is Descending Into Pure Chaos*, Wired (Oct. 9, 2023), available at: <https://www.wired.com/story/airbnb-ban-new-york-illegal-listings/>.

Fifth, we provide questions that we suggest members of the Planning Commission ask County Staff at forthcoming hearings, including questions that Commission members previously asked during the June 12 Hearing and follow-ons thereto but which remain unanswered by the County.

Sixth, we provide concluding remarks and a recommendation that the Planning Commission vote to reject the September 2023 Draft Regulations as unjustified, unworkable and inequitable.

II. Historical Background

In this section, we discuss the background of the communities of West Marin and the role played by STRs in the development of the region. We then discuss housing issues in West Marin over time. Next, we discuss the history of anti-visitor sentiment in the region. We then discuss relevant facts and data concerning STRs in West Marin. Finally, we discuss the lack of data the County has presented in support of its efforts to reduce and hyper-regulate STRs in West Marin.

A. Development of Unincorporated West Marin and STRs

The first settlers of European descent in West Marin largely made their livelihoods through ranching, dairying, farming, fishing, and logging. Several small towns in West Marin formed around these activities. Tomales, Olema and Nicasio were each small towns surrounded by agricultural activity. Bolinas formed around a logging and fishing port on the Bolinas Lagoon. With the construction of the North Pacific Coast Railroad connecting East Marin to Tomales and beyond after 1876, other small communities formed and grew along the railroad's route, including communities in the San Geronimo Valley (Woodacre, San Geronimo, Forest Knolls, Lagunitas), the town of Pt. Reyes Station, and communities on the east shore of Tomales Bay (Bivalve, Marshall, Marconi).

As early as the late 19th Century, and continuing throughout the 20th Century, short-term rentals have been a prominent means of visitor access to West Marin. For decades, many homeowners spent part of the summer in their homes and rented their homes out during periods the property would otherwise be vacant. The term "short-term rental" was not in parlance; these arrangements were simply called "vacation rentals." Often, visitors returned to the same summer home for several weeks or a set month each summer. Vacation rentals were also arranged by word of mouth, classified ads, bulletin boards in town centers, or set up through local real estate offices.

In the late 19th Century and into the 20th Century, new communities were also formed to serve summer visitors, while existing communities increasingly shifted to hosting seasonal visitors as well. Inverness was formed as a "summer colony" with dozens of small lots platted for cabins along the west shore of Tomales Bay³; the area expanded throughout the 20th Century to encompass all of present-day Inverness and Inverness Park. Willow Camp formed across the lagoon from Bolinas as a summer destination; it is now known as Stinson Beach. Dillon Beach was formed in the early 20th Century as a resort with rental cabins and saw most of its growth in summer homes after World War II. When the Bolinas Lagoon silted in due to logging and the railroad could more efficiently transport the wood and paper products milled at the S.P. Taylor mill, Bolinas also became more of a summer destination for visitors from Marin and beyond.

³ Inverness Community Plan, at 1-2, *available at*: https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/communityandareaplans/inverness_ridge_communities_plan_1983.pdf.

Throughout the 20th Century, and especially following World War II, the region saw a gradual shift away from farming and ranching being the predominant form of land use, toward conservation-oriented and recreational uses. In 1908, President Roosevelt established Muir Woods National Monument. Mt. Tamalpais became a state park in 1912, followed by Tomales Bay State Park in the 1950s. Congress authorized the creation of Point Reyes National Seashore in 1962, and the park was established in 1972 along with the Golden Gate National Recreation Area, which runs from the north end of the Golden Gate Bridge all the way to the southern boundary of Point Reyes National Seashore at Bolinas. Between GGNRA and PRNS, the entire coastline of Marin is held in public trust, primarily by the National Park Service. Marin is thus unique in having all of the coast and coastal zone, with the exception of the villages themselves, dedicated to the public. Many other parts of West Marin are protected or made accessible to the public by conservation easements and the creation of numerous smaller park units. Parks are our history. They are what attract residents and visitors alike, and they are a pillar of the present-day local economy.

Many present-day homeowners first became acquainted with West Marin as visitors staying in “vacation rentals,” now referred to as short-term rentals. Indeed, for much of the history of the region, vacation rentals were the sole or predominant means to visit a community. Many individuals with longstanding ties to the community continue to patronize short-term rentals if they are not fortunate enough to have a home of their own. Of course, first-time and infrequent visitors to the region also use short-term rentals because they provide a private, cost-effective, and authentic way to experience the communities and the coastal recreational opportunities nearby. The County recognized this in its Staff Report in advance of the June 12 Hearing, noting: “A number of communities in the Coastal Zone have traditionally been popular vacation destinations with many homes being used as vacation rentals for many years, if not generations.” Moreover, renting out a vacation home has traditionally been a path to enabling homeownership, as the owner can use the supplemental income to pay down the mortgage and manage the carrying costs. This is a practice very much in evidence today, as many individuals use STR income to afford a home and remain members of the community.

With the advent of online platforms such as VRBO and AirBNB, the rental of STRs shifted from informal and local means (word-of-mouth, classified ads or listings hosted by real estate companies) to centralized platforms. This has made the process of searching for and booking an STR more convenient, secure and cost-effective for individuals while providing a greater share of revenues to homeowners. The effect has been to preserve and increase visitor access without requiring the creation of new large hotels or resorts and the stresses on infrastructure and resources that these entail.

Considering the established history of vacation communities in which STRs have indisputably been a feature of how visitors have accessed the region’s public resources for generations, the County has not presented data concerning the historical levels of STRs by community, nor how they will meet visitor housing needs. While it may be that more homes are now available for rent that would previously have simply sat vacant, thanks to the ease and

security of platforms like VRBO and AirBNB, this Commission has not been presented with a numerical basis for assessing long-term trends in the numbers of STRs over time. What is clear is that STRs are not a new phenomenon, and banning or reducing STRs would not only be contrary to long-standing traditions and local and state policy, it would be deeply unfair and inequitable.

B. Housing in Unincorporated West Marin

As with much of California, the need for housing has been a topic in Marin County and West Marin for decades. From 1940 to 1970, the population of Marin County increased fourfold, from 52,907 to 206,038.⁴ In recent decades, many more individuals have chosen to reside in West Marin full-time, creating the pattern of limited housing options and relatively high prices evident today.

Many factors have contributed to a housing shortage in West Marin. In 1971, the Bolinas Community Public Utility District passed an emergency moratorium on new connections to the town's water system. That moratorium, still in effect today, has acted both as a limit on growth and a catalyst for more expensive housing.⁵ Other communities such as Inverness have had similar water metering policies and moratoria in place at various times that have limited growth. In addition, zoning rules require single-family homes on large lot sizes in many communities, leading to the construction of expensive homes that are not affordable for lower- or middle-income residents.

With supply limited (or capped outright) and demand increasing over the course of decades, it should come as no surprise that the availability and affordability of housing have long been a concern. The Bolinas Community Plan of 1975, for example, recognized that the price of a single-family home had "increased dramatically" from just 1970 to 1974 (*i.e.*, following the enactment of the water meter moratorium).⁶ The same Plan recognized the "increasing difficulty for low- and medium-income families and individuals to find housing in Marin. The elderly and young families with restrict incomes have less and less chance to live here," such that "[o]ut-law buildings and shared households are rapidly becoming the only low income housing in Bolinas."⁷ In other words, housing availability and affordability were just as much of a topic in 1975 as they are today.

⁴ See <http://www.bayareacensus.ca.gov/counties/MarinCounty50.htm>, <http://www.bayareacensus.ca.gov/counties/MarinCounty70.htm>.

⁵ See Sean Callagy, *The Water Moratorium: Takings, Markets, and Public Choice Implications of Water Districts*, 35 *ECOLOGY LAW QUARTERLY* 223 (2008), available at <https://www.jstor.org/stable/24114645>.

⁶ Bolinas Community Plan, at 51, available at: https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/communityandareaplans/bolinas_community_plan_1975.pdf.

⁷ *Id.*

While housing-related concerns are not new, what is unprecedented is laying the blame for this state of affairs on STRs. A vocal minority has, without evidence and contrary to studies that show this is not the case, claimed that STRs are chiefly responsible for reducing the stock of affordable housing. The County itself has echoed this without critical analysis or evidence, stating without evidentiary support in a recent Staff Report that:

a high percentage of homes being dedicated to STRs in some smaller towns and villages is seen as hollowing out local communities, adversely affecting the schools and social fabric enjoyed in these smaller towns and villages. Further, there are growing concerns in Marin communities about impacts of STRs on the availability of housing for workforce, families, and community members as well as the ability to build and maintain the human relationships that form community.

The County's use of the passive voice, and failure to cite evidence, are telling. The County has offered no data or reliable analysis of the impact of STRs on schools, housing, or other aspects of the "social fabric" that anti-STR voices claim are adversely impacted. We implore the Commission to ask the County why it has not presented data and why it has uncritically accepted the unsubstantiated claims and opinions of anti-STR voices in lieu of fact-based analysis.⁸

⁸ For example, the County's Background Information page on STRs relies entirely on unsubstantiated and anecdotal concerns and claims about what effects "may" be flowing from STRs, or what "appears" to be happening, yet never offers proof or data in support. Namely:

At the time the Ordinance No. 3739 was approved [in 2020], both staff and the Board acknowledged that a number of public commenters expressed concerns about the impacts of STRs on communities and requested reevaluation of the County's STR Ordinance to expand its scope and purpose. [...]

Community discussions connected with the Housing Element have indicated that STR uses may be affecting the supply and affordability of housing, particularly in West Marin communities which have become increasingly attractive to homebuyers and where there are relatively small numbers of homes. Overall, it appears that in the context of labor shortages, increased costs, and demand, STRs are increasingly impacting the health and safety of local communities, especially in the West Marin Area.

See <https://www.marincounty.org/main/short-term-rental-background-information>.

C. Anti-Visitor Sentiment in West Marin

While all can seemingly agree that West Marin is a wonderful place, some residents appear to be of the view that they should not have to share it with visitors. For decades, West Marin has displayed a hostility toward visitors (often derisively referred to as mere “tourists”) bordering on xenophobia. This appears to be especially prevalent among those who are economically privileged enough that they do not need to rely on visitors, or the economic activity they generate, for any part of their livelihood or ability to remain in West Marin. As the drafters of the Bolinas Community Plan put it in surprisingly blunt terms nearly fifty years ago: “It is not the proper business, nor is it the duty of Bolinas to provide overnight facilities for tourists just because we are here!”⁹ The California Coastal Commission and Local Coastal Program do not agree with this sentiment, as will be discussed below.

While certain Bolinas residents have long been notorious for tearing down road signs and organizing shadowy anti-visitor groups like the “Bolinas Border Patrol” that leave nasty notes and faux “parking tickets” on visitors’ cars¹⁰, other communities have shown their own flavors of hostility to visitors as well.

When the Point Reyes National Seashore was being created, residents of Inverness did not want visitors to the park driving through their community. Rather than take Sir Francis Drake, the residents of Inverness advocated for the development of a new “bypass” route that would cut directly across the middle of the National Seashore, across Muddy Hollow, to reach the Point Reyes Lighthouse.¹¹ This would have caused the destruction of a natural landscape simply to limit visitors from driving on a public road through the community. Fortunately, they were overruled.

This history is repeating itself. In 2018, the County added a 4% increase on the cost of every short-term rental in West Marin, and only West Marin, bringing the county tax to 14% on visitors to West Marin (one of the highest transient occupancy taxes in the nation). And, with the September 2023 Draft Regulations, opposition to visitors and efforts to erect legal roadblocks and reduce overnight stays are on full display.

D. Facts and Data Concerning STRs

Because the County has not fairly presented facts concerning STRs, we endeavor to do so here.

⁹ Bolinas Community Plan, at 59.

¹⁰ See <http://www.adobebooks.com/adobe-blog-scroll/2018/11/11/the-bolinas-scene>;
<https://www.ptreyeslight.com/news/new-parking-tickets-bolinas/>.

¹¹ Inverness Ridge Communities Plan (1983), at 100, available at: https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/communityandareaplans/inverness_ridge_communities_plan_1983.pdf.

1. Overnight visitors spend money in the local community. In addition to the transient occupancy tax revenues, visitors create jobs by spending money in our restaurants, stores and galleries, as well as on wildlife and sporting-related amenities and services. In California's coastal communities, studies have found that for every \$100 spent on lodging, visitors spend an additional \$69 on food, \$48 on recreational activities, and \$59 on retail shopping. This is supported by a report released by the National Park Service in August 2023 that calculates that the 2.3 million visitors to the Point Reyes National Seashore contributed over \$117 million to the economy of the nearby communities, supporting over 1,120 jobs with an accumulative benefit of \$149 million to Marin's local economy in 2022.¹²

Other studies return consistent findings: overnight guests contribute far more to the economy than day-only visitors. A 2019 study by the Marin County Visitor's Bureau and Marin Economic Forum found that "Marin County visitors spend on average \$147 when they stay overnight and just over \$59 when they do not per person per day."¹³

The County has not calculated how the September 2023 Draft regulations would impact this economy. Nor has the County modeled what the sudden loss of transient occupancy tax revenues would mean for the County's general funds, nor for achieving fire safety and housing affordability goals that Measure W taxes directly support. The Planning Commission should ask the County why it has not performed any of this analysis, despite purporting to have studied this issue for several years.

2. Tourism is West Marin's primary economic driver, and overnight stays are a vital part of West Marin, ultimately creating jobs and millions of dollars in economic activity, wages and tax revenue. The County needs to encourage overnight visitors, not push them away or deter them with artificially constrained options at prohibitive costs. What will happen if fewer homes are available for vacation purposes? The local economy will suffer a loss of jobs, services and tax revenue; the community will be less vibrant due to the rise in neglected homes, and the middle class who depend on the revenue to pay mortgage and property tax will be driven out of the community and lose their path toward homeownership.

3. Limiting visitors to the region will result in a loss of jobs, quality services and tax revenue. Most businesses in our community (from restaurants, grocery stores, artists, shops, galleries as well as operators of farm and oyster tours, cheese and wine tastings) depend on visitors to the region. If people don't stay in West Marin, they will not shop in our stores, dine in our restaurants, buy our art, rent kayaks, tour and taste delicacies from nearby farms. This will

¹² See <https://www.kron4.com/news/bay-area/tourism-at-point-reyes-contributed-149m-to-local-economy-report/>.

¹³ Marin Economic Forum & Marin County Visitor's Bureau, State Of The Visitor Industry in Marin County (November 2019), available at: <https://marineconomicforum.org/wp-content/uploads/2020/02/MCVB-visitors-study-120619-Final.pdf>.

result in a decline in the goods and services provided to the existing residents, jobs will be lost, and tax revenue will decline.

4. Affordable accommodations within the park are slim and becoming more scarce and costly. There are only four hike-in campgrounds within the Point Reyes National Seashore and limited public and private camping options elsewhere in West Marin that are regularly completely booked during peak times (and not suitable for all visitors). In 2021, the NPS closed the Marin Headlands Youth Hostel and in 2023, NPS transferred the management of the Limantour Youth Hostel from a nonprofit to a corporation. The campground at Tomales Bay State Park is now closed, and the number of overnight spaces at other low-cost options such as Lawson’s Landing has been reduced over time.

5. Short-term rentals provide a range of affordable options with minimal community impact. Short-term vacation rentals/homes, spread throughout West Marin, provide many housing options from camping to single-family luxury homes. Visitor housing, spread throughout the region, preserves the unique character of our community, avoids large concentrations around mega-hotel projects, reduces traffic from those that would otherwise be forced to find housing elsewhere and commute to West Marin daily, and ensures that services on which we each depend (groceries, restaurants, and stores) have enough business to economically sustain themselves.

Short-term rentals, dispersed throughout the region, increase both the supply and variety of tourist accommodation, making travel more affordable, especially for families and groups for whom purchasing multiple hotel rooms can be costly. In a recent analysis, short-term rentals were found to be nearly 3x less expensive than hotels, motels and lodges in the region. An assessment of the cost of every available home on a randomly sampled date, in the communities closest to the National Parklands (including Marshall, Point Reyes Station, Olema, Inverness, Bolinas, Stinson and Muir Beach) revealed that the average cost per bed in a single-family home was \$162 per night. In comparison, the average cost of a bed in a single room in one of the six hotels, motels, resorts, and inns is \$427 per night.

In addition to providing a more affordable nightly rate per room, a home provides families with private kitchens and dining areas where they can share meals, lounging and relaxation areas, and outdoor patios and yards, as well as greatly appreciated services such as washers and dryers. For larger families and groups of more modest socioeconomic means, this may be the only way they can afford to spend time in the region. Other visitors from diverse communities value the ability to feel safe and “at home” in a private home in a way that is often not possible in a large hotel or campground. By shutting out these visitors, the County will make an area that already has shockingly little socioeconomic and racial diversity even more exclusive.

The Planning Commission should ask why the County has not considered the needs of diverse visitors and is seemingly willing to bar visitors of lower socioeconomic means from their ability to enjoy a stay in the local communities of West Marin.

6. STRs fund affordable housing and fire safety. In addition to providing the most affordable vacation housing on the coast, STRs provide a key funding source for affordable housing in West Marin. Since its inception, the 4% Measure W tax on every STR visit (imposed over and above the County’s 10% transient occupancy tax) has generated over \$3 million for affordable housing and another \$3 million for emergency services. Why undermine or cut off this source of funding for affordable housing and vital, life-saving services?

The Planning Commission should ask why our county officials are targeting vacation rentals when these hosts are providing a much-needed service in a manner that has the least impact on our community’s character and our collective climate footprint while providing the financing that ensures daily services for the permanent residents.

7. STRs do not drive up housing or rent prices. A recent study by Oxford Economics¹⁴ has concluded that, in inflation-adjusted terms, STRs contributed just 0.4% to the increase in U.S. housing prices from 2014 to 2021. In the same period, STRs contributed just 0.5% to the increase in U.S. inflation-adjusted rents. In other words, even if STRs had been *banned* in West Marin in the last decade—which of course would not be permitted under the Local Coastal Program—the economic factors affecting housing prices would have been virtually identical, and the housing situation would be the same. Conversely, this shows that the proposed caps and reductions on STRs in the Draft Regulations would have virtually no impact on long-term housing affordability and availability.

8. The economics of STRs are challenging. A common misconception among the County and opponents of STRs is that the operation of STRs is so simple and lucrative that they excessively drive up property values, create a huge incentive to drive out long-term tenants, and attract absentee corporate investors. None of these assumptions is true.

Many operators of STRs are only able to defray a portion of homeownership costs and are not anywhere near breaking even in paying for their mortgage, taxes, utilities, upkeep costs, and operating costs (including platform fees, local agent fees, perks for guests, etc.). West Marin visitor patterns are highly weekend-oriented and seasonal, with few visitors mid-week and a significant drop-off in visitors in colder, wetter months. As a result, year-round occupancy rates are often well below 50%. This distinguishes West Marin from markets with sustained year-round demand, such as New York City. Moreover, the spike in visitors seen in 2021 and early 2022 has ebbed as the Coronavirus pandemic has ended and international destinations are open once again. Many owners hope at best to break even or make a small surplus in the summer months and accept that they will make almost nothing and lose money in the winter months.

To illustrate: one single-family house in Inverness’s Seahaven neighborhood saw a total of 34 nights rented over a six-month period from December 2022 to May 2023, an occupancy rate of under 19%. After costs, the operators netted approximately \$800 per month. Even after

¹⁴ *Understanding The Real Drivers of Housing Affordability, An Assessment of the Role of Short-Term Vacation Rentals*, Oxford Economics, June 2023.

factoring in the higher summer occupancy rates of around 50%, the operators netted just under \$1300 per month on an *annualized* basis. This did not pay even a quarter of the carrying costs of the home. Had the homeowners rented the house on a long-term basis and received the median rent for unincorporated Marin (\$2900, as reported by the County), they would have netted over double the revenue over the course of the year (yet still lost money on the property as a whole). However, a long-term tenancy was not an option for the homeowners, who enjoy spending time with their family at the home as well.

Furthermore, visitors are discerning. They carefully select from among options in picking a home of the appropriate size, stocked with the appropriate amenities and safety features, in their desired location. STR operators have to invest in their properties and quickly respond to guest inquiries to earn favorable reviews. Thus, the operating costs and sweat equity that come with operating an STR are often far higher than for a long-term rental. The communities benefit from this dynamic, as these additional efforts create and support many local jobs.

Several homeowners who spoke at the June 12, 2023 Planning Commission meeting confirmed that occupancy rates have come down substantially from pandemic-era highs, as much as 40% from the high-water marks briefly seen in 2021 and 2022. In tandem with this trend, nightly rates have come down, too. These trends, and other factors making STR ownership a challenge, have been evident in other STR markets nationwide. The County cannot make good policy based on assumptions concerning a brief but extraordinary set of market conditions that is unlikely to recur.¹⁵

8. The only “corporations” operating STRs in West Marin are the hotels and motels that the County would exempt from the Draft Regulations. There is no evidence for the often-heard talking point about “corporate” investors allegedly snapping up properties locally to operate as STRs. Our members have reviewed practically every STR listing in West Marin and were able to identify individuals associated with each property who either reside locally or have long-standing ties to the community. A commenter at the June 12, 2023 Hearing provided numerical support to explain that, at typical property prices in West Marin, it would make no economic sense for a Real Estate Investment Trust (REIT) or other investor-driven entity to buy properties to add to the local STR market—the median nightly rates and occupancy rates would cause each property to immediately lose thousands of dollars per month. The claim that “corporations” are behind STRs or are driving out residents is an empty talking point devoid of evidentiary support. The only instances in which corporations have invested in and driven up prices of overnight accommodations are for larger hostel properties, such as the Marconi Conference Center, which just this year became “part of a larger hospitality portfolio owned by Oliver Hospitality who own multiple high-end properties across the U.S.”¹⁶

¹⁵ See <https://www.bloomberg.com/news/features/2023-08-10/why-being-an-airbnb-host-is-much-harder-than-in-the-past?srnd=premium>.

¹⁶ See <https://brokeassstuart.com/2023/06/02/youll-soon-be-able-to-stay-at-an-infamous-cult-house/>.

E. The County Has Not Presented Data In Support of its Draft Regulations

Despite its efforts to blame STRs for various ills, the County has provided no data concerning the historic levels of STRs in prior periods and thus has offered no evidence to contextualize the degree to which STRs have grown in popularity versus simply becoming more visible due to being listed on easy-to-search online platforms. Rather, the County has, time and again, repeated talking points from the anti-STR contingent or cited isolated anecdotes without connecting these to broader trends.

Last year, the County presented projections from companies like AirDNA in lieu of the County's data. After substantial and justified public criticism that AirDNA's projections vastly overstated the occupancy rates and median returns from STRs in the region, the County abandoned these projections.¹⁷ However, the County has not come forward with actual data relevant to occupancy rates and nightly prices. The County has indicated that it does not have such data in readily available form. This is a surprising statement given that each STR operator must submit a monthly report indicating the revenues received. These reports include the number of nights that STR guests have stayed in a home. Why isn't the County using the very data it requires STR operators to submit? Instead of doing so, the Draft Regulations rely on faulty and misleading assumptions.

Further compounding the problem, the County has provided no data concerning how STRs were previously used – *i.e.*, how many homes simply sat vacant when the owners were away. At the June 12 Hearing, the Director of the Community Development Agency admitted that the County does not have this information, meaning it would be pure speculation to assert that today's STRs were yesterday's long-term rentals, or something other than vacation homes that sat vacant for part of the year. It would therefore be further speculation to assume that a property that loses its STR license would convert to a long-term tenancy or low-income housing, perhaps for the first time in the property's history. Indeed, many STR owners have made abundantly clear that they have no interest in becoming long-term landlords. However, the false assumption that there is a direct, inverse correlation between the number of STRs and long-term rentals is at the heart of the County's assertion that by imposing operational barriers and numerical limits on the numbers of STRs allowed to legally operate, it can somehow cause more long-term rentals to come into existence.

Furthermore, the County has presented no data concerning the *intensity* of use. As this Commission recognized during the June 12 hearing, context matters, and there can be a qualitative difference in the impacts made by a home that is used as an STR part-time and

¹⁷ To give one example of the flawed methodology behind the projections, it appears that AirDNA assumed that any period of unavailability shown on a listing calendar was indicative of a paid booking, ignoring that it was at least equally likely that this was a time in which the homeowner had blocked out the calendar for personal use.

occupied by the owners part-time (which describes the vast majority of STRs in West Marin), versus a property that is solely used as an STR and occupied virtually every night of the year (which are comparatively few). Additionally, we are aware of some STRs that have a TOT license but are currently not available for rent, either because the owners rented in the past but have taken a break from doing so, or because an STR license was acquired “defensively” in anticipation of the moratorium. The County has not collected or presented any data on the intensity of the use of STRs, acknowledging that the Department of Finance does not track such information. Without data concerning the range and intensity of uses, however, there is no basis to accept the County’s assertion that it is now necessary to impose caps or additional, highly burdensome health and safety and “good neighbor” measures. There is also no support for the assertion that a property primarily used as an STR is tantamount to a “commercial use.”¹⁸ Nor is there evidence to support the County’s assertion that reduced numerical limits on whole-house STRs should be implemented in every single community in West Marin.

The draft regulations and the Community Development Agency webpage on STR regulation repeatedly assert that the goal of the regulations is to create affordable housing. As shown above, there is no data to suggest that driving out or hyper-regulating STRs will do anything in this regard. The creation of affordable housing has not been supported by a single piece of data, professional or academic research. It is simply a reiteration of talking points or rationales from non-comparable housing markets by STR opponents. The communities impacted by the proposed regulations are predominantly tourist destinations developed and maintained at great public expense—many of these communities were originally developed exclusively as vacation home communities. The housing stock covered by this regulation is not consistent with the goals of affordable housing creation, offering limited employment opportunities, high cost of living, low transit service and limited public services, especially medical service. Moreover, the housing stock covered by this policy, even if transitioned from STR to other use, would not be affordable based on the level of finish, square footage and location. The ordinance will have the effect not of creating affordable long-term housing, but eliminating affordable short-term housing—reducing the public’s access to the Coast at affordable levels. Affordable outdoor recreation opportunities will be removed with no resulting increase in affordable housing.

¹⁸ We discuss why STRs are not legally considered a “commercial” use in Section III.B.

III. Regulatory Background

In this Section, we describe the framework that applies to the September 2023 Draft Regulations and other regulations applicable to STRs within the Coastal Zone of Marin County.

A. The Coastal Commission’s Regulatory Framework

The Coastal Act of 1976 provides the framework for making land use decisions in the state’s Coastal Zone. The Act is administered by the California Coastal Commission. As the Coastal Commission has explained, the Coastal Act emphasizes, among other things, “the importance of the public being able to access the coast.”¹⁹ The Act also “prioritizes coastal recreation as well as commercial and industrial uses that need a waterfront location. It calls for orderly, balanced development, consistent with these priorities and taking into account the constitutionally protected rights of property owners.”²⁰

In 2016, Steve Kinsey, then Chair of the Coastal Commission and formerly a Marin County Supervisor for West Marin, issued a guidance memorandum for Coastal Planning and Community Development Directors with respect to the regulation of STRs.²¹ While we will not attempt to summarize the entirety of this document, the Kinsey memorandum did note that “vacation rental regulation in the coastal zone must occur within the context of your local coastal program (LCP) and/or be authorized pursuant to a coastal development permit (CDP). The regulation of short-term/vacation rentals represents a change in the intensity of use and of access to the shoreline, and thus constitutes development to which the Coastal Act and LCPs must apply.”

The Kinsey memorandum further noted that “in situations where a community already provides an ample supply of vacation rentals and where further proliferation of vacation rentals would impair community character or other coastal resources, restrictions may be appropriate. In any case, we strongly support developing reasonable and balanced regulations that can be tailored to address the specific issues within your community to allow for vacation rentals, while providing appropriate regulation to ensure consistency with applicable laws.” Further, the Kinsey memorandum stated: “We believe that vacation rentals provide an important source of visitor accommodations in the coastal zone, especially for larger families and groups and for people of a wide range of economic backgrounds.” The memorandum later reiterated its obligation to uphold “Coastal Act provisions requiring that public recreational access opportunities be maximized.”

We will not purport to summarize the various STR provisions and limits that the California Coastal Commission has rejected as inconsistent with the Coastal Act, or the limited

¹⁹ See <https://www.coastal.ca.gov/coastalvoices/IntroductionToCoastalAct.pdf>.

²⁰ *Id.*

²¹ See https://documents.coastal.ca.gov/assets/la/Short_Term_Vacation_Rental_to_Coastal_Planning_&_Devt_Directors_120616.pdf.

instances in which the Commission permitted limits to be enacted based on the required showings discussed above. However, it is worth noting that, in rejecting as unduly restrictive certain proposals by the City of Half Moon Bay, the Commission reiterated that it “has long recognized that STRs can provide a unique and important source of visitor-serving accommodations in the Coastal Zone, especially for larger families and groups, and has typically found that bans or undue restrictions on this type of lodging are inconsistent with Coastal Act and/or LCP policies prioritizing public access and visitor-serving uses.”²²

In sum, the Coastal Commission requires that STR regulation be consistent with the Local Coastal Program and maximize recreational access to the public, including for individuals of a wide range of economic backgrounds. And, for limits on STRs to be considered appropriate, the County must come forward with evidence that “a community already provides an ample supply of vacation rentals,” and that “further proliferation of vacation rentals would impair community character or other coastal resources.” To date, nothing in the data or analysis presented by the County meets these requirements. This lack of evidence cannot be backfilled by talking points and mere opinions. Indeed, it is worth noting that many of the communities in West Marin and areas close to the most popular visitor attractions have little to no other overnight options, making STRs the main, of not only, way to experience many unique attractions in West Marin. In short, the County has not explained or presented evidence that the September 2023 Draft Regulations are consistent with the mandates of the Coastal Act and the requirements of the Local Coastal Program.

B. Relevant Policies of the Marin County Local Coastal Program

The Marin County Local Coastal Program consists of a Land Use Plan (LUP), a Development Code, and various maps and appendices.²³ The Community Development portion of the LUP provides numerous community-specific policies. Fully ten pages of the LUP are dedicated to “Parks, Recreation, and Visitor-Serving Uses” (PK).

In the Background to the PK policies, the LUP notes (emphasis added):

*Provision of recreational opportunities in the Coastal Zone is important as a means to preserve the natural landscape, as well as to enable the public to use and enjoy its many parks and recreation areas. Enjoyment of coastal resources increases public knowledge about the value of the natural environment and the need to protect it. **Overnight accommodations are a key element in the provision of coastal***

²² California Coastal Commission, City of Half Moon Bay LCP Amendment Number LCP-2-HMB-21-0078-2 (Short Term Rentals and Home Occupations), Staff Report for Feb. 24, 2023 and Mar. 8, 2023 Hearing, at 2.

²³ See <https://www.marincounty.org/-/media/files/departments/cd/planning/local-coastal/2021/plans-policies-regulations-lcpage/new-lup-policies.pdf?la=en>.

recreational opportunities, since many coastal visitors travel long distances to reach the variety of recreation options found throughout the County. By supporting lower cost overnight facilities and public recreation, the Local Coastal Program (LCP) is helping to ensure that everyone, regardless of economic status, can take advantage of such opportunities.

Several specific policies further support these goals:

***C-PK-1 Opportunities for Coastal Recreation.** Provide high priority for development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for lower-cost coastal recreation. [...]*

***C-PK-7 Lower Cost Recreational Facilities.** Protect and retain existing lower cost visitor and recreational facilities. Prohibit conversion of an existing lower-cost overnight facility unless replaced in kind. [...]*

Many community-specific policies call for maintaining or increasing visitor-serving facilities and overnight accommodations. For example, in Point Reyes Station:

***C-PRS-3 Visitor-Serving and Commercial Facilities.** Encourage development of additional visitor-serving and commercial facilities, especially overnight accommodations.*

Finally, the LUP recognizes the role of short-term rentals in the LUP, and merely permits the County to regulate—but not reduce or eliminate—the use of “primary or second units” as short-term vacation rentals. And, in implementing this policy, the County must work together with community groups:

***C-HS-6 Regulate Short-Term Rental of Primary or Second Units.** Regulate the use of residential housing for short term vacation rentals.*

Program C-HS-6.a Vacation Rental Ordinance

- 1. Work with community groups to develop an ordinance regulating short-term vacation rentals.*
- 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.*

Indeed, the County has already implemented two separate Ordinances to “regulate” the STR market. In 2018, the County passed Ordinance No. 3965. This “required neighbor notification of STRs, required renters be provided with ‘Good Neighbor’ house rules, and established a STR Hotline for complaints (which is currently operated by Host Compliance, the County’s third party STR monitor). Additionally, the Ordinance requires STR operators register for a Business License and TOT Certificate, providing accountability and payment of taxes and fees commensurate with the commercial use.”²⁴

The County re-enacted and updated certain of these provisions in 2020 with the enactment of Ordinance No. 3739.²⁵ Thus, the County has already complied with the LUP’s policy guidance to provide regulations. Nothing in the LUP permits the County to cut out community involvement in the way it has done, nor to *reduce* STR access via moratoria, caps or over-regulation. But, with the County’s surprise moratorium enacted via Ordinance Nos. 3768 (initial 45-day moratorium) and 3769 (extending the initial moratorium through May 23, 2024), and now with the Draft September 2023 Regulations drafted behind closed doors and released with virtually no involvement of the communities in question, the County would undermine the policies and requirements of the LUP.

The County’s Implementation Plan for the LUP contains several zoning provisions relevant to STRs that confirm that the County’s efforts to reduce STRs are contrary to law.²⁶ In particular, Table 5-2-c provides that, in the Coastal Residential Districts that comprise the majority of the areas where STRs are located, “Room rentals” and “Residential accessory uses and structures” are both “principal permitted uses” for which no use permit is required. The County defines “Residential Accessory Uses and Structures (land use)” to consist of and include “any use that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use.” STRs have been customarily a part of residential use for generations in West Marin, as discussed above. Further, the character of the use of an STR is identical to that of a residential use—in both cases, individuals are using a residential property for sleeping, cooking, washing, recreation, etc. Contrary to this longstanding history, the September 2023 Draft Regulations would usher in a fundamental change in land use by treating STRs as presumptively *banned* and unpermitted unless the owner obtains and renews a use permit in the form of an STR license.

In discussions about this issue, some opponents of STRs have espoused the view that the operation of an STR is tantamount to a “commercial use” and thus not within the scope of the above-listed principal permitted residential uses. This is false. *Protect Our Neighborhoods v. City of Palm Springs*, a decision issued by the California Court of Appeal just last year, addresses this issue. In its decision, the Court of Appeal rejected the “STR as commercial use”

²⁴ See <https://www.marincounty.org/main/short-term-rental-background-information>.

²⁵ See *id.*

²⁶ See <https://www.marincounty.org/-/media/files/departments/cd/planning/local-coastal/2021/plans-policies-regulations-lcpage/new-development-standards.pdf?la=en>.

argument as resting on “a false dichotomy between ‘residential’ and ‘commercial.’”²⁷ Specifically, the Court recognized that under the applicable Palm Springs ordinance—just as in the above-cited ordinances in West Marin—operating an STR “is a use *customarily incident to* use as a single-family dwelling. An owner customarily can rent out a house short-term as well as long-term. Airbnb did not invent this practice; it just made it easier and more common.”²⁸

In other words, whether the owner rents to guests on a short-term basis or tenants on a long-term basis, the fact that money changes hands does not change the character of the *use* of the property by the occupant—it is still being used as a residence. Indeed, if all it took to make a use “commercial” was the use of a property in exchange for money, during which time the owner was not present, then every single long-term rental would have to be recharacterized as “commercial use.” This does not make sense, nor does recharacterizing STRs in this manner.

Because vacation rentals have been a use customarily incident to residential use for generations in West Marin, the novel argument that they are “commercial” uses, and not principal permitted uses under local law, should be rejected outright.

In sum, STRs are a long-recognized, principal permitted form of residential use in West Marin. Their legal status as such is reflected in the Local Coastal Program and its associated policies and implementation materials. These policies require maintaining or increasing visitor access to the Coastal Zone through STRs and other lower-cost forms of accommodation. In seeking to undermine these policies, the September 2023 Draft Regulations would be a step backward and are incompatible with the Coastal Act and Local Coastal Program.

²⁷ See <https://www.courts.ca.gov/opinions/archive/E074233.PDF>.

²⁸ *Id.* at 15 (emphasis in original).

IV. Summary of June 12, 2023 Planning Commission Meeting

On June 12, 2023, the Marin County Planning Commission held its first meeting devoted to STRs. County Staff first provided a presentation and the results of a survey concerning STRs. This was followed by questions from Commissioners concerning the presentation and Staff Report. The bulk of the meeting was devoted to public commentary, at which approximately 40 individuals spoke. Finally, the Commissioners provided another round of questions and comments before adjourning the meeting. Below, we summarize the questions and commentary from the Planning Commission and then summarize some of the public comments received.

A. Comments and Questions from Planning Commission Members

We first summarize the questions and comments from Commissioners at the outset and conclusion of the June 12 Meeting.

Commissioner Desser noted the need for public participation in the County’s development of draft regulations, and that it was important that all voices be heard, even if it meant hosting numerous focus groups to speak to every interested member of the public.

After the public comment period, Commissioner Desser commented that, in response to specific trash concerns raised about an STR in Marshall, a complaint should be made to the County or the Eastshore Planning Group. She also noted that many communities were historically not comprised mainly of full-time residents, and the trend toward greater full-time residency in West Marin is relatively recent. Further, a one-size-fits-all approach is not appropriate for the various communities in West Marin, including when it comes to regulating or limiting hosted and unhosted rentals. Commissioner Desser also emphasized the need for accurate data and noted the distinction between LLC ownership, which often indicates ownership by individuals, and REITs, which may signify corporate ownership.

On the issue of parking, Commissioner Desser noted that the state is no longer imposing parking requirements for new construction, such that parking rules may not be appropriate or justified here. On health and safety matters, Commissioner Desser noted that achieving basic health and safety standards may not require cost-prohibitive efforts to bring properties into compliance with current code requirements. Finally, Commissioner Desser noted that for many years, STRs were simply called “vacation rentals” and were the only way to stay in the area.

Commissioner Dickinson noted that the Planning Commission had not previously been involved in crafting rules and regulations for STRs enacted in 2018 and 2020. In response, CDA Director Sarah Jones acknowledged this and noted that the County had not previously viewed the issue through the lens of land use or housing, and instead was focused on “good neighbor” and taxation issues. More recently, the focus on STRs as a land-use issue prompted the County to seek the input of the Planning Commission.

Commissioner Dickinson further noted that in Sonoma County, a temporary moratorium was enacted that *exempted* the Coastal Zone because of the Coastal Commission’s policy favoring visitor-serving uses, which precluded Sonoma County from adopting a moratorium in the Coastal Zone. Commissioner Dickinson asked whether the County had received a different opinion from the Coastal Commission. Ms. Jones responded that in the case of Sonoma County, the moratorium was enacted closer to the implementation of final regulations due to a large number of applications. In contrast, Marin County’s intent in imposing the moratorium was to preemptively “stabilize” housing pending further consideration of the issue. According to Ms. Jones, the Coastal Commission understood and was aligned with this approach. County Staff Kathleen Kilgariff also noted that Sonoma County saw a spike in STR applications pending their consideration of new rules, and to avoid this, Marin County sought to “set the number” of STRs to allow planning. She also acknowledged that more STRs have been added since that time in East Marin.

After the public comment period, Commissioner Dickenson noted the potential for unintended consequences from regulations and then asked for data concerning whether outside corporate ownership is truly a factor in West Marin. Ms. Kilgariff noted that other jurisdictions require that a “natural person” operate an STR, but agreed that it is difficult to regulate and enforce ownership in this manner. She also noted the difficulty of determining a primary residence. Commissioner Dickenson noted the difference between occasional rentals versus a property that is solely operated as an STR, and asked whether there is data that bears on this. Ms. Kilgariff and Ms. Jones agreed to look into this, but Ms. Jones stated that it does not appear the case at present that full-time STRs are the predominant form of rental in West Marin. Ms. Kilgariff stated that over half of STRs are owned by trusts, indicating that these are not typically operated in a full-time manner or owned by corporations.

Commissioner Curran asked about the data for the number of bed-and-breakfast units provided in the Staff Report, observing that the Staff Report indicated that there were 27 bed-and-breakfasts listed for a total of 43 housing units, or less than 2 housing units per bed-and-breakfast, a number that appeared questionable. Ms. Kilgariff explained that the County was relying on a mix of parcel data and self-reported data collected by the Department of Finance that the County “cleaned up” and manually adjusted.

Commissioner Curran also noted seemingly incongruous occupancy and income data from the Marin County Visitor’s Bureau. Ms. Kilgariff noted that a table from the Department of Finance may have been flipped, which the County intended to follow up on. Ms. Kilgariff also noted that the data originated from the Department of Finance, whose definition of STRs included any short-term accommodation, including hotels, motels, inns and campsites, and that the Finance Department data did not separately track STRs in residential properties. Ms. Kilgariff acknowledged that this made it harder to garner accurate data about STRs.

After the public comment period, Commissioner Curran discussed ADUs, as well as the need to study hosted versus unhosted options for STRs. Ms. Jones discussed in response some of the County’s measures to encourage the construction of ADUs, as well as septic and water

regulations and ways to assist in conservation efforts. Commissioner Curran agreed with the sentiment that a one-size-fits-all approach across each of the communities in West Marin was not appropriate.

Commissioner Lind asked County staff what the purpose of the meeting was—whether to receive input from the Commission or to listen to public comment and receive information from County staff. Ms. Kilgariff indicated that the purpose was the latter. Commissioner Lind also asked if traditional bed-and-breakfasts were treated the same as STRs or “AirBNB” rentals. Ms. Kilgariff confirmed the land uses were different, namely that bed-and-breakfasts were considered commercial operations.

After the public comment period, Commissioner Lind reiterated the need for data on the types of hosts and STR uses to support any proposed regulations and respond to the varied needs articulated by the public. Commissioner Lind also noted that land use typically does not zone by ownership. Ms. Kilgariff acknowledged the need for improved coordination with the Department of Finance to obtain reliable data moving forward. Commissioner Lind also asked the County to look into flexibility to allow ADUs to be rented as STRs in West Marin.

Commissioner Stepanicich asked whether the County had data as to what percentage of housing units in West Marin were used as long-term rentals. Ms. Kilgariff stated that the County does not have data to answer that question.

After the public comment period, Commissioner Stepanicich asked about how other communities regulate STRs in multi-family housing units and preserve affordable housing.

Commissioner Muralles asked about the County’s data concerning parcels with STRs relative to all parcels with living units, as listed in the Staff Report. Ms. Kilgariff acknowledged that the data may not capture all parcels with more than one living unit.

Commissioner Muralles also asked whether the County had data on housing insecurity in West Marin. Ms. Kilgariff indicated that the County did not have this data at hand, but agreed to look into the issue with the County’s housing team. Ms. Jones noted that in the County’s Housing Element, the County needed to track housing within the Coastal Zone in terms of how many housing units were added in the Coastal Zone, and that in the last 12 years, very few units were added (fewer than 10), whereas nearly 600 units are currently registered as STRs. Ms. Jones acknowledged that this did not show if any of these STRs had previously served as long-term rentals.

After the public comment period, Commissioner Muralles asked about the community’s commitment to affordable housing goals and how the new regulations would reflect a commitment to this goal.

Commissioner Biehle also indicated that she would like to hear more from the County about housing security and its outreach efforts to community members to discuss these issues.

B. Summary of Comments From the Public

In total, approximately 40 members of the public spoke at the hearing. As the Commissioners will recall, members of the public presented a wide range of viewpoints. By our tally, approximately two-thirds of these individuals spoke favorably about the history and benefits of STRs for visitors, homeowners, and the communities as a whole. Approximately one-third of commenters expressed concerns about what they perceived to be some of the downsides of STRs or raised concerns about issues such as trash from a specific neighbor or fears about corporate ownership of property in West Marin. Here, we highlight several common themes that came across in public comments:

- For decades, STRs have been a primary way to provide access to a diverse range of visitors, and are especially important in providing reasonably priced overnight accommodation options, as measured on a per-person basis.
- Several West Marin communities, including those where the greatest number of STRs are found today, have primarily been summer and vacation destinations for much of their history.
- STRs support many jobs in the community, including among low- and middle-income workers, and also allow many community members to remain in the community by partially offsetting the high costs of purchasing and maintaining a home in West Marin.
- There is no evidence of corporate investors purchasing homes in West Marin for use as STRs. One speaker explained why this model would simply not be economically feasible. Namely, investors would not be able to make a positive return given the high prices of properties and the highly viable seasonal occupancy patterns in West Marin.
- Another speaker explained that she had spoken to virtually every STR operator in her community and confirmed that none were backed by outside investors. It appears that some individuals have falsely conflated ownership of a property by an LLC or trust—common structures for individual owners—as indicative of outside “corporate” ownership.
- There is likewise no evidence that STRs have caused other broader trends that have been attributed to them, such as a drop in school enrollments, which were declining long before AirBNB and VRBO were founded.
- Singling out STR properties that were compliant when built for extensive upgrades to meet current codes would be cost-prohibitive and amount to a *de facto* ban on these properties continuing to operate STRs.

- Complaints about noise or trash issues often originate from a single property or tenant. These are not indicative of a broader problem.
- Many commenters called for this process to be data-driven, and were dissatisfied with the County’s reliance on anecdotes and opinions, and failure to collect and present methodologically sound data throughout the process.
- Commenters also called for the County to come forward with data concerning the impact of the present moratorium—*i.e.*, if STRs truly led to housing shortages, one would expect to see a change after the passage of the moratorium in May 2022. Indeed, this was a stated purpose of the moratorium—in Ms. Jones’s words, to have a “baseline” for studying the relationship, if any, between STRs and long-term housing options. However, it appears that the County has not used the moratorium as a time to gather data, instead proceeding with drafting highly restrictive regulations that would reduce STR access both by express caps and by burdensome regulations that will inevitably drive operators from the market.

V. Analysis of September 2023 Draft Regulations

In this Section, we provide detailed Commentary on each of the provisions in the County’s September 2023 Draft Regulations. We first provide an overview. Below, we provide the text of the draft provisions or sub-provisions, followed by commentary.

A. Overview

As an initial matter, however, the Draft Regulations are styled as Chapter 5.41 of Marin County Code, and thus to be codified within Title 5 – Business Regulations and Licenses. There is already a Chapter 5.41, currently titled “Notice of Short Term Rentals,” the codification of ordinances regulating STRs that were enacted by Ordinance Nos. 3695 and 3739, passed in 2018 and 2020, respectively. This current code provides, *inter alia*, relevant definitions, the establishment of the STR complaint hotline, local contact person and signage rules, STR tenant notification requirements for good neighbor purposes, and provisions regarding the process for issuing and adjudicating administrative citations. The County has not explained why current Chapter 5.41 has fallen short in the areas it already regulates. Nor has the County explained how to reconcile current Chapter 5.41 with the September 2023 Draft Regulations.

Thus, the legal effect of the new Draft Regulations is unclear. Would the new Draft Regulations repeal and entirely supersede the current regulations in Chapter 5.41? Would some prior provisions be maintained or carried over (*e.g.*, the complaint hotline)? Which provisions does the County intend to maintain, and would they be modified as well in part? In other words, the County has not communicated what the intended end result will be in terms of a final, comprehensive body of law, leading to greater uncertainty in the public as to what the County ultimately intends to do.

In total, the Draft Regulations have 8 subchapters: (1) Purpose of Chapter (5.41.010); (2) Applicability (5.41.020); (3) Exemption (5.41.030); (4) Short Term Rental Licenses (5.41.040); (5) Short Term Rental Property Standards (5.41.050); (6) Caps on the Number of Unhosted Short Term Rental Licenses (5.41.060); (7) Violations (5.41.070); and (8) Definitions (5.41.080). The vast majority of the text of the Draft Regulations—8 ½ out of 11 pages—is found in the subchapters concerning Short Term Rental Licenses and Short Term Rental Property Standards.

Aside from their sheer length and byzantine nature being of serious concern, the substance of the September 2023 Draft Regulations is deeply troubling and retrograde in many regards. Below are the most worrisome provisions that the Commission should be deeply troubled with:

1. **Draft Regulation §5.41.020** – “Applicability” aka “restrict access to public land”—applies to all coastal villages adjacent to the coast and national parks in the county.
2. **Draft Regulation §5.41.030** – “Exemption” aka “the corporate carve-out”—exempts all major facilities and commercial properties from the Draft Regulations.

3. **Draft Regulation §5.41.040(A)** – “License Required” aka “the presumptive ban”—violates the LUP by treating STRs as presumptively illegal absent a permit.
4. **Draft Regulation §5.41.040(C)** – “License Term” aka “the death penalty”—causes the forfeiture of an STR license upon any change in ownership, including the death of a co-owner such as a spouse.
5. **Draft Regulation §5.41.040(D)** – “Administrative Procedures” aka “the due process killer”—gives the CDA unfettered powers of rulemaking, administration, and enforcement.
6. **Draft Regulation §5.41.040(D)(2)** – “License Suspensions and Revocation” aka “guilty until proven innocent”—allows for immediate suspension of STR licenses with no recourse.
7. **Draft Regulation §5.41.040(D)(2)** – “Application Materials” aka “paperwork hell”—requires dozens of hours of homeowner time and thousands of dollars to merely *apply* for an STR license; must be repeated every 2 years.
8. **Draft Regulation §5.41.040(D)(7)** – “Exterior Signage” aka “rob me, please”—mandates visually jarring signage that creates security risks.
9. **Draft Regulation §5.41.040(D)(8)** – “Requirements for Advertisements” aka “rob me again, please”—requires online posting of information that creates additional security risks.
10. **Draft Regulation §5.41.040(I)** – “License Fee” aka “pay us to make you miserable”—allows the County to impose substantial, non-refundable application fees. The County has not stated what the fees will be.
11. **Draft Regulation §5.41.050(B)** – “Restricted Structures” aka “no creativity allowed”—outlaws any non-conventional or creative STR options, even those that cannot be used as long-term housing.
12. **Draft Regulation §5.41.050(C)** – “One Short Term Rental Per Property” aka “you will be a landlord and you will like it”—forces homeowners to remove guest cottages and second units from the STR market.
13. **Draft Regulation §5.41.050(G)** – “Municipal Services” aka “your forced septic system overhaul”—forces septic upgrades as a condition of STR operation.
14. **Draft Regulation §5.41.050(K)** – “Special Events” aka “the no fun rule”—bans weddings and other special events.
15. **Draft Regulation §5.41.050(M)** – “Host responsibilities” aka “the house arrest rule”—bans hosts from leaving their properties at night.
16. **Draft Regulation §5.41.060** – “Caps”—aka “the permanent moratorium”—eliminates 70 STRs, mainly in the Coastal Zone, makes the 2022 moratorium permanent, and enshrines gross disparities among communities.

17. **Draft Regulation §5.41.070** – “Violations” – aka “guilty until proven innocent II” — allows CDA to suspend or revoke STR licenses without due process.

B. Detailed Commentary on the September 2023 Draft Regulations

Below, we provide, provision-by-provision, the language of the September 2023 Draft Regulations, followed by commentary relevant to each passage.

1. Chapter 5.41.010 – Purpose of Chapter

Draft text:

5.41.010 Purpose of Chapter.

This Chapter establishes standards that regulate short term rentals. This Chapter is enacted to ensure that short term rental activity does not adversely impact the health and safety of residents and visitors, and that such activity is conducted in a manner that preserves existing housing and communities while balancing the protection of private property rights.

This Chapter is administered by the Marin County Community Development Agency.

Commentary:

1. The precatory language of this section is divorced from what the statute would actually accomplish. The County has offered no evidence that the burdensome proposed provisions would maintain health and safety standards in a manner superior to those already in place. The County also has not shown that the Draft Regulations would “preserve existing housing and communities.” As discussed elsewhere in this Report, they are far likelier to have the opposite effect. The reference to “private property rights” is not credible in light of the extreme burdens and intrusions on both privacy and property rights that the Draft Regulations would impose.

2. Further, the County has not explained why it is appropriate to give sole, unfettered, and unreviewable power of administration to the Community Development Agency (CDA). Notably, the Draft Regulations contain no provisions providing for administrative review, a hearing officer selected from outside the CDA, or an appeal to the Superior Court, all of which are in the current code (Section 5.41.090). Does the County intend to strip away all due process rights currently afforded to STR operators?

2. Chapter 5.41.020 – Applicability

Draft text:

5.41.020 Applicability.

This Chapter shall apply to short term rentals in unincorporated Marin County, except as exempt per Section 5.41.030.

Commentary:

1. Unincorporated Marin County comprises over 85% of the County's 520 square miles of land and all of the County's Coastal Zone and 100+ miles of Coastline along the Pacific Ocean and Tomales Bay. And these are both the most popular areas with visitors and the areas that the Coastal Commission and Local Coastal Program are charged to protect public access to. These facts underscore the unprecedented scope of this Draft Regulation. It appears that all prior STR regulations considered by the Coastal Commission operated at the level of individual cities; none concerned an effort by a *County* to curtail visitor access to the entire Coastal Zone and the vast majority of the County itself. That a handful of small communities within Marin, such as Belvedere (land area: 0.51 mi²), have taken an anti-STR position in no way justified rolling this out to the vast majority of the County.

2. Moreover, despite admonitions from community members and members of the Planning Commission to be sensitive to individual community needs, with these Draft Regulations, the County is taking a one-size-fits-all approach, with the only variety between communities being the extent to which STRs will be capped and reduced (about which we have further commentary below). The County has drafted these regulations with no meaningful input from community organizations and groups, instead compiling a wish list of every conceivable restriction put forward by unelected employees and bureaucrats. This is not how the democratic process is supposed to work.

3. Chapter 5.41.030 – Exemption

Draft text:

5.41.030 Exemption.

This Chapter does not apply to any commercial lodging use including a hotel, motel, bed and breakfast inn, or campground.

Commentary:

1. The County has not explained why it is singling out STRs while exempting all other forms of residential use and large-scale overnight accommodation from any further review or legislation. The County Code provisions addressing Auto Courts, Resorts and Motels (Chapter 5.20) contain none of the drastic and far-reaching provisions put forward in the Draft Regulations, and instead incorporate by reference different state-wide standards. Do campgrounds, resorts, hotels and motels not use water or generate trash and sewage, such that the goals of public health and safety do not apply to them? Of course they do. Are campgrounds, resorts, hotels and motels subject to the unfettered powers of the CDA? No. The fact that the County is taking aim at STRs alone is highly indicative of disparate treatment, if not animus.

2. In public meetings, the County justified regulations in part by stating concerns about corporations buying homes to operate as STRs. Yet the Draft Regulations are solely directed toward small, individually operated vacation rentals while exempting all corporate lodging operators.

3. What justifies holding STRs to different, and far higher and more stringent standards, than actual commercial operations often owned by large corporations and intended to be operated 365 days of the year and exclusively catering to visitors? STRs are used by guests for only part of the year, and very often used by the owners for a substantial majority of the time.

4. Chapter 5.41.040 – Short Term Rental Licenses

Draft text:

5.41.040 Short Term Rental Licenses.

A. License Required. Advertising or operating a short term rental without a valid and current short term rental license issued pursuant to the requirements of this Chapter is prohibited. A license allows the operation of a single short term rental. Short term rental licenses are not transferable. Once a license expires or is revoked or suspended, the short term rental operation must immediately cease.

Commentary:

1. As noted above in our discussion of the Local Coastal Program, this provision would fundamentally change the land use designations of all residential property in unincorporated Marin and the Coastal Zone. As discussed above, room rentals and STRs are a long-standing use, are clearly residential uses, and are thus legally a principal permitted use. This has been the case for decades, such that STRs cannot be banned as a default without running afoul of the Local Coastal Program and the Coastal Act. The present-day legal status under current Chapter

5.41 of the County Code reflects this, as it merely requires the operation of an STR to be consistent with the provisions therein, including health and safety requirements, notice to neighbors, and obtaining a business license.

2. By changing land use regulations from permitting STRs as of right to *banning* all STRs absent a limited license controlled exclusively by the CDA, the Draft Regulations would usher in a new legal regimen, one that is fundamentally inconsistent with the Local Coastal Program, and likely to be rejected when the Coastal Commission reviews the regulations, and/or via litigation.

3. The ban on operating or advertising an STR without a valid and current license “issued pursuant to the requirements of this Chapter” would immediately render illegal all current STR listings—because none of the current STRs have yet been issued licenses under “this Chapter,” and would not be issued until sometime after the Chapter was enacted. While this was not likely the intent of the drafters, at a minimum it reflects poor draftsmanship.

4. Given the expansive definition of “advertising” under state law, this provision also risks unjustly silencing individuals from offering the use of their property to friends or family even on an informal basis, or engaging in home-swapping, lest it be construed as “advertising” an STR. Once again, through incautious drafting, the County would sweep in activities that are beyond its purview and impinge on free speech rights.

5. The ban on transferability of licenses is not justified and would likely lead to inequitable results. If title to a property (and thus the STR license) is held by one spouse only, and that spouse passes away, the surviving spouse would be obliged to immediately cancel all pending reservations and cease all STR usage—a “death penalty” that cuts off an economic lifeline precisely when it is likely to be most needed, and potentially causing the surviving spouse to lose their home. Other such situations are easy to envision—one generation wishes to transfer a family property to the next, but cannot do so because to do so would lead to the immediate loss of the STR license. Or, siblings wish to transfer property rights among one another or otherwise clarify title. Or, a homeowner marries and wishes to share title with a new spouse. All of these situations would potentially jeopardize the ability to continue operating an STR and potentially lead to forfeiture of the license with zero justification.

6. Finally, the provision that all STR usage must cease if a license is “revoked or suspended” presents serious due process concerns. A license may be suspended without notice if the CDA believes that “the licensee [has] fail[ed] to meet the standards set forth in this Chapter or the requirements of the license.” Draft Regulations § 5.41.040(D)(2). Given the minutiae in the Regulations themselves and the unknown further administrative provisions the CDA may enact, this creates the potential for a Kafka-esque situation where an STR operator sees his license suspended for any alleged failure to comply that he may be unaware of, no matter how trivial or unrelated to health and safety standards. This would upend reasonable investment-backed expectations and require the cancellation of any and all upcoming reservations. Even more troublingly, the requirement that STR usage cease “immediately” upon an edict from the CDA would require evicting an STR guest for the duration of their stay. Many visitors look

forward to returning to the same property year after year, but this Draft Regulation jeopardizes this prospect by making it anyone's guess whether a given STR will still be in business tomorrow, much less a year hence. The lack of any due process rights in the Draft Regulations, or the right to continue operating the STR pending administrative review (which is likewise nowhere to be found in the Draft Regulations), only exacerbates this concern.

Draft text:

5.41.040 Short Term Rental Licenses (continued)

B. License For Property Owner. The short term rental licensee must own the property where the short term rental is located. Only one license shall be issued per short term rental property owner.

Commentary:

1. The County has provided no explanation for why this provision is necessary or what effect it would have on current STR operators. A non-owner such as a trustee may manage a property and thus it would make more sense to have a license issued in that person's name.

2. Further, while most owners of STRs appear to operate just one property, some do operate more than one. There is nothing inherently wrong with this, and it is a practice going back decades. The owners are typically individuals with long-standing ties to the community; there has been no showing that absentee or corporate investors are snapping up properties for this purpose. Further, the properties in question typically have been STRs for decades and are relied upon by visitors for some of the most economical overnight options in the area. Cutting them off now makes no sense and would take away visitor access to popular sites.

3. There has been no showing that merely owning more than one STR is contrary to the County's health and safety, good neighbor, or housing goals. Destroying STR owners' investment-backed expectations and forcing the sale of rental properties (for which no STR license can be acquired unless the transferee completes all requirements and is processed through the waitlist) raises takings concerns. It will also demonstrably reduce visitor access. The County has made no showing that eliminating such STRs is likely to convert them to full-time rentals, either. Given that there are very few people who own more than one STR in West Marin, the County should have studied this issue, presented data, and explained why it believes this proposed rule was necessary.

4. Finally, the proposed limit of one STR per person presents enforcement difficulties. Title can be held in the names of one's spouse, children, grandchildren, or other designee, but beneficial ownership may still ultimately reside in one individual. Alternatively, a family may jointly own multiple properties with ownership interests spread among siblings or cousins; will they collectively be limited to one STR because each of their names is on more than one title

document? The County has not addressed how it proposes to police this requirement or shown any regard to impacts in light of currently existing ownership patterns.

Draft text:

5.41.040 Short Term Rental Licenses (continued)

C. License Term. A short term rental license expires two years after the date of issuance unless the license is renewed by the licensee for an additional two-year term. The term of the license expires immediately and automatically upon any change of ownership of the property.

Commentary:

1. Together with §5.41.040(A), this draft provision calling for the automatic expiration of STR licenses after two years (or upon any partial change of ownership) would represent a fundamental shift in land-use policy contrary to the Local Coastal Program. Instead of STR operators being permitted to continue operating as of right, the Draft Regulations posit a presumptive expiration date of every single STR in West Marin unless the operator completes anew the burdensome and expensive application requirements. This will inevitably lead to a reduction in the number and variety of STR options if operators are unable to devote the time and money necessary to re-applying for a license every period (or simply miss the application window, for instance, because they have not yet secured a necessary certification from a separate agency, discussed further below). Lower-cost STRs will be particularly impacted, as these bring in more modest returns, and thus owners would be less likely to find it worthwhile to invest the time and resources necessary to re-applying. This will hurt visitors of lower socioeconomic means the most, as they may not be able to afford higher-priced lodging options from hotels or luxury STRs.

2. As noted above, a provision causing an STR license to expire upon “any change of ownership” would cause hardships as well. If a property is owned as community property among spouses, the death of one spouse causes a “change” in ownership as the surviving spouse would now own the property in her individual capacity. Under the draft regulation, however, that surviving spouse would immediately lose the right to continue operating the STR, jeopardizing his or her ability to remain in the community. Further, this rule makes it far more difficult to transfer a family property among members of a family or among generations, as doing so would cause the family to lose their STR license, potentially meaning they could no longer afford to maintain their tie to the community. The County has shown no facts supporting a need to impose rules with such punitive and anti-community impacts.

Draft text:

5.41.040 Short Term Rental Licenses (continued)

D. Administrative Procedures. *Administrative procedures for short term rental licenses shall be prepared and made publicly available by the Agency Director. These administrative procedures shall set forth the process to apply for, obtain, maintain, monitor, and renew short term rental licenses. The administrative procedures shall set forth a ministerial licensing process based on objective criteria and shall be updated periodically by the Agency Director. The administrative procedures shall be consistent with the license framework set forth in the sections below.*

Commentary:

1. The Draft Regulations already propose a very intrusive and burdensome process. They include eight separate new requirements under this subsection, along with 23 additional sub-subsections. But here, the County is signaling that even more is to come in the form of “administrative procedures.” The County has not explained what those additional procedures would encompass or why it is appropriate for the CDA Director to impose them outside of the legislative process, for which there would be no review by the Planning Commission, Board of Supervisors, or Coastal Commission for compliance with the policies of the Local Coastal Program. STR owners are justifiably concerned, as the CDA has shown hostility toward STRs for the last several years, continuing to blame STRs for housing shortages despite failing to present evidence for this accusation.

2. Further, while the Draft Regulations assert there will be a “ministerial” process for issuing STR licenses based on “objective criteria,” there are several areas in which no objective standard has been articulated, and the CDA Director would be given unfettered discretion to deem an application incomplete, for instance, whether one’s garbage service is “sufficient” (Draft Regulation §5.41.040(D)(4)). Moreover, the ability for the CDA Director to impose additional requirements outside of the democratic process is highly worrisome, as it would make the process even more expensive and uncertain, and leave applicants with no form of redress for violations of due process.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D) continued)

1. Application Process. *An application for a short term rental license shall be submitted by the property owner or their agent (written property owner authorization and contact information is required for an agent to file the application) to the Community Development Agency.*

No license application shall be accepted until the Agency Director has prepared and made publicly available the administrative procedures.

In townships where there is a cap limiting the number of short term rentals, only license applications for legal unhosted short term rentals in existence on January 1, 2024 will be accepted before July 1, 2025. Applications for properties where there is no legal unhosted short term rental in existence on January 1, 2024, will be placed on a wait list until all existing short term rentals have had the opportunity to apply for a license.

Commentary:

1. As discussed above, the Draft Regulations make clear that even more “administrative procedures” are coming that will further complicate the process of applying for and maintaining an STR. Since the CDA Staff drafted these regulations, why have they not also specified or drafted the administrative procedures? The failure to do so leaves the Planning Commission, Board of Supervisors, and Coastal Commission without the ability to assess the full impact of these Regulations, in terms of the costs or impacts on visitor access. It appears that the County is intending that the “administrative procedures” will not be subject to any form of review or certification process. This is undemocratic and contrary to the Coastal Act. Moreover, there is no timeline provided for when the regulations will be prepared. That the County would not accept any applications until the regulations are complete might leave too little time to understand and comply with the regulations, causing STR operators to run out of time and lose their right to operate.

2. Furthermore, by only permitting legal STRs in place as of January 1, 2024 to apply for a permit prior to July 1, 2025, and refusing all other *applications*, and only thereafter placing applicants on a waitlist, the Draft Regulations extend the current moratorium by an additional thirteen months. And, the “caps” not only impose a permanent moratorium on net additional STRs, but they also envision a *reduction* in the number of STRs county-wide, with the greatest reductions proposed for the Coastal Zone. The Board of Supervisors only authorized the current moratorium for a period of two years under a specific declaration of emergency. Without saying so, these Regulations enshrine this so-called “state of emergency” in a permanent fashion, and provide no objective measure for what it would mean for the “emergency” to be over. They impose no housing goals or other criteria that might indicate when and how the County would consider revising the caps. Given the stated purpose of the Draft Regulations to protect and promote long-term housing, the failure to tie any of the current regulations to housing goals or the completion of the Housing Element is unjustifiable.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D) continued)

2. License Suspensions and Revocations. *Short term rental licenses may be temporarily suspended or permanently revoked if the licensee fails to meet the standards set forth in this Chapter or the requirements of the license. Suspension or revocation pursuant to*

this subsection will be imposed according to the process described in the administrative procedures.

Commentary:

1. As noted above, the Draft Regulations provide for no measures to protect due process in the suspension or revocation of an STR license, but require the immediate cessation of rentals if the CDA unilaterally deems any portion of the STR or license non-compliant, even a trivial provision of the 11 pages of Draft Regulations plus however many pages of administrative procedures the CDA may later promulgate. This is a recipe for arbitrary suspension of rights. It will require the cancellation of any future bookings and destroy individuals' investment-backed expectations in their properties.

2. The County has not explained why it wishes to put off specifying a process for adjudicating suspension or revocation until the promulgation of "administrative procedures." The current law has provisions for administrative procedures and review. *See* Marin County Code § 5.41.080–.090. The current Draft Regulations would apparently repeal this and place the procedures entirely within the control of the CDA. This is another troubling development that would make the new Draft Regulations subject to less democratic accountability and due process than current law.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D) continued)

3. License Wait Lists. *The Community Development Agency will maintain short term rental license wait lists for townships where the number of unhosted short term rental license applicants exceeds the number of available licenses. Licenses for qualifying properties on the wait list shall be issued on a first come first serve basis.*

Commentary:

1. Under this provision, the CDA will have to maintain community-specific waitlists for each of the 15 communities listed in § 5.41.060. The County has not provided a coherent rationale for the reduced caps and waitlists for unhosted rentals, as discussed further below. And, the fact that caps and waitlists only apply to "unhosted" rentals is indicative of discriminatory treatment of the most prevalent and popular form of rental, as recognized by the Coastal Commission.²⁹ A recent review of AirBNB listings showed only 9 listings in all of

²⁹ California Coastal Commission, City of Half Moon Bay LCP Amendment Number LCP-2-HMB-21-0078-2 (Short Term Rentals and Home Occupations), Staff Report for Feb. 24, 2023 and Mar. 8, 2023 Hearing, at 18 (noting that "it has generally been the Commission's experience that unhosted rentals are the predominant and most popular form of STR in most coastal communities.").

unincorporated Marin County that might qualify as “hosted” listings under the Draft Regulations. By taking away 70 unhosted STRs and substituting in their place fewer than a dozen, less desirable “hosted” listings, the County would be significantly restricting public access to the Coastal Zone.³⁰

2. The discriminatory treatment of unhosted STRs is especially worrisome as these are the types of rentals relied on by families or other groups seeking economical and private overnight options. Hosted options may be suitable for individuals or a couple with no children, but anyone who has traveled with children can recognize the difficulty of asking children to observe boundaries in a shared space. The same is true of groups who wish to cook and dine together; having to share the space with a host greatly detracts from the experience. Finally, if a host is required to be onsite during the stay, this will inevitably mean less space for guests, taking away, at a minimum, a bedroom and bathroom that otherwise could have hosted visitors. This will make STRs less economically attractive on a per-person basis, and reduce the capacity county-wide to host visitors.

3. A further concern is that there is no provision requiring CDA to regularly publish data on the status of waitlists, meaning the public may not know whether there is a waitlist in their community, or if so, the likely time it would take for the waitlist to turn over.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D) continued)

4. Application Materials. *No short term rental license shall be issued unless the application has first been deemed complete. The administrative procedures shall specify all the information necessary for a complete application, including, but not necessarily limited to, the following:*

Commentary:

1. The Draft Regulations specify sixteen subparts and four sub-subparts to an application, making for an extremely burdensome, expensive, and uncertain application process. In addition to 115 lines of particularized requirements, 3 of these line items include additional, unspecified, multi-tiered, multi-page inspections (modeled after cities that have self-inspections), but go even further. In addition, there are layers upon layers of requirements: several requirements simply cite code to other regulations and state that the homeowner needs to address everything in

³⁰ Opponents of STRs in West Marin have argued, incorrectly, that the lower caps actually would permit more unhosted STRs in West Marin. An unstated premise of this argument is that the proposed reduced caps are higher than the actual number of unhosted STRs currently operating. The County (and anti-STR voices) have presented no data showing this to be the case. Given the scant number of rentals apparently meeting the County’s proposed new stringent standard for “hosted” rentals, this argument is untenable.

different code sections throughout other governmental regulations. A homeowner would have to hire an attorney simply to understand the application requirements.

2. Further, there is no requirement that the CDA review applications within a specified time period or provide feedback as to what in an application may cause it to be “deemed” incomplete.

3. Of even greater concern, with the prefatory language above, the County is signaling that the CDA wishes to impose additional requirements via the forthcoming administrative procedures. The fact that a “complete application” would include but “not necessarily [be] limited to” these already-burdensome requirements is highly troubling. And, the provision is written such that the CDA may “deem” an application incomplete for an unstated reason. The County needs to be transparent and explain what a completed application *will* include, not the partial list it has provided.

4. In sum, the draft application requirements and allusion to further administrative procedures appear to represent a compilation of everything every department head or unelected official within the County could think of throwing at a small mom-and-pop industry. This is in addition to adding every requirement every city regulating STRs has ever required, plus a wish list from other bureaucrats for any other requirement they would like to see imposed on homeowners. This is an unprecedented attack on the right to use one’s property in a “principal permitted” manner that goes back generations. With the Draft Regulations’ application requirements alone, the County may have drafted the most onerous STR regulations ever conceived of.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D)(4) continued)

i. The name(s) and contact information for all property owners. If the property owner(s) applying for the license own/s less than a 100% fee interest in the property, then such property owner(s) must provide proof that all persons and/or entities with an interest in the property consent to such application and license. If the host is different from the property owner, their contact information must be listed as well. All adults for whom the property provides a permanent residence shall be listed.

Commentary:

1. This provision raises significant privacy concerns. Any individual with an ownership interest (no matter how small or remote) must complete paperwork and provide personal contact information and consent merely for the application to be deemed complete. This appears to be part of how the County intends to police its new “one STR per person” and “no corporations” policies. Many properties in the region are owned by a mixture of individuals, often from different generations. Requiring burdensome paperwork from each of them seems to be an

unnecessary hurdle not intended to protect valid interests, but to simply make it harder to apply for and receive an STR license. And, privacy concerns are valid here. The CDA is currently making available for download on its website, perhaps accidentally, the names, addresses and business license numbers of all people currently operating Short Term Rentals in unincorporated Marin County, inviting vandalism and theft to these properties.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D)(4) continued)

ii. The name of the local contact person for unhosted short term rentals, if different from the property owner, and an email and telephone number at which that party may be reached.

iii. Address and Assessor's parcel number for the property where the short term rental is located.

iv. Rental unit type (i.e., hosted or unhosted short term rental).

v. Number of bedrooms and bathrooms.

Commentary:

1. Requiring objective data about the property is not in itself objectionable. However, as discussed below, the draft definitions of “hosted” and “unhosted” STRs are vague and raise compliance concerns in their own regard.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D)(4) continued)

vi. Total number and dimensions of onsite parking spaces.

Commentary:

1. We agree that it is a good goal to avoid parking conflicts, and virtually all STRs currently have more than adequate parking. The County thus has not shown a need for requiring dedicated “onsite” parking spaces. Some STRs in village cores may not have parking dedicated to particular units, yet adequate parking may be available in the neighborhood without adversely impacting other residents or creating unsafe conditions. In the case of San Rafael, a parking plan is only required if a property with an STR shares parking with other properties. The County should implement a similar requirement here—only requiring a diagram and parking plan where an STR shares parking with other properties or there are *bona fide* parking complaints or documented safety-related concerns. Requiring measurements and diagrams of every single

parking space for every single STR in West Marin is unnecessarily burdensome and regulatory overkill.

2. Furthermore, as noted at the Planning Commission hearing on June 12, state law no longer requires identification and creation of parking for new construction. Thus, this Draft Regulation reflects an outdated mindset and legal framework. Requiring two dedicated parking spots for every single STR is not good land-use or environmental policy, and is contrary to the goal of encouraging people to visit via other means of transportation.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D)(4) continued)

vii. Site Plan showing:

a. Location of all existing buildings and location and dimensions of on-site parking.

b. Floor plan showing all rooms with each room labeled as to room type, and location of fire extinguishers, smoke and carbon monoxide alarms.

c. Location of waste containers.

d. If the rental property is served by a private water supply (well or spring) and/or a private sewage disposal system, the location of any existing or proposed septic system, including dimensions and sizes of the septic tank, disposal fields, and reserve area, and wells and water systems on the subject property.

Commentary:

1. To comply with these regulations, STR owners would have to hire architects or draftspersons to visit, document, and measure their site, and thereafter prepare a detailed site plan. It is difficult and expensive to hire qualified individuals to do this in remote parts of the County. This would likely cost anywhere from \$500 to \$1000, plus the owner's time. By treating the mere rental of a property as tantamount to seeking a building permit or other major change for which a site plan is required, the County would violate and undermine the LUP's designation of STR usage as a customary incidental use and thus permitted as of right. Certainly the County is not proposing site plans for any other form of residential use, including long-term rentals, reflecting once more a discriminatory approach to STRs.

2. The County has not shown a need for any of this—that the creation of detailed site plans is justified by current needs, or that problems have arisen that these provisions would address. This appears to be singling out STRs for make-work and more stringent regulations than apply to any other properties or residential uses in the County. In addition, these interior

site plans would become public information, which further raises security and privacy concerns for homeowners.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D)(4) continued)

viii. If the rental property is served by a private water supply (well or spring), provide proof of a water supply permit with the County's Environmental Health Services Division and potability with a current bacteriological test.

ix. If the rental property is served by a private sewage disposal system, provide proof that the system is documented with the County of Marin Environmental Health Services Division and provide an inspection report for proper operation by an approved licensed professional.

Commentary:

1. Beyond the costs of site plans identified above, documentation and certification of water and sewage systems every two years (far more often than justified) would cost homeowners thousands of dollars more. As most properties in West Marin are on septic systems, these requirements will impact a substantial majority of STRs, and all STRs in certain communities, like Inverness. This will create massive compliance costs and reduce the range of STRs available to visitors.

2. Further, singling out STR operators for stringent new sewage requirements that would not apply to any other form of residential use is unfair. Many homes were code-compliant when built and do not pose any known health and safety risks. Bringing them up to current standards such that they can receive certifications under today's standards may be cost-prohibitive and drive these STRs from the market, jeopardizing the homeowners' ability to keep and maintain their property. If the County were to impose the same requirements on all homeowners or long-term tenants, it would have to analyze their impacts and weigh costs and benefits. (Indeed, some of the same voices seeking to reduce STRs would likely object that these requirements would make it difficult, if not impossible, to continue providing long-term rentals on a cost-effective basis). Indeed, that the County is singling out STRs for standards that would not apply to any other residential use, including long-term leases, suggests that the County is using these provisions as a pretext to forcibly convert STRs to other uses, such as long-term rentals.

3. Aside from the discriminatory nature of this provision, the County has done nothing to model the impact of these regulations on ongoing STR operations. If the County is imposing these requirements on STRs as a mere prelude to imposing similar requirements on all other residential uses and long-term rentals at a later date, the County should disclose as much and give all owners the opportunity to assess compliance costs and a reasonable timeline for seeking to come into compliance.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D)(4) continued)

x. Bills from a hauler as proof of a minimum level of service with an authorized waste collector that is sufficient to handle the volume of garbage, recyclable materials and organic materials generated or accumulated.

Commentary:

1. The County has provided no analysis or data to support this regulation. The County has not explained whether there have been a high number of complaints regarding waste from STRs, nor any study indicating that STRs are under-served in their waste-hauling arrangements. While some individuals at the June 12 Hearing raised complaints about waste, these complaints inevitably related to a single property or operator who was not following existing rules. The solution to this is for the County to enforce its current rules. The County has not explained, however, why the current regulations and enforcement mechanisms are insufficient to address any of the situations described at the hearing.

2. Furthermore, this draft provision is vague and fails to provide an objective standard. What level of service is “sufficient”? This will apparently be entirely for the CDA to determine in its sole discretion, which will allow it to impose higher costs on STR operators than are justified. What standards are to be applied? How will the director of CDA evaluate the level of service required? Without justifications and objective standards, what will prevent the director of CDA from requiring that homeowners purchase expensive and unnecessary add-ons?

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D)(4) continued)

xi. Proof of a working landline phone, Voice Over Internet Protocol, or National Oceanic and Atmospheric Administration (NOAA) radio.

Commentary:

1. The County has not presented data showing why this provision is necessary. According to County staff, the Office of Emergency Services asked that this provision be included. But nobody has explained why it is necessary or whether there are less intrusive means to accomplish its goals.

2. The fact that this Draft Regulation is unnecessary is illustrated by the fact that STR platforms like AirBNB provide means of direct contact for the host and visitors. And, virtually all STRs offer internet service, but no visitor in 2023 would expect to find a working landline in

a rental (and if the phone rings, most visitors will not answer). VOIP services and NOAA radios may be comparatively less expensive, but will still impose recurring costs. And, most guests would not think or know how to use these services in an emergency.

3. In sum, this Draft Regulation would impose costs that are not required of any other form of residential use, nor of long-term rentals (despite there being an arguably greater need for such measures in long-term rentals), nor commercial forms of overnight visitor accommodation such as hotels, motels and campgrounds. The County should not single out STRs in this manner.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D)(4) continued)

xii. Documentation of a vehicular evacuation route from the short term rental property to an area of safety in case of an emergency, including proof that the evacuation route is posted near the door of the short term rental.

Commentary:

1. Providing emergency evacuation information is sensible, however, the County has not indicated what it would deem sufficient “documentation” or whether it would require STR operators to create such evacuation routes. If so, this will be another significant cost to operators. If, on the other hand, the County is willing to provide maps, it can be relatively simple to provide these to guests, so long as the map is appropriate for the location of the property and does not contain confusing or superfluous information (such as the location of “paper streets”). However, there is no need for the County to micro-manage where within a property such route information is posted, as it may not make sense to post the information near the main entry door.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D)(4) continued)

xiii. All short term rental applicants shall provide a self-certified building safety inspection upon permit application or renewal.

xiv. All short term rental applicants shall provide a self-certified fire-life safety inspection upon permit application or renewal.

xv. All short term rental applicants shall provide a self-certified defensible space inspection, conducted within the preceding twelve months, upon permit application or renewal.

Commentary:

1. Encouraging building safety, fire safety, and defensible spaces is not objectionable. (Indeed, the County would be wise to promote this for all residential uses.) However, some defensible space standards, if rigorously applied, would invalidate STRs in forested areas of Marin. The County should thus specify and indicate what each of these self-certifications would entail, to ensure that the checklists contain objective, ascertainable standards, and do not bake in unobtainable standards that are not justified by valid safety concerns or would make the operation of an STR prohibitively expensive relative to other forms of use.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D)(4) continued)

xvi. All short term rental applicants with properties served by a local water provider must provide water use bills. If the water use documentation demonstrates short term rental water use exceeding an average of 250 gallons per day, or a lower limit established by the local water provider, the short term rental license renewal application shall include strategies to reduce water use to below an average of 250 gallons per day during the next year. If water use is not reduced as required, the license shall not be renewed.

Commentary:

1. The County has presented no data concerning water use by STRs. Despite this lack of data, under this draft provision, the County or local water providers could impose stricter water-use requirements than would apply to any other residential use, long-term rental, or form of overnight accommodation (hotels, motels, etc.). This would be particularly unfair for properties that serve as an STR part-time and are used by the owners part-time.

2. If a local water provider were to set a lower water use cap, owners of STRs could be put to the choice of giving up their STR license or not being able to enjoy their own properties on an equal footing to other community members. The power to curtail water rights to STRs would act as a second, “stealth cap” on STRs by community. Current and former board members of local water companies such as BCPUD and IPUD have gone on record to oppose STRs, so the concern for unequal treatment is not merely hypothetical.

Summary of Commentary of Draft Section 5.41.040(D)(4) Application Requirements:

1. The detailed requirements of Section 5.41.040(D)(4) of the Draft Regulations would force STR applicants to comply with sixteen detailed requirements and various sub-requirements merely to *apply* for an STR license. Conservatively, we estimate that the minimum costs of compliance for each two-year period would range from \$1500 to \$5000 and require between 20

and 40 hours of preparation time. And there would be no guarantee that these costs would lead to a permit being issued. For certain requirements, such as bringing septic systems to current standards, compliance costs can amount to tens of thousands of dollars. The prospect that the CDA would impose additional procedural requirements or non-objective criteria could increase these requirements as well. It is thus inevitable that the Draft Regulations will dramatically increase compliance costs, drive many STRs from the market, and deter applicants from seeking to operate an STR in the first place. The STRs that remain will likely raise costs due to the lack of supply and due to the need to recoup the substantial costs imposed by the Draft Regulations. The County has not provided data justifying these new requirements, nor any estimates regarding compliance costs or the effects of implementing these regulations on the availability or price of visitor accommodations. The County thus has no basis to estimate what impact these Draft Regulations will have on visitor access to West Marin.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D) continued)

5. Public Notification. *Within five days after issuance of a short term rental license, the Community Development Agency will provide written notification to all properties within a radius of three hundred feet of the property with the short term rental.*

The notice shall indicate that the subject property will be the location of a short term rental and provide the name of the local contact person or host, the phone number and email address for the local contact person or host, and the street address of the short term rental.

Commentary:

1. We do not object to notifying neighbors of STR usage. In fact, the Regulations enacted in 2018 and 2020 provide for such notice. The County has not explained why it believes existing procedures are insufficient. Indeed, in our experience, notifying and speaking to neighbors about intended STR usage performs a salutary function, as it encourages neighbors to discuss any concerns in an up-front manner and promotes the resolution of any issues before a problem arises. The County has not explained why it would make sense for the CDA to take over this function and cut homeowners out of the process. At a minimum, this would mean increased costs for County personnel to handle this function, which costs would be passed onto homeowners. This is not a good policy.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D) continued)

6. Tenant notification of County Rules. *The owner or operator of the short term rental shall post a County-prepared information sheet inside the unit and provide the tenants with a "good neighbor" brochure, developed by the County, at the time of their arrival.*

Commentary:

1. We do not oppose notifying guests of basic information and “good neighbor” policies; in fact virtually all STR operators already do so as part of their “House Rules” on STR platforms. However, requiring that information be “posted” on a given wall or door can create an eyesore. Private homes are not the same as workplaces and lunchrooms regulated by OSHA. Further, this would be yet another discriminatory provision as there is no requirement that long-term rentals or commercial accommodations hand out “good neighbor brochures” (or any other government-prepared literature with a catchy and Orwellian name). Absent documented problems—of which the County has presented no evidence—it should be sufficient for STR operators to make relevant information available to review in a house manual (physical or online) or other location likely to be reviewed by guests without plastering it to walls and doors.

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D) continued)

7. Exterior Signage. *Each short term rental shall be identified with a single exterior sign that includes the name of the local contact person, the phone number and email address for the local contact person, and the street address of the short term rental. At a minimum, the sign shall be posted while the unit is being used as a short term rental. The sign shall be made of durable materials and securely placed in the front of the property or unit (where there are multiple units on the property), at a height of three to five feet as measured from the top of the sign to grade, in such a way that it is readily visible to the public.*

Commentary:

1. The County has, once more, not explained or presented data showing that fixed exterior signage is necessary. This provision would, at a minimum, impose additional compliance costs and create an eyesore.

2. The unintended consequences of this Draft Regulation will invite property damage, create security issues, and negatively impact our neighborhoods. When not occupied by the homeowner or rented as an STR, these homes are empty. Once identified as an STR home beyond the immediate neighbors, the larger public will know when the home is empty. A sign, or in this case, the temporary absence of a sign when guests are not on-site, will notify the public

that the home is likely empty, which will invite vandalism and theft. As a consequence of the County's action, property will be exposed to vandalism and squatting. Is the County prepared to take responsibility for the property damage due to the Board's action? Is the Sheriff's Department prepared for more calls to their office and more property inspections?

3. In addition, streetside signage will visually harm the neighborhood aesthetic of our rural community. A sign, visible from the street, changes the look and feel of a community. There is a reason that the Board of Supervisors did not support this effort in early 2018 when considering prior STR regulations. Communities reject the visual degradations of the landscape. Why is the County trying once again to lower the aesthetic quality of our neighborhoods in West Marin?

4. Under County Ordinance No. 3695, STR hosts are required to notify their neighbors of the permit, and to provide personal contact information and hotline information. The Draft Regulations likewise provide for written notification to all neighbors. Why is the county requiring so much redundancy and in a manner that will have a negative impact on property and the neighborhood?

Draft text:

5.41.040 Short Term Rental Licenses (subpart (D) continued)

8. Requirements for Advertisements. *All permitted short term rentals shall include the following information in any online or printed advertisement:*

i. Valid Marin County short term rental license number.

ii. All permitted parking locations and the quantity of vehicles that fit on said locations.

iii. Further information where applicable as specified in the administrative procedures, such as water use restrictions.

Commentary:

1. The County has not provided a reason or data to support the need for minutely specifying the contents of STR advertisements. Posting one's STR license number to all online forums could invite phishing and data and identity theft. There is likewise no reason to require that all listings include parking locations and number of vehicles. Indeed, posting a property diagram and the precise location of the property and parking spaces *prior* to booking creates a security risk for vandalism and break-ins. A bad actor could peruse listings, identify all STR properties in a neighborhood, and then if any of the designated parking spaces are empty, identify an STR home as unoccupied and a prime target for vandalism, break-ins, or squatting.

This is why STR platforms do not provide exact address information until after booking. This Draft Regulation would undermine this essential security feature.

2. Finally, the “catch-all” provision requiring the inclusion of any information specified in yet-to-be-drafted “administrative procedures” invites further micromanagement from the CDA with no democratic review or accountability and no due process. Failure to post any of the existing or yet-to-be-released required pieces of information (even those announced after an STR license was issued) could lead to immediate suspension or revocation of the STR license with no recourse for the homeowner.

Draft text:

5.41.040 Short Term Rental Licenses

E. License for Hosted Short Term Rental. *The host of a hosted short term rental can be either the property owner or a long term tenant of the property. The property must be the primary residence of the host. To prove that the hosted short term rental is the primary residence of the host, the host must provide at least three of the following five types of documents at the time of initial application and renewal application: motor vehicle registration; driver’s license; voter registration; a utility bill sent to the subject property; tax documents showing the property as the property owner’s primary residence for the purposes of a homeowner’s tax exemption; a lease showing that a host other than the property owner is renting a unit on the property on a long term basis.*

Commentary:

1. The County has not presented any explanation as to why it now seeks to restrict “hosted” STRs to a host’s primary residence. A host may have a primary residence elsewhere for valid reasons but still wish to occasionally rent out a portion of their home when they are present. Conversely, someone may have a primary residence in West Marin but not have all of the documentation the County demands to prove it (for instance, because mail service in rural areas requires renting a P.O. Box). Requiring burdensome documentation to qualify as a “hosted” STR will further reduce the number of lodging options for visitors.

Draft text:

5.41.040 Short Term Rental Licenses

F. License for Unhosted Short Term Rental. *A license for a unhosted short term rental shall be issued with no requirement for an onsite host, but a local contact person meeting the requirements specified in the administrative procedures shall be identified.*

Commentary:

1. Requiring a local contact person is not objectionable, and the current regulations already provide for this. The County has not specified what “requirements” it intends to impose in further administrative procedures, and whether these would differ in any regard from current requirements. As noted above, we are concerned by the County’s effort to delegate so many of the details that may be determinative of whether an STR can continue operating to the non-democratically accountable discretion of the CDA.

Draft text:

5.41.040 Short Term Rental Licenses

G. License Issuance. *A Short Term Rental license will be issued on a ministerial basis by the Community Development Agency based on a review of whether the Short Term Rental would satisfy all the applicable requirements. Licenses can be issued with conditions ensuring compliance with the applicable requirements.*

Commentary:

1. As noted above, the criteria and standards for STR licenses are not sufficiently objective. The prospect of further administrative regulations only exacerbates this. This will not allow for ministerial review of applications and issuance of STR licenses on a predictable basis, and thus will deter individuals from applying in the first place.

Draft text:

5.41.040 Short Term Rental Licenses

H. License Term and Renewal.

1. A short term rental license issued under this Chapter shall expire immediately and automatically two years from the date of license issuance, unless revoked earlier. The license authorizes the property owner to conduct only such services as is described in this Chapter and in accordance with the terms and conditions of the license.

2. A short term rental license renewal application for an existing short term rental license must be submitted at least sixty days prior to the expiration date of the license. Upon timely submittal of a renewal application, the license will remain effective until such time the license renewal application is approved or denied.

3. Failure to submit a timely application for a renewal of an existing short term rental license shall result in that license not being renewed. In locations where there is a cap on the number of unhosted short term rentals, an unrenewed license will not be reinstated

to the property owner unless there are available licenses within the cap. A property owner who fails to renew a license may join the wait list for the next available license under the cap.

4. Once a license expires, a new license is required to operate the short term rental. Renewals can only be issued for an existing license, and in compliance with this section. Conversion from a hosted to an unhosted short term rental shall require a new license. The administrative procedures issued by the Community Development Agency pursuant to this chapter may describe modifications to short term rental operations that are eligible for consideration within a license renewal.

5. A short term rental license renewal application shall be denied if there have been more than two verified substantial violations of this Chapter or of the administrative procedures related to the short term rental during the previous two year license period. Substantial violations are violations for which a complaint has been received and a code enforcement case opened with an investigation verifying the existence of the violation.

Commentary:

1. As discussed above, a provision causing for the automatic and immediate expiration of STR licenses after two years is a fundamental change in land-use law and contrary to the Local Coastal Program and its policies. In allowing the CDA to specify additional “terms and conditions” of a license on pain of non-renewal, this provision also allows the CDA to further constrain STR operations in a manner that would not pass muster by the Coastal Commission, evading the requirements of the Coastal Act.

2. Further, requiring renewal applications to be submitted at least 60 days *prior to* expiration creates a trap for the unwary that will lead to unwitting forfeiture of STR licenses, and will require that any delayed application go to the back of the line for purposes of waitlists and complete an entirely new application (with the costs and delays this entails). Further, if the renewal application is submitted 60 days prior to expiry but immediately denied, under the wording of this draft Regulation, the STR license would terminate prematurely. These are all highly unfair outcomes.

3. Furthermore, this Draft Regulation allows for the CDA to implement additional regulations limiting what can be done in the context of a permit renewal, all without democratic accountability.

4. Finally, the Draft Regulation states that the County “shall” deny a renewal application if there are “more than two” violations. This is ambiguous—is it two strikes and you’re out, or is it three? Further, while the Draft Regulation uses the term “substantial,” this term is defined to mean *anything* for which a complaint is received and a code compliance case opened with an investigation finding the existence of a violation. Thus, any technicality could lead to a strike, such as lettering on a sign being too small or trash cans left out for an extra day after pick-up.

There is no provision allowing for administrative review or appeal of these findings, which is a step backward from the current STR regulations that do provide such due process rights.

Draft text:

5.41.040 Short Term Rental Licenses

I. License Fee.

i. Each short term rental license or renewal application shall be accompanied by the applicable short term rental license fee.

ii. The fee schedule shall be established by resolution of the Board of Supervisors following a public hearing. Said fee schedule may be adjusted by resolution of the Board following a public hearing. Permits and fees required are non-refundable and are in addition to any license, permit, certificate or fee required by any other chapter of the Marin County Code or other applicable law.

Commentary:

1. The County has not specified or estimated what fee schedule would be required to cover the administration and enforcement of the September 2023 Draft Regulations. Currently the fee is \$20. County Staff has indicated that the new fee structure would have to be *substantial* to cover all the new requirements. This is obvious from the scope of the new Draft Regulations. The County should be asked what its estimated costs of administration would be, and how many employees would need to be hired in order to fully implement the Draft Regulations and the planned administrative procedures.

2. Furthermore, the fact that these fees would be required over and above the substantial compliance costs noted above, and would be non-refundable even if an application is rejected, will serve as yet another deterrent to individuals applying for or renewing their STR licenses. The costs of application and compliance will inevitably be baked into STR rates, driving up costs for visitors and thus shutting out guests of less fortunate socioeconomic status. The County should provide estimates as to how many STRs will cease operating due to these substantial burdens and costs, and how costs will rise for those that do remain.

3. Finally, STRs already remit 14% transient occupancy tax. The vast majority of the tax revenues (a base occupancy tax of 10%) flow directly to the County's general fund, amounting to millions of dollars per year. Because the County already receives substantial revenues from STRs, it is deeply unfair to impose *additional*, substantial fees on top of this simply to pay for the punitive framework in the Draft Regulations to administer the continued licensure and operation of STRs.

5. Chapter 5.41.050 – Short Term Rental Property Standards

Draft text:

5.41.050 Short Term Rental Property Standards

A. Undeveloped Properties. *A property where there is no existing legal residential unit is not eligible for a short term rental license.*

B. Restricted Structures. *A short term rental is not allowed in any of the following:*

- 1. A structure subject to a recorded governmental restriction, including covenants or agreements for an affordable housing unit, agricultural employee unit, farmworker housing.*
- 2. An accessory dwelling unit or junior accessory dwelling unit.*
- 3. A multi-family dwelling or condominium unit.*
- 4. Non-residential areas within buildings, such as storage areas, and living/sleeping quarters added in garages.*
- 5. Recreation vehicles (RVs), including non-motorized travel trailers.*
- 6. Other structures without permanent foundations, including but not limited to tipis/teepees, yurts, tents, and treehouses.*

Commentary:

1. Visitors like variety. Stays that may be suitable or even sought out for short-term stays may not be suitable as long-term housing, such as treehouses, “glamping,” stays in yurts, etc. These unconventional options can be some of the most memorable, fun and cost-effective ways to visit a region. Why is the County proposing to eliminate these when these eclectic options and structures would not be used for long-term or permanent housing? Won’t eliminating these vacation housing options put more pressure on other housing throughout the county?

2. In addition to not being suitable as long-term housing, options that include RV, tent, or “glamping” experiences are the most affordable short term rental opportunities for tourists. The restriction of such STR opportunities thus appears to be directly targeted at reducing the opportunities for lower-income people to enjoy the public coast. There is a severe limitation of available campsites in the many parks in West Marin. Over time, the availability of such low-cost options has *decreased* due to limits imposed at popular visitor destinations like Lawson’s Landing and the closure of the campground at Tomales Bay State Park. And, throughout this time, the regional, state and national populations have grown. By banning STR hosts from

providing campsites, RVs sites and yurts for travelers, lower-income travelers will be unable to access public park recreation in the numbers that currently enjoy them. Moreover, such a ban may have the unintended consequence of dramatically increasing the incidence of car camping in roadside pullouts or encampments on public lands and right of way in the environmentally sensitive areas impacted by the regulations—an activity which would actually worsen the sanitary and refuse issues the Draft Regulations claim to address.

3. The County has shown no data or health and safety basis for this punitive proposal. And, doing this would clearly remove options from the STR market that indisputably do not conflict with long-term housing goals. Restrictions based on governmental rules, restrictive covenants and the like make sense, but by quashing any and all creative and non-conventional options, the County would be throwing out the baby with the bathwater and reducing economical visitor accommodations.

Draft text:

5.41.050 Short Term Rental Property Standards (continued)

C. One Short Term Rental Per Property. *Only one short term rental is allowed per property. If a property contains both a main dwelling and an accessory dwelling unit, only the main dwelling unit may be rented on a short-term basis.*

Commentary:

1. The Draft Regulation does not define “property,” in this provision or in the definitions. Does it refer to a parcel? Any structure with one or more dwelling units? Any home and set of structures adjoining one another, even if spanning multiple parcels? Depending on what definition is applied, the results could be drastically different.

2. More perniciously, this Draft Regulation would outlaw traditional STRs that have operated for decades in the form of guest cottages, in-law units and the like. It would especially target homeowners, including many senior residents, who count on the income these units bring in to allow them to stay in their homes. By forcing these residents to rent their main home or nothing at all on the STR market, this Draft Regulation would undermine one’s sense of home and economic security.

3. Legally, the Draft Regulation is contrary to policy C-HS-6 of the LUP, which provides for the ongoing “Short-Term Rental of **Primary or Second Units.**” Nothing in the LCP or LUP permits the County to *eliminate* second units as a source of STRs and only permit them in primary units. This Draft Regulation will thus be voided by the Coastal Commission and/or challenged via litigation.

4. Furthermore, visitors rely on guest cottages and in-law units as some of the more economical STR options. Forcing visitors to only rent a main house that is larger than they need will exclude visitors of more modest means, harming the diversity of visitors to the region.

5. It appears that the County's intent with this provision is, once again, not to promote health and safety or "good neighbor" policies, but instead to force owners of in-law units to convert these into long-term rentals. But individuals should not be conscripted into becoming long-term renters against their will (especially given the County's just-cause eviction laws). Further, many individuals host family members and friends in their guest accommodations during part of the year and have STR guests at other times. Having a long-term tenant would make it impossible to host friends and family in this manner.

Draft text:

5.41.050 Short Term Rental Property Standards (continued)

D. Short Term Rental Parking Requirements. *Parking spaces must be provided for properties with short term rentals as follows:*

1. Two onsite parking spaces must be provided while the property is in use as a short term rental, with at least one of the parking spaces reserved for guests of a hosted short term rental and two reserved for guests of an unhosted short term rental.

2. Parking for short term rentals shall comply with Marin County Code Section 24.04.380 (Dimensional Standards), as verified by the Department of Public Works.

Commentary:

1. With this provision, the County has proposed yet another solution in search of a problem. As discussed above, the County has presented no data concerning parking conflicts in need of fixing or dedicated "onsite" parking and would be enacting a far more stringent requirement than applied anywhere else in the region. The County also has not explained the need for a minimum of two dedicated parking spots for any unhosted STR, no matter if it only accommodates 1 or 2 guests, and no matter if there is ample on-street parking that does not impede emergency access. Requiring compliance with "Dimensional Standards" and verification from the Department of Public Works will create more make-work and costs for STRs, the vast majority of whom have never had any parking-related conflicts.

Draft text:

5.41.050 Short Term Rental Property Standards (continued)

E. Noise. *The property owner is responsible for ensuring any and all guests of a short term rental comply with the standards of Section 6.70.030 (Loud and Unnecessary Noises).*

Commentary:

1. While we agree that STRs should be good neighbors, the County has not presented data showing that the current noise and good neighbor provisions are inadequate. Further, it is not clear what is intended with the statement that a “property owner is responsible” for ensuring compliance, especially when the property is managed by a local designee. Does this mean the County intends to impose vicarious liability, and cite and fine owners of properties if there is a single noise violation by an STR guest? Is this the enforcement that would be executed if the complaint is from noise created by a permanent resident or a long-term rental? Why target STR owners?

Draft text:

5.41.050 Short Term Rental Property Standards (continued)

F. Solid Waste.

1. With the exception of waste properly deposited in and fully contained within collection containers with secure lids, accumulation of solid waste outside of the short term rental at any time is prohibited. No collection container other than those consistent with Chapter 7.00 (Solid Waste, Collection, Diversion and Disposal) shall be placed or kept in or on any public street, sidewalk, footpath, or any public place whatsoever, but shall be maintained on the property, except as may be provided for removing and emptying by the authorized collector on the day and in the location designated for collection.

2. The property owner is responsible for ensuring that short term renters comply with Chapter 7.00 (Solid Waste Collection, Diversion, and Disposal).

3. A minimum service level per short term rental per week must be maintained for unhosted short term rentals. If the Agency Director determines the minimum service level is insufficient to accommodate all waste (including garbage, recyclable materials, and organic materials) generated by the short term rental, the property owner shall arrange for a higher level of service which will accommodate all waste generated by the short term rental.

Commentary:

1. The County has presented no data that STRs have created garbage problems in need of addressing through this draft provision. And, it is a long-standing pattern for West Marin homeowners to leave their garbage can on the street for a day or two before and after collection day. Now, however, the County apparently is singling out STR operators for scrutiny if their cans are streetside on any other day of the week. If minutely regulating trash can placement, or prohibiting placement of any trash near a home, is necessary to preserving community aesthetics, why not require it of all residential uses?

2. Further, as noted above, it is unclear what the County intends with the statement that the “property owner is responsible for” ensuring compliance. Imposing vicarious liability for a single misplaced trash can is unfair.

3. Finally, there has been no showing that the CDA Director actually needs to supervise and dictate the service level subscribed to by unhosted STRs. This is yet another instance of the County seeking to micro-manage and raise the costs of STR operations without a valid basis.

Draft text:

5.41.050 Short Term Rental Property Standards (continued)

G. Municipal Services. *The short term rental property shall have adequate water and sewer connections and shall be served by local utility agencies for water and sewer service wherever such utilities are provided.*

1. In the event that the short term rental is served by a private water supply (well or spring), the property owner will need to possess a domestic water supply permit from the Marin Community Development Agency Environmental Health Services Division or other appropriate public agency and prove potability with a current bacteriological test.

2. In the event that the short term rental is served by a private sewage disposal system, then that system must be documented as legal with the Community Development Agency Environmental Health Services Division or other appropriate public agency, shall be inspected for proper operation by an approved licensed professional, and shall be sized appropriately for the short term rental and any other combined use.

Commentary:

1. This Draft Regulation provides no objective criteria for what it means to have “adequate water and sewer connections.” This appears to be another instance in which the CDA

will have unfettered discretion to reject a property based on unstated grounds and non-objective criteria.

2. Further, the County has not shown why it makes sense to mandate that STRs connect to municipal water and sewer service where available. If an STR is currently on a self-sufficient septic system or well water system, why require it to connect to municipal services and provide greater strain on limited resources?

3. Above, we discuss the burdens of compliance with other water and sewer requirements. In short, these would impose tens of thousands of dollars in costs on properties that were legal when constructed and pose no current health and safety risks. The County has shown no data justifying the imposition of these additional costs and burdens on STRs alone. The effect will be to drive STRs off the market and reduce visitor access.

Draft text:

5.41.050 Short Term Rental Property Standards (continued)

H. Emergency Preparedness.

1. Visible Address. Each short term rental shall have an address identification. The address identification must be maintained and shall be legible, measuring no less than 4 inches in height with a 3/8 inch stroke, and placed in a position that is visible from the street or road fronting the property. Whenever the address on the short term rental will not be clearly visible from the street or access road fronting the property, the address shall also be placed at the public street or access road in a manner which is clearly visible from both directions of travel on the frontage road or street.

2. Smoke Alarms. Smoke alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed in each bedroom, and at least one alarm on every level of the short term rental, including basements and habitable attics.

3. Carbon Monoxide Alarms. Carbon monoxide alarms, in good working order, shall be installed in accordance with the California Building Code and at a minimum shall be installed outside each bedroom, on every level of the rental unit, including basements and habitable attics, and bedrooms or attached bathrooms with a fuelburning appliance, and shall be installed in accordance with the manufacturer's installation instructions.

4. Fire Extinguisher. Each short term rental shall be equipped with one five-pound fire extinguisher, type 3-A:40-B:C, installed at a readily available location near the kitchen. If the short term rental has more than one level, an extinguisher must be mounted within each level. Fire extinguishers shall be inspected annually by a certified professional to ensure the extinguishers are in good working order.

5. Emergency Communications. *Each short term rental shall contain at least one working landline phone, Voice Over Internet Protocol (VOIP), or a National Oceanic and Atmospheric Administration (NOAA) radio as a means of receiving emergency communications. Locations with a working landline and/or VOIP should have the direct phone number and address listed near the device. If NOAA radios are employed, a set of direction for use of the radio shall be accessible.*

6. Evacuation Routes. *The short term rental owner or operator must provide vehicular evacuation route maps, provided by Fire Safe Marin or the County of Marin, for the rental area. Evacuation routes must be posted near the front door, with a QR code or link to the County's online evacuation map, of the short term rental. Further, a vehicular evacuation routes map must be provided as a handout so guests can take the map with them in the case of an emergency.*

Commentary:

We agree that protecting the safety of guests is paramount. Aside from this being the right thing to do, guests expect safety equipment and procedures to be in place, and insurance companies often require it. Yet the County's Draft Regulations go far beyond common-sense measures. Concerns include:

1. The County has presented no data or analysis showing that STRs are in need of the minute and redundant provisions set forth above, including landlines or VOIP services that are not found even in many commercial establishments. By dictating standards down to the size and positioning of address signs, the County is harming the aesthetic value of the neighborhood and arrogating control in a manner that will increase burden and cost without a demonstrable nexus to safety. Enforcing such regulations will also take substantial County resources. Will an employee of the CDA visit every STR with a ruler to measure the height and stroke of street signage?

2. The mandates for precise placements and annual inspections of multiple fire extinguishers "by a certified professional," will raise costs and create more compliance traps that can lead to the suspension or loss of an STR license. Will local fire departments visit each STR to certify the location and working order of fire extinguishers each year? Why the one-size-fits-all requirement which is untethered from heat or ignition sources? And why require fire extinguishers on floors that only contain a bedroom and no appliances? Why is the County seeking to impose fire standards that are far higher than state-wide standards? Why is this proposal being directed at STRs but no other form of residential use (including long-term rentals, where tenants occupy the premises year-round) or commercial lodgings? By singling out STRs, the County once again reflects a discriminatory animus behind these Draft Regulations.

3. Dictating the placement of evacuation maps is unnecessary and potentially counterproductive. If there is a more logical place and means to alert guests to such routes and procedures, the County would now bar STR operators from doing so.

Draft text:

5.41.050 Short Term Rental Property Standards (continued)

I. Construction Requiring a Building Permit. *Short term rentals shall not be rented while the building they are in is undergoing any form of construction that requires a building permit.*

J. Code Enforcement Cases. *Short term rentals shall not be rented while a code enforcement case is open on the property.*

K. Special Events. *Weddings, corporate events, commercial functions, and any other similar events shall not be held on a property with a short term rental license.*

Commentary:

1. The County has presented no justification for these three draft provisions. Where construction or repairs are ongoing that will affect the habitability of an STR, it makes sense for no rentals to take place—indeed, most owners would never book an STR rental during such periods. However, the Draft Regulation above goes far further and precludes any rentals if any part of a larger building is undergoing any work involving a permit. In the instance of a main house with an attached ADU, minor construction (*e.g.*, a bathroom renovation) may be going on in a part of the structure that is completely separated from the ADU and have no bearing on the safety or habitability of that unit. The County has no justification for banning STR usage elsewhere on the property. Indeed, this appears to be another punitive rule designed to limit STR operations. It is especially backward as it will disincentive homeowners to make repairs to their properties (or to avoid seeking permits for repairs). Were the County to propose a rule that no *long-term* rentals could take place while any building permit was active anywhere in the building, one would expect vociferous protests from housing advocates about how retrograde such a policy would be. It is no less so for having been proposed for STRs.

2. Separately, that a “code enforcement case” is open is not grounds to suspend STR usage absent a clear, documented threat to the health and safety of guests or the neighborhood. If this rule were to go into effect, a code enforcement case could be opened for the most picayune matter—a one-time noise complaint, a garbage can raided by raccoons, street signage less than 4” in height, or even nothing at all if a vindictive neighbor calls in a baseless complaint—and immediately cut off STR rights until the County closes the case. This “guilty until proven innocent” approach makes no sense and would deprive homeowners of any semblance of due process rights.

3. Finally, by proposing to bar any kind of use of the entire “property with a short term rental license” for any “weddings, corporate events, commercial functions, and any other similar events,” the County would unduly restrict the use of entire properties (and not just the STR unit).

Some properties have multiple facilities onsite and are well-equipped to host such events and STRs at the same time or at different times without any adverse impact on the neighborhood. Requiring such properties to forfeit an STR license in order to host any such events is punitive and unfair. Further, the language “any other similar events” is vague and would give the County arbitrary power to decide that, for instance, a family reunion or birthday party ran afoul of this provision and should lead to the forfeiture of an STR license.

Draft text:

5.41.050 Short Term Rental Property Standards (continued)

L. Local Contact Person Responsibilities. *A short term rental licensee must identify a local contact person for every unhosted short term rental. The local contact person shall respond to any complaint received regarding the conduct of the short term rental guests or the condition or operation of the short term rental and take any necessary remedial action to resolve violations of Marin County Code requirements in a timely manner. The short term rental licensee is responsible for the local contact person’s compliance with all provisions of this Chapter.*

M. Host Responsibilities. *A short term rental licensee must identify a host for every short term rental that is not an unhosted short term rental. A host shall be on the premises between the hours of 10 PM and 5 AM every night when the short term rental is rented. The host shall respond to any complaint received regarding the conduct of the short term rental guests or the condition or operation of the short term rental and take any necessary remedial action to resolve violations of Marin County Code requirements in a timely manner. The short term rental licensee is responsible for the host’s compliance with all provisions of this Chapter.*

Commentary:

1. The County has not explained or presented data showing that current local contact person standards are inadequate. And, it is unclear what is intended with the provision that the licensee is “responsible for” the contact person’s compliance. Does the County intend to hold licensees strictly and vicariously liable for any action or inaction by the local contact person? Thus, once more, the County has proposed a Draft Regulation that is unnecessary and would inject further uncertainty into the operation of STRs.

2. The County’s proposed “house arrest” Regulation for hosts is especially baffling, unnecessary and, frankly, creepy. The essence of a hosted STR, even under the County’s proposed definition, is that a host shares a part of their own living space with a guest. Doing so makes efficient use of the space without having a living unit being solely dedicated to STR usage. There is no reason why a host should also have to be present during the STR rental, much less onsite overnight for specified hours any and every time a guest is present. The host is not a chaperone or a butler, and most guests would prefer to have the feeling of privacy that comes

with *less* interaction with a host, not more. The rule is thus bizarre and unnecessary at a minimum, and likely unenforceable absent extraordinary measure, thus making it of questionable constitutionality. Will the CDA's administrative regulations next require hosts to wear an ankle tracker to verify that they were home at the specified hours?

3. The same comments above regarding the vagueness of assigning the licensee host "responsibility" for host compliance apply here as well. Is the County intending that the licensee will monitor the host's nightly activities, and make the licensee vicariously liable for any actions by the host?

6. Chapter 5.41.060 – Caps on the Number of Unhosted Short Term Rental Licenses

Draft text:

5.41.060 Caps on the Number of Unhosted Short Term Rental Licenses

The number of short term rental licenses for unhosted short term rentals shall be capped at the limits indicated below. Limits are based on the geographic areas in Marin County’s unincorporated jurisdiction shown on that certain map entitled “Townships of the County of Marin” kept on file by the Marin County Community Development Agency.

Table 1 – Short Term Rental Caps

Township	Initial Number of Unhosted Short Term Rentals	Ultimate Number of Unhosted Short Term Rentals	Reduction in Rentals / Percentage³¹
Bolinas	63	54	9 units / 14%
Dillon Beach	125	110	15 units / 12%
Forest Knolls	8	8	0 units / 0%
Inverness	93	86	7 units / 7.5%
Lagunitas	6	4	2 units / 33%
Marshall	28	27	1 unit / 3.6%
Muir Beach	20	19	1 unit / 5%
Nicasio	11	8	3 units / 27%
Olema	3	3	0 units / 0%
Petaluma	6	6	0 units / 0%
Point Reyes Station	32	26	6 units / 19%
San Geronimo	10	7	3 units / 30%
Stinson Beach	192	174	18 units / 9.4%
Tomales	12	11	1 unit / 8.3%
Woodacre	12	8	4 units / 33%
TOTALS³²	621	551	70 units / 11.3%

The “Initial Number of Unhosted Short Term Rentals” referenced above in Table 1 establishes the number of licenses available for issuance for the valid applications submitted before July 1, 2025 (first round licenses).

First round licenses may be renewed. However, subsequent to these first round licenses being issued, the number of new licenses being issued shall decrease to the “Ultimate Number of Unhosted Short Term Rentals” established in Table 1. The cap on the

³¹ This column added by WMAC for purposes of analysis.

³² This row added by WMAC for purposes of analysis.

ultimate number of short term rental licenses in each township shall be eventually achieved as license applications or renewals decline over time.

Commentary:

1. With this Draft Regulation, the County’s overt purpose in reducing visitor access to the Coast is on full display. The County has presented no data or analysis to support either the village-level proposed reductions or the aggregate proposed reduction of 70 units in West Marin. The County has presented no data concerning the impacts of this Draft Regulations on visitors, the local economy, or resources. The County has presented no data or analysis showing that the reductions in STRs shown above will have any impact whatsoever on the availability or affordability of long-term housing. The County has no justification whatsoever for the proposals above.

2. Contrary to the provisions of the LCP and LUP, which require the County to “[p]rotect and retain existing lower cost visitor and recreational facilities,” and expressly “[p]rohibit conversion of an existing lower-cost overnight facility unless replaced in kind” (C-PK-7 of the LUP), the caps would mandate the removal of one in every 11 STRs in unincorporated West Marin. Indeed, the greatest reductions in STRs are proposed for the Coastal Zone (58 out of 70 eliminated STRs, or 83% of the overall reduction). The proposed reductions would directly target some of the most sought-after communities among visitors (Bolin, Dillon Beach, Inverness, Pt. Reyes Station, Stinson Beach) without providing any equivalent replacement options in kind, as mandated by the LUP. Stripping away economical visitor options from the Coastal Zone and popular visitor destinations adjacent to these communities is backward and illegal. This would represent the single greatest loss in public access to the Coast in the history of Marin County, if not the entire state of California.

3. Moreover, if adopted, the Draft Regulations would treat similarly situated communities in an unequal fashion. Some of the most popular communities among visitors, such as Dillon Beach and Stinson Beach, are slated for significant reductions in visitor access, while others are slated for a comparatively smaller reduction (Inverness, Marshall) or no changes at all (Olema). Adjacent communities will see disparate impacts. For instance, three of the four communities in the San Geronimo Valley (Lagunitas, San Geronimo, Woodacre) would each see reductions of 30% or more, whereas Forest Knolls would see no change at all. This is a bizarre and non-sensical result.

4. Furthermore, by comparing the caps to the parcel numbers provided in a prior County Staff Report³³, one can see that the percentages of parcels in various communities that can be used as STRs will vary wildly. Under the proposed caps, some communities would see STRs as a percentage of parcels with developed living units in the low or mid-single digits:

³³ Staff Report to the Marin County Planning Commission for June 12, 2023 Hearing, available at: https://marin.granicus.com/MetaViewer.php?view_id=3&clip_id=11854&meta_id=1268019.

Lagunitas: 4 / 282 parcels, or **1.4%**
Woodacre: 8 / 578 parcels, or **1.4%**
Pt. Reyes Station: 26 / 350 parcels, or **7.4%**
Bolinas: 54 / 624 parcels, or **8.7%**

On the other hand, other communities would see dramatically different percentages of parcels with living units permitted to operate as STRs:

Dillon Beach: 110 / 408 parcels, or **27%**
Stinson Beach: 174 / 704 parcels, or **25%**
Marshall: 27 / 110 parcels, or **25%**

These disparate results are not the result of any kind of community input or deliberative process. They do not take into account any public health and safety factors or environmental concerns, nor patterns of visitors in each community. They instead simply reflect the status quo of how many parcels happened to be registered as STRs prior to the County's announcement of a potential moratorium. In other words, the County has done no data-driven analysis of visitor or resident needs in any of the communities in question. The County is instead proposing to turn back the clock and lock in STR limits based on the happenstance of how many TOT licenses were in place by community at a discrete point in the past. And, the caps forbid the elimination of an STR in one community (*e.g.*, Olema) being replaced by a new STR in an adjacent community (*e.g.*, Pt. Reyes Station). The absurdity of this approach is on display with the proposal to permanently lock in ten to fifteen-fold disparities from community to community. This is arbitrary, unfair and exclusionary.

5. The Community boundaries are unclear. We have been unable to locate online the map referenced in this Draft Regulation, titled *Townships of the County of Marin*. We thus cannot review whether the line-drawing between unincorporated townships is clear enough to delineate parcels or tracks communities' traditional boundaries. Requiring potential applicants to visit the CDA in person simply to know which "township" and set of caps their property would fall under adds further to the compliance burden of the Draft Regulations. Some owners might be surprised to learn that their property is classified in a township other than the one they feel most closely connected to.

6. More troublingly, it appears that by proposing a framework with strict caps and reductions over time, the County is trying to turn back the clock to, and permanently enshrine, the number of STRs in place prior to the County's announcement of a moratorium in early 2022. This does not represent a reasoned basis on which to project visitor needs going forward; it instead pretends that visitor needs and demands are static for all times. It creates a permanent moratorium, exactly what the County said the Coastal Commission would not permit by overt means. This will exclude visitors, especially those of lower economic means and those from diverse communities.

7. Studies have estimated that every \$65,000 spent on STRs creates a local job through direct and indirect economic activity.³⁴ By this estimate, STRs in West Marin support well over 100 local jobs. The County’s proposed reduced caps will lead to anywhere from ten to dozens of lost jobs in the very communities the County claims it is trying to help.

8. Similarly, a loss of STRs will reduce TOT revenues for the County, and Measure W revenues that are dedicated to affordable housing and fire safety. If the County is permitted to reduce the number of STRs by 11.3% as proposed, we conservatively estimate that this would lead to the loss in the following five years of nearly \$3 million in TOT funding, and nearly \$1 million in Measure W funding. The County has no plan to replace this lost revenue. This will indisputably make it harder to achieve housing and fire safety goals. The County’s actions reflect a mindset that it needs to destroy the community in order to save the community.

7. Chapter 5.41.070 – Violations

Draft text:

5.41.070 Violations

Any violation of the provisions in this Chapter shall be enforced through any legal remedies available to correct and/or abate a nuisance or violation of the Marin County Code, as provided in Marin County Code Chapters 1.05 (Nuisance Abatement), 1.06 (Recordation of Notice of Violation), and 1.07 (Imposition of Administrative Fines for Ordinance Violations) as they pertain to violations related to real property.

Short term rental licenses may be suspended or revoked if the licensee fails to meet the standards set forth in this Chapter and/or the requirements of the license. Short term rental licenses shall not be renewed if there have been more than two verified violations of the standards or administrative procedures during the previous two-year licensing period.

Commentary:

1. As discussed at several points above, the Draft Regulations provide no modicum of due process, no right to an independent hearing officer, and no right to appeal. By allowing the CDA to revoke property rights without notice or an opportunity to be heard, the County would be subjecting itself to due process claims and takings-related litigation.

³⁴ Milken Institute, *Staying Power: The Effects of Short-Term Rentals on California’s Tourism Economy and Housing Affordability*, available at: https://milkeninstitute.org/sites/default/files/2022-05/Short_Term_Rentals_California.pdf.

2. Furthermore, the Draft Regulation requiring revocation or non-renewal for “more than two verified violations of the standards or administrative procedures during the previous two-year licensing period” makes no sense. First of all, the standard is vague—does it require two or three violations? Second, there is no distinction between a minor and a major violation. Shutting down rentals over foot faults and trivial but fixable areas of non-compliance is punitive and unfair. Third, by referring to yet-to-be-drafted “administrative procedures,” the CDA would be giving itself power to cause licenses to be forfeited based on standards that do not exist currently. Finally, if an STR encounters a handful of issues at the beginning of a two-year period, but then fixes them all and sees no more violations for the duration of the period, the CDA would nevertheless be *required* to deny a renewal permit. Giving STR operators no opportunity or incentive to improve their performance simply makes no sense as a matter of policy.

8. Chapter 5.41.080 – Definitions

Draft text:

5.41.080 Definitions

Terms used in this Chapter are defined below, or when undefined below are subject to the definitions in Marin County Code Titles 20 and 22.

Commentary: Title 20 is an interim portion of the code, and there are two versions of Title 22. The Draft Regulations should specify which Titles the definitions will be adopted from. Further, in omitting the Local Coastal Program and its various policies and definitions, the Draft Regulations would seemingly omit numerous relevant definitions and policies that apply to properties in the Coastal Zone. At a minimum, this creates the potential for ambiguous and conflicting regulatory standards.

Agency Director: The Marin County Community Development Agency Director or their designee.

Commentary: By allowing the CDA to appoint a delegee to administer the Draft Regulations, the County would be further shielding administration from democratic accountability.

Change of ownership: A change in ownership of the property as defined in California Revenue and Taxation Code section 60 et seq., or its successor.

Commentary: See comments above about the unfair consequences for allowing any change in ownership or “the beneficial use thereof” (Cal. Rev. & Taxation Code § 60) to cause the immediate loss of an STR license, potentially causing a surviving spouse to lose their home, or many other entirely foreseeable hardships that further no rational policy goal.

Guest or Guests: The individual(s) occupying the short term rental for the purpose of overnight lodging, including any individual(s) invited to a short term rental by those occupying the unit for the purposed of overnight lodging.

Commentary: This definition, as written, would encompass not only paying guests but also family members and non-paying invitees. It would give the County the ability to regulate any use of an STR property, even when used solely for personal purposes by the owner.

Host: A host is a person identified by a short term rental licensee to reside at the property at which a short term rental is located.

Commentary: By requiring a host to reside “at the property” during specified hours of an STR stay via the “house arrest” rule, the Draft Regulations would create burdensome and unnecessary requirements that will make for a worse visitor experience, all with no policy justification.

Hosted Short Term Rental: A short term rental that is the primary residence of a host, or that is located on the same property as the short term rental to which the host’s role relates.

Commentary: This definition states a test in the disjunctive, making vague what the County would consider to be a bona fide hosted STR. The phrase “to which the host’s role relates” is also unclear. Finally, this definition appears to be in tension with the “house arrest” requirement discussed above (§5.41.050(M)), suggesting that hosts must be physically present overnight when guests are present. If a “hosted” rental is simply one that occurs in the space that the owner typically occupies as his full-time residence, why also require the owner to be on-site during the STR rental period? Doing so will mean less guest space and privacy, leading to a less enjoyable experience and reduced visitor access. Such a requirement will also make it impossible for the owner of a primary residence to rent it as an STR during any period when the owner may be away for 1 or more nights. This makes no sense as a matter of economics or policy.

Local Contact Person: The person or business designated by the short term rental owner to receive and respond to communications regarding a short term rental.

Commentary: None.

Long Term Tenant: A property lessee who occupies a unit as a primary residence for a period exceeding 30 days.

Commentary: None.

Natural Person: A human being as distinguished from a person (as a corporation) created by operation of law.

Commentary: The term “natural person” does not appear in the Draft Regulations, but instead appears only in the separate definition for “property owner.” As discussed above, there is no evidence of corporate ownership of STRs, making such regulations distinguishing between natural and other persons unnecessary, in addition to raising questions of enforceability and constitutionality.

Primary Residence: The dwelling in which a person lives for at least six months each year. A person must demonstrate a property is their primary residence by claiming a homeowner’s exemption on the property for the purpose of property tax assessment, or by providing document sufficient to establish, as determined by the Agency Director, the required residency, such as motor vehicle registration, driver’s license, voter registration, a utility bill, and lease.

Commentary: This Draft Definition raises significant privacy concerns, as it would require the submission of substantial amounts of personal information to the CDA Director (or their designee). Further, it fails to provide an objective standard, as it allows the Director (or their designee) to subjectively determine what documentation is sufficient or not.

Property owner: The owner(s) of record of the real property on which the short term rental is operated, and to the extent any such owner is a legal entity, any and all natural persons with an interest in such legal entity.

Commentary: This Draft Definition raises further privacy concerns, as it would require information about any person with an interest in a property. Many properties are owned among multiple family members of different generations; requiring records for each of these individuals to be submitted is unnecessary and invasive.

Short Term Rental (STR): A rental of a residential unit, or a portion of a residential unit, for a time period of less than 30 consecutive nights. Short term rentals are a residential use of property.

Commentary: We appreciate the County’s acknowledgment that STRs constitute a residential use of a property, consistent with the discussion of their proper treatment as a principal permitted use under the Local Coastal Program. This confirms that Draft Regulations that unfairly single out STRs versus other residential uses are discriminatory and improper.

Unhosted Short Term Rental: Short-term rental occupancy of a residential unit on a property that does not provide a primary residence for the property owner or a long term tenant.

Commentary: With this Draft Regulation, the County apparently intends to ban any residential unit that serves as a “primary residence” from being offered as an unhosted STR. This makes no sense. Many homeowners offer whole-house rentals of their primary residence precisely when they will be away (on vacation, work travel, visiting family, etc.). This is the quintessential use

of home-sharing in a manner that does not risk taking away a long-term housing option from any other residents. By forcing the homeowner to offer their “primary residence” only as a less-desirable *hosted* STR (again, subject to the bizarre “house arrest” rule), the County would be taking away the most logical and lucrative option for the use of primary residences as occasional STRs. Doing so would harm many homeowners’ ability to defray mortgage and carrying costs via unhosted rentals, jeopardizing their ability to remain in their community. This further demonstrates that the County does not understand the industry it seeks to regulate and how frequently an owner rents their home for STR purposes. The County needs to do their homework before drafting regulations impacting residents.

VI. Suggested Questions

Below, we provide suggested questions by topic for County Staff concerning the September 2023 Draft Regulations, and the County's process for drafting and evaluating the Draft Regulations.

A. Access to the Coast

1. Why is the County targeting short-term lodging in the County's coastal communities and the villages adjacent to the largest percentage of the County's public land?
2. Has the County assessed how the Draft Regulations will impact visitors from diverse communities and their stay in coastal communities?
3. Has the County assessed how the prices and availability of lodging, especially lower-cost options, will be impacted by these Draft Regulations?
4. Has the County modeled the effect of losing 70 unhosted STRs upon Coastal Access, especially given that 58 of the STRs slated for elimination will be in the Coastal Zone?
5. Has the County studied visitor patterns for each of the coastal villages, and made an assessment as to how each community will be able to accommodate visitors going forward, especially in light of the proposed reductions?
6. Has the County modeled the effect of the loss of 70 STRs, and other rules such as the ban on second units being used as STRs, on diverse visitors and low- and middle-income visitors?
7. Has the County assessed how many currently operating STRs would meet the County's proposed definitions and restrictions to qualify as a "hosted" rental?
8. Given that the County has acknowledged that it does not have reliable data concerning the numbers of unhosted vs. hosted STRs currently offered in West Marin, does the County have a basis for disputing that the proposed reduction in STRs, largely concentrated in the Coastal Zone, will reduce visitor access to the Coast?
9. What is the rationale for obligating hosts to remain overnight any time a guest is on the premises? Won't doing so make the STR less desirable for guests and leave less space for guests, thereby further reducing access? Does any data suggest that this measure is necessary?
10. Is the County aware of any regulations approved by the Coastal Commission that cap and reduce visitor accommodations for the vast majority of a whole County, in this case, nearly 500 square miles of land directly adjacent to the Coast?

B. Economic Impacts

1. Has the County modeled the loss in Transient Occupancy Taxes and Measure W revenues likely to result were the September 2023 Draft Regulations to be enacted? Does the County dispute that the proposed reduced caps would reduce TOT revenues by approximately \$3 million over five years, and Measure W revenues by an additional \$1 million over five years?
2. Has the County assessed what the loss of these revenues would mean for achieving affordable housing and fire and safety goals?
3. Has the County assessed the impact on West Marin residents who rely, directly or indirectly, on income from STRs for their livelihood?
4. Has the County identified any alternative sources of revenue for lost Transient Occupancy Taxes and Measure W revenues?
5. Why has the County not calculated occupancy rates or revenues for STRs based on the monthly TOT forms submitted for each STR in unincorporated Marin County?
6. Has the County estimated the likely job losses from the proposed reduction in STRs?
7. Has the County estimated the impact on related hospitality industries in the region—*e.g.*, impact on restaurants, stores, etc.?
8. Has the County assessed which communities would likely be most impacted by the loss in economic activity and jobs attendant with the proposed reduction in STRs—*i.e.*, the impacts on low- and middle-income workers who clean and maintain STRs or hold many jobs in the visitor-facing service industry?

C. Housing

1. Why is the County proposing to hold STRs to different and far higher and more stringent standards than other residential uses, including long-term tenancies?
2. Has the County attempted to quantify how many STRs previously were used as long-term residences versus summer or part-time homes?
3. Has the County analyzed the use of STRs by guests, versus times in which STRs are used by homeowners, versus the number of homes that sit empty?
4. Has the County done any analysis concerning what impact the loss or reduction in STR operations (*e.g.*, due to banning second units) will have on homeowners' ability to remain in their homes?
5. Has the County done any analysis concerning these impacts on vulnerable communities or individuals on limited or fixed incomes (*e.g.*, retired persons)?

6. What data or analysis, if any, did the County consider before proposing to ban STRs in non-conventional structures (glamping, yurts, treehouses, etc.) that cannot be legally used as long-term housing?
7. Has the County collected any data or performed any analysis concerning the impacts of the current moratorium on long-term housing options?
8. Does the County have any data or analysis showing that reducing the number of STRs will improve the availability or affordability of long-term housing?
9. Has the County compiled data concerning housing insecurity in West Marin, as previously requested by the Planning Commission?
10. Why has the County not presented data supporting its assertion that STR operations conflict with housing goals for low- and moderate-income residents?
11. Given the lack of evidence showing that STRs reduce long-term housing in West Marin, why has the County uncritically repeated the talking points of anti-STR voices who have made this assertion?

D. Health & Safety

1. How many complaints has the County received in the past 2 years relating to STRs and (i) parking, (ii) trash, (iii) fire safety, (iv) water usage, (v) septic issues, and (vi) any other health and safety issues? How many of these complaints has the County verified as being well-founded?
2. Has the County considered whether enforcement of current regulations against STRs that have received complaints would sufficiently address the complaints that have been documented?
3. Why has the County exempted hotels, inns, campgrounds and other commercial operations from the proposed Draft Regulations?
4. How will the CDA Director determine what service levels of trash pickup are “sufficient” for unhosted STRs? Will this be a case-by-case assessment or will all STRs be required to pay for a particular service level?
5. Why is the County re-proposing signage requirements of the kind rejected by the Board of Supervisors in 2018? Has the County assessed potential security risks from requiring exterior signage announcing STRs and online advertisements disclosing STR license numbers and parking diagrams?
6. What is the rationale for obligating STRs that are currently self-sufficient and serviced by well water or a septic system to connect to municipal water or sewage systems? Won’t this *increase* the impacts of STRs on local resources? Does the County intend to ultimately require this of all other forms of residential use?
7. Why is the County holding STRs to different, and far higher and more stringent health and safety standards than any other form of residential use?

8. Why is the County holding STRs to different, and far higher and more stringent health and safety standards than actual commercial operations often owned by large corporations and intended to be operated 365 days of the year and exclusively catering to visitors?

E. Enforcement & Legal Matters

1. Has the County estimated or modeled the costs to homeowners of applying for STRs under the Draft Regulations and the range of compliance costs to homeowners?
2. Has the County estimated or modeled how many current STRs would no longer be able to legally operate under the new Draft Regulations, for instance due to the proposed parking requirements, the proposed septic requirements, or the proposed ban on the use of second units as STRs?
3. Has the County estimated the costs to the Community Development Agency for administering and enforcing the Draft Regulations? Has the County estimated how many individuals would need to be hired to administer and enforce the Draft Regulations county-wide?
4. Has the County modeled the likely range of application fees it would have to charge to cover the costs of administration and compliance?
5. Has the County considered paying for the costs of administration and compliance out of the 10% Transient Occupancy Taxes already remitted by STRs (thus, without affecting Measure W revenues)?
6. Why is the County proposing to treat residential property uses differently for the first time when the law and Local Coastal Program support treating both short- and long-term rentals the same?
7. Has the County coordinated with the California Coastal Commission about the September 2023 Draft Regulations?
8. Has the Coastal Commission expressed views concerning the proposed 11.3% reduction in STRs in unincorporated West Marin, or the fact that 58 out of the 70 proposed reductions would be concentrated in the Coastal Zone?
9. Has the Coastal Commission been informed that the Draft Regulations will increase costs and reduce the availability of economically priced visitor accommodations in an area adjacent to the Coast covering nearly 500 square miles?
10. Has the County asked County Counsel to review the Draft Regulations for their consistency with the Local Coastal Program or LUP? If so, what was County Counsel's response?
11. How does the County intend to reconcile the September 2023 Draft Regulations with the currently existing STR regulations under Chapter 5.41 of the Marin County Code? Would the existing regulations be maintained in whole or in part?

12. Does the County intend to remove provisions from current Chapter 5.41 concerning due process rights and the right to a neutral administrative hearing and appeal?
13. Will STR operators have any recourse or the right to a neutral hearing officer and appeal to Superior Court if their license is suspended or revoked for any reason?
14. Will STR operators be subject to suspension or revocation for any violations of the Draft Regulations or forthcoming administrative provisions, or will only specified violations subject the license to suspension and revocation?
15. Has the County begun drafting the proposed administrative procedures? When does it intend to release a draft of the procedures?
16. What is the basis for promulgating administrative procedures beyond those specified in the Draft Regulations?

F. Follow-up Questions From June 12, 2023 Hearing Before Marin County Planning Commission

1. How many workshops or focus groups has the County held since the June 12 Hearing? How is the County ensuring that all voices are heard and considered?
2. Why has the County taken a one-size-fits-all approach for the Draft Regulations, with only unhosted STR caps varying by community?
3. Has the County collected ownership data to assess the extent to which there is any evidence of non-resident corporate entities acquiring and operating STRs in West Marin?
4. Why is the County proposing detailed parking requirements when this is no longer a component of state law? Has the County considered the impacts of such requirements on visitors who do not have access to a car (*e.g.*, potentially eliminating STRs in village cores serviced by the West Marin Stagecoach)?
5. Has the County assessed the extent to which the proposed health and safety requirements will prove cost-prohibitive for a significant number of owners?
6. Has the County received input from the Coastal Commission concerning the effect of reducing STR licenses in the Coastal Zone?
7. Given the County's stated intent of enacting the moratorium to "stabilize" housing, what has the County done to measure the efficacy of this policy since its enactment?
8. Why, given County Staff's acknowledgment of the difficulties of policing a "natural person" requirement, is the County nevertheless proposing such a policy here? Has County Counsel opined as to the enforceability of such a limitation?
9. Has the County collected data concerning the intensity of uses of STRs, *i.e.*, how many STRs see occasional versus full-time occupancy as STRs?
10. Has the County taken any steps since the June 12 hearing, such as working with the Department of Finance, to improve the accuracy of data collected about STRs?

11. Why has the County seemingly rejected the idea that there should be flexibility in allowing second units and guest cottages to be operated as STRs—why mandate that only a main unit on a property be operated as an STR? Has County Counsel opined on whether this proposed rule is consistent with the policies of the Local Coastal Program?
12. Has the County made any effort since the June 12 hearing to obtain current or historical data concerning what percentage of housing units in West Marin are used as long-term rentals?
13. Has the County made any effort to calculate the number of living units affected by the Draft Regulations, as opposed to parcels with one or more living units? Won't counting parcels as opposed to living units undercount the total number of living units in West Marin, and thereby overstate the proportion of STRs to total living units?
14. Has the County gathered data on housing insecurity in West Marin?
15. What data or analysis indicates that the Draft Regulations would further the County's affordable housing goals, as opposed to undermining them by significantly reducing Measure W funds and destroying tens to dozens of local jobs in the service industry?

VII. Conclusion and Recommendation

The September 2023 Draft Regulations represent the most backward and anti-visitor proposal to be put forward in the County in decades, if not generations. If enacted, they would cause the immediate loss of visitor access, with most of the reductions concentrated in the Coastal Zone of Marin, and the most likely losses concentrated among economical overnight accommodations. The Draft Regulations would cause this loss by hyper-regulating every aspect of applying for and operating an STR, driving up costs directly and indirectly. The County's approach would also deprive owners of due process, to the point that many operators will be driven out of the market due to the costs and burdens far outweighing the modest benefits of operating an STR.

The Draft regulations will also overtly limit access to the Coast by phasing out 70 unhosted STRs—the most popular form of rental, and the only form appropriate for groups—with the vast majority of the reduction concentrated in the Coastal Zone and near popular visitor destinations.

The Draft Regulations, if enacted, would harm the local economy, destroying dozens of local jobs depended on by low- and middle-income workers, and depriving the County of TOT and Measure W revenues. The Regulations would destabilize and harm the very communities it purports to protect. The only individuals who would benefit from enactment of the Draft Regulations are those relatively few individuals who are seeking to make their communities more exclusive, and who are already fortunate enough to own property independent of any support from the local tourist and visitor economy.

The County has presented no data or analysis that the onerous Draft Regulations are necessary or proper to address present-day problems. The County has presented no data or analysis that the Regulations that have been in place for the last several years are not serving their purpose. The County has presented no data or analysis that the Draft Regulations will improve the decades-long challenge of creating affordable housing in the area. It is clear that the manifest negative consequences that would flow from the Draft Regulations greatly outweigh any hypothetical benefits the County suggests could be achieved.

For these reasons, we respectfully recommend that the Planning Commission vote to reject the September 2023 Draft Regulations.

Respectfully,

West Marin Access Coalition

(Individual signatories listed on pages 2-5 above)

From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: Short term rental legislation
Date: Wednesday, October 11, 2023 12:09:43 PM

Public Comment

From: Camille LeBlanc <camille@camilleleblanc.com>
Sent: Wednesday, October 11, 2023 8:51 AM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: Short term rental legislation

You don't often get email from camille@camilleleblanc.com. [Learn why this is important](#)

To Planning Commission of Marin County:

In light of the upcoming vote on the legislation for short-term rentals, I would like to convey my personal experience as a host to guests. There are two points that I would like to raise.

The first and most important to the vitality of the Inverness economy is the fact that the revenue flows to the community by virtue of the fact that guests in my two guest rooms unfailingly visit the local restaurants Salt Water Oyster Depot and Inverness Park Market are unfailingly frequented by my guests at least once and often nightly during their stay. But as a resident who does not frequent restaurants, putting a moratorium on the flow of revenue to local businesses and to the County for that matter would stop. The second point is of a personal nature. Due to recent health events, the income from the guest houses is significant to my ability to stay in West Marin.

Sincerely,
Camille LeBlanc

From: [John Arguelles](#)
To: [Kilgariff, Kathleen](#)
Subject: STR
Date: Wednesday, October 11, 2023 11:03:18 AM
Attachments: [A9463CFD-EE05-401A-A9CC-BAB4E0936F55.png](#)

You don't often get email from johngo2dillonbeach@gmail.com. [Learn why this is important](#)

Hi, my name is John Arguelles,

I have lived in Dillon Beach for 35 years, my family has ranch cattle through tamales and Marshall. I have built homes and then handyman work and Dillon Beach since I was 19. My mother worked as a real estate agent and Dillon Beach during those 35 years growing up out here.

In the last 10 years I was lucky enough to start a property management Company to support me and my family.

Dillon Beach has always been vacation tourist spot ever since I have started living out here. Half of the homes out her or second homes that no one uses, another portion or second homes that are used for a vacation rentals. We have maybe 40 full time residents and out of those 60% are retired.

Dillon Beach is an isolated coastal town with no infrastructure whatsoever. I've seen families trying to live out here only realizing they have to spend hours driving the kids to school or to go to the grocery store and decide it's too much to stay.

Most of the owners of the second homes rent their property out not because they're wealthy or making huge sums of income but only to cover the cost of maintaining their properties. The rich do not need to rent their homes and that's why you will find a large amount of vacant homes sitting with no one occupying them or using them.

I've seen properties that the owner will visit maybe twice a year and the rest of the time the home just sits.

It seems like Marin county had a goal for low income housing which it realizes it is a far more complex project, then they changed agendas and now the focus has gone on to blaming short term rentals for the demise of communities.??

I don't understand why the board of supervisors put us an unincorporated zone when clearly we are coastal zoning and should be treated such. I don't understand why the agenda has changed from affordable housing which has not changed anything in the full-time rental market. In fact three full-time families that live out here are moving either do to health issues or work location. They are having a difficult time selling their properties in the real estate market due to high interest rates and the STR moratorium when we had healthy real estate market on the coast due to short term rentals.

We are heading to uncertain financial times and this is causing more hardship for no reason whatsoever.

The new regulations for parking in the village for Dillon Beach which the county allowed homes to be built without parking and septic inspections would cause half of the homes in the Village area not to be able to rent out. Does this regulations imply for full-time renters if not why?

The existing short term rentals should be grandfathered in, we should be treated as a coastal zoning not an unincorporated zone, the coastal commission realize the importance of short trip rentals for all the state parks not to mention all the businesses out here that depend on tourism.

They've had two years to gather data to show that this is helping communities a long-term rental but there is no data to back up any of their proposals. There is data showing this is causing tremendous harm and will for years to come.

Again, I ask you what is the agenda? To me it seems like a political gambit gone wrong;

.

Thank you

John Arguelles
Dillon Beach

John Arguelles
Dillon Beach Rentals
707-346-0328
dillonrents@gmail.com



From: [Susan Raynes](#)
To: [PlanningCommission](#); [Kilgariff, Kathleen](#)
Subject: Fwd: Draft Letter to Supervisor Rodoni
Date: Wednesday, October 11, 2023 10:10:06 AM

Some people who received this message don't often get email from susanraynes@gmail.com. [Learn why this is important](#)

Hello,

I am forwarding a letter I sent to Supervisor Rodoni in early March, related to proposed limitations on short term rentals in West Marin. As a long time local homeowner I am very concerned about how limitations might impact the well being of the local community, access to the local parks and resources, as well as my own long term ability to retain my retirement home in the area.

Thank you for your consideration,
Susan Raynes

----- Forwarded message -----

From: Susan Raynes <susanraynes@gmail.com>
Date: Sat, Mar 4, 2023 at 10:56 AM
Subject: Letter to Supervisor Rodoni regarding Short Term Rentals in West Marin
To: <drodoni@marincounty.org>, <STR@marincounty.org>

Dear Supervisor Rodoni,

I am a homeowner at 60 Cromary Way in Inverness, and would like to share my experience and views on the proposed short term rental limitations in West Marin. As background, I am a 4th generation Marin resident--I grew up in San Geronimo Valley and broader Marin, attended Lagunitas School, (then) Drake High School and graduated from Cal Berkeley. My family and I have a deep love for West Marin and the North Coast and my long term goal is to retire to my home in Inverness.

I purchased my home in 2009--it was falling apart and the house and property had been severely neglected for many years. I secured local contractors and workers to completely renovate the home and property, improve systems to code, and do significant tree work and fire abatement. I have rented my home both on a long term basis when I lived abroad for several years (to a local bakery owner and other local residents), and in more recent years I have rented it on a short term basis when my family and I are not using it, which is quite frequently. While I have no plans to rent the house on a long term basis, short term rentals provide some financial support for me, an opportunity for visitors to enjoy Inverness, the National Park and broader West Marin, and support for the local economy as many shop and dine quite locally. Short term rentals are an affordable and attractive way for people of all income levels to enjoy the area and visit the National Seashore.

My short term rental income provides less than break even coverage for me, however it helps me maintain the home and support those who help me do so--local repair, garden, tree and cleaning staff as a start, as well as local deli's, restaurants and shops where I purchase all my food and supplies. If I was not allowed to rent my home on a short term basis it would be a

financial hardship as I am about to retire and I count on that income to cover some ongoing expenses, however I would not sell the home or rent it full time. It would sit empty when I was not using it.

I also understand that the Marin Transient Occupancy Tax paid by short term renters helps support local nonprofits, and that there are no plans to replace that source of funding if STR tax revenues decline. I am concerned that defunding affordable housing and emergency services would be devastating to the local community that relies on those services. Further, I am concerned that prohibiting short term rentals and taking that source of affordable visitor housing away will simply encourage more 'day trippers' in cars who clog the two lane roads and create significant environmental impact.

I hope my experience helps support a solution that allows short term rentals to continue in West Marin, albeit with sensible parameters.

Thank you,

Susan Raynes
60 Cromary Way
Inverness, CA

From: [KATHLEEN HURLEY](#)
To: [STR](#)
Subject: Comments to Draft STR Ordinance for Stinson Beach: Request to Grandfather some aspects of ongoing rentals; parking, admin review and appeal procedures
Date: Tuesday, October 10, 2023 4:01:31 PM

You don't often get email from kjhurley77@aol.com. [Learn why this is important](#)

Attention Kathleen Kilgariff for Staff Report consideration and inclusion please:

I write as one who currently owns two licensed short-term rental cottages in Stinson Beach on a private street near the beach. I bought the cottages in 2007 for my own weekend use as well as for part time vacation rentals. Both cottages were successfully managed for about ten years by Oceanic Realty, a long-established company in Stinson Beach and also the company that sold the property to me. More recently the two cottages are professionally managed for me by Colby Gilbert of StinsonBeachPM. These beach cottages have been licensed as vacation rentals, collecting taxes and providing happy experiences for beach visitors over the last 15 years. By renting them I am able to cover my mortgage costs to make ownership affordable to me while also being able to realize my own dream to have a part time beach haven of my own. I would like to continue to rent both my small, one bedroom beach cottages as I successfully have under professional management and in compliance with community standards.

If the proposed draft on short term rentals (STRs) is adopted it would seem to put both my ownership and rental income status at risk. Two new barriers to my existing rentals are presented though they have been managed and rented without complaint for nearly 15 years: 1) prohibition to rent more than one dwelling on a property and 2) newly mandated guest parking requirements.

Unless my cottages are accepted to continue based on their years of successful past use, the terms of this draft would seem to disqualify me from renting them based on draft **standard 5.41.050 C One Short Term Rental Per Property**. It says: **Only one short term rental is allowed per property. If a property contains both a main dwelling and an accessory dwelling unit, only the main dwelling unit may be rented on a short-term basis.**

Given I have two cottages of essentially equal size on a double lot, neither is an accessory unit in my case. My double-sized lot has one cottage of approximately 400sq feet on each side with as much land space as a regular Calle neighborhood lot. Each has a separate entrance and fenced yard. These are literally small beach cottages, built for beach vacation use. They rent for essentially the same amount. When I purchased the property it was with the advice of my local realtor that I would be able to rent them to help cover my ownership costs and then to use them when vacant or as booked for my own use. This is what I have been doing for many years. It would be a **taking** of half my rental income to deny me the ability to continue to rent my cottages that were bought years ago with that purpose and intention.

If the goal is to restrict the number of STR licenses to protect the character of the community, I believe discouraging the rental of original weekend beach cottages is contrary to that goal. There are still small beach cottages remaining and in use as rentals. These are not the ones typically causing community complaints compared to larger and newer structures that advertise occupancy of 8 to 18 persons. Does the community really want to favor larger and more modern occupancy dwellings and take the little ones off the market? Please consider the impacts on historic character.

Section D Short Term Rental Parking Requirements potentially could disqualify a number of small beach cottages such as mine in the Calles at Stinson Beach where the streets are privately owned. Some of the single lots are so small and the parking parallel that only one car fits in road out front. I have a double lot and in theory there could be enough room created for two off street parking spaces for each cottage. However, due to a number of factors including placement of a telephone pole and stability ground wires, the location of required trash bins and of deep sunken posts to rope access, various plantings, fencing and the stop sign, there are physical obstacles that are there existing reasonably for public benefit and for character. As a result, I have advertised one parking spot per cottage and then directed others visiting to park on the adjacent public street nearby. This has worked well, especially as my property is on a corner next to public street parking. I have a third unadvertised off street parking place that has been helpful at times though the renters understand only one space is promised. In the private Calle renters are told not to park in front of any other home on the street as each owner has their own parking. By limiting the number of renters to 2 or very occasionally 3 by arrangement, and by advertising in advance only one guaranteed space per cottage, the provided parking has worked out without complaint. If I were forced to create a fourth parking place in front of the cottages almost certainly that would be an encouragement to invite more people to come out and put more cars on our street. By removing fencing, plants and the wood posts that have been there on the corner for more years than I have been in the neighborhood, it will change the look of the area and take away some rustic character that makes for the charms of an older beach cottage. I know other small cottage owners are in a similar bind with only one advertised place per cottage which naturally serves to screen out renters who are looking to invite a bigger group of guests.

One solution would be to adopt language similar to that used in the Santa Cruz STR ordinance: **Please note that the property must be in full compliance with the current minimum parking requirement, which is 1 parking space for each studio/1-bedroom residence and 2 parking spaces for each residence containing 2 or more bedrooms.**

Some vacation rentals I saw advertised in Stinson Beach on VRBO have 8, 10, 12 or even 18 person occupancies so perhaps the number of offstreet parking places could be adjusted such as minimum one space for studio or single with no more than persons occupancy; two parking spaces for a 4-6 person occupancy and one extra space for every 3-4 additional persons.

In addition, if there is supplemental street guest parking within easy walking distance would that possibly be sufficient to address the guest parking provision for small studio or one bedroom cottages who only have (and only advertise) use of one off street parking space?

For these two new and impactful proposed standards, I respectfully suggest modification of draft ordinance with application of a “grandfather clause.” Successfully operating rental properties in the current license pool could be grandfathered in with assurance the successful policies in place would continue to be implemented. For example, one could add language such as this: Studio or one bedroom dwellings may be granted a waiver of the above requirements if already serving as existing licensed vacation rentals for (X number) years or more without a record of complaints or violation. A provision such as this would allow the older, smaller cottages, as well as other established rentals, to stay in the rental pool without adversely affecting the owner’s existing income ability or putting more burden on the community. Could we not add language or provisions to this ordinance to avoid taking from owners the use of the property and income in the ways they have been previously been legally allowed and which they expected to be able to continue?

Given all the new proposed requirements that if not met could result in license loss or denial to renew before implementation will there will be a way for questions to be clarified or time allowed to applicants to make any needed corrections or adjustments? Will there be any appeal process or time to amend an application if there is something deemed insufficient? For example, what if required plans, site details, safety inspections, water use bills, proofs of parking are questioned by the deciding application staff? What discretion will be allowed to resolve an application issue? Shouldn’t there be a time frame to be advised of possible denial and for the owner to rectify whatever the problem is? That seems fair given how seriously a denial could impact an existing rental property owner who is depending upon ongoing rental income and has commitments to honor. Abrupt cancellation doesn’t reflect well on the community if planned vacations are abruptly stopped with out a reasonable notice period, perhaps 30 days ahead.

In reading the draft policy, many interests are represented that will ultimately impact and limit the number of units available in the Stinson Beach community as well as elsewhere. It is challenging to write a regulating policy document that fits all situations well since there are large and newer diverse homes in non-vacation areas mixed in with small cottages and buildings intended for weekend and summer use at the beach, the woods, by hiking trails or in other vacation areas. For this reason, I believe there must be an administrative appeal process and timeline to allow some back and forth for regulators and applicants as well as for special or unusual cases to be considered and addressed.

Thank you for your thoughtful work and consideration.

Kathleen Hurley

Stinson Beach

Photos of my two cottages on Calle del Occidente across from Fire Station on Calle del Arroyo.

My two cottages, pictured with the current offered parking spaces and the various existing obstacles to adding more guest parking without tearing out aspects of local character. Why create a problem with the small cottages when it is the big party houses advertising 8-18 occupants allowed yet two parking spaces are required for both. Would it not make more sense to moderate this to align with size and advertised occupancy limits? If only two people are allowed and only one offstreet parking space is guaranteed, should that be denied use when a house that allows 10 has only two places? Why not one guaranteed spot for studio or one bedroom, two parking spots for 2 bedrooms or 4-7 person occupancy, three parking spots for 8 to 10 and 4 parking spots for more? This will provide significant help to the community without encouraging the highest occupancies.









From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: STR restrictions
Date: Wednesday, October 11, 2023 12:15:30 PM

Public Comment

-----Original Message-----

From: PAULA EMIGH <paulaemigh@sbcglobal.net>
Sent: Sunday, October 8, 2023 2:50 PM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: STR restrictions

[You don't often get email from paulaemigh@sbcglobal.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Commission Members,

I am a property owner in Dillon Beach. I am very concerned about the proposed restrictions the county is wanting to impose on short term rentals in coastal communities. My property is used by myself, family members and friends for weekend get aways and vacations. When we are not using it, the house is available for short term rental through a local property manager.

You have received and will continue to receive letters and communications which articulate the facts, figures, and statistics about the advantages of allowing STRs. I will not repeat what others are able to express so much better than I. I will ask that you exercise your influence and authority in this matter by taking careful consideration of both the details of the ordinance and the process by which it was developed.

Thank you!
Paula Emigh
Tax Payer
Dillon Beach

Sent from my iPad

From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: New regulations concerning Commercial Overnight Housing in West Marin
Date: Wednesday, October 11, 2023 12:14:12 PM

Public Comment

-----Original Message-----

From: george marzocchi <zaki23@earthlink.net>
Sent: Sunday, October 8, 2023 8:48 PM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: New regulations concerning Commercial Overnight Housing in West Marin

[You don't often get email from zaki23@earthlink.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

You know the details on this so I ;ll keep it short:
Please consider the impact the abundance of STRs is having on West marin.
Any regulating should be done with consideration of the shortage of affordable housing around here.
It's a serious issue and will not improve without considerate regulation regarding rentals and housing at large,

Thanks for your work,

George Marzocchi
445 Cedar Rd
Bollinas CA 94924
415 609 7002

From: no-reply@marincounty.org
To: [STR](#)
Subject: Marin STR comments
Date: Sunday, October 8, 2023 9:09:20 PM

Alice Fang with email address xalicefang@gmail.com would like information about:
Comment re: "Special Events. Weddings, corporate events, commercial functions, and any other similar events shall not be held on a property with a short term rental license."

What constitutes a "special event" is unclear. Is a 25 person family reunion a special event? What about an overnight retreat from a small group at church? If a couple wanted to have a 25 person wedding in a large private ranch, why should that be not allowed?

It doesn't make sense to have be a blanket ban. If the event is a disturbance to neighbors and they complain, the STR owner should be warned and their STR permit revoked if the issue continues and is not resolved. If the property is miles away from the nearest neighbor, this shouldn't be an issue.

Also, if a property acquires a conditional use permit to hold special events and also has a short term rental on site, the language here implies they need to forfeit their STR in order to hold special events, which also doesn't make sense.

From: [Patricia Bradford](#)
To: [Rodoni, Dennis](#)
Cc: [Rice, Katie](#); [Moulton-Peters, Stephanie](#); [Sackett, Mary](#); [Lucan, Eric](#); [STR](#); [PlanningCommission](#)
Subject: Houses Should Be Homes. (West Marin Resident)
Date: Saturday, October 7, 2023 4:29:54 PM

[You don't often get email from pbradford@me.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Planning Commissioners and Supervisors,

I am a West Marin resident deeply concerned about the number of residential properties that have been commercialized and turned into short term rentals (STRs) over the past 5 years. Everyone living in West Marin has stories of friends, family, and neighbors who have had to relocate because their long-term rental has been lost. Our communities cannot continue to function without places for local workers, teachers, firefighters, families, and seniors to live!

The draft STR ordinance is a step in the right direction but it has no teeth and doesn't go far enough. Please ensure that the following provisions are added or strengthened:

1. No corporate ownership;
2. Strict enforcement of health and safety standards by the County. "Self-certifying" by the owner that these standards are being met is completely ineffective - it's the County abrogating its responsibility to provide safe accommodations to visitors;
3. Most importantly A MUCH LARGER REDUCTION in the number of unhosted STRs than what is proposed in the draft. Much lower caps on unhosted STRs are needed to restore the health of our coastal West Marin communities, while the current draft ordinance actually increases the allowable number. This is in direct conflict with the County's own Housing Element and Local Coastal Program, as well as the wishes of a majority of West Marin residents.

Thank you for your consideration,
Name: Patricia Bradford
Address: 445 Cedar Rd
Email:pbradford@me.com

Sent from my iPhone

From: Mattie@spectrumschools.org
To: Mattie@spectrumschools.org
Cc: 2023Edu@nc.gov
Subject: 2023Edu@nc.gov
Date: Wednesday, October 11, 2023 12:17:57 PM

Public Comment

-----Original Message-----

From: Mattie@spectrumschools.org

Sent: Friday, October 6, 2023 8:11:04 AM

To: PlanningCommission@maricounty.org

Subject: VTL in West Mesa

[You don't often get email from Mattie@spectrumschools.org. Learn why this is important at <https://aka.ms/AutomatedImport>.]

I am writing to express my deep disappointment in the county's plan for short-term rentals in Maricopa County. I have been a full-time resident of Maricopa for more than 25 years. In that time I've seen the number of children attending the school drop significantly and the number of vacant homes rise astronomically. This town is a virtual ghost town during the week because hundreds of homes sit empty, no longer available for residents and families to rent long term. Owners of these homes are sometimes a mystery and make no effort to be a part of the community. Homeowners need homes. Do better.

Mattie Pappas

Founder and Program Director

Spectrumschools.org

<https://www.spectrumschools.org/>

415-302-7712 (cell)

"There are a million ways to surf and, as long as you are smiling, you're doing it right." - unknown

Sent from my iPhone

From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: STR Plan
Date: Wednesday, October 11, 2023 12:17:02 PM

Public Comment

From: Renee <reneeem1999@gmail.com>
Sent: Friday, October 6, 2023 9:33 PM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: STR Plan

You don't often get email from reneeem1999@gmail.com. [Learn why this is important](#)

Dear Planning Commissioners,

I have been hoping you would be decreasing the use of Airbnb's and other short term housing measures in West Marin, which has gotten out of control. I know of so many people who lost their long term rentals, or had to move out of Bolinas, because there were no rentals available - and this shortage is largely the result of owners using their 2nd homes as VRBO's and Airbnb's. Cities and counties all over the country - actually the world! (my Parisian friends tell me Paris' new limitations) - are enforcing new restrictions on STRs. Hearing that you are about to increase rather than decrease the numbers of STR's was shocking and extremely disheartening. Please don't make our situation even worse.

I live in Bolinas and am fortunate to own a home (after decades of renting), but friends of mine cannot find rentals. And my neighbor is airbnb'ing his house to groups on the weekends, which means a lot of noise that carries into my bedroom - and a lack of neighborly feeling.

Restrictions can be made on the #s of homes that can be used as STRs - especially in a small community like Bolinas - and/or on the #s of days/year an owner can do STRs, or having people who don't reside in their homes or properties restricted from doing STR's.

Please help us - and please don't hurt us further!

Renee Emunah

From: no-reply@marincounty.org
To: [STR](#)
Subject: Marin STR comments
Date: Friday, October 6, 2023 8:39:05 PM

Alice Fang with email address xalicefang@gmail.com would like information about:
Comment on "Host Responsibilities. A short term rental licensee must identify a host for every short term rental that is not an unhosted short term rental. A host shall be on the premises between the hours of 10 PM and 5 AM every night when the short term rental is rented."

Part of our goal of STR is to be able to rent our primary residence when we are out on vacation. This requirement seems unnecessarily restrictive. Could the planning commission consider the same 'Local Contact Person' requirement for hosted STRs?

From: [Lisa Martin](#)
To: [PlanningCommission](#)
Cc: [Kilgariff, Kathleen](#); [Rodoni, Dennis](#); [Rice, Katie](#); [BOS](#); info@westmarinaccesscoalition.com
Subject: Please VOTE NO on the draft short term rental standards
Date: Friday, October 6, 2023 2:36:41 PM

Some people who received this message don't often get email from ljmartin70@gmail.com. [Learn why this is important](#)

Dear Commissioners of the Marin County Planning Commission, Supervisor Rodoni, Supervisor Rice, and Ms. Kathleen Kilgariff,

As a frequent visitor, I write in opposition to the County's draft short term rental standards which will result in making vacation homes in West Marin more expensive for everyone and limit access to the coast and parks in the region.

My wife and I are frequent visitors to the area, enjoying the Pt. Reyes National Seashore and have been for more than 20 years. We visit as both campers and guests in vacation rental homes. We visit several times a year to hike, camp, or take week-long vacations.

I fear that fewer vacation homes will make it even more difficult and even more expensive for those coming from afar, or even just across the bridge, to experience the coast and parks. Marin is a very special place to us and one that we fear will become inaccessible to those with less means. This regulation feels like one more step the residents of Marin are taking to keep everyone else out. Is that the intent?

West Marin should not be protected for just those who were fortunate to buy houses there. It is the home to millions of acres of public land. That means land that belongs to all of us and to all our future generations. You should be thinking of ways to increase the access for more and more diverse communities to these national treasures - NOT limit it only to those of rarified socio-economic means.

Please send these regulations back to the drawing board, and ask County staff to define the issue, provide documentation, analyze the impact and work with the stakeholders they seek to regulate. Please vote no on the draft regulations and help stop the County's misguided effort to limit visitor access to the region's public lands.

Lisa Martin
Oakland, CA

From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: STRS
Date: Thursday, October 12, 2023 9:59:04 AM

Public Comment

From: Pat Wrobel-Dickens <pwdickens@yahoo.com>
Sent: Thursday, October 5, 2023 9:22 AM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: STRS

You don't often get email from pwdickens@yahoo.com. [Learn why this is important](#)

Please decrease STRS in coastal Marin, not increase them. Thank you. Pat Dickens Bolinas resident for 30 years.

[Sent from Yahoo Mail for iPhone](#)

From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: STR
Date: Thursday, October 12, 2023 9:58:46 AM

Public Comment

-----Original Message-----

From: ChouChou Mora-Lopez <choubedo@gmail.com>
Sent: Thursday, October 5, 2023 8:00 AM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: STR

[You don't often get email from choubedo@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I am shocked and beyond disappointed that you have not significantly changed the STR rules in West Marin

My family and many others have been forced to move for lack of housing

I grew up in Bolinas, raised
My kids there, worked there, went to school there, volunteered there, supported the small businesses and this is just so incredibly sad

We had to move to sonoma County and my kids commute to college in SF, an awful awful Commute

They had to Leave the only home they have ever known. We moved 5 times in their 20 years. All were because the owners were selling for a ridiculous amount of money, or leaving empty as a second home and eventual vacation rental We (Bolinas) are well on our Way to becoming another Carmel, where at least they have better rules in place

Any further meetings MUST be over zoom, we should all have the ability to listen comment

Shame shame shame

Siobhan Mora-Lopez
-kicked out Ex-Bolinas resident

We are soon to be

Sent from my iPhone

From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: STR's
Date: Wednesday, October 11, 2023 12:21:58 PM

Public Comment

-----Original Message-----

From: Robert Densmore <densmorerobert4@gmail.com>
Sent: Thursday, October 5, 2023 12:17 PM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: STR's

[You don't often get email from densmorerobert4@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I'm really upset that Marin County is planning to allow more short term rentals in West Marin! There is a problem with housing in West Marin and this is not the answer. Please reconsider, and consider limiting short-term rentals, especially when people are making large amounts of money and gobbling up the housing inventory. Your plan to allow more short term rentals, only benefits, the wealthy and the corporate owners, and does nothing for the local people and local housing issues. East Marin is limiting short term rentals, West Marin should be in the same boat. I urge you to reconsider and don't go through with your plans.

Thank you,
Bob Densmore
Bollinas Resident
PO Box 836

Sent from my iPhone

From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: Draft STR Standards West Marin
Date: Wednesday, October 11, 2023 12:20:14 PM

Public Comment

From: Amelia Straton <ameliastraton@gmail.com>
Sent: Thursday, October 5, 2023 3:11 PM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: Draft STR Standards West Marin

You don't often get email from ameliastraton@gmail.com. [Learn why this is important](#)

Dear Planning Commissioners and Supervisors,

While drafting a STR ordinance is a step in the right direction, but this draft fails to protect our residential communities and is out of line with the current need to provide long term housing, It is allowing an already destructive industry to increase and forcing more more full time residents to leave by decreasing the number of units. That should never be allowed to happen before The required level of housing for our residents has been met (not planned but actually built and provided).it has no teeth and doesn't go far enough. Please ensure that the following provisions are added or strengthened:

1. No corporate STR ownership; when housing is owned by a natural person they can develop a caring relationship with a community and possibly change course and become part of that community. A corporate or investment property portfolio is simply an extractive relationship....all take.
2. Strict enforcement of health and safety standards by the County. "Self-certifying" by the owner that these standards are being met is completely ineffective - it's the County abrogating its responsibility to provide safe accommodations to visitors;
3. Most importantly A MUCH LARGER REDUCTION in the number of unhosted STRs than what is proposed in the draft. Much lower caps on unhosted STRs are needed to restore the health of our coastal West Marin communities, while the current draft ordinance actually increases the allowable number. This is in direct conflict with the County's own Housing Element and Local Coastal Program, as well as the wishes of a majority of West Marin residents.

Thank you for your consideration,

Amelia Straton
86 Wharf Road
Bolinas, CA 94924

From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: Opposition to STR Regulations
Date: Wednesday, October 11, 2023 12:19:55 PM

Public Comment

From: Audrey K <audreyaced@gmail.com>
Sent: Thursday, October 5, 2023 3:55 PM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: Opposition to STR Regulations

You don't often get email from audreyaced@gmail.com. [Learn why this is important](#)

Dear Marin County Planning Commission,

I am in opposition to the County's draft short term rental standards which will result in making housing in West Marin less cost-efficient for everyone and limit the ability of local, national and international travellers to visit this region.

The regulations as drafted will greatly impact visitors to the region, and present economic hardship to some homeowners in W. Marin.

Some homeowners depend upon ST rentals to help cover their costs of property taxes, mortgage, insurance and maintenance. The payment of all of these expenses helps the local and State tax bases and services, provides employment to service and crafts people locally. Further the ST renters provide revenue by their purchasing of goods and services (at a higher rate than a permanent resident, due to needing to buy groceries and supplies for ST rental, or frequenting cafes and restaurants, rental of sports equipment, visiting local parks. By reducing housing options for visitors, the county is inadvertently reducing visitor access to the coast and parklands.

Additionally, homes such as the one I own and all my neighbors own at Stinson Beach which we reside in part time, but rent ST are NOT removing housing stock for local residents, as these homes are not affordable for LT or permanent rental. Local residents would not be able to afford the rent required to cover the baseline yearly expenses for "vacation homes" at Stinson Beach.

For the visitors, the draft regulations will limit access and raise the cost of available lodging for those wishing a deeper experience in the region. The regulations go beyond the moratorium by decreasing the number of vacation homes available to families visiting the region. GGNRA is the most visited national park in the Nation. PRNS had over 2.3 million visitors last year. Vacation rentals are already limited. Fewer vacation homes, means fewer visitors to the coast and parks.

For the County, the regulations will limit economically feasible lodging for visitors who come to experience the nearby public land. A single-family home is more cost-effective for a family than renting multiple single rooms in a hotel. In addition to allowing a family to experience the national parks more deeply, these homes give visitors an authentic experience in unique communities throughout West Marin.

I hope that you will consider these factors and my opinion in your deliberations on the STR regulations, which I find short-sighted, and unhelpful, in fact, harmful for your purported goals.

Sincerely,
Audrey Koh
homeowner

From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: Welcome Short Term Rentals for Fire Safety + Economic Recovery
Date: Wednesday, October 11, 2023 12:19:17 PM
Attachments: [TREE BRUSH REMOVAL.png](#)
[West Marin Elementary School.png](#)

Public Comment

From: J. G. <golubjennifer@gmail.com>
Sent: Thursday, October 5, 2023 10:37 PM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: Welcome Short Term Rentals for Fire Safety + Economic Recovery

You don't often get email from golubjennifer@gmail.com. [Learn why this is important](#)

Greetings-

How does West Marin stay Fire Safe? By people like **me**. Indeed, individual homeowners like me. Annually I hire a full team of arborists to cut limbs, and cart deadwood off my 1-acre wooded property to keep it fire safe. The crew costs have run tens of thousands of dollars over the years. **How do I fund it?** By periodically renting my home.

I urge you to encourage Short-Term Rentals without limitations in West Marin County.

I'm a full-time resident of Inverness. I commute to an Oakland based 5013c dedicated to improving public high school education. I am 65 years old, hoping to retire. This moratorium on rentals has crushed me. Any further rental limitation would force me to sell and be displaced.

I urge you to encourage as many Short-Term Rentals as possible. I am watching a town be decimated with financial loss and closures at every turn. The Cowgirl Creamery has left, the restaurant Stellina pulled up stakes, the butcher Marin Sun Farms, and The Sir and Star shuttered. Overnight guests double the investment of daytime visitors! They generate four times the amount of revenue versus local residents. The **West Marin community is desperate for the economic recovery that Short Term Rentals bring.**

The Hamptons outside of New York City welcomes the taxes they earn from Short Term Rental vacation homes with **no limitations**. Short Term Rentals have zero impact on the cost of housing, a whipped-up fallacy with zero data support. The enrollment data at local schools has the highest population of students they have had in a decade with a growing trajectory.

I have made ends meet by renting in the summer months and the holidays such as Thanksgiving and Christmas, operating my residence as a part time STR since 2018. (The county blundered my license paperwork despite multiple emails and appeals.) That income has been immediately reinvested in the property and county, upkeep with concern for fire, storms, and taxes.

I choose guests with discerning care, academics and professionals who are quiet and flawless. I know they bring vitality to the community with kayak rentals and dining out. They shop at our wonderful bookstore, Brick Maiden Bakery, and Inverness Park Market. Everyone heads home with linens from beloved Coyuchi.

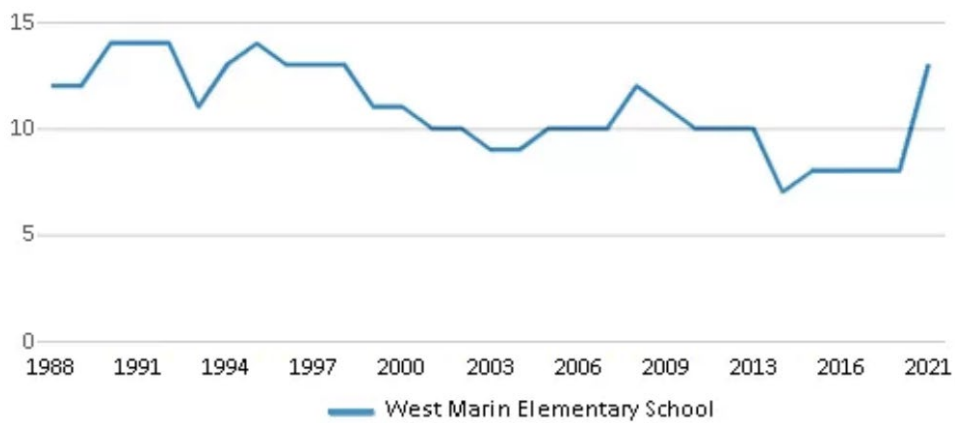
Importantly, welcome people to this national treasure of a seashore. Don't build a virtual wall limiting

accessibility. With respect, too much bias with unsupported claims has been indulged by this process, seeding a divisiveness. We were in a better place before this rushed, reactive moratorium, fueled by small, entitled, disproportionately vocal NIMBYism. Please, be sure to maintain standards that are thoughtful and fair, but not overly legislated, protecting a neighborly community spirit.

With true gratitude for your service.

Jennifer Golub
23 Drakes View Drive
Inverness, Ca. 94937







From: no-reply@marincounty.org
To: [STR](#)
Subject: Marin STR comments
Date: Thursday, October 5, 2023 3:03:30 PM

Alice Fang with email address xalicefang@gmail.com would like information about:
Hi Kathleen,

Thank you for sharing the Updated STR draft.

I noticed that "Other structures without permanent foundations, including but not limited to tipis/teepees, yurts, tents, and treehouses" are restricted.

We have a 50 acre plot of land with our primary residence (zoned ARP), and we were hoping to put 1-2 yurts on it for glamping to help pay our mortgage. It looks like the only way to do that now is to apply for a conditional use permit that costs 10k+ and half a year+ of approvals, which is prohibitively expensive for us.

Is there a way the STR committee can consider allowing a limited number of campsites for agricultural zoned land without going through the extensive CUP for campground process?

Having a yurt in our backyard wouldn't affect the affordable housing crisis. We have a beautiful view on our land, and we just want to share it with others and make living in Marin slightly more affordable for ourselves.

Thank you for considering,
Alice

From: [Melodie Holley](#)
To: [STR](#)
Subject: Feedback on STR rental ordinance
Date: Thursday, October 5, 2023 1:47:03 PM

You don't often get email from melholden@gmail.com. [Learn why this is important](#)

Dear Kathleen and members of the Planning Commission,

Thank you for welcoming feedback on the proposed STR ordinance. As a property owner in unincorporated San Rafael and an enthusiastic Airbnb host, I wanted to share my personal journey and perspective with you.

Our decision to renovate our ADU (Accessory Dwelling Unit) was driven by a desire to create a welcoming space for our friends and family to enjoy. However, when construction costs unexpectedly soared, we made the decision to share it on Airbnb as a means to offset expenses and bolster our retirement income. It's essential to note that offering our ADU as a long-term rental was not a viable option for us, as it would limit its availability for our loved ones, which is our primary intention.

Becoming Airbnb hosts has had a profound impact on our family's financial stability. Marin County, renowned for its beauty, should not exclusively cater to the super-wealthy. Allowing homeowners like us to generate additional income enables us to continue residing in this wonderful area. We, the average citizens of Marin, make ends meet through innovation and resourcefulness, and short-term rentals have proven to be an invaluable solution to bridge our income gap in retirement.

Being a host has given me a renewed sense of purpose. I take immense pride in crafting a unique and comfortable experience for my guests, and I personally handle all the behind-the-scenes work. My Airbnb rental not only offers guests a one-of-a-kind Marin experience but also contributes to the local economy by attracting tourists to the area. It brings me immense joy to provide hospitality to visitors, and my family has relished the opportunity to meet people from various corners of the world.

However, my concern arises from the proposed changes to the short-term rental policy, particularly the disallowance of my guest house as a short-term rental and future rental possibilities I've been envisioning. I must emphasize that my guests have consistently been respectful and considerate; quiet hours are clearly outlined in my policies, and I have never encountered any issues. Adequate parking is available, and my neighbors have not expressed any concerns.

I firmly believe that as a property owner, I should retain the right to utilize my property in a manner that does not disrupt my neighbors. Removing my ability to earn an income and pursue work that I'm passionate about would have a devastating impact on my livelihood.

I acknowledge the housing crisis we face and the need for more long-term rental options. However, I implore you not to inadvertently penalize individuals like me, who rely on short-term rentals to make Marin County an affordable place to live. I wholeheartedly support allowing multiple rentals per property, provided they do not become nuisances to our neighbors.

In the event that you move forward with new regulations, I kindly request the inclusion of an exception policy for small ADUs with kitchenettes, recognizing that they are not suitable for long-term rentals. This exception would provide economic stability and growth opportunities for families like mine who call Marin County home.

I also propose that grandfathered short-term rental units be considered, allowing for a balanced transition to any new policies.

Your consideration of these suggestions would not only support the economic well-being of Marin County residents but also preserve the diverse and welcoming spirit of our community. We should strive to find solutions that benefit everyone, including the "little guys" who contribute to the fabric of our neighborhood.

Thank you for your time and thoughtful consideration.

Warm regards,
Melodie Holley

From: [Audrey K](#)
To: [BOS](#); [Kilgariff, Kathleen](#); [Rodoni, Dennis](#); [Rice, Katie](#); info@westmarinaccesscoalition.com
Subject: Fwd: Opposition to STR Regulations
Date: Thursday, October 5, 2023 3:58:41 PM

Some people who received this message don't often get email from audreyaced@gmail.com. [Learn why this is important](#)

Please see my letter opposing STR regulations in W Marin.

----- Forwarded message -----

From: **Audrey K** <audreyaced@gmail.com>
Date: Thu, Oct 5, 2023 at 3:54 PM
Subject: Opposition to STR Regulations
To: <PlanningCommission@marincounty.org>

Dear Marin County Planning Commission,

I am in opposition to the County's draft short term rental standards which will result in making housing in West Marin less cost-efficient for everyone and limit the ability of local, national and international travellers to visit this region.

The regulations as drafted will greatly impact visitors to the region, and present economic hardship to some homeowners in W. Marin.

Some homeowners depend upon ST rentals to help cover their costs of property taxes, mortgage, insurance and maintenance. The payment of all of these expenses helps the local and State tax bases and services, provides employment to service and crafts people locally. Further the ST renters provide revenue by their purchasing of goods and services (at a higher rate than a permanent resident, due to needing to buy groceries and supplies for ST rental, or frequenting cafes and restaurants, rental of sports equipment, visiting local parks. By reducing housing options for visitors, the county is inadvertently reducing visitor access to the coast and parklands.

Additionally, homes such as the one I own and all my neighbors own at Stinson Beach which we reside in part time, but rent ST are NOT removing housing stock for local residents, as these homes are not affordable for LT or permanent rental. Local residents would not be able to afford the rent required to cover the baseline yearly expenses for "vacation homes" at Stinson Beach.

For the visitors, the draft regulations will limit access and raise the cost of available lodging for those wishing a deeper experience in the region. The regulations go beyond the moratorium by decreasing the number of vacation homes available to families visiting the region. GGNRA is the most visited national park in the Nation. PRNS had over 2.3 million visitors last year. Vacation rentals are already limited. Fewer vacation homes, means fewer visitors to the coast and parks.

For the County, the regulations will limit economically feasible lodging for visitors who come to experience the nearby public land. A single-family home is more cost-effective for a family than renting multiple single rooms in a hotel. In addition to allowing a family to experience the national parks more deeply, these homes give visitors an authentic experience in unique

communities throughout West Marin.

I hope that you will consider these factors and my opinion in your deliberations on the STR regulations, which

I find short-sighted, and unhelpful, in fact, harmful for your purported goals.

Sincerely,
Audrey Koh
homeowner

From: [Meg St. John](#)
To: [PlanningCommission](#)
Cc: [Kilgariff, Kathleen](#); [Rodoni, Dennis](#); [Rice, Katie](#); [BOS](#); info@westmarinaccesscoalition.com
Subject: Please VOTE NO on the draft short term rental standards
Date: Thursday, October 5, 2023 10:31:52 AM

Some people who received this message don't often get email from megastjohn@gmail.com. [Learn why this is important](#)

Dear Commissioners of the Marin County Planning Commission, Supervisor Rodoni, Supervisor Rice, and Ms. Kathleen Kilgariff,

As a frequent visitor, I write in opposition to the County's draft short term rental standards which will result in making vacation homes in West Marin more expensive for everyone and limit access to the coast and parks in the region.

I am a frequent visitor to the area, enjoying the Pt. Reyes National Seashore as both a camper and a guest in vacation rental homes. We visit several times a year to hike, camp, or take week-long vacations in beautiful towns of West Marin. I fear that fewer vacation homes will make it difficult for those coming from afar, or even just across the bridge, to experience the coast and parks.

We spent our honeymoon in a vacation rental in Inverness. The same vacation rental we have been visiting for almost 10 years. And last year we saw that house go off the rental market for reasons unknown to us. Marin is a very special place to us and one that we fear will become inaccessible to those with less means.

And by reducing lodging you will reduce the number of visitors. How many shops and restaurants will this shutter? Businesses that are probably already hanging on by a thread post-pandemic. People - your constituents - will lose jobs. Your tax base will be reduced with the loss of thriving businesses. All in the name of what?

West Marin is not some exclusive club to be protected for just those who were fortunate to buy houses there. It is the home to millions of acres of public land. That means land that belongs to all of us and to all our future generations. You should be thinking of ways to increase the access for more and more diverse communities to these national treasures - NOT limit it only to those of rarified socio-economic means.

Please send these regulations back to the drawing board, and ask County staff to define the issue, provide documentation, analyze the impact and work with the stakeholders they seek to regulate. Please vote no on the draft regulations and help stop the County's misguided effort to limit visitor access to the region's public lands.

Margaret St. John
Oakland, CA

From: [Pam Fabry](#)
To: [Rodoni, Dennis](#)
Cc: [Rice, Katie](#); [Moulton-Peters, Stephanie](#); [Sackett, Mary](#); [Lucan, Eric](#); [STR](#); [PlanningCommission](#)
Subject: STR"s
Date: Thursday, October 5, 2023 9:32:40 AM

Some people who received this message don't often get email from pamfab@gmail.com. [Learn why this is important](#)

Dear Planning Commissioners and Supervisors:

Our communities in West Marin are being hollowed out by the huge growth of STR's in the last few years. I am disappointed in the recommendations currently put forward which could result in more STR's rather than fewer. At the very least, I would like to see the following added:

1. No corporate ownership;
2. Strict enforcement of health and safety standards by the County. "Self-certifying" by the owner that these standards are being met is completely ineffective - it's the County abrogating its responsibility to provide safe accommodations to visitors;
3. Most importantly A MUCH LARGER REDUCTION in the number of unhosted STRs than what is proposed in the draft. Much lower caps on unhosted STRs are needed to restore the health of our coastal West Marin communities, while the current draft ordinance actually increases the allowable number. This is in direct conflict with the County's own Housing Element and Local Coastal Program, as well as the wishes of a majority of West Marin residents.

Thank you for your attention.

Pam Fabry
80 Oak Rd, #719
Bolinas, CA 94924

From: [Christine Cunha](#)
To: [Rodoni, Dennis](#)
Cc: [Rice, Katie](#); [Moulton-Peters, Stephanie](#); [Sackett, Mary](#); [Lucan, Eric](#); [STR](#); [PlanningCommission](#)
Subject: Houses Should Be Homes. (West Marin Resident)
Date: Thursday, October 5, 2023 5:12:46 AM

[Some people who received this message don't often get email from balancingact.marin@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Planning Commissioners and Supervisors,

I am a West Marin resident (Bollinas) deeply concerned about the lack of affordable housing due, in large part, to the number of residential properties that have been commercialized and turned into short term rentals (STRs) over the past 5 years. Everyone living in West Marin has stories of friends, family, and neighbors who have had to relocate because their long-term rental has been lost. Our communities cannot continue to function without places for local workers, teachers, firefighters, families, and seniors to live!

The draft STR ordinance is a step in the right direction but it has no teeth and doesn't go far enough. Please ensure that the following provisions are added or strengthened:

1. No corporate ownership;
2. Strict enforcement of health and safety standards by the County. "Self-certifying" by the owner that these standards are being met is completely ineffective - it's the County abrogating its responsibility to provide safe accommodations to visitors;
3. Most importantly A MUCH LARGER REDUCTION in the number of unhosted STRs than what is proposed in the draft. Shockingly, the current draft ordinance actually increases the allowable number! Much lower caps on unhosted STRs are needed to restore the health of our coastal West Marin communities. This proposed increase directly conflicts with the County's own Housing Element and Local Coastal Program, as well as the wishes of a majority of West Marin residents.

These draft recommendations are extremely disappointing. Please do better on behalf of West Marin tenants and renters. We need homes and people that LIVE IN them!

The cost of West Marin housing has skyrocketed because people buy the house specifically to STR it rather than live in it. IF STRs are capped by County regulation, we might actually see downward pressure on home prices.

The monied interests will tell you there's no relationship between available rentals and STRs but community after community across the USA is grappling with these very same issues. Obviously, there is a strong connection between the commercialization of our neighborhoods and the lack of affordable housing.

If neighborhoods were meant to be commercialized then the zoning should be different than "residential".

STR is like plopping a hotel in place of a home.

Thank you for your consideration,
Name: Christine Cunha
Address: 60 Oak Road, Bollinas CA 94924
Email: cncunha415@gmail.com

Christine Cunha
Sent from my iPhone
415-797-2106

From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: Short term rentals
Date: Thursday, October 12, 2023 9:57:35 AM

Public Comment

From: Suraya Brendel <surayabrendel@icloud.com>
Sent: Wednesday, October 4, 2023 10:05 PM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: Short term rentals

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Dear Members of the Planning Commission,

I am writing to express my concerns regarding the growing prevalence of short-term rentals in our town and the detrimental effects they are having on both our community and place of business.

While short-term rentals may seem like an attractive option for tourists, it is my belief that their unchecked proliferation poses several significant challenges to our town's overall well-being:

1. Short-term renters often have little vested interest in the community, leading to a decline in the sense of neighborliness and shared responsibility that is the backbone of our town's identity.
2. The popularity of short-term rentals has driven up property prices and rents, making it increasingly difficult for long-term residents to find affordable housing.
3. Excessive short-term rentals can result in increased noise, traffic, and disturbances in otherwise tranquil residential areas, negatively affecting the quality of life for residents.
4. As a restaurant owner, I have observed a decline in foot traffic and patronage due to tourists opting for the convenience of cooking in rental properties. This has had a direct impact on my restaurant's revenue and the livelihoods of my employees.
5. Increased tourism can strain local resources, including emergency services, parking facilities, and public infrastructure, putting additional burdens on our town's budget.

I urge the Planning Commission to consider the following actions to mitigate these negative impacts:

1. Enforce strict regulations on short-term rentals, including limits on the number of rental properties allowed in West Marin. Enforce noise ordinances to protect the peace and quiet of our town.
2. Explore initiatives to promote affordable housing for long-term residents, ensuring that our community remains accessible to all.
3. Encourage tourism while also supporting local businesses and the community.

I believe that with careful planning and thoughtful regulations, we can strike a balance between preserving the charm of our town and welcoming responsible tourism. It is my hope that the Planning Commission will consider these issues earnestly and take appropriate measures to protect our community's interests.

Thank you for your attention to this matter, and I am willing to offer further insights or participate in discussions to find sustainable solutions for our beloved town.

Sincerely,

Suraya Brendel

(415)4197874

Suraya Brendel

From: [PlanningCommission](#)
To: [Kilgariff, Kathleen](#)
Cc: [Damazyn, Michele](#)
Subject: FW: Oppose Draft STR Regulations
Date: Thursday, October 12, 2023 9:56:45 AM

Public comment

From: David Hegarty <davidhegarty@gmail.com>
Sent: Wednesday, October 4, 2023 8:21 PM
To: PlanningCommission <PlanningCommission@marincounty.org>
Subject: Oppose Draft STR Regulations

You don't often get email from davidhegarty@gmail.com. [Learn why this is important](#)

Dear Marin County Planning Commission,

I write in opposition to the County's draft short term rental standards which will result in making housing in West Marin less cost-efficient for everyone and limit visitor access to the coast and parks in the region.

With no rationale nor data to support the draft regulations, it is evident that the draft regulations will greatly impact visitors to the region. By reducing housing options for visitors, the county is inadvertently reducing visitor access to the coast and parklands.

For the visitors, the draft regulations will limit access and raise the cost of available lodging for those wishing a deeper experience in the region. The regulations go beyond the moratorium by decreasing the number of vacation homes available to families visiting the region. GGNRA is the most visited national park in the Nation. PRNS had over 2.3 million visitors last year. Vacation rentals are already limited. Fewer vacation homes, means fewer visitors to the coast and parks.

For the County, the regulations will limit economically feasible lodging for visitors who come to experience the nearby public land. A single-family home is more cost-effective for a family than renting multiple single rooms in a hotel. In addition to allowing a family to experience the national parks more deeply, these homes give visitors an authentic experience in unique communities throughout West Marin. These limits will result in limiting visitor's access to affordable housing on the coast.

For the homeowner, the regulations are costly, burdensome, and possibly unattainable. The unprecedented 11-pages of detailed restrictions and requirements will all but ensure compliance failure among a substantial number of homes and result in less lodging to visitors. For those few that can comply, the time and expenses associated with gathering the documentation, additional services, and the annual inspections will lead to a large increase in the overall costs of operation, which will result in increased nightly rates for visitors to the region.

Overall, these regulations will make homeownership more costly and out of reach for more people—

visitors and residents alike. West Marin has always been a community with large numbers of vacation homes used in part as short-term rentals for generations. Renting one's second home for others to use for vacation purposes has also been a means by which many local people are able to live permanently in West Marin during their retirement years. Limiting people's ability to rent their homes, or cottages and in-law units that have been rented for many years on a part-time basis, reduces their ability to achieve homeownership.

Please vote no on the draft regulations and help stop the County's misguided effort to limit visitor access to the region's public lands.

Sincerely,

David Hegarty

From: [Christine Machado](#)
To: [Rodoni, Dennis](#)
Cc: [Rice, Katie](#); [Moulton-Peters, Stephanie](#); [Sackett, Mary](#); [Lucan, Eric](#); [STR](#); [PlanningCommission](#)
Subject: Houses Should Be Homes. (West Marin Resident)
Date: Wednesday, October 4, 2023 8:21:38 PM

Some people who received this message don't often get email from christine@onenessfirst.com. [Learn why this is important](#)

Dear Planning Commissioners and Supervisors, I am a West Marin resident deeply concerned about the number of residential properties that have been commercialized and turned into short term rentals (STRs) over the past 5 years. Everyone living in West Marin has stories of friends, family, and neighbors who have had to relocate because their long-term rental has been lost. Our communities cannot continue to function without places for local workers, teachers, firefighters, families, and seniors to live! The draft STR ordinance is a step in the right direction but it has no teeth and doesn't go far enough. Please ensure that the following provisions are added or strengthened: 1. No corporate ownership; 2. Strict enforcement of health and safety standards by the County. "Self-certifying" by the owner that these standards are being met is completely ineffective - it's the County abrogating its responsibility to provide safe accommodations to visitors; 3. Most importantly A MUCH LARGER REDUCTION in the number of unhosted STRs than what is proposed in the draft. Much lower caps on unhosted STRs are needed to restore the health of our coastal West Marin communities, while the current draft ordinance actually increases the allowable number. This is in direct conflict with the County's own Housing Element and Local Coastal Program, as well as the wishes of a majority of West Marin residents.

Thank you for your consideration,

Christine Swain Machado
christine@onenessfirst.com

From: [J Bird](#)
To: [Kilgariff, Kathleen](#)
Subject: Deep concern over STR draft regulations
Date: Wednesday, October 4, 2023 11:44:36 AM

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Dear community development agency,

I have read the new draft regulations and as a small STR cottage owner, find them totally unacceptable. They are costly, burdensome, pose security risks to me and my property, and will not increase affordability nor add more long term housing to the area.

Does the planning commission care what will happen to homeowners like me if these draft regulations go into effect? In all reality, I will be harassed and targeted thanks to the new signage required and my personal information being on very public display. As a woman, and a mom of small children, and just a human living in this era of identity theft and violence, it feels very unsafe and downright wrong to require that my personal and contact information be publicly displayed. My home and property will become such an easy target for break ins and vandalism as well.

Worst is that your draft regulations are so costly, time consuming and unjust that I may be forced to sell my property. If that happened, there is no way my coastal cottage would sell at an "affordable price" to a nice local family who's been struggling to find affordable housing. I know this because I watch what happens to the few properties that come on the market in my area. I know this because I get realtors contacting me regularly about selling it and know my property value. It would very likely sell off market for an all cash over asking offer to someone (or a corporation) wealthy enough not to need bother renting it at all. It would become yet another empty house owned by someone with many houses who comes out once a year, if at all, and not provide the ongoing support to local businesses and the local economy year round like my STR guests and I do. Or, it would become just another investment property to a big corporation oddly exempt from your draft regulations. This is the reality I've watched take place all over my part of west marin in recent years and is what happens when a property in a rare beachfront location such as mine is sold. You will NOT create more affordable housing with these draft regulations.

Your draft regulations are an unfair, nonsensical, knee jerk reaction to the voices of a small number of (understandably) frustrated long term renters in west marin. I would love to see more affordable housing being created. Why don't our TOT and property tax dollars go toward this??? Why instead punish the small mom and pop STR operators and responsible homeowners like me who can't afford NOT to short term rent our property? I also find it interesting and hypocritical that some of the most vocal anti STR voices around this topic are the ones whose businesses and livelihoods depend most on STR visitors. There is an underlying attitude of localism and elitism as well to that argument that I cannot support and nor should you.

I actually tried to rent my cottage out as a long term rental initially but discovered that the west marin residents in need of long term housing rentals were unable to afford to even cover my baseline expenses of mortgage + property taxes. I'm not in a financial position to subsidize someone else's rent and not have my property at least break even on monthly expenses, which led to turning it into an STR. By the way, I am not getting rich off my STR in the slightest. It is my long term investment and retirement property though and I have poured everything I have into it. I feel great about providing affordable lodging to visitors (mainly families) in an area with extremely limited lodging. My visitors support the local economy, are quiet and respectful. Plus my family and I get to use and enjoy our own property regularly and also support the local economy. We love providing an affordable overnight accommodation to so many people who are in turn able to enjoy our beautiful public beach and town in an area that they otherwise would not have easy access to. I love that my modest property generates enough income to provide regular, well paid work for local cleaning and maintenance folks year round as well.

Which leads to my last point of how discriminatory and unfair these draft regulations are...they will hugely impact the hardest working and lowest income residents of west marin such as the cleaners, maintenance specialists, restaurant and store workers, etc whose livelihoods truly depend on and revolve around STRs. These residents (whose voices are not as loud) will lose work and likely be forced out of the area.

Your draft regulations are not the solution to the affordable housing crisis in west marin and beyond. The County needs to go back to the drawing board. Define the issue, provide documentation, and work with the stakeholders they seek to regulate to ensure the standards are fair, achievable, and non-discriminatory. Thanks for taking the time to read this.

Sincerely,

A very concerned west marin resident and homeowner

From: [Claire Hunsaker](#)
To: [PlanningCommission](#)
Cc: [Kilgariff, Kathleen](#); [Rodoni, Dennis](#); [Rice, Katie](#); [BOS](#)
Subject: Opposition to Marin STR Regulations
Date: Wednesday, October 4, 2023 9:45:22 AM

To the Marin County Planning Commission and Concerned Parties,

I write to express my strong opposition to the proposed regulations limiting short-term vacation rentals in West Marin. The draft regulations lack supporting data, will profoundly impact equitable access to the park and lack a comprehensive understanding of the potential impacts on our community and visitors.

West Marin, with its beautiful parks and coastline, is a magnet for millions of visitors. The new rules will absolutely make it harder for these visitors to find places to stay by making visits more expensive. The regulations, with their vaguely worded and in some instances impossible requirements, will allow regulation to be applied subjectively and by fiat. For instance, when most homes were built in West Marin, there was no requirement for septic drawings. How does the county expect homeowners to provide a site map of a system that was never documented? This ability to apply "ministerial discretion" arbitrarily, will unfairly drive STRs out of business, leading to fewer available rentals and higher prices for visitors.

These overreaching regulations also undermine property rights and impose unfair burdens on homeowners by limiting utilities. A house can only hold so many people, whether inhabited by an owner or a guest, so limiting things like water seems to be less about environmental protection and less more about discouraging rentals.

I also ask you to consider the implications for racial and economic equity. By making visits more expensive, we risk excluding diverse communities. Economic barriers can inadvertently become racial barriers, and we must be cautious not to create a system that favors only those privileged enough to afford a home in a county where the median home price is \$1.4Million. By limiting access to West Marin, the regulations effectively privatize public land.

The economic benefits visitors bring are undeniable. In 2022, the Point Reyes National Seashore significantly boosted our local economy. Fewer visitors mean fewer jobs, less business for local shops which already depend on seasonal visitor inflow, and less tax revenue.

In conclusion, these proposed rules seem to have unintended consequences that could hurt our community, our visitors, and the principles of equity and public access. I hope the Planning Commission will reject them.

Warm regards,

Claire Hunsaker
Inverness property owner and STR Operator
Resident of and Voter in District 4

From: [Nicolas Tucker](#)
To: [PlanningCommission](#); [Kilgariff, Kathleen](#); [Rodoni, Dennis](#)
Subject: Draft STR Regulations (oppose)
Date: Tuesday, October 3, 2023 8:37:31 AM

Some people who received this message don't often get email from nicolasanthony.tucker@gmail.com. [Learn why this is important](#)

Dear Commissioners of the Marin County Planning Commission, Ms. Kathleen Kilgariff, and Supervisor Dennis Rodoni:

As a visitor to a region that is almost entirely composed of public land, I write in opposition to the County's draft short term rental standards which will result in making vacation homes in West Marin less cost-efficient for everyone and limit visitor access to the coast and parks in the region.

Define the actual problem. Visitors are not the problem, unless the goal is to have fewer restaurants, fewer options at the hardware and grocery store, fewer local jobs, and fewer artists in the community. The County has failed to provide any data stating the problem they are trying to address. These draft regulations ensure that the outcome will be to house fewer visitors and to provide fewer job opportunities in the region.

Marin County is proposing to exclude people from lower economic communities from staying in West Marin. Reducing the number of permits allowed in each community adjacent to national parks undermines the community's ability to provide needed lodging at affordable costs. Do you travel? If so, you know that vacation homes are far more economical and provide an authentic experience in communities. The public parks do not belong to the residents of Marin only. It's imperative that lodging is made available so others can appreciate these lands and the vast coastline of Marin County.

Why is Marin County making rules that essentially claims these public lands as resources of Marin only, while making it costly and difficult for others to stay?

Create incentives for visitors to enjoy the landscape and unique community services (restaurants, art galleries, and nature tours), not putting up barriers to entry. Why is the County proposing rules that will put businesses and community at risk of losing the region's greatest economic base and negatively impacting our economic diversification in the region?

Please vote no on the draft regulations and help stop the County's misguided effort to limit visitor access to the region's public lands.

Sincerely,
Nick Tucker
Oakland, California

From: [PATRICIA LEE](#)
To: [STR](#)
Subject: Re: Short-term rental draft ordinance - comments
Date: Thursday, September 28, 2023 11:28:47 AM

You don't often get email from leepatricia@mac.com. [Learn why this is important](#)

To whom it may concern:

I am 69 years old and retired on a limited income. I purchased the Dillon Beach property from the sale of my home in SF as an investment to augment my social security. I now rent in Petaluma and live on SS and the rental income from Dillon Beach Property. I absolutely depend on this income in order to live in California and the corresponding high cost for everything. To change the rules seems unfair and unjust for existing short term rentals especially when the property was specifically purchased for that reason. It would also decrease the value of the property if I had to sell. My other arguments are as follows:

- 1) There are few to no hotel options in the costal areas and this would create limitations to access for those that cannot afford to own property or simply just want to vacation.
- 2) Setting caps will also ultimately increase the cost / decrease competitive pricing for visitors by way of restricting supply, which further limits access for the general population.
- 3) Operators of vacation rentals take bookings in advance from families planning their summer or holiday vacations. The caps create an environment of uncertainty if there is more demand for licenses than the cap allows which hurts renters as well as operators.

I would kindly ask that at minimum, Coastal communities specifically should be excluded from the proposed changes and continue to operate under the existing standards. Everyone should have access to enjoy the limited beach communities and the ocean.

Thank you for sharing my comments at the hearing.

From: [Jessica Yau](#)
To: [STR](#)
Subject: Short-term rental draft ordinance - comments
Date: Thursday, September 28, 2023 10:16:41 AM

You don't often get email from jessica.yau@me.com. [Learn why this is important](#)

Hello,

I would like to know what the 'initial' and 'ultimate' rental caps for each locale are based on?

My comments are specifically for the coastal areas of Dillon Beach and others. It is not appropriate to create caps on the number of un-hosted short term rental licenses in the coastal areas which are vacation and tourism destinations.

- 1) There are few to no hotel options in these areas and this would create limitations to access for those that cannot afford to own property or simply just want to vacation.
- 2) Setting caps will also ultimately increase the cost / decrease competitive pricing for visitors by way of restricting supply, which further limits access for the general population.
- 3) Operators of vacation rentals take bookings a year in advance from families planning their summer or holiday vacations. The caps create an environment of uncertainty if there is more demand for licenses than the cap allows which hurts renters as well as operators.

Coastal communities should be excluded from the proposed changes and continue to operate under the existing standards with no changes.

Thank you for sharing my comments at the hearing.

Jessica Yau
jessica.yau@me.com
415.944.0901

From: no-reply@marincounty.org
To: [STR](#)
Subject: Oceana Marin and County moratorium on VRBO licensing/ADU needs
Date: Thursday, September 28, 2023 10:01:50 AM

Jeff Toquinto with email address jtoquinto@gmail.com would like information about: Kathleen, My wife Lyn and I bought a open lot in Ocean Marin just months before Covid. When we purchased the lot, our plan was to VRBO the house until we retire(2030), at retirement, it will become our fulltime residence. The VRBO income is how we planned to make building the home feasible. I'm a general contractor and have been in business for 40 years. The cost of building our retirement home has doubled since pre-Covid. We are facing a complex financial issue if we will not be allowed to have a short term rental license. BTW.. I'm submitting the plans for permit next week. Feel free to call me if you have any questions. (415)246-0108 Thx, Jeff

From: [Daniel Kramer](#)
To: [Rodoni, Dennis](#)
Cc: [STR](#)
Subject: We urge your continued support for short-term rentals in West Marin
Date: Tuesday, September 26, 2023 3:43:57 PM

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September 26, 2023

Supervisor Dennis Rodoni
DRodoni@marincounty.org

Community Development Agency
STR@MarinCounty.org

Dear Supervisor Dennis Rodoni and the Community Development Agency,

We urge your continued support for short-term rentals in West Marin. They are a tremendous value to the County and region.

In the past decade we've stayed in vacation rentals in Marin County more than a dozen times visiting friends and family. It has given us the opportunity to see all that Marin County has to offer. Over the years we've primarily stayed in Dillon Beach, but we've also visited and hiked Pt. Reyes National Park [multiple times], shopped at Pt. Reyes Station, had Oysters at Hog Island, had a picnic lunch on Shell beach, and a burger or two at Nick's in Marshall. Lodging options have been limited in these areas. Short term rentals allow us to hike, dine and shop in relatively remote parts of Marin without having to travel a long distance both ways from our home to access these locations.

Every time we visit Marin it's usually for at least a three-day weekend and sometimes up to a week. Our family probably spends on average \$200 to \$300 a day on drinks, meals, shopping, and supplies that we purchase in West Marin County, not including the money we spend on lodging.

It's inconceivable that the short-term housing unit owners and full-time residents (which undoubtedly include owners of some of the same short-term properties) and Marin County would want to lose sales tax and 4% TOT funds allocated to affordable housing and emergency services in Marin County. Loss of tax revenue would have to be made up by increasing taxes or lowering benefits if short term rentals were eliminated.

It would be a shame to lose coastal access, but we could understand if an owner in Marin wants to maximize the value of his or her property. But it should be the owners decision who they choose to rent their property to and for how long. The consequences of STR income loss to a property owner who depends on it for their livelihood may cause these owners to seek other sources of revenue like those in

nearby (to us) Sacramento County – where the rent is steady for the owner but over which the County and neighbors have little control – transitional housing for developmentally disabled, addiction and treatment recovery services to name a few such examples.

Please keep us updated on your progress and efforts to maintain STR rentals in Marin. Thank you.

Respectfully,

Dan & Ann Kramer
1460 Crocker Drive
El Dorado Hills, CA 95762
kramersaccount@gmail.com

Attachments: A few pics of our travels to West Marin

From: [Steve rubin](#)
To: [Kilgariff, Kathleen](#); [PlanningCommission](#)
Cc: [Rodoni, Dennis](#); info@westmarinaccesscoalition.com
Subject: Lack of engagement
Date: Tuesday, September 26, 2023 11:04:10 AM

To Kathleen Kilgariff and the Marin county Planning Commission,

I am writing to officially protest the process by which the planning department drafted new regulations on short term rentals in unincorporated Marin. The planning department has not allowed stake holders to have a say or meet with planning department. I am a large stake holder and business owner in Stinson Beach and have requested to meet with the planning multiple times and have not been consulted in anyway. I was on the commish for STR stakeholder during the covid crises and have asked to have my say during the drafting of the document. Why have my requests gone un-answered. Please put this complaint on file. I do not want the planning department to pretend that they have reached out to stake holders when indeed they have not been at all transparent.

Steve Rubin
Stinson Beach

From: [Wine Country to Coast Vacation Rentals](#)
To: [STR](#)
Subject: Good Afternoon - STR Standards Feedback
Date: Monday, September 25, 2023 3:49:10 PM

You don't often get email from office@winecountrytocoast.com. [Learn why this is important](#)

My name is Stace Jardine. Karyn Lawson and I have owned Dillon Beach Property Management, Inc. (dba Wine Country to Coast Vacation Homes) since 1994. We are in great standings with the HOA in Dillon Beach and the County of Marin.

If you are limiting vacation homes in our area in hopes that it will supply housing to Lower and Middle income residents that is an impossibility.

1. Rent for a beach house would range from \$6,000 to \$9,000+ *per month* for a long term rental. Those prices would certainly not reflect low or middle income rental amounts that would be considered "affordable housing".

2. The drive to and from Dillon Beach is 25 to 30 minute to a freeway. Not good for commuting.

3. Dillon Beach has been a Vacation Destination for over 100 years.

Trying to create affordable housing at a beach destination is not realistic. Not only does it not meet the general public's needs, but the real estate prices, regardless of short-term rentals, is prohibitive to middle and lower income buyers.

Our company has always gone above and beyond what other vacation rentals companies do by providing security checks to houses to protect year-round residents from typical vacation rental problems.

1. We have a Security person that drives by all of our vacation homes. They count cars and make certain there are no parties happening. If anything looks out of the ordinary, or we can hear people being too loud after-hours, we stop, knock and assess the situation. We are the only vacation rental company that does this and we have been doing this from the beginning of our company.

2. We screen people that are trying to rent with us by asking questions. How many in your party, is this a family or friend gathering etc. We limit the number of people and cars at each property day and night with no exceptions. We go beyond County standards and turn people away that are clearly trying to have a party. We want to be fantastic neighbors to everyone in the Dillon Beach Community.

We hope you will reconsider the restrictions you are wanting to put on Dillon Beach vacation homes.

Thanks,
Stace Jardine
Wine Country to Coast Vacation Rentals
707-878-2204

Please visit our websites for info and on-line reservations
<http://www.winecountrytocoastvacationrentals.com>

Please View our Dillon Beach and Russian River Videos to see more of the areas!

Dillon Beach

<https://www.youtube.com/watch?v=gJtcOKbM8tE&feature=youtu.be>

Russian River Wine Country

<https://vimeo.com/188226954>

"Like us" on Facebook and be the first to get information on special rates and Fall/Winter deals.

<https://www.facebook.com/WineCountrytoCoastVacationRentals/>

From: [Remick Hart](#)
To: [STR](#)
Subject: Comments re:STR draft
Date: Monday, September 25, 2023 2:21:49 PM

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The draft more fairly balances STR's with the many existing (for many years) low income housing units in Bolinas. The population in Bolinas should not expand further unless there is significant infrastructure improvements, fire, water, sheriff, sidewalks so you don't have to walk in the streets, and medical. There has been and continues to be a need for septic updates to code of private home systems. The septic failures are know to all including BCPUD board members but intentionally not address as all are worried about fiends and neighbors. An independent agency needs to oversee the septic issue especially during winter at high water table.

Tax revenue from STR's helps Bolinas, if tax revenues actually are directed back. The short term renters spend money in our community and are very respectful to neighbors as well as the homes they rent. Property owners don't need to be at the property but a neighbor could be a contact for issues that arise. The owner sets the rules for the property and there are consequences for violating as well as our local sheriff. The STR's provide needed taxable income to the property owners to supplement their income.

Respectfully submitted,

Sent from my iPhone

From: [Paul Gray](#)
To: [STR](#)
Subject: Thoughts on Housing
Date: Saturday, September 23, 2023 2:07:21 AM

I strongly suggest a full-on ban of any short-term rental housing in Marin, until the county reaches its mandates for new housing.

We can't let renters suffer as tech-enabled apps artificially increase prices, often pushing locals into homelessness and out of Marin.

From: no-reply@marincounty.org
To: [STR](#)
Subject: Draft of Short termrental
Date: Friday, September 22, 2023 1:12:46 PM

Nicholas B. Clark with email address nclarkca@aol.com would like information about:
I understand the concerns about the concern about multiple short term rentals by non-owners.
It seems to me that your restrictions on single short term rentals by an owner is too restrictive
requiring multiple restrictions and approvals.

You might consider less restrictions and approvals for a single short term rental but require
multiple unit rentals by the same owner as more like a hotel with the corresponding
restrictions and approvals

I do not plan on any short term rental.

From: [Wynne Furth](#)
To: [STR](#)
Subject: Re: How do I tell what town my home is in for STR purposes?
Date: Thursday, September 21, 2023 4:06:06 PM

I think I do understand it. I object to the policy recommendation. We are not trying to avoid a tax reassessment; we are trying to keep a family house even with the higher taxes rather than being forced into a sale after a death because of losing the STR permit. I hope I'm wrong in my reading.

On Thu, Sep 21, 2023, 9:59 AM STR <str@marincounty.org> wrote:

Hi Wayne,

Yes, there are a few areas in Inverness that share a zip code with Point Reyes Station so it can be a little unclear as to where they are located. I'm going to post the township map (attached) online so that people can see where they are located.

The regulations define a change in ownership as, "A change in ownership of the property as defined in [California Revenue and Taxation Code section 60 et seq.](#), or its successor."

You could reach out to the [Assessor's office](#) to better understand your specific situation.

Best,

Kathleen

Kathleen Kilgariff
PLANNER

she/her

County of Marin

Community Development Agency

3501 Civic Center Drive, Suite #308

San Rafael, CA 94903

From: Wynne Furth <wynne.furth@gmail.com>

Sent: Wednesday, September 20, 2023 11:04 PM

To: STR <str@marincounty.org>

Subject: Re: How do I tell what town my home is in for STR purposes?

Got it - I was a little shook when the county website said that my address was Point Reyes Station. None of us

think we live in PRS. Thanks for your quick response Kathleen. I gather our more serious problem is that on my death

the permit would be revoked and my daughter would not be able to use

STRs to help support the extended family house?

On Wed, Sep 20, 2023 at 3:14 PM STR <str@marincounty.org> wrote:

Hi Wynne,

Paradise Ranch Estates falls under Inverness. The [proposed regulations](#) would prioritize existing, legal STRs so long as you apply for a license prior to July 1, 2025.

Best,

Kathleen

Kathleen Kilgariff
PLANNER

she/her

County of Marin

Community Development Agency

3501 Civic Center Drive, Suite #308

San Rafael, CA 94903

From: no-reply@marincounty.org <no-reply@marincounty.org>

Sent: Tuesday, September 19, 2023 3:58 PM

To: STR <str@marincounty.org>

Subject: How do I tell what town my home is in for STR purposes?

Wynne Furth with email address wynne.furth@gmail.com would like information about: Our home is in Paradise Ranch Estates. We have had a short term rental permit for decades. Which West Marin community are we considered to be a part of? Our address is 420 Drakes View Drive.

Is the initial quota set to make room for all existing permits?

Thanks,

Wynne Furth 650.444-5888

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

From: [myra drotman](#)
To: [STR](#)
Cc: [Rice, Katie](#); [Vernon, Nancy](#)
Subject: KEEP SHORT TERM RENTALS FOR ADU'S!
Date: Wednesday, September 20, 2023 3:07:37 PM

KEEP ADUS AVAILABLE FOR SHORT TERM RENTALS.

I HAVE STARTED MY ADU PROCESS WITH THE UNDERSTANDING THAT I WILL BE ALLOWED TO HAVE IT AS A SHORT TERM RENTAL! You are changing the rules one mid process.

I can not believe that you are planning on not allowing ADU's to have short term rentals.

I have spent over \$50,000 on all the ridiculous fees and have plans submitted to the county. I did not take advantage of the particle fee waiver because at this time I want to do some short term rentals.s

At some time in the future I may decide to rent full time. Or if I sell my home , the new owners may want a full time renter. I may have to stop and just lose this \$50,000 because I do not want a full time tenant at this point living on my property.

Right now I do not want a rent controlled rental property on my property with a full time tennant.

I can not believe that I have spent all this money and time planning my ADU and now will not be able to allow people to enjoy it and try to regain some of my costs.

I have no clue why you keep taking away people's property rights. People do have property rights and you just keep eating away at them. YOur tell us that ADU's won;t be under your rent control and then you put it under rent control. You let us believe we can build an ADU and have it as a short term rental and now you say no!

I am also a realtor and many people will not build these extra housing units if they will only be able to rent them full time. The rich will not care. The poor folks who have ADU's will have to wind up with full time rent control tenants. And the middle class gets screwed in the middle .

hey- you supervisors: Past supervisors fought hard to keep Marin a rural suburban area. You are just giving in and giving up.

Thank you.

Regards,
Myra Drotman
Realtor DRE #: 01305621
mdrotman16@gmail.com
415-601-5445

From: no-reply@marincounty.org
To: [STR](#)
Subject: STR Draft Comments - ADU's West Marin
Date: Wednesday, September 20, 2023 12:29:30 PM

Kaye Fleming with email address kayefdesign@gmail.com would like information about: Removing ADU's entirely and only allowing Main House STR misses the point!! Many elderly couples or families have a guest house used for occasional family guest visits that would not be considered for a long term rental. It would only be used for supplemental income on a part time basis. Not allowing these removes their ability to STR for needed income. Only allowing Main house STR removes these needed homes from the long term rental and sales market. They will claim to rent out the ADU long term to an onsite manager and STR the big house. This removes too many family size homes in West Marin combined communities from the potential long term rental market! It needs to be a mix. Incentives for long term rentals need to be addressed, especially to seniors needing an ADU. Glamping in teepees or tents should not be removed!! This doesn't take housing off the market and it's a great way for homeowners to provide access to young travelers to rural West Marin.

From: [David O'Brien](#)
To: [STR](#)
Subject: Short Term Rental Concern
Date: Wednesday, September 20, 2023 8:25:46 AM

[You don't often get email from david@attainregroup.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Good morning,

Are there going to be restrictions on property owners in relation to them having the ability to rent out there ADU or accessory dwelling unit? I would hope that there's a separate rule related to those homeowners that live in the main structure on the property and those that live off the property.

If what the county is proposing is something that restricts a property owners ability to offer their accessory dwelling unit or ADU up for short term rent. I would strongly object. Marin is an expensive place to live, and to restrict somebody's income, would be restricting their ability to continue to keep their home and live in Marin in many cases, which would in my opinion be criminal and the government overstepping it's bounds and infringing on property rights in a egregious manner.

My overall opinion is that the county should not be able to restrict the right of short term rentals in anyway. I believe in property owners rights. However, I know I live in a liberal county that is more inclined to infringe on those rights. I am therefore tempering my response in the hopes that a middle ground can be met.

Thank you for your response,

David O'Brien
Broker Associate 01832087
Attain Real Estate-Team O'Brien
415-342-1968
Sent from my iPhone. Please excuse typos and auto spell corrects.

From: [Hilary Jeffris](#)
To: [STR](#)
Subject: Short term rentals
Date: Wednesday, September 20, 2023 7:09:42 AM

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I hope the new plan includes a limited duration for those who are permitted. Say two to three years. That prevents hoarding by existing permit holders and allows new people to get the same opportunity.

Best,
Hilary

From: [Stephen Pringle](#)
To: [STR](#)
Subject: Re: Questions about new county short term housing guidelines. PRA request (FOIA)
Date: Wednesday, September 20, 2023 4:50:13 PM

You don't often get email from springle@sfnorth.com. [Learn why this is important](#)

I think your caps are ridiculous. I support a lot of what you are doing but you take this way to far. Just like Fairfax with their just cause going way to far. What if someone loses their job and needs some temp income? Nope can't rent it

On Wed, Sep 20, 2023 at 4:21 PM STR <str@marincounty.org> wrote:

Hi Stephen,

- We are still working to develop the administrative side of the STR program, but self-certification could look like what the City of San Rafael currently requires. For example, here is their [building safety checklist](#) and here is their [vegetation checklist](#).
- As it relates to Accessory Dwelling Units (ADUs), current State Law prohibits the use of ADUs as Short Term Rentals. The language proposed in the draft regulations is in conformance with this State mandate.
- The ultimate number is based on the number of licensed STRs before the County announced the STR moratorium last May 2022. We looked at the number of licenses issued between May 1, and May 24, 2024 and subtracted those numbers from the current number. You could request this information from the Department of Finance by emailing BusinessLicense@marincounty.org.

Please let me know if you have any other questions or comments.

Best,

Kathleen

From: Stephen Pringle <springle@sfnorth.com>
Sent: Wednesday, September 20, 2023 7:25 AM
To: STR <str@marincounty.org>; sbarry@cbnorcal.com
Subject: Questions about new county short term housing guidelines. PRA request (FOIA)

You don't often get email from springle@sfnorth.com. [Learn why this is important](#)

You State:

xiii. All short term rental applicants shall provide a self-certified building safety inspection upon permit application or renewal. 4 xiv. All short term rental applicants shall provide a self-certified fire-life safety inspection upon permit application or renewal. xv. All short term rental applicants shall provide a self-certified defensible space inspection, conducted within the preceding twelve months, upon permit application or renewal.

What exactly is a self-certified inspection? Be specific please

Restricted Structures. A short term rental is not allowed in any of the following: 1. A structure subject to a recorded governmental restriction, including covenants or agreements for an affordable housing unit, agricultural employee unit, farmworker housing. 2. An accessory dwelling unit or junior accessory dwelling unit. 3. A multi-family dwelling or condominium unit. 4. Non-residential areas within buildings, such as storage areas, and living/sleeping quarters added in garages. 5. Recreation vehicles (RVs), including non-motorized travel trailers. 6. Other structures without permanent foundations, including but not limited to tipis/teepees, yurts, tents, and treehouses.

An ADU and Junior ADU can never be rented as short-term housing?

Please provide me with any and all information as to how you determined the caps for each area in the county for your "ultimate number of unhosted short-term rentals".

Thank you

Stephen

Stephen Pringle

Corcoran Global Living

t: 415.720.7832 | **e:** springle@sfnorth.com | **w:** www.sfnorth.com

BRE#01326676

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

From: [Jacqueline Hilger-Rolfe](#)
To: [Kilgariff, Kathleen](#)
Cc: [STR](#)
Subject: Re: Now Available: Draft Short Term Rental Ordinance Standards-for hosted STRs
Date: Tuesday, September 19, 2023 10:07:12 AM

Hi Kathleen;

Appreciate your reply. Maybe in your draft you could separate hosted from “un hosted.” It did not seem clear to me if hosted needed to follow the same rules as un-hosted and they were excluded from the cap proposed. That makes more sense.

Many thanks,

Jacqueline Hilger-Rolfe

On Sep 19, 2023, at 9:55 AM, Kilgariff, Kathleen <KKilgariff@marincounty.org> wrote:

Hi Jaqueline,

Hosted STRs are included in the regulations. As proposed, both Hosted and Unhosted STRs would be required to obtain a STR license and comply with the operating standards. However, a Hosted STR is not subject to any cap. There are a few specific standards that speak to the requirements for Hosted STRs as well – see, 5.41.040.E (License for Hosted STR) and 5.41.050.M (Host Responsibilities).

It is important to note that these are just draft regulations and we will be sharing any feedback on these draft regulations with the Planning Commission.

Please let me know if you have any additional questions or comments.

Thank you,

Kathleen

Kathleen Kilgariff
PLANNER
she/her

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite #308
San Rafael, CA 94903

From: Jacqueline Hilger-Rolfe <jhilger1@me.com>
Sent: Monday, September 18, 2023 6:14 PM
To: Kilgariff, Kathleen <KKilgariff@marincounty.org>
Subject: Fwd: Now Available: Draft Short Term Rental Ordinance Standards-for hosted STRs

You don't often get email from jhilger1@me.com. [Learn why this is important](#)

Dear Kathleen;

I hope that all is well! Sorry if this is not clear to me. I don't see any provisions for “hosted” STRs, do they follow under the same rules as hosted STRs? Or do they have different rules?

Thank you,

Jacqueline Hilger-Rolfe PhD

Begin forwarded message:

From: Marin County Subscriptions <camarin@public.govdelivery.com>
Date: September 18, 2023 at 12:09:32 PM PDT
To: jhilger1@me.com
Subject: Now Available: Draft Short Term Rental Ordinance Standards for Public Review and Comment
Reply-To: camarin@public.govdelivery.com

<~WRD0000.jpg>

Now Available: Draft Short Term Rental Ordinance Standards for Public Review and Comment

The standards for the draft Short Term Rental ordinance are now available and Planning Commission hearings to consider them are tentatively scheduled for October 23rd and November 13th, 2023.

The draft is available on both the [County's Short Term Rentals homepage](#), and project specific [Short Term Rental Ordinance Update page](#). A staff report will be prepared before the Planning Commission and will be made publicly available October 12, 2023.

If you would like to submit comments on the draft standards to the Planning Commission, please email your comments to Kathleen Kilgariff at str@marincounty.org and she will provide them to the Planning Commission before the hearing.

You may present oral comments on the Draft Ordinance at the hearing, which will be held in person in the Hearing Chambers, Room 330, Marin County Civic Center, San Rafael. For more information about the Planning Commission hearing, please see [the Planning Commission hearings webpage](#), where agendas and other information will be posted before the hearings.

The Planning Commission will make a recommendation to the Board of Supervisors, which will hold a hearing on the draft ordinance at a later date. Ultimately, the California Coastal Commission must certify Short Term Rental regulations in the Coastal Zone as part of a Local Coastal Program Amendment.

¿Necesita esta información en español? Comuníquese con el personal del condado de Marin al (415) 473-7173 o str@marincounty.org.

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a County program, service, or activity, requests may be made by calling (415) 473-4381 (Voice), Dial 711 for CA Relay, or by [email](#) at least five business days in advance of the event. We will do our best to fulfill requests received with less than five business days' notice. Copies of documents are available in alternative formats upon request.

[<~WRD0000.jpg>](#) [<~WRD0000.jpg>](#) [<~WRD0000.jpg>](#) [<~WRD0000.jpg>](#)

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Not all events are sponsored by the County of Marin. County of Marin sponsored events are required to be accessible. If you are a [<~WRD0000.jpg>](#) person with a disability and require an accommodation to participate in a County program, service, or activity, requests may be made by calling (415) 473-4381 (Voice), Dial 711 for CA Relay, or by [email](#) at least five business days in advance of the event. We will do our best to fulfill requests received with less than five business days' notice. Copies of documents are available in alternative formats upon request.

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From: [Jeff Polick](#)
To: [Kilgariff, Kathleen](#)
Cc: [Stanley and Judy Cooper](#); [Tim Sowerby](#)
Subject: STR Draft Document
Date: Tuesday, September 19, 2023 10:10:26 AM

Kathleen,

I just completed my second read of the new draft document. I am impressed by the work the team has done.

They have listened to the community and adjusted the regulations in a meaningful way.

There are examples to note from the first paragraph on, consequences for violations, focus on water, sewer, septic, floor plans, fire safety.....

Thank you very much.

Best,

Jeff

Jeff Polick
jpolick415@icloud.com
415-754-5294 iPhone

From: [Melissa Daniels](#)
To: [Rodoni, Dennis](#)
Cc: vtrotter@ucanr.edu; kirk@calcattlemen.org; manager@marincfb.com; Kilgariff, Kathleen; officeofpublicaffairs@cdfa.ca.gov; pansel@cfbf.com
Subject: Draft Short Term Rental Ordinance Standards
Date: Tuesday, September 19, 2023 10:37:41 AM

Dennis,

Please review the below commentary in regard to the draft short term rental ordinance standards released by the County yesterday.

[Draft Short Term Rental Ordinance Standards](#)

5.41.050 Short Term Rental Property Standards

5.41.050 C. One Short Term Rental Per Property. Only one short term rental is allowed per property. If a property contains both a main dwelling and an accessory dwelling unit, only the main dwelling unit may be rented on a short-term basis.

The County asked for short term rental hosts, specifically agriculture farm stay hosts, to participate in multiple forums where we provided our feedback and explained our business operations with full transparency as it is our civic responsibility. Those in the agricultural industry who have farm laborers provide long-term housing for these individuals in addition to their short-term rentals. Those ranch/farm owners who do not have farm laborers have at a minimum of one full-time tenant based upon the natural resources available. The vacancy of short-term rentals is determined by natural resources. If the County restricts the # of short-term rental units on a larger property that already has long term tenants based on natural resources and farm labor needs – this is significantly hindering agritourism and significantly reducing the County’s tax income revenue. Furthermore, these homes would in fact sit vacant as there are not the natural resources for another full-time occupant. **Environmental impact is of the utmost importance to those in the agriculture industry**, our livelihood depends on it. **We are unable to sustain life on our land if we do not ration our resources provided by our land.** I can speak from personal experience during peak seasons, I have blocked out my booking calendar to ensure that we are not over consuming and depleting our natural resources. I educate EVERY guest on the importance of water conservation and the preservation of our natural resources as well as sell my product (FOOD) solely to the individuals who come to stay at the ranch.

The short-term rentals on agricultural properties support ranch/farm operations, contribute to long term housing for those who work on the ranch/farm, those who live within the community and also very importantly, provide jobs for local residents. These local residents are people whom I grew up in West Marin with and want to see that they have the economic resources to be able to afford to continue to be a Marin County resident and not pushed out of the area like so many have been. The list of individuals who are hired for their services as it pertains to short-term rental: housekeeper (Lagunitas), window washer (Point Reyes), arborist (Inverness), plumber (Nicasio), driveway maintenance (Nicasio), mowing/fire prevention (Woodacre), building maintenance (San Rafael), fire safety (Novato). These are not ranch related expenses, these are specific to short-term housing. **Creating jobs in West Marin is necessary for our local residents to be able to live here.**

5.41.050 G. Municipal Services. The short term rental property shall have adequate water and sewer connections and shall be served by local utility agencies for water and sewer service wherever such utilities are provided. **1. In the event that the short term rental is served by a private water supply (well or spring), the property owner will need to possess a domestic water supply permit from the Marin Community Development Agency Environmental Health Services Division or other appropriate public agency and prove potability with a current bacteriological test. 2. In the event that the short term rental is served by a private sewage disposal system, then that system must be documented as legal with the Community Development Agency Environmental Health Services Division or other appropriate public agency, shall be inspected for proper operation by an approved licensed professional, and shall be sized appropriately for the short term rental and any other combined use. –**

Agricultural properties would not apply, nor is this the jurisdiction of the County. Agriculture is exempt from many of the requirements established for single family residences in town and most, if not all ranch/farm properties hosting short-term rentals are Marin Agricultural Land Trust properties, restricting development and ensuring preservation. Furthermore, all agricultural properties which operate short-term rentals have been in existence for generations and are in existence for the purpose of agriculture and providing food to our community - let's not forget about the vitality of this and the means necessary to stay in business. If ranchers/farmers were NOT environmentally sustainable with water supply and septic already, we simply would not be here. To be a sustainable rancher, one must not deplete the land and therefore have relied upon short-term rental in order to be sustainable and ensure the livelihood of the land for the generations to come. Moving forward, if a property owner is to build a new structure for short-term rental purposes and they do not have long term tenants on their property already, the proposed drafted requirement would make sense.

5.41.050 K. Special Events. Weddings, corporate events, commercial functions, and any other similar events shall not be held on a property with a short term rental license. Events have absolutely no relation to short term rentals. This is a direct target toward agricultural properties who host events. Events have zero impact on short term rentals, nor do they have impact on neighbors or community for rural properties and there is no supporting information to back this up. This is the first time I have heard of 'events' in the subject of short-term rentals and it has not been included in any agendas, meetings or publications until now.

Please understand that agricultural properties and residential properties for short-term housing should not fall under the same category as these entities are far different.

Thank you,

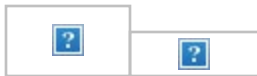
Melissa Daniels

Owner/Operator



707-360-7789

One Woman Owned and Operated



From: [Daniel Yost](#)
To: [STR](#)
Subject: Short term rentals
Date: Tuesday, September 19, 2023 2:31:22 PM

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I'm writing in favor of maintaining and increasing short term rentals in west Marin. We have stayed there many times in short term rentals, and unless more hotels will be built, That is the only real opportunity for people to visit overnight and bring tourism to West Marin.

We have Three generations in our family so it's easier to stay in an Airbnb rather than separate hotel rooms.

Daniel

Sent from my iPhone

From: no-reply@marincounty.org
To: [STR](#)
Subject: Short Term Rental Enforcement
Date: Monday, September 18, 2023 11:25:43 PM

Margo Wixsom with email address wixword@sbcglobal.net would like information about:

Dear Ms. Kilgariff,

I attended the last public meeting and the majority of speakers, like me, stated that limiting short term rentals in West Marin is a "problem" that is manufactured: blaming STRs for the lack of affordable housing. The vast majority of homes in West Marin are vacation homes owned by non-residents that will never be available for long term rentals. This is an historic fact, as West Marin is a tourist locale. Secondly, Marin has always been an expensive housing market located so close to a major city offering weekend residences. Creating all of this enforcement seems to only be hurting the few elderly and long term residents renting out rooms or part of their homes for AirBnB, which has become the scapegoat of renters angry about affordability in a high priced market and demanding housing where there is very little to begin with. Additionally local owners ignore this ordinance and advertise on Zillow for short term rentals - there is no enforcement.

From: no-reply@marincounty.org
To: [STR](#)
Subject: Dillon Beach
Date: Monday, September 18, 2023 9:21:11 PM

Jacqueline Rolfe with email address jhilger1@me.com would like information about:
Dear Council;

I strongly oppose a rental cap in Dillon Beach. This community was meant to be 2nd homes and vacation homes. This cap is driving our home prices down and creating an inability to sell or be able to pass them down to our children for generations. I need the income to supplement my social security when I retire. I am not opposed to capping how many days one could rent in a year, but don't create a community where some can rent and others cannot. That is not fair.

Thank you,
Jacqueline

From: [Lisa Symonds](#)
To: [STR](#)
Subject: Draft short term rentals
Date: Monday, September 18, 2023 9:05:41 PM

[You don't often get email from lisasymonds@att.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Kathleen

I live in an area in Loma Verde neighborhood of Novato which is unincorporated and part of Marin County but this is not listed on the table of short term rental limits. Will this short term rental ordinance apply to that area? it's next to Loma Verde Elementary.

I live in a single home and would like the option as I get older to perhaps rent out a bedroom or two in my home and add a small kitchenette in one of the two bedrooms so guests would have own meal prep area.sink and cabinet. I was surprised that the draft did not separate requirements for hosted vs non hosted short term rental. I think the requirements and license should be different for non hosted properties as more things can go wrong to pose safety risk to neighborhood- unwelcome flash mob parties, poor kitchen and hygiene of property etc.

I saw junior ADUs were not allowed as short term rentals. I would like that requirement removed as two bedrooms rented out in a single residence home could be designated as a jr adu. I need the ability to do short term rentals to support my retirement income. You will discourage home owners from registering their Jr dwellings built within their homes if you make this restriction. I understand the need to prohibit short term rentals for separate structures in a property but sharing my home with guests should not be restricted.

Please clarify what the thinking was with all these restrictions on the use of my property as a hosted short term rental where I live in one bedroom and living area and short stay guests stay in my other two bedrooms and extra bath. I need the option to have extra income opportunities as inflation out paces social security increases. Long term rental is an option for my bedrooms but I hear nightmare stories about bad roommates and the difficulty of evicting them.

Lisa Symonds

Sent from my iPhone

From: Jeff Greenberg
To: [STR](#)
Subject: questions re the draft
Date: Monday, September 18, 2023 3:21:38 PM

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Kathleen,

I really like the new short term rental draft. It seems like you guys listened to people who were complaining and tried to help out.

I have two specific situations (neighbors) that it sounds like this will help but I want to confirm my understanding.

One person has a duplex with no on site parking for either unit. It sounds like duplexes (multifamily) won't be awarded licenses? And that on site parking will be a requirement? This particular person has only one off site spot where she parks so it's a pain for the renter and worse for us residents as they block our driveways etc for "loading".

My other neighbor has two small houses on his property which his long term renter who lives in Hawaii rents as short term rentals all year. It sounds from my reading like only one of the two houses can have a license? And that the renter would need to be present for 6 months and thus not be able to do short term rentals for the entire year?

Also when will this take affect? I couldn't tell if it's 2024 or 2026 I'm sure you'll have lots of pissed off people, but I for one am pleased and appreciative that you are trying to help both sides.

Thanks

Jeff Greenbberg

From: no-reply@marincounty.org
To: [STR](#)
Subject: Short term rental regs
Date: Monday, September 18, 2023 8:12:28 PM

Nick Gross with email address jngross@pacbell.net would like information about:
Greetings I have no issue with the bulk of the requirements of obtaining an STR what I take issue with is apparently you gave no weight whatsoever to the declared wishes of residents in specific communities (e.g. Dillon Beach) about NOT imposing a CAP because of historical practice It seems to me that the "cap" is really an illegal extension of the "moratorium," because it states that no new licenses beyond 125 will be allowed, a # which just happens to be? almost identical to the current license count? the same was done for other jurisdictions as well moreover, instead of the cap growing over time (as it should given increases in population and construction) you have it being REDUCED this does not look like a good faith proposal at this point, and I do not support it - its basically an attempt to make the moratorium permanent and with improper future restrictions Nick Gross

From: [Amanda Pirot](#)
To: [STR](#)
Subject: Question -- Short-Term Rental Ordinance Languageing
Date: Monday, September 18, 2023 12:39:38 PM

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Hi, I'm a 16-year resident of Mill Valley. I rent in a multi-unit apartment complex in MV.

Is there any language in the Marin County short-term rental ordinance that documents what constitutes a short-term rental? I believe AirBnb type rentals, ADU's and JADU's are the main focus, correct?

In my apartment complex (8 units), most of us have lived here 10-25 years. Yet after 1 year living here, the landlord puts everyone on month-to-month lease. Since we are all now on month-to-month lease is there any legal way that the landlord (or any other Marin landlord in similar circumstances), could decide to state they we are under a "short-term rental"? (The implication being they can charge more money under short-term rental laws)?

I just want to make sure the legal languaging for short term-rentals is defined in the document (if necessary), and makes it clear that landlords of month-to-month rental apartments can not re-categorize themselves as short-term rentals.

Thank you for your reply to my inquiry.
Amanda Pirot

From: [Warren Dodge](#)
To: [STR](#)
Subject: STR question
Date: Monday, September 18, 2023 4:18:44 PM

You don't often get email from warrendodge@mac.com. [Learn why this is important](#)

I am a SA homeowner with a small ADU on my property. Am I reading this correctly that I could only rent my primary residence and NOT the ADU? That does not make sense?

C. OneShortTermRentalPerProperty. Only one short term rental is allowed per property. If a property contains both a main dwelling and an accessory dwelling unit, only the main dwelling unit may be rented on a short-term basis.

Cheers,

Warren

Warren Dodge
(c) 415-302-8819

From: no-reply@marincounty.org
To: [STR](#)
Subject: Short term rental rules- county
Date: Monday, September 18, 2023 1:30:23 PM

Angela Maroevich with email address angela.maroevich@cbnorcal.com would like information about:

Hello, I'm wondering why you wouldn't allow people to short term rent an ADU or Jr. ADU, as many people add these units with short term renting in mind. Some people do rent them longer term, but many prefer to rent short term or have that option. I don't think the county should be restricting ADU's and Jr ADU's and keeping those out of the short term rental pool. This could impact the future resale value of homes in the area since many potential investors opt out of areas where there are too many rental restrictions. And older retired folks may prefer to short term rent their units for extra income, and not have the responsibility of keeping a long term tenant.