

## To the Planning Commission 11/18/2021 Workshop on Vacation Rentals

Below are my comments on the recently released Vacation Rental Workshop memo. I am particularly interested in the Coastal Zone where I have a home, and hundreds of owners open their homes to make the coast available to the public. I believe the county's proposals will have severe ramifications on some coastal VR home owners and will result in less public access to our beautiful coast. Here are my comments:

### **CERTIFIED PROPERTY MANAGER**

*"Rentals must have a certified property manager who lives within 30 miles of each rental and must respond to complaints within 60 minutes during the day and 30 minutes during quiet hours during any rental period."*

This is unfair as the coastal properties by definition are *on the coast*, significantly reducing the availability of potential property managers. Because of the Coastal Zone's unique terrain and housing availability, the requirement that a certified property manager live within 30 road miles and respond within 60 minutes during the daytime and 30 minutes during quiet hours is unreasonable. Instead, require the property manager live within 60 road miles and respond within 2 hours during the day and 1 hour during quiet hours. The Coastal Zone is both remote and rural with very few existing property managers. Should one of them become "de-certified" by the county rules our access to these companies will be reduced by 33%. Please consider our remote location and lack of resources.

### **THE PROPOSED RULES DO NOT CONSIDER AN OWNER'S MIXED USE OF THE HOME:**

The rules the county proposes assumes a full time VR – which is not always the case. Many coastal owners live nearby, use the home regularly, and have a mixed use of the home – for both family and personal use as well as a vacation rental use. Most of the permanent residents on the coast are retired. In contrast, most of the VR homes are owned by people still working and who would love to retire on the coast in the future. For that reason, using the home for a short-term rental allows us to maintain the home, while providing the public access to our wonderful coastal area.

The Workshop proposal seeks to limit the occupation of the home to a mere 90 days. This is unreasonable for the coastal area – where about 50% of the homes are not occupied by permanent residents, and the homes have historically been used as second homes or vacation rental homes. This severe day limitation would require coastal owners to leave our home vacant 9 months year, unless we were using the home for personal reasons. This is an absolute loss, not only for the owner, but for the public who will not have a coastal home to visit because the county has removed the home from the market with a "90 day" limit" on renting. This severe limit in rental days should not apply to the coastal zone.

Will the VR rules apply to an owner when s/he resides in the home licensed as a VR? For example, if a VR owner rents out for 2 months a year, does she now need to comply with the same rules as the paying guest? How will the county know that I am in my own home on the coast when they receive a noise complaint from a neighbor? When she resides in the house for the other 10 months, she cannot have her daughter's wedding or any other celebration on the property? When her teenage sons have a party while she is out, she can lose her VR license?

Meanwhile, her non-VR neighbor can have unlimited visitors, park 12 cars, hold fund raisers, own 5 rental houses, apply for an event permit. Being loud at night is inconsequential for him.

How can the VR owner rights be rectified? Should all these rules only be applied during an active rental?

## **APPEAL PROCESS**

There is no appeal process for a VR revoked permit (like in the case of an administrative error).

## **MONITORING, PERFORMANCE STANDARDS & ENFORCEMENT**

### **Complaints Hotline:**

The owner and property managers should be notified when a complaint is made.

### **Hazards and Evacuation**

#### **Evacuation plan - Property Manager**

I would add that the property manager has no enforcement authority to make guest leave. A property manager is facing an extreme situation in cases of evacuation, for themselves and their guests.

#### **Emergency evacuation**

Again, neither the property manager nor the owner has the enforcement authority to make a guest leave on a moment's notice. This is a law enforcement duty. As such the owner cannot be held responsible. Of course, they should make a best effort to inform guests of the requirement to evacuate, but legally they cannot force a guest to leave as they fear the guest will sue them. This is untenable for an owner. The proposed penalty of permanent decertification of a property manager is shocking and should be not be allowed.

#### **Proximity and Concentration – 90 day limit**

Sea Ranch and Bodega Bay Harbour are remote locations and exclusively developed to provide coastal access to Californians, making these family homes unique and exceptional. There is already a shortage of short-term accommodations in Bodega Bay with an 89% occupation rate. Limiting rental days deprives the people of California from their right to precious coastal access.

#### **Proximity.**

I was pleased to hear that the density and proximity limits will not be used in the Coastal Zone. I thank the California Coastal Commission for this. I encourage the Planning Commission to follow their lead because to use those severe planning tools on the coast is impractical: 1) Is this measured from door to door, property line? 2) Can I sue my neighbor for taking my income potential away when she starts a VR, thereby prohibiting me from renting my home short-term? 3) Can someone who files for a VR license and never rents out their home prevent the nearby neighbors from short-term renting?

## **CONCLUSION**

These are all policy issues not easily answered. In short, they are *unintended consequences* of a well-meaning planning and social policy. Please limit the financial losses we will suffer – especially out in the coastal zone. Please do not apply a cookie-cutter VR policy to all county homes. We are different on the coast. We have few long-term renters, few permanent residents, and our economy is based on tourism. Please do not close down the coast.

Thank you for the opportunity to comment.

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