

CALIFORNIA COASTAL COMMISSION

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Th9a

LCP-2-MAR-24-0002-1 (Short-Term Rentals)

April 11, 2024

CORRESPONDENCE

WEST MARIN ACCESS COALITION

POBox 852 Inverness, CA 94937

March 21, 2024

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Mr. Dan Carl and Ms. Stephanie Rexing:

Given the unique geography of West Marin with its unprecedented public recreational lands on California's coast, the historic precedent of vacation homes in the region, and the lack of evidence to justify limiting visitor access to the region by restricting short term rentals, I write on behalf of the West Marin Access Coalition (an organization of residents, visitors, and businesses interested in preserving West Marin's tourism-friendly community) to urge the California Coastal Commission to reject Marin County's Short Term Rental Ordinance.

The geography of Marin County is unique among counties in California. West Marin, which would see the greatest reduction of visitor accommodations, is almost entirely in the ownership of State and National Park services and includes three National Park units, three State Parks, and over 100 miles of public coastal and bay lands. Adjacent to these public lands are a few gateway villages which are and have historically been vacation communities. By reducing vacation rentals exclusively in the gateway villages along the entire coastal region of Marin County, these regulations will result in the greatest loss of public access in the history of the state of California.

The Draft Ordinance represents an attempt to force historical vacation homes in this region to become residential and long-term rental housing. Unlike other coastal counties, there are very few commercial lodging operations in the Coastal Zone of Marin. The vacation homes of coastal Marin, which would otherwise sit empty for large portions of the year, provide the lion's share of visitor housing in a decentralized manner that has minimal impact on the character of the community.

Critically, the restrictions imposed by Marin's ordinance threaten to diminish the lodging diversity, leading to increased costs for visitors as the supply of affordable accommodations dwindles. This reduction in affordability and choice directly contradicts efforts to ensure broad public access to coastal areas, a cornerstone of the Coastal Act.

To date, little if any actual data has been gathered to establish a need for the ordinance, nor has there been an analysis of the substantial consequences that Marin County residents have requested from the Board of Supervisors since 2018. Before taking away a practice that has been established in West Marin since the early 1900s and is currently a principal permitted use under the zoning code, Marin County needs to conduct a thorough study of tourism in the region, its impacts, and the infrastructure needed to accommodate visitors to the region.

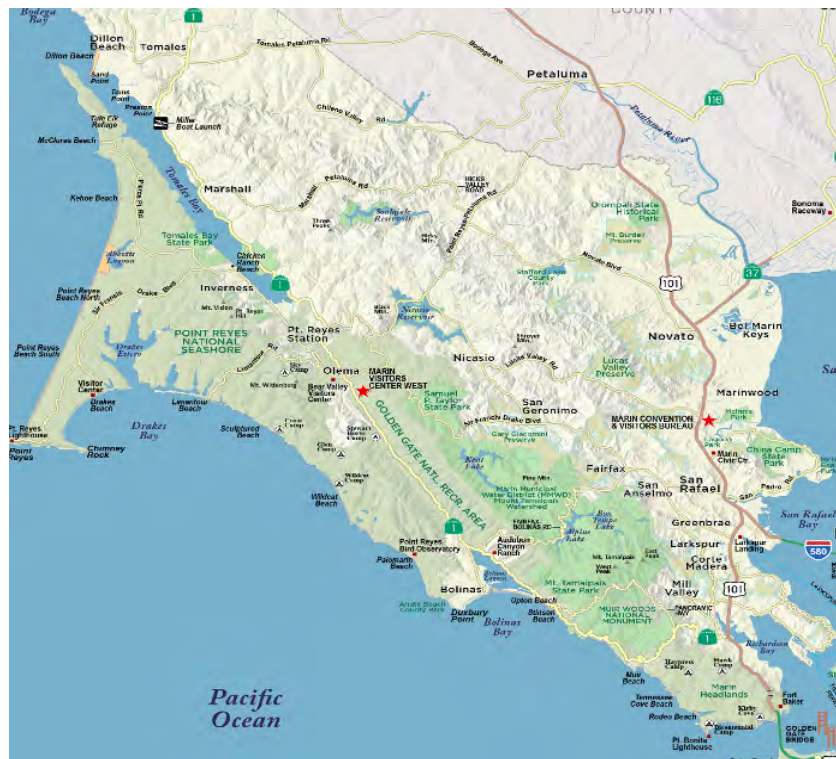
Without careful review and adjustment, the ordinance will inadvertently erode the affordability and accessibility of the coast in West Marin, counteracting the Coastal Act's objectives and negatively impacting both visitors and residents alike.

Marin County needs to study the need for- and the impact of- the ordinance prior to creating policy that will make West Marin even more exclusive to only those who can afford to live there, greatly reduce affordable lodging, and limit visitor access for all Californians to over 100 miles of public recreational and coastal land.

Below are a handful of reasons why an 11% reduction and cap in STRs in West Marin, as well as the plethora of additional restrictions and regulations, would be disastrous for the accessibility and affordability of West Marin.

Unique Geography, comprised Entirely of Public Lands and Historic Vacation Homes:

The ordinance reduces overnight accommodations exclusively in a region that is almost entirely owned and managed by State Parks and the National Park Service. The area includes three national parks and three state parks. Tourism is the dominant economic driver in the few villages that are adjacent and serve as gateways to these public lands.



Similar to neighboring Sonoma County, homes in the coastal zone, especially those that are adjacent to and surrounded by State and National Parks, should be exempt from a STR ordinance to protect affordable lodging for families and visitors wishing to experience Marin's natural resources.

History of Rejecting Visitors:

While West Marin has historically been a place for vacationers, once people secure a home, history shows that these residents do not want to share the public space with visitors. The “Bolinás Border Patrol” is notorious for tearing down wayfinding signs that would otherwise direct people to the town, setting up false barricades, telling visitors the town is closed, and issuing false parking tickets.

When the Point Reyes National Seashore (PRNS) was being created, residents of Inverness advocated for the development of a road that would cut directly through the middle of the national seashore. The residents preferred the destruction of a natural landscape rather than allowing visitors to drive on the public road, on Sir Francis Drake, through the community, to the National Seashore. Fortunately, they were overruled.

Now, the County is proposing reductions in visitor lodging exclusive to the coastal region while exempting from the reduction two of the most expensive and exclusive areas of coastal Marin—Dillon Beach and the gated community of Seadrift in Stinson Beach. The ordinance would concentrate STRs in multi-million-dollar homes that are unaffordable to all but the most privileged visitors. We recently analyzed listings in Seadrift versus the remainder of Stinson Beach West of Highway 1. For weekend rentals, not a single property was available in Seadrift for less than \$1000 per night, whereas there is a far greater range of price options outside the gates of Seadrift, including numerous properties available for less than \$300 per night. And, by drastically cutting the supply of overnight accommodations, the Draft Ordinance would drive up the market cost of all remaining options, including STRs, hotels, B&Bs, and other visitor-serving facilities.

Please do not allow these exclusionary measures to be codified. Please do not allow Marin County to make visiting the coast more difficult while ensuring exclusivity of the region for locals only.

Reduces Visitor Accommodations Exclusively in the Coastal Zone:

The reduction of vacation homes available to visitors is exclusive to the Coastal Zone and would limit visitor access to over 100 miles of pristine coastline and an aggregate area of nearly 500 square miles. Areas adjacent to Point Reyes National Seashore (PRNS), the Golden Gate National Recreational Area (GGNRA), and Tomales Bay will see the steepest reductions.

The size and breadth of outdoor recreation public lands makes coastal Marin unique, as does the large percentage of historical vacation homes, and the lack of commercial lodging options. There are virtually no lodging options (outside of campgrounds) that can be considered affordable in coastal Marin. For generations, vacation rentals (now called STRs) have played a unique role in filling this gap, allowing the County to avoid large-scale development while welcoming visitors who stay in decentralized vacation homes. Most vacation homes in the area have never served as long-term residences, much less ‘affordable’ or long-term rental housing for workers. Thus, making vacation homes available to visitors is a long-standing customary use of property that would otherwise sit vacant. Unlike in cities and towns that primarily serve their

own long-term residents, which has been the focus of most STR regulations considered and approved by the California Coastal Commission, most of the homes in coastal Marin have never been, and will not become, long-term residences or long-term rentals.

Visitors count on STRs to provide some of the most affordable and memorable forms of accommodation. STRs are sought out for a reason: they are more private than hotels and B&Bs, they provide an authentic experience in the region, and they are far more welcoming to families and visitors from a diversity of economic backgrounds. Unfortunately, the Draft Ordinance directly targets some of the most affordable STR options. The burdensome compliance costs will drive lower-cost operations out of the market. Furthermore, the County of Marin has yet to disclose the application fee structure, therefore the Coastal Commission is without a basis to adequately review and determine the cost impact on lodging. All STRs operated in multi-family units—including STRs that have been operated for decades and are among the most affordable options available—would be forced to cease operations within 2 years of the ordinance going into effect.

In sum, several factors—the size of the area under consideration, the unique history of visitor-accommodating uses via STRs, the lack of alternative visitor lodgings, and the lack of a history of properties being used as long-term residences—set Marin County apart from other jurisdictions. The Draft Ordinance should be substantially revised so that it does not reduce coastal access, to bring it into conformity with the kinds of STR regulations approved by the California Coastal Commission.

Reduces Access while Increasing the Cost of Coastal Lodging:

The Marin County Short-Term Rental (STR) Ordinance raises substantial concerns about the future affordability of visitor accommodations and the accessibility of the coastal region to a broad public demographic. By reducing the number of vacation accommodations exclusively in the coastal region that is adjacent to coastal state and national parks, the proposed regulations will deny access while increasing the cost to visitors wishing to experience the surrounding public lands.

The primary issues at hand are the potential reduction in the availability of affordable lodging options due to the imposition of caps on the number of STRs by 11%, the clustering of STR options in the two most expensive localities in the region (Seadrift and Dillon Beach), and the exemptions laid out for agricultural operators. These measures are likely to restrict the supply of reasonably priced accommodations, increase coastal environmental impacts, and escalate costs for visitors and limit their ability to experience West Marin's public coastlines.

The amendments overlook the essential role that STRs have played in democratizing access to coastal experiences, allowing families, groups, and individuals from varied economic backgrounds to find lodging that suits their needs and budgets. By narrowing the range of available accommodations, the amendments risk alienating segments of the population that cannot afford the higher costs of traditional hotels and inns, effectively gating access to the coast based on financial capability.

Single-family homes are desired by travelers because they offer the best value. A multi-bedroom vacation home provides affordable lodging for the entire family. In West Marin, these multi-bedroom homes can be obtained for \$200-\$400/night.

In contrast, the average cost for a stay in one of the very few local lodges or hotels in the region, that offer nothing but a small bedroom with a small bathroom, is over \$500 per night. Not only is it very hard to secure a room in one of these Inns, hotels, and lodges in the region, but the price of these exclusive offerings is also far out of reach for a typical family. The quality of an experience in a hotel is clearly inferior, and subsequently, it is not what visitors to the region seek.

Vacation homes are not only much more affordable, but they provide families with authentic lodging that includes beds for everyone, as well as shared space in which to cook, dine and lounge. Spread throughout the region, in homes that would otherwise sit empty, the impact of visitors in vacation homes is dispersed throughout the region and therefore has minimal impact to any one neighborhood or village. At the same time, these visitors boost the local economy by shopping at local stores and eating at local restaurants.

Though the County collects data regarding earnings and the number of nights homes are rented to visitors, the County has not been willing to share this data. AirBnB, however, provided the following countywide data for the entire year of 2022:

- In Marin County, the typical host earnings were slightly over \$20,000
- The average number of nights hosted are 70 nights per year
- Over 65% of hosts are women
- The typical host is a 55-year-old woman who rents just one property on the platform
- Approximately 40% of hosts are over 60-years-old and using revenue for retirement
- The typical guest is a 46-year-old woman traveling from elsewhere in California for between two and four nights

Vacation homes are rented to visitors on average 70 nights and earn typically \$20,000 per year. This is a clear indication that these homes are purposely rented part-time and would not be suitable for long-term rentals.

Most importantly is the fact that many of these same people rent their homes to help cover the costs of ownership and retirement. Eliminating people's ability to rent their home to visitors is going to push people out of their homes, creating a greater affordability issue in West Marin as they move out and more affluent people move in.

Ordinance is Contrary to the Local Coastal Program:

Marin's Ordinance is contrary to the Local Coastal Program (LCP). Policy C-PK-1 calls for the County to "[p]rovide high priority for development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for lower-cost coastal recreation." Policy C-PK-7 requires the County to "[p]rotect and retain existing lower cost visitor and recreational facilities." And, Policy C-HS-6 merely calls to "regulate" STRs, but does not permit

a drastic reduction in their number: “Regulate the use of residential housing for short-term vacation rentals.”

Marin’s Ordinance ignores these mandates. By classifying STRs as a “residential” use under the Draft Ordinance, the LCP Consistency Analysis provided with the Draft Ordinance claims that reducing STRs is not contrary to the LCP because the policies favoring visitor access only apply to “commercial” operations such as traditional B&B’s and hotels. This distinction is found nowhere within the LCP itself. And, the [California Court of Appeal has found](#) that characterizing STR operations as “commercial” versus “residential” is a false dichotomy.

The California Coastal Commission has emphasized that “[vacation rentals provide](#) an important source of visitor accommodations in the coastal zone, especially for larger families, groups, and for people of a wide range of economic backgrounds.” The Coastal Commission has also reiterated its obligation to uphold “Coastal Act provisions requiring that public recreational access opportunities be maximized.”

Nothing in the Draft Ordinance or consistency analysis provides any suggestion as to how to replace this lost capacity in West Marin. It will simply vanish forever. This would be a complete abdication of Marin County’s obligations under the Coastal Act.

Significant Environmental Impact:

The Draft Ordinance creates significant environmental concerns by seeking to hyper-concentrate STRs in just two environmentally sensitive areas of the County. Currently, the decentralized distributed nature of STRs currently helps ameliorate such impacts. However, if large numbers of new STRs are established in Dillon Beach and Seadrift to compensate for their reduction elsewhere, as the Draft Ordinance and its consistency analysis contemplate, each of these areas will see substantial increases in visitors, with accompanying strains on limited natural resources (water, sewage) and significant impacts on local conditions (traffic, emergency services, noise, parking). Both communities are in environmentally sensitive locations adjacent to creeks, estuaries and the Pacific Ocean. Seadrift is especially vulnerable to flooding from sea-level rises and large storms driven by climate change.

Moreover, if increasing numbers of visitors are forced to stay in Dillon Beach and Seadrift, those who wish to visit Pt. Reyes National Seashore will spend far more time driving to and from the park, increasing greenhouse emissions, congestion, and wear and tear on local roads. Driving times from Dillon Beach to attractions such as the Pt. Reyes Lighthouse and Drake’s Beach are well over an hour, versus around 20 minutes from Inverness. At a minimum, all of these impacts should be considered and weighed. However, to date, no analysis has been done, in part because the recommendation to hyper-concentrate STRs in Dillon Beach and Seadrift while drastically reducing them elsewhere was never subject to public comment or analysis by County staff, and was arrived at by a snap-decision of the Planning Commission with no public input whatsoever.

Finally, Section 5.41.040(B) of the Draft Ordinance would exempt agricultural operators from complying with any portion of the Draft Ordinance, not merely the caps on STRs. Thus, STRs on agricultural properties would no longer need to register with the County, seek a permit, or pay an

application fee. These operations likewise would not need to comply with any of the water, septic, fire safety, noise, parking, restricted structure / glamping ban, advertising, or other restrictions that individual homeowners would now face under the Draft Ordinance, nor the added burdens of “administrative regulations” that the CDA intends to impose upon STRs.

While agricultural properties are currently subject to existing STR regulations, the Draft Ordinance would completely remove those and thereby deregulate all STRs on agricultural properties. There is no basis for such disparate treatment of agricultural interests, on the one hand, and ordinary homeowners, on the other. At a minimum, analysis needs to be undertaken of the environmental consequences of entirely exempting STRs on agricultural properties from any regulation or oversight whatsoever. Many agricultural lands are situated on or near environmentally sensitive areas, and the imposition of stringent regulations on all other STRs while giving agricultural operators a pass would likely cause a proliferation of new STRs in agriculturally zoned lands.

Due to the unique geography of place and the percentage of unprecedented public recreational lands in the coastal zone, the historical presence and use of vacation homes in West Marin, and the lack of evidence to justify a government removal of an existing practice of renting vacation homes to visitors to the region, we urge you in the strongest terms possible to oppose the amendments to Marin County’s LCP.

Creates an Exclusionary Playground for the Ultra-Wealthy:

Located along Marin’s coast and adjacent to three national parks within one hour from the San Francisco Bay Area, West Marin homes have no shortage of affluent buyers. Without an ability to make ends meet by renting their homes part-time to visitors in the region, low- and middle-income residents will be unable to age-in-place and forced to sell.

[The Washington Post recently posted an article](#) with an interactive map of the United States outlining where homes were purchased with cash. Not surprisingly, the Point Reyes peninsula has a dramatically high number of cash purchases with over 60% of homes purchased with cash.

In 2022, the median sale price of a home in Stinson Beach was \$4.5 million ([sixth most expensive zip code in the nation](#)). These buyers have no plans to rent their homes for short- or long-term purposes and plan to let them sit empty.

As the middle class are forced from their path to homeownership in West Marin, due to the proposed ordinance, only the ultra-wealthy, who do not need the additional income to help pay the mortgage, will benefit.

In Conclusion:

The West Marin Access Coalition recognizes the complexity of balancing housing affordability, community needs, and the promotion of coastal access and economic vitality for visitors. We firmly believe that the proposed STR Ordinance undermines the California Coastal Act's core objectives by restricting the affordability and accessibility of West Marin's unique coastal environment to a broad spectrum of visitors.

Marin's Ordinance is the result of a flawed, undemocratic and unfair process. It does not rest on sound data and, if enacted, will cause far more harm than good by harming limiting tourism and making lodging more costly in a region comprised entirely of public recreational land.

We urge the California Coastal Commission to reject Marin County's STR Ordinance as it is inconsistent with the objectives of the California Coastal Act. Please request that the County conduct studies of tourism prior to creating any policy that will have negative consequences towards promoting an inclusive, affordable and accessible coastal region for all wishing to experience Marin's coast.

Sincerely,

Rachel Dinno
Director, West Marin Access Coalition

5.41 SHORT TERM RENTAL LICENSE REQUIREMENTS

5.41.010 Purpose of Chapter.

This Chapter establishes standards that regulate short term rentals. This Chapter is enacted to reduce the negative impacts of short term rental activity, assure the health and safety of residents and visitors, preserve existing housing and communities while balancing the protection of private property rights, provide economic opportunities for Marin County residents, and provide visitor serving accommodations for coastal tourists.

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

5.41.020 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.

Change of ownership: A transfer of an interest in real property that meets the definition of a change in ownership of the property under California Revenue and Taxation Code section 60 et seq., or its successor. Notwithstanding the foregoing, a transfer of an interest in real property from a natural person to their spouse or child/ren ~~upon their death~~ is not a change in ownership under this Chapter.

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.

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

Hosted Short Term Rental: A short term rental that is the primary residence of a short term rental property owner or host.

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

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

Natural Person: A human being; the term natural person does not include a legal entity of any kind.

Primary Residence: The dwelling in which a person lives for at least six months each year.

Property: A single legal lot of record.

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

Short Term Rental (STR): A rental of a residential unit, or a portion of a residential unit, for a time period less than 30 days. Short term rentals are a residential use of property. Rental of commercial lodging including a hotel, motel, agricultural homestay, bed and breakfast inn, or campground, is not considered a short term rental.

Townships: 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.

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

5.41.030 Applicability.

This Chapter shall apply to short term rentals in unincorporated Marin County, except as exempt per Section 5.41.040. [This Chapter shall remain in effect from July 1, 2025 to July 1, 2029, unless extended by the Board of Supervisors following a public hearing.](#)

5.41.040 Exemptions.

- A. This Chapter does not apply to any commercial lodging use including a hotel, motel, agricultural homestay, bed and breakfast inn, or campground.
- B. [This Section 5.41.070 of this](#) Chapter does not apply to (i) a short term rental unit located on an agriculturally zoned property that is at least 10 acres in size and where the primary use of the property is commercial agriculture, ~~or~~ (ii) [a short term rental located in the coastal zone, as defined by the Coastal Act of 1976.](#)

5.41.050 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 are prohibited. Once a license expires or is revoked or suspended [after notice and an opportunity to cure any deficiencies](#), the short term rental operation must immediately cease.
- 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. However, short term rental licensees who have multiple legal short term rentals as of January 1, 2024 shall be allowed to continue to operate up to three short term rental units as long as the short term rentals otherwise conform to this Chapter.

- C. **License Term.** ~~The initial~~A short term rental license for a property expires ~~two~~four years after the date of issuance unless the license is renewed by the property owner for an additional four-year term. The term of the license expires immediately and automatically upon any change of ownership of the property.
- D. **Administrative Procedures.** Administrative procedures for short term rental licenses shall be made publicly available by the Community Development Agency. The Community Development Agency shall publish draft administrative procedures no later than September 1, 2024, and after receiving public comment, shall issue final administrative procedures no later than December 1, 2024. Applications for short term rentals shall not be accepted until ~~these~~final administrative procedures have been made publicly available. 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 Community Development Agency. The administrative procedures shall be consistent with the license framework set forth in the sections below.

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 Community Development Agency has made publicly available ~~the~~final administrative procedures.

Only license applications for legal short term rentals in existence on January 1, 2024 will be accepted before July 1, 2025. Applications for properties where there is no legal short term rental in existence on January 1, 2024, will be placed on a wait list in the order received until all existing short term rental property owners have had the opportunity to apply for a license.

2. **License Suspensions and Revocations.** Short term rental licenses may be temporarily suspended ~~or permanently revoked~~ if the short term rental property owner ~~violates~~is found, after notice and an opportunity to cure and be heard, to have violated the standards set forth in this Chapter or the requirements of the license, as determined through the code enforcement and appeals process. Short term rental licenses shall be reinstated upon the short term rental property owner curing any violations. All the provisions for legal due process and appeal rights provided for 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) shall apply.

3. **License Wait Lists.** The Community Development Agency will maintain short term rental license wait lists for townships where the number of short term rental license applicants exceed the number of available licenses for that township, and county wide when the total number license applicants exceed the number of available licenses county wide. Licenses for qualifying properties on the wait list shall be issued in the order that the applications were received, except that a lottery shall be used to determine the rank order of the list of all applications submitted within the first 30 days from the date that the County allows the first round of license applications to be accepted. [The Community Development Agency shall publish waitlists on a quarterly basis.](#)

4. **Application Materials.** No short term rental license or renewal 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:
 - 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. All adults for whom the property provides a permanent residence shall be listed.

 - ii. The name of the local contact person or host for 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.

 - vi. A schematic site plan showing property lines, all buildings on the site, the driveway, and the location and dimensions of on-site parking spaces.

 - vii. 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 or appropriate regulatory agency and proof of water potability with a current bacteriological test.

 - viii. 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 or appropriate regulatory agency

and provide an inspection report demonstrating proper operation of the system by an approved licensed professional.

ix. ~~Bills from a hauler as proof of~~ A self-certified statement that the property is provided with 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.

x. ~~Documentation attesting to the existence of~~ A self-certified statement that the property is provided with a working landline phone, Voice Over Internet Protocol, or National Oceanic and Atmospheric Administration (NOAA) radio.

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

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

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

xiv. All short term rental applicants ~~with properties~~ served by a local water provider must provide a self-certified statement that the property's water use bills or some other documentation from the water provided if volume based bills are does not available. If the water use documentation demonstrates short term rental water use exceeding exceed an average of 250 gallons per day, ~~or a lower limit established by~~ over the course of the local water provider prior 12-month period. If usage exceeds this threshold, the short term rental license or 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 subsequently renewed.

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.

6. **Tenant notification of County Rules.** The host or local contact person 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. The schematic site plan showing the location of parking spaces shall also be provided to the guests. The purpose of the brochure is to apprise guests of County regulations and relevant safety information.

~~7. **Exterior Signage.** Each short term rental shall be identified with a single exterior sign that includes 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. 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 upon inspection.~~

~~8.7. **Requirements for Advertisements.** All short term rentals shall include the following information in any online or printed advertisement:~~

~~i. Valid Marin County short term rental license number.~~

~~ii. The number of parking spaces available for the short term rental-~~

~~iii. Further information where applicable as specified in the license requirements, such as water use restrictions. if parking spaces for two or more vehicles on the property is not provided.~~

E. 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.

F. License Term and Renewal.

~~i. An initial short term rental license issued under this Chapter shall expire immediately and automatically two years from the date of license issuance, unless revoked earlier.~~ A short term rental license renewal shall last for a term of four years, unless revoked earlier. The license authorizes the property owner to conduct only such services as are described in this Chapter and in accordance with the terms and conditions of the license.

ii. A complete 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. Should the Community Development Agency after initial review deem the renewal application incomplete, the applicant shall be given no less than 30 days to supply the missing information. The Community Development Agency shall send written and electronic notice to the licensee 120

and 90 days prior to the expiration of the current license period, and the failure to present upon request records thereof shall toll the applicant's deadline to submit a renewal application until the later of 60 days after sending the first written notice and 30 days after sending the second written notice. Upon timely submittal of a renewal application, the license will remain effective until the later of the end of the current license period or such time as the license renewal application is denied. ~~If a renewal application is approved or denied, the renewal license period shall commence on the day after expiration of the prior license period.~~

iii. Failure to submit a timely application for a renewal of an existing short term rental license shall result in that license not being renewed. 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.

iv. 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. 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.

v. A short term rental license renewal application shall be denied if there have been more than three verified substantial violations of this Chapter or of the license requirements related to the short term rental during the previous license term: that have not been mitigated or remedied. Substantial violations are violations for which a complaint has been received and a code enforcement case opened/concluded with an investigation verifying the existence of the violation. Code Enforcement determinations are subject to the appeals and legal due process requirements 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).

G. ~~Multi Family Dwelling or Condominium Unit License Term and Renewal~~

~~1. An initial short term rental license for a short term rental in a multi-family dwelling or condominium unit issued under this Chapter shall expire immediately and automatically two years from the date of license issuance, unless revoked earlier.~~

~~2. A short term rental license for a short term rental in a multi-family dwelling or condominium unit cannot be renewed for an additional four year term and shall instead cease operation after two years from the date of the license issuance, unless revoked earlier.~~

~~3. No applications for short term rental licenses for rentals in a multi-family dwelling or condominium units shall be accepted or approved for a STR unit that is not legally operating as of January 1, 2024.~~

H.G. 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~~ short term rental license fee shall be established by resolution of the Board of Supervisors following a public hearing, and shall not exceed \$100. Any license or renewal period subject to a term of less than four years shall be subject to a prorated fee rounded to the nearest number of months. Said fee ~~schedule~~ may be adjusted after July 1, 2029 by resolution of the Board following a public hearing. ~~Permits and fees required are~~ The short term rental license fee is 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.

5.41.060 Short Term Rental Property Standards

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

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

- i. A structure subject to a recorded governmental restriction, including covenants or agreements for an affordable housing unit, agricultural employee unit, or farmworker housing.
- ii. An accessory dwelling unit or junior accessory dwelling unit created or legalized after January 1, 2020.
- iii. A multi-family dwelling or condominium unit. This standard does not apply to short term rentals being legally operated as of January 1, 2024, subject to Section 5.41.050.G of this Chapter.
- iv. Non-residential areas within buildings, such as storage areas, and living/sleeping quarters added in garages.
- v. Recreation vehicles (RVs), including non-motorized travel trailers.
- ~~vi. Other structures without permanent foundations, including but not limited to tipis/teepees, yurts, tents, and treehouses.~~

3. One Short Term Rental Per Property. Only one short term rental is allowed per property. However, this standard does not apply to any property on which there are multiple legal short term rentals that are not located within a multifamily dwelling or condominium on January 1, 2024, in which case the up to three existing short term rentals can continue to be operated as long as they otherwise conform to this Chapter.

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

i. The number of required parking spaces for short term rentals shall comply with Marin County Code Section 24.04.340 (Minimum Required Parking Spaces), as verified by the Department of Public Works. This standard does not apply to short term rentals being legally operated as of January 1, 2024.

ii. 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.

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

6. Solid Waste.

i. 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.

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

ii. A minimum service level must be maintained that is sufficient for the short term rental. If the Community Development Agency ~~determines~~[demonstrates based upon verified complaints or proven violations that](#) 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.

7. 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.

i. 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.

ii. In the event that the short term rental is served by a private sewage disposal system, then that system must be documented 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.

8. Emergency Preparedness.

i. 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 four 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.

ii. 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.

iii. 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 fuel-burning appliance, and shall be installed in accordance with the manufacturer's installation instructions.

iv. Fire Extinguisher. Each short term rental shall be equipped with one five-pound fire extinguisher, type [32-A:4010-B:C](#), installed at a readily available location near the kitchen. If the short term rental has more than one level [and not equipped with an in-home sprinkler system](#), an extinguisher must be mounted within each level.

v. 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 directions for use of the radio shall be accessible.

vi. Evacuation Routes. The short term rental property owner must provide vehicular evacuation route maps, provided by Fire Safe Marin or the County of Marin, for the rental area. Evacuation routes must be [placed in the house manual or](#) 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.

9. 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.

~~**10. Code Enforcement Cases.** Short term rentals shall not be rented while a verified code enforcement violation is open on and renders the property.~~

~~**11. Commercial Special Events.** Commercial special events including weddings, corporate events, commercial functions, and any other similar events shall not be held on a property with a short term rental license space uninhabitable.~~

12. Local Contact Person Responsibilities. A short term rental property owner 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 property owner is responsible for the local contact person’s compliance with all provisions of this Chapter.

13. Host Responsibilities. A short term rental property owner must identify a host for every hosted short term rental if the host is different from the property owner. This 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 property owner is responsible for this host’s compliance with all provisions of this Chapter.

5.41.070 Caps on the Number of Short Term Rental Licenses

~~The total initial number of short term rental licenses allowable in unincorporated Marin County is limited to 923. The ultimate number of short term licenses allowable in unincorporated Marin County is limited to 217.~~

~~Dillon Beach and the Seadrift area in Stinson Beach are excluded from the short term rental license caps, meaning an unlimited number of licenses may be issued in these places.~~

~~Further, the number of short term rental licenses for short term rentals in the townships of Marin County shall be capped at the limits indicated in Table Short Term Rental Caps below.~~

Table 1— Short Term Rental Caps

<u>Township</u>	<u>Initial Number of Short Term Rentals</u>	<u>Ultimate Number of Short Term Rentals</u>

Bolinas	63	23
Fallon	3	1
Forest Knolls	8	0
Inverness	93	46
Lagunitas	6	2
Marshall	28	12
Muir Beach	20	7
Nicasio	11	4
Olema	3	3
Petaluma	2	0
Point Reyes Station	32	22
San Geronimo	10	2
Stinson Beach*	120	56
Tomales	12	3
Valley Ford	1	0
Woodacre	12	0
*Excluding the Seadrift area		

~~The “Initial Number of Short Term Rentals” referenced above 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 Short Term Rentals” established above. The cap on the ultimate number of short term rental licenses in each township shall be eventually achieved as license applications or renewals decline over time.~~

~~No new short term rental licenses shall be issued that would result in the number of short term rental licenses exceeding the initial county wide license cap of 923. After the first round of licenses has been issued, no new licenses shall be issued that would exceed the ultimate cap for a particular township and/or 217 short term rentals in the unincorporated area of Marin County.~~

5.41.080 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. All the provisions for legal due process and appeal rights provided for in Marin County Code Chapters 1.05, 1.06, and 1.07 shall apply.

Short term rental licenses may be suspended ~~or revoked if~~, after notice and an opportunity to cure, the short term rental property owner 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 three verified and unremediated violations of the standards or license

requirements during the previous licensing term, as determined through the code enforcement process.

5.41.090 Data Publication

The Community Development Agency shall collect and publish annually data concerning the use of former short term rentals, including the number in use as workforce or rental housing.

From: [Marlie de Swart](#)
To: [Rexing, Stephanie@Coastal](mailto:Rexing.Stephanie@Coastal)
Subject: Str"s in Bolinas
Date: Thursday, March 21, 2024 8:01:00 PM

Hi Stephanie:

I have lived in Bolinas downtown for 32 years and we have seen the downtown empty out of local residents. Big money and investors have bought up housing that previously were our full time neighbors and they are sitting empty or used as airbnb's. These visitors don't contribute anything to our village economy or well being. Slowly Bolinas is being changed from a characteristic village to a vacation rental suburb. Please do not allow more STR's in Bolinas.

Marlie de Swart

From: Brian Maggi <bmaggi@mac.com>

Sent: Thursday, March 21, 2024 3:37 PM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; West Marin Access Coalition
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

My wife and I own a single bedroom cottage in the Dillon Beach Village that we list on AirBnb. It's not very big, but it can sleep up to a family of 4. Other than camping, or compared to the resort in Dillon Beach, it's one of the most affordable options for lodging on the California coast. Please reject the measure to restrict STRs as it will not only eliminate affordable lodging, it will provide a hardship for us as well.

The process by which the county arrived at their recommendation was suspect. Those of us who didn't support the ban or restrictions were consistently and significantly outnumbering those who were for it, and proposing it in the name of affordable housing was shameless at best.

Dillon Beach has always been a short-term rental community. Banning short-term rentals will not increase affordable long-term rentals. In fact we've lost a few of the long-term renters since the moratorium went into effect. The most likely outcome of their proposal for Dillon Beach will be empty, neglected houses and zero competition for the resort.

We made the point that people like us – who need the income from renting – keep coastal access affordable for others. If the board is concerned about affordability, they're sure going about it in all the wrong ways.

Brian & Linda Maggi
21 North Dillon Beach

From: Hilary Avalon <hilary.avalon@gmail.com>

Sent: Thursday, March 21, 2024 12:10 PM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; West Marin Access Coalition
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

My family owns a home in Dillon Beach, California, and we love sharing it with others! Many years ago, we used it as a short term rental, with a management company, and a TOT license, etc, and the idea that we were making a homey, affordable space for other families to rent and enjoy time in Dillon Beach was a delight to us. Over the last several years, we stopped renting our house because we were unsure of our own schedule and did not want to have to plan around a rental schedule. As covid restrictions have lifted and people are able to travel more and still be safe, we would like to begin offering our home again as a short term rental for other families. We don't have a license anymore, so we will have to go through a process to make our house rentable again, but we are ready, willing and able to do that!

I understand the CCC is considering signing off on Marin County's restriction of/reduction in the number of overall short term rentals allowable in Dillon Beach and I think that is a mistake for a couple reasons.

First of all, I believe all the homes in Dillon Beach were originally created for coastal access, and the majority are used as part-time/second home/short term rentals. We do not want an exclusive, restricted community out there - we want to always share our area with everyone. Secondly, homes like ours, which used to have a permit for short term renting are obviously fit to receive a license in the future, and if we could not get one because our neighbors already had one, that would pit us against our neighbors in a way that cannot be good for community relations. Third, I believe the moratorium and proposed limits on short term rentals was a knee-jerk reaction by Marin County to some complaints they have received about alleged mis-use of these short term rentals during the covid lockdown. I can see this kind of rule-breaking would raise some eyebrows, but I don't think we need to implement restrictions long-term because of a few bad actors in the short term. Up until the covid craziness, the short term rentals in Dillon Beach were helpful to the community and beyond. The County should be required to do an actual study of impact from short term rentals if they want to form appropriate regulations, not rely upon complaints about a certain number of people from a certain number of people. My feeling is if we were to compare the sheer number of complaints to the number of compliments that would have been collected if everyone had weighed in, there would be hundreds more compliments. Lastly, I would like to offer that if the CCC and/or Marin County examines the situation thoroughly and still wants to impose a limit on short term rentals for some reason, they should impose a limit on the number of overall days per year that any given short term rental is allowed to rent, not impose a limit on the number of short term rentals permitted. I believe everyone who wants to and is able to safely do so should be allowed to use their home as a short term rental.

Thank you for letting me weigh in!

Hilary Avalon

707-481-8673

From: lynda balzan <101magiccot@gmail.com>

Sent: Thursday, March 21, 2024 9:02 AM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; West Marin Access Coalition
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)
Attachments: Coastal commision ordinance.pdf

From: Margaret Crabill <the.crabills@att.net>
Sent: Wednesday, March 20, 2024 10:09 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

Please do NOT reduce the STR'S in Western Marin. It will greatly affect the pleasure people from around the world enjoy when they visit our beautiful area.

Sincerely,
Margaret Crabill (lifelong Marin resident)

[Insert your letter here]

Sent from my iPhone

From: Susan Raynes <susanraynes@gmail.com>
Sent: Wednesday, March 20, 2024 4:02 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; West Marin Access Coalition
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

I am writing to ask the Commission to reject proposed Short Term Rental limits in West Marin. I have owned a home in Inverness for 15 years, and have periodically rented it on a short term basis over this time. The home provides visitors access to the National Seashore and Tomales Bay from as near as San Francisco and as far away as Scandinavia, Europe and Australia. These visitors need safe and reasonable accommodation in the region for families and groups needing multi-night stays, and my home provides access for those who cannot afford, find or desire alternative local accommodations.

Further, the cleaners, gardeners, repair folks, retail stores and rental agents who support my home and guests are all completely local to West Marin, benefitting the local economy that depends so much on tourism. The commission should be aware that I do not make a profit on my short term rentals; my rental income simply defrays increasing insurance and maintenance costs.

While I very much appreciate the need for more affordable housing in the region and support CLAM, if I cannot rent my home on a short term basis I would not rent it full time and would not sell it. Not renting my home on a short term basis would not help solve the local housing issue, but would simply deprive the people who support my home of needed ongoing income.

Thank you for your consideration.

Susan Raynes
60 Cromary Way, Inverness CA

From: Colby Gilbert <colby@gilberthotels.com>

Sent: Wednesday, March 20, 2024 1:12 PM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; West Marin Access Coalition

Subject: Reject until Study of Need and Impact (April hearing) - Marin LCP Amendment:

Attachments: Dear California Coastal Commission.pdf

Dear California Coastal Commission,

I am writing to express my deep concerns about the proposed Marin County ordinance that would significantly reduce the number of short-term rentals (STRs) in unincorporated areas. While I understand the Board of Supervisors' goal of increasing long-term housing and making it more affordable, I believe that STRs have become a scapegoat and the current ordinance is not an effective solution that will have unintended consequences that harm coastal access and the local economy.

Many of the STRs in Stinson Beach, particularly in the Calles and Patios neighborhoods, are small, older cottages that have been used as vacation rentals for decades. Forcing these cottages off the STR market will not magically convert them into affordable long-term housing; instead, they will likely sit vacant for much of the year, reducing tourist revenue and harming local businesses that rely on visitor spending.

Furthermore, the proposed ordinance disproportionately benefits wealthy homeowners in the exclusive gated community of Seadrift at the expense of regular people. The data shows a 77% reduction in STRs in the Calles and Patios, while Seadrift would see a 105% increase. This redistribution of wealth is not only unjust but also undermines the goal of making the beach more accessible to all Californians.

As a responsible STR owner, I am committed to being a good neighbor and contributing positively to my community. I believe that well-regulated, professionally managed STRs can coexist harmoniously with long-term residents while providing important accommodations for visitors seeking to enjoy the beauty of the coast. The Board of Supervisors should focus on more targeted, evidence-based solutions to address housing affordability, such as increasing the supply of dedicated affordable units and providing incentives for long-term rentals, rather than scapegoating STRs and limiting coastal access.

I urge the Coastal Commission to reject the current Marin County STR ordinance and send it back to the Board of Supervisors for further study and revision. Any regulations on short-term rentals must take a balanced approach that considers the needs of all stakeholders and prioritizes equitable coastal access. The proposed ordinance fails to meet these standards and should not be approved.

Thank you for your consideration and for your commitment to protecting the rights of all Californians to enjoy our state's precious coastal resources.

Sincerely,

Colby Gilbert

ColbyGilbert95@gmail.com <mailto:ColbyGilbert95@gmail.com>

From: Aaron Roland <aaronrolandmd@gmail.com>

Sent: Wednesday, March 20, 2024 11:54 AM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

I understand you to whom I ought to direct comments regarding the question of limiting short term rentals in Inverness.

I am writing as an occasional visitor, a hiker, a kayaker, and a fierce advocate of public access to public spaces.

I understand that many folks in the Pt Reyes area have been concerned about the lack of affordable housing in Inverness and surrounding communities and that, as a consequence, there is a movement to ban short term rentals, on the theory that such rentals result in an increase in housing costs for long term residents. I find this hard to believe, as the type of housing I have seen listed for short term rentals seems to be housing that is really already far out of the range of affordability! I certainly would not support limiting the ability of property owners to rent their properties for short term rentals without firm economic data that support the theory that short term rentals in locations like this result in reduced housing for long term residents. Having rented several properties over the years in the Inverness area most of the houses I rented were set up as the vacation homes for the landowners who then were able to support their ownership through the rental activity.

As a visitor to Pt Reyes, having access to short term home rentals is really essential for me. I have a wife and two adult children who have partners. For us to have to stay far away from Pt Reyes, occupy three different hotel rooms, and be forced to eat all our meals while on vacation in restaurants makes a trip to our National Seashore unaffordable.

Effective regulation of short term rentals is reasonable. Such rental properties should have a minimal environmental impact and there ought perhaps to be some limits on the number of days per year they can be rented (to avoid mere speculative investment in real estate) and if the concern is maintenance and development of lower cost housing then there ought to be separate measures to insure that (taxes to support housing or to subsidize rents).

A moratorium on short term rentals, however, is a crude tool which is unfair to the homeowners who may have bought their property with the reasonable assumption that they could offset some of the costs of ownership in that way and it is unfair to visitors like me who may no longer be able to visit.

Respectfully,

Aaron M. Roland

From: healthworks5@aol.com

Sent: Wednesday, March 20, 2024 10:57 AM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com

Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff, [Insert your letter here]

Dear CCC, I have been a longtime renter in Marin County at Stinson Beach, both inside Seadrift and in the streets just outside of it. The few rentals that are left give us the opportunities to enjoy such a beautiful beach and environment. We pay taxes on the rentals and help to support the local economy (house cleaners, maintenance people and all the local businesses). If you take away the remaining rental properties then what's left will go up substantially in price allowing only the very rich to rent creating an unfair advantage not to mention discrimination. The study on why this should be done or the impact it will have has not been done according to my understanding. Please vote no on this proposal by the board and ask for a study.

Thank you,
Patricia Torza

From: Sophie Kovel <sophiekovvel@gmail.com>
Sent: Wednesday, March 20, 2024 9:58 AM
To: Rexing, Stephanie@Coastal; Carl, Dan@Coastal; NorthCentralCoast@Coastal
Subject: Appeal / For Families

To whom it may concern,

I hope this finds each of you well.

I am reaching out regarding forthcoming legislation that has the possibility to reshape the community of the Point Reyes National Seashore.

Inverness remains a private, special retreat with unprecedented access to some of the most beautiful beaches, public trails, and National Parks in the United States (and the world).

I acknowledge that many neighbors are deterred by the prospects of so-called "outsiders." I fear that capping short-term rentals will change the social landscape of Inverness—it will be increasingly financialized, with properties owned by the mega-wealthy who have no intention of sharing this natural beauty. And likely, who do not live there full-time themselves.

Short term rentals enable homeowners to sustain their livelihoods, maintain safety measures of fire season, and enable them to be arbiters of the land with little to no impact on the communities there. It allows them to host family, and chosen family. It allows them to host people who are ill and need to recover, or in love and need a weekend away amidst beauty. I implore you to consider how this will undoubtedly change the financial and social web of this beautiful town in which I grew up visiting, kayaking, and eating at Cowgirl Creamery as a young person, and plan to continue visiting as I build a family. When I do visit with family, I would want to be together, in a home—cooking communally and quietly—not scattered across exorbitant hotel rooms in need of multiple rental cars.

This moment is an opportunity to think about the National Park that is enshrined as public land over which Inverness looks. I trust that local communities can be maintained and supported while future ones are nourished and not priced out.

I am so honored to have been able to have healing times in Inverness as an artist amidst a community of artists and artisans thanks to the generosity of a homeowner who let me stay with her. Thank you for your thoughtful consideration.

Gratefully yours,

Sophie Kovel

From: Frank Leahy <frank@backtalk.com>
Sent: Wednesday, March 20, 2024 9:14 AM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; West Marin Access Coalition
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

My name is Frank Leahy, and my wife and I live full time in Inverness, and when we travel we like to rent our home to offset the costs of our travel. We were lucky enough to get an STR license before the moratorium was put in place, but we know neighbors who would like to be able to rent their homes while traveling too, and will now never be able to. This is unfair, and inequitable. Adding to the inequity is the fact that different West Marin townships have different STR allowances. If increasing long-term rentals was truly the goal of STR opponents, a long-term rental in Bodega Bay is just as important as one in Inverness, then any limits should be applied equally across West Marin.

There are better ways of limiting the impact of STRs. We believe the County should adopt the model taken by San Francisco, which limits the number of days that any STR is allowed to be rented to 60 or 90, thereby making it impossible for anyone to extract enough income to displace a full time renter on the same property. There should also be an additional limit, in that a single entity (person, LLC, corporation, etc.) be allowed only a single STR license. This would ensure that A) houses aren't being bought for the sole purpose of renting them as full time STRs, and B) would provide incentives for those owning more than one house to rent the other(s) full time.

Sincerely,
-- Frank Leahy, Inverness, CA

From: Elaine Carey <elainecarey53@gmail.com>

Sent: Wednesday, March 20, 2024 7:38 AM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

We believe this ban on STRs is too broad and should be rejected. We rent at Stinson Beach every summer along with many other families spending money in the community and supporting jobs and small businesses by doing so. We are not renting houses that would be used for low income housing but our dollars spent do add to the county's tax revenues and the general welfare of those needing low income housing.

Thank you.

Elaine Carey and Vincent Schodolski

From: David Hegarty <davidhegarty@gmail.com>

Sent: Tuesday, March 19, 2024 9:20 PM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commission,

I am writing to you today as a Short-Term Rental (STR) host in Inverness, a community that prides itself on providing warm, inviting, and meaningful experiences to families visiting the coastal areas of Marin County. I've recently become aware of an ordinance approved by the Board of Supervisors, which aims to cap STRs at 89% of current capacity, alongside imposing strict regulations on operators. While I understand the intent behind ensuring responsible tourism and community welfare, I strongly believe that this measure, without adequate study of its need and impact, may inadvertently hinder the very essence of what makes coastal visits so special to countless families.

As an STR host, I have had the privilege of welcoming multiple families into my home, witnessing firsthand the unique and irreplaceable bonding experiences that such accommodations facilitate. Unlike the more impersonal settings of hotels, vacation homes offer a sense of belonging, a place where full families—spanning generations—can gather under one roof to share meals, laughter, and memories. These moments are the threads that weave together the fabric of our cherished family traditions.

The coastline, with its majestic beauty and tranquil allure, plays a significant role in childhood memories for many. Parents and grandparents, eager to recreate the magical seaside experiences of their own youth, look to places like Inverness to pass on this precious heritage. The proposed cap on STRs could severely limit these opportunities, making it harder for families to find affordable, suitable lodging that caters to their need for space, privacy, and togetherness.

Moreover, STRs in our area have not only made coastal access more attainable for a broader demographic but have also played a crucial role in sustaining the local economy through tourism. Our guests often explore the surrounding public recreational and coastal lands, contributing to the vitality of West Marin's communities.

I urge the California Coastal Commission to consider the broader implications of the proposed ordinance on family bonding, cultural traditions, and economic wellbeing. I recommend requesting further studies to thoroughly understand the need for and impact of such regulations before making a decision. There is a delicate balance between regulation

and access, and it is imperative that we strive to maintain it to ensure that the wonders of our coastline remain accessible to all who seek them.

Thank you for considering my perspective on this matter. I trust that the Commission will make a decision that upholds the welfare of all Californians, ensuring that the beauty and serenity of our coastal regions continue to be a source of joy, discovery, and familial bonds for generations to come.

Sincerely,

David & Sandhya Hegarty

From: Wabi Tei Beach House <wabiteibeachhouse@gmail.com>

Sent: Tuesday, March 19, 2024 8:43 PM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

I am writing to you regarding the Marin County - Short-Term Rental Ordinance Update

Airbnb and VRBO are essential to equal access to the coast for people

from diverse socio-economic levels. Not everybody can afford to maintain a \$1m+ house in a coastal region with access to the beach and pay the upkeep costs for it to remain empty and just for occasional personal use. Many of these places are too far away from workplaces to be viable rentals or full-time homes.

It is well-documented that millennials have been excluded from many of the opportunities the previous generation had to acquire wealth and achieve home ownership. Rising student debt, increased cost of living and status quo laws such as Prop 13 (which keeps property tax low for long-term owners) have made it increasingly difficult.

While ownership may be out of reach, a weekend at the beach at a beautiful coastal home (e.g. \$2000 split among 8 friends) is not. Access to experiences, such as those only found within the coastal commission's territory, is democratized by Airbnb and VRBO.

The California Legislature is currently considering legislation that would serve to ban vacation rentals in large parts of the Coastal Zone in San Diego County.

Let's call this what it is: a discriminatory policy that keeps certain classes of people (young, less affluent, and sometimes more diverse) out of millionaire's neighborhoods.

If you do not act to block this legislation history will not look kindly on your inaction or furtherance of laws that are discriminatory in effect.

Thanks and best regards,
Bassem Yacoube

From: Bill Logan <bllogan00@gmail.com>
Sent: Tuesday, March 19, 2024 8:17 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

My wife and I have had our STR in Point Reyes for three years now and we love reading the reviews of the guests who come to visit the National Park, the area is a nature lovers paradise and as such lodging is in demand, of course visitors also add to the local economy , shops and restaurants all benefit from STRs.

Please reject the measure and send it back to the Board of Supervisors for further study.

Sincerely, Bill and Suzanne Logan.

Sent from my iPhoneFrom: J.O. Tobin <jotmhp@gmail.com>
Sent: Tuesday, March 19, 2024 6:03 PM
To: Notthoff, Ann@Coastal; Hart, Caryl@Coastal; Carl, Dan@Coastal; Bochco, Dayna@Coastal; Turnbull-Sanders, Effie@Coastal; Cummings, Justin@Coastal; Rice, Katie@Coastal; Escalante, Linda@Coastal; Harmon, Meagan@Coastal; Wilson, Mike@Coastal; NorthCentralCoast@Coastal; Aguirre, Paloma@Coastal; Uranga, Roberto@Coastal; Rexing, Stephanie@Coastal; Lowenberg, Susan@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff, [Insert your letter here]

Wes Marin is a beautiful place as the Stinson Beach and Bolinas, but it is also very very expensive so while a number of us can afford to rent there once in a while very few people can afford to buy there and that's why we need to have rentals continue to be available in these beachfront communities in West Marin because otherwise we're just locked out

Best regards,

Joseph O. Tobin II

From: Sally Robertson <sally@sallyrobertson.com>
Sent: Tuesday, March 19, 2024 4:05 PM
To: NorthCentralCoast@Coastal
Subject: Marin LCP Amendment: Please reject

Dear California Coastal Commissioners and Staff,

I am a Marin County native (Drake '64), and purchased my home in Bolinas some 46 years ago.

In 2002 I began renting out my guest room on a nightly basis, reporting and paying TOT tax every month. At first it was mainly local referrals,

and eventually grew to include visitors to our beautiful coast from near and far. Now in my late 70's this income has become a critical factor in my being able to stay in my home.

I find the proposed Short Term Rental Ordinance to be daunting and overly bureaucratic.

I do sympathize with those in our community concerned with housing for locals, and I think this problem could be easily addressed with a simple requirement that the host of a STR live on the property.

Please reject this measure and send it back to the County of Marin. I do not believe such a complex and difficult measure is called for, and certainly deserves further study.

I truly hope I can go on welcoming visitors as well as family and friends of locals to my Garden Room.

Sincerely,
Sally Robertson

--

Sally Robertson
www.sallyrobertson.com

From: Kimberly Branagh <kimberlybranagh@gmail.com>
Sent: Tuesday, March 19, 2024 3:28 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

Please do not let there be restrictions on vacation rentals in the Marin County region. Our city family cannot buy a home in Stinson Beach or Bolinas but we relish our yearly opportunity to get out of the City and get to the beach. It would be such a shame to place limits on those families who are able to supply a vacation home for us to rent.

Please do not implement vacation home restrictions in this region.

Thank you,

Kimberly Branagh & family

M.# 415.516.1060
kimberlybranagh@gmail.com

From: Tom Riley <tom@riley.health>
Sent: Tuesday, March 19, 2024 3:11 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre,

Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; West Marin Access Coalition
Cc: senator.mcguire@senate.ca.gov; assemblymember.connolly@assembly.ca.gov; Rodoni, Dennis (djrodoni@svn.net)

Subject: Marin LCP Short Term Rental (STR) Amendment: Require coastal access impact study (April hearing)

Dear Commissioners and Staff,

Thank you for the opportunity to comment on this LCP amendment which would change the affordability of and access to our part of the Coast and would likely end our family's coastal-visitor-serving business. I work nearly full-time on our family's short-term rental (STR) properties on the eastern shore of Tomales Bay, north of the town of Marshall. In addition to supporting my family, our vacation rentals support more than twelve part-time workers and their families who help us clean, bookkeep, keep our website current, interact with guests and repair and maintain our family cottages. We employ a diverse workforce, many for whom English is not the primary language. Although closure of our STRs would create economic hardship for our workers, not one was surveyed or informed of the proposed ordinance hearings that preceded this LCP proposal.

Nor has the county made an adequate assessment of the impact these LCP amendments would have on access to the Coast.* One of the founding tenets of Marshall's East Shore Community Plan, amended into the LCP more than 40 years ago, was preserving the ability for people of all walks of life to visit, live and work here. By creating a labyrinth of rules and costly hurdles intended to force coastal homeowners out of serving visitors and into fulfilling county-wide affordable housing needs,** these LCP amendments will result in fewer coastal visitors of moderate income, fewer local workers available to serve coastal visitors and fewer community resources from which to serve coastal visitors.

During Marin County Planning Commission and Board of Supervisor hearings, we heard compelling arguments that vacation rentals in some West Marin communities have reduced rental housing stock for long-term residents. As Assistant Publisher of the Point Reyes Light in the 1980s, our subscriber base showed the proportionately high numbers of our "weekenders" who received their newspapers at an address outside of the West Marin Communities we served. But this is all anecdotal. I don't really know how this compares with weekenders today. Nor do those who would advance these LCP amendments. As one witness who testified at the Planning Commission hearing in June put it: "Yes, it is sad that people who work in West Marin cannot find a place to live. But this is not the fault of STRs."

In short, we believe the current proposal sets up a false narrative -- that between long-term and short-term housing needs. This misses the unique value that our guests, workers and families bring to our coastal community. Instead, we believe STRs can be a catalyst for achieving affordable visitor access AND vital coastal communities.***

For these reasons, we urge you to reject this LCP amendment and request that the Marin County Board of Supervisors provide an assessment of how such an amendment would impact 1) visitor access to the coast, 2) the cost of coastal access at hotels and lodges (who would no longer compete for nightly rates with AirBNB), and 3) the availability of visitor-serving local service providers.

Sincerely,

Tom Riley, Marshall

Cc: Senator Mike McGuire, Assemblyman Damon Connolly, Supervisor Dennis Rodoni

*Public preferences expressed in the County's Internet poll has served as the primary justification for the county ordinance changes included in this LCP proposal. We urge commissioners to demand that accurate economic and fiscal data be developed so that we may all consider the consequences of this proposal before using coastal visitors, workers and communities as test subjects.

**According to Marin County's STR webpage, "The County is currently working on a Short Term Rental Ordinance Update to improve the availability of middle- and lower-income housing, while maintaining access to economic opportunities, services and activities in the unincorporated areas of the County and end the moratorium in West Marin."

***Based on the numbers from two of our units during 2023 (and assuming these are roughly average for Marshall) we came up with the following: We hosted 527 guest/nights at an average of \$133 per individual per night in one of our vacation homes. Assuming all of the vacation homes in Marshall were like ours, Marshall hosts would provide 15,000 people affordable access to this part of California's amazing coastline and generate nearly \$2 million in local revenue -- revenue that allows people to work here, pay rent, buy groceries.

A thoughtful analysis by Marin County might also include that which guests spend on bioluminescence kayak tours, oysters at Toby's, coffee at Route One Bakery and groceries at the Palace to come up with a reasonable "multiplier". Of course, such an analysis could include more than just Marshall. It might show that all 357 private rentals in coastal unincorporated Marin's coastal communities would (again, using numbers from two of our own units as a rough but conservative range) show that STRs provide affordable access to our section of the Marin County Coastline for between 188,139 and 309,879 people per year at an average cost of between \$121 and \$133 per person/night. Local revenue (not including the multiplier) could be somewhere between \$25M and \$37M annually. Again, we have extrapolated from our family's own vacation rentals but we don't actually know. Surprisingly, neither does the county.

From: Eimie Okida <eimieokida@gmail.com>
Sent: Tuesday, March 19, 2024 2:43 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners,

I have been a resident of Marin County for 30 years. We have enjoyed Stinson Beach and the rental properties there for as many years as I can remember. I see no need to limit the rental properties available because it brings a boat to the small community with the outside dollars that tourists and other residents of Marin County bring to the area. COVID devastated this area and much of the country so why the board of supervisors wish to limit the number is baffling. Tourism helps their economy, taxes paid for all aspects of the rental fees help the county and state, and allows the enjoyment of the beach and surrounding areas for all who visit Stinson Beach. If there were no rentals available along the coast, the public beaches would be overcrowded, require more state assistance in maintenance and personnel, and would put a burden on the state and local authorities.

It sounds like corporate interests in developing the area is taking precedence over the well being of the community and local businesses. I urge you to reconsider limiting the number of rentals available to all citizens, within California and all those who visit our beautiful state and beaches.

Sincerely,

Eimie Des Marais

73 Ross Avenue

San Anselmo, CA 94960

415 455-8411

From: michaelcats michaelcats <michaelcats3@outlook.com>
Sent: Tuesday, March 19, 2024 2:35 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff, we rent a home in Stinson Beach each year for one week, sometimes two. We have been doing that for 20 years. Our children and our grandchildren stay with us and we all enjoy the time together, the time in town, the time in West Marin area, and the time at the beach. At first we rented from friends, then later from a realtor in Stinson Beach. We are concerned that a new ordinance will prevent short term rentals in West Marin. We vote NO. Please join us.

Thanks

John D. Michael

San Rafael, CA

From: Read Phillips <read@beetshospitality.com>
Sent: Tuesday, March 19, 2024 2:34 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

I have vacationed at Stinson Beach every Thanksgiving for the past 15 years. This is a cherished tradition for my family. Even during a busy vacation week, Stinson is not overcrowded.

Please keep Stinson available for all Californians. I live in Castro Valley and Stinson is the best ocean option for me.

Thank you,

Read Phillips

READ PHILLIPS

Founder / Owner

Beets Hospitality Group

Palm Event Center in the Vineyard &
Casa Real at Ruby Hill Winery

read@beetshospitality.com <mailto:read@beetshospitality.com> <mailto:michelle@beetshospitality.com>

<<https://www.instagram.com/casarealevents/>> <<https://www.pinterest.com/casarealevents/>>

@casarealevents

<<https://www.instagram.com/palmeventcenter/>> <<https://www.pinterest.com/palmeventcenter/>>

@palmeventcenter

925-294-8667

From: Jeffrey K <jeffreydknapp@gmail.com>

Sent: Tuesday, March 19, 2024 2:26 PM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl,

Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

I am writing in regard to the proposed ordinance to limit short-term rentals in West Marin County. I urge you either to reject this proposal or to return it to the county for further study. Short-term rentals make the beauty of West Marin accessible to the wide range of California residents who cannot afford the exorbitant price of real estate in the area. And yet the county has decided to limit this accessibility without conducting a study to determine whether the limitation is necessary or even desirable. I hope that you will act on behalf of California's citizens at large and require the county to proceed responsibly.

Thank you,

Jeffrey Knapp

From: Judith Lowry <judithlarnerlowry@gmail.com>

Sent: Tuesday, March 19, 2024 2:18 PM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

[Why make this whole thing so complicated? Why not just make STR's only legal where the homeowner lives on the property. That takes care of the danger of Bolinas being owned by LLC's.

I have an online micro business in my backyard, which reflects The Bolinas Plan. We have been here since 1984, in business in California since 1977, always steadily employing 4 to 6 locals. I have been supplementing that income with one STR, often but not always rented by the month, which so far ensures that I can handle the many expenses that all homes in Bolinas are subject to, including the constant termite treatments, rat control, mold abatement, and other less pleasant parts of being a homeowner here, as well as continued rise in property taxes.

Without this addition to my resources, I will need to sell and move away. I talk to others in my situation who would be moving as well.

Is this what the CCC wants? A town with no oldtimers? The local color tourists expect here is US. I well know that many who stay here through Airbnb do so to learn from me how we have managed our land.

Our Demonstration Garden is filled with an acre's worth of locally native coastal plants. I am one of the creators of the concept of "backyard restoration gardening", through my business and through my three books, two published by University of California Press Berkeley. It has been a years' long project.

And people come here to see it and live it. We have played a significant role in educating gardeners and other land managers. There would be no eucalyptus problem, no pampas grass problem, no broom problem, and probably no water problem, had these principles prevailed from the beginning. When I moved to Bolinas, I was horrified by the ecological illiteracy most gardeners displayed. This situation is now vastly improved, not just through our efforts, but our efforts are the most locally focused, very specific to exactly where we live.

Aren't these the values the CCC supports? I hope so.

Sincerely,

Judith Larner Lowry

415-306-6083

From: adam warmington <adamwarmington@gmail.com>
Sent: Tuesday, March 19, 2024 1:47 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: West Marin STR's

Hey guys,
Thanks for taking the time to read this email.

We are a family who splits our time between Fairfax and Bolinas. We own homes in both towns and are well integrated into the Bolinas community. We are dear friends with multi-generational Bolinas families, as we are part of the surfing community. Some of these folks, we've known for 20 years.

How we acquired the property in Bolinas was interesting. It was a personal connection... An Irish builder friend who was building a new property in Inverness and thus wanted to sell his place in Bo. He gave us first refusal, below market value as he loves our family and knew we'd make the most of it. It has been such a god send. We are not wealthy people but just about managed to pull it off. It's changed our lives.

In order to be able to stay out there, further deepen our connection to the community and contribute to it, we have to rent the house occasionally to meet the mortgage payments. So we operate it as an STR. Again, we are well loved in Bolinas... I objectively think the town is better off for having us. Every worker in every store knows us, as do most of the old school locals.

Here is the interesting part + my perspective...

If something shifted with STR's, we would likely have to sell our place. We would have to sell to the highest bidder as that would be the only smart thing to do for our family. I hope any other family in the same situation would do the same. The highest bidder will likely be someone buying their second, third ++ home. If there is a ban on STR's, that person won't rent it.

Here's how both scenarios play out.

Scenario a) We keep our property. We keep integrating, spending in the local economy. Our guests also spend in the local economy.

Scenario b) Likely wealthy 2nd+ home owner buys the property. Is rarely there, rarely adding to the community. No guests, no further adding to the community.

In one scenario, a loved family and their guests add a vibrancy and economic plus to the town. In the other, it's empty most of the year... no laughing kids in the yard, no dollars spent in the restaurants.

STR's are not the problem, lack of affordable housing is.

Please reject the STR Ordinance.

Thank you...

Adam Warmington

Website <<http://www.adamwarmington.com>>
Instagram <<http://www.instagram.com/adamwarmington>>
Prints <<http://www.awprints.com>>

<<http://www.adamwarmington.com/>>
<<http://www.adamwarmington.com/>> <<http://www.adamwarmington.com/>>

From: Michael Wechsler <mwechsler@pmanet.org>
Sent: Tuesday, March 19, 2024 1:42 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Cc: Jennifer Bailey Wechsler
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

I truly appreciate all that you do to protect and preserve the amazing California coast. We bought a house in Inverness over 10 years ago. Now that our children are grown we don't use the house as much but still get out whenever possible.

For those days we aren't there, we have been renting the house to vacationers looking to experience the West Marin Coast. If we didn't rent, we wouldn't have guests enjoying West Marin and the house would sit empty. We believe renting our existing home to guests is environmentally friendly (as opposed to building more structures for vacationers) and gives Coastal access to those who can't afford to buy a house.

While we believe in rental restrictions to make sure no one's peace and quiet is disturbed, making the requirements too onerous and expensive will cause us to raise rates or simply stop renting it out - no one gains.

Appreciate your consideration,

Michael and Jennifer Wechsler
27 Inverness Way South, Inverness, CA

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From: Anna McDonnell <annamcdonnell@mac.com>
Sent: Tuesday, March 19, 2024 1:34 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; West Marin Access Coalition
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

I am writing to ask you to reject the Marin LCP amendment. I live in Inverness, which I am sure you know is literally the gateway to Point Reyes. I go out into the park (lucky for me) weekly and enjoy its vast and ever-changing beauty. I almost never see other people there.

We should be doing everything possible to increase access to Point Reyes. The hotels nearby are few and expensive. Allowing an unlimited amount of short-term rentals gives potential visitors a cost-effective and flexible way to come out and take advantage of all the beauty that Point Reyes offers.

I believe, sadly, that much of the impetus for limiting short term rentals stems from a reluctance on the part of many of my neighbors to share the bounty that is at our fortunate doorsteps.

Point Reyes and its magical beauties belongs to us all .

Please reject this effort to keep access limited to those who live here already or people with a big enough budget to get themselves an expensive hotel room.

Thanks very much,

Anna McDonnell
125 Camino del Mar
Inverness, CA 94937

From: LaRue James <la.rue@mac.com>
Sent: Tuesday, March 19, 2024 1:17 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

We love coming to the coast and can only do so with affordable rental housing nearby...coming with children. Please reject the marin LCP amendment until you have more information.

thank you,

LaRue Rousseaux James

Sent from my iPhoneFrom: Ingrid Evans <ingrid@evanslaw.com>
Sent: Tuesday, March 19, 2024 1:16 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; Velasquez, Leslie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Cc: Ingrid Evans
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing) - STR Stinson Beach

Dear California Coastal Commissioners and Professional Staff,

I own a house in Stinson Beach that I have owned for 10 years, I plan to retire full time in Stinson Beach and grew up in Marin County (long term owner/resident). Currently the Short Term Rental (STR) ordinance will double the amount of STR licenses in Seadrift and gut the remaining STR licenses in the remainder of Stinson Beach. Seadrift is in Stinson Beach, it is all one community. Seadrift should not be treated differently than the rest of Stinson Beach as that would have a discriminatory impact which would benefit the uber wealthy in Seadrift and hurt the remaining owners in the rest of Stinson Beach. We should have one set of licenses for all of Stinson Beach, not segregate the licenses by areas in Stinson Beach - it should not be an us vs. them b/n the very wealthy gated community of Seadrift and the rest of Stinson Beach. In essence, the Board of Supervisors ordinance as drafted will benefit the very rich and hurt everyone else. It makes no sense, has a disparate impact on the residents of Stinson outside of Seadrift and is violative of the 14th Amendment to the US Constitution and CA laws - Equal Protection laws require that all people be treated equally. The ordinance does not treat Seadrift the same as the rest of Stinson Beach.

As background, I live in Stinson Beach part time currently and work outside of Marin County in San Francisco. I would not be able to afford to own my house in Stinson Beach if the STR ordinance as drafted is put in place. The house I own has a main unit and a smaller unit, I rent both as a short term rentals when I am not there. It is my dream to live full time in Stinson Beach but I cannot do that until I pay off the mortgage and cannot afford to do that if the STR restricts me to only renting one unit. In no circumstance do I plan to rent both units long term to renters because I want the

flexibility of having friends over and in the past the long term renters severely damaged my properties – I have not had the same problems with extensive damage to my properties with short term renters who have treated the properties with respect. Please do not implement such draconian rules, it will hurt us.

I see no problem with implementing the safety rules, ie required smoke detectors, carbon monoxide and safety checks for structural integrity – I abide by those principals and all landlords should. I have lived in Marin County nearly my entire life and grew up going to elementary school, middle school and high school in Marin - I am invested in Marin County, the local community and protecting our California coast and environment.

Thank you, Ingrid Evans

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From: John Pasha <John_Pasha@pashanet.com>
Sent: Tuesday, March 19, 2024 12:57 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California, Coastal Commissioners and Professional Staff,

I am writing as a concerned citizen of California and a concerned property owner in the Seadrift Stinson Beach community regarding the reduction of STR's in West Marin County. I strongly encourage you to study the impacts on the number of Californians who will no longer enjoy access the waterfront because of the measure coming to you in April. This measure is in direct conflict with the goals of the commission to protect coastal access for citizens of our great state and should be rejected.

Our family has owned two adjacent second home properties in the Seadrift community of Stinson Beach since 1987. Over the years we have recognized that the community, due to the nature of high real estate prices and lack of proximity to services, is naturally a haven for vacation homes and/or investment properties. Since the inception of peer-to-peer services like AirBnb, the number of people gaining access to stay at these properties has dramatically increased. This growing economy of collaborative consumption is an efficient use of our resources increasing visitation to this locale, and promoting economic prosperity to the visitor serving small businesses in the area.

My family grew up in our parent's home in San Rafael, about 40 minutes from Stinson Beach, spending occasional weekends with family and friends at the beach houses. When our parents passed on 10 or so years ago, the siblings and me began to lend the homes to rentals so we could cover the maintenance and taxes and keep the properties in the family for future generations. The people who have rented the homes have included Marin residents who stayed several months in these homes during the pandemic and dozens of visitors from across the state. They come to access the uniqueness and richness of this region with its protected woods and beaches surrounded by the majestic Marin Hills complete with an abundance of wildlife and local community that makes this local so desirable to visit.

Please reject this measure so we can encourage more Californians to have access to this region and maintain the economic viability of the restaurants and small businesses that depend on these visitors for their livelihoods.

Respectfully,

John Pasha

From: David Moore <dmooreusa@comcast.net>
Sent: Tuesday, March 19, 2024 12:51 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

My family and I are lifelong Bay Area residents with a summer tradition of a rental house at Stinson. We are very much a part of the Stinson community despite our status as a repeat short-term renter. We oppose the limitations on STRs passed by the Board of Supervisors in January. I urge you to reject the measure and send it back to the Board of Supervisors for further studies to determine if this is even needed and if so, what impacts it will have.

Best regards,

David M. Moore

207 Santa Rosa Avenue

Sausalito, CA 94965-2036

(415) 710-1350

dmooreusa@comcast.net <mailto:dmooreusa@comcast.net>

From: Susan Anne Ferrington <sferrington11@gmail.com>
Sent: Tuesday, March 19, 2024 12:32 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

I am writing to you to please support the continuation of short term rentals. My family and I enjoy being able to go to different experiences besides a hotel. As we can always afford a hotel for such a large family. I think it is a homeowners right to do what they want with their property And it doesn't cause a problem here it only enhances the experience as a family for people to have so many options. Thank you very much.

[Insert your letter here]

Susan Ferrington | Luxury Property Specialist

Coldwell Banker Realty | Marin County Property Specialist

104 Tiburon Blvd. Ste. 200 | Mill Valley, CA 94941

M: 415.519.3240 | CalRE #01352287

W: SFerrington11@gmail.com <mailto:SFerrington11@gmail.com> | SFerrington.com
<<https://sferrington.cbintouch.com/>>

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From: Audrey K <audreyaced@gmail.com>
Sent: Tuesday, March 19, 2024 12:02 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

Dear Coastal Commissioners:

On the matter of STR restrictions at Stinson Beach, I want to make clear that as a homeowner at Stinson, who relies upon rental income to

be able to afford said house, the short term renters are people who themselves would not be able to afford and choose not to own at Stinson. Yet, they enjoy bringing themselves/family to this area to enjoy the coast and adjacent Marin open space for nature and recreation.

Also, many of these same visitors would likewise not be able to afford LONG term rentals. The short term renters additionally bring valued dollars to the local communities in terms of restaurant/shopping and rentals of paddleboards, wetsuits, etc, lessons in watersports, . . .

I support short term rental capacity without severe restrictions at Stinson Beach and nearby beach communities from the point of view of visitors, both domestic and international, and local owners and business owners.

Audrey Koh

From: Dana Kriesel <dana.kriesel@gmail.com>
Sent: Tuesday, March 19, 2024 12:02 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

My family has been renting vacation homes in Stinson Beach for many years. In fact, it's where we gather for Christmas and New Years every year, so we can spend the holidays together. I would hate for it to become harder to rent a house and have to abandoned our beloved tradition.

We live in the Mission District of San Francisco and have long relied on Marin County rentals for an easy escape from the city. Please preserve short-term rental capacity in Marin so we can continue to enjoy the spectacular coastline while creating more cherished family experiences and memories.

Sincerely,
Dana Kriesel
415-505-1475

From: Nancy L Donovan <ndonovan@berkeley.edu>
Sent: Tuesday, March 19, 2024 12:01 PM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

My family and I have enjoyed many short term rental vacations in Marin county over the years. Please keep STRs available for recreation for all to enjoy.

thank you,
Nancy Donovan

From: Richard Butterfield <richard@butterfieldspeaks.com>
Sent: Tuesday, March 19, 2024 11:58 AM

To: Notthoff, Ann@Coastal; Hart, Caryl@Coastal; Carl, Dan@Coastal; Bochco, Dayna@Coastal; Turnbull-Sanders, Effie@Coastal; Cummings, Justin@Coastal; Rice, Katie@Coastal; Escalante, Linda@Coastal; Harmon, Meagan@Coastal; Wilson, Mike@Coastal; NorthCentralCoast@Coastal; Aguirre, Paloma@Coastal; Uranga, Roberto@Coastal; Rexing, Stephanie@Coastal; Lowenberg, Susan@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff

Perhaps our story will help illuminate the problem with this study and the need to reject it.

We are a San Francisco family with a long tradition of 1-2 week summer rentals at Stinson Beach. We value the access that these rentals provide and without them we would not bring our family and our many amazed guests to West Marin.

No restaurants, no grocery store, no trek to Hog Island, no hiking the trails.

What a strange ordinance that would exclude such important activities.

And let's talk environmental impact. We travel once - one hour in the car - for our annual family vacation. No flights, no long distances.

Please reject or send back this exclusionary ordinance that will make all of Stinson only for the super rich who can own these homes without renting.

Richard and Glynn Butterfield
96 Mirabel ave, San Francisco, CA 94110
415-505-0345

From: Anya Pierce <pierce.anya@gmail.com>

Sent: Tuesday, March 19, 2024 11:55 AM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

It really meant a lot to me and my family to be able to enjoy Stinson beach for a week!! We were able to hike, bike, swim, and enjoy Stinson beach, and would not have been able to do so without Seadrift short term rentals. Please keep this option open for everyday families like us.

Thank you,
Anya Pierce

[Insert your letter here]

Sent from my iPhoneFrom: Liselott Spangberg <liselott@sbcglobal.net>

Sent: Tuesday, March 19, 2024 11:49 AM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

Please reject the suggested short term rental restriction and send it back to the Board of Supervisors for further study of the impact for everybody.

We own a home in the Seadrift community, which is sometimes rented short term, and our wonderful, respectful and grateful renters add a positive vibe to Stinson Beach and its businesses and survival.

Sincerely,
Liselott Spangberg.

Sent from my iPhone

From: Christine Pang <christinelp47@gmail.com>

Sent: Tuesday, March 19, 2024 11:46 AM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

I'm reaching out because the regulations in Marin County for short term rentals have negatively affected my family's cabin. Our house has been a summer home for 100 years, it has no garage, driveway, central heat or storage to be a good year round home or rental. It was built to host visitors to the coast. We had a rental permit but didn't know it wasn't for weekend rentals until my mom was reading the paper about the STR moratorium.

So for the last four years we've tried to make a go of it; with month long rentals rare it's been averaging 1-2 per year which does not offset our costs. Friends are afraid to visit in case they get accused of renting illegally, and many potential visitors to the Pt Reyes seashore have no doubt gone elsewhere as accommodations are so limited. My widowed mom, sister and I ask the commission to reject the proposal which favors the mega rich owners on the ocean and require Marin to allow a window for previous owners everywhere to get equal access to continue to rent our homes legally to coastal visitors. We have local supervision from one next door neighbor, a local property management company and I'm nearby and visit often. Please help us and others to maintain a family legacy of hosting visitors to the Pt Reyes National Seashore.

Best Regards,

Christine Lawrence Pang

20 Trossach Way, Inverness

415-302-0661 From: Susan Britting <britting@earthlink.net>

Sent: Tuesday, March 19, 2024 11:22 AM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and professional staff,

My family has been using short term rentals (STRs) along the coast in Marin County for nearly 20 years. STRs have made it possible for our multi-generational family to visit these extraordinary coastal environments. Any reduction on STRs will make it increasingly expensive and difficult for our family and others to visit and enjoy the West Marin coast.

Please reject the measure and send it back to the Marin County Board of Supervisors for further study in order to determine if the measure is even needed and if so, what impacts the measure would have.

Thank you for your consideration of my comments.

Sincerely,

Susan Britting

Coloma, CA 95613

From: Jan O'Connor <janoconnor415@gmail.com>

Sent: Tuesday, March 19, 2024 11:18 AM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

We have hosted our STR for 20 years in Stinson beach. Our home is filled during the summer months and other vacation periods with families who are able to enjoy all West Marine has to offer. If STRs are banned or limited, its impact would adversely impact the ability of those wishing to visit our national seashore, Mt Tam and all other beauties of our precious coastline.

Please reflect the measure and send it back to the Board of Supervisors for further studies to determine if it's even needed and, if so, what is the impact? Tenants pay a 4% TOT tax which certainly helps significantly fund whatever it is used for. I've never seen how it is spent, how much is collected and how will the BOS replace these funds.

Thank you.

Jan and John O'Connor.

Jan O'Connor
415.302.1030 (c)

From: William Sauro <w@sauro.com>

Sent: Tuesday, March 19, 2024 11:04 AM

To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

If it weren't for our ability to occasionally rent our home in Dillon Beach, we would have to sell it.

It would then likely be bought by a rich Bay Area individual who would not have to rent it, but it would sit dangerously empty most of the time, and would negatively impact regular people's ability to enjoy the Coast.

The proposal before you is a good compromise requiring STR owners to maintain high standards but still helps the state with coastal access.

Respectfully submitted,

William Sauro
21 Kailua Way
Dillon Beach, CA

From: Mary Tesluk <marytesluk@gmail.com>
Sent: Tuesday, March 19, 2024 10:49 AM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

I am writing to ask that you reject the STR Ordinance and send it back to the Board of Supervisors for further studies to determine if it is even needed, and what impact it might have, if any.

I attended the recent Marin Planning Commission meetings and have listened with an open mind to all the speakers. Here are my observations and input on this matter:

- * This is a complex issue that would have a lasting impact on several communities in West Marin, including some of those whom the opposing side wants to support—the underserved and working-class members of these communities;
- * The 2023 Draft Regulations team is in a rush, and appears to be trying to conflagrate this issue by way of the 2024 expiration of the county moratorium on STRs;
- * There are communities in West Marin that can not —under the historical real estate usage and home ownership— contribute to providing affordable housing if STRs were to cease in those areas;
- * This ordinance discriminates against those who would like to visit and enjoy West Marin communities for affordable vacations and get-aways—it effectively would shut off such opportunities;
- * The Draft Regulations would have a rippling negative impact on the many small businesses that depend on visitors to these areas—house cleaners, recreational services, gardeners, home repair persons, boat rentals, surf shops, restaurants, grocery stores, art galleries, photography services, caterers, etc. The list is long. Has a detailed, comparative economic study been done to see what the impact of the loss of visitors would have on these many small businesses or individuals (many of whom are residents of the greater West Marin region)?

Areas such as Dillon Beach, Bodega Bay, and Seadrift are examples of vacation home communities that are not feasible solutions for affordable housing. They are either permanent housing or second homes that are rented out to visitors as a means to defray high property expenses. On October 23rd, I heard several compelling testimonies from homeowners in these areas, and want to add mine to the arguments against this unfair ordinance. No one is saying affordable housing in West Marin is not real, but this ordinance is not the solution—at the very least, not without more studies and careful consideration.

I am a homeowner in Seadrift, in Stinson Beach. Nearly 30 years ago, my husband and I were married in Bolinas and family came from all over the country to rent homes in Seadrift to help us celebrate. It was the beginning of our love

affair with this precious area. For us, renting Seadrift homes over the years was the only way we could continue this tradition of being outdoors, on the coast, and close to home in San Francisco. It has always been an affordable getaway for us.

Five years ago, a dream came true, and we were able to buy a small, older home on Dipsea Road. Ours was not an all-cash purchase, nor an inheritance, but we knew we could rent this slice of heaven to help defray its monthly costs, which we have done since our purchase. One renter had been diagnosed with breast cancer and was at our home when her hair began to fall out—she told us later it was a comforting place to begin her chemo journey and she is forever grateful that she could rent our home at that time. Another family from the valley was about to send their son off to college and staying at our home was a special getaway before his send-off, and one that they could afford. Another guest was a young, exhausted family taking their first family vacation with their young girls, in relative peace and quiet. Limiting STRs in Seadrift would rob people like these of the restorative, bonding, memorable, and often affordable experiences here as renters.

Please practice measured leadership and push this ordinance back to the Board of Supervisors for the proper amount of study that is required.

Thank you,
Mary Tesluk

From: Heidi Wilson <heidi@hideawayre.com>
Sent: Tuesday, March 19, 2024 10:44 AM
To: Hart, Caryl@Coastal; Escalante, Linda@Coastal; Turnbull-Sanders, Effie@Coastal; Notthoff, Ann@Coastal; Bochco, Dayna@Coastal; Lowenberg, Susan@Coastal; Rice, Katie@Coastal; Wilson, Mike@Coastal; Aguirre, Paloma@Coastal; Harmon, Meagan@Coastal; Uranga, Roberto@Coastal; Cummings, Justin@Coastal; Carl, Dan@Coastal; Rexing, Stephanie@Coastal; NorthCentralCoast@Coastal; info@westmarinaccesscoalition.com
Subject: Marin LCP Amendment: Reject until Study of Need and Impact (April hearing)

Dear California Coastal Commissioners and Professional Staff,

I write to express my opposition to the Measure on Short-Term Rentals being presented by The Board of Supervisors and my opposition to any reduction in the number of STRs in Marin County.

First of all, I'm a Realtor and my husband and I have been trying to sell a small home in Dillon Beach for over 6 months. Most people would consider the home quite affordable at \$849,000 for a home in Marin County, let alone a home on the coast, just steps from the beach. Despite the immense interest in the property, not one interested party wanted to buy it to live in as their primary residence. In fact, Dillon Beach is known as a vacation destination, not a place where most people must live permanently. There is little infrastructure, few amenities, and it's far from hospitals and grocery stores. Everyone who has expressed interest in our listing stated they would need to be able to rent it out when they aren't using the home. This is pretty much standard for the majority of Dillon Beach except for a handful of people who chose to live there like some retired folks and real estate agents. They don't have a necessity to live there, they simply like it there and made the choice. If the number of short-term rentals is reduced, the only people who will benefit from it are existing STR license holders who will then be able to charge more money for their rentals due to less competition, and the other big winners will be the ultra wealthy who don't care if they can rent out their homes. They will find much less competition in buying a vacation home out there, and, ultimately, benefit from the proposal. Those homes will sit unoccupied for most of the year and all the small businesses will suffer from reduced tourism that STRs create. This in no way addresses the stated reasons for the STR ordinance which is to provide more affordable housing to people who

have to live there permanently. That situation just doesn't exist in Dillon Beach.

Marin should remain accessible and open to visitors who want to enjoy the scenic nature and beauty that the county has to offer. The County is home to some of the most beautiful parks, beaches, and forests in the country and three national parks, all of which attract millions of visitors every year. West Marin has always been a destination for families across the region and the broader county, and I believe it should stay that way.

To date, the County has not shown any data or rationale that justifies such a drastic change in policy. On the contrary, the damage the caps place on short-term rentals, as well as the onerous restrictions on hosts, will most certainly harm local businesses and further drive out already struggling middle-class neighbors who depend on tourism revenue.

I recommend that the California Coastal Commission reject the Ordinance 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. Any reduction in the number of STRs in Marin is a reduction in coastal access. I ask that the County does not limit or reduce the number of STRs.

Thank you,
Heidi Wilson

707-696-3529

From: Hilary Winslow <hilarywinslow@gmail.com>
Sent: Tuesday, March 19, 2024 10:41 AM
To: Notthoff, Ann@Coastal; Hart, Caryl@Coastal; Carl, Dan@Coastal; Bochco, Dayna@Coastal; Turnbull-Sanders, Effie@Coastal; Cummings, Justin@Coastal; Rice, Katie@Coastal; Escalante, Linda@Coastal; Harmon, Meagan@Coastal; Wilson, Mike@Coastal; NorthCentralCoast@Coastal; Aguirre, Paloma@Coastal; Uranga, Roberto@Coastal; Rexing, Stephanie@Coastal; Lowenberg, Susan@Coastal; info@westmarinaccesscoalition.com
Subject: Please approve Marin LCP Amendment! (April hearing)

Greetings California Coastal Commissioners and Professional Staff,

Please APPROVE the laboriously developed rules for STRs in Coastal Marin. We have worked hard and long to make a proposal that meets the interests of ALL people, residents and visitors alike. Please do not second guess our work, which has been done with coastal access in mind.

Please do not delay!

Thank you,

Hilary Winslow
Resident of California

From: Alice Fang <xalicefang@alumni.stanford.edu>
Sent: Monday, February 26, 2024 2:47 PM
To: NorthCentralCoast@Coastal; ExecutiveStaff@Coastal
Subject: Marin county STR ordinance LCP amendment

The updated Marin County STR ordinance <https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/str/str_bosjanuary112024signedresolutionandexhibitsabc.pdf?la=en> is due to be presented at the April Coastal Commission hearing. I wanted to bring up some concerns and requests that you may consider when this is reviewed.

1) Since the stated primary goal of the STR ordinance is to protect low to mid income housing, exclude large acreage residences from the cap. 10+ acre properties (which are mostly if not all agricultural) are not part of the affordable housing stock, don't contribute noise or neighbor issues, and would instead bring tourism and business to the area if

operated as STRs, while providing housing and economic opportunities to the property managers, cleaners, handymen, etc it employs.

2) Reinstate uncapped hosted rentals. One of the initial guiding principles <<https://www.marincounty.org/main/short-term-rental-ordinance-update>> of the STR workgroup included distinguishing between hosted and unhosted. San Diego's definition of "hosted" (owner or permanent resident resides onsite) encourages the building of ADUs that the owner or permanent resident could live in while renting the main house; it also provides affordable housing for the host.

The Marin county planners have removed this distinction, insisting that there is no good way of enforcing 'hosted' since people lie on their Homeowners' Property Tax Exemption. Out of fear that a few people may cheat the system, families like mine who depend on supplemental income from STR suffer. (If it works in San Diego, why do we need to reinvent the wheel?)

3) Allow new STR licenses in May 2024. (The current ordinance doesn't allow for new applications until July 2025.) Another year may seem short in county planning time, but it is a significant financial liability for families like mine. The STR moratorium started in May 2022. It would be over 3 years where we are not allowed to STR.

While not the intention of the committee at all, the STR ordinance as it is written would push young families like mine out of Marin. This is the first house we bought as a family. We bought the house during the period of the STR moratorium and were counting on being able to do some STR (reassured by the guiding principles) to help pay our mortgage. We both work full time and can barely afford childcare for our 10 month old son. We love Marin and want to raise our family here, but the new regulations are forcing us to reconsider.

We hope you can help us and represent our voice. Please let me know if you have any questions I can answer.

Regards,
Alice Fang

BRISCOE IVESTER & BAZEL LLP

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(415) 402-2700

Peter Prows
(415) 402-2708
pprows@briscoelaw.net

10 January 2024

By email only to: BOS@marincounty.org

Board of Supervisors
County of Marin
3501 Civic Center Drive, Suite 329
San Rafael CA 94903

Subject: Short-term rental ordinance

Dear Members of the Marin County Board of Supervisors:

On behalf of the Stinson Beach Visitors Association, I write to urge you to **reject** or **substantially amend** the proposed ordinance that would significantly reduce short-term rentals, particularly in the Stinson Beach area. The proposed ordinance violates the public access policies of the Coastal Act and will negatively impact Marin County's finances (though staff do not disclose what those fiscal impacts will be), without identifying any justification for these harms that withstands the slightest scrutiny.

Reducing Stinson Beach STRs will significantly harm public access.

Short term rentals in Stinson Beach are *by far* the largest source of capacity for overnight accommodations in Marin County's Coastal Zone. These short-term rentals in Stinson Beach have long existed as a source of more affordable coastal accommodations; without these rentals, Californians from a diverse range of social, economic, ethnic, and racial backgrounds would simply have no other options for overnight visits to the Marin Coast. Appendix 2 of the current LCP identifies the total

existing capacity for overnight accommodations as 4659 people.¹ Of those 4569 people, more than 1/4 of the County's entire total (1236 people) are accommodated by short-term rentals in Stinson Beach alone:

Location, Name	Hotel/ Motel/ Inn/ Bed and Breakfast (rooms)	Private Rentals (units)	Campsites	Trailer RV (spaces)	Hostel (beds)	Capacity (# of ppl)
STINSON BEACH						
Anchorage Inn B&B	1					2
Crispin's Cottage		1				2
The Landsburgh Chevalier Estate		1				11
Ocean Court Motel	14					28
Ocean View House		1				4
Patterson Sand Castle		1				2
Redwoods Haus Inn	3					11
Rocky Point-Steep Ravine Environmental Camp (Mt Tam State Park)			7			14
Sandpiper Motel	10					34
Serenity at Seadrift		1				2
Steep Ravine Cabins (Mt Tam State Park)			9			18
Stinson Beach Motel	6					12
Stinson Beachfront		2				6
Wit's End		1				8
Other Vacation Rentals (192)		192				1236

Figure 1: Marin LCP, Appendix 2 page 7

The proposed ordinance would reduce existing rental capacity in Stinson Beach by 64 units—*more than a third*. This translates to reducing public access to Stinson Beach

¹ The non-short-term-rental-accommodation numbers in the LCP are too high. For example, the Ocean Court Motel, which the LCP identifies as accommodating 28 people, has permanently closed. The County has apparently approved of converting that motel into condo units.

by more than 400 people *each day*. This loss of affordable access to California’s coast is completely unacceptable under the public-access provisions of the Coastal Act and likely would not survive scrutiny at the Coastal Commission or in the courts.

Reducing Stinson Beach STRs will not increase affordable housing.

Marin County staff have offered only thin justifications for this proposed drastic reduction in existing public access. Staff assert that reducing short-term rentals will create new long-term housing opportunities for economically disadvantaged communities in West Marin. If forced to convert to long-term rentals, Stinson Beach’s existing short-term rental offerings will be leased at market rates²—at prices well above what the “severely cost burdened” people staff express concern for can afford.

Nor would adopting this ordinance further the policies of Marin County’s certified Housing Element. The housing sites inventory of the Housing Element identifies where the County plans to add new housing this cycle. None of the new long-term housing proposed for Stinson Beach relates to conversion of short-term rentals to long-term leases:

Board of Supervisor District, Strategy, and Site Name	APN	Acres (Developable)	Address	Existing GP/Zoning	Density Allowance (du/ac)	Used in Previous HE?	Housing Units by RHNA Income Categories				Criteria and Status
							Lower	Moderate	Above Moderate	Total	
Underutilized Sites											
Stinson Beach Underutilized Residential	195-193-15	0.3	128 Calle Del Mar, Stinson Beach	C-SF6/C-R1	7	No	0	0	2	2	Meets Criteria #4, 5, 7 Existing Use - Small lot sf detached, built 1922; Building-to-Land Value Ratio: 0.55
	195-193-18	0.04	129 Calle Del Mar, Stinson Beach	C-SF6/C-R1	7	No	0	0	1	1	Meets Criteria #4, 5, 7 Existing Use - Very small lot sf detached, built 1922; Building-to-Land Value Ratio: 0.50
Stinson Beach Commercial	195-193-35	0.3	3422 State Route 1, Stinson Beach	C-NC/C-VCR	16	No	0	0	5	5	Meets Criteria #3, 4 Existing Use - Non urban civic
Vacant Sites											
Stinson Beach Community Center - Vacant	195-211-05	0.9	10 Willow Ave, Stinson Beach	C-SF6/C-R1	10	No	0	0	5	5	Meets Criteria #2

Figure 2: Certified Housing Element sites inventory, page C-16

² I request, under the Public Records Act, all documents related to the number and location of rent-controlled housing units in Stinson Beach.

None of the certified Housing Element’s proposed new long-term housing in Stinson Beach is to be created by reducing short-term rentals. And all of the proposed new housing for Stinson Beach is for “Above Moderate” income households. In addition to violating the public access policies of the Coastal Act, the currently proposed ordinance is inconsistent with Marin County’s certified Housing Element.

Marin County staff know this proposed ordinance is illegal. Ms. Jones, the Community Development Agency Director, tweeted in December that it is “not possible to consider affordable housing” at the same level as “other goals” under the Coastal Act (such as public access) without legislation to “Amend the Coastal Act”:

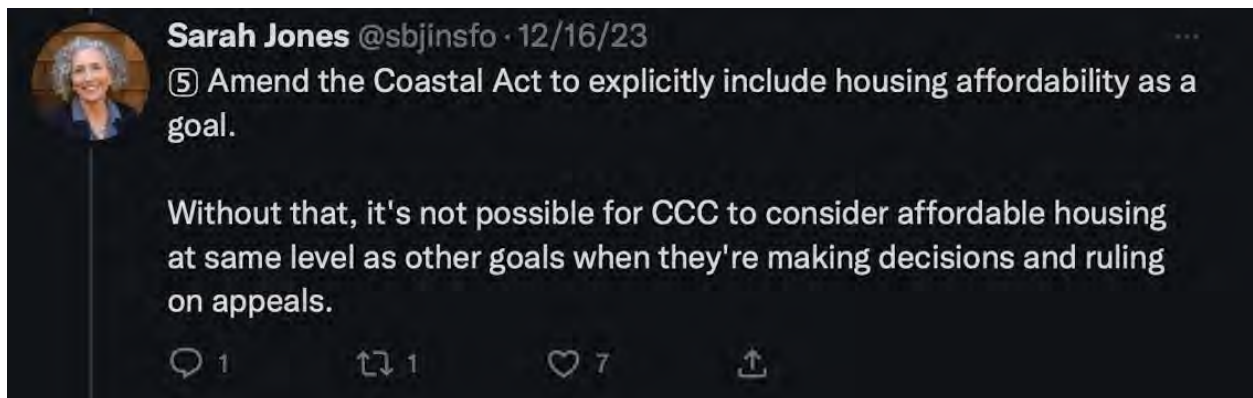


Figure 3: Director Jones tweet from 16 December 2023

Reducing Stinson Beach STRs will have adverse fiscal impacts.

Marin County receives transient occupancy taxes for each short-term rental. That tax revenue is then used by the County to pay for important public services, such as police, fire, and roads. By significantly reducing short-term rentals, the proposed ordinance would significantly reduce this tax revenue. Yet staff have not disclosed to the Board or the public what those fiscal impacts will be: how much tax revenue will be

BRISCOE IVESTER & BAZEL LLP

Board of Supervisors

Marin County

10 January 2024

Page 5

lost, and what services will the County need to cut because of these lost tax revenues?³ The Board should not be making important decisions like this without full information about fiscal impacts.

Stinson Beach should be exempted from the ordinance.

If the Board decides to proceed with any ordinance, it should exempt Stinson Beach entirely. Short-term rentals have been a fixture in Stinson Beach for decades. Property owners have a vested right, and reasonable expectations, to continue this existing use. The Planning Commission exempted Dillon Beach and Seadrift from the ordinance because those areas have traditionally been used for vacation rentals. The Board should treat the vacation rentals in the rest of Stinson Beach the same way, and allow them to continue their existing use as vacation rentals, by exempting the rest of Stinson Beach from this proposed ordinance.

Sincerely yours,

BRISCOE IVESTER & BAZEL LLP

/s/ Peter Prows

Peter Prows
Attorneys for
Stinson Beach Visitors Association

³ I request, under the Public Records Act, all documents related to the fiscal impact of the proposed ordinance.

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

October 11, 2023

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/>.

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

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

Signatories:

Sean Callagy Inverness	Payton Stiewe Stinson Beach	Garrett Schwanke Marshall
Claire Hunsaker Inverness	Barbara Schwanke Marshall	Maggie Washburn Stinson Beach
Rachel Dinno Inverness	Steven Schwanke Marshall	Richard Volk Stinson Beach
Jess Taylor Inverness	Winslow Strong Marshall	Tim Corriero Stinson Beach
Claire Herminjard Petaluma	Tom Duncan Dillion Beach	Roberta Hawthorne Stinson Beach
Audry Koh Stinson Beach	Camille LeBlanc Inverness	Jim Hawthorne Stinson Beach
Gaeta Bell Stinson Beach	Anna McDonnell Inverness	Sophia Schwanke Marshall
Lynn Fuller Stinson Beach	John Arguelles Dillion Beach	Brianna Schwanke Marshall
Bettina Stiewe Stinson Beach	Morgan Schwanke Marshall	Scott Grooms Stinson Beach

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

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Sandy Barger Dillion Beach	Jennifer Yacoube Dillion Beach	Esther Martino Inverness
Erick Alvarez Stinson Beach	Katie Beacock Stinson Beach	Graham Chisholm Point Reyes Station
Warren Hukill Inverness	John Butler Stinson Beach	Jane Thrush Inverness
Steven Rubin Stinson Beach	Lori Butler Stinson Beach	James Heyman Stinson Beach
Anna Sonnerstedt Stinson Beach	Catherine Pickel-Hicks Dillion Beach	Lisa Hielscher Bolinas
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Report & Recommendations re Draft STR Regulations
Marin County Planning Commission
October 11, 2023

Anna Edmondson Stinson Beach	Beatriz Gomez Petaluma	Lisa Altman Inverness
Peter Rumsey Stinson Beach	Juan Gomez Petaluma	Gordon Polon Inverness
James Wayand Stinson Beach	Liliana Salgado Petaluma	Ramon Cadiz Inverness
Sarah Butler Stinson Beach	Maira Garcia Marshall	Lisa Hielscher Bolin
Nick Tucker Oakland	Carolina Renteria Inverness	Rob Hielscher Bolin
Meg Cadiz Inverness	Katie Beacock Stinson Beach	Jhaya Warmington Bolin
Michael Anderson Forest Knolls	Chip Fuller Bolin	Adam Warmington Bolin
Brittany Anderson Forest Knolls	Neal George Bolin	Nicole Brownstein Woods Stinson Beach
John Parman Inverness	Susan Raynes Inverness	Lynda Balzan Bolin
Kathy Snowden Inverness	Jim Pettigrew Inverness	Robert Balzan Bolin
Bojana Miloradovic Inverness	Christina Pettigrew Inverness	Julianne Havel Inverness
Michael Parman Inverness	Lulu Taylor San Francisco	Nick Palter Inverness
Aaron Ely Inverness	James Arrigoni Stinson Beach	Peter Havel Woodacre
Hanna Morris Point Reyes Station	Jeanice Skvaril Inverness	Jan O'Connor Stinson Beach
Curtis Linton Petalum		John O'Connor Stinson Beach

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

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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/.](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 directions 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 (Bollinas, 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)

March 14,2024
California Coastal Commission
Att: Stephanie Rexing
Re: Marin County Proposed STR Regulations

Dear California Coastal Commission,,

I write this letter in opposition to Marin County's current proposal of the Short Term Rental Standards.

I was given your contact information from Kathleen Kilgariff of the Marin County Planning Commission. She sent me the link of the December 14, 2023 CCC meeting which had as part of the agenda the issue of STR's and their affect on local communities. In the video, the professor from Montreal, David Wachsmuth, presented a very cogent report which addressed the distinction of the "hosted" vs. "un-hosted" STR's. He stated that the unhosted (commercial) STR's have adverse effects upon both housing availability and rents, and hosted STR's help less affluent homeowners with maintenance and taxes while providing coastal visitors with a lower cost option. He stated that the data supports this and recommended that the Coastal Communities consider this when making their decisions.

The recent Marin County Board of Supervisors proposal which greatly limits the number of Short Term Rentals (STR's) and eliminates the separate distinctions of "**Hosted**" vs. "**Non-hosted**" severely affects our ability to live in our beloved seaside village of Bolinas.

My partner and I moved here three years ago with the plan of supplementing our fixed, retirement income by renting part of our home as a "**Hosted**" STR to lower income tourists and coastal visitors. This would, indeed, help pay our property taxes, and maintain our property. However, no sooner were we ready to acquire all permits & licenses, the STR Moratorium was put in place, thus removing this option for us.

One of the key Coastal Commissions mandates on your website which "addresses issues such as shoreline public access and recreation" by providing "lower cost visitor accommodations" is precisely what we are trying to do. If Marin County is trying to make more long term rentals available, we cannot provide this as our studio does not have a kitchen and the income derived from long term renters is insufficient to cover our costs.

It seems that if the Board of Supervisors decision is instead making it only possible for higher income home owners to live in our community by limiting coastal access to tourists and homeowners alike. They are neglecting to serve the elder fixed income home owners like us. If we cannot provide a "**Hosted**" studio, we will literally be forced to sell our home and move out of the area.

West Marin should not only be a community for the very wealthy. Please re-introduce the "**Hosted**" STR concept back into the new proposal and allow us to operate without limiting our numbers. Many lower income home owners and coastal visitors depend upon this key distinction.

Sincerely,

Eric Joost
10 Canyon Ave.
Bolinas, CA 94924
eric@ejoost.com

From: J. G. <golubjennifer@gmail.com>
Sent: Monday, March 11, 2024 11:45 AM
To: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>
Subject: Testimonial Data: Inverness, Marin Short Term Rentals

Dear Stephanie,

One more thing... Importantly, I thought you might like to read testimony from visitors to Pt. Reyes National Seashore via Inverness, and their bountiful gratitude for their stay at a short term rental.

Here is data, testimonials illustrating the enormous value that access and cost effectiveness via short term rentals provide to hikers and visitors to the park. Note these visitors originate from the state, nation and internationally. They are individuals, friends and families.

(Sorry to inundate you, but trust this is invaluable for your assessment.)

With gratitude,

Jennifer Golub
23 Drakes View Drive
Inverness, Ca. 94937

On Mar 11, 2024, at 12:51 PM, J. G. <golubjennifer@gmail.com> wrote:

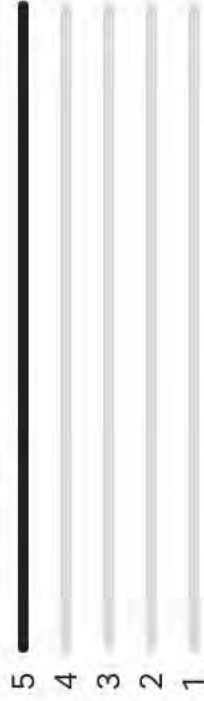
Thank you Stephanie!
We are in deep gratitude for your service.

Jennifer Golub

X

★ 5.0

Overall rating





Cleanliness	5.0
Accuracy	4.9
Check-in	4.9
Communication	5.0
Location	5.0
Value	4.8

56 reviews

Search reviews

Most recent

- ★★★★ · August 2019 · 6 night stay
A wonderful location and a unique home design, not to mention a perfect selection of good restaurants and gorgeous hikes. Thank you Jennifer!
-  **Katie**
Ann Arbor, MI
★★★★ · August 2019 · 3 night stay
Great views & very peaceful setting. It was a perfect backdrop for our group of 4 friends to unwind, go on hikes and share good food.
-  **Evan**
Asheville, NC
★★★★ · August 2019 · Stayed with kids
Place was fantastic.

X

★ 5.0

Overall rating



Cleanliness	5.0
Accuracy	4.9
Check-in	4.9
Communication	5.0
Location	5.0
Value	4.8

56 reviews

Most recent

Search reviews

Jennifer's house is amazing. It features an amazing view and is lovely furnished. The outdoor shower is an absolut highlight!
The communication with Jennifer is super easy going. Me and my family enjoyed our stay to the fullest.



Rebecca
San Francisco, CA

★★★★★ · July 2022 · Stayed with kids

If we could give more than 5 stars we would! This place is truly a magical gem in Inverness. Super close to the market, great beaches, amazing hikes. The design/decor is incredible and I felt like I was in a 5 star wellness retreat, even with my 2yo son and mother in law 🥰
The outdoor shower was a huge hit. The deck was an additional living and dining room. And inside, the sofa and beds were so incredibly comfortable to relax on after long days at the beach or hiking.
You really can't go wrong. We had an amazing week here and can't wait to return!

★ 5.0

Overall rating



- Cleanliness 5.0
- Accuracy 4.9
- Check-in 4.9
- Communication 5.0
- Location 5.0

56 reviews

Search reviews

Place was fantastic.

Jennifer
Scottsdale, AZ

★★★★ August 2019 · Stayed with kids

What a charming and beautiful place to relax. All the comforts of home in a really amazing location. Redwoods and other foliage, beautiful deck. Close to all the fun of Point Reyes National Seashore.

Jill
Hillsborough, CA

★★★★ July 2019 · Group trip

Great house with a great view!



★ 5.0

Overall rating



Cleanliness 5.0



Accuracy 4.9



Check-in 4.9



Communication 5.0



Location 5.0



Value 4.8



56 reviews

Search reviews



William

Seattle, WA

★★★★ · January 2019 · 3 night stay

This is a beautiful house inside and out, with views of the bay from every room, lots of light, and a gorgeous interior. It is also very comfortable and your every need is anticipated-from the very comfortable beds to the well stocked kitchen, to the luxe living room; we felt totally pampered. It is also close to lots of great hikes, restaurants, cafes, bakeries, grocery stores, etc. A true getaway!!



Anna

Somerville, MA

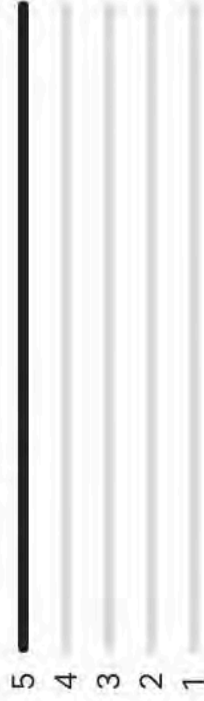
★★★★ · December 2018 · Stayed with kids

Jennifer's place had everything we were looking forward to: modern layout, working fireplace, breathtaking views. I would highly recommend it for people seeking closeness to nature paired with the comfort of a newly renovated cabin.



★ 5.0

Overall rating



	Cleanliness	5.0
	Accuracy	4.9
	Check-in	4.9
	Communication	5.0
	Location	5.0

Value 4.8

56 reviews

Search reviews



Vietnu
Los Angeles, CA

★★★★ · July 2022 · Group trip

Jennifer's home is beautiful, well-appointed and comfortable. A special place in a special part of California.



Susan
Maine, United States

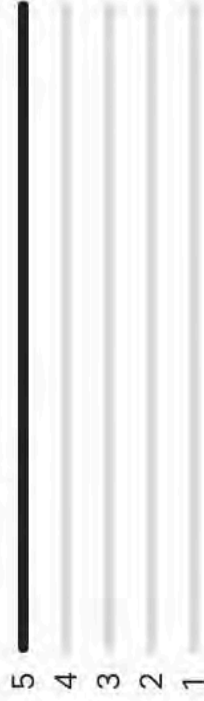
★★★★ · November 2021 · Stayed a week

Jennifer's home is private, in a lovely location, beautifully kept and so comfortable to live in. Enjoyed the outdoor shower, fireplace at night to take the chill off and slept beautifully in the comfortable bed and wonderful linens. It's a great location to explore the vast natural treasures of the coastline. Jennifer gave some great tips on local eateries etc. I would easily return for another stay.



★ 5.0

Overall rating



Cleanliness 5.0

Accuracy 4.9

Check-in 4.9

Communication 5.0

Location 5.0

Value 4.8

56 reviews

Search reviews



Philip
Winnetka, IL

★★★★ · September 2019 · Group trip

Great home centrally located for hiking trails and beautiful view. A tranquil respite



Colleen
Petaluma, CA

★★★★ · September 2019 · 3 night stay

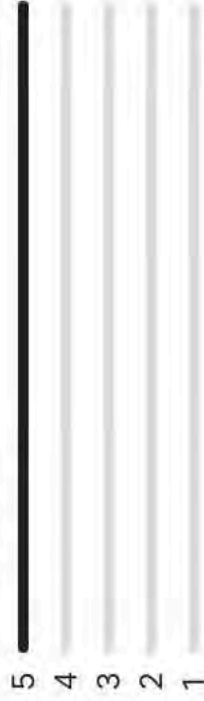
This home is a treasure. Its spotless clean, comfy cozy from the living room to the bedrooms and bedding. The piece of property the house is on is pretty ,very private and peaceful.

In such a central location to take day trips , or go out for a meal, or just relax and enjoy the stunning views from all the huge crystal clean windows in every room. We enjoyed every minute.

X

★ 5.0

Overall rating



Cleanliness	5.0
Accuracy	4.9
Check-in	4.9
Communication	5.0
Location	5.0
Value	4.8

56 reviews

Search reviews

Most recent

★★★★ · March 2019 · Stayed with kids

Our stay at Jennifer's was a dream. The space is beautiful, spotless, and thoughtfully appointed. Jennifer was incredibly generous and responsive when we contacted her with questions. Our stay was during a generally cold and rainy week but the fireplace and view made it easy not to leave the house! We hope to come back in the future.



Samantha
Oakland, CA

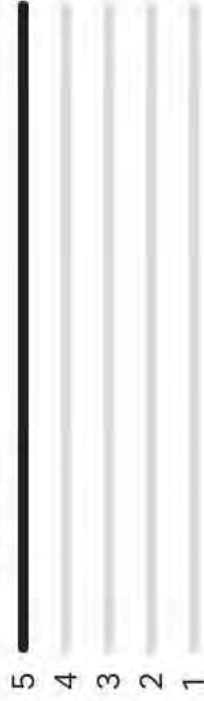
★★★★ · January 2019 · Stayed with kids

We love staying in the inverness area, We've stayed at a bunch of houses there. This is the first house we would come back. perfect for our family.
Cozy, beautiful view, close to everything to do. Jennifer answers your questions really fast. You really feel she's there for anything you need. Plenty of games to play.
Gorgeous house.



★ 5.0

Overall rating



Cleanliness 5.0

Accuracy 4.9

Check-in 4.9

Communication 5.0

Location 5.0

Value 4.8

56 reviews

Search reviews

Most recent



Colleen
Portland, OR

★★★★ November 2018 · Stayed with kids

Jennifer's Inverness house was a true getaway from the city. Perched up on the hillside, the views and light were stunning. It was smoky and rainy during our week, but it was a pleasure being indoors with the abundance of natural light and immersed in nature. The house is immaculate, functional and well designed furniture, comfortable bed and luxurious linens. It was fully stocked and the kitchen had everything we needed for our Thanksgiving week. It suited our family of five perfectly- small kids in the back room near the master and older kid in his own room (an exclusive treat for him!) It really felt like our own place and a special retreat just for us. We can't wait to return in the spring!



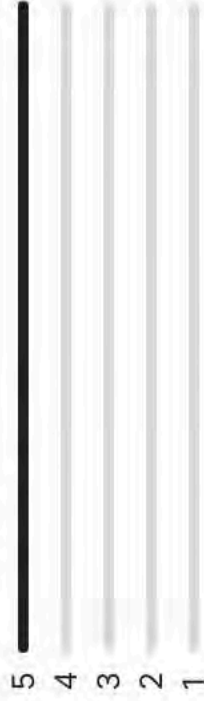
Lindsey
San Francisco, CA

★★★★ November 2018 · Stayed with kids



★ 5.0

Overall rating



Cleanliness 5.0

Accuracy 4.9

Check-in 4.9

Communication 5.0

Location 5.0

Value 4.8

56 reviews

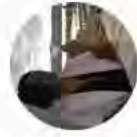
Search reviews



Sam
British Columbia, Canada

★★★★ · June 2019 · 3 night stay

A beautiful point of view makes you feel grateful to be here.



Corrine
Inverness, CA

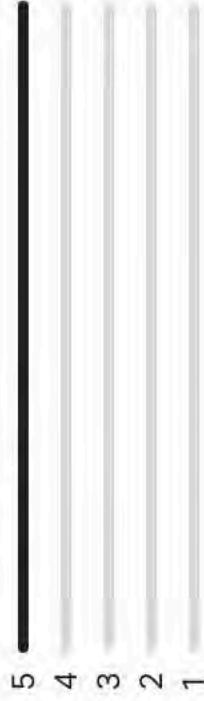
★★★★ · June 2019 · Group trip

I rented Jennifer's home for my siblings and their partners during the weekend of my wedding. The six of them were thrilled, comfortable, and I didn't have to think twice about their housing needs once I made the booking. The home itself is even better than the photos: immaculate, spacious, tasteful, and warm. And that's before you take in the breathtaking grounds and view.

X

★ 5.0

Overall rating



Cleanliness 5.0

Accuracy 4.9

Check-in 4.9

Communication 5.0

Location 5.0

Value 4.8

56 reviews

Search reviews

Most recent

 **Karen**
Los Angeles, CA


★★★★ · September 2019 · 6 night stay

My family and I so enjoyed our stay in this comfortable and beautifully designed home nestled amongst the trees. Clean, quiet, and private with wonderful views from each room. We loved spending time on the deck soaking in the peacefulness and the gifts of nature. A great place to reconnect and restore. We hope to return.

 **Myriam**
Paris, France

★★★★ · August 2019 · 6 night stay

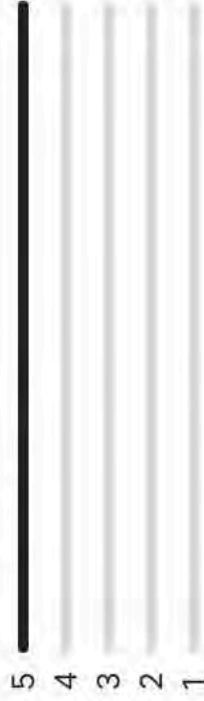
A wonderful location and a unique home design, not to mention a perfect selection of good restaurants and gorgeous hikes. Thank you Jennifer!

 **Katie**



★ 5.0

Overall rating



Cleanliness	5.0
Accuracy	4.9
Check-in	4.9
Communication	5.0
Location	5.0

Value 4.8

56 reviews

Search reviews



Katherine

San Francisco, CA

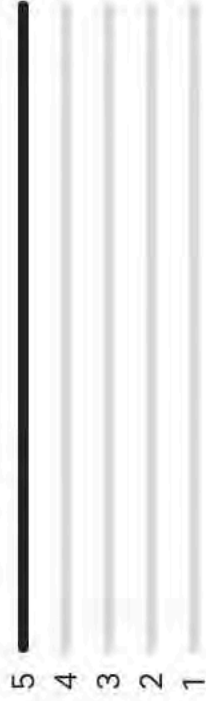
★★★★ · August 2021 · Stayed a week

We truly enjoyed our time at Jennifer's beautiful home. It felt like a wonderful retreat among the trees. The large outdoor deck overlooking the edge of Tomales Bay was the shining star in my opinion - we spent much of the day and early evenings out there, and it was so picturesque and serene. The house is organized in a bit of a shotgun style, and every room has huge windows with amazing views. All the basic household and kitchen amenities are there. We were working most of the time, and sometimes the internet struggled with two of us on simultaneous video calls - but overall it was fine. Jennifer was super helpful and responsive to my questions and anything that came up during the trip - she's an excellent host. Finally, the location is superb. There are well-stocked grocery stores and restaurants within a five minute drive, so super convenient. The house is also near some great hiking trails and other outdoor activities, which we definitely took advantage of. Overall, Jennifer's home provided a welcome, peaceful escape - and we would definitely go back!



★ 5.0

Overall rating



	Cleanliness	5.0
	Accuracy	4.9
	Check-in	4.9
	Communication	5.0
	Location	5.0

Value 4.8

56 reviews

Most recent

Search reviews

The space, both inside and out, was just what we needed. The views, the peaceful vibe/ decor, the amenities (towels, linens, etc.) the layout, the deck, etc. were just spectacular. The sunrises and sunsets were out of this world. Nearly every night we cooked dinner while looking out to an amazing view and then ate either in the scenic breakfast nook or out on the deck. We enjoyed the views from every single room in the house - even the bathroom! Getting ready in the morning was memorizing as you felt like you were in a landscape painting.

We could not have been happier with absolutely everything!! The location is fantastic - far enough away from crowds, but close enough to fantastic local restaurants, shops, grocery stores, etc.

The local scenery is spectacular. Great hikes and drives. The views, varying terrain, wildlife, etc. are just wonderful.

We will stay here again, for sure! We were so sad to leave. Highly recommend this space for a romantic get-away or for a peaceful family or girl's trip.

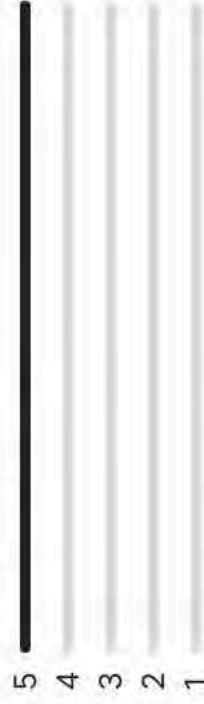
Jennifer couldn't have been a nicer or more accommodating hostess. She was very quick to respond to all our needs and very friendly.

If you stay here, you will be swept away!!



★ 5.0

Overall rating



Cleanliness 5.0

Accuracy 4.9

Check-in 4.9

Communication 5.0

Location 5.0

Value 4.8

56 reviews

Search reviews



Katherine

San Francisco, CA

★★★★ · August 2021 · Stayed a week

We truly enjoyed our time at Jennifer's beautiful home. It felt like a wonderful retreat among the trees. The large outdoor deck overlooking the edge of Tomales Bay was the shining star in my opinion - we spent much of the day and early evenings out there, and it was so picturesque and serene. The house is organized in a bit of a shotgun style, and every room has huge windows with amazing views. All the basic household and kitchen amenities are there. We were working most of the time, and sometimes the internet struggled with two of us on simultaneous video calls - but overall it was fine. Jennifer was super helpful and responsive to my questions and anything that came up during the trip - she's an excellent host. Finally, the location is superb. There are well-stocked grocery stores and restaurants within a five minute drive, so super convenient. The house is also near some great hiking trails and other outdoor activities, which we definitely took advantage of. Overall, Jennifer's home provided a welcome, peaceful escape - and we would definitely go back!

★ 5.0

Overall rating



- Cleanliness 5.0
- Accuracy 4.9
- Check-in 4.9
- Communication 5.0
- Location 5.0

56 reviews

Search reviews



Rebecca
New York, NY

★★★★ · April 2019 · Stayed with kids

This place is everything you could hope for. Beautiful house with amazing views. The location is close to paradise-level beaches and nature. Jennifer is a wonderful host, with excellent communication -- as well as immaculate taste in everything from the plates and dishes to the sheets and furniture! We would definitely love to come back!



Lisa
New York, NY

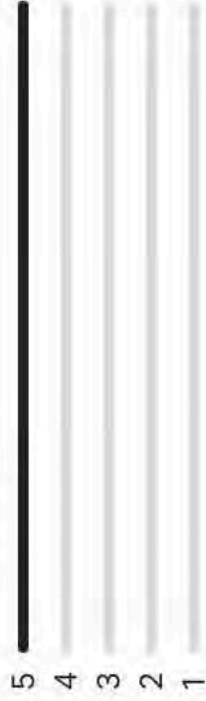
★★★★ · March 2019 · Stayed with kids

Gorgeous location looking out on Tomales Bay, great design, very peaceful and comfortable, and extremely easy communication with Jennifer. A+!



★ 5.0

Overall rating



- Cleanliness 5.0
- Accuracy 4.9
- Check-in 4.9
- Communication 5.0
- Location 5.0

Value 4.8

56 reviews

Search reviews

Jennifer's home will wrap you in fresh elegance both inside and out--from the stunning views through each window to the clean, soothing interiors. Everything about Jennifer's home makes you want to stay and say "Ahhhhh." The close proximity to Inverness and Pt. Reyes towns and to a plethora of Pt. Reyes hiking trails, plus insane views across Tomales Bay, plus gorgeous landscaping and a generous deck all make it easy to pursue adventure and to relax all in the same day. Simple beauty, lasting elegance.



Lauren
Menlo Park, CA

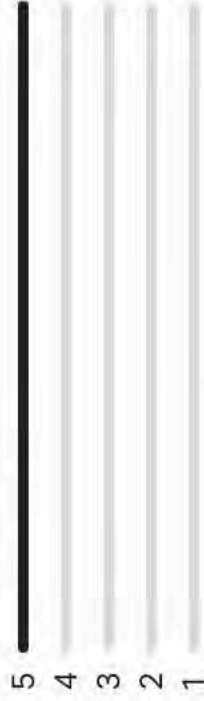
★★★★ · May 2019 · Stayed with kids

Jennifer's place is well appointed and has a stunning view of the bay. It was a great home base for our family of four to hike our favorite trails and visit our favorite dining establishments in Inverness and Point Reyes. Simply relaxing in the house or sitting on the deck during our children's naptime was even wonderful. Jennifer was extremely responsive when we reached out to her and was a very gracious host. We look forward to returning!



★ 5.0

Overall rating



Cleanliness 5.0

Accuracy 4.9

Check-in 4.9

Communication 5.0

Location 5.0

Value 4.8

56 reviews

Search reviews



Sam
Hoquiam, WA

★★★★ · September 2019 · 3 night stay

The house is absolutely stunning and Jennifer is an incredible host. The beds were comfy and warm. It was fragrance free. The views were to die for. The deck space was great and the outdoor shower was the best invention ever made. We had a great stay and would love to do it again sometime.



Hannah
San Francisco, CA

★★★★ · September 2019 · 3 night stay

Absolutely stunning. Comfortable, stylish and modern interiors perfectly integrated with stunning views and wonderful outdoor space. Surrounded by trees and the magic of West Marin. Minutes to grocery store, state park, beaches, trails. Perfectly situated for a West Marin holiday.



★ 5.0

Overall rating



Cleanliness 5.0



Accuracy 4.9



Check-in 4.9



Communication 5.0



Location 5.0



Value 4.8



56 reviews

Most recent

Search reviews



Amanda
Berkeley, CA

★★★★ · November 2019 · 3 night stay

Amazing, beautiful, perfect stay - the house is just lovely - we will be returning again as soon as we can thank you.



Judy
San Francisco, CA

★★★★ · October 2019 · 4 night stay

Super clean and very stylish! We enjoyed our time here. Very well located, private with great views and at the same time close to everything we needed. Jennifer was a fantastic host. We appreciated her great communication, tips and flexibility with us.

★ 5.0

Overall rating	5.0
Cleanliness	5.0
Accuracy	4.9
Check-in	4.9
Communication	5.0
Location	5.0
Value	4.8

56 reviews

Search reviews



Palo Alto, CA

★★★★ · November 2019 · Stayed with kids

Great location - close to hiking, Point Reyes Station, and oysters in Marshall. The house, deck, and views are amazing, very clean, comfortable, and stylish. Jennifer was an A+ host with great communication and local tips. Definitely recommended - I can't really imagine a better vacation home in Inverness.



Katie
Elk, CA

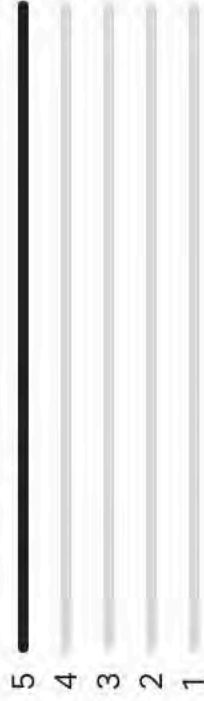
★★★★ · November 2019 · Stayed with kids

Jennifer's space is spare and tranquil while also being warm and welcoming. Every detail is right on point from the art on the walls to the beautiful crisp linens, and it was spotlessly clean. Very, very nice place, and Jennifer herself couldn't have been more welcoming. She provided us with all the information we could have needed and then some- great recommendations for the area. We hope to come back some day!



★ 5.0

Overall rating



	Cleanliness	5.0
	Accuracy	4.9
	Check-in	4.9
	Communication	5.0
	Location	5.0
	Value	4.8

56 reviews

Most recent ▾

Search reviews

there are any issues throughout your stay. I would definitely book again and recommend this space.



Mary

Palo Alto, CA

★★★★ · December 2019 · Group trip

A gorgeous location and loved the stylish but simple interior.



Mary Jo

Santa Monica, CA

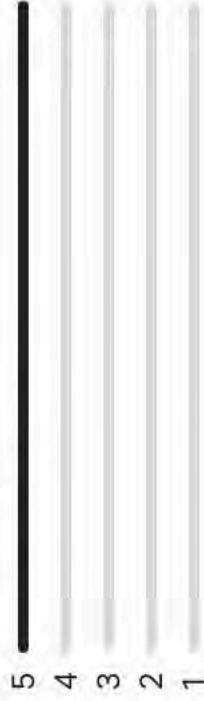
★★★★ · December 2019 · 4 night stay

This is a beautiful quiet space surrounded by redwoods. Close to a small market, it's easy to pick up a few items for the pantry. Point Reyes station is five minutes away. My husband and I plan to return to this area and rent this immaculately clean house!!



★ 5.0

Overall rating



Cleanliness	5.0
Accuracy	4.9
Check-in	4.9
Communication	5.0
Location	5.0
Value	4.8

56 reviews

Search reviews

This house is located on one of the nicest streets in Inverness. You pull up, and you're surrounded by trees and a view of Tomales Bay. When you open the front door and walk in all you see are trees and the view. The house is so beautifully decorated, original art, interesting furniture pieces while also feeling comfortable and livable. The fireplace is one of the standouts, along with the huge deck. The kitchen is really nice, has everything you need, even Mac knives! The main bedroom is nestled in the back, is ridiculously comfy, the linens are top notch, and is so quiet. We would love to stay here again, anytime! And Jennifer is a great host - fun to talk to and very responsive.



Beverlee & Stewart

Oakland, CA

★★★★ April 2021 · 4 night stay

This house is located on one of the nicest streets in Inverness. You pull up, and you're surrounded by trees and a view of Tomales Bay. When you open the front door and walk in all you see are trees and the view. The house is so beautifully decorated, original art, interesting furniture pieces while also feeling comfortable and livable. The fireplace is one of the standouts, along with the huge deck. The kitchen is really nice, has everything you need, even Mac knives! The main bedroom is nestled in the back, is ridiculously comfy, the linens are top notch, and is so quiet. We would love to stay here again, anytime! And Jennifer is a great host - fun to talk to and very responsive.



★ 5.0

Overall rating



- Cleanliness 5.0
- Accuracy 4.9
- Check-in 4.9
- Communication 5.0
- Location 5.0

Value 4.8

56 reviews

Search reviews



Iris
New York, NY

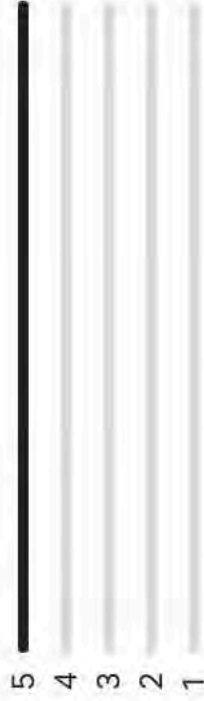
★★★★★ · July 2021 · Stayed a week

Our stay at Jennifer's place was magical. The place is peaceful and serene and offers all the comforts of a luxurious home. The kitchen is small but mighty; fantastically equipped and we were constantly delighted by new finds in the cabinets and pantry. Staying within a 10 minutes drive from Point Reyes with all its culinary offerings -farmer's market, dairy farms, bakeries and a well-stocked supermarket - was an added bonus. We hiked every day and loved it, there is really no end to the coastal trails. We also liked the proximity to the beaches of Tomales Bay. We arrived at Jennifer's place after midnight and needed some instructions settling in. Fortunately she was very gracious in responding to our questions at such a late hour; she checked in periodically and we felt very welcome throughout our stay. We wholeheartedly recommend staying at Jennifer's place; we'd certainly love to come back.



★ 5.0

Overall rating



Cleanliness 5.0

Accuracy 4.9

Check-in 4.9

Communication 5.0

Location 5.0

Value 4.8

56 reviews

Search reviews



Lynne
New York, NY

★★★★ August 2021 · Stayed a week

We so enjoyed Jennifer's house--it's perfectly situated--surrounded by redwoods and overlooking drake's bay. It's a very light and lovely space, near to the beauties of point reyes. Jennifer was responsive and very hospitable. All in all, we had a wonderful stay!



Margaret
Berkeley, CA

★★★★ July 2021 · 5 night stay

I'm afraid if I write an honest review we'll never be able to stay here again because it will be rented all the time! So beautiful and peaceful. Jennifer was extremely helpful every step of the way, including a small hiccup with the plumbing. Beds were great as others wrote, location couldn't be better and deck/view was sublime. Note that the third bedroom/study can only be accessed through the master bedroom.

X

★ 5.0

Overall rating



Cleanliness 5.0

Accuracy 4.9

Check-in 4.9

Communication 5.0

Location 5.0

Value 4.8

56 reviews

Most recent ▾

Search reviews

YOU MAY LIKE:



Lisa
Los Angeles, CA

★★★★ · August 2021 · Stayed a week

Lovely in all ways- setting, location, style, surroundings..we will happily return!



Lynne
New York, NY

★★★★ · August 2021 · Stayed a week

We so enjoyed Jennifer's house--it's perfectly situated--surrounded by redwoods and overlooking drake's bay. It's a very light and lovely space, near to the beauties of point reyes. Jennifer was responsive and very hospitable. All in all, we had a wonderful stay!



★ 5.0

Overall rating



- Cleanliness 5.0
- Accuracy 4.9
- Check-in 4.9
- Communication 5.0
- Location 5.0

Value 4.8

56 reviews

Search reviews

★★★★★ · *Virginia* · Stayed a week

Jennifer's home is private, in a lovely location, beautifully kept and so comfortable to live in. Enjoyed the outdoor shower, fireplace at night to take the chill off and slept beautifully in the comfortable bed and wonderful linens. It's a great location to explore the vast natural treasures of the coastline. Jennifer gave some great tips on local eateries etc. I would easily return for another stay.



Virginia
San Francisco, CA

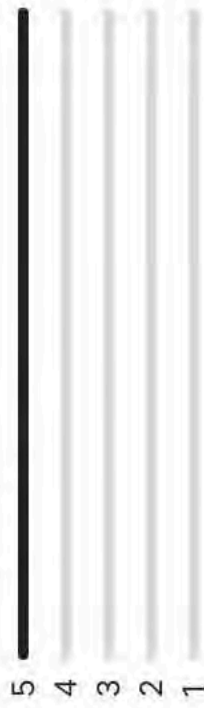
★★★★★ · *September 2021* · Stayed a week

This place is such a dream—spacious, so tastefully designed, beautiful views, and impeccably clean. It is perfectly situated close to Point Reyes Station and easy reach of the best of Point Reyes outdoor trails and getaways but removed enough to be peaceful and quiet, hidden amongst the trees. It is such a haven here. Jennifer is so responsive and lovely, the consummate host. I cannot wait to return soon!

X

★ 5.0

Overall rating



Cleanliness 5.0

Accuracy 4.9

Check-in 4.9

Communication 5.0

Location 5.0

Value 4.8

56 reviews

Search reviews

Most recent



Darin

Portland, OR

★★★★★ · January 2023 · Stayed with kids

Very quiet, tasteful, retreat in Point Reyes. Beautiful views too



Neil

2 years on Airbnb

★★★★★ · August 2022 · Stayed a week

It is a beautiful place in a beautiful setting. Loved it.



Hendrik

Berlin, Germany

★★★★★ · August 2022 · Stayed a few weeks

Beautiful house in amazing location. It features an amazing view of the bay. The

X

★ 5.0

56 reviews

Most recent ▾

Search reviews

Overall rating



Cleanliness 5.0

Accuracy 4.9

Check-in 4.9

Communication 5.0

Location 5.0

Value 4.8



Rachel

Los Angeles, CA

★★★★ 4 weeks ago · Stayed a few weeks

This is a BEAUTIFUL place to stay. Had the good fortune to be there for a whole month and wish I could have stayed longer. Jennifer is lovely, easily reachable, and has stunning taste. The house and location make you feel like you are on retreat right away and the outdoor shower that everyone raves about is an absolute must. It is an older (although beautifully updated) home in nature, surrounded by trees and fog and has all the quirks and beauty that comes with that. This also means there are a seemingly unlimited number of wonderful hikes nearby (including an amazing hike that starts at the top of Jennifer's street). Found one of my favorite bakeries of all time in Pt. Reyes (Brickmaiden Breads) and a wonderful bookstore. This is a very special place, a very special home, and a very special host. I hope I stay there again!!

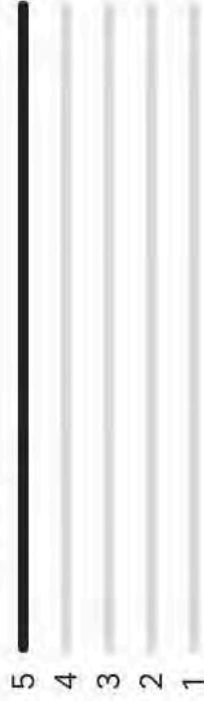


Darin



★ 5.0

Overall rating



Cleanliness	5.0
Accuracy	4.9
Check-in	4.9
Communication	5.0
Location	5.0

Value 4.8

56 reviews

Search reviews

★★★★ · August 2018 · 3 night stay

Jennifer's place is just spectacular. The location could not be better -- secluded and tranquil yet close to everything in Inverness, Pt Reyes Station, hiking, and beaches. The house itself is spacious and beautiful decorated.



Jason
Los Angeles, CA

★★★★ · July 2018 · Stayed with kids

I tried putting into words the view from the house and the overall design of the house to friends but I ended up having to take video and send that. The house is amazing, right in the middle of everything and the view is outstanding. I have stayed in more than a dozen airbnb's and this one is top 2 for sure. Such a great spot! And as far as value goes there is nothing even close!!!

Julie

January 9, 2024

Marin County Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael CA 94903

Re: Draft Short Term Rental Regulations for Unincorporated Marin County

Dear Supervisors Sackett, Rice, Moulton-Peters, Rodoni and Lucan:

On behalf of the West Marin Access Coalition, we ask you to vote ‘No’ on the draft short-term rental ordinance released on December 22, 2023 (Draft Ordinance) set for consideration on January 11, 2024.

The West Marin Access Coalition (WMAC) is a grass-roots organization of over 500 individuals, predominantly Marin County homeowners, and includes long- and short-term rental (STR) hosts, visitors from around the world, local businesses, and concerned citizens interested in preserving West Marin’s tourism-friendly community.

The geography of Marin County is unique among counties in California. The area in which the greatest reduction of visitor accommodations is being considered is almost entirely in the ownership of State and National Park services and includes three National Park units and three State Parks as well as over 100 miles of public coastal and bay lands. Adjacent to these public lands are a few villages which are and have historically been vacation homes.

The Draft Ordinance represents an attempt to force historical vacation homes in a region that is a vacation destination and surrounded by public recreational lands into becoming, for the first time, residential and long-term rental housing. Unlike other coastal counties, there are very few commercial lodging operations in the Coastal Zone of Marin. The vacation homes of coastal Marin, which would otherwise sit empty for portions of the year, provide the lion’s share of visitor housing in a decentralized manner that has minimal impact on the character of the community.

To date, little if any actual data has been gathered to establish a need for the ordinance, nor has there been an analysis of the substantial consequences that Marin County residents have requested from this Board since 2018. Before taking away and making presumptively illegal a practice that has been established in West Marin since the early 1900s’ and is currently a principal permitted use under the zoning code, the County needs to conduct a thorough study of the economic impacts, infrastructure needs, and potential funding mechanisms.

Noting the unique geography of place with unprecedented public recreational lands on California's coast, the historic use of vacation homes in West Marin, and the lack of evidence to justify a government removal of an existing practice of renting vacation homes to visitors to the region, we strongly urge you to vote 'No' on the Draft Ordinance for the following reasons.

1. The Draft Ordinance Would Drastically Reduce Visitor Access to the Coast

A main feature of the Draft Ordinance is a set of proposed caps on the numbers of STRs that would be permitted in unincorporated Marin County. The caps would operate at both the level of individual communities in coastal West Marin, as well as in the aggregate at the County-wide level. The caps recommended in the Draft Ordinance would lead to a 50% or greater reduction of vacation rental accommodations in the Coastal Zone and the Staff recommendations would lead to a 12% reduction of vacation rentals in the Coastal Zone.

Within most individual communities in the Coastal Zone, the proposed reductions would remove between 50% - 80% of available STRs. In Inverness, the reduction would be 50.5%, in Marshall it would be 57.1%, in Bolinas it would be 63.5%, in Muir Woods it would be 65%, and in Tomales it would be 80%. In the Coastal Zone as a whole, the total number of permitted STRs outside of Dillon Beach and Seadrift would decline from 568 to 172, a reduction of 396 units, or 70% of currently permitted STRs.¹ Even assuming no declines in Dillon Beach and Seadrift (which is unlikely given the onerous nature of the Draft Ordinance), the total reduction in allowable STRs in the Coastal Zone would be a minimum of 40%, increasing to 50% after 2 years when the proposed phase-out of STRs in multi-family units would take effect.

Just outside the Coastal Zone, the four communities in the San Geronimo Valley (Lagunitas, Woodacre, San Geronimo, Forest Knolls) would collectively see a reduction from 30 permitted STRs down to just 4 STRs, a reduction of 86.7%, with outright bans in Woodacre and Forest Knolls. This would further harm access to visitors who prefer to stay in communities adjacent to the Coastal Zone.

In the remainder of unincorporated Marin County, *i.e.*, areas in East Marin not subject to community-specific caps, only 36 STRs would remain to be permitted out of 21,218 total residential units. This would constitute only 0.169% of the total residential units in these areas, amounting to a ban on STRs in all but name.

¹ The consistency analysis provided with the Draft Ordinance on December 22 miscalculates these reductions. For instance, in the case of Inverness, a reduction from 93 to 46 units is wrongly reported as a **5%** decrease instead of a **50%** decrease. For the Coastal Zone as a whole, instead of accurately reporting the 40% net decrease in allowable STRs, the figure is reported as a 10% net increase under the untenable assumption that every single property in Dillon Beach and Seadrift will become STRs.

The reductions that are being proposed are a drastic reduction in permitted STRs in the Coastal Zone and county-wide would immediately limit visitor access to over 100 miles of pristine coastline and an aggregate area of nearly 500 square miles. Areas adjacent to Point Reyes National Seashore (PRNS), the Golden Gate National Recreational Area (GGNRA), and Tomales Bay will see the steepest reductions.

The size and breadth of outdoor recreation public lands makes coastal Marin unique, as does the large percentage of historical vacation homes, and the lack of commercial lodging options. There are virtually no lodging options (outside of campgrounds) that can be considered affordable in coastal Marin. For generations, vacation rentals (now called STRs) have played a unique role in filling this gap, allowing the County to avoid large-scale development while welcoming visitors who stay in decentralized vacation homes. Most vacation homes in the area have never served as long-term residences, much less ‘affordable’ or long-term rental housing for workers. Thus, making vacation homes available to visitors is a long-standing customary use of property that would otherwise sit vacant. Unlike in cities and towns that primarily serve their own long-term residents, which has been the focus of most STR regulations considered and approved by the California Coastal Commission, most of the homes in coastal Marin have never been, and will not become, long-term residences or long-term rentals.

Visitors count on STRs to provide some of the most affordable and memorable forms of accommodation. STRs are sought out for a reason: they are more private than hotels and B&Bs, they provide an authentic experience in the region, and they are far more welcoming to families and visitors from a diversity of economic backgrounds. Unfortunately, the Draft Ordinance directly targets some of the most affordable STR options. The burdensome compliance costs and high application fees will drive lower-cost operations out of the market. All STRs operated in multi-family units—including STRs that have been operated for decades and are among the most affordable options available—would be forced to cease operations within 2 years of the ordinance going into effect.

By exempting from the caps two of the most expensive and exclusive areas of coastal Marin—Oceana Marin in Dillon Beach and the gated community of Seadrift in Stinson Beach—the ordinance would concentrate STRs in multi-million-dollar homes that are unaffordable to all but the most privileged visitors. We recently analyzed listings in Seadrift versus the remainder of Stinson Beach West of Highway 1. For weekend rentals, not a single property was available in Seadrift for less than \$1000 per night, whereas there is a far greater range of price options just outside the gates of Seadrift, including numerous properties available for under \$300 per night. And, by drastically cutting the supply of overnight accommodations, the Draft Ordinance would drive up the market cost of all remaining options, including STRs, hotels, B&Bs, and other visitor-serving facilities.

In sum, several factors—the size of the area under consideration, the unique history of visitor-accommodating uses via STRs, the lack of alternative visitor lodgings, and the lack of a history of properties being used as long-term residences—set Marin County apart from other jurisdictions. The Draft Ordinance should be substantially revised so that it does not reduce coastal access, to bring it into conformity with the kinds of STR regulations approved by the California Coastal Commission.

2. The Proposed Caps Are Arbitrary and Would Freeze STR Levels at an Artificially Reduced Level

On November 23, 2023, at the end of a five-hour hearing, a bare 4-vote plurality of the Planning Commission voted to reject County Staff’s recommendations and the weight of public testimony, and instead recommend STR caps based on the number of STRs in place as of 2018. The Planning Commission conducted this vote without knowing what those numeric caps would be. County staff acknowledged at the time that the County simply did not have these numbers. And, the public had no advance notice that greatly reduced caps might be considered.

In a prior version of the Draft Ordinance, County Staff recommended caps based on the number of STR registrations in place prior to the County’s announcement of a moratorium in May of 2022. This suggestion was controversial, as it would have reduced the number of STRs in the Coastal Zone by over 10%. And the substantially lower caps now contemplated in the Draft Ordinance are indefensible and inconsistent with the County’s obligation to provide access to the coast. The ordinance and final numbers were not even released until December 22 has further prevented the public from understanding the full scope of the proposed ordinance in time for the upcoming January 11 hearing decision.

More troubling, the lowered caps are not based on the actual number of STRs in operation in 2018. The proposed caps are to be based on the number of registered STRs for which a business license was obtained and for which the owner had signed up to pay transient occupancy tax (TOT) as of August 7, 2018, the date the Marin County Board of Supervisors adopted Ordinance No. 3695. Section 5.41.030 of Ordinance 3695 expressly obligated STR owners for the first time to “comply with Chapter 5.54 Business License and comply with Chapter 3.05 uniform Transient Occupancy Tax as administered by the Marin County Department of Finance and Marin County Code.” While some owners had registered STRs prior to this date, others had not, and it took time for them to come into compliance with this new requirement. In the 2023 Housing Element, the County recognized that its own prior estimates of STR numbers are “likely an undercount since a number of short-term rentals do not register with the County.” At a community meeting on January 8, 2024, the CDA Director recognized that there were

“hundreds” of STRs in operation as of August 7, 2018 that had not yet registered with the County.

In sum, the registration caps in the Draft Ordinance were selected arbitrarily without public notice or any ability for public comment, are based on drastically undercounted STR numbers, and are not a realistic estimate of the number of STRs actually in operation as of August 7, 2018. These caps should be rejected as not based on data and as certain to drastically reduce visitor access to coastal Marin.

3. The Draft Ordinance Is Contrary to the Local Coastal Program

The Draft Ordinance is contrary to the Local Coastal Program (LCP). As we explained in our letter in advance of the October 23, 2023 Planning Commission hearing, the LCP contains several policies that favor retaining overnight accommodations. Policy C-PK-1 calls for the County to “[p]rovide **high priority** for development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for lower-cost coastal recreation.” Policy C-PK-7 requires the County to “[p]rotect and retain existing lower cost visitor and recreational facilities.” And, Policy C-HS-6 merely calls to “regulate” STRs, but does not permit a drastic *reduction* in their number: “Regulate the use of residential housing for short term vacation rentals.”

The Draft Ordinance ignores these mandates. By classifying STRs as a “residential” use under the Draft Ordinance, the LCP Consistency Analysis provided with the Draft Ordinance claims that reducing STRs is not contrary to the LCP because the policies favoring visitor access only apply to “commercial” operations such as traditional B&B’s and hotels. This distinction is found nowhere within the LCP itself. And, the California Court of Appeal has found that characterizing STR operations as “commercial” versus “residential” is a false dichotomy.² The California Coastal Commission has emphasized 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.”³ The Coastal Commission has also reiterated its obligation to uphold “Coastal Act provisions requiring that public recreational access opportunities be maximized.” The Coastal Commission will not look favorably upon unfounded semantic distinctions between “residential” and “commercial” uses when the clear intent and effect of the Draft Ordinance would be to deprive visitors of unique and affordable overnight accommodations.

² See *Protect Our Neighborhoods v. City of Palm Springs*, Cal. Ct. App. 2022, available at <https://www.courts.ca.gov/opinions/archive/E074233.PDF>.

³ See https://documents.coastal.ca.gov/assets/la/Short_Term_Vacation_Rental_to_Coastal_Planning_&_Development_Directors_120616.pdf.

The consistency analysis provided with the December 22 Draft Ordinance also confirms that overnight visitor access to the Coast would be cut dramatically. The consistency analysis recites that there is capacity to house 4,659 individuals overnight in the Coastal Zone. Assuming an occupancy rate of 4 guests per STR, a reduction of 396 units in the Coastal Zone, as contemplated by the Draft Ordinance, would remove 1,584 overnight spaces, or 34% of the total overnight visitor accommodation capacity. Nothing in the Draft Ordinance or consistency analysis provides any suggestion as to how to replace this lost capacity. It will simply vanish forever. This would be a complete abdication of the County's obligations under the Coastal Act.

4. The Draft Ordinance Lacks Evidence to Support the Taking of an Established Practice

The preamble of the Draft Ordinance asserts that one of its purposes is to “preserve existing housing and communities.” Draft Ordinance § 5.41.010. No data has been presented to show that STRs have adversely affected “existing housing and communities”. Instead, some commenters have presented anecdotal claims that STRs negatively impact housing or force residents to leave without offering data or analysis in support.⁴ There is also no evidence that a single STR forced out of operation by the Draft Ordinance would convert to a long-term rental or affordable housing, nor that capping or reducing STRs would otherwise increase long-term rentals. Owner after owner has testified that they have no interest in doing so, as this would defeat the purpose of their owning a vacation home. Thus, there is no evidence that punitively singling out a single type of customary land use will “preserve” anything.

It has also been suggested that the need to regulate and reduce STRs is supported by findings in the 2023 Housing Element. However, the Housing Element shows the opposite. It recognizes that there are significant numbers of properties held “for recreational or occasional use”—and thus not as long-term residences—and further, that “vacation rentals and short-term rentals like AirBnB’s or VRBO are likely to fall in this category.”⁵ In other words, the County has previously found that homes used as STRs are precisely the kind that would otherwise sit vacant. The Housing Element also contains no data or analysis studying the impacts, if any, of STRs upon housing needs. At most, it repeats anti-STR talking points articulated in focus groups. This is not data.

⁴ For instance, County Staff has repeated a claim that in Bolinas, up to 10 whole-house STRs now available on Airbnb were allegedly full-time residences or rentals at some point in the prior 10 years. Taken at face value, an average of one house per year in a community with 887 housing units (per the Census Bureau) is not a significant change. Many full-time residents list their homes on Airbnb when they are away. “Anecdotal” reports fail to present a holistic view of housing trends, and fail to assess other salient changes, such as how many homes were previously vacation homes and have converted to full-time residences or rentals in that same time period.

⁵ See https://www.marincounty.org/-/media/files/departments/cd/housing/housing-element/2024-2032-he-docs/certified-housing-element/clean-version/20232031_marincountyhousingelement_chapter2.pdf?la=en.

It is also claimed that an opinion survey conducted by the County in 2023 supports efforts to lower the number of STRs. That survey was flawed for many reasons. It is dubious to use an unscientific poll as evidence for how those in the County really feel about STRs. Survey respondents were not barred from taking the survey more than once—one individual testified that her anti-STR neighbor boasted of taking the survey 15 times. However, since the survey has been put forward as evidence that residents want restrictions on STRs, let us momentarily take the poll at face value.

The majority of survey respondents stated that they did not favor reductions in STRs, nor are they in favor of treating hosted and unhosted STRs differently. Furthermore, when looking at the results of every survey respondent, the plurality of those surveyed are also not in favor. In seeking to impose numeric reductions in STRs, the Draft Ordinance ignores the voice of the majority, and would adopt a minority viewpoint espoused by individuals who identified as residing in West Marin. Given that the Draft Ordinance would set policy county-wide, it is improper to allow the 5,000 residents of West Marin to override the preferences of the 250,000 individuals residing in the rest of the County.

There is no disputing that it can be challenging to find affordable housing in coastal Marin. This is the product of decades of policies limiting building, such as a lack of permitting for multi-family units, zoning restrictions, strict building and environmental standards, local building moratoria (such as Bolinas’s 50-plus-year moratorium on connections to its water supply), and the desirability of the region. Many studies and meta-analyses have shown that STRs are not a major factor in driving up housing costs. (And, contrary studies typically select a small sample from urban areas with very different histories, market dynamics, and needs.) A decision to scapegoat STRs for a multi-decade housing shortage does not rest on any data or sound economic analysis; it simply reflects a claim, often repeated but never proven, that STRs have somehow “hollowed out” local communities.

However, far from helping, the Draft Ordinance would indisputably hurt the interests of community resilience, affordable housing, and emergency preparedness by slashing the funds raised through Measure W taxes. From the passage of Measure W through June 30, 2023, this tax has generated \$3,191,496 for affordable housing, and *another* \$3,191,496 for fire prevention and emergency preparedness.⁶ Measure W grants have been allocated to constructing, refurbishing, rehabilitating or preserving 18 separate housing projects to date. Measure W funds have also been allocated to a housing needs study, and are available to contribute to direct assistance (*i.e.*, rent, security deposits, and down payments) as well as larger housing projects. Measure W provides a key source of reliable funding for affordable housing in West Marin.

⁶ See <https://data.marincounty.org/stories/s/Transient-Occupancy-Tax/gazb-rjcd>.

Further, Measure W's fire prevention funding provides much needed resources to making community Fire Districts better prepared to prevent and fight fires.

None of the materials submitted with the Draft Ordinance model the impacts on Measure W funding if the Draft Ordinance were to pass. Nor is there any explanation how cutting off this source of revenue is consistent with preserving existing housing and communities; it obviously cannot be. Nor has there been discussion of how to replace lost fire and emergency preparedness funds that are essential to safeguarding coastal Marin. That is because there is no plan.

In other words, far from preserving housing and communities, the Draft Ordinance would slash funds used for affordable housing and emergency preparedness, leaving the residents with fewer housing options and less prepared for the next natural disaster or wildfire.

The loss of overnight visitors would hurt local communities by taking away visitor dollars from local restaurants, stores, and the local tradespeople who maintain STRs. Economic analyses have shown that every \$65,000 spent on an STR creates or supports an additional job in the local community, and related economic activities at restaurants, grocery stores, gas stations, etc., support many more jobs. By our estimate, a reduction of 40% of STRs in unincorporated Marin would lead to the loss of 168 jobs, mostly held by lower- and middle-income residents and residents of color. A 70% reduction in STRs would lead to the loss of 294 jobs. By destroying these jobs, the Draft Ordinance would be driving the very housing instability and hollowing out of communities that its proponents claim they are trying to fix. No plan has been proposed to help the vulnerable communities whose very livelihood the Draft Ordinance would jeopardize.

The loss of a long-established practice to offer one's home as an STR would also jeopardize many residents' ability to remain a part of the community. Many individuals are only able to offset the high costs of living through this supplemental income. Data from Airbnb shows that the average host in Marin is a 55-year-old female with a single listing, and the average host makes around \$20,000 per year, far less than the unrealistic projections previously put forth. Many of our members are seniors and individuals on fixed incomes whose ability to remain in the community and age-in-place depends on their ability to rent some or all of their homes to visitors on occasion.

The County itself would also see a substantial reduction in tax revenues from the loss of STRs. At a 40% reduction of STRs, the County would **lose TOT revenues of over \$1.5 million per year**, of which \$450 thousand would be lost Measure W revenues. With fewer visitors, sales taxes would also decline by approximately \$400 thousand per year. The estimated total cost over 5 years to the County from a 40% loss of STRs would be approximately **\$9.864 million**. The estimated total cost over 5 years to the County from a 70% loss of STRs would be approximately

\$17.262 million. The total direct and indirect loss to the local economy over 5 years would range **between \$104 million and \$182 million.**

5. The Draft Ordinance Raises Significant Environmental Concerns

The Draft Ordinance creates significant environmental concerns by seeking to hyper-concentrate STRs in just two environmentally sensitive areas of the County. The distributed nature of STRs currently helps ameliorate such impacts. However, if large numbers of new STRs are established in Dillon Beach and Seadrift to compensate for their reduction elsewhere, as the Draft Ordinance and its consistency analysis contemplate, each of these areas will see substantial increases in visitors, with accompanying strains on limited natural resources (water, sewage) and significant impacts on local conditions (traffic, emergency services, noise, parking). Both communities are in environmentally sensitive locations adjacent to creeks, estuaries and the Pacific Ocean. Seadrift is especially vulnerable to flooding from sea-level rises and large storms driven by climate change.

Moreover, if increasing numbers of visitors are forced to stay in Dillon Beach and Seadrift, those who wish to visit Pt. Reyes National Seashore will spend far more time driving to and from the park, increasing greenhouse emissions, congestion, and wear and tear on local roads. Driving times from Dillon Beach to attractions such as the Pt. Reyes Lighthouse and Drake's Beach are well over an hour, versus around 20 minutes from Inverness. At a minimum, all of these impacts should be considered and weighed. However, to date, no analysis has been done, in part because the recommendation to hyper-concentrate STRs in Dillon Beach and Seadrift while drastically reducing them elsewhere was never subject to public comment or analysis by County staff, and was arrived at by a snap-decision of the Planning Commission with no public input whatsoever.

Finally, Section 5.41.040(B) of the Draft Ordinance would exempt agricultural operators from complying with any portion of the Draft Ordinance, not merely the caps on STRs. Thus, STRs on agricultural properties would no longer need to register with the County, seek a permit, or pay an application fee. These operations likewise would not need to comply with any of the water, septic, fire safety, noise, parking, restricted structure / glamping ban, advertising, or other restrictions that individual homeowners would now face under the Draft Ordinance, nor the added burdens of "administrative regulations" that the CDA intends to impose upon STRs. While agricultural properties are currently subject to existing STR regulations, the Draft Ordinance would completely remove those and thereby deregulate all STRs on agricultural properties. There is no basis for such disparate treatment of agricultural interests, on the one hand, and ordinary homeowners, on the other. At a minimum, analysis needs to be undertaken of the environmental consequences of entirely exempting STRs on agricultural properties from any regulation or oversight whatsoever. Many agricultural lands are situated on or near

environmentally sensitive areas, and the imposition of stringent regulations on all other STRs while giving agricultural operators a pass would likely cause a proliferation of new STRs in agriculturally zoned lands.

Due to the unique geography of place and the percentage of unprecedented public recreational lands in the coastal zone, the historical presence and use of vacation homes in West Marin, and the lack of evidence to justify a government removal of an existing practice of renting vacation homes to visitors to the region, we urge you in the strongest terms possible to vote ‘No’ on the Draft Ordinance.

The Draft Ordinance is the result of a flawed, undemocratic and unfair process. It does not rest on sound data and, if enacted, will cause far more harm than good by harming the tourist economy and putting low- and middle-income residents out of work, all without creating a single unit of new or affordable housing.

We urge the County to conduct studies of the issue prior to creating any policy that will have negative consequences on our community and thank you for your time and consideration.

Sincerely,
West Marin Access Coalition
Sean Callagy

San Rafael

Tom Riley
Marshall

Frank Leahy
Inverness

Heidi Wilson
Petaluma

Peter Kelly
Mill Valley

Thomas S Evans
Point Reyes Station

Steve Rubin
Mill Valley

Linda Caplinger
Muir Beach

Rachel Dinno
Inverness

Vyvianne Kiriakis
Mill Valley

Molly Burke
Novato

Melanie Nichols
San Anselmo

Scott Grooms
Stinson Beach

Lowell Strauss
Fairfax

Jeff Finci
Greenbrae

John D. Michael
San Rafael
Mike Durrie
Inverness

Alecia Cotton
Novato

April Kelly
Mill Valley

Barbara Schwanke
Marshall

Payton Stiewe
Mill Valley

Loren Quaglieri Stinson Beach	Ann Patterson Point Reyes Station	Jacqueline Strauss Fairfax
Dana Yuen Stinson Beach	Virginia Erck Oakland	Lynn Fuller San Francisco
Roger Ravenstad Dillon Beach	Wm. Jess Taylor Inverness	Shelley Finci Greenbrae
Robert Simon Inverness	David Petta Oakland	Jake Malaney Folsom
John Parman Inverness Park	Sherri Clearlake Cupertino	David Ferro Boulder, CO
Ann Gonzalez Kramer El Dorado Hills	Tom Tuckerman Phoenix, AZ	Rebecka Levan Los Angeles
Ken Abrams Dillon Beach	Bassem Yacoubé Dillon Beach	Tucker Grooms Stinson Beach
Michelle Buckles Mill Valley	John Butler Stinson Beach	Scott Caplener Muir Beach
Kathleen Tilt San Francisco	Thomas Duncan Alameda, CA	Jude Yuen Stinson Beach
Claire Lee Sacramento	Felix Chamberlain Petaluma	Steve Schwanke Marshall
Lovisa Rubin Mill Valley	Nicky Gonzalez Yuen Stinson Beach	Mark Rolfe Dillon Beach
Audrey Koh Stinson Beach	Bettina Stiewe Mill Valley	Zack Sonnerstedt Rubin Mill Valley
Jamie Robertson Bollinas	Gaeta Bell Stinson Beach	Miles Kelly Mill Valley

Anna Birch
Bollinas

Kathy Wiles
Soquel

Laura Wolff
Inverness

Bill Kiriakis
Mill Valley

Roger Pollak
Stinson Beach

Joshua Kriesel
San Francisco

Adella Kauffer
Berkeley

Jeanice Skvaril
Ross

Nancy Painter
Walnut Creek

Griffin Grooms
Stinson Beach

Yarrow Schley
Stinson Beach

Joan MacDonald
Mountain View

Emily Porter Merriman
Mill Valley

Rachel Wortmann
San Francisco

Elizabeth Brekhuis
Greenbrae

Blake Stiewe
Mill Valley

Tucker Norred
Truckee

Marin Brown
Sonoma

Nick Tucker
Oakland

Bob Balzan
Bollinas

Catherine Lucas
Inverness

Felicia Casper
Yakima, WA

Sarah Baughn
San Francisco

Jane Mason
Stockton

Harmon Shragge
San Francisco

Leigh Judson
San Francisco

Katherine Kennedy
San Francisco

Eamonn Kaufer
Berkeley

Teresa Colwell
Berkeley

Kathy Snowden
Inverness

Rachel Kelly
Mill Valley

Patti McEwen
Palo Alto

Jennifer Klopfer
Mill Valley

Peter Sicher
Marshall

Brittany Anderson
Forest Knolls

Eric Wiles
San Jose

Whitney Pinger
Stinson Beach

Jill Deitch
San Francisco

Samantha Walravens
Tiburon

Joan Gallagher
Stinson Beach

Steve Levan
Los Angeles

Roger Krakow
Sausalito

Margaret St. John
Oakland

Angela Rubin
Stinson Beach

Blake Stiewe
Mill Valley

Brian Maggi
Dillon Beach

Jean Loo
Stinson Beach

William Hauser
Pacifica

Daria Halprin
Kentfield

Parker Stiewe
Mill Valley

Robert Forbes
San Francisco

Deborah Armanino
Grass Valley

Blythe Friedman
Sausalito

Andrew Walker
Woodland

Jennifer Golub
Inverness

Christina Pettigrew
Petaluma

Barbara Simonds
Chadd Ford, PA

Mary Anne O'Keeffe
Fairfax

Anna McDonnell
Inverness

Julie Munro
Stinson Beach

Alex Sonnerstedt Rubin
Mill Valley

Faolan Cadiz
Inverness

Jose Contreras
Mill Valley

Maggie Malaney
San Jose

Garrett Schwanke
Marshall

Gordon Polon
Santa Monica

Art Klein
San Francisco

Michael Howe
San Geronimo

Nate Bosshard
Mill Valley

Shaun Rudolph
Soquel

Sam Harper
Inverness

Porter Merriman
Stinson Beach

Nancy Yoshikawa
Stinson Beach

Stacy Marin
Cupertino

Lizz Wheeler
San Rafael

John Ferro
Snoqualmie, WA

Liliana Salgado
Petaluma

Lyle Hayden
Bollinas

George Von Liphart
San Francisco

Joe Malaney
El Dorado Hills

Laurie Dubin
Larkspur

JaZelle Perry
San Rafael

Adam Warmington
Bollinas

Bennett Hauser
San Francisco

Linda Rudolph
Berkeley

Dino Wilson
Petaluma

Troy Harmon
Fairfax

Tyson Wiles
Soquel

Michael Egge
Yakima, WA

Neal George
Bollinas

Mark Rennie
San Francisco

Lisa Kager
Stockholm, Sweden

Jorun Shragge
San Francisco

Samantha Fazio
Mill Valley

Simon Jeffery
Bollinas

Samantha Hauser
Pacifica

Julianne Havel
San Rafael

Kenneth Kula
San Anselmo

Sandy Malaney
El Dorado Hills

Alyssa George
Bollinas

Sarah McCarthy
Oakland

Mick Malaney
El Dorado Hills

Amy Checchi
Reno, NV

Kenneth Shane
Rohnert Park

Elizabeth Sterns
Stinson Beach

Kaylina White
Los Angeles

Lawrence LeBlance
Grass Valley

Lee Flynn
San Francisco

Helen Werngren
Belvedere

Warren Hukill
Inverness

Brad Wiles
Soquel

Joe Tobin
San Francisco

Elizabeth Robbins
Ross

Ann Hobson
Big Sur

Roberta Hawthorne
Stinson Beach

Miguel Gutierrez
Stinson Beach

James Heyman
Saint Paul, MN

Meg Cadiz
Inverness

Vivian Walker
Woodland

Hilmar Koch
Point Reyes Station

Aran Kaufer
Berkeley

Peter Havel
Woodacre

Yarrow Schley
Stinson Beach

Kris Kalstrom
Danville

Jeff Libarle
Dillon Beach

Ken Abrams
Dillon Beach

Nancy Segale
San Rafael

Nick Palter
San Rafael

Steve Wiles
Santa Cruz

Birgitta Zarfl Olofsson
Stockholm, Sweden

Kim Desenberg
Inverness

Jennifer Ames
Tiburon

Susan Raynes
Inverness

Betty Lou Hudson
Inverness

Jim Pettigrew
Petaluma

Lisa Wiles
San Jose

Elizabeth Garone
Bolinias

Yaella Frankel
Richmond

Jennifer Maher
Placerville

Susan Ferro
Hillsborough

Lisa Martin
Oakland

Trine Clark
Irvine

Betty Gomez
Petaluma

Linda Maggi
Dillon Beach

Jim Arrigoni
Stinson Beach

Mike Day
San Carlos

Brianna Schwanke
Marshall

Kristin Faucher
Marshall

Vickie Day
San Carlos

Daniel Kramer
El Dorado Hills

Ashley Bird
Corte Madera

James Patterson
Point Reyes Station

Anna Sonnerstedt
Stinson Beach

Anna Desenberg
Inverness

Mary Wiese
Mill Valley

Pat Gallagher
Stinson Beach

Eric Joost Bolinas	Nancy York Inverness	Carolina Renteria Inverness
Britta Gooding Stinson Beach	Lauri Hughes Stinson Beach	Ramon Cadiz Inverness
Alicia Engstrom San Francisco	Sarah Butler Stinson Beach	Jane Thrush Inverness
Lisa Altman Santa Monica	Michael Anderson Forest Knolls	Jane Sinton Oakland
Lynda Balzan Bolinas	Bojana Miloradovic Inverness	Tracy Minichiello Mill Valley
Chrysanthe Gussis Bolinas	Aaron Ely Inverness	Christiane de Bord San Francisco
Jennifer Yacoube Dillon Beach	Briana Rudolph Soquel	Kevin Johnson Belvedere
Lori Butler Stinson Beach	Barbara Wiles Santa Cruz	Scott Dubin Larkspur
Gerald Sterns Stinson Beach	Hanna Morris Point Reyes Station	Wendy Donner San Anselmo
Esther Martino Inverness	Curtis Linton Petaluma	Peggy Northrop Sausalito
Lynda Balzan Coloma	Maira Garcia Marshall	Sean Elder Sausalito
Philip Conley Sacramento	Juan Gomez Petaluma	Cynthia Kula San Anselmo
Patricia Lawlor San Francisco	Lulu Taylor San Francisco	Linda Shane Rohnert Park

Jim Hawthorne
Stinson Beach

Cherry Grisham
Dillon Beach

Zoe Johns
San Francisco

Jennifer Kaufer
Berkeley

Rob Hielscher
Bollinas

Nicole Woods
Stinson Beach

Keely Hamilton
San Anselmo

Sophia Schwanke
Marshall

Marjorie Washburn
San Francisco

Paula Hess
Sacramento

Michael Wechsler
Inverness

Richard Volk
San Francisco

Terri Lamp
El Sobrante

Matt Soldo
Bollinas

Chip Fuller
Bollinas

Darlene Casper
Yakima, WA

David Hegarty
Inverness

Hilary Avalon
Dillon Beach

Brad Wiles
Soquel

Barbara Borruso
Mill Valley

Linda Wiles
Soquel

Joseph Wiese
Mill Valley

Claire Hunsaker
San Rafael

Colby Gilbert
Stinson Beach

Robert Howard
San Anselmo

Jhaya Warmington
Bollinas

Tracy Jenkins
Elk Grove

Theresa Coleman
Stinson Beach

Kathleen Hurley
Oakland

Susan Hayes
Inverness Park

Paula Conrad
Mill Valley

Ingrid Evans
San Francisco

Susan Britting
Coloma

Lisa Lombardi
Bollinas

Art Klein
Stinson Beach

Jodi Barnett
Rocklin

Winslow Strong
Marshall

James Wayand
Tiburon

Laurie Boscoe
Mill Valley

Katie Beacock
Stinson Beach

Graham Chisholm
Berkeley

Steven Sicher
Marshall

Elida Doldan Schujman
Mill Valley

Holly Roberson
Bolinas

Janet Libarle
Dillon Beach

David Hegarty
Inverness

Linda Howe
San Geronimo

Laura Berryman
Bolinas

Christa Curtin
Muir Woods

Camas Steinmetz
Carmel Valley

Katy Higgins
Mill Valley

Margo Wixsom
Inverness

Frieda Zolan

San Rafael

Brian Beitner
San Francisco

Caroline de Baere
Mill Valley

Dan Marin
Mill Valley

John Goldstein
Bolinas

Bill Logan
Bishop

cc: California Coastal Commission