



COSTLY ON THE FRONT AND BACK END GET READY FOR ANOTHER DARK CLOUD ORDINANCE

This evening, Monday October 16th, the City Council will continue on what appears to be a Short Term Rental (STR) fait accompli.

In July, 2016 Councilmember Worden wrote an opinion arguing STR's are not allowed in residential zones under Del Mar's Community Plan or Zoning Ordinance (<http://www.dwightworden.com/str>). He hung his hat on his opinion and has since lead the charge to severely restrict STR's. So far it looks like Councilmembers Worden, Parks, Haviland and Druker ENDORSE an ordinance which will limit short term rentals to a minimum of 7 days per rental and a maximum of 28 total rental days a year per home (the "7/28 ordinance"). The 28 day limit is thought to be a work-around the perception of a total ban, yet essentially is a restrictive ban.

The STR community is agreeable to virtually everything the City proposes. It appears the ONLY disagreement is the 28 day/year cap. The easy solution: Keep the minimum 7 day rental period and REMOVE the 28 day total number of allowed rental days per year. Many in the community have suggested that this is a workable compromise to resolve a 2 year issue. Why is the City Council **dismissing** a compromise solution and **dismissing** relevant input? The 7/28 proposed ordinance effectively:

- **Dismisses** the **Community Plan** original authors' public testimony that it was NOT the intent of the Community Plan to disallow STR's.
- **Dismisses** the **Planning Commission's** recent 4 to 1 vote to deny the proposed 7/28 ordinance as is, citing the need to collect much more data regarding the physical and economic impacts of STR's.



9/12/2017 Planning Commission Meeting new applications 3 at 3hr 40min 30sec.

<https://delmar.12milesout.com/video/meeting/663a9082-c9ff-4e16-9729-d1d7c68fb81f?t=1h35m37s>

- **Dismisses** the **California Coastal Commission's** position that it will likely OPPOSE a minimum of 7 days and a cap of 28 days because of the Commission's desire for weekend STR's that will make the beach vacation experience available for persons of varying social-economic profiles. Click to [open the letter from California Coastal Commission \(http://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_09122017-1546#page=59\)](http://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_09122017-1546#page=59) (See page 59)
- **Dismisses law enforcement** data showing that out of all of Del Mar's registered complaints in residential areas over a four year period (517 calls), only 3% were connected to STR's.

- **Dismisses** the **business community** publicly stating that the 7/28 ordinance will negatively impact Del Mar's local business economics, thereby crippling the vibrant downtown aspiration.
- **Dismisses data** and public testimony supporting the historical significance of Del Mar being a vacation destination.
- **Dismisses** the projected **revenue stream** of approximately \$500,000+ per year of Transient Occupancy Tax (hotel tax that is easily added onto STR guest fees).
- **Dismisses** the **cost of the STR controversy**. In the end property owners are responsible for costs associated with staff hours, an outside monitoring contractor, and most importantly, mounting legal fees associated with the STR controversy. **Two months into the City's fiscal year, the City has already spent 55% of the entire annual legal budget.** The City is on track to spend an extraordinary \$1.2 Million* this fiscal year on legal fees (projected budget is \$432,200) on a variety of matters. Clearly, not all attorneys' fees relate to the STR matter, however, we have to assume an extraordinary and **unnecessary** amount is being spent on STR's and related lawsuits.
*This does NOT factor in the potential financial exposure of two known STR lawsuits filed against the City.
- **Dismisses public input** given in 17 City Council meetings over the past 2 years (through July) where 78% of the people went on public record as supporting STR's while 22% wanted to ban or place severe limitations on STR's.
- **Dismisses** the likely **negative impact on property values** under the 7/28 ordinance as many home owners will be forced into a position of selling their property as not all can support their expenses without STR rental income. New owners will have the same economic decisions to weigh.

Why is the majority of our City Council ignoring data and input from all of their constituents?

The City Council believes the 2016 election results constitute a mandate against short term rentals. Is this truly the case, **or was your vote a vote of confidence that the City Council would manage our City with fiscal integrity and in the best interest of our community as a whole?**

Thinking beyond the immediate, this ordinance may not be important for your home today, but the "cloud" will be in perpetuity, thus limiting your flexibility for your future, future generations and future owners.

The City Council will be discussing and possibly voting tonight on this matter listed as Item #6. It is important that you voice your opinion by either coming to the meeting at City Hall starting at 4:00PM (early start) or by writing an email to City Councilmembers at the addresses listed below. You only have a few hours to send an email as the City has a new policy that emails must be received by 12:00 noon the day of the Council meeting.

HAVE YOUR VOICE HEARD

Please click on these links or copy and paste those addresses.

Send email to Del Mar City Council Members: sparks@delmar.ca.us; tsinnott@delmar.ca.us; dworden@delmar.ca.us; ddruker@delmar.ca.us; ehaviland@delmar.ca.us;

Send email to City Management: sshuth@delmar.ca.us; kgarcia@delmar.ca.us; ajones@delmar.ca.us; Planning@delmar.ca.us; cityclerk@delmar.ca.us;

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