

SUPPOSED INACCURATE/MISLEADING CLAIM #1:

Few complaints about STRs have been received by the City or the sheriff in spite of the City hotline for complaints, and this means STRs are not a problem.

Dwight's Stated "Fact":

Dwight said this is partly true, but misleading for two reasons: the Sheriff cannot respond to nuisance calls in a timely way, and the hotline is for reporting violations of the temporary moratorium. He further states the Sheriff typically refers nuisance calls to the City staff and people quickly learn complaints to these sources may not be worth the effort.

Woodpecker Rebuttal:

The establishment of the hotline was authorized by the City Council at its August 1, 2016 meeting for residents to have a way to report problems. Discussion of the hotline, per video recordings of City Council meetings, is shown below:

- Dwight: In response to a question as to what the hotline is for, Dwight said "I think it is for describing complaints. If someone says I am hearing noise or something like that..."
- Dwight: In reference to the hotline, "...Way to call and say 'I am going crazy' something is bothering me and I want you to know about it"
- Terry Sinnott: hotline is "to register complaints from neighbors. It was geared towards documenting the true good neighbor problem that we might have. It wasn't necessarily to say ok there is a short term rental next to me and I am reporting that."

REALITY:

The hotline was **NOT** set up for the sole purpose of reporting moratorium violations.

Regarding Dwight's claim that the Sheriff's inability to respond in a timely way, the Sheriff typically refers nuisance calls to City staff and the City Council has heard many complaints that the system does not work.

1. Where is the data to support this claim that the sheriff is not responding to nuisance calls? We found none In fact, data from the Sherriff shows the Sheriff responded to at least 304 nuisance calls in 4 year period – 97% from NON-STRs.
2. Why is there no record of the Sheriff referring nuisance calls to the City staff? The Woodpecker requested, and received from the City, documentation regarding all nuisance complaints. This would have included any sheriff referrals as well and yet nothing was received because there is nothing.
3. Where are the facts to support Dwight's claim that people feel it is not worth the effort to file a complaint or to support his claim that the system does not work? Del Mar residents are not shy to voice a complaint as shown below.

The article on STRs in the last Woodpecker reported **facts** based on the City and Sheriff's records. Just a refresher:

City Records:

- **No** complaints on the City hotline.
- City opened 850 cases of all types between January 1, 2014 and February 15, 2017. Only 2 of these cases related to STRs.
- City records show 100% of the top 4 nuisance complaints in residential areas are attributable to owner occupied homes or long term tenants – **zero** to STRs

Sheriff Records:

- Total of 517 residential area calls for 4 years (March 1, 2013 – March 1, 2017). Of these 517 calls, 17 calls, (3%) were for STRs.

As Dwight states, you are entitled to your own opinion, but not your own facts. The Woodpecker article was based on facts rather than unfounded and misleading statements. Did the City Council choose not to gather public record facts?

Few complaints about STRs have been received by the City or the sheriff in spite of the City hotline for complaints, and this means STRs are not a problem.

SUPPOSED INACCURATE/MISLEADING CLAIM #2:

The City Council voted to ban STRs.

Dwight's Stated "Fact":

Dwight states the City Council has never voted on a ban. However, it has endorsed a policy of allowing STRs for a maximum of 28 days per year with a minimum 7-day stay and maintains these restrictions are not a ban.

Woodpecker Rebuttal:

Technically Dwight is correct – there is no total ban proposed. However (here comes a Woodpecker opinion) taking away the large majority of a resident's property right by allowing a minimum one week rental for a maximum of 4 times a year is as close to a ban as you can get. But you be the judge.

SUPPOSED INACCURATE/MISLEADING CLAIM #3:

A majority of residents favor STRs in residential areas.

Dwight's Stated "Fact":

Residents do not favor STRs in residential zones, especially on a full-time, high turnover basis.

Woodpecker Rebuttal:

Gauging how the majority of residents feel about STRs is not easy, but there are 4 sources that reflect opinions – **surveys, petitions, City sponsored workshops**, and those who **speak to and/or write letters** to the City Council. The Woodpecker researched and analyzed each of these 4 sources. Based on our review of public records, it is problematic for Dwight to claim that residents do not favor STRs in residential zones. This was a tedious job and our goal was to be as accurate as possible. So here are the public record facts:

Survey:

The City conducted a Citizens Satisfaction Survey in December, 2014. There was absolutely **zero** responses regarding STRs let alone any complaints or any need to severely restrict STRs.

At the August 1, 2016 City Council meeting, some City Council members said the City should take a survey of how residents feel about STRs in order to **"get a pulse of the community"**. While surveys are not perfect, they do provide a data point as to how the broader community feels about this important issue. But the City Council has taken no survey.

Petitions:

4 petitions regarding STRs have been submitted – 3 to the City Council and 1 to the Planning Commission:

- September 8, 2015 Petition: **76** people to **Continue** Vacation Rental Business in All Residential zones submitted to the City Council.
- February 14, 2017 Petition: **83** people calling for an interpretation that STRs are not allowed in residential zones submitted to the Planning Commission.
- April 17, 2017 Petition: **103** people calling for an interpretation that STRs are not allowed in residential

zones submitted to the City Council.

- July 17, 2017 Petition: **226** people supporting reasonable regulations of STRs and **allowing** them in all residential zones for more than the maximum of 28 rental days per year submitted to the City Council.

Workshops:

The City conducted a workshop on June 13, 2016 with **78** participants. The workshop focused on several topics related to STRs. The topic relevant to Dwight's claim that most residents don't support STRs (a reminder a STR is a rental of 29 days or less) related to participant's input on minimum length of stay.

Participants were given choices of minimum length of stay: no minimum, 3 days, 5 days, 7 days, 14 days and 30 days. A couple of choices related to whether owner was present and should stays be different during peak and non-peak seasons that are not relevant for this discussion. So the results: **61%** of participants **supported** stays of less than 30 days (STRs) anytime of the year while **28%** supported stays of 30 days or longer.

Speak and/or Write Letters for City Council Meetings:

Over the past 2 years the City Council has had STRs as an Agenda Item 17 times. In those meetings, at least ***237 different** people spoke, submitted a position via non-speaker slips and/or submitted letters or emails to the City Council. So what was the input from these *237 people?

- ***184 (78%)** either **favor** STRs with no restrictions, favor common sense regulations or a 7 day minimum rental, but no 28 days per year rental maximum proposed by the City Council.
- ***53 (22%)** favor either a ban of STRs or **severe limitations**.

*We took great care in the method of tabulating this public record data, as the same people on all sides spoke and/or submitted letters or emails for multiple City Council Meetings. So to be fair, we only counted folks once so as to not distort the numbers.

REALITY:

- The STR issue was started by a **very** small group of residents two years ago who claimed STRs posed a nuisance. Public record facts do **NOT** support the claim that STRs are the source of nuisance as demonstrated above.
- A very small group of residents are driving the severely restricted STR train – most notably the maximum of 28 rental days per year.
- The "Claim" by Dwight that the majority of residents are against STRs or are in favor of the severe restrictions proposed by the City Council is **NOT** supported by the four sources of public input given to City Council.

City Council decisions impacting individual perpetual property rights should be made on a factual basis. Residents repeatedly asked the City to research and present their findings regarding the impact of STRs – any negative impact as well as any positive impact. We thought it useful to include some actual quotes from residents:

- Jan. 17, 2017 red dot: **"no factual data representing the negative effects of STR has ever been presented."**
- Jan. 17, 2017 red dot: **"[the]city council has never requested a study to determine if STR's created a problem that 'has destroyed the fabric of Del Mar.' "...[the] City Council has not conducted and Economic Impact Report"**
- Jan. 17, 2017 red dot: **..."nor has the city paid for a basic study to see the economic impact from loss of tourism, loss of income to property owners, effect on property values..."**

Despite repeated requests from residents and repeated assurances from the City Council, it has failed to pursue any factual data on this important topic.

SUPPOSED INACCURATE/MISLEADING CLAIM #4:

The STR “problem” can be solved by managing nuisance problems.

Dwight’s Stated “Fact”:

This claim can be made only by willfully ignoring other problems that flow from the proliferation of STRs in residential zones: they change the special residential character of neighborhoods...

Woodpecker Rebuttal:

The City Council assured us over the past two years that it would gather information regarding STRs – how many STRs are in Del Mar, their location, number of complaints etc., which is basic information that a City should collect when making a decision of this magnitude. Yet the City has not done their homework. The Woodpecker did analyze data which is of public record and it shows STRs are less than 3% of nuisance complaints. Without data, the City Council can neither define a problem nor formulate a resolution.

As noted above, the STR hotline was a way for the City to collect data. Dwight said at the August 1, 2016 City Council meeting – “We can use this as a way to collect data information” (Minute 1:42:35). **Zero** calls have been made to the hotline, which leads us to question the problematic nature of STRs.

Further accurate data that would help the City determine how to handle STRs include:

- How many STRs are in Del Mar?
- Where are the STRs located?
- How often is each rented out?
- What is typical length of rental?
- What are the reported nuisances of STRs? Are they concentrated among a few “bad apples”?
- What is the direct negative or positive impact of STRs in the City? This should obviously include the fiscal and legal impact as well.

This is basic information the City should evaluate before adopting any policy.

OTHER DWIGHT'S STATED “FACTS” (WITH NO SUPPORTING DATA):

- Today, residents increasingly live next to STRs with many of the attributes of commercial operations. Dwellings that historically have been available for long-term rentals have increasingly been converted to STRs, reducing the available housing stock for residents.
- Neighborhoods that were intended to have the special amenities of a single-family residential area are becoming more akin to commercial boutique hotel districts.
- What was documented as occurring in 1976 was very different from today’s internet-driven model with high intensity, year round rentals that often turn every 2-3 days.

Woodpecker Rebuttal:

Where is the data to determine actual rental use, both historical and current? What exactly does Dwight mean by “attributes of commercial operations?” Where is the data to determine actual uses and the neighborhood impact contrary to the intent of the Community Plan? Where are the facts that support a claim that STRs often “turn every 2-3 days?”

REALITY:

Dwight and the Sandpiper have offered no supporting facts because the City has made no attempts to source available information or collect accurate data. **The City Council chose to ignore public testimony regarding historic STR uses and statements made by the original authors of the**

Community Plan.

Community Plan drafters spoke and sent red dots to highlight their intent was **NEVER** to ban STRs in Del Mar. There was **NO** need for the City Council to interpret the Community Plan when all they need do was speak directly with those who drafted the Community Plan...

- May 1, 2017 red dot: **“FACT: In February 1974 the Community Plan Land Use subcommittee REJECTED by a vote to “discourage” STRs in residential areas.”**
- May 1, 2017 red dot: **“The goals and intent of the plan had nothing to do with rental restriction and everything to do with preserving open space and restricting high rise commercial development through zoning.”**
- May 1, 2017 red dot: **“In 1974 as a member of the Community Plan “land use” committee..., again we recognized North Beach as being a unique fabric of the Village. A unique area that “provided vitality and significant economic benefits. We thus rejected any attempt to change the established STR status.”**



NOW A FEW QUESTIONS FOR YOUR CONSIDERATION:

1. Residents in recent surveys consistently value a vibrant downtown. How will any proposed change to STRs impact the downtown district?
2. What are the fiscal and legal impacts of banning STRs? Lawsuits are being filed; a budget item has been slated to hire a third party STR monitoring service of our City.
3. What is the cost of overregulation? A bit of history: 30 years ago, Dwight Worden crafted Measure B, requiring an onerous public vote on downtown projects over a certain size. This has effectively made true investment and improvements in downtown extremely difficult, as the lack of any new redevelopment for over 30 years demonstrates.

WHAT DOES THIS MATTER?

In our original article we asked why all the discussion regarding STRs should matter to you? Our answer -because the STR controversy is a clear example of how Del Mar operates. Here comes an opinion - if our City Council takes on initiatives started by a couple of influential people, refuses to collect or consider relevant information to accurately define a problem; ignores the overwhelming majority of community input/support on a topic; and railroads a “solution” that is overkill and has significant consequences for Del Mar, then are they really representing the community? Or are they representing only a few privileged “insiders” or their own agenda? For or against STRs, how the City Council operates matters and that is why you should care.

Stay tuned for future articles as The Woodpecker continues to uncover the facts.

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