

Sept 13, 2009

VACATION RENTAL NOTES FROM MEETING MAY 11, 2009

All – These are the notes from the workshop held on Monday May 11, 6-8pm in the library. The actual submittals will be a second or more email attachment. This will be forwarded to the full PBPG, Sand Diego City, Councilmember Faulconers office and community to read before the next public meeting

What I said to all – I asked to have respect for all speaking – gave 3 minutes each.

Reason for workshop

At the last meeting of the PPPG I saw many people concerned with both sides of the vacation rental issue. Just for clarification, I believe we are discussing vacation rentals in RS zones, traditionally single family homes. If there are other opinions, like those in multifamily zones, please clarify your thoughts when you speak. Otherwise I am considering this a workshop on vacation rentals in the single family zones.

Before we go on I want to say I will be a **neutral mediator** tonight and during the summary of your thoughts to the group at the full meeting. I will not take place in the discussion or vote at the meeting other than try and tell what happened here. So please bear with me if I seem to talk from both sides of any issue to help us understand your thoughts.

At the PBPG meeting in April I heard **two basic thoughts**. From those opposed, **vacation rentals created issues for the community** and from those for vacation rentals, I heard that **their properties were not the problem** it was other properties with less caring owners that really caused problems. What I took away from the meeting was that there are some issues with vacation rentals. At the meeting I felt the opinions expressed by the community were too black and white, either for or against vacation rentals without any background to help the group come to an informed decision or recommendation on what to do. I thought that we should have a sub committee meeting which now is this workshop, to gather issues, and ideas, thoughts and maybe recommendations.

I sent out an example of what would be an issue and idea but I will state another taking the liberty to use something that was sent to me by I believe a supporter of vacation rentals.

Example – which may or may not be true

An issue – vacation rental are used for **receptions** – creates noise and disturbance to the neighbors – an idea or suggestion is - do not allow vacation rentals to be used for receptions – or I might say limited by the size of the lot, or a limitation on the number of attendees, or if parking is the issue, require another location for parking and shuttles to the reception.

There are many other ideas about this issue that could be listed for the full groups consideration. I am asking you to help us gather these **constructive** ideas along with some background to pass along to the full group. Saying that you can still just express your opinion but in my opinion, it may not be as helpful as coming up with ideas on resolving the issues. Or even just listing the issues so everyone can understand your concerns.

When you talk tonight, please try and use **concise statements** of the issue and ideas or thoughts. Supportive thoughts or information can be provided to me by email or in some written form tonight and all will be forwarded to the full PBPGroup for consideration. The PBPG members here will try and capture a summation of your issues and thoughts to help us organize them tonight. Please feel free to send me your full thoughts if necessary to add information to what we jot down. Everything you send to me will be passed along. Just remember the group may not be able to read or fully comprehend a lengthy statement without a concise summary of what you are talking about.

Also I reserve the right to stop what I start saying and restate it for clarity. **My mouth** has its own agenda that sometimes doesn't agree with my mind. If I call this a meeting, please understand it's a workshop. Hopefully you will accept my mistakes.

Second, sometime back the **PPPG did recommend** that vacation rentals not be allowed in RS zones – single family areas. The city countered with this would require a modification of the Land Use and Development Code along with a Coastal Commission review – a long process. This recommendation had no follow up until recently.

The PPPG can only make recommendations to the city. The city can use them in some decision making process or essentially do nothing. Whatever information comes out of this workshop, and the public input process during a full meeting will be used in any consideration of a recommendation by the group to the city. If we can come up with issues and ideas on how to solve them, this might go a long way to help the group develop any recommendation to the city.

So saying all that I now would now welcome your questions or thoughts on changing anything I have said before we start the discussion.

James Krokee discussion

At the workshop I heard several recurring themes and stated those to attendees during my three minute discussion. I heard a couple strong points,

From those in favor of vacation rentals – it was stated that they were responsible, good landowners and many had let neighbors know who to contact if there was a problem. It appeared all who attended thought this was a good idea and responsibility was key to making vacation rentals work favorably for the community from a complaint viewpoint.

From those against vacation rentals I heard that vacation rentals were incapable with the single family zone, a commercial enterprise that could erode our community atmosphere in PB. I also heard that a full extension of vacation rentals, where every house became one, would be detrimental for the community.

From the meeting I heard that there is a rental permit required (not always taken out), that provides substantial funds for the city, but possibly something else like a permit to have a vacation rental, might help with problem rentals. It might help promote responsibility.

There was a discussion about using the police and the CAP program to reduce noise or complaints for vacation rentals, then it was expanded to other type of rentals and student housing. This is an option using an existing tool in our tool box. Some stated that noise may not be an issue and to look at the police reports to see if it was. We will probably get some presentation on numbers and it was recommended to have the police attend our full meeting to discuss this. My thought is that this may be favorable, and at least get noise problems on the priority list for the police, even with a reduction of service.

There was a discussion about coming up with ideas on limiting parking to ensure this was not a problem but like noise, problem long term rentals, business like the post office also contributes to parking problems.

There was a discussion about high occupancy limits but not only limited to vacation rentals but mini-dorms and other long term rentals.

In summary, other than yes or no for vacation rentals some creative ideas were expressed on making the vacation rental owners and in extension all rental property owners become responsible for their properties and tenants. A permit, a notification process to the neighbors, contact information, the police etc were possible options.

Please read the comments that were submitted by the community in helping you make or not make a recommendation to the city.

If I have make a mistake on the summary of opinions expressed, please let me know and I will forward your response to the PBPG and others separately. I apologize up front.

Sincerely James Krokee

Jokrokee11@msn.com

Notes by Barbara Williams at Workshop on vacation rentals May 11, 2009 My interpretation to help you understand what was said in ().

(Presenter for VR) has 29, but only 1 possibly in RS zones. Some sort of permitting process good idea, will work with issues of commercial concerns such as limiting of occupancy. Industry needs to be responsibly and listen to concerns.

(For VR) Has anybody surveyed neighbors about parking problems, noise complaints and traffic problems. Recommending people should prove problems exist.

(For VR) Conditional use permit needed to regulate.

(For VR) Lot of stuff in place already.

(For VR) Need to post how to get in touch with owner if there are problems. Maybe prop 13 should not be applied to VR. (*eliminate property tax reductions for VR as a change of use*)

(For VR) Website for responsible VR owners.

(For VR) Good owners group could “police” VR and put pressure on owner not being responsible.

(For VR) Problems are PB not VR. (*pressures like mini-dorms, student housing, are creating change to the community character*)

(For VR) Document problems to have evidence.

(Against I think) Need to protect RS zones. Honor system for TOT tax so not sure who rents. Match municipal code to state rental code (*on how to deal with VR*)

(Against) Fear of rezoning (*RS*) to commercial use.

(Against) RS zones should be regulated to include all of the zones. Potential for VR to dominate, possibly a permit would help.

(Against) Zoning should define how property is used.

(Against) No one knows who renters are.

(Against) VR should be denied – visitor accommodations not in code. City department in conflict about whether you can rent or not.

(Against) Living next to a hotel – treat VR as visitor accommodations – should be a zone that regulates VR, such as B&B. More definition of RS zone, noise overlay zones.

(Against) Late night noise, police response poor, city should create a permit for VR addressing parking problems. They are unregulated so neighbors are left to deal with density, noise and unsafe conditions, no inspections of property, transient populations, doesn't support the community. We should ban/regulate VR like other local communities.

(Against) VR are commercial entity that belongs in commercial zone. Volume of people, not upgraded building, no security guards, solution put in multiple zones.

Notes captured by Scot Chapman at workshop May 11, 2009

EMAILS AND COMMENTS RECEIVED

Jim,

Well, my major argument to them would be if vacation rentals were prohibited in SFR zones the property would still be a rental. The owner is most likely not going to move into it! Would you move into any of your rentals? I wouldn't. Most people are looking for income property in PB, not homes to live in. So if the owners of the vacation rentals are forced to find a long-term tenant and 90% of the people who are looking for a place to live in PB are room-mate situations, college kids or young single working people, which is worse? Which one would they rather live next to? It has been proven in our condo building that vacation renters are FAR superior to the young working single roommates and college students as neighbors, on the whole. Our worst nightmare was a single man about 30! We finally got rid of him. Before that it was a Charger football player. It was party central!!! Sometimes you have to be careful what you ask for! The solution might be worse than the problem! They seem to think that the Beaver Clever family is standing by, waiting to move into PB. That is not the case. Your chances of getting hit by a drunk driver are about 10 times greater in PB than anywhere else around San Diego. Unless the three colleges close down and the beach recedes, PB is always going to be primarily student housing and young professionals who are having fun before settling down to get married and have kids. Families do not want to raise their kids here and it is not because of the vacation rentals.

The 90% number came from Dan Pedersen at Shore Management in the Prudential Dunn Real Estate building on Cass at Felspar. He manages about 200 long term rentals in PB (no vacation rentals) so he definitely has a handle on the percentage of families with kids who are looking for a rental in PB and he said it would be a stretch to say 10%.

Nancy

From: nancysvacationrentals@gmail.com

Date: Fri, 15 May 2009 13:34:21 -0700

Subject: Re: Committee Re: Vacation Rentals in SFR zones

To: jokrokee11@msn.com

Jim,

As you know, I was not able to be at the meeting on Monday night. Are there minutes available? What is the next step? Are you going to discuss this again at the regular Planning Group meeting? What is the date and time? Someone said that you are asking all of us to write down our concerns. Is that correct?

My concern is that there is a lot of conjecture and misinformation that is being circulated to your board and nothing is being represented factually. I would like to see a list of the current vacation rentals that would be affected, the owners and contact information for them, and any research that has been done to ascertain their rental policies (ie: no parties), their parking, their max occupancy rules and any police reports on disturbances for them. In essence, I would like to see what you are basing your information on. The first step is to identify the properties, list the complaints and see if any of them can be validated.

Most of us are very responsible with who we put in our vacation rentals since we have spent a lot of money on furnishings and they must be spotlessly clean. We don't want to be cleaning the carpet and furniture or replacing things between every rental so we are careful who we rent to!

Jim, I have an idea to start a club called "Good Neighbor Vacation Rentals." Members can proudly hang a sign that they are a member (kind of like the BBB) and to qualify they have to have certain restrictions listed in their rental agreement including fines for breaking the agreement and immediate expulsion, adequate parking, and maximum occupancy two times the number of bedrooms plus two additional (6 in a two bedroom house, 4 in a one bedroom house). They have to have a 7/24 contact number listed on the outside of the house for the person responsible for rentals, be registered with the TOT board, and introduce themselves to the surrounding neighbors with a tour of their rental. They can not have sub-woofers or surround-sound.

I think we (vacation rental owners) are capable of policing or pressuring our own if one or more of them is a problem, Jim, but we are coming up with 0 complaints so far in the public records. The only complaints seem to be coming from long-term student rentals. Could your board or the people complaining be mixing these up with vacation rentals? Big Bear came up with a plan to have the vacation rental managers man a hotline for complaints which they did but after 6 months, they disbanded it because they never got one call! Somehow I think it would be the same here since there are no police-verified complaints in the police records.

I understand from Jeremy that you are looking for a long term plan for Pacific Beach, 20 years out. PB is smack in the middle of 3 universities! Unless shutting these three universities down is in your 20 year plan along with all the bars and nightclubs that feed off the students, I would say that you are NEVER going to turn PB into a family city. It is always going to be the seat of student rentals and you can not discriminate when renting. IE: you are not allowed to say "no children" or "no students" or even "family preferred." It's a \$10,000 fine! The fact is that students pay more rent than families are willing to and that is the problem. With the high cost of property near the beach the owners need to get as much rent as possible. I am president of an HOA for a 22 unit building on Sail Bay and I can tell you that you can ask any of the resident-owners if they would prefer to live next to a vacation rental or a unit rented to students. They will take the vacation rental ANYTIME! The vacation rental guests usually come on an airplane and don't know anyone here. They spend lots of money in our community and are quiet and respectful of the neighbors. The students or even young professionals want to (and do) have a party every weekend with all their friends! They often go out to the bars and come back at 2 AM with their friends to continue the party, talking loudly in the common areas on the way into the unit (or worse, out on the balcony) and then play their music too loud. They have way too many cars and generally make everyone's life miserable including mine because I get the complaints from the owners...and the vacation renters who say "I thought you said this was a quiet building!"

Any changes in the code would most likely grandfather any existing vacation rentals anyway but in my opinion, you are definitely trying to slay the wrong dragon!

Sincerely,
Nancy nol

Dear Jim,

Thank you f for the meeting notice you sent by email. I am very disappointed that I can not make the meeting tonight. 4 day's notice is not very much! I am up in San Luis Obispo visiting my mother for Mother's Day and will not be back until tomorrow night. It is something I had planned for a long time;.

Here are my thoughts to share at the meeting:

You have asked us to obtain concise issues and present constructive thoughts on those issues. You gave as an example "Vacation rentals create traffic." and then gave an example of a constructive thought to "Put restrictions on vacation rentals in high traffic areas." In my opinion, the first step is to find out if that is even an accurate statement because I suspect that it is not even close to being accurate, along with most all the other statements put out by the Pacific Beach Planning Group. Vacation renters usually arrive packed into one car that they rented at the airport or that they have driven a long distance. The entire family in one car. Even if they are two families traveling together they may try to fit into one car to save on gas or car rental expense. They are not driving around San Diego with one person per car as local residents are more likely to do. In my opinion, vacation rentals cut DOWN on traffic and, given sufficient time, I could most likely prove that.

(Bogus) Issue- "Vacation rentals create parking problems"

constructive thought -- Again, before looking for a solution, it is imperative that we look at the facts to find out if this is really an issue or not because I strongly suspect that it is not accurate for the same reasons above. Increasing numbers of my guests ask me about public transportation in the area as they are trying to go "green." Not to mention that most vacation rentals have more than sufficient parking spots whereas local residents probably have one car per adult in a two-adult family and probably at least one additional car for a teenager. Yearly leased properties to students would most likely have up to 4 cars. Neither of these sceanarios probably have sufficient parking so they are forced to park on the street, creating parking problems. In my opinion, vacation rentals cut DOWN on parking problems and, given sufficient time, I'm sure I could prove that, also.

I could go on and on with bogus statements taken from the draft letter to the public officials and the "Facts" sheet (if I had more time!), especially regarding police complaints and noise, but the point is that we are not ready to start finding solutions to supposed problems until we find out if there really ARE any verifiable problems associated with vacation rentals or whether they are just figments of someone's imagination of if they are being confused with long-term student rentals!

Sincerely,
Nancy Kramer

Dear Jim,

I hope you are having a pleasant weekend.

I won't go into all the many items that I feel are fabrications or misunderstandings as by now I'm sure you have a clear picture of what I think about the irresponsible and

unsubstantiated statements (always labeled "FACTS") about vacation rentals causing traffic and parking problems and the ridiculousness of the arguments about vacation rentals "tearing a hole in the fabric of the community" or that they are running up the price of homes in the area, taking them out of the reach of first-time homebuyers. Oh, please! However, there are a couple of areas that I feel that we could address and can make suggestions as to improvements that could be implemented so we can all live in harmony without stepping on the rights of homeowners who bought their property specifically for a certain purpose and those of us who never cause the neighbors any harm.

I have 6 deluxe bayfront one bedroom vacation rentals in a condo building right next to a 4-bedroom vacation rental home on Riviera Drive. The owners of that home are usually pretty good about screening their guests but on occasion, someone will lie to them regarding the purpose and occupancy and I am forced to call them to complain. On one occasion they recently rented it out for a weekend bachelor party knowing full well exactly what it would be used for and charging extra for that purpose (probably as compensation for having to deal with my wrath!) My vacation rental guests as well as the owners and residents our building next door to the party had to put up with the noise and when I called the owners, they didn't answer their phone all weekend. The men who rented the house said they told the owners exactly what they were going to use it for and they agreed to it. I had to give refunds to my guests who chose that area specifically because it is a quiet area and I had assured them that it would be.

Today I am dealing with a long-term renter in my condo building who is having a party on his patio and the beach in front of our building, with a DJ on the beach. These new long term renters who are on a yearly lease will inconvenience my vacation renters who are expecting a quiet area to relax. I have had numerous problems trying to keep long-term renters and even occasional owners in line to be respectful of others in the building. It is NEVER my vacation renters causing the problems but instead they are often on the receiving end of the noise!

My point is that, as a professional vacation rental owner and agent, I have the SAME GOALS as the PBPG; to have a quiet, peaceful and safe neighborhood where my guests can enjoy a well-deserved family vacation.

I suspect that some of the miscommunication may come from advertising signs that hang on homes identifying them as a "vacation rental." They may be a vacation rental for two months in the summer but may be leased to students for the other 10 months and this may be the source of most of the noise. In 8 years I have never had the police called once on ANY of my vacation homes (which are all year-round vacation rentals; I don't rent to students) nor have any neighbors called me to complain and my signs are right out in front with my phone number clearly displayed on them.

I also know that trash in vacation rentals can be a problem if someone is not designated for being responsible for putting it out on the correct day. If arrangements have not been made for handling the trash, there could be overflowing trash cans which could draw flies and other insects. I have had to make arrangements with my owners to hire someone (usually a neighbor) to put out the trash on the correct day.

**Constructive ideas for solving the supposed problems with vacation rentals:
I would be in favor of a vacation rental licensing program. Owners could obtain a license from the city with proof of adequate parking and trash management, TOT registration and compliance, limits on occupancy such as a maximum of two per bedroom and two additional (which is my rule), and a sign clearly displayed with a 24/7 contact number in case of problems. After a certain number of violations, they would have their license revoked and could no longer do vacation rentals.**

Marcie Beckett keeps throwing the city of Encinitas out there as an example of a city that dealt with the vacation rental issue but I noticed that she never mentions that they fully allow vacation rentals in single family home areas! They restricted them in condos, which I think is rather redundant and a good example of government interference since all condo associations have the capability to make their own rental rules in their CC&Rs, according to the wishes of their owners. All Encinitas vacation rentals must be in Single Family zoned areas.

**Sincerely,
Nancy Kramer**

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Nancy's Vacation Rentals

To: The Pacific Beach Planning Committee

Date: May 12, 2009

Subject: Vacation Rentals in RS1 Zones

Vacation rentals:

- are commercial enterprises but are not regulated as such
- do not comply with the purpose or intent of RS1 zoning.
- do not require ADA compliance
- do not have high-occupancy limitations
- create noise and other nuisance problems for neighbors which, because of the transitory nature of the occupants, cannot be effectively controlled by the police or code compliance officers.

Solution:

- **Define “vacation rental” as any residential dwelling that rents space for less than 29 days**
- **Categorize a “vacation rental” as a “visitor accommodation”**
- **Identify a process for reporting and controlling non-compliance, i.e. “vacation rental” illegally operating in RS1 zones**

Underlying principles:

SDMC 13.1.4 defines the use and purpose of RS zones, “...for the development of single dwelling units... which promote neighborhood quality, character, and livability. It is intended that these zones provide for flexibility in development regulation that allow reasonable use of property while minimizing adverse impacts to adjacent properties.”

SDMC 13.1.6(k) defines “visitor accommodations” as “Uses that provide lodging or a combination of lodging, food, and entertainment, primarily to visitors and tourists.” Similar to a Bed & Breakfast establishment, a vacation rental is a tourist accommodation rented for a short period of time, i.e. typically less than 29 days.

Table 131-04b in SDMC 13.1.4 prohibits “visitor accommodations” uses in RS1 zones.

California law, Civil Code, Section 3479, “makes property owners responsible for using their property in an ordinary and reasonable manner that is conducive to the peace and harmony of the neighborhood and does not interfere with the comfortable enjoyment of life and property by others.” (SD Neighborhood Nuisance Program)

Submitted by: Suzanne Landa, PB resident

Jim

As I stated at the meeting, I am against regulations that restrict the actions of responsible respectful Americans in order to curtail irresponsible behavior. I am in favor of regulations and outcomes that hold individuals directly responsible for their behavior and negative impacts on others. This is a complex systemic issue and I don't have immediate answers or suggestions presented within the e-mail.

I tend to think in deeper terms and hope I will not be wasting your time with this e-mail. I am willing to work with a group of open minded individuals to develop a vision based on the 1995 PB Plan and current thinking, and to help organize the ideas, perceptions, facts, and desires collected from the community into a viable action plan. Although I heard concerns about the conduct of the last PBPC meeting it was good for collecting community input with a very proper and affective mix of openness and control. Next, this data should be organized into a logical, presentable, maintainable, and most importantly usable format. Notes, minutes, and newspaper articles are not the most constructive form. The PBPC should have an ever changing set of documents, charts, graphics, and data that are the basis of the community's vision, desires, demographics, and issues. This information should be easily available online and open to comment. PBPC decisions and recommendations to City offices should be based on such documentation and facts.

The concern that vacation rentals will diminish the family or neighborhood character of Pacific Beach is a different critter than my other e-mail. It is not an issue at a specific point in time and location, like noise or parking. It is a fear of a gradual systemic evolution to something different. Regardless of the change, whether technological like the train replacing the horse and buggy, or a social change like the television and text messaging replacing human interaction there are always good and bad aspects. There is always a segment of the population that will resist a particular change due to direct or perceived economic or personal impact. This resistance pushes back against the forces for change. Changes emerge by deliberate design, accidental causes, or systemic side effects, but later become driven by other's having direct or perceived economic or personal gain by promoting the change.

The task at hand is to determine the desired future state of Pacific Beach, understand the systemic forces at play within the nature of Pacific Beach, and then skillfully act to alter the flow of change. Here's an example:

One of our neighbors purchased their home from their grandmothers estate and were considering vacation rentals as a means to hold on to it during these tough economic times. They both work in the real estate and finance industries and are finding themselves short of income and working second jobs. Just today, they told us they may have to sell since the vacation rental demand is down due to the economy and it may not be a viable option.

I heard other stories like this at last PBPC meeting. These are the very people with young kids that are desired in our community. The 1995 community plan has several references to affordable housing. It will be counter productive and unfair to families like this to restrict their creative options when most vacation rentals do not create noise, parking, traffic, or other problems.

The combination of the ocean beaches, bars and clubs make PB attractive to younger renters who often have a lifestyle that results in the irritations I hear complaints about. We bought our property from an owner who used the two car garage for storage, used the back yard to store his boat and another car, and parked his commercial van and truck in the drive. He rented the 3 bed 2 bath house to 5 girls who often had guys hanging

around. The neighbors told us the five girls were worse than the previous guys that lived there before them. It was a noise and a parking problem.

If our neighbors, a family with a three year old boy, have to sell, its a roll of the dice as to what the house will become next. Prohibiting vacation rentals will not stop change. We must skillfully guide change and anticipate unwanted side effects. We must enact regulations that promote responsible behavior and makes irresponsible behavior too difficult to sustain.

I recognize that there was a contingent of property owners and property managers at the meeting whose interest is strictly economic. Economic forces are usually blind to other issues or the long term impacts to the environment or society. If the system changes so that it is no longer economically viable the players will move on with no regret to the conditions left behind.

Ed

Hi Jim

I attended the subcommittee meeting last week, but had to leave early. You asked that I e-mail you with my inputs. I live near the corner of Bayard and Oliver near several vacation rentals. I know all the owners, and have experienced no problems. For the most part It's hard to tell the difference between a owner occupied house and a vacation rental.

There will always be a problem or two. What the residents, owners and renters alike, want are the tools to resolve specific problems. The freedom we enjoy in this country is worth the time it takes to protect it. Freedom requires individual responsibility and respect for others.

It appeared as if there are one or more "battles between neighbors" type of disputes in the middle or maybe the center of this issue. I think a citizen solution to specific issues will work. I will look into developing an Internet site where responsible rental owners/managers can post their properties, along with various contact information. In addition registered users will be able to post data regarding issues such as noise, parking, and bad behavior, or add properties as needed. If just a few of the owner/managers are willing to occasionally meet or correspond via the Internet, they can become a force to influence irresponsible owner/managers, and as needed represent a collective and respected voice to official city agencies. The online database will become a repository of historical data which will provide facts about problem properties or overzealous citizens that show an abnormally high rate of complaint.

The concern that vacation rentals will diminish the family or neighborhood character of Pacific Beach is a different critter. Rather than being an issue at a specific point in time and location it is a fear of a gradual systemic evolution to something different. I will address this issue in a separate e-mail.

Even though the PBPC does not establish regulations or policy, recommendations to the City should be based on facts and data, be aligned with the "Community Plan", be a fair representation of the diverse interest within the community, and promote responsible behavior and personal freedom.

Ed Nodland
4211 Bayard St
270-7533

To the Pacific Beach Planning Committee:

PROBLEM:

TRANSIENT POPULATION CREATED BY VACATION RENTALS IN RS ZONES

DETAILS:

The serious long term problem caused by Vacation Rentals in RS zones is the creation of a large transient population that contributes little or nothing to the community. This transient population undermines the fabric of the local community. RS zones are designed to create a stable community of stakeholders. These long term residents, whether renters or home owners, are essential to the survival and character of a city. The residents support the schools, recreation centers, parks, museums, libraries, government, clubs, improvement organizations, charitable organizations, and so much more. They create the character of a city or community through living, working, voting, volunteering, owning and patronizing businesses in the community. With out enough long term residents there is no community.

The Municipal Code states that the purpose of the RS zone is to “promote neighborhood quality, character, and livability...while minimizing adverse impacts to adjacent properties.” (SDMC 131.0403)

“CONSTRUCTIVE RESPONSE”:

San Diego must follow other coastal communities such as Imperial Beach, Coronado, Encinitas, Newport Beach, and Carmel who have banned or heavily regulated Vacation Rentals in RS zones.

San Diego must enforce the intent of its own Municipal Code or amend the code to prohibit rentals less than 29 days in RS zones.

Submitted by:

Melanie Menders

To the Pacific Beach Planning Committee:

PROBLEM:

Vacation Rentals in RS zones do not provide enough off-street parking. This situation causes a loss of parking on the street for residents.

DETAILS:

Owners of Vacation Rentals provide one, maybe two off-street parking spaces to their renters. Usually this amount is inadequate. Multiple families or adults rent a single house together (due to the rent of \$3000+ per week) and arrive in multiple cars. The extra cars go on the street in neighborhoods that already do not have adequate street parking for residents.

“CONSTRUCTIVE RESPONSE”:

Until San Diego amends its Municipal Code to prohibit rentals of less than 29 days in RS zones, then the following idea could help. The city must create a “conditional” permit for Vacation Rentals that, among other issues, requires adequate off-street parking. The city must inspect properties and enforce the requirements of the permit or revoke the permit due to violations.

Submitted by:

Melanie Menders

Pacific Beach

To the Pacific Beach Planning Committee:

PROBLEM:

Vacation Rentals’ occupants cause late night noise that disrupts the lives of the neighbors.

DETAILS: Vacation renters create a lot of noise because they are on vacation. They stay up late. They often drink a lot of alcohol, sit in the Jacuzzi, play loud music, shout, and talk in the back yard well past 9 or 10 p.m. all nights of the week. They arrive and leave at odd hours of the night. Due to the short term of their occupancy, they do not suffer consequences for their behavior.

This is a nuisance that the city cannot control. The mayor cut the staff of Neighborhood Code Compliance by 50% and has stated that noise complaints are not a priority. The police cannot respond to noise complaints in a timely manner. The CAP program is ineffective on Vacation Rentals.

CONSTRUCTIVE RESPONSE”:

Until San Diego amends its Municipal Code to prohibit rentals of less than 29 days in RS zones, then the following idea could help. The city must create a “conditional” permit for Vacation Rentals that, among other issues, requires noise abatement by 9 p.m. and a local management company to enforce the requirement since the city cannot. The city must inspect properties and enforce the requirements of the permit or revoke the permit due to violations.

Submitted by:

Melanie Menders

To the Pacific Beach Planning Committee:

PROBLEM:

Vacation Rentals are unsafe because they are totally unregulated by the City of San Diego

DETAILS:

Vacation Rentals are subject to no kind of ‘high occupancy’ codes. When houses are used as a Vacation Rentals they are occupied by a much larger number of people than if they were rented as long term rentals or owner occupied. Often Vacation Rentals are occupied by many more people than the California Building Code allows. These properties are not subject to any requirements such as guest logs, smoke detectors, fire extinguishers, emergency exits, periodic fire marshal inspections, or maximum occupancy.

“CONSTRUCTIVE RESPONSE”:

Until San Diego amends its Municipal Code to prohibit rentals of less than 29 days in RS zones, then the following idea could help. The city must create a permitting process for Vacation Rentals that requires the above requirements. The city must inspect properties and enforce the requirements of the permit or revoke the permit due to violations.

Submitted by:

Melanie Menders

Pacific Beach

To the Pacific Beach Planning Committee:

PROBLEM:

Vacation Rentals in RS zones are unregulated commercial enterprises that create a huge income for the owner and multiple problems and nuisances for the neighbors and the city.

DETAILS:

The city of San Diego does not regulate Vacation Rentals in RS zones in any way.

“CONSTRUCTIVE RESPONSE”:

Until San Diego amends its Municipal Code to prohibit rentals of less than 29 days in RS zones, then the following idea could help. The city must create a permitting process for Vacation Rentals that requires approval by the immediate neighbors. This is a conditional use type of permit that may be revoked or not renewed if a property violates the conditions of the permit or has complaints registered against it. The density of Vacation Rentals in RS zones must be limited so that they do not destroy the fabric of the community. The city must inspect properties and enforce the requirements of the permit or revoke the permit due to violations.

Submitted by :

Melanie Menders

Dear Mr. Krokee,

I understand that Vacation Rentals will not be on the PBPC agenda until September. I am disappointed that I have not heard anything from you or the PBPC regarding any sort of consideration of the vacation rental in RS zones problem over the many weeks passed since the last meeting. I was under the impression that you or members of the PBPC would be meeting with representatives from the Mayor's office or the City Attorney's office regarding the legality of vacation rentals in RS zones. Or, at the very least collect information on vacation rentals in San Diego and other California coastal cities.

Meanwhile my neighbors and I have continued to call the police and various management companies to report problems throughout the summer.

I am disappointed that the city of San Diego does not realize the flaw in the interpretations of the code and views the problems caused by vacation rentals in RS zones as small and not worth their time (after all, no council member nor the mayor lives next to a vacation rental, so it is not their problem). The City continues to collect T.O.T. on these rentals (I guess, since they are not subject to the same laws as hotels and B&B's) and, I imagine, does not want to lose that source of revenue.

I hope that the PBPC will have done some sort of meaningful fact finding on vacation rentals in RS zones by September. I am afraid that vacation rentals in RS zones are not treated seriously now because they are not widespread enough (but, then there is the question on how to track and count them since the City has no permitting process for them and they are advertised almost exclusively on the internet) to be a big problem in the City's eyes. By the time they are wide spread enough to be a big problem, large portions of Pacific Beach will turn into a motel row like Mission Beach has already.

Sincerley,

Melanie Menders
Pacific Beach

Jim,

I am not sure what it means to read your words "the group has heard enough black and white thoughts". For some of us, there are no in-between feelings or solutions.

I do not feel that it is acceptable to permit them in the RS Zones as I truly feel that the city is not upholding the intent of the code. I will not give in to ruining the residential communities of San Diego without knowing that this has been thought through completely. A commercial business in a residential zone is ill fit. When the city can prove to me that this is not commercial use, that there is no impact on adjacent properties, that the housing stock in RS zones is available to the citizens of San Diego, that the livability of a neighborhood is not compromised by consistent and continuous transient use, and that it makes sense to tax vacation rentals with the same tax as a hotel/motel but not call them visitor accommodations, then I will concede. If they decide to do nothing to rid RS zones of VR'S then, I will also turn my property into one and join the investors in making a fortune off of their properties at the expense of the community.

Please advise me more on what kind of a statement that you feel would be valuable to attach to your word document of emails. Do you have an example from someone that I could review? I really want my opinion to count in this debate and will do my best to word it with as little emotional flare as possible.

At the meeting my intent was not to deal with the nuisance issues but rather the incompatibility of VR's in the RS zoning code.

Jennifer Sprofera

May 13, 2009

To Whom it May Concern,

I recently took on a PTA Board member position at one of the schools in Pacific Beach, I am a Pacific Beach Troop Organizer for the Girl Scouts of the United States, leading two different aged Girl Scout Troops out of Pacific Beach, I am the Neighborhood Watch Captain for my block, and a member of the PB Town Council. Indeed I am a contributing resident of my community, and a voting citizen and homeowner of San Diego for the past 14 years. I would like to remain in the community of Pacific Beach, but not at the expense of having to live next to a property that I may be forced into policing each week as new guests arrive.

I personally feel that the city should regulate rental time lines in San Diego and also come up with amendments to the codes language that will protect and preserve the residential communities. I believe that the city is leaving itself open to lawsuits by partially, and selectively, regulating Vacation Rentals even though there is no definition of them in the code. A business charged the hotel/motel TOT tax in a residential zone, which is supposed to be void of commercialism and minimize impacts to adjacent properties, is counterproductive to the reason the code was established. As more and more properties in the RS zone become Vacation Rentals, the fabric of our community will change drastically. I plan on turning my home into a Vacation Rental if something is not done to remove them from the RS 1-7 zone. I bought here to avoid transient rentals and now that I have one operating next to me, I will do what I have to do to protect my investment. My husband and I will not continue to raise our family next to one of the City's mini-motels or their

dispersed hotels. It has degraded the quality of our lives and our block. Three years have passed since I began seeking Kevin Faulconer's help to encourage the city to amend the code and in that time I have seen many more properties turned into Vacation Rentals. It is fast becoming the investment trend in San Diego.

With specific regard to what the city should do about Vacation Rentals in San Diego, I believe they should reflect on the purpose of Residential Base Zones and the language used regarding them in the code. The code should be amended to be clearly understood by the persons who consult it seeking zoning information.

I hope that the Vacation Rental concerns will be placed onto a City Council agenda very soon.

Sincerely, Jennifer Sprofera
1228 Diamond Street, San Diego, CA 92109

On the following 3 pages I have listed specific problems and proposed solutions for vacation rentals.

Problems with the Code:

Problem:

131.0401 states that "the purpose of all residential zones is to encourage the provision of housing for the citizens of San Diego"

Solution:

The City should determine if letting Short Term Rentals proliferate is counterproductive to upholding this section of the code.

Problem: To a person reading the code, the word "citizen" is not defined. Would that word be used to describe a part time community member, holding residence in two or more states, a registered voter of SD, a person who has resided in the community for X amount of years)

Solution:

The City of SD should define the word Citizen in the code

Problem:

Nowhere in the code is the term "Vacation Rental" defined, and those who challenge that it is a Visitor Accommodation have been told by the City that it is not.

Solution:

The City of SD should define the term Vacation Rental (including those that go by the names of short term rentals, executive rentals, summer rentals, and all other names) or The city could also just add vacation Rentals to the definition of Visitor Accommodations as they are already subject to the hotel/motel TOT tax .

Problem:

The City does not define the word "business", or "commercial" but the State Department of revenue declares that renting out a house for less than 30 days is a commercial activity.

Solution: The city should define the words "commercial" to include the same definition as the State and the word business should also be defined.

Problem: Vacation Rental Owners skirt the law/taxes by declaring the property "owner occupied".

Solutions: Define in the code the amount of time an owner must live on the premises to be considered owner occupied

Problems in the Community

Problem First time homebuyers cannot compete against investors who buy up properties to convert into Short term rentals. I personally know of two first time homebuyers that were beat out by investors paying cash for homes that were turned into Vacation Rentals.

Solution: Ban vacation rentals from RS zones so that the housing stock is more available to citizens and so that investors cannot turn a quick profit off of single family homes.

Problem:

If VR's are promoted as legal and lucrative businesses long term rentals will become scarce as more and more properties are converted to transient vacation units. This will add to the difficulty of finding long term housing for people who would want to live in an RS zone but cannot afford to buy into it

Solution:

Determine if there is a difficulty in people finding affordable housing in our RS community and see if VR's impact it. Then work to sustain the long term rentals.

Problem: Vacation Rental Owners often mislead their tenants into believing that their properties are available for the year through a six month lease without disclosing that in June the tenant will be asked to leave when the property converts to a Summer Vacation Rental.

Solution: Habitual Vacation Rental Owners must disclose to all tenants who house there during the non tourist seasons that their home is used a vacation rental. Last summer I witnessed three listings on Craig's list for students who thought they had found semi permanent housing only to be ousted in June because the property was going into Short Term Rental mode.

Problem: Allowing a proliferation of these types of commercial businesses amongst the RS zones may cause them to be rezoned. Anaheim is one example of an RS zone that turned an established community into an entire tourist district.

Solution: Environmental Impact Report needs to be done. And in it must be defined the long term prospects of vacation rentals infiltrating our community and determine how they will impact our community.

Problem: Businesses in Pacific Beach are changing and providing less and less options for the needs of the citizens and more for the tourists. Citizens have to drive out of the PB community for provisions like bedding, stationary needs, clothing, house wares etc.

Solution: Not exactly sure, but I believe that sustaining a community is part of a business districts responsibility.

Problem: Discriminatory Fair Housing Practices Occur

Subject all Rentals short or long term to the same fair Housing practices. Make Vacation Rental properties be required to be ADA accessible. Do not allow them to turn away races or promote they are "Irish Friendly", will only rent to adults 25 and older, or families only. If there are no regulations on the length of rentals, then all should be held to the same standard.

Problem: Citizens who reside in San Diego should not have to work tirelessly to protect and preserve the quality of their lives and neighborhoods. People who live and work here ought to be able to rest comfortably free of regular disruptions that are caused by Vacation Rentals, be it the noise of a family unloading their car at midnight, a group chatting in the yard at 10pm, or the guests not honoring the division of property between the homes. Keep in mind that regular neighbors may do all of these things once in a while, but vacationers do this daily/nightly.

Solution: Planning Groups and the City should get in the habit of continually amending the code with the language that is needed to assure that property uses in the RS zones does not impact adjacent properties.

Problems with Homeland Security and Crime

Problem: Vacationers are unaware of crime trends and often leave windows and doors wide open. Guests are given codes to lock boxes and can return to get keys from them at any time. How does the property owner know that these people will not make a key and come back when some unsuspecting guests perhaps with children are staying there? This is an unsafe business practice.

Solution: Vacation rental owners should not be able to falsely advertise "safe neighborhood" and should have to post a request to lock windows and doors. Keys that cannot be copied should be handed to the guests upon arrival. Vacation Rental Owners should be encouraged to join Neighborhood Watch Groups to help be proactive in preventing crime in our community.

Problem: Vacation Rental owners and guests have no disaster preparedness or emergency plans in place.

Solution: All Vacation Rentals should be subject to having a Guest Directory of Services like hotels and motels. Emergency Numbers, and an Emergency Kit with provisions, safety equipment etc should be required on site.

Problem: Registered sex offenders can vacation in RS zones for up to 30 days without having to report a new residence. These consecutive days in a short term rental allow them access to residential patterns of life that could result in our resident families, women, children and elderly becoming easy targets.

Solution: Limit rental timelines in RS zones to no less than 30 days to be synchronized with what the state has decided registered sex offenders can vacation.

Problem: When homes become transient in nature, crimes increase. If there is an abundance of Vacation Rentals in our community and these addresses are posted, opportunistic criminals can more easily target those residences or the ones of the properties surrounding them.

Solution: Vacation Rentals should not be allowed to saturate an area.

Problem: Standards of cleanliness are left open to the Vacation Rental owners' discretion. Trash is left in the alleys or at back doors, and though code compliance does not enforce. Birds and rats rifling through trash on property creates another health nuisance. "Quick cleans" between guests leave them open to a number of communicable illnesses. A standard should be developed.

Solution: Raise the cleanliness standards to those of motels and hotels to protect the guests and the community

Hello Jim,

I enjoyed the PB Planning Group's VR Subcommittee meeting last week.

Per your request, attached is an MSWord document which contains my basic issues with VR's. I have also included it as a PDF, should you have difficulty with the MSWord document type.

Essentially, it outlines that allowing short-term rentals to be unregulated in RS zones removes a single-family housing stock from San Diego. This artificially inflates housing prices, since the business use of a single-family home creates an asset that is worth more than the residential use of a single-family home. The displacement of families also results in the loss of customers for small businesses, neighborhood schools, libraries, and reductions in volunteers for PB Planning Committee, PB Town Council, or even beach cleanups. This is all indicative of a loss of character and livability in favor of a burgeoning "visitor accommodation zone".

It is my contention that the intent of the RS zone is to establish neighborhoods, not transient lodging. Thanks,

Christopher Gerber 1244 Diamond St cgerber.sd@gmail.com

Short-Term Rentals in RS Zones

Mini-dorms received a lot of press recently, because they negatively impact a low-density neighborhood's character. Short-term (vacation) rentals do similar damage by cycling new neighbors in every few days. Current San Diego Municipal Code does not define, and therefore does not acknowledge or regulate, short-term rentals.

Per the San Diego Municipal Code §131.0403a, “ (a) The purpose of the RS zones is to provide appropriate regulations for the *development of single dwelling units* that accommodate a variety of *lot* sizes and residential dwelling types and which **promote neighborhood quality**, character, and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while **minimizing adverse impacts to adjacent properties**.

RS zones are the only ones in the Municipal Code which use the phrases “promote neighborhood quality” and “minimizing adverse impacts to adjacent properties”.

Short-term rentals, like mini-dorms, are in conflict with both of these because they displace residential housing, artificially inflate housing prices, and create conflicts between residents and transient visitors with late-night disturbances, parking problems, and trash collection.

From a code-perspective, it is a gray area as to whether or not they are allowed in RS zones as it is. If the Development Services Department or Neighborhood Code Compliance Department attempted to prohibit short-term rentals, they would open

themselves to litigation, because they would be required to empirically show how short-term rentals do not conflict with the RS zone definition.

To support the intent of the RS Zone being the only zone in the City designed for livability, “Short-Term Rental” should be defined in the Municipal Code similar to how “Bed & Breakfast” or “Hotel” are, and added to SDMC Table 131-04B, Use Regulations Table of Residential Zones. This Table is used to identify which Uses need Neighborhood Permits, Conditional Use Permits, are expressly allowed, or expressly prohibited in certain zones.

Because Short-Term Rentals cause degradation of neighborhood quality by displacing residential homes, artificially inflate housing prices, and create conflicts between transient visitors and residents, it is clear that short-term rentals should be prohibited from RS zones completely.

Short-term rentals can be allowed in RM zones with Neighborhood Permits, and be expressly allowed in CV zones.

This simple move will allow the Development Services Department and Neighborhood Code Compliance the ability to enforce the intent of the Code, and make it easier for collecting and tracking Transient Occupancy Tax, maximizing City Revenue while maintaining a livable community.

Thank you,

Christopher Gerber
cgerber.sd@gmail.com

NOT PB RESIDENT

Mr. Krokee:

I was given your e-mail from Penny Campbell. She has filled me in on the ongoing vacation rental problem in the Pacific Beach area. My husband and I live in a quiet La Jolla neighborhood and now face a similar problem. Our next door neighbor has recently started to rent out her home week to week, mostly during the summer. She charges an unbelievable amount of money per week, yet we have to put up with the constant music, partying, steady stream of vacationers, etc. It is a constant disruption to our lives (working, school, or just sitting in your own backyard). I could go on and on but I'm not going to, because this is something homeowners deal with all over San Diego who have the bad luck of living next door to a rental home.

Why isn't there a zoning rule or regulation pertaining to this? I have no problem with long term rentals (I'd rather have that) but what gives the renters the right to make a quick buck (because that's what their doing) in a week. We pay our property taxes (alot by the way) and yet we have to put up with this! Homes should not be run like a business, they are intended to be part of a neighborhood and community where your children grow up in and remember fondly. Your next door neighbors shouldn't be a stream of endless faces your could care less about. People and community leaders really need to step it up regarding this problem or small beach communities like Pacific Beach and La Jolla will exist of only vacationers!

Oh and by the way, our neighbor charges between \$8,000 to \$10,000 per week in the summer!

Thanks for reading this and hopefully it will help with the weekly summer rental issue problem.

Charlene and Steve Bench

Thank you for hosting the meeting last night. I think it was a good start at educating some of the council.

I am against VR's. As I've stated I live next to one. I do not have a "responsible" owner. The owner of the property next to me was at the meeting last night and he and I paint a clearly different scenario.

I understand it is hard to quantify exactly how vacation rentals impact our neighborhood. Unfortunately until one shows up next to you and your quality of life is shattered it's hard to convey to others what we endure.

Vacation rentals ruin the fabric of our community. I do not have rapport with people that stay next door. I don't know their schedules nor they know mine. They are on vacation and act as so. This doesn't work when I have two small children that need to get to sleep and a husband that needs to get up for work. Living next to a constant bar-b-que/party is beyond disruptive. Imagine yourself living next to the use of a bar-b-que and hottub 300 plus days a year. People returning late and bar-b-queing at 10 with several cocktails in them and another in their hand. Imagine the unknown of who is showing up next. Will it be three families with 4 kids screaming and running around til 11 and getting back up at 6 a.m. or maybe three couples celebrating a 50th birthday and tying it on every night. How about a bachelor party with cigars and profanity all night. This type of behavior belongs in a commercial zone. Half of this behavior would not be tolerated at a hotel or guesthouse.

I have called and called the police. I have probably called 10 times this year once twice in the same night. I have endured the "vacationers' slandering me after I call or after I asked them to be quiet (I now just call the police). I have had a restraining order put on me by the "responsible" owner as he didn't want to be bothered by me and my complaints and had to go to court.

My family bought in a SINGLE FAMILY neighborhood not one with duplexes, fourplexes, granny flats etc. We bought with the expectation of peace and quiet. We had the expectation of camaraderie with our neighbors and cooperation. We bought in a well thought of neighborhood to raise our children. Yes, Pacific Beach has changed from the 50's but it can change back again. We live here with two children and support the community. The alcohol ban was one step into making our community more family friendly as our things like the Family Fest. I am not ready to roll over and give Pacific Beach to a bunch of tourists who come for a few days abuse our neighborhood and then leave. They have plenty of options to stay and enjoy PB from Campland to expensive hotels to motels or rentals in Mission which allows them.

Thank you for your time and consideration.

Penny Campbell

Jim, I thought you handled this issue very well last week, in spite of the extremely polarized views expressed. Are the meeting minutes available, and if so, where online?

As I expressed at the meeting, my wife and I built our dream home in Mission Bay in 2003 and built the downstairs apartment for Calina's Mom and Dad. When they decided to move inland, we rented the apartment out as a vacation rental. We depend significantly on the income from the apartment; and I would not be able to remain retired without it. The problems expressed by those wanting to eliminate the vacation rentals were mostly that they couldn't do anything to control those renters who abuse the privilege - with loud parties, large numbers, late hours, drinking, language, and indecent activities. All of these are enforceable offenses by the police. So it boils down to calling the police and reporting the offenses. The first few times it might be frustrating getting immediate response, but after the owner gets fined, e.g. \$1000 for the 3rd time & each time thereafter, they'll likely get some action. They might also make some effort to discover the landlord's number, and after several calls at all hours, he'll likely do something positive to eliminate the problem.

Please let me know if there's something I can do to help your panel on this issue.

Sincerely,
Bill Eckert

Dear Jim,

Thank you for asking for our opinions regarding the short-term rentals in single-family residential zones.

When we retired in 2003, we began renting our only home as a short-term summer rental without incident. We would like to continue doing so and strongly urge the Pacific Beach Planning Group to take a look at the facts surrounding the issue this time before making any recommendations.

We feel the best way to confront any pattern of problems relating to short-term vacation rentals, if found to exist, is to work together, not to present premature conclusions or solutions to the city council. This means no more biased letters to the city council from the PBPG; no more surprise visits from TV reporters and photographers showing up on our doorsteps; no more inflammatory memos by disgruntled neighbors; no more unsubstantiated and misleading information for articles in local papers (Reader, Beach & Bay Press); and no more allegations at PBGP meetings without supporting evidence.

Until we know the facts, we cannot propose solutions nor endorse any. We look forward to a spirit of cooperation among all interested parties. The last thing we want is to pit neighbor against neighbor though we are afraid that has already begun. After 31 years in our neighborhood, it is so terribly sad to see this happening.

We appreciate your efforts in maintaining a middle ground while sorting through this issue. We request that we be notified in advance regarding any relevant meetings.

Sincerely,

Sue and Bob Modell
932 Oliver Ave
San Diego, CA 92109

Jim,

I understand from Suzanne at Save PB that you are taking comments on the vacation rental issue. I tried to address the issue in my condo complex a couple of years ago with no succes and then dropped it while we were dealing with mini-dorms and the alcohol ban. I own and live in a 22-unit condo building which now is more than one-third VR. Two more VR units are across the driveway outside my windows. The units are business enterprises, offered by way of websites, although the buildings are in an RM zone. I've read the relevant Municipal Code land use sections. As I am sure you know, "visitor accommodations," as defined in the code, are not permitted in RS and most of the RM zones. Table 131-04B confirms this.

Deputy City Attorney Shannon Thomas's 2007 Memorandum of Law on vacation rentals omits Municipal Code Section 131.0420 as a consideration in resolving the controversy, even though it is the critical section on the issue. I've expressed my dissatisfaction with Deputy Shannon's reasoning in the 2007 Memorandum to Thyme Curtis

in Councilman Faulconer's office and to the City Attorney's office. I've also sent them the results of my examination of the Code. Although it is very detailed, I am including it as an attachment to support my conclusion the Code never did and does not now permit visitor accommodations/vacation rentals in San Diego's residential zones.

The VR units referred to can be seen on www.sandiegosailbay.com and www.nancysvacationrentals.com

Thanks for your efforts on this issue.

Rosalie Schwartz
3888 Riviera Drive, #206
San Diego, CA 92109

MUNICIPAL CODE: LAND USE ZONING REFERENCES RELEVANT TO VACATION RENTAL ISSUE

Section 131.0101 Purpose of Base Zones establishes base zones “to help ensure that land uses within the City are properly located” and states, “Base zones are intended to regulate uses; to minimize the adverse impacts of these uses; to regulate the zone density and intensity; to regulate the size of buildings and to classify, regulate, and address the relationships of uses of land and buildings.”

Base zones are divided into various use categories (Section 131.0112). The **Residential Use Category** “includes uses that provide living accommodations for one or more persons” and includes Multiple Dwelling Unit (RM) zones and Single Dwelling Unit (RS) zones.

Chapter 11 of the Municipal Code (Land Development Procedures) defines a dwelling unit as “a room or suite of rooms in a building or portion thereof, used, intended or designed to be used or occupied for living purposes by one family, and containing only one kitchen.”

Thus, residential dwelling units are intended for “living purposes.”

Section 131.0401 Purpose of Residential Zones states, “The purpose of the residential zones is to provide for areas of residential development at various specified densities through the City. The residential zones are intended to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego.”

Another base zone category covered in **Section 131.0112** is the **Commercial Services Use Category**, which “includes uses that provide for consumer or business services.” Sub-category (K) under commercial services defines Visitor Accommodations as “Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists.”

Thus, visitor accommodations clearly are commercial services and not residential living accommodations.

Commercial Base Zones and **Residential Base Zones** are differentiated by purpose and use in the Code. Residential zones are for living accommodations. Commercial zones provide for consumer or business services, including visitor accommodations.

Section 131.0501 Purpose of Commercial Zones states, “The purpose of the commercial zones is to provide for the employment, shopping, services, recreation, and lodging needs of the residents of and visitors to the City.”

Thus, the Code distinguishes between housing and commercial services, including lodging. Residential base zones provide dwelling units; commercial base zones provide lodging for visitors. As stated in **Section 131.0101, Purpose of Base Zones**, “Base zones are intended to regulate uses; to minimize the adverse impacts of these uses . . .” That is why the Code separates housing for citizens and lodging for visitors—to minimize the adverse impacts of commercial use from residential use.

Visitor accommodations are permitted in CR (Commercial-Regional) zones and CV (Commercial-Visitor) zones, but are not permitted in CN (Commercial-Neighborhood) zones. **Section 131.0503 Purpose of the CR Zones** states, “The purpose of the CR zones is to provide areas for a broad mix of business/professional office, commercial service, retail, wholesale, and limited manufacturing uses.”

Section 131.0505 Purpose of the CV Zones states, “The purpose of the CV zones is to provide areas for establishments catering to the lodging, dining, and recreational needs of both tourists and the local population.”

Section 131.0420 Use Regulations of Residential Zones states, “The regulations of Section 131.0422 apply in the residential zones unless otherwise specifically provided by footnotes indicated in Table 131.04B.” and in paragraph (a) “It is unlawful to establish, maintain, or use any premises for any purpose or activity not listed in this section or Section 131.0422.”

Section 131.0422 Use Regulations Table for Residential Zones states, “The uses allowed in the residential zones are shown in the Table 131-04B.”

Since there is no residential use category listed under the title “Vacation Rental” in Table 131-04B, one must assume—according to Section 131.0420 (a)—that it is unlawful to “establish, maintain, or use any premises” for such purpose or activity in a residential zone.

Furthermore, Visitor Accommodations are explicitly not permitted in RS and most RM zones. They are identified in Table 131-04B as Commercial Services and, thus, clearly belong in CR and CV zones.

Table 131-04B deals with guest rooms and bed & breakfast establishments separately from visitor accommodations. “Guest room” is defined in Chapter 11 as “any rented or leased room that is used or designed to provide sleeping accommodations for one or more guests in hotels, motels, bed and breakfast facilities, private clubs, lodges, and fraternity or sorority houses.” “Hotel/motel” is defined as “a building containing six or more guest rooms that are rented for less than 30 days and used or designed to be used for sleeping purposes.”

HI , I READ YOU COMMENYS CONCERNING DAILY RENTALS IN PACIFIC BEACH . I LIVE ON THE CORNER OF LAW ST AND OCEAN BLVD AND THE HOUSE NEXT DOOR WENT TO DAILY AND WEEKLY RENTALS RECENTLY . IT HAS BEEN A NIGHTMARE EVER SINCE . NONSTOP PARTIES AND NOISE ALL NIGHT LONG . AS I WRITE THIS E-MAIL A GROUP OF MOTOR CYCLES ARE PULLING UP AND STARTING TO PARTY . THEY ARE THE LATEST GROUP OF RENTERS .I WOULD LIKE TO GET INVOLVED IN TRYING TO END THIS IN PACIFIC BEACH . YOUR E-MAIL ,GIVEN IN THE ARTICLE DID NOT WORK , SO I AM TRYING THIS ONE . MY CELL # IS [858]229-2593 . GIVE A CALL OR E-MAIL ME WHEN YOU GET A CHANCE . THANKS , JIM GILDEA

Jim:

I am not sure when the next meeting is scheduled, but I would like to make my few comments in writing again.

Coming from the money perspective, I believe there are a couple of things that are problematic about vacation rentals and their unregulation. Therefore, I am proposing that they are regulated with a specific license, and they are not allowed in the RS1 tracts of our neighborhoods.

First of all, they are businesses, and they are not being treated or labelled as such in many cases. The small examples of the attendees that have these homes and rent infrequently are becoming much more frequent. One would question a few things of these homeowners that sublet their homes for a few weeks or months in the year: 1) Do they claim the income on their returns? 2) Do they enjoy the discounted Proposition 13 tax credit? 3) Do they pay the TOT tax?

I am going to assume that largely, this population is taking advantage of the income and are not a bonafied business. The actual 'vacation rental businesses' are more regulated, but they should not be conducting business in a non-business designated area.

Our little town has become an attraction that is not desirable (and quite an undesirable reputation). The absentee landlords are not responsible enough to the properties that they own. I see a way to remedy this by somehow modifying this Prop 13, or enforcing it for the reason it was created: to allow the elderly to reside in their homes. The advantage of the inherited housing in these RS1 areas is that they inherited the Prop 13 values and tax structure. There is little incentive for these absentee landlords to maintain, improve, or even care what lives in their units - it is only a money making endeavor for these landowners.

If we limit the 'Prop 13' values to the actual owners that reside year round in their homes, this would not only remedy the vacation rental properties that are 'underground', but it would bring needed revenues into our area. It might even force these absentee landowners to maintain or at least care about their properties if it was costing them to do so.

Just my thoughts,

**Diane Faulds
Pacific Beach Native Since 1954**

Jim,

The people against the vacation rentals have a misunderstanding. They believe if vacation rentals are eliminated that a nice quite family will move in.

What will happen is the vacation rentals will turn into 9 month partyn student rentals.

My point:

Vacation rentals are consider short term. By law you can discriminate who you choose to rent to. Law states 7 days or less is defined as a short term rental and discriminating your tenants is legal.

Long term rentals- 8 or more days a month is considered long term and you cannot discriminate your tenants.

In other words vacation rentals you can be very selective who you rent to. Long term rentals you cannot legally turn down partyn tenants.

Other points:

-Vacation rentals are vacant about 15 days out of the month. Long term rentals are occupied 30 days out of the month.

-Quite families want to rent in quite neighborhoods.

The bottom line here is if you live next to a rental it is not going away. It will either be a long or short term rental! The anti-vacation rental people believe by eliminating vacation rentals that the vacation home will no longer be rented. Wrong!

Solution: We need awareness. Vacation rental owners need to be inform that it is legal to discriminate their tenants. You can set any age limited you desire. You can rent only to families. You can rejected renting to young people. You can reject any rental for any reason or no reason!

Scott Kaiser

Hi Jim,

I wanted to thank you again for coordinating the discussion on Vacation Rentals on May 11th. As you recall, Marcie Beckett (the most outspoken PBPG member on this issue) was unable to attend which was really unfortunate because the rental property owners collectively had and still have numerous issues we would like clarified by Ms. Beckett and/or her group. We have cataloged a number of her reported issues (and ones from others in her group) in the newspapers and TV and quite frankly we are at a loss for understanding how she came to several conclusions on issues she has raised.

Due to this, we respectfully request a second community meeting sometime during the first week of August - at her convenience to ensure that she is able to attend. We have lots of questions for her. As such, so we can all get a good start on solidifying the issues, we have drafted a listing of the issues and questions that we would appreciate her taking her valuable time to answer.

Those issues are attached in the following memorandum and we would appreciate a written response on these issues by **July 31, 2009**. This will give us a week to study her supporting information so that we may discuss it in the second workshop with her. This will afford us time to bring a plan to the late August PBPG meeting on how to work with the community to alleviate her group's concerns over vacation rentals.

Just so you can get a feel for one of the many issues we do not understand is the claim in the 5/23/07 PBPG letter that vacation rentals may cause traffic issues. As you will see, our questions would be:

1. Where do these traffic issues occur? On Bayard Street where she lives? On Grand/Garnet? If we know where they occur that will give us an opportunity to review the issue more clearly and verify for ourselves. What time of day/week/year do these occur?
2. As a long term PB residents many of us were under the impression that traffic issues occur getting on I-5 North during weekday mornings at 8am (unlikely this would be vacation renters), on Friday/Saturday nights in PB (they vacation renters are already at the beach so we can't see why they would be driving cars), and on summer weekends when it is sunny - again, they have come to the beach and are staying walking distance to the beach so it seems unlikely they would be driving and causing traffic).

3. There are probably 30,000 +- cars in PB at any one time, which would include the 20-40 cars from guests staying in single family homes in PB. How does she conclude that 20-40 cars out of 30,000 +- could cause traffic issues?
4. How does she know the traffic issues are caused by the vacation renters cars? Did she catalog the cars in vacation rental home driveways and then see them causing traffic? We do not believe there are any special identifying marks on cars rented or driven to vacation rentals, so we just want to know how she could identify them as the ones causing traffic issues?
5. Has she discussed this issue with any city traffic engineering people. It would seem that before a PBPG member would advocate taking away the rights of neighbors to rent their properties, it would be fair to explore other potential ways to alleviate the "burden" of traffic issues that she noted. If the traffic is on Bayard, the traffic engineers may have some good ideas like adding stop lights (maybe at Bayard and PB Drive) or additional stop signs, or speed bumps, or maybe a roundabout like they have in Bird Rock in La Jolla (installed at the intersection of Bayard and Oliver).

Any of these potential steps in #5 might alleviate the traffic issues she has noted WITHOUT taking away local resident's rights to rent their properties.

We respectfully request a second meeting be scheduled and written clarifications on the items noted in the attached memorandum be delivered to us a week before that second workshop. We are available (all month during July) to clarify any questions she may have on the memorandum and we look forward to working further on this issue with her, her group and the PBPG board.

We would expect the meeting will bring up additional questions we have for her and at the meeting we would like to go over the issues in the attached memorandum in detail AND her written responses that we receive a week before the meeting. As such, we would expect the meeting to last at least several hours.

Respectfully, the Vacation Rental owners.
Please reply that you received this email.
Thank you.

LEONARD BARON

Hi Jim,

I thank you again for your response but I think the community really needs a response with FACTS. And we need the expert to respond, not you. This issue has dragged on for two years and the group that Ms. Beckett's group is targeting has suffered a lot of stress, some financial loss, and spent a lot of energy and time on this issue.

It is almost COMICAL to step back and look how this issue has been pursued with the lack of supporting evidence....but unfortunately, because it has caused so much stress to vacation rental owners....it is just NOT funny.

Two years is **WAY TOO LONG** for the rental owners to wait for Ms. Beckett to provide the FACTS. Once she substantiates her claims maybe she can suggest some constructive ways to help mitigate the true issues - instead of right off the bat proposing to take away people's rights.

So I would question you Jim, do you think it is appropriate for an elected official to make negative remarks and claims at a certain group and then when that group has serious, fair, and reasonable questions related to that elected official's claims, that official REPEATEDLY fails to respond to their questions for two years. I would like to hear your comments on whether or not you believe that is appropriate?

There are really two separate and very important issues here:

1. Overall Handling of Issue. The way this whole issue has been handled since May 2007 when Ms. Beckett read a draft letter to the PBPG advocating taking away people's rights to use their property without even talking to a single one of the people whose rights she wanted to take away - and now two years later has she even had any substantive discussions with vacation rental owners? Have you read Council Policy 600-24 on how planning groups are supposed to "represent the community at large, will solicit input from the community and will operate in a fair manner." It seems she's talked to everyone else in San Diego but us. Maybe she can let us know why she feels it is appropriate for her to not discuss the issue with the owners of vacation rentals?

You know how I found out that my house was specifically discussed at that May 2007 meeting...when a reporter from the UT called me to ask me why I would have a property that is such a nuisance to the community.

2. Unsubstantiated Claims. The litany of complaints that Ms. Beckett's group has made about short term rentals (once again in the attached memorandum) and the lack of evidence or documentation she has provided to support her group's complaints by disregarding the community's REPEATED requests for information.

COMPLAINTS - Ms. Beckett's group's complaints related to number two are, among numerous others:

1. Vacation cause parking nuisances
2. Vacation renters displace residents who might keep schools open
3. Vacation rentals cause noise
4. Vacation rentals cause traffic issues
5. Vacation renters cause issues that stretch our police and city resources
6. Vacation rentals cause trash nuisances
7. Neighbors can call the police all night long and no one will show
8. Vacation renters urinate in public
9. Vacation rentals are taking over and ruining our community
10. Vacation rentals are driving up the prices of housing
11. Vacation rentals are crowding out first time buyers
12. PB is a dangerous place and Vacation Rental owners are not being honest about this with their renters

EVIDENCE - Ms. Beckett's supporting evidence and documentation that after two years of AVOIDING REPEATED requests she has supplied to the public - in her effort to take away people's rights to rent their properties:

Evidence and Support she has provided for number above:

Claim # Ms. Beckett's Support for That Claim

Jim, do you see the blank spaces? This is the evidence we've been provided for her claims. Does that seem proper for an elected official?

Banning 1253 Opal Street. I wonder how you would feel Jim if Ms.Beckett had advocated banning the free use of 1253 Opal Street, made a bunch of negative assertions of fact about that "nuisance" property and why 1253 Opal should be banned, stated her negative claims in the newspapers and on TV, into the city attorney, complaints to neighbors...etc.....and then steadfastly refused to provide any supporting documentation with facts regarding her claims on why YOUR HOUSE should have restricted use....even though you made two years worth of repeated requests to her to tell you. I bet that calm cool exterior that you show the public would explode like when that asteroid hit the earth in the movie Deep Impact.

I suggest this, you call Ms. Beckett to make sure she received the emails with the questions (just in case she is out of town on vacation or something - we want to give her a fair chance to respond).

She is an elected official who voluntarily campaigned and won her post. In winning that post comes rights (to make decisions and govern) and responsibilities (to answer reasonable questions from the people she governs).

This is her opportunity to fulfill her duties by responding to the public - I certainly hope she will assist all of our efforts to stamp out community nuisances by providing the evidence the public and PBPG needs to make informed decisions.

Let's all give her a week to respond to the emails and see how she proposes to provide those facts.

Thank you.

LEONARD BARON
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I believe that the primary objective of the PBPG group is long term planning for the community. The focus of the vacation rental issues has been too heavily weighted on the noise complaints and not adequately weighted toward the long term planning issues. We should be thinking of the impact of vacation rentals in a "20 years from now" time frame.

With the long term in mind, I think the big issue is the proliferation of the vacation rentals over the years and the impact of displacement of permanent residents with weekly vacation renters. As the neighborhoods become predominately vacation rentals we will lose the fabric of our permanent community and all that these residents contribute through schools, volunteer organizations, clubs, organizations and community activities.

THE SOLUTION to this issue is to allow each residence to conduct vacation rentals for a maximum of 100 days per year. This will allow residents to rent their home for approximately three months and then return to their homes for the majority of the year and contribute to and participate in the community. This would eliminate year around vacation rentals.

Thank You
Chris Olson