
[Planning]: Comments on consolidated STR amendments

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Mon, Feb 17, 2020 at 3:39 PM

To: mayor@como.gov, City Of Columbia Ward1 <ward1@como.gov>, City Of Columbia Ward2 <ward2@como.gov>, ward3@como.gov, Ian Thomas <ward4@como.gov>, ward5@como.gov, City Of Columbia Ward6 <ward6@como.gov>, planning@como.gov

Greetings,

I finally had a chance to look through the long list of consolidated STR amendments. While I think the vast majority of the proposed ordinance is reasonable, I'd ask that you reconsider some of the most recent, least discussed items.

I do not believe STR's should have to file for a business license in addition to all of the other red tape being introduced. There has been considerable debate on STR's qualifying as commercial entities or not and this new requirement invites litigation.

Regarding the new insurance requirements for STR's, I think that should only be required if the short-term rental intermediary does not offer it. In the case of AirBNB, they already provide \$1 million in liability coverage.

The nuisance enforcement fee doesn't make sense as there is no evidence to suggest an STR is more of a nuisance than any other property type. As a general rule, I think it's best that our community not pass laws that assume locals or visitors are going to commit a crime in the future. My neighbor has a loud corvette. He has never started it at midnight but he has the *potential* for doing so. Should he have to pay a nuisance fee just in case? Should we start charging nuisance fees to anyone buying speakers at Best Buy? People purchasing motorcycles? The council appeared to see the light on this line of logic when you struck down the house arrest rule but then did a complete 180 on this. Allotting tax dollars to put toward resources you "think" you will need is one thing but cherry picking a particular misdemeanor and charging guests what is essentially crime insurance is way off base.

Thank you for your time.

Rick McGavock
601 Arbor Dr.

----- Forwarded message -----

From: <pyronwode@mchsi.com>

Date: Thu, Feb 20, 2020 at 9:14 AM

Subject: RE: Agenda for Feb 17 Council Meeting

To: Sheela Amin <Sheela.Amin@como.gov>

Ms. Amin, Please forward the following comments to members of the P&Z Commission. I have been unable to locate the commissioners' direct email addresses on the city website. Thank you, Peter Yronwode

Dear Planning & Zoning Commissioners,

As you begin to again deliberate the Short Term Rental ordinance, I hope you will consider the following comments. As the operator of a single unhosted STR in an R2 district I have major concerns about the ordinance as currently written and amended, but my major concern is that large institutional investors not run rough-shod over established residential neighborhoods. If this were to happen in the neighborhood where our STR is located it would raise the cost of traditional rentals, drive out home owners, and seriously restrict my STR operation as few guests would wish to stay in our small cute family friendly house.

It is equally important, however, that the proposed regulations not unduly restrict the operation of small STRs like mine which do not have the detrimental effects that larger operations would have. To this end I have testified and communicated with City Council and am transmitting my remarks to you as you once again begin this arduous task. I hope you will give these remarks careful consideration.

I have read the Consolidated STR Ordinance as provided by the City Counselor and city staff. While these amendments address and correct most of the problems noted by Council in the originally proposed ordinance there remain two very serious problems that will have a devastating impact on all un-hosted STR operators, but most importantly on small "Mom & Pop" enterprises.

A close reading of the following sections: 29-3.3(pp) B 1 found on Pages 5 & 6 of the document you have all received raises my concern.

iii. Any short-term rental un-hosted in any district which is an allowed permitted or accessory use and meets the following conditions may be granted administrative approval by the director:

a. The short-term rental un-hosted is located on a lot that shares a property line with or is directly across a public or private street or public alley to the operator's primary residence in which a short-term rental hosted is operated or if the short-term rental un-hosted is located in a multi-family structure it shall be located in the same building as the operator's primary residence;

b. No more than one (1) additional dwelling unit owned by the operator of a short-term rental hosted may be permitted to be approved by the director as a short-term rental un-hosted pursuant to this subsection;

iv. Any short-term rental un-hosted in any district which is an allowed permitted or accessory use and meets the following conditions may be granted administrative approval by the director:

a. The short-term rental un-hosted is operated as an accommodation to transient guests less than ninety-five (95) nights per calendar year; and

b. The property owner owns and/or operates no more than one (1) short-term rental within the city and may hold only one (1) short-term rental certificate of compliance. For purposes of this section, a property owner shall include any single individual who is a member, manager, officer, director, trustee, shareholder, or has other ownership interest in a business entity who owns or operates a short-term rental.

Section iv attempts to implement the worthy exemption for small "Mom & Pop operators which I have repeatedly advocated.

However, iv a. contains a 95 night limit. This is tantamount to a total ban on single owner un-hosted STRs in any district because it is simply impossible to operate an STR for only 95 nights per year and have it yield even a tiny amount of revenue. Normal fixed costs for an STR include:

Mortgage, taxes, utilities, the new fees being proposed, the much higher insurance premium demanded for what is described by the insurance companies as a vacation home

None of these costs would be met if occupancy were limited to one fourth of the year.

Relief from this onerous requirement would only be available through the impossibly complex and expensive Conditional Use process.

I have been told by a Council member that the 95 day limit was derived by simply subtracting the 270 day residence requirement for hosted STR operators to be present in their home from 365 days in a year. This is perhaps symmetrical, but is otherwise an absurd derivation.

A major objection to STRs has been that the STRs are vacant much of the time. Does the Commission really intend to mandate that un-hosted STRs will be vacant three fourths of the year? This limitation, whether intentional or not, is an effective ban on all but the most casual un-hosted STRs. It is exactly these casual operators who have likely caused the greatest nuisance, and whose properties are likely to be the least well maintained.

I urge you to remove this limit, or at least raise it to a level that does not amount to an effective ban on single owner un-hosted STRs. I suggest that if such a limit is deemed necessary, nothing less than 225 nights is appropriate.

Finally iv b effectively makes any entity an STR owner. If the goal of this ordinance is to limit STRs and thus to prevent large institutional property developers and investors from driving out owners and conventional renters, the over-broad definition of STR owner brings such entities right back in. A property ownership agreement could easily list multiple individuals each of whom is defined as the owner of only one of a number of properties actually under the administration of the larger entity. Such a perfidious work-around is certain to be created by a clever attorney.

I strongly urge that the requirement for a designated representative of a hosted STR operator to live within the city limit and be available at all times be applied to the definition of un-hosted STR owner subject to the single STR exemption in the first sentence of iv b

Section iii is extremely confusing.

It begins to address the concerns of some STR operators whose enterprise consists of only a single un-hosted STR which for various reasons they have chosen to convert from a traditional rental.

As such, this exemption simply limits the exemption to a single adjacent property.

However, this provision applies to only those who already operate a hosted STR. For many STR operators this is not the case. STR operation is quite labor intensive making this exemption only available to owners willing to operate two STRS.