

Daisy Allen

From: Tiffany Fabiani
Sent: Monday, July 24, 2017 2:06 PM
To: Daisy Allen
Subject: FW: Please include these comments in the City Council Meeting 7/18/17

FYI... the email from Kim Applegate that Drummond mentioned in this morning's meeting.

Sincerely,
Tiffany Fabiani
Senior Administrative Assistant
Orinda Planning Department

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Please consider the environment before printing this e-mail

From: Kim Applegate [mailto:kim@colandraengineering.com]
Sent: Tuesday, July 18, 2017 11:05 AM
To: Tiffany Fabiani <tfabiani@cityoforinda.org>
Subject: Please include these comments in the City Council Meeting 7/18/17

Question regarding [Draft Ordinance 17-03](#)

Regarding Attachment A - 17.3.4, Item B , 1, F

"The single-family dwelling or accessory structure was constructed in compliance with all then-applicable City requirements or was in existence on January 1, 2017"

I have a question on the "or" in section F. If a Secondary Unit was constructed before 1/1/2017 without permits would item e) then require that the unit satisfy the Second Unit Requirements prior to 1/1/2017 to be legalized?

Comments regarding [Draft Ordinance 17-04](#)

I am opposed to Short Term Rentals in Orinda. If the City is going to move forward with Draft Ordinance 17-04 I request that the following be added to help preserve the quality of our neighborhoods.

1. **Every listing on a vacation or short term rental site should require a registration.**

Owners looking for permanent/long term renters will not post on sites like Airbnb. It should be assumed any host advertising on these sites is not looking to fill a permanent resident spot. There is currently no way for the City to prove the length of stay for the rentals. If a registration number is not required for all listings hosts will be encouraged to either not post a minimum or post a 30 day minimum but not actually require that length of stay in order to avoid the tax and registration.

2. Remove the option for agents to act as the contact for these rentals.

Agents obfuscate the owner from the rental and make enforcement difficult, especially since most of the enforcement is reliant on neighbors providing evidence. In addition, it encourages leasing companies to purchase properties and then use fake pictures in order to rent out the units. Santa Monica had a similar problem with leasing companies and changed its rules to require hosts on site during rentals.

3. The occupancy rate should be closer to the current average occupancy rate.

The average occupancy rate in Orinda is between 2 and 3. Allowing over 10 guests a night without either inspections for suitability or a cap on the number of days per year the rental can be active places a substantial burden on the neighbors. My neighbor has a 5 bedroom house and will be allowed up to 13 visitors per night. Our one lane road (picture below) is not adequate to accommodate this many cars on a daily basis. If the assumption is that this event will not happen every night then we need to put that cap in the ordinance. Yes this may be hard to enforce but so are all the other restrictions in the ordinance.

4. There needs to be a publicly accessible list of Short Term Rentals and fine schedule for violations.

The City is relying on the neighbors for enforcement. If the City is serious about enforcement it needs to give neighbors clear options for resolving violations.

5. Evidence should be submitted with the the registration that the intended rental space is permitted and meets all applicable building codes.

Hotels are required to meet building code standards, if these homes are going to act as hotels then the City should have evidence that the units meet our building code standards. By approving registrations for these units the City is tacitly guaranteeing the safety of the guests.

I sincerely hope the Council will look at the reasons why cities very close to Orinda in terms of demographics like Sausalito, Tiburon and Danville have decided to ban these rentals. Rather than mass rezoning every neighborhood why not consider the approach of Lafayette which makes a determination based on the circumstances of the individual rental.

Thank you reading through this long comment,

Kim Applegate

Below is a picture of our street as a reference for 3) above



Daisy Allen

From: Tiffany Fabiani
Sent: Monday, July 24, 2017 2:07 PM
To: Daisy Allen
Subject: FW: Short term rentals

Another correspondence for consideration.

Sincerely,
Tiffany Fabiani
Senior Administrative Assistant
Orinda Planning Department

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Please consider the environment before printing this e-mail

From: Kelez, Nicholas [mailto:nkelez@slac.stanford.edu]
Sent: Tuesday, July 18, 2017 11:11 AM
To: Tiffany Fabiani <tfabiani@cityoforinda.org>
Subject: Short term rentals

To whom it may concern,

I am opposed to allowing these rentals in our neighborhoods. If the City desires to provide hotel facilities then that should be implemented as part of the Downtown Revitalization Project not in our neighborhoods. Owners that need extra income always have the option to rent to a long term tenant, neighbors of these STRs however have no options under this proposal. As the State of California advocates for and possibly starts mandating affordable housing we need to encourage hosts to fill these rentals with long term residents not tourists. There is nothing in this proposal that even considers the impact to long term renters in our community.

If the Council is determined to proceed I am advocating for the following -

1. Neighbor notification

The registration process does not involve any sort of inspection or site visit. How is the City going to know whether or not any of the information being provided is accurate? Neighbors need to know so they can

correct any information on the registration form. This is inline with other permit processes in which the City relies on neighbors to call out inaccuracies. Why are we afraid to notify the neighbors?

2. Limit on the number of days for rental activity

The neighbors should have relief from year round rental activity.

3. Reduce the number of occupants

The current proposal allows for 11 people on a daily basis in a 4 bedroom house. How many houses in Orinda currently have 11 people living there? This number is much higher than the average.

This proposal is asking a small number of neighbors to bear the entire burden of these activities for the supposed benefit of the community. If the City is going to ask that of these neighbors they need to provide some reasonable protections.

Thank you for considering my input.

Nicholas

Daisy Allen

From: Tiffany Fabiani
Sent: Monday, July 24, 2017 2:07 PM
To: Daisy Allen
Subject: FW: City of Orinda Town meeting - RE: Short Term Rental proposal

3rd and final.

Sincerely,
Tiffany Fabiani
Senior Administrative Assistant
Orinda Planning Department

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Please consider the environment before printing this e-mail

From: Nicole Bugna [mailto:nbdoyle@yahoo.com]
Sent: Tuesday, July 18, 2017 9:40 AM
To: Tiffany Fabiani <tfabiani@cityoforinda.org>
Subject: City of Orinda Town meeting - RE: Short Term Rental proposal

Hello Tiffany,

I cannot attend the City Council meeting on Tuesday, July 18th that will decide on to allow or deny Short Term Rentals. I would like to again respectfully request that the Orinda City Council oppose STRs in Orinda. As a new homeowner in Orinda, I am already witnessing the downsides to the possibility of STRs in my area (Crestview Drive). There is a house on Crestview Terrace that has been constructing apartment sized "additions" to their home, each with separate entrances and such. Originally there were 2, then 5, now there are 7 - which is completely in violation of the current codes. This is almost hotel like! How is this allowed through the (from what I have heard) tough building and design review board?

Just because that homeowner is building it - with no actual approval to do STRs - does not mean they should be allowed to do so. This goes for all areas of Orinda.

We moved from an area where the amount of STR's are out of control. The amount of time local police were called to stop loud parties, the fire department called, trash, the general negligence of those visiting. This put a strain on the homeowners in the area. People complained enough that the city had to start shutting them down which was another headache. Would you or a council member want to live near an STR? I am thinking the answer is no.

The short term rental proposal is removing all protection for the residents which is not fair. The residents are the ones paying taxes for accessibility and use of city resources like safety and fire. If the City of Orinda is not going to tax and does not have the manpower to regulate it in a way that is logical, safe and appropriate for the respective neighborhoods and city, then it should not be approved at all. For these reason stated here and below in my original email to the Orinda City Council, I respectfully request the City of Orinda oppose approving short term rentals.

Sincerely,

Nicole Doyle

From: Nicole Bugna <nnbdoyle@yahoo.com>
To: "tfabiani@cityoforinda.org" <tfabiani@cityoforinda.org>
Sent: Tuesday, June 27, 2017 7:56 AM
Subject: City of Orinda Town meeting - RE: Short Term Rental proposal

Hello Tiffany Fabiani,

I am writing to question why the City of Orinda wants to approve short term rentals and allowing over 15 people per house for a 5 bedroom house. I live on Crestview Drive, near a house that if the short term rental registration gets approved, will be able to house that many and possibly more people. My issue with it is that where the house is situated is not feasible for the extra cars, use of utilities and safety of the area.

This density is out of line with any reasonable and logical interpretation of the rules. What they want to do - have 4 rental units attached to their house (which I believe they already have and thus are in violation of the current codes) on a small one lane road is not what I would think is logical nor livable for the area. Plus with the wording of the ADU, there is a loophole that could let the residence add more "rental units". Also with no regulation/oversight the 4 units could easily be rented to one group and thus one rental party. The house is at the end of a road. It is not easily accessible for city services and thus would add more strain to them.

If it is 2 people per unit that is 8 people, meaning possibly 16 cars (if each has one to drive). Where are they going to park? The house doesn't have the space to accommodate 8 or 16 cars and neither does the one lane road. If there is a glut of parked cars what happens if an ambulance, police or fire truck needs to get down Crestview Terrace?

The house is situated on a one lane road, that dead ends at that house which I would like to point out is NOT an Orinda City road. If the city wants to approve the short term rentals, then the city should also maintain the road's maintenance, which means they should purchase the road from the private owner who is not the person who wants to have multiple rentals on their property.

Also regarding cars, I have noticed an uptick in cars driving from Crestview Drive to Crestview Terrace. This road runs next to the side of our property. I have toddler boys that I keep a close eye on and have been teaching them not to run into the street because cars are going way too fast for what amounts to a country lane. Just walking across the street to our neighbors house can concern

me at times because of the amount of cars. There are many children and teens in the area who walk or ride bikes to the small community pool. More cars and children on the small roads does not mix.

We moved to Orinda a year ago and chose this neighborhood because it was quiet, the neighbors are know each other and are respectful of each other and the area around them. I do not feel that short term renters have any investment or awareness of the neighborhood. I do not think you would like this situation in your neighborhood either.

Where the house is situated is near PG&E open land. I have already seen cars parked on the dry grassy areas and am concerned about fire safety. Frank Somerville of KTVU News is interested in doing a piece about it.

I feel like the short term rental proposal is removing all protections for residents. If the City of Orinda is not going to tax and does not have the manpower to regulate it in a way that is logical, safe and appropriate for the respective neighborhoods and city, then it should not be approved at all. I respectfully request the City of Orinda oppose approving short term rentals.

If you have any questions or would like to come see the road and neighborhood to fully understand why myself and other residents are so concerned, feel free to contact me at 925-254-1825. Thank you.

Sincerely,

Nicole Doyle

Daisy Allen

From: Nick Waranoff <waranoff@comcast.net>
Sent: Monday, August 07, 2017 4:49 PM
To: Eve Phillips; Amy Worth; Dean Orr; Darlene Gee; Inga Miller
Cc: Drummond Buckley; Daisy Allen
Subject: short term rentals

Dear Mayor Phillips and Members of the City Council:

I understand that the subject of regulation of short term rentals will again come before the Council on August 15, 2017. I write because an important issue has been overlooked: nothing in the draft ordinance will prevent persons and companies from buying properties in Orinda for the purpose of renting them rather than living in them, and thereby turning residences into commercial hotels. This has been happening in some communities, according to a recent article in the Wall Street Journal.

I urge the Council to (1) limit non-hosted short term rentals to 90 days in any calendar year (as Petaluma does), and (2) prevent any person or entity from concurrently owning, directly or indirectly, more than one property that is used for short term rentals in Orinda. The combination of these two simple provisions will prevent persons and companies from buying properties in Orinda for the purpose of renting them rather than living in them. These provisions will allow people to buy homes in Orinda who intend to live here, without having to compete and outbid those who only want to buy property for investment. As such, these provisions will help preserve Orinda's residential, non-commercial character.

These provisions will not burden those homeowners who desire to travel and to rent their homes while they are away, provided that they do not rent their homes on a short term basis for more than 90 days. Indeed, the 90 day limit could be raised to 120 or even 180 days and still provide the protection against full-time short term rentals. And of course, people away for longer periods could rent their homes for longer periods so that the limitation on short term rentals would not apply.

I have spoken with Mr. Buckley and Ms. Allen about this. Neither has provided me with any good reason why the provisions I propose should not be enacted. Mr. Buckley stated that he was not instructed by the Council to differentiate between hosted and non-hosted short term rentals. Ms. Allen stated that she perceived enforcement difficulties.

Neither of these provisions would present any serious enforcement difficulties. In any event, possible enforcement difficulties are not a reason to decline to pass these provisions. For example, we have speed limits on the freeways that are violated more often than observed, and which are difficult to enforce, but they nevertheless exist. Countless other examples could be given. There could be a representation in the registration form that these provisions are not being violated. And anyone who perceives a violation could check the City's registrations against property ownership records. Notably, the data previously gathered by the Staff was able to determine some people owning multiple short term rentals.

Without provisions like these, Orinda has no protection against investors buying homes in Orinda for the sole purpose of renting them out on a short term basis. And don't be fooled by those who may say it is not economic to do so, because the investment also comes with depreciation and with opportunity for appreciation, even if the cash flow is negative. The fact that some people already own multiple properties that they rent on a short term basis should be sufficient to show that may make economic sense.

Please preserve our residential neighborhoods.

Respectfully,

Nick Waranoff