

Martha Alvarez

From: Bruce Moe
Sent: Tuesday, February 26, 2019 5:13 PM
To: Martha Alvarez
Subject: FW: Please ban STRs in Manhattan Beach

From: Jessica Kellett <jessica.kellett@gmail.com>
Sent: Tuesday, February 26, 2019 4:57 PM
To: List - City Council <CityCouncil@citymb.info>
Subject: Please ban STRs in Manhattan Beach

Hi,

My name is Jessica Kellett and I live at 3509 Walnut Ave, Manhattan Beach, CA with my husband Drew Zepernick and our two young daughters.

We want to weigh in on the Short Term Rental debate going on in our community and share that I oppose STRs in any form. After much thought, my husband and I agree that STRs should be banned completely for the following reasons:

1. STRs changed the character of communities similar to Manhattan Beach, such as Newport. My husband used to work in Newport and chose not to move there in part because of the reckless party atmosphere that emerged there after STRs were allowed.
2. While we used to be open to a restricted STR option, we now believe that it would create unnecessary costs and oversight by the city for limited financial benefit (taxes). Weighed against the challenges that neighbors experience with bad renters (and bad landlords), we have changed our minds and want a total ban. The city would still have to hire additional code enforcement officials to monitor a highly-restive ban. It's not worth the headache or expense.
3. STRs incentive outside investment and absentee homeowners (landlords). We love the residential and neighborhood feel of Manhattan Beach. This is especially important as we have young children. We want them to have some independence as young adults to enjoy the South Bay in a safe environment.
4. Some have argued that STRs support local businesses. It appears that our local businesses do well with local support (and with existing regional and out-of-town visitors). We LOVE the fact that we can go to a restaurant and see our fiends and neighbors. We do not want Manhattan Beach to turn into a tourist destination at the expense of the community.

In conclusion, we thought a lot about whether or not banning STRs is a NIMBY view or the world. We would love to see more diversity of people and ideas in our community, but increasing tourism through STRs is not the answer. Instead, there are may ways to build bridges with communities throughout our county. We do hope that the "localism" and community view of the Manhattan Beach City Council takes into account the broader community where many of us work and play (and have friends and family).

Thank you.

Jessica Kellett and Drew Zepernick

Bruce Moe
City Manager

P: (310) 802-5053

E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Monday, February 25, 2019 7:41 AM
To: Martha Alvarez
Subject: FW: No short term rentals allowed in MB please..thanks, Bill Kalra - MB resident

Bruce Moe
City Manager
(310) 802-5053
bmoe@citymb.info
City of Manhattan Beach, CA

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-----Original Message-----

From: Seema Gupta <seema_ashish@yahoo.com>
Sent: Sunday, February 24, 2019 10:44 PM
To: List - City Council <CityCouncil@citymb.info>
Subject: No short term rentals allowed in MB please..thanks, Bill Kalra - MB resident

Sent from my iPhone

Martha Alvarez

From: Bruce Moe
Sent: Sunday, February 24, 2019 10:25 AM
To: Martha Alvarez
Subject: FW: Inside the Rise and Fall of a Multimillion-Dollar Airbnb Scheme - The New York Times

Bruce Moe
City Manager
(310) 802-5053
bmoe@citymb.info
City of Manhattan Beach, CA

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-----Original Message-----

From: Debra Geist <citegeist@gmail.com>
Sent: Sunday, February 24, 2019 7:56 AM
To: List - City Council <CityCouncil@citymb.info>
Subject: Inside the Rise and Fall of a Multimillion-Dollar Airbnb Scheme - The New York Times

FYI! Please read this and comments before you legalize this business in Manhattan Beach!!

<https://www.nytimes.com/2019/02/23/nyregion/airbnb-nyc-law.html>

Sent from my iPhone

Inside the Rise and Fall of a Multimillion-Dollar Airbnb Scheme

Multiple misleading identities, more than 100 host accounts and 18 corporations were created to run an illegal hotel business in Manhattan, according to a lawsuit filed by the city.

Two apartments at 385 Greenwich Street in TriBeCa, Manhattan, were illegally offered through Airbnb, city officials said. According to a lawsuit, they were part of an enterprise that made more than \$20 million in revenue.

By Luis Ferré-Sadurní

Feb. 23, 2019

[What you need to know to start the day: Get New York Today in your inbox.]

From the outside, there was nothing especially notable about the small white building on the corner of a cobblestone street in TriBeCa. But until recently, it was a crucial location in a sprawling empire.

“Beautiful Loft Prime Tribeca 4BR/2BA Sleep 10,” read the listing on Airbnb for one apartment there.

Two of the three apartments in the building were popular with tourists looking to stay in one of Manhattan’s most desirable neighborhoods — at \$600 a night each, they were a bargain for a large group.

But they were also illegal — part of an elaborate real estate scheme to make millions by circumventing state and local laws and Airbnb’s own rules.

The building, on Greenwich Street, was part of a larger enterprise that made more than \$20 million in revenue by unlawfully renting 130 Manhattan apartments to almost 76,000 guests through Airbnb, city officials said.

The plot was geared toward getting around city regulations that are intended to keep blocks of apartments from being turned into makeshift hotels that avoid lodging taxes and oversight.

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The crackdown on the empire last month was a milestone in the escalating battle between Airbnb and New York City — the company’s largest market in the country. Airbnb condemned the exploitation of its platform, but the scheme showed how the home-sharing site has given opportunists a new kind of hustle.

Airbnb has clashed with other cities. Los Angeles, Amsterdam, Paris and Vancouver, British Columbia, have all passed laws restricting Airbnb rentals. In July, Palma de Mallorca became the first city in Spain to ban Airbnb.

Interviews and documents offer a glimpse at how the New York scheme worked. According to the suit, the ring used multiple misleading identities to dodge Airbnb’s rules, text tourists and book apartments to budget-minded travelers. Addresses were fudged to avoid scrutiny. A cadre of cleaners was apparently recruited through Facebook.

In all, more than 100 Airbnb host accounts and 18 corporations were created to run an illegal hotel business that stretched north from TriBeCa to SoHo, Gramercy, the Upper East Side and Harlem, according to a lawsuit brought by the city.



One apartment on Greenwich Street was advertised on Airbnb as “Beautiful Loft Prime Tribeca 4BR/2BA Sleep 10” for \$600 a night. Chang W. Lee/The New York Times

New York regulations are supposed to keep apartments from being pulled out of an already-tight rental market to cater to the tourist trade. They specify that it is illegal to rent an entire apartment in most buildings for fewer than 30 days unless the permanent tenant is present while the renter is there.

Posting a unit that should not be listed on Airbnb is a civil offense, not a criminal one, and the city typically issues violations that can result in fines of thousands of dollars; lawsuits are filed in the most egregious of cases. In this lawsuit, the city is seeking more than \$20 million from the defendants.

At the center of the scheme was Max Beckman, 35, a former real estate broker, according to the lawsuit. Mr. Beckman, who moved to the United States 18 years ago from Israel, was one of five people accused. There has not been a verdict, and the case is continuing.

Mr. Beckman agreed to be interviewed, making clear that he believed that he did nothing wrong.

“We’re not criminals,” he said at his lawyer’s office, while puffing from a Juul he kept in a black leather pouch fastened to a chain around his neck. He shrugged: “I don’t own a yacht or a big penthouse.”

What he did have was an ambitious, though risky, idea.

How it all began

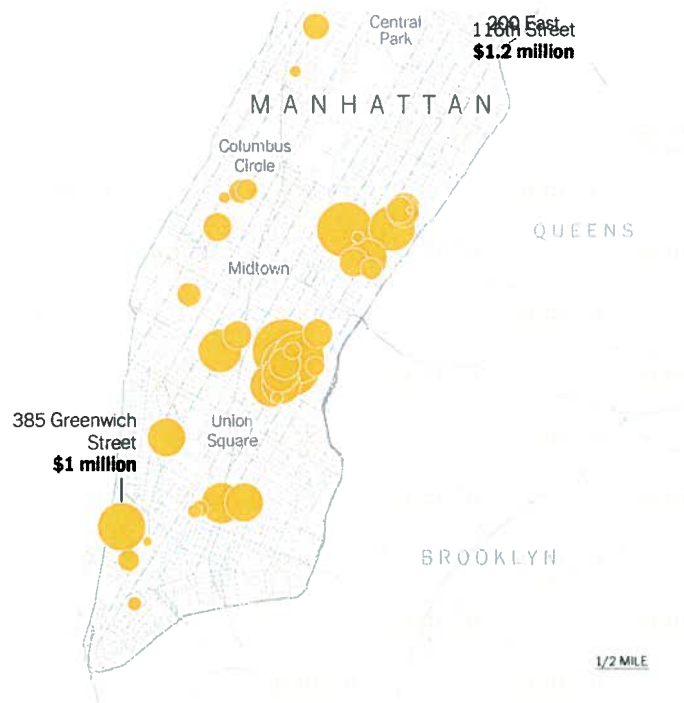
It was 2012 and Mr. Beckman, in his own telling, was struggling to make it as a real estate broker. He said he had a dismal credit score and \$100 to his name when he used that money to pay the application fee for a one-bedroom on the Upper East Side.

He began renting it out, short term, to tourists through Airbnb and pocketed the difference after paying rent. It was a simple business model he would go on to replicate.

“It took off, and I made more money, and then I got another one,” Mr. Beckman said. “I couldn’t stop.”

Locations of the Airbnb Rentals Named in the City’s Lawsuit





Source: Mayor's Office of Special Enforcement | By Sarah Almukhtar

In 2015, Mr. Beckman quit his job as a real estate broker for Metropolitan Property Group, a brokerage firm in Manhattan, to devote himself full time to his Airbnb venture.

He persuaded two friends who were also brokers at the firm to become his partners, he said. The men, Alon Karasenty and Simon Itah, were also sued by the city. They did not respond to multiple requests for comment.

By the end of the year, the trio was managing dozens of listings on Airbnb, including large spaces in some of the city's most sought-after neighborhoods — a penthouse overlooking Central Park, a loft in Chelsea — according to court documents.

"We made money, we lost money, we learned," said Mr. Beckman, a self-described disruptive entrepreneur.

The lawsuit alleged that Mr. Beckman's former employer, Metropolitan Property Group, and its chief executive officer, Sami Katri, along with his wife, Shely Katri, were also involved.

Some of the 18 corporations that received payouts from Airbnb had been registered using Metropolitan Property Group's office addresses. The suit also claimed the Katris' names were linked to two Airbnb accounts and the utility bills for two apartments at 200 East 116th Street in East Harlem, where all seven units were on Airbnb.



ENTIRE LOFT

Expose Brick Loft 4 Bedrooms Sleep 10 Manhattan!

New York

10 guests 4 bedrooms 5 beds 1 bath

Very spacious and cozy expose brick 4 Bedrooms. Located in the heart of East Harlem, minutes from the Subway station and local delicious restaurants and bars. Close to the East River and the East River Esplanade.

The space

Come home from a day of exploring museums, boutiques, and Central Park to relax in my spacious, high-ceiling, traditional uptown Manhattan apartment. You will have access to my whole apartment: Spiciest 4 bedrooms with 4 queen beds, closet space, full kitchen, bathroom, and living room with two sleepable couches. The green train lines are only a few minutes away, and you can be downtown in 20 minutes. Perfect for those who like leave the bustle of downtown to sleep in a quieter neighborhood, and great for those visiting Mt.



Shelly

\$150 per night

Dates

03/14/2018

→ 03/16/2018

Guests

1 guest

\$150 x 2 nights

\$300

Cleaning fee ⓘ

\$120

Service fee ⓘ

\$55

Total

\$475

Request to Book

The listing on Airbnb for a four-bedroom unit at 200 East 116th Street in East Harlem.

But Mr. Beckman said that the addresses were used without the company's knowledge and that the Katris were not involved.

Douglas Pick, a lawyer for the Katris and the brokerage firm, also denied that his clients were involved and said the city has not provided any evidence that Airbnb had disbursed payments to them. He said the three men had stopped working for the firm by 2015 and had begun "operating for themselves."

Mr. Katri, through his lawyer, said he had partnered with Mr. Karasenty and Mr. Itah to legally lease apartments at the East Harlem building, but was unaware they were rented out through Airbnb.

Yoram Nachimovsky, the lawyer representing the three men and their corporations, said the lawsuit was "a political move by the mayor."

"Basically, the mayor is being sponsored by these hotel operators and he's doing what's in their best interest," he said.

Christian Klossner, the executive director of the Mayor's Office of Special Enforcement, which led the investigation, said his office was "here to preserve housing for New Yorkers and to make sure both New Yorkers and visitors are kept safe and treated fairly."

How it worked

The scheme required leasing scores of apartments.

Some landlords claimed they were deceived, renting apartments to Mr. Beckman and his partners without knowing the units would be used as hotel rooms.

For example, Mr. Beckman signed leases for two apartments in another East Harlem building in late 2017, according to a separate lawsuit filed by the building's owner last year.

A day after signing the lease, the apartments were on Airbnb under the host names “Cedric” and “Tom & Lisa,” the lawsuit said.

The rent for one apartment was \$3,225, but it was on Airbnb for \$250 a night. Hypothetically, Mr. Beckman could cover a month’s rent by filling it with tourists for about two weeks.



The owner of 78 East 119th Street in East Harlem sued Max Beckman after Mr. Beckman leased two apartments in the building and rented them to tourists through Airbnb. Chang W. Lee/The New York Times

In just a few months, Mr. Beckman had booked more than 500 guests and generated about \$84,000 from the building at 78 East 119th Street, according to the city’s lawsuit.

Some residents in the 10-unit building grew annoyed by strangers constantly showing up with luggage.

“It’s been 3 a.m. and I’ve had people ringing my buzzer to get in,” said Ziograin Correa, 40, who lives in the building with his wife and six children. “They don’t have a key, so they ring my buzzer.”



ENTIRE APARTMENT

Stunning 3 Bedrooms Manhattan Apt Sleep 8

New York

0 guests • 3 bedrooms • 4 beds • 1 bath



\$250 per night

★★★★★ 48

Welcome to South Harlem! Large bright home away from home. Fully furnished, trendy 3bed/1.5bath apartment, set back from the hustle. A centrally located apartment will be a great furnishing and for your stay in Manhattan, easy access to subways & attractions.

The space

A little away from home... this apartment is for you! A spacious three bedroom that was just completely renovated with wood floors, contemporary comforts and conveniences. 3 bedrooms, 1 and 1/2 bathrooms and lots of natural light in the kitchen and living room. High speed Wi-Fi, Internet, and Cable. Near Major Metro Transportation.

The listing for an apartment in East Harlem. The city has argued that Airbnb has diminished the supply of housing available to full-time renters.

The city learned that the units were on Airbnb and slapped the landlord with violations last year, meaning daily fines that could have cost about \$60,000, according to Gary Wachtel, a lawyer for Orsipel, the company that owns the building.

"I think it's a terrible burden to expect that a landlord knows what every tenant in a building is doing on a daily basis," Mr. Wachtel said. He said the landlord was unaware of the Airbnb operation; Mr. Beckman claimed he "never went behind the landlord's back."

Mr. Beckman forfeited the apartments after the landlord filed the lawsuit. "We just vacated the apartment," he said. "I said I'm sorry and moved on."

Airbnb has long said the majority of its hosts are everyday New Yorkers who rent out a spare bedroom or list their apartment while on a long vacation.

Still, the company has voluntarily taken down more than 5,000 commercial listings since late 2015. The city estimates that about one-third of listings on home-sharing websites are run by commercial operators; Airbnb disputes those numbers.

Under Airbnb's "One Host, One Home" policy, New Yorkers can list only one apartment, with few exceptions.

But Mr. Beckman and his partners appear to have bypassed that policy by creating host accounts using different email addresses and multiple identities, including those of relatives and some with variations of the same name ("Jacob Itah" vs. "Jacob Itach").

They also provided Airbnb with incorrect or incomplete addresses for apartments to avoid scrutiny, according to the city's lawsuit.

Josh Meltzer, the head of public policy for Airbnb in the Northeast, condemned the behavior and acknowledged the limitations of the company's rules, which he said were intended as a short-term remedy.

"We're talking about a very narrow set of actors that are working very creatively and very diligently," he said. "That's why we've supported what I would say is a very restrictive, comprehensive piece of legislation at the state level that would essentially require platform and government to work together to target this type of behavior."

Airbnb has drawn opposition from the hotel industry. Recently, a federal judge blocked the implementation of a city law that would have required home-sharing services to disclose information about its listings, and the identities and addresses of hosts.

But the legal battle drags on, and Mayor Bill de Blasio announced this week that the city had issued a subpoena for information on 20,000 home-sharing listings in New York.

The mayor and other politicians have argued that Airbnb listings diminish the supply of apartments available to full-time renters, making the city's affordable housing crisis even worse.

But Mr. Beckman said that he never rented out rent-stabilized units and that his listings did not take apartments away from low-income New Yorkers. The majority of the units were high-end apartments in expensive neighborhoods, he said.

Ultimately, Mr. Beckman believes the city's tourism industry could benefit if lawmakers allow apartments to be offered on Airbnb and taxed like hotels.

For him, the proof is that he and his associates made it work.

Making millions and rousing suspicion

At its peak, the city claimed, the business run by Mr. Beckman and his partners booked tens of thousands of guests for 55,331 nights over three years across 35 different buildings.

Six buildings each generated more than \$1 million in revenue; the top-earner was a residential building in Kips Bay that brought in about \$1.8 million, according to the city.

At the beginning, Mr. Beckman said, he decorated the apartments with used furniture, but later was able to afford an interior

designer.

He was also able to employ 15 housekeepers who roamed Manhattan tidying up the apartments, he said.

“Responsible and thorough cleaning lady needed!” read one post, along with Mr. Beckman’s phone number, from 2018 on a Facebook group that caters to Russians looking for jobs in New York. Cleaners would earn \$500 to \$800 per week and get a MetroCard, according to the post.

“They made sure we got five stars,” Mr. Beckman said.

Indeed, most tourists left positive ratings in listings reviewed by The New York Times, although a few lobbed complaints.

“I became suspicious as soon as we entered the building that we had been taken for a bit of a ride,” said Kelly Swift, 31, a teacher from Australia who booked a three-bedroom in TriBeCa. “It was definitely not someone’s home.”

The Airbnb listing for an apartment at 385 Greenwich Street. Mr. Beckman said his listings did not take units away from low-income New Yorkers. Airbnb

Ms. Swift said she felt unsafe when someone entered the apartment to replace a couch without notice while she was away. She realized the apartment above hers was also a faux hotel after she saw three different groups cycle in and out during her 10-day stay.

“The third group partied every night, and once I had to go up at midnight and ask them to please stop yelling,” Ms. Swift said.

The lease for one of the apartments in the TriBeCa building was signed by Mr. Beckman and his two partners, and the monthly rent checks of \$25,000 for both units were mostly paid by different corporations connected to the men, according to court documents.

The landlord, a company presided over by Charles Cohen, terminated the lease in March as a result of the short-term rentals, the lawsuit said. But, according to court documents, Mr. Cohen continued to receive monthly checks until the end of 2018, and the apartments were on Airbnb’s website as late as a few weeks ago.

It was unclear whether landlords were typically aware of the Airbnb operations in their buildings, and Mr. Beckman refused to comment on the matter.

Pressed during an interview, he said, “The landlords themselves were not involved.”

Mr. Cohen, who appeared to have leased apartments in other buildings where the partners listed Airbnbs, did not respond to multiple

requests for comment.

All seven apartments in a building at 200 East 116th Street in East Harlem were offered on Airbnb. Chang W. Lee/The New York Times

The fall of an empire

One night in early January, a police sergeant showed up outside Mr. Beckman's apartment to serve him with a notice that the city was going to sue him.

Mr. Beckman was not home, so the sergeant left the notice with his wife.

"That day was crazy," he said.

Since then, Mr. Beckman, who has two children, has been huddling with his lawyers and shuttering his Airbnb operations, terminating dozens of apartment leases.

The city also sued five buildings for not cracking down on Airbnbs managed by Mr. Beckman and his partners despite violations issued by the city.

Abington Properties, the owner of three of the buildings, did not reply to multiple requests for comment. A secretary for Helm Management, which runs the East Harlem building that became a de facto hotel, said the company did not comment on pending litigation.

Mr. Beckman said he intended to reach a settlement with the city, even if that meant paying a hefty fine. He said that, despite the lawsuit, he spoke to The Times because he thought the city had unfairly portrayed him as a criminal.

"There is nothing bad about us," he said. "That's why I'm happy to do this interview with you."

Now, he said, his sights were on "legal new ventures." Asked to elaborate, he said he was starting a business to sell electric scooters, which are illegal to ride on New York City streets, but could be legalized by the City Council soon.

"The land of opportunities, right?"

Derek M. Norman contributed reporting. Doris Burke contributed research.

A version of this article appears in print on Feb. 23, 2019, on Page A1 of the New York edition with the headline: Rise and Fall of a New York Airbnb Empire

READ 629 COMMENTS

Martha Alvarez

From: Bruce Moe
Sent: Friday, February 22, 2019 4:06 PM
To: Martha Alvarez
Subject: FW: Short Term Rentals - Meeting Scheduled for March 6, 2019

From: fisher6188@aol.com <fisher6188@aol.com>
Sent: Friday, February 22, 2019 4:03 PM
To: List - City Council <CityCouncil@citymb.info>; City Manager <cm@citymb.info>; Bruce Moe <bmo@citymb.info>
Subject: Short Term Rentals - Meeting Scheduled for March 6, 2019

Hello,

I have become aware of the following and am very dismayed!

City Council planning to weaken STR regulation at March 6 council meeting Check out page 7 of yesterday's Beach Reporter. Bottom left corner. Public Notice of proposal to amend existing Short Term Rental legislation to ****permit**** rentals of as few as 7 days up to 3 times a year in 7 "zones" . Four of those zone codes begin with R. I'm betting they mean "residential" -- as in "residential neighborhood".

Current regulation is for stays no shorter than 30 days. The notice also says "The city council may consider other regulations for short term rentals." And .. the notice says that the new regulation would bypass MB guidelines from Calif Environmental Quality Act. This meeting is March 6 -- 2 weeks from now. It is on a Wednesday (Council meetings are usually Tuesday). It is the day after city elections!

Why hasn't this meeting been mentioned at any of the candidate forums? The city doesn't know how to enforce current legislation -- can you imagine how they would regulate something more complex? **And why is weakening STR legislation so urgent that it has to be considered at an off-calendar council meeting NOW? Before new council members -- all of whom are opposed to STR -- can be seated?**

This is truly outrageous -so very disappointed in the lot of you! This meeting needs to be canceled immediately!

Lyn Fisher

Bruce Moe
City Manager
P: (310) 802-5053
E: bmo@citymb.info



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Martha Alvarez

From: Mary Kirchwehm on behalf of Bruce Moe
Sent: Tuesday, February 19, 2019 3:54 PM
To: Martha Alvarez
Subject: FW: AIRBNB

From: Fred Rinaldi <fredrinaldi@verizon.net>
Sent: Tuesday, February 19, 2019 3:20 PM
To: List - City Council <CityCouncil@citymb.info>; City Manager <cm@citymb.info>
Subject: AIRBNB

I live at 1772 Voorhees ave, MB, I for one donot want the Manhattan Beach CC to change its municipal code to allow short term rentals

Fred Rinaldi
fredrinaldi@verizon.net

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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Martha Alvarez

From: Mary Kirchwehm on behalf of Bruce Moe
Sent: Tuesday, February 19, 2019 11:51 AM
To: Martha Alvarez
Subject: FW: STR

Bruce Moe
City Manager
(310) 802-5053
bmoe@citymb.info
City of Manhattan Beach, CA

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-----Original Message-----

From: Janet Bradfield <janetlee586@icloud.com>
Sent: Tuesday, February 19, 2019 11:04 AM
To: List - City Council <CityCouncil@citymb.info>
Subject: STR

Please no STRIn Manhattan Beach.

Janet Bradfield
Sent from my iPad

Martha Alvarez

From: Bruce Moe
Sent: Friday, February 8, 2019 8:04 AM
To: Martha Alvarez
Subject: FW: 217 14th Place AirBNB

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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From: Erin Colleen Nelson <perkypetunia@hotmail.com>
Sent: Friday, February 8, 2019 6:59 AM
To: Steve Napolitano <snapolitano@citymb.info>
Cc: List - City Council <CityCouncil@citymb.info>; citym@citymb.info
Subject: Re: 217 14th Place AirBNB

That's great news, thank you. I will be there on the 5th for the election and on the 6th for the meeting.

All the best,
Erin
310.694.1002

On Feb 7, 2019, at 10:36 PM, Steve Napolitano <snapolitano@citymb.info> wrote:

Hi Erin, the item isn't coming back on the 19th, it will be heard on Wednesday, March 6th...the first council meeting in March will be on a Wednesday instead of a Tuesday because of the election on March 5.

Steve Napolitano
Mayor
City of Manhattan Beach

Steve Napolitano
Mayor

P: (310) 880-7500

E: snapolitano@citymb.info



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From: Erin Colleen Nelson <perkypetunia@hotmail.com>

Sent: Thursday, February 7, 2019 8:53 PM

To: List - City Council; citym@citymb.info

Subject: 217 14th Place AirBNB

City Council and City Manager,

I previously emailed a complaint regarding short-term rentals and included a screenshot and video of a gentleman trying to open our door and ringing our doorbell at 5a over MLK weekend.

Please consider this another complaint for the illegal short-term rental at 217 14th Place. This woman rang our doorbell at 8:30p and proceeded to stand at our door for several minutes until we told her she's in the wrong place (see attached image). This doesn't sound late except we have young children who go to bed at 7p. Now they're awake. Not to mention it's dark outside and we have no idea who this person is or what her intentions are. It would be one thing if it was a single incident, but it is a constant problem. We live at 217 15th Street and have a steady stream of strangers come to our door at all hours thinking our home is the short-term rental on 14th Place. Not just guests staying at 14th Place but door dash orders, massage teams, door dash orders, etc. We also have a short-term rental caddy corner behind us at 220 15th Place - a 4 bedroom that used to house a nice family of four but not advertises it sleeps 12. 8-12 people any given weekend walking through our side gate. Neighbors don't use the side gate, only the constant stream of strangers in the short-term rental do.

To any council members who think we should allow short-term rentals in Manhattan Beach, please consider how you would like living surrounded by a revolving door of strangers including random guests of strangers constantly coming to your door at all hours of the day. Please help me understand why we would choose destroy the fabric of our beautiful community just so a few individuals could turn a profit off converting their property into a hotel.

As I understand the date for addressing the ban and possible exceptions to the ban is Feb 19th. May I suggest that date be bumped to the next city council meeting as Feb 19th is during the

week that all MBUSD schools are closed and many concerned constituents will be out of town. May I also suggest that before we even consider any exceptions to the ban (which I vehemently disagree with) that we actually enforce the ban for a considerable length of time.

Thank you for your consideration.

<image1.png>

All the best,
Erin
310.694.1002

Martha Alvarez

From: Bruce Moe
Sent: Saturday, February 2, 2019 12:35 PM
To: Martha Alvarez
Subject: Fwd: Short term rental

Sent from my iPhone

Begin forwarded message:

From: Violet akhondzadeh <violetakh@gmail.com>
Date: February 2, 2019 at 11:34:01 AM PST
To: CityCouncil@citymb.info
Subject: Short term rental

This is my second email I am one hundred percent against this and do not approve of this change in law . If you are considering short term rental for a way of second income for people that can not afford to live here then you need to commercialize the whole Manhattan beach . I am interested on turning my garage into a store . And I do not see any difference between these two .why is this different. The bottom line is that when you go to vacation you do not follow the routine of life when you work ,you sleep late ,you go with a group, you want have fun , you drink ,and since you are with bunch of people you are loud . This is very obvious I hope you can remember the last time you were on vacation. Nobody goes on vacation and dose not go on party mode nobody . We had very bad experience in2012 that is why they changed the laws (remember). why you want to do it again
Violet

Sent from my iPad

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Saturday, February 2, 2019 9:38 AM
To: Martha Alvarez
Subject: Fwd: Short term rentals

Sent from my iPhone

Begin forwarded message:

From: Sue Swoffer Ward <sueswofferw@yahoo.com>
Date: February 2, 2019 at 3:11:32 AM PST
To: CityCouncil@citymb.info
Subject: Short term rentals

I am adamantly opposed to short term rentals in Manhattan Beach!
Do NOT make the mistake of allowing this!!!
Sue Ward

Sent from my iPhone—please forgive any typos

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Friday, February 1, 2019 7:55 PM
To: Martha Alvarez
Subject: Fwd: Air B and B

Sent from my iPhone

Begin forwarded message:

From: <artsail@roadrunner.com>
Date: February 1, 2019 at 7:01:19 PM PST
To: <CityCouncil@citymb.info>
Subject: Air B and B

I am not in favor of air b and b
Too much congestion
We already have too much congestion

Sent from my iPhone

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Thursday, January 31, 2019 6:43 PM
To: Martha Alvarez
Subject: FW: Short-Term Rentals

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@cityymb.info



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From: Karla Mendelson <ineedanap@me.com>
Sent: Friday, January 25, 2019 3:35 PM
To: List - City Council <CityCouncil@cityymb.info>
Cc: Bruce Moe <bmoe@cityymb.info>; City Manager <cm@cityymb.info>; Quinn Barrow <qbarrow@cityymb.info>
Subject: Re: Short-Term Rentals

Hello Councilmembers *et al*,

I imagine many of you have seen these posts on Nextdoor. If there is truth to it, it is very concerning. I hope you and the City attorneys will look deeply into the potential for this "Trojan Horse" before proceeding with any changes to the STR code.

- Karla Mendelson



[Carol Perrin](#)

, Downtown Sand Section

URGENT: MB Short Term Rental-BEWARE Airbnb Strategy

To be clear, Airbnb's strategy is to get Manhattan Beach to change its municipal code to allow short term rental (STR) commercial activity in residential zones. That is their single goal at this point. They do not care what limitations the city puts on that activity. Once Airbnb has their foot in the door, they will take action to expand activity and the legal rights of the city to prevent expansion will be reduced, if not waived. Once the city allows commercial activity in residential areas, Airbnb will use the California Coastal Commission to assist it in fighting any attempt by the city to limit STRs, claiming that the city is eliminating and taking away a right that then exists and is permitted by the municipal code. On the other hand, if the city never changes its current code to allow short term rentals in residential areas at all, the city is protected since a claim cannot be made that the city is eliminating a right previously granted. AND SO ARE ALL OF US!

Tami Zamrazil

, Walk Streets · Edited 1h ago

this strategy was gleaned from reviewing several years worth of cases in court in different cities in CA. the earliest was Imperial Beach in 2004. the full text of the Hermosa Beach lawsuit appeal is on this Monterey website. <https://preservemontereyneighborhoods.community/california-coastal-cities-can-ban-short-term-rentals/>

On Jan 17, 2019, at 12:09 PM, Karla Mendelson <ineedanap@me.com> wrote:

Thanks for your responses and thoughtful consideration of our community's concerns. I hear more discussion is planned and would like to throw one more suggestion into the ring:

Limit the number of days and/or number of times places can be rented in a month/year, perhaps skewing in favor of longer rentals as opposed to a high turnover rate (e.g., one tenant renting for 10 nights is less impactful than 5 different tenants renting for 2 nights each).

On another note, in the discussion on Nextdoor (yeah, I know...) some people assert that renters are fully vetted. In fact, that is not always the case. Different platforms offer different levels of detail on potential renters, and it can be difficult to effectively screen applicants.

Good luck with this one,

Karla Mendelson

On Jan 15, 2019, at 3:23 PM, Karla Mendelson <ineedanap@me.com> wrote:

Hello Councilmembers,

As a 20-year walkstreet resident and Mammoth Lakes vacation rental owner I want to weigh in on the Short-Term Rentals issue.

In Mammoth, a town dependent on short-term rentals, the advent of the Airbnb era has shaken things up quite a bit. Running a short-term rental is now super easy, and it's just too lucrative to tie up a property with a long-term tenant.

Rents for the diminishing number of long-term rentals, are becoming unaffordable for locals. With that shortage of homes, the workforce is being forced to commute from towns further down the mountain or leave their jobs altogether. Businesses are having a hard time finding and keeping or even affording employees. Their expenses are, in turn, passed along to customers. And you can't overlook the impact this has on families as they lose their neighborhoods to tourists.

These thing may or may not translate to our area, but they serve as a reminder that unintended consequences can and do occur.

Manhattan Beach has largely been a residential community. Unregulated short-term rentals could drastically change that for the worse. Do we really want a return of massive parties at homes rented out during the many events held here? Do you want a constant churn of tourists at the house next door? And how will that affect families, such as the people who move here for the schools and rent because they can't afford to buy? In turn, how will that affect our schools? Let alone the kids?

Our town is already in the midst of a massive change. At a recent Neighborhood Watch meeting, they cited a startling percentage of newcomers. (Was it 25% of residents having lived here for 5 years or less?) Short-term rentals can only add to the instability of our neighborhoods. Please protect our quality of life and craft a law that protects our community, while allowing for owners to earn an income. My suggestions include:

1. For any rental less than 30 days, the owner must reside at the property (or within earshot) during the rental period.
2. Have blackout dates during events.
3. Require a license and a signed contract acknowledging and agreeing to comply with the city's rules (including decibel levels, parking restrictions, etc.)
4. Enforcement of rules, with a warning for the first infraction, a fine for the second infraction, suspension of license for the third infraction, and loss of license for any further infraction.
5. Hire an enforcement officer, such as we have for construction. We really need one person who knows the rules and is looking out for the residents. Just having an empowered authority to call goes a long way toward smoothing ruffled feathers. (As opposed to getting passed from person to person at City Hall, as used to happen prior to having a Construction Officer.)

Thanks for taking the time to read this. And good luck navigating these waters as you come to a resolution.

Kind regards,

Karla Mendelson

Martha Alvarez

From: Bruce Moe
Sent: Thursday, January 31, 2019 6:38 PM
To: Martha Alvarez
Subject: FW: Why Aren't We Using this Software as Hermosa has Been?

From: fisher6188@aol.com <fisher6188@aol.com>
Sent: Monday, January 28, 2019 9:36 PM
To: List - City Council <CityCouncil@citymb.info>; Bruce Moe <bmoeb@citymb.info>
Cc: waynepowell4mb@gmail.com; markfburton@gmail.com
Subject: Why Aren't We Using this Software as Hermosa has Been?

T



This non-use of software in MB is not acceptable.

Tami Zamrazil
, Walk Streets · 43m ago

here is a map of airbnb and homeaway short term rentals in MB as of January 15, 2019 by a company like host compliance. as we are all well away, there are many more listing sites so this is not a comprehensive map. approx 326 operating illegally, 68 advertise they sleep 8 or more and 35 are for rooms where the host is onsite (presumably).



2 Thanks



Lyn Fisher
, Crest View · 32m ago

Tami, Is there any way to provide addresses for those rentals?

1 Thank

T



Tami Zamrazil
, Walk Streets · 27m ago

yes, host compliance and other software firms like them provide the address and owner information to make enforcement easy. but the city hasn't used any software program for the 3+ years the zoning ordinance was clarified that STRs were banned commercial activity. hermosa beach enforces their ordinance early on and they are using host compliance. their fines are for the homeowners that advertise as well as the tenants that stay in them. hope that helps.

Bruce Moe
City Manager

P: (310) 802-5053

E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Thursday, January 31, 2019 6:38 PM
To: Martha Alvarez
Subject: FW: Short term rentals

Bruce Moe
City Manager
(310) 802-5053
bmoe@citymb.info
City of Manhattan Beach, CA

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-----Original Message-----

From: Evelyn Lapham <evelapham@aol.com>
Sent: Tuesday, January 29, 2019 4:09 PM
To: List - City Council <CityCouncil@citymb.info>
Subject: Short term rentals

I am writing to register my opposition to short term rentals in Manhattan Beach. I believe allowing them will change the nature of certain parts of town significantly. When I was traveling in Europe this summer I spoke to residents of several towns where the entire town has been changed. I know we are not a walled city like Dubrovnik but 10 yrs ago there were thousands of Croats living in the town. Now about 500. While it is a plus financially for some people siem leave because of being overrun by tourists. Our guides father is the only actual resident left in his 5 apt complex. The rest are filled with short term renters who are frequently loud and drunk. He says the police no longer come to check on noise violations. After his most recent call the policeman said they couldn't do anything but he could throw them down the stairs. I can't see all of Manhattan Beach being so over rum but definitely parts of the sand section. With noise and public intoxication calls requiring an even large police force. Pleas do not allow short term rentals.
Evelyn Lapham. 881 6th st

Sent from my iPhone

Martha Alvarez

From: Bruce Moe
Sent: Thursday, January 31, 2019 6:26 PM
To: Martha Alvarez
Subject: FW: data on STR complaints and complainers?

From: Bartlett Mel <mel@usc.edu>
Sent: Wednesday, January 30, 2019 2:40 PM
To: List - City Council <CityCouncil@citymb.info>
Subject: data on STR complaints and complainers?

Dear council members,

I have been mud wrestling (mostly friendly) about short term rentals with some neighbors on Nextdoor. Those that are opposed to all forms of short-term rentals under all circumstances seem to be suffering from something like PTSTRD ("Post Traumatic Short Term Rental Disorder") based on the very bad experiences they have had with problematic STRs in their neighborhood. This leaves them very upset, and unreceptive to any form of compromise. And they are very vocal. And they are mad at the city council for opening up the discussion again.

But my impression is that most of the STR pain has been caused by a relatively small number of properties, and caused to a relatively small number of victims. If that's true, then it changes how one should think about establishing policies moving forward, and how to justify those policies.

Does any of you have the data, or would you be willing to help me access city data relating to STRs? Two of the most important pieces of data would simply be (1) the number of (unique) properties that are complained about each year, and (2) the number of unique complainers there have been each year, for the last few years. A more complete and useful dataset would be a matrix indicating how many times each complainer complained about each property. This way we could get a much clearer picture as to where the damage is coming from, and how many people are being damaged. All the data would be anonymized of course.

If it turns out that there are relatively few repeat offender STRs, and they are easily identified by a relatively small number of repeat complainers, then regulation and enforcement mechanisms might want to take on one form, whereas if there are many sporadically offending properties and many one-time complainers, then tracking and enforcement mechanisms might want to take on a different form.

At any rate, having that information in interpretable form could only help to improve your overall decision process (and inform the public debate).

Is there a person at city hall that could help me access this data? I would be more than happy to share with you any results that I come up with.

Best,

Bartlett Mel
441 2nd Street

--

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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Martha Alvarez

From: Mary Kirchwehm on behalf of Bruce Moe
Sent: Tuesday, January 29, 2019 9:07 AM
To: Martha Alvarez
Subject: FW: Short-Term Rentals

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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From: BonnieS <bscali@verizon.net>
Sent: Tuesday, January 29, 2019 9:06 AM
To: List - City Council <CityCouncil@citymb.info>
Subject: Short-Term Rentals

Dear Councilman,

It is my request that the bill allowing short-term rentals not be considered in the Manhattan Beach, California area. The city has a reputation for being considerate and respectful and the thoughts of people desiring residence in our residential area are to me, scary. There are sufficient hotels and motels in the area that may be assessed. In December of 2017, my home was burglarized, but I returned home in time to notify the police who were able to apprehend the two offenders and take them into custody.

Kindly consider not allowing such a bill to pass permitting any short-term rentals.

Sincerely,
Bonnie Scali
3505 Maple Avenue
Manhattan Beach, CA 90266

Martha Alvarez

From: Mary Kirchwehm on behalf of Bruce Moe
Sent: Monday, January 28, 2019 2:52 PM
To: Martha Alvarez
Subject: FW: Short-Term Rentals

From: Liz Fatone <liz.fatone@gmail.com>
Sent: Monday, January 28, 2019 10:39 AM
To: List - City Council <CityCouncil@citymb.info>; citym@citymb.info
Subject: Short-Term Rentals

Dear all -- I'm writing to share my support FOR short-term rentals, I attended the council meeting last year related to this topic and thought that the recommendations were very well done and thought out - specifically:

- Requiring permits for those who want to do STR
- Limiting the amount of time a home can be rented (I believe it was three months) and those months needed to be identified up front
- Allowing duplex's to provide hosted stays

I've also attended some of the Downtown Specific Plan meetings and recall a statistic that somewhere upwards of 65-75% of income to Downtown businesses comes from visitors. I'd like to support our local businesses by allowing more people to enjoy our quaint community.

Thank you,
Liz Fatone

--
Liz Fatone
Ph: 310-963-5221

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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Martha Alvarez

From: Mary Kirchwehm on behalf of Bruce Moe
Sent: Monday, January 28, 2019 2:48 PM
To: Martha Alvarez
Subject: FW: Short-term rentals — PLEASE NO!

Bruce Moe
City Manager
(310) 802-5053
bmoe@citymb.info
City of Manhattan Beach, CA

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-----Original Message-----

From: Ed Gmail <deadaphids@gmail.com>
Sent: Saturday, January 26, 2019 4:05 PM
To: List - City Council <CityCouncil@citymb.info>
Subject: Short-term rentals — PLEASE NO!

Ladies and gents:

It's come to my attention that under consideration is loosening the restrictions against this kind of activity. I, for one, am strongly opposed.

I am familiar with what happens when this activity takes place — and perhaps you are, as well. While you and I might be respectful of if we used such s short-term rental, it is known in the field that many people are not...with the downside being degradation of property, noise, excessive parking, and so on. This is measured against the minimal gains our citizen-renters by allowing this activity to go on, and while it's a bit of a cliché to say it, when this begins to happen, the charm and "personality" of our neighborhoods, and of all Manhattan Beach changes for sure. And cannot be brought back.

Please...do not allow this to happen.

Thank you.

Ed Davids
40 Fairway Drive

Martha Alvarez

From: Mary Kirchwehm on behalf of Bruce Moe
Sent: Monday, January 28, 2019 2:45 PM
To: Martha Alvarez
Subject: FW: STR

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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From: Daniel Wickemeyer <dan@object8.com>
Sent: Saturday, January 26, 2019 10:14 AM
To: List - City Council <CityCouncil@citymb.info>
Subject: STR

Dear City Council,

Please keep the laws as they are! And please hire more people to enforce this law. According to the Beach Reporter there are currently over 300 people breaking the no short term rental law currently in place.. And there is only one person to enforce it in Manhattan Beach. I live and own my home on 42nd Street and there are currently 3 places allowing STR's with in a stones throw of my home. Over the summer we had some real problems with a few of them, partying late at night and even a group of 8 Russians standing out side talking loud and smoking cigarettes all night.

I don't think the city should look at this issue from the stand point of "Oh we can make money off of these rentals". No not a good Idea! You are just going to piss off your good law abiding residents.

So please Keep the Law.

Please enforce it with large fines and leans on peoples homes who do not obey.
All you have to do is a simple google search and you can see who is delinquent.

Thank you for your time.

Dan Wickemeyer

Dan Wickemeyer

Object8.com

310-951-2221cel

Martha Alvarez

From: Mary Kirchwehm on behalf of Bruce Moe
Sent: Monday, January 28, 2019 2:43 PM
To: Martha Alvarez
Subject: FW: Short-Term Rentals in Man. Bch.

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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From: BonnieS <bscali@verizon.net>
Sent: Friday, January 25, 2019 10:03 PM
To: List - City Council <CityCouncil@citymb.info>
Subject: Short-Term Rentals in Man. Bch.

Hello,

I've heard that the Council is about to vote in favor of short-term rentals in the Manhattan Beach area. Having been a rental for most of my life, I am aware that many people are not respectful of the rental property nor the neighbors. I also heard a true story for a friend who rented out her mother's home. The lady was a very nice young lady, but her friends drove motorcycles into the house and damaged many of the rooms. My friend was overwhelmed with the condition of the home, let alone the noise that the men created for the surrounding neighbors.

I for one appreciate the conservation and maturity of my neighbors. My mother bought our house in 1955 (I graduated from Mira Costa High School in 1956), and some of the original neighbors are still here.

Please respect Manhattan Beach and do not support short-time renters for it may be an invitation to disrespectful tenants. Thank you.

Kind regards,
Bonnie Scali
3505 Maple Avenue
Manhattan Beach, Ca 90266
310-545-7512

Martha Alvarez

From: Bruce Moe
Sent: Monday, January 28, 2019 2:40 PM
To: Martha Alvarez
Subject: Fwd: STRs --VOTE NO!!

Sent from my iPhone

Begin forwarded message:

From: Nadine Weiss Flam <nhweiss@gmail.com>
Date: January 28, 2019 at 2:08:19 PM PST
To: citycouncil@citymb.info
Subject: STRs --VOTE NO!!

To whom it may concern:

I am a MB resident FOR 12 years now, as long term renter and very recently home-owner. Long term renters are part of the fabric of the community.

STRs are on vacation and have a vacation mindset no matter how peaceful they are. It would be like having a neighbor that has a party every single weekend. They are impossible to enforce and will have the same problems as with construction that cannot be entirely enforced out of existence (after hours noisy work, **no parking on your street**/in front of your own home).

I oppose STRs completely. And think it should be on the ballot if it is going to be approved.

It is **impossible to enforce** STRs with a host home —I promise you that if a host were home the entire time, they would not need a permit because no one would question the activities of a HOMEOWNER having guests. Having a host present is just backdooring STRs.

Also, it is a **Safety issue**how are we supposed to know when someone is strangely in the area, if people are always having lodgers?

Neighborhood watches will not work!! A number of our neighbors were robbed a couple of weeks ago, I came in contact with the robber since i leave for work about 6am. He was young and on a bike — I sat there deciding whether I should call the police about this strange person who seemed out of place on my block. Turns out he was the one stealing in the security cameras of all my neighbors.

If my neighbor is having STRs, I am never going to make that call —I will figure it is just another one of their guests.

This is what hotels/motels are for and there are tons of them here. I purposely did not buy a home near commercial property, which would cost less. STRs are commercial activity and should not be allowed in residential areas. When you pull title on properties, it shows how many rental properties are in your neighborhood —because it is considered undesirable. We allow renters, just not STRs.

Please do not approve STRs!!! I cannot attend the city council meetings to voice my opinion but hope it will be put into record.

Thank you,
Nadine Weiss Flam

Nadine Weiss Flam

M 323 493 5929

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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Martha Alvarez

From: Mary Kirchwehm on behalf of Bruce Moe
Sent: Monday, January 28, 2019 2:08 PM
To: Martha Alvarez
Subject: FW: Short term rentals

Bruce Moe
City Manager
(310) 802-5053
bmoe@citymb.info
City of Manhattan Beach, CA

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-----Original Message-----

From: Mary Anne Doms <madoms@icloud.com>
Sent: Friday, January 25, 2019 8:06 PM
To: List - City Council <CityCouncil@citymb.info>
Subject: Short term rentals

Just weighing to express my opposition to short term rentals of any kind. I live in the hill section and recently had a neighbor who, while living there, opened his home to traveling missionaries. The parking alone was impossible - and we're not known for having a parking problem. We live in a place where we know our neighbors, transient visitors aren't comfortable with that. I'm horrified that buying a home in an area zoned r1 could now be meaningless.

Mary Anne Doms

Sent from my iPhone

Martha Alvarez

From: Mary Kirchwehm on behalf of Bruce Moe
Sent: Monday, January 28, 2019 2:08 PM
To: Martha Alvarez
Subject: FW: Airbnb

Bruce Moe
City Manager
(310) 802-5053
bmoe@citymb.info
City of Manhattan Beach, CA

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-----Original Message-----

From: Janet Bradfield <janetlee586@icloud.com>
Sent: Friday, January 25, 2019 6:25 PM
To: List - City Council <CityCouncil@citymb.info>
Subject: Airbnb

We DO NOT want any short term rentals in our city. Please listen to the people.

Thanks

Sent from my iPad

Martha Alvarez

From: Mary Kirchwehm on behalf of Bruce Moe
Sent: Monday, January 28, 2019 2:07 PM
To: Martha Alvarez
Subject: FW: Short Term Rentals

From: fisher6188@aol.com <fisher6188@aol.com>
Sent: Friday, January 25, 2019 5:56 PM
To: List - City Council <CityCouncil@citymb.info>
Subject: Short Term Rentals

Hello,

I believe we, the residents of MB, should have an opportunity to vote to determine if we want this in our town. I do not believe that the lame-duck council members should be allowed to make a decision that affects the whole community to such an extent and can not be undone.

Even if they were not lame-duck, this is the type of issue that needs to have the votes of the whole community that it affects.

Lyn Fisher

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Monday, January 21, 2019 6:24 PM
To: Martha Alvarez
Subject: Fwd: Please don't allow short term rentals

Sent from my iPhone

Begin forwarded message:

From: "Marcinkowski, Jennifer" <Jennifer.Marcinkowski@marcumsearch.com>
Date: January 21, 2019 at 4:59:32 PM PST
To: "CityCouncil@citymb.info" <CityCouncil@citymb.info>
Subject: Please don't allow short term rentals

We have a neighbor that was (and still is) renting out his apts to shady people that smoke, curse, steal and park illegally. Please please don't let short term renters back in. We plead for years and it feels like this topic is back already soon.

Please keep it to long term rentals only. We can't have new people coming in and out on a daily basis. Our kids/families need stable neighbors. Not random sketch partiers.

Marcinkowski family
477 36th Street

Thank You,

Jen Marcinkowski
Vice President
Jhill's Staffing; A Division of Marcum Search
310.432.7537
310.938.6682 (c)

*Please make note of my new email address: Jennifer.Marcinkowski@marcumsearch.com

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Bruce Moe
City Manager

P: (310) 802-5053

E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Monday, January 21, 2019 2:43 PM
To: Martha Alvarez
Subject: Fwd: Thoughts and a suggestion regarding the short term rental ordinance

Sent from my iPhone

Begin forwarded message:

From: Bartlett Mel <mel@usc.edu>
Date: January 21, 2019 at 10:04:27 AM PST
To: CityCouncil@citymb.info
Cc: Maria Carreira <carreira@csulb.edu>
Subject: Thoughts and a suggestion regarding the short term rental ordinance

Dear City Council members,

I want to thank you for the thought and effort you have put into the short term rental issue on behalf of our city. It's a complex and divisive issue, and there are no perfect solutions. I think, though, the new ordinance improves the situation in multiple respects, so I offer my compliments and appreciation for that.

I have two more thoughts on the matter, followed by a suggestion.

First, from the testimonials I heard at the meeting last week (and others on NextDoor), I think you should prioritize providing relief to the people who are suffering greatly from the hotel-style short-term rental properties in their neighborhoods, and sometimes even two or three such properties within earshot of their house. I think any of us would be upset if such places suddenly opened up in our own neighborhoods.

Second, I am very pleased that the new ordinance will allow for small amounts of un-hosted renting in residential neighborhoods -- the type of short-term renting whose affects everyone seems to agree are mainly positive. I also think it's reasonable to ask residents who do a small amount of vacation renting to apply for a permit so that the city can keep track of things, especially complaints that come in over time.

But I continue to feel that it's over-reaching to insist that a homeowner, who rents their house even for just one week over a period of a year, to obtain a business license. Normally, common sense thresholds apply in situations where residents engage in private dealings. For example, if I sell my car to my neighbor, the city doesn't compel me to obtain a business license on the grounds that I'm a car dealer. A bake sale is not a restaurant business. Babysitting is not the same as opening up a daycare center.

In each case, the concept is the same: small amounts of buying and selling and bartering among private citizens is not generally regulated by the city as business activity. Does the City of

Manhattan Beach want to lead the way to greater regulation of small-scale private activity, even activities that benefit multiple parties including the city?

I would therefore suggest the following common sense modification to the ordinance you are planning to enact:

(1) Define the threshold for "small scale" renting in residential neighborhoods as you already have: Full time owner-residents who rent their houses at most 3 weeks a year.

(2) Require those owners to obtain a permit, renewable annually, for the purpose of tracking of complaints.

(3) Do not construe such homes as "rental businesses" subject to annual renewals, fees, and taxes.

For those who wish to rent on a larger scale (up to 60 days, hosted), a business license with fees and taxes is arguably more appropriate, since such dwellings are likely to lead to more complaints and require greater levels of enforcement.

One last thought (and cautionary note): by requiring homeowners in residential neighborhoods to register as businesses, you are in effect condoning business activity in residential neighborhoods. What's to stop residents who want to open other kinds of businesses in residential neighborhoods (food outlets, yoga studios, etc.) to point to the allowance of rental businesses in residential neighborhoods, and insist on equal opportunity? This could create future problems for the city council, not to mention the neighborhoods.

Thank you again for your efforts to create sensible legislation that balances multiple interests.

Sincerely,

Bartlett Mel
441 2nd Street
--

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Saturday, January 19, 2019 9:20 PM
To: Martha Alvarez
Subject: Fwd: Short term rentals

Sent from my iPhone

Begin forwarded message:

From: Ray Joseph <homes@rayjoseph.com>
Date: January 19, 2019 at 12:28:03 PM PST
To: <CityCouncil@citymb.info>
Subject: Short term rentals

Have you thought about zoning? Will the rules apply to RS, RM, RH, Commercial or Office districts. I would assume Short Term Rentals would be ok in commercial districts. Maybe there are different rules for commercial districts.

--

Kind Regards,

Ray Joseph
Palm Realty Boutique
401 Manhattan Beach Blvd, Suite B
Manhattan Beach CA 90266
Cell 310-545-7295
Homes@RayJoseph.com
Search live MLS listing at
www.RayJoseph.com
DRE #01397157

The highest compliment my clients can give me is a referral of their friends, family and business associates.

Bruce Moe
City Manager
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Martha Alvarez

From: Bruce Moe
Sent: Saturday, January 19, 2019 9:19 PM
To: Martha Alvarez
Subject: Fwd: Proposed Short term rental Ordinance changes

Sent from my iPhone

Begin forwarded message:

From: ROBERT REYES <beachforsale@yahoo.com>
Date: January 19, 2019 at 5:31:44 PM PST
To: "CityCouncil@citymb.info" <CityCouncil@citymb.info>, "cm@citymb.info" <cm@citymb.info>
Subject: Proposed Short term rental Ordinance changes
Reply-To: ROBERT REYES <beachforsale@yahoo.com>

Dear Sirs,

First I'd like to thank you for your decision to overturn the ban on STR's. Times are changing and it's nice to see you are too! I know you have the best of intentions and I would like to point out a few major problems that will all but guarantee the failure of the proposed program. I am assuming you are interested in the revenue that has been missing both in the TOT and the taxes generated from the local businesses that all our guest frequent. During the time when short term rentals were allowed, my homes average about \$1000 a month in TOT. We had nice families, we vetted and monitored our Guests as best we could and we were doing great!

Unfortunately the plan you are proposing to implement won't work... I for one will advise my Clients to not waste the money, time and effort for such a difficult/small return on stays less than 30-days under this new proposal. I appreciate that you are attempting to change things for the better but the reality is it will only make sense for a small few homeowners. These are the same homes I refuse to manage because they are poorly set up. When I was handling those homes (Owner occupied / lived in) the Guests were very unhappy with the way the home was set up because they felt extremely uncomfortable surrounded by belongings, personal property strewn all over the house and in the garages. I no longer waste my time with those properties. They are nothing but a drain on my time, energy and in the end, gives my company a bad name.

A few obvious problems with the proposed plan; Must own the property as a primary residence.... limited hosting to 60-days a year.... Limiting non-hosting stays to 3-weeks per year with a maximum of 7-days per stay; I believe these ideas will not fix anything and instead create a vast amount of problems and will end up defeating the whole purpose. The bulk of my business is out of area owners that invest in MB with future plans to retire here. They use their homes a few times throughout the year otherwise the homes are empty. These are the best homes to use as rentals! We ensure these homes are set up professionally so when the visiting families arrive, they are thrilled with the accommodations and don't have to feel like they are sleeping in someone else's bed and having to attempt to make room in closets and drawers which are filled with somebody else stuff. These are the guests that you want to visit as they are the ones that will pay a high price to have a professionally set up home, frequent downtown restaurants/shops, eat at our local restaurants for most meals and support our local economy. In comparison, the type of guest who are willing to stay in an owner-occupied home (whether the owners are present or not) are bargain hunters that will not be spending money in town. People want to visit out town ...but to stay in a stranger's home with all their clothes, pictures and junk in the home... most say, no thanks. we are pushing quality guests and their dollars out of MB! Since the ban, I have turned away hundreds of families, (many my regulars) that have been vacationing in MB for years and who are now forced to stay and spend their dollars outside of Manhattan beach. These visitors do want the space and comfort of a home, but they also want privacy for their family and to feel they are living in a clean, well appointed beach vacation home for a week or longer.

Result; My owners are sophisticated business people and they will not mess with the program you purpose. It's so limited and does not make financial sense. I will advise against it. It's a no brainer When you made the Ordinance a couple of years ago I lost 95% of my homes to full time monthly rentals. This has, in effect pushed the rental values to drop faster than at any time I have seen in my 30+ years of being a local Realtor. When the Ordinance passed the community was flooded with over 400 homes hitting the long-rental market all at once in the sand section of MB and HB. This has obviously taken a toll on home values as the rents and home purchase prices are so disproportionate. Many of my owners simply sold and bought properties elsewhere as it no longer made financial sense for them to own a rental home worth 3-4 million dollars which only brings in a monthly rent of under \$8,000.

I also do not understand limiting stays to a maximum 7-days, it makes more sense to be a minimum of 7-days per stay and there should not be a limited number of days allowed per year. Instead, I suggest you implement one simple restriction: All short-term rentals may be no less than a minimum of 7-day. This would keep out the weekend partiers, support local businesses through visitors eating and shopping at local restaurants/stores and allow visitors, family and friends to enjoy the beautiful town of Manhattan Beach and all it has to offer.

Another issue..... why do you care if an owner rents 1 property or 5? I know many owners that own multiple properties in MB. I'd be surprised if a couple of you didn't, its a smart investment!

What you are proposing will cost you more to implement than you will make in return.

Simplify.... Require licenses that are comparable in cost to a regular business license, forget about this nonsense of owner occupied, primary residence stuff. The most productive and easy to manage properties are second homes! And when the owners aren't here they are vacant anyway bringing in zero revenue for the city. Allow STR's in the Sand section only as that is where 99% of the Guests want stay anyway and make it a minimum of 7-days so you all but eliminate the problems that come with the 2-3 day bookings.

Sometimes government gets to involved in business and shoots themselves in the foot. Thank you for your time and consideration.

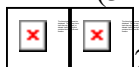
Robert Reyes
Sunny California Vacation Rentals

Robert Reyes

Palm Realty Boutique

Cell (310) 308-8778 BRE# 01042444

Office (310) 318-5017 Fax (310) 318-5085



200 Pier Ave Suite 204 Hermosa Beach, CA. 90254



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www.sunnycaliforniavacationrentals.com

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Martha Alvarez

From: Bruce Moe
Sent: Saturday, January 19, 2019 9:53 AM
To: Martha Alvarez
Subject: FW: Research on changing the current short term rental stance is very much needed.
Attachments: Airbnb multiple articles for review.docx

From: colleenyoung1@aol.com <colleenyoung1@aol.com>
Sent: Friday, January 18, 2019 11:46 PM
To: List - City Council <CityCouncil@citymb.info>; Steve Napolitano <snapolitano@citymb.info>; Richard Montgomery <rmontgomery@citymb.info>; Nancy Hersman <nhersman@citymb.info>; Amy Thomas Howorth <ahoworth@citymb.info>; David Lesser <dlesser@citymb.info>
Subject: Research on changing the current short term rental stance is very much needed.

Mayor, Mayor Pro-Tem, City Council Members:

Please see the news article list below along with the attached document of referenced articles. Research on the short term rental stance you are proposing is very much warranted.

Obviously many cities are struggling with the Airbnb and vacation short term rental industry. It seems allowing this to go uncontrolled within the cities has organically brought the need to require limitations and regulations. Upon requiring limitations and regulations with ordinances so that cities could collect taxes and fees came with unintentional court battles ending up in litigation costing many cities more than they had anticipated.

If you think gaining \$150-\$200,000 dollars in TOT is a good idea to help our community, then how do you plan to explain or come up with the money it will take to defend our small town from those large behemoth companies that clearly benefit greatly from our own demise? You are very much misinformed if you think they plan to work with you in helping to police or make sure our ordinances or regulations and laws are followed. They could not care less about that. They will litigate you into getting a free path with no obstructions until any and all who wish to do short term rentals are able to do so without restrictions.

You very much need to do your research and understand that the short term rental situation in these other cities has gone from bad to worse. Many of them are now suffering financially with litigation costs to defend their own ordinances that they put in place to keep their neighborhoods safe and protect their community residents.

If you vote to change the current ban, which by your own admission has not actually been fairly supported to uphold the ordinance, then plan to be ready to explain to community members how the decision of only four persons ended up costing our city so much money in litigation cost, just to defend allowing a small minority to earn a little income. This will leave no benefit financially to the city after the expense it takes to provide, uphold, and govern the change in the first place.

Once you change current residential zoning laws with a new ordinance allowing any type of short-term vacation rentals, it will open the flood gates for all those that are restricted in the guidelines to then litigate their inclusion and get what they want. Airbnb and the large companies are already in

litigation with other cities now to fight the regulations they put in place to limit short-term rentals. If you open the door to allow this, they will not be satisfied until all the way in.

Our city does not have the deep pockets, such as New York, Boston, or even Santa Monica to defend the regulations put in place intending to help control short term rentals from disrupting everyone who lives here. Residential zoning is required for a reason, and it is necessary to enforce it to enable all to have quiet and enjoyment in the home that they purchased (not just quiet and enjoyment for a portion of time), so who is the council to say that up to 60 days a year of disruption of peoples lives is allowable or acceptable?

Know that your best intentions to try to please everyone is not going to work out. The question is what is going to be the total expense in the end to our city for making a hasty decision without truly knowing the facts.

It would be prudent to take another look at what you are proposing to be sure you can actually accomplish upholding the regulations. The city attorney should be consulted as to how much it may cost the city to defend against litigation of the proposed short-term vacation rental ordinance. A budget should be proposed also if you plan to say that allowing the change in zoning and putting in place a short-term rental ordinance will provide the city with enough funding to support the program, and not end up costing the city additional money that is not provided by the suggested fees and TOT.

All of you expressed openly at the council meeting your concerns for many issues: the means to enforce and police the regulations; the budget and cost to do so in allowing short-term rentals; whether the fees and TOT would cover the needed expenses to support the program; the lack of research into other cities experiences with pros and cons of their own short-term rental policies; the affect on police and fire departments; whether those not following the rules now would actually follow any new rules; how to fine and enforce the penalties; and how it will affect the housing supply or property values in our city.

It was also noted and agreed to by the council members that it was a non-starter if in fact the vacation rental sites would not cooperate with putting in place a provision of not allowing a listing to be active unless the approved individuals had a city business or license number. Several of the articles below point to that exact situation where they have litigated with multiple cities to not police or provide information to them, or would not guarantee that they would confirm to list only those properties with approved business and license numbers proving the property legal to be let for short-term renting.

By not allowing a short-term rental policy and keeping the ban in place, you have not taken anything away from any residents at all, because operating transient housing is not allowed in residential zoning laws in Manhattan Beach. Nothing has been taken away from those residents who were illegally doing it before; however changing current residential zoning laws would be taking plenty away from those residents who bought their homes with a different understanding of the neighborhood around them.

Please see the information below along with the attached document and take the time to research this issue. Your time and consideration of this matter is greatly appreciated.

Thank you,
Colleen Young

Here is a list of a multitude of articles, along with an attached document of excerpts from some those articles, supporting the need for further research and investigation prior to moving forward.

SF forces Airbnb to purge website of illegal listings - by ...

www.sfexaminer.com/sf-forces-airbnb-purge-website-illegal-listings

Sunday **January** 13, 2019 ... SF forces **Airbnb** to purge website of illegal listings. ... Calif. on Wednesday **January** 17, 2018. (Emma Marie Chiang/Special to the S.F. Examiner)

Airbnb New York | Illegal Hotels NYC | Phillip Baldeo

<https://therealdeal.com/2018/04/16/city-sues-airbnb-over-subpoena...>

City Hall attorneys filed **suit** against **Airbnb** on Monday, after the company refused to acquiesce a subpoena for short-term rental **records** at 156 West 15th Street in Manhatta

1.

Airbnb's Response to Paris Lawsuit Is the Same Old Story ...

<https://skift.com/2018/04/12/airbnbs-response-to-paris-lawsuit-is...>

By **January**, 2018, when the deadline for all **Airbnb** and HomeAway hosts to register with the **city** arrived, the number of **Airbnb** listings for **San Francisco** dropped dramatically.

2.

Airbnb Sues Over Nasty Surprise From Its Hometown - The ...

<https://www.nytimes.com/2016/06/30/technology/airbnb-sues-over...>

Jun 30, 2016 · **Airbnb Sues** Over Nasty Surprise From Its Hometown. Image. ... **Airbnb** appeared to be surprised when the once friendly San Francisco Board of Supervisors turned hostile, unanimously voting

1.

Airbnb Suing Boston Over New Regulations - News | Planetizen

<https://www.planetizen.com/news/2018/11/101538-airbnb-suing-boston...>

The **city** of **Boston** approved its regulations to counter the proliferation of investor-owned properties listed on short-term rental sites like **Airbnb**. The **city** also believes the number of short-term rental units in the **city** is exacerbating the **city's** housing affordability crisis.

2.

Airbnb New York | Illegal Hotels NYC | Phillip Baldeo

<https://therealdeal.com/2018/04/16/city-sues-airbnb-over-subpoena...>

City Hall attorneys filed **suit** against **Airbnb** on Monday, after the company refused to acquiesce a subpoena for short-term rental **records** at 156 West 15th Street in Manhattan.

3.

SF forces Airbnb to purge website of illegal listings - by ...

www.sfexaminer.com/sf-forces-airbnb-purge-website-illegal-listings

Sunday **January** 13, 2019 ... SF forces **Airbnb** to purge website of illegal listings. ... Calif. on Wednesday **January** 17, 2018. (Emma Marie Chiang/Special to the S.F. Examiner)

Airbnb Sues Hometown San Francisco to Block Rental Rules

<https://www.bloomberg.com/news/articles/2016-06-27/airbnb-is-suing...>

Jun 27, 2016 · Housing Bear Who Called 2018 Slowdown Says Worst Yet to Come **January** 7, 2019, 5:00 AM EST
markets Bridgewater's Pure Alpha Fund Returned 14.6% Last Year **January** 6, ...

5 of the worst Airbnb horror stories - The Journal News

<https://www.lohud.com/story/news/local/2018/01/05/airbnb-horror...>

Here are five of the worst **Airbnb** horror stories from around the country. ... The **Journal News** Published 5:06 p.m. ET
Jan. 5, 2018 ... The startup would disrupt the hotel industry in major **cities** ...

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Multiple Articles for review:

Judge Blocks NYC Crackdown on Airbnb Rentals

ww2.cfo.com/legal/2019/01/judge-blocks-nyc-crackdown-on-airbnb-rentals

A federal judge sided with **Airbnb** in a legal battle with New York City over a law that would force online home-sharing sites to disclose renter data to city officials. U.S. District Judge Paul A ...

Airbnb is facing resistance from regulators in Amsterdam, **Santa Monica, California**, and Reykjavik, Iceland, among other popular tourist destinations. The New York City law could give Airbnb-skeptical regulators around the world a straightforward playbook to copy as they seek to limit the company's influence.

New York City passed a law last year that would require home-sharing companies to disclose information to the city about their listings, including their hosts' identities.

A federal judge this month **temporarily blocked that law**, saying it was overly broad. **Airbnb cheered that decision, and the company is pressing for a state law that would legalize many short-term rentals that now violate the law.**

The recent New York City law intended to crack down on Airbnb and other online home-sharing sites that city officials say have essentially turned residential apartments into illegal hotels and have aggravated the city's housing shortage.

The law, **which was enacted last summer** and was to go into effect next month, would have required the home-sharing services to disclose monthly to the city detailed information about tens of thousands of listings, and the identities and addresses of their hosts.

Airbnb and another firm, HomeAway, sued in August, contending the law was unconstitutional.

The decision could aid home-sharing services in their fight with other cities that have sought to regulate them, putting a limit on how much information local governments can demand.

Speaking at a news conference, Mr. de Blasio defended the law on Thursday and predicted that the city would "ultimately prevail" in court.

"We have a huge city with a lot of Airbnb activity and a lot of concern in our neighborhoods and, unfortunately, a lot of examples of abuse," he said. "To put a strong data regimen in place made all the sense in the world."

Judge sides with Airbnb, HomeAway; blocks NYC law ...

<https://www.housingwire.com/articles/47835-judge-sides-with-airbnb...>

January 3, 2019 Ben Lane KEYWORDS **airbnb** HomeAway New York City New York City housing New York City real estate New York City rent short-term rental Short ...

From NY suit article:

Despite an Airbnb policy to limit each host to a single account in the city, the brokers were able to set up multiple accounts, using incomplete and inaccurate listing addresses, all of which linked back to the same contact information.

The suit said that Airbnb permitted listings to appear without building numbers, or sometimes without addresses at all.

"Users who advertise housing for rent on booking platforms are allowed to use fake identities, and to create multiple host accounts, obstructing enforcement as well as consumers' ability to receive complete information and track reviews," the Mayor's Office of Special Enforcement said in a press release.

Airbnb sues Boston over rental rules set to take effect in ...

<https://www.bostonglobe.com/business/2018/11/12/airbnb-sues-city...>

Airbnb has filed a lawsuit in an effort to overturn Boston's new short-term rental law, and is asking a judge to block the stringent rules from taking effect on **Jan. 1**. In a federal court filing ...

<https://www.planetizen.com/news/2018/11/101538-airbnb-suing-boston-over-new-regulations>

Airbnb Suing Boston Over New Regulations

The front lines of the short-term rental wars shift to the city of Boston. November 15, 2018

Tim Logan reports: "Airbnb has filed a lawsuit in an effort to overturn Boston's new short-term rental law, and is asking a judge to block the stringent rules from taking effect on Jan. 1."

"Under the rules set to take effect in January, Airbnb investors and apartment tenants would be prohibited from renting their homes by the night, and property owners would not be allowed to list more than one unit on the website," according to Logan.

The city of Boston approved its regulations to counter the proliferation of investor-owned properties listed on short-term rental sites like Airbnb. The city also believes the number of short-term rental units in the city is exacerbating the city's housing affordability crisis. In response, Airbnb is claiming that the city's regulations violate the federal Communications Decency Act, which, according to Logan, "protects online platforms from being penalized for third-party content," as well as the First Amendment.

FULL STORY:

[Airbnb sues city over rental rules](#)

Published on Monday, November 12, 2018 in *The Boston Globe*

Airbnb sues city over rental rules

By **Tim Logan** GLOBE STAFF **November 12, 2018**

Airbnb has filed a lawsuit in an effort to overturn Boston's new short-term rental law, and is asking a judge to block the stringent rules from taking effect on Jan. 1.

In a federal court filing on Tuesday, Airbnb claims that Boston's regulations requiring online rental platforms to police their listings and share user information with the city violate state and federal laws.

Under the rules set to take effect in January, Airbnb [investors and apartment tenants would be prohibited from renting their homes by the night](#), and [property owners would not be allowed to list more than one unit on the website](#). Airbnb has about 6,300 listings in Boston. Studies suggest an outsized share of its business comes from investors and other hosts the rules are aimed at curtailing.

The Walsh administration and some neighborhood groups say the exploding short-term rental industry is exacerbating Boston's housing shortage because landlords take apartments out of the general rental market to instead lease them by the night to tourists.

When the measure was moving through Boston's City Council during the spring, debate centered on what sort of homes could be leased short-term, and for how long. Airbnb is not challenging the law on those grounds. Instead, it argues that requiring online hosts to enforce the rules violates the federal Communications Decency Act, which protects online platforms from being penalized for third-party content — in this case, ads people post to rent their homes, Airbnb says — and also infringes on the company's First Amendment right to free speech.

"This is a case about a city trying to conscript home-sharing platforms into enforcing regulations on the city's behalf," wrote Howard Cooper, a prominent Boston defense attorney who is representing Airbnb. "The City of Boston has enacted an ordinance limiting short-term residential rentals by hosts. But it goes much further than that. The ordinance also enlists home-sharing platforms like Airbnb into enforcing those limits under threat of draconian penalties, including \$300-per-violation-per-day fines and complete banishment from doing business in Boston."

A company spokeswoman declined further comment. A spokeswoman for Boston Mayor Martin J. Walsh said he couldn't comment on pending litigation. City Councilor Michelle Wu, one of the bill's leading architects, posted on Twitter that she was "not surprised" Airbnb went to court "after they failed in the court of public opinion."

“Boston needs to keep implementation on track for January 1st,” Wu tweeted. “These regulations close corporate loopholes exacerbating our housing crisis & are urgent. We will figure out enforcement one way or another.”

<https://skift.com/2018/04/12/airbnbs-response-to-paris-lawsuit-is-the-same-old-story-weve-heard-before/>

Airbnb's response to Paris Lawsuit is the Same Old Story

Airbnb has crafted an ideal template for telling the same old story when it comes to dealing with short-term rental regulations around the world, and more cities just don't seem to want to hear it anymore. Airbnb's No. 1 market in the world, Paris, is not happy with the platform's business operations.

The city is suing the online travel company, as well as its homesharing peers Paris Attitude and Wimdu, in a lawsuit that could have a lasting impact on how short-term rentals are regulated in major metropolitan cities.

Paris wants Airbnb and other platforms to ensure that any short-term rental listings on their sites without a formal registration number, as well as those that do not comply with the city's 120-day annual cap rentals, are removed.

If the city wins its case on June 12, up to 43,000 of Airbnb's listings in Paris, which account for two-thirds of its 65,000 listings, may disappear from the platform.

The city instituted a 120-day cap on short-term rentals in four of its 20 arrondissements in November. And in December, the city required Parisians who engage in short-term rental activity to have registration numbers.

Like many other major cities around the world, Paris has had a contentious relationship with Airbnb, with an estimated value of \$31 billion. It is the homesharing giant's biggest market, both in terms of number of nights booked and the number of listings.

In each of its previous regulatory battles, whether in New York, San Francisco, London, Barcelona, or Berlin, Airbnb's playbook for handling these situations is very much the same, despite the differences in local laws. Paris is no different.

Airbnb's official statement on the Paris lawsuit reads: “We are disappointed by this decision, which will hurt local families who share their homes and puts their needs behind the financial interests of big hotel chains and well-funded lobby groups. Homesharing rules in Paris are complex, confusing, and designed for professional operators and big businesses. We will continue working with Paris on clear and simple rules that work for everyone — not just big businesses.”

It's a response we've heard time and again from the company when it comes to its regulatory battles.

Here's a breakdown of the company's five defense points.

1. THIS HURTS PEOPLE JUST TRYING TO MAKE ENDS MEET

The Airbnb Citizen site is filled with profiles of individual Airbnb hosts who are using the platform to earn additional income and improve their daily lives, and the company continually publishes data touting how Airbnb helps hosts afford to stay in their own homes.

Most recently, the company said 54 percent of Airbnb hosts around the world are using it to be able to afford to live in their own homes.

“We do want to tackle bad actors and we don’t want people on the platform who are impacting housing negatively,” Aurélien Perol, head of public affairs communications for Airbnb in France and Belgium told Skift. “We want to find a good way to tackle that. The current scheme just doesn’t work and it’s impacting regular Parisians who just want to make extra money on Airbnb and improve their daily lives.”

But as conflicting studies and reports from Airbnb and its opponents have shown over the years, it’s not always clear how much of Airbnb’s business in any one jurisdiction is being carried out by “casual homesharers” or more professional, commercial operators.

Airdna, a company that tracks data related to Airbnb, estimates that in Paris, approximately 35 percent of Airbnb’s hosts have multiple listings, which might suggest they operate more like a professional or commercial renter of homes. Sixty-five percent have just a single listing.

It also notes that about 56 percent of Airbnb’s total 65,000 listings for Paris are considered “active” or are regularly booked. That means that a little less than half of its listings might be considered inactive. Airbnb has said that one-third of its listings in Paris have never been booked, and 90 percent of its listings in Paris have been rented out for less than 120 days a year.

The proportion of commercial operators versus casual homesharers in any one jurisdiction varies from city to city. And no two cities’ short-term rental regulations are the same.

But it’s clear that Airbnb wants to emphasize the narrative that the majority of its hosts are not commercial operators, despite the fact that the company is actively trying to grow its business with independent hotels as well as professional vacation property managers.

2. THESE LAWS JUST DON’T WORK

Another argument often deployed by Airbnb in its regulatory battles is that whatever laws or regulations cities have come up with just aren’t adequate enough, or are simply too complicated for people to understand or to comply with.

“What we’ve noticed in Paris is that professional hosts [those who rent out their homes more regularly or even hotels that advertise their rooms on Airbnb] are registering in numbers, whereas regular citizens don’t,” Perol said.

He emphasized that while most active Airbnb hosts were registering their listings, those who rent out their homes only occasionally “are reluctant to do it” and “they don’t see the point of it.” He likened the situation as more of a miscommunication between short-term rental hosts and the city over why there’s a requirement for short-term rental registration.

He also pointed to Berlin, which previously had very strict laws regarding homesharing but recently voted to relax them.

“You could only rent a room before, not an entire home, and there was a lot of red tape to go through to get a permit and it was very hard to get them,” Perol explained. “People in Berlin sued the city asking for them to change the system, and in the end, they had to change the system for something more useful and easy to understand.”

We also saw this argument play out in the company’s hometown of San Francisco, but with a different outcome.

In 2016, Airbnb said the city’s registration system was just too complicated and difficult for people to use to explain a government report that showed nearly 80 percent of its hosts were not registered.

But after being sued by the city of San Francisco in 2016, Airbnb settled in May, 2017, by agreeing to automatically register all local hosts in the city to comply with short-term rental laws that went into effect in 2014.

That agreement significantly impacted the company's business in San Francisco, however. By January, 2018, when the deadline for all Airbnb and HomeAway hosts to register with the city arrived, the number of Airbnb listings for San Francisco dropped dramatically. A San Francisco Chronicle report showed a drop from 8,740 listings in August, 2017, to 4,191 in January, 2018 — a decrease of 52 percent.

When asked if Airbnb would consider complying with Paris officials and doing something similar to what it is currently doing in San Francisco, as well as Chicago and New Orleans, with automatic registration, Perol emphasized that regulations in the European Union are different from those in the U.S.

"They can do pass-through registration," said Perol of European Union guidance, "but if people don't want to register, we are not supposed to oblige them to do so." Airbnb can only inform hosts of the laws to the best of its ability, and that's what the company has been doing, Perol added.

3. WE'RE JUST A PLATFORM

This leads us to the following popular defense that Airbnb often relies upon in regulatory battles: the claim that the company is simply a marketplace and that it cannot, and should not be expected to actually enforce local laws that relate to short-term rentals.

In the European Union, the company refers to those "collaborative economy" guidelines as well as these laws regarding e-commerce.

"In Paris, what the city is asking us to do is look at all of the 65,000 listings that we have in Paris and check to make sure each and every one of them are duly registered," Perol said. "But it's illegal to require a platform to oblige all of its users and monitor all of its users to see if it applies to the law. This is a system that breaks the [E.U.] law."

In the U.S., the company refers to Section 230 of the Communications Decency Act (CDA) that protects websites from being liable for content posted by third parties on their platforms.

More recently, however, some judges have decided to push back against the law in the U.S., as seen in San Francisco. If more lawmakers in the U.S. are able to craft legislation that circumvents laws like the CDA, that could have some serious implications as to how Airbnb complies with short-term rental regulations.

4. LET US HELP YOU (HELP US)

Airbnb has also repeatedly emphasized that it does want to work with local jurisdictions to craft better short-term rental regulations that work for everyone. Often times, the company will propose the establishment of tax collection agreements.

In Paris, Airbnb's Perol said the company asked the city to consider working with Airbnb on placing an automatic cap that doesn't allow hosts to rent out their homes for more than 120 days per year. It's similar to the agreement the company has in London, where Airbnb hosts are automatically prevented from renting out their homes for more than 90 days per year.

But this begs the question: If Airbnb can design its platform to have an automatic limit on the number of days that any one host can rent out his or her home, why can't the company create a design that only allows registered Airbnb hosts in Paris to list on the site?

5. WHAT ABOUT THE OTHER GUYS?

Deflection is also another tactic that Airbnb employs when discussing regulatory issues and, to be fair, it's not an unjustified ask on their part. Airbnb is often more closely scrutinized and criticized for its handling of short-term rental regulations when other private accommodations players, such as Expedia's HomeAway and Booking Holdings' Booking.com, are not.

In Paris, Airbnb noted that Booking Holdings did not receive the same notice from Paris City Hall to remove listings that do not have registration numbers.

An article published in Le Monde noted that Booking.com only publishes home listings in Paris that have registration numbers.

"One of the things that is important about our company is obeying the regulations, whatever they are," Booking Holdings CEO Glenn Fogel told Skift Thursday. "We pride ourselves in doing the right thing even though it may not be what other people are doing. They may have a short-term business advantage, but we play for the long run."

When asked if Booking Holdings needs to do a better job of policing hosts, Fogel said he spoke with the company's general counsel on Wednesday to discuss whether additional steps are required to ensure that Booking Holdings and its hosts are in compliances with local regulations around the world.

"What do we need to do as we build out our listings worldwide to ensure we are doing what we set out to do, to do the right thing," Fogel said. "Do we need additional systems? Do we need additional processes? Will we be able to make sure that we walk the walk, and not just talk the talk?"

Fogel didn't cite any specifics but added that he and his general counsel agree "that is the way we have to go."

"We welcome a level playing field in all parts of our business, not just in terms of regulations on home rentals," Fogel said.

A NEVER-ENDING STORY

This most recent regulatory battle for Airbnb echoes many others that have come before it. And while Paris is significant because it is Airbnb's No. 1 market in the world, whatever results from the lawsuit will impact not just Airbnb but all participants in the private accommodations space — Booking and Expedia included.

We can and should expect Airbnb to continue taking the same stance it's taken in previous battles and, to some, despite all the give-and-take between Airbnb and cities, it's likely Airbnb will come out on top in the end.

"All of the regulatory crackdowns for Airbnb are not really bad news for them," Eric Goldman, a professor at Santa Clara University School of Law and an expert on legal issues relating to websites, told Skift last year.

"They'll figure it out, they'll navigate and shut the door on anyone else who wants to compete with them. It's a tough position for them to be in because regulators are gunning for them, but they could also be in a winning position. I think they're setting themselves up as a winning model for the future, and every time Airbnb strikes a deal [with a city], they are putting a little more distance between themselves and their competitors, who just can't catch up."

—*Skift Executive Editor Dennis Schaal contributed to this report.*

Martha Alvarez

From: Bruce Moe
Sent: Friday, January 18, 2019 4:02 PM
To: Martha Alvarez
Subject: Fwd: Short term rentals

Sent from my iPhone

Begin forwarded message:

From: bbobbarkley <bbobbarkley@aol.com>
Date: January 17, 2019 at 2:37:15 PM PST
To: CityCouncil@citymb.info
Subject: Short term rentals

I am against short term rentals in Manhattan Beach.

Best regards,

Bob Barkley

Sent from my Samsung Galaxy smartphone.

Bruce Moe
City Manager
P: (310) 802-5053
E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Friday, January 18, 2019 3:59 PM
To: Martha Alvarez
Subject: Fwd: Short Term Rentals

Sent from my iPhone

Begin forwarded message:

From: Timothy Lawler <tlawler@tldouglas.com>
Date: January 17, 2019 at 6:51:44 PM PST
To: "CityCouncil@citymb.info" <CityCouncil@citymb.info>
Subject: Short Term Rentals

City Council,

My family has owned property in Manhattan Beach since our great aunt bought two lots in the 1930's. One of the lots was left to our father and now my brothers, sisters and I own the property. There are three units on the property. We are in favor of short term rentals. We rented out one of the units as a STR in the summer of 2015, prior to the ban, through the VRBO website and had no problems with any of our guests. One of the reasons we are in favor of STRs is because it gives us the opportunity to continue to enjoy the beach that we all grew up on.

We all have lived on the property. My oldest brother lived there first. As his families grew, he needed more space. He moved out and another sibling moved in. So it went. Now one of my daughters lives there. We have known many of our neighbors for a long time.

My daughter and I attended the meeting City Council meeting Tuesday, 1/15/19. This is a complicated problem and I, believing a workable solution could be arrived at, would like to offer some observations and suggestions for your consideration.

- Can the city stop all short term rentals? Based on the fact that the ban has been in effect for a couple of years and STRs are still going on, the answer appears to be no. So, the question becomes, what does the city want to do? Spend the time, money and manpower and up the enforcement of the current ban, or spend the time, money and manpower to find a method of controlling the STRs and generate positive revenue for the City. Since the council is discussing the later, I would like to offer some ideas in that regard, starting with the complaints from those residents against STRs.
- The complaints seem to be centered on three very real problems: noise, parking and trash.
 - o Any property owner, especially in an expensive neighborhood like Manhattan Beach, that allows their property to be abused by renters is a slumlord, only caring about making money. Owners like this will respond to one thing – losing money. There are already ordinances on the books pertaining to these issues. What they need are teeth. I would suggest that during the STR permit process, all owners should be given a brief recap of the noise, parking and littering regulations for the City. At the end of the recap, a simple statement saying any violation of the ordinances in an STR property will result in the property owner being fined. Fines starting at \$10,000.00, increasing with multiple

offenses. All owners must sign the recap acknowledging the ordinances, fines and their responsibility to follow them.

- Neighbors who suffer with loud parties, parking problems, trash will need to place a call to the MB police. If the police find the situation is as reported, they issue a citation to the occupants and the owners will be notified and fined. Since everyone has a cell phone, documentation of these problems would not be difficult.
 - Granted this may not solve the problem the day or night it happens but it won't happen a second time. They have been hit where it hurts them. When the most expensive rentals currently listed on the various websites is \$1000 per night, no owner wants to pay a \$10,000 fine when his property is generating them one-tenth that amount. And that is the most expensive rentals.
 - These slumlord owners will either comply with the regulation and be more careful in their vetting of renters, change to long term rentals or sell their property
- From the owners of an STR point of view, these things are a must:
 - Business license,
 - STR permit, with listing of permit on whichever website they use
 - TOT, which can be collected through the Airbnb or VRBO website, as done in Portland, OR.,
 - 7 day minimum stay,
 - On-site parking requirement,
 - Neighbor notification,
 - 24 hour contact information, including cell number and e-mail address
 - In a multi-unit property, one rental unit per property,
 - Properties with four or more units prohibitive,
 - Self-certification inspection required,
 - Maximum number of days available to rent:
 - This is a good idea but should be more than 60 days. 90 or 120 would allow an owner to rent during the entire summer
 - Host Policy:
 - We do not agree with the host policy, (owner being on the property during the rental). In the summer of 2015, before the ban, we rented through VRBO. Our criteria was simple, we rented only to families with young children. Families with small children did not party late into the night. The host policy would make the property either less appealing or not appealing at all to potential renters. I would ask the council members, who has used a STR, would they have selected that property, if the owner was going to be in the house with them? I trust that the answer to that question would be no. If we had to follow a host policy, we would not be able to rent to families. It would greatly reduce the number of rentals in turn reducing City revenue.
 - With a host policy, most of the STRs would have fewer rentals, drop out of the STR market, or ignore the policy. These options only lead to the City losing revenue.
 - If the City is going to allow STRs, the city should generate positive revenue from the program. A host policy will only diminish the revenue source.
 - A possible solution, for multi-unit properties, would be that the owner must have a designated manager/overseer living on the property, but not necessarily in the rental unit.

- Based on the number of listings currently on VRBO for Manhattan Beach, and from personal experience in 2015, I think the estimate revenue from the TOT was low.

We believe that well organized STR program would be beneficial to the City of Manhattan Beach, the businesses and residents. However, we hope that the City takes it time, does it research and find an acceptable solution. This letter is written in the hope of helping to find acceptable solution, for all sides, to this problem. Thank you for having taken the time to read it.

Timothy Lawler
TL Douglas Co.
tl@tldouglas.co
310 640-7622
310 612-3747

Bruce Moe
City Manager

P: (310) 802-5053

E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Thursday, January 17, 2019 12:29 PM
To: Martha Alvarez
Subject: Fwd: Short-Term Rentals

Sent from my iPhone

Begin forwarded message:

From: Karla Mendelson <ineedanap@me.com>
Date: January 17, 2019 at 12:09:44 PM PST
To: CityCouncil@citymb.info
Cc: <BMoe@citymb.info>
Subject: Re: Short-Term Rentals

Thanks for your responses and thoughtful consideration of our community's concerns. I hear more discussion is planned and would like to throw one more suggestion into the ring:

Limit the number of days and/or number of times places can be rented in a month/year, perhaps skewing in favor of longer rentals as opposed to a high turnover rate (e.g., one tenant renting for 10 nights is less impactful than 5 different tenants renting for 2 nights each).

On another note, in the discussion on Nextdoor (yeah, I know...) some people assert that renters are fully vetted. In fact, that is not always the case. Different platforms offer different levels of detail on potential renters, and it can be difficult to effectively screen applicants.

Good luck with this one,

Karla Mendelson

On Jan 15, 2019, at 3:23 PM, Karla Mendelson <ineedanap@me.com> wrote:

Hello Councilmembers,

As a 20-year walkstreet resident and Mammoth Lakes vacation rental owner I want to weigh in on the Short-Term Rentals issue.

In Mammoth, a town dependent on short-term rentals, the advent of the Airbnb era has shaken things up quite a bit. Running a short-term rental is now super easy, and it's just too lucrative to tie up a property with a long-term tenant. Rents for the diminishing number of long-term rentals, are becoming unaffordable for locals. With that shortage of homes, the workforce is being forced to commute from towns further down the mountain or leave their jobs altogether. Businesses are having a hard time finding and keeping or even affording employees. Their expenses are, in turn, passed along to customers. And you can't overlook the impact this has on families as they lose their neighborhoods to tourists.

These thing may or may not translate to our area, but they serve as a reminder that unintended consequences can and do occur.

Manhattan Beach has largely been a residential community. Unregulated short-term rentals could drastically change that for the worse. Do we really want a return of massive parties at homes rented out during the many events held here? Do you want a constant churn of tourists at the house next door? And how will that affect families, such as the people who move here for the schools and rent because they can't afford to buy? In turn, how will that affect our schools? Let alone the kids?

Our town is already in the midst of a massive change. At a recent Neighborhood Watch meeting, they cited a startling percentage of newcomers. (Was it 25% of residents having lived here for 5 years or less?) Short-term rentals can only add to the instability of our neighborhoods. Please protect our quality of life and craft a law that protects our community, while allowing for owners to earn an income. My suggestions include:

1. For any rental less than 30 days, the owner must reside at the property (or within earshot) during the rental period.
2. Have blackout dates during events.
3. Require a license and a signed contract acknowledging and agreeing to comply with the city's rules (including decibel levels, parking restrictions, etc.)
4. Enforcement of rules, with a warning for the first infraction, a fine for the second infraction, suspension of license for the third infraction, and loss of license for any further infraction.
5. Hire an enforcement officer, such as we have for construction. We really need one person who knows the rules and is looking out for the residents. Just having an empowered authority to call goes a long way toward smoothing ruffled feathers. (As opposed to getting passed from person to person at City Hall, as used to happen prior to having a Construction Officer.)

Thanks for taking the time to read this. And good luck navigating these waters as you come to a resolution.

Kind regards,

Karla Mendelson

Bruce Moe
City Manager

P: (310) 802-5053

E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Thursday, January 17, 2019 8:02 AM
To: Martha Alvarez
Subject: FW: Airbnb

Bruce Moe
City Manager
(310) 802-5053
bmoe@citymb.info
City of Manhattan Beach, CA

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-----Original Message-----

From: mickeyrx@aol.com <mickeyrx@aol.com>
Sent: Thursday, January 17, 2019 5:18 AM
To: List - City Council <CityCouncil@citymb.info>
Subject: Airbnb

Totally against the idea

Sent from my iPhone

Martha Alvarez

From: Bruce Moe
Sent: Wednesday, January 16, 2019 8:41 AM
To: Martha Alvarez
Subject: FW: Short term rentals

Bruce Moe
City Manager
(310) 802-5053
bmoe@citymb.info
City of Manhattan Beach, CA

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-----Original Message-----

From: Frances Pagano <fapagano@roadrunner.com>
Sent: Tuesday, January 15, 2019 2:18 PM
To: List - City Council <CityCouncil@citymb.info>
Subject: Short term rentals

I understand that the city council meeting is reinstated for this evening? Interesting turn of events & the speed of the reinstatement seems a bit peculiar.

At any rate, I would like to express my disapproval for approval of the resolution re: short term rentals.

My experience with a neighbor having rented her home was disappointing to say the least. She never informed any of the neighbors around her of her intentions & then left the country for a month renting out her home a number of times while away.

Initially, not knowing of the situation we encountered different people entering the home & unfamiliar cars parked all over the street. A little disconcerting..

She/whoever never instructed the renters about the trash pick up schedule & so the trash was not addressed & we had piles of it left out & then of course we had raccoons going thru it & making an even bigger mess.

Obviously, not acceptable...

We finally introduced ourselves to the first renters & gave them additional trash bags & they cleaned up. Next group...same thing but no raccoons this time because we saw a cleaning woman addressing the home & brought the problem to her attention.

I then called the city to complain & was told short term rentals of less than 30 days weren't allowed. Really?

These are real issues & no short term rentals should be allowed.

The rental \$\$\$ earned by homeowners should not overrule the blatant disregard & inconvenience suffered by the rest of us. No parking & in my case unsanitary conditions should not have to be tolerated.

Sent from Fran's Fabulous iPhone

Martha Alvarez

From: Mary Kirchwehm on behalf of Bruce Moe
Sent: Tuesday, August 7, 2018 8:59 AM
To: Martha Alvarez
Subject: FW: Short Term Vacation Rentals

From: tami zamrazil <tamizami@gmail.com>
Sent: Monday, August 6, 2018 1:34 PM
To: List - City Council <CityCouncil@citymb.info>; City Manager <cm@citymb.info>
Subject: Short Term Vacation Rentals

Hello,

I am writing to register my opposition to allowing short term vacation rentals within the residential zoned areas of Manhattan Beach. Most residents of the city work for a living and/or have children that attend school and have to be up at an early hour. Our experience with 3 vacation rentals around us in the sand section is that people are up late on balconies talking and the sound travels and is jarring at 3am.

A cursory glance at VRBO or AirBnB will show that there are approximately 30 short term rentals in the Sand Section that advertise they sleep 8 or more people and require less than a 30 day minimum. Some even note that short term rentals are not legal in the city and to have them contact the owner to discuss. Very few, if any, households in Manhattan Beach have 8 or more people living in them. The noise and trash and parking for 8-12 people is obviously taxing on the residents who live here year round. The city can and should be able to manage this but unfortunately is throwing their hands up in the air and caving to big money interests.

I urge you to support the municipal code as it is currently written to prevent commercial activity in residential zoned areas of the city. Thank you for your consideration and for all you do to make Manhattan Beach a wonderful place to live year round.

--

Kind Regards,
Tami Zamrazil
310-779-0690

Bruce Moe
City Manager
P: (310) 802-5552
E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Monday, August 6, 2018 2:40 PM
To: Martha Alvarez
Cc: Anne McIntosh
Subject: FW: Short Term Vacation Rentals

[FYI/Tracking.](#)

From: tami zamrazil <tamizami@gmail.com>
Sent: Monday, August 6, 2018 1:34 PM
To: List - City Council <CityCouncil@citymb.info>; City Manager <cm@citymb.info>
Subject: Short Term Vacation Rentals

Hello,

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Kind Regards,
Tami Zamrazil
310-779-0690

Bruce Moe
City Manager
P: (310) 802-5552
E: bmoe@citymb.info



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Martha Alvarez

From: Bruce Moe
Sent: Thursday, July 19, 2018 5:17 PM
To: Martha Alvarez
Subject: Fwd: Illegal Vacation Rentals

Sent from my iPhone

Begin forwarded message:

From: Dominic Mance <onelovestudios@msn.com>
Date: July 19, 2018 at 1:05:32 PM PDT
To: "CityCouncil@citymb.info" <CityCouncil@citymb.info>
Cc: "citycouncil@hermosabch.org" <citycouncil@hermosabch.org>, "kt (kt@ktBeachProperties.com)" <kt@ktBeachProperties.com>, "Kent Allen (kentjallen@gmail.com)" <kentjallen@gmail.com>, "hopkinsbb@dslexreme.com" <hopkinsbb@dslexreme.com>
Subject: **Illegal Vacation Rentals**

Draw a line in the sand in Manhattan Beach; don't be duped by absentee con artists masquerading as your neighbors. Opening the door to vacation rentals once it's been closed will make a lot of responsible, hard-working families who do live in the community very unhappy.
Dominic Mance

Bruce Moe
City Manager
P: (310) 802-5552
E: bmoe@citymb.info



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