

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Tuesday, March 5, 2019 4:59 PM  
**To:** Martha Alvarez  
**Subject:** FW: AGAINST - City Council Agenda March 6, 2019, Agenda Item 11, Ordinance No. -19-0007 and Ordinance No, 19-0008

**From:** Carol Perrin <cplaw28@gmail.com>  
**Sent:** Tuesday, March 5, 2019 3:55 PM  
**To:** List - City Council <CityCouncil@citymb.info>  
**Cc:** Bruce Moe <bmoe@citymb.info>; Nhung Madrid <nmadrid@citymb.info>; Anne McIntosh <amcIntosh@citymb.info>  
**Subject:** AGAINST - City Council Agenda March 6, 2019, Agenda Item 11, Ordinance No. -19-0007 and Ordinance No, 19-0008

Dear Council Members and Staff,

Absolutely **oppose** adoption of any ordinance which counters an absolute and outright ban on short term rentals (STR'S) in residential neighborhoods and changes our residential zoning rules..

You can't be a little pregnant; you can't be a little dead, and **there is no such thing as a limited exception to an absolute ban on STR's in residential neighborhoods** - the California Coastal Commission simply won't allow it.

The city (and the City Council) has the right to regulate land use. But if you give up the city's authority to prohibit commercial activity in residential zones - the California Coastal Commission will come in and require expansion of the rules. See the situation in Del Mar for a roadmap of what will happen. However, if the City Council continues the absolute ban, the ability of the coastal commission to take action and to prevail is limited or eliminated.. See a better roadmap looking at the situation in Hermosa Beach.

**Short term rentals will:**

- 1. Rob Manhattan Beach of affordable housing;**
- 2. Turn countless residential properties in Manhattan Beach into deregulated and decentralized motels;**
- 3. Violate our local laws;**
- 4. Raise rents,**
- 5. Interfere with the quiet enjoyment of our permanent MB residents;**
- 6. Reduce Manhattan Beach residents sense of safety;**
- 7. Create substantial parking issues;**
- 8. Undermine our land use restrictions**

**FOR WHAT?**

**And the cost? The STR business is now big business.**

*\*Companies are proliferating for the sole purpose of building and remodeling homes solely to be STR's in residential neighborhoods;*

*\*investment companies are growing with the sole purpose of buying up these residences solely for STR use; and*

*\*criminal activity is growing with all manner of scams, for the purpose of countering limitations on STR's put in place by local governments (See the lawsuits in New York City).*

*The cost to Manhattan Beach to deal with all these issues, if it opens the door, will be astronomical - even one lawsuit alone to enforce any limitations MB sets will itself be a big hit to the city's coffers - and far exceed the numbers put forth in the arguments to allow STR's in MB. **Enforcement of a ban is much cheaper and more efficient.***

Thank you for your consideration,  
Carol Perrin

--

Carol Perrin  
[cplaw28@gmail.com](mailto:cplaw28@gmail.com)

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



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## Martha Alvarez

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**From:** Rafael Garcia  
**Sent:** Tuesday, March 5, 2019 3:42 PM  
**To:** City Clerk  
**Cc:** Anne McIntosh; Laurie B. Jester  
**Subject:** FW: Sepulveda Initiatives Meeting/3/6/2019

Below is an email that I received today regarding the Sepulveda item scheduled for tomorrow's meeting.

Rafael

Rafael Garcia  
Assistant Planner  
(310) 802-5514  
rgarcia@citymb.info  
City of Manhattan Beach, CA

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

From: Nancy MacFaden [mailto:[nanmac75@me.com](mailto:nanmac75@me.com)]  
Sent: Tuesday, March 5, 2019 1:11 PM  
To: Rafael Garcia <[rgarcia@citymb.info](mailto:rgarcia@citymb.info)>  
Subject: Sepulveda Initiatives Meeting/3/6/2019

For the record....I own and live in property at 204 Larsson Street and am against the development of hotels at a 40 foot height along Sepulveda. Besides blocking view, air and sunlight to properties such as mine, such development further increases vehicular traffic and adds to the noise and congestion already present on Sepulveda Blvd. I don't know what the City proposes as "an appropriate buffer to neighboring residential properties", but somehow doubt that "appropriate" is really meaningful to the adjoining neighborhoods.

Nancy MacFaden  
204 Larsson Street  
Manhattan Beach, Ca. 90266

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 5:25 PM  
**To:** Martha Alvarez  
**Subject:** FW: Opposition to Proposed Amendments on Short Term Rentals

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



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**From:** Elyse Gura <[evgura@yahoo.com](mailto:evgura@yahoo.com)>  
**Sent:** Monday, March 4, 2019 5:24 PM  
**To:** List - City Council <[CityCouncil@citymb.info](mailto:CityCouncil@citymb.info)>; Bruce Moe <[bmoe@citymb.info](mailto:bmoe@citymb.info)>  
**Cc:** [evgura@yahoo.com](mailto:evgura@yahoo.com)  
**Subject:** Opposition to Proposed Amendments on Short Term Rentals

A Manhattan Beach City official told me that the proposed amendment weakening the current ban on Short Term Rentals is intended to balance requests from people who may want to rent their homes while on vacation and opposition by citizens who do not want commercial activity and a revolving door of strangers in their **residential** neighborhoods.

I am here to say that sometimes splitting the baby is not the right solution.

The proposed amendment invites a revolving door of strangers into **residential** neighborhoods **throughout our city**— where children go to school, play and engage in sports; where we encounter our neighbors and invite friends and family. This proposed amendment jeopardizes our safety.

How can you have a Neighborhood Watch program if you can't differentiate between a Short Term Rental "guest" and an intruder?

The City Council – for years – has been either derelict or incompetent in enforcing the current straightforward ban. Software from Host Compliance is proposed as the solution to that deficiency – and as an enabler for the proposed amendments. However, were use-case based demonstrations required for proof of concept that Host Compliance could monitor and support enforcement of restrictions such as owner-occupied, no fewer than 7 days, not more than three times a year. (Calendar or any twelve consecutive month period?). Moreover, **software alone does not enforce a regulation**. **People** have to use information from the software to implement enforcement activities. Neither Code Enforcement nor MBPD are staffed to take on this responsibility.

The proposed amendment deliberately puts STRs in all of our **family-friendly, residential** neighborhoods. There are hundreds of STRs on Airbnb alone right now. **The proposed amendment doesn't better control STRs – it proliferates them!** It thereby increases opportunities for illegal rental activity as well as crime and disturbances. These intrusions will be perpetrated by people who will be gone soon and don't care about consequences or inconvenience.

The increased labor and associated pension costs of additional code enforcement and police personnel will not be offset by any anticipated TOT revenue *or by any other benefit to our city*.

The legislation's comparison of short-term rental activity in residential neighborhoods to holding a garage sale is laughable: "... it is suggested that an exemption from the ban be made and defined as an ancillary residential use for homeowner occupants, much like garage sales are ancillary and not deemed to be commercial uses on residential properties." No -- a 7 to 29 day stay by strangers in someone's home is not like a garage sale in someone's front yard that occurs for a few hours. Short term rentals ARE commercial activity.

I propose that the city meet its current responsibility and demonstrate that it can enforce the ban now in place before considering complicating or weakening it.

Now is not the time to split the baby.

Enforce the current ban.

Regards,

Elyse Gura  
1557 23rd St

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 5:25 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: Manuela Millington <m.millington4@gmail.com>  
Sent: Monday, March 4, 2019 4:49 PM  
To: List - City Council <CityCouncil@citymb.info>; Bruce Moe <bmoe@citymb.info>  
Subject: Short term rentals

Dear Mayor and City Council Members,

Several weeks back I wrote to you requesting not to lift the ban on STRs. I explained our family's experience with a STR rental during the summer months across the street from our home and the impact it had on our residential street. I then attended the City Council meeting where you requested that more research be done and that you were willing to consider allowing STRs "with teeth".

I returned home and over the last few weeks did a great deal of research to be better informed. As you have all been made aware through emails, meetings etc. it is not possible to enforce regulations of STRs once allowed in the residential part of a community. Cities who have tried this have been sued by Short Term Rental Platforms, demanding that restrictions be lifted. Lifting the ban will have great financial implications for our city, which we cannot afford. I am not attaching all of the articles that refer to this, because I believe they have been sent to you throughout the past weeks.

I recognize as our City Council, it is not easy to make decisions when trying to please people who are for or against lifting the ban. But it is easy to review the city plan and recognize the impact of changing a residential area to a commercial one. It is also easy to review the multiple news articles reporting on the financial implications on cities who have tried to do the exact thing that is being proposed in Manhattan Beach.

Please:

Vote to NOT lift the ban in our residential areas.

Vote to MONITOR and FINE heavily residential owners who violate this ban and who use the short term rental platforms for anytime less than 30 days.

As a home owner in Manhattan Beach for 30 years, I have never had to be involved in writing to our Mayor and City Council Members regarding decisions that impact our city. This is the first time I have written to you based on the damaging impact of lifting the ban.

I appreciate all the hard work all of you do for our city.

Thank you,

Manuela Millington

315 Gull Street,  
Manhattan Beach, CA.

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 4:40 PM  
**To:** Martha Alvarez  
**Subject:** FW: Short Term Rentals

**From:** Murphy/Perkins <murphyperkins@gmail.com>  
**Sent:** Monday, March 4, 2019 4:25 PM  
**To:** Steve Napolitano <snapolitano@citymb.info>; Nancy Hersman <nhersman@citymb.info>; Amy Thomas Howorth <ahoworth@citymb.info>; David Lesser <dlesser@citymb.info>; Richard Montgomery <rmontgomery@citymb.info>; List - City Council <CityCouncil@citymb.info>  
**Subject:** Short Term Rentals

I urge you to table the STR issue until the new City Council is seated in April.

I have used Short Term Rentals and had both good and not so good experiences in other cities. I realize I may be hypocritical to want to ban them in my backyard. But then again I can enjoy something where it is legal (a nightclub say) and not want one next door to me. I believe there are lovely stories of friendship and global understanding that can come from renting out your home on a nightly basis. And I do feel the tug of the argument that banning STRs is shutting out less rich people from enjoying our beach. Someday the county or state or Coastal Commission may force us to open up to the practice and it will likely not be a tragedy if that happens.

BUT...it is a pipe dream to pretend we can regulate so only nice people do STRs. That isn't working anywhere in the world that I have found. MB has a total ban and we have over 300 STRs and some are party houses and some are dorm-like hostel type rentals. To believe that if we change the law and allow this business in our town then we will only have the good kind is laughable. We will have more and more of all kinds. Our method of enforcement which is complaint based (hiring an internet company notwithstanding) will be much harder because how will you know if your neighbor is legal or not? No one wants to rat on a neighbor and legalization will make it doubly hard. We would need an army of enforcers to knock on doors and check under beds.

There is big money in short term rentals. Investors contribute to LLC's who buy up property and outfit it to specs for rentals. The entire industry is estimated to be worth \$80 billion and growing. The industry sues cities at the drop of a hat (See Hermosa Beach, NY City, etc etc) and that adds to the expense of allowing STR's. Hiring a company is an important first step but we need more compliance



people, fines need to really hurt and we need to involve the community in understanding and enforcing the ban. Some people honestly still do not know that STRs are illegal and that they could be fined.

Please read <https://www.sandiegouniontribune.com/communities/north-county/sd-no-short-rentals-20180614-story.html> which is briefly excerpted below:

**"Del Mar cannot limit short-term vacation rentals to just 28 days a year, the California Coastal Commission has decided.**

**The commission has rejected the city's proposed short-term rental ordinance, saying Del Mar should let residents rent out their homes for as many as 100 days a year. The commission also said the city should allow minimum stays of only three days, not the one-week minimum Del Mar had proposed..... "**

So the currently proposed regulation is dead in the water. The last time council said that regulations limiting STRs to space in a home where the homeowners were also living was going to magically protect us from abuses. Now it has been suggested that whole houses being rented with the impossible limit of no less than a week long rental like Del Mar's failed scheme will keep STRs under control. These are impossible dreams.

I would selfishly prefer that other cities and towns try out enforcement schemes and in a few years if we are forced to allow STR's MB could see what (if anything) works best. Instead at a time when most places are cracking down on STRs we are thinking about opening it up. Let's wait till the dust settles and see what is left standing. I also do not understand the moral position of anyone on a lame duck Council ruling on the biggest issue of the election season one day after the election in order to thwart the will of the people. Whoever is elected on March 5 will be against lifting the ban. To lift the ban the next day is to give a big Bronx cheer to the voters of Manhattan Beach.

Thanks for your attention,

Michelle Murphy

PS Lifting the height limit on Sepuveda to attract new hotels is another issue the new Council should decide. Pushing tourism at the expense of our quality of life is an issue that should be conscientiously pondered.

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



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# Coastal Commission tells Del Mar to expand short-term rentals



Pedestrians navigate the intersection of 15th Street and Camino Del Mar in Del Mar. The city is trying to limit short-term vacation rentals. (Union-Tribune file photo by Eduardo Contreras)



By **Phil Diehl**

JUNE 17, 2018, 6:00 AM

**D**el Mar cannot limit short-term vacation rentals to just 28 days a year, the California Coastal Commission has decided.

The commission has rejected the city's proposed short-term rental ordinance, saying Del Mar should let residents rent out their homes for as many as 100 days a year. The commission also said the city should allow minimum stays of only three days, not the one-week minimum Del Mar had proposed.

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“It was kind of half a loaf,” Del Mar Mayor Dwight Worden said Thursday. “It’s not what we asked for, but we are going to be evaluating all our options.”

The commission’s staff had recommended a cap of 180 days, but after a brief discussion at its June 7 meeting in [Chula Vista](#), the commissioners settled on 100 days. The city has six months to revise its proposal and return to the state agency, which oversees coastal access and development.

The Coastal Commission has said repeatedly over the years that restricting short-term rentals limits access to the beach by making it harder for people with average incomes to vacation on the coast.

Steve Padilla, a Chula Vista councilman and one of the 12 voting members appointed to the commission, said at their meeting that he was “deeply concerned” by assertions by some Del Mar residents that short-term rentals will never be affordable in Del Mar. The state Coastal Act requires beach access for all segments of the population.

“I’m not aware that there is an exemption to the statute for wealthier communities,” Padilla said. “That’s a real problem for me.”

Few people are happy with Del Mar’s proposed short-term rental ordinance. For decades, the city has allowed the rentals to continue unregulated.

Now, with the rise of online rental services, such as Airbnb and VRBO, Del Mar and other coastal and resort communities are trying to develop new rules for vacation rentals.

Short-term rentals often bring noise, trash and crime to older, quiet neighborhoods, some residents say. However, owners who offer short-term rentals say their tenants tend to be vacationing families who are peaceful and neat, and are familiar faces who often return year after year..

Some residents say the advent of online rentals has not increased the number of rooms available in Del Mar, only moved the rentals into more established neighborhoods where the long-time residents oppose them.

“We have obligations to protect our residential neighborhoods,” Worden said.

Also, Worden and others have said that switching from long-term occupants to short-term renters sacrifices much-needed housing that otherwise would be available to permanent residents.

Commission staffers said the issue of affordable, long-term housing should be kept separate from short-term rentals.

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The Coastal Commission had received more than 150 letters opposed to the city's ordinance and only two letters supporting it, a staffer said.

"Why have a cap on it at all?" resident Lory Trombly said Thursday. "People want to come here all year long. One hundred days is not enough in a city that's a resort town, that has all kinds of activities going on all year long."

Resident Betty Wheeler spoke to the commission in support of the city's proposal, saying the short-term rentals often turn out to be more expensive than advertised. Many of them are booked at rates higher than those displayed, which are often per bedroom for a rental with multiple rooms.

"It is a pipe dream that these STRs are providing affordable overnight services for visitors," Wheeler said.

Renting any room in Del Mar is not cheap. The city has six hotels with a total of 355 rooms, where the average rate is \$314 a night, according to a city staff presentation. A recent survey showed about 280 short-term rentals in the city, with an average nightly rate of \$331.

And the demand is high. With the San Diego County Fair and the Del Mar Thoroughbred Club races, the city sees about 4 million visitors annually.

Del Mar has the county's smallest population, about 4,200 residents, but it also has the highest property values. The average home in Del Mar is worth more than \$2 million, and many residents use the short-term rentals to supplement their income.

Any limits on rentals will hurt residents, said Kimberly Jackson, who runs a small vacation rental business specializing in North County coastal homes.

"It's devastating for people who rely on this type of income," she said. "Before this ordinance, the general public could vacation rent up to 365 days a year."

The city's proposal was in effect a "ban" on short-term rentals, she said, and the commission's proposed modifications were not much better.

"This is not a win for us," Jackson said of the commission's recommendation. "This is a violation of property rights."

Del Mar has six months to decide whether to accept the commission's recommendation, and the council could take up the issue again as early as July. To become effective, the ordinance must be

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certified by the Coastal Commission and included in the city's Local Coastal Program, a general guideline for development in the city.

Del Mar has been working for years to strike a balance between the rights of residents who want short-term rentals and those who don't.

In 2016, the city placed a moratorium on any new short-term rentals in residential zones until a new ordinance is approved.

Unlimited short-term rentals area allowed in the city's commercial zones, which is a small area downtown with few homes.

**philip.diehl@sduniontribune.com**

**Twitter: @phildiehl**

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## Martha Alvarez

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**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 3:27 PM  
**To:** Martha Alvarez  
**Subject:** FW: STRs

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



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**From:** Carol Celentano <[Carol.Celentano@fox.com](mailto:Carol.Celentano@fox.com)>  
**Sent:** Monday, March 4, 2019 11:45 AM  
**To:** Bruce Moe <[bmoe@citymb.info](mailto:bmoe@citymb.info)>  
**Subject:** STRs

I again want to write and voice my concern that there is a plan to change the ban on Short Term Rentals. Please keep the existing ban on Short Term Rentals. I would encourage you to have meaningful fines on people who advertise STRs. Thank you.

Carol Celentano

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 3:27 PM  
**To:** Martha Alvarez  
**Subject:** FW: STR's

**From:** Richard McClure <mcclure.richard@gmail.com>  
**Sent:** Monday, March 4, 2019 11:45 AM  
**To:** List - City Council <CityCouncil@citymb.info>  
**Subject:** STR's

For the public record, please understand our position on Short Term Rentals in Manhattan Beach:

1. We want to keep the existing ban on Short Term Rentals in residential areas.
2. We want stronger enforcement using software rather than a lot of manpower.
3. We want meaningful fines to discourage ADVERTISING STRs on any platform
4. We want escalations for repeat offenders. Use fines and penalties to fund STR monitoring software and code enforcement.

Please support us on this critical initiative.

Thank you,

Richard and Jean McClure  
461 32 Street  
Manhattan Beach, Ca 90266

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



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## Martha Alvarez

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**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 3:27 PM  
**To:** Martha Alvarez  
**Subject:** FW: short term rentals

**From:** Carol Celentano <celentanomoore@gmail.com>  
**Sent:** Monday, March 4, 2019 11:47 AM  
**To:** Bruce Moe <bmoe@citymb.info>  
**Subject:** short term rentals

Please keep the existing ban on Short Term Rentals. We also need large fines for people who advertise short term rentals.

Jack Moore

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



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## Martha Alvarez

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**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 3:08 PM  
**To:** Martha Alvarez  
**Subject:** FW: STR's

**From:** Gregorio Ugarte <gregugarte@gmail.com>  
**Sent:** Monday, March 4, 2019 3:06 PM  
**To:** List - City Council <CityCouncil@citymb.info>  
**Subject:** STR's

Dear MB City Council,

I have previously voiced my support for the current ban on STR's in residential Manhattan Beach. I am now reaffirming that position and also wanting you to know that I think that there should be a much stronger enforcement using appropriate software as compared to so much less effective manpower. I also think that you should discourage the advertisement of STR's on any platform with costly fines (that would increase for repeat offenders!) and these should be used to fund the monitoring software and code enforcement.

Sincerely,

Greg Ugarte  
315 Gull St,

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



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## Martha Alvarez

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**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 3:06 PM  
**To:** Martha Alvarez  
**Subject:** FW: Keep the Ban on SHORT TERM RENTALS in Manhattan Beach

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



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**From:** Kathy Clark <[kathymb2005@mac.com](mailto:kathymb2005@mac.com)>  
**Sent:** Monday, March 4, 2019 1:34 PM  
**To:** List - City Council <[CityCouncil@citymb.info](mailto:CityCouncil@citymb.info)>; Bruce Moe <[bmoe@citymb.info](mailto:bmoe@citymb.info)>  
**Subject:** Keep the Ban on SHORT TERM RENTALS in Manhattan Beach

Hi Mayor Napolitano, Councilmembers, and City Manager Moe,

I am writing in favor of keeping the short term rentals ban in place at the Wednesday City Council Meeting. Here are the three things that the resident who live in areas zoned SFR want you to vote this Wednesday.

1. We want to keep the existing ban on Short Term Rentals in residential areas.
2. We want stronger enforcement using software rather than a lot of manpower.
3. We want meaningful fines to discourage ADVERTISING STRs on any platform - we also want them escalating for repeat offenders. Use fines and penalties to fund STR monitoring software and code enforcement.

One a personal level please vote to keep our:

1. Neighborhoods safe by keeping Neighborhood Watch strong and effective.

2. School enrollments high. Short term renters do not have children who attend our schools and keeping enrollments high will make it less likely we will have teacher layoffs.
3. Quality of living and sense of community vibrant in areas zoned SFR. Short term renters only exacerbate neighborhood noise and parking problems requiring more residential calls to the police.
4. Residential homeowners from having any chance of being directly regulated by the Coastal Commission rather than our own City Council.
5. Neighbors from feeling like they need to be code enforcement officers and report the illegal activity of their neighbors to the city. A total ban would be much easier to enforce and result in fewer neighborhood problems.

Kathy Clark

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 11:21 AM  
**To:** Martha Alvarez  
**Subject:** FW: Against Short Term Rentals

**From:** tami zamrazil <tamizami@gmail.com>  
**Sent:** Monday, March 4, 2019 10:25 AM  
**To:** List - City Council <CityCouncil@citymb.info>; Bruce Moe <bmoe@citymb.info>  
**Cc:** Anne McIntosh <amcIntosh@citymb.info>; Nhung Madrid <nmadrid@citymb.info>; Quinn Barrow (External) <qbarrow@rwglaw.com>  
**Subject:** Against Short Term Rentals

Dear Mayor and Council Members,

I am writing to once again express my complete objection to allowing any type of Short Term Rental, even with exceptions, in Manhattan Beach residential neighborhoods.

My objections are based on the following:

1. Manhattan Beach is primarily a residential community. Any changes to the zoning regulations to allow commercial activity is a violation of our expectation that we purchased homes in residential neighborhoods. The nature and fabric of our community should not be exploited by a few to supplement incomes or create investment opportunities that are not only incompatible with our city's General Plan but also illegal and have always been so.

Once you allow a commercial activity in residential zones, the city will find it costly and most likely impossible to reverse or restrict that decision because **it will be a perceived right by homeowners**. (See: <https://preservemontereyneighborhoods.community/california-coastal-cities-can-ban-short-term-rentals/> and <https://preservemontereyneighborhoods.community/wp-content/uploads/2018/03/johnston-v-city-of-hermosa-beach-cal-court-of-appeal-2nd-appellate-dist-5th-div-2018-google-scholar.pdf>). In summary: **THERE IS NO TURNING BACK FROM A DECISION TO ALLOW STRs** and it is simply unacceptable to make such a drastic change to the city, especially given the election on March 5 and two council members being replaced in April.

Also, any changes to the zoning regulations have to be approved by the California Coastal Commission if they occur within the LCP. We will lose local control if we make changes, in fact we already saw this happen with the Downtown Specific Plan. However, the CCC cannot force us to change our zoning regulations. And even with supposed "reasonable" regulations, the California Coastal Commission ordered the city of Del Mar to increase the number of days allowed for rentals (from 28 days to 100) and decrease the length of stay required (from 7 days to 3 days). (See <https://www.sandiegouniontribune.com/communities/north-county/sd-no-short-rentals-20180614-story.html>) For these reasons Manhattan Beach should not change the zoning regulations and open the city and taxpayers up to costly and lengthy litigation with the CCC.

PLEASE VOTE TO KEEP THE EXISTING BAN THAT RESTRICTS COMMERCIAL ACTIVITY IN RESIDENTIAL ZONES (and always has).

2. The city has not fully enforced the existing ban and therefore enforcement has failed (the ban has not failed). Complaint based enforcement is unfair to the residents and is a contributing factor to the breakdown of the community. We should not have to police our neighbors! The city needs to earn the trust of the residents that the city is capable of enforcing its ordinances and so far the city is failing.

PLEASE VOTE TO ENFORCE THE EXISTING BAN.

3. Because the city has not demonstrated an ability to enforce the Short Term Rental ban, they should not consider implementing more complex rules that will be more COSTLY to monitor, register, tax and enforce. It is highly questionable if "Owner Occupied" can be enforced effectively, therefore there is no way to ensure that commercial activity will not continue and expand in Manhattan Beach neighborhoods. As of March 2016 the City of Santa Monica had spent close to \$200,000 enforcing the owner occupied provision (See <https://www.scpr.org/news/2016/03/03/58174/redondo-beach-cracks-down-short-term-rentals/>.) And how can we rely on people who are already breaking the law to suddenly start following rules they disagree with?

PLEASE VOTE TO INSTITUTE MEANINGFUL FINES AND PENALTIES THAT INCREASE FOR REPEAT OFFENDERS. The fines and penalties for homeowners or property managers or agents who advertise short term rentals for less than 30 days on any platform should go to pay for enforcement.

Our sister city Hermosa Beach prevailed in its lawsuit at trial and appeal on the grounds that STRs were already illegal, advertising illegal activity is not protected speech, and **no right was taken away from homeowners**. Why would our city council chose NOT to benefit from their experience (and costs) and preserve our neighborhoods as the majority of Manhattan Beach residents have requested? Why is Hermosa Beach doing a better job protecting its community and neighborhoods than Manhattan Beach?

In summary, I am asking that you:

1. Vote to keep the existing ban on commercial activity in residential neighborhoods just like our sister city Hermosa Beach.
2. Enforce the existing ban just like our sister city Hermosa Beach.
3. Institute meaningful fines and penalties that increase for repeat offenders that advertise short term rental platform for less than 30 days on any platform just like our sister city Hermosa Beach.

Thank you for your consideration and for all of the work you do for our city.

--

Kind Regards,  
Tami Zamrazil  
310-779-0690

Reference links:

<https://preservemontereyneighborhoods.community/california-coastal-cities-can-ban-short-term-rentals/>

<https://preservemontereyneighborhoods.community/wp-content/uploads/2018/03/johnston-v-city-of-hermosa-beach-cal-court-of-appeal-2nd-appellate-dist-5th-div-2018-google-scholar.pdf>

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# **California Coastal Cities Can Ban Short-Term Rentals**

**Full text of decision: [Johnston v. City of Hermosa Beach, Cal: Court of Appeal, 2nd Appellate Dist., 5th Div. 2018](#)**

### **[California City Can Ban Short-Term Rentals](#)**

*(“Calif. Appeals Court Says City Can Ban Short-Term Rentals,” Law360 – Real Estate, January 18, 2018)*

A California appeals court denied last week an appeal by homeowners in Hermosa Beach challenging a city ban on short-term rentals (less than 30 days). According to the homeowners, the city ban violated, among other things, the California Coastal Act, which regulates “coastal programs.” The court disagreed, stating that the Act (and the Commission charged with enforcing the Act) is primarily concerned with issuing coastal development permits, not city-enacted zoning rules. At the lower court level, the homeowners had asserted (and lost) claims that the ordinance violated their First Amendment rights (commercial speech) and real property rights.



Excerpts:

The City of Hermosa Beach (the City) enacted an ordinance expressly prohibiting short term vacation rentals (STVR's) in areas zoned for residential housing. Because some residential areas are located in the "coastal zone," plaintiffs contend the California Coastal Act of 1976[1] (Coastal Act) preempts the ordinance. Plaintiffs challenge the trial court's denial of the request for a preliminary injunction.

3. "Family" means "two or more persons living together in a dwelling unit, sharing common cooking facilities, and possessing the character of a relatively permanent single bona fide housekeeping unit in a domestic bond of social, economic and psychological commitment to each other, as distinguished from a group occupying a boarding house, club, dormitory, fraternity, hotel, lodging house, motel, rehabilitation center, rest home or sorority."

The pros and cons of permitting STVR's in residential zones were debated in the City government for a number of years before passage of the Ordinance. Before enactment of the Ordinance, STVR's were not expressly permitted in areas zoned as residential. Residential zoning is the most restrictive, and uses not expressly permitted are prohibited.

Plaintiffs argued the ordinance was unconstitutional because it (1) violated the Coastal Act; (2) banned commercial speech (i.e., advertising residences for STVR use); and (3) deprived them of a vested right to use their properties for nonconforming commercial purposes in a residential zone and generate income.

The trial court engaged in a two-part analysis and denied the request for a preliminary injunction. It issued an amended written order on October 17, 2016. The trial court first determined plaintiffs did not establish a probability of prevailing on the merits of any of their theories, specifically finding:

- 1. The Ordinance does not violate the Coastal Act and does not constitute a “development” as that word is used in the Coastal Act, which would require a coastal development permit (CDP).**
- 2. Plaintiffs’ constitutional right to free speech was not implicated because “the First Amendment does not protect commercial speech advertising illegal activity,” citing *Central Hudson Gas & Elec. Corp. v. Public Service Commission of New York* (1980) 447 U.S. 557, 562-564.)**
- 3. Plaintiffs had no constitutionally protected vested rights because the pre-Ordinance use of their properties as STVR’s was not legal or permitted.**

### C. Issues on Appeal

In this court, **plaintiffs have not pursued the free speech or vested rights claims.** (*Ewing v. City of Carmel-By-The-Sea* (1991) 234 Cal.App.3d 1579.) Rather than reprise their trial court argument that the Ordinance violates

the Coastal Act, they recast it **and assert the Coastal Act preempts the Ordinance. We disagree.**

## **1. The Coastal Act Does Not Preempt the Ordinance**

As discussed earlier in this opinion, plaintiffs also argue various “actions of the Coastal Commission make clear that the ban on STVR’s within the Coastal Zone is an unconstitutional violation of the Coastal Act.” They rely primarily on documents—a number of which were Coastal Commission staff reports—this court has declined to judicially notice. Moreover, **the Coastal Commission did not seek leave to intervene in the trial court, nor did it seek to submit an amicus brief in this court.**

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# Coastal Commission tells Del Mar to expand short-term rentals



Pedestrians navigate the intersection of 15th Street and Camino Del Mar in Del Mar. The city is trying to limit short-term vacation rentals. (Union-Tribune file photo by Eduardo Contreras)



By **Phil Diehl**

JUNE 17, 2018, 6:00 AM

**D**el Mar cannot limit short-term vacation rentals to just 28 days a year, the California Coastal Commission has decided.

The commission has rejected the city's proposed short-term rental ordinance, saying Del Mar should let residents rent out their homes for as many as 100 days a year. The commission also said the city should allow minimum stays of only three days, not the one-week minimum Del Mar had proposed.

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“It was kind of half a loaf,” Del Mar Mayor Dwight Worden said Thursday. “It’s not what we asked for, but we are going to be evaluating all our options.”

The commission’s staff had recommended a cap of 180 days, but after a brief discussion at its June 7 meeting in [Chula Vista](#), the commissioners settled on 100 days. The city has six months to revise its proposal and return to the state agency, which oversees coastal access and development.

The Coastal Commission has said repeatedly over the years that restricting short-term rentals limits access to the beach by making it harder for people with average incomes to vacation on the coast.

Steve Padilla, a Chula Vista councilman and one of the 12 voting members appointed to the commission, said at their meeting that he was “deeply concerned” by assertions by some Del Mar residents that short-term rentals will never be affordable in Del Mar. The state Coastal Act requires beach access for all segments of the population.

“I’m not aware that there is an exemption to the statute for wealthier communities,” Padilla said. “That’s a real problem for me.”

Few people are happy with Del Mar’s proposed short-term rental ordinance. For decades, the city has allowed the rentals to continue unregulated.

Now, with the rise of online rental services, such as Airbnb and VRBO, Del Mar and other coastal and resort communities are trying to develop new rules for vacation rentals.

Short-term rentals often bring noise, trash and crime to older, quiet neighborhoods, some residents say. However, owners who offer short-term rentals say their tenants tend to be vacationing families who are peaceful and neat, and are familiar faces who often return year after year..

Some residents say the advent of online rentals has not increased the number of rooms available in Del Mar, only moved the rentals into more established neighborhoods where the long-time residents oppose them.

“We have obligations to protect our residential neighborhoods,” Worden said.

Also, Worden and others have said that switching from long-term occupants to short-term renters sacrifices much-needed housing that otherwise would be available to permanent residents.

Commission staffers said the issue of affordable, long-term housing should be kept separate from short-term rentals.

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The Coastal Commission had received more than 150 letters opposed to the city's ordinance and only two letters supporting it, a staffer said.

"Why have a cap on it at all?" resident Lory Trombly said Thursday. "People want to come here all year long. One hundred days is not enough in a city that's a resort town, that has all kinds of activities going on all year long."

Resident Betty Wheeler spoke to the commission in support of the city's proposal, saying the short-term rentals often turn out to be more expensive than advertised. Many of them are booked at rates higher than those displayed, which are often per bedroom for a rental with multiple rooms.

"It is a pipe dream that these STRs are providing affordable overnight services for visitors," Wheeler said.

Renting any room in Del Mar is not cheap. The city has six hotels with a total of 355 rooms, where the average rate is \$314 a night, according to a city staff presentation. A recent survey showed about 280 short-term rentals in the city, with an average nightly rate of \$331.

And the demand is high. With the San Diego County Fair and the Del Mar Thoroughbred Club races, the city sees about 4 million visitors annually.

Del Mar has the county's smallest population, about 4,200 residents, but it also has the highest property values. The average home in Del Mar is worth more than \$2 million, and many residents use the short-term rentals to supplement their income.

Any limits on rentals will hurt residents, said Kimberly Jackson, who runs a small vacation rental business specializing in North County coastal homes.

"It's devastating for people who rely on this type of income," she said. "Before this ordinance, the general public could vacation rent up to 365 days a year."

The city's proposal was in effect a "ban" on short-term rentals, she said, and the commission's proposed modifications were not much better.

"This is not a win for us," Jackson said of the commission's recommendation. "This is a violation of property rights."

Del Mar has six months to decide whether to accept the commission's recommendation, and the council could take up the issue again as early as July. To become effective, the ordinance must be

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certified by the Coastal Commission and included in the city's Local Coastal Program, a general guideline for development in the city.

Del Mar has been working for years to strike a balance between the rights of residents who want short-term rentals and those who don't.

In 2016, the city placed a moratorium on any new short-term rentals in residential zones until a new ordinance is approved.

Unlimited short-term rentals area allowed in the city's commercial zones, which is a small area downtown with few homes.

**philip.diehl@sduniontribune.com**

**Twitter: @phildiehl**

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Hermosa Beach is among the waterfront communities in the South Bay restricting short-term rentals.  
*Oliver Tardy via Flickr*

[Josie Huang](#) | March 3, 2016

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Redondo Beach and Hermosa Beach are the latest waterfront communities to crack down on short-term rentals popularized by sites such as Airbnb.

But it'll be hard to enforce any new laws, if the recent experiences of other cities are an indicator.

In the last year, Santa Monica and Manhattan Beach both passed broad-reaching laws restricting short-term rentals but face challenges getting landlords and online platforms to abide by the rules.

But in Redondo Beach, Mayor Steve Aspel said the city has to do something. The council voted unanimously on Tuesday to start enforcing its ban on short-term rentals that last less than 30 days.

Aspel said the city gets weekly complaints from neighbors about short-term rental guests creating too much noise, and throwing parties.

"We're not trying to be the Grinch here and cut down on people's fun, but we want to give neighbors the ability to sleep at night," Aspel said.

Aspel said the city will start out by sending out letters to short-term rental hosts telling them to abide by local laws. At a later date, officials will decide what kind of fines to impose on violators.

"The first time, maybe a couple hundred bucks, for the second time move it to \$500, then \$1,000," Aspel suggested. "You have to make it very painful for people."

Lauren Amarante, a short-term rental host and member of the Los Angeles Short Term Rental Alliance, said she hopes the city will include her industry in talk of regulations.

Too much is at stake, she said, for the guests who prefer short-term rentals over hotel stays, and for the cottage industry that depends on their business.

"This creates a living wage for me and the several cleaners and landscaper that I employ," said Amarante, who manages short-term rentals in both Redondo Beach and Hermosa Beach.

Hermosa Beach officials are also looking at tighter regulations on short-term rentals, said Ken Robertson, the city's director of community development. Options that will be discussed at a March 15 meeting range from an outright ban to restricting them to certain parts of the city.

Robertson said it's a challenging issue because he can see the neighbors' concerns about short-term rental guests being too disruptive, parking in front of their yards and leaving out the trash.

But he said short-term rentals "are serving a need, as well as helping (hosts) afford to continue to live in the community."

The city of Manhattan Beach went through a similar debate last summer [before it decided to ban short-term rentals under 30 days long](#). The law took effect in January, said Kendra Davis, a fellow in the city manager's office.

"It's one of those things that's difficult unless you can catch someone in the act," Davis said. "We don't know personally each owner of each property or who's living there, so it's difficult in enforcing that."

In Santa Monica, the city has spent close to \$200,000 on enforcing a law that only allows short-term rentals when the owner is on the premises. The city said it has made 650 citations, directing all but about 100 of them to Airbnb and another leading short-term rental platform, VRBO.

Industry leader Airbnb said that it's following the different regulations before California cities. "We are continuing to highlight the importance of fair rules with leaders throughout Southern California," said spokeswoman Alison Schumer.

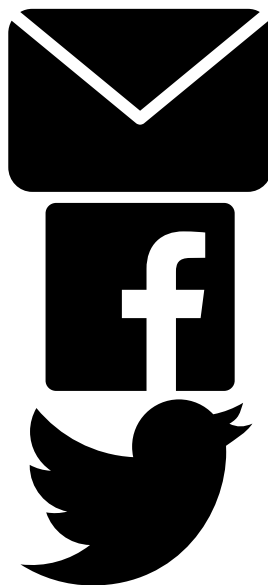
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## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 11:20 AM  
**To:** Martha Alvarez  
**Subject:** FW: Keep ban on short term rentals

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



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**From:** jim quilliam <[jimquilliam@outlook.com](mailto:jimquilliam@outlook.com)>  
**Sent:** Monday, March 4, 2019 10:34 AM  
**To:** List - City Council <[CityCouncil@citymb.info](mailto:CityCouncil@citymb.info)>; Bruce Moe <[bmoe@citymb.info](mailto:bmoe@citymb.info)>  
**Subject:** Keep ban on short term rentals

City Council members and mayor,

Please vote to keep ban on short term rentals!  
Place meaningful fines and code enforcement on violations!

James Quilliam  
12th street resident MB  
310-200-8242

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## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 11:20 AM  
**To:** Martha Alvarez  
**Subject:** FW: keep str ban in residential neighborhoods

**From:** vicky.purvis@yahoo.com <vicky.purvis@yahoo.com>  
**Sent:** Monday, March 4, 2019 10:40 AM  
**To:** City Manager <cm@citymb.info>; List - City Council <CityCouncil@citymb.info>  
**Subject:** Fw: keep str ban in residential neighborhoods

Dear Mayor and Council Members,

I am writing to once again express my complete objection to allowing any type of Short Term Rental, even with exceptions, in Manhattan Beach residential neighborhoods.

My objections are based on the following:

1. Manhattan Beach is primarily a residential community. Any changes to the zoning regulations to allow commercial activity is a violation of our expectation that we purchased homes in residential neighborhoods. The nature and fabric of our community should not be exploited by a few to supplement incomes or create investment opportunities that are not only incompatible with our city's General Plan but also illegal and have always been so.

Once you allow a commercial activity in residential zones, the city will find it costly and most likely impossible to reverse or restrict that decision because **it will be a perceived right by homeowners**. (See: <https://preservemontereyneighborhoods.community/california-coastal-cities-can-ban-short-term-rentals/> and <https://preservemontereyneighborhoods.community/wp-content/uploads/2018/03/johnston-v-city-of-hermosa-beach-cal-court-of-appeal-2nd-appellate-dist-5th-div-2018-google-scholar.pdf>). In summary: **THERE IS NO TURNING BACK FROM A DECISION TO ALLOW STRs** and it is simply unacceptable to make such a drastic change to the city, especially given the election on March 5 and two council members being replaced in April.

Also, any changes to the zoning regulations have to be approved by the California Coastal Commission if they occur within the LCP. We will lose local control if we make changes, in fact we already saw this happen with the Downtown Specific Plan. However, the CCC cannot force us to change our zoning regulations. And even with supposed "reasonable" regulations, the California Coastal Commission ordered the city of Del Mar to increase the number of days allowed for rentals (from 28 days to 100) and decrease the length of stay required (from 7 days to 3 days). (See <https://www.sandiegouniontribune.com/communities/north-county/sd-no-short-rentals-20180614-story.html>) For these reasons Manhattan Beach should not change the zoning regulations and open the city and taxpayers up to costly and lengthy litigation with the CCC.

PLEASE VOTE TO KEEP THE EXISTING BAN THAT RESTRICTS COMMERCIAL ACTIVITY IN RESIDENTIAL ZONES (and always has).

2. The city has not fully enforced the existing ban and therefore enforcement has failed (the ban has not failed). Complaint based enforcement is unfair to the residents and is a contributing factor to the breakdown of the community. We should not have to police our neighbors! The city needs to earn the trust of the residents that the city is capable of enforcing its ordinances and so far the city is failing.

PLEASE VOTE TO ENFORCE THE EXISTING BAN.

3. Because the city has not demonstrated an ability to enforce the Short Term Rental ban, they should not consider implementing more complex rules that will be more COSTLY to monitor, register, tax and enforce. It is highly questionable if "Owner Occupied" can be enforced effectively, therefore there is no way to ensure that commercial activity will not continue and expand in Manhattan Beach neighborhoods. As of March 2016 the City of Santa Monica had spent close to \$200,000 enforcing the owner occupied provision (See <https://www.scpr.org/news/2016/03/03/58174/redondo-beach-cracks-down-short-term-rentals/>.) And how can we rely on people who are already breaking the law to suddenly start following rules they disagree with?

PLEASE VOTE TO INSTITUTE MEANINGFUL FINES AND PENALTIES THAT INCREASE FOR REPEAT OFFENDERS. The fines and penalties for homeowners or property managers or agents who advertise short term rentals for less than 30 days on any platform should go to pay for enforcement.

Our sister city Hermosa Beach prevailed in its lawsuit at trial and appeal on the grounds that STRs were already illegal, advertising illegal activity is not protected speech, and **no right was taken away from homeowners**. Why would our city council chose NOT to benefit from their experience (and costs) and preserve our neighborhoods as the majority of Manhattan Beach residents have requested? Why is Hermosa Beach doing a better job protecting its community and neighborhoods than Manhattan Beach?

In summary, I am asking that you:

1. Vote to keep the existing ban on commercial activity in residential neighborhoods just like our sister city Hermosa Beach.
2. Enforce the existing ban just like our sister city Hermosa Beach.
3. Institute meaningful fines and penalties that increase for repeat offenders that advertise short term rental platform for less than 30 days on any platform just like our sister city Hermosa Beach.

Thank you for your consideration and for all of the work you do for our city.

--

Kind Regards,  
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Excerpts:

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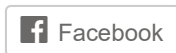


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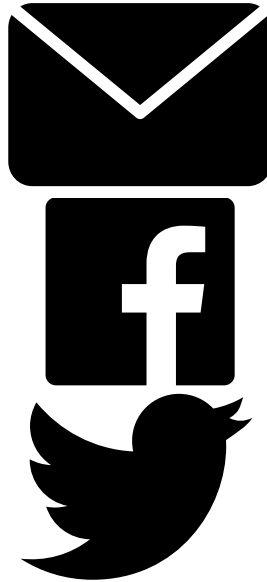
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*Oliver Tardy via Flickr*

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*This story has been updated.*

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# Coastal Commission tells Del Mar to expand short-term rentals



Pedestrians navigate the intersection of 15th Street and Camino Del Mar in Del Mar. The city is trying to limit short-term vacation rentals. (Union-Tribune file photo by Eduardo Contreras)



By **Phil Diehl**

JUNE 17, 2018, 6:00 AM

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The commission has rejected the city's proposed short-term rental ordinance, saying Del Mar should let residents rent out their homes for as many as 100 days a year. The commission also said the city should allow minimum stays of only three days, not the one-week minimum Del Mar had proposed.

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The commission’s staff had recommended a cap of 180 days, but after a brief discussion at its June 7 meeting in [Chula Vista](#), the commissioners settled on 100 days. The city has six months to revise its proposal and return to the state agency, which oversees coastal access and development.

The Coastal Commission has said repeatedly over the years that restricting short-term rentals limits access to the beach by making it harder for people with average incomes to vacation on the coast.

Steve Padilla, a Chula Vista councilman and one of the 12 voting members appointed to the commission, said at their meeting that he was “deeply concerned” by assertions by some Del Mar residents that short-term rentals will never be affordable in Del Mar. The state Coastal Act requires beach access for all segments of the population.

“I’m not aware that there is an exemption to the statute for wealthier communities,” Padilla said. “That’s a real problem for me.”

Few people are happy with Del Mar’s proposed short-term rental ordinance. For decades, the city has allowed the rentals to continue unregulated.

Now, with the rise of online rental services, such as Airbnb and VRBO, Del Mar and other coastal and resort communities are trying to develop new rules for vacation rentals.

Short-term rentals often bring noise, trash and crime to older, quiet neighborhoods, some residents say. However, owners who offer short-term rentals say their tenants tend to be vacationing families who are peaceful and neat, and are familiar faces who often return year after year..

Some residents say the advent of online rentals has not increased the number of rooms available in Del Mar, only moved the rentals into more established neighborhoods where the long-time residents oppose them.

“We have obligations to protect our residential neighborhoods,” Worden said.

Also, Worden and others have said that switching from long-term occupants to short-term renters sacrifices much-needed housing that otherwise would be available to permanent residents.

Commission staffers said the issue of affordable, long-term housing should be kept separate from short-term rentals.

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The Coastal Commission had received more than 150 letters opposed to the city's ordinance and only two letters supporting it, a staffer said.

"Why have a cap on it at all?" resident Lory Trombly said Thursday. "People want to come here all year long. One hundred days is not enough in a city that's a resort town, that has all kinds of activities going on all year long."

Resident Betty Wheeler spoke to the commission in support of the city's proposal, saying the short-term rentals often turn out to be more expensive than advertised. Many of them are booked at rates higher than those displayed, which are often per bedroom for a rental with multiple rooms.

"It is a pipe dream that these STRs are providing affordable overnight services for visitors," Wheeler said.

Renting any room in Del Mar is not cheap. The city has six hotels with a total of 355 rooms, where the average rate is \$314 a night, according to a city staff presentation. A recent survey showed about 280 short-term rentals in the city, with an average nightly rate of \$331.

And the demand is high. With the San Diego County Fair and the Del Mar Thoroughbred Club races, the city sees about 4 million visitors annually.

Del Mar has the county's smallest population, about 4,200 residents, but it also has the highest property values. The average home in Del Mar is worth more than \$2 million, and many residents use the short-term rentals to supplement their income.

Any limits on rentals will hurt residents, said Kimberly Jackson, who runs a small vacation rental business specializing in North County coastal homes.

"It's devastating for people who rely on this type of income," she said. "Before this ordinance, the general public could vacation rent up to 365 days a year."

The city's proposal was in effect a "ban" on short-term rentals, she said, and the commission's proposed modifications were not much better.

"This is not a win for us," Jackson said of the commission's recommendation. "This is a violation of property rights."

Del Mar has six months to decide whether to accept the commission's recommendation, and the council could take up the issue again as early as July. To become effective, the ordinance must be

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certified by the Coastal Commission and included in the city's Local Coastal Program, a general guideline for development in the city.

Del Mar has been working for years to strike a balance between the rights of residents who want short-term rentals and those who don't.

In 2016, the city placed a moratorium on any new short-term rentals in residential zones until a new ordinance is approved.

Unlimited short-term rentals area allowed in the city's commercial zones, which is a small area downtown with few homes.

**philip.diehl@sduniontribune.com**

**Twitter: @phildiehl**

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## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 11:19 AM  
**To:** Martha Alvarez  
**Subject:** FW: Keep str ban in residential neighborhoods

**From:** R M <knowledgethebestmedicine@gmail.com>  
**Sent:** Monday, March 4, 2019 10:43 AM  
**To:** City Manager <cm@citymb.info>; List - City Council <CityCouncil@citymb.info>  
**Subject:** Keep str ban in residential neighborhoods

Dear Mayor and Council Members,

I am writing to once again express my complete objection to allowing any type of Short Term Rental, even with exceptions, in Manhattan Beach residential neighborhoods.

My objections are based on the following:

1. Manhattan Beach is primarily a residential community. Any changes to the zoning regulations to allow commercial activity is a violation of our expectation that we purchased homes in residential neighborhoods. The nature and fabric of our community should not be exploited by a few to supplement incomes or create investment opportunities that are not only incompatible with our city's General Plan but also illegal and have always been so.

Once you allow a commercial activity in residential zones, the city will find it costly and most likely impossible to reverse or restrict that decision because **it will be a perceived right by homeowners**. (See: <https://preservemontereyneighborhoods.community/california-coastal-cities-can-ban-short-term-rentals/> and <https://preservemontereyneighborhoods.community/wp-content/uploads/2018/03/johnston-v-city-of-hermosa-beach-cal-court-of-appeal-2nd-appellate-dist-5th-div-2018-google-scholar.pdf>). In summary: **THERE IS NO TURNING BACK FROM A DECISION TO ALLOW STRs** and it is simply unacceptable to make such a drastic change to the city, especially given the election on March 5 and two council members being replaced in April.

Also, any changes to the zoning regulations have to be approved by the California Coastal Commission if they occur within the LCP. We will lose local control if we make changes, in fact we already saw this happen with the Downtown Specific Plan. However, the CCC cannot force us to change our zoning regulations. And even with supposed "reasonable" regulations, the California Coastal Commission ordered the city of Del Mar to increase the number of days allowed for rentals (from 28 days to 100) and decrease the length of stay required (from 7 days to 3 days). (See <https://www.sandiegouniontribune.com/communities/north-county/sd-no-short-rentals-20180614-story.html>) For these reasons Manhattan Beach should not change the zoning regulations and open the city and taxpayers up to costly and lengthy litigation with the CCC.

PLEASE VOTE TO KEEP THE EXISTING BAN THAT RESTRICTS COMMERCIAL ACTIVITY IN RESIDENTIAL ZONES (and always has).

2. The city has not fully enforced the existing ban and therefore enforcement has failed (the ban has not failed). Complaint based enforcement is unfair to the residents and is a contributing factor to the breakdown of the community. We should not have to police our neighbors! The city needs to earn the trust of the residents that the city is capable of enforcing its ordinances and so far the city is failing.

PLEASE VOTE TO ENFORCE THE EXISTING BAN.

3. Because the city has not demonstrated an ability to enforce the Short Term Rental ban, they should not consider implementing more complex rules that will be more COSTLY to monitor, register, tax and enforce. It is highly questionable if "Owner Occupied" can be enforced effectively, therefore there is no way to ensure that commercial activity will not continue and expand in Manhattan Beach neighborhoods. As of March 2016 the City of Santa Monica had spent close to \$200,000 enforcing the owner occupied provision (See <https://www.scpr.org/news/2016/03/03/58174/redondo-beach-cracks-down-short-term-rentals/>.) And how can we rely on people who are already breaking the law to suddenly start following rules they disagree with?

PLEASE VOTE TO INSTITUTE MEANINGFUL FINES AND PENALTIES THAT INCREASE FOR REPEAT OFFENDERS. The fines and penalties for homeowners or property managers or agents who advertise short term rentals for less than 30 days on any platform should go to pay for enforcement.

Our sister city Hermosa Beach prevailed in its lawsuit at trial and appeal on the grounds that STRs were already illegal, advertising illegal activity is not protected speech, and **no right was taken away from homeowners**. Why would our city council chose NOT to benefit from their experience (and costs) and preserve our neighborhoods as the majority of Manhattan Beach residents have requested? Why is Hermosa Beach doing a better job protecting its community and neighborhoods than Manhattan Beach?

In summary, I am asking that you:

1. Vote to keep the existing ban on commercial activity in residential neighborhoods just like our sister city Hermosa Beach.
2. Enforce the existing ban just like our sister city Hermosa Beach.
3. Institute meaningful fines and penalties that increase for repeat offenders that advertise short term rental platform for less than 30 days on any platform just like our sister city Hermosa Beach.

Thank you for your consideration and for all of the work you do for our city.

--

Kind Regards,  
Ronald Milner

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



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## **Preserve Monterey Neighborhoods.Community**

This is a working group to consider litigation, voter initiative, and activism options to stop STR in Monterey County. We are looking for constructive suggestions and a healthy debate to develop a consensus and action plan that can win.

# **California Coastal Cities Can Ban Short-Term Rentals**

**[Full text of decision: Johnston v. City of Hermosa Beach, Cal: Court of Appeal, 2nd Appellate Dist., 5th Div. 2018](#)**

### **[California City Can Ban Short-Term Rentals](#)**

*(“Calif. Appeals Court Says City Can Ban Short-Term Rentals,” Law360 – Real Estate, January 18, 2018)*

A California appeals court denied last week an appeal by homeowners in Hermosa Beach challenging a city ban on short-term rentals (less than 30 days). According to the homeowners, the city ban violated, among other things, the California Coastal Act, which regulates “coastal programs.” The court disagreed, stating that the Act (and the Commission charged with enforcing the Act) is primarily concerned with issuing coastal development permits, not city-enacted zoning rules. At the lower court level, the homeowners had asserted (and lost) claims that the ordinance violated their First Amendment rights (commercial speech) and real property rights.

Excerpts:

The City of Hermosa Beach (the City) enacted an ordinance expressly prohibiting short term vacation rentals (STVR's) in areas zoned for residential housing. Because some residential areas are located in the "coastal zone," plaintiffs contend the California Coastal Act of 1976[1] (Coastal Act) preempts the ordinance. Plaintiffs challenge the trial court's denial of the request for a preliminary injunction.

3. "Family" means "two or more persons living together in a dwelling unit, sharing common cooking facilities, and possessing the character of a relatively permanent single bona fide housekeeping unit in a domestic bond of social, economic and psychological commitment to each other, as distinguished from a group occupying a boarding house, club, dormitory, fraternity, hotel, lodging house, motel, rehabilitation center, rest home or sorority."

The pros and cons of permitting STVR's in residential zones were debated in the City government for a number of years before passage of the Ordinance. Before enactment of the Ordinance, STVR's were not expressly permitted in areas zoned as residential. Residential zoning is the most restrictive, and uses not expressly permitted are prohibited.

Plaintiffs argued the ordinance was unconstitutional because it (1) violated the Coastal Act; (2) banned commercial speech (i.e., advertising residences for STVR use); and (3) deprived them of a vested right to use their properties for nonconforming commercial purposes in a residential zone and generate income.

The trial court engaged in a two-part analysis and denied the request for a preliminary injunction. It issued an amended written order on October 17, 2016. The trial court first determined plaintiffs did not establish a probability of prevailing on the merits of any of their theories, specifically finding:

- 1. The Ordinance does not violate the Coastal Act and does not constitute a “development” as that word is used in the Coastal Act, which would require a coastal development permit (CDP).**
- 2. Plaintiffs’ constitutional right to free speech was not implicated because “the First Amendment does not protect commercial speech advertising illegal activity,” citing *Central Hudson Gas & Elec. Corp. v. Public Service Commission of New York* (1980) 447 U.S. 557, 562-564.)**
- 3. Plaintiffs had no constitutionally protected vested rights because the pre-Ordinance use of their properties as STVR’s was not legal or permitted.**

### C. Issues on Appeal

In this court, **plaintiffs have not pursued the free speech or vested rights claims.** (*Ewing v. City of Carmel-By-The-Sea* (1991) 234 Cal.App.3d 1579.) Rather than reprise their trial court argument that the Ordinance violates

the Coastal Act, they recast it **and assert the Coastal Act preempts the Ordinance. We disagree.**

## **1. The Coastal Act Does Not Preempt the Ordinance**

As discussed earlier in this opinion, plaintiffs also argue various “actions of the Coastal Commission make clear that the ban on STVR’s within the Coastal Zone is an unconstitutional violation of the Coastal Act.” They rely primarily on documents—a number of which were Coastal Commission staff reports—this court has declined to judicially notice. **Moreover, the Coastal Commission did not seek leave to intervene in the trial court, nor did it seek to submit an amicus brief in this court.**

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Hermosa Beach is among the waterfront communities in the South Bay restricting short-term rentals.  
*Oliver Tardy via Flickr*

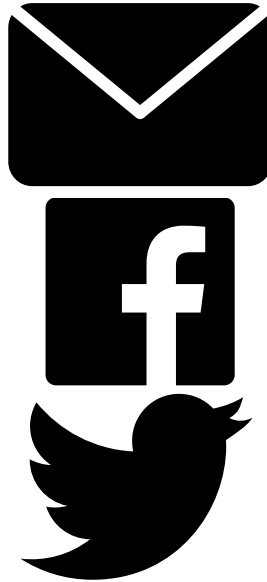
[Josie Huang](#) | March 3, 2016

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Redondo Beach and Hermosa Beach are the latest waterfront communities to crack down on short-term rentals popularized by sites such as Airbnb.

But it'll be hard to enforce any new laws, if the recent experiences of other cities are an indicator.

In the last year, Santa Monica and Manhattan Beach both passed broad-reaching laws restricting short-term rentals but face challenges getting landlords and online platforms to abide by the rules.

But in Redondo Beach, Mayor Steve Aspel said the city has to do something. The council voted unanimously on Tuesday to start enforcing its ban on short-term rentals that last less than 30 days.

Aspel said the city gets weekly complaints from neighbors about short-term rental guests creating too much noise, and throwing parties.

"We're not trying to be the Grinch here and cut down on people's fun, but we want to give neighbors the ability to sleep at night," Aspel said.



Aspel said the city will start out by sending out letters to short-term rental hosts telling them to abide by local laws. At a later date, officials will decide what kind of fines to impose on violators.

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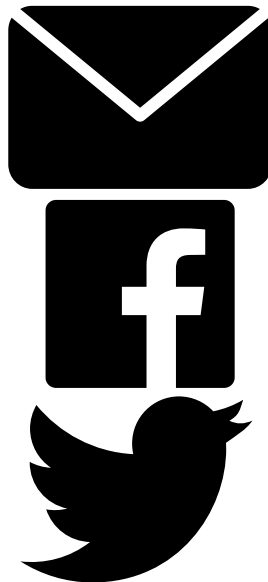
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**philip.diehl@sduniontribune.com**

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## Martha Alvarez

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**From:** Bruce Moe  
**Sent:** Monday, March 4, 2019 11:19 AM  
**To:** Martha Alvarez  
**Subject:** FW: City Council Meeting 03/05/19 -- STRs

**From:** Martha Andreani <mandreani09@gmail.com>  
**Sent:** Monday, March 4, 2019 10:55 AM  
**To:** List - City Council <CityCouncil@citymb.info>  
**Cc:** Bruce Moe <bmoec@citymb.info>; Anne McIntosh <amcintosh@citymb.info>  
**Subject:** City Council Meeting 03/05/19 -- STRs

Dear Mayor Napolitano, Mayor Pro Tem Hersman, Councilmembers Howorth, Lesser, and Montgomery:

Thank you for your service to our City. I hope you will continue to support our General Plan and community values as you further deliberate the issue of Short Term Rentals (STRs) in our residential neighborhoods! In the City Council Meeting of March 6, 2019 -- and beyond -- please consider and adopt the following

Considering there will be 2 new City Council Members elected on March 5, **DO NOT ADOPT ANY REGULATIONS REGARDING STRs IN YOUR MEETING OF MARCH 6, 2019.** Acknowledging that a majority of this present Council will remain, this is an issue that should be considered, regulated, and voted on by the new City Council.

However, if you do decide to act upon the matter of STRs:

**KEEP THE EXISTING BAN ON STRs in Residential Areas: RS, RM, and RSC.**

In areas where STRs may be or are permitted, we need **STRONG ENFORCEMENT.** This is where a ban on STRs becomes very important, as it is far less complicated to enforce a ban -- in RS, RM, and RSC zones -- than it is to enforce a complicated set of rules (i.e., business licensing of STRs, allowed frequency of STRs, hosting/non-hosting of STRs, collection of TOT, etc). Find and consider software that is capable of monitoring the Internet advertising used by STR companies and agencies.

**IMPLEMENT FINES FOR NON-COMPLIANCE** that are high and meaningful enough to discourage the big money that is behind such groups as Airbnb, VBRO, etc. Here again, it is best **NOT** to let STRs in RS, RM, and RSC zones, due to the difficulties in enforcement, including the collection of fines for non-compliance. Additionally, fines should escalate for repeat offenders.

Again, thank you for your service and for your consideration of the above.

Best regards,  
Martha Andreani

**Bruce Moe**  
**City Manager**  
P: (310) 802-5053

E: [bmoe@citymb.info](mailto:bmoe@citymb.info)



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## Martha Alvarez

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**From:** Nhung Madrid  
**Sent:** Monday, March 4, 2019 10:35 AM  
**To:** Martha Alvarez; City Clerk  
**Subject:** Fwd: Against Short Term Rentals

Thank you  
Nhung

Sent from my iPhone

Begin forwarded message:

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**Date:** March 4, 2019 at 10:25:13 AM PST  
**To:** [citycouncil@citymb.info](mailto:citycouncil@citymb.info), [bmoe@citymb.info](mailto:bmoe@citymb.info)  
**Cc:** [AMcIntosh@citymb.info](mailto:AMcIntosh@citymb.info), Nhung Madrid <[nmadrid@citymb.info](mailto:nmadrid@citymb.info)>, "Quinn Barrow (External)" <[qbarrow@rwglaw.com](mailto:qbarrow@rwglaw.com)>  
**Subject:** **Against Short Term Rentals**

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I am writing to once again express my complete objection to allowing any type of Short Term Rental, even with exceptions, in Manhattan Beach residential neighborhoods.

My objections are based on the following:

1. Manhattan Beach is primarily a residential community. Any changes to the zoning regulations to allow commercial activity is a violation of our expectation that we purchased homes in residential neighborhoods. The nature and fabric of our community should not be exploited by a few to supplement incomes or create investment opportunities that are not only incompatible with our city's General Plan but also illegal and have always been so.

Once you allow a commercial activity in residential zones, the city will find it costly and most likely impossible to reverse or restrict that decision because **it will be a perceived right by homeowners**. (See: <https://preservemontereyneighborhoods.community/california-coastal-cities-can-ban-short-term-rentals/> and <https://preservemontereyneighborhoods.community/wp-content/uploads/2018/03/johnston-v-city-of-hermosa-beach-cal-court-of-appeal-2nd-appellate-dist-5th-div-2018-google-scholar.pdf>). In summary: **THERE IS NO TURNING BACK FROM A DECISION TO ALLOW STRs** and it is simply unacceptable to make such a drastic change to the city, especially given the election on March 5 and two council members being replaced in April.



Also, any changes to the zoning regulations have to be approved by the California Coastal Commission if they occur within the LCP. We will lose local control if we make changes, in fact we already saw this happen with the Downtown Specific Plan. However, the CCC cannot force us to change our zoning regulations. And even with supposed "reasonable" regulations, the California Coastal Commission ordered the city of Del Mar to increase the number of days allowed for rentals (from 28 days to 100) and decrease the length of stay required (from 7 days to 3 days). (See <https://www.sandiegouniontribune.com/communities/north-county/sd-no-short-rentals-20180614-story.html>) For these reasons Manhattan Beach should not change the zoning regulations and open the city and taxpayers up to costly and lengthy litigation with the CCC.

PLEASE VOTE TO KEEP THE EXISTING BAN THAT RESTRICTS COMMERCIAL ACTIVITY IN RESIDENTIAL ZONES (and always has).

2. The city has not fully enforced the existing ban and therefore enforcement has failed (the ban has not failed). Complaint based enforcement is unfair to the residents and is a contributing factor to the breakdown of the community. We should not have to police our neighbors! The city needs to earn the trust of the residents that the city is capable of enforcing its ordinances and so far the city is failing.

PLEASE VOTE TO ENFORCE THE EXISTING BAN.

3. Because the city has not demonstrated an ability to enforce the Short Term Rental ban, they should not consider implementing more complex rules that will be more COSTLY to monitor, register, tax and enforce. It is highly questionable if "Owner Occupied" can be enforced effectively, therefore there is no way to ensure that commercial activity will not continue and expand in Manhattan Beach neighborhoods. As of March 2016 the City of Santa Monica had spent close to \$200,000 enforcing the owner occupied provision (See <https://www.scpr.org/news/2016/03/03/58174/redondo-beach-cracks-down-short-term-rentals/>.) And how can we rely on people who are already breaking the law to suddenly start following rules they disagree with?

PLEASE VOTE TO INSTITUTE MEANINGFUL FINES AND PENALTIES THAT INCREASE FOR REPEAT OFFENDERS. The fines and penalties for homeowners or property managers or agents who advertise short term rentals for less than 30 days on any platform should go to pay for enforcement.

Our sister city Hermosa Beach prevailed in its lawsuit at trial and appeal on the grounds that STRs were already illegal, advertising illegal activity is not protected speech, and **no right was taken away from homeowners**. Why would our city council chose NOT to benefit from their experience (and costs) and preserve our neighborhoods as the majority of Manhattan Beach residents have requested? Why is Hermosa Beach doing a better job protecting its community and neighborhoods than Manhattan Beach?

In summary, I am asking that you:

1. Vote to keep the existing ban on commercial activity in residential neighborhoods just like our sister city Hermosa Beach.
2. Enforce the existing ban just like our sister city Hermosa Beach.
3. Institute meaningful fines and penalties that increase for repeat offenders that advertise short term rental platform for less than 30 days on any platform just like our sister city Hermosa Beach.

Thank you for your consideration and for all of the work you do for our city.

--

Kind Regards,  
Tami Zamrazil  
310-779-0690

Reference links:

<https://preservemontereyneighborhoods.community/california-coastal-cities-can-ban-short-term-rentals/>

<https://preservemontereyneighborhoods.community/wp-content/uploads/2018/03/johnston-v-city-of-hermosa-beach-cal-court-of-appeal-2nd-appellate-dist-5th-div-2018-google-scholar.pdf>

<https://www.sandiegouniontribune.com/communities/north-county/sd-no-short-rentals-20180614-story.html>

<https://www.scpr.org/news/2016/03/03/58174/redondo-beach-cracks-down-short-term-rentals/>

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## **Preserve Monterey Neighborhoods.Community**

This is a working group to consider litigation, voter initiative, and activism options to stop STR in Monterey County. We are looking for constructive suggestions and a healthy debate to develop a consensus and action plan that can win.

# **California Coastal Cities Can Ban Short-Term Rentals**

**Full text of decision: [Johnston v. City of Hermosa Beach, Cal: Court of Appeal, 2nd Appellate Dist., 5th Div. 2018](#)**

### **[California City Can Ban Short-Term Rentals](#)**

*(“Calif. Appeals Court Says City Can Ban Short-Term Rentals,” Law360 – Real Estate, January 18, 2018)*

A California appeals court denied last week an appeal by homeowners in Hermosa Beach challenging a city ban on short-term rentals (less than 30 days). According to the homeowners, the city ban violated, among other things, the California Coastal Act, which regulates “coastal programs.” The court disagreed, stating that the Act (and the Commission charged with enforcing the Act) is primarily concerned with issuing coastal development permits, not city-enacted zoning rules. At the lower court level, the homeowners had asserted (and lost) claims that the ordinance violated their First Amendment rights (commercial speech) and real property rights.

Excerpts:

The City of Hermosa Beach (the City) enacted an ordinance expressly prohibiting short term vacation rentals (STVR's) in areas zoned for residential housing. Because some residential areas are located in the "coastal zone," plaintiffs contend the California Coastal Act of 1976[1] (Coastal Act) preempts the ordinance. Plaintiffs challenge the trial court's denial of the request for a preliminary injunction.

3. "Family" means "two or more persons living together in a dwelling unit, sharing common cooking facilities, and possessing the character of a relatively permanent single bona fide housekeeping unit in a domestic bond of social, economic and psychological commitment to each other, as distinguished from a group occupying a boarding house, club, dormitory, fraternity, hotel, lodging house, motel, rehabilitation center, rest home or sorority."

The pros and cons of permitting STVR's in residential zones were debated in the City government for a number of years before passage of the Ordinance. Before enactment of the Ordinance, STVR's were not expressly permitted in areas zoned as residential. Residential zoning is the most restrictive, and uses not expressly permitted are prohibited.

Plaintiffs argued the ordinance was unconstitutional because it (1) violated the Coastal Act; (2) banned commercial speech (i.e., advertising residences for STVR use); and (3) deprived them of a vested right to use their properties for nonconforming commercial purposes in a residential zone and generate income.

The trial court engaged in a two-part analysis and denied the request for a preliminary injunction. It issued an amended written order on October 17, 2016. The trial court first determined plaintiffs did not establish a probability of prevailing on the merits of any of their theories, specifically finding:

- 1. The Ordinance does not violate the Coastal Act and does not constitute a “development” as that word is used in the Coastal Act, which would require a coastal development permit (CDP).**
- 2. Plaintiffs’ constitutional right to free speech was not implicated because “the First Amendment does not protect commercial speech advertising illegal activity,” citing *Central Hudson Gas & Elec. Corp. v. Public Service Commission of New York* (1980) 447 U.S. 557, 562-564.)**
- 3. Plaintiffs had no constitutionally protected vested rights because the pre-Ordinance use of their properties as STVR’s was not legal or permitted.**

### C. Issues on Appeal

In this court, **plaintiffs have not pursued the free speech or vested rights claims.** (*Ewing v. City of Carmel-By-The-Sea* (1991) 234 Cal.App.3d 1579.) Rather than reprise their trial court argument that the Ordinance violates

the Coastal Act, they recast it **and assert the Coastal Act preempts the Ordinance. We disagree.**

## **1. The Coastal Act Does Not Preempt the Ordinance**

As discussed earlier in this opinion, plaintiffs also argue various “actions of the Coastal Commission make clear that the ban on STVR’s within the Coastal Zone is an unconstitutional violation of the Coastal Act.” They rely primarily on documents—a number of which were Coastal Commission staff reports—this court has declined to judicially notice. **Moreover, the Coastal Commission did not seek leave to intervene in the trial court, nor did it seek to submit an amicus brief in this court.**

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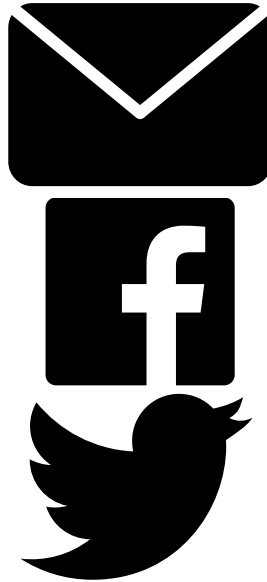
Hermosa Beach is among the waterfront communities in the South Bay restricting short-term rentals.  
*Oliver Tardy via Flickr*

[Josie Huang](#) | March 3, 2016

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Redondo Beach and Hermosa Beach are the latest waterfront communities to crack down on short-term rentals popularized by sites such as Airbnb.

But it'll be hard to enforce any new laws, if the recent experiences of other cities are an indicator.

In the last year, Santa Monica and Manhattan Beach both passed broad-reaching laws restricting short-term rentals but face challenges getting landlords and online platforms to abide by the rules.

But in Redondo Beach, Mayor Steve Aspel said the city has to do something. The council voted unanimously on Tuesday to start enforcing its ban on short-term rentals that last less than 30 days.

Aspel said the city gets weekly complaints from neighbors about short-term rental guests creating too much noise, and throwing parties.

"We're not trying to be the Grinch here and cut down on people's fun, but we want to give neighbors the ability to sleep at night," Aspel said.



Aspel said the city will start out by sending out letters to short-term rental hosts telling them to abide by local laws. At a later date, officials will decide what kind of fines to impose on violators.

"The first time, maybe a couple hundred bucks, for the second time move it to \$500, then \$1,000," Aspel suggested. "You have to make it very painful for people."

Lauren Amarante, a short-term rental host and member of the Los Angeles Short Term Rental Alliance, said she hopes the city will include her industry in talk of regulations.

Too much is at stake, she said, for the guests who prefer short-term rentals over hotel stays, and for the cottage industry that depends on their business.

"This creates a living wage for me and the several cleaners and landscaper that I employ," said Amarante, who manages short-term rentals in both Redondo Beach and Hermosa Beach.

Hermosa Beach officials are also looking at tighter regulations on short-term rentals, said Ken Robertson, the city's director of community development. Options that will be discussed at a March 15 meeting range from an outright ban to restricting them to certain parts of the city.

Robertson said it's a challenging issue because he can see the neighbors' concerns about short-term rental guests being too disruptive, parking in front of their yards and leaving out the trash.

But he said short-term rentals "are serving a need, as well as helping (hosts) afford to continue to live in the community."

The city of Manhattan Beach went through a similar debate last summer [before it decided to ban short-term rentals under 30 days long](#). The law took effect in January, said Kendra Davis, a fellow in the city manager's office.

"It's one of those things that's difficult unless you can catch someone in the act," Davis said. "We don't know personally each owner of each property or who's living there, so it's difficult in enforcing that."

In Santa Monica, the city has spent close to \$200,000 on enforcing a law that only allows short-term rentals when the owner is on the premises. The city said it has made 650 citations, directing all but about 100 of them to Airbnb and another leading short-term rental platform, VRBO.

Industry leader Airbnb said that it's following the different regulations before California cities. "We are continuing to highlight the importance of fair rules with leaders throughout Southern California," said spokeswoman Alison Schumer.

*This story has been updated.*

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### Related links

- [Los Angeles plans crackdown on Airbnb — and its hosts](#)



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# Coastal Commission tells Del Mar to expand short-term rentals



Pedestrians navigate the intersection of 15th Street and Camino Del Mar in Del Mar. The city is trying to limit short-term vacation rentals. (Union-Tribune file photo by Eduardo Contreras)



By **Phil Diehl**

JUNE 17, 2018, 6:00 AM

**D**el Mar cannot limit short-term vacation rentals to just 28 days a year, the California Coastal Commission has decided.

The commission has rejected the city's proposed short-term rental ordinance, saying Del Mar should let residents rent out their homes for as many as 100 days a year. The commission also said the city should allow minimum stays of only three days, not the one-week minimum Del Mar had proposed.

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“It was kind of half a loaf,” Del Mar Mayor Dwight Worden said Thursday. “It’s not what we asked for, but we are going to be evaluating all our options.”

The commission’s staff had recommended a cap of 180 days, but after a brief discussion at its June 7 meeting in [Chula Vista](#), the commissioners settled on 100 days. The city has six months to revise its proposal and return to the state agency, which oversees coastal access and development.

The Coastal Commission has said repeatedly over the years that restricting short-term rentals limits access to the beach by making it harder for people with average incomes to vacation on the coast.

Steve Padilla, a Chula Vista councilman and one of the 12 voting members appointed to the commission, said at their meeting that he was “deeply concerned” by assertions by some Del Mar residents that short-term rentals will never be affordable in Del Mar. The state Coastal Act requires beach access for all segments of the population.

“I’m not aware that there is an exemption to the statute for wealthier communities,” Padilla said. “That’s a real problem for me.”

Few people are happy with Del Mar’s proposed short-term rental ordinance. For decades, the city has allowed the rentals to continue unregulated.

Now, with the rise of online rental services, such as Airbnb and VRBO, Del Mar and other coastal and resort communities are trying to develop new rules for vacation rentals.

Short-term rentals often bring noise, trash and crime to older, quiet neighborhoods, some residents say. However, owners who offer short-term rentals say their tenants tend to be vacationing families who are peaceful and neat, and are familiar faces who often return year after year..

Some residents say the advent of online rentals has not increased the number of rooms available in Del Mar, only moved the rentals into more established neighborhoods where the long-time residents oppose them.

“We have obligations to protect our residential neighborhoods,” Worden said.

Also, Worden and others have said that switching from long-term occupants to short-term renters sacrifices much-needed housing that otherwise would be available to permanent residents.

Commission staffers said the issue of affordable, long-term housing should be kept separate from short-term rentals.

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The Coastal Commission had received more than 150 letters opposed to the city's ordinance and only two letters supporting it, a staffer said.

"Why have a cap on it at all?" resident Lory Trombly said Thursday. "People want to come here all year long. One hundred days is not enough in a city that's a resort town, that has all kinds of activities going on all year long."

Resident Betty Wheeler spoke to the commission in support of the city's proposal, saying the short-term rentals often turn out to be more expensive than advertised. Many of them are booked at rates higher than those displayed, which are often per bedroom for a rental with multiple rooms.

"It is a pipe dream that these STRs are providing affordable overnight services for visitors," Wheeler said.

Renting any room in Del Mar is not cheap. The city has six hotels with a total of 355 rooms, where the average rate is \$314 a night, according to a city staff presentation. A recent survey showed about 280 short-term rentals in the city, with an average nightly rate of \$331.

And the demand is high. With the San Diego County Fair and the Del Mar Thoroughbred Club races, the city sees about 4 million visitors annually.

Del Mar has the county's smallest population, about 4,200 residents, but it also has the highest property values. The average home in Del Mar is worth more than \$2 million, and many residents use the short-term rentals to supplement their income.

Any limits on rentals will hurt residents, said Kimberly Jackson, who runs a small vacation rental business specializing in North County coastal homes.

"It's devastating for people who rely on this type of income," she said. "Before this ordinance, the general public could vacation rent up to 365 days a year."

The city's proposal was in effect a "ban" on short-term rentals, she said, and the commission's proposed modifications were not much better.

"This is not a win for us," Jackson said of the commission's recommendation. "This is a violation of property rights."

Del Mar has six months to decide whether to accept the commission's recommendation, and the council could take up the issue again as early as July. To become effective, the ordinance must be

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certified by the Coastal Commission and included in the city's Local Coastal Program, a general guideline for development in the city.

Del Mar has been working for years to strike a balance between the rights of residents who want short-term rentals and those who don't.

In 2016, the city placed a moratorium on any new short-term rentals in residential zones until a new ordinance is approved.

Unlimited short-term rentals area allowed in the city's commercial zones, which is a small area downtown with few homes.

**philip.diehl@sduniontribune.com**

**Twitter: @phildiehl**

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## Martha Alvarez

---

**From:** Rafael Garcia  
**Sent:** Thursday, February 28, 2019 1:18 PM  
**To:** Martha Alvarez  
**Cc:** City Clerk; Laurie B. Jester; Anne McIntosh  
**Subject:** FW: Sepulveda Initiatives

**Rafael Garcia**  
**Assistant Planner**

P: (310) 802-5514

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**From:** FRED H WISELY [mailto:[fredwisely@msn.com](mailto:fredwisely@msn.com)]  
**Sent:** Wednesday, February 27, 2019 3:59 PM  
**To:** Rafael Garcia <[rgarcia@citymb.info](mailto:rgarcia@citymb.info)>  
**Subject:** Sepulveda Initiatives

Hi Rafael,  
we have owned our home on Elm Avenue since 1974.  
Over the years, we have seen Sepulveda become more and more grid locked-forcing traffic onto Oak and Elm avenues. This makes it very unsafe for both parents and children as cars and trucks take a short cut to avoid Sepulveda.

The proposed ordinance is incompatible with the areas near Sepulveda and should not be approved.  
Obviously, there are many hotels that can accommodate visitors to the area that are much better suited than

a location along Sepulveda. One that impedes access to a hotel situated in that area and a hotel that significantly impacts the homeowners who live on streets adjacent to Sepulveda.

I would appreciate it very much if you would email me information concerning the individuals/companies pushing this proposal to include who, specifically is representing them and the timelines in which they initiated this proposal and planning members who voted for it.

Many Thanks,  
Fred Wisely

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Thursday, February 28, 2019 12:36 PM  
**To:** Martha Alvarez  
**Subject:** FW: March 5 Agenda Items

**From:** Bob Kellogg <rckellogg@gmail.com>  
**Sent:** Thursday, February 28, 2019 10:43 AM  
**To:** List - City Council <CityCouncil@citymb.info>; City Manager <cm@citymb.info>; Bruce Moe <bmoe@citymb.info>  
**Cc:** Mark Burton <markfburton@gmail.com>  
**Subject:** March 5 Agenda Items

All,

Although the 3/5 agenda is not yet posted, I believe the permanent ordinance regarding shared mobility devices and the hotel height limits on Sepulveda are planned to be discussed. I would like to submit comments on these two items.

Regarding shared mobility devices, I sent the email below prior to the last meeting, so I won't repeat those thoughts again. Obviously, I was disappointed by the unanimous vote, with no discussion, to implement the temporary ban and to proceed toward a permanent ban. Between that meeting and today, I have seen two interesting articles that I think are relevant to the discussion. I've linked to both below. The first describes how the city of Long Beach is expanding their pilot program. I believe this is pretty solid evidence that it is possible to have a successful scooter rental program when the city and the vendors work together. The second is less directly related, but it describes early discussions by the City of LA towards taxing shared ride companies. This is a reaction to the significant negative traffic and safety impacts that these services are having on our communities. To me, this is relevant because our city has allowed the shared ride companies to operate with no regulation and no revenue to the city, while denying e-scooters companies who are willing to negotiate regulations and fees.

<https://lbpost.com/news/more-scooters-are-headed-to-long-beach-after-leaders-expand-pilot-program/>

<https://www.latimes.com/local/lanow/la-me-ln-uber-tax-los-angeles-20190226-story.html>

Regarding hotel height limits, I went back and watched the council discussion from Feb 5. There was some good back and forth, but it appeared to be a foregone conclusion that more hotels on Sepulveda is an important goal for the city. Important enough to consider a special exception in the zoning regulations to encourage hotel development. I would like to challenge this assumption.

There are already 7 hotels in MB along 2 miles of Sepulveda. This compares to 3 in 1.3 miles in HB, 7 in 3 miles in RB, and 4 in 2 miles in El Segundo. This makes it hard to argue that there is a shortage in MB. It also makes it hard to argue that hotels need to be bigger to be successful, since there are 7 existing hotels demonstrating just the opposite. It is often stated that there is a city revenue advantage to hotels, especially when compared to office buildings, but if revenue was really the driver, we should be encouraging retail as well as hotels and perhaps even discouraging office use. The proposal to wipe out multiple restaurants and local shops at Goat Hill to build a senior living facility suggests that revenue from Sepulveda businesses is not really



a critical driver. At the Feb 5 meeting, one of the speakers spoke about discussions with hotel developers regarding the Gelsons site. The implication was that a hotel would have been more desirable than Gelsons. I don't think you will find very many residents who would have preferred a 4-story hotel over the current Gelsons development. Likewise, I don't think you would find many residents who would prefer a 4-story hotel over the existing mix of restaurants and retail at Goat Hill.

In my opinion, the real problem with hotel development on Sepulveda is that it is not a desirable location to stay. I don't think very many people visit CA so they can stay on a 6-lane highway. If the location was more desirable, room prices would be higher and hotel development would make more sense.

I strongly encourage council to reject this sacrifice of our small-town character for the benefit of a select set of developers and to work to make the Sepulveda corridor more attractive to all types of businesses as well as to residents and guests. Adding 15-20 feet to the height of current buildings is moving in the wrong direction.

Thank you for your time,  
Bob Kellogg  
1207 Second St.

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



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

From: **Bob Kellogg** <[rkellogg@gmail.com](mailto:rkellogg@gmail.com)>  
Date: Tue, Feb 19, 2019 at 4:34 PM  
Subject: Shared Mobility Devices Agenda Item  
To: <[CityCouncil@citymb.info](mailto:CityCouncil@citymb.info)>, <[cm@citymb.info](mailto:cm@citymb.info)>, Bruce Moe <[bmoe@citymb.info](mailto:bmoe@citymb.info)>  
Cc: <[markfburton@gmail.com](mailto:markfburton@gmail.com)>

All,

I realize it is probably too late to comment on tonight's vote on the temporary ban on shared mobility devices (I'll just call them scooters), but I would like to make sure you know that there are supporters of scooters who are concerned about making the temporary ban permanent. It was distressing to see that all of the council candidates support a ban and I assume that many of the current council members do as well.

When I moved to Manhattan Beach in 1983, traffic and parking were awful, and they have gotten steadily worse since then. Although not in Manhattan Beach, the recent pedestrian deaths on Artesia and Aviation are reminders of the price we pay every day for prioritizing car traffic above all other street users. It seems pretty clear that current policies are not working to improve traffic or traffic safety. One obvious way to improve both is to reduce the number of cars on our streets. I believe Manhattan Beach residents would like to be able to travel around town without their cars, but there has to be safe and efficient options for that to become a reality.

I believe scooters and bikes can be part of that solution. My neighborhood is roughly 1 mile from downtown. That is kind of far for a lot of people to walk and the large hill makes it even more challenging. Picking up an electric scooter or bike near my house and taking it downtown would be a great option. Today a lot of people are using services like Uber, which make the trip easier for the passenger, but they actually increase traffic. If I call an Uber, the driver has to drive to my house, which is a trip that would not exist if I just drove myself. The use of Uber may help with parking, but that driver has to park somewhere between trips. I believe that Uber and other ridesharing services operate completely unregulated by the city and produce no revenue for the city despite causing a significant increase in traffic.

As anyone can see, the scooters are extremely popular in cities that allow them. This is direct evidence that there are people who enjoy using them and who would almost certainly be opposed to a permanent ban on them. The opposition to scooters seems to be centered around the "messy" way they are scattered around, including on sidewalks, along with their use on sidewalks where they are in conflict with pedestrians. In my opinion, and clearly in the opinion of other communities, these are details to be addressed by regulation and education, and not justifications for a permanent ban.

The issue of scooters left on sidewalks and private property can easily be addressed by designating small "scooter parking" spots on streets, in city lots, in public areas such as parks and schools, and on private property at the owner's discretion. According to the downtown Manhattan Beach web site (<https://www.downtownmanhattanbeach.com/parking>), there are roughly 1,000 parking spots for private cars in city lots and another 350 on-street spots in downtown alone. A spot for a single car could easily hold 10 or more scooters, so converting 20 spots to scooter zones would provide room for 200 or more scooters downtown. Similar logic applies to parks, schools, and other shopping areas. It seems like the difference between 1,350 and 1,330 parking spots would not be noticeable, while 200 scooter spots would be significant.

The issue of people riding on sidewalk is more about education and enforcement. As people become more familiar with the devices and the appropriate regulations, this should become a non-issue.

The third issue I hear cited is that they are dangerous. In fact both ordinances cite the frequent use without helmets and claim that this is "in contravention" of state law, which is incorrect for adults. I think it is hard to argue that scooters that are limited by design to speeds of 15 miles per hour are more dangerous than bicycles, particularly e-bikes, which also do not require adult helmet use. I don't believe that there is any evidence that an electric scooter is more dangerous than other forms of transportation (including cars) and certainly much of the danger comes from the high car traffic volumes and speeds, which is dangerous to everyone on our streets.

I'm sorry for the long email, but I look forward to a city where people have options for getting around town and enacting a permanent ban on a promising option just seems like a really bad idea. I hope that in the near future the city will engage with scooter providers and learn from the cities that have allowed them, then make an informed decision rather than a premature, fear-driven decision as is currently being considered.

Thank you for your time.

Bob Kellogg  
1207 Second St.



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# LONG BEACH POST



*A Lime e-scooter awaits a user to unlock it in Downtown Long Beach. Photo by Brian Addison.*

**SCOOTERS**

February 20, 2019

# More scooters are headed to Long Beach after leaders expand pilot program

by Jason Ruiz in News



The number of e-scooters in Long Beach is set to more than double after the City Council voted Tuesday night to expand a pilot program while a more permanent version of it is evaluated by city officials.

A fleet that currently includes 1,800 scooters citywide will be able to grow by up to 4,000 during the extended pilot period, but could increase again to 6,000 after a review period that's expected to conclude in six months. The council would first have to adopt an ordinance written by the city attorney in coming weeks.

But Public Works Director Craig Beck said Long Beach residents shouldn't expect a flood of scooters in their neighborhood anytime soon.

"Nothing is going to happen overnight," Beck said. "We're not going to go from our current deployment [1,800] to 4,000 in a night or weeks. I would say weeks and maybe months to get there."

Part of the new program will include the creation of a pricing system for vendors, who would pay to operate in the city. The current proposal puts those figures at \$25,000 annually for a permit and \$120 per scooter deployed in the city. A reduced fee of \$40 per scooter would apply to those dropped in low-income neighborhoods.

The new program would also limit the number of vendors to four, eliminating two vendors that are now permitted to operate in the city under the pilot program.

## City Council set to expand scooter pilot program adding new fees, regulations for vendors



The City Council is expected, next week, expanding and codifying the existing scooter pilot program which would more than triple the number of scooters allowed in the city while placing more regulations on their vendors.

 Long Beach Post

While Tuesday's vote was unanimous (8-0), some council members raised concerns such as how to police those who break the law by riding on sidewalks or on streets not designated for scooter use—and how those problems may be exacerbated by more devices on the streets.

Councilwoman Stacy Mungo, who represents East Long Beach, even suggested that the city might take to deputizing residents to ensure that the rules are being followed.

"It's kind of like people are always obeying the law if cops are there; if we had community members that are deputized that might be helpful," Mungo said.

The recommendation was ultimately not incorporated into the final vote, but leaders did agree that funding from scooter fees would first go toward hiring new city staff to enforce the rules governing scooters.

According to city data collected during the pilot program that started last July, Long Beach Police Department officers issued just 17 citations for scooters being ridden on the sidewalk. The majority of citations were issued for riders using scooters without helmets, an offense that was decriminalized by a state law last year.

Representatives from Bird and Lime, two of the largest scooter providers operating in the city, said fees suggested by city staff might ultimately lead to higher prices passed on to customers.

### Long Beach is losing (lots of) money every month that it doesn't regulate e-scooters



It was an interesting factoid buried in staff report attached to the Jan. 24 Metro Los Angeles Board Meeting agenda: The City of Santa Monica garners some \$89,000 every month from e-scooter companies that operate in the beach city.

 Long Beach Post

Scooter operators in the city did not pay fees or permit costs during the pilot program.

"If we want to get more people out of cars, we ask you to let us keep our business sustainable," said Tim Harder, a representative for Bird. "The proposed staff fees will take operators much longer to bring access to all of Long Beach."

He pointed to the city of Raleigh, North Carolina, which has raised its per-scooter fee to \$200 annually. Harder said that forced Bird to raise its price to unlock parked scooters from \$1 to \$3.

Karla Owunwanne, a community affairs manager for Lime, said her company is constantly evaluating the impacts of higher fees and asked that the City Council look to a per-ride based fee instead of a per-scooter fee.

Beck said the fees were based on what other area cities have done, and warned the council not to drop them too far below staff recommendations as the revenue used would go toward both hiring enforcement officers and improving infrastructure (bike lanes, sidewalks) that could improve the experiences of pedestrians and scooter riders.

After an official ordinance is drafted, it will go before council again for approval. Beck said that then the city could start accepting applications, identify preferred vendors and then implement the rollout of thousands of more scooters.

The City Council is expected to review the effectiveness of the ordinance and the expanded scooter deployment six months later.

*Jason Ruiz covers City Hall and politics for the Long Beach Post. Reach him at [jason@lbpost.com](mailto:jason@lbpost.com) or [@JasonRuiz\\_LB](https://twitter.com/JasonRuiz_LB) on Twitter.*

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L.A. NOW LOCAL

# Taxing Uber and Lyft rides is L.A. County's latest idea to free up congested roads

By LAURA J. NELSON  
FEB 26, 2019 | 12:50 PM



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Kristine Valenzuela exits a Uber at Union Station in Los Angeles. (Francine Orr / Los Angeles Times)

Transportation officials are considering a tax on Uber and Lyft rides in Los Angeles County, saying the Bay Area tech companies don't pay their fair share to maintain public streets and exacerbate congestion in a traffic-choked region.

The ride-hailing fee is in the early stages of discussion at the Metropolitan Transportation Authority, along with more than a dozen other strategies to manage congestion and fund transportation projects before the 2028 Olympic Games.

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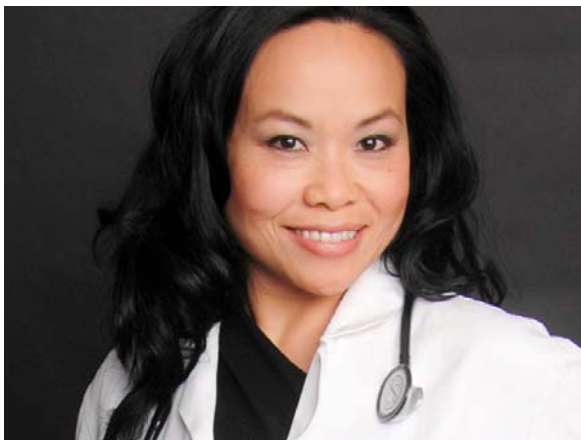


Metro's board of directors is scheduled to vote Thursday on whether to approve a study of the ride-hailing tax. The directors also will consider approving a study on congestion pricing, which would analyze the effects of converting more carpool lanes to toll lanes, taxing drivers on the number of miles they travel, or charging a fee for motorists to enter certain neighborhoods.

Once heralded as possible partners for transit agencies, Uber and Lyft have instead become fierce competition. A study of travel patterns in major U.S. cities last year found that 60% of customers would have gone by foot, bike or transit — or just stayed home — if the ride-hailing services had not been available.

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Elena Markusic lifts her heavy luggage into the trunk of an at Union Station in Los Angeles. Transportation officials are considering a tax on Uber and Lyft rides in Los Angeles County. (Francine Orr / Los Angeles Times)

The rise of Uber and Lyft is one of many factors contributing to L.A.'s plummeting transit ridership, which has fallen 20% in the last five years despite the billions of dollars spent on new rail lines. Ridership is now at its lowest level in more than a decade, driven by a shift to driving instead of using Metro's sprawling bus network.

Uber and Lyft "are using public roads, and the profit is going to their companies," Phil Washington, Metro's chief executive, said at a recent meeting. Drivers spend a significant amount of time on the road with one or no passengers in their cars, he said, which has "no mobility benefit."

If designed correctly, Metro's tax on Uber and Lyft could nudge cost-conscious commuters to carpool or take public transit instead of riding alone with a driver, said Metro's Chief Innovation Officer Joshua Schank. Discounts and penalties also could help Metro improve transit service for riders who use wheelchairs and live in low-income neighborhoods, he said.


The earliest such a tax could be assessed would be late next year, and it would require another vote by Metro directors. If all goes according to plan, Metro officials hope to start a congestion pricing pilot program at the same time.


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**Several major urban areas have imposed fees on ride-hailing services, including Chicago and Washington, D.C. New York City has two: an 8.875% sales tax added to each ride that benefits city and state coffers, and a fee that raises funds for the subway. (Passengers riding alone pay \$2.75 — the price of a subway fare.)**


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William Miller ties his shoes as he waits for an Uber at Union Station in Los Angeles. (Francine Orr / Los Angeles Times)

As in those cities, riders in Southern California would probably see the ride-hailing tax added to their bills, rather than absorbed by the companies.

Uber and Lyft don't share detailed data with local officials, so how much the tax could raise is unclear. But Metro's rough estimates suggest a 20-cent fee on each



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billion.

trip could bring in \$401 million over a decade, while a \$2.75 fee could raise \$5.5

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In statements, Uber and Lyft said they support policies that apply to all types of traffic congestion, including personal cars and commercial vehicles. In New York,

Uber has said it will spend \$10 million to advocate for policies that would reduce single-occupancy driving, including congestion pricing.

But Uber would “caution against singling out specific services in ways that could limit choice and raise transportation costs,” spokesman Davis White said.

Lyft supports “comprehensive congestion pricing” as a way to reduce traffic, spokeswoman Kaelan Richards said. For riders, “cost and convenience are key factors when deciding to choose Lyft over their personal vehicles.”

Whether fees change rider behavior depends on their size and how they are applied, said Juan Matute, deputy director of UCLA's Institute of Transportation Studies. A fee charged by the mile, as a flat rate or as a percentage of the cost of the total ride could each have a different effect.

A large fee could limit options for low-income riders, he said, while wealthier riders could pay and continue to use a ride-hailing service. A flat fee for all rides could limit short trips, and prompt Uber and Lyft to nudge customers toward scooters, bicycles or other devices, he said.

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If directors approve the study on Thursday, Metro will examine how a fee would affect low-income riders, traffic and transit ridership, as well as assess how extensively the companies operate in Los Angeles, by tracking an analysis done by transportation officials in San Francisco in 2017.

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In that study, researchers found that in 2016, Uber and Lyft were responsible for 20% of the miles driven across the Bay Area city, and up to 26% during rush hour in the city's most congested areas. The majority of the pick-ups and drop-offs — an

SoMa and the Financial District.

“You can stand on the street corner and count the number of Ubers and Lyfts that are on the street, and see the problems they’re creating,” said Sunny Angulo, chief of staff to San Francisco Supervisor Aaron Peskin. “One of the ways we’re trying to mitigate that is by investing in our public infrastructure, and discouraging people from being really dependent on these services.”

Peskin is drafting a measure for the November election that would levy a 3.25% fee on rides with one passenger, and a 1.5% fee on shared rides. The tax would require support from two-thirds of voters and would raise an estimated \$30 million a year for public transportation and pedestrian improvements, Angulo said.

Short of capping the number of vehicles allowed in San Francisco, which is prohibited by state law, it’s the best step the city can take, she said.

A bill signed into law last year grants San Francisco the authority to levy the per-ride tax, pending voter approval. In Los Angeles, Metro’s study would determine whether the agency needs to pursue similar legislation.

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The push to fund more projects by the Summer Olympics, an initiative called "28 by '28," includes 20 projects that are slated to be finished by Metro would need to find \$26.2 billion to finish eight other projects by 2028. Those include several highway improvements, a rail line to Artesia and a Sepulveda Pass

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To raise money, Metro also is considering a fee on bicycles, electric scooters, and other devices that can be rented per trip. Agency estimates show a \$1 daily fee for each device could collect \$580 million over a decade.

Some Metro directors, including Los Angeles Mayor Eric Garcetti, have begun advocating to disentangle the Olympics projects from the discussion over congestion pricing, saying the ideas would be more palatable to the public if they are framed as a way to manage traffic, rather than raise new revenue.

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Laura J. Nelson



Laura J. Nelson covers transportation and mobility issues across Southern California. She was part of the team of reporters awarded the Pulitzer Prize in breaking news for coverage of the 2015 terrorist attack in San Bernardino. Before joining The Times in 2012, Nelson wrote for the Boston Globe, the Tampa Bay Times and the Los Angeles Daily News. Laura grew up in suburban Kansas City in a family of journalists and graduated from the University of Southern California.

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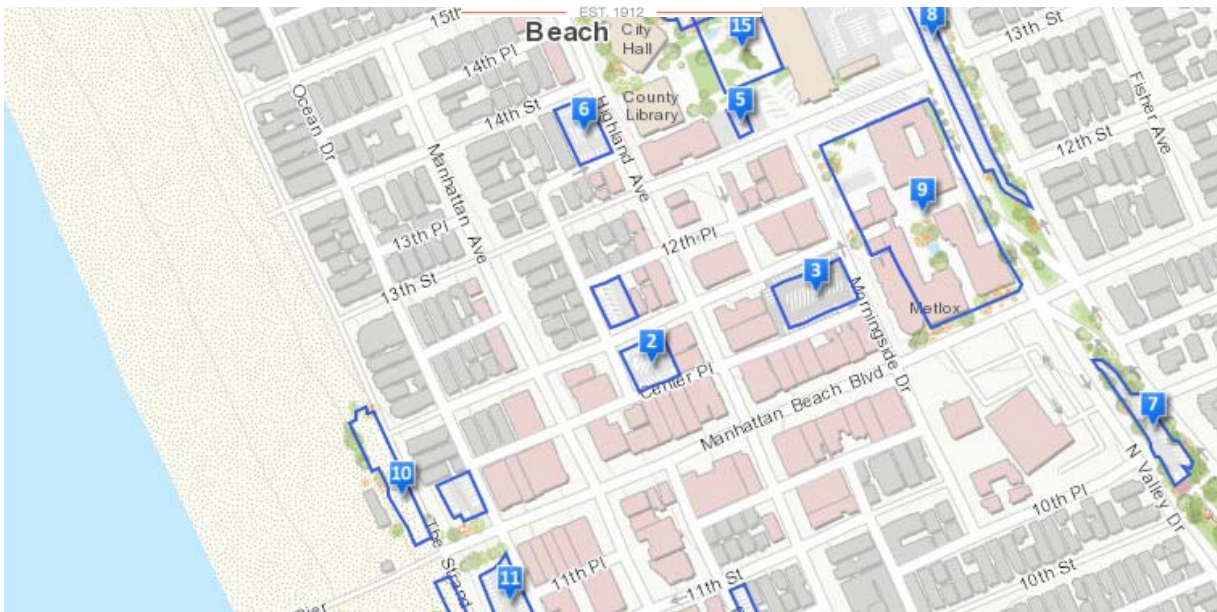
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Education

310.379.9901

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## Martha Alvarez

---

**From:** Ruth Davies <rufus1143@yahoo.com>  
**Sent:** Wednesday, February 27, 2019 11:36 AM  
**To:** City Clerk  
**Subject:** Hotel Height Allowance

Dear City Clerk,

I do not want hotel heights to go up to 40 feet. I prefer that they stay at 30 feet, even on larger lots. If the decision is made now to keep the height limit/allowance at 30 feet, then we will not have to go through having hotel developers submitting plans and having to approve or disapprove them.

I do not know whether or not I will be able to attend the City Council meeting on Wednesday, March 6, to express my opinion, so this is my way of communicating with the council. Please forward my email to the council members. Thank you.

Ruth Davies  
1143 10th Street  
(58-year resident)

## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Wednesday, February 20, 2019 5:40 PM  
**To:** Martha Alvarez  
**Subject:** FW: ORDINANCE NO. 19-0006 Prohibit Shared Mobility Devices

**From:** Gary McAulay <gary.mcaulay@gmail.com>  
**Sent:** Tuesday, February 19, 2019 4:20 PM  
**To:** List - City Council <CityCouncil@citymb.info>; City Manager <cm@citymb.info>  
**Subject:** ORDINANCE NO. 19-0006 Prohibit Shared Mobility Devices

Dear Council

I fully support ordinance 19-0006 for all of the issues listed in the staff report under Background.  
Thank you very much!

Respectfully  
Gary D. McAulay

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



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## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Wednesday, February 20, 2019 5:39 PM  
**To:** Martha Alvarez  
**Subject:** FW: Shared Mobility Devices Agenda Item

**From:** Bob Kellogg <rckellogg@gmail.com>  
**Sent:** Tuesday, February 19, 2019 4:35 PM  
**To:** List - City Council <CityCouncil@citymb.info>; City Manager <cm@citymb.info>; Bruce Moe <bmoe@citymb.info>  
**Cc:** markfburton@gmail.com  
**Subject:** Shared Mobility Devices Agenda Item

All,

I realize it is probably too late to comment on tonight's vote on the temporary ban on shared mobility devices (I'll just call them scooters), but I would like to make sure you know that there are supporters of scooters who are concerned about making the temporary ban permanent. It was distressing to see that all of the council candidates support a ban and I assume that many of the current council members do as well.

When I moved to Manhattan Beach in 1983, traffic and parking were awful, and they have gotten steadily worse since then. Although not in Manhattan Beach, the recent pedestrian deaths on Artesia and Aviation are reminders of the price we pay every day for prioritizing car traffic above all other street users. It seems pretty clear that current policies are not working to improve traffic or traffic safety. One obvious way to improve both is to reduce the number of cars on our streets. I believe Manhattan Beach residents would like to be able to travel around town without their cars, but there has to be safe and efficient options for that to become a reality.

I believe scooters and bikes can be part of that solution. My neighborhood is roughly 1 mile from downtown. That is kind of far for a lot of people to walk and the large hill makes it even more challenging. Picking up an electric scooter or bike near my house and taking it downtown would be a great option. Today a lot of people are using services like Uber, which make the trip easier for the passenger, but they actually increase traffic. If I call an Uber, the driver has to drive to my house, which is a trip that would not exist if I just drove myself. The use of Uber may help with parking, but that driver has to park somewhere between trips. I believe that Uber and other ridesharing services operate completely unregulated by the city and produce no revenue for the city despite causing a significant increase in traffic.

As anyone can see, the scooters are extremely popular in cities that allow them. This is direct evidence that there are people who enjoy using them and who would almost certainly be opposed to a permanent ban on them. The opposition to scooters seems to be centered around the "messy" way they are scattered around, including on sidewalks, along with their use on sidewalks where they are in conflict with pedestrians. In my opinion, and clearly in the opinion of other communities, these are details to be addressed by regulation and education, and not justifications for a permanent ban.

The issue of scooters left on sidewalks and private property can easily be addressed by designating small "scooter parking" spots on streets, in city lots, in public areas such as parks and schools, and on private property at the owner's discretion. According to the downtown Manhattan Beach web site (<https://www.downtownmanhattanbeach.com/parking>), there are roughly 1,000 parking spots for private cars in

city lots and another 350 on-street spots in downtown alone. A spot for a single car could easily hold 10 or more scooters, so converting 20 spots to scooter zones would provide room for 200 or more scooters downtown. Similar logic applies to parks, schools, and other shopping areas. It seems like the difference between 1,350 and 1,330 parking spots would not be noticeable, while 200 scooter spots would be significant.

The issue of people riding on sidewalk is more about education and enforcement. As people become more familiar with the devices and the appropriate regulations, this should become a non-issue.

The third issue I hear cited is that they are dangerous. In fact both ordinances cite the frequent use without helmets and claim that this is "in contravention" of state law, which is incorrect for adults. I think it is hard to argue that scooters that are limited by design to speeds of 15 miles per hour are more dangerous than bicycles, particularly e-bikes, which also do not require adult helmet use. I don't believe that there is any evidence that an electric scooter is more dangerous than other forms of transportation (including cars) and certainly much of the danger comes from the high car traffic volumes and speeds, which is dangerous to everyone on our streets.

I'm sorry for the long email, but I look forward to a city where people have options for getting around town and enacting a permanent ban on a promising option just seems like a really bad idea. I hope that in the near future the city will engage with scooter providers and learn from the cities that have allowed them, then make an informed decision rather than a premature, fear-driven decision as is currently being considered.

Thank you for your time.

Bob Kellogg  
1207 Second St.

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



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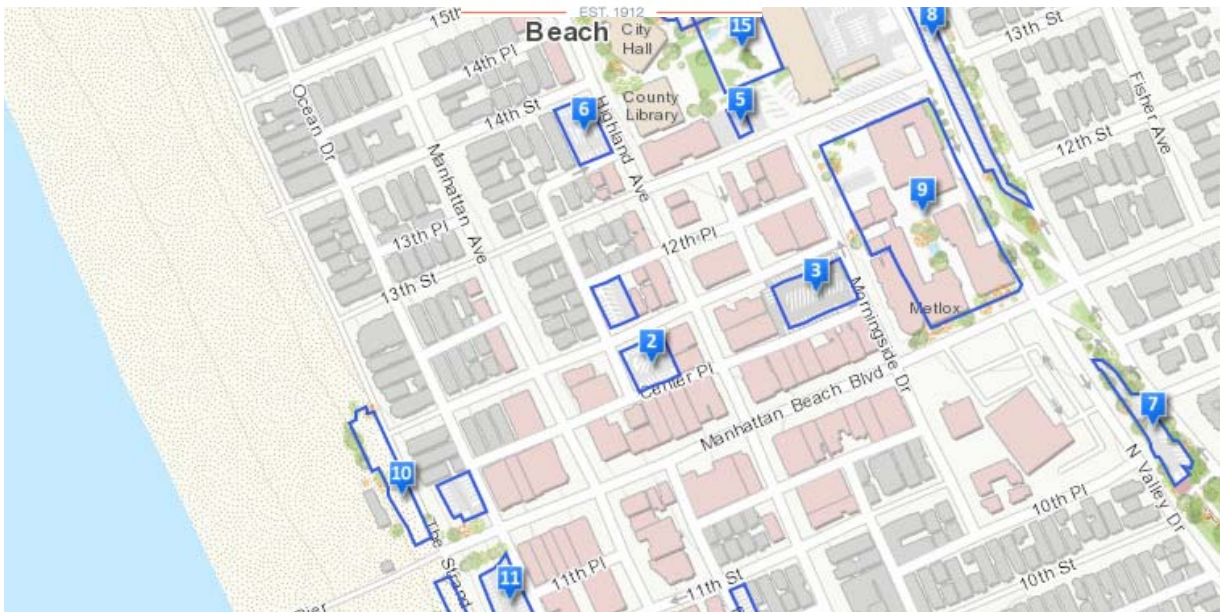
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Marine Science and Environmental  
Education

**PHONE:**

310.379.9901

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## Martha Alvarez

---

**From:** Bruce Moe  
**Sent:** Tuesday, February 19, 2019 4:06 PM  
**To:** Martha Alvarez  
**Subject:** FW: council item: Consideration of Creating a New City Logo and Developing Use Guidelines

**From:** Gary McAulay <gary.mcaulay@gmail.com>  
**Sent:** Tuesday, February 19, 2019 1:47 PM  
**To:** List - City Council <CityCouncil@citymb.info>  
**Subject:** council item: Consideration of Creating a New City Logo and Developing Use Guidelines

Dear Council

I am cautious regarding the request to consider creating a new City logo. Although the staff report does make the distinction between the City seal and a "City logo," I have seen this effort get muddled in the past when a certain council member decided that he personally did not like the City seal, and tried to slide a change through via the Cultural Arts Commission as a "logo." There was much public anger over the effort, which was scrapped.

I urge you to be clear that this request is merely a branding effort to market the City. It is not intended to change the City Seal, which is the official seal of the City for legal documents, etc, as the staff report states. The current City Seal does exactly what it is intended to do: it clearly and distinctly identifies official City documents, vehicles, property, signage, etc. Its bright colors can be seen from a block away. Our seal classically embodies Manhattan Beach's three greatest natural attributes: Sun, Sand, and Sea.

There is nothing wrong with seeking a fresh branding scheme. I was caught, however, by the "Discussion" portion of the staff report, which, in justifying the need for a branding "logo," struck me as wrongly dismissive of the past, in favor of the new. The chronology of the town's development is a bit confused. More accurately, I submit, it should read:

"Over time, Manhattan Beach evolved into a family-oriented beach town of year-round residents. It became known for its small town character, beach volleyball, laid-back feeling, safety, and as a great place to raise a family, all of which attracted many newer residents.

"While the residential longevity of the community is diverse and includes many long term residents who have lived here for 20-plus years, over 60% of Manhattan Beach residents have moved here since 2000, including 25% who arrived since 2010. Today, Manhattan Beach is still a great place to raise a family, known for its vibrant downtown area, with upscale merchants and restaurants, and for several community events that create a draw for both residents and visitors."

To be clear, the distinction is this: Manhattan Beach did not become a great place to live because of the influx of new residents, or desirable because it became "upscale" (as used twice in the staff report Discussion). Rather, people moved here because of the small town character, laid back feeling, and family orientation.

This perspective is important, although it doesn't mean that a unifying new logo to standardize signage and "bolster a positive perception" would necessarily be a bad thing. It should be remembered, however (considering the many "aims" of a City logo) that a great many people have repeatedly expressed a desire not to "promote tourism," wishing instead to retain a small town residential character.



Marketing logos, like mission statements and city demographics, are subject to change and the need for periodic updating. Most cities use a number of different logos over time. But, perhaps a new logo to put on wayfinding signage and marketing brochures would be a good thing. The goals set in the staff report, to achieve so much with a simple logo, are lofty. I look forward to seeing what is proposed for Manhattan Beach.

Respectfully,  
Gary D. McAulay

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



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## Martha Alvarez

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**From:** Mary Kirchwehm on behalf of Bruce Moe  
**Sent:** Monday, September 24, 2018 10:28 AM  
**To:** Martha Alvarez  
**Subject:** FW: e-scooters

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



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**From:** Jon Chaykowski <[rideformbef@yahoo.com](mailto:rideformbef@yahoo.com)>  
**Sent:** Friday, September 21, 2018 8:25 PM  
**To:** List - City Council <[CityCouncil@citymb.info](mailto:CityCouncil@citymb.info)>  
**Subject:** e-scooters

Council members,

Safety is another reason to NOT ALLOW commercial e-scooter operators in Manhattan Beach.

Safety just got a hit: On Wednesday, Governor Jerry Brown signed a [bill](#) into a law that states Californians (age 18 years or older) riding electric scooters will no longer be required to wear helmets as of January 1.

[Bill Text - AB-2989 Motorized scooter: use of helmet: maximum speed.](#)

**Bill Text - AB-2989 Motorized scooter: use of helmet: maximum speed.**

Wow!!! I wonder if "Moonbeam" Jerry was smoking his newly legalized weed.

Sincerely,  
Jon c.

Informative article:

[A Lime scooter rider died this morning in Washington, D.C., marking the second fatality this month](#)

(This article gives more reasons why e-scooters business is not a good fit for MB.)