



# Commission Agenda Report

To: Chair Marx and Members of the Planning Commission

Prepared by: Bonnie Blue, Planning Director *for cc*

Date prepared: April 27, 2018

Meeting date: May 7, 2018

Subject: Short-term Rental Ordinance

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 18-26 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and recommending the City Council approve Zoning Text Amendment (ZTA) No. 17-002 amending Title 17 (Zoning) of the Malibu Municipal Code (MMC) Title 17 relating to the short-term rental of residential property.

**DISCUSSION:** On November 20, 2017, at the direction of the City Council, the Planning Commission reviewed and made comments on a draft short-term rental ordinance that was designed to clarify the City's existing prohibition on short-term rentals in multifamily buildings and set minimum standards and requirements. The Planning Commission requested additional information and recommended changes to the draft ordinance. Since the November 2017 meeting, the City has contracted with Host Compliance, LLC (Host), to provide software services related to registering, compliance monitoring and enforcement of the City's ordinances, regulations and tax rules related to short-term rentals.

This report provides a brief background on short-term rentals in Malibu, then addresses the additional information requested by the Commission, provides an overview of the draft ordinance, explains the services available from Host, and includes discussion of the Commission's recommendations and other features that have been incorporated into the draft ordinance.

## Background

Short-term rental of residential property is currently allowed in single-family homes in the City so long as such rental complies with the MMC, the property is registered with the City, and Transient Occupancy Tax (TOT) is properly remitted.<sup>1</sup> This includes MMC

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<sup>1</sup> MMC Chapter 3.24 requires owners and operators of short-term rental properties to register their property with the City and remit TOT on a quarterly basis. It also authorizes the City to collect TOT when a hotel, motel or residential home is occupied for 30 consecutive calendar days or less. The tax rate is 12 percent of the amount charged.

regulations addressing parking, noise, special event gatherings (permit needed for events with 15 or more people) and nuisance issues.

In 2009, the City began enforcing the collection of TOT on the short-term rental of private homes. A short-term rental is generally described in MMC Chapter 3.24 as the rental of a structure for 30 consecutive calendar days or less. This includes any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, rental unit, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof, and shall further include any trailer court, camp, park or lot where trailer spaces, or combinations of such spaces and trailers, including mobilehomes, are occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes.

In April 2015, Airbnb began collecting and remitting TOT for the properties in the City that are rented through its website, some of which are also registered directly with the City. Per the City's Voluntary Collection Agreement for Transient Occupancy Tax with Airbnb, property owners that only rent through Airbnb are not required to register with the City.

On November 9, 2015, in response to complaints from residents regarding a particular single-family home being used for short-term rental, the Council directed staff to develop options for regulating short-term residential rental property owners who misuse the property or cause a nuisance in the neighborhood.

On February 8, 2016, the Council reviewed a range of enforcement mechanisms from bans of all short-term residential rentals to limits on rentals, such as restricting the number of days per year a property can be rented, or instead, strictly enforcing noise and nuisance ordinances already on the books to deal with problem rental properties. Council chose not to ban short-term rentals, but rather allocate more resources to help prosecute violations of the City's noise ordinance or parking codes and authorized a contract for on-call monitoring services of short-term residential rentals with SWS, Inc.

On June 16, 2016, the Council received an update on issues related to short-term residential rentals. Council directed staff to bring back an item exploring ordinances regulating short-term rentals, including primary residency requirement of hosts, code violation consequences, licensing of short-term rentals, occupancy limits, fines structure and methods of enforcement.

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Registration is a one-time \$25 fee and taxes are collected on a quarterly basis. If an owner or operator fails to remit TOT as required the City may impose interest and penalties on the amount owed.

On October 10, 2016, the Council reviewed options for regulating short-term residential rentals and directed staff to bring back a draft ordinance that included:

1. A ban on short-term rental properties with outstanding code enforcement violations, as well as the advertisement of such properties, with each violation of the ban resulting in the ban extending an additional six months from the date the enforcement violation is cured;
2. Expansion of the definition of hotel/motel in the MMC;
3. A ban on the short-term rental of multifamily housing, except for homesharing (where the owner is present on the property during the stay);
4. A limit on the number of days a property can be rented;
5. Requirement of proof of primary residence at the property, or that the host live at the property for a certain number of days a year;
6. A requirement that rentals meet certain standards, e.g. annual inspections, onsite parking for all guests, handicapped access on the property and in the home, compliance with all fire safety and occupancy codes, requiring onsite manager or that the manager is available 24-7; and
7. A requirement that CC&Rs for future developments and/or major remodels in the City to include provisions banning short-term rentals.

Staff drafted an ordinance based on the direction provided by Council and presented it to the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) (Attachment 2) for discussion and feedback.

On May 23, 2016, ZORACES discussed the proposed ordinance and recommended the ordinance include the following:

1. Prohibition of short-term rentals and homesharing in the Multi-Family Residential zone for complexes with three or more units;
2. A requirement for signage indicating 24 hours per day, seven days per week contact information for a designated manager, visible to the public at all times;
3. A requirement for compliance terms to be met or revocation of rental privileges be imposed for six months, to be increased upon lack of further compliance, which could lead to criminal penalties if compliance is ultimately not met; and
4. A requirement that homeowners to attest when they register that their homes have smoke detectors with an inspection provision;

The Subcommittee also recommended that staff research:

- Covenants, conditions, and restrictions of homeowners associations that could provide examples for communities that would like to create privately enforceable restrictions;
- Whether the owner should be allowed to be the designated manager;
- Examples of types of contact information signage used in other communities;
- The cost to fund one or two full-time positions related to enforcement;
- The need for an inspection program for wastewater treatment systems; and
- Hosting guidelines that could be provided to TOT registrants, similar to the Filming Code of Conduct for film permits.

### Current Malibu Short-term Rental Landscape

Given the rapid growth of online rental platforms which facilitate the short-term rental of property, it is highly likely that there are properties in Malibu that are used for short-term rental that are not registered with City or with Airbnb.

In order to gather more accurate data that will help provide oversight to the short-term rentals, the City issued a Request for Proposal for short-term rental administration. On February 13, 2018, the City entered into a contract with Host. Host has a proprietary software service that collects data weekly across the top 50 short-term rental listing sites. All the data collected on short-term rental listings, reviews, calendar information and photos is then aggregated, de-duplicated and documented by the Host program. Host has recently begun collecting information on short-term rentals in Malibu. From the information gathered, Host has developed some preliminary data on the current Malibu short-term rental landscape which it can compare to some historical data points.

For context, staff researched the total number of housing units in the City. Where the General Plan estimated that there were over 4,000 single-family homes in Malibu, the California Department of Finance estimates that there were 6,907 total housing units in Malibu as of January 1, 2017, of which 5,373 were single-family homes (detached and attached).

The following numbers do not distinguish between single-family and multi-family units being rented. According to Host, in March 2018 there were 434 unique short-term rental units in Malibu actively listed for rent online. This is an increase of 15 listings or 3.6 percent from March 2017. To understand the seasonal variation of rental supply, Host compiled historical data from winter and summer 2017 and 2016. On December 31, 2017 there were 448 unique rental listings which was 22 more than the year before,

representing an increase of 5 percent. From June 1 through August 31, 2017, there were 471 unique active listings which was 15 more than the same period in 2016, an increase of 3 percent.

It is important to note that the number of unique active short-term rental listings is less than the total number of active listings for short-term rentals in Malibu because some owners advertise their properties on more than one site and some owners state that their properties are located in Malibu when they are not actually located within the Malibu city limits. Host's software is able to sort rental listings across 50 online platforms, identify property addresses and remove duplicates. The 434 unique rental listings Host identified in March 2018 represent 6 percent of the total housing in Malibu in 2017.

The number of unique active listings is constantly changing as property owners decide whether or not to list their properties for short-term rental. Host estimates that as of March 2018, there were 526 unique listings that were inactive, meaning that they are not currently listed for rental but have been listed for rental in the past.

There are currently a total of 409 properties that are remitting TOT for short-term rental. Of the 409, 217 are registered directly with the City and 192 are registered with Airbnb. In Fiscal Year 2016-2017, the City received \$1.8 million in tax revenue from short-term residential rentals. In Fiscal Year 2017-2018, the City expects to receive \$1.8 million.

Staff revised the proposed ordinance based on the direction provided by ZORACES and presented it to the Planning Commission on November 20, 2017 (Attachment 3).

On November 20, 2017, the Planning Commission discussed the proposed ordinance and associated concerns but no consensus was reached. Staff has categorized the Commissioners' comments and has provided responses below.

### Regulatory Options

#### *Permit System*

The Commission discussed the option of a permit system. Depending on further direction from City Council, the City could implement a permit system for short-term rentals or could continue to use the current registration system. Under a permit system, property owners would apply, be approved, and if violations occur, the permit would be revoked, with a time limit established for when the owner could reapply. The proposed registration system is a more streamlined process for the property owner in that they simply sign up. If violations occur, the owner would be prohibited from renting for a designated period of time. The permit revocation process would not be necessary. Under either type of system, existing registrants will need to register/apply with the City in order to provide the required contact information, give consent to inspection, acknowledge ordinance requirements and attest that the property meets ordinance requirements.

### *Limit on the Number of Permits (or Registrations) Issued*

Limiting the number of permits will concentrate demand on those locations, leading to the few properties that hold permits being rented out more frequently and becoming more “professional” operations. It also may create a “rush” to get a permit, and encourage those who obtain one to rent their home out full time. It may be more beneficial to have a larger number of properties that are rented infrequently rather than a smaller number that are constantly booked. If short-term rentals are curtailed, the financial incentives to violate the City’s regulations will increase as individuals who are willing to flout the regulations will be able to charge more due to the more limited supply available.

### *Limit on the Number of Permits Issued per Neighborhood*

Same as above.

### *Require an Inspection*

The Commission discussed implementing an inspection requirement whereby units would be inspected for potential code violations, septic capacity and other conditions prior to permit issuance. Instead of requiring staff to conduct a site inspection prior to each registration approval, the registrant would attest that the condition of the property meets requirements and would be subject to penalties for violating the ordinance if it is found to be out of compliance. The Code of Conduct, discussed later, will notify guests of the minimum requirements.

### *Post Short-term Rental Contact Information Online*

The publishing of personal information can create safety and privacy concerns. To avoid potential issues, Host has created a hotline that can automatically generate calls to identified property contacts in response to community complaints. This system enables community members to notify responsible parties of problems in real time while safeguarding personal information and preventing harassment and abuse.

### *City Enforcement of CC&Rs*

Covenants, Conditions and Restrictions (CC&Rs) are difficult for the City to enforce. For this reason, cities that have adopted short-term rental ordinances generally put the onus of complying with covenants, conditions and restrictions (CC&Rs) on the potential host. Typically, this comes in the form of a self-certification or submitting proof of conformance along with permit applications. The draft ordinance does not limit the ability of a property owner, CC&Rs, or homeowners association or similar association from prohibiting or further limiting the short-term rental of property.

## Neighborhood Impacts and Quality of Life Regulations

### *Require Onsite Parking*

The proposed ordinance requires that all vehicles present during the time of the short-term rental park onsite. In cases where no onsite parking is available, two vehicles may park on the street. When registering with the City, the property owner will have to attest that there are no code violations on the property. Illegal conversion of required garage parking into storage or to a habitable use would be a violation.

### *Require Response Time on Complaints*

The proposed ordinance requires that all short-term rental property owners submit twenty-four hour contact information to the City. Property contacts are required to respond to complaint calls within one hour.

### *Require a Local Malibu Property Manager*

Due to the high cost of living in Malibu, it would be unreasonable to require property managers live within the City. However, responsiveness provisions in the proposed ordinance are intended to provide quick resolutions to issues as they arise.

## Housing Regulations

### *Limit the Number of Days per Year*

This is extremely difficult to monitor and would rely upon property owners honestly reporting the rental dates of their property. There will be a large financial incentive to ignore this limit.

### *Require that Rental be Primary Residence*

ZORACES reviewed a primary residence requirement and recommended that staff remove this provision from the proposed ordinance.

### *Ban All Short-term Rentals*

Few cities have attempted to create a citywide ban and even fewer have succeeded. Generally it is very difficult to enforce rental bans and takes considerable staff time and resources.

### *City Prevent Investors from Buying Houses or Apartment Buildings and Converting Them to Fulltime Short-term Rentals*

The proposed ordinance reinforces the ban on short-term rentals in multifamily buildings containing three or more units. This prohibition will curtail investors from buying apartment buildings to convert to fulltime short-term rentals and reducing the City's affordable housing stock and the diversity of available housing types. The Council could consider adding a requirement that the rented location is the primary residence of the property owner.

## CEQA

### *Environmental Review*

Section 15061(b)(3) of the State CEQA Guidelines states that when it can be seen with certainty that a project would not have the potential for causing a significant effect on the environment, it is exempt from CEQA. In this case, the proposed ordinance is the “project.” The ordinance would clarify the City’s existing ban on multi-family rentals, thereby avoiding impacts on affordable housing stock. The ordinance would not change the types, density or intensity of land uses, and is not expected to generate new traffic trips. In fact, by imposing an occupancy limit and on-street parking limits requirements on that would not otherwise exist on residences, trips could be reduced. Therefore, it can be seen with certainty that the ordinance would not have the potential for causing a significant effect on the environment, and the ordinance is exempt from CEQA.

### Enforcement

The City has already taken significant steps to increase enforcement resources. The City now has three full-time code enforcement officers available to address short-term rental issues along with other code violations. In addition, the City has contracted with Host to assist with monitoring and enforcement of short-term rentals. The Host software will enable the City to easily and accurately identify properties that list short-term rentals and work with owners to come into compliance. The system includes a robust hotline and web portal that will enable community members to register complaints at any time and upload photos and video files, and document and track all complaints received for City staff.

If the draft ordinance is approved with the proposed registration contract information and responsiveness provisions, the system can generate a call to the registered responsible party and request a call back within an hour to address the issue. Failure to respond within an hour would be a violation subject to penalties.

City staff contacted representatives from a wide range of municipalities in popular tourist destinations currently grappling with short-term rentals regarding staffing and enforcement protocols. Based on those discussions, staff believes that the City’s current staffing levels with augmentation from Host are sufficient to adequately address short-term rental compliance at this time given the current scale of short-term rentals and the ordinance provisions proposed.

Once Host’s comprehensive system is fully up and running and tracking all the short-term rental data and complaints received, the City will have more information to inform staffing and enforcement needs going forward.

## Overview of Draft Ordinance

The proposed ordinance was revised based on comments from the Planning Commission on November 20, 2018. Resolution No. 18-26 includes the text of the draft ordinance. The draft ordinance is intended to clarify the City's existing prohibition on short-term rentals in multifamily buildings and sets minimum standards and requirements to regulate the effects of short-term rentals to avoid neighborhood impacts. The draft ordinance is summarized here.

- 1) "Short-term rental" is defined as specific to a residential dwelling unit, or portion thereof.
- 2) The owner of a short-term rental property must be registered with the City and pay TOT. This provision provides a point of contact for the City with the property owner, allowing the City to contact the owner regarding short-term rental issues and monitor short-term rental activity in the City.
- 3) The owner shall provide a Short-term Rental Code of Conduct prepared by the City, intended to provide important information, including rules and expectations for conduct, to all guests and post it inside the entrance to the dwelling. A draft Code of Conduct is included as Attachment 4.
- 4) The property must have onsite parking for all guests, unless the property does not have onsite parking, in which case guests are limited to parking two vehicles on the street. If street parking for more than two vehicles is necessary, a special event permit (SEP) must be obtained. This requirement is designed to limit overflow on-street parking as the SEP would count against the maximum of four events allowed each year per residential parcel.
- 5) The property shall not have any outstanding code violations, and any violations on the property shall have been cured for a period of six months prior to any short-term rental. This will avoid situations where guests are staying at a property where violations exist. An option would be to consider shortening the no-rental period after a violation has been cured to avoid abuse of the code enforcement system or harassment of a property owner.
- 6) The property must comply with fire, building and other codes. This requirement will help prevent unsafe properties from being rented.
- 7) A 24/7 manager must be available to deal with any problems at the short-term rental property. A phone call to this number from the City or a guest must be returned within one hour. This requirement allows problems to be addressed in real time. This contact information must also be provided to all properties within 500 feet of the parcel boundary to inform neighbors and provide them a point of contact to informally raise or resolve any concerns. This requirement was included in lieu of signage due to potential security risks associated with identifying a property as a rental.

- 8) Property owners would be required to grant City representatives access to the property and records if needed for inspection or audit.
- 9) The maximum occupancy of short-term rental units is designed to track with the number of bedrooms in the dwelling unit, up to a maximum of 14 people. This is consistent with the requirement of MMC Section 5.34.020(C) to obtain a special event permit when a short-term rental will accommodate 15 people or more.
- 10) A ban on short-term rentals in multifamily buildings containing three or more units, except for homesharing (where the owner is present on the property during the stay).
- 11) Short-term rental of any vehicle, trailer, tent, storage shed, garage, or other such premises is explicitly prohibited. This provision specifically clarifies the existing ban on individuals offering Airstreams, tents and similar places as vacation rentals.
- 12) Violations are subject to fines of \$1,000 per day or violation.
- 13) Violators of the ordinance are barred from renting on a short-term basis for a period of six months. The probation can be extended for an additional six month period.

CORRESPONDENCE: Correspondence submitted since the distribution of the November 20, 2017, Planning Commission agenda report is included here as Attachment 5.

PUBLIC NOTICE: On April 12, 2018, a one-quarter page Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and display ads were published in local newspapers, and was mailed to all interested parties; and all owners/operators currently registered with the City's Transient Occupancy Tax Program (Attachment 6).

SUMMARY: Staff recommends that the Planning Commission adopt Resolution No. 18-26 to recommend that the City Council adopt ZTA No. 17-002.

ATTACHMENTS:

1. Resolution No. 18-26
2. ZORACES Report and Minutes
3. November 20, 2017 Planning Commission Report
4. Draft Short-term Rental Code of Conduct
5. Correspondence
6. Public Hearing Notice

***Copies of all related documents are available at City Hall during regular business hours.***

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 18-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROPOSED ORDINANCE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING TEXT AMENDMENT NO. 17-002 AMENDING TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE RELATING TO THE SHORT TERM RENTAL OF RESIDENTIAL PROPERTY

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. While the City of Malibu allows residential property to be rented on a short term basis for periods of 30 days or less, it has prohibited this practice in multifamily residential buildings where such use constitutes illegal hotel, motel or bed and breakfast inn use.

B. With the recent proliferation of short term rental use due to the growth of internet portals that consolidate and facilitate the short term rental of property, the City has seen increased violations of its prohibition against illegal hotel and motel use and an increase in short term rental activity in the City. Owners of apartment complexes and other multifamily buildings have sought to convert their units to short term rental use and created illegal hotel and motel uses in the City.

C. The removal of these multifamily units from the City's housing stock affects some of the most affordable housing options in the City and conflicts with the City's zoning and General Plan.

D. Code enforcement efforts to enforce the Malibu Municipal Code (MMC) have been resisted and challenged by operators. Clarification of the City's prohibition against these types of activities is needed. Additional regulation of short term rental activity to limit the impact of short term rentals on neighbors and the community, given their increased proliferation, could also benefit the City.

E. On October 10, 2016, the City Council directed staff to research short term rental of property and bring back an ordinance.

F. On May 23, 2017, the Zoning Ordinance Revisions and Code Enforcement Subcommittee of the City Council reviewed a draft ordinance (Zoning Text Amendment (ZTA) No. 17-002) and provided comments to staff.

G. On October 26, 2017, a one-quarter page Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu. Display ads were also published in local newspapers. A public hearing notice was also mailed to all interested parties, regional, state and federal agencies affected by the amendment, local libraries and media, the California Coastal Commission, and all parties registered with the City for payment of transient occupancy tax.

H. On November 20, 2017, the Planning Commission held a duly noticed public hearing on the draft ordinance, at which time the Planning Commission reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record. The Commission discussed additional information they wished to receive and potential changes to the draft ordinance.

I. On April 12, 2018, a one-quarter page Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu. Display ads were also published in local newspapers. A public hearing notice was also mailed to all interested parties, regional, state and federal agencies affected by the amendment, local libraries and media, the California Coastal Commission, and all parties registered with the City for payment of transient occupancy tax.

J. On May 7, 2018, the Planning Commission held a duly noticed public hearing on the draft ordinance, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

## SECTION 2. Environmental Review.

The Planning Commission has analyzed the proposed project in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The Planning Commission hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

## SECTION 3. Zoning Text Amendment Findings.

Pursuant to MMC Section 17.74.040, the Planning Commission makes the following findings and recommends to the City Council that the MMC be amended as set forth in Section 4 of this resolution.

A. The Planning Commission hereby finds that ZTA No. 17-002 is consistent with the General Plan and Local Coastal Program (LCP). The ordinance would support the objectives and policies of the General Plan intended to concentrate commercial uses in certain areas and prevent sprawl throughout the City [General Plan LU Objective 4.2], regulate hotel development to ensure development compatible with a rural residential community [General Plan LU Policy 4.4.3], and conserve affordable housing in the Coastal Zone [General Plan Housing Policy 1.4].

B. ZTA No. 17-002 will support these policies by clarifying the City's prohibition against illegal hotel, motel and bed and breakfast inn use in multi-family buildings and introducing regulations to reduce the impact of short term rentals on neighbors and the community.

C. The proposed ordinance does not authorize a use other than that already designated in the LCP and MMC as a permitted or conditionally permitted use in the zone. The proposed ordinance is consistent with the Coastal Act and the LCP because it protects, maintains and enhances the overall quality of the coastal zone environment. The proposed ordinance will not alter the utilization or conservation of coastal zone resources, impede public access to and along the coastal

zone, or interfere with the priorities established for coastal-dependent or coastal-related development.

#### SECTION 4. Zoning Text Amendments.

The Planning Commission hereby recommends that Title 17 of the Malibu Municipal Code be amended as follows:

A. MMC Section 17.02.060 (Definitions) is hereby amended by adding the following definition, inserted in alphabetical order:

“Short term rental” of property shall mean the renting, or offer to make available, (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration, of residential property, a dwelling unit, or a portion thereof, for a period of thirty (30) consecutive days or less to a transient.

B. Chapter 17.55 (Short Term Rental of Property) of the MMC is hereby added to read as follows:

#### Section 17.55.010 Short Term Rentals Generally.

- A. Short term rental of single-family dwellings, or portions thereof (or the advertisement, offer, or facilitation, of such rental), is prohibited unless all of the following requirements are strictly met:
1. The owner and operator of the rented property is registered with the City on a form as required by the City Manager which includes contact information for the owner and manager of the property and attestation and agreement to comply with the requirements of this Chapter.
  2. The owner and operator of the rented property has timely paid all transient occupancy tax due, and is in compliance with Chapter 3.24 of this code.
  3. All persons present at the property during a period when there is a short term rental of a property are parked onsite; offsite or on-street parking shall only be allowed pursuant to a special event permit issued pursuant to Chapter 5.34 of this code. Properties that do not have onsite parking spaces are exempt from this requirement, but no more than two (2) vehicles may be parked on the street by persons present at the property during the short term rental of the property.
  4. The property does not have any outstanding code enforcement violations, and any violations on the property have been cured for a period of six (6) months as determined by the City prior to the date of any short term rental of the property.
  5. The property complies with all applicable codes regarding fire, building and safety, and other relevant laws and ordinances.
  6. A manager with access to the dwelling unit, and authority to fix any problems or violations of this chapter, is available twenty-four (24) hours a day, seven (7) days a week, at a phone number provided to both the City and any guest staying at the property. This number must accept voicemail messages. A phone call to this number from the City or a guest must be returned within one hour.
  7. Owner shall provide full access to the property, and documents related to compliance with this Chapter, during normal City Hall business hours or at any time the dwelling

unit is rented immediately upon request by the City Manager or his/her designee for purposes of inspection or audit.

8. Owner shall provide all guests with the Short Term Rental Code of Conduct, which shall be developed by the City Manager, and post the same on the inside of the main entrance door to the dwelling unit rented, or on the wall adjacent thereto.
  9. The Planning Director shall provide, at the owner's expense, the contact information for the manager identified in (6) above to all dwelling units within five hundred (500) feet of the parcel boundary.
  10. The maximum occupancy of a short term rental property shall be limited to two (2) people more than twice the number of bedrooms listed on City or County records up to a maximum of fourteen (14) people, unless a special event permit is obtained pursuant to Chapter 5.34 of this code.
- B. Nothing in this chapter shall limit the ability of a property owner, Covenants, Conditions and Restrictions (CC&Rs), or homeowners association or similar association from prohibiting or further limiting the short term rental of property.
- C. No person shall offer, facilitate an offer, or allow short term rental of property in any location not approved for use as a dwelling unit including, but not limited to, any vehicle, trailer, tent, storage shed or garage.

#### 17.55.020 Short Term Rentals in Multifamily Housing.

- A. Short term rental of property is prohibited in multifamily residential buildings containing three (3) or more dwelling units (including, but not limited to, triplexes, condominiums, stock cooperatives, apartments, and similar developments):
1. No person or entity shall offer, advertise, or facilitate the short term rental of such properties (or portions thereof).
  2. No person shall occupy a residential dwelling, a dwelling unit or a portion thereof for a period of thirty (30) consecutive days or less pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration, in such buildings.
- B. Notwithstanding, Section 17.55.020(A), the short term rental, by a dwelling unit owner, of his/her owned dwelling unit in a multifamily residential building shall be allowed if, and only if, the owner: (1) lives in the dwelling unit throughout the visitor's stay, and is present in the unit for at least eight (8) hours a day, and (2) complies with the requirements of 17.55.010. If contacted by City staff, the owner must appear within ninety (90) minutes in person at the property.
- C. Nothing in this section shall prohibit the operation of a hotel, motel or bed and breakfast inn where such use is permitted.

#### 17.55.030 Enforcement, Violations and Penalties.

- A. In addition to the other penalties and remedies available to the City, violations of this Chapter shall be subject to the administrative citation provisions of Chapter 1.10, except that any violation of this Chapter shall be subject to a fine of \$1000 per day or violation.

- B. For any dwelling unit operated in violation of any provision of this chapter: (1) no person or entity shall offer, advertise, or facilitate the short term rental of property, and (2) no person shall occupy a residential dwelling, a dwelling unit or a room in a dwelling for a period of thirty (30) consecutive days or less pursuant to a rental agreement, lease, license or any other means, (whether oral or written) for compensation or consideration. This prohibition shall extend for a period of six (6) months from the date the City sends a notice of violation to the property owner listed on the most recent tax rolls and/or the address of the property. The prohibition shall be extended for an additional six (6)-month period for each subsequent violation.
- C. Any violation of this Chapter shall constitute a separate offense for each and every day the violation occurs or persists.
- D. These penalties and remedies are cumulative and in addition to any other penalties and remedies available to the City.

SECTION 5. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of May 2018.

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CHRIS MARX, Planning Commission Chair

ATTEST:

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KATHLEEN STECKO, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 18-26 was passed and adopted by the Planning Commission of the City of Malibu at the Special meeting held on the 7<sup>th</sup> day of May 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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KATHLEEN STECKO, Recording Secretary



Zoning Ordinance  
Revisions & Code  
Enforcement  
Subcommittee  
Special Meeting  
05-23-17

## Item 2

# Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) Agenda Report

**To:** Zoning Ordinance Revision and Code Enforcement  
Subcommittee (ZORACES) Members Peak and Wagner

**Prepared by:** Trevor Rusin, Assistant City Attorney

**Reviewed by:** Bonnie Blue, Planning Director

**Approved by:** Reva Feldman, City Manager

**Date prepared:** May 16, 2017 **Meeting date:** May 23, 2017

**Subject:** Short-Term Rental Ordinance

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**RECOMMENDED ACTION:** Review the proposed amendments to the Malibu Municipal Code (MMC) regarding short-term rental of property in the City, and provide feedback to staff.

**DISCUSSION:** Short-term rental of residential property is currently allowed in single family homes in the City so long as such rental complies with the Malibu Municipal Code (MMC), the property is registered with the City, and Transient Occupancy Tax (TOT) is properly remitted. This includes the MMC regulations addressing parking, noise, special event gatherings (permit needed for events with 15 or more people) and nuisance issues. The City provides 24/7 on-call monitoring services of short-term rentals through SWS to ensure noise, parking and other MMC requirements are complied with.

On October 10, 2016, the City Council directed staff to research and bring back an ordinance that would potentially: 1) ban short-term rental properties with outstanding code enforcement violations (as well as the advertisement of such properties) with each violation of the ban resulting in the ban extending an additional six months from the date the enforcement violation is cured; 2) expand the definition of hotel/motel in the MMC; 3) ban short-term rental of multifamily housing, except for home-sharing (where the owner is present on the property during the stay); 4) limit the number of days a property can be rented; 5) require proof of primary residence at the property, or that the host live at the property for a certain number of days a year; 6) require rentals to meet certain standards, e.g. annual inspections, onsite parking for all guests, handicapped access on the property and in the home, compliance with all fire

safety and occupancy codes, requiring an onsite manager or that the manager is available 24/7; and 7) require Covenants, Conditions, and Restrictions (CC&Rs) for future developments and/or major remodels in the City to include provisions banning short-term rentals. The attached draft ordinance addresses this direction from the City Council.

## **Background**

There are 177 properties that are currently registered as short-term rentals in Malibu and are remitting TOT on a regular basis. These properties have complied with the City's registration requirements and are subject to the City's 12 percent TOT. Over the past fiscal year, these short-term rentals have generated approximately \$1.35 million in tax revenue.

In April 2015, AirBnB began collecting and remitting TOT for properties in the City that were rented through its website; this includes approximately 200 properties that have registered through AirBnB, rather than individually. Since April 2015, the City has received approximately \$1.5 million in tax from AirBnB versus \$1.3 million from non-AirBnB short-term vacation rental properties. Of note is the fact that this revenue comes from non-residents and is not paid for by City residents.

While the City has received relatively limited complaints regarding short-term rental properties, the short-term rental industry is growing rapidly due to the growth of online rental platforms, such as AirBnB and HomeAway, which facilitate the short-term rental of property. Statewide, short-term rental listings have been increasing, and evidence suggests the practice of purchasing property with the purpose of solely renting it out on a short-term basis has also been increasing. To address these concerns, and at the direction of the City Council, staff has put together a draft ordinance (attached). This report will discuss the ordinance, considerations involved, and other options for addressing short-term rentals.

## **Draft Ordinance**

### Single Family Short-term Rental Regulations

The focus of the proposed ordinance is Section 17.xx.010. This section will limit short-term rental of property in residential zones to the following time periods: November 16 to January 14, and May 16 to September 29. Short-term rental of property will be prohibited at all other times. This section addresses the Council's direction to limit the number of days a property can be rented on a short-term basis. While staff considered limiting the total number of days a property can be rented, these types of limits are generally unenforceable. It is difficult for staff to ascertain how often a property is rented, and proving these types of violations will be very expensive. In addition, it is likely to discourage owners from registering their properties with the City and submitting the TOT they owe.

By limiting the times of year properties can be rented, enforcement will be easier. Instead of having to wade through documentation and evidence for 60 or more rental stays, a code enforcement officer will merely need to prove that a rental occurred during a period when short-term rentals are banned.

The time periods proposed by staff were chosen for two reasons: First, they reflect periods of time when many residents travel and are not using their home. Second, they reflect periods of time when there is higher demand for short-term rentals. This serves the dual purpose of limiting the impact of short-term rentals and also allowing residents who depend on short-term rental income to capitalize on the periods of time when there is greatest demand (and higher rates can be charged). Alternatively, the Council could elect to cap the number of days a property is rented or the number of stays (no limit on duration) allowed during a year.

The second part of the proposed ordinance details the requirements for anyone who desires to rent their property on a short-term basis. These include:

- (1) The owner registers with the City and pays TOT. This provision provides an essential point of contact for the City with the property owner, allowing the City to contact the owner regarding short-term rental issues and monitor short-term rental activity in the City. It also ensures that renters contribute to the improvement of the City through the payment of TOT.
- (2) The owner must prove the property is a primary residence or that the owner has lived on the property for at least 100 days during the previous calendar year. While this provision may reduce situations where investment properties are bought in Malibu for short-term rental purposes, it may also cause unintended impacts as many residents of Malibu have more than one home. If the proposed limits on short-term renting are implemented, this provision may no longer be necessary as the limits on when a property can be rented will significantly impact the profitability of such investment properties. Alternatively, the Council could elect to only allow rental of a primary residence or increase the residency requirement.
- (3) The property must have onsite parking for all guests, unless the property does not have onsite parking, in which case guests are limited to parking two vehicles on the street. Some homes in Malibu do not have any onsite parking, so a requirement to park onsite would effectively ban those properties from short-term rentals. Language could also be added that requires all parking designated on a property's coastal development permit (CDP) is available (e.g., a garage could not contain items that would prevent guests from parking there).
- (4) The property shall not have any outstanding code violations, and any violations on the property shall have been cured for a period of six months prior to any

short-term rental. This will avoid situations where guests are staying at a property where violations exist. The Council may consider shortening the no-rental period after a violation has been cured to avoid abuse of the code enforcement system or harassment of a property owner.

- (5) The property complies with all applicable codes regarding fire, building and safety, and other relevant laws and ordinances. This requirement will help prevent unsafe properties from being rented.
- (6) A 24/7 manager must be available to deal with any problems at a short-term rental property. This requirement allows problems to be addressed in real time. It should be noted that if an owner is unable to serve as the manager, this requirement may be costly and difficult to set up for individuals who only occasionally rent their property.
- (7) Finally, a property owner is required to grant City representatives access to the property and documents if needed for inspection or audit.

### Multifamily Short-Term Rental Regulations

Short-term rentals are currently prohibited in multifamily housing buildings, but the proposed ordinance will clarify this ban, which will aid enforcement action. The City has a limited multifamily rental housing stock, and this stock is generally more affordable than single-family units and helps diversify the range of housing options available locally. Effective conversion of apartment buildings to motels and hotels by renting out the units on a short-term basis would reduce this limited inventory and could displace permanent residents. This practice is currently banned in the City, but the City has seen interest from individuals in taking such action.

While the proposed ordinance clarifies the ban on short-term renting of multifamily housing, it does allow home-sharing in such units. Home-sharing is the practice of allowing a guest to stay in a dwelling where a host is also living. The proposed ordinance requires the owner to live in the dwelling unit throughout the visitor's stay. This requirement could be expanded to allow non-owners (such as a long-term renter) to home-share, if such rental is allowed by a lease – or if the long-term renter obtains permission from the landlord. Home-sharing will be subject to the same regulations (and time periods for rental) as single family homes.

Ensuring home-sharing units are not being rented as regular short-term rentals can be difficult as it is hard to discern and prove that the owner is living in a dwelling unit at the time it is rented. Enforcing the home-sharing requirement may be difficult and costly.

### Enforcement

The proposed ordinance includes fines of \$1000 per day or violation. Due to the expensive rates some properties rent for in the City, a significant financial penalty is required to aid compliance. More importantly, the proposed ordinance bars those who violate the ordinance from renting on a short-term basis for a period of six months. This may lead to individuals illegally renting property during the six-month ban period, but if they are caught, an additional six-month ban will be added.

This proposed system will incentivize owners to comply with the ordinance, register with the City, and help stop problem properties from operating in the City. The Council may want to consider delaying the start of such bans for a period of time after a violation occurs as these properties are booked out months in advance and it may be difficult to cancel reservations. It also punishes future guests who may have made expensive plans to visit Malibu.

## **Other Considerations**

### Other Options

Instead of, or in addition to the above described proposed approach, the City could also expand the definition of hotel/motel in the MMC. Hotel/motel use is already prohibited in many zones, and clarifying the language could be used to ensure creative developers do not convert multifamily housing into short-term rental hotels.

The City could also limit short-term rentals to certain zones in the City. Some zones may be more compatible to short-term rental operations, but limiting the zones may also lead to over-concentration of short-term rental activity in those areas.

The City also could create a license system that limits the number of properties that can be rented on a short-term basis. This type of system will be difficult to enforce, particularly given the reluctance of hosting platforms to require license information be listed on their websites. A licensing system will also attract more professional operators and discourage the owners that only occasionally rent, or rent on a short-term basis only due to special circumstances (e.g., family or work issues that require travel, renovation, or construction activity, etc.).

### Enforceability of Ordinance

In examining this ordinance, one of the most important problems to consider is whether the ordinance will be enforceable. Enforcement of short-term rental regulations is difficult and expensive as there is no easy or low-cost way for the City to determine whether a property is rented on a short-term basis. Even if a short-term rental use is suspected, it is difficult to prove that individuals occupying a property paid to stay there, and are not relatives or friends of the owner. Individuals have no obligation to answer the door, provide access to the property, or speak with code

enforcement officers. Even if a short-term renter admits the nature of the arrangement, the renter often lives far from the property making it difficult and expensive, if not impossible, to obtain sworn testimony in court.

If the ordinance is not enforceable or if it is overly burdensome, it will discourage owners from registering with the City and complying with the ordinance. It is anticipated that the more difficult the ordinance is to comply with, the more property owners will take steps to disguise the rental of their property and avoid contact with the City. Currently, most properties that allow short-term rentals register with the City, which aids the City's ability to monitor and communicate with owners. Maintaining or increasing this compliance should be considered when evaluating this ordinance.

If compliance decreases, the City will have to enlist expensive "sting-" type operations, and additional code enforcement resources will be required to effectively enforce the ordinance. These additional resources would have a fiscal impact.

### Central Complaints Related to Short-term Rentals

In general, the central complaints related to short-term rentals relate to nuisance issues, decrease in long-term rental stock, and damage to neighborhood character. Since the implementation of 24/7 monitoring by SWS, the City has received relatively few nuisance complaints related to short-term rental properties. MMC Chapter 8.24 defines the City's noise ordinance and prevents unreasonable noise. MMC Chapter 17.48 assures the provision of adequate off-street parking facilities for residential properties. MMC Chapter 5.34 limits the number of special events that may be held at a residential property, such as weddings or parties, and allows the City to condition such events to minimize impacts on neighboring properties. These provisions have allowed code enforcement staff to effectively address the code violations that have been identified.

In Malibu the most significant threat to long-term rental stock is the conversion of multifamily housing to short-term rental use. As a result, this ordinance seeks to clarify the ban on short-term rental use of such properties to aid enforcement action. While the Council has indicated it would like to allow home-sharing in such properties, ensuring that the owner is living at the property will be difficult and expensive to enforce.

Many of the provisions of the draft ordinance have been drafted in an effort to preserve neighborhood character and avoid "professional" operations where properties are purchased to be used solely for short-term rental use. The limits on times of year when properties may be rented and new penalty provisions provide strong financial incentives against such action. Other provisions, such as the parking, code compliance, property manager and primary resident requirements, also seek to ensure that owners of properties rented on a short-term basis are good neighbors and do not negatively impact the neighborhood.

## Other Impacts of Ordinance

The City currently has 177 registered short-term rental properties that report their activities to the City and comply with the City's municipal code and rentals registered with AirBnB. The City also was the first small city for which AirBnB agreed to collect TOT. Changes to the way the City regulates short-term rentals may impact both the willingness of short-term rental property owners to comply with the City's requirements and AirBnB's collection of TOT for the City.

Changes to the City's existing ordinance also may draw the attention of the California Coastal Commission. The CCC "strongly encourages" vacation rental regulation to be pursued through a LCP amendment. Of central concern to the CCC is increasing public coastal access, especially low-cost visitor serving uses and accommodations. The City may implement more restrictive regulations that do not conflict with the Coastal Act and do not change the land uses themselves.

It should also be noted that the lodging options for visitors to Malibu are limited. Lodging options for visitors to Malibu are limited to six hotels and motels, plus the Malibu Beach RV Park.<sup>1</sup> Demand for lodging in the City is likely to continue to outstrip the ability of hotels/motels to supply that lodging. As a result, demand for short-term rental options in the City is likely to continue to grow, especially because many families prefer to rent a home rather than rooms in a hotel. Providing a structure that accounts for this demand, while limiting the negative impacts of short-term renting, will be successful if the structure is easy for owners to understand and comply with. If the structure is difficult to understand or comply with, short-term rental owners may abandon the system and take their rental activity underground, aggravating negative effects on the City.

STAFF FOLLOW-UP: Staff requests that ZORACES provide comments and recommendations on the proposed ordinance.

ATTACHMENTS: Draft Ordinance

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<sup>1</sup> The Malibu Motel, Malibu Beach Inn, Surfrider Inn (under construction), Malibu Riviera Motel, Nobu Ryokan (not yet open, formerly the Casa Malibu Inn), and Malibu Country Inn.

Amend 17.02.060 (Definitions)

Add Chapter 17.xx

Short-Term Rental of Property

17.xx.010 Short-Term Rentals in Residential Zones

(A) In the Rural Residential, Single Family Residential, Multiple Family Residential, Multifamily Beach Front, Mobilehome and Planned Development Districts, during the following periods of time (1) no person or entity shall offer, advertise or make available for rent, or rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling unit for a period of thirty (30) consecutive days or less, and (2) no person shall occupy a residential dwelling, a dwelling unit or a room in a dwelling for a period of (30) consecutive days or less pursuant to a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration:

January 15 through May 15, September 30 through November 15.

(B) Single-Family Dwellings may be rented for a period of thirty (30) consecutive days or less from May 16 through September 29 and November 16 through January 14 subject to the following requirements:

1. The owner and operator of the rented property registers with the City, timely pays all transient occupancy due, and is in compliance with Chapter 3.24 of the Malibu Municipal Code
2. The owner of the property provides proof to the City sufficient to prove the property is the owner's primary residence or that the owner lived on the property for at least 100 days during the prior calendar year.
3. The property provides onsite parking for all guests; offsite or on street parking shall only be allowed pursuant to a special event permit. Properties that do not have onsite parking are exempt from this requirement, but guests of such properties may not park more than two vehicles on the street.
4. The property shall not have any outstanding code violations, and any violations on the property shall have been cured for a period of six months prior to any rental of the property.
5. The property complies with all applicable codes regarding fire, building and safety, and other relevant laws and ordinances.
6. A manager shall be available twenty-four hours a day, seven days a week, at a phone number provided to both the City and any guest

staying at the property. This number must accept voicemail messages. A phone call to this number from the City or a guest must be returned within one hour.

7. Owner shall provide full access to the property, and documents related to compliance with this Chapter, during normal business hours immediately upon request by the City Manager or his/her designee for purposes of inspection or audit.

#### 17.xx.020 Short-term Rentals in Multifamily housing

(A) Short-term rental of property is prohibited in multiple-family residential buildings (including, but not limited to, duplexes, condominiums, stock cooperatives, apartments, and similar developments):

1. No person or entity shall offer, advertise or make available for rent, or rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling unit for a period of thirty (30) consecutive days or less in such buildings.
2. No person shall occupy a residential dwelling, a dwelling unit or a room in a dwelling for a period of (30) consecutive days or less pursuant to a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration in such buildings.

(B) Notwithstanding, section 17.xx.020(A), a dwelling unit owner may rent the owned dwelling unit in a multiple family residential building for a period of thirty consecutive days or less when the owner (1) lives in the dwelling unit throughout the visitor's stay, and complies with the requirements of 17.xx.010(B), including the dates such rentals are allowed. If contacted by City staff, the owner must appear within ninety minutes in person at the property.

#### 17.xx.030 Enforcement, Violations and Penalties

(A) In addition to the other penalties and remedies available to the City, violations of this Chapter shall be subject to the administrative citation provisions of Chapter 1.10, except that any violation of this Chapter shall be subject to a fine of \$1000 per day or violation.

(B) For any property that violates any provision of this chapter, no person or entity shall offer, advertise or make available for rent, or rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling unit at that property for a period of thirty (30) consecutive days or less, and (2) no person shall occupy a residential dwelling, a dwelling unit or a room in a dwelling for a period of

(30) consecutive days or less pursuant to a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration. This prohibition shall extend for a period of six months from the date the City sends a notice of violation to the listed property owner and/or the address of the property. An additional six-month restriction period will be imposed for each subsequent violation. .

(C) Any violation of this Chapter shall constitute a separate offense for each and every day the violation occurs or persists.

(D) These penalties and remedies are cumulative and in addition to any other penalties and remedies available to the City.

Section \_\_\_\_. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City, within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

PASSED, APPROVED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

**Mary Linden**

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**Subject:** FW: City Policy on Home Rentals Letter PLEASE READ ASAP!

**From:** Stephanie Cordoni [REDACTED]  
**Sent:** Tuesday, May 23, 2017 8:51 AM  
**To:** Patricia Salazar; Kathleen Stecko  
**Subject:** City Policy on Home Rentals Letter PLEASE READ ASAP!

Hi Kathleen and Patricia,  
My boss, Dana Friedman, is a Malibu resident for many years. She would love to attend the ZORACES meeting today but she won't be able to do so.  
Please find a letter from her below voicing her opinion and concerns. If you could please read it before or during the meeting that would be very much appreciated.  
Thank you!  
Please confirm receipt.

Best,

Stephanie Cordoni  
Personal Assistant to Dana Friedman  
[REDACTED]

**FILED**  
**City of Malibu**  
**Zoning Ordinance Revisions &**  
**Code Enforcement Subcommittee**

Meeting Date 5-23-2017  
Agenda Item # 2  
Date Received 5-23-2017

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**From:** Dana Friedman [REDACTED]  
**Sent:** Tuesday, May 23, 2017 2:08 AM  
**To:** Stephanie Cordoni  
**Subject:** Re: City Policy on Home Rentals Letter for Meeting Tomorrow / Time Sensitive / Amended

I would like to voice my support for a reasonable policy as it relates to the rental of a private home owned by a resident of Malibu.

There are many reasons a homeowner may want to rent their property and it seems to me it is their right to use their property in a manner that suits their needs and interests provided that it does not unduly disturb others.

My suggestion is to focus on the best ways to serve the majority interests in our Community. Malibu is a small community with a loyal and dedicated population.

While there may be some that do not act with respect, the City should look to enact legislation to regulate that behavior. They should not enact laws that penalize the majority who treat their home and neighbors with respect for the few who don't.

*cc: ZORACES; CM; PL; AS; ZORACES 5-23-17 agenda file*

A few bad apples should not ruin it for all.

We have many needs and reasons to rent the property we own in Malibu and not being able to do so would cause undue hardship. The cost of a home is very expensive and we cannot afford to have a home sit empty.

Both my husband and I work in the film industry, as do many who live in Malibu. Sometimes we are away for weeks at a time. Sometimes for months at a time. Meanwhile we need to pay our mortgage. Renting our home during this time helps support the feasibility of our livelihood.

We would like to purchase another home. All of our family members live in The South or on The East Coast. We do not have guest space in our home (1900 square feet) and there are no affordable hotel accommodations in Malibu. We would like a place for our parents, grandparents and siblings to stay. However, we cannot afford for that house to stay empty when they are not here. We would like to rent that home. This home will be frequented by guests. Does the City really have the right to legislate who those guests will be or how they use our home if they are not disruptive to others?

I do, however, support a restriction on single night rentals. I believe they are not compatible with a neighborhood community.

I also support meaningful legislation that would address those who rent their homes in a way that causes a disturbance to others. However, given the high cost of a private home in Malibu and the corresponding high cost of rental rates, I believe the clientele will be of a mutually respectful nature and therefore the need to enforce these regulations will be minimal.

I know many Malibu residents who rent their homes now who have had no problems with their renters or their neighbors.

Finally, I do not support the idea that home rentals are only allowable during certain months of the year. That policy is selective and does not treat all homeowners who have a need to rent their home fairly.

Thank you,

Dana Friedman & Brent Almond

## Vacation rentals in Malibu

**FILED**  
**City of Malibu**  
**Zoning Ordinance Revisions &**  
**Code Enforcement Subcommittee**

Dennis Seider

Meeting Date

5-23-2017

at 5/22/2017 1:22 PM

Agenda Item #

2

Alan Armstrong

"Zuma Jay" Jefferson Wagner &lt;zumajays@mac.com&gt;

Date Received

5-23-2017

LEAH ELLENBERG SEIDER

; BARRY HALDEMAN

; Merie &amp; Jerry Measer

Dear friends:

I cannot come to the hearing on this matter but would appreciate my remarks being read into the record.

Let me start by saying how important family is to me, having raised my family of three wonderful children here with an excellent environment and great school district and awesome Recreational possibilities. The fact that I have been so lucky to be able to live here and to have had that experience gives me some insight into the joy far too many people will never have.

However I have had the good fortune of being able to rent my house to families for Pepperdine graduations, for family residences on wedding occasions and for family reunion's gathering people from all over the globe to our special place on the shores in Malibu and I can tell you personally that the experience of sharing something so wonderful with people who enjoy it so much to promote family Love and unity is the pleasure afforded to very few. I personally believe it would be a grave mistake to foreclose that opportunity for so many people who cannot afford to live in Malibu but whose families so much appreciate the opportunity to get together in the environment that we so uniquely enjoy.

If I understand the proposal correctly it would restrict rentals of any kind to the summer season and to certain holidays but this leaves out people cannot get together from all over the world except at times unique to them or have to come in order to attend a graduation at Pepperdine which now stretches over an extended period of time.

I am sympathetic to the plight of those who live next to party houses where noise and racious behavior seem to go on without end but the kind of restrictions being proposed seem far too severe for the abuse that needs to be regulated. It further seems a great waste of resources to leave a house vacant, as many of us in MALIBU do for extended periods, when that house could be so happily used my families that perhaps cannot otherwise get together in normal hospitality Venues because of the expense and because of limited space. It is so much better to get together as a family in a family home than it is to try and get that same feeling in a hotel when your family and relatives are down the hall are on different floors.

I feel as if we are all privileged to live in a place that in many countries would have otherwise been a national Park and I know we already serve the needs of tourists disproportionate to our resident base. If we do severely limit vacation rentals we will again become a place where only the wealthiest families can afford to stay.

If you believe legislative action and/or regulation is absolutely necessary then please adopt the least intrusive manner of doing so without cutting back so much of what we enjoy and are really honored to share with others.

Please excuse any errors as this is being dictated in a very remote location where Wi-Fi service is sketchy at best and is being done on an iPhone.

Thank you for your kind consideration.

DENNIS SEIDER

Sent from my iPhone

DENNIS J SEIDER

cc: Council; CM; PL; AS; ZORACES 5-23-17 agenda file

<https://outlook.live.com/owa/?path=/mail/inbox/rp>

**Mary Linden**

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Best,

Stephanie Cordoni  
Personal Assistant to Dana Friedman

[REDACTED]  
[REDACTED]

**FILED**  
**City of Malibu**  
**Zoning Ordinance Revisions &**  
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My suggestion is to focus on the best ways to serve the majority interests in our Community. Malibu is a small community with a loyal and dedicated population.

While there may be some that do not act with respect, the City should look to enact legislation to regulate that behavior. They should not enact laws that penalize the majority who treat their home and neighbors with respect for the few who don't.

cc: ZORACES; CM; PL, AS; ZORACES 5-23-17 agenda file

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Both my husband and I work in the film industry, as do many who live in Malibu. Sometimes we are away for weeks at a time. Sometimes for months at a time. Meanwhile we need to pay our mortgage. Renting our home during this time helps support the feasibility of our livelihood.

We would like to purchase another home. All of our family members live in The South or on The East Coast. We do not have guest space in our home (1900 square feet) and there are no affordable hotel accommodations in Malibu. We would like a place for our parents, grandparents and siblings to stay. However, we cannot afford for that house to stay empty when they are not here. We would like to rent that home. This home will be frequented by guests. Does the City really have the right to legislate who those guests will be or how they use our home if they are not disruptive to others?

I do, however, support a restriction on single night rentals. I believe they are not compatible with a neighborhood community.

I also support meaningful legislation that would address those who rent their homes in a way that causes a disturbance to others. However, given the high cost of a private home in Malibu and the corresponding high cost of rental rates, I believe the clientele will be of a mutually respectful nature and therefore the need to enforce these regulations will be minimal.

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Thank you,

Dana Friedman & Brent Almond

MINUTES  
MALIBU ZONING ORDINANCE REVISIONS AND CODE ENFORCEMENT  
SUBCOMMITTEE  
SPECIAL MEETING  
MAY 23, 2017  
CITY HALL – COUNCIL CHAMBERS  
10:00 A.M.

CALL TO ORDER

Mayor Peak called the meeting to order at 10:09 a.m.

ROLL CALL

The following persons were recorded in attendance:

PRESENT: Mayor Skylar Peak and Councilmember Jefferson Wagner

ALSO PRESENT: Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Richard Mollica, Senior Planner; Renee Neermann, Financial Analyst; and Kathleen Stecko, Senior Office Assistant

APPROVAL OF AGENDA

CONSENSUS

By consensus, the Subcommittee approved the agenda.

REPORT ON POSTING OF AGENDA

Planning Director Bonnie Blue reported that the agenda for the meeting was properly posted on May 19, 2017.

PUBLIC COMMENT

Pamela Bouganim expressed her concerns regarding blight in her neighborhood.

DISCUSSION ITEMS

1. Approval of Minutes – May 1, 2017

Recommended Action: Approve the minutes of the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) Special meeting of May 1, 2017.

CONSENSUS

By consensus, the Subcommittee approved the minutes of the ZORACES Special meeting of May 1, 2017.

2. Short-Term Rental Ordinance

Recommended Action: Review the proposed amendments to the Malibu Municipal Code (MMC) regarding short-term rental property in the City, and provide feedback to staff.

Speakers included Lydia Stiegler, Jeffrey Singer, Pamela Bouganim, John Mazza, Matthew Ogden, Pamela Van Ierland, Pat Hill, Michael Stein, Julia Holland, Alan Armstrong, John Stiegler, Melanie Goudzwaard, Antoinette Berget, Norman Haynie, and Carol Randall.

CONSENSUS

By consensus, the Subcommittee recommended that staff draft an ordinance to be included in the Malibu Municipal Code that includes the following: 1) Prohibition of short-term rentals and home sharing in the Multi-Family Residential zone for complexes with three or more units; 2) A requirement for signage indicating 24 hours per day, seven days per week contact information for a designated manager, visible to the public at all times; 3) Requirement for compliance terms to be met or revocation of rental privileges be imposed for six months, to be increased upon lack of further compliance, which could lead to criminal penalties if compliance is ultimately not met; 4) Requiring homeowners to attest when they register that their homes have smoke detectors, with an inspection provision; 5) Not imposing black-out dates; and 6) Not requiring the property to be the owner's primary residence.

CONSENSUS

By consensus, the Subcommittee requested staff research: 1) Covenants, conditions, and restrictions of homeowners associations that could provide examples for communities that would like to create privately enforceable restrictions; 2) Whether the owner should be allowed to be the designated manager; 3) Examples of types of contact information signage used in other communities; 4) Funding one or two full-time positions related to enforcement; 5) The need for an inspection program for wastewater treatment systems; and 6) Host guidelines that could be provided to Transient Occupancy Tax (TOT) registrants, similar to the Filming Code of Conduct for film permits.

ADJOURNMENT

CONSENSUS

By consensus, the Subcommittee adjourned the meeting at 12:38 p.m.

Approved and adopted by the Zoning Ordinance Revisions and Code Enforcement Subcommittee of the City of Malibu on October 10, 2017.

  
\_\_\_\_\_  
SKYLAR PEAK, Mayor

ATTEST:

  
\_\_\_\_\_  
MARY LINDEN, Executive Assistant



# Commission Agenda Report

To: Chair Pierson and Members of the Planning Commission

Prepared by: Bonnie Blue, Planning Director *BMB*

Date prepared: November 9, 2017 Meeting date: November 20, 2017

Subject: Short Term Rental Ordinance

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 17-83 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and recommending the City Council approve Zoning Text Amendment (ZTA) No. 17-002 amending Title 17 (Zoning) of the Malibu Municipal Code (MMC) relating to the short term rental of residential property.

**DISCUSSION:** On October 10, 2016, the Council directed staff to develop an ordinance addressing short term rental of residential properties. On May 23, 2017, the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) discussed a draft ordinance.<sup>1</sup>

Short term rental of residential property is currently allowed in single-family homes in the City so long as such rental complies with the Malibu Municipal Code (MMC), the property is registered with the City, and Transient Occupancy Tax (TOT) is properly remitted. This includes MMC regulations addressing parking, noise, special event gatherings (permit needed for events with 15 or more people<sup>2</sup>) and nuisance issues. The City provides 24/7 on-call monitoring services of short term rentals through SWS<sup>3</sup> to ensure noise, parking and other MMC requirements are complied with.

There are approximately 177 individual properties that are currently registered as short term rentals in Malibu and are remitting TOT on a regular basis. These properties have complied with the City's registration requirements and are subject to the City's 12 percent TOT. In April 2015, AirBnB began collecting and remitting TOT for properties in the City that were rented through its website. Currently, there are approximately 200 properties that have registered through AirBnB. In Fiscal Year 2016-2017, the City received \$1.8 million in revenue from short term residential rentals.

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<sup>1</sup> This report is available at City Hall or online at [malibucity.org/agendacenter](http://malibucity.org/agendacenter)

<sup>2</sup> MMC Section 5.34.020(C)

<sup>3</sup> SWS is a firm under contract with the City to manage film permitting and to respond to complaints regarding short term rentals.

The short term rental industry is growing rapidly due to the growth of online rental platforms, such as AirBnB and HomeAway, which facilitate the short term rental of property. Statewide, short term rental listings have been increasing. In addition, the City has seen increased interest by owners of multifamily housing complexes in converting these properties into short term rental units. Such practice is prohibited under the MMC, but has been challenged by owners and needs to be clarified and simplified to aid code enforcement efforts. To address these concerns, and at the direction of the City Council, staff has prepared a draft ordinance which is set forth in Section 4 of Resolution No. 17-83 (Attachment 1).

## **ZORACES**

The Subcommittee recommended an ordinance with the following:

1. A prohibition of short term rentals and home-sharing in the Multifamily Residential zone for complexes with three or more units;
2. A requirement for signage indicating 24 hours per day, seven days per week contact information for a designated manager, visible to the public at all times;
3. A requirement for compliance terms to be met or revocation of rental privileges be imposed for six months, to be increased upon lack of further compliance, which could lead to criminal penalties if ultimately not met;
4. A requirement for homeowners to attest when they register that their homes have smoke detectors, with an inspection provision;
5. No imposition of black-out dates; and
6. No requirement that the property be the owner's primary residence.

The Subcommittee also requested additional information. Staff contacted representatives from a wide range of municipalities in popular tourist destinations currently grappling with short term rentals. The additional information is provided in Attachment 2.

## **Proposed Ordinance**

Resolution No. 83 includes the text of the draft ordinance which is summarized here. The draft ordinance is intended to clarify existing code provisions and to regulate the effects of short term rentals to avoid neighborhood impacts. No new uses are allowed under the ordinance.

### *Short Term Rentals Generally*

- (1) "Short term rental" is defined as specific to a residential dwelling unit, or portion thereof.
- (2) The owner of a short term rental property must be registered with the City and pay TOT. This provision provides a point of contact for the City with the property owner,

allowing the City to contact the owner regarding short term rental issues and monitor short term rental activity in the City. It also ensures that renters contribute to the improvement of the City through payment of TOT.

- (3) The owner shall provide a Short Term Rental Code of Conduct, intended to provide important information, including rules and expectations for conduct, to all guests and post it inside the entrance to the dwelling.
- (4) The property must have onsite parking for all guests, unless the property does not have onsite parking, in which case guests are limited to parking two vehicles on the street. Some homes in Malibu do not have any onsite parking, so a requirement to park onsite would effectively ban those properties from short term rentals. If street parking for more than two vehicles is required, a special event permit (SEP) must be obtained. This requirement is designed to limit onstreet parking as the SEP would count against the maximum of four events allowed each year for the parcel.
- (5) The property shall not have any outstanding code violations, and any violations on the property shall have been cured for a period of six months prior to any short term rental. This will avoid situations where guests are staying at a property where violations exist. An option would be to consider shortening the no-rental period after a violation has been cured to avoid abuse of the code enforcement system or harassment of a property owner.
- (6) The property must comply with fire, building and other codes. This requirement will help prevent unsafe properties from being rented.
- (7) A 24/7 manager must be available to deal with any problems at the short term rental property. This requirement allows problems to be addressed in real time. This contact information must also be provided to all properties within 500 feet of the parcel boundary to inform neighbors and provide them a point of contact to informally raise or resolve any concerns. This requirement was included in lieu of signage due to potential security risks associated with identifying a property as a rental.
- (8) Property owners would be required to grant City representatives access to the property and records if needed for inspection or audit.
- (9) The maximum occupancy of short term rental units is designed to track with the number of bedrooms in the dwelling unit, up to a maximum of 14 people. This is consistent with the requirement of MMC Section 5.34.020(C) to obtain a special event permit when a short term rental will accommodate 15 people or more.
- (10) Short term rental of any vehicle, trailer, tent, storage shed, garage, or other such premises is explicitly prohibited. This provision specifically addresses concerns about individuals offering Airstreams, tents and similar places as vacation rentals.

## *Multifamily Short Term Rentals*

Multifamily residential is defined as buildings containing three or more dwelling units. Short term rentals are currently prohibited in multifamily housing buildings, but the proposed ordinance will clarify this ban, aiding enforcement action. The City has limited multifamily rental housing stock, and this stock is generally more affordable than single-family units and helps diversify the range of housing options available locally. Effective conversion of apartment buildings to motels and hotels by renting out the units on a short term basis would reduce this limited inventory and could displace permanent residents. This practice is currently banned in the City, but the City has seen interest from individuals in converting such buildings.

While the proposed ordinance clarifies the ban on short term renting of multifamily housing by clearly stating it is prohibited in complexes with three or more units, home-sharing in such units is allowed. Home-sharing is the practice of allowing a guest to stay in a dwelling where a host is also living. The proposed ordinance requires the owner to live in the dwelling unit throughout the visitor's stay, and to appear within ninety minutes at the property when contacted by the City. Home-sharing will be subject to the same regulations (and time periods for rental) as single family homes.

Ensuring home-sharing units are not being rented as regular short term rentals can be difficult as it is hard to discern and prove if the owner is living in a dwelling unit at the time it is rented. Requiring hosts presence for at least eight hours a day is designed to aid enforcement, but it may still be difficult and costly to ensure compliance.

### *Enforcement*

The proposed ordinance includes fines of \$1,000 per day or violation. Due to the expensive rates some properties rent for in the City, a significant financial penalty is required to aid compliance. More importantly, the proposed ordinance bars those who violate the ordinance from renting on a short term basis for a period of six months. This may lead to individuals illegally renting property during the six-month ban period, but if they are caught, an additional six-month ban will be added.

This proposed system will incentivize owners to comply with the ordinance, register with the City, and self-police their operations to avoid violations and complaints. One option to consider is delaying the start date of such bans imposed for violations of the ordinance for a period of one or more months after a violation occurs as these properties are booked months in advance and it may be difficult to cancel reservations. This change would also avoid punishing future guests who have made expensive plans to visit. Another option would be to impose a warning system where the ban on short term rentals would be imposed if two or more violations occur in a calendar year. If a warning system is adopted, it should not apply to failures to remit TOT.

## Other Considerations

### *Enforceability of Ordinance*

One of the most important problems to consider with short term rental regulation is whether the ordinance will be enforceable. Enforcement of short term rental regulations is difficult and expensive as there is no easy or low-cost way for the City to determine whether a property is rented on a short term basis. Even if a short term rental use is suspected, it is difficult to prove that individuals occupying a property paid to stay there, and are not relatives or friends of the owner. Individuals have no obligation to answer the door, provide access to the property, or speak with code enforcement officers. Even if a short term renter admits the nature of the arrangement, the renter often lives far from the property making it difficult and expensive, if not impossible to obtain sworn testimony in court.

If the ordinance is not enforceable or if it is overly burdensome, it will discourage owners from registering with the City and complying with the ordinance. It is anticipated that the more difficult the ordinance is to comply with, the more property owners will take steps to disguise the rental of their property and avoid contact with the City. Currently, most properties that allow short term rentals register with the City, which aids the City's ability to monitor and communicate with owners. Maintaining or increasing this compliance should be considered when evaluating this ordinance.

If compliance decreases, the City will have to enlist expensive "sting"-type operations, and additional code enforcement resources will be required to effectively enforce the ordinance. These additional resources would have a fiscal impact.

### *Central Complaints Related to Short Term Rentals*

In general, the central complaints related to short term rentals relate to nuisance issues, decrease in long-term rental stock, and damage to neighborhood character. Since the implementation of 24/7 monitoring by SWS, the City has received relatively few nuisance complaints related to short term rental properties. MMC Chapter 8.24 defines the City's noise ordinance and prevents unreasonable noise. MMC Chapter 17.48 assures the provision of adequate off-street parking facilities for residential properties. MMC Chapter 5.34 limits the number of special events that may be held at a residential property, such as weddings or parties, and allows the City to condition such events to minimize impacts on neighboring properties. These provisions have allowed code enforcement staff to effectively address the code violations that have been identified.

In Malibu, the most significant threat to long-term rental stock is the conversion of multifamily housing to short term rental use. As a result, this ordinance seeks to clarify the ban on short term rental use of such properties to aid enforcement action. Other provisions, such as the parking, code compliance, and property manager requirements,

also seek to ensure that owners of properties rented on a short term basis are good neighbors and do not negatively impact the neighborhood.

#### *Other Impacts of Ordinance*

Significant changes to the City's treatment of short term rentals, such as a complete ban, may draw the attention of the California Coastal Commission. The CCC "strongly encourages" vacation rental regulation to be pursued through a LCP amendment. Of central concern to the CCC is increasing public coastal access, especially low-cost visitor serving uses and accommodations. The City may implement more restrictive regulations that do not conflict with the Coastal Act and do not change the land uses themselves.

It should also be noted that the lodging options for visitors to Malibu are limited. Lodging options for visitors to Malibu are limited to six hotels and motels, plus the Malibu Beach RV Park. Demand for lodging in the City is likely to continue to outstrip the ability of hotels/motels to supply that lodging. As a result, demand for short term rental options in the City is likely to continue to grow, especially because many families prefer to rent a home rather than rooms in a hotel. Providing a structure that accounts for this demand, while limiting any negative impacts of short term renting, will be successful if the structure is easy for owners to understand and comply with. If the structure is difficult to understand or comply with, short term rental owners may abandon the system and take their rental activity underground, aggravating negative effects on the City.

CORRESPONDENCE: Public correspondence is included as Attachment 3.

PUBLIC NOTICE: On October 26, 2017, a one-quarter page Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and display ads were published in local newspapers, and was mailed to all interested parties, and all owners/operators currently registered with the City's Transient Occupancy Tax Program (Attachment 4).

SUMMARY: Staff recommends that the Planning Commission adopt Resolution No. 17-83 to recommend that the City Council adopt ZTA No. 17-002.

#### ATTACHMENTS:

1. Resolution 17-83
2. ZORACES information
3. Correspondence
4. Public Hearing Notice

***Copies of all related documents are available at City Hall during regular business hours.***

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 17-83

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROPOSED ORDINANCE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING TEXT AMENDMENT NO. 17-002 AMENDING TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE RELATING TO THE SHORT TERM RENTAL OF RESIDENTIAL PROPERTY

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. While the City of Malibu allows residential property to be rented on a short term basis for periods of 30 days or less, it has prohibited this practice in multifamily residential buildings where such use constitutes illegal hotel, motel or bed and breakfast inn use.

B. With the recent proliferation of short term rental use due to the growth of internet portals that consolidate and facilitate the short term rental of property, the City has seen increased violations of its prohibition against illegal hotel and motel use and an increase in short term rental activity in the City. Owners of apartment complexes and other multifamily buildings have sought to convert their units to short term rental use and created illegal hotel and motel uses in the City.

C. The removal of these multifamily units from the City's housing stock affects some of the most affordable housing options in the City and conflicts with the City's zoning and General Plan.

D. Code enforcement efforts to enforce the Malibu Municipal Code (MMC) have been resisted and challenged by operators. Clarification of the City's prohibition against these types of activities is needed. Additional regulation of short term rental activity to limit the impact of short term rentals on neighbors and the community, given their increased proliferation, could also benefit the City.

E. On October 10, 2016, the City Council directed staff to research short term rental of property and bring back an ordinance.

F. On May 23, 2017, the Zoning Ordinance Revisions and Code Enforcement Subcommittee of the City Council reviewed a draft ordinance and provided comments to staff.

G. On October 26, 2017, a one-quarter page Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu. Display ads were also published in local newspapers. A public hearing notice was also mailed to all interested parties, regional, state and federal agencies affected by the amendment, local libraries and media, the California Coastal Commission, and all parties registered with the City for payment of transient occupancy tax.

H. On November 20, 2017, the Planning Commission held a duly noticed public hearing on Zoning Text Amendment (ZTA) No. 17-002, at which time the Planning Commission reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

SECTION 2. Environmental Review.

The Planning Commission has analyzed the proposed project in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The Planning Commission hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 3. Zoning Text Amendment Findings.

The Planning Commission hereby finds that ZTA No. 17-002 is consistent with the General Plan and Local Coastal Program (LCP). The ordinance would support the objectives and policies of the General Plan intended to concentrate commercial uses in certain areas and prevent sprawl throughout the City [General Plan LU Objective 4.2], regulate hotel development to ensure development compatible with a rural residential community [General Plan LU Policy 4.4.3], and conserve affordable housing in the Coastal Zone [General Plan Housing Policy 1.4].

ZTA No. 17-002 will support these policies by clarifying the City's prohibition against illegal hotel, motel and bed and breakfast inn use and introducing regulations to reduce the impact of short term rentals on neighbors and the community.

The proposed ordinance does not authorize a use other than that already designated in the LCP and MMC as a permitted or conditionally permitted use in the zone. The proposed ordinance is consistent with the Coastal Act and the LCP because it protects, maintains and enhances the overall quality of the coastal zone environment. The proposed ordinance will not alter the utilization or conservation of coastal zone resources, impede public access to and along the coastal zone, or interfere with the priorities established for coastal-dependent or coastal-related development.

SECTION 4. Zoning Text Amendments.

The Planning Commission hereby recommends that Title 17 of the Malibu Municipal Code be amended as follows:

A. MMC Section 17.02.060 (Definitions) is hereby amended by adding the following definition, inserted in alphabetical order:

“Short term rental” of property shall mean the renting of residential property, a dwelling unit, or a portion thereof, for a period of thirty (30) consecutive days or less to a transient.

B. Chapter 17.55 (Short Term Rental of Property) of the MMC is hereby added to read as follows:

Section 17.55.010 Short Term Rentals Generally.

- A. Single-family dwellings or portions thereof, may be rented for a period of thirty (30) consecutive days or less subject to the following requirements:
1. The owner and operator of the rented property is registered with the City, timely pays all transient occupancy tax due, and is in compliance with Chapter 3.24 of the Malibu Municipal Code.
  2. The property provides onsite parking for all guests; offsite or on- street parking shall only be allowed pursuant to a special event permit. Properties that do not have onsite parking spaces are exempt from this requirement, but guests of such properties shall not park more than two vehicles on the street.
  3. The property shall not have any outstanding code enforcement violations, and any violations on the property shall have been cured for a period of six months prior to the date of any short term rental of the property.
  4. The property complies with all applicable codes regarding fire, building and safety, and other relevant laws and ordinances.
  5. A manager with access to the dwelling unit, and authority to fix any problems or violations of this chapter, shall be available twenty-four (24) hours a day, seven days a week, at a phone number provided to both the City and any guest staying at the property. This number must accept voicemail messages. A phone call to this number from the City or a guest must be returned within one hour.
  6. Owner shall provide full access to the property, and documents related to compliance with this Chapter, during normal City Hall business hours or at any time the dwelling unit is rented immediately upon request by the City Manager or his/her designee for purposes of inspection or audit.
  7. Owner shall provide all guests with the Short Term Rental Code of Conduct, which shall be developed by the City Manager, and post the same on the inside of the main entrance door to the dwelling unit rented, or on the wall adjacent thereto.
  8. Owner shall provide the contact information for the manager identified in (5) above to all dwelling units within five hundred (500) feet of the parcel boundary.
  9. The maximum occupancy of a short term rental property shall be limited to two (2) people more than twice the number of bedrooms listed on City or County records up to a maximum of 14 people, unless a special event permit is obtained.
- B. Nothing in this chapter shall limit the ability of a property owner, Covenants, Conditions and Restrictions (CC&Rs), or homeowners association or similar association from prohibiting or further limiting the short term rental of property. Short term rental of property is prohibited in any common interest development or apartment complex where it is not allowed. Short term rental of property shall not be allowed where the property owner or landlord has not given express permission to allow it.
- C. No person shall offer, facilitate an offer, or allow short term rental of property in any location not approved for use as a dwelling unit including, but not limited to, any vehicle, trailer, tent, storage shed or garage.

17.55.020 Short Term Rentals in Multifamily Housing.

- A. Short term rental of property is prohibited in multifamily residential buildings containing three or more dwelling units (including, but not limited to, triplexes, condominiums, stock cooperatives, apartments, and similar developments):
  - 1. No person or entity shall offer, advertise, facilitate or make available for rent, or rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a portion thereof for a period of thirty (30) consecutive days or less in such buildings.
  - 2. No person shall occupy a residential dwelling, a dwelling unit or a portion thereof for a period of (30) consecutive days or less pursuant to a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration in such buildings.
- B. Notwithstanding, Section 17.55.020(A), a dwelling unit owner may rent the owned dwelling unit in a multifamily residential building for a period of thirty (30) consecutive days or less when the owner (1) lives in the dwelling unit throughout the visitor's stay, and is present in the unit for at least eight (8) hours a day, and (2) complies with the requirements of 17.55.010. If contacted by City staff, the owner must appear within ninety minutes in person at the property.
- C. Nothing in this section shall prohibit the operation of a hotel, motel or bed and breakfast inn where such use is permitted.

17.55.030 Enforcement, Violations and Penalties.

- A. In addition to the other penalties and remedies available to the City, violations of this Chapter shall be subject to the administrative citation provisions of Chapter 1.10, except that any violation of this Chapter shall be subject to a fine of \$1000 per day or violation.
- B. For any property that violates any provision of this chapter, no person or entity shall offer, advertise or make available for rent, or rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling unit at that property for a period of thirty (30) consecutive days or less, and (2) no person shall occupy a residential dwelling, a dwelling unit or a room in a dwelling for a period of (30) consecutive days or less pursuant to a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration. This prohibition shall extend for a period of six months from the date the City sends a notice of violation to the property owner listed on the most recent tax rolls and/or the address of the property. An additional six-month restriction period will be imposed and consecutively added for each subsequent violation.
- C. Any violation of this Chapter shall constitute a separate offense for each and every day the violation occurs or persists.

D. These penalties and remedies are cumulative and in addition to any other penalties and remedies available to the City.

SECTION 5. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 20<sup>th</sup> day of November 2017.

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MIKKE PIERSON, Planning Commission Chair

ATTEST:

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KATHLEEN STECKO, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 17-83 was passed and adopted by the Planning Commission of the City of Malibu at the Special meeting held on the 20<sup>th</sup> day of November 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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KATHLEEN STECKO, Recording Secretary

## Information Requested by ZORACES

May 23, 2017

The following information (in italics) was requested by ZORACES and collected by staff by contacting a wide range of municipalities in popular tourist destinations currently grappling with short term rentals.

1. *Covenants, conditions and restrictions of homeowners associations that could provide examples for communities that would like to create privately enforceable restrictions*

Covenants, conditions and restrictions (CC&Rs) are part of the governing documents of most homeowner associations (HOAs). Since HOAs are private associations, CC&Rs are not readily available for public review. Staff reached out to several HOAs but was unable to gather any examples for circulation. Due in part to the private nature of the agreements and the variety of issues they may encompass, most cities surveyed do not currently review CC&Rs as part of the short term rental registration process. However, some cities, such as the City of Palm Springs, City of Palm Desert, and the City of Indian Wells, require that an applicant submit letters from the association governing board stating that either the CC&Rs do not regulate short term rentals or do not prohibit short term rentals on the proposed rental property. Other cities, such as the City of Petaluma, City of San Francisco, and City of Big Bear Lake, require that applicants self-certify that their units are not subject to CC&Rs that regulate or preclude rentals. Other cities simply register short term rentals in accordance with the City's regulations and leave it up to the HOA to regulate private agreements amongst its members.

2. *Whether the owner should be allowed to be the designated manager*

Generally, cities allow owners or their agents to be the designated manager, operator or contact for short term rental properties. In fact, staff was unable to find any cities that specifically preclude owners from being the designated manager for their short term rental properties. Many cities require that the designated manager be available 24 hours a day seven days a week and respond to complaints or code enforcement issues in a timely manner which can be defined anywhere between 30 minutes to 24 hours of a reported issue. Designated managers that fail to respond within the required timeframe may be subject to fines. In addition, some cities require that the designated manager be within a certain mile radius. For example, the City of South Lake Tahoe requires that the designated manager be within a 30-mile radius. These response time and location requirements serve to encourage owners to employ management companies to act on their behalf while still allowing owners to manage their own property if they so choose.

In order to accommodate owners and their agents and facilitate the short term rental registration and tax remittance process, some cities in Coachella Valley have separate short term rental applications for owners and agents while other cities, such as the City of San Francisco, the City of Petaluma and the City of Big Bear Lake, require that owners obtain a business license in order to manage their short term rental property.

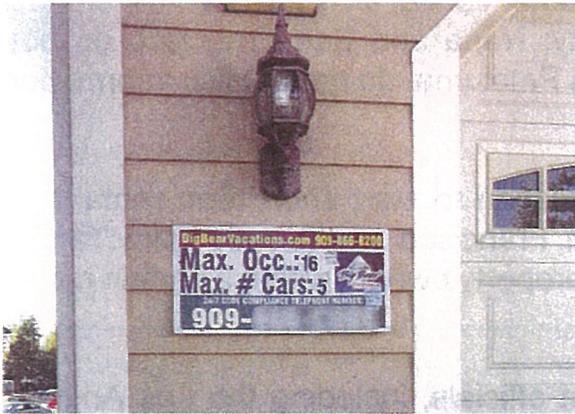
3. *Examples of types of contact information signage used in other communities*

Most municipalities surveyed require interior signage with information regarding the property’s short term rental certificate, designated manager’s contact information, city code enforcement’s contact information, and other city-specific requirements such as the rental unit’s occupancy limits and parking restrictions. A few cities require that signs be posted on the property’s exterior walls or fences so that certain information be visible and made available to the public. Staff was able to identify four municipalities that require the posting of exterior signs: Town of Mammoth Lakes, City of South Lake Tahoe, City of Big Bear Lake and the Hawaiian County of Kauai. Information on the particular signage requirements of each municipality is provided in Table 1.

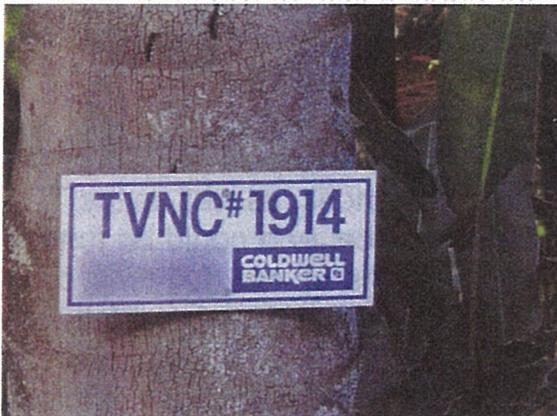
Table 1 – Signage Requirements		
Municipality	Sign Size	Required Information
Mammoth Lakes	< 2 sq. ft.	24 hr. contact name and phone number, max. occupancy, max. parking spaces, policy dept. phone number and the finance department’s TOT compliance hotline
South Lake Tahoe	< 1 sq. ft.	Contact phone number, police department’s home rental hotline and email, max. occupancy, max parking spaces, City Code Section
Big Bear Lake	< 2 sq. ft.	24 hr. contact name and phone number, max. occupancy, max. parking spaces and City’s code enforcement number
Kauai	< 1 sq. ft.	Rental registration number, 24 hr. contact phone number

Examples of exterior signs used in these areas are provided below.

City of Big Bear Lake



County of Kauai



City of South Lake Tahoe



Similarly, in an effort to notify the community of a property's certified rental status, cities including Napa, San Francisco, Big Bear Lake and South Lake Tahoe, post maps or lists on their website that identify all registered short term rentals. Some cities such as Big Bear Lake and South Lake Tahoe also include the contact information for each certified rental property; Napa and San Francisco do not, citing privacy concerns. Other cities, such as Petaluma, do not publish information on rental properties.

To notify the community of a pending application to start short term rental of a property, some cities, including Napa, San Francisco and South Lake Tahoe, require that a notification letter be sent to all property owners within a certain radius of a proposed rental property.

Staff also found that some law enforcement officials, including the Los Angeles County Sheriff, warn that publicly posting a property's status as a rental unit may increase the likelihood of certain property crimes, such as burglary or trespassing. For this reason and concerns over the unsightliness of signs, some cities, such as Petaluma, prohibit the posting of signs and do not publish lists of rental properties.

4. *Funding one or two full-time positions related to enforcement*

City Council would consider whether additional staff may be needed to enforce the City's short term rental ordinance and all applicable ordinances, as well as the TOT tax remittance policy. Costs are provided here for reference, and could be funded by TOT taxes. The cost to fund the salary and benefits of one full-time code enforcement officer would be approximately \$92,000 and the cost of one full-time accounting clerk would be approximately \$75,000. The code enforcement officer's duties could include responding to complaints and coordinating complaint resolution with designated managers. The accounting clerk's duties could include monitoring advertisements for short term rentals and researching TOT remittance. The total cost for the two positions would be approximately \$167,000. Alternatively, private firms are now offering monitoring and other services related to short term rentals. Council could consider a professional services agreement rather than permanent staffing if the need is identified.

5. *The need for an inspection program for wastewater treatment systems*

While renters may be unaware that a property is serviced by an onsite wastewater treatment system (OWTS), their use should be comparable to that of the occupants of a dwelling. While problems could develop if the number of people in a rental party exceeds the design capacity of the system, that should not occur unless the host is violating the occupancy limits of the proposed ordinance. While inspection could help identify systems that have been abused and are more likely to fail, the City is unaware of any evidence that short term rentals have resulted in the failure

of any OWTS system. An inspection program would impose costs on the City and may dissuade hosts from registering with the City. They would also be motivated to ensure their OWTS system does not fail and is well maintained because they would lose their ability to rent otherwise.

In addition, MMC Chapter 15.14 establishes the OWTS Operating Permit Program in order to reduce the likelihood of system abuse and failure, and prevent the discharge of untreated effluent on to the ground, surface drainage facility or water body. Currently, the City of Malibu requires that property owners enter into the OWTS Operating Permit Program if their home is newly constructed, remodeled or has a change of ownership. As such, many of the existing short term rental properties in the City are likely to already have an operating permit and participate in the program. The program requires routine inspections by a registered inspector and regular monitoring by a maintenance provider. If the inspector determines that a system has failed or is failing, the owner is required to replace the system.

6. *Host guidelines that could be provided to Transient Occupancy Tax (TOT) registrants similar to the Filming Code of Conduct for film permits*

A draft Short Term Rental Code of Conduct is provided as a separate attachment.

SAMUEL KRANE  
MARC SMITH  
RALPH C. LOEB  
JEREMY D. SMITH  
DANIEL L. REBACK  
BENJAMIN J. SMITH

OF COUNSEL  
SAMUEL J. SMITH

**KRANE & SMITH**  
A PROFESSIONAL CORPORATION  
SUITE 600  
16255 VENTURA BOULEVARD  
ENCINO, CALIFORNIA 91436-2302

TELEPHONE (818) 382-4000  
FACSIMILE (818) 382-4001

December 1, 2016

**RECEIVED**  
**DEC 05 2016**  
**PLANNING DEPT.**

**VIA FIRST CLASS U.S. MAIL &**  
**FACSIMILE: 310-456-3356**

Bonnie Blue  
Planning Director  
**CITY OF MALIBU**  
23825 Stuart Ranch Road  
Malibu, CA 90265

***Re: Response to Your Letter Regarding the Short-Term Rental Use of 20306-201312  
Pacific Coast Highway (APN: 4450-004-034)(the "Property")***

Dear Ms. Blue:

I am writing on behalf of Siegel's Malibu Oceanfront, LLC, the owner ("Owner") of the above-referenced Property, in furtherance of the recent conversation you had with Robert Beyer, and in response to your letter dated November 1, 2016 (the "November 1 Letter") wherein you state that allowing short term rentals at the Property violates Malibu Municipal Code (MMC) 17.14.020, 17.14.030 and 17.14.040 as "[m]otels (and hotels) are not allowed in the Multifamily Beachfront ("MFBF") zone." For the reasons stated herein, we respectfully disagree with your contention that the Property is somehow precluded from providing short term rentals.

***1. MMC does not Preclude Short Term Rentals at the Property***

MMC has no applicable provision that precludes short term rentals at the Property. Indeed, the City of Malibu, as seen in city council hearings, has been quite candid about the shortfalls and ambiguities that exist within the MMC – particularly as to how MMC fails to address the proliferation of rentals through websites such as Airbnb, VRBO, and the like at properties that do not meet the definition of "motel." Such is the case with the Property.

***2. The Property is not a Motel as Defined by the MMC, but is Permitted as an Existing Multifamily Building.***

You have cited MMC 17.14.020, 17.14.030 and 17.14.040 for the proposition that motels are not permitted in the MFBF zone. Those sections are representative of the ambiguities in the MMC. The sections merely list the types of permitted uses and do not specifically prohibit any type of use. As such, you are necessarily arguing that motels are not allowed because they are omitted. The fallacy of this argument is confirmed when applied to existing multifamily properties which are omitted as

Page 2

CITY OF MALIBU

*Re: Response to Your Letter Regarding the Short-Term Rental Use of 20306-201312 Pacific Coast Highway (APN: 4450-004-034)(the "Property")*

December 1, 2016

well (only additions to existing multifamily buildings are expressly referenced as permitted). Despite the omission, there can be no question that existing multifamily properties are allowed within the MFBF zone.

Moreover, the code simply does not support your contention that the Property qualifies as a "motel" as defined in MMC 17.02.060, which provides, in pertinent part, the following:

"Motel" means facility offering transient lodging accommodations to the public in a group of attached or detached buildings containing guest rooms..."

The subject Property is a multifamily property with four individual apartment units. It is not a "facility." It does not consist of a "group of attached or detached buildings." Further, it does not "contain[] guest rooms." The apartments at the Property are individual dwelling units. It requires a tortured reading and flawed analysis to assert that the Property fits within the MMC's definition of a "Motel".

In reviewing MMC 17.02.060, it is evident that the most applicable definition to the subject Property's units is the definition of "Apartment Unit". An "Apartment Unit" means one or more rooms with private bath and kitchen facilities comprising an independent rental unit." This definition precisely describes each of the units at the Property. Apartment Units are permitted in the MFBF, and there is no prohibition against the short-term rental of Apartment Units in the MMC. An Apartment Unit does not become a Motel upon providing short-term rentals as your letter suggests. Similarly, single-family residences are permitted in the MFBF zone, and it is well known that such homes are rented on a short-term basis in the MFBF zone. The logic in your November 1 Letter would make the single-family residences Motels too.

### *3. The City's Desire to Ban Short-Term Usage.*

You mentioned in your conversation with Robert Beyer on November 23, 2016 that the City of Malibu is seeking to prevent the short-term rental of all residential properties and not just those in the MFBF zone by enactment of new city ordinances. As such, it would appear that your November 1 Letter seeks to pre-empt the need for new city ordinances by contorting existing code in ways it was never intended and cannot reasonably be construed. Notably, short-term rentals have been prevalent in the City of Malibu for some time, and as you acknowledged in our November 23, 2016 phone conversation, the city has only recently started to challenge the provision of short-term rentals with letters to property owners. The city's prior and continued allowance of short-term rentals confirms that the city understands the failure of the MMC to preclude such activity.

Notably, the November 1 Letter represents an abrupt about-face by the City of Malibu, which just last year openly praised Airbnb after it partnered with the City of Malibu in agreeing to collect transient occupancy tax from Airbnb lodging hosts. Mayor Sibert touted the legality of Airbnb's business operations within the City of Malibu saying, "Malibu welcomes Airbnb's constructive efforts

December 1, 2016

to make their sharing economy business model work within the City's laws including the local transient occupancy tax." He further lauded Airbnb's collection of the transient occupancy tax on behalf of its host and the benefits that the transient tax revenue provides to the city: "By collecting taxes on behalf of their hosts, Airbnb contributes toward Malibu receiving the revenue used for City services like fire, police, roads, and clean water projects. In the end, this benefits Malibu residents and visitors alike." The recent crackdown on owners who offer their properties for short-term rentals is inconsistent with Mayor Sibert's remarks and deprives the city of much needed revenue.

Inconsistent with the city's recent efforts to stop the continued provision of short-term rentals, the city readily issues Transient Occupancy Registration Certificates (the "Transient Tax Certificate"), allowing it to collect taxes on any revenue derived from such use by property owners. Indeed, the Owner rightfully applied for, paid for and was issued, four Transient Tax Certificates (TOT-10160-67803 through -67806) in relation to its provision of short-term rentals at the Property. The City of Malibu cannot continue charging for Transient Tax Certificates, collecting associated taxes and benefitting from both, and at the same time have its Planning Department contend that such use is unlawful. No disclaimer within the Transient Tax Certificates can rectify this paradox. Moreover, the disclaimer language provided within the Transient Tax Certificates speaks only to unlawful businesses or activities, and the operations of "hotels" – none of which apply to the Owner's provision of short-term rentals at the Property.

### **3. Grandfathered Status.**

It is important to note that the Owner has not yet rented the units on a short-term basis in a good faith effort to reconcile this matter with the City of Malibu and to remain consistent with its intention to be a responsible and aboveboard property owner within the City of Malibu. That said, we disagree with the city's determination that such use is not permitted. While the city is certainly free to enact ordinances that are applicable to future property owners, the Owner's use of the Property for short-term rentals should be grandfathered – particularly insofar as Owner acquired the Property based on the uses permitted at the time of acquisition, the city's historical allowance of such use (even at this particular Property), and the Owner's confirmed commitment to deal with the City of Malibu openly and honestly.

Moreover, the purchase price paid for this Property was substantial, and the deprivation of the Owner's rights to rent the Property on a short-term basis would be tantamount to a taking, substantially reducing its value and force the Owner to seek all available rights and remedies. The City of Malibu should be targeting the significant number of owners in the city that are conducting short-term rentals and not obtaining Transient Tax Certificates and certainly not remitting the transient tax to the city. To target the owners that attempt to do the right thing, create revenue for the city and comply with the law is misguided.

Page 4

CITY OF MALIBU

*Re: Response to Your Letter Regarding the Short-Term Rental Use of 20306-201312 Pacific Coast Highway (APN: 4450-004-034)(the "Property")*

December 1, 2016

We look forward to quickly resolving the issues discussed herein. For each day that the Owner is unable to conduct short-term rentals it is suffering substantial harm

Should you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeremy D. Smith', with a long horizontal flourish extending to the right.

Jeremy D. Smith  
KRANE & SMITH, APC

JDS:dlbz

cc: Robert Beyer - via email

David Stoft - via email

**Kathleen Stecko**

---

**Subject:** Questions about the City's Short-term rental ordinance

**From:** Noah Stewart [<mailto:nostewart@homeaway.com>]  
**Sent:** Friday, June 23, 2017 8:42 AM  
**To:** Patricia Salazar  
**Subject:** Questions about the City's Short-term rental ordinance

RECEIVED  
JUN 23 2017  
PLANNING DEPT.

Hello Patricia,

I have a few questions about the short-term rental ordinance the city is developing.

Where can I find the most recent draft of the ordinance?

Will it be discussed at the Council meeting on Monday? If not when is the next time it is scheduled for public discussion.

We want to make sure our owners and managers are informed.

Thanks and have a great day!

Noah

Noah M. Stewart  
Government Affairs Coordinator  
HomeAway  
1011 West Fifth St. // Austin, Texas 78703  
Direct: (737) 346-0513  
[nostewart@homeaway.com](mailto:nostewart@homeaway.com)



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**Kathleen Stecko**

RECEIVED  
MAY 31 2017  
PLANNING DEPT.

**Subject:** I support Short Term Rentals in Malibu

On Wed, May 31, 2017 at 2:31 PM, Kathryn Morea [REDACTED] wrote:

Hello Patricia,

Thank you for taking my call today. I heard yesterday about the meeting last week and was unaware this was on the agenda, even though I had sent an email in October voicing my support for short term rentals Councilmember House & City Manager Feldman (below). As someone with a large mortgage to pay every month, it is very scary to think I might be forced to only rent a few months of the year. I will lose my home. I am a responsible host and neighbor with a noise monitoring system and cameras so parties do not happen at my home.

Additionally, I believe the Coastal Commission requires changes to vacation rental zoning occur in conjunction with LCP and require Coastal Commission approval - they do not want an outright ban. Allowing only a few months a year for vacationers to use the beach (summer and holidays) would go against their mandate. It also smacks of being elitist and exclusionary for all the people who can't afford to live in Malibu full time. I've attached the Coastal Commission letter supporting vacation rentals dated Dec 6, 2016. Please let me know who to contact and how I can be kept in the loop about the proposed regulations. Thank you!

-Kathryn Morea  
[REDACTED]

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

From: **Kathryn Morea** [REDACTED]  
Date: Mon, Oct 17, 2016 at 4:57 PM  
Subject: I support Short Term Rentals in Malibu  
To: [jhouse@malibucity.org](mailto:jhouse@malibucity.org), [rfeldman@malibucity.org](mailto:rfeldman@malibucity.org)

Dear Councilmember House & City Manager Feldman,

I've been watching from the sidelines as the issue of short term rentals has recently been in the news in Malibu. I am a homeowner that rents my home on listing sites such as Airbnb & VRBO, I wanted to add my thoughts.

I support short term rentals.

I want urge Malibu to continue to allow short term rentals to exist. Today I am writing my quarterly TOT tax check for over \$4000 to the City of Malibu and I decided to take a moment to share my ideas about short term rentals. We do have a business license and we collect and pay TOT tax on every stay. We have paid over 14K in TOT tax to the City of Malibu since we began renting our home last summer. That does not include the tax Airbnb has collected on our behalf and remitted to the city directly.

I want to point out just a few of the positives:

#### **Pros for the tourist**

Not every guest or family wants to stay in a hotel (and there are not many hotel rooms in Malibu) - many are traveling with a large family and wish to stay in a house where they can cook, share space, enjoy a yard and BBQ. In our 3 bedroom 2 bath house, we can fit several generations of family members who would not be at

all interested in staying in a hotel. Being in a house allows them to be together as a family and experience this beautiful beach town.

### **Pros for the City / Community**

Tax Revenue - Take advantage of the tourist dollars coming into city not only through TOT but through the restaurants, stores and local businesses who are supported by the tourists dollars.

Added jobs - We use several housekeepers, handymen, tradespeople, a gardener and others to keep our property maintained. All these people would be out of work or have much less work if we didn't have our home for rent short term.

Safety: While most owners and property managers probably want their places to be safe as well as visually appealing, safety concerns could be managed by requiring properties to apply for and passing annual or biennial inspections as a pre qualification for obtaining a license.

### **Pros for the Neighborhood:**

Short term rental properties are well cared for. Because we depend heavily on reviews, we keep our home in pristine condition. Maintenance issues are addressed immediately. Because the guests pay more than long term tenants, we are better able to reinvest funds in upkeep, gardening and repairs. I believe our short term rental property is better cared for, cleaned and checked between each guest, allowing us to keep it in far better condition than it could be kept if long term tenants were in place or if it was used only as my home.

Short term rentals are not bringing an undesirable element to the neighborhood (although there are a few exceptions) - many are families, usually they have just 1 car between them, so they are not clogging the public streets with as many cars as a long term tenant or owner would have. They are coming to spend money on local businesses and using the home the same way long term residents use a home, to sleep, to cook, to watch TV, see the ocean, watch the dolphins and to hang out with family.

Emergency Contact: we've given nearby neighbors our cell phone and email in case any of our guests gets too loud or they have any problem at all. We also make our guests sign rental agreements which specifies that no parties are allowed. I realize that not every owner or manager is as responsible. Rather than penalize or ban the entire industry, the City of Malibu could mandate some responsible management rule, such as offering a complaint phone number or a review process for repeat offenders.

Benefits to the local economy - Tourists are spending dollars in neighborhoods they might not traditionally visit if limited to strictly hotels, such as ma & pop restaurants, coffee houses, salons and local markets.

I urge the City of Malibu- do not ban them. Short term rentals include home-sharing but is not just home sharing. We get families coming to Malibu who want an entire house for their family while they visit.

Again, regulate this industry, don't try to tear it apart - instead tax them, regulate them, inspect them, require licensing, require basic safety features such as carbon monoxide detectors, smoke detectors, fire extinguishers, require them to list their license in all their ads, but do not force them underground.

Thank you for listening!

Kathryn Morea

## Kathleen Stecko

---

**From:** Stephanie Hawner  
**Sent:** Tuesday, October 31, 2017 5:12 PM  
**To:** Larry Stokesberry  
**Cc:** Kathleen Stecko  
**Subject:** RE: Short term rentals

RECEIVED  
OCT 31 2017  
PLANNING DEPT.

Good afternoon Mr. Stokesberry,

I can provide your email as written comments to the Planning Commission so that your input comes before them without your being present.

Planning Commission will consider a draft ordinance on Nov. 20. The draft ordinance and agenda report will be distributed around Nov. 10. Here is the website – we will keep it updated as new information becomes available. [Malibu, CA - Official Website - Short-Term Rental Ordinance](#)

Best regards,  
Stephanie

Stephanie Hawner | Senior Planner | City of Malibu |  
(310) 456-2489 ext. 276

**From:** Larry Stokesberry [REDACTED]  
**Sent:** Tuesday, October 31, 2017 2:26 PM  
**To:** Stephanie Hawner <shawner@malibucity.org>  
**Subject:** Short term rentals

Hi, Stephanie,

We have lived in Malibu for 35 years. We have had a short term rental now for a little over 3 years. We live on the property and have never had an issue. We are retired now and with out this additional income would have to sell our property and move on. We are in our 70's now and I don't look forward to doing that. When the owner does not live on the property when there is a short term rental it becomes much more difficult to manage. We have really enjoyed the process and met people from all over the world.

I have paid my quarterly TOT from the beginning even when I saw other not doing so. I know it has to be a great source on income for the city. Let me know if you think my showing up at the meeting on the 20th would help. I'm not in the greatest health right now but if it would help we'll be there.

Thanks for listening.

Larry & Nancy Stokesberry  
[REDACTED]

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885



**RECEIVED**  
**DEC 09 2016**  
**PLANNING DEPT.**

(Sent Individually via US Mail)

December 6, 2016

TO: Coastal Planning/Community Development Directors

SUBJECT: Short-Term/Vacation Rentals in the California Coastal Zone

Dear Planning/Community Development Director:

Your community and others state and nationwide are grappling with the use of private residential areas for short-term overnight accommodations. This practice, commonly referred to as vacation rentals (or short-term rentals), has recently elicited significant controversy over the proper use of private residential stock within residential areas. Although vacation rentals have historically been part of our beach communities for many decades, the more recent introduction of online booking sites has resulted in a surge of vacation rental activity, and has led to an increased focus on how best to regulate these rentals.

The Commission has heard a variety of viewpoints on this topic. Some argue that private residences should remain solely for the exclusive use of those who reside there in order to foster neighborhood stability and residential character, as well as to ensure adequate housing stock in the community. Others argue that vacation rentals should be encouraged because they often provide more affordable options for families and other coastal visitors of a wide range of economic backgrounds to enjoy the California coastline. In addition, vacation rentals allow property owners an avenue to use their residence as a source of supplemental income. There are no easy answers to the vexing issues and questions of how best to regulate short-term/vacation rentals. The purpose of this letter is to provide guidance and direction on the appropriate regulatory approach to vacation rentals in your coastal zone areas moving forward.

First, please note that vacation rental regulation in the coastal zone must occur within the context of your local coastal program (LCP) and/or be authorized pursuant to a coastal development permit (CDP). The regulation of short-term/vacation rentals represents a change in the intensity of use and of access to the shoreline, and thus constitutes development to which the Coastal Act and LCPs must apply. We do not believe that regulation outside of that LCP/CDP context (e.g., outright vacation rental bans through other local processes) is legally enforceable in the coastal zone, and we strongly encourage your community to pursue vacation rental regulation through your LCP.

The Commission has experience in this arena, and has helped several communities develop successful LCP vacation rental rules and programs (e.g., certified programs in San Luis Obispo and Santa Cruz Counties going back over a decade; see a summary of such LCP ordinances on our

[.pdf](#)). We suggest that you pay particular attention to the extent to which any such regulations are susceptible to monitoring and enforcement since these programs present some challenges in those regards. I encourage you to contact your [local district Coastal Commission office](#) for help in such efforts.

Second, the Commission has not historically supported blanket vacation rental bans under the Coastal Act, and has found such programs in the past not to be consistent with the Coastal Act. In such cases the Commission has found that vacation rental prohibitions unduly limit public recreational access opportunities inconsistent with the Coastal Act. However, in situations where a community already provides an ample supply of vacation rentals and where further proliferation of vacation rentals would impair community character or other coastal resources, restrictions may be appropriate. In any case, we strongly support developing reasonable and balanced regulations that can be tailored to address the specific issues within your community to allow for vacation rentals, while providing appropriate regulation to ensure consistency with applicable laws. We believe that appropriate rules and regulations can address issues and avoid potential problems, and that the end result can be an appropriate balancing of various viewpoints and interests. For example, the Commission has historically supported vacation rental regulations that provide for all of the following:

- Limits on the total number of vacation rentals allowed within certain areas (e.g., by neighborhood, by communitywide ratio, etc.).
- Limits on the types of housing that can be used as a vacation rental (e.g., disallowing vacation rentals in affordable housing contexts, etc.).
- Limits on maximum vacation rental occupancies.
- Limits on the amount of time a residential unit can be used as a vacation rental during a given time period.
- Requirements for 24-hour management and/or response, whether onsite or within a certain distance of the vacation rental.
- Requirements regarding onsite parking, garbage, and noise.
- Signage requirements, including posting 24-hour contact information, posting requirements and restrictions within units, and incorporating operational requirements and violation consequences (e.g., forfeit of deposits, etc.) in rental agreements.
- Payment of transient occupancy tax (TOT).
- Enforcement protocols, including requirements for responding to complaints and enforcing against violations of vacation rental requirements, including providing for revocation of vacation rental permits in certain circumstances.

These and/or other provisions may be applicable in your community. We believe that vacation rentals provide an important source of visitor accommodations in the coastal zone, especially for larger families and groups and for people of a wide range of economic backgrounds. At the same time we also recognize and understand legitimate community concerns associated with the potential adverse impacts associated with vacation rentals, including with respect to community character and noise

also recognize and understand legitimate community concerns associated with the potential adverse impacts associated with vacation rentals, including with respect to community character and noise and traffic impacts. We also recognize concerns regarding the impact of vacation rentals on local housing stock and affordability. Thus, in our view it is not an 'all or none' proposition. Rather, the Commission's obligation is to work with local governments to accommodate vacation rentals in a way that respects local context. Through application of reasonable enforceable LCP regulations on such rentals, Coastal Act provisions requiring that public recreational access opportunities be maximized can be achieved while also addressing potential concerns and issues.

We look forward to working with you and your community to regulate vacation rentals through your LCP in a balanced way that allows for them in a manner that is compatible with community character, including to avoid oversaturation of vacation rentals in any one neighborhood or locale, and that provides these important overnight options for visitors to our coastal areas. These types of LCP programs have proven successful in other communities, and we would suggest that their approach can serve as a model and starting place for your community moving forward. Please contact your local district Coastal Commission office for help in such efforts.

Sincerely,

A handwritten signature in black ink that reads "Steve Kinsey". The signature is written in a cursive, slightly slanted style.

STEVE KINSEY, Chair  
California Coastal Commission

**NOTICE OF PUBLIC HEARING  
CITY OF MALIBU  
PLANNING COMMISSION**

The Malibu Planning Commission will hold a public hearing on **Monday, November 20, 2017, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

**SHORT-TERM RENTAL ORDINANCE**

ZONING TEXT AMENDMENT NO. 17-002 – Consider amendments to Title 17 (Zoning Ordinance) of the Malibu Municipal Code regarding short-term rental of property (also known as vacation rentals) in residential and multi-family zones

Applicant: City of Malibu  
Location: Citywide  
City Planner: Stephanie Hawner, Senior Planner  
(310) 456-2489, extension 276  
shawner@malibucity.org

The draft ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The Planning Director hereby finds under Section 15061(b)(3) of the State CEQA Guidelines, the draft ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

A written staff report will be available at or before the hearing. All persons wishing to address the Commission will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the beginning of the public hearing.

**IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.**

If there are any questions regarding this notice, please contact Stephanie Hawner, Senior Planner, at (310) 456-2489, extension 276.

  
\_\_\_\_\_  
Bonnie Blue  
Planning Director

Publish Date: October 26, 2017

Welcome to the City of Malibu. It is the goal of the City that all visitors and residents are able to enjoy Malibu's natural environment while maintaining its rural residential character. Our Code of Conduct is a way to assist us toward this goal.



## RESOURCES

### CITY CODE ENFORCEMENT

310-456-2489, ext.484

### SHERIFF DEPARTMENT

818-878-1808

### FIRE DEPARTMENT

310-317-1802

## CONTACT US

23825 Stuart Ranch Rd  
Malibu, CA 90265

310-456-2489

MalibuCity.org/STR



CITY OF MALIBU

DRAFT

# GOOD NEIGHBOR BROCHURE



CITY OF MALIBU

# SHORT TERM RENTAL CODE OF CONDUCT

Please refer to Malibu Municipal Code (MMC) Title 17 for more details regarding the City's short term vacation rental ordinance.

## ENVIRONMENTAL REGULATIONS

### **Plastic Bag Ban:**

The City of Malibu has banned plastic bags for groceries, pharmacies, restaurants, and retail stores. Please help us to ensure that plastic bags do not end up on the beaches and in the ocean. *(MMC Section 9.28)*

### **Polystyrene Foam Ban:**

The City of Malibu has banned foam packaging, food ware, beach toys, ice chests or coolers. Please refrain from using these polystyrene foam products to preserve to help preserve the natural environment. *(MMC Section 9.24)*

### **Onsite Wastewater Treatment:**

Most homes in Malibu rely on onsite wastewater treatment systems (septic systems) rather than traditional sewer systems. Please be mindful of this during your stay.

### **Plastic straws and cutlery:**

The City of Malibu has banned plastic straws and cutlery for groceries, pharmacies, restaurants, and retail stores. Please help us to ensure that plastic straws and cutlery do not end up on the beaches and in the ocean. *(MMC Section 9.28)*



## NEIGHBORHOOD IMPACTS

### **Occupancy:**

The maximum occupancy of the short term rental property is limited to two people more than twice the number of bedrooms of record up to 14 people.

### **Noise:**

Please keep all noise levels to a minimum. *(MMC Chapter 8.24)*

### **Trash:**

Please keep trash and recycling containers out of public view until pick-up day and remove all containers from the street and sidewalk no later than 8 PM on collection day. Place containers on the street and sidewalk no sooner than 5:30PM the day before your scheduled collection. *(MMC Section 9.28)*

### **Parking:**

All guests shall park onsite. Garages are required to be available for guest parking. If the property does not have onsite parking no more than two vehicles may be parked on the street.

### **Special Events:**

A Special Event Permit is required in conjunction with a short-term rental if 15 or more people are anticipated to attend. *(MMC Section 5.34.020(C))*

### **Fines:**

Any violation of Malibu Municipal Code Title 17 Chapter 55 is subject to a fine of \$1,000 per day or violation.

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

November 20, 2017

Alan and Diana Armstrong, [REDACTED]

City of Malibu

Planning Commissioners, Council Members and Bonnie Blue

RE: Short Term Rental Ordinance, We support the short term rental ordinance, Chapter 17.55.010, 17.55.020, 17.55.030 and recommend approval of this ordinance.

Dear Planning Commissioners and Bonnie Blue, Planning Director,

We recommend approval of the short term rental ordinance , Chapter 17.55.10, 17.55.020, 17.55.030 without any changes to the draft ordinance.

Our Family has lived in Malibu since 1950. We have rented our home on a short term rental basis since 2011 and are now leasing our home for periods greater than 30 days.

The short term rental option has helped our family generate much needed cash.

We appreciate the efforts by the City of Malibu and Planning Department to take the time to draft a very reasonable ordinance.

The ordinance addresses the key issues such as the noise, nuisance, parking on site, 24/7 management by the owner, posting City and neighborhood rules in the home, number of occupants allowed, The ability of the owner to reside on the property when rented and restrictions on multifamily housing of three or more units.

I fully support the restrictions on multifamily housing of three or more units. This will help the neighborhoods stay residential in nature. This will also allow more rental opportunities for people who do not own a home in Malibu. This is important to maintain the residential neighborhoods with full time residents.

Many California cities regulate the conversion of multifamily units to short term rentals. I am familiar with the City of Avalon which regulated the short term rentals so that they could keep rentals for the locals residents

Thank you very much ,

Alan Armstrong and Family

Date Received 11-20-17 Time 6:30 pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 1

ATTACHMENT 5

**Stephanie Hawner**

---

**From:** Anne <[REDACTED]>  
**Sent:** Saturday, November 18, 2017 1:46 PM  
**To:** Stephanie Hawner  
**Subject:** Written Comments before November 20, 2017

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

Dear Stephanie,

Thank you for your responsiveness to our concerns re: Title 17-002.

Please submit my written comments, as follows, to the Public Record before the hearing, Monday night, November 20 at 6:30 p.m.

Kind regards.

---

1) Houses on the beach are so close together that 1000' can span more than 15 houses. The real issue is for the next-door neighbors. Could any and all contact information be restricted to the house or perhaps two, on each side?

2) Of course, in an emergency, the property manager or owner should be available IMMEDIATELY. But nobody is available 24/7. The requirement could reasonably be 8 a.m. to 6 p.m., with an emergency number ALWAYS available.

3) Malibu has the good fortune of having many luxury properties. A posted sign inside will cheapen the properties for our guests, making them seem commercial and less like homes. Please consider allowing us to give our guests the code of conduct along with favorite Malibu restaurants, groceries, museums and workings of the house in an email ... before arrival. And, on a printed page at the property.

Thank you.  
Anne Ready

*Anne*

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The Gershs

[REDACTED]

Date Received 11-20-17 Time (6:30pm)  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 1

**Patricia Salazar**

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**From:** AMY ROLAND <[REDACTED]>  
**Sent:** Saturday, November 18, 2017 9:38 PM  
**To:** Patricia Salazar  
**Cc:** Michael Lustig; George Roland  
**Subject:** LETTER FOR DISTRIBUTION TO THE PLANNING COMMISSION FOR 11-20-17  
**Attachments:** ltr 2 malibu 11-18-17.pdf

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

Attn: Patricia Salazar

RE: Letter for distribution to the Planning Commission

Dear Ms. Salazar:

Please find attached our letter with regard to the Malibu City / Planning Commission Meeting scheduled this Monday, 11/20/17 at 6:00pm .

Thank you for your courtesy and cooperation.

Sincerely,

AMY & GEORGE ROLAND  
[REDACTED]

Date Received 11/20/17 Time 11:10 AM  
Planning Commission meeting of 11/20/17  
Agenda Item No. 5C  
Total No. of Pages 2

# AMY & GEORGE ROLAND



November 18, 2017

City of Malibu  
The Planning Commission  
Malibu Planning Department

Dear Gentlepersons:

We join with Malibu Road residents who are opposed to unrestricted "AIRBnB" and their progeny.

Our family has lived, owned, and leased in Malibu since the 1960s. Over the years, the Malibu Road residents have shown a strong sense of community and responsibility, which is not present in many of those who are now renting property for only a few hours or days.

Within the past 3 years, investment groups, absentee owners and slumlords have virtually transformed the west end of Malibu Road into a commercial zone with little regard for safety, security, environmental protection of the coast, or the serenity of the neighbors.

We strongly urge the Planning Commission and the City Council to work with us, long-term residents of Malibu Road, to preserve the environment, and the beauty of the neighborhood of Malibu Road for the present and for the future.

We request the City of Malibu and Malibu Planning Department be responsible and place the strictest of controls on short-term renters and create a viable enforcement plan.

When someone purchases, leases, or rents on Malibu Road, it is the Malibu Community that is also part of the investment. Our longtime Malibu neighbors are not just our neighbors, but they are our friends.

Here are some of the issues that we, the long-term residents of Malibu want to join the City to establish:

1. Verifiable Data
2. Registering / permitting
3. Enforcement

Sincerely,

Amy, George, Luna and Bowie Roland  
AR/ael

**Patricia Salazar**

---

**From:** Brad Norris <[REDACTED]>  
**Sent:** Friday, November 17, 2017 3:54 PM  
**To:** Patricia Salazar  
**Subject:** Airbnb situation in Malibu

RECEIVED  
NOV 17 2017  
PLANNING DEPT.

Hello,

My name is Brad Norris and I have lived in Malibu for over 35 years and I am the owner operator of Malibu health club. I have lived in Malibu road for the past 15 years. I am a renter and have seen my rents sky rocket the last few years. I have had to take in a roommate to make ends meet. I believe much of the dramatic increase is due to Airbnb rentals and I have seen many friends have to relocate because of the higher rents.

I have lived and worked in Malibu for the last 35 years and I hope some type of control can be established to stop the hotelier situation happening here before we lose all of our community.

Sincerely,  
Brad Norris  
[REDACTED]

Sent from my iPhone

Date Received 11-17-17 Time 3:54 pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 1

RECEIVED  
NOV 17 2017  
PLANNING DEPT.

**Patricia Salazar**

---

**From:** Bill Sampson <[REDACTED]>  
**Sent:** Friday, November 17, 2017 1:07 PM  
**To:** Patricia Salazar  
**Subject:** Planning Commission meeting November 20, 2017, Agenda Item 5c  
**Attachments:** Planning Commission Meeting Remarks 20171120.with exhibits.pdf

I am attaching the written testimony of Bill and Rosemary Sampson. Please confirm receipt AND delivery to the commissioners. Thank you.

Bill Sampson

PS: I originally sent this a few minutes ago to Ms. Stecko, listed as the person to send this to, and I received an automated response that she is not in and to contact you instead. So, please make sure the commissioners receive this and confirm to me that they have. Thanks.

Date Received 11-17-17 Time 1:07 pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5c  
Total No. of Pages 18

Planning Commission Meeting, November 20, 2017  
Agenda Item # 5C, Proposed Short Term Rental Ordinance

To: Planning Commission

From: Bill and Rosemary Sampson, [REDACTED]

### **Preliminary remarks**

Rosemary will address the planning commission. Due to an important prior commitment Bill will not but the two of us submit this written testimony in opposition to the proposed short term rental ordinance. The proposed ordinance is completely inconsistent with the Malibu Vision statement and the Malibu Mission statement, reflects staff's unwillingness to enforce existing law in this city and ignores the landslide election victory of the three men who ran as a slate promising to honor the vision and mission.

There is the old saying: "If it ain't broke, don't fix it." Due to the refusal of staff to enforce existing law no one has any idea whether that law is broke [sic] or not. The city should try using its current tools before implementing new ones that not only ignore the rights of its citizens to peace and quiet in their own neighborhoods but also invite drastic changes in its own local coastal plan and ordinances with no assurance these new proposals will pass muster with other governmental entities.

### **Existing law**

The remarks of staff, in the second full paragraph labeled "Discussion" are at best disingenuous and at worst simply false. Staff states that short term rentals are allowed under the Malibu Municipal Code ("MMC"). This is simply not the case. Bill has previously discussed, at length, the state of existing law. See Exhibit 1. Staff has steadfastly refused to enforce, despite numerous code enforcement complaints, the prohibition on businesses being conducted in residential neighborhoods. Make no mistake, a single family residence in our neighborhood is being used as a motel and is clearly a business, as publicly stated in city council meetings by both councilman LaMonte and former councilman Sibert. SWS, referred to by staff, received several complaints from us and from our neighbors about parking, noise, and other problems caused by the motel on our street. Kimberly advised she could do nothing. City Manager Feldman opined that the motel guests had every right to park on the street. Clearly she was correct that the guests had that right but was completely incorrect in failing to require the motel owners, who publicly advertise an illegally converted garage as a fourth bedroom, to provide off street parking. Eventually, all of us, when presented with the deaf ears of staff, ceased in engaging in the useless acts of contacting SWS and/or code enforcement.

Bill has searched city council minutes back through 2013. At no meeting was there notice given of direction to staff to not enforce the prohibition on businesses in SFR neighborhoods. If such a directive was given by the council it clearly violated the Brown Act as there was no notice, no public input, no meeting. We bring this up because at one point we were advised that the city attorney had stated that the prohibition on businesses (in this case motels)

should not be enforced. The city attorney has stated, to the undersigned and to all members of the then city council, that she at no time directed staff of the city to refuse or fail to enforce existing law. See Exhibit 2.

We are confronted with the situation where a perfectly adequate existing law, fully approved by the coastal commission and by our own city council, has simply not been enforced – ever. Staff’s remarks that the motel on our street (and others similarly operated) are allowed are simply false.

Councilman Peak, at the October 10, 2016 council meeting mentioned in the staff report, said that short term rentals should simply be banned. He was almost correct. They already are banned. Sure the city collects taxes. We are reminded of the Marijuana Tax Stamp Act which for 32 years required that users/sellers/purchasers of marijuana pay a tax, thereby admitting that they were somehow in possession of illegal contraband. Paying the tax did NOT make possession legal. Clearly times have changed with regard to that substance, but, the point that paying the tax does not make that which is illegal permissible remains.

Further discussion of the illegality of these motels (and there can be no legitimate question that these places rented for a few days at a time are motels) is contained in the attached Exhibit 1.

## ZORACES

Staff submitted a proposed ordinance to ZORACES in May, 2017. That ordinance, although unacceptable since it made no attempt to require staff to enforce existing law, threw beleaguered neighborhoods a couple of bones. The usual lobbyists, fixers and influence peddlers appeared at that meeting and, among other things, claimed that not permitting them to run their hotels was a “taking,” that they were paying taxes, that flooding quiet neighborhoods with business customers was somehow beneficial. These folks had and have substantial economic incentive to continue their illegal activities. For example, our street, the cheapest single family neighborhood in Malibu when we moved in and probably still today, has a motel that charged \$899 per night plus cleaning and other fees. We think that is not the sort of low to moderate income visitor serving facility envisioned by the coastal commission. We’ve certainly never been able to afford any motel/hotel charging anywhere near that amount - mind you this is a house built in the 60s with illegal additions.

The ordinance proposed by staff at the ZORACES meeting provided for brief blackout periods during which short term rentals would be prohibited. Regrettably these blackout periods did not include the holidays when real neighbors might like to host their families nor did they include approximately five months of “summer.” The original draft ordinance also provided that the owners would be required to actually live in the rental houses/units for one hundred days per year. The latter requirement was doubtless a nod to the AirBnB propaganda that this so-called service helps people stay in their homes by renting out a portion. The reality is that hedge funds are buying thousands of houses at a time and then renting them out as motels utilizing this nefarious service and similar ones. Certainly in Malibu the majority of the units are being utilized simply as absentee owner motels. The current proposal permits these destructive enterprises in our neighborhoods for the minor inconvenience of the owner filling out some forms and, shudder, complying with the building code.

We are unalterably opposed to having our neighborhood turned into a business zone. The former proposal's only good points were the blackout and live in requirements.

### **Coastal Commission**

At the ZORACES meeting and in the staff report it is suggested that the coastal commission "wants" motels in our neighborhoods. That may or may not be true. However, the proposal before you specifically prohibits the least expensive rental units from being used by coastal visitors, that is, apartments and condominium units. In effect, single family neighborhoods are proposed to be the victims of (unlawful?) discrimination. Passage of this ordinance invites interference from the coastal commission. If staff is correct, which it is not, that short term rentals are currently allowed, certainly disallowing them in apartments, as proposed, invites scrutiny by a body with which Malibu has a contentious and unhappy history.

We already have ordinances that have passed muster with the Coastal Commission. We can think of no reason to invite a review of a new ordinance, no matter how characterized, when enforcement of what is already in place cannot be challenged by coastal.

### **Ban short term rentals**

Staff rather pointedly ignored cities/areas where AirBnB and its investment bankers and ilk were banned. Santa Barbara, Hermosa Beach, large portions of Mammoth Lakes characterized by single family homes ban short term rentals. The excuses given for not banning them include difficulty of enforcement. This argument suggests that because some people run red lights and stop signs we should do away with them. Poppycock and balderdash. Today, we have no idea whether the current ban, as approved in the local coastal program, works because staff has failed and refused, evidently on its own, to enforce the ban on businesses in residential neighborhoods. This is a policy decision that staff should not make. The inmates should not run the asylum. Let's work with what we have.

### **Takings**

Some of the noisier investors have suggested that not permitting them to turn SFR dwellings into motels constitutes a taking. We would suggest that forcing us to continue to endure the noise, dirt, traffic and congestion brought about by motels constitutes a taking of our property right to the quiet enjoyment of our home of the last almost thirty-eight years.

### **Taxes**

Staff has every incentive to increase the supposedly "free" revenue from these unlawful enterprises. "Free" because it is paid by visitors. There has been no analysis of the increased costs of police and fire necessitated by the increased use by those who have no stake whatsoever in our neighborhoods. Likewise, there has been no analysis of the cost to us neighbors of the loss of our enjoyment and the increased damage to our streets and sidewalks and the like.

Further, once single family homes are turned into motels they will not be occupied by families with children, particularly in areas such as ours that are less expensive than many in our

city. These children presumably would attend local schools for which SMMUSD receives average daily attendance compensation from the State of California. We hear that Malibu wishes to extricate itself from SMMUSD. Does the loss in revenue from fewer school kids count?

Believe us we know that when people trot out “children” as a reason for doing or not doing something we have long since learned to grip our wallets and purses tightly. We expect some proponents will trot out their “kids” as a reason for what they are doing. Poppycock. Our daughter will, we hope, inherit property diminished greatly in desirability and value by having motels on our street. We benefit not at all from the “free” tax money and in fact lose because of it.

### **Metastasizing**

Our present concern, as locally as we can get, our street, concerns one motel. One house was formerly also used as a motel but changed hands with the new owners refraining from this prohibited use. However, just as with the regrettable “rehab” places, the motel disease will doubtless spread as investors buy up houses and turn them into flop houses. A recent LA Times article referenced a street with about twenty homes on it where, to the chagrin of a long time Anaheim resident, he was surrounded by about eleven motels where he used to have neighbors. We don’t want that in Malibu. Right now it can be argued that there is only one on our street. To us, that is like inviting one cancer cell into our bodies. Bill, as a cancer survivor, certainly would not invite even a single cell into his body and urges you to refrain from doing so with this invasion that violates our body politic’s mission and vision statements.

We attach as Exhibit 3 an email sent more than two years ago from our neighborhood asking that the unfortunate practice of opening motels in our neighborhood cease.

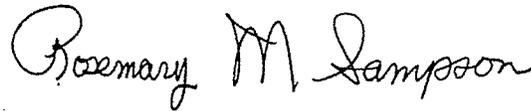
### **Conclusion**

Unalterably changing the character and culture of Malibu as the proposed ordinance does is a terrible idea. We don’t want or need to be Newport Beach or Dana Point. We need to be Malibu. The proposal ignores our legacy and what we have committed to be. If we really needed that supposed revenue and jobs we could have supported the nuclear power plant proposed for Corral, or the sewer system that Dana attempted to foist upon us, or the numerous other outlandish proposals for the supposed economic benefits of us.

Direct staff and the council to enforce what we already have. If that doesn’t work, possibly the issue could be reconsidered, but, it will work and we have many years of an existing ordinance in our favor. Thank you.



BILL SAMPSON



ROSEMARY SAMPSON

**Bill Sampson**

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**From:** Bill Sampson [REDACTED]  
**Sent:** Sunday, October 18, 2015 10:36 AM  
**To:** 'John Sibert'; 'Laura Rosenthal'; 'Skylar Peak'; 'Joan House'; 'Lou La Monte'  
**Cc:** 'Jim Thorsen'; 'Christi Hogin - Office'; 'ann steinsapir'; 'Laurence Steinsapir'; Rosemary Sampson <malibu-roam@verizon.net>  
**Subject:** Violation of Malibu Municipal Code by owners of [REDACTED]  
**Attachments:** Los Angeles Times, LA Times Sunday, October 18, 2015 Mammoth La.pdf

Our request in one sentence: Please forthwith shut down the operation of [REDACTED] currently used as an Air BnB motel. Our analysis follows.

The Malibu Municipal Code, Section 5.04.010 adopts as the Business License Code of Malibu, Title 7 of the Los Angeles County Code. The Los Angeles County Code lists Hotels/Motels as requiring a business license. See: [https://ttc.lacounty.gov/proptax/Business\\_License\\_List.htm](https://ttc.lacounty.gov/proptax/Business_License_List.htm). Section 5.04.080 provides in pertinent part:

"5.04.080 Grounds for denial of business license.

"Section 7.08.080 is deleted and Section 7.08.070 is amended to read as follows:

.....  
"B. Business Activities Not Involving First Amendment Activities. Neither the tax collector, the city manager nor the city council shall approve an application for a business license for a business activity not primarily involving first amendment activities if any of the following findings are made:

1. The building, structure, premises, or the equipment used to conduct the business activity, fails to comply with all applicable health, zoning, fire, building and safety laws of the state of California or of the city;
2. The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for the business license or in any report or statement required to be filed with the tax collector, the city manager or the city council;
3. The business is prohibited by any local or state law, statute, rule or regulation, or is prohibited in the particular location or zone by any law, statute, rule, or regulation;
4. The applicant is found to have committed a crime involving moral turpitude which is substantially related to the business activity for which the license is being sought;
5. The applicant, or the applicant's agent or employee, or any person associated with the applicant as partner, director, officer, stockholder, associate or manager, has committed, assisted in, or incited the commission of any act which would be grounds for disciplinary action under this Chapter if committed by a licensee; or
6. The establishment of the business will be detrimental to the public health, safety or welfare." Emphasis Added.

The operation of a motel (and make no mistake, [REDACTED] is operated as a motel) clearly violates the subsections violated in red. Having such an establishment, as the City Council and City Manager and City Attorney have been advised by many of the motel's neighbors, is clearly detrimental to our health, safety and

welfare. The motel is clearly NOT ADA compliant for starters. It does NOT comply with our building codes. Even rudimentary safety standards are ignored. Businesses of very limited scope are permitted in residential zones subject to a variety of regulations (discussed briefly below) and this business does not and cannot comply.

Section 17.10 of the Malibu Municipal Code provides in pertinent part:

"17.10.010 Purpose.

The SF district will serve the majority of the city's single-family residential parcels. **The intent of the district is to enhance the rural characteristics of the community by maintaining low density residential development in a manner which respects surrounding property owners and the natural environment.** (Ord. 86 § 3, 1993; prior code § 9220)

Somehow operation of a motel 150 feet from our home utterly fails to comport with the intent of the district.

17.10.020 Permitted uses.

The following uses and structures are permitted in the SF district:

A. One single-family residence per lot;

B. Small family day care and residential care facilities serving six or fewer persons;" [Emphasis added.]

With due respect to the experience and knowledge of the City Manager the City's analysis of allowing an Air BnB motel in a single family zone asks the relevant questions in the wrong order. Staff concludes that what is clearly a house must be a residence and therefore any use of that residence complies with residential zoning. It is our position and that of our neighbors that the first question to be asked is: "What use is made of the property and does that use comply with the sections of the City code concerning zoning." In the instance of 31827 Cottontail Lane, the use is solely as a business, that is, an Air BnB motel. The owners have never resided in the property, do not reside in it even when the "No Vacancy" sign is or should be flashing and have no apparent intent to reside in it in a lawful manner. The motel guests clearly do not reside in it any more than we reside in a room at a Best Western. At motels we are best described as motel guests - exactly what the scores of weekend visitors to our otherwise quiet street are and have been since February of 2015.

Section 17.40.040 of the Malibu Municipal Code, 17.40.040 Residential development standards, provides in pertinent part:

" 19. Home Occupations. All single-family and multiple family residences shall be subject to the following development standards:

a. Purpose. The purpose of the following regulations is to allow reasonable non-residential uses of residential structures, so long as the nonresidential use is ancillary to the residential use, conducted by a resident of the structure, and does not cause an impact which is substantially different from the impact of a residential use.

b. Uses Permitted Without a Permit. The following uses are allowed, provided they operate in compliance with the city's ordinances and the requirements of home occupations stated in subdivision (19)(d) of this subsection.

i. Educational uses: a use involving the teaching of students, including, but not limited to music lessons, academic tutoring, religious instruction, swimming lessons, equestrian riding lessons, provided that there be no more than six nonresident persons whether students or employees, present at any one time;

ii. Home-based office or home-based studio: An office used for business, consultation, computer/internet related use or a recording studio, artist studio, or other reasonably similar use determined by the planning director; provided, that there be no more than six nonresident persons whether employees or clients, present at any one time.

c. Uses That Require A Permit. The planning director (director) may allow any reasonable use as determined by the director pursuant to a home occupation permit. The home occupation must operate in compliance with city ordinances and the general requirements set forth in subdivision (19)(d) of this subsection.

i. The applicant shall submit a complete written description of the proposed home occupation including but not be limited to, anticipated hours of operation, anticipated storage of materials and supplies, amount of pedestrian and/or vehicular traffic generated by the home occupation, and a graphic representation of the location of the proposed home occupation within structures on the property.

ii. An application for home occupation permit shall be completed on forms provided by the city and include such plans as are reasonably required by the director for a complete understanding of the application. The application shall be accompanied by a filing fee in an amount set by resolution of the city council.

iii. When the director determines that the application is complete, the director shall give written notice of the application to all owners and residents of all properties within five hundred (500) feet of the proposed home occupation, but in no event shall less than ten (10) nearest developed properties be notified. Where there are less than ten (10) properties within five hundred (500) feet of the proposed home occupation, the director shall give written notice to the owners and residents of the ten (10) properties nearest the proposed home occupation. The written notice shall include a brief description of the proposed home occupation, the address of the proposed occupation, the date, time and location of any public meeting or hearing about the application. No sooner than ten (10) calendar days after the owners and residents are notified and no later than thirty (30) calendar days after receipt of the complete application, the director will conduct a meeting to consider the application and all written and oral comments.

iv. The planning director shall grant, deny, or conditionally grant the home occupation permit and issue a written decision.

v. The director shall impose conditions where required to assure that the home occupation does not cause an impact that is substantially different from the impact of a solely residential use.

vi. A home occupation permit shall be effective ten (10) calendar days after its issuance, unless a written appeal to the planning commission is filed with the director within the ten (10) calendar days after the director approved or denied the application. Any aggrieved person may appeal the director's decision. The director shall notice a hearing on the appeal in the same manner as the initial hearing regarding the home occupation application. The decision of the planning commission shall be final.

d. All home occupations shall comply with the requirements listed below:

- i. No flammable, hazardous or toxic materials other than those materials normally found in a dwelling and only in the quantities normally found in a dwelling, shall be stored on-site.
- ii. The hours of operation for a home occupation shall begin no earlier than eight a.m. and end no later than nine p.m. daily. Any activity relating to the home occupation held outdoors will be required to cease at sunset.
- iii. With the exception of newspaper, magazine or other similar advertising, the home occupation shall not be apparent. The posting of flyers, or signs to advertise a home occupation, is prohibited except as permitted in Chapter 17.52.
- iv. No home occupation shall create objectionable noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard, radiation, or other hazard or nuisance in excess of what is normally found in the neighborhood in which the home occupation is located.
- v. All noise shall comply with Chapter 8.24. vi. A home occupation shall comply with Chapter 17.52.
- vii. Except for those uses identified in subdivisions (19)(b) and (c) of this subsection, no one other than residents of the dwelling shall be on-site employees of the home occupation or report to work at the site in the conduct of a home occupation.
- viii. No vehicle, with signage identifying the existence of the home occupation shall be parked on the property or in the right-of-way such as to advertise the existence of the home occupation.
- ix. Required enclosed parking shall be maintained in compliance with Chapter 17.48.
- x. Materials and goods shall not be stored and no permanent work area, work bench, or structures shall be built within the required enclosed parking area in such a manner as to prevent the use of the area for vehicle parking. In addition, no supplies or equipment or equipment used for, or in any way related to, the home occupation may be stored outside the dwelling unit except for those items necessary for outdoor instruction permitted in subdivision (19)(a) of this subsection.
- xi. Pedestrian and/or vehicular traffic shall not be in excess of the normal amount in the zone in which the home occupation is located.
- xii. With the exception of newspaper deliveries, delivery or pick-up of materials, goods, or products to and from the home occupation shall only occur from eight a.m. to five p.m., Monday through Friday. The delivery vehicles used in conjunction with the delivery of materials, goods, or products to and from the location of a home occupation shall be limited to a single unit truck with a maximum of twenty-eight (28) foot length and a maximum gross vehicle weight of twenty-four thousand (24,000) pounds.
- xiii. Motor vehicle repair businesses, and day care facilities are prohibited.
- xiv. The home occupation shall not occupy more than twenty (20) percent of the total floor area of all structures on the property, or two thousand (2,000) square feet, whichever is less. Any construction, structural alterations or addition(s) to any structure on the property in which the home occupation may be conducted, shall conform with requirements for residential structures within the zoning ordinance."

It would be entirely proper for the reader of this section to conclude that 31827 Cottontail Lane fails to comply with the bulk of the quoted section. We have been advised that businesses are permitted in the SF zone. However, such businesses MUST comply with the balance of the code. Note that that hours of operation of a home occupation shall begin no earlier than 8 a.m. and end no later than 9 p.m. daily. Perhaps Bill's suggestion of a by the hour motel closing at 9 p.m. has merit. It doesn't, but, you should get the point. By definition the occupants of the Air BnB motel are there at night. Note that even if permitted, they must vacate the deck at sunset. That simply has not and will not be done if the current unlawful use of the property is countenanced by the City.

Likewise, operation of the Air BnB motel violates (without limitation) suparts 17.40.040 A 19 ii, iv, vii, ix, xi, xii, xiv. As an example the motel occupies the entirety of the structure in violation of part xiv. There is NO enclosed parking in violation of part ix. If the motel guests are incorrectly considered residents, then the owners themselves violate part vii when they report to repair, clean or otherwise engage in work on the motel.

\*\*\*\*\*

To return to the "use" question, the reader's attention is invited to Section 17.26 of the Malibu Municipal Code which provides in pertinent part:

"Chapter 17.26 CV-1 COMMERCIAL VISITOR SERVING DISTRICT

17.26.010 Purpose.

The CV-1 district is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents which respect the rural character and natural environmental setting. (Ord. 151 § 15, 1996; prior code § 9265)

.....

17.26.030 Conditionally permitted uses.

The following uses may be permitted subject to obtaining a conditional use permit:

A. All conditionally permitted uses set forth in Section 17.24.030 (CC district) of this title except for construction services and public or private educational institutions:

1. Citywide, the total floor area dedicated to educational uses, among all parcels zoned CC, shall not exceed twenty-five thousand (25,000) square feet. This total shall not include any legal nonconforming uses that were operating at the time of adoption of the ordinance codified in this chapter;

B. Convenience stores, including ice cream and refreshment stands and fixed location outdoor vending activities;

C. Motels and bed and breakfast inns. (Ord. 301 § 4(C), 2006; Ord. 173 § 6, 1998; Ord. 151 § 15, 1996; prior code § 9267)

[REDACTED] is operated as a motel but has no C.U.P.

\*\*\*\*\*

[REDACTED] does NOT have a business license. Nor does it have a conditional use permit as a home occupation. Nor is it one of the limited home occupations. It is, pure and simple, in violation of our zoning laws. The staff of the City has made the improper analysis of this use. Just because it is a house does not make grant the owners to make a use of the house inconsistent with the balance of our laws. If use is the first subject of inquiry, as it should be, this use will be found to violate not only the property rights of the Cottontail neighbors but also the Malibu Municipal Code.

We urge the council to immediately direct staff to enforce our laws and shut down this menace to our quiet home and neighborhood. Thank you for your attention to this matter.

Bill Sampson  
Rosemary Sampson  
[REDACTED]

PS: Shortly after composition of the above we encountered in today's (10/16/2018) LA Times an article about Mammoth and the motel problem. Coincidentally we stayed as non-paying guests with a friend at his house in that town for about 2 weeks at Labor Day. The campaign signs mentioning the issue were abundant. Mammoth simply prohibits Air BnB type motels except in specially established zones, which we clearly do not wish to become. Our cancer metaphor applies. If 31827 is allowed to continue this unlawful activity it will surely metastasize in the neighborhood. Please excise it. See attachment re: Mammoth.



Los Angeles Times,  
LA Times Su...

# A rift over resort town rentals

Mammoth Lakes residents took their battle against nightly home stays to the ballot box.

BY LOUIS SAHAGUN

MAMMOTH LAKES, Calif. — The house Eric Wang bought in 1991 was everything he was looking for in this ski resort town: a safe, quiet retirement haven in a neighborhood that is zoned for single-family homes.

Then eight years ago, a neighbor started renting his house to people who would “roll in late at night on Thursdays and Fridays, then unwind with drinks and dips in the hot tub,” Wang said.

“Nightly rentals are illegal in my neighborhood,” said Wang, 65. “So I complained, and city compliance officers wrote the homeowner a letter.”

But the house is still being rented to visitors, he said, as are many other residences in the Eastern Sierra community. Airbnb and other short-term rental websites are providing lucrative income streams for homeowners.

Nightly rentals have stirred opposition in cities across the country, but the dispute is especially acute in this town of 8,000 people. Mammoth Lakes is isolated, with an economy based almost entirely on tourism, factors that have created crosscurrents unlike those found in larger, more economically diverse regions.

The economy here has been in the doldrums because of drought. Nightly rentals have helped attract tourists and tax revenue by offering visitors a menu of alternatives to traditional hotel and motel lodging.

Yet residents, including many working in the tourism industry, rebelled strongly against the practice and forced the issue to a vote. Fearing that town council members were going to expand nightly rentals into residential zones, 70% of voters approved a measure barring the council from acting on the issue.

“We became perhaps the first resort in California to take the power to transform family neighborhoods into commercial rental zones away from City Hall and put it in the hands of the voters,” said Lisa Isaacs, a resident and environmental activist.

Homeowners say they oppose the rentals because they want to protect the quality of life in their neighborhoods, which were zoned in the 1980s as buffers against vacation crowds. Many renters joined the majority because nightly rentals would reduce the stock of housing available for conventional, long-term leases.

The opportunity for nightly rentals is vast. When ski conditions are good, the weekend population can soar to 35,000, and some civic boosters believe it could accommodate twice that number. Many residences are vacant most of the year because they are second homes.

“I own a home across the street from my house, which I rent monthly,” said Paul Rudder, a commercial landlord. “I could make four times as much money on it by renting nightly. But that would be illegal.”

Nightly rentals are permitted in Mammoth Lakes’ mixed commercial-residential zone, which covers roughly half the town’s four square miles. That zone includes hotels, motels and residential neighborhoods that are home to the only nine residences in town currently licensed to rent nightly.

Most short-term rentals occur illegally, either because they are in residential zones or are in the mixed-use zone but are not licensed.

Opponents turned to the ballot box Oct. 6 after the five-member Town Council signaled that it would take up the issue of nightly rentals. “We simply wanted to put to rest an issue that has been controversial in Mammoth Lakes for many years,” said Councilwoman Jo Bacon.

The council also said it wanted to devise better ways to enforce zoning laws as part of an effort to crack down on homeowners who provide short-term rentals without licenses.

But many residents grew suspicious of the council’s intentions, believing the officials wanted to expand night rentals across the community.

“That didn’t make sense to many of us because occupancy rates in existing traditional rentals — condos, hotels and homes — are low,” said Kathy Cage, a local resident and former Town Council member. “We came to believe the Town Council was yielding to special interests that didn’t care about the overall health of the community.”

Allison Page, a real estate agent who opposed Measure Z, said critics miss the point.

“Those who voted for Measure Z simply didn’t want a party next door to their house,” Page said, shaking her head in exasperation.

In her view, Measure Z sends a bad message to visitors who prefer residential accommodations to hotels and motels. “As a result, we’re losing money,” Page said.

Despite voter sentiment, the battle is far from over because, as Wang discovered, the owners of nightly rentals often scoff at the laws. Town officials said enforcing those laws is costly and prosecuting violators is difficult.

"The problem isn't going to go away," Councilman John Wentworth said. "It's driven by billion-dollar companies with very sophisticated online technology that have their crosshairs on communities like ours.

"It would be great if online home-sharing companies like Airbnb would give us access to their databanks so that we could see exactly where people are renting illegally," Wentworth continued. "But we can't get them to even return our phone calls."

A spokeswoman for Airbnb, which lists 1.2 million vacation rental properties worldwide, declined to comment. louis.sahagun

[@latimes.com](mailto:louis.sahagun@latimes.com)



WALLY SKALIJ Los Angeles Times

A MAN STROLLS through The Village in Mammoth Lakes. Although short-term rentals attract tourists, provide extra income for homeowners and boost tax revenue, some residents oppose the practice.

Subject: RE: Air BnB is a business

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From: CHogin@localgovlaw.com

To: [REDACTED] peak.mullen.wagner@gmail.com

Cc: jhouse@malibucity.org; LRosenthal@malibucity.org; LLaMonte@malibucity.org; JSibert@malibucity.org; SPeak@malibucity.org; RFeldman@malibucity.org

Date: Friday, October 28, 2016, 12:54:56 PM PDT

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Mr. Sampson:

Of course I am familiar with your concern over the short term vacation rental use in your neighborhood and I understand your description of the house as a motel. I admire your involvement and I know the Council appreciates community engagement on issues they care about. Obviously, we would all prefer if our elected representatives made the choices we want so we could just do other things and not have to engage politically. As we all know, democracy and well-informed decision-making depend on citizen engagement. There are competing interests to consider and elected representatives depend on people offering their points of view and experience. Obviously, you know all that since you serve as a perfect (albeit understandably reluctant) example of citizen engagement. The reason I write (and honestly I have never done this before) is because your email suggests that you have misplaced your attention. Let me explain.

The question of whether short-term vacation rentals is a unique land use is a very hot topic among planning professionals. Those who say that it is not a unique land use rely on the fact that homes can be rented and whether it is for a year, a month, or a weekend does not change the essential character of the "use" as the "rental of property." Those who say that it is a unique land use rely on the essential distinction between a "residential" use and a "transient" use; transiency is antithetical to the characteristics of a residential neighborhood that promotes relative permanency and family-life routines (nighttime quiet, work/school week rhythms, voter precincts, long-term social investment in neighborhood infrastructure, weekly trash pick-up, neighborhood watch). [side note: I know you frame the question as "business" versus "residential" use and that generally works. The fact that money changes hands is insufficient for a legal distinction because rents and mortgages and other commercial interests in homes are also a form of "business" with money changing hands. But I know what you mean].

Zoning ordinances prohibit all uses that are not listed. Because short-term vacation rental is a phenomenon that has taken root because of the internet-fueled "shared economy," that specific use is not listed in most older zoning ordinances. So, the issue becomes whether that use is reasonably like a single-family home (because people sleep and eat there and can rent it) or whether it is a whole new use (because it is transient and not residential in character). That interpretation of the zoning ordinance is done by the city council and city staff (and, at last, here is my point) and not by the city attorney. I do not make a legal determination which of those interpretations apply. They are both plausible. The City interprets its own zoning code.

In fact, I represent the City of Hermosa Beach, which interpreted its code to not permit short-term vacation rentals and later adopted an express ban. I have successfully defended Hermosa's ban in two lawsuits and am now defending it in the Court of Appeal. My job is to assist the city council to know what its legal range of choices is and to defend the decision of the political body. In Hermosa's case that has meant enforcing and defending a ban on short-term vacation rentals in residential neighborhoods. In Malibu's case that has meant enforcing the registration and tax requirements. My vague recollection is that the city studied the use in 2009 as part of an analysis of City tax revenue and decided to enforce the TOT and treat the short-term rental as a rental of residential property, same as if it were longer term.

In the end, to achieve the policy goal you want, you have to persuade the City Council that it is better for the community. This is not a decision to be made by lawyers (thank goodness).

As you know, the staff and I have been charged with developing some ordinances that will impose additional regulations if enacted.

Sorry for the long-winded and uninvited response. I hope you will receive it in the spirit it is intended – just to offer facts to someone who cares deeply about an issue.

Have a great weekend,

Christi

**BROWN ACT ADMONITION:** Councilmembers are copied on this email because they received the original. Councilmembers, please do not reply-to-all to this email. It is provided to all councilmembers for information only. This email is a public record.

**From:** Skylar, Rick & Zuma Jay <[peak.mullen.wagner@gmail.com](mailto:peak.mullen.wagner@gmail.com)>

**Sent:** Friday, October 28, 2016 8:50 AM

**To:** Bill Sampson

**Cc:** Skylar Peak; Joan House; John Sibert; Laura Rosenthal; Lou La Monte; Reva Feldman

**Subject:** Re: Air BnB is a business

Thank you Bill!

On Friday, October 28, 2016, Bill Sampson [REDACTED] wrote:  
Gentlepersons:

I again suggest that you have independent counsel review the erroneous opinion of Ms. Hogin that operation of a motel in a single family residential district is not a business. I have attached a short article from this morning's (10/28/2016) Los Angeles Times concerning San Diego and the difficulties started by this rogue form of business. You should note that the San Diego Chamber of Commerce is rushing to the defense of these businesses. If the chamber thinks such motels in residential neighborhoods are businesses they are. Please cease your reliance on an opinion that is clearly an outlier and have this matter reviewed by counsel with no connection to Ms. Hogin or her firm. I am sure such an opinion would concur that a business is being unlawfully operated on our residential street (Cottontail Lane). Treating these businesses as the businesses that they are and then enforcing our current laws would result in far less expense (and angst) than attempting to craft legislation with its inevitable loopholes through which persons such as the operators on our street will attempt to slither.

Thank you for your attention.

Bill Sampson  
Rosemary Sampson

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**Bill Sampson**

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**From:** ann steinsapir [REDACTED]  
**Sent:** Thursday, October 08, 2015 9:47 AM  
**To:** SPeak@malibucity.org  
**Cc:** Jim Thorsen  
**Subject:** [REDACTED]

**Re:** [REDACTED] ("Property")

To whom it may concern:

We are writing in connection with the above referenced Property, which is being used in violation of the zoning code of our neighborhood. The current owners, Tim Keenan and Jenny Rossi ("Business Owners"), purchased the single-family house not as a private residence, but solely as a business venture. This fact is undisputed as the one of the two Business Owners recently confessed that he purchased the home to run a motel because "[he] needs to support [his] family."

In fact, the Business Owners bought the house, renovated it, built extensions on the front of the property without permits and not up to code, and proceeded to rent it out in 7-day or fewer increments during the spring, summer, and fall months of 2015. The Business Owners have never occupied or lived in the house – it has and continues to be used as a motel. The garage was renovated for use as a sleeping area without proper permits and not up to code. Thus the house often has a large number of occupants sleeping there.

Purchasing a house in an R-1 zoned residential area, designated as Single Family Medium (SFM) under the Malibu Municipal Code ("Municipal Code") to operate a motel, violates city, county and state law. For example, and without limitation, the Municipal Code does not identify running a motel as a permitted use for a home in a SFM designated neighborhood. Moreover, even assuming the Municipal Code permitted this (which it does not) the Business Owners have not obtained a business license to run a motel. If they seek a business license, the neighborhood will oppose it on a variety of grounds, including health violations, parking issues, as well as the use of alcohol and tobacco on the business premises.

And even if the owners were able to obtain a business license, which they cannot, at the very least, the neighborhood would request that the owners have an overseer on site, sound proof the business (see, e.g., Municipal Code § 5.04.10) and otherwise conduct the business in accordance with law (*i.e.*, hold a hearing to obtain a liquor license prior to allowing the use of alcohol).

On Saturday morning, September 4, 2015, at about 2 AM, after several attempts to reach Mr. Keenan because his short-term occupants were disturbing the peace with a noisy, boisterous party, the sheriff's department was called and asked to come and

break up the event. Almost an identical occurrence happened again on October 3, 2015. Motels are required to have on-site managers to see to this sort of activity – it is not the responsibility of private citizens to police the occupants. In fact, the Malibu Municipal Code expressly prohibits such noise violations and the City Manager is expressly required to enforce this section. See, *id.* 8.24.010 *et seq.* It would be a breach of fiduciary duty to continue to ignore the Malibu Municipal Code, or otherwise fail to enforce it.

In addition to the noise violations, the short-term renters speed on this small cul-de-sac, drink and smoke heavily, and use all available parking on the street. Often six or more cars are parked on the street belonging to the short-term occupants. They use the front of the house as a clothesline for wet clothes and towels. Short-term renters – unlike long-term renters and property owners - have no loyalty to the neighborhood or the neighbors; hence our quality of life has been seriously affected for the worse.

While the advent of short term rentals is a relatively new problem vexing the community, the issue of protecting single family neighbors from business enterprises which don't meet code requirements for buildings, which don't obtain licenses and therefore bypass all of the regular protections for fire, life, safety, sanitation, parking, on site supervision, noise, alcohol and the like, is not new. In the case of a party who purchases a building with code defects for the purpose of renting short term to excessive numbers of occupants, it isn't a grey area, it is black and white.

All we are asking the city council and the city manager is to do what they agreed to when taking office: enforce the Municipal Code. The local government cannot allow the Business Owners to operate a motel without a license and entirely in violation of the Municipal Code, county and state law. It is up to you, as our representatives to do what the City of Malibu has promised to do in writing, enforce the Municipal Code.

Very truly yours,  
Rudi Bendiksen

[REDACTED]

Norma and James Crandall

[REDACTED]

Rosemary and William Sampson

[REDACTED]

Ann and Laurence Steinsapir

[REDACTED]

Toni and Jack Teufel

[REDACTED]

Marjorie Weston



**Kathleen Stecko**

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**Subject:** FW: Tonight's Item 5C  
**Attachments:** 11.20.17 STR Item 5C.docx

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

**From:** Beatrix Z [REDACTED]  
**Sent:** Monday, November 20, 2017 7:39 AM  
**To:** Heather Glaser <hglaser@malibucity.org>; John Mazza <res02igz@verizon.net>; steve.uhring@gmail.com; Chris Marx <xramman@gmail.com>; jdjennings@verizon.net  
**Subject:** Tonight's Item 5C

Good Morning Heather:

Would you kindly distribute my letter to all of the planning commissioners for tonight's meeting...

Thank you!

-Beatrix Zilinskas

Date Received 11/20/17 Time 11:05 AM  
Planning Commission meeting of 11/20/17  
Agenda Item No. 5C  
Total No. of Pages 5

CC: Planning Commission, PD, Recording  
Secretary, Reference Binder, File

11/20/2017

Dear Planning Commissioners:

Thank you for hearing me this evening.

I would like to strongly urge you to reject the staff's proposed ordinance. The analysis, while acknowledging that enforcement of the existing ordinance is difficult, reads like an investment prospectus by downplaying the impacts and growing worldwide resistance to short term rentals and overstating the proposed ordinance's ability to be enforced.

Firstly, allowing short term rentals in residential neighborhoods is 100% counter to zoning laws. The city taxing registered short term rental properties as if they were hotels supports that observation. The law abiders are being punished for being law abiders by the city's accommodation of the zoning law breakers. And it's exactly this kind of conflict in side-by-side property use that precipitated zoning laws in the first place.

Secondly, having firsthand experience with this – the city is powerless to effectively enforce their codes much less this ordinance. So short term rental landlords stand to doubly profit from Malibu's beleaguered code enforcement.

The city did not have a reliable system for keeping a record of complaints regarding short term rentals so they hired SWS to keep track. I can say from firsthand experience that SWS does not function as stated and is therefore a waste of time and money and is probably why others, like me, stopped calling SWS when there are short term rental-related problems such as noise, cars parked all over the road, cars coming and going all during the night, trespassing, littering, throwing lit cigarettes into ESHA and high fire danger areas, etc. All the things that destroy what constitutes a desirable neighborhood to LIVE in.

The existing ordinance of a party of over 15 being held by a short term renter being illegal is unenforceable by the sheriff and even if city staff or SWS staff were available to enforce on weekends and after hours, they wouldn't be able to without a serious breach of privacy laws. Neat loophole. And why is the max STR occupancy set at 14 people when other city laws regarding day care businesses and the ilk are maxed at 12 people? A short term rental is NOT a residence when it is rented. It is a business use of a house.

I don't want to offer any suggestions on how to make conditional short term rentals work but I haven't heard any useful, practical suggestions coming from the council. Only that they are willing to sacrifice the peaceful enjoyment of their homes by most of Malibu's residents to the financial benefit of the few, STR landlords who aren't even required to live in the neighborhoods they are exploiting. That being said, I would suggest a photo ID system that is easily accessed by the sheriff's department at 3 o'clock in the morning, like a driver's license, to identify that the STR landlord is present when guests are present.

Thirdly - not making it a requirement that the property is the owner's primary residence? This is what I am talking about the proposed ordinance being an open invitation to real estate investor/speculators to come exploit the peace and quiet of Malibu. Everything the staff is proposing relies on the neighbors becoming the defacto security system for it all and I resent that intensely. People do not pay a fortune for their homes only to become the onsite first responders to the next door motel/cash cow.

According to the report there are anywhere from 177 to 377 properties that are registered as short term rentals in Malibu. There are approximately 5200-5500 dwelling units in Malibu per USA data.com. Banning short term rentals outright would benefit the majority of the city at the expense of approximately 3% of the dwellings operating as short term rentals. Lost TOT revenues could be made up by enforcing code, especially violations that are a blatant disregard of the law and violations that pose a risk to the existing structure and/or neighbors. Also, reporting new construction and additions to existing structures in a timely manner to the county tax assessor would bring in owed tax revenue that is currently not being collected.

Please reject this ordinance as counter to zoning laws, counter to the Malibu General Plan, counter to the Malibu LUP and LIP and counter to the Malibu Municipal Code.

Thank you,

Beatrix Zilinskas

Approximately 5300 - 5500 dwelling units in Malibu according to DataUSA.com

From Malibu General Plan:

**LU OBJECTIVE 2.2:** DEVELOPMENT CONSISTENT WITH THE EFFICIENT OPERATION OF THE TRAFFIC SYSTEM AND SERVICE INFRASTRUCTURE WITH ADEQUATE CAPACITY TO SERVE ALL RESIDENTS.

**LU Policy 2.2.1:** The City shall require adequate infrastructure, including but not limited to roads, water, and wastewater disposal capacity, as a condition of proposed development.

**LU OBJECTIVE 4.4:** SUCCESSFUL BUSINESSES APPROPRIATE TO MALIBU.

**LU Policy 4.4.1:** The City shall encourage establishment and continued operation of small neighborhood and community serving businesses.

**LU Policy 4.4.2:** The City shall limit commercial uses to neighborhood serving uses in the Las Flores, Point Dume and Trancas commercial areas.

**LU Policy 4.4.3:** The City shall regulate design of new bed and breakfast inns to foster “country-inn type” establishments and regulate the size and design of other hotel development to ensure development compatible with a rural residential community and discourage convention hotel developments by limiting on the same site ancillary uses such as banquet and meeting rooms and limiting restaurants to a capacity necessary to serve guests of the hotel only.

**LU Policy 4.4.4:** The City shall permit commercial uses such as home offices, art studios, family day care facilities, equestrian and other similar uses in residential areas if they do not result in any substantial diminution in the quiet rural residential character of the area.

**.From the LIP:**

3. Uses That Require a Permit. The Planning Manager (Manager) may allow any reasonable use as determined by the Manager pursuant to a home occupation permit. The home occupation must operate in compliance with City Ordinances and the general requirements set forth below.

a. The applicant shall submit a complete written description of the proposed home occupation including but not be limited to, anticipated hours of operation, anticipated storage of materials and supplies, amount of

pedestrian and/or vehicular traffic generated by the home occupation, and a graphic representation of the location of the proposed home occupation within structures on the property.

b. An application for home occupation permit shall be completed on forms provided by the City and include such plans as are reasonably required by the Manager for a complete understanding of the application. The application shall be accompanied by a filing fee in an amount set by resolution of the City Council.

c. When the Manager determines that the application is complete, the Manager shall give written notice of the application to all owners and residents of all properties within 500 feet of the proposed home occupation, but in no event shall less than 10 nearest developed properties be notified. Where there are less than 10 properties within 500 feet of the proposed home occupation, the Manager shall give written notice to the owners and residents of the 10 properties nearest the proposed home occupation. The written notice shall include a brief description of the proposed home occupation, the address of the proposed occupation, the date, time and location of any public meeting or hearing about the application. No sooner than 10 calendar days after the owners and residents are notified and no later than 30 calendar days after receipt of the complete application, the Manager will conduct a meeting to consider the application and all written and oral comments.

From Table B – permitted uses in the LIP:

RESIDENTIAL (continued)															
Large family day care (serving 7 to 12 persons)	LFDC	LFDC	LFDC												

**B. Single Family (SF) Zone**

1. Purpose

The SF District will serve the majority of the City’s single-family residential parcels. The intent of this District is to enhance the rural characteristics of the community by maintaining low density residential development in a manner which respects surrounding property owners and the natural environment.

From the MMC:

3.24.020 Definitions.

Except where the context otherwise requires, the definitions given in this section shall govern the construction of this chapter.

“Hotel” means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist *home* or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, rental unit, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof, and shall further include any trailer court, camp, park or lot where trailer spaces,

or combinations of such spaces and trailers, including mobilehomes, are occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes.

“Occupancy” means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

“Operator” means the person who is proprietor of the hotel, whether in the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

“Person” means any individual, firm, partnership, joint venture association, social club, fraternal organization, joint stock company, corporation, estate, trust, *business* trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

“Rent” means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

“Tax Administrator” means the city manager or his or her designee.

“Transient” means any person who exercises occupancy or is entitled to occupancy for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person shall be deemed to be a transient until the period of thirty (30) days has expired. In the event that any person rents or leases a hotel room(s) for more than thirty (30) consecutive calendar days, the determination of transiency for purposes of applying this chapter shall be based on the time period of actual occupancy of the room by a natural person or persons and not the duration of the room(s) reservation, lease or rental agreement. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this chapter may be considered. (Prior code § 6401)

**chuck inc.**

RECEIVED  
NOV 14 2017  
PLANNING DEPT.

John ...

Michael Husting suggested I  
address this letter to you. I  
apologize for the printing quality  
as my printer appears to be on  
the blink

This is my POV and the  
experience I went through recently.

Thank you for your continued  
efforts to change things



CC: Planning Commission, PD, Recording  
Secretary, Reference Binder, File

Date Received 11-14-17 Time 5:00 pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 4

# Chuck Phillips

November 14, 2017

John Mazza  
c/o Malibu City Council  
23825 Stuart Ranch Road  
Malibu CA 90265

Dear John:

I stand with those in opposition to the current proliferation of short-term (less than 30 day) rentals on Malibu Road. And to those commercial rental services such as AirBnB that are complicit in the perpetuation of this destructive phenomena:

- The increasing displacement of long term environmentally sensitive Malibu tenants for more profitable short term "vacationers" (weekenders in many instances) who are comparatively remiss to the impact they're having on their surroundings.
- The noise disruption/pandemonium resulting from an accelerated number of social events occurring in the neighborhood, often extending well beyond midnight.
- The accumulation of added trash both on the beach and in the overflowing street bins.

- The impact on road traffic and the limited number of parking places available to residents on this road. Problems exacerbated on weekends and holidays, the most popular entertainment times for vacationing tenants.

My recent personal experience of this situation was as follows:

I was "displaced" from my [REDACTED] apartment rental in February 2016, three months after the four-unit building was purchased by Ufer Schepter. I was resident there for six years and four months (from October 15, 2009). I am 80 years old.

I began to scout other area options after being alerted by Mr. Schepter to forthcoming major construction renovations on his property that would necessitate tenants exiting the building. He said I would be given first opportunity to return once those renovations were completed. At this same time I was notified by one of Mr. Schepter's confidants that he was intending to convert the entire building into AirBnB short term rental suites. Based upon these inputs I signed a lease at [REDACTED] and filed my departure notice with Mr. Schepter. Immediately upon receipt of which, he issued eviction notices to the two remaining long term building tenants Timothy Lopes and John Hanlan (I sensed he delayed these actions until receiving mine to avoid potential legal entanglements due to my age).

Now 15 months subsequent to my departure, there has been no significant reconstruction performed upon that site other than cosmetic improvements to the garages and entry. Even the peeling exterior paint, long a source of neighborhood embarrassment, remains the same. And true to the prediction of the confidant, the spaces have subsequently been leased exclusively to short term AirBnB clients.

And my promised "right of first refusal" has unsurprisingly ended up a myth.

In the Spring of 2016 the Schepfer family next purchased [REDACTED], immediately next door to where I reside currently. On the July 4th 2016 weekend Mr. Schepfer leased it to a Silicon Valley entrepreneur (rumored to be the now celebrated/dispatched Uber founder) who hosted three days and nights of boisterous parties that went full throttle to 4am (and included a nightly parade of glamorous prostitutes who started streaming in around midnight). At 2:30am on the second night I complained about the excessive noise to the Sheriff's Department who dispatched a unit to restore order. Mr. Schepfer apologized for the disturbance, saying that his guest had violated the terms of their agreement which included a 14 person limit to the number of people allowed there during any given time period. I told him the number exceeded that five-fold, and pointed out that they had disabled his security systems so his client's guests could enter without using the traditional (and time consuming) entry system. Mr. Schepfer showed up at 3am up on the final day of that weekend, screaming demands from the road for all to leave, and vowed he would never to rent that space to short term renters again. But I don't believe he's honored that vow.

My point is that for the preservation of the area and respect for the environmentally sensitive people who live here, that short-term/opportunistic rentals be banned from Malibu Road. I look forward to attending the Planning Commission hearing on the 20<sup>th</sup>.

Respectfully,



Chuck Phillips

[REDACTED]  
[REDACTED]

**Kathleen Stecko**

---

**Subject:** Malibu Short-Term Rental Ordinance

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

**From:** charles skouras [REDACTED]  
**Sent:** Sunday, November 19, 2017 4:58 PM  
**To:** Heather Glaser <hglaser@malibucity.org>  
**Subject:** Malibu Short-Term Rental Ordinance

To: Heather Glaser, City Clerk

For: Distribution To The Planning Commissioner and the Malibu Planning Department

As a 25 year resident of Malibu Road, I am writing you to voice my support for the proposed Malibu Short-Term Rental Ordinance that is posted at <https://www.malibucity.org/AgendaCenter/ViewFile/Item/2988?fileID=3691>.

Over the past few years, as a result of AirBnB, VBRO and other short term platforms, I have seen a dramatic change to Malibu Rd. I have lost friends/neighbors who have been displaced by landlords who are turning their rental units into de facto motels. There has been an increase of trash and litter, speeding on a child and pet friendly street, and strangers lurking around my property. What was once what I felt to be a safe and friendly neighborhood is rapidly turning otherwise. I have heard that there is an increase in crime although have not personally experienced such.

This proposal will go a long way to rectify these issues. If passed, I hope that the City will be able to monitor, enforce and close the loopholes and workarounds that I'm sure they'll face.

Thank you in advance for trying to protect the quality of life that we all love and experience.

Sincerely,

Charlie Skouras  
[REDACTED]

Date Received 11/20/17 Time 11:00 AM  
Planning Commission meeting of 11/20/17  
Agenda Item No. 5C  
Total No. of Pages 1

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File

**Patricia Salazar**

---

**From:** Desiree Zachary <desiree@kranesmith.com>  
**Sent:** Friday, November 17, 2017 5:58 PM  
**To:** Bonnie Blue; Stephanie Hawner; Patricia Salazar  
**Cc:** Jeremy Smith  
**Subject:** SIEGEL - MALIBU  
**Attachments:** MALIBU.01 dated 111717.pdf

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NOV 20 2017  
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Ms. Bluem, Ms. Lawner and Ms. Salazar

See attached correspondence from Mr. Smith dated November 17, 2017

Desiree L.B. Zachary  
Office Administrator, Paralegal and Sr. Administrative Legal Assistant  
**KRANE & SMITH, APC**  
16255 Ventura Boulevard  
Suite 600  
Encino, CA 91436  
(818) 382-4000 Tel  
(818) 382-4001 Fax  
[desiree@kranesmith.com](mailto:desiree@kranesmith.com)

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Please consider the environment before printing this e-mail.

Date Received 11/20/17 Time 11:00 AM  
Planning Commission meeting of 11/20/17  
Agenda Item No. 5C  
Total No. of Pages 4

SAMUEL KRANE (1941-2013)  
MARC SMITH  
RALPH C. LOEB  
JEREMY D. SMITH  
DANIEL L. REBACK  
BENJAMIN J. SMITH  
JOSHUA A. NAJEMY

OF COUNSEL:  
SAMUEL J. SMITH

**KRANE & SMITH**  
A PROFESSIONAL CORPORATION  
SUITE 600  
16255 VENTURA BOULEVARD  
ENCINO, CALIFORNIA 91436-2302

TELEPHONE (818) 382-4000  
FACSIMILE (818) 382-4001

Via U.S. Mail and e-mail

November 17, 2017

Bonnie Blue Planning Director 23825 Stuart Ranch Road. Malibu, CA 90265  BBlue@Malibucity.org	Stephanie Lawner Senior Planner 23825 Stuart Ranch Road. Malibu, CA 90265  SHawner@Malibucity.org	Patricia Salazar Senior Administration Analyst 23825 Stuart Ranch Road. Malibu, CA 90265  PSalazar@Malibucity.org
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***Re: Objection to City of Malibu Zoning Text Amendment No. 17-002, Malibu Planning Commission Resolution No. 17-83, and Recommendation that Title 17 of the Malibu Municipal Code be Amended with Respect to the Use of 20306-201312 Pacific Coast Highway (APN: 4450-004-034) (the "Property")***

Dear Ms. Bluem Ms. Lawner, and Ms. Salazar:

This letter serves as Siegel's Malibu Oceanfront, LLC's ("Owner")—owner of the above-referenced Property—objection to the aforementioned resolutions, recommendations, and proposed amendments to the Malibu Code concerning "Short Term Rentals." Further, Owner rejects any assertion by the City of Malibu that allowing short term rentals at the Property violates Malibu Municipal Code (MMC) 17.14.020, 17.14.030 and 17.14.040 as "[m]otels (and hotels) are not allowed in the Multifamily Beachfront ("MFBF") zone." For the reasons stated herein, we respectfully disagree with your contention that the Property is somehow precluded from providing short term rentals.

***1. MMC does not Preclude Short Term Rentals at the Property***

MMC has no applicable provision that precludes short term rentals at the Property. Indeed, the City of Malibu, as seen in city council hearings, has been quite candid about the shortfalls and ambiguities that exist within the MMC – particularly as to how MMC fails to address the proliferation of rentals through websites such as Airbnb, VRBO, and the like at properties that do not meet the definition of "motel." Such is the case with the Property.

***2. The Property is not a Motel as Defined by the MMC, but is Permitted as an Existing Multifamily Building.***

The City of Malibu has previously cited MMC 17.14.020, 17.14.030 and 17.14.040 for the proposition that motels are not permitted in the MFBF zone. Those sections are representative of the ambiguities in the MMC. The sections merely list the types of permitted uses and do not

specifically prohibit any type of use. As such, you are necessarily arguing that motels are not allowed because they are omitted. The fallacy of this argument is confirmed when applied to existing multifamily properties which are omitted as well (only additions to existing multifamily buildings are expressly referenced as permitted). Despite the omission, there can be no question that existing multifamily properties are allowed within the MFBF zone.

Moreover, the code simply does not support your contention that the Property qualifies as a "motel" as defined in MMC 17.02.060, which provides, in pertinent part, the following:

"Motel" means facility offering transient lodging accommodations to the public in a group of attached or detached buildings containing guest rooms..."

The subject Property is a multifamily property with four individual apartment units. It is not a "facility." It does not consist of a "group of attached or detached buildings." Further, it does not "contain[] guest rooms." The apartments at the Property are individual dwelling units. It requires a tortured reading and flawed analysis to assert that the Property fits within the MMC's definition of a "Motel".

In reviewing MMC 17.02.060, it is evident that the most applicable definition to the subject Property's units is the definition of "Apartment Unit". An "Apartment Unit" means one or more rooms with private bath and kitchen facilities comprising an independent rental unit." This definition precisely describes each of the units at the Property. Apartment Units are permitted in the MFBF, and there is no prohibition against the short-term rental of Apartment Units in the MMC. An Apartment Unit does not become a Motel upon providing short-term rentals as your letter suggests. Similarly, single-family residences are permitted in the MFBF zone, and it is well known that such homes are rented on a short-term basis in the MFBF zone. The logic in your November 1 Letter would make the single-family residences Motels too.

## 2. *Grandfathered Status.*

While the City of Malibu may be permitted to enact ordinances that are applicable to future property owners, the Owner's use of the Property for short-term rentals should be grandfathered – particularly insofar as Owner acquired the Property based on the uses permitted at the time of acquisition, the city's historical allowance of such use (even at this particular Property), and the Owner's confirmed commitment to deal with the City of Malibu openly and honestly.

Moreover, the purchase price paid for this Property was substantial, and the deprivation of the Owner's rights to rent the Property on a short-term basis would be tantamount to an unconstitutional taking, substantially reducing its value and force the Owner to seek all available rights and remedies, and violation of the Equal Protection Clause of the United States Constitution, as it applies to the City of Malibu through the Fourteenth Amendment. The City of Malibu should be targeting the significant number of owners in the city that are conducting short-term rentals and not obtaining Transient Tax Certificates and certainly not remitting the transient tax to the city.

Siegel/Malibu  
November 17, 2017  
Page 3

To target the owners that attempt to do the right thing, create revenue for the city and comply with the law is misguided.

We look forward to quickly resolving the issues discussed herein. For each day that the Owner is unable to conduct short-term rentals it is suffering substantial harm.

Should you have any questions, please feel free to contact me.

Very truly yours,

KRANE & SMITH

A handwritten signature in black ink, appearing to read 'Jeremy D. Smith', with a long horizontal flourish extending to the right.

JEREMY D. SMITH

JDS:dlbz  
cc: Michael Stein  
Rob Beyer

**Kathleen Stecko**

---

**From:** Steve Uhring <steveuhring@yahoo.com>  
**Sent:** Friday, November 10, 2017 6:26 PM  
**To:** Kathleen Stecko  
**Subject:** Fw: RE: Zoning Text Amendment No. 17-002 / Planning Commission Meeting Date - November 20, 2017  
**Attachments:** Vacation Rental Agreement 104 Seal.pdf; Vacation Rental Agreement 104 Seal for HomeAway.pdf

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Kathleen,

The attached documents were sent to me by Fred Gains and should be distributed to the other commissioners.

Thanks

steveU

----- Forwarded Message -----

**From:** Fred Gaines <fgaines@gaineslaw.com>  
**To:** Steve Uhring <steveuhring@yahoo.com>  
**Sent:** Friday, November 10, 2017, 3:32:08 PM PST  
**Subject:** RE: Zoning Text Amendment No. 17-002 / Planning Commission Meeting Date - November 20, 2017

Hello Steve – Attached are the form lease and rules for the renters as you had requested. Please let me know when would be a good time for a follow up meeting or telephone conversation. Thanks.

**Fred Gaines, Esq.**



Gaines & Stacey LLP

16633 Ventura Blvd., Suite 1220

Encino, CA 91436

Telephone - 818-933-0200 ext. 1201

Fax - 818-933-0222

[fgaines@gaineslaw.com](mailto:fgaines@gaineslaw.com) | [website](#) | [bio](#)

Date Received 11-13-17 Time 7:30 am  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 12

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File

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**From:** Fred Gaines  
**Sent:** Thursday, November 09, 2017 4:41 PM  
**To:** Steve Uhring <steveuhring@yahoo.com>  
**Subject:** RE: Re: Fw: Zoning Text Amendment No. 17-002 / Planning Commission Meeting Date - November 20, 2017

Hello Steve – Thank you for your response. Yes, my client does have a form lease and rules for the renters. I will email those to you as soon as I can get them from my client. I apologize that it might not be until Monday due to the holiday tomorrow.

Once I send those over I know that my client, Sue Peck, would greatly appreciate the chance to meet or speak with you next week before the November 20 meeting.

Thanks again.

**Fred Gaines, Esq.**



Gaines & Stacey LLP

16633 Ventura Blvd., Suite 1220

Encino, CA 91436

*Telephone* - 818-933-0200 ext. 1201

*Fax* - 818-933-0222

[fgaines@gainestlaw.com](mailto:fgaines@gainestlaw.com) | [website](#) | [bio](#)

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From: Steve Uhring

Sent: Thursday, November 9, 11:52 AM

Subject: Re: Fw: Zoning Text Amendment No. 17-002 / Planning Commission Meeting Date - November 20, 2017

To: Tiffany Perry

Tiffany,

I am one of the planning commissioners in Malibu. After reading your letter I wanted to get more information on how Sandpiper deals with the rentals.

Do you know if there is a contract they make the renters sign to stay there. If so, is it possible for me to get a copy. I am not interested in price information, just the terms.

Thanks in advance.

Steve Uhring

Begin forwarded message:

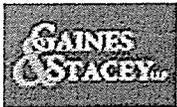
On Wednesday, November 8, 2017, 4:30 PM, Tiffany Perry <[tperry@gaineslaw.com](mailto:tperry@gaineslaw.com)> wrote:

Chair Pierson and Honorable Planning Commissioners,

Attached please find a copy of correspondence to you of today's date. If you have any questions, please do not hesitate to contact our office.

**Tiffany Perry**

**Legal Assistant**



Gaines & Stacey LLP

16633 Ventura Blvd., Suite 1220

Encino, CA 91436

*Telephone* - 818-933-0200 ext. 1212

*Fax* - 818-933-0222

[tperry@gaineslaw.com](mailto:tperry@gaineslaw.com) | [website](#)

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## Kathleen Stecko

---

**From:** Chris Marx <chrismalibupc@gmail.com>  
**Sent:** Sunday, November 12, 2017 5:18 PM  
**To:** Kathleen Stecko  
**Subject:** Fwd: Zoning Text Amendment No. 17-002 / Planning Commission Meeting Date - November 20, 2017  
**Attachments:** image001.jpg; Vacation Rental Agreement 104 Seal.pdf; Vacation Rental Agreement 104 Seal for HomeAway.pdf

FYI...

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

From: **Fred Gaines** <[fgaines@gaineslaw.com](mailto:fgaines@gaineslaw.com)>

Date: Fri, Nov 10, 2017 at 3:50 PM

Subject: RE: Zoning Text Amendment No. 17-002 / Planning Commission Meeting Date - November 20, 2017

To: Chris Marx <[chrismalibupc@gmail.com](mailto:chrismalibupc@gmail.com)>

Hello Chris - I hope all is well with you. I'm following up on my letter dated November 8 regarding the proposed Short Term Rental Ordinance. My client, Sue Peck, would greatly appreciate the chance to meet or speak with you next week before the November 20 meeting to discuss this item further. Please let me know when would be a good time for a follow up meeting or telephone conversation.

Also, FYI, I have attached copies of my client's form lease and rules for renters, which we believe could be a model for short term rentals in Malibu.

Thanks.

Fred Gaines, Esq.

[cid:image001.jpg@01D1B020.F1C9C7B0]

Gaines & Stacey LLP  
16633 Ventura Blvd., Suite 1220  
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[fgaines@gaineslaw.com](mailto:fgaines@gaineslaw.com)<<mailto:fgaines@gaineslaw.com>> | website<<http://gaineslaw.com/>> |  
bio<<http://gaineslaw.com/attorneys/fred-gaines>>

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**Seal**  
**Vacation Rentals, VRBO & Home Away #363759**  
**Vacation Rental Agreement**  
**1 BED/1 BATH - 22860 Pacific Coast Highway #104, Malibu, CA 90265**

This Short Term Rental Agreement is entered into the \_\_\_ day of \_\_\_\_\_, 2017 by and between Sandpiper 22860 LLC, Owner and \_\_\_\_\_ Guest(s) (or Tenant).

**Premises (or Rental Unit):** Owner rents to the Guest and the Guest rents from the Owner for Residential use only, the premises known as 22860 Pacific Coast Highway #104, Malibu, CA 90265. It is a 1 bedroom, 1 bathroom vacation/temporary Residential rental with a maximum occupancy of 4 guests at all times.

**Rental costs are due in advance no later than the day of check in.**

Daily Rate: \$ _____	Number of Nights _____	=	\$ _____
Weekly Rate: \$ _____	Number of Nights _____	=	\$ _____
Monthly Rate: \$ _____	Number of Nights _____	=	\$ _____
	12% Malibu City Tax	=	\$ _____
Pet Fee: \$ <u>50.00</u>	Number of Pets _____	Number of Nights _____	= \$ <u>N/A</u>
	Cleaning Fee:	=	\$ <u>150.00</u>

<b>TOTAL RENTAL COST</b>	<b>\$ _____</b>
--------------------------	-----------------

There is a 3-day minimum stay. If rental is less than 3 nights, a surcharge of 20% of total rental cost *may* be assessed. If so, it will be included in the rental rate above.

<b>Security Deposit due upon execution of Agreement</b>	\$ <u>1,000.00</u>
<b>Reservation Deposit Due</b> _____	\$ <u>N/A</u>
<b>Balance due upon arrival</b>	\$ _____
<b>** ALL PAYMENTS MUST BE IN THE FORM OF CREDIT CARD OR CASHIER'S CHECK IN US DOLLARS **</b>	

Security Deposit: \$1000.00 plus (pet deposit) \$ N/A for a total of \$ 1,000.00.

Guest shall not use security deposit to pay rental costs. Owner may claim (withhold) from the security deposit only such amounts as are reasonably necessary to remedy Tenant (guests and/or invitee) defaults as follows: Rental Home must be returned in same condition as when originally rented. All articles and personal property have been inventoried before and after each tenancy. Any missing or damaged items will be the responsibility of the Guest. The security deposit is usually refunded within 3 business days after departure.

**Term:** Check in: after 3 pm on \_\_\_\_\_ (MM/DD/YY)

Check out: by 11 am on \_\_\_\_\_ (MM/DD/YY)

**Guest Initials:** \_\_\_\_\_

**Holdover by Guest:** Should the current Guest (whose signature is on this agreement) remain in possession of premises after initial term of booking, only with written consent of Owner, Guest shall pay in advance all additional days. Should the current Guest remain in possession of premises after initial term of booking, and when a new Guest has previously booked the unit for the same days, the current Guest agrees to pay 3 times the daily or weekly rate in order to relocate the next new Guest to a satisfactory lodging property.

**Cancellation Policy:** After booking, if the property is cancelled by the Guest, the refundable security deposit and the reservation deposit payments may be forfeited as a cancellation fee, if the property is unable to be re-rented to another party. This cancellation policy applies to the entire reservation and/or any portion of the reservation.

**Travelers Insurance:** There are companies that provide insurance for the traveler in case of emergencies that might cause the guest to cancel their reservation. The guest(s) is responsible for purchasing their own travelers insurance if they desire the coverage.

**Smoking:** Smoking is not allowed in the Rental Home or on the deck. If Guest does smoke in the Rental Home or on the deck a \$500.00 cleaning fee will be deducted from the security deposit.

**Prohibited Uses:** No commercial use of the property ie: rental unit, common area, or beach is permitted at any time. Notwithstanding the forgoing, Guests shall not use rented premises for the purpose of film making, events, or large gatherings.

**Deck Limit:** No more than four (4) persons are permitted on the deck at anytime. To ensure the tranquility of the environment no noise or music before 9am or after 9pm on the deck.

**Housekeeping:** There is no daily housekeeping service. Linens and towels are included in the unit. While the unit will be cleaned for your arrival and you are not responsible to clean upon your departure, (daily housekeeping service is not included in the rental amount).

**Additional Rent:** Any amount of money due pursuant to any provision of this agreement may be deemed as additional rent at the Owner's discretion whether actually noted as additional rent or not on any document between the parties.

**Upgrade to another rental:** At the Owner's discretion you may be upgraded to another unit with or without prior notice.

**Maintenance:** If there are any repairs, service or technical needs, Guest will notify Owner by phone or email of the issue so that it can be rectified. Guest shall keep the premises and furniture, furnishings, appliances, and fixtures, which are rented for Guest's exclusive use in good order and condition. Guest shall pay owner for costs to repair, replace, or rebuild any portion of the premises damaged by Guest, Guest's guests and/or invitees.

**No Assignment:** No portion of said premises shall be sublet nor this agreement assigned. Any attempt at subletting or assignment by the Guest shall, at the election of Owner, be an irremediable breach of this agreement.

**No Waiver:** Waiver by Owner of a breach of any covenant will not be construed to be a continuing waiver of any subsequent breach. Owner's receipt of rent with knowledge of Guests violation of a covenant does not waive Owner's rights to enforce any covenant to the agreement.

**Lead Warning Statement:** Owner has no knowledge of lead-based paint and/or lead-based hazards on the premises. Owner has no reports or records pertaining to lead-based paint and/or lead-based hazards.

**Insurance:** Owner does not insure Guest(s) for any personal injury or property damage including, but not limited to; that caused by the act or omission of any Guest or third party, or by any criminal act, war, riot, insurrection, fire, or act of God. Guest shall obtain and pay for any insurance coverage necessary to protect Guest and Guest's property from losses or expense that may be caused by such persons or events.

**Guest Initials:** \_\_\_\_\_

**Right of Entry:** The Owner or his agents or his employees may enter the premises in case of emergency, when the Guest has abandoned or surrendered the premises, to make necessary or agreed-upon repairs, decorations, alterations, or improvements, to supply necessary or agreed services, and to exhibit the Rental Home to prospective or actual workmen, or contractors - provided that the Guest is given reasonable notice prior to Owner's intent to enter, with entrance during normal business hours (9am - 5pm).

**Comply with the Law:** Guest shall not violate any government law in the use of the Rental Home, commit waste or nuisance, annoy, molest, or interfere with any other Guest or neighbor's quiet enjoyment.

**Liability:** The undersigned Guest(s), whether or not in actual possession of the Rental Home, are jointly and severally liable for all obligations under this rental agreement, and shall indemnify Owner for liability arising prior to the termination of the agreement for personal injuries or property damage caused or permitted by the Guest(s), their guests and/or invitees. This does not waive an "Owner's duty of care" to prevent personal injury or property damage where the duty is imposed by law.

**Condition of Premises:** Guest will inspect the premises (or Vacation Rental Home) upon arrival and report any problems immediately. This policy will continue throughout the stay.

**No Alterations:** No repairs, decorations, or alterations shall be done by Guest(s) without Owner's prior written consent.

**Keys, remotes and clickers:** If guest(s) neglects to leave/return the keys, remotes or clickers upon their departure. There will be a fee of \$50.00 for each item not returned.

**Parking in Assigned Spaces:** 1 car in garage, 1 car tandem. Additional parking is available on the street.

**Septic:** All Malibu properties are on septic systems. The septic system is very effective; however, it will clog up if improper material is flushed. DO NOT FLUSH anything other than toilet paper. No feminine products or paper towels should be flushed at anytime.

**This is Not a Party Unit:** Parties or parties like atmospheres are not allowed at any time for reasons including (but not limited to) possible property damage and injury. Only the person(s) named in this agreement shall occupy Rental Home, Maximum occupancy at all times is four (4) persons. If a party does occur, Owner reserves the right to cause Guest(s) to forfeit their full rent, their security deposit and to evict the Guest(s) immediately.

**Named Guests and Ages:** Only the following named person(s) shall occupy Rental Home (please print first and last names):

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Name: \_\_\_\_\_ Age: \_\_\_\_\_

This vacation rental has a maximum occupancy of four (4) guests at all times. No additional persons shall occupy said Rental Home or any part thereof without Owner's written consent. Each additional person is subject to a \$75 daily fee while staying in the unit, and is subject to the same rules and agreements as the undersigned Guest.

**Children:** At all times children are under the custody, care, and control of the parents who have full responsibility to supervise and protect their health and safety.

**Pets:** Except as medically necessary for Guest assistance, no bird or animal shall be allowed in or about said premises, without Owner's written permission and an additional \$200 security deposit, signed pet agreement, and a daily pet surcharge of \$50.

Dogs must be on leash in common areas.

Family Pet Name: \_\_\_\_\_ Type of Pet: \_\_\_\_\_ Breed: \_\_\_\_\_ Age: \_\_\_\_\_ Weight: \_\_\_\_\_

**Guest Initials:** \_\_\_\_\_

Additional Provisions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owner and Guest(s) have carefully read and reviewed this rental agreement and by the execution of this rental agreement show their informed and voluntary consent thereto. The unit is not reserved until the fully signed rental agreement is accepted by both parties and the refundable security deposit has been paid. By signing Guest agreements to personally guarantee payment for this rental agreement.

Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
SANDPIPER 22860 LLC

Guest: \_\_\_\_\_ Date: \_\_\_\_\_  
GUEST SIGNATURE

\_\_\_\_\_  
PRINT NAME

Cell # \_\_\_\_\_  
CONTACT TELEPHONE

SANDPIPER 22860 LLC  
P.O. Box 1098  
Malibu, CA 90265  
310-806-2363

**Seal**  
**Vacation Rentals, VRBO & Home Away #363759**  
**Vacation Rental Agreement**  
**1 BED/1 BATH - 22860 Pacific Coast Highway #104, Malibu, CA 90265**

**CREDIT CARD AUTHORIZATION**

Name \_\_\_\_\_ rental dates \_\_\_\_\_

**Security Deposit:** \$1,000.00  
**Reservation Deposit due :** N/A  
**Rental Fees due upon arrival:** \$

If you wish to use a credit card for this rental per the rental agreement, please provide the following information.

Name on Credit card \_\_\_\_\_

Credit card billing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Country \_\_\_\_\_

Type of Credit Card:  Master Card  Visa  American Express  Discover

Credit Card Number \_\_\_\_\_

Exp date \_\_\_\_\_ CVV (Security) Code \_\_\_\_\_

I certify that all information is complete and accurate and that I am the authorized signer of the credit card listed above.

I hereby authorize Sandpiper 22860 LLC to collect payment for all authorized charges per the rental agreement attached by processing charges to the credit card listed above.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Seal

VRBO & Home Away #363759

1 BED/1 BATH - [REDACTED]

### Terms and Conditions

**Premises (or Rental Unit):** Owner rents to the Guest and the Guest rents from the Owner for Residential use only, the premises known as 22860 Pacific Coast Highway #104, Malibu, CA 90265. It is a 1 bedroom, 1 bathroom vacation/temporary Residential rental with a maximum occupancy of 4 guests at all times.

**Security Deposit:** \$1000.00 plus the pet deposit \$200.00 if applicable. Guest shall not use security deposit to pay rental costs. Owner may claim (withhold) from the security deposit only such amounts as are reasonably necessary to remedy Tenant (guests and/or invitee) defaults as follows: Rental Home must be returned in same condition as when originally rented. All articles and personal property have been inventoried before and after each tenancy. Any missing or damaged items will be the responsibility of the Guest. The security deposit is usually refunded within 3 business days after departure.

**Check-in/out:** Check in: after 3 pm / Check out: by 11 am

**Holdover by Guest:** Should the current Guest (whose signature is on this agreement) remain in possession of premises after initial term of booking, only with written consent of Owner, Guest shall pay in advance all additional days. Should the current Guest remain in possession of premises after initial term of booking, and when a new Guest has previously booked the unit for the same days, the current Guest agrees to pay 3 times the daily or weekly rate in order to relocate the next new Guest to a satisfactory lodging property.

**Cancellation Policy:** After booking, if the property is cancelled by the Guest, the refundable security deposit and the reservation deposit payments may be forfeited as a cancellation fee, if the property is unable to be re-rented to another party. This cancellation policy applies to the entire reservation and/or any portion of the reservation.

**Travelers Insurance:** There are companies that provide insurance for the traveler in case of emergencies that might cause the guest to cancel their reservation. The guest(s) is responsible for purchasing their own travelers insurance if they desire the coverage.

**Smoking:** Smoking is not allowed in the Rental Home or on the deck. If Guest does smoke in the Rental Home or on the deck a \$500.00 cleaning fee will be deducted from the security deposit.

**Prohibited Uses:** No commercial use of the property ie: rental unit, common area, or beach is permitted at any time. Notwithstanding the foregoing, Guests shall not use rented premises for the purpose of film making, events, or large gatherings.

**Deck Limit:** No more than four (4) persons are permitted on the deck at anytime. To ensure the tranquility of the environment no noise or music before 9am or after 9pm on the deck.

**Housekeeping:** There is no daily housekeeping service. Linens and towels are included in the unit. While the unit will be cleaned for your arrival and you are not responsible to clean upon your departure, (daily housekeeping service is not included in the rental amount).

**Additional Rent:** Any amount of money due pursuant to any provision of this agreement may be deemed as additional rent at the Owner's discretion whether actually noted as additional rent or not on any document between the parties.

**Upgrade to another rental:** At the Owner's discretion you may be upgraded to another unit with or without prior notice.

**Maintenance:** If there are any repairs, service or technical needs, Guest will notify Owner by phone or email of the issue so that it can be rectified. Guest shall keep the premises and furniture, furnishings, appliances, and fixtures, which are rented for Guest's exclusive use in good order and condition. Guest shall pay owner for costs to repair, replace, or rebuild any portion of the premises damaged by Guest, Guest's guests and/or invitees.

**No Assignment:** No portion of said premises shall be sublet nor this agreement assigned. Any attempt at subletting or assignment by the Guest shall, at the election of Owner, be an irremediable breach of this agreement.

**No Waiver:** Waiver by Owner of a breach of any covenant will not be construed to be a continuing waiver of any subsequent

breach. Owner's receipt of rent with knowledge of Guests violation of a covenant does not waive Owner's rights to enforce any covenant to the agreement.

**Lead Warning Statement:** Owner has no knowledge of lead-based paint and/or lead-based hazards on the premises. Owner has no reports or records pertaining to lead-based paint and/or lead-based hazards.

**Insurance:** Owner does not insure Guest(s) for any personal injury or property damage including, but not limited to; that caused by the act or omission of any Guest or third party, or by any criminal act, war, riot, insurrection, fire, or act of God. Guest shall obtain and pay for any insurance coverage necessary to protect Guest and Guest's property from losses or expense that may be caused by such persons or events.

**Right of Entry:** The Owner or his agents or his employees may enter the premises in case of emergency, when the Guest has abandoned or surrendered the premises, to make necessary or agreed-upon repairs, decorations, alterations, or improvements, to supply necessary or agreed services, and to exhibit the Rental Home to prospective or actual workmen, or contractors - provided that the Guest is given reasonable notice prior to Owner's intent to enter, with entrance during normal business hours (9am - 5pm).

**Comply with the Law:** Guest shall not violate any government law in the use of the Rental Home, commit waste or nuisance, annoy, molest, or interfere with any other Guest or neighbor's quiet enjoyment.

**Liability:** The undersigned Guest(s), whether or not in actual possession of the Rental Home, are jointly and severally liable for all obligations under this rental agreement, and shall indemnify Owner for liability arising prior to the termination of the agreement for personal injuries or property damage caused or permitted by the Guest(s), their guests and/or invitees. This does not waive an "Owner's duty of care" to prevent personal injury or property damage where the duty is imposed by law.

**Condition of Premises:** Guest will inspect the premises (or Vacation Rental Home) upon arrival and report any problems immediately. This policy will continue throughout the stay.

**No Alterations:** No repairs, decorations, or alterations shall be done by Guest(s) without Owner's prior written consent.

**Keys, remotes and clickers:** If guest(s) neglects to leave/return the keys, remotes or clickers upon their departure. There will be a fee of \$50.00 for each item not returned.

**Parking in Assigned Spaces:** 1 car in garage, 1 car tandem. Additional parking is available on the street.

**Septic:** All Malibu properties are on septic systems. The septic system is very effective; however, it will clog up if improper material is flushed. DO NOT FLUSH anything other than toilet paper. No feminine products or paper towels should be flushed at anytime.

**This is Not a Party Unit:** Parties or parties like atmospheres are not allowed at any time for reasons including (but not limited to) possible property damage and injury. Only the person(s) named in this agreement shall occupy Rental Home, Maximum occupancy at all times is four (4) persons. If a party does occur, Owner reserves the right to cause Guest(s) to forfeit their full rent, their security deposit and to evict the Guest(s) immediately.

**Maximum Occupancy:** This vacation rental has a maximum occupancy of four (4) guests at all times. No additional persons shall occupy said Rental Home or any part thereof without Owner's written consent. Each additional person is subject to a \$75 daily fee while staying in the unit, and is subject to the same rules and agreements as the undersigned Guest.

**Children:** At all times children are under the custody, care, and control of the parents who have full responsibility to supervise and protect their health and safety.

**Pets:** Except as medically necessary for Guest assistance, no bird or animal shall be allowed in or about said premises, without Owner's written permission, signed pet agreement and an additional \$200 security deposit, signed pet agreement, and a daily pet surcharge of \$50. Dogs must be on leash in common areas.

FRED GAINES  
SHERMAN L. STACEY  
LISA A. WEINBERG\*  
REBECCA A. THOMPSON  
NANCI SESSIONS-STACEY  
KIMBERLY A. RIBLE  
ALICIA B. BARTLEY

\* a professional corporation

LAW OFFICES OF  
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ENCINO, CA 91436-1872

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FACSIMILE (818) 933-0222  
INTERNET: WWW.GAINESLAW.COM

November 8, 2017

**ORIGINAL BY U.S. MAIL**

RECEIVED  
NOV 14 2017  
PLANNING DEPT.

**VIA EMAIL kstecko@malibucity.org**

Mikke Pierson, Chair  
Planning Commission  
City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265

Re: **Proposed Short Term Rental Ordinance**  
Zoning Text Amendment No. 17-002  
Planning Commission Meeting Date - November 20, 2017

Dear Chair Pierson and Honorable Planning Commissioners:

This law office represents Sandpiper 22860 LLC, owner of a multi-family residential building in Malibu. We are writing to request modifications to the proposed Short Term Rental Ordinance.

We appreciate that the proposed amendments to Title 17 (Zoning Ordinance) are intended to regulate short-term residential rental properties to address concerns regarding parking, noise and adherence to safety requirements. We believe that those goals can be accomplished without a complete ban on short term rentals in multi-family housing.

Our client currently offers a limited number of short-term rentals to well-screened, and often repeat visitors to Malibu. With the low availability of hotel rooms, especially for families, these rentals clearly meet the visitor-serving use endorsed by the California Coastal Commission. Additionally, since these rentals are more economical than hotel rooms, families which would otherwise not be able to vacation in Malibu have an affordable option for a short term visit.

Our client has successfully paired long-term and short-term rentals in its multi-family building year-round. There have been no complaints in over eight years of operations. Our client pays the City TOT tax, which is significant when totaled over the last eight years.

Date Received 11-14-17 Time 5:00 pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 2

CC: Planning Commission, PD, Recording  
Secretary, Reference Binder, File

Mikke Pierson, Chair

November 8, 2017

Page 2

How does our client achieve this result?

1. The individuals and families are thoroughly vetted by an experienced management team.
2. Any tenant issues or problems are addressed by building management that is available 24 hours/day.
3. There is a minimum stay of three (3) days for each visit.
4. There is a strictly enforced ban on parties, events, weddings or large gatherings of any kind.
5. No more than one-third of the units of the building are used for short-term rentals.
6. On-site parking is provided.
7. There are strictly adhered to and enforced maximum occupancy limits for the units, the decks and the property.
8. There is a relatively high security deposit, which encourages compliance with all owner requirements.

Our client respectfully requests that the City modify the proposed ordinance to either (a) Grandfather in short term rentals in multi-family units that meet the above criteria; or, (b) allow owners of multi-family buildings who are willing to meet the above criteria to offer short-term rentals.

Thank you for your consideration.

Sincerely,

GAINES & STACEY LLP

By

  
FRED GAINES

cc: All Planning Commissioners (Via Email)  
Bonnie Blue, Planning Director (Via Email)  
Christi Hogin, City Attorney (Via Email)

## Marina Sek

---

**From:** Marina Sek  
**Sent:** Thursday, November 16, 2017 7:53 AM  
**To:** Marina Sek  
**Subject:** FW: Short Term Rentals / Planning Commission Meeting Date - November 20, 2017 / Proposed Amendment Language  
**Attachments:** MMC 17.55.pdf

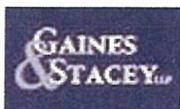
RECEIVED  
NOV 15 2017  
PLANNING DEPT.

**From:** Fred Gaines [<mailto:fgaines@gaineslaw.com>]  
**Sent:** Wednesday, November 15, 2017 6:07 PM  
**To:** Mikke Pierson <[zjmikke@gmail.com](mailto:zjmikke@gmail.com)>; Chris Marx <[chrismalibupc@gmail.com](mailto:chrismalibupc@gmail.com)>; John Mazza <[Res02igz@gte.net](mailto:Res02igz@gte.net)>; Steve Uhring <[steveuhring@yahoo.com](mailto:steveuhring@yahoo.com)>; Jeffrey D Jennings <[jdjenningslaw@gmail.com](mailto:jdjenningslaw@gmail.com)>  
**Cc:** Bonnie Blue <[bblue@malibucity.org](mailto:bblue@malibucity.org)>; Stephanie Hawner <[shawner@malibucity.org](mailto:shawner@malibucity.org)>; Rebecca Thompson <[rthompson@gaineslaw.com](mailto:rthompson@gaineslaw.com)>  
**Subject:** Short Term Rentals / Planning Commission Meeting Date - November 20, 2017 / Proposed Amendment Language

Hello Planning Commissioners – Following up on my previous correspondence to you on behalf of my client Sandpiper 22860 LLC, for your consideration attached please find some proposed amendment language which would allow no more than 3 units in any multifamily building to be used for short term rentals. We believe that, combined with appropriate renter rules and landlord controls, this language provides a more fair and reasonable control than the proposed total ban on any short term rentals in buildings containing three or more dwelling units. We would greatly appreciate your consideration of this language during your deliberations on Monday.

My client Sue Peck and I would greatly appreciate the opportunity to meet or talk with you further about these issues. Please let me know if I can answer any questions or provide any additional information. Thanks.

Fred Gaines, Esq.



Gaines & Stacey LLP  
16633 Ventura Blvd., Suite 1220  
Encino, CA 91436  
Telephone - 818-933-0200 ext. 1201  
Fax - 818-933-0222

[fgaines@gaineslaw.com](mailto:fgaines@gaineslaw.com) | [website](#) | [bio](#)

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Date Received 11-16-17 Time 7:30AM  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 2

Chapter 17.55 (Short Term Rental of Property) of the MMC

Section 17.55.020 Short Term Rentals in Multifamily Housing.

- A. Short term rental of property ~~is prohibited~~ in multifamily residential buildings ~~containing~~ shall be limited to no more than three ~~or more~~ dwelling units per multifamily building (including, but not limited to, triplexes, condominiums, stock cooperatives, apartments, and similar developments):
1. No person or entity shall offer, advertise, facilitate or make available for rent, or rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration more than three residential ~~dwelling, a dwelling units~~ per multifamily building or a portion thereof for a period of thirty (30) consecutive days or less in such buildings.
  2. No person shall occupy a residential dwelling, a dwelling unit or a portion thereof, of any multifamily building offering more than three dwelling units for a period of (30) consecutive days or less pursuant to a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration in such buildings.

**Kathleen Stecko**

**Subject:** City Council Meeting-Agenda Item 5C-Nov 20 2017

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

**From:** Hayley Moss [REDACTED]

**Sent:** Monday, November 20, 2017 2:44 AM

**To:** Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Laura Rosenthal <lrosenthal@malibucity.org>; Skylar Peak <speak@malibucity.org>; Lou La Monte <llamonte@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; Bonnie Blue <bblue@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>

**Subject:** City Council Meeting-Agenda Item 5C-Nov 20 2017

Att:

City Council Members, City Manager and City Clerk,

I am a 16 year resident of Malibu.I moved to Malibu after I lost my home in New York City, due to the terrorist attacks on The World Trade Towers on Sept 11,2001. I lived 4 blocks away at the time.

I am a Film and Tv Composer and I work from home. I am a renter and I have been living in Guest House's since I arrived. The last few years I have found the rents doubling. Forcing me to constantly be moving. At great expense and loss of work, downtime of not having my studio while moving and rebuilding.The last time I moved there were 0 rentals available that were not outrageously expensive. All of the guest houses were on Airbnb or Homeaway.

I understand and respect people's need to sustain their lifestyles by renting out there guest house's and properties. I also know that our communities of musicians and artists are part of the fabric of Malibu.

Most of the major cities around the world have either banned Airbnb or restricted it to a maximum number of days that people can rent out their properties. They have done this for the same reason why we need to implement something similar here.Its destroying the rental market for affordable housing, as well as turning our beautiful home into a transient trap. There are many problems that can come with this. Im sure we are all aware of how precarious our fire vulnerabilities are and the lack of adequate septic to handle increased numbers..There are important reasons why short term rentals are being banned world wide, we need to follow suit and take similar actions.

As of now my year lease is up in March and my landlord will be turning my guest house into a short term rental.They don't even live here anymore and are now renting out the main house as a short term rental too.

I am not sure I will be able to continue to call Malibu my home, as there are no affordable guest houses left. This deeply saddens me.

I truly hope that we can find away to limit the number of days someone can rent out a unit that would fall in the one and two bedroom range, as these were the only affordable housing options for us left.

Thank You for listening....

Hayley Moss

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Date Received 11/20/17 Time 11:00 AM  
Planning Commission meeting of 11/20/17  
Agenda Item No. 5C  
Total No. of Pages 1

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

May 26, 2017

Dear Friends, Councilmen and Planning Department and City of Malibu

It has come to my attention that you are considering how to properly manage vacation rentals in the City of Malibu.. I offer the following thoughts on the matter.

- **My family has owned a home on 26758 Latigo Shore Drive since 1956.** When my parents died the family home was passed on to their children and for the generations following to enjoy.
- **Vacation Rental by Owner** In order to keep the old family home, we have been using this web site to rent to families that enjoy the beach. We have been successful in doing this since 2006.
- **We are able to pay the city and county taxes plus maintenance expenses,** which allows the family to use the property whenever it is vacant.
- **Neighbor's wishes and complaints** - We are especially sensitive to the neighbors. We follow the HOA rules for parking and excess noise. We carefully screen the tenants and express to them that when they rent our home that they become part of the neighborhood and to be quiet and respectful. It is not to be a party house.
- **The number of people who occupy** the rental is clearly limited and specified so that we do not overload our septic system.

I hope we can continue to keep our old family home in Malibu and at the same time meet Malibu City rules. We live less than five minutes from the rental property, so we can respond to any complaints or calls as necessary. We would be glad to post (a Malibu City standard form) our contact/manager phone number on the rental home should anyone need to call for any reason: Fire, Police or City Official.

Jerry & Lea Anderson, [REDACTED]

Date Received 11-20-17 Time 6:30 pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 1

**Kathleen Stecko**

---

**From:** Jae Flo [REDACTED]  
**Sent:** Monday, November 20, 2017 1:08 PM  
**To:** John Mazza; steve.uhring@gmail.com; Chris Marx; Kathleen Stecko; Mikke Pierson  
**Subject:** Item 5C AirBNB

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

Dear Planning Commissioners,

2014 in the midst of an enormous campaign, running not just one candidate but three, we stood at market after market talking to residents. We had endless coffees, meet-and-greets, Chili Cookoff, forums, walked door-to-door as we immersed the Peak-Mullen-Wagner team into the community of Malibu for six months.

The **Number One** issue, I do mean #1, I experienced these candidates being approached on day after day were short-term rentals. Overwhelmingly.

- We heard how residential neighborhoods are being transformed into commercial hotel zones overnight with no discussion, no oversight and no control.
- How people are wheeling in Airstreams onto properties, many times multiple, creating instant motels to rent out to tourists.
- Placing mobile units on property were no guesthouse would ever be legally allowed. Even parking them at the beach and renting them out.
- We heard from renters who told us that they can no longer find any affordable longterm rentals.
- Residents being forced out of homes they had lived in for decades so owners could turn them into AirBNB hotels. Rents escalated quickly, they can no longer afford their homes.
- Artists, students, teachers, nurses forced out of Malibu as affordable housing disappeared in an eye blink.
- Elderly people living here for decades now overrun with party-central next door as a revolving door of visitors have flooded into their once quiet, livable residential neighborhood.

I remember thinking that this city needs to represent our residents as they stood before us feeling unheard. Many times hopeless. These candidates ran and won on this AirBNB platform of promising stringent oversight.

I hope Malibu will look at other beach cities who have finally drawn a line in the sand. Found a path. I trust that you will keep the rural mandate of Malibu firmly in your minds as you discuss and vote on this critical issue. I know for a fact that short-term rentals are causing great concern in our town.

Thank you all for reading and for your wise, hard work to protect Malibu!

Best,

Jae Flora Katz

\*Please forward to Jeff, his email comes back.

Date Received 11-20-17 Time 3:00pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 1

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File

Jean-Marie Bonthous, PhD



RECEIVED  
NOV 14 2017  
PLANNING DEPT.

November 3, 2017  
Ms. Stephanie Hawner  
Senior Planner  
Malibu City Hall  
Ref: Short-term Rental Ordinance meeting Nov. 20

Dear Ms Hawner:

I own a vacation rental house in Malibu. I will be in Europe on November 20 and will not be able to attend the hearing for short term rentals as I would have liked. I am writing to share my experience and my recommendations regarding the contemplated ordinance.

I have rented out the house for years. I am registered with the City and pay transient taxes every quarter. Here are my learnings and recommendations, based on hundreds of successful rentals.

**Summary**

There is no need to restrict or prohibit STR in Malibu

All that is needed is owner education, and stiff fines for bad behavior.

Why embark on a downward spiral of restrictions which will foster community resentment, trigger expensive lawsuits and poison the Malibu community's climate and image?

What is needed is innovation in how to optimize STR, rather than to follow the negative trend of restrictions followed by other communities,

The situation in Malibu is different from LA: STR do not deplete the long term rental pool.

There is a better way. I speak from experience. More than 400 rentals. Let me explain.

- With the proper procedures in place, Guests do not create nuisances--noise or others. I screen guests carefully. I ask for a \$1,000 deposit, and I have in the agreements a clause saying that for every noise complaint from a neighbor, I get to withdraw \$250 from the security deposit. This does it. My neighbors compliment me about the behavior of my guests.
- Guests are most of the time families, often multi-generational, often with pets. They want to stay together in one same space, cook together, spend quality private time together by the fireplace, on the terrace, by the BBQ, walk on the beach together, etc... What they are looking for could not be provided by a hotel. A short term rental in Malibu provides a experience which fulfils a very real, very specific legitimate need in the marketplace.

Date Received 11-14-17 Time 5:00 pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 2

- The need for vacation rentals in Malibu is not limited to summer and winter vacations. Each year, we have people booking for an extended period of time for the winter months, to escape the weather in Canada or the Midwest. In the spring, people come to attend graduations. Year-round, it is people wanting to take a break, chill, have a romantic getaway, celebrate a special occasion, or have a little family reunion. The need exists year-round, not just during summer and year-end vacations.
- The rentals benefit the city and the local businesses greatly. People who rent in Malibu have disposable income, and they spend it in local businesses. My guests alone have spent millions in Malibu businesses. I, myself, have paid more than \$100K in transient taxes since the city started collecting taxes. I spend a lot more on local cleaning personnel, the gardener, maintenance people and other service personnel than I would if I was living in the house.
- I'm 68, retired. This rental is my main source of income. If Malibu short term rentals are not allowed, or restricted, the lower income that I would get from a one year lease would not be sufficient to cover my medical bills and I would have to sell the house.
- Unlike in Los Angeles, the Malibu short-term rentals do not increase the cost of long term rentals. I ran a test. I placed an ad in Zillow offering the house with a one year lease, and asking for the same one-year rate which Zillow Rentals recommends. The ad has been running for 6 months and I have not found takers. This proves that, unlike in LA, there is no pent-up demand in Malibu for long-term rentals. The demand in Malibu is for short term rentals. Malibu short-term rentals do not unduly raise year-round rental rates.
- My recommendation is to leave things as they are. Impose heavy fines on owners who do not pay transient taxes and on owners whose guests create nuisances. Establish a Malibu short term rentals code of conduct with penalties and recommendations. Education goes a much longer way than restrictions. Position Malibu outside the nasty fight between platforms and municipalities. Set a positive example which will enhance the city's reputational capital.
- Why not aim to create in Malibu the best behaved short term vacation rentals in America thanks to a quality educational program for owners? Why not do something innovative, rather than something which would create resentment, and satisfy a small just a few?
- Again I would be glad to help, as an unpaid volunteer, to formulate recommendations or help develop an Owners training communication program. And I'm confident that property management companies would be glad to join in the effort too. Aim for a win-win situation and show that Malibu is unlike any other place!

Thank you for reading. Kind regards



Jean-Marie Bonthous

**Patricia Salazar**

---

**Subject:** FW: [FWD: From Kim Devane - addressing AIRBNB & Public Access BAN AIRBNB AND ILLEGAL HOTELS IN MALIBU + MALIBU PLANNING COMMISSION HEARING - NOV 20, 2017]

**Attachments:** Malibu Road AIRBNB and VRBO Problem.docx; NO more Public Access on Malibu Road.docx

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

**From:** [REDACTED]

**Sent:** Sunday, November 19, 2017 5:15 PM

**To:** Patricia Salazar

**Subject:** [FWD: From Kim Devane - addressing AIRBNB & Public Access BAN AIRBNB AND ILLEGAL HOTELS IN MALIBU + MALIBU PLANNING COMMISSION HEARING - NOV 20, 2017]

Pls forward to council members

thank you

Kimberly Devane, President  
Divine Imaging Inc. - **a small, woman-owned company!**

[REDACTED]

Divine Accepts Fedstrip/Milstrip MOP  
Phone : 310-579-4000

[REDACTED]

Divine sells everything! What else do you need?

***I swear to you there are divine things more beautiful than words can tell!***  
Walt Whitman

***Small Woman Owned Business for Year End Purchases!***  
***Credit Card- WAWF- Milstrip- Fedstrip***  
***GSA - DoD - DLA - TXMAS***

**TIN/FEIN:** 20-8159365 **Cage Code:** 3FVT5 **DUNS:** 132080123

FedMall MILSTRIP Contract SP47W117D0014

\*\*\*Use contract number + description/part number to find our products\*\*\*

Click here to request a quote!

[REDACTED]

Click here to request Divine customer service  
[REDACTED]

Date Received 11/20/17 Time 11:10 AM  
Planning Commission meeting of 11/20/17  
Agenda Item No. 5C  
Total No. of Pages 3

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

Subject: From Kim Devane - addressing AIRBNB & Public Access BAN AIRBNB AND ILLEGAL HOTELS IN MALIBU + MALIBU PLANNING COMMISSION HEARING - NOV 20, 2017

From: [REDACTED]

Date: Wed, November 01, 2017 12:12 pm

To: "Michael Lustig" [REDACTED]

**Michael -- we will be out of town--BUMMER!!!!**

**kd**

**Malibu Road AIRBNB and VRBO Problem**

To Whom it may concern:

WE need to limit the short term rentals in Malibu and on Malibu Road specifically. It has changed the complexion of the area and it is no longer a community neighborhood.

WE are experiencing much more:

Trash & littering on the beach and on the road

Fast Driving- Speeding transient visitor endangering lives

Dog Poop left on beach and road

Theft & Crime—several more incidents of theft since people can stake out the area during their short terms stays. Observe/ learn habits etc.

Domestic Violence- had incidents of hookers, stolen cars, cops and sirens and arrests right next store

Loud Parties—erupt at any time and last into the evening. Complete disregard for neighbors

Parking issues- strangers parking in our driveways, in front to our house, not allowing for our family and guests

Too many strange dogs- Dogs off leash—pooping everywhere not being cleaned up, way more dog fights

No Quiet Enjoyment of our property- No privacy—strangers rolling in daily next store—ruining use of our deck, sunbathing etc.

NO neighborhood watch--- no neighbors left in a community where we knew all our neighbors and left our doors unlocked- no one looking out for each other

Fires on the beach- unpermitted and dangerous

Unpermitted wedding, events, filming and photo shoots all the time from short term renters

Single family homes rented to multiple people/families--

No patrolling of streets by city or extra clean up etc

WE must have limits on these short term rentals or there will be no more Malibu and Malibu Road.

Sincerely

Kim Devane  
[REDACTED]

[REDACTED]

=====  
**NO more Public Access on Malibu Road**

The proposal to put another Public access next to 25312 Malibu Rd Malibu, CA 90265 is ludicrous. There is a huge public beach within ¼ of a mile so no more access is needed at this point in the road.

This is a quid-pro-quo give back from a builder/land owner to get a permit through quickly and/or a larger density structure approved.

This is a slide area.

Vacant lot is already tiny with no room for beach access

This area has no beach most of the time due to high tide.  
There are already 6 public access on Malibu Rd.  
Each of them has as issue with trash, no trash cans, no public restrooms, no beach to speak of most of the time and lack of oversight from city or county officials.  
Late night parties erupt.  
It erodes safety and is not monitored at night. Transients now sleep on the beach and stairwells and defecate.  
Promotes more unleashed animals on the beach.

I am strongly opposed to public access at this address on Malibu Road!

Kim Devane  
[REDACTED]

Kimberly Devane, President  
Divine Imaging Inc. - ***a small, woman-owned company!***  
[REDACTED]

Divine Accepts Fedstrip/Milstrip MOP  
[REDACTED]

Divine sells everything! What else do you need?

***Small Woman Owned Business for Year End Purchases!***  
***Credit Card- WAWF- Milstrip- Fedstrip***  
***GSA - DoD - DLA - TXMAS***

**TIN/FEIN: 20-8159365 Cage Code: 3FVT5 DUNS: 132080123**

FedMall MILSTRIP Contract SP47W117D0014

\*\*\*Use contract number + description/part number to find our products\*\*\*

Click here to request a quote!  
[REDACTED]

Click here to request Divine customer service  
[REDACTED]

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

Subject: BAN AIRBNB AND ILLEGAL HOTELS IN MALIBU + MALIBU PLANNING COMMISSION HEARING - NOV 20, 2017

From: Michael Lustig <[REDACTED]>  
Date: Tue, October 31, 2017 11:01 pm  
To: Michael Lustig <[REDACTED]>

Dear friends and neighbors,

Thank you for taking to the time to speak with me over the last few days.

Finally, everyone around Malibu is talking about the problem of short-term rentals, Airbnb, and the very real threat that illegal hotels pose to our local economy and our way of life. This didn't happen overnight. It crept up on us, and this past summer it began to explode. There's a despicable kind of greed at work here and it's gone viral.

We cannot wait any longer. Next summer will be much worse! We need to say NO to Airbnb and short-term rentals of less than 30 days.

Tenants are being harassed and intimidated by unscrupulous landlords who wish to convert their properties into short-term rentals and de facto hotels. Airbnb enables these speculators to operate commercial tourist enterprises next door to our homes while skirting decades old zoning laws that prohibit less than 30-day rentals.

Within three short years, investment groups, absentee owners and slumlords have virtually transformed the west end Malibu Road into a commercial zone without regard to the safety and serenity of their neighbors.

This unacceptable on every level and it is illegal.

According to data from [InsideAirBnB.com](http://insideairbnb.com) <<http://insideairbnb.com/>> In Malibu, there are 321 listings on Airbnb not including Home Away, VRBO and other platforms. 87% of these short-term rentals are entire units charging an average nightly rate of \$1086. Only 12% of Malibu Airbnb's are extra bedrooms in homes, or primary residences that the hosts occupy.

Last summer at the peak of the season there were at least 53 listings or 27% of all the homes on Malibu Rd were short term hotels. Only 3 of those listings fit the guidelines for legal "home sharing."

Of the 50 houses and multi-unit buildings between 25200-25440 Malibu Road, there are 33 or 60% now operating as illegal hotels.

At full capacity during the peak season these operators are turning over 120 transient tourists every few days. That's insane! Unsafe. And it has to stop!

Beyond that, Malibu has lost more than 350 homes to commercialization on our beaches between Topanga and Trancas.

Losing our friends and neighbors has amounted to an economic cleansing of what used to be a diverse middle class on Malibu Rd. Hard working professionals, couples and young families have been pushed out. Many of them were artists, writers, garmentos and other creative and interesting people. What was a once close-knit community of friends has been ripped apart and replaced by a daily rotation of tabloid tourists who invade for few nights hoping to get a selfie with Bey and Jay-Z.

Commercialized short-term rentals artificially inflate rental costs. As current tenants are priced out, most of the units have rapidly converted into hotels that potentially generate more than \$15,000-\$30,000 per month at 60% occupancy. Long-term units that return to market are double, sometimes triple the previous tenant rate. Monthly rents for one bedrooms have jumped from a reasonable \$2500-\$3500 to between \$4200-\$7500. That's rapacious, economically absurd and a direct negative consequence of scarcity caused

short term rentals.

Airbnb hopes to normalize its practices by ingratiating themselves to city councils (but really they're just duping them) by cutting them in for 12% in taxes. Many of the operators fail to register as rental businesses with IRS and don't pay the taxes.

There is no greater good to be had from short-term rentals. It's a lose-lose proposition but Malibu City Council can't quite see that yet. We need to help them.

Airbnb operators and their guests make for terrible neighbors. It's disconcerting, and disruptive to have groups of strangers checking in and out at all hours on a daily basis.

The floods of Airbnb customers stress the septic systems, waste precious water, and overflow the trash. Septic tanks were designed based on the size of building. With all of these illegal units extra stress on the septic tanks may cause damage and spread disease. These strangers come with extra cars and bring guests that use up our already limited parking. They're often inconsiderate of our personal space and then there's the loud parties!

But here's the rub, and another reason why you should support a ban:

it's not just renters who suffer. Eventually, nobody's going want to buy your house for what you think it's worth because there's an illegal hotel next door.

Sure, Malibu has an interdependent relationship with tourism that is essential to our economy. But that doesn't mean that speculators have the right to dislodge people from their apartments to illegally fill a demand for tourist lodging just because it's there.

Then comes the off-season and another set of problems:

Don't believe that slick Sotheby's video you saw on Facebook. We've lost control of our identity as a safe, laid-back beach community. What the world really sees is TMZ shamelessly promoting Malibu as a cheesy enclave of tabloid celebs, reality stars and the ultra-wealthy behaving like louts. Airbnb broadcasts what's available for thieving at the short term rentals and Google tells them who lives next door.

We're letting them advertise a crime wave for us and it's stupid.

When the short-term units are empty there's not enough full time residents left to keep an eye on things. We are now experiencing an influx of homeless people and rising crime. Cars are more frequently broken into, mailboxes are ransacked, and UPS packages are being stolen from our doorsteps. Robberies and assaults are on the rise, which means home invasions and violence is on the way.

Airbnb and their hosts will never bear any responsibility for the negative consequences, higher costs and crime that their business model is imposing on us. Airbnb is now 10th in total lobbyist spending for the lodging/tourism industry, and they fund organizations dedicated to limiting regulation of these destructive practices.

So what do we do about it? I'm asking for everyone to help with two things:

We need to come together as a group and let the Malibu Road Association and the Planning Commission know that the experiment has failed and it's time to ban the practice of short-term rentals.

We cannot be passive nor silent. It's a few hundred greedy operators. There's more of us than them. But we must join together and make it clear to city government that we are not going to allow Airbnb to dictate our future while reaping profits from decimating our

way of life and the beauty and uniqueness of our community.

Now is the time to act! We have two chances to be heard.

1.) Mark your calendars! The planning commission is meeting for a hearing on Monday, November 20th.

This is the last hearing before the commissioner makes his recommendation to City Council. The second opportunity will be when the Council meets early next year. I will circle back around with a reminder and the scheduled time.

If you're in town - show up!

2.) Write Letters to the Planning Commissioner and the Malibu City Council.

I will send another email next week with good language that you can easily cut and paste into an email for the commissioner.

Copies will also be sent to City Council Members in advance of when the issue comes to their agenda.

In very short order we are already close to 50 neighbors strong. Please spread the word to your friends and neighbors or put us in touch. We can put this fire out. Let me know if you have any questions.

Thanks again for listening and for caring about our way of life on Malibu Road.

sincerely,

Michael Lustig

## Malibu Road AIRBNB and VRBO Problem

To Whom it may concern:

WE need to limit the short term rentals in Malibu and on Malibu Road specifically. It has changed the complexion of the area and it is no longer a community neighborhood.

WE are experiencing much more:

Trash & littering on the beach and on the road

Fast Driving- Speeding transient visitor endangering lives

Dog Poop left on beach and road

Theft & Crime—several more incidents of theft since people can stake out the area during their short terms stays. Observe/ learn habits etc.

Domestic Violence- had incidents of hookers, stolen cars, cops and sirens and arrests right next store

Loud Parties—erupt at any time and last into the evening. Complete disregard for neighbors

Parking issues- strangers parking in our driveways, in front to our house, not allowing for our family and guests

Too many strange dogs- Dogs off leash—pooping everywhere not being cleaned up, way more dog fights

No Quiet Enjoyment of our property- No privacy—strangers rolling in daily next store—ruining use of our deck, sunbathing etc.

NO neighborhood watch--- no neighbors left in a community where we knew all our neighbors and left our doors unlocked- no one looking out for each other

Fires on the beach- unpermitted and dangerous

Unpermitted wedding, events, filming and photo shoots all the time from short term renters

Single family homes rented to multiple people/families--

No patrolling of streets by city or extra clean up etc

WE must have limits on these short term rentals or there will be no more Malibu and Malibu Road.

Sincerely

Kim Devane

[REDACTED]

[REDACTED]

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Kim Devane

[REDACTED]

[REDACTED]

**Kathleen Stecko**

---

**From:** Calvin Munoz <KMunoz@siegelcompanies.com>  
**Sent:** Monday, November 20, 2017 3:46 PM  
**To:** Kathleen Stecko  
**Subject:** Item 5C

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

Good afternoon, Kathleen,

I write to you regarding potentially pushing Item 5C up in tonight's hearing agenda. You requested that I send a formal email requesting the change in time slot for Item 5C. The reason being that a member of corporate counsel, Michael Stein, will be in attendance for tonight's hearing and wishes to speak on the matter. If at all possible, Mr. Stein would like to be on a plane back home tonight and fears that if Item 5C is left for last (or close to it), getting home will be cumbersome to say the least. You explained that a change is unlikely but I figured it's worth a shot.

It was a pleasure speaking with you earlier in the day. I would like to thank you for your guidance in this situation.

Best regards,

Kalvin Munoz  
Legal Assistant  
The Siegel Group  
A Division of The Siegel Group Nevada, Inc.  
3790 Paradise Rd, Ste 250, Las Vegas, NV 89169  
P. 702.947.8330 x 2312 F. 702.946.1683  
KMunoz@siegelcompanies.com  
www.siegelcompanies.com

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Date Received 11-20-17 Time 4:00 pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 1

CC: Planning Commission, PD, Recording  
Secretary, Reference Binder, File

**Kathleen Stecko**

**Subject:** my remarks last nite  
**Attachments:** estate21112017.pdf

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

**From:** Laurence Steinsapir [REDACTED]  
**Sent:** Tuesday, November 21, 2017 12:50 PM  
**To:** Bonnie Blue <bblue@malibucity.org>  
**Cc:** 'jgeus' [REDACTED]; Bill Sampson [REDACTED]  
**Subject:** my remarks last nite

I did not time my presentation very well. So when I aborted it at the request of the chair, and after 3 minutes it was incomplete.

I wanted to point out that the ordinance was deficient in certain respects by my sworn testimony based on living across the street from the Keenan Rossi group's house at 31827 cottontail lane. And the ordinance as drafted doesn't help and may make or cottontail situation worse ..

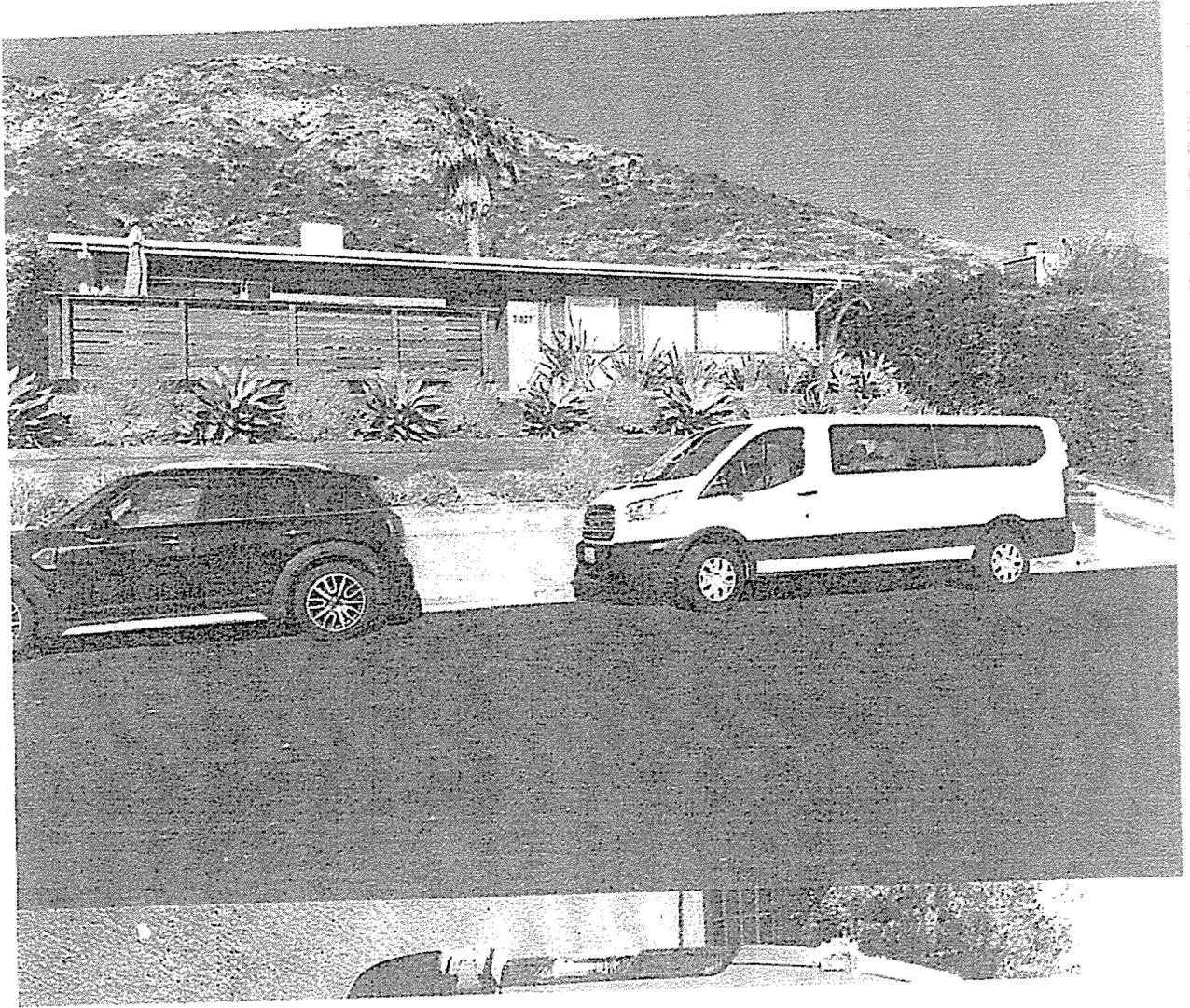
1. The house is operated as a hotel 365 days a year by the Rossi Keenan group altho it isn't always rented.. And although Malibu will not accept that the house is really a hotel it would be held to be a hotel by a court and I'm sure the city attorney will agree.
2. The house has never been occupied by the owners or anyone else except for short term rentals usually 1-3 DAYS OR LESS and on a few occasions for a week or 2 always by short term renters.
3. The house does not have handicapped access as required by law for public accomodations etc.
4. The house does not meet the requirements of the fire code and has never been inspected by local authorities and there is no signage.
5. Malibu city should review the fire insurance policies on the house as the short term tenants appear to smoke outside all the time and a discarded cigarette could cause a conflagration in excess of a million dollars, and the city could be on the hook for pretending this is used as an SFR. And that is patently not true.
6. The house cleaners are paid less than a minimum wage, in violation of existing law.
7. The porch violates existing law and malibu has not forced Keenan rossi group to clean this up
8. The house rents the illegally converted garage as a bedroom in violation of existing law.
9. Periodically this house is used by over 14 people as renters and or guests.
10. On 11/9 the guests (renters) arrived in the van plus as attached.
11. The city should give us more police protection as there are different occupants of the house every week and sometimes several times a week.
12. A good investigative reporter could make the city look silly in this situation, like the La Times did with Bell. This is Malibu!

There is no free lunch so Malibu cannot just take the tax money and allow a hotel in a residential area with never an owner on site and pretend its not a commercial hotel when it is...so talk to the city atty if you disagree..

Please feel free to send this for verification to the Keenan Rossi group however they are less than honest in accordance with the documents we have reviewed.

Date Received 11-20-17 Time 6:30 pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 2

11/21/17



**Patricia Salazar**

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**From:** Michael Lustig [REDACTED]  
**Sent:** Thursday, November 16, 2017 3:08 PM  
**To:** Patricia Salazar  
**Cc:** John Mazza  
**Subject:** Proposed Malibu Short-Term Rental Ordinance  
**Attachments:** str pc recommendations.pdf

RECEIVED  
NOV 16 2017  
PLANNING DEPT.

To: Patricia Salazar

For Distribution To The Planning Commissioner and the Malibu Planning Department

I am writing to you in advance of the Planning Commission's November 20<sup>th</sup> recommendations to Malibu City Council regarding the regulation of short-term rentals on home-sharing platforms like Airbnb, VRBO and the 60 other platforms that intermediate a connection between homeowners and tourists.

I have been reviewing the proposed Malibu Short-Term Rental Ordinance that is posted at <https://www.malibucity.org/AgendaCenter/ViewFile/Item/2988?fileID=3691>.

I'm very pleased with what I've read. I think it empathetically addresses citizen's concerns about legal homesharing and use of multifamily residences. It's very reassuring to see that a great deal of measured thinking has gone into the draft.

However, I feel compelled to raise a few issues for discussion, correction and improvement prior to the adoption of the resolution.

**1. Verifiable Data**

Date Received 11-16-17 Time 3:30 pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 4

The first page of the summary states:

*"There are approximately 177 individual properties that are currently registered as short term rentals in Malibu and are remitting TOT on a regular basis. These properties have complied with the City's registration requirements and are subject to the City's 12 percent TOT. In April 2015, Airbnb began collecting and remitting TOT for properties in the City that were rented through its website. Currently, there are approximately 200 properties that have registered through Airbnb. In Fiscal Year 2016-2017, the City received \$1.8 million in revenue from short term residential rentals."*

In order to understand the scale of the issue and to make good policy, the data used for assumptions should be verifiable. The stated number of listings represents a gross underestimation of the real number of listings and therefore projections of future growth, costs of management and enforcement are also underestimated.

There is no current public data that matches the assumption that 200 properties are registered through Airbnb. Are the 177 individual properties not on Airbnb? Is the assumption that the total number of SRT's 377? Please clarify?

A simple search of Airbnb's site, which only shows available listings, reveals more than 325. Occupied listings are not shown. At the reported 50% occupancy rate the total number Airbnb listings in Malibu would be nearer 650, not 200.

According to Airbnb's host and user data (that is sold by Airbnb to) [AirDNA.com](http://AirDNA.com), a website that helps real estate investors understand where the best Airbnb markets are and how to set up the most profitable businesses. In Malibu there are 581 active listings. 85% of which are entire homes. They are booked an average of 183 nights at an average rate of \$455.

That means that Airbnb rentals in Malibu are a \$48.3m industry! In this case, the 2016-2107 tax revenue should have been \$5.7m, exposing 70% of short-term rentals that failed to register and didn't pay the occupancy tax, shorting the city coffers by \$4.1m.

According to the same data source, the average Airbnb listing in Malibu is a single-family home with 6.2 guests. That means, from Airbnb alone we're already hosting nearly 225,000 transient tourists annually in our residential areas. If we estimate growth to 1100 units, that becomes 400,000-500,000 overnight tourists a year into our neighborhoods at a 25:1 ratio of transients to residents.

## **2. Registering / Permitting**

Short-term rentals are operated as a business and should be treated as such. Rather than just registering listings, Malibu should bolster the ordinance and require a permit to operate.

In addition, in order to get a permit, operators should also be required to register as a business with California Franchise Board.

Permits should be expensive enough to cover the cost of an inspection.

Permits should be displayed on premises along with the proposed required "Code of Conduct." There should also be a public record of permits so that neighbors can easily find out if host next door is compliant.

Permits should be valuable, require some effort to get and easy to lose

## **3. Enforcement**

Penalties - The penalties in the proposed ordinance are not onerous enough. We should look to Amsterdam and Paris as examples where violators are fined €24,000 euros (\$28,000) for operating without a permit. The penalties must be significant enough to eliminate an operator's profit or they will incentivize defiance of regulations rather than compliance. Anything less is non-starter in high-end markets.

Operating Without A Permit and Failure To Remit TOT should carry the heaviest penalties.

Delaying of Bans is a fallible concept. Knowing that you will lose money or actually losing money are the only levers that will compel compliance. Fines must significantly remove any profit incentive from non-compliance.

## **4. Closing Loopholes, Workarounds, and Gaming the System**

Let me illustrate how easy it is to beat the taxes. First, I list my property on more than one website, Airbnb and one of the 60 other platforms that doesn't have a tax deal with the city of Malibu. A guest contacts me and wants to book a few nights, we chat and I tell him I'm having problems with Airbnb's payments. Would you mind booking through Platform B? Or better yet, I'll give you 20% discount if you pay in cash. Now I just beat the taxes and possibly the entire record of the transaction.

### **\*Platform Liability and Administrative Subpoena Authority**

This is essential to effective enforcement and tax collection.

There are two key and powerful elements that should be in every STR Ordinance to support enforcement of any regulations that are passed: Platform Liability and Administrative Subpoena Authority. We should look to the San Francisco, Portland and New Orleans Ordinances as examples.

Platform Liability - Short-term rental companies like Airbnb, Home Away, etc. would have to verify that all listings have a valid Malibu registration / permit number before posting them online.

When the city flags rentals that appear not to be registered, the listing services should be required to respond with details about those properties within one business day or face fines.

This is fair requirement for doing business in Malibu. Bolstering the permitting requirements combined with platform liability will help close the workarounds and loopholes that facilitate avoidance of the Transient Occupancy Tax.

Administrative Subpoena Authority – As mentioned in the summary Malibu is expecting enforcement to be challenging. For this reason the city should be able to subpoena information listing platforms and operators of STR's including records of transactions, bank records and emails and in-platform direct messaging.

Not including these provisions is a glaring omission.

## **Summary**

I think it's imperative the ordinance not only take into consideration the concerns of homeowners and renters, but also the market forces of this industry at scale.

For this reason I'm asking the Planning Commission to update the summary with verifiable numbers and clearly communicate that it understands the true scale of the issue and has used reasonable projections when planning for growth and enforcement.

The draft ordinance does a really good job of taking into consideration the needs of homeowners who want to participate in the practice of homesharing as it is defined.

If enforced, the ban on full unit rentals in multifamily residences is wise and forward thinking.

With regard to regulating short-term rentals in single-family homes, is where some deeper thought to permitting, enforcement and penalties should be given.

Because of Airbnb's new "Experiences" product it's easily foreseeable how operators could utilize a short-term rental for larger business opportunities. For example, Beach House + Legalized Recreational Cannabis Party = Money. But then again maybe it's just a Vegan Yoga Retreat. This is where a large part of future growth will be and this type of business should be considered and addressed in the ordinance.

We need to assume that enforcement is going to be much more difficult and more expensive and budget for it now. I would encourage the Planning Commission to significantly reevaluate registration and permitting, bolster enforcement by stiffening fines and penalties, and putting some sharper teeth into the ordinance by adding Platform Liability and Administrative Subpoena Authority.

As already proven, it's easier to relax regulations later than reign in the Wild West practices thrust on us by the tech sector.

The planning commission deserves to be recognized for putting forth a well-considered and reasonable recommendation. You also deserve our gratitude for looking out for Malibu's legacy, and most importantly our quality of life.

Let's improve the proposed ordinance before it is passed, approved and adopted.

Thanks for reading and best regards,

Michael Lustig

# AIRBNB'S CONSUMER FACING BUSINESS MODEL

RECEIVED  
NOV 20 2017  
PLANNING DEPT.



PEOPLE

+



PLACES

+



LOVE

+



AIRBNB

+



MOMENTS

=



Date Received 11-20-17 Time 6:30pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 56  
Total No. of Pages 19  
Submitted by: Michael Lustig

# ENFORCEMENT

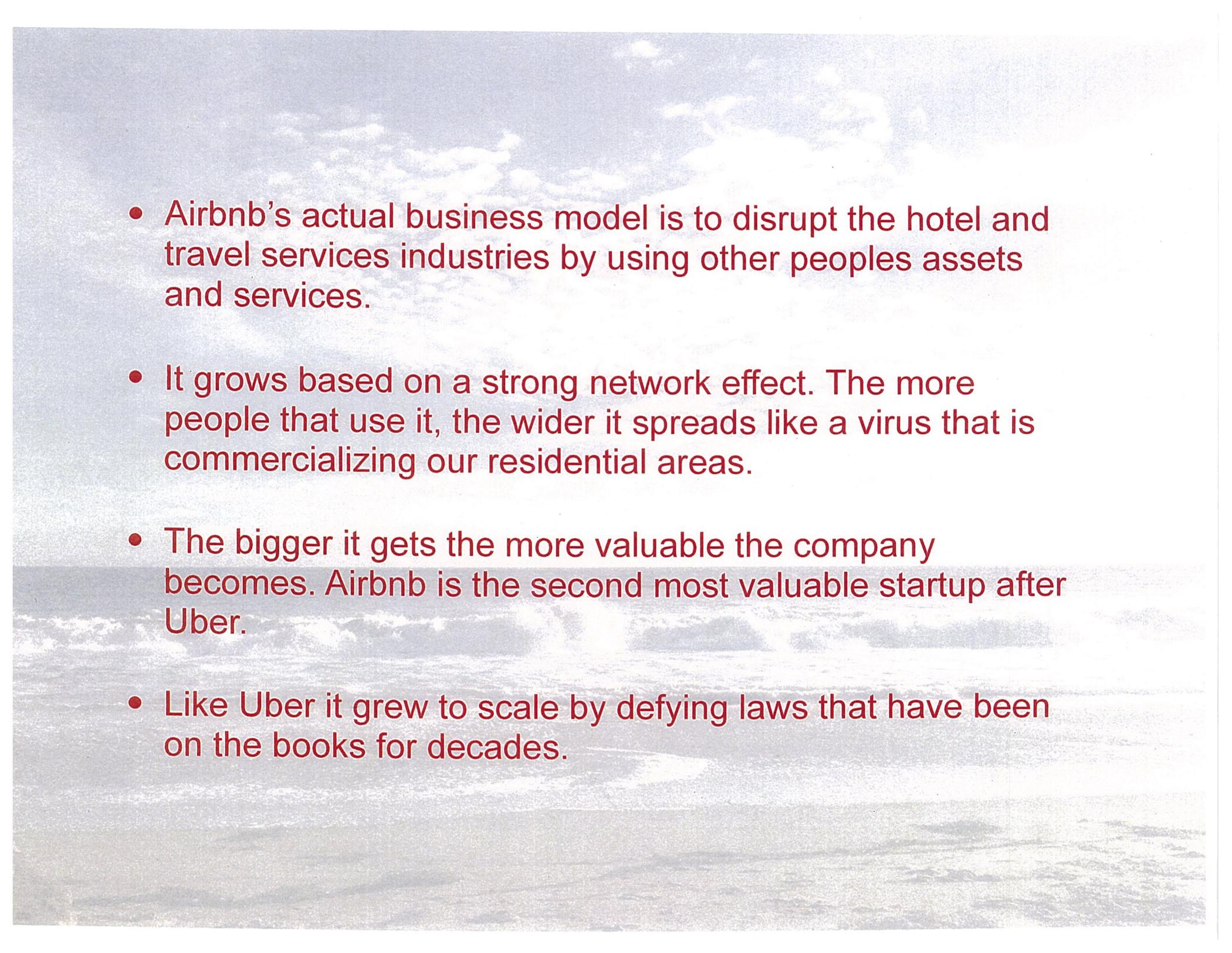
- Expectation that enforcement will be challenging - Let's plan for it.
- Short-term rentals are operated as a business and should be treated as such.
- In this situation an ordinance without a plan for compliance and enforcement is a non-starter.
- Fair requirements for doing business in Malibu for both hosts and listing services.
- The penalties in the proposed ordinance are not onerous enough.
- Operating Without A Permit and Failure To Remit TOT should carry the heaviest penalties.
- Look to Amsterdam and Paris violators are fined €24,000 euros (\$28,000)
- The penalties must be significant enough to eliminate an operators profit or they will incentivize defiance of regulations rather aid compliance

## PLATFORM LIABILITY

- Responsibility of short term rental companies like Airbnb, VRBO, etc to verify that all listings have a valid Malibu Registration and permit number
- Listing services should be required to respond with details about those properties within one business day or face fines.
- Closes the tax avoidance workaround and reporting loopholes.
- Look to San Francisco, Portland and New Orleans

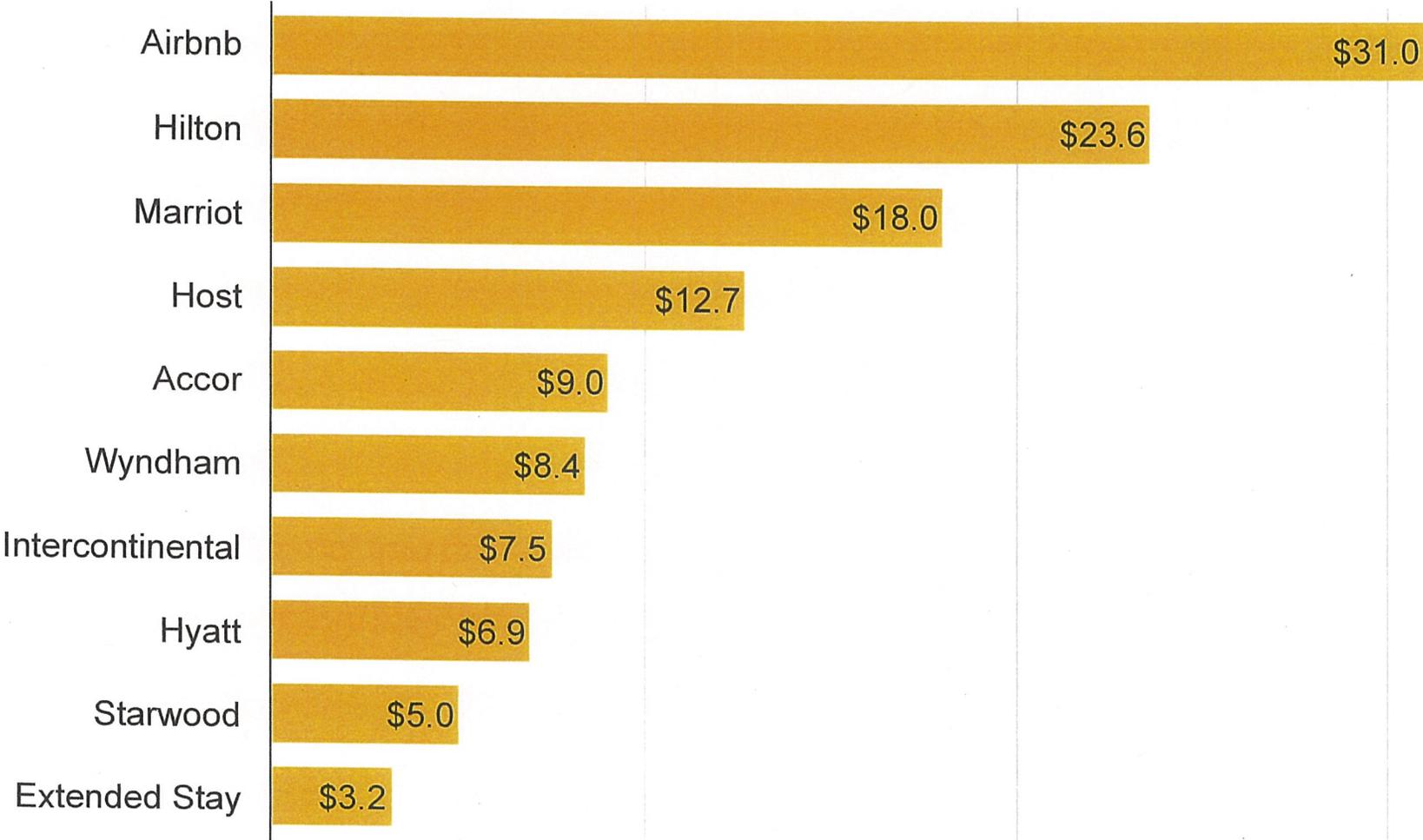
## ADMINISTRATIVE SUBPOENA AUTHORITY

- Able to subpoena information from listing platforms and operators of STR's including records of transactions, bank records emails and in-platform direct messaging

- 
- Airbnb's actual business model is to disrupt the hotel and travel services industries by using other peoples assets and services.
  - It grows based on a strong network effect. The more people that use it, the wider it spreads like a virus that is commercializing our residential areas.
  - The bigger it gets the more valuable the company becomes. Airbnb is the second most valuable startup after Uber.
  - Like Uber it grew to scale by defying laws that have been on the books for decades.

# AIRBNB IS THE LARGEST HOTEL COMPANY IN THE WORLD AND IT OWNS NO HOTELS

## HOTEL COMPANY MARKET CAPS



Valuation US \$billions source: Yahoo Finance CB insight and Equidate 2016 / 2017

# SHORT TERM RENTALS \$100 BILLION MARKET OPPORTUNITY

source: 2016 Piper Jaffray



4,000,000  
Listings



1,300,000  
Listings



750,000  
Listings



Booking.com

400,000  
Listings

60 OTHERS

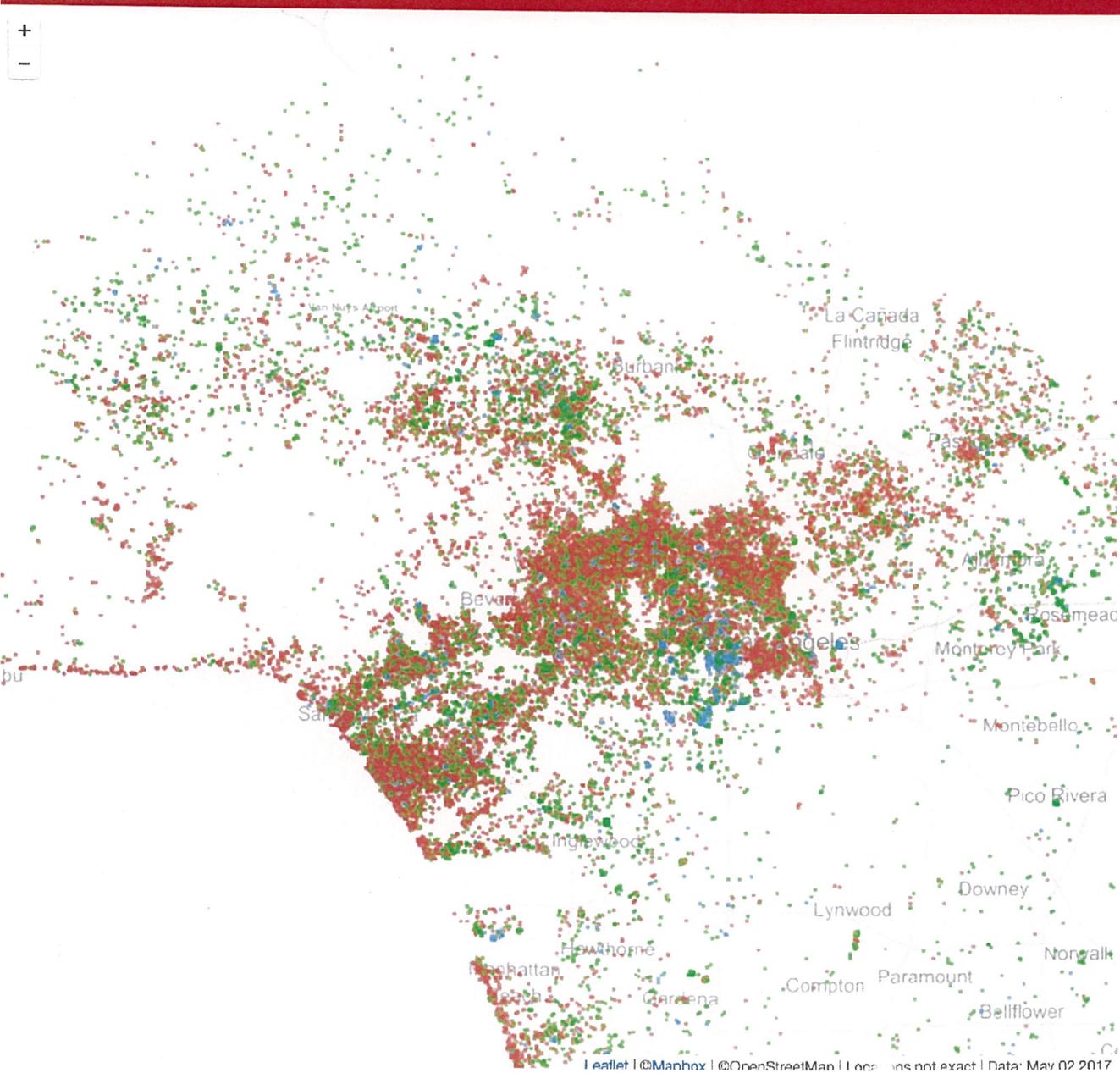


In all of California: Airbnb hosts generated \$1 billion

+47% increase over the state's 2015 Airbnb revenue

In 2016 Los Angeles short-term rental hosts rented to 1 million guests through Airbnb and made \$262.6 million

# LOS ANGELES - 17,995 ENTIRE HOMES/APARTMENTS ARE LOST TO SHORT TERM RENTALS



## Los Angeles

Filter by:

Los Angeles

**31,253**

out of 31,253 listings (100%)

About Airbnb in Los Angeles

### Room Type

Only entire homes/apartments

Airbnb hosts can list entire homes/apartments, private or shared rooms.

Depending on the room type, availability, and activity, an Airbnb listing could be more like a hotel, disruptive for neighbors, taking away housing, and illegal.

Entire home/apt



**57.6%**

entire homes/apartments

Private room



**\$180**

price/night

Shared room



**17,995 (57.6%)**

entire home/apartments

**11,623 (37.2%)**

private rooms

**1,635 (5.2%)**

shared rooms

### Activity

Only **recent** and **frequently** booked

Airbnb guests may leave a review after their stay, and these can be used as an indicator of Airbnb activity.

The minimum stay, price and number of reviews have been used to estimate the **occupancy rate**, the number of **nights per year** and the **income per month** for each listing.

How does the income from Airbnb compare to a long-term lease?

Do the number of nights booked per year make it impossible for a listing to be used for residential housing?

And what is renting to a tourist full-time rather than a resident doing to our neighborhoods and cities?

**93**

estimated nights/year

**1.4**

reviews/listing/month

**651,392**

reviews

**\$180**

price/night

**25.4%**

estimated occupancy

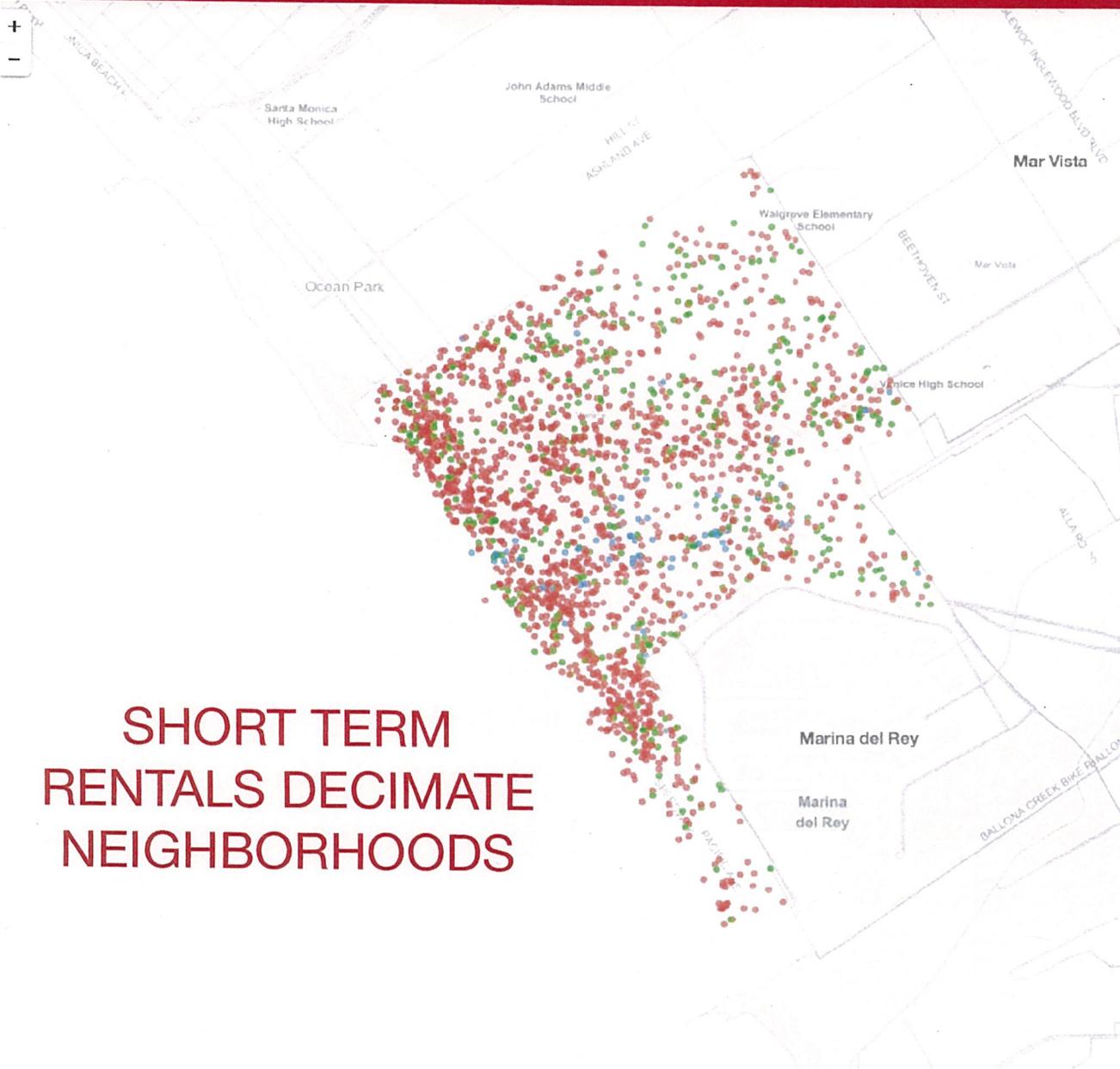
**\$1,024**

estimated

income/month

# VENICE, CA - LISTINGS PROLIFERATED ON EVERY STREET UNTIL IT BECAME A CRISIS.

SHORT TERM RENTALS DECIMATE NEIGHBORHOODS



## Los Angeles

Filter by:

Venice

**2,085**

out of 2,085 listings (100%)

[About Airbnb in Los Angeles](#)

## Room Type

Only entire homes/apartments

Airbnb hosts can list entire homes/apartments, private or shared rooms.

Depending on the room type, availability, and activity, an Airbnb listing could be more like a hotel, disruptive for neighbors, taking away housing, and illegal.

Entire home/apt



Private room



Shared room



0 1,000

**75.9%**

entire homes/apartments

**\$209**

price/night

**1,582 (75.9%)**

entire home/apartments

**438 (21%)**

private rooms

**65 (3.1%)**

shared rooms

## Activity

Only recent and frequently booked

Airbnb guests may leave a review after their stay, and these can be used as an indicator of Airbnb activity.

The minimum stay, price and number of reviews have been used to estimate the **occupancy rate**, the number of **nights per year** and the **income per month** for each listing.

How does the income from Airbnb compare to a long-term lease?

Do the number of nights booked per year make it impossible for a listing to be used for residential housing?

And what is renting to a tourist full-time rather than a resident doing to our neighborhoods and cities?

**118**

estimated nights/year

**1.9**

reviews/listing/month

**78,326**

reviews

**\$209**

price/night

**32.3%**

estimated occupancy

**\$1,752**

estimated income/month



# IN MAY 2017 MALIBU HAD 321 LISTINGS



## Los Angeles

Filter by:

**321**

out of 321 listings (100%)

[About Airbnb in Los Angeles](#)

## Room Type

Only entire homes/apartments

Airbnb hosts can list entire homes/apartments, private or shared rooms.

Depending on the room type, **availability**, and **activity**, an airbnb listing could be more like a hotel, disruptive for neighbors, taking away housing, and **illegal**.

Entire home/apt



**87.2%**

entire homes/apartments

Private room



**\$1,086**

price/night

Shared room

**280 (87.2%)**

entire home/apartments

**41 (12.8%)**

private rooms

**0 (0%)**

shared rooms

## Activity

Only **recent** and **frequently** booked

Airbnb guests may leave a review after their stay, and these can be used as an indicator of airbnb activity.

The minimum stay, price and number of reviews have been used to estimate the **occupancy rate**, the number of **nights per year** and the **income per month** for each listing.

How does the income from Airbnb compare to a long-term lease?

Do the number of nights booked per year make it impossible for a listing to be used for residential housing?

And what is renting to a tourist full-time rather than a resident doing to our neighborhoods and cities?

**78**

estimated nights/year

**1.2**

reviews/listing/month

**6,163**

reviews

**\$1,086**

price/night

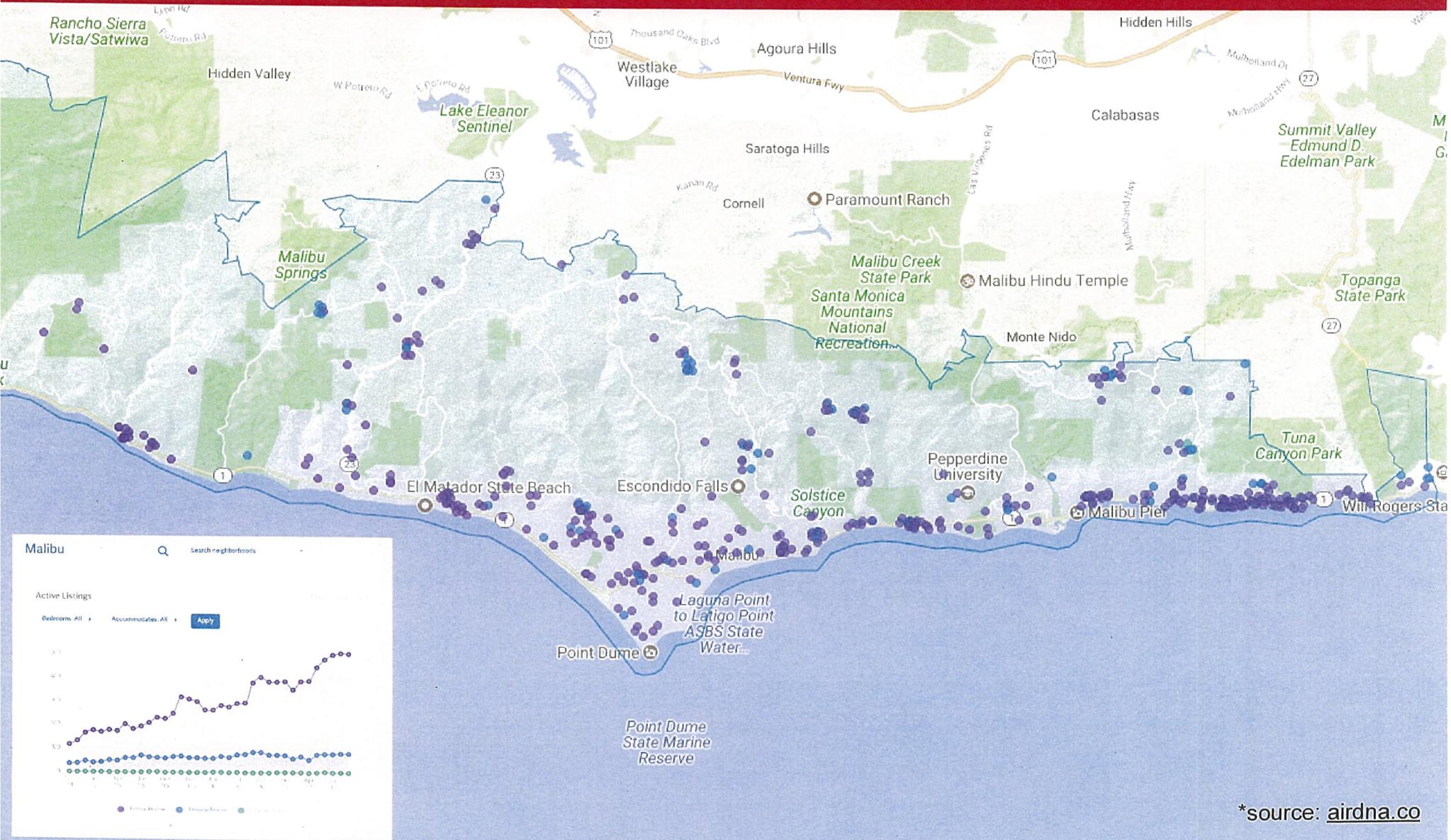
**21.5%**

estimated occupancy

**\$2,507**

estimated income/month

# BETWEEN MAY AND NOVEMBER 2017 AIRBNB LISTINGS INCREASED BY 80% FROM 321 UNITS TO 581\*



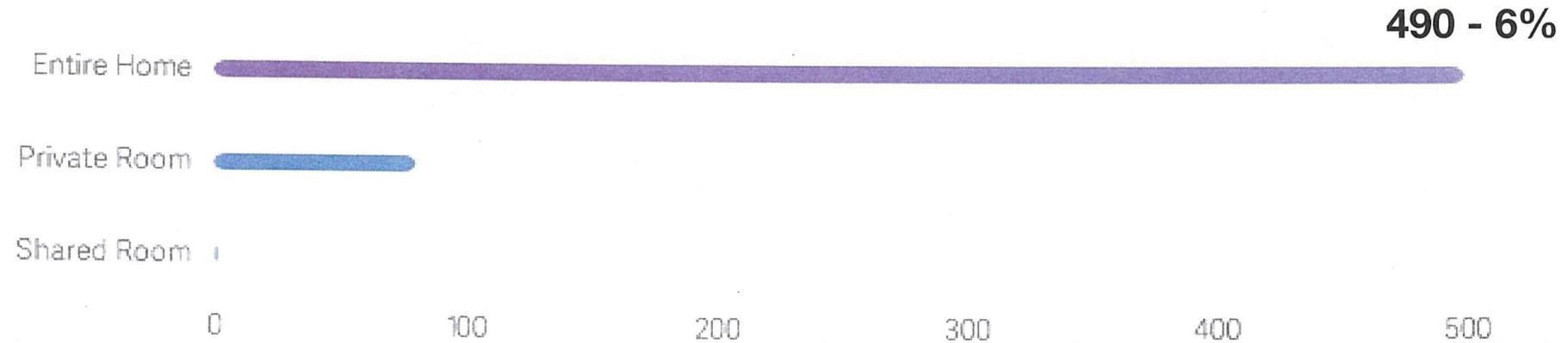
\*source: [airdna.co](http://airdna.co)

# MALIBU - NOVEMBER 2017

## 581 ACTIVE AIRBNB LISTINGS

### Rental Type

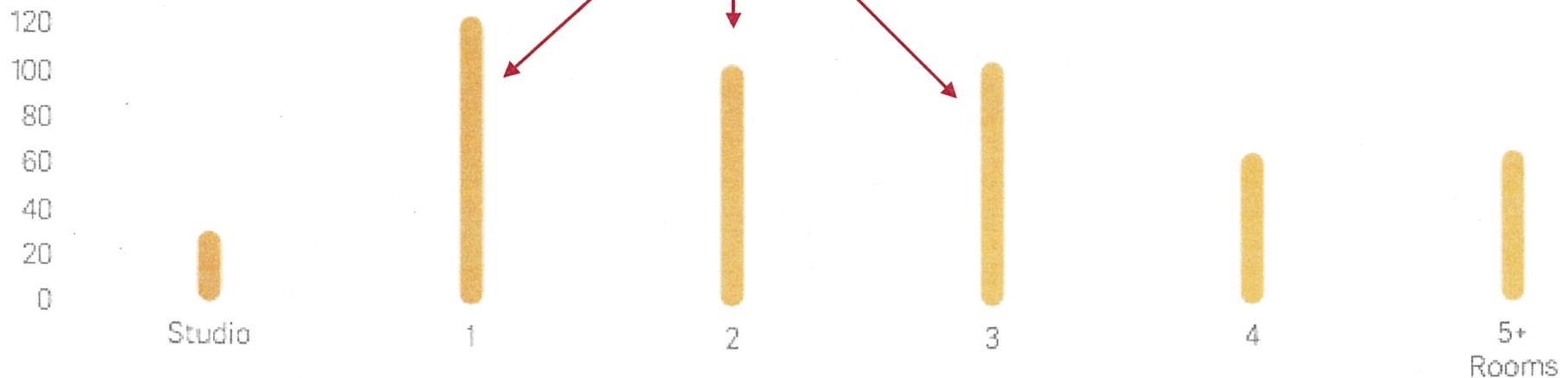
**NOTE THIS** → 85% Entire Home rentals



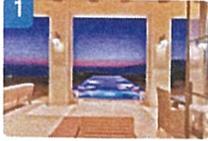
ALMOST EVERY ONE, TWO AND THREE BDRM IS ALREADY A SHORT TERM RENTAL

### Rental Size

2.6 Bedrooms / 6.2 Guests on average



# THE AVERAGE ANNUAL GROSS OF THE TOP 6 PROPERTIES IS \$1.76 MILLION

		▼ Annual Revenue	Average Daily Rate	Reviews
	<p><b>1</b> Malibu Beach Luxury Estate</p> <p>🏠 Entire home/apt 6 beds / 8 baths Accommodates: 15</p> <p>First Listed: Apr 2016</p>	\$726,051	\$4,939	7
	<p><b>2</b> Malibu's Premiere Luxury Estate</p> <p>🏠 Entire home/apt 6 beds / 5.5 baths Accommodates: 12</p> <p>First Listed: Dec 2016</p>	\$243,250	\$2,703	14
	<p><b>3</b> Island View Lodge</p> <p>🏠 Entire home/apt 4 beds / 4 baths Accommodates: 10</p> <p>First Listed: Aug 2016</p>	\$221,870	\$1,138	17
	<p><b>4</b> Broad Beach Malibu Close to Sand Breath taking View</p> <p>🏠 Entire home/apt 4 beds / 3 baths Accommodates: 9</p> <p>First Listed: Aug 2016</p>	\$201,338	\$1,220	8
	<p><b>5</b> Modern Malibu Beach House</p> <p>🏠 Entire home/apt 5 beds / 4 baths Accommodates: 14</p> <p>First Listed: Oct 2013</p>	\$188,975	\$1,152	23
	<p><b>6</b> Malibu Road Oceanfront Modern 2 Bed 2 Bath</p> <p>🏠 Entire home/apt 2 beds / 2 baths Accommodates: 4</p> <p>First Listed: Jun 2016</p>	\$185,125	\$834	35

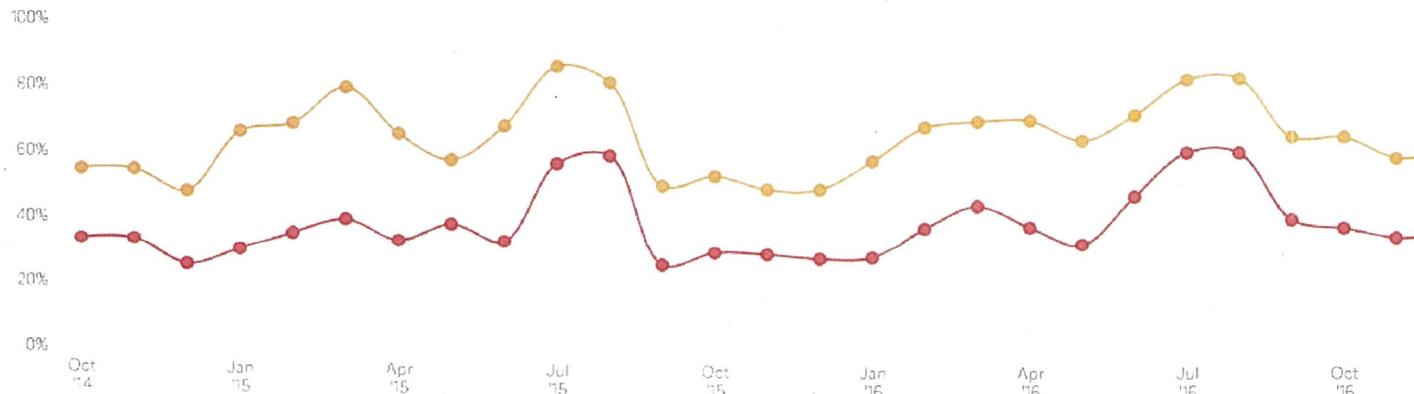
# SHORT TERM OCCUPANCY RATES IN MALIBU ARE 50-60% WITH AN AVERAGE DAILY RATE OF \$455

Historical Occupancy Rates

499 Active Listings

Entire Home > Bedrooms: All > Accommodates: All > [Apply](#)

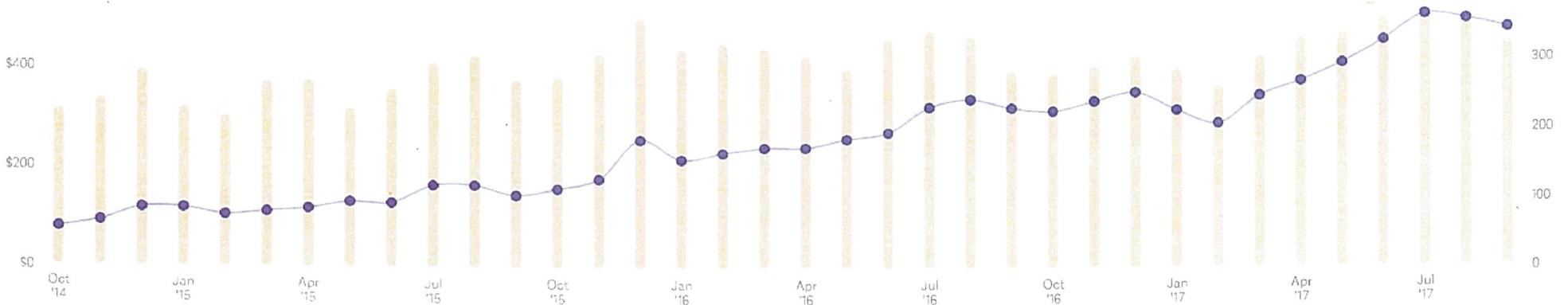
25th percentile  50th percentile  75th percentile  90th percentile



Average Daily Rate

499 Active Listings

Entire Home > Bedrooms: All > Accommodates: All > [Apply](#)



# AIRBNB REVENUE PROJECTIONS - MALIBU

2016-2017 Fiscal Year

Airbnb paid the city of Malibu \$1.8M or 12% on bookings from 200 registered hosts

**\$15 Million**

2017\*

Based on 581 listings x \$455 average nightly rate x 183 nights (50% occupancy)

**\$48.3 MILLION**

2020

Projected 1500 listings x \$455 average nightly rate x 183 nights (50% occupancy)

**\$128.9 MILLION**

\*using current data from [airdna.co](http://airdna.co)

# HOW MANY PEOPLE ARE SLEEPING IN OUR RESIDENTIAL AREAS?

581 units x average 6.2 guests = 3600 guests per night

50% occupancy = 183 nights

3600 guests per night x 183 nights = 658,800 guest nights

658,800 guest nights divided by an average of 3 nights = 219,000

From Airbnb alone, that's **219,000 strangers sleeping in our homes.**

**by 2020 it could grow to:**

1500 units x 6.2 guests x 183 divided by 3 night average = 567,000

**567,000 = 25:1 ratio of strangers to residents.**

THIS WILL NEGATIVELY AFFECT EVERY RESIDENT OF MALIBU

# THE COMMERCIALIZATION OF MALIBU ROAD

- = problematic / illegal
- = compliant
- = compliant but nuisance
- = seasonally problematic



## NOVEMBER 2017 WEST END OF MALIBU ROAD

### 27 LISTINGS

16 DE FACTO HOTELS  
4 NON-PERMITTED UNITS  
5 COMPLIANT HOME SHARES  
2 SEASONAL NUISANCES

SOARING RENTS  
25 DISLODGED NEIGHBORS

RISING CRIME AND  
SKYROCKETING COSTS  
FOR EVERYONE ELSE!

- A 25266 Corporately owned in process of converting into hotel
- B 25272, 25274, 25408, 25408-1/2 - 4 units are hotels 1 is tenant subleased.
- C 25316 4 units - operating as hotel
- D 25330 2 units - operating as hotel
- E 25342 Entire House - compliant
- F 25346 House - non-permitted unit - environmental hazards
- G 25350 2 units - 1 owner's unit in compliance, 1 unit operating as hotel
- H 25362 3 units + 1 non-permitted unit - operating as hotel
- I 25372 1 unit - 1 unit - shared by four families there are complaints
- J 25404 1 room studio - compliant
- K 25410 1 unit - compliant
- L 25432 Entire house - neighbor says operating as STR - not verified
- M 25444 1 unit - STR in summer - landlord look for FT tenant
- N Construction of 2 spec houses - there were big problems but has abated recently

## SEEING THE UNFORESEEN

- Airbnb seeks to become a horizontal monopoly in the travel sector
- Recently launched Airbnb trips and experiences
- Airbnb's purchase of Luxury Retreats - single family residences.
- Competition breeds copycats - market forces

## CLOSING LOOPHOLES

- Tax avoidance
- Curtailing workarounds with requirements for listing services.

# MANDATORY REGISTRATION / PERMITTING

- Require a permit to operate.
- Permits should be valuable, require some effort to get and easy to lose
- Permits should expensive enough to cover the cost of an inspection.
- Permits should be displayed on premises along with the proposed required “Code of Conduct.”
- Public record of permits so that neighbors can easily find out if host next door is compliant.
- Operators should also be required to register as a business with California Franchise Board.

Patricia Salazar

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

**From:** [REDACTED]  
**Sent:** Monday, November 20, 2017 9:27 AM  
**To:** Patricia Salazar  
**Subject:** I support shorterm rentals - I was a renter in Malibu, now a landlord in Malibu

Malibu Planning Commission & City Council:

Date Received 11/20/17 Time 11:05 AM  
Planning Commission meeting of 11/20/17  
Agenda Item No. 5C  
Total No. of Pages 2

I am unable to make the meeting on November 20, 2017.

I have a different approach than most landlords in regards to managing short-term rentals in Malibu. I am one of the youngest multi-unit landlords in Malibu by about 25 years. I am a product of the digital age and make a living off tech and the internet. I made a lot of sacrifices to own a piece of beach front property in my early 30s. I used to rent an apartment on Malibu Road for 6 years until I purchased my own multi-unit property on Malibu Road a few years ago. My building consists of 4 legal units. I occupy one of the units as my primary residence, 2 units are rented out full time on yearly leases, and 1 unit is currently on Airbnb. I have had 0 problems, 0 complaints, 0 neighborhood complaints, and even my own full-time tenants have had 0 complaints. My full time tenants support short term rentals. How many buildings do you have like this? I take pride in ownership and heavily screen my possible short-term guests. All of my units are up to code and I have pulled several permits over the years to upgrade the units and ensure safety. I hired a full time Host for my property, who lives only 5 houses away. My Host is paid monthly and given a 1099 at the end of the year. I work in the Silicon Valley in the tech world near Palo Alto and travel back and forth every week. Sometimes I travel extensively for Business, and I rent out my unit on Airbnb. This allows me to make extra income to put back into the building. As you know the CAP rates in Malibu are only about 1-2%. So unless I rent out my unit, my building does not come close to breaking even. I paid \$95,000 this year in property taxes along with \$80,000 in repairs to my wood pylons my building sits on. I am sure you are also aware how difficult it is to secure favorable financing for multi-unit properties with raised foundations in a flood zone which is another cost. You can also pull up Malibu Road and I have approved plans for an ultra modern re-design of the building and addition. How many years has it been since anyone has put that kind of money into a multi-unit property?

I read through the proposal online to change the laws concerning short term rentals on multi-unit properties. I disagree with the proposal to disallow short term rentals from buildings like mine. I live in one of the units and I consider it my personal residence. I need to be able to have the option to rent out my own personal unit when I am away. Most employers, including mine, only give 2 weeks vacation a year. So trying to find someone for a 30 day rental is near impossible.

There are a few buildings out there that abuse the short-term rental system. They have illegal units, buildings are poor condition, and the owners try to manage them from other states with no Host. They are too cheap to hire hosts to monitor the guests and property. A few bad apples should not ruin the system for everyone. I recommend that you have each building undergo safety inspections and have an application process to be able to do short term rentals. If you take the illegal units off the market and make landlords have a host, 99% of your problems would go away. A host should definitely be required. The city should keep a list of approved hosts, just like they keep a list of approved Septic tank technicians. With the added money the city gets from TOT, you could easily hire a short-term rental monitor to help facilitate safety. A volunteer staff made up of landlords would also be a possibility if the city was unable to hire someone. I would be available to be on that committee. If you get rid of the illegal units a lot of problems would also go away. They are generally smaller units and rent for a lot cheaper. This brings around a different kind of guest who likes renting small non-conforming units. They tend to rent for \$200 or less and they bring several people causing parties, parking issues, etc.

I know there are a lot of people against short-term rentals. How many are renters and how many are owners/tax payers? Most of them are renters, not property owners. Renters complain their rent is variable and goes up. What about a beachfront owners variable cost? Most multi-unit buildings were built in the 1950s and need constant maintenance. How many renters paid \$95,000 in property taxes this year? How many of them have failing pylons, rising property taxes and, special assessment tax charges over \$15,000 like me. Everything in life goes up. I have properties in the Bay Area where rents have gone up 40%. Malibu is not a rent control city.

One group of people who will not be at the City Council meeting, are the thousands of guests all over the world that have rented on Airbnb over the last few years. I have over 60 excellent 5 star reviews from this year alone. That is 60 families who would not be able to afford Malibu, if it was not for short term rentals. Even Peppertine rents one of my units for its serviceman to use while doing special projects. So I am asking that you do not ban short term rentals for mult-unit properties. I am asking that you sit down with a panel of landlords and come up with a list of rules and regulations to safely rent these beautiful units to the world. Do not go to the extreme to ban, I think managing with a clear set of rules and guidelines will appease everyone. Each one of my guests that come with families spend \$500 at Ralphps, \$1000 a nubu, and \$300 to our local gyms, yoga, and dance studios. This is good for Malibu business owners and these people would not spend this kind of money unless they were spending the night. Also most of these people can not afford to rent a single family home, they need to rent an apartment or condo. You can see with the online reports, there is high demand for short-term rentals in Malibu, lets not ignore those tourists and loose the revenue, lets put guidelines around it and have it generate even more money for the city. Lets pull together a list of successful entrepreneur landlords and improve, not ban.

I would ask if this email is posted that my email address is blocked out.

Feel free to email me back with questions,

Thank you,

MarcMan

Malibu Road Landlord

**Kathleen Stecko**

---

**From:** Remy O'neill [REDACTED]  
**Sent:** Monday, November 20, 2017 2:12 PM  
**To:** John Mazza; steve.uhring@gmail.com; Chris Marx; Kathleen Stecko; Mikke Pierson  
**Subject:** Item 5c airbnb

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

Dear Commissioners,

Malibu has always been a residential community and that is not only revered but has been reiterated time after time in elections and referendums. It is increasingly threatened with essentially turning into an rv park and party village. The number of houses bought purely for short term rentals and events has increased significantly.

Please draw a line in the sand and preserve our residential character and community. Other beach cities have done it. They had the will and the courage to do it. Let's hope Malibu's Planning Commission and City Council do as well.

Please do not let Malibu down,

Sincerely,

Remy O'Neill  
[REDACTED]  
[REDACTED]

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File

Date Received 11-20-17 Time 3:00pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5c  
Total No. of Pages 1

RECEIVED  
NOV 20 2017  
PLANNING DEPT

Chapter 17.55 (Short Term Rental of Property) of the MMC

Section 17.55.020 Short Term Rentals in Multifamily Housing.

- A. Short term rental of property ~~is prohibited~~ in multifamily residential buildings ~~containing~~ shall be limited to no more than three or more dwelling units per multifamily building (including, but not limited to, triplexes, condominiums, stock cooperatives, apartments, and similar developments):
1. No person or entity shall offer, advertise, facilitate or make available for rent, or rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration more than three residential dwelling, a dwelling units per multifamily building or a portion thereof for a period of thirty (30) consecutive days or less in such buildings.
  2. No person shall occupy a residential dwelling, a dwelling unit or a portion thereof, of any multifamily building offering more than three dwelling units for a period of (30) consecutive days or less pursuant to a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration in such buildings.

Date Received 11-20-17 Time 6:30 pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 1  
Submitted by: Rebecca Thompson

**Kathleen Stecko**

---

**From:** Shalese Evertsen <shalese.evertsen@strhelper.com>  
**Sent:** Friday, November 24, 2017 4:44 PM  
**To:** Kathleen Stecko  
**Subject:** Managing Short Term Rentals

RECEIVED  
NOV 27 2017  
PLANNING DEPT.

Dear Planning Commission,

Hi, my name is Shalese Evertsen. I read an article posted on November 23 from *The Malibu Times* regarding new suggestions for vacation rental regulations. I work with STR Helper, which is a software that takes your city's specific situation and helps to put any new or current regulation into effect and ensures every rental is complying. We can provide you with the number of rentals running from listings on 40+ sites such as Airbnb, VRBO, HomeAway, and many private platforms and flag which ones are running illegally. We have a permitting system that provides comprehensive short-term rental permitting for the city, managing workflows associated with permit requirements, on-line registration, etc. With this in place, it is easy to see how the system can identify and flag all non-compliant short-term rentals in real time. The system also includes a tax compliance module. I am emailing to see if you guys are interested in seeing a demo of the system and discussing its capabilities. Please let me know if we can show you how the system works or send you a free report that will show you exactly how many short-term rentals are operating. Our website is [www.strhelper.com](http://www.strhelper.com) and my phone number is 385-282-3666.

Thanks for your time,

Shalese Evertsen

Date Received 11/27/17 Time 7:30am  
Planning Commission meeting of 11/30/17  
Agenda Item No. 5C  
Total No. of Pages 1

**Stephanie Hawner**

---

**From:** Waverly <[REDACTED]>  
**Sent:** Monday, November 20, 2017 2:32 PM  
**To:** Stephanie Hawner  
**Subject:** Fwd: In Favor of Short Term Rental's

RECEIVED  
NOV 20 2017  
PLANNING DEPT.

Begin forwarded message:

**From:** Waverly [REDACTED]  
**Date:** November 20, 2017 at 2:30:03 PM PST  
**To:** [pzalazar@malibucity.org](mailto:pzalazar@malibucity.org)  
**Subject:** Fwd: In Favor of Short Term Rental's

Begin forwarded message:

**From:** Waverly [REDACTED]  
**Date:** November 20, 2017 at 12:05:29 PM PST  
**To:** [REDACTED]  
**Subject:** In Favor of Short Term Rental's

Hello,

I am in support of Short Term Rentals.

Date Received 11-20-17 Time 6:30pm  
Planning Commission meeting of 11-20-17  
Agenda Item No. 5C  
Total No. of Pages 2

I have been renting a unit for over 20 years here along Malibu Road. I also own a home in Newport Beach for over 30 years.

I am unable to remain full time in either location due to my health. I am considered young, but struggle with MS and find it more difficult to be completely removed from the work force. So I enjoy co-hosting along with the owners....the hundreds of guests that have stayed at one of the three units I've helped host over the last several years.

After reading several letters on line and heard from several owners, just about everyone that OWNS & or uses the Airbnb site is in favor of continued short term leases.

I personally developed a method of receiving the guest's, all the way till they depart. This includes On Site Parking, Signage, Noice and how we expect the guest to behave while on Property. It also address's inviting friends over, Party's, Noise, Our surrounding Neighbors,

having pets, smoking and just about every situation that one could think of.

I shared this with different owners and happy to share it with The City & or willing to be available on staff to be of service.

It has brought Thousands of dollars in revenues for surrounding local Malibu Business's

And improved coastal properties due to having to be reviewed by the Airbnb guest and or Home Away guests. Owners are putting back in money that was & is needed to maintain Beach Front Homes & Units.

Times have changed, and I'm proud to be part of the changes that Malibu has taken over the last 5 years.

Between 2 different properties TOT the total income paid by Airbnb is over \$40,000.

What other business's can do that well for the City? I read an estimated to be close to \$2 million Dollars for 2020.

Tourism is a much needed business for most Global Coastal communities. It's time that Malibu gets Reimbursed for some of it!

I look forward to the delayed growth that I now see Malibu taking part in. I find it to bring MORE community together, stimulates people to come Back down on to the beaches and into our little town to shop & more importantly Spend Money\$\$\$\$

Change is a good thing and is Very much needed approaching 2020.

Please Vote to keep Short Term Rentals.

It's a Great Income with Very Low negative impact on existing community.

Thank You & I look forward to your support,

Waverly Lassila



## Kathleen Stecko

---

**From:** Adam Schwartz <adam@itrip.net>  
**Sent:** Saturday, January 20, 2018 1:41 PM  
**To:** Kathleen Stecko  
**Subject:** Re: Proposed Short-Term Rental Ordinance Information

RECEIVED  
JAN 24 2018  
PLANNING DEPT.

Dear Kathleen,

I wanted to thank you again for sending me all the information on the Short Term Vacation ordinance and discussions going on in Malibu recently. I have another small favor to ask... I was talking to a Interior Decorator I use often who lives in Malibu. She uses the app NextDoor and says recently a whole bunch of people have been advertising to sell or get out of Short Term Vacation Homes. Not sure exactly what she was referring to but I wanted to reach out to you to find out if something has happened where residents of Malibu who currently rent their properties or manage a property in Malibu would all of a sudden get out of this industry? I have tried to follow what is happening and I do not see anything.

Being the owner of a company that provides property management services for Short Term Vacation Rentals and Malibu being the center of my business, I need to know what is happening or know if anything has changed. It's my livelihood. I would greatly appreciate you letting me know any changes and anything you can pass on to me regarding this subject.

Again, thank you so much for going out of your way and providing me with this information last month.

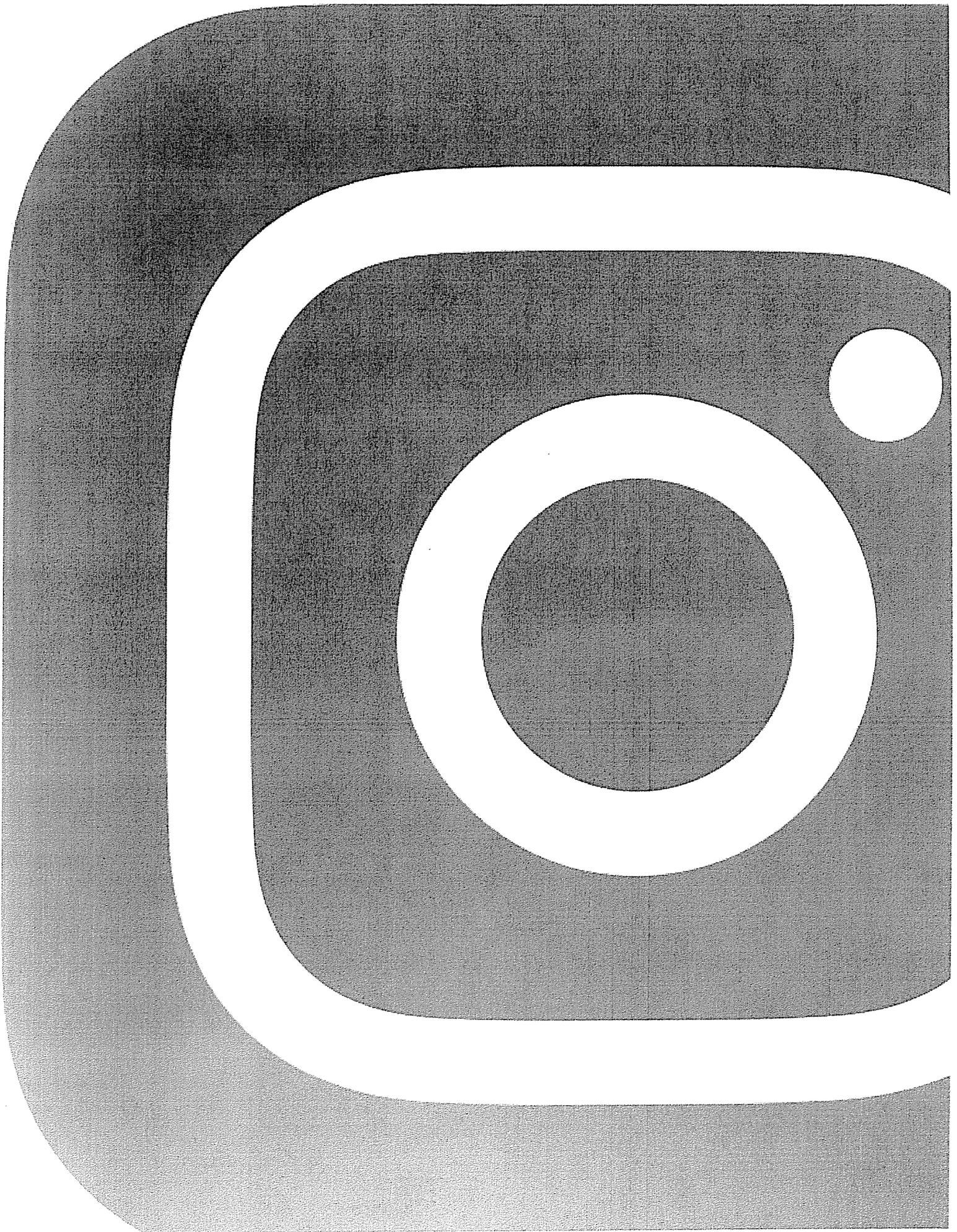
Best Regards,

**Adam Schwartz**  
iTrip Vacations Malibu  
818.434.3028  
[adam@itrip.net](mailto:adam@itrip.net)



**itrip**vacations







**Disclaimer:** iTrip Vacations respects your privacy. We do not tolerate Spam and will never sell, rent, lease, or give away your information (name, address, email, etc.) to any third party. All information we collect from any communications is saved locally and never shared. Email addresses are sometimes added to our Newsletter list but only under certain circumstances. The iTrip Vacations Newsletter is created and sent from within iTrip Vacations and never a third party.

Kathleen Stecko wrote:

Good afternoon,

The following links may be helpful to provide information on the proposed short-term rental ordinance:

May 23, 2017 ZORACES Agenda and  
Report: [https://www.malibucity.org/AgendaCenter/ViewFile/Agenda/\\_05232017-969](https://www.malibucity.org/AgendaCenter/ViewFile/Agenda/_05232017-969)

May 23, 2017 ZORACES Minutes: [https://www.malibucity.org/AgendaCenter/ViewFile/Minutes/\\_05232017-969](https://www.malibucity.org/AgendaCenter/ViewFile/Minutes/_05232017-969)

Please let me know if I can assist further.

Thank you,

*Kathleen Stecko*  
*Senior Office Assistant*

**City of Malibu**  
**Planning Department**  
**23825 Stuart Ranch Road**  
**Malibu, CA 90265**  
**Phone: (310) 456-2489, ext. 374**  
**Fax: (310) 456-7650**

**Connect with the City of Malibu!**



**Kathleen Stecko**

---

**Subject:** my remarks last nite

RECEIVED  
NOV 27 2017  
PLANNING DEPT.

**From:** Laurence Steinsapir [REDACTED]  
**Sent:** Tuesday, November 21, 2017 1:17 PM  
**To:** Bill Sampson <[REDACTED]>  
**Cc:** Bonnie Blue <bblue@malibucity.org>  
**Subject:** Re: my remarks last nite

Please send this to Bonnie for me as it does not appear to have gone thru to her on my e mail.

---

**From:** Bill Sampson [REDACTED]  
**Date:** Tuesday, November 21, 2017 at 12:53 PM  
**To:** Laurence Steinsapir [REDACTED]  
**Subject:** Re: my remarks last nite

Nicely done

MalibuBill

On Tuesday, November 21, 2017, 12:50:33 PM PST, Laurence Steinsapir [REDACTED] wrote:

I did not time my presentation very well. So when I aborted it at the request of the chair, and after 3 minutes it was incomplete.

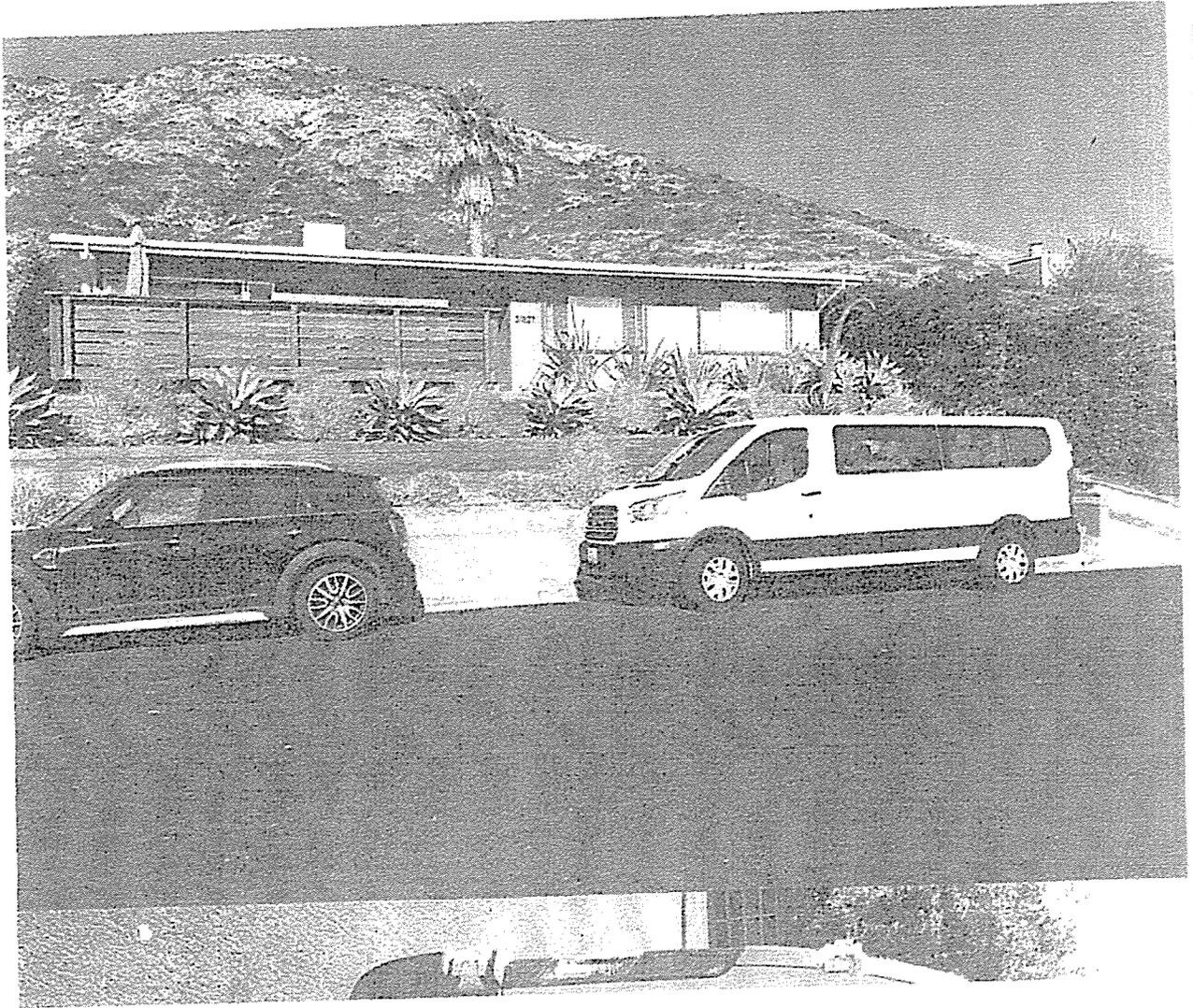
I wanted to point out that the ordinance was deficient in certain respects by my sworn testimony based on living across the street from the Keenan Rossi group's house at [REDACTED]. And the ordinance as drafted doesn't Help and may make or cottontail situation worse ..

1. The house is operated as a hotel 365 days a year by the Rossi Keenan group altho it isn't always rented.. And although Malibu will not accept that the house is really a hotel it would be held to be a hotel by a court and I'm sure the city attorney will agree.
2. The house has never been occupied by the owners or anyone else except for short term rentals usually 1-3 DAYS OR LESS and on a few occasions for a week or 2 always by short term renters.
3. The house does not have handicapped access as required by law for public accomodations etc.
4. The house does not meet the requirements of the fire code and has never been inspected by local authorities and there is no signage.
5. Malibu city should review the fire insurance policies on the house as the short term tenants appear to smoke outside all the time and a discarded cigarette could cause a conflagration in excess of a million dollars, and the city could be on the hook for pretending this is used as an SFR. And that is patently not true.
6. The house cleaners are paid less than a minimum wage, in violation of existing law.
7. The porch violates existing law and malibu has not forced Keenan-rossi group to clean this up
8. The house rents the illegally converted garage as a bedroom in violation of existing law.
9. Periodically this house is used by over 14 people as renters and or guests.
10. On 11/9 the guests (renters) arrived in the van plus as attached.
11. The city should give us more police protection as there are different occupants of the house every week and sometimes several times a week.
12. A good investigative reporter could make the city look silly in this situation, like the La Times did with Bell. This is Malibu!

There is no free lunch so Malibu cannot just take the tax money and allow a hotel in a residential area with never an owner on site and pretend its not a commercial hotel when it is...so talk to the city atty if you disagree..

Please feel free to send this for verification to the Keenan Rossi group however they are less than honest in accordance with the documents we have reviewed.

11/21/17



**Kathleen Stecko**

---

**Subject:** Motel on Cottontail Lane

RECEIVED

MAR 22 2018

PLANNING DEPT.

**From:** Bill Sampson [REDACTED]

**Sent:** Thursday, February 22, 2018 10:04 AM

**To:** Skylar Peak <[speak@malibucity.org](mailto:speak@malibucity.org)>; Jefferson Wagner <[zumajays@mac.com](mailto:zumajays@mac.com)>; Rick Mullen <[rdmullen@verizon.net](mailto:rdmullen@verizon.net)>; Laura Rosenthal <[lrosenthal@malibucity.org](mailto:lrosenthal@malibucity.org)>; Lou La Monte <[llamonte@malibucity.org](mailto:llamonte@malibucity.org)>; Reva Feldman <[rfeldman@malibucity.org](mailto:rfeldman@malibucity.org)>; Bonnie Blue <[bblue@malibucity.org](mailto:bblue@malibucity.org)>

**Subject:** Motel on Cottontail Lane

My neighbors and I have almost completely despaired of you folks actually doing your jobs and enforcing the prohibition of businesses in residential neighborhoods as required by well-established law in our city. Please take the time to read the glowing descriptions from the motel business guests at [REDACTED]. Yes, the guests enjoy it. They speak of the quiet neighborhood. It's quiet when we don't have motel guests and workers invading us. They speak happily of the four bedrooms. The house is permitted for three. They speak of how much fun it is to watch the sunset from the deck. The deck was built without permits three years ago and is still there and part of the motel's marketing plan.

See: <https://www.airbnb.com/rooms/6386586> - PLEASE take the time to read the descriptions and the comments, most of which make it clear that numerous violations of law take place at this cancer cell on our street.

Yes, you're collecting tax money. EVERY dollar you collect is coming out of our quiet enjoyment of our homes.

What is even more discouraging is that a city employee told me, when I asked about the illegal deck, that staff has been asked by the council not to enforce violations of our code by the city council. If you want to set policy directing staff not to enforce law that you passed, the Brown Act requires that you at least give notice of such an action. You did not. You have just quietly asked staff to ignore your refusal to enforce the law. Meanwhile, you have endorsed violation of your own law for over three years now. For shame - all of you.

Bill Sampson

**Kelsey Pettijohn**

---

**From:** Heather Glaser  
**Sent:** Thursday, June 8, 2017 10:33 AM  
**To:** Kelsey Pettijohn  
**Subject:** FW: FW: Vacation Rentals

**From:** [REDACTED]  
**Sent:** Sunday, June 4, 2017 7:55 PM  
**To:** Lisa Soghor <lsoghor@malibucity.org>  
**Subject:** Vacation Rentals

<b>FILED</b> City of Malibu Office of the City Clerk
Meeting Date _____
Agenda Item # _____

Don Tollefson

[REDACTED]

Re: Vacation Rentals

Dear Lisa, it was nice talking with you Thursday and thank you for the email addresses. Below is my letter to you, Reva Feldman and the 5 Malibu City Council Members:

I just learned of recent Malibu City Council discussions regarding vacation rentals. I want to encourage the Malibu City Council to embrace the operation of vacation rentals within the City of Malibu for the following reasons:

**1. Travel Accommodations:** Aside from vacation rentals, travel and/or vacation accommodations are severely lacking within the City of Malibu. Unlike the City of Santa Monica, with thousands of hotel rooms, Malibu has practically no visitor accommodations. Desirability-wise, Malibu has become, perhaps the number one vacation destination in the world. The City of Malibu needs accommodations for these many travelers and vacationers who desire to visit Malibu and fuel the local economy.

**2. A "real life-like living situation":** The popularity of vacation rentals in recent years comes primarily from the "real life-like living situation" they provide. Staying in a vacation rental is similar to actually living in the community where the vacation rental exists. A vacation rental provides bedrooms, a kitchen, a dining area, bathrooms and generally a garage. Groceries can be purchased locally, cooked in a kitchen and eaten in a dining area. Yet still providing for many meals to be eaten at local restaurants. A typical hotel provides only a bedroom and bathroom and no opportunity to prepare any meals within.

**3. Property owner income:** Vacation rentals provide the vacation rental owner a source of income. Properly run, vacation rentals require a substantial amount more time and work than long term rentals. But, the extra work is helpful in paying the mortgage and in some cases essential.

**4. Valuable revenue source for the City of Malibu:** Vacation rentals generate a tremendous amount of revenue for the City of Malibu. The City of Malibu receives 12% transient occupancy tax on the gross rent received. This amounts to hundreds of thousands of dollars annually. Compare this to long term rentals and residential occupancy which generates no income. Properly managed, **the revenue flow from vacation rentals could become the single greatest source of revenue for the City of Malibu.** In return for this revenue, the City of Malibu has to do very little.

**5. Vacation rentals don't have to be problematic:** I've been operating vacation rentals in Malibu for 8 years. I don't believe I've ever had a complaint from a neighbor or vacationer. I pay my transient occupancy taxes quarterly. My vacationers frequently thank me for the opportunity to have stayed at a nice, clean, affordable place in Malibu. Some of these vacationers are local. Others come from other states, Canada and as far away Europe, Australia and Asia. For a few, it's the vacation of a lifetime that they have saved for for many years.

**6. Eliminating vacation rental related nuisance complaints:** I understand there have been a few problems. Considering there are over 100 vacation rentals in Malibu, the benefits of vacation rentals outweighs the problems. Vacation rental problems can be addressed. Registration with the City of Malibu is required in order to run a vacation rental. Conditions of operation can be implemented to address nuisance issues related to vacation rental operation. If these conditions are not met, the registration can be suspended or revoked.

Overall vacation rentals are a tremendous asset for the owner, the vacationer, the residents of the City of Malibu who benefit from the services provided by the significant transient occupancy tax generated and the merchants who receive revenue from visitors and vacationers. I earnestly want to keep vacation rentals on the right side of the community and the City Council. If I can be of assistance in matters involving vacation rentals, please contact me. I would be happy to be involved in some sort of advisory or problem solving capacity.

Sincerely,

Don Tollefson



Heads up

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Loading message... [Undo ?](#)

FRED GAINES  
SHERMAN L. STACEY  
LISA A. WEINBERG\*  
REBECCA A. THOMPSON  
NANCI SESSIONS-STACEY  
KIMBERLY A. RIBLE  
ALICIA B. BARTLEY

\* a professional corporation

LAW OFFICES OF  
**GAINES & STACEY LLP**  
16633 VENTURA BOULEVARD, SUITE 1220  
ENCINO, CA 91436-1872

RECEIVED  
APR 16 2018  
PLANNING DEPT.  
TELEPHONE (818) 933-0200  
FACSIMILE (818) 933-0222  
INTERNET: WWW.GAINESLAW.COM

April 13, 2018

ORIGINAL BY U.S. MAIL

VIA EMAIL BBlue@malibucity.org

Bonnie Blue  
Planning Director  
City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265

Re: **Proposed Short Term Rental Ordinance**  
Zoning Text Amendment No. 17-002  
Planning Commission Meeting Date – May 7, 2018

Dear Bonnie:

We appreciated the opportunity to meet with you and Trevor Rusin to discuss our concerns and suggestions regarding the proposed short-term rental ordinance. Following our meeting, we have revised the proposed ordinance to address the issues we discussed regarding short term rentals in multi-family buildings. Our client, Sandpiper 22860 LLC, owns a multi-family residential building in Malibu and offers a small percentage of the units for short term stays. As discussed in more detail below, we ask that you include the option of permitting multi-family rentals as one of the options available in your staff report to the Planning Commission.

The proposed amendments to Title 17 (Zoning Ordinance) are intended to regulate short-term residential rental properties to address concerns regarding parking, noise, adherence to safety requirements and the maintain the housing stock in the City of Malibu. We believe that those goals can be accomplished without a complete ban on short term rentals in multi-family housing.

To achieve the City's goals, we have proposed that owners of short-term rentals register with the City. Owners would only be allowed to register up to one-third of the units in a multi-family apartment building. With a minority of units offered for short-term rentals, the community character remains the same and the rental fees may be used for building maintenance and other expenses that often result in higher rents for long-term tenants. The property owners would have the primary compliance obligation which would include ensuring that a manager with access to the dwelling unit is available 24/7 to respond to any issues at the rental unit.

Bonnie Blue  
Planning Director  
April 13, 2018  
Page 2

Additionally, the owner would be required to inform the short-term tenant of the City's rules and require the short-term renter acknowledge in writing that he or she is responsible for complying with the rules applying to short-term rentals.

We did not change the requirements suggested for parking, nor did we add "quiet hours" or minimum stays to the proposed ordinance. Our client requires her tenants to park on-site and to adhere to many restrictions, especially with regard to noise. We would not object to these requirements being included in the ordinance.

As we discussed, with the low availability of hotel rooms, especially for families, short-term rentals clearly meet the visitor-serving use endorsed by the California Coastal Commission. Additionally, since these rentals are more economical than hotel rooms, families which would otherwise not be able to vacation in Malibu have an affordable option for a short-term visit.

We believe that short-term rentals in multi-family buildings would be an asset to the City. Our client has successfully paired long-term and short-term rentals in its multi-family building year-round. There have been no complaints in over eight years of operations. Our client pays the City TOT tax, which is significant when totaled over the last eight years.

Again, we appreciate your time and thank you for your consideration.

Sincerely,

GAINES & STACEY LLP

By



REBECCA A. THOMPSON

Enclosure

cc: All Planning Commissioners (Via Email)  
Trevor Rusin, Assistant City Attorney (Via Email)

A. MMC Section 17.02.060 (Definitions) is hereby amended by Adding the following definition, inserted in alphabetical order:

“Owner” of a short-term rental shall mean the person or persons holding fee title to a residential property, dwelling unit, or any portion thereof, operated and used as a short-term vacation rental or the agents of any such persons.

“Responsible Person” is a guest of the short-term rental who is at least twenty-one years of age and who is legally responsible for ensuring that all guests of the short term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term rental.

“Short term rental” of property shall mean the renting of residential property, a dwelling unit, or a portion thereof, for a period of less than thirty (30) consecutive days ~~or less~~ to a transient.

B. Chapter 17.55 (Short Term Rental of Property) of the MMC is hereby added to read as follows:

Section 17.55.010 Short Term Rentals Generally.

A. Single -family dwellings or portions thereof, and dwelling units in multi-family residential buildings may be rented for a period of less than thirty (30) consecutive days ~~or less~~ subject to the following requirements:

1. The ~~e~~Owner ~~and operator~~ of the rented property is registered with the City, timely pays all transient occupancy tax due, and is in compliance with Chapter 3.24 of the Malibu Municipal Code.
2. The property provides onsite parking for all guests; offsite or on-street parking shall only be allowed pursuant to a special event permit. Properties that do not have onsite parking spaces are exempt from this requirement, but guests of such properties shall not park more than two vehicles on the street.
3. The property shall not have any outstanding code enforcement violations, and any violations on the property shall have been cured for a period of six months prior to the date of any short term rental of the property.
4. The property complies with all applicable codes regarding fire, building and safety, and other relevant laws and ordinances.

5. Owner shall ensure that a manager with access to the dwelling unit, ~~and has the~~ authority to fix any problems or violations of this chapter, and shall be available twenty-four (24) hours a day, seven days a week, at a phone number provided to both the City and any guest staying at the property. This number must accept voicemail messages. A phone call to this number from the City or a guest must be returned within one hour.

6. Owner shall provide full access to the property, and documents related to compliance with this Chapter, during normal City Hall business hours or at any time the dwelling unit is rented immediately upon request by the City Manager or his/her designee for purposes of inspection or audit.

7. Prior to occupancy of a short term rental, Owner shall do all of the following:

a. Provide a copy of ~~provide all guests with~~ the Short Term Rental Code of Conduct, which shall be developed by the City Manager, to the Responsible Party. A copy of the Short Term Rental Code of Conduct shall also be posted and post the same on the inside of the main entrance door to the dwelling unit rented, or on the wall adjacent thereto.

b. Require the Responsible Party to execute a formal acknowledgment that he or she is legally responsible for compliance by all guests of the short term rental with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term rental.

c. Maintain the information required herein including copies of the notices provided, for a period of three (3) years and make it available upon request by any officer of the City responsible for enforcement of any provision of this ordinance or any other applicable law, rule or regulation pertaining to the use and occupancy of the short term rental.

8. Owner shall provide the contact information for the manager identified in (5) above to all dwelling units within five hundred (500) feet of the parcel boundary.

9. The maximum occupancy of a short term rental property shall be limited to two (2) people more than twice the number of bedrooms listed on City or County records up to a maximum of 14 people, unless a special event permit is obtained.

10. No person shall offer to rent or advertise for rent a short-term vacation rental without including in the offer or advertisement the city registration number applicable to the property in the form "Malibu Registration No.

\_\_\_\_\_." If the offer to rent or advertisement contains different sizes of type or fonts, the registration number shall be printed in the same size type as the large type used in the main body of the offer or advertisement.

B. An Owner of multi-family apartment dwelling units may register to provide a maximum of one-third (1/3) of the total dwelling units in an apartment building for short term rental use. For illustration purposes, an apartment building with six dwelling units would be restricted to no more than two (2) units, while an apartment building with nine (9) dwelling units would be restricted to no more than three (3) units offered for short term rental use.

BC. – Nothing in this chapter shall limit the ability of a property owner, Covenants, Conditions and Restrictions (CC&Rs), or homeowners association or similar association from prohibiting or further limiting the short term rental of property. Short term rental of property is prohibited in any common interest development or apartment complex where it is not allowed. Short term rental of property shall not be allowed where the property owner or landlord has not given express permission to allow it.

CD. No person shall offer, facilitate an offer, or allow short term rental of property in any location not approved for use as a dwelling unit including, but not limited to, any vehicle, trailer, tent, storage shed or garage.

E. Nothing in this section shall prohibit the operation of a hotel, motel or bed and breakfast inn where such use is permitted.

#### Section 17.55.020 Short Term Rentals in Multifamily Housing.

A. Short term rental of property is prohibited in multifamily residential buildings containing three or more dwelling units (including, but not limited to, triplexes, condominiums, stock cooperatives, apartments, and similar developments):

No person or entity shall offer, advertise, facilitate or make available for rent, or rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a portion thereof for a period of thirty (30) consecutive days or less in such buildings.

No person shall occupy a residential dwelling, a dwelling unit or a portion thereof for a period of (30) consecutive days or less pursuant to a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration in such buildings.

~~B. Notwithstanding, Section 17.55.020(A), a dwelling unit owner may rent the owned dwelling unit in a multifamily residential building for a period of thirty (30) consecutive days or less when the owner (1) lives in the dwelling unit throughout the visitor's stay, and is present in the unit for at least eight (8) hours a day, and (2) complies with the requirements of 17.55.010. If contacted by City staff, the owner must appear within ninety minutes in person at the property.~~

~~C. Nothing in this section shall prohibit the operation of a hotel, motel or bed and breakfast inn where such use is permitted.~~

#### 17.55.020 Short Term Rental Registration

A. Owner shall register each eligible short term rental property with the Planning Director by filing with the Director a short term rental operator registration in a format determined by the Director and by submitting a signed declaration of compliance attesting that each dwelling unit, or portion thereof, offered for short term rental use satisfies the requirements of this Chapter 17.55.

B. Each Owner registration shall include a registration number and such other information as the Director deems necessary, including but not limited to the full address, including the dwelling unit number if applicable, of the short term rental.

C. Prior to issuing a registration number, the Planning Director may require an Owner of a multi-family apartment dwelling units to provide evidence of the long-term (i.e., more than thirty (30) days) rentals of the dwelling units not being offered for short term rentals.

D. All short term rental operator registrations shall expire one year from the date the registration is issued and shall be renewed annually.

#### 17.55.030 Enforcement, Violations and Penalties.

A. In addition to the other penalties and remedies available to the City, violations of this Chapter shall be subject to the administrative citation provisions of Chapter 1.10, except that any violation of this Chapter shall be subject to a fine of \$1000 per day or violation.

B. For any property that violates any provision of this chapter, no person or entity shall offer, advertise or make available for rent, or rent (by way of a rental

agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling unit at that property for a period of thirty (30) consecutive days or less, and (2) no person shall occupy a residential dwelling, a dwelling unit or a room in a dwelling for a period of (30) consecutive days or less pursuant to a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration. This prohibition shall extend for a period of six months from the date the City sends a notice of violation to the property owner listed on the most recent tax rolls and/or the address of the property. An additional six-month restriction period will be imposed and consecutively added for each subsequent violation.

C. Any violation of this Chapter shall constitute a separate offense for each and every day the violation occurs or persists.

D. These penalties and remedies are cumulative and in addition to any other penalties and remedies available to the City.

## Heather Glaser

---

**Subject:** Short term-long term , neighborhood character

**From:** lydia rink [REDACTED]  
**Sent:** Tuesday, November 21, 2017 8:51 PM  
**To:** Lou La Monte <llamonte@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Skylar Peak <speak@malibucity.org>; Laura Rosenthal <lrosenthal@malibucity.org>; Jwagner@malbiucity.org; jdiennings@verizon.net; res02igz@verizon.net; steve.uhring@gmail.com; xramman@gmail.com; Bonnie Blue <bblue@malibucity.org>  
**Subject:** Short term-long term , neighborhood character

I participate in both short-term and long-term rentals as an owner-operator. In Malibu I have been an owner- operating a long-term rental since 2003, short-term rentals since 2013. My family has owned and operated rental property in LA County since 1969.

I have had both great experiences with short and long term rentals, and I have had challenging experiences with both short and long-term rentals.

I agree that a strong permitting process needs to be implemented in order to run short term rental. The permit process should involve the home inspection, septic, handicap, and handrail, fire safety and so forth. A limited number of days to rent 1/3-2/3 of the year-(183 days of 365). We should also consider short-term rental defined as a minimum of 3 nights, and max of 30 nights. A property manager that is less than 30 minutes away should be mandatory.

I have had to call the Sheriffs three times when my long-term renters had over 150 people in the driveway, party etc. I have never had to call the Sheriffs with the short-term renters, but I have knocked on the door a few times and let the short term renters know that we are in a neighborhood and it specifically states in my contract that outdoor noise, music and the Jacuzzi must shut down by 10 pm. They always complied. Running rental property hands on management is key to success, short or long term. Owners who have no regard for their neighbors and break any codes should be fined and have their permit to operate taken away

Regarding "Neighborhood character". My property is a flag lot on Point Dume with 4 neighboring homes, 3 of which are 2<sup>nd</sup> or 3<sup>rd</sup> homes for the owners. I do not consider this a typical "neighborhood" and it is a negative effect since they sit empty most of the time. I also believe there are 4 homes in a row on the bluff side of Birdview Avenue that sit empty but for a few weeks a year. In my opinion this describes a Seasonal Resort Town, with no resort to go to. What is a City to do, you can't force someone to live in their second home for the sake of the neighborhood...

Why not rent out short term, and help bring some business to Point Dume Village, or do we really want Ghost town Bu?

The internet is here to stay, the up and coming generations are not going back in time, in fact many work off their phones, love to travel- love to see the world and have many different experiences. I hope the City of Malibu continues to allow Short Term Rentals with a permit process and code enforcement that may be an example for other Cities to follow. I also believe that the other cities mentioned at the November 20th meeting that no longer allow STR- the population and locations are not comparable to Malibu. We should be allowed to share this beautiful place with those that cannot or do not want to live here long term, but to simply enjoy a few days, or weeks in Malibu. When properly run, short-term rentals are a win-win.

Happy Thanksgiving. Thank you all for your time and service.

Lydia Rink- Stiegler

Saturday, March 24, 2018

RECEIVED  
MAR 26 2018  
PLANNING DEPT.

Dear Malibu Planning Department  
Planning Commissioners  
and Malibu City Council

Our experience with short term rentals in Malibu has been dreadful. Our street, Calpine Drive in Malibu Park, is lined with the one-story ranch homes built decades ago and most of the residents are not recent arrivals. Thus, we have a friendly, close-knit community where people know and help each other. We share a rare and valuable element of trust and involvement. Our next door neighbor at 5792 Calpine Drive was until recently Ingrid Kelsey, an elderly widow and a great friend for about 17 years until she moved up north.

Her property was purchased by a younger couple with a pre-teen daughter. We warmly welcomed them into the community. But, they had an agenda. After settling in, they soon began illegal short-term rentals with their Airstream trailer, once staged in the back of their property. New people were arriving and staying for a night or two and they often came knocking on our door looking for the Airbnb. They would approach our home even after we put up a chain across our driveway in our effort to maintain our privacy. I also posted a sign in our walkway saying that we were NOT the Airbnb they were looking for, but the unwanted and unwelcome visitors continued to ring our doorbell at all times of the day and night.

The neighbor on the Airstream's other side finally filed a code enforcement against 5792 Calpine and the visitors stopped. Though we did not file, we were tarred with the same brush, and that's when relationships with the new neighbors really went south. They said and wrote many ugly things to us and the neighborly relationship we once had is gone. The husband soon built a six foot high dry wooden slat fence. He has repeatedly given me the finger through my own living room window. In October 2017 he parked the Airstream trailer right parallel with his flammable fence into our dedicated white water ocean view.

Right next to our property the small wooden outbuilding built by Mrs. Kelsey's late husband was extensively renovated by the new neighbors and is now also used as a short-term rental. People are constantly coming and going.

Marshall Thompson Re: SHORT-TERM RENTAL ORDINANCE ZONING TEXT AMENDMENT NO. 17-002

My wife and I feel under siege by this family's ugly and aggressive behavior, all because of their Airbnb enterprise. For us, Calpine Drive is no longer the abode of caring and helpful neighbors, living together in peace for 20 years or more; it has become a battleground. So count me in as totally opposed to any permits for short term rentals in Malibu. They destroy neighborhoods.

A handwritten signature in black ink that reads "Marshall Thompson". The signature is written in a cursive style with a large, sweeping initial "M".

Marshall Thompson



## Kathleen Stecko

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**From:** Shalese Evertsen <shalese.evertsen@strhelper.com>  
**Sent:** Friday, November 24, 2017 4:44 PM  
**To:** Kathleen Stecko  
**Subject:** Managing Short Term Rentals

RECEIVED  
NOV 27 2017  
PLANNING DEPT.

Dear Planning Commission,

Hi, my name is Shalese Evertsen. I read an article posted on November 23 from *The Malibu Times* regarding new suggestions for vacation rental regulations. I work with STR Helper, which is a software that takes your city's specific situation and helps to put any new or current regulation into effect and ensures every rental is complying. We can provide you with the number of rentals running from listings on 40+ sites such as Airbnb, VRBO, HomeAway, and many private platforms and flag which ones are running illegally. We have a permitting system that provides comprehensive short-term rental permitting for the city, managing workflows associated with permit requirements, on-line registration, etc. With this in place, it is easy to see how the system can identify and flag all non-compliant short-term rentals in real time. The system also includes a tax compliance module. I am emailing to see if you guys are interested in seeing a demo of the system and discussing its capabilities. Please let me know if we can show you how the system works or send you a free report that will show you exactly how many short-term rentals are operating. Our website is [www.strhelper.com](http://www.strhelper.com) and my phone number is 385-282-3666.

Thanks for your time,

Shalese Evertsen

**Kathleen Stecko**

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**Subject:** FW: air b and b

**From:** Jae Flo [REDACTED]  
**Sent:** Thursday, April 26, 2018 4:45 PM  
**To:** John Mazza  
**Cc:** Kathleen Stecko  
**Subject:** Re: air b and b

RECEIVED  
APR 26 2018  
PLANNING DEPT.

This is dead on.

On Apr 26, 2018, at 4:42 PM, John Mazza <[res02iqz@verizon.net](mailto:res02iqz@verizon.net)> wrote:

Correspondence for the May 7 meeting .  
John M

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

From: malibure <[REDACTED]>  
To: steve.uhring <[steve.uhring@gmail.com](mailto:steve.uhring@gmail.com)>; res02iqz <[res02iqz@verizon.net](mailto:res02iqz@verizon.net)>  
Cc: chfoster <[REDACTED]>; karen.farrer28 <[REDACTED]>; jwagner <[jwagner@malibucity.org](mailto:jwagner@malibucity.org)>; skylar <[skylar@peakpowerelectric.com](mailto:skylar@peakpowerelectric.com)>; lrosenthal <[lrosenthal@malibucity.org](mailto:lrosenthal@malibucity.org)>; rdmullen <[rdmullen@verizon.net](mailto:rdmullen@verizon.net)>  
Sent: Thu, Apr 26, 2018 11:48 am  
Subject: air b and b

a couple of my thoughts on short term rentals in Malibu for the May 7th meeting

I read in the Malibu Times this week that they may close Juan Cabrillo  
They sited that the combined attendance of Point Dume and Juan Cabrillo would be 395 students  
Webster has about 250 students

Going forward with those numbers 5 years from now Malibu High School would only have 650 students  
that is a loss of almost 40% of the student body. 650 students would probably not be enough students  
to sustain a high school in Malibu

The effect of rampant real estate speculation, a large number of drug rehabs, and short term rentals have  
a cumulative effect of destroying the fabric of Malibu as a community. Families can no longer afford to  
move here. Teachers, Fire, and other service personnel can no longer find affordable places to lease or purchase.

Malibu is at a crossroads. Will the Planning Commission and City Counsel view the short term rental tax  
or the future of Malibu Schools as their #1 priority

BEST REGARDS  
TERRY LUCOFF

**NOTICE OF PUBLIC HEARING  
CITY OF MALIBU  
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **MONDAY, March 26, 2018, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

**SHORT-TERM RENTAL ORDINANCE**

ZONING TEXT AMENDMENT NO. 17-002 – The Malibu City Council will consider an amendment to Title 17 (Zoning Ordinance) of the Malibu Municipal Code regarding short term rental of property (also known as vacation rentals) in residential and multi-family zones

Applicant:	City of Malibu
Location:	Citywide
City Planner:	Bonnie Blue, Planning Director (310) 456-2489, extension 258 bblue@malibucity.org

The draft ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The Planning Director hereby finds under Section 15061(b)(3) of the State CEQA Guidelines, the draft ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

A written staff report will be available at or before the hearing. All persons wishing to address the Council will be afforded an opportunity in accordance with the Council's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the City Council at any time prior to the beginning of the public hearing.

**IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.**

If there are any questions regarding this notice, please contact Bonnie Blue, Planning Director, at (310) 456-2489, extension 258.



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Bonnie Blue  
Planning Director

Publish Date: March 1, 2018