

April 30, 2021

VIA E-MAIL TO
& 1st CLASS U.S. MAIL

Anya Grahn
Senior Planner
Town of Chapel Hill
Planning Department/
Long Range Planning Div.
405 Martin Luther King, Jr. Blvd.
Chapel Hill, North Carolina 27514

Re: Town of Chapel Hill – Draft Short-Term Rental Ordinance

Dear Anya:

This letter is to follow up the telephone conversation I had with you and others in the Chapel Hill Planning Department and with Town Attorney Ann Anderson a week or two ago regarding the above-referenced matter. Please share this letter with the Planning Commission prior to Tuesday evening's meeting.

I am working with Eric Plow, the owner of seven (7) residential dwelling units known as "Chapel Hill Inn Town" located at 609 Hillsborough Street in Chapel Hill. Mr. Plow has actively participated in the Short Term Rentals Task Force process, so I am sure you are familiar with his property, operations, and concerns. Mr. Plow has peacefully, professionally and continuously operated his property as "short-term rental" units for nearly 20 years. The Town's draft ordinance to regulate short-term rentals, in its current form, will severely restrict, if not eliminate, his ability to continue to operate and manage his property in a way he has done, without any negative consequences to his neighbors, for nearly 20 years.

Mr. Plow's situation may be unique. He owns all 7 dwelling units in the multifamily dwelling (as defined in the Land Use Management Ordinance; "LUMO") on the Property, and since the time he acquired the Property in 2001 has continuously offered each of the units for short term rental residential use. The Property is zoned R-4, for residential use. There is no limitation in the LUMO on Mr. Plow's historic use of the Property for short-term residents, and Mr. Plow has never been cited by the Town of Chapel Hill for any violation of the LUMO with respect to

his use, though he has carried on that use openly. Mr. Plow has lawfully managed his property as short-term rental units for the entire time since 2001. According to LUMO Section 3.7 and Table 3.7-1, multi-family dwellings with up to seven (7) units are permitted as of right in the R-4 district. Each unit fully meets the definition of the term “dwelling unit” established in the LUMO. The Property is zoned for residential use, and has been used for residential purposes, consistent with the Town of Chapel Hill Land Use Management Ordinance. The short-term residential rental use of the Property was not prohibited by the Land Use Management Ordinance and, therefore, we contend that the use is a lawful, conforming use of the Property.

I also respectfully suggest that any attempt to regulate short-term rentals in Chapel Hill is premature and essentially amounts to “a solution looking for a problem.” That is certainly the case with respect to Mr. Plow’s property. The statistics available on the Town’s short-term rentals web page suggest that there are a limited number of properties being used as “short-term rentals”, and it is likely that the majority of these are hosted or unhosted rentals, with very few dedicated rentals. The data also seem to suggest that there have been relatively few incidents of real problems with properties that are used that way, and the one thing we are certain of is that there have been no problems whatsoever with Mr. Plow’s Property. Mr. Plow has always complied with the applicable regulations, and has paid room and occupancy taxes as and when due. His use is a model for how short-term rentals should be operated.

We are aware of case law in North Carolina, *Schroeder v. City of Wilmington*, in particular, a 2020 New Hanover County Superior Court case, which struck down the portion of a City of Wilmington short-term rental ordinance which required “registration” of short term rental units. Other than that, there seems to be little North Carolina, if any, precedent regarding regulations of short-term rental units.

All that being said, Mr. Plow does not object to some sort of registration and periodic inspection requirement, provided that such requirements apply to all rental units in the Town’s jurisdiction. Mr. Plow maintains that the length of stay in a rental unit has no bearing whatsoever on safety requirements, and therefore if safety is the concern, then the registration and inspection regulations should apply equally to all rental units. He would not object to some sort of cap of the number of units in a multi-dwelling building that could be used for short-term rental purposes (provided, of course, that it would not prohibit him from continuing to use all seven (7) in his building at 609 Hillsborough Street for short-term rental purposes, as he has used it that way for nearly 20 years).

We suggest that the proposed Use Matrix Table 3.7-1 in the draft “Ordinance Amending the Chapel Hill Land Use Management Ordinance Articles 3, 4, and 6 of Appendix A to Regulate Short-Term Rentals” be amended to “permit as a principal use” up to seven (7) dwellings in a multifamily dwelling located in the R-4 zoning district. You might also consider amending draft section 4.9.8(f) by adding the phrase “...provided that up to 7 units may be used as dedicated STR’s in any one building in the R-4 district,” or words to that effect. You could even qualify the right to have up to 7 STR units in a building in the R-4 district by limiting that right to those units being used as STR’s as of a certain date, such as the effective date of the ordinance, or even some earlier date such as January 1, 2021. We think that these simple edits to the draft ordinance you circulated during the past week would enable Mr. Plow to continue his use of his Property

consistent with the past 20 years of use and allow the Town to accomplish its purpose of establishing reasonable regulations for short-term rentals.

We know that in some existing neighborhoods, particularly where the homes are detached, single family dwellings, the homeowners' association has authority to enforce covenants prohibiting short-term rentals. In fact, it is commonplace these days for covenants in new residential developments to have such restrictions. We suggest to the Town that it might be appropriate to leave the short-term rental regulation and enforcement power in the hands of the association where one exists. If the Town desires to regulate short-term rentals in newly developed neighborhoods moving forward, then require restrictions on short-term rentals in those neighborhoods consistent with the Town's short-term rental regulations once they are adopted.

We understand that hotel owners and operators in Chapel Hill object to short-term rentals, which compete with them for business. The "misinformation campaign" organized by the "Short Term Rental Regulations Improvement Committee" which sent out postcards claiming that the Town Council had directed the Planning Department to "change your neighborhood's zoning rules so that investors from other cities can buy multiple houses on your street and run them like hotels on the short term rental market" was a scare tactic and an attempt to create a false narrative. This Committee urged residents to "say no to investor-owned homes (operated as hotels) everywhere." This Committee is doing its best to create an issue which simply does not exist, as borne out by the Town's own statistics thus far.

While there may be some legitimate reasons to regulate short term rentals in detached, single-family residential neighborhoods, those reasons simply do not apply to Mr. Plow's situation. Moreover, in many neighborhoods, the restrictive covenants can, and may already, prohibit the short-term rental use and provide a vehicle by which homeowners associations can regulate the short-term rental uses in their own neighborhoods if the property owners in the neighborhood object to them. There simply is no need for the Town of Chapel Hill to adopt any across the board zoning regulations to restrict short-term rental uses in the R-4 district, such as Mr. Plow's at the Chapel Hill Inn Town apartments.

We will continue to monitor the Town's progress, and sincerely hope that the Town will consider Mr. Plow's unique situation and, should the Town adopt any short-term rental regulations, find a way to accommodate Mr. Plow's continued operation of the Chapel Hill Inn Town Property.

Thank you.

Sincerely,

THE BROUGH LAW FIRM, PLLC



Robert E. Hornik, Jr.

REHjr:las

Anya Grahn

From: BJ Warshaw <benjarwar@gmail.com>
Sent: Thursday, May 13, 2021 2:31 PM
To: Anya Grahn
Subject: STR email RE Planning Commission for Town Council

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Hello Anya,

I've updated what I wrote to the Planning Commission a bit to make it more direct to Council. Please feel free to forward the below.

Thanks much,
BJ

=====-

Hello Mayor Hemminger and Town Council,

I attended the Planning Commission meeting on Tuesday, May 4th, and was heartened by their decision to unanimously vote the STR Draft Ordinance as inconsistent with Town Planning, as well as rejecting the Draft for adoption in its present state.

When the STR Task Force initially kicked off, I raised multiple questions at the Task Force and to the Town Council around the process. I was especially concerned, like Stephen Whitlow, about whether or not the Town was acting in a data-driven and objective manner, or merely responding to pressure from the hotel industry and/or unquantified fears around STRs from certain members of the community. I fear it's mostly the latter.

As I stated at the Planning Commission meeting, I'm absolutely in favor of updating the Town's outdated ordinances to create a path for compliance for responsible STR hosts, including licensing and sensible safety restrictions. But, repeatedly, Town Staff has included regulations that reach beyond what is currently necessary, seeking to discriminate STRs from other rentals in an unfair way.

Michael Everheart in particular acknowledged my suggestions for alterations to the ordinance, which I feel will make it a lot easier for STR hosts to run our businesses, with no appreciable negative impact to neighborhood safety. I hope that the Town Council, when further reviewing this Draft, will continue to note that STRs aren't really much different from other properties, that there are already existing laws on the books, including noise ordinances, that serve to mitigate any disturbances. And I hope that Staff will further simplify the ordinance, emphasizing the licensing process to STRs, continuing to gather data before passing unnecessary regulation. I fear that as is, the Draft is filled with solutions seeking problems.

Please see my more specific concerns with the current Draft below.

Thanks for your attention,
BJ Warshaw

Operational Requirements 6.27.2.c

Requires the Designated Responsible Party be onsite within 2 hours, 24/7, in an emergency.

- This rule will be extremely prohibitive to hosts, who often have multiple jobs and responsibilities, may need to travel or even simply run errands, or tend to their own emergencies.
- The vast majority of hosts will be attentive to our properties and guests needs. Requiring us to be "on site" in an emergency won't practically do much that we aren't already doing, but *will* subject us to a regulation that could result in license revocation through no fault of our own.
- We already maintain direct contact with our guests, and emergency/first responders/911 will be best equipped to immediately be on site in case of emergency, as with all rental/commercial/residential properties.
- That said, I agree that appointing a Designated Responsible Party is important for communication between hosts, the Town, first responders, and neighbors. Therefore, I suggest removing the "on site within 2 hours" requirement.
- Instead consider stipulating that the DRP must *respond* within a set period of time, with phone/email being acceptable response methods.
- I'd further prefer the window of response be much longer, in the range of 12-24 hours, to accommodate hosts' other vocations, potential for own emergencies, travel affordances, etc.
- I'd also suggest a process/affordance for temporarily updating the DRP when hosts need to travel, tend to their own emergencies/jobs, etc.

Enforcement 6.27.4.c

STR permit shall be revoked if a property receives three (3) separate violations

- Rather than three-strikes-you're-out, I think license revocation should be handled on a case-by-case basis, with input from hosts, and with oversight by whichever Town entity is responsible for enforcement of these regulations. This will help to avoid revenge/fraudulent complaints aimed at hosts by angry neighbors who have biased fears/aversions towards STRs.
- At minimum, adjust the language to say "may be subject to revocation after adjudication" rather than "shall be revoked".
- But preferably please include an appeal process to ensure hosts have the ability to counter complaints before losing their licenses.

Operational Requirements 6.27.2.a

Prohibits rental of a primary residence and ADU simultaneously

- This has never come up during any STR Task Force meeting, and it seems to be overly concerned about the number of STR guests.
- There's already a guest capacity limit (originally 2 per bedroom + 4, now reduced in this draft to 2 per bedroom + 2). How hosts divide this amongst available space in their homes/ADUs should be up to them.
- Other regulations, though, such as capping dedicated STRs, already do the bulk of preventing properties operating like hotels. In the case of "simultaneous" rental contracts, homeowners would merely be capitalizing on their available space.
- An alternative would be applying licenses to each building on a property, rather than a property as a whole. This would allow the Town to independently monitor a homeowner renting out a room in their primary residence with one license, and their ADU with another.

Operational Requirements 6.27.2.e

Instructions for trash collection shall be posted prominently

- This seems sensible on paper, but is nonsensical from the perspective of how we hosts actually run our STRs. We can't maintain a good business without taking out the trash. So what purpose does this serve?
- Many hosts, myself included, take care of trash disposal for guests. So we **can't** actually follow this regulation to the letter.
- Posting this information detracts from our home aesthetics.
- And it could be much easily conveyed through the AirBnB platform's and house rules rather than posting it physically anyway.

Anya Grahn

From: Jeffrey Fisher <jeff@uniqueplacesllc.com>
Sent: Tuesday, May 4, 2021 5:12 PM
To: Anya Grahn
Subject: Airbnb

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Anya,

I understand you are taking comments on the potential regulation of Airbnb usage in Chapel Hill. I own several properties in Chapel Hill, and a farm in Orange Co. that will likely end up in Chapel Hill at some point in the future. I am also an attorney.

I'm writing to say PLEASE stop trying to regulate Airbnb. On farms, it is one of the few ways we can actually subsidize an already impossible situation of trying to make a farm work in a real estate market that keeps climbing (and real estate taxes that in turn climb).

In town, between COVID restrictions that have hurt entrepreneurs, having an additional municipal restriction on my ability to make ends meet, when Airbnb has been a tool that has enabled us to pay our mortgage, just could not be a worse policy. Please STOP trying to regulate people's ability to cover their mortgage by sharing the one thing they partially own. STOP trying to kill the sharing economy, PLEASE.

If renting a property causes nuisances to neighbors, there are plenty of ways for neighbors to start a cause of action to stop that. Current NC law puts the burden on the landowner to ensure Airbnb renters do not negatively affect their neighbors. And, Neighbors already have the tools they need to file an action to stop nuisance behaviors. Chapel Hill should not add an additional layer of government that gives the Town more rationale to raise taxes to cover additional administrative staff.

Respectfully,

Jeff Fisher
Owner of the Honeysuckle Tea House
Owner of several properties in Chapel Hill.
Attorney at the Forrest Firm

Anya Grahn

From: Judy Johnson
Sent: Friday, May 7, 2021 8:09 AM
To: Anya Grahn
Subject: FW: Proposed Ordinance on STRs in Chapel Hill

From: Joe Valentine <joevalentine@gmail.com>
Sent: Thursday, May 6, 2021 3:39 PM
To: Planning Department <planning@townofchapelhill.org>
Subject: Re: Proposed Ordinance on STRs in Chapel Hill

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A dedicated short-term rental is defined in the draft ordinance as the rental of a residential dwelling unit(s) on a property that is not used as a primary residence and is rented in its entirety to one party of guests at a time for a fee for fewer than thirty (30) consecutive days.

There are some homeowners who own two homes. While one is the primary home, the other is a second home. The owners stay in both homes for certain periods of time each year, but spend more time residing in their primary home. It is possible that a home which may be their primary home in one year, may be their second home in a different year and vice-versa.

The current definition has some ambiguity in terms of how such homes should be treated. Would a second home that the owner uses occasionally or several times a year be treated as a dedicated STR if rented in its entirety to one party of guests at a time for a fee for fewer than thirty (30) consecutive days? What if the homeowner converts their second home to their primary home?

These second homes are not solely used for rentals and are often or sometimes occupied by the primary occupant. However, the homeowner may use them as STRs while he or she is not residing there, so as to meet the cost of mortgage and expenses. So these are not really dedicated for the purpose of STRs and the definition ought to be clear enough to avoid ambiguity in the case of second homes owned by a homeowner that is used for his or her own living as well as STRs. These homes ought not to be classified as dedicated STRs.

Best regards,
Joe Valentine
Phone: [\(919\) 923 4280](tel:9199234280)

On Thu, May 6, 2021 at 9:50 AM Joe Valentine <joevalentine@gmail.com> wrote:

Dear Sir/Madam,

I would like to register my strong objection to the Town Council's proposed ordinance which seeks to ban STRs in residential zones.

My home in Chapel Hill was my primary residence for over 11 years until I moved to Washington D.C. and then to Florida for study and employment reasons. I continue to maintain my home in Chapel Hill as a second residence and visit as well as stay there several times each year. To maintain the home and pay the mortgage, I listed it as an STR on Airbnb and VRBO.

Over 50 families have stayed at my STR in Chapel Hill over the past over 4 years. These families visited Chapel Hill for various reasons including for:

- i. medical treatment of a loved one at UNC
- ii. attending marriages, engagements, family reunions, graduations
- iii. visiting friends in the area
- iv. attending corporate events

Most of these families or groups do not wish to stay in hotels but prefer the comfort, space and amenities of a home. Further, they are able to cook their own food and save money. We have excellent ratings on Airbnb and VRBO and there has been zero complaints from any neighbors in the past 4 years. We insist on strict rules and do not permit any parties or other nuisance.

We have also been paying all applicable taxes and fees to the local government as well as the STR operators. In our STR, we provide employment to four people - a cleaner, a landscaper, a handyman, and a pond maintenance company. The families who stay in our STR spend money on local purchases and help other small businesses in the area.

The proposal to ban STRs is a draconian solution in search of a problem that does not exist, at least in our community. One can understand the need for regulation in the interest of health, safety and overall welfare of the community. However, STRs meet a genuine need of the traveling public and there is a segment that wishes to travel and stay in private homes, not in hotel rooms.

During the time of the Corona pandemic, there is a greater need for families or small groups of people to socially distance themselves from others and private homes facilitate this much better by providing secure and private spaces than hotels cannot. Forcing STRs to close and driving everyone towards hotel accommodation tends to place people at greater risk of exposure to others in a hotel environment. This is an unwise step which is against the interest of public health safety. It also infringes on the right to travel and stay anywhere within the country.

Banning existing STRs in residential zones would amount to a regulatory taking by the government for which just compensation needs to be paid to the owners. A better option would be to grandfather in existing STRs and regulate them to ensure the health, safety and welfare of the traveling public.

What we need is common sense regulation, not excessive over regulation. I would request the Town Council to review the draft ordinance keeping in view the above critical objections and considerations.

Please confirm receipt.

Best regards,
Joe Valentine
Phone: [\(919\) 923 4280](tel:9199234280)

Anya Grahn

From: pam zeman <pamzeman@msn.com>
Sent: Saturday, May 15, 2021 12:59 PM
To: Anya Grahn
Subject: Re: Short-Term Rentals -- Town Council Public Hearing

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Hi Anya,

Thank you for sending STR information. I have been reading comments etc,etc.

The only thing I would like to bring up is the Town tried to enforce registration and yearly payments from homeowners for rentals. What a disaster!!!! 20 plus years ago.

I had a number of rentals and they would certify some not others. It was a joke after sometime....after a year it was a disaster.

It just all evaporated and no one said anything... what did that cost the town???

This STR investigation reminds me of the same waste of money.

At least on Airbnb you have records. We pay our taxes.

Otherwise folks will just post it other places. You can not control what folks do in a reasonable safe and considerate manner.

I am against owners renting out a home and the renters use it as a AIRBNB. I know of this and I believe this can be problematic.

My whole neighborhood knows my house is a AIRBNB and they all have my cell number. They can call me if anything seems a problem. Like the time my neighbors-called me about AIRBNB because my tenant had a old large dog on a walk without a leash. I texted tenant and they immediately leashed dog.

Making owners inform a neighborhood or surrounding folks know it's a AIRBNB seems like common sense.

I also owned rentals in Northside back in the days when the parking patrol officers were the town folks like you. Taking pictures going on property looking around for a illegal car or bedroom, was also a waste of time and money.

My neighborhood on Windsor circle seem to have nothing better to do but jump on every issue this town does. They are absolutely in code violations on the the homes many live in...I don't really care what they do but if they are part of this STR it would not surprise me. If not excuse me please..

If you would like more information and my response to STR issues call anytime.

I will not attend any meetings to watch a few noise makers attack and complain about issues they no nothing about and they really don't care.

Warmly,

Pam Zeman

919-260-1019

Sent from my iPhone

On May 15, 2021, at 9:51 AM, Anya Grahn <agrahn@townofchapelhill.org> wrote:

All,

Thank you for your continued interest in the Town's development of a short-term rental (STR) ordinance. Town Council will be reviewing a draft ordinance this Wednesday, May 18th. (Please note that this ordinance has been revised since the Planning Commission meeting.) The agenda has been posted online and the Town's calendar includes information about registering to attend and speak at the meeting: <https://www.townofchapelhill.org/Home/Components/Calendar/Event/18329/15>.

Thank you for your consideration,

Anya Grahn, Senior Planner

Long-Range Planning Division | Planning Department
405 Martin Luther King Jr Blvd. | Chapel Hill NC 27514

Town of Chapel Hill | www.townofchapelhill.org
t: 919-969-5059 | agrahn@townofchapelhill.org

Thank you for contacting the Planning Department. We are working remotely at this time. Due to periodic high volume of email communication at this time, you may not receive an immediate response, depending on the urgency of your message. If you have not received a response within two business days and still have a question for us please resend your message with a reminder.

Anya Grahn

From: Judy Johnson
Sent: Tuesday, May 18, 2021 8:45 AM
To: Anya Grahn
Subject: FW: VRBO town council hearing

From: Ronnie Parks <parks1952@gmail.com>
Sent: Tuesday, May 18, 2021 8:17 AM
To: Planning Department <planning@townofchapelhill.org>
Subject: VRBO town council hearing

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Greetings

I am a VRBO owner in Chapel Hill. I purchased my property about 15 years ago as my retirement home. It was leased yearly until I had to renovate in 2016, at which time I joined vrbo. I received several complaints about my long term renters, but have never had a complaint about a short term visitor in my neighborhood. I have lived in Orange Co. since 1970 and own another home here. I was born in Durham,

There is no legitimate argument that we owners take business from hotels. I provide a place to rent to families visiting UNC and the hospital ~ a place where a family can cook meals and be together which cannot be provided by a hotel. Times have changed. We are a responsible group of owners. I have strict rules in place about parties , limited parking, noise, age limits, families only.

My yard is clean and tidy. Visitors add money to the local economy and support town and gown. Taxes are paid for each visit thru vrbo. I pay taxes here and vote. I am retired and count on this home as small income and take care of my investment as my possible future home. I spent tens of thousands of dollars on my 2016 renovation. Please do not restrict my right to rent this home, as a responsible tax paying citizen of Chapel Hill and a UNC graduate. It is advertised as a place for Tarheel Families to feel at peace when they visit, in a home setting.

Thank you . Ronnie Parks, UNC BFA 1974, MFA 1984
tarheelson.com

Anya Grahn

From: Katie Loovis <kloovis@carolinachamber.org>
Sent: Tuesday, May 18, 2021 11:16 PM
To: Pam Hemminger; Michael Parker; Karen Stegman; Amy Ryan; Tai Huynh; Allen Buansi; Jess Anderson; Hongbin Gu
Cc: Aaron Nelson; Julie McClintock; John Quinterno; Anthony Carey; Manish Atma; DR Bryan; Rosemary Waldorf; Maurice Jones; Anya Grahn; Colleen Willger; Ann Anderson
Subject: We support the STR Ordinance with 3 caveats
Importance: High

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Dear Chapel Hill Town Council,

Thank you for your leadership and hard work in developing a framework for regulating short-term rentals (STRs) - an important and complicated emerging business phenomenon. The final ordinance will provide a much-needed framework to get STR operators out of the shadows, give them a clear and proper path to permit for their commercial activity, and help them operate safely in appropriate, allowable zones.

As you know, **our study group, including The Chamber, CHALT, local hoteliers, and a former mayor**, have put a great deal of time and reflection into the matter. We believe there are many positive elements in the version of the ordinance before you, and there are some areas that require strengthening. **In our view, the [current version of the ordinance](#) would be suitable for adoption with the following three changes:**

- 1. Prohibit Dedicated STRs in all Residential Zones, including the R4, R5, and R6 zones and the town's historic districts.** Running an STR is fundamentally a business activity-- an activity that involves the provision of lodging to transients in exchange for payment-- and should be treated and regulated as such. That said, there are differences between renting a room out of a house with a permanent resident ("Primary STR") and the buying of investment properties to operate exclusively as pseudo-hotels in residential neighborhoods (a.k.a. investor-owned STRs or "Dedicated STR").

As the regulatory process has unfolded, council has expressed stronger and stronger concern about the appropriateness of Dedicated STRs, a high-turnover commercial activity, in residential zones. To that end, council charged staff in March 2021 to draft an ordinance that prohibits Dedicated STRs in residential zones, which was reflected in earlier drafts. The current version, however, permits Dedicated STRs in the R4, R5, R6 districts, as well as in the Historic Districts. The R4, R5, and R6 districts allow for higher density than single-family districts and permit a greater variety of housing types, such as townhouses and condominiums. These units provide homeownership and long-term rental opportunities for a broader range of households, and such units shouldn't be directed into the Dedicated STR market. We highly recommend you follow the lead of other university communities, including Berkeley, Boulder, Charlottesville, Lawrence, Madison, and Nashville, and prohibit Dedicated STRs in all residential zones.

- 2. Raise Minimum Rental Age and Prohibit Special Events.** The current draft of the ordinance sets a minimum rental age of a primary STR renter at 18, down from age 21 in prior drafts. We

recommend setting the minimum rental age at 21, so as to foster a level of maturity consistent with a neighborhood’s residential character. To the same end, we recommend reinstating the draft language that would prohibit STRs from being used as the sites of parties and other “special events.”

- 3. Include Notification Requirements.** The current draft ordinance removes the previously included requirement that, at the time of application, neighboring property owners located within 100 feet of an intended short-term rental lot receive notification containing the address of the proposed STR property and the name and contact information of the designated responsible party. Knowing where STRs exist in a neighborhood and who to contact in the case of a problem will help to reduce potential conflicts and promote clearer understanding of any issues that might arise with STRs.

In conclusion, despite being more permissive than what is currently allowed in the LUMO and what our STR Study Group originally proposed, we can support this current draft ordinance with these three changes. We believe a revised draft ordinance with these three updates would deliver a fair and reasonable framework and reflect a grand compromise among many diverse perspectives.

Sincerely,

Aaron Nelson and Katie Loovis, The Chamber For a Greater Chapel Hill-Carrboro

Julie McClintock and John Quintero, Chapel Hill Alliance for a Livable Town

Anthony Carey, Managing Director, The Siena Hotel

Manish Atma, President & CEO, Atma Hotel Group

D. R. Bryan, President, Bryan Properties, Inc, and Co-owner, Hyatt Place Chapel Hill

Rosemary Waldorf, Former Mayor of Chapel Hill

Timeline




- **(STR Rapid Growth)** The Chamber started looking into short-term rentals back in early 2019 at the encouragement of local hoteliers. The short-term rental market in our community was growing rapidly with ~40% year-over-year growth and was approaching 20% market share in overnight lodging (Source: AirDNA via Orange County Visitors Bureau, 2019). These figures made us sit up and take a good look at the issue.
- **(Current Law)** In discussions with town staff, we learned that the town *already had* regulations for short-term rentals and a path for permit (see Image 1 below), and on any given night there were ~300 listings on the short-term market, but fewer than a dozen had a permit and the town was not enforcing its rules (Source: AirDNA via Orange County Visitors Bureau, 2019).
- **(Investor-Owned STRs)** In discussions with short-term rental operators, we learned that it is often more lucrative to list the investment properties on the short-term rental market rather than make them available for traditional, long-term use (i.e. affordable workforce housing). That being the case, it was no surprise to learn that a majority of the short-term rental listings in Chapel Hill were (and still are) the entire house listing, most often in residential neighborhoods (Source: AirDNA, Oct 2020).
- **(Neighborhood Impacts)** The Chamber found common ground with CHALT as we unpacked the impacts of investor-owned short-term rentals on neighborhoods. Operators of investor-owned STRs

were maximizing profits at the expense of the local neighborhoods, which are not built for this type of high-turnover commercial activity, and with negative impacts on the affordable housing supply.

- **(Commercial Activity)** The Chamber concluded that investor-owned short-term rental operators were (and still are) turning homes into pseudo hotels for commercial activity (changing “use” without permit) and competing with an unfair advantage – dodging the permitting process, breaking local land use laws, and avoiding the litany of health and safety rules and protocols required of overnight lodging facilities.
- **(Joint Petition)** In comparison to other college communities such as Berkley, Boulder, Lawrence, and Madison that prohibited Dedicated STRs entirely (Source: UNC School of Government), Chapel Hill was experiencing rapid and unenforced STR growth. The Chamber concluded that the town needed to figure out how to enforce their current law or change their law. We submitted a joint petition with CHALT, local hoteliers, and a former Mayor in June 2019 asking Council to address the matter.
- **(Task Force)** After we submitted the petition, our diverse collaborative operated in good faith to support what we were told would be a 6-month Task Force process that would culminate in a fair and reasonable ordinance.
- **(Covid Impacts)** After the Task Force, a delay followed, and the pandemic ensued. During this time, hotels suffered but STRs continued to break records. Hotel occupancy, average daily rate (ADR), and revenue per available room (RevPAR) declined significantly (down 70% according to the Orange County Visitors Bureau) while short-term rentals operating in our community broke records with their highest ADR (\$143 in September 2020) and highest occupancy percentage (69% in August 2020) to date (Source: AirDNA Trend Analysis, October 2020 via Orange County Visitors Bureau).
- **(Zones)** In early 2021, staff presented a draft ordinance that allowed Dedicated STRs in *all* zones. While the current Chapel Hill Land Use Management Ordinance (LUMO) *only* permits Dedicated STRs in commercial zone and our joint collaborative has recommended they *not be permitted* in any zone (similar to other college communities, including Berkeley, Boulder, Lawrence, Madison, etc.), the draft ordinance went in the opposite direction and *allowed in all zones, including residential*. (joint response to the shockingly permissive direction in Dec 2020)
- **(Neighborhood Concerns)** Residents quickly became concerned that their communities were going to be rezoned to allow this commercial activity and more than 75 emails were sent to Council from residents expressing shared concern about Dedicated STRs. Thankfully, in March 2021, Council directed staff to update the draft ordinance so that Dedicated STRs are only permitted in Commercial and Blue Hill District, not residential.
- **(Current Status)** After two years of discussion, learning, and debate, we believe the draft ordinance is ready for adoption with three changes, the most important being prohibiting Dedicated STRs in residential zones.
- **(Bottom line)** While this draft ordinance is more permissive than the current LUMO and our original petition, with the three changes (listed above), we will be ready to give it our full support.

Image 1: The Current Chapel Hill Law Regulating Short-Term Rentals

Types of Short Term Rentals:

Type 1: Hosted Rental	Type 2: Unhosted Rental	Type 3: Dedicated Rental
		
<ul style="list-style-type: none"> • Primary resident is on site with guests • Rental of a spare bedroom or accessory dwelling unit 	<ul style="list-style-type: none"> • Primary resident is not on site with guests • Rental of an accessory dwelling unit (when owner is not on-site) or the whole unit 	<ul style="list-style-type: none"> • There is no primary resident • Rental of dwelling unit and/or accessory dwelling unit (not part of primary residence)
<p><u>Current LUMO Provisions:</u> Home Occupation</p>	<p><u>Current LUMO Provisions:</u></p> <ul style="list-style-type: none"> • Tourist Home • Overnight Lodging 	<p><u>Current LUMO Provisions:</u></p> <ul style="list-style-type: none"> • Tourist Home • Overnight Lodging

Source: Town of Chapel Hill



Katie R. Loovis

Vice President for External Affairs

The Chamber For a Greater Chapel Hill-Carrboro

104 South Estes Drive, Chapel Hill, NC 27514

m: 919.696.0781 | kloovis@carolinachamber.org

[Website](#) | [Blog](#) | [Announcements](#) | [YouTube](#)

Thank you to our Community Champions!



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

Anya Grahn

From: Shay <shaymcjones@gmail.com>
Sent: Wednesday, May 19, 2021 4:02 PM
To: Anya Grahn
Subject: Re: Short-Term Rentals -- Town Council Public Hearing 5/19

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Unfortunate, guidelines look to be made. Our privacy, home ownership and protection from owners that do break rules, another stretch of development moving forward now into neighborhoods. Chapel Hill has a lot of hotels and many rental properties let them be used as designed. We should not have to carry these concerns again in our neighborhood.

The town should use the history of 837 Kenmore as a clear example to restrict short term rentals. We chose to own a home and be safe from hotel/motel/ bed and breakfast, political gatherings, weddings, sorority and fraternity extra large events and unwanted tenants wandering to other yards and even SWAT teams being called when owners don't know their own schedules of renters. This was not allowed during those years and with questionable permits it happened. An extremely difficult time period for our neighborhood to be a neighborhood. Thankful, to have new homeowners at that address today.

We lived short term rentals (and know there are more) and it was unbelievable how difficult getting the city to help the neighbors that called with concerns for several years. I won't speak because we were never heard for years and it was exhausting.

Please restrict any further short term rentals in our neighborhood.

Thank you.
Sharon

Sent from my iPhone

On May 19, 2021, at 3:16 PM, Anya Grahn <agrahn@townofchapelhill.org> wrote:

For those planning to speak at tonight's public hearing on STRs:

Public Input Is Important to Us.

The Council will ask for public comments on the discussion items immediately after Council Members ask their Clarifying Questions of staff and the applicant.

At that time, Mayor Pro Tem Parker will call two names at a time so the second person can be ready. When it is your turn, you can turn on your video and unmute yourself.

Speakers are asked to stay within your allotted time.

As a heads up to those planning to speak on the Short-Term Rental item: Due to the high volume of speakers, each person will have 2 minutes to speak.

Thanks,
Anya

From: Anya Grahn
Sent: Wednesday, May 19, 2021 11:00 AM
Cc: Judy Johnson <jjohnson@townofchapelhill.org>; Colleen Willger <cwillger@townofchapelhill.org>
Subject: RE: Short-Term Rentals -- Town Council Public Hearing 5/19

All,

Please find attached the letter the Planning Commission shared with the Town Council last night regarding short-term rentals (STRs). I have attached a copy for your review here and made it available online on the project webpage: <https://chplan.us/ChapelHillSTRs>.

At this time, the draft ordinance is under review by the Town Council and they will be holding a public hearing at tonight's May 19th Town Council meeting. Comments and input should be directed to the Council so that they can consider the amendments and direct staff to make necessary changes. You may contact the Town Council with written testimony at mayorandcouncil@townofchapelhill.org or sign up to speak at [tonight's public hearing](#).

For more information and past meeting materials, please visit the project webpage at: <https://chplan.us/ChapelHillSTRs>.

Thank you for your consideration,

Anya Grahn, Senior Planner

Long-Range Planning Division | Planning Department
405 Martin Luther King Jr Blvd. | Chapel Hill NC 27514

Town of Chapel Hill | www.townofchapelhill.org
t: 919-969-5059 | agrahn@townofchapelhill.org

Thank you for contacting the Planning Department. We are working remotely at this time. Due to periodic high volume of email communication at this time, you may not receive an immediate response, depending on the urgency of your message. If you have not received a response within two business days and still have a question for us please resend your message with a reminder.

From: Anya Grahn
Sent: Saturday, May 15, 2021 9:51 AM
Cc: Judy Johnson <jjohnson@townofchapelhill.org>; Colleen Willger <cwillger@townofchapelhill.org>
Subject: Short-Term Rentals -- Town Council Public Hearing

All,

Thank you for your continued interest in the Town's development of a short-term rental (STR) ordinance. Town Council will be reviewing a draft ordinance this Wednesday, May 18th. (Please note that this ordinance has been revised since the Planning Commission meeting.) The agenda has been posted online and the Town's calendar includes information about registering to attend and speak at the meeting: <https://www.townofchapelhill.org/Home/Components/Calendar/Event/18329/15>.

Thank you for your consideration,

Anya Grahn, Senior Planner

Long-Range Planning Division | Planning Department
405 Martin Luther King Jr Blvd. | Chapel Hill NC 27514

Town of Chapel Hill | www.townofchapelhill.org
t: 919-969-5059 | agrahn@townofchapelhill.org

Thank you for contacting the Planning Department. We are working remotely at this time. Due to periodic high volume of email communication at this time, you may not receive an immediate response, depending on the urgency of your message. If you have not received a response within two business days and still have a question for us please resend your message with a reminder.

Anya Grahn

From: BJ Warshaw <benjarwar@gmail.com>
Sent: Thursday, May 20, 2021 12:01 AM
To: Town Council
Cc: Anya Grahn; Alexa Nota
Subject: Re: RE STR draft LUMO amendments

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Hello again,

I have one last very strong point after hearing Town Council's thoughts. Please do not move to increase the minimum rental age to 21. This would be counter to the minimum age to sign other rental agreements (minimum age is 18). It's also not enforceable by hosts. Platforms like AirBnB and VRBO allow guests to be 18 and up. And hosts are unable to see the ages of prospective guests, and cannot reasonably discriminate based on age.

Thanks much,
BJ Warshaw

On Wed, May 19, 2021 at 11:01 PM BJ Warshaw <benjarwar@gmail.com> wrote:

Hello Mayor and Town Council,

I had to truncate my remarks this evening due to the late hour. Please find my full prepared statement attached for reference.

Thanks much for listening and for your continued attention and hard work around this complicated issue. I don't envy Town Staff in threading this tricky needle. But my overall hope is that the recommendations of the Planning Commission, and their unanimous opposition to this draft, be heard.

All the best,
BJ Warshaw

Hello! I'm BJ Warshaw. I'm an STR host and, with my wife, have been successfully running a five star AirBnB for over five years with zero neighborhood complaints or incidents.

I would like to stress that STRs, both hosted and dedicated, provide tangible benefits to our community. We have hosted all types of guests that prefer using services like AirBnB over traditional accommodations. For example, parents who want to cook a meal for their UNC grads. Or individuals with serious allergies, who can't stay in hotels due to the types of cleaning products used. We even recently hosted a young mother, and her daughter who was undergoing life saving treatments at UNC, and needed private, comfortable, and affordable lodging.

We are *not* a party house. Our guests are required to explicitly follow our house rules, which include;

- An occupancy cap
- No unauthorized additional guests
- Respecting quiet hours and our neighbors
- Taking out the trash/recycling on check out

When we rent our ADU, we are on site and available to our guests. We provide recommendations for things to do in town, or even hang out for casual meals together. Some of our guests have become good friends.

I must stress that it's in hosts' best interests to keep a clean and respectful STR – otherwise our reviews and livelihoods would suffer. This is a *hard* business. We lost money last year. But we do it not just for financial compensation, but because we truly love hosting people.

In my opinion, this Draft ordinance goes too far. As the Planning Commission has noted, the Draft is inconsistent with the Town's Comprehensive Plan. We have worse noise or neighborhood disturbance issues with college housing, and in far, *far* greater frequency than with STRs. And while the hotel lobby wants to cast STRs as an unmitigated threat, we've seen *zero* data about the degree to which STRs may or may not have impacted occupancy rates.

My most urgent specific concerns with the Draft:

1. Three strikes you're out, license revoked: this rule is ripe for abuse by neighbors with an axe to grind, and provides no protection for honest, hardworking STR hosts. There should be some kind of adjudication and appeals process for hosts. Or at minimum, soften the language from "the permit for that property shall be revoked" to "the permit *may* be revoked."
2. The Designated Responsible Party rules. I'm happy that the requirement of being on site in 2 hours has been removed. But I feel the timeframe should be increased to provide flexibility for hosts juggling other jobs and responsibilities – 2 hrs plus 24/7 availability is still a very tall order when 911 and first responders are best equipped to handle

emergencies. Anything else, hosts will already likely respond in a reasonable time frame, but it should not be a requirement from the Town. There should also be a clear process to appoint temporary DRPs in case we need to travel or tend to our own emergencies.

3. Disallowing simultaneous rental of our primary residence and ADU unless we're on site. I see no reason why we couldn't responsibly rent our primary residence and ADU to separate parties, especially if we can appoint an alternate Designated Responsible Party to respond to issues in our absence.
4. The limit around two units or three percent of units in a multifamily development shall be used as a Dedicated STR. This feels arbitrary to me in the absence of any data backing up Dedicated STRs being a significant issue for the Town.
5. The "Purpose and Intent" seems focused more on assuaging concerns of those opposed to STRs. The ordinance should include acknowledgement of the many benefits provided by STRs, including increased tourism for the Town and financial opportunity for hosts, that have been repeatedly raised throughout this process.

In general, I agree with all of the Planning Commission's unanimous recommendations. Please focus on licensing STRs, providing hosts with a clear route towards legal operation, and collect data before over regulating.

Anya Grahn

From: Judy Johnson
Sent: Thursday, May 20, 2021 9:56 AM
To: Anya Grahn
Subject: FW: Short-term rental ordinance

From: Carolyn Danielle <carolyn.danielle1@gmail.com>
Sent: Wednesday, May 19, 2021 6:31 PM
To: Planning Department <planning@townofchapelhill.org>; Town Council <mayorandcouncil@townofchapelhill.org>; Pam Hemminger <phemminger@townofchapelhill.org>; Michael Parker <mparker@townofchapelhill.org>; Jess Anderson <janderson@townofchapelhill.org>; Allen Buansi <abuansi@townofchapelhill.org>; Hongbin Gu <hgu@townofchapelhill.org>; Tai Huynh <thuynh@townofchapelhill.org>; Amy Ryan <aryan@townofchapelhill.org>; Karen Stegman <kstegman@townofchapelhill.org>
Subject: Short-term rental ordinance

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Good Afternoon,

I hope this message finds you well. I hope that you will seriously consider the data (or rather, lack thereof) on the short-term rental issue, and the Planning Commission's letter -- which is spot on.

This is literally a solution in search of a problem. To be clear, that is not to say that short term rentals should **never** be regulated, it's only to say that there is not a need for it right now. The issues that have been reported (please look into those stats as well, how many over the last year or so?) have to do with standard noise and nuisance -- things for which we should already have ordinances in the books. It's about enforcement of those rules before the town starts going down the path of creating more regulation which is only going to take staff's time from doing work that would more uniformly serve the town's residents.

Specific to the ordinance being proposed, the cap on entire home rentals is arbitrary. It picks winners and losers and could help perpetuate inequities. The town should consider a cap in the future, if it becomes a problem. Additionally, you should consider a 'primary residence' category instead of 'hosted' or 'dedicated' rental. There are a number of people who these definitions leave out, who would like to rent their entire primary residence while they go on vacation for a few weeks, or while they choose to live/work from somewhere else for a few months. This ordinance limits their ability to do so with narrow language saying they **must** be in their home in order to be considered a hosted stay. But renting their homes for a few weeks a year does **not** make them a "dedicated" rental. Again, lack of thought and consideration for various scenarios.

Other, seemingly more minor provisions, also don't account for practicality. Why would you need a 'Designated Responsible Party' to appear "IN PERSON" at a listing to address an issue "within 2 hours" of an "emergency situation"? If there's an "emergency situation", we would all want EMS, police, or fire/rescue to respond, *not* a private citizen. This section/provision should read: "a designated responsible party should take affirmative action," or "be responsive" within an hour of any call from town or law enforcement officials. Also, mandating a "local contact" forces a person who may live more than 2 hours away to hire a local person to manage their rental, again, creating more inequities.

Thank you for taking the time to read this.

-Carolyn

Anya Grahn

From: Judy Johnson
Sent: Thursday, May 20, 2021 9:55 AM
To: Anya Grahn
Subject: FW: Feedback on proposed short-term rental ordinance

From: Tara Kachgal <tkvwhoa@gmail.com>
Sent: Thursday, May 20, 2021 12:17 AM
To: Planning Department <planning@townofchapelhill.org>
Subject: Feedback on proposed short-term rental ordinance

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Hello,

I attended the second half of Wednesday's (May 19, 2021) Town Council meeting and wanted to provide resident input about the proposed short-term rental ordinance.

I am glad that many of the councilors appear in favor of not having dedicated short-term rentals in residential areas. I agree with the public commenters who noted that these are commercial entities that change the complexion of neighborhoods (e.g., you don't know your neighbors, housing is taken off the market, etc.). Allowing nondedicated short-term rentals with the other proposed regulations in terms of owner occupancy and continuous days of rentals seems fair to me. I also support increasing the minimum age to rent a short-term rental to 21.

One thing that greatly concerned me is a lack of any type of inspection. The last public commenter of the night noted that he had stayed in hotels with lax safety and in AirBnBs with stellar safety. I have had suboptimal hotel experiences, for sure, but I have never doubted my safety in terms of fire exits, smoke detectors, mold, door locks, and so forth. I can't say the same about home rentals I have had. Folks operating short-term rentals are operating a public amenity for profit. I am stunned that regulation of them does not extend to any type of safety inspections. I do not think we can give our trust to the platforms they are using, so I would ask the Town to think of some way of providing accountability and ensuring public safety.

Thank you,
Tara Kachgal

Anya Grahn

From: Judy Johnson
Sent: Friday, May 21, 2021 2:23 PM
To: Anya Grahn
Subject: FW: Comments for Public Hearing on Short Term Rentals

From: Robert Epting <bobepting@gmail.com>
Sent: Thursday, May 20, 2021 11:50 AM
To: Planning Department <planning@townofchapelhill.org>
Subject: Comments for Public Hearing on Short Term Rentals

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Good morning:

Please consider the following remarks as my submission to the public comments at the Public Hearing on the short-term rental issue, which I understand has been continued from its beginning on May 19.

Thank you.

Bob Epting
707 East Franklin Street
Chapel Hill, NC 27514

May 19, 2021

Dear Mayor and Council Members,

I have had the great privilege to live in the East Franklin Historic District now for more than fifty years. During that time, I have been permitted to serve as a Member of the Town Council, (then known as the Board of Aldermen), and more recently as a Member and Chair of the Historic District Commission. I have restored two historic homes, and still live in one of them.

During my time here, I have seen the Historic District treasured as a place for families to grow up, where some have come to teach, and others to retire, but where all have come to enjoy the peace and beauty created and treasured by a dozen or more generations of Chapel Hillians, as their homes.

I also recall the various proposals to change our zoning laws or issue special use permits to allow the use of our historic residential homes and properties for commercial development and income producing purposes. On at least four different occasions, maybe more, we have heard, and strongly resisted, proposals formally to permit bed and breakfast businesses in our homes, and others proposing mixed purpose uses, and even institutional uses for non-profits, including fraternities and sororities. Some have been allowed, and we have learned to get along, especially with sororities and some fraternities. But proposals to allow bed and breakfast rentals have

always been denied as I believe they should be, and now as should be the proposals you are considering permitting short term rental uses of our homes, even when the owner is in residence.

In my opinion, such resistance is more important now than ever, if we are going to preserve the Historic Districts for their traditional residential purposes. After living next door to such a use for the last twenty-five years, I can tell you that allowing party uses in residential neighborhoods is corrosive to efforts to preserve these areas for what they are, that is places to shelter families, whether they are raising their children or have come to spend their retirement years there.

Further, and with great sadness, I remind you of the Town's failing to enforce regulations already in place to limit the number of residents, or the number of cars that park, or the frequency, amplification, or duration of partying, or garbage thrown haphazardly all over our neighborhoods whether by those planning to be here semester by semester, or just for a party weekend around a UNC athletic event.

Perhaps you elected officials prefer to think that we do not notice that you do not seem to notice, or to care, about how this rowdy rule-breaking impacts our lives here. But we do. And it is absolutely clear to me that should you decide to make legal further short-term rentals in our neighborhoods, whatever you may intend or even promise, Town officials will not be able to do any better at policing the rules you may make than they do now, which is to say, "NOT AT ALL."

I oppose short term rentals in our neighborhood in large part because I know that although they do not comply with our existing rules, the Town has done nothing to require them to follow the law, to pay their taxes, or to protect our residential neighborhoods from the impacts of inviting occasional visitors to rent a room and stay in Town for ball games or other recreational events, full of the spirits traditionally imbibed on such occasions, to the profit of their lessors, but the peril of our residents.

I urge you to vote not to permit further such commercial activities in our neighborhoods. Instead, have a go at enforcing the rules already in place limiting the existing adverse impacts from overloading our Historic Districts with more cars and people per residence than are permitted by existing law.

Bob Epting
707 East Franklin Street
Chapel Hill, NC 27514

Anya Grahn

From: Judy Johnson
Sent: Monday, May 24, 2021 9:09 AM
To: Anya Grahn
Subject: FW: STR input for the continued public hearing - May 20, 2021

From: susan smith <nasus48@bellsouth.net>
Sent: Thursday, May 20, 2021 1:51 PM
To: Planning Department <planning@townofchapelhill.org>
Cc: Town Council <mayorandcouncil@townofchapelhill.org>
Subject: STR input for the continued public hearing - May 20, 2021

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To: Mayor Hemminger, Allen Buansi, Jessica Anderson, Amy Ryan, Hongbin Gu, Karen Stegman, Tai Huynh, and Michael Parker,

Money, Money, Money Mon- NEY. Remember that song? Please don't let this become the rudder steering town council decisions. I hope that you will do your level best to think independently with conscience. How else will you catch the fair winds of equity to navigate these stormy waters? Many important decisions aren't easy, but it seems that opposition is necessary to make our values clear and take a stand on them.

1. Re 60% residency: Will residential even retain its meaning when STRs and ESPECIALLY dedicated STRs financed by developers are allowed to move in and turn residential living into an opportunity for financial gain? I don't think so, do you? Really? And if you do amend the LUMO, 60% residency is not nearly enough. That's barely over half the time. To keep our neighborhoods residential places, this percentage needs to be 80% - 85% or even higher.

If you don't want STRs happening in your neighborhood, will you vote to allow it in others? Will this practice of dedicated STRs begin and occur more frequently in poorer neighborhoods? In apartment complexes? How will white privilege factor into this business venture?

STRs should especially be kept out of all our historic districts, otherwise larger and larger additions to these historic homes will be created for rental purposes and not for residential reasons.

Neighborhoods thrive on the safety built around neighbors who know and care for each other and their properties. We need your support to keep it that way. It helps our police force.

2. Simultaneous rentals? NO THANK YOU, for obvious reasons, and especially when neighbors are the ones who have to call out infractions. We don't go away. We have to continue to live next to the ones we blow the whistle on.... so the whistle often doesn't get blown. And that's already happening when it comes to over-parking in our historic districts.

3. Minimum age: 21 DEFINITELY. Remember the adage, 40 is the new 30? Yes, giving responsibility for STRs to 18 year olds is not a high enough bar to set. Who is more likely to be responsible? Other-centeredness tends to increase with age, doesn't it? And in a college town, with sports events a primary reason for partying, why open that door wider by lowering the age to 18?

CONSIDER THE QUALITY OF OUR COLLECTIVE LIVES AND **STRENGTHEN** RATHER THAN WEAKEN THIS AMENDMENT, if you decide to accept it.

Better yet, say **NO** to STRs, and **ABSOLUTELY NO** TO DEDICATED STRs.

A pilot program may sound reasonable, but it will just allow developers to get their foot in the door, making it much harder to reverse this pattern a year from now when even more investments have been made. Not a practical idea and who will enforce the change in policy?

I hope my comments lead to insights in your deliberations. This is such a big issue for our town! I hope it continues to be discussed and next time given priority by being placed earlier in the agenda.

Thank you for your service,

Susan Smith, MLA, M.Ed.

Sent from my iPad

Anya Grahn

From: edsburke@gmail.com
Sent: Wednesday, May 26, 2021 11:25 AM
To: Pam Hemminger; Michael Parker; Jess Anderson; Allen Buansi; Hongbin Gu; Tai Huynh; Amy Ryan; Karen Stegman
Cc: Anya Grahn; rbadgett@sog.unc.edu
Subject: STR considerations

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Dear Mayor Hemminger and Town Council members,

I'm writing today once again to express my recommendations to you and the Town Council regarding the pending decisions on regulating the STR business in Chapel Hill. I support your thinking about implementing a pilot type period of monitoring the STR proposed regulatory processes before voting on a final LUMO set of revisions.

I continue having concerns and therefore offer these recommendations for your consideration:

Freeze additional STR expansion during pilot period

During this pilot period you should freeze additional expansions into our traditional historic-type neighborhoods and just determine through the permit process proposed exactly how many STRs are indeed imbedded into these neighborhoods. As currently proposed, hosted or residence owned home STRs are being offered unlimited expansion opportunities throughout these neighborhoods. I firmly support some form a zoning limitations, especially during a pilot phase while we learn.

I have been concerned throughout this process that I seldom, if ever, hear any council member, much less the Planning Commission, speak out with concern and support of traditional home owners in these traditional or historic type neighborhoods. I think of the families who have children who must change their daily routines when these "bed and breakfast" businesses operate next door or down the street. Safety must now be of paramount concern when strangers are coming and going days and weekends at a time. I simply urge that some compassion and concern be shown for traditional, family based, home owning neighbors who are not engaged in commerce, yet must cope with this new reality.

More than three complaints

I'm also concerned about the often used statement by the STR lobby that there have only be three complaints lodged against STR operators over the recent years. This is a myth! I was personally involved with reporting an Airbnb complaint in 2018 and was told then by a code enforcement official that there had been only three STR complaints lodged total. And that was 2018, three years ago! I attribute part of the problem to mis-coding of complaints, probably due to the intake process. I'm confident this will change with new training and sensibilities in that area. The point I'm trying to make is that we must plan for potential problems and ensure we have future problem scenarios in mind as statutes are passed. I had recommended in an earlier email that we should incorporate some fire arm safety measures, for instance, but was informed that the General Assembly prohibits local measures. So despite the very effective lobbying campaign I've witnessed from the STR lobby, imbedded STRs in our neighborhoods are not problem free. Have not been, and will not be. So please prepare!

Thank you again for your considerations and deliberations on these matters.

Respectfully,

Ed Burke
228 Mill Race Drive

Chapel Hill, NC 27514
PH:919-932-9040

Anya Grahn

From: Lynne Hicks <hicks.lynne@gmail.com>
Sent: Wednesday, May 19, 2021 3:58 PM
To: Town Council
Cc: Anya Grahn
Subject: council meeting 5/19 on STR's

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Honorable Mayor Hemminger and Town Council Members:

Just a quick note for lack of time. I realize that not all STR's are equal. Some folks need a paid resident in their home in order to maintain affordability to remain in Chapel Hill. The resident caller from the historic district, that James Baxter of the advisory planning council refers to, has been operating his short term and long term rental on his family property compound between McCauley and Vance streets. He resides there full time. Scholarly types tend to board there. But, there are for - profit 5 bedroom properties: \$1,000.00/day that advertise for weddings, reunions, graduations, etc. These "sleep 12 person" properties invite day tripper attendees for various celebrations. People are celebrating and let their guard down, understandably. What they forget is that there are high tax paying home owners who work hard during the day and evening contributing to the health and education of their community and they get disrupted by trying to finish up reports at home by loud partying. They can't even sit out on their porch at night because, the revelers are loud and foul language ensues.

The STR property owner needs to maintain the extra parking, the property owner needs to post good neighbor initiatives, the property owner needs to be responsible for peace and quiet. It has been said for neighbors to call 911 if folks are too loud. When we lived in the Cameron McCauley Historic district, this was/is a common occurrence by the neighbors there. Just look at the police data. What isn't recorded is the number of times folks have gone to student houses in their bathrobes at midnight and asked them to pipe down. So, in nice quiet neighborhoods, away from the City Center and University, it would be nice to have assurances of peace. It is the owner of the STR's responsibility to establish and maintain quiet. 11:00 pm is too late for outdoor quiet hours to begin. Some of us have to be at work at 7am.

Lastly, I speak for many folks. The reason why you may not have enough data is that people do not want to be pitted neighbor against neighbor. If there are not anonymous surveys, people are not going to respond. People tend to ruminate during disruptions of sleep, rather than get up out of bed and call 911. We can't encourage more anger and miscommunication between neighbors. My only hope is that guidelines need to be put in place so that there is peace and harmony while living in your own homes.

Respectfully,
Lynne K Hicks, RN-ret

Formerly of Cameron-McCauley Historic District Resides in Lake Forest