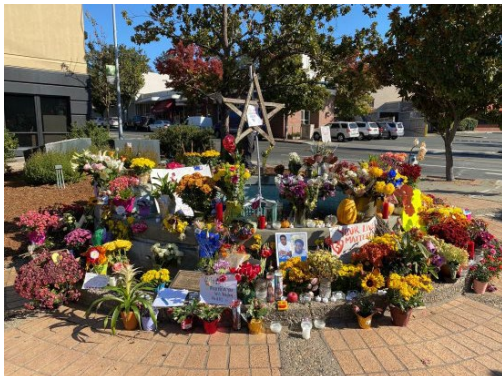


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Orinda to ban non-hosted short-term rentals following mass shooting

By Sora O'Doherty



A memorial was erected in downtown Orinda for victims of the 114 Lucille Way mass shooting on Halloween. Photo Sora O'Doherty

the property in question has been removed from Airbnb and Booking.com and will no longer be used as a short-term rental. The nearly 4,000-square-foot home with 11 rooms was purchased at the end of 2017 and registered as a short-term rental in 2018. According to one speaker, the owners of 114 Lucille Way own 11 other properties in Contra Costa County.

Police Chief David Cook gave the city council a summary of the incident. He thanked residents who offered both support and assistance to the police. Cook said that he understood that people had questions about the timeline of events on Halloween. Cook said that at 8:35 p.m. on Oct. 31 the Orinda Police Department sent two officers to Lafayette to assist at a home invasion robbery. There had been, he said, several complaints about a noisy party on Lucille Way, but such complaints did not take precedence over a violent crime in progress. Returning from Lafayette at 10:50 p.m., the OPD officers headed for the Lucille Way residence, but the shooting happened shortly before they arrived.

Cook said that the department had received only two calls about this property since March, and neither complaint was concerning loud parties. At no time was there a complaint regarding the presence of weapons. The shooting incident is currently under investigation by a number of federal, state and local agencies, including the FBI. He said that people have come forward to offer to contribute toward a reward for solving the crime, but he said that was not considered necessary at this time.

Even after shortening the public comment time to two minutes per person, the meeting wound up being extended twice, running close to midnight. Two hundred members of the public attended the meeting, and were asked to show their support for speakers by a show of hands, rather than by applause.

After listening to speakers expounding a variety of points of view, and consulting with city attorney Osa Wolff, the council voted unanimously to adopt an urgency ordinance banning all non-hosted short-term rentals in the city. Wolff was of the opinion that the city had good grounds for such action, to protect the health and safety of its residents and that, while the city might be sued, she was confident that it could successfully defend against such an action.

On Nov. 19 the council will vote on the urgency ordinance, which will ban all non-hosted STRs and will become effective immediately. Orinda staff will try to work with existing owners. The ordinance will be effective for 45 days, and may be extended to two years. An urgency ordinance requires a finding that action is required to "protect the public safety, health, and welfare."

Currently there are a total of 51 STRs registered in Orinda, but only 32 that are actively available for rental (19 STRs have been removed or deactivated from all STR listing platforms). Of the 32 active listings, according to Planning Director Drummond Buckley, 21 are hosted, meaning that the property owner is present during the short-term rental, and 11 are non-hosted, meaning that the rental is of the entire property and the owner is not present.

Buckley reviewed how STRs are handled in other Bay Area locations: In Lafayette and Petaluma STRs require a use permit; there are no regulations in Moraga, and short-term rentals are allowed; Danville STRs are a prohibited use in single-family residential zoning districts; and Piedmont STRs are allowed by permit.

The Orinda Library Auditorium was full and an overflow room in the community center was opened Nov. 5 as the city council tried to decide what to do about short-term rentals in the aftermath of a shooting on Halloween that left five people dead and one victim in a coma.

Mayor Inga Miller opened the meeting with a moment of silence for the victims of the mass shooting at a party at 114 Lucille Way. She named the dead as Oshiana Tompkins, 19, of Vallejo/Hercules; Omar Taylor, 24, of Pittsburg, Ramon Hill Jr., 23, of San Francisco/Oakland Javin County, 29, of Sausalito/Richmond; and Tiyon Farley, 22 of Antioch. Armani Reynolds remains in a coma. Miller noted that Supervisor Candace Andersen says that Contra Costa County has resources available to help people dealing with the trauma of the shooting.

During the public forum, many of the speakers prefaced their remarks with expressions of sympathy and grief for the families of the victims. It was also announced that

Sausalito bans STRs.

During the public forum, the city council heard views from owners of hosted STRs, non-hosted STRs, neighbors of STRs, and others. A number of Lucille Way residents spoke of their problems with the Airbnb on their street. It was advertised as being "great for parties," said Sally Ng of Nickerbocker Lane, which intersects Lucille Way.

Tanya Caragol said that she lives a few houses away from the Lucille Way property and did not feel safe and had called the police twice on Halloween, at 9:30 p.m. and again at 10 p.m. Although some speakers thought that Orinda should have extra officers on duty for Halloween, Cook said that they had considered it, but a review of past Halloweens indicated that it was not necessary as there had not been any rise in crime on the holiday.

Virtually all the speakers in the public forum were Orinda residents, with the exception of one who represented the San Francisco Tenants Union. She urged the city to hold Airbnb accountable. "Airbnb doesn't care about anything," she opined.

Three owners of non-hosted STRs spoke of their unique situations. Richard Metzgen operates a ranch that is frequently rented by celebrities seeking a private retreat. He does not allow one day rentals, and has many two-day rentals up to four to five weeks. Parties are not allowed. While he is not always present, he said, because it is a working farm there is someone on the property nearly every day. He described extensive vetting procedures, including not renting at all on Halloween. The property is gated and there are cameras. This is his only source of income.

Gina Dashman said that she owns one of the 11 non-hosted STRs. It is her primary residence, she said, but she rents out her four-bedroom home when she is away. "So far, she has only had wonderful experiences," she said, but she believes that the city should eliminate STRs that are not the owner's primary residence.

Carolyn Phinny wanted to know if Megan's Law applies to STRs, and Wolff replied that Megan's Law, which requires registered sex offenders to register their whereabouts, only applies after five days of a change in residence, so would not capture all guests at STRs.

Christine Chalmers, said that she lives four houses down from 114 Lucille Way. She cited a San Francisco study that she said concluded that registrations should be required to demonstrate that a location is their primary residence in order to qualify for short-term rentals. Chalmers claimed that there have been 26 shootings at Airbnbs in the past six months resulting in 20 deaths, 10 of those in California.

Many speakers expressed concern about the level of police staffing and expressed shock that all police were sent to Lafayette on Halloween. City Manager Steve Salomon said increasing police coverage from two officers to three officers present on every shift would cost the city upwards of \$1 million. The mayor requested that the police chief explain about mutual aid agreements.

While it was true, Cook said, that Orinda had sent both of its on-duty police officers to Lafayette under a mutual aid agreement, had there been a serious report in Orinda, other officers from outside the city would have been called in. He reiterated that the only calls that night had been in regard to a noisy party, not a violent crime.

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