



ORINDA

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CALBRE# 00903367

In the wake of the Halloween shooting in Orinda, Airbnb struggles to change

By Sora O'Doherty

The shooting on Halloween that left five young people dead and one in a coma has prompted Airbnb to make changes, as it contemplates going public next year. Airbnb CEO and founder Brian Chesky on Nov. 6 stated via social media, "Starting today, we are banning 'party houses' and we are redoubling our efforts to combat unauthorized parties and get rid of abusive host and guest conduct, including conduct that leads to the terrible events we saw in

Orinda." Later that day he sent an email to the company's employees, promising improvements to the company designed to restore trust. To address unauthorized house parties, beginning on Dec. 15, Airbnb will expand manual screening of high-risk reservations flagged by their risk detection models to the U.S. this year and globally next year. According to Chesky, "events by bad actors on our platform took advantage of that trust, including at a home in Orinda, California." He said the company was taking four steps to restore

trust. In addition to the manual screening of high-risk reservations, Chesky promised that by the end of the year, all seven million listings on Airbnb will be reviewed and verified. Beginning on Dec. 15, Airbnb will offer a guest guarantee so that any guest who is dissatisfied with a property can rebook at a new listing of equal or greater value, or get 100 percent of their money back. In addition, the company is launching a new, 24/7 Neighbor Hotline so that anyone can call the company anytime, anywhere in the world and reach a real per-

son at Airbnb. The hotline will be staffed with a rapid response team and will launch in the U.S. by the end of this year, and will roll out globally over the course of next year. According to the San Francisco Chronicle, after a statement was issued by an attorney representing the family of one of the victims, noting a lack of support for the family, Airbnb did offer to pay funeral expenses for all five of the people killed at the party, and to provide trauma counseling.

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

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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

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. 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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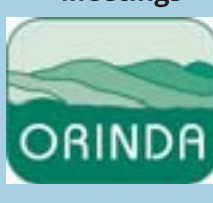
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Orinda Public Meetings

City Council
Tuesday, Nov. 19, 7 p.m.
Regular Meeting
Library Auditorium, Orinda
Library, 26 Orinda Way

Planning Commission
Tuesday, Nov. 26, 7 p.m.
Library Auditorium, Orinda
Library, 26 Orinda Way

Citizens' Infrastructure Oversight Commission
Wednesday, Nov. 13, 6:30 p.m.
Sarge Littlehale Community Room,
22 Orinda Way, Orinda, CA 94563

Orinda Union High School District Board Meetings
Monday, Dec. 2, 6 p.m.
Regular Board Meeting
8 Altarinda Rd., Orinda
www.orindaschools.org
See also AUHSD meeting page A2