

Virginia Beach Planning Commission

Public Hearing

August 12, 2020

Ms. Oliver: Good afternoon. My name is Dee Oliver and I am the chair of the Planning Commission and I would like to welcome you all to the August 12, 2020, Planning Commission formal meeting. We are going to start today, I have asked Commissioner Inman to lead us in prayer and that the pledge is going to be followed and led by Commissioner Klein.

Mr. Inman: Heavenly Father we come to you today thanking you for your guidance and wisdom. As we begin this hearing today, guide our hearts and our minds in the spirit of fairness, right thought and speech. Help us to remember our responsibility to serve our community with great insight, guided by understanding, wisdom, and respect for all. As we make decisions today, help us to promote the common good. As we work together for the betterment of our great city. As trusted servants we seek blessings on our deliberations and our efforts here today. Amen.

Ms. Oliver: Thank you. Commissioner Klein.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Ms. Oliver: Thank you. I would like to ask Commissioner Graham to introduce the members of our Commissioner, please.

Mr. Graham: To my left is George Alcaraz, he represents to Beach District. George is a building contractor, he is also the GM of the ECSC, which is coming up in just what two weeks.

Mr. Alcaraz: Two weeks.

Mr. Graham: Yeah. To the left of him is Don Horsley, Don is at large and he is a farmer and then we have Dee Oliver, the Chairwoman, and she is at large and she is a funeral director and then David Wiener Kempsville District, commercial sales. Mike Inman, he is at large, he is an attorney. Then, David Redmond from the Bayside District, commercial real estate. Then Robin Klein with Centerville District, social worker. And, I am Whitney Graham and I represent the Lynnhaven District, and I am a real estate developer.

Ms. Oliver: Great. Thank you, and our Planning Director Bobby Tajan, if you will take time to introduce the Planning Staff please.

Mr. Tajan: Thank you, Madam Chair first starting with on my right, the Deputy City Attorney Kay Wilson, starting with Planning Staff at the seats as Jonathan Sanders, Marchelle Coleman, Bill Landfair, Zoning Administrator Kevin Kemp, Hoa Dao. Planning Administrator Carolyn Smith and potentially a number of other and the Housing Program Administrator, Karen Porcello, in the back.

Ms. Oliver: Thank you. And, I think that, Mr. Landfair, if you will read the rules, please.

Mr. Landfair: Thank you Madam Chair. Today's meeting is being held both virtually and in person in order to comply with proper social distancing guidelines. The Virginia Beach Planning Commission takes pride in being fair and courteous to all parties in attendance. It is important that all involved understand how the Commission normally conducts its meetings. It is equally important that everyone treat each other and the members of the Commission with respect and civility. The Commission requests that if you have a cell phone, please either silence it or turn it off while in the chamber. This is an abbreviated explanation of the rules. The complete set of rules is located in the front of the Planning Commission Agenda. Following is the order of business for this public hearing. Withdrawals and deferrals, the Chairman will ask if there are any requests to withdraw or defer an item on the Agenda. Consideration of these requests will be made first. Consent Agenda, the second order of business is the consideration of the Consent Agenda, which are those items that the Planning Commission believe are unopposed in which have favorable staff recommendations. Regular agenda, the Commission will then proceed with the remaining items on the agenda. Speakers in support or opposition have an agenda item will have three minutes to speak, unless they are solely representing a large groups, such as the Civic League or homeowners association, in which case they will have 10 minutes. Speakers who are participating virtually today, please mute any additional devices you have in the room to avoid any unnecessary background noise and or the possibility of echoing and reverberation. Please note that once your name is called, you should wait three seconds before speaking to ensure the Planning Commission hears your complete remarks. Please begin your comments by identifying yourself. Also, do not ask "can you hear me" as only one feed is open at a time to minimize the echo reverberation and as such, you will be unable to hear a response. Please note that the actions taken by the Commission today are in the form of a recommendation to the Virginia Beach City Council. The final decision to approve or disapprove an application will be made

by the City Council. The Commission thanks you for your attendance, and we hope that your experience here today, leaves you feeling that you have been heard and treated fairly. Thank you.

Ms. Oliver: Thank you, Bill.

Items # 1.

**Studio Evolve, LLC [Applicant] Byler Lakes, LLC [Owner]
Conditional Use Permit (Body Piercing Establishment)
512 S. Independence Boulevard**

August 12, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Ms. Oliver:Right, thank you, Marchelle, the next order of business is the Consent Agenda and Commissioner Wiener is going to handle.

Mr. Weiner:Thank you, Madam Chair, the next order of business is the Consent Agenda. These are applications that are recommended for approval by Staff and the Planning Commission concurred and there are no speakers sign up to speak in opposition. The Planning Commission placed the following applications on the Consent Agenda items 1, 2, 3, 4, 9, 10, 11, and 13. Let me back up a minute. Planning Commission also replaces the following applications for the Conditional Use Permit for Short Term Rentals on a Consent Agenda, as they meet the applicable requirements of Section 241.2 of the Zoning Ordinance. Staff and Planning Commission support the applications and there are no known speakers signed up to comment, which are items 9, 10, 11, and 13. Is there anyone here in opposition of these items. Before I make a motion, I would like to ask if there are any speakers in opposition again on these items 1, 2, 3, 4, 9, 10, 11, and 13. Okay, I move the following items to be approved on the Consent Agenda, 1, 2, 3, 4, 9, 10, 11, and 13.

Ms. Oliver:Right. Do I have a second?

Mr. Redmond:Second.

Ms. Oliver:Okay. Are there any Planning Commissioners that need to abstain on any of these items? Okay. We will go ahead and call for the vote, please Marchelle.

Ms. Coleman:Sure. If you are in favor of the motion say yes and if your opposed say no.
Mr. Alcaraz.

Mr. Alcaraz:Yes,

Ms. Coleman:Mr. Graham.

Mr. Graham:Yes.

Ms. Coleman:Mr. Horsley.

Mr. Horsley:Yes.

Ms. Coleman:Mr. Inman.

Mr. Inman:Yes.

Ms. Coleman:Ms. Klein.

Ms. Klein:Yes.

Ms. Coleman:Mr. Redmond.

Mr. Redmond:Yes.

Ms. Coleman:Mr. Weiner.

Mr. Weiner:Yes.

Ms. Coleman:Ms. Oliver.

Ms. Oliver:Yes.

Ms. Coleman:By a recorded vote of eight for and zero against the following items 1, 2, 3, 4, 9, 10, 11, and 13 have been Approved by Consent. If you had an application that was on the Consent Agenda your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date. So that others may attend in the chamber, please exit via the side door. If you are watching virtually, you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda, Bill Landfair will introduce the first application.

Mr. Tajan:Madam Chair, just before Bill begins with the Regular Agenda. I do want to note for the record that Mr. Wall, Mr. Coston, and Mr. Barnes are not present in the meeting, due to personal things they need to attend to.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

1. A business license for the Body Piercing Establishment shall not be issued to the applicant without the approval of the Health Department to ensure consistency with the provisions of Chapter 23 of the City Code.
2. Body piercing services shall not be visible from the exterior of the establishment or from the waiting and sales area within the establishment.
3. Any on-site signage for the establishment shall meet the requirements of the City Zoning Ordinance, and there shall be no neon, electronic display or similar sign installed on the exterior of the building or in any window, or on the doors. A separate sign permit shall be obtained from the Planning Department for the installation of any new signs.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Items # 2. & 3.

James T. Cromwell, Esq., Receiver for Shore Realty Corporation, a defunct corporation [Applicant & Owner]

Street Closure

(All but one 5' x 37.5' section of an unimproved 10' x 400' alley running east to west between 75th & 76th Street ("Alley") and the 15' x 95' section of an unimproved lane on the north side of 75th Street ("Lane A"))

Street Closure

15' x 85' section of an unimproved lane on the south side of 75th Street ("Lane B"))

August 12, 2020

RECOMMENDED FOR APPROVAL- CONSENT

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Ms. Oliver: Right. Do I have a second?

Mr. Redmond: Second.

Ms. Oliver: Okay. Are there any Planning Commissioners that need to abstain on any of these items? Okay. We will go ahead and call for the vote, please Marchelle.

Ms. Coleman: Sure. If you are in favor of the motion say yes and if your opposed say no. Mr. Alcaraz.

Mr. Alcaraz: Yes,

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By a recorded vote of eight for and zero against the following items 1, 2, 3, 4, 9, 10, 11, and 13 have been Approved by Consent. If you had an application that was on the Consent Agenda your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date. So that others may attend in the chamber, please exit via the side door. If you are watching virtually, you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda, Bill Landfair will introduce the first application.

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	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

1. The City Attorney’s Office will make the final determination regarding ownership of the underlying fee. The purchase price to be paid to the City shall be determined according to the “Policy Regarding Purchase of City’s Interest in Streets Pursuant to Street Closures,” approved by City Council. Copies of the policy are available in the Planning Department.

2. The applicant, or the applicant’s successors or assigns, shall resubdivide the properties and vacate internal lot lines to incorporate the closed areas into the adjoining parcels. The resubdivision plats must be submitted and approved for recordation prior to the final street closure approval. Said plats shall include the dedication of a public drainage easement over the closed portions of the alley or lanes to the City of Virginia Beach, subject to the approval of the Department of Public Works, and the City Attorney’s Office, which easement shall include a right of reasonable ingress and egress.

3. The applicant or the applicant’s successors or assigns shall verify that no private utilities exist within the right-of-way proposed for the closure. If private utilities do exist, easements satisfactory to the utility company, must be provided.

4. Closure of the rights-of-way shall be contingent upon compliance with the above stated conditions within 365 days of approval by City Council. If the conditions noted above are not accomplished and the final plats are not approved for recordation within one year of

the City Council vote to close the rights-of-way this approval shall be considered null and void.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Item # 4.
Bonney Road VB, LLC [Applicant & Owner]
Modification of Conditions (Motor Vehicle Sales & Service and Automobile Repair
Garage)
3825 Bonney Road

August 12, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Ms. Oliver: Right, thank you, Marchelle, the next order of business is the consent agenda and Commissioner Wiener is going to handle.

Mr. Weiner: Thank you, Madam Chair, the next order of business is Consent Agenda, there are applications that are recommended for approval by Staff and the Planning Commission concurred. And, there are new speakers sign up to opposition the Planning Commission placed the following applications on the Consent Agenda items 1, 2, 3, 4, 9, 10, 11, and 13. Let me backup a minute. Planning Commission also replaces the following applications for the conditional use permit for short-term rentals on a Consent Agenda as they meet the applicable requirements of Section 241.2 zoning ordinance. Staff and Planning Commission support the application and there are no known speakers and signed up to comment, which are items 9, 10, 11, and 13. Is there anyone here in opposition of these items. Before I make a motion, I would like to ask if there are any speakers in opposition again on these items 1, 2, 3, 4, 9, 10, 11, and 13. Okay, I move the following items to be approved in the Consent Agenda, 1, 2, 3, 4, 9, 10, 11, and 13.

Ms. Oliver: Right. Do I have a second?

Mr. Redmond: Second.

Ms. Oliver: Okay. Are there any Planning Commissioners that need to abstain on any of these items? Okay. We will go ahead and call for the vote, please Marchelle.

Ms. Coleman: Sure. If you are in favor of the motion say, yes and if your appose say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes,

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of eight for and zero against the following items 1, 2, 3, 4, 9, 10, 11, and 13 have been approved by consent. If you had an application that was on the Consent Agenda your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so that others may attend the chamber please exit via the side door. If you are watching virtually you are free to exit or stay in watch. Thankyou all for your participation. The next order of business is the Regular Agenda, Bill Landfair will introduce the first application.

Mr. Tajan: Madam Chair, just before Bill begins with the Regular Agenda. I do want to note for the record that Mr.Wall, Mr. Coston, and Mr. Barnes are not present in the meeting due to personal things they need to attend to.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

1. All conditions attached to the Modification of Conditions granted by City Council on December 12, 2017, are hereby deleted and superseded by the following conditions.
2. The subject site shall be developed and landscaped substantially as depicted on the site exhibit with entitled, "CONDITIONAL USE PERMIT EXHIBIT FOR JOYNT ENTERPRISES, INC. AUTOMOTIVE SALES," dated October 9, 2017 and prepared by Gallup Surveyors & Engineers.
3. The building façade shall substantially conform to the elevation titled, "PEMBROKE AUTO SALES FRONT ELEVATION," dated 6-28-16 and prepared by RBA, with the exception of the image of the car shall not permitted.
4. The building sign shall be composed of individual letters as shown on the elevation, and any freestanding sign shall be monument-style. A separate sign permit from the Planning Department shall be required for the installation of any new signs.
5. Motor vehicles on display shall be parked only within the display areas shown on the site exhibit referenced in Condition 2 above.
6. No vehicles shall be parked in areas striped for fire lanes, nor shall any vehicle impede or block access to the site. The ingress/egress shall remain open for vehicular access at all times, as depicted on the site exhibit referenced in Condition 2 above. Physical markings shall be added to designate the required 30-foot throat length.
7. No outside paging or amplified music system shall be permitted.

8. There shall be no decorative pennants, feather flags, streamers, air dancers, inflatables or other similar advertising items located on the site.
9. All vehicle repair shall only take place inside the buildings.
10. No motor vehicles in disrepair or waiting to be repaired shall be stored outside.
11. No outside storage of equipment, parts, or materials shall be permitted.
12. All junk, debris, and other discarded items must be removed from the site.
13. All customers and employees shall park on-site unless a parking agreement is arranged with adjacent properties.
14. No outside storage of used liquids shall be stored within view from the rights-of-way.
15. Within 90 days of City Council action, the applicant shall file all necessary permits with the City for review and approval for the 24 by 24 foot metal garage building depicted on the exhibit entitled "Dimensional Plan, Field Change #3", dated July 15, 2018 and prepared by Gallup Surveyors & Engineers.

Item # 5.

Franklin Johnston Group Management & Development, LLC [Applicant] Birchwood Associates [Owner]

Conditional Use Permit (Housing for Seniors and Disabled Persons)

3808 & 3820 Virginia Beach Boulevard, 309 & 329 Birchwood Park Drive

August 12, 2020

RECOMMENDED FOR APPROVAL- HEARD

Mr. Landfair: Madam Chair, we have eight items on today's Regular Agenda. The first item on today's Regular Agenda is agenda item number five. The application of Franklin Johnston Group Management and Development, LLC, this is for a Conditional Use Permit for Housing for Seniors and Disabled Persons. The applicants representative is Rob Beaman. Mr. Beaman you have up to 10 minutes, please start by stating your name for the record. Thank you.

Mr. Beaman: Thank you Madam Chair, Mr. Vice Chair, and Members of the Commission for the record, my name is Rob Beaman and I am a local land use attorney with the Troutman Pepper Law Firm here down behalf the applicant Franklin Johnston Group. We certainly appreciate Jonathan's presentation in the informal session this morning and appreciate originally being placed on the Consent Agenda. We do understand that after the informal meeting or during the informal meeting there was a question raised regarding whether or not the project will have a affordable component. We do want to let you all know that Franklin Johnston Group is strongly considering having an affordable component to this. They certainly done a number of affordable deals, but at this point they are unable at this early stage in the project to commit to any sort of percentage of affordable units. And with that, Taylor Franklin, James Noel from Franklin Johnston Group and myself are here to answer any questions anybody has.

Ms. Oliver: Great, thank you very much.

Mr. Beaman: Thank you.

Ms. Oliver: Anybody have any questions? No, okay. Thank you.

Mr. Landfair: Madam Chair. The next item on the agenda.

Ms. Oliver: Hold on Bill. Hold on we have got brake on it.

Mr. Landfair: My apology.

Ms. Oliver: All right, I am going to close this session to the public and open it up for the Commissioners. Yes, Mr. Redmond.

Mr. Redmond: Madam Chairwoman, I move approval of the application.

Ms. Oliver: Okay. Do I have a second?

Mr. Graham: I second.

Ms. Oliver: Great, thank you. Marchelle you call for the vote please.

Ms. Coleman: Sure. If you are in favor of the motion say, yes and if you are oppose say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of eight for and zero against agenda item five has been hereby recommended for approval by the Planning Commission.

Ms. Oliver: Thank you.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

1. When the property is developed, it shall be in substantial conformance with the submitted Concept Plan entitled, "Birchwood - Virginia Beach, VA, Conceptual Site Plan", prepared by Timmons Group, dated July 27, 2020, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development.
2. The exterior of the proposed building shall substantially adhere in appearance, size and materials to the elevations entitled, "NEW AGE-RESTRICTED MULTI-FAMILY DEVELOPMENT, THE ARBORS AT BIRCHWOOD," prepared by Cox, Kliewer & Company, P.C., dated 7/23/2020, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Department of Planning and Community Development.
3. A Landscape Plan shall be submitted at the time of final site plan review reflective of the plant material depicted on submitted Landscape Plan entitled, "Birchwood - Virginia Beach, VA, Conceptual Planting Plan", prepared by Timmons Group, dated July 27, 2020, which has been exhibited to the Virginia Beach City Council and is on file in the Virginia Beach Planning Department.
4. The Property, when developed, shall not exceed a total of 150 senior housing units restricted to age 62 and older.

5. The freestanding sign shall be monument style with a brick base, be no taller than eight (8) feet in height measured from the ground to the top of the sign.
6. At the time of site plan review, a Photometric Plan shall be submitted for review and shall contain foot-candle lighting readings for all areas of the site including the perimeter. Said plan shall also specify light fixture height, light fixture type, proposed shielding, and light dimming capabilities.
7. All light fixtures on the site shall be no taller than 14 feet in height.
8. All light fixtures shall be shielded away from the adjacent residential uses to the north and east of the site.
9. The dumpster(s) shall be enclosed with a solid wall in a color and material to match the building and any required screening shall be installed in accordance with Section 245 (e) of the Zoning Ordinance.
10. The applicant/owner shall resubdivide the property and vacate all internal lot lines. Said resubdivision plat must be submitted for approval and recordation by the Planning Department.

Items # 6.

**Bonney G. Bright Sand Co. [Applicant] Bonney G. Bright [Owner]
Modification of Conditions (Borrow Pit)
200 Princess Anne Road**

August 12, 2020

RECOMMENDED FOR APPROVAL- HEARD

Mr. Landfair: Madam Chair. The next item on the agenda is item number six Bonney G. Bright Sand Company for a modification of conditions request, at 200 Princess Anne Road in the Princess Anne District. The applicant's representative is Harold Jones. Mr. Jones you have up to 10 minutes. Please start by stating your name for the record. Thank you.

Mr. Jones: Good morning, Madam Chair and Members of the Commission, my name is Harold Jones with Sigma Environmental and I represent Bonney Bright Sand Company. In this current application is essentially a renewal application for the conditional use permit that was issued in 2010, and previous conditional use permits that were issued prior to that. The mine right now, we are still working within the mine and we need additional time to complete the removal of marketable material, and more importantly to have available amount of time for mine reclamation which is a requirement of the previously issued conditional use permits. It is also a requirement of the State Department of Mines, Metal and Energy and the Federal Mining Regulation's. The pit does provide a great amount of public service to the community. Certainly, various departments within the City of Virginia Beach utilize its products, public works, public utilities, etc. And, it also is owned and operated locally by the owner, who employs 40 to 45 local people and employs all these folks that really need to work. It is part of the original permit that was issued, we had four monitoring wells that were installed during subsequent applications for additional extensions and conditional use permit. Over time, we now have 12 monitoring wells on this site that are being monitored, three of which are USGS wells. They are at varying depths and that provides us a good cross section of hydrology in according to the geographic stratigraphy on the site. And, it gives us a good idea whether or not there is any potential saltwater intrusion which was always been a concern over a number of reviews of this previous conditional use permit application. And, to date, we have not found and we submit data on a quarterly basis to the City, and that information is reviewed with internally

and they also have an independent environmental consultant that reviews that data and provides reports back to them. And thus far there is no indication that there is any saltwater intrusion on this site. There are three different aquifers that are monitored as a resolve of the well installation. And, there is only really one or two of the surficial or the Yorktown Aquifer that would potentially be utilized by local residents within the area, and there is obviously no corner depression associated with this that would affect those wells. One of the other major conditions was that we establish a Groundwater Monitoring Program and a recharge plan that was put together and approved by Planning Staff back in 2010, and we continue to operate under that and all the conditions that were issued in 2010. There have been no notices of any violations, we report on time consistently every quarter. And, there are no violations whatsoever that have occurred in the mine related to the city requirements. Other than that, I will open it up for any questions that the Commission may have.

Ms. Oliver: Do we have any questions? Thank you very much and we welcome back to you.

Mr. Jones: Okay, thank you.

Ms. Oliver: I understand, we have one speaker.

Mr. Landfair: Yes, Madam Chair, there is one speaker signed up to speak, Tyler Rose. Mr. Rose, please state your name for the record. Thank you.

Mr. Rose: Good afternoon, Madam Chair and Members of the Planning Commission, my name is Tyler Rose I am a local attorney with the Law Firm Williams Mullen, I reached out to several of you, representing some concerns that a client of mine had with regard to this project. He has lived in the area for a long time, I do have him here with me today, Mr. Mark Resalphe. He will be able to speak a little bit more to his experience with the project and the impacts on the local environment down there and then also just with the community in general. We have been in some discussions with Mr. Landfair and he has been very helpful in providing some additional clarity on the project, you may be able to tell with the email, we originally thought there was an expansion of the operation. He presented to us that it was just an additional operational timeline to look at an extension of another 10 years, we would request that 10 years be reduced down to five years and there will be more periodic monitoring, especially with regard to the additional concern with sea level rise and request some additional tests and monitoring that originally were in place back in 2000. Our understanding is

that there were some tests done in terms of the geological impact, so, just as concerned citizen my client would request some additional information on just how that impacts the environment and the community as a whole and allow my clients Mr. Resalphe to speak to his experiences down there, and some of the things that he has witnessed with the operation. Thank you for your time today.

Ms. Oliver: Right, thank you. Do we have any questions? Okay. Great. Thank you.

Mr. Resalphe: Good afternoon. Thank you. My name is Mark Resalphe, and I live on Pocahontas Club Road which adjoins this project here. As a matter of fact, I live in the Pocahontas Club, which is listed in the Virginia Beach publication of 50 most historic properties of Virginia Beach. It is a historic hunt club that my wife and I bought in the early 90s, and did a lot of work and spent a lot of money restoring. It is good for another hundred years I am happy to say. And, we also expanded our property to include about 38 acres on Back Bay. When this project came up for the 2010 time frame, we looked into it and we heard the concerns of everybody. We listen to the City Zone Experts about the danger to the aquifer, which monitoring helps, but it is a time thing as well. The minute salt water intrudes in our aquifer, we have no drinking water and that is all there is to it. We had a scare about a year ago in my son's property which is also on Pocahontas Club Road, and we had to have someone come in and find out why his water was salty and it turned out to be a moving thing, it moved out and he then did not have the problem. But, it gave us a scare and it made us think about it. I am pro-business at the time in 2010, I looked at everything they said they are going to monitor it, they are going to take care of it, the environmental concerns were huge. If you look, we are on a narrow peninsula we got Intracoastal on one side and Back Bay on the other. And, the size of this project originally was already quite substantial to that piece of land. And, then when it moved across the border to North Carolina and expanded in size, it was disturbing environmentally to see this going on, we have now a lot of topsoil gone, a lot of compacted land without the trees and everything that could suck up water or crops or whatever. And, I was weighing all that, but I said you know if he is going to be 10 years, he is going to do something at the time, helped the city a lot because they used it for the beach replenishment, and as their speaker said helps community. I was a customer and bought sand from them everything like that. But, I thought it is worth 10 years and when I saw this I was surprised. I was surprised for two reasons, one, if he had 10 years before he skipped across the border what halfway through or whatever or what if you use that 10 years in Virginia Beach like he said he was going to,

we will be done. How much did he take already, how much of the amount he is allowed and did he take already and if he X-percent he took, how long did he do to take that why does he need 10 years to scrape up whatever is left or what have you, or why cannot this stuff be moved over to the operation in North Carolina which is further away from Pocahontas Club Road. We used to wake up before this operation, listening to the sound of birds, we have a beautiful property, all beautiful wildlife and everything. Now we hear the backup beeps of dump trucks and the clanging of the back of them to get the wet sand out, it is loud. It is like a bomb and it goes on all day. We have an industrial mining operation at the end of our street. And my question would be.

Ms. Oliver: I am so sorry.

Mr. Resalphe: I am sorry. Okay, I see that.

Ms. Oliver: The red light is on.

Mr. Resalphe: Thank you for your time.

Ms. Oliver: Do we have any questions for him please? No. Okay. Thank you.

Mr. Resalphe: Thank you for your time.

Ms. Oliver: Yes sir, would you like to come back up and address some of the statements that were made, please.

Mr. Jones: At least the comments associated with the wells and the stratigraphy there. One thing that has to be taken into consideration is the depth of the permitted mine, which is only 25 feet deep from the surface. There are three different aquifers, the surface aquifer if anybody puts a well in a surface aquifer that is less than 25 feet because 25 feet is also what we hit the first aquifer and that is a restricted layers in the soil profile, and it prevents water or it severely restricted from vertical movement. And, what happens is that by limiting at 25 feet you are down to the bottom of your reserve of your marketable sand, and you have a restricted layer, so, anything that is going on in that area, 25 feet or above is generally out of the zone of where normal people are going to be putting wells in. Primary reason is because it is full of iron and everybody knows what iron does to your bathtub and your sinks and your clothes and everything else. Most wells that are put in are drilled wells, they are going down to the second or third aquifer down below the confining lens. So, if they have well failures of some sort then there will be on the direct impact of dewatering the pit. And, because of the

actuator there is very little in terms of development of the depression below that, so, if they have problems with their wells there, chances are those problems are for some other reason. We have the 12 wells that I talked about completely circumvent both the North Carolina and Virginia mines. They have been looked at and approved by the hydro geologist enrichment with the USGS, and they are also evaluated on a quarterly basis by an independent consultant, AH Environmental Consultants out in Newport News and they report back to the City Public Works Department in terms of various constituents that are in the water quality that are used as markers for salt water intrusion. What is going on in terms of level of Back Bay and in terms of global rise is happening it is only going to increase, and it is not going to have any bearing on water quality itself within the confining aquifers below that and I see my time on.

Ms. Oliver: Thank you. Do we have any questions? Yes, Don.

Mr. Horsley: Harold these monitoring wells you have got, you think they are adequate to continue use of them to address any concerns that may arise.

Mr. Jones: I do, as matter of fact, though, we have one at Pocahontas Road that has satellite uplink to it and I can get on the computer and tell you exactly what is going on in terms of water levels, and a couple of other various constituents that are monitoring in those wells. Some of ours as deep as 180 feet, and we got a good cross section of well depths that looks at the various both horizontal and vertical movement of water within the various aquifers. So, it is well thought out plan in terms of monitoring and evaluating the effects of potential dewatering above the surficial actuator, which is the top 22 to 23 feet.

Mr. Horsley: So, basically what Mr. Bright wants to do is continue to operate as he has done the last 10 years for the next 10 years. And, he had not had any problems in the same monitoring system as it being commenced.

Mr. Jones: The extent of the line has been excavated thus far, there are materials. We also mix, a lot of his clients require certain specifications for construction. And, there is a lot of stores and there is also mixing of that material to meet those specifications, so, you have got onsite storage to be able to meet what your potential customer needs for road construction, building construction whatever the case may be. So, there is that and then you just do not go in for mine reclamation and do that in one week or two weeks, it takes time. You have got to go in and do it right, use right materials, planning, those sorts of things so it takes time.

Mr. Horsley: Thanks you sir.

Mr. Jones: Yes, sir.

Ms. Oliver: Yes, Whitney.

Mr. Graham: The website that set up that you are able to go on and look at to monitor the wells. Is that something that the gentleman here is able to actually access.

Mr. Jones: I do not know if it is open. I do not know if it is a public access or not, I can certainly find out.

Mr. Graham: But, it seems like it would be, if it is drinking water it would be nice to be able to access that.

Ms. Oliver: Well, sir, I am sorry. That is okay.

Mr. Graham: So, I kind of made eye contact and it was partly my fault.

Mr. Jones: I would assume it is, because I use the Beggars Bridge Tide Gage uplink from USGS for a lot of different reasons on Back Bay and that gives me real time data both for water level, temperature, precipitation, salinity, and some other components. So, it should be there.

Ms. Oliver: Right. Do we have any other questions. No. Thank you.

Mr. Jones: Thank you.

Ms. Oliver: I do have a one question for the applicant, and let the attorney, since he is representing you maybe I will ask you if you do not mind coming up. And, I just want to make sure, I was understanding, so, I know that there was a question of the water quality. If he has had a problem with the water quality in proximity to this.

Mr. Rose: As Mr. Resalphe mentioned there was that one particular scare with his son's property, he has a property there, his children have a property down there so it is a big family grouping down there, so they are disproportionately impacted by this whole operation. So, his entire family to this point has been impacted by this operation and his property in general. He has specific anecdotal things he can speak to. They may be complying with all of the State and Federal requirements at this point it is just that there are serious concerns that he has about his family, these concerns if that groundwater is penetrated by saltwater is irreversible and they are kind of left without recourse at that point. So, they are very sensitive to that and then also they are not entirely clear on the impact that sea level rise may have on this

project that may not have any but they are not entirely sure. So, they are just not really in a position to evaluate the overall impact, so, they are just here expressing their concerns and hoping that this city will take at least the responsibility to look out for them seriously and impose conditions that will look out for the community down there as well. So, I am happy to turn it over to Mr. Resalpheif he wants to speak. If you have any specific questions that his experience down there you are representing him generally.

Ms. Oliver: No. I think I am good I just sort of want to just kind of see where we were on that.

Mr. Rose: Thank you Madam Chair.

Ms. Oliver: Okay, great. Thank you. I guess we will go ahead and we are going to close this and put the Commission to have a discussion on this.

Mr. Horsley: Madam Chairman, I would submit that this operation has been going on for many years and the last 10 years in particular have been monitored by as Mr. Jones said some 12 monitoring wells and I do not think there has been any complaints voiced and Mr. Bright about it any problems if that they have, I am sure, knowing Mr. Bright and his community service he would not want to do anything that would harm anybody in the community and I am sure he would address those problems right away. So, with that being said and with the use of this material that he has got in the city and surrounding area is really a big thing for this area to have access to that sand pit. So, with that, whenever you are ready for motion I am ready to make mine.

Ms. Oliver: Anybody else? Okay.

Mr. Redmond: I move approval of the application.

Mr. Horsley: I will second.

Ms. Oliver: Marchelle will you call for questions please.

Ms. Coleman: Okay. No abstentions.

Ms. Oliver: I am sorry, I did not noticed. Do we have any abstentions to this vote, any of the Commissioners? No. Thank you.

Ms. Coleman: Okay, no problem. If you are in favor of the motion say, yes and if you are oppose say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of eight for and zero against Agenda Item six is hereby recommended for approval by the Planning Commission. Thank you.

Ms. Oliver: Thank you.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

1. All of the conditions attached to the Conditional Use Permit approvals of November 28, 2000, February 14, 2006, and February 9, 2010, shall remain in effect, except Condition 20, which is replaced below.
2. Extension of time for operations is for a ten-year period, ending in June 2030, to include restoration of the property.
3. When the mining is complete, the applicant will redevelop the sides of the pit to a 3:1 slope within six months as depicted on the submitted plan for the borrow pit entitled "Reclamation Plan", dated October 3, 2007, revised September 10, 2009, prepared by Gallup Surveyors & Engineers. Said plan has been exhibited to the City of Virginia Beach City Council and is on file in the Planning Department.
4. Activities on the site shall meet all the requirements identified by the Virginia Department of Mines Minerals and Energy.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Items # 7.
Shelley Gail Dagenhart [Applicant & Owner]
Conditional Use Permit (Short Term Rental)
2113 Atlantic Avenue, Unit 2-B**

August 12, 2020

DEFERRED INDEFINITELY

Ms. Oliver: Thank you, Bill. The first order of business is the consideration of request to withdraw or defer an item. Bill if you will start with that please.

Mr. Landfair: There are five items requesting a deferral. Agenda Items 7, 14, 15, 16, and 17. The first item is Agenda Item seven. The application of Shelley Gail Dagenhart for conditional use permit for short term rental located at 2113, Atlantic Avenue, Unit-2B in the Beach District. I understand the request is for indefinite deferral. The applicant Shelley Dagenhart has signed up to speak virtually. Ms. Dagenhart, please state your name for the record, before you ask for the deferral. 14, 15, 16, and 17 are combined into one request of Ocean Rental Properties, LLC, for conditional use permit for short-term rentals, all located at 516, Norfolk Avenue, Units 1, 2, 4, and 5 in the Beach District. The applicant's representative, Eddie Bourdon has signed up to speak and I understand that the request will be to defer specifically to the September 9, Public Hearing. Mr. Bourdon, please state your name for the record. Thank you.

Mr. Bourdon: Madam Chair and Members of the Commission for the record, Eddie Bourdon, Virginia Beach Attorney representing the applicant on all these four short-term rental CUPs, there were discrepancies in the signposting and what the sign said and we deferred this to September, the signs have been correctly posted now. Thank you.

Ms. Oliver: Great, thank you. Is there anyone here in opposition of the deferral? Do I have a motion to defer items seven indefinitely, items 14, 15, 16, and 17 to the September 9, public meeting.

Mr. Weiner: Madam Chair, I will make a motion to defer item seven indefinitely, items 14, 15, 16, and 17 for 30 days.

Ms. Oliver: Right, do I have a second.

Mr. Horsley: Second.

Ms. Oliver: Thank you. Are there any Planning Commissioners that are abstaining on these items to be deferred. Okay. Alright, then we will call for the vote please.

Ms. Coleman: If you are in favor of this motion say, yes and if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes,

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of eight for and zero against item seven has been deferred indefinitely and items 14, 15, 16, and 17 have been deferred to the September 9, Public Hearing.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

**Items # 8.
Charlie Kim [Applicant & Owner]
Conditional Use Permit (Short Term Rental)
809 Vanderbilt Avenue**

August 12, 2020

RECOMMENDED FOR APPROVAL- HEARD

Mr. Landfair: The next item on today's Regular Agenda is agenda item eight. Charlie Kim for conditional use permit requests for a short-term rental at 809, Vanderbilt Avenue in the Beach District. The applicant is Charlie Kim. Mr. Kim is a virtual speaker, Mr. Kim you have up to 10 minutes. Please pause for three seconds, so we can unmute your mic. Please start by stating your name for the record. Thank you.

Mr. Kim: Hello, my name is Charlie Kim. Thank you, Madam Chair and Member of the City Council for reviewing our application. Thank you, Planning Member Mr. William Miller and other Staff Members who have provided us with guidance and direction to get us to this point. With COVID-19 and social distancing, we have grandparents that live with us in their 80s, so, we decided to do this virtually. My wife and I purchased the 809, Vanderbilt beach home in late April, ultimately with the intention of family enjoyment with our four kids and my in laws, until I am fully retired in few years. And, our plan for the short-term rental is not to build a lucrative business but simply to supplement until I fully retire and our decision to apply for short-term rental we remain very sensitive to maintaining good relationship with our fellow neighbors, especially since we will be moving into this home permanently. But, even with one opposing letter, I would say we are still in great relationship with Mr. Daddio. As a homeowner, investor, and landlord experience wise, I have been and still am an active member of HOA and active participant in HOAs where I have investment properties and condos and so on. And, for over 20 years my wife and I have actively managed our properties and respect both owners and renters, we actively perform the wedding of our renters, and we treat our property as if we would be living there ourselves. And, in fact, after moving into this Virginia Beach home we have been complimented several times by our neighbors, and how well we have tremendously improved the look of the home. In preparation for this rental, we have not only complied with the city rules but have planned rental agreement will include things like only allow family groups, minimum age of 30. No fireworks and such, and we will also have welcome packets that will explicitly state that we will have security cameras located in a certain

position, which the renters will know, maintain noise control, and most importantly respect fellow neighbors. We are currently pursuing a Rental Management Company, but we will continue to screen the renters ourselves and have local service providers such as plumbers. And, we request this approval as we have been compliant with this application. We follow the procedures and guidelines, no balance in our taxes and what not. We have erected the orange sign, although the sign got bent in half after the last hurricane, but it was displayed for about a month. We have held off on renting before approval by the Virginia Beach Government to maintain our respect for rules and process. We understand the concerns of the renters and we are concerned about the wear and tear, as any homeowners would be. And, we would ask Madam Chair and the Commissioners to please consider our application for approval. And, if there is any chance of being denied, please, I ask that you be clear as to why we would be rejected. Thank you.

Ms. Oliver: Thank you. Do we have a speaker?

Mr. Landfair: Madam Chair, there is one speaker signed up to speak, William Daddio. Mr. Daddio, please state your name for the record. Thank you. Mr. Daddio does not appear to be here Madam Chair.

Ms. Oliver: Okay. Alright.

Mr. Landfair: There are no more known speakers.

Ms. Oliver: Okay. Well, on that note, we will go ahead and close this and open it up to any comments or a motion from any of the Planning Commissioners.

Mr. Alcaraz: Well, I asked to hear this because I did receive calls, I was hoping someone was here to speak up if they were against it, but I need to hear and you guys need to hear it and it is a shame. So, I mean, if we are meeting the criteria and I do not get any complaints and we do it publicly then I am going to get some comments from you guys or I am going to make a motion.

Mr. Redmond: Make a motion.

Mr. Alcaraz: Nobody else.

Ms. Oliver: No.

Mr. Alcaraz: Well then I make a motion that we approve the application.

Ms. Oliver: Okay. Alright.

Ms. Coleman: Was there a second.

Ms. Oliver: Yes.

Ms. Coleman: Okay, thank you .If you are in favor of the motion say, yes. If you are oppose say, no. Mr. Alcaraz

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: B y recorded vote of eight for and zero against, Agenda Item eight is hereby recommended for approval by the Planning Commission.

Ms. Oliver: Right. Thank you.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 809 Vanderbilt Avenue, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental

within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.

7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and

b) Copies of the Commissioner of Revenue's Office receipt of registration; and

c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

11. Accessory structures shall not be used or occupied as Short Term Rentals.

12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental. 13. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.

14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.

15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.

17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site

Items # 9.

**Pham Vo, LLC [Applicant] Hien Pham, Cuong Vo [Owner]
Conditional Use Permit (Short Term Rental)
5120 Settlers Park Drive**

August 12, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Ms. Oliver: Right, thank you, Marchelle, the next order of business is the consent agenda and Commissioner Wiener is going to handle it.

Mr. Weiner: Thank you, Madam Chair. The next order of business is Consent Agenda, there are applications that are recommended for approval by Staff and the Planning Commission concurred and there are no speakers signed up in opposition. The Planning Commission placed the following applications on the Consent Agenda, items 1, 2, 3, 4, 9, 10, 11, and 13. Let me backup a minute. Planning Commission also places the following applications for the conditional use permit for short-term rentals on the Consent Agenda as they meet the applicable requirements of Section 241.2 zoning ordinance. Staff and Planning Commission support the application and there are no known speakers signed up to comment, which are items 9, 10, 11, and 13. Is there anyone here in opposition of these items? Before I make a motion, I would like to ask if there are any speakers in opposition again on these items 1, 2, 3, 4, 9, 10, 11, and 13? Okay, I move the following items to be approved in the Consent Agenda, 1, 2, 3, 4, 9, 10, 11, and 13.

Ms. Oliver: Right. Do I have a second?

Mr. Redmond: Second.

Ms. Oliver: Okay. Are there any Planning Commissioners that need to abstain on any of these items? Okay. We will go ahead and call for the vote please Marchelle.

Ms. Coleman: Sure. If you are in favor of the motion say, yes and if your appose say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes,

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of eight for and zero against, the following items 1, 2, 3, 4, 9, 10, 11, and 13 have been approved by consent. If you had an application that was on the Consent Agenda your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date. So that others may enter the chamber, please exit via the side door. If you are watching virtually, you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda. Bill Landfair will introduce the first application.

Mr. Tajan: Madam Chair, just before Bill begins with the Regular Agenda. I do want to note for the record that Mr. Wall, Mr. Coston, and Mr. Barnes are not present in the meeting due to personal things they need to attend to.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 5120 Settlers Park Drive, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
4. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
5. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
6. If, or when, the ownership of the property changes, it is the seller’s responsibility to notify the new property owner of requirements ‘a’ through ‘c’ below. This information must

be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and

b) Copies of the Commissioner of Revenue's Office receipt of registration; and

c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

7. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

8. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

9. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

10. Accessory structures shall not be used or occupied as Short Term Rentals.

11. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.

12. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.

13. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.

14. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

15. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.

16. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Items # 10. & 11.

**Michael Fairchild & Renee Fairchild [Applicant] MLFW, LLC [Owner]
Conditional Use Permits (Short Term Rentals)
836 & 838 12th Street**

August 12, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Ms. Oliver: Right, thank you, Marchelle, the next order of business is the consent agenda and Commissioner Wiener is going to handle.

Mr. Weiner: Thank you, Madam Chair, the next order of business is Consent Agenda, there are applications that are recommended for approval by Staff and the Planning Commission concurred and there are no speakers signed up in opposition. The Planning Commission places the following applications on the Consent Agenda; items 1, 2, 3, 4, 9, 10, 11, and 13. Let me backup a minute. Planning Commission also places the following applications for a conditional use permit for short-term rentals on a Consent Agenda as they meet the applicable requirements of Section 241.2 zoning ordinance Staff and Planning Commission support the application and there are no known speakers signed up to comment, which are items 9, 10, 11, and 13. Is there anyone here in opposition of these items? Before I make a motion, I would like to ask if there are any speakers in opposition again on these items 1, 2, 3, 4, 9, 10, 11, and 13. Okay, I move the following items to be approved on the Consent Agenda, 1, 2, 3, 4, 9, 10, 11, and 13.

Ms. Oliver: Right. Do I have a second?

Mr. Redmond: Second.

Ms. Oliver: Okay. Are there any Planning Commissioners that need to abstain on any of these items? Okay. We will go ahead and call for the vote, please Marchelle.

Ms. Coleman: Sure. If you are in favor of the motion say, yes and if your appose say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes,

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of eight for and zero against, the following items 1, 2, 3, 4, 9, 10, 11, and 13 have been approved by consent. If you had an application that was on the Consent Agenda, your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date. So that others may enter the chamber, please exit via the side door. If you are watching virtually, you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda. Bill Landfair will introduce the first application.

Mr. Tajan: Madam Chair, just before Bill begins with the Regular Agenda. I do want to note for the record that Mr. Wall, Mr. Coston, and Mr. Barnes are not present in the meeting due to personal things they need to attend to.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling units addressed as 836 & 838 12th Street, and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. Unless a modification is approved by the Director of the Department of Planning and Community Development, the driveway apron must be enlarged in accordance with the Site Layout & Parking Plan section of this report. Completion of this condition must occur within 60-days of City Council approval of this Short Term Rental Conditional Use Permit request.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is

available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.

7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and

b) Copies of the Commissioner of Revenue's Office receipt of registration; and

c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28. 11. Accessory structures shall not be used or occupied as Short Term Rentals.

12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.

13. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.

14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.

15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.

17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Items # 12.
Charity Figallo [Applicant & Owner]
Conditional Use Permit (Short Term Rental)
448 Garrison Place

August 12, 2020

RECOMMENDED FOR APPROVAL- HEARD

Mr. Landfair: The next item on today's Regular Agenda is agenda item 12. Charity Figallo for Conditional Use Permit request for Short-Term Rental at 448, Garrison Place in the Beach District. The applicant is Charity Figallo. Ms. Figallo is a virtual speaker, Ms. Figallo, you have up to 10 minutes. Please pause for three seconds, so, we can unmute your mic. Please start by stating your name for the record. Thank you.

Ms.Figallo: Good afternoon, Madam Chair and Commissioners, my name is Charity Figallo. Thank you so much for taking my application into consideration today. I am a lifelong Virginia Beach resident. My father retired US military here in Virginia Beach, stationed at Oceana as did my husband. My children are also are Virginia Beach residents graduating here and currently in school. I am very involved with my church and I really do love my community and my city. I am seeking a Conditional Use Permit for my childhood home after much consideration and prayer, due to some serious life changes including the death of my younger sister and mother who resided here. I spoke to a few friends who are doing this and decided because of my family's emotional attachment to the home, and the ability to still enter the home and have family gatherings here, as well as the income that would provide support so much needed updates and maintenance. This seemed to be the perfect solution versus traditional renting to tenants that could possibly make my family my neighbors. Some of them who I have known my whole life they could be potentially stuck for a tenant for at least a year that perhaps would not follow some rules, perhaps who would bring additional troubles to our street which I do not want. We do have a property on my right that is a rental and there have been some unsavory situations there over the years. I really do care about my neighbors and my neighborhood, our yard and our home are always kept up in me and this makes others take pride in ownership as well. I just really appreciate your consideration today, I have invested a lot into this property, and I am not looking to make a ton of money but to just be able to keep the home

available to my family and to be able to make some continued improvements on the home as well. So, thank you so much.

Mr. Landfair: Madam Chair there are no more known speakers.

Ms. Oliver: Right, thank you. Then I am going to open up the floor for discussion for the Planning Commissioners, I believe. Yes, Robin.

Ms. Klein: It sounds as if the ramp was put in place while her mother and sister resided there. This question might be more for Kevin. If they removed to the ramp if that was an option, would that free up additional space for parking?

Mr. Kemp: Yes, it appears that if they removed that ramp, they would have more of an opportunity to bring the car up to the front. However, they would have to make sure that they meet the applicable width. Yes, they would have more room up front but it appears that width maybe substandard to the 18 feet that would be required for two vehicle parking spaces per our Zoning Ordinance.

Ms. Klein: Thank you.

Ms. Oliver: Thank you Kevin. Anybody have any other comments on this I think that was the issue that I personally had was the expansion of the driveway being the fact that we have kind of stuck or in the past, we have voted to stick to the width of the driveway, so, I feel strongly about that even under these circumstances.

Mr. Weiner: I felt the same way Ms. Oliver about that. Mr. Inman did bring up a good point, we have approved houses that have not been built yet for short-term rentals and I am not really in favor of gravel but it is better than concrete. I am kind of torn on both sides but I understand Mr. Inman's coming from and I understand where you are coming from.

Ms. Oliver: Okay, yeah Dave.

Mr. Redmond: I would note Staff report says on street parking is permitted 24 hours per day. Therefore, any overflow parking beyond the minimum parking spaces required could occur within the public street and I do not really think this is a problem. So, we are talking about, inches perhaps of gravel and ample space in the street in any of that. And, they are public streets, so, I just do not see what's really an issue there.

Ms. Oliver: I do not know this area very well how available is because we are typically we are so down on the oceanfront where there is no on street parking

because of the restricted parking. So, is there a lot of on street parking here in this area, does anybody know, Staff? This is Plaza, is that right?

Mr. Kemp: Yes, on-street parking typically is not an issue like you would see at the oceanfront, you can typically find on street parking in very close proximity to a home in this neighborhood.

Mr. Redmond: Excuse me, we are splitting hairs here.

Ms. Oliver: Okay.

Ms. Klein: In the Google Maps view of the house, there appears to be ample room for an at least one additional car that is the other side to the left at least one more car would fit.

Ms. Oliver: Okay.

Mr. Alcaraz: Well, I knew parking is a little problem, I mean now we are saying that offsite is okay. Who knew whoever thought that these short-term rentals would end up west of the overall resort but offsite parking is okay when the ordinance says required parking onsite. It says here it is going to be proposed, it is not done. It is going to be done within 60 days of City Council Action. So, I have a problem with that, I am just going the ordinance says onsite parking for Short-Term Rentals is required. They do not have it does not exist now and now we are talking about using offsite parking, that is directly in front of the property.

Ms. Klein: But, don't we allow the owners of short term properties to like rent or lease spaces in the parking garage that are technically offsite.

Ms. Oliver: We do that and then they have that in order to make up for the spot that they do not have so they cannot. That is part of their onsite parking. So, they have to go to a parking garage because they cannot park within the neighborhoods of the oceanfront because they have to have a parking permit.

Ms. Klein: Right.

Ms. Oliver: And, so, when they cannot meet that requirement then they have to lease a space in a parking garage with reasonable proximity to the house.

Ms. Klein: So, how is this different than that?

Ms. Oliver: Because she is not leasing it I guess. Yes, Mr. Inman.

Mr. Redmond: You are on the spot over there them Madam Chair.

Mr. Inman: Is there something in the condition that says it is not effective the department is not effective until the expansion is made.

Mr. Tajan: Yes, Mr. Inman, the condition states it in order for them to be approved it has to be installed within a certain time frame after City Council approval.

Ms. Oliver: Yes, Mr. Redmond.

Mr. Redmond: My question is why would they augment the parking if they do not get their Conditional Use Permit. And, that is why you would do it within X amount of time after City Council approval. And, if they do not do it they do not get their Conditional Use Permit, they do not rent it on a short-term basis.

Mr. Inman: Right.

Mr. Redmond: And, again I think it seems to me there is much to do about nothing here at Staffs comparable with it, I agree with David I would much rather have gravel than more impervious particularly because this is not a lot anyway, and in any event, it is a street where your parking is easily had, so, I do not see what the issue is, which is not to say that I minimize your concerns George I respect them obviously, but I just do not see it and to agree with that.

Ms. Oliver: Alright, anybody else? Do we have a motion? Yes, Mr. Inman.

Mr. Inman: I will make a motion we approve of the application.

Mr. Redmond: Second,

Ms. Oliver: Do we have anybody that needs to abstain, any of the Commissioners needed to abstain from this. Okay, Marchelle will you please call for the question.

Ms. Coleman: Sure. If you are in favor of the motion say, yes and if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: No.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: No.

Ms. Coleman: By recorded vote of six for and two against Agenda Item twelve is hereby recommended for approval by the Planning Commission.

	AYE 6	NAY 2	ABS 0	ABSENT 3
Alcaraz		NAY		
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver		NAY		
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 448 Garrison Place and the Short Term Rental use shall only occur in the principal structure.

2. As shown on the "Site Layout & Parking Plan" section of the Staff Report, additional parking surface must be placed on the property within 60-days of City Council approval.

3. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.

4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).

6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.

7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and

b) Copies of the Commissioner of Revenue's Office receipt of registration; and

c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26,

31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.

11. Accessory structures shall not be used or occupied as Short Term Rentals.

12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.

13. The Short Term Rental shall have no more than one (1) rental contracts during any consecutive seven (7) day period.

14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.

15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.

17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid. The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Items # 13.
The Good Manor Group, LLC [Applicant & Owner]
Conditional Use Permit (Short Term Rental)
1721 Rueger Street**

August 12, 2020

RECOMMENDED FOR APPROVAL- CONSENT

Ms. Oliver: Right, thank you, Marchelle, the next order of business is the consent agenda and Commissioner Wiener is going to handle.

Mr. Weiner: Thank you, Madam Chair, the next order of business is Consent Agenda, there are applications that are recommended for approval by Staff and the Planning Commission concurred. And, there are new speakers sign up to opposition the Planning Commission placed the following applications on the Consent Agenda items 1, 2, 3, 4, 9, 10, 11, and 13. Let me backup a minute. Planning Commission also places the following applications for the Conditional Use Permit for Short-Term Rentals on a Consent Agenda as they meet the applicable requirements of Section 241.2 Zoning Ordinance. Staff and Planning Commission support the application and there are no known speakers and signed up to comment, which are items 9, 10, 11, and 13. Is there anyone here in opposition of these items. Before I make a motion, I would like to ask if there are any speakers in opposition again on these items 1, 2, 3, 4, 9, 10, 11, and 13. Okay, I move the following items to be approved in the Consent Agenda, 1, 2, 3, 4, 9, 10, 11, and 13.

Ms. Oliver: Right. Do I have a second?

Mr. Redmond: Second.

Ms. Oliver: Okay. Are there any Planning Commissioners that need to abstain on any of these items? Okay. We will go ahead and call for the vote, please Marchelle.

Ms. Coleman: Sure. If you are in favor of the motion say, yes and if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes,

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of eight for and zero against the following items 1, 2, 3, 4, 9, 10, 11, and 13 have been approved by consent. If you had an application that was on the Consent Agenda your request will now be scheduled for an upcoming City Council Meeting. Staff will contact you about the date, so that others may attend the chamber please exit via the side door. If you are watching virtually you are free to exit or stay and watch. Thank you all for your participation. The next order of business is the Regular Agenda, Bill Landfair will introduce the first application.

Mr. Tajan: Madam Chair, just before Bill begins with the Regular Agenda. I do want to note for the record that Mr. Wall, Mr. Coston, and Mr. Barnes are not present in the meeting due to personal things they need to attend to.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			

Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 1721 Rueger St. and the Short Term Rental use shall only occur in the principal structure.

2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.

3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Condition Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

4. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).

5. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.

6. If, or when, the ownership of the property changes, it is the seller’s responsibility to notify the new property owner of requirements ‘a’ through ‘c’ below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.

a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and

b) Copies of the Commissioner of Revenue’s Office receipt of registration; and

c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

7. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.

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Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

**Items # 14, 15, 16, & 17.
Ocean Rental Properties, LLC [Applicant & Owner]
Conditional Use Permits (Short Term Rentals)
516 Norfolk Avenue, Units 1, 2, 4, & 5**

August 12, 2020

DEFERRED TO SEPTEMBER 9, 2020

Ms. Oliver: Thank you, Bill. The first order of business is the consideration of request to withdraw or defer an item. Bill if you will start with that please.

Mr. Landfair: There are five items requesting a deferral. Agenda Items 7, 14, 15, 16, and 17. The first item is Agenda Item seven. The application of Shelly Dale Dagenhart for conditional use permit for short-term rental located at 2113, Atlantic Avenue, Unit-2B in the Beach District. I understand the request is for indefinite deferral. The applicant Shelly Dagenhart has signed up to speak virtually. Ms. Dagenhart, please state your name for the record, before you ask for the deferral. 14, 15, 16, and 17 are combined into one request of Ocean Rental Properties, LLC, for conditional use permit for short-term rentals, all located at 516, Norfolk Avenue, Units 1, 2, 4, and 5 in the Beach District. The applicant's representative, Eddie Bourdon has signed up to speak and I understand that the request will be to defer specifically to the September 9, Public Hearing. Mr. Bourdon, please state your name for the record. Thank you.

Mr. Bourdon: Madam Chair and Members of the Commission for the record, Eddie Bourdon, Virginia Beach Attorney representing the applicant on all these four short-term rental CUPs, there were discrepancies in the signposting and what the sign said and we deferred this to September, the signs have been correctly posted now. Thank you.

Ms. Oliver: Great, thank you. Is there anyone here in opposition of the deferral? Do I have a motion to defer items seven indefinitely, items 14, 15, 16, and 17 to the September 19, public meeting.

Mr. Weiner : Madam Chair, I will make a motion to defer item seven indefinitely, items 14, 15, 16, and 17 for 30 days.

Ms. Oliver: Right, do I have a second.

Mr. Horsley: Second.

Ms. Oliver: Thank you. Are there any Planning Commissions that are abstaining on these items to be deferred. Okay. Alright, then we will call for the vote please.

Ms. Coleman: If you are in favor of this motion say, yes and if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes,

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of eight for and zero against item seven has been deferred indefinitely and items 14, 15, 16, and 17 have been deferred to the September 9,Public Hearing.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			

Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

**Items # 18.
City of Virginia Beach**

August 12, 2020

RECOMMENDED FOR APPROVAL- HEARD

Mr. Landfair: Planning Commissioners the next four items on the Regular Agenda today are item 18, City of Virginia Beach an ordinance to amend section 104 to allow civil penalties for the violation of section 241.2, pertaining to short-term rentals. Item 19, City of Virginia Beach, an ordinance to amend section 241.2 pertaining to the revocation of grandfathered status and the City Council findings for short-term rental uses. Item 20, City of Virginia Beach, an ordinance to amend section 1903, allowing certain short-term rentals as permitted uses in the Old Beach Overlay District. And, item 21, City of Virginia Beach, an ordinance to establish transitional rules for the review of conditional use permits for property in the Old Beach Overlay District. Kevin Kemp will present these items. Thank you.

Mr. Kemp: Thank you, Mr. Landfair. Good afternoon, Commissioners as Bill mentioned these four items are the referral, the proposed amended ordinance from Councilman Tower you should be familiar with these items as you reviewed them twice in July, once following your July 8, Planning Commission hearing, and then you had a meeting for public comment on July 20, in which there were approximately 30 speakers at that meeting. I will just briefly go through these proposed amendments agenda items and explain each one, agenda item 18 deals with the way we enforce short-term rental violations. This would change the enforcement from what is now a criminal violation to a civil penalty. It would allow our inspectors to issue fines \$200 penalty for the first violation and then \$500 for each additional, it will help Staff be able to enforce the ordinance and make it a easier and faster way to get through the process, whereas now they were required to go through the criminal court proceedings to get to this fine structure. Agenda item 19, deals with two items, one is the grandfather status of short-term rentals and the other are required findings for short-term rental uses. The grandfathering this ordinance proposes that the grandfathering status if a short-term rental were not used to such for a two-year period would be revoked by the Planning Director. This aligns with our current ordinance regulations for nonconforming uses, as the ordinance is written now short-term rental use if it was grandfathered it runs with the land and it runs in

perpetuity. The second item in this amendment are the required findings and these provide a basis for which Staff, Planning Commission, and City Council could evaluate and ultimately approve or deny these applications, briefly go over the four of those. The first is that the density or number of short-term rentals in the immediate vicinity, do not change the character of the neighborhood. The second is that parking is readily available onsite parking is visually appealing and environmentally friendly. This is in a reaction to what we are seeing where a lot of short-term rentals are paving their entire yards to meet our parking requirements. The third is that, if there is an increased occupancy due to the short-term rental use, that occupancy remains compatible with the residential nature of the neighborhood as to not create negative impacts such as noise and trash. And, lastly, it recognizes that short-term rentals are a needed resource, particularly in areas of the city, that are in close proximity to venues or districts that bring high number of visitors. Agenda item 20, this deals specifically with the Old Beach District, the Old Beach Overlay and what it does is, it allows short-term rentals as a matter of right in the Old Beach Overlay provided that the properties meet two specific standards. One is that, all requirements of Section 241.2 are met. And the second is that the short-term rental property is the principal residence and owned by the operator. What this would do is allows for only one short-term rental per property owner. If these requirements as listed are not met, the way this ordinance is written the property owner would not have the opportunity to even apply for a CUP in front of Council. They would either meet the requirements and be able to operate as a short-term rental or they would be prohibited. Lastly item 21, is a transition ordinance and this ordinance simply states that any property that submitted an application to the Planning Department following the date, these referral ordinances were referred to you which is June 9, would be subject to these new rules immediately upon the approval of these ordinances. For instance, an application that were submitted today even though there are different rules than this in place, they would be subject to the rules once this is approved by Council. I will be available for any questions should they come up. Thank you Commissioners.

Ms. Oliver: Thank you, Mr. Kemp.

Mr. Landfair: Madam Chair, there are 19 speakers signed up to speak. The first speaker is David Grothmal, followed by Joseph Montana. Mr. Grothmal, please state your name for the record. Thank you.

Mr. Grothmal: Madam Chairwoman, members of the Commission, I am David Grothmal. I live at 219A, 68 Street, which is not in the Old Beach Area. But,

I believe that what you do today or whenever you do it is going to eventually make its way throughout the areas that have short-term rentals. My concern is with the second area, the Council's resolution that sent over the package of ordinances says they are concerned about the short-term rental rentals increasing too fast in the Old Beach neighborhood and other areas. And, I felt like they needed to get a handle on it. I believe the goal is to preserve these areas as residential neighborhoods and residential neighborhoods should take precedence over short-term rentals. That means there should be a majority of residences over short-term rentals. So, what is the majority, is it 50%, you have 51% residence and 49 short-term rentals. No I do not think so, it has to be a clear majority. So, I suggest to you that you need to come up with a number of residences and short-term rentals that clearly preserves the neighborhood as a primary residence. I am suggesting two thirds and one-third or 65% and 35%. Using each Street as the place to measure, if 22nd Street has 35% short-term rentals already then you do not approve any more short-term rentals. That will make it easy and clear for everybody to understand what is the maximum of short-term rentals that will be allowed. I think that is the key to putting a halt on these applications. The guidelines that you have in place now, do not do anything to halt the growth of short-term rentals. Thank you very much.

Ms. Oliver: Do we have any questions to the gentleman? Okay. Thank you so very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Joseph Montano. Mr. Montano is a virtual speaker, Mr. Montano, please pause for three seconds, so we can unmute your mic. Please start by stating your name for the record. Thank you.

Mr. Montano: Good afternoon, Chairwoman Oliver and members of the Virginia Beach Planning Commission. My name is Joseph Montana and I serve as the Virginia Beach Government Affairs Manager for Expedia Group and its family of travel brands. I would like to thank you all for the opportunity to comment on Virginia Beach's efforts to amend existing short-term rental law. By way of background Expedia Group is the world's travel platform with leading websites such as Expedia.com, Orbitz, travelocity.com and many others. We service the entire travel ecosystem from hotels and airlines to rental cars and vacation rental. Our vacation rental company Vrbo is the world leader in traditional or whole home vacation rentals. For 25 years Vrbo and our local homeowners have been focused on serving travelling families. In fact, our average customer booking travel on our platform is a 50-year-old woman traveling with a family of four. that long standing focus on

responsible travel, translates to our collaborative approach to fair and effective policies. Over the course of the last two months we have hosted virtual town halls with our partners here in town, and it is been incredible to hear their stories. Our property owner and manager partners have been members of the Virginia Beach Community for decades. They find immense pride in welcoming travelling families in their small slice of heaven and are eager to comply with regulations set forth by this governing body. However, both Expedia Group and our community of homeowners, managers, and small business leaders are concerned with the current proposal, specifically with regards to proposed amendment banning owners from offering secondary homes or non-primary residences in certain areas of the city. We believe there could be a better path forward that addresses the concerns of the community, while at the same time protecting Virginia Beach's long history of welcoming families to hold home rental. Expedia Group has learned from hundreds of local efforts over the last 10 years that policies work best when governments and platforms work together. A holistic solution could help Virginia Beach in three key areas, tax collection, compliance, and reasonable limits and they could include the following platform tools. Vrbo would create a mandatory field for owners to enter their short-term rental permit number in the same format as issued by the City. Vrbo would also display the permit numbers on all new listings and existing property list. Vrbo would remove any existing listing that does not display a permit number and will prohibit any listings that do not display a permit number. An alternative to the current primary only restriction that has worked in other markets is a cap of 180 days per property. The city wide 180 day cap would allow Virginia Beach residents with a second home to participate in the short-term rental market, would also dissuade individuals looking solely for investment properties to put on a short-term rental market. This policy of 180 day cap is one that Vrbo would support. As the leader in traditional vacation rentals we stand ready to be a partner to you and your Staff to ensure that the tradition of whole home vacation rentals continues to be a part of Virginia Beach, vibrant accommodations marketplace. Thank you again for your time and consideration.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Gretchen Heal, followed by Betsy Atkinson. Ms. Heal, please state your name for the record. Thank you.

Ms. Heal: Good afternoon. I am Gretchen Heal I work for the Hampton Roads Realtors Association, and based on some of your comments in this morning session

I answered a few of our questions but I do have a few statements that they have asked me to share with you on these four items. The Hampton Roads Realtors Association recognizes the need to have property owners comply with guidelines for operating short-term rentals and our members try to ensure positive experiences for the neighbors of all the STRs that they manage as well as the tourists visiting the city. However, we do have a few concerns with the zoning violations that are different than others. And, again you have addressed some of those concerns this morning, so, depending on what you end up with your final decision that may go away. On this second one, the grandfather clause, on this change we would ask you consider including some more specific language on the parameters for inactivity on a property that is scheduled to have its grandfather status removed, when does the clock of the two years start, just a little more definition around it, so, that people would know what those parameters are. And, for all of the items if I am misunderstanding and I apologize but in 241.2 it applies to Sandbridge, and we would like that all any changes you make do not apply to Sandbridge as far as short term rentals are concerned. That is all.

Ms. Oliver: Thank you.

Ms. Heal: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Betsy Atkinson, followed by Paige Miyares. Ms. Atkinson, please state your name for the record. Thank you.

Ms. Atkinson: Hi, I am Betsy Atkinson I am glad to be here to speak to you today. We are teaming up a little bit here, but I would like to specifically talk about grandfathering, I was on some of the original committees that created some of these ordinances and one of the things that we all agreed on with that if your grandfather the property it ran with the land. And, now you are trying to take away the grandfathering by reducing it to only that you do not use it for two years then you would not have the right to keep the grandfathering. I would highly suggest to you to please not approve this. We have a lot of situations, especially in the North End where, might be a mom and a dad and then they might pass away the kids might move into the house and then they might stay there a couple of years and then want to go back to having short-term rentals like they had before. And, it is also good for marketing, if somebody has a home that is been grandfathered with short-term rentals and they will have the ability to continue short-term rentals without having

to come back to the CPU. So, I thank you very much for listening to me and I hope you.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Paige Miyares, followed by Jim Moffat. Ms. Miyares, please state your name for the record. Thank you.

Ms. Miyares: Paige Miyares. Thank you Madam Chair. My name is Paige Miyares and I am the principal broker of Atkinson Realty. I just want to say that the crux of this issue really add it as a tourism issue. And, behind it is whether our city really supports tourism and people coming here to spend their hard earned money in our city. I think the consumer has spoken pretty loudly that they want to stay in our cottages and especially in a post COVID-19 world, habits of how we work vacation are changing even more rapidly. Many of our business have expressed that they are on life support with the COVID shutdown. And, the question I would ask is why are we looking at policies that prohibit visitors to our city. Why are we pushing them to Myrtle Beach and OBX, those are our competitors. As far as these regulations, there are a couple often couraging signs to me, one is the fact that there is something that actually says it is a needed resource in our city. I think that is true and again I think the consumer has echoed that and then just the change to the parking, because the discussion around parking just it goes on and on, it is almost arbitrary, it seems a little capricious to me from an outside perspective. And, so, something that says visually appealing and environmentally responsible that is helpful to kind of cut through some of measuring this it has to have this many spaces. The reality of these families coming to visit is that they do not bring, it is a four bedroom house they are not bringing four cars, I mean that is how it works practically. And, the other thing I do just want to address is that it is very disturbing to see the new, there is even been discussion here about do we follow the rules, do we go outside the rules, do we add provisions, do we not add provisions and that seems to be a little bit of an internal discussion, but to see some of these applicants who has had their applications in since January, and how these arbitrary amendments to limit the occupancy and to limit the amount of reservations per week is troubling from an on looking citizen. And, it really changed the dynamics for my family would increase the cost of vacation to Virginia Beach and not by a little when you play with those numbers. So, I think that has to be a consideration as we go forward and I think there are ways to partner in a private public type setting to help increase the accountability for these things and take the backlog off of the city. The

Beach borough making it by right which is something in one of the ordinances, I support that for our communities that hug the shoreline, for sure, because that is where we have traditionally had them that is where the character of our neighborhoods include them. And, there should be some by right pieces to the zoning that come forward. So just to know I probably out of time, but I just want to reiterate that at the crux of this is, are we a city that want families to come and stay here, do we want them to come and spend their money here. We as an industry love these neighborhoods, we want to protect them, we want them to be great places to live, we have been and shown to be good partners with these neighborhoods for over 80 years with the business that I do. So, is there is any questions.

Ms. Oliver: Do we have any questions. No. Thank you, Paige.

Mr. Landfair: Madam Chair, the next speaker on this item is John Moffat, followed by Lynn Hume. Mr. Moffat, please state your name for the record. Thankyou.

Mr. Tajan: Bill, I think it supposed to be Jim.

Mr. Landfair: Jim Moffat?

Mr. Tajan: Yes.

Mr. Moffat: I am not speaking.

Mr. Landfair: I am sorry, okay. So, the next speaker is Lynn Hume.

Mr. Hume: Hello, my name is Lynn Hume and it is hard to believe we are back up here again discussing short-term rentals. I have been a property owner in the Shore Drive area since 1980s and I have got long-term rentals and short-term rentals, that are grandfathered that have always been considered second homes and vacation homes and they were built in the 50s and 70s. Due to COVID-19, I am sure that many property owners have had to change some of the short-term rentals in the long-term. Personally, we put some doctors in one of our rentals, who were working in local hospitals, they left for a while and now they want to come back and do a long-term rental. I want to emphasize that as grandfathered properties are zoning and property rights were already set last year, our current rights exist. Item19, the 24 month rule, allows the possibility to lose our grandfathered status, health, economy, and various personal circumstances could change the use of our property for a period of time, current rights should remain not subject to being dismissed if not used in the 24 month period. This is not a conditional

use permit, grandfathered should run with the land. Item 18 allows for harassment from neighbors and subject owners to either pay a fine, considered guilty, or may to defend themselves. It appears that hateful rhetoric from anti-short-term rental people has generated this amendment to appease those who always dislike short-term rentals. We attended one of those all Civic League Meetings this winter and the attitude, for snitching and telling on people was rampant. Actually, it was like being in a foreign country, a trash can left out too long could generate the report and fine. I am not aware of any loud or disruptive short-term rentals in the Bay Area, Cape Story, Ocean Park, and Shore Drive. Many people speaking negatively do not even have short-term rentals near them. In comparison, homeowners and long-term rentals create parking, noise, and trash problems, and there are laws to deal with them. It is normal for residents in the Beach Area to park cars, have parties, and big gatherings. It is the beach. We have already spent two or three years hashing out the zoning rules and in this troubled time with COVID-19, people are not aware of this issue, it is come up again. It is our retirement income as well as many others, and we planned according to these rules. We take pride in our properties, you will be down zoning our current property rights, pleased enough for the subject grandfathered properties to the threat of losing our rights are subject us to targeted harassment and fines. Please leave the grandfathered rules the way they are now without changes. Thanks for your consideration.

Mr. Landfair: Madam Chair the next speaker on this item is Elaine Fekete, followed by Joan Davis. Ms. Fekete, please state your name for the record. Thank you.

Ms. Fekete: Hi, good afternoon. My name is Elaine Fekete and I moved to Sandbridge 25 years ago. I chose to live there even knowing that all the houses around me were rentals and had been so for 50 years. So, the false narrative that this is a new thing that we have to deal with is quite to the contrary. It is also a false narrative that all short-term rentals are party houses. 11 years ago, my husband and I started renting our home on a weekly basis and quickly found that there was a demand for the shoulder seasons in the holidays, we get people here who are parents of military children that are coming to visit and want to stay under one roof. Parents who are traveling with their children in the traveling sports leagues, business travelers who want to bring their families and make a vacation of it, or families who simply cannot afford to take off seven days from work. When we have renters, we move out and we are not alone. Other owners move out of their homes at least during the peak season. Still others use their second homes as rentals, so,

when the renters are not there the owners are. So, this brings me to the same question I asked two years ago. How will the restrictions be enforced when the home is owner occupied versus renter occupied? How will you even know the difference? I am curious to know how many \$25 trash citations have been issued in the city in the last year, have they been issued but resulted in no change in behavior or being ignored because if we are not even forcing the \$25 ones for the whole city, what is the point of adding punitive ones to the rentals and how will you know if owners like myself are the ones leaving the trash cans out versus the guest, how cumbersome is that and I say cumbersome because the recommendations sent to you states that it will make enforcement more timely and efficient and will increase the ability to regulate short-term rental use without having to navigate the somewhat cumbersome court process, I am kind of missing the due process part there. Make no mistake the choice to stay in a home versus a hotel is based on preference and availability. If summer guests cannot rent homes here, they will go straight to the Outer Banks in Myrtle Beach like Paige was saying. If parents with children in sports tournaments cannot rent our homes during the tournament's, they will go inland. Ordinance 241.2 only went into effect last November, just three months later in February Members of Council were ready to send it back to address lessons learned. What lessons were learned from November to February? There is zero evidence to support that all of the adjustments made by homeowners and realty companies in the last year to conform to 241.2 did or did not work. There is no basis to go back to square one and debate each and every component, and that is what will happen. I even heard the word exit signs at the last Council Meeting. The ongoing hysteria that short-term rentals are bad for neighborhoods is anecdotal and it is the exception rather than the rule, you state that they should not change the characteristic of the neighborhood and 99% of the cases they do not. A judge and I believe it was Austin ruled that a family sitting at a dinner table in a residence is a family sitting at a dinner table in a residence whether they are the homeowners or whether they are the renters. But, the request to review this situation was sent to you with terminology that reads additional noise, trash, and other possible nuisances, and it is asking you to assume that the negative connotations Council sees on STRs is fact based and not biased. Our trashcans really the problem, just because you were asked to review these regulations does not mean you have to conclude that changes are needed at this point. You can determine that we should at least look at what has been done and see if it works first. Thank you for listening.

Mr. Landfair: Madam Chair, the next speaker on this item is Joan Davis, followed by Gayle Mottola. Ms. Davis, please state your name for the record.

Speaker: Joan is not here.

Mr. Landfair: I am sorry. Okay. So, we will move on to Erica Atkins. Next speaker is Erica Atkins. Ms. Atkins is a virtual speaker. Ms. Atkins, please pause for three seconds, so we can unmute your mic. Please start by stating your name for the record. Thank you.

Ms. Atkins: Hi, this is Erica Atkins, I agree with everything that the previous speaker said, I do not feel like there is been enough time to really gauge what affects the short-term rentals in this area have under the new rules and regulations and I really think that there should be more time before any other changes are put into place.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, we do have Gayle Mottola here.

Ms. Mottola: Good afternoon. I am Gayle Mottola I live at 115, 88th Street in Virginia Beach. I support the comments made by Mrs. Parker from the July, 20, 2020, Public Hearing. The beach and fourth story located above Shore Drive are daytime activities for visitors, not requiring overnight accommodations. Stewardship of history and the preservation of natural habitat is questioned as the Planning Commission and Zoning Commission first quietly and then outwardly tried to change a residential one single family neighborhood with some duplexes into two homes per small lot, often with different principal owners who can then rent out their properties with a conditional status of short-term rental. A case in point is a recent variance recommended for a builder from Richmond by zoning, who after the hearing told his perspective neighbors, he plan to live in one home, but he already had a potential buyer for the second structure on the same lot. That means two principal owners per lot, both of whom, who could apply for STR status. Given, that there are six potential buildings going up on the same block of 88th Street, which was once the Cape Henry Syndicate bought from the Cape Henry Park a land company in 1899, and plotted in 1900, for single family homes. The density of that block increases by how many people and how many cars. A second case, we just welcomed unemployed couple of working age with their three younger children as they moved into the neighborhood. Is not this what Virginia Beach model a City of a lifetime means, are we losing residents. Have they not insisted that they have legal parking spaces instead of the illegal ones put in by then owner of the two

structures on the nonconforming land to meet parking requirements for STR stop. Those parking spaces were in the city signed, no parking zone at the ocean side corner of 88th Street and Atlantic making visibility obstructed to enter Atlantic Avenue. Then the neighborhood would have had to endure four bedrooms at three persons per bedroom and how many cars if every two people had one car, the answer, 12 people six cars. The summer the corner duplex at 201, 87th was approved and the bedroom was approved also at 116, 88th Street and now 114-A and B are for sale. They have eight bedrooms. That could mean a total in two rentals per week of 48 people, i.e., three times eight bedrooms times two, meaning also a great over limit of cars. A traffic jam for delivery trucks meeting those looking for a free parking space to go to the beach occurs regularly in the summer now. The primary tourist area charges up to \$10 for a few hours. The powers that were made the historic North End especially about Shore Drive 2015, a district based on the Old Beach Overlay of 2005, distinctly near hotels and motels and home renting rooms in the well-established tourist area that has been since 1906. But, that is not the North End demographic, many homes have passed down to children and grandchildren, the North End is a residential area with mostly permanent residents and those who come to enjoy their beach home for the summer. Traffic is another matter, which I will not address. Again, the beach and Fort Story, a historic part of our city that Cape Henry area should be treasured and should not go to make commercial profit. Thank you.

Ms. Oliver: Thank you very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Mike Megge, followed by Chris Edel.

Mr. Megge: Good afternoon, Madam Chair and Members of Council. I would like to thank all your hard work on this issue. I am here today to point out we spent years coming up with his current ordinance. And, as owners we have worked and planned our futures on the agreement that we came up with less than a year ago. As you know, restricting property rights of citizens by changing zoning laws as a taking and by such the government should justly compensate those owners. If it does cause harm to those owners, and I hope we do not go down that road. I understand if you feel the need to further restrict short-term rentals with conditional use permits as is you are right. But I would like to see the data that the city has compiled for these changes. I again, I asked you to protect the existing rights of the grandfathered and by right STR owners. I know this issue has been contentious, but we all came together over the past several years with

many, many meetings, public hearings and we came up with a draft a compromised ordinance that was thoroughly debated, voted on, and passed by both the Planning Commission and City Council. The new proposal would be a little like telling an owner of a duplex, if he owns a duplex zoned lot, that if you do not build that duplex in the next two years, you are going to lose that right. I just do not think that is the right way of going. Also, giving zoning inspectors policing rights, allowing them to issue monetary fines without due process is a very slippery slope. I just do not see how that would be legal, if it is not applied equally to all renters or to all property owners by that right. Again, I just think it is a slippery slope and an enormous overreach by the government. Mr. Kemp said it would be easier for the city to enforce, but I believe due process should be shaded on the side of the owner and not on government. Like I said before, you have the right to restrict new STRs with conditional use permits, but again I would like to see that data, why you are restricting them since we have just came up with an ordinance less than a year ago. But, again I would like to stress that the current ordinance should be respected and the rights of current STRs must be protected. Thank you very much,

Mr. Landfair: Madam Chair, the next speaker on this item is Chris Edel, followed by Steve Bishard.

Mr. Edel: Good afternoon, Madam Chairman and members of Planning Commission. My name is Chris Edel, I do have some handouts from around, hopefully you will have a copy of. I am here today primarily to speak with regards to Old Beach where myself and have a partner Bob Taylor, we have approximately 10 short-term rentals that are all approved by Council, and in operation. Okay, so my company VB Holmes has been building at the beach for over 30 years now. We were very active with an Old Beach particularly with the overlay that they put together, we partner with a neighborhood to find a way to improve the character of the neighborhood, reduced density if possible. And, I think we put that together with Barbara Yates and since that time, over the last eight years our company alone has invested over \$10 million in redevelopment of that neighborhood, and what you have before you here is just a few examples, most of which are east of Baltic, but on the first page you have 317, 26th Street, this was a tired 50-year-old six unit apartment building that now is to the right you will see the after which is now two single family homes, that 317, 26th Street that operated for probably over 30 years as a short-term rental. I know that for a fact by the person I bought it from, Mary Grace Thomas had ran that year round and as well as short-term rentals. Below that, on 27th and Arctic, you can see it is an older

55-year-old eight unit apartment complex and we partnered with the Georgia Joyce Seco that you are going to hear from this afternoon as well, to take that from eight tired apartments to four new single family homes and, so, those are just a few examples. The next page one more example on 27th and Arctic, that was a four unit again, very tired blighted property that had been rundown. And, now there are two brand new single family homes on that property, so, that is an example of just a few that we have done and there is certainly others, but I wanted to point that out. The next page, page three is called Old Beach Revitalization Future Opportunities, these two properties one at 417, 24th Street 10 unit apartment property and then 416, 24th is a duplex both pretty old tired properties, owned by Mark Ulmer. He could not be here today, but he asked me to share with you his thoughts on whether or not he would redevelop these properties and he said to me, he said Chris I have had these properties for years and if I am not able to redevelop these as short-term rentals, I am just going to keep them the way they are, I am just going to keep bandaging them up, they would not go away, why because there is no economic reason, there is no financial reason for him to improve these properties. So, he wanted me to share that with you and these are just a couple examples of others that he owns, he owns many properties. Page 4, 308, 25th-and-a-half again you can see a very tired old duplex that I have involved with and the owner of that property. The one below that 2602, Baltic Avenue, which is a 50-year-old five unit apartment building facing Baltic, again all of these are Baltic East. But, these are a couple properties that need to go away, they need to have brand new single family homes and will have those, but they would not if we are going to get too restricted in what we can do with those. The next page is actually the Old Beach Overlay, this is right out of the guidelines, the map here. Okay, great, because this is just a suggestion and something that we have talked about and that is, if you see the orange line which is highlighting Baltic Avenue and this runs right through Old Beach, most of this is Old Beach. But, if you look from the orange line Baltic Avenue East towards the ocean, most all of that is rental property and in zone that way, as you look from Baltic Avenue or Western Baltic Avenue, it becomes more residential, more year round residents living there. So, it somewhat splits the neighborhood, but the reasons are simple it is because of the proximity to the resort and all the things that we want our guests coming here to enjoy and take advantage of. So, one suggestion is to potentially use that as a development zone for having short-term rentals East or Baltic Avenue East that would not require conditional use, but that you would potentially require conditional use west of Baltic Avenue. And, then the next page, which is just

a summary that Bob Taylor and I put together just some thoughts and some suggestions, ideas. First and foremost, the fact that Old Beach is being singled out as the only area in the beach, that would require a short-term rentals to be someone's principal residence, I just do not understand that at all. Effectively, we are saying, we are not going to have any short-term rentals. There are many people including myself and again I have told you, we have invested millions of dollars in Old Beach and we do not own all of these properties, we do sell some. But, the ones that we do own that is out the window down for us, and many others that you're going to hear from here today. And, I do not understand why that would make for a better experience, just because someone is their principal residence and very likely they are not even living their while the rentals taking place. So, at any rate, that is one it certainly we do not agree with. And, the next paragraph noise and trash, again I do not think that some of the other speakers have said that there is really any evidence here that there is a real problem issue with specifically with just short-term rentals in that regard. But, if we need to have more trash cans we will buy more trash cans and that is fine and that is going to help solve the issue, I do not know, I am not sure. It does state in the ordinance that the short-term rentals are needed resource in certain areas of the city located in close proximity to venues, districts, and areas that generate high volume of people or visitors. Where else in the world is a better example than Old Beach, we were right down the others ordinary. I mean, that to me is a perfect place, and now we have the new sports complex, all these families come to the sports complex sure some are going to go hotel, but not all want to go to hotels, there are families traveling here. They want a safe environment, they can come, maybe cook some meals in the house, and we provide that for them in very close proximity. The ordinance change about imposing fines, that is fine because if you want to make bigger fines we want to be the model example for professional managed short-term rentals, so, we do not plan on breaking rules. And, if we do and there is a larger fine so be it, so we are okay with that. But, the end there are opportunities to consider certainly the OR Oceanfront Resort, I do not feel and neither does my partner feel like that should be even included as a conditional use permit it is just going to bog down the system there is hotels and motels all over the OR and I do not feel like that should be even necessary. The second page there, that I did speak to just a little bit ago and we are referring to as an approved short-term rental zone again Baltic Avenue East is what we are recommending and that is where the guests want to go. They want to be down and they are close to the resort area. Professional management, I can tell you all of our rentals are

professionally managed, I think that is key. There are many people out there trying to either do it themselves or maybe some of these people that live in their home may be trying to do it, but there is no substitute for professional management and all of ours are that way and I would suggest that maybe there is a way to incorporate that in the ordinance that they need to be professionally managed. There is a workshop and that you all had and just talking about a couple points there, parking there was a discussion about garages, okay garages should not be included. I can tell you in our properties that have garages that can fit a car, we use them, in someone's home you are going to put stuff in there, beach tear, bikes, or whatever may be, but in the short-term rental you do not need a place for all that stuff. So, we might have a couple beach tears, but that is about it and, so, we do use them for parking I would suggest that that would be something that should count. Number of stays a week, right now the ordinance is two stays a week and I think that it is a great compromise. Not everybody can afford a week's vacation, there is plenty of guests that want to come to Virginia Beach, but they can only do a long weekend three or four days and so, I think it is totally appropriate to be able to allow for that. Number of occupants, right now currently three per bedroom. I know speaking for myself and my partner I would be fine if we limit the house itself to 10 or 15. We are not looking for the big mega events and that that kind of goes to the next item events. We do not want the big parties, we actually prohibit parties in our homes. So, again, that is just something that that we are not interested in, we are happy if we want to reduce the number of people, you think that would be helpful. Our typical profile of guests are families that are traveling here to the beach, one last thing on signage on the back.

Ms. Oliver: I am sorry Chris.

Mr. Edel: Eddie told me I had 10 minutes, so, I guess I can have 10 minutes. Oh it's 10 minutes? Oh my god, I am sorry. Alright, thank you all.

Mr. Landfair: Madam Chair, the next speaker on this item is Steve Bishard, followed by Joyce Sico.

Mr. Bishard: Good morning. Thank you for allowing me to speak, I have some handouts. My named Steven Bishard, Bishard Homes in related entities. I just want to speak about in general, the short-term rental ordinance proposal, I feel like you should give it a time to season. Give it time to see if it works. We really have not had a chance to see if the recently adopted ordinance is going to work or not. Anyhow, about 15 years ago at the request of Karen Lesley the Zoning Administrator in the past and Barbara Yates, I was asked

to serve on the Old Beach Overlay District Committee to come up with a compatible residential redevelopment ordinance that would do away or try to do away in the proper way of three storey box duplexes and successfully served on that committee, and I think we can say that we have seen the results of the resiliency and the transformation that is taking place in the Old Beach Community by number one the city, number two the community, and number three private business developers working together, and I appreciate the comment it is like a prerecorded speaker earlier, the best way to deal with this is when all the parties come together, partner together, listen to one another and come up with agreeable solutions to a business enterprise short-term rentals. That is a needed way for families to vacation. Some of them do not want to go to hotels. Some of them want to go to homes, I prefer to go to homes, my wife loves to go to homes, particularly in an environment like COVID-19, I would not want to go to a hotel, I want to go to a house that is just recently been cleaned and it is safer for people and people feel better about it. Anyway, over those last 15 years since 2005, when that committee started and successfully produced a great ordinance. We have done a tremendous amount of redevelopment you will see it in the packet. We also acquired tremendous amount of rental properties, when we bought these properties, we took them up to the next level of standard. We did not leave them as blighted properties, we brought them up. I will say that many of the properties that we purchased though, very much were blighted properties. As Chris Edel mentioned I echo what he shared today. Some of these properties we bought their rentals that rented for \$600 to \$800 a month. There was a high turnover rate and they were problematic. Since, I have entered the short-term rental business it has not been that long. I can tell you that the management company that I have, same one Chris Edel has stellar performance, had no problems. They are proactive and matter of fact, the management company that we use to hire lives right in the Old Beach community. I mean he walks, rides his bike through the community, checks on the properties that he manages. So, I think, management, I think you agree is a critical component, the proper proactive management of these properties through a professional company. So, as I was saying we have recently entered the short-term rental business hired Knob LLC, lives in the Old Beach Community and they found that the short-term rentals have less management problems, less calls than year around rentals have. We are having a much better time with a lot less problems with the short-term rentals from a management perspective. And, the spirit of me being up here today is a spirit of partnership. When I served on the committee in 2005, I embraced what they wanted to do and had been

working in that community since then, buying rental properties in that community since then. And, I see myself as a resident, not Old Beach I live in Lincoln Park, but a resident of the city that really cares about that community. I do not want to see that community, go down. I think actually what has happened is it is going up and the short-term rental business is helping that, I do not see that it has hurting it. I have asked the question with an open mind, how many problems have you seen in the Old Beach Community ,this is from the management company I was referring to, has not seen a problem in the Old Beach Community, you can speak him later. I am not sure he has had to evict one person had to have a police to a property. So, we appreciate the desire, but I just hope that we will open up to what the reality really is, come up with a viable solution through partnering with the community, businesses, and the city that is working hard on it to have a solution that we can go on with. One of the ideas that that came up was having a short-term rental sign on each of the short-term rental properties, that if somebody does have a problem they can call the management company, very quickly. This will be a uniform, attractive, standardized sign that we could have throughout the Old Beach. If you have a problem just call the management company on the side. Again, manager lives in the neighborhood. One of the things that I have seen since I have entered the business, the expenditures to keep these properties at the highest level, they are up there. I mean we are spending some serious money to take landscaping to the next point, to the next level, decks, any kind of amenities that people might want, we are spending a lot more money than we do year around rentals and we need to. Some of the suggestions, as I mentioned before, what about a taskforce, a committee to come together, guys like myself, Chris Edel, and others, will meet with the community of the Old Beach. Be glad to meet with them and come up with something that works for example, anything East Baltic Avenue with a Baltic Avenue address east to the ocean, maybe that is a buy right short-term rental. If it is in some of the more year around residential streets maybe that is a conditional use permit. Consider giving it some time for this ordinance to really sink in and see if it works. I really do not think we have given it enough time to see if it works and if it does not work, I think we can find some solutions to make it work. In the spirit of partnership, our company just wants to be a model, an example for how to manage it, to be responsible, willing to give our phone number out. I have met with a few of the Planning Commissioners, we are here, I mean we live close, want to talk to us management company is not doing it we are here. We are available and we will be available and continue to be so. I just want to close

by pointing out two properties on this handout I gave you. You can take a look. I think on your handout a little different than my handouts as far as the way it's laid out. Take a look at page six, and then we will go to page seven after that. We bought this property at 501, 504, 25th Street and 2500, 2512, 25-1/2 when we bought it, guy was running a gambling operation there. I knew it because I knew somebody who kept going to it, it is a friend of mine I grew up with and he was running a black market gambling operation there and he had five or six little shack units I guess the people that would come and gamble there and would stay there. We bought this property, turn it into four beautiful houses. Now, we sold these houses but nevertheless this is really enhanced the neighborhood in a dynamic way. And, then if you go to seven, this is a property many of you have seen across from the Old Beach, very nice Middle School on 24th Street, Mediterranean Avenue. This is an individual that I bought from, he owned these two houses and had a lot of people packed in his house, way more units than what we put back on it. We put six units back on it, we did again sell these but this is an example of how you can take multi units, reduce the density, and you can either sell them, you can rent them year round, or relate to this specific meeting today, you can do short-term rentals. We own a property at 426, 23rd Street recently and I thank you, you all approved the short-term rental application for us, has three units on it. If I see, it makes sense I am going to tear that old build down and put two units on it, brand new homes and might be a way for me to redevelop a neighborhood that Barbara Yates back in 2005, was proactively and actively eager to redevelop with the community. So, anyway, I appreciate you listening, do give it a chance, I think there is an opportunity to have a win, win for everybody in the situation. Thank you.

Ms. Oliver: Thank you. Yes, I am sorry, go ahead.

Mr. Redmond: Mr. Bishard, do not come back up, but I wanted to respond to something that you said I think it is something that there is just repeating and a lot of thought I am a sucker for landscaping. I do not think it is that complicated stuff, but it makes an enormous difference, and to you and Mr. Edel and to the other folks who do this, I know that you do a good job of it. And, I would just like for the general good to say, if you take a property and you make it the sparkling property on the street, it is very difficult to be villainized. And, a lot of the people who might otherwise criticize or complain or have a problem with anything that you do are pretty easily disarmed when they can trash their own place to the sparkling house on the street or houses as the case may be, so I appreciate you bringing that up, I do think that landscaping particularly intensive, well designed, appropriate landscaping

can make a big difference in the appearance of these properties. And, I think that makes a giant difference in all of our communities, not just Old Beach or the Oceanfront or Shore Drive or anywhere else. So, I appreciate you bringing that piece up and I repeat it because I think it is something that we all want to keep in mind, and in the development community particularly that is a difference maker and something I think can kind of help carry the day forward. Thank you.

Ms. Oliver: Thank you, Mr. Landfair.

Mr. Landfair: Madam Chair, the next speaker on this item is Joyce Sico, followed by George Sico.

Ms. Sico: Hi, I am Joyce Sico, and I am 70 years old and I am retired, and my dream has just about come true, because I owned when you get the flyers, the property in the top picture, which was 2606 and 2608, and it was about a 50-year-old apartment building that was really good to be a chore to keep fixed and I worked with Chris Edel and we developed it into four single family homes, and the landscaping is beautiful on most homes I might add and I kept two for myself. And, they are leased yearly I do not do weeklies, but in the future I do not want to be an owner occupied at this time. I will in the future probably in about five years, I plan on living in one. And, I will either do weeklies in one or I might live in mine for nine months and do weeklies and all the three months in the summer and travel and that is really my dream. I have worked for over 25 years, keeping this property in shape and then developing it. And, I have a daughter in New York, who will eventually owner occupy the second home. And, she is the only daughter I have left, I have one grandson and one great granddaughter, and that is my dream to have my family here something to hand it down to them. But, with the new ordinance, I could not really do the weeklies like I would like to until that point. So, thank you very much.

Ms. Oliver: Thank you,

Mr. Landfair: Madam Chair, the next speaker on this item is George Sico, followed by Frank Ramaekers.

Mr. Sico: Good afternoon. I am George Sico, I have the property on 400 and 402, 26-1/2 Street. And, originally, as we said before it was eight apartment units, we did summer rental for 25 years and we only had three parking places, and the whole thing we coped everybody we worked with it, and we did not have a big problem with it. Nobody really complained even our neighbors did not. So, we decided to redevelop it because the lifetime of the building

was pretty much it was his lifetime 50 years. My wife said we are planning on living in one and sometimes rent the other one out for a short-term rental, the way it stands now, I would not be able to probably do that, but the property changed now. And, the thing about the parking is that we have had construction on the Hyatt on 27th and Atlantic and is not complaining about the parking, since they have been all summer long. They cannot use the parking lot at the Hyatt because that is been used for the summer. So, they come down and contractors are parked all along Artic Avenue and 27th, right in front of our places, which has not been a problem, but I do not know about the problem with the parking with the short-term route. If they had more than two cars, they had three cars there is still room to park, if you want to on the street it is a matter of just opinion and where you are going to park the cars. And, there is garages too which I do not understand why you cannot use a garage as a third parking space, you have got room for three cars, not two in the driveway. And, I just do not understand this, how we are going to go through all this again. But, anyways, that is my statement. Thank you for hearing me.

Ms. Oliver: Thank you very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Frank Ramaekers, followed by Eddie Bourdon.

Mr. Ramaekers: Okay. Our family purchased two residential homes 318, 27th Street. First of all, I am Frank Ramaekers III. I reside at 429, 26th Street in Virginia Beach in the Old Beach neighborhood. Our family purchased two residential homes 318, 27th Street and built in 1935, which you can see on the second page, it is a great home. And, 429, 26th Street built in 1939, both homes have been placed in the Virginia Beach historical register with bronze plaque attached to both homes. The homes have been remodeled and preserved in original construction dating back to the 1930s, does preserving the Old Beach neighborhood. They are kept in immaculate condition to appease our guests and to develop superb curb appeal for the Old Beach neighborhood. 429, 26th this my permanent residence and is shared during the summer months with guests who visit Virginia Beach and surrounding area. 318, 27th Street is a short-term rental year around 365 days a year. We also have a 10 unit apartment complex located on 26th Street, which is kept in immaculate condition every single blade of grass is cut perfectly. It is our neighborhood, my neighborhood, my three children, my wife, and my parents also involve and residing in this neighborhood and it is important to us that everything is kept perfect. I also host numerous homes in Old Beach neighborhood and I use the term host because I interact with the guests to

be sure the visit to our city is excellent, is flawless. Every guest when they enter the home, receive a binder. You look in the last page, you will see what it states. Upon the arrival of guests we see this binder and they agreed to the rules and regulations, which they are stated here in the binder and they also agreed to them electronically when they make the reservation through Vrbr Airbnb. I just want to publicly state these rules and regulations which guests agree to, it says "hello guest, thank you for choosing our home, welcome to Virginia Beach to beach life, relax, and enjoy. Check in time is four and checkout is 11, please make note of these times as our cleaning staff needs this time thoroughly cleaned and sanitized the hall." Especially during this time COVID-19, our guests appreciate the homes because they are thoroughly sanitized, we do a CDC recommended cleaning in the homes. Your home is in a residential area and your neighbors reside here all year. We understand you are here to relax and enjoy our beautiful beaches, but please respect their privacy and the Virginia City Ordinance of quiet hours from 10pm to 7am. Virginia Beach City violation of these quiet hours will result in immediate departure. I have had hundreds of reservations through our homes in the homes that I also host, and I have not had any problems, zero problems with the guests. At this current time, I have over 100 guests, my phone does not ring. So, I do not understand why the ordinances must be changed because I have zero issues at the present time .Down at the bottom parking, designated parking is provided for you. You may park two vehicles in the driveway, one vehicle in the garage, please do not block the sidewalk, as it is disrespectful to the pedestrians and our neighbors, you will be towed if blocking the sidewalk. If you need additional parking please contact somebody "me" and I can direct you to the parking. There is a public parking garage on 25th street, I direct individuals there and I tell them it is \$20 a night and in New York City's \$100 a night. And, that is where they park at if necessary. We always the parking is controlled thoroughly. You guys have any questions, I appreciate your time.

Ms. Oliver: Thank you very much.

Mr. Ramaekers: Thank you, I appreciate it.

Mr. Landfair: Madam Chair, the next speaker on this item is Eddie Bourdon, followed by Samuel Jones.

Mr. Bourdon: Thank you Mr. Landfair, Madam Chair, members of the Commission for the record Eddie Bourdon, Virginia Beach Attorney I do not have a handout. The first thing I want to talk about is, I want to say, Mr. McGee's comments

on item 18, because I and my clients do not have any problems with the fines, but his one comment was spot on not to say, other ones were not. The fact that we are putting a scarlet letter on short-term rentals by having these fines that only apply to short-term rentals does not make sense to me because I guarantee you, I have not asked Mr. Kemp, but I guarantee you, we have a lot more problems in this city with code compliance with long-term rentals. Okay. No doubt about it. So, the fines should not just apply to short-term rentals they should apply to any property that is rented. This short-term rentals are not anywhere close to the problem of compliance as long-term rental or the yearly rental. That is even completely not arguable. Okay, on number 19, the grandfathered or I consider they are legally nonconforming. I will just simply say that everything else that deals with legal nonconformance pretty certain goes to the Zoning Administrator, the Board of Zoning appeals to court. I am not really sure why the Planning Director is the one making the decisions on these on the 2600, short-term rentals that are grandfathered or legally nonconforming. It seems a little bit odd to me, but anyway. And what constitutes abandonment, there is a lot of different tentacles to what constitutes abandonment as well. And, there is legal precedent on that issue when it comes to nonconforming use and the abatement of nonconforming use. And, I think that is why it belongs in the Zoning Administrator BZA, quasi-judicial BZA, and court. As for the changes to the ordinance the findings, characteristics of the neighborhood Mr. Grockmal it is a false narrative that he put out there, because what is residential short-term rentals are residential, long-term rentals are residential, and short-term is less than 30 days under your ordinance, and owner occupied it they are all residential. Maybe, there is a distinction between owner occupied single family and rental, whether it is short-term or long-term, I would submit that short-term, the vast majority of cases is a better situation when it comes to the upkeep maintenance etc. of the property than long-term, especially in areas like Old Beach, which have needed for decades redevelopment. So, characteristics of a neighborhood or portion of neighborhood like Baltic East which is probably 75% rental and has been forever. What is the characteristic, it is not single family owner occupied, which I would submit probably is close to the majority it may well be the majority on those areas West of Baltic and Old Beach. The idea that Old Beach should be dealt with differently than Lakewood or Sea Pines, or maybe even Shadow Lawn, the Shadow Lawn is different. I do not understand why we are doing this part of the Oceanfront Resort and not Lakewood to the South and Sea Pines to the North of 31st Street. But anyway, and I said this at the workshop under number four, this needed as

a comp plan term, it should not say needed. We should not be in the business other than a comp plan of suggesting what we need or we want. It should be compatible resource, not a needed resource, although it is needed in Old Beach for the portions that we have talked about and it is also needed on 21st and 22nd Street as I have said previously, Norfolk Avenue other main thoroughfares. Arctic and Baltic, no matter what you say, it does see on a nice job with trying to calm the traffic, but that North-South corridor of Arctic and Baltic, there are going to always be heavily trafficked. And, it is different than once you get West of Baltic ran into Barbara Yates, I was going to relate this at the workshop and did not have time. At the vet about month and a half ago and Mr. Bishard and Mr. Edel have been involved with Old Beach from a legal standpoint, but Staff and Karen Lasily, etc. has been a great process over the years, and the first thing Barbara said is, can you believe how great Old Beach is looking. I cannot believe that Arctic Avenue looks as good as it does. And, Barbara has done even that and I said Barbara, yet it has been fantastic. You do realize that short-term rentals has been a big part of that Arctic, because Arctic and Baltic just like 21st and 22nd always been a thorn in the city side in terms of how do we get that to redevelop and putting more density, was the old way and it turns out we can do it with less density, because of short-term rentals and she said you know I do not like short-term rentals but I got to say Arctic Avenue is looking extremely good and I did not think I lived to see that happen. So, this idea that the Chairperson said this morning that Old Beach has been hit hard by short-term rentals, I am not seeing that whatsoever. And, we are seeing a reduction in the number of units on a lot of these, and with the occupancy restrictions that apply to short-term rentals that do not apply to people renting for more than 30 days in the same neighborhood. And, that is in here too, some of the languages a little questionable I think some time needs to be spent on working on it, but we are not at all opposed to the fines and really not particularly opposed to the stuff in 19 although, again I do not think it is as good as it should be. On the Old Beach part, it looks to me like it is a solution in search of a problem. There are 2600 short-term rentals that are grandfathered legally non-conforming. There have been 196 applications filed for short-term rental CUPs since the ordinance went into effect. That is 7.5% of the ones that already exist. The short-term rentals that have been approved by council 62, that is 3% of the short-term rentals that already exist. Our statistics that I have that were presented to RAC and some of the people by the city, so, there has been 63 short-term rental applications in the OR District. There is no OR District in Old Beach I do not know where those have been

because I have not seen them. And, as I have said previously, why short-term rentals CUP is needed in the OR District is beyond me it does not make any sense at all. It is not a "neighborhood" as everybody uses that term. So, it does not make a lot of sense, but most importantly there are only 28 short-term rental applications, 1% of those that exist that have been submitted and I believe acted upon or in the process of being acted upon in all of Old Beach 28. That is my point of a solution in search of a problem. That is 1% of the existing short-term rentals and then Old Beach is just a small subset, as I said earlier, of the Oceanfront Area and I do not know why it is being dealt with separately from Lakewood, Sea Pines, or potentially Shadow Lawn. Also, city statistics show there are other short-term rentals in the city, there are 29% in the Beach District, 29%. Now, Princess Anne has the largest cause of Sandbridge, but that is still not an overwhelming percentage. Old Beach is finally experiencing at a more rapid pace, a long overdue and long encouraged by the city redevelopment. It is an organic redevelopment, city has helped, but it is mainly the investments that are being made by not just the folks that are here but there are others as well, Ken Hunt comes to mind. Do in large part to short-term rentals and many with an accompanying reduction in density, and certainly a better control over who is there and what they are doing, what they are spending. They are going to spend more money at the resort, because they are here for a vacation. And, you or I would come down and stay on Baltic or Arctic or 21st or 22nd street or Norfolk Avenue for four or five days or a week, but somebody might not really want to live on those heavily traffic streets 365. It is different from back in the area where there is not a lot of traffic. And, as a Commission has a city we should be a little bit more thorough in how we try to, we do not want to kill the golden goose and that is what this really is in some parts of the city, not necessarily in Croatan, not necessarily at the North End, but here in these areas that have been blighted in for years needed redevelopment. It is a great asset and truly same is true for Lakewood, and the other areas there, we should not be putting a scarlet letter on something that there is no evidence is a big problem. Lastly, the idea of by right owner occupied makes no sense to me. Okay, they just want to use from it too because what if you have some people it is great, I have one in Croatan and I would not get all details but bottom line, a lady with a baby by a new husband, a 13-year-old daughter they were renting out rooms in their house a year, this was going back four or five years ago. I had everybody in my block, what can we do this is crazy. Why would they let people move in the house for a weekend with their infant and a 13-year-old daughter. So, owner occupied short-term rentals can be great, do not

get me wrong, but it is not a panacea. It should be governed by use permit as well.

Ms. Oliver: Thank you.

Mr. Bourdon: Thank you. Do I have to answer any question?

Ms. Oliver: No, I think. Thank you, though. We will be back.

Mr. Landfair: Madam Chair, the last registered speaker on this item is Samuel Jones.

Ms. Oliver: Thank you.

Mr. Jones: Good afternoon. I hope you guys can hear me. I appreciate the opportunity to speak. I guess, I was 22 years old I left Virginia Beach and it is been six years of my life commercially fishing in the North and South Pacific. I started a family in 98, and bought a triplex on 27th Street that same year, since then I have moved to the 500 Block of 26th Street. So, I have been living in Old Beach now for 22 years. I am late to this party, but I spent last night watching the July 8, meeting with the Planning Commission. I am a small business owner. By day I wear toolbelt. So, in reality, the properties I own in Old Beach are my retirement. One of the concerns I am addressing you guys, I guess it would be agenda 20. In the future, my triplex is rented yearly at the moment and has been since 2001. At some point, I may want to look at doing short-term rentals. These gentlemen to my right and in the back, they are obviously having success. The Old Beach Overlay has made my neighborhood better. Some may say I live in a blighted home I live in a little three bedroom and one bath that was built back in 54. I am not ripping it down, I like my backyard. And, I am going to continue to update it. In the past year, my wife came down with breast cancer and through this whole transition our dream is possibly to rent our home and maybe go to France for a couple weeks in the summertime. But what I see if you really want to look at Old Beach and look at really who owns the properties and the number of short-term rentals, the number of annual rentals I think a lot of the tax records show that a lot of LLCs, own a lot of properties. I would vary to say that the permanent homeowners are in the minority and it is a very cool little neighborhood. I play tennis on 26th Street a couple times a week, I surf out front. But, with that said, I have for short-term rentals between on Mediterranean right. In the 600 block and the families that do rent those home walk by past my house every day going to the beach and it is kind of nice seeing people go walk and go to the beach. This morning I stopped a couple and presently painting and redoing the hardwood floors and my rental on 27th and they are doing three days, they are spending \$300 a

night they are from Richmond. They are actually staying in not a very nice unit. So, we have a pretty big we got these brand new homes that Chris Edel has developed and then we still have some older stuff that is considered blighted. That may not ever go away or maybe not transition out as soon as the public wants. So, I want you guys to consider and respect the older residents and the possibility of being able to use the properties that we have invested in for future. And, there should never be a cap on the number of short-term rentals or weekly rentals, because even if it's East or West of Baltic .And, then on the agenda 20, I think that again I hope you guys taking consideration any type of future investments and in future people wanting to do short-term rentals and not alienate them if the numbers, there is too many in the neighborhood. I honestly as a resident, we are different than Shadow Lawn and we are different than North End. We are very close to the hub of the oceanfront and at the moment it looks like we are doing a good job of creating a nice neighborhood for short-term rentals, weekly rentals and even annual renters, and homeowners to live in. So, anyway, thank you.

Ms. Oliver: Thank you.

Mr. Redmond: Excuse me for a second, I did not catch your name at the beginning.

Mr. Jones: I am Samuel Jones.

Mr. Redmond: Mr. Jones, you are not late to this party, I thought your comments were very valuable and I also want to say, we wish the best for your wife and your whole family.

Mr. Jones: Yeah, thank you.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, at this time we would like to ask if there are any other speakers present either in the lobby, or in the chamber that would like to speak. Anyone?

Mr. Sanders: No one in the lobby.

Mr. Landfair: Okay. It would appear that there are no more known speakers.

Ms. Oliver: Okay. Well, I think we will close this now and then up our Planning Commission.

Ms. Oliver: Yeah, let us close it and then we will open up for discussion and we will move through these one at a time, and do we want to wait for Mr.Redmond to come up we want him to catch up.

Mr. Weiner: I would like comment if I could Staff anyway. I do not have problem with fines, but Mr.Bourdon bought up a good point. Why are we just picking on short-term rentals and there is a lot of other rentals out there in the city that have problems, long-term rentals. I mean I know why are preying on short-term rentals, but we thought about that about long-term rentals too.

Mr. Tajan: As my understanding that because of the turnaround on short-term rentals and that the regular zoning enforcement process of a 30-day notice, and then going to the Board of Zoning appeals for some of these issues is a bit cumbersome and by the time someone gets through that process the season is over, and they are no longer renting, so, they are in compliance. So, part of it is the ability to as allowed by state code for certain zoning violations, they can become civil penalties which is what this is going for we use this currently also. We have the ability to utilize this for signage as well, but this follows what is permitted by State Code. Now, as far as this is a subset in the zoning ordinance, there is an subset in the zoning ordinance that talks about rentals. So, this is going in based on the utilization of a property as a short-term rental.

Mr. Weiner: Follow up real quick to that, why are we including Sandbridge in this mean, I mean another part of the ordinance, but I mean why would we include Sandbridge on part of like they are in little entity down there and so forth.

Mr. Tajan: The zoning ordinance requires that anyone operating a short-term rental comply with section 241.2, which includes the portions that we deal with grandfathering and also the performance standards.

Mr. Weiner: As I was just ask the question. Okay.

Ms. Oliver: All right, so we are going to start with 18, and do we have any comments on this one.

Mr. Redmond: I echo David's comments it seems to me rather unfair. I mean I heard your explanation, I just do not know that I buy it very frankly. I do think we ought to enforce far more in the city than we do. But, it just strikes me that we have different standards, so make a difference if you are violating the law in some way, whether a renter is there for 31 days, whether there for seven, I do not know that is particularly fair. I will say at the outset to, I mean I thought I have heard everything, but this is very educational session today,

and I listened to every single word. But, I am more discombobulated than I was when we began and I have objections based on what I have heard to everything Ms. Atkinson I was perfectly okay with the grandfathering until Ms. Atkinson. What is wrong with the lander does not it, I never thought about that. So, if you decide you feel like living in your own house instead of renting it for a couple of years, you cannot go back to renting again I do not know how that makes any sense, any case. So, I got a whole bunch of objections that I am not going to support anything today, because I think Mr. Weiner I hope anyway if I have read them correctly sure it is my view, but there is way more going on here than we can make up on the fly.

Ms. Oliver: I am going to interrupt you and I am going to let the attorney speak for one second. It can happen all the time.

Mr. Redmond: I get it all day long.

Ms. Oliver: Its okay.

Ms. Wilson: I understand about civil penalties. Right now if you have a zoning violation, which is what these are, when you violate the zoning ordinance you are charged with an unspecified misdemeanor, it is a misdemeanor when they say have you ever been charged with a crime, you have to put down, yes, because it is a misdemeanor. Now for zoning you cannot go to jail, that is why it is an unclassified or an unspecified misdemeanor. But, it is a fine up to \$2500. \$2,000?

Ms. Wilson: \$2500. Anyway, so we feel that a bigger penalty on someone, than someone going through the system and having a civil penalty. They still have due process. We send you what looks like a summons, it just says the violation is this, the penalty is this, the \$200. If you want to pay it, you go down to the treasurer's office and you pay it. And, it goes into Planning's budget under short-term rentals under civil penalties. If we did not do this then people would have to go through the regular process, which could potentially give them a misdemeanor. Now, we do not want to give them a misdemeanor on their record forever for some of this stuff. We felt it was a way to make it easier on people who have violations. Because a lot of the things are not earth shattering, but there are other things that also have civil penalties in the zoning ordinance, SANS are civil penalties. There is a philosophical issue.

Mr. Redmond: We do not enforce the sign thing just so you know, we talked about that earlier.

Ms. Wilson: Yes, they are. There is a philosophical debate between which is better, civil penalties to get people to do things or criminal penalties, and it is philosophical more than it is concrete. We have looked at going to civil penalties for everything, but many people feel that criminal penalties are things that require people to more readily bring their property into compliance. If they have variance requirements, so they have setback issues and they have other things. So, that is why we went to civil penalties, because it was justifying. Now it is only \$200, if you have a regular fine from a criminal violation it could be up to, I think it is \$2000. But, that is why it was done, it is not something that is brand new or never been thought of and you still get due process. As if we decide, hey I am not paying that \$200, I am just not paying, come on over to court. Tori will be there and she will prosecute you just like it was a criminal violation, except her standards, the standard for proving it is lower for the City.

Ms. Oliver: Okay.

Mr. Redmond: I thank you for that, I still share David's view, I just do not know that is consistent, so, I have a different view of it. So, anyway, thank you.

Ms. Oliver: Yes,

Mr. Graham: I agree with Mr. Redmond, I thought it was great to hear from these speakers. Full disclosure Mr. Jones back there I went to high school with him. And, he grew up in Virginia Beach he went first colonial High School, as I did. And, I am sure that he is surprised it how revitalized that area is today compared to what it was back in the 80s, it is very different. And, hearing the speakers, I mean, they have taken places and you look at these pictures, they took places that were eight units and converted them into two houses, the before and after pictures. I mean, this is short-term rentals have been the economic engine of that area they have to completely transform that area. I am torn with short-term rentals in other areas like your traditional neighborhood, but here close to the beach I am not I think that what has happened over there is great. And, I agree with Mr. Redmond. I do not know that there is anything in here you can support today, I think this thing is being rushed through I think that more thought needs to be given to it.

Ms. Oliver: All right. No disrespect, but we are going to do 18, because I just do not want.

Mr. Weiner: We got to do 18 first.

Ms. Oliver: We got to do 18, we got to do them separately.

Mr. Graham: Okay.

Ms. Oliver: And, so that we can focus specifically, kind of where we are and what we are addressing. Robin.

Ms. Klein: I understand the argument for 18. However, since it is currently a criminal penalty, which I disagree with, I do intend to support the transition to a civil penalty, at least in the interim.

Ms. Oliver: Okay. Perfect, right. Yes, Don.

Mr. Horsley: The whole thing was civil criminal penalty it did not make much difference to me, other than the fact that the enforcement is the whole thing. And, I cannot see that changing this penalty is going to make anything, I do not know where the enforcement is going to come from. I just do not think we have to staff or whatever to enforce it regardless of what it is. I mean, the civil penalty versus criminal penalty, I mean it is minor penalties is as that is fine with me I do not mind that, but what is the people that have put this issue up what method of enforcement have they come up with to help enforce with any type of penalty. Because, we do not have the staff now in order to do it now evidently.

Mr. Tajan: Mr. Horsley, you are correct currently right now we are working as best we can with what we have and we do have three additional positions that have been kicked free from the hiring freeze to allow us to focus on this as well as our contract with host compliance. So, Mr. Kemp and I was in a meeting with the City Manager discussing other ways to add to our enforcement capability, whether it be a third party or to figure out a way to fund the ability to have someone to be out there on the weekends to go and enforce these requirements. So, it is not something idle, we were not just tossing the words out. We are also working as far as staffing and finding other solutions that are available to us to do the enforcement.

Mr. Horsley: I mean, I see this with other things not just short-term rentals enforcement or other thing. People complaining to me all the time about various things and said why did not the city take care of this and I said, well, I guess we just do not have the people to enforce the code. So, regardless of what penalties we put up there, I think that is something that somebody on Council or somewhere has got to come up with a way to provide more enforcement to use those.

Ms. Oliver: Well. Yes, Mike.

Mr. Inman: I certainly think civil penalties makes more sense than the criminal penalty on this kind of thing and I think we can support that.

Ms. Oliver: Right.

Mr. Inman: I would support that.

Ms. Oliver: Alright. So, do I have a motion for 18?

Mr. Inman: I will move approval of 18.

Ms. Wilson: I will second.

Ms. Oliver: Great. Marchelle will you call for the question please.

Ms. Coleman: Sure. If you are in favor of the motion say, yes and if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of seven for and one against Agenda Item 18 is hereby recommended for approval by the Planning Commission.

	AYE 7	NAY 1	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE	NAY		
Wall				ABSENT
Weiner	AYE			

CONDITIONS

Staff recommends approval of this Ordinance. This amendment will make enforcement of the Short Term Rental ordinance more efficient and timely. The ability to issue civil penalties (fines) for violations increases the zoning inspectors’ ability to regulate short term rental use, without having to navigate the somewhat cumbersome court process involved with criminal misdemeanors, as the ordinance currently requires.

Items # 19.
City of Virginia Beach

August 12, 2020

RECOMMENDED FOR DENIAL

Mr. Landfair: Planning Commissioners the next four items on the Regular Agenda today are item 18, City of Virginia Beach an ordinance to amend section 104 to allow civil penalties for the violation of section 241.2, pertaining to short-term rentals. Item 19, City of Virginia Beach, an ordinance to amend section 241.2 pertaining to the revocation of grandfathered status and the City Council findings for short-term rental uses. Item 20, City of Virginia Beach, an ordinance to amend section 1903, allowing certain short-term rentals as permitted uses in the Old Beach Overlay District. And, item 21, City of Virginia Beach, an ordinance to establish transitional rules for the review of conditional use permits for property in the Old Beach Overlay District. Kevin Kemp will present these items. Thank you.

Mr. Kemp: Thank you, Mr. Landfair. Good afternoon, Commissioners as Bill mentioned these four items are the referral, the proposed amended ordinance from Councilman Tower you should be familiar with these items as you reviewed them twice in July, once following your July 8, Planning Commission hearing, and then you had a meeting for public comment on July 20, in which there were approximately 30 speakers at that meeting. I will just briefly go through these proposed amendments agenda items and explain each one, agenda item 18 deals with the way we enforce short-term rental violations. This would change the enforcement from what is now a criminal violation to a civil penalty. It would allow our inspectors to issue fines \$200 penalty for the first violation and then \$500 for each additional, it will help Staff be able to enforce the ordinance and make it a easier and faster way to get through the process, whereas now they were required to go through the criminal court proceedings to get to this fine structure. Agenda item 19, deals with two items, one is the grandfather status of short-term rentals and the other are required findings for short-term rental uses. The grandfathering this ordinance proposes that the grandfathering status if a short-term rental were not used to such for a two-year period would be revoked by the Planning Director. This aligns with our current ordinance regulations for nonconforming uses, as the ordinance is written now short-term rental use if it was grandfathered it runs with the land and it runs in

perpetuity. The second item in this amendment are the required findings and these provide a basis for which Staff, Planning Commission, and City Council could evaluate and ultimately approve or deny these applications, briefly go over the four of those. The first is that the density or number of short-term rentals in the immediate vicinity, do not change the character of the neighborhood. The second is that parking is readily available onsite parking is visually appealing and environmentally friendly. This is in a reaction to what we are seeing where a lot of short-term rentals are paving their entire yards to meet our parking requirements. The third is that, if there is an increased occupancy due to the short-term rental use, that occupancy remains compatible with the residential nature of the neighborhood as to not create negative impacts such as noise and trash. And, lastly, it recognizes that short-term rentals are a needed resource, particularly in areas of the city, that are in close proximity to venues or districts that bring high number of visitors. Agenda item 20, this deals specifically with the Old Beach District, the Old Beach Overlay and what it does is, it allows short-term rentals as a matter of right in the Old Beach Overlay provided that the properties meet two specific standards. One is that, all requirements of Section 241.2 are met. And the second is that the short-term rental property is the principal residence and owned by the operator. What this would do is allows for only one short-term rental per property owner. If these requirements as listed are not met, the way this ordinance is written the property owner would not have the opportunity to even apply for a CUP in front of Council. They would either meet the requirements and be able to operate as a short-term rental or they would be prohibited. Lastly item 21, is a transition ordinance and this ordinance simply states that any property that submitted an application to the Planning Department following the date, these referral ordinances were referred to you which is June 9, would be subject to these new rules immediately upon the approval of these ordinances. For instance, an application that were submitted today even though there are different rules than this in place, they would be subject to the rules once this is approved by Council. I will be available for any questions should they come up. Thank you Commissioners.

Ms. Oliver: Thank you, Mr. Kemp.

Mr. Landfair: Madam Chair, there are 19 speakers signed up to speak. The first speaker is David Grothmal, followed by Joseph Montana. Mr. Grothmal, please state your name for the record. Thank you.

Mr. Grothmal: Madam Chairwoman, members of the Commission, I am David Grothmal. I live at 219A, 68 Street, which is not in the Old Beach Area. But,

I believe that what you do today or whenever you do it is going to eventually make its way throughout the areas that have short-term rentals. My concern is with the second area, the Council's resolution that sent over the package of ordinances says they are concerned about the short-term rental rentals increasing too fast in the Old Beach neighborhood and other areas. And, I felt like they needed to get a handle on it. I believe the goal is to preserve these areas as residential neighborhoods and residential neighborhoods should take precedence over short-term rentals. That means there should be a majority of residences over short-term rentals. So, what is the majority, is it 50%, you have 51% residence and 49 short-term rentals. No I do not think so, it has to be a clear majority. So, I suggest to you that you need to come up with a number of residences and short-term rentals that clearly preserves the neighborhood as a primary residence. I am suggesting two thirds and one-third or 65% and 35%. Using each Street as the place to measure, if 22nd Street has 35% short-term rentals already then you do not approve any more short-term rentals. That will make it easy and clear for everybody to understand what is the maximum of short-term rentals that will be allowed. I think that is the key to putting a halt on these applications. The guidelines that you have in place now, do not do anything to halt the growth of short-term rentals. Thank you very much.

Ms. Oliver: Do we have any questions to the gentleman? Okay. Thank you so very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Joseph Montano. Mr. Montano is a virtual speaker, Mr. Montano, please pause for three seconds, so we can unmute your mic. Please start by stating your name for the record. Thank you.

Mr. Montano: Good afternoon, Chairwoman Oliver and members of the Virginia Beach Planning Commission. My name is Joseph Montana and I serve as the Virginia Beach Government Affairs Manager for Expedia Group and its family of travel brands. I would like to thank you all for the opportunity to comment on Virginia Beach's efforts to amend existing short-term rental law. By way of background Expedia Group is the world's travel platform with leading websites such as Expedia.com, Orbitz, travelocity.com and many others. We service the entire travel ecosystem from hotels and airlines to rental cars and vacation rental. Our vacation rental company Vrbo is the world leader in traditional or whole home vacation rentals. For 25 years Vrbo and our local homeowners have been focused on serving travelling families. In fact, our average customer booking travel on our platform is a 50-year-old woman traveling with a family of four. that long standing focus on

responsible travel, translates to our collaborative approach to fair and effective policies. Over the course of the last two months we have hosted virtual town halls with our partners here in town, and it is been incredible to hear their stories. Our property owner and manager partners have been members of the Virginia Beach Community for decades. They find immense pride in welcoming travelling families in their small slice of heaven and are eager to comply with regulations set forth by this governing body. However, both Expedia Group and our community of homeowners, managers, and small business leaders are concerned with the current proposal, specifically with regards to proposed amendment banning owners from offering secondary homes or non-primary residences in certain areas of the city. We believe there could be a better path forward that addresses the concerns of the community, while at the same time protecting Virginia Beach's long history of welcoming families to hold home rental. Expedia Group has learned from hundreds of local efforts over the last 10 years that policies work best when governments and platforms work together. A holistic solution could help Virginia Beach in three key areas, tax collection, compliance, and reasonable limits and they could include the following platform tools. Vrbo would create a mandatory field for owners to enter their short-term rental permit number in the same format as issued by the City. Vrbo would also display the permit numbers on all new listings and existing property list. Vrbo would remove any existing listing that does not display a permit number and will prohibit any listings that do not display a permit number. An alternative to the current primary only restriction that has worked in other markets is a cap of 180 days per property. The city wide 180 day cap would allow Virginia Beach residents with a second home to participate in the short-term rental market, would also dissuade individuals looking solely for investment properties to put on a short-term rental market. This policy of 180 day cap is one that Vrbo would support. As the leader in traditional vacation rentals we stand ready to be a partner to you and your Staff to ensure that the tradition of whole home vacation rentals continues to be a part of Virginia Beach, vibrant accommodations marketplace. Thank you again for your time and consideration.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Gretchen Heal, followed by Betsy Atkinson. Ms. Heal, please state your name for the record. Thank you.

Ms. Heal: Good afternoon. I am Gretchen Heal I work for the Hampton Roads Realtors Association, and based on some of your comments in this morning session

I answered a few of our questions but I do have a few statements that they have asked me to share with you on these four items. The Hampton Roads Realtors Association recognizes the need to have property owners comply with guidelines for operating short-term rentals and our members try to ensure positive experiences for the neighbors of all the STRs that they manage as well as the tourists visiting the city. However, we do have a few concerns with the zoning violations that are different than others. And, again you have addressed some of those concerns this morning, so, depending on what you end up with your final decision that may go away. On this second one, the grandfather clause, on this change we would ask you consider including some more specific language on the parameters for inactivity on a property that is scheduled to have its grandfather status removed, when does the clock of the two years start, just a little more definition around it, so, that people would know what those parameters are. And, for all of the items if I am misunderstanding and I apologize but in 241.2 it applies to Sandbridge, and we would like that all any changes you make do not apply to Sandbridge as far as short term rentals are concerned. That is all.

Ms. Oliver: Thank you.

Ms. Heal: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Betsy Atkinson, followed by Paige Miyares. Ms. Atkinson, please state your name for the record. Thank you.

Ms. Atkinson: Hi, I am Betsy Atkinson I am glad to be here to speak to you today. We are teaming up a little bit here, but I would like to specifically talk about grandfathering, I was on some of the original committees that created some of these ordinances and one of the things that we all agreed on with that if your grandfather the property it ran with the land. And, now you are trying to take away the grandfathering by reducing it to only that you do not use it for two years then you would not have the right to keep the grandfathering. I would highly suggest to you to please not approve this. We have a lot of situations, especially in the North End where, might be a mom and a dad and then they might pass away the kids might move into the house and then they might stay there a couple of years and then want to go back to having short-term rentals like they had before. And, it is also good for marketing, if somebody has a home that is been grandfathered with short-term rentals and they will have the ability to continue short-term rentals without having

to come back to the CPU. So, I thank you very much for listening to me and I hope you.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Paige Miyares, followed by Jim Moffat. Ms. Miyares, please state your name for the record. Thank you.

Ms. Miyares: Paige Miyares. Thank you Madam Chair. My name is Paige Miyares and I am the principal broker of Atkinson Realty. I just want to say that the crux of this issue really add it as a tourism issue. And, behind it is whether our city really supports tourism and people coming here to spend their hard earned money in our city. I think the consumer has spoken pretty loudly that they want to stay in our cottages and especially in a post COVID-19 world, habits of how we work vacation are changing even more rapidly. Many of our business have expressed that they are on life support with the COVID shutdown. And, the question I would ask is why are we looking at policies that prohibit visitors to our city. Why are we pushing them to Myrtle Beach and OBX, those are our competitors. As far as these regulations, there are a couple often couraging signs to me, one is the fact that there is something that actually says it is a needed resource in our city. I think that is true and again I think the consumer has echoed that and then just the change to the parking, because the discussion around parking just it goes on and on, it is almost arbitrary, it seems a little capricious to me from an outside perspective. And, so, something that says visually appealing and environmentally responsible that is helpful to kind of cut through some of measuring this it has to have this many spaces. The reality of these families coming to visit is that they do not bring, it is a four bedroom house they are not bringing four cars, I mean that is how it works practically. And, the other thing I do just want to address is that it is very disturbing to see the new, there is even been discussion here about do we follow the rules, do we go outside the rules, do we add provisions, do we not add provisions and that seems to be a little bit of an internal discussion, but to see some of these applicants who has had their applications in since January, and how these arbitrary amendments to limit the occupancy and to limit the amount of reservations per week is troubling from an on looking citizen. And, it really changed the dynamics for my family would increase the cost of vacation to Virginia Beach and not by a little when you play with those numbers. So, I think that has to be a consideration as we go forward and I think there are ways to partner in a private public type setting to help increase the accountability for these things and take the backlog off of the city. The

Beach borough making it by right which is something in one of the ordinances, I support that for our communities that hug the shoreline, for sure, because that is where we have traditionally had them that is where the character of our neighborhoods include them. And, there should be some by right pieces to the zoning that come forward. So just to know I probably out of time, but I just want to reiterate that at the crux of this is, are we a city that want families to come and stay here, do we want them to come and spend their money here. We as an industry love these neighborhoods, we want to protect them, we want them to be great places to live, we have been and shown to be good partners with these neighborhoods for over 80 years with the business that I do. So, is there is any questions.

Ms. Oliver: Do we have any questions. No. Thank you, Paige.

Mr. Landfair: Madam Chair, the next speaker on this item is John Moffat, followed by Lynn Hume. Mr. Moffat, please state your name for the record. Thankyou.

Mr. Tajan: Bill, I think it supposed to be Jim.

Mr. Landfair: Jim Moffat?

Mr. Tajan: Yes.

Mr. Moffat: I am not speaking.

Mr. Landfair: I am sorry, okay. So, the next speaker is Lynn Hume.

Mr. Hume: Hello, my name is Lynn Hume and it is hard to believe we are back up here again discussing short-term rentals. I have been a property owner in the Shore Drive area since 1980s and I have got long-term rentals and short-term rentals, that are grandfathered that have always been considered second homes and vacation homes and they were built in the 50s and 70s. Due to COVID-19, I am sure that many property owners have had to change some of the short-term rentals in the long-term. Personally, we put some doctors in one of our rentals, who were working in local hospitals, they left for a while and now they want to come back and do a long-term rental. I want to emphasize that as grandfathered properties are zoning and property rights were already set last year, our current rights exist. Item19, the 24 month rule, allows the possibility to lose our grandfathered status, health, economy, and various personal circumstances could change the use of our property for a period of time, current rights should remain not subject to being dismissed if not used in the 24 month period. This is not a conditional

use permit, grandfathered should run with the land. Item 18 allows for harassment from neighbors and subject owners to either pay a fine, considered guilty, or may to defend themselves. It appears that hateful rhetoric from anti-short-term rental people has generated this amendment to appease those who always dislike short-term rentals. We attended one of those all Civic League Meetings this winter and the attitude, for snitching and telling on people was rampant. Actually, it was like being in a foreign country, a trash can left out too long could generate the report and fine. I am not aware of any loud or disruptive short-term rentals in the Bay Area, Cape Story, Ocean Park, and Shore Drive. Many people speaking negatively do not even have short-term rentals near them. In comparison, homeowners and long-term rentals create parking, noise, and trash problems, and there are laws to deal with them. It is normal for residents in the Beach Area to park cars, have parties, and big gatherings. It is the beach. We have already spent two or three years hashing out the zoning rules and in this troubled time with COVID-19, people are not aware of this issue, it is come up again. It is our retirement income as well as many others, and we planned according to these rules. We take pride in our properties, you will be down zoning our current property rights, pleased enough for the subject grandfathered properties to the threat of losing our rights are subject us to targeted harassment and fines. Please leave the grandfathered rules the way they are now without changes. Thanks for your consideration.

Mr. Landfair: Madam Chair the next speaker on this item is Elaine Fekete, followed by Joan Davis. Ms. Fekete, please state your name for the record. Thank you.

Ms. Fekete: Hi, good afternoon. My name is Elaine Fekete and I moved to Sandbridge 25 years ago. I chose to live there even knowing that all the houses around me were rentals and had been so for 50 years. So, the false narrative that this is a new thing that we have to deal with is quite to the contrary. It is also a false narrative that all short-term rentals are party houses. 11 years ago, my husband and I started renting our home on a weekly basis and quickly found that there was a demand for the shoulder seasons in the holidays, we get people here who are parents of military children that are coming to visit and want to stay under one roof. Parents who are traveling with their children in the traveling sports leagues, business travelers who want to bring their families and make a vacation of it, or families who simply cannot afford to take off seven days from work. When we have renters, we move out and we are not alone. Other owners move out of their homes at least during the peak season. Still others use their second homes as rentals, so,

when the renters are not there the owners are. So, this brings me to the same question I asked two years ago. How will the restrictions be enforced when the home is owner occupied versus renter occupied? How will you even know the difference? I am curious to know how many \$25 trash citations have been issued in the city in the last year, have they been issued but resulted in no change in behavior or being ignored because if we are not even forcing the \$25 ones for the whole city, what is the point of adding punitive ones to the rentals and how will you know if owners like myself are the ones leaving the trash cans out versus the guest, how cumbersome is that and I say cumbersome because the recommendations sent to you states that it will make enforcement more timely and efficient and will increase the ability to regulate short-term rental use without having to navigate the somewhat cumbersome court process, I am kind of missing the due process part there. Make no mistake the choice to stay in a home versus a hotel is based on preference and availability. If summer guests cannot rent homes here, they will go straight to the Outer Banks in Myrtle Beach like Paige was saying. If parents with children in sports tournaments cannot rent our homes during the tournament's, they will go inland. Ordinance 241.2 only went into effect last November, just three months later in February Members of Council were ready to send it back to address lessons learned. What lessons were learned from November to February? There is zero evidence to support that all of the adjustments made by homeowners and realty companies in the last year to conform to 241.2 did or did not work. There is no basis to go back to square one and debate each and every component, and that is what will happen. I even heard the word exit signs at the last Council Meeting. The ongoing hysteria that short-term rentals are bad for neighborhoods is anecdotal and it is the exception rather than the rule, you state that they should not change the characteristic of the neighborhood and 99% of the cases they do not. A judge and I believe it was Austin ruled that a family sitting at a dinner table in a residence is a family sitting at a dinner table in a residence whether they are the homeowners or whether they are the renters. But, the request to review this situation was sent to you with terminology that reads additional noise, trash, and other possible nuisances, and it is asking you to assume that the negative connotations Council sees on STRs is fact based and not biased. Our trashcans really the problem, just because you were asked to review these regulations does not mean you have to conclude that changes are needed at this point. You can determine that we should at least look at what has been done and see if it works first. Thank you for listening.

Mr. Landfair: Madam Chair, the next speaker on this item is Joan Davis, followed by Gayle Mottola. Ms. Davis, please state your name for the record.

Speaker: Joan is not here.

Mr. Landfair: I am sorry. Okay. So, we will move on to Erica Atkins. Next speaker is Erica Atkins. Ms. Atkins is a virtual speaker. Ms. Atkins, please pause for three seconds, so we can unmute your mic. Please start by stating your name for the record. Thank you.

Ms. Atkins: Hi, this is Erica Atkins, I agree with everything that the previous speaker said, I do not feel like there is been enough time to really gauge what affects the short-term rentals in this area have under the new rules and regulations and I really think that there should be more time before any other changes are put into place.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, we do have Gayle Mottola here.

Ms. Mottola: Good afternoon. I am Gayle Mottola I live at 115, 88th Street in Virginia Beach. I support the comments made by Mrs. Parker from the July, 20, 2020, Public Hearing. The beach and fourth story located above Shore Drive are daytime activities for visitors, not requiring overnight accommodations. Stewardship of history and the preservation of natural habitat is questioned as the Planning Commission and Zoning Commission first quietly and then outwardly tried to change a residential one single family neighborhood with some duplexes into two homes per small lot, often with different principal owners who can then rent out their properties with a conditional status of short-term rental. A case in point is a recent variance recommended for a builder from Richmond by zoning, who after the hearing told his perspective neighbors, he plan to live in one home, but he already had a potential buyer for the second structure on the same lot. That means two principal owners per lot, both of whom, who could apply for STR status. Given, that there are six potential buildings going up on the same block of 88th Street, which was once the Cape Henry Syndicate bought from the Cape Henry Park a land company in 1899, and plotted in 1900, for single family homes. The density of that block increases by how many people and how many cars. A second case, we just welcomed unemployed couple of working age with their three younger children as they moved into the neighborhood. Is not this what Virginia Beach model a City of a lifetime means, are we losing residents. Have they not insisted that they have legal parking spaces instead of the illegal ones put in by then owner of the two

structures on the nonconforming land to meet parking requirements for STR stop. Those parking spaces were in the city signed, no parking zone at the ocean side corner of 88th Street and Atlantic making visibility obstructed to enter Atlantic Avenue. Then the neighborhood would have had to endure four bedrooms at three persons per bedroom and how many cars if every two people had one car, the answer, 12 people six cars. The summer the corner duplex at 201, 87th was approved and the bedroom was approved also at 116, 88th Street and now 114-A and B are for sale. They have eight bedrooms. That could mean a total in two rentals per week of 48 people, i.e., three times eight bedrooms times two, meaning also a great over limit of cars. A traffic jam for delivery trucks meeting those looking for a free parking space to go to the beach occurs regularly in the summer now. The primary tourist area charges up to \$10 for a few hours. The powers that were made the historic North End especially about Shore Drive 2015, a district based on the Old Beach Overlay of 2005, distinctly near hotels and motels and home renting rooms in the well-established tourist area that has been since 1906. But, that is not the North End demographic, many homes have passed down to children and grandchildren, the North End is a residential area with mostly permanent residents and those who come to enjoy their beach home for the summer. Traffic is another matter, which I will not address. Again, the beach and Fort Story, a historic part of our city that Cape Henry area should be treasured and should not go to make commercial profit. Thank you.

Ms. Oliver: Thank you very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Mike Megge, followed by Chris Edel.

Mr. Megge: Good afternoon, Madam Chair and Members of Council. I would like to thank all your hard work on this issue. I am here today to point out we spent years coming up with his current ordinance. And, as owners we have worked and planned our futures on the agreement that we came up with less than a year ago. As you know, restricting property rights of citizens by changing zoning laws as a taking and by such the government should justly compensate those owners. If it does cause harm to those owners, and I hope we do not go down that road. I understand if you feel the need to further restrict short-term rentals with conditional use permits as is you are right. But I would like to see the data that the city has compiled for these changes. I again, I asked you to protect the existing rights of the grandfathered and by right STR owners. I know this issue has been contentious, but we all came together over the past several years with

many, many meetings, public hearings and we came up with a draft a compromised ordinance that was thoroughly debated, voted on, and passed by both the Planning Commission and City Council. The new proposal would be a little like telling an owner of a duplex, if he owns a duplex zoned lot, that if you do not build that duplex in the next two years, you are going to lose that right. I just do not think that is the right way of going. Also, giving zoning inspectors policing rights, allowing them to issue monetary fines without due process is a very slippery slope. I just do not see how that would be legal, if it is not applied equally to all renters or to all property owners by that right. Again, I just think it is a slippery slope and an enormous overreach by the government. Mr. Kemp said it would be easier for the city to enforce, but I believe due process should be shaded on the side of the owner and not on government. Like I said before, you have the right to restrict new STRs with conditional use permits, but again I would like to see that data, why you are restricting them since we have just came up with an ordinance less than a year ago. But, again I would like to stress that the current ordinance should be respected and the rights of current STRs must be protected. Thank you very much,

Mr. Landfair: Madam Chair, the next speaker on this item is Chris Edel, followed by Steve Bishard.

Mr. Edel: Good afternoon, Madam Chairman and members of Planning Commission. My name is Chris Edel, I do have some handouts from around, hopefully you will have a copy of. I am here today primarily to speak with regards to Old Beach where myself and have a partner Bob Taylor, we have approximately 10 short-term rentals that are all approved by Council, and in operation. Okay, so my company VB Holmes has been building at the beach for over 30 years now. We were very active with an Old Beach particularly with the overlay that they put together, we partner with a neighborhood to find a way to improve the character of the neighborhood, reduced density if possible. And, I think we put that together with Barbara Yates and since that time, over the last eight years our company alone has invested over \$10 million in redevelopment of that neighborhood, and what you have before you here is just a few examples, most of which are east of Baltic, but on the first page you have 317, 26th Street, this was a tired 50-year-old six unit apartment building that now is to the right you will see the after which is now two single family homes, that 317, 26th Street that operated for probably over 30 years as a short-term rental. I know that for a fact by the person I bought it from, Mary Grace Thomas had ran that year round and as well as short-term rentals. Below that, on 27th and Arctic, you can see it is an older

55-year-old eight unit apartment complex and we partnered with the Georgia Joyce Seco that you are going to hear from this afternoon as well, to take that from eight tired apartments to four new single family homes and, so, those are just a few examples. The next page one more example on 27th and Arctic, that was a four unit again, very tired blighted property that had been rundown. And, now there are two brand new single family homes on that property, so, that is an example of just a few that we have done and there is certainly others, but I wanted to point that out. The next page, page three is called Old Beach Revitalization Future Opportunities, these two properties one at 417, 24th Street 10 unit apartment property and then 416, 24th is a duplex both pretty old tired properties, owned by Mark Ulmer. He could not be here today, but he asked me to share with you his thoughts on whether or not he would redevelop these properties and he said to me, he said Chris I have had these properties for years and if I am not able to redevelop these as short-term rentals, I am just going to keep them the way they are, I am just going to keep bandaging them up, they would not go away, why because there is no economic reason, there is no financial reason for him to improve these properties. So, he wanted me to share that with you and these are just a couple examples of others that he owns, he owns many properties. Page 4, 308, 25th-and-a-half again you can see a very tired old duplex that I have involved with and the owner of that property. The one below that 2602, Baltic Avenue, which is a 50-year-old five unit apartment building facing Baltic, again all of these are Baltic East. But, these are a couple properties that need to go away, they need to have brand new single family homes and will have those, but they would not if we are going to get too restricted in what we can do with those. The next page is actually the Old Beach Overlay, this is right out of the guidelines, the map here. Okay, great, because this is just a suggestion and something that we have talked about and that is, if you see the orange line which is highlighting Baltic Avenue and this runs right through Old Beach, most of this is Old Beach. But, if you look from the orange line Baltic Avenue East towards the ocean, most all of that is rental property and in zone that way, as you look from Baltic Avenue or Western Baltic Avenue, it becomes more residential, more year round residents living there. So, it somewhat splits the neighborhood, but the reasons are simple it is because of the proximity to the resort and all the things that we want our guests coming here to enjoy and take advantage of. So, one suggestion is to potentially use that as a development zone for having short-term rentals East or Baltic Avenue East that would not require conditional use, but that you would potentially require conditional use west of Baltic Avenue. And, then the next page, which is just

a summary that Bob Taylor and I put together just some thoughts and some suggestions, ideas. First and foremost, the fact that Old Beach is being singled out as the only area in the beach, that would require a short-term rentals to be someone's principal residence, I just do not understand that at all. Effectively, we are saying, we are not going to have any short-term rentals. There are many people including myself and again I have told you, we have invested millions of dollars in Old Beach and we do not own all of these properties, we do sell some. But, the ones that we do own that is out the window down for us, and many others that you're going to hear from here today. And, I do not understand why that would make for a better experience, just because someone is their principal residence and very likely they are not even living their while the rentals taking place. So, at any rate, that is one it certainly we do not agree with. And, the next paragraph noise and trash, again I do not think that some of the other speakers have said that there is really any evidence here that there is a real problem issue with specifically with just short-term rentals in that regard. But, if we need to have more trash cans we will buy more trash cans and that is fine and that is going to help solve the issue, I do not know, I am not sure. It does state in the ordinance that the short-term rentals are needed resource in certain areas of the city located in close proximity to venues, districts, and areas that generate high volume of people or visitors. Where else in the world is a better example than Old Beach, we were right down the others ordinary. I mean, that to me is a perfect place, and now we have the new sports complex, all these families come to the sports complex sure some are going to go hotel, but not all want to go to hotels, there are families traveling here. They want a safe environment, they can come, maybe cook some meals in the house, and we provide that for them in very close proximity. The ordinance change about imposing fines, that is fine because if you want to make bigger fines we want to be the model example for professional managed short-term rentals, so, we do not plan on breaking rules. And, if we do and there is a larger fine so be it, so we are okay with that. But, the end there are opportunities to consider certainly the OR Oceanfront Resort, I do not feel and neither does my partner feel like that should be even included as a conditional use permit it is just going to bog down the system there is hotels and motels all over the OR and I do not feel like that should be even necessary. The second page there, that I did speak to just a little bit ago and we are referring to as an approved short-term rental zone again Baltic Avenue East is what we are recommending and that is where the guests want to go. They want to be down and they are close to the resort area. Professional management, I can tell you all of our rentals are

professionally managed, I think that is key. There are many people out there trying to either do it themselves or maybe some of these people that live in their home may be trying to do it, but there is no substitute for professional management and all of ours are that way and I would suggest that maybe there is a way to incorporate that in the ordinance that they need to be professionally managed. There is a workshop and that you all had and just talking about a couple points there, parking there was a discussion about garages, okay garages should not be included. I can tell you in our properties that have garages that can fit a car, we use them, in someone's home you are going to put stuff in there, beach tear, bikes, or whatever may be, but in the short-term rental you do not need a place for all that stuff. So, we might have a couple beach tears, but that is about it and, so, we do use them for parking I would suggest that that would be something that should count. Number of stays a week, right now the ordinance is two stays a week and I think that it is a great compromise. Not everybody can afford a week's vacation, there is plenty of guests that want to come to Virginia Beach, but they can only do a long weekend three or four days and so, I think it is totally appropriate to be able to allow for that. Number of occupants, right now currently three per bedroom. I know speaking for myself and my partner I would be fine if we limit the house itself to 10 or 15. We are not looking for the big mega events and that that kind of goes to the next item events. We do not want the big parties, we actually prohibit parties in our homes. So, again, that is just something that that we are not interested in, we are happy if we want to reduce the number of people, you think that would be helpful. Our typical profile of guests are families that are traveling here to the beach, one last thing on signage on the back.

Ms. Oliver: I am sorry Chris.

Mr. Edel: Eddie told me I had 10 minutes, so, I guess I can have 10 minutes. Oh it's 10 minutes? Oh my god, I am sorry. Alright, thank you all.

Mr. Landfair: Madam Chair, the next speaker on this item is Steve Bishard, followed by Joyce Sico.

Mr. Bishard: Good morning. Thank you for allowing me to speak, I have some handouts. My named Steven Bishard, Bishard Homes in related entities. I just want to speak about in general, the short-term rental ordinance proposal, I feel like you should give it a time to season. Give it time to see if it works. We really have not had a chance to see if the recently adopted ordinance is going to work or not. Anyhow, about 15 years ago at the request of Karen Lesley the Zoning Administrator in the past and Barbara Yates, I was asked

to serve on the Old Beach Overlay District Committee to come up with a compatible residential redevelopment ordinance that would do away or try to do away in the proper way of three storey box duplexes and successfully served on that committee, and I think we can say that we have seen the results of the resiliency and the transformation that is taking place in the Old Beach Community by number one the city, number two the community, and number three private business developers working together, and I appreciate the comment it is like a prerecorded speaker earlier, the best way to deal with this is when all the parties come together, partner together, listen to one another and come up with agreeable solutions to a business enterprise short-term rentals. That is a needed way for families to vacation. Some of them do not want to go to hotels. Some of them want to go to homes, I prefer to go to homes, my wife loves to go to homes, particularly in an environment like COVID-19, I would not want to go to a hotel, I want to go to a house that is just recently been cleaned and it is safer for people and people feel better about it. Anyway, over those last 15 years since 2005, when that committee started and successfully produced a great ordinance. We have done a tremendous amount of redevelopment you will see it in the packet. We also acquired tremendous amount of rental properties, when we bought these properties, we took them up to the next level of standard. We did not leave them as blighted properties, we brought them up. I will say that many of the properties that we purchased though, very much were blighted properties. As Chris Edel mentioned I echo what he shared today. Some of these properties we bought their rentals that rented for \$600 to \$800 a month. There was a high turnover rate and they were problematic. Since, I have entered the short-term rental business it has not been that long. I can tell you that the management company that I have, same one Chris Edel has stellar performance, had no problems. They are proactive and matter of fact, the management company that we use to hire lives right in the Old Beach community. I mean he walks, rides his bike through the community, checks on the properties that he manages. So, I think, management, I think you agree is a critical component, the proper proactive management of these properties through a professional company. So, as I was saying we have recently entered the short-term rental business hired Knob LLC, lives in the Old Beach Community and they found that the short-term rentals have less management problems, less calls than year around rentals have. We are having a much better time with a lot less problems with the short-term rentals from a management perspective. And, the spirit of me being up here today is a spirit of partnership. When I served on the committee in 2005, I embraced what they wanted to do and had been

working in that community since then, buying rental properties in that community since then. And, I see myself as a resident, not Old Beach I live in Lincoln Park, but a resident of the city that really cares about that community. I do not want to see that community, go down. I think actually what has happened is it is going up and the short-term rental business is helping that, I do not see that it has hurting it. I have asked the question with an open mind, how many problems have you seen in the Old Beach Community ,this is from the management company I was referring to, has not seen a problem in the Old Beach Community, you can speak him later. I am not sure he has had to evict one person had to have a police to a property. So, we appreciate the desire, but I just hope that we will open up to what the reality really is, come up with a viable solution through partnering with the community, businesses, and the city that is working hard on it to have a solution that we can go on with. One of the ideas that that came up was having a short-term rental sign on each of the short-term rental properties, that if somebody does have a problem they can call the management company, very quickly. This will be a uniform, attractive, standardized sign that we could have throughout the Old Beach. If you have a problem just call the management company on the side. Again, manager lives in the neighborhood. One of the things that I have seen since I have entered the business, the expenditures to keep these properties at the highest level, they are up there. I mean we are spending some serious money to take landscaping to the next point, to the next level, decks, any kind of amenities that people might want, we are spending a lot more money than we do year around rentals and we need to. Some of the suggestions, as I mentioned before, what about a taskforce, a committee to come together, guys like myself, Chris Edel, and others, will meet with the community of the Old Beach. Be glad to meet with them and come up with something that works for example, anything East Baltic Avenue with a Baltic Avenue address east to the ocean, maybe that is a buy right short-term rental. If it is in some of the more year around residential streets maybe that is a conditional use permit. Consider giving it some time for this ordinance to really sink in and see if it works. I really do not think we have given it enough time to see if it works and if it does not work, I think we can find some solutions to make it work. In the spirit of partnership, our company just wants to be a model, an example for how to manage it, to be responsible, willing to give our phone number out. I have met with a few of the Planning Commissioners, we are here, I mean we live close, want to talk to us management company is not doing it we are here. We are available and we will be available and continue to be so. I just want to close

by pointing out two properties on this handout I gave you. You can take a look. I think on your handout a little different than my handouts as far as the way it's laid out. Take a look at page six, and then we will go to page seven after that. We bought this property at 501, 504, 25th Street and 2500, 2512, 25-1/2 when we bought it, guy was running a gambling operation there. I knew it because I knew somebody who kept going to it, it is a friend of mine I grew up with and he was running a black market gambling operation there and he had five or six little shack units I guess the people that would come and gamble there and would stay there. We bought this property, turn it into four beautiful houses. Now, we sold these houses but nevertheless this is really enhanced the neighborhood in a dynamic way. And, then if you go to seven, this is a property many of you have seen across from the Old Beach, very nice Middle School on 24th Street, Mediterranean Avenue. This is an individual that I bought from, he owned these two houses and had a lot of people packed in his house, way more units than what we put back on it. We put six units back on it, we did again sell these but this is an example of how you can take multi units, reduce the density, and you can either sell them, you can rent them year round, or relate to this specific meeting today, you can do short-term rentals. We own a property at 426, 23rd Street recently and I thank you, you all approved the short-term rental application for us, has three units on it. If I see, it makes sense I am going to tear that old build down and put two units on it, brand new homes and might be a way for me to redevelop a neighborhood that Barbara Yates back in 2005, was proactively and actively eager to redevelop with the community. So, anyway, I appreciate you listening, do give it a chance, I think there is an opportunity to have a win, win for everybody in the situation. Thank you.

Ms. Oliver: Thank you. Yes, I am sorry, go ahead.

Mr. Redmond: Mr. Bishard, do not come back up, but I wanted to respond to something that you said I think it is something that there is just repeating and a lot of thought I am a sucker for landscaping. I do not think it is that complicated stuff, but it makes an enormous difference, and to you and Mr. Edel and to the other folks who do this, I know that you do a good job of it. And, I would just like for the general good to say, if you take a property and you make it the sparkling property on the street, it is very difficult to be villainized. And, a lot of the people who might otherwise criticize or complain or have a problem with anything that you do are pretty easily disarmed when they can trash their own place to the sparkling house on the street or houses as the case may be, so I appreciate you bringing that up, I do think that landscaping particularly intensive, well designed, appropriate landscaping

can make a big difference in the appearance of these properties. And, I think that makes a giant difference in all of our communities, not just Old Beach or the Oceanfront or Shore Drive or anywhere else. So, I appreciate you bringing that piece up and I repeat it because I think it is something that we all want to keep in mind, and in the development community particularly that is a difference maker and something I think can kind of help carry the day forward. Thank you.

Ms. Oliver: Thank you, Mr. Landfair.

Mr. Landfair: Madam Chair, the next speaker on this item is Joyce Sico, followed by George Sico.

Ms. Sico: Hi, I am Joyce Sico, and I am 70 years old and I am retired, and my dream has just about come true, because I owned when you get the flyers, the property in the top picture, which was 2606 and 2608, and it was about a 50-year-old apartment building that was really good to be a chore to keep fixed and I worked with Chris Edel and we developed it into four single family homes, and the landscaping is beautiful on most homes I might add and I kept two for myself. And, they are leased yearly I do not do weeklies, but in the future I do not want to be an owner occupied at this time. I will in the future probably in about five years, I plan on living in one. And, I will either do weeklies in one or I might live in mine for nine months and do weeklies and all the three months in the summer and travel and that is really my dream. I have worked for over 25 years, keeping this property in shape and then developing it. And, I have a daughter in New York, who will eventually own occupy the second home. And, she is the only daughter I have left, I have one grandson and one great granddaughter, and that is my dream to have my family here something to hand it down to them. But, with the new ordinance, I could not really do the weeklies like I would like to until that point. So, thank you very much.

Ms. Oliver: Thank you,

Mr. Landfair: Madam Chair, the next speaker on this item is George Sico, followed by Frank Ramaekers.

Mr. Sico: Good afternoon. I am George Sico, I have the property on 400 and 402, 26-1/2 Street. And, originally, as we said before it was eight apartment units, we did summer rental for 25 years and we only had three parking places, and the whole thing we coped everybody we worked with it, and we did not have a big problem with it. Nobody really complained even our neighbors did not. So, we decided to redevelop it because the lifetime of the building

was pretty much it was his lifetime 50 years. My wife said we are planning on living in one and sometimes rent the other one out for a short-term rental, the way it stands now, I would not be able to probably do that, but the property changed now. And, the thing about the parking is that we have had construction on the Hyatt on 27th and Atlantic and is not complaining about the parking, since they have been all summer long. They cannot use the parking lot at the Hyatt because that is been used for the summer. So, they come down and contractors are parked all along Artic Avenue and 27th, right in front of our places, which has not been a problem, but I do not know about the problem with the parking with the short-term route. If they had more than two cars, they had three cars there is still room to park, if you want to on the street it is a matter of just opinion and where you are going to park the cars. And, there is garages too which I do not understand why you cannot use a garage as a third parking space, you have got room for three cars, not two in the driveway. And, I just do not understand this, how we are going to go through all this again. But, anyways, that is my statement. Thank you for hearing me.

Ms. Oliver: Thank you very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Frank Ramaekers, followed by Eddie Bourdon.

Mr. Ramaekers: Okay. Our family purchased two residential homes 318, 27th Street. First of all, I am Frank Ramaekers III. I reside at 429, 26th Street in Virginia Beach in the Old Beach neighborhood. Our family purchased two residential homes 318, 27th Street and built in 1935, which you can see on the second page, it is a great home. And, 429, 26th Street built in 1939, both homes have been placed in the Virginia Beach historical register with bronze plaque attached to both homes. The homes have been remodeled and preserved in original construction dating back to the 1930s, does preserving the Old Beach neighborhood. They are kept in immaculate condition to appease our guests and to develop superb curb appeal for the Old Beach neighborhood. 429, 26th this my permanent residence and is shared during the summer months with guests who visit Virginia Beach and surrounding area. 318, 27th Street is a short-term rental year around 365 days a year. We also have a 10 unit apartment complex located on 26th Street, which is kept in immaculate condition every single blade of grass is cut perfectly. It is our neighborhood, my neighborhood, my three children, my wife, and my parents also involve and residing in this neighborhood and it is important to us that everything is kept perfect. I also host numerous homes in Old Beach neighborhood and I use the term host because I interact with the guests to

be sure the visit to our city is excellent, is flawless. Every guest when they enter the home, receive a binder. You look in the last page, you will see what it states. Upon the arrival of guests we see this binder and they agreed to the rules and regulations, which they are stated here in the binder and they also agreed to them electronically when they make the reservation through Vrbr Airbnb. I just want to publicly state these rules and regulations which guests agree to, it says "hello guest, thank you for choosing our home, welcome to Virginia Beach to beach life, relax, and enjoy. Check in time is four and checkout is 11, please make note of these times as our cleaning staff needs this time thoroughly cleaned and sanitized the hall." Especially during this time COVID-19, our guests appreciate the homes because they are thoroughly sanitized, we do a CDC recommended cleaning in the homes. Your home is in a residential area and your neighbors reside here all year. We understand you are here to relax and enjoy our beautiful beaches, but please respect their privacy and the Virginia City Ordinance of quiet hours from 10pm to 7am. Virginia Beach City violation of these quiet hours will result in immediate departure. I have had hundreds of reservations through our homes in the homes that I also host, and I have not had any problems, zero problems with the guests. At this current time, I have over 100 guests, my phone does not ring. So, I do not understand why the ordinances must be changed because I have zero issues at the present time .Down at the bottom parking, designated parking is provided for you. You may park two vehicles in the driveway, one vehicle in the garage, please do not block the sidewalk, as it is disrespectful to the pedestrians and our neighbors, you will be towed if blocking the sidewalk. If you need additional parking please contact somebody "me" and I can direct you to the parking. There is a public parking garage on 25th street, I direct individuals there and I tell them it is \$20 a night and in New York City's \$100 a night. And, that is where they park at if necessary. We always the parking is controlled thoroughly. You guys have any questions, I appreciate your time.

Ms. Oliver: Thank you very much.

Mr. Ramaekers: Thank you, I appreciate it.

Mr. Landfair: Madam Chair, the next speaker on this item is Eddie Bourdon, followed by Samuel Jones.

Mr. Bourdon: Thank you Mr. Landfair, Madam Chair, members of the Commission for the record Eddie Bourdon, Virginia Beach Attorney I do not have a handout. The first thing I want to talk about is, I want to say, Mr. McGee's comments

on item 18, because I and my clients do not have any problems with the fines, but his one comment was spot on not to say, other ones were not. The fact that we are putting a scarlet letter on short-term rentals by having these fines that only apply to short-term rentals does not make sense to me because I guarantee you, I have not asked Mr. Kemp, but I guarantee you, we have a lot more problems in this city with code compliance with long-term rentals. Okay. No doubt about it. So, the fines should not just apply to short-term rentals they should apply to any property that is rented. This short-term rentals are not anywhere close to the problem of compliance as long-term rental or the yearly rental. That is even completely not arguable. Okay, on number 19, the grandfathered or I consider they are legally nonconforming. I will just simply say that everything else that deals with legal nonconformance pretty certain goes to the Zoning Administrator, the Board of Zoning appeals to court. I am not really sure why the Planning Director is the one making the decisions on these on the 2600, short-term rentals that are grandfathered or legally nonconforming. It seems a little bit odd to me, but anyway. And what constitutes abandonment, there is a lot of different tentacles to what constitutes abandonment as well. And, there is legal precedent on that issue when it comes to nonconforming use and the abatement of nonconforming use. And, I think that is why it belongs in the Zoning Administrator BZA, quasi-judicial BZA, and court. As for the changes to the ordinance the findings, characteristics of the neighborhood Mr. Grockmal it is a false narrative that he put out there, because what is residential short-term rentals are residential, long-term rentals are residential, and short-term is less than 30 days under your ordinance, and owner occupied it they are all residential. Maybe, there is a distinction between owner occupied single family and rental, whether it is short-term or long-term, I would submit that short-term, the vast majority of cases is a better situation when it comes to the upkeep maintenance etc. of the property than long-term, especially in areas like Old Beach, which have needed for decades redevelopment. So, characteristics of a neighborhood or portion of neighborhood like Baltic East which is probably 75% rental and has been forever. What is the characteristic, it is not single family owner occupied, which I would submit probably is close to the majority it may well be the majority on those areas West of Baltic and Old Beach. The idea that Old Beach should be dealt with differently than Lakewood or Sea Pines, or maybe even Shadow Lawn, the Shadow Lawn is different. I do not understand why we are doing this part of the Oceanfront Resort and not Lakewood to the South and Sea Pines to the North of 31st Street. But anyway, and I said this at the workshop under number four, this needed as

a comp plan term, it should not say needed. We should not be in the business other than a comp plan of suggesting what we need or we want. It should be compatible resource, not a needed resource, although it is needed in Old Beach for the portions that we have talked about and it is also needed on 21st and 22nd Street as I have said previously, Norfolk Avenue other main thoroughfares. Arctic and Baltic, no matter what you say, it does see on a nice job with trying to calm the traffic, but that North-South corridor of Arctic and Baltic, there are going to always be heavily trafficked. And, it is different than once you get West of Baltic ran into Barbara Yates, I was going to relate this at the workshop and did not have time. At the vet about month and a half ago and Mr. Bishard and Mr. Edel have been involved with Old Beach from a legal standpoint, but Staff and Karen Lasily, etc. has been a great process over the years, and the first thing Barbara said is, can you believe how great Old Beach is looking. I cannot believe that Arctic Avenue looks as good as it does. And, Barbara has done even that and I said Barbara, yet it has been fantastic. You do realize that short-term rentals has been a big part of that Arctic, because Arctic and Baltic just like 21st and 22nd always been a thorn in the city side in terms of how do we get that to redevelop and putting more density, was the old way and it turns out we can do it with less density, because of short-term rentals and she said you know I do not like short-term rentals but I got to say Arctic Avenue is looking extremely good and I did not think I lived to see that happen. So, this idea that the Chairperson said this morning that Old Beach has been hit hard by short-term rentals, I am not seeing that whatsoever. And, we are seeing a reduction in the number of units on a lot of these, and with the occupancy restrictions that apply to short-term rentals that do not apply to people renting for more than 30 days in the same neighborhood. And, that is in here too, some of the languages a little questionable I think some time needs to be spent on working on it, but we are not at all opposed to the fines and really not particularly opposed to the stuff in 19 although, again I do not think it is as good as it should be. On the Old Beach part, it looks to me like it is a solution in search of a problem. There are 2600 short-term rentals that are grandfathered legally non-conforming. There have been 196 applications filed for short-term rental CUPs since the ordinance went into effect. That is 7.5% of the ones that already exist. The short-term rentals that have been approved by council 62, that is 3% of the short-term rentals that already exist. Our statistics that I have that were presented to RAC and some of the people by the city, so, there has been 63 short-term rental applications in the OR District. There is no OR District in Old Beach I do not know where those have been

because I have not seen them. And, as I have said previously, why short-term rentals CUP is needed in the OR District is beyond me it does not make any sense at all. It is not a "neighborhood" as everybody uses that term. So, it does not make a lot of sense, but most importantly there are only 28 short-term rental applications, 1% of those that exist that have been submitted and I believe acted upon or in the process of being acted upon in all of Old Beach 28. That is my point of a solution in search of a problem. That is 1% of the existing short-term rentals and then Old Beach is just a small subset, as I said earlier, of the Oceanfront Area and I do not know why it is being dealt with separately from Lakewood, Sea Pines, or potentially Shadow Lawn. Also, city statistics show there are other short-term rentals in the city, there are 29% in the Beach District, 29%. Now, Princess Anne has the largest cause of Sandbridge, but that is still not an overwhelming percentage. Old Beach is finally experiencing at a more rapid pace, a long overdue and long encouraged by the city redevelopment. It is an organic redevelopment, city has helped, but it is mainly the investments that are being made by not just the folks that are here but there are others as well, Ken Hunt comes to mind. Do in large part to short-term rentals and many with an accompanying reduction in density, and certainly a better control over who is there and what they are doing, what they are spending. They are going to spend more money at the resort, because they are here for a vacation. And, you or I would come down and stay on Baltic or Arctic or 21st or 22nd street or Norfolk Avenue for four or five days or a week, but somebody might not really want to live on those heavily traffic streets 365. It is different from back in the area where there is not a lot of traffic. And, as a Commission has a city we should be a little bit more thorough in how we try to, we do not want to kill the golden goose and that is what this really is in some parts of the city, not necessarily in Croatan, not necessarily at the North End, but here in these areas that have been blighted in for years needed redevelopment. It is a great asset and truly same is true for Lakewood, and the other areas there, we should not be putting a scarlet letter on something that there is no evidence is a big problem. Lastly, the idea of by right owner occupied makes no sense to me. Okay, they just want to use from it too because what if you have some people it is great, I have one in Croatan and I would not get all details but bottom line, a lady with a baby by a new husband, a 13-year-old daughter they were renting out rooms in their house a year, this was going back four or five years ago. I had everybody in my block, what can we do this is crazy. Why would they let people move in the house for a weekend with their infant and a 13-year-old daughter. So, owner occupied short-term rentals can be great, do not

get me wrong, but it is not a panacea. It should be governed by use permit as well.

Ms. Oliver: Thank you.

Mr. Bourdon: Thank you. Do I have to answer any question?

Ms. Oliver: No, I think. Thank you, though. We will be back.

Mr. Landfair: Madam Chair, the last registered speaker on this item is Samuel Jones.

Ms. Oliver: Thank you.

Mr. Jones: Good afternoon. I hope you guys can hear me. I appreciate the opportunity to speak. I guess, I was 22 years old I left Virginia Beach and it is been six years of my life commercially fishing in the North and South Pacific. I started a family in 98, and bought a triplex on 27th Street that same year, since then I have moved to the 500 Block of 26th Street. So, I have been living in Old Beach now for 22 years. I am late to this party, but I spent last night watching the July 8, meeting with the Planning Commission. I am a small business owner. By day I wear toolbelt. So, in reality, the properties I own in Old Beach are my retirement. One of the concerns I am addressing you guys, I guess it would be agenda 20. In the future, my triplex is rented yearly at the moment and has been since 2001. At some point, I may want to look at doing short-term rentals. These gentlemen to my right and in the back, they are obviously having success. The Old Beach Overlay has made my neighborhood better. Some may say I live in a blighted home I live in a little three bedroom and one bath that was built back in 54. I am not ripping it down, I like my backyard. And, I am going to continue to update it. In the past year, my wife came down with breast cancer and through this whole transition our dream is possibly to rent our home and maybe go to France for a couple weeks in the summertime. But what I see if you really want to look at Old Beach and look at really who owns the properties and the number of short-term rentals, the number of annual rentals I think a lot of the tax records show that a lot of LLCs, own a lot of properties. I would vary to say that the permanent homeowners are in the minority and it is a very cool little neighborhood. I play tennis on 26th Street a couple times a week, I surf out front. But, with that said, I have for short-term rentals between on Mediterranean right. In the 600 block and the families that do rent those home walk by past my house every day going to the beach and it is kind of nice seeing people go walk and go to the beach. This morning I stopped a couple and presently painting and redoing the hardwood floors and my rental on 27th and they are doing three days, they are spending \$300 a

night they are from Richmond. They are actually staying in not a very nice unit. So, we have a pretty big we got these brand new homes that Chris Edel has developed and then we still have some older stuff that is considered blighted. That may not ever go away or maybe not transition out as soon as the public wants. So, I want you guys to consider and respect the older residents and the possibility of being able to use the properties that we have invested in for future. And, there should never be a cap on the number of short-term rentals or weekly rentals, because even if it's East or West of Baltic .And, then on the agenda 20, I think that again I hope you guys taking consideration any type of future investments and in future people wanting to do short-term rentals and not alienate them if the numbers, there is too many in the neighborhood. I honestly as a resident, we are different than Shadow Lawn and we are different than North End. We are very close to the hub of the oceanfront and at the moment it looks like we are doing a good job of creating a nice neighborhood for short-term rentals, weekly rentals and even annual renters, and homeowners to live in. So, anyway, thank you.

Ms. Oliver: Thank you.

Mr. Redmond: Excuse me for a second, I did not catch your name at the beginning.

Mr. Jones: I am Samuel Jones.

Mr. Redmond: Mr. Jones, you are not late to this party, I thought your comments were very valuable and I also want to say, we wish the best for your wife and your whole family.

Mr. Jones: Yeah, thank you.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, at this time we would like to ask if there are any other speakers present either in the lobby, or in the chamber that would like to speak. Anyone?

Mr. Sanders: No one in the lobby.

Mr. Landfair: Okay. It would appear that there are no more known speakers.

Ms. Oliver: Okay. Well, I think we will close this now and then up our Planning Commission.

Ms. Oliver: Yeah, let us close it and then we will open up for discussion and we will move through these one at a time, and do we want to wait for Mr.Redmond to come up we want him to catch up.

Mr. Weiner: I would like comment if I could Staff anyway. I do not have problem with fines, but Mr.Bourdon bought up a good point. Why are we just picking on short-term rentals and there is a lot of other rentals out there in the city that have problems, long-term rentals. I mean I know why are preying on short-term rentals, but we thought about that about long-term rentals too.

Mr. Tajan: As my understanding that because of the turnaround on short-term rentals and that the regular zoning enforcement process of a 30-day notice, and then going to the Board of Zoning appeals for some of these issues is a bit cumbersome and by the time someone gets through that process the season is over, and they are no longer renting, so, they are in compliance. So, part of it is the ability to as allowed by state code for certain zoning violations, they can become civil penalties which is what this is going for we use this currently also. We have the ability to utilize this for signage as well, but this follows what is permitted by State Code. Now, as far as this is a subset in the zoning ordinance, there is an subset in the zoning ordinance that talks about rentals. So, this is going in based on the utilization of a property as a short-term rental.

Mr. Weiner: Follow up real quick to that, why are we including Sandbridge in this mean, I mean another part of the ordinance, but I mean why would we include Sandbridge on part of like they are in little entity down there and so forth.

Mr. Tajan: The zoning ordinance requires that anyone operating a short-term rental comply with section 241.2, which includes the portions that we deal with grandfathering and also the performance standards.

Mr. Weiner: As I was just ask the question. Okay.

Ms. Oliver: All right, so we are going to start with 18, and do we have any comments on this one.

Mr. Redmond: I echo David's comments it seems to me rather unfair. I mean I heard your explanation, I just do not know that I buy it very frankly. I do think we ought to enforce far more in the city than we do. But, it just strikes me that we have different standards, so make a difference if you are violating the law in some way, whether a renter is there for 31 days, whether there for seven, I do not know that is particularly fair. I will say at the outset to, I mean I thought I have heard everything, but this is very educational session today,

and I listened to every single word. But, I am more discombobulated than I was when we began and I have objections based on what I have heard to everything Ms. Atkinson I was perfectly okay with the grandfathering until Ms. Atkinson. What is wrong with the lander does not it, I never thought about that. So, if you decide you feel like living in your own house instead of renting it for a couple of years, you cannot go back to renting again I do not know how that makes any sense, any case. So, I got a whole bunch of objections that I am not going to support anything today, because I think Mr.Weiner I hope anyway if I have read them correctly sure it is my view, but there is way more going on here than we can make up on the fly.

Ms. Oliver: I am going to interrupt you and I am going to let the attorney speak for one second. It can happen all the time.

Mr. Redmond: I get it all day long.

Ms. Oliver: Its okay.

Ms. Wilson: I understand about civil penalties. Right now if you have a zoning violation, which is what these are, when you violate the zoning ordinance you are charged with an unspecified misdemeanor, it is a misdemeanor when they say have you ever been charged with a crime, you have to put down, yes, because it is a misdemeanor. Now for zoning you cannot go to jail, that is why it is an unclassified or an unspecified misdemeanor. But, it is a fine up to \$2500. \$2,000?

Ms. Wilson: \$2500. Anyway, so we feel that a bigger penalty on someone, than someone going through the system and having a civil penalty. They still have due process. We send you what looks like a summons, it just says the violation is this, the penalty is this, the \$200. If you want to pay it, you go down to the treasurer's office and you pay it. And, it goes into Planning's budget under short-term rentals under civil penalties. If we did not do this then people would have to go through the regular process, which could potentially give them a misdemeanor. Now, we do not want to give them a misdemeanor on their record forever for some of this stuff. We felt it was a way to make it easier on people who have violations. Because a lot of the things are not earth shattering, but there are other things that also have civil penalties in the zoning ordinance, SANS are civil penalties. There is a philosophical issue.

Mr. Redmond: We do not enforce the sign thing just so you know, we talked about that earlier.

Ms. Wilson: Yes, they are. There is a philosophical debate between which is better, civil penalties to get people to do things or criminal penalties, and it is philosophical more than it is concrete. We have looked at going to civil penalties for everything, but many people feel that criminal penalties are things that require people to more readily bring their property into compliance. If they have variance requirements, so they have setback issues and they have other things. So, that is why we went to civil penalties, because it was justifying. Now it is only \$200, if you have a regular fine from a criminal violation it could be up to, I think it is \$2000. But, that is why it was done, it is not something that is brand new or never been thought of and you still get due process. As if we decide, hey I am not paying that \$200, I am just not paying, come on over to court. Tori will be there and she will prosecute you just like it was a criminal violation, except her standards, the standard for proving it is lower for the City.

Ms. Oliver: Okay.

Mr. Redmond: I thank you for that, I still share David's view, I just do not know that is consistent, so, I have a different view of it. So, anyway, thank you.

Ms. Oliver: Yes,

Mr. Graham: I agree with Mr. Redmond, I thought it was great to hear from these speakers. Full disclosure Mr. Jones back there I went to high school with him. And, he grew up in Virginia Beach he went first colonial High School, as I did. And, I am sure that he is surprised it how revitalized that area is today compared to what it was back in the 80s, it is very different. And, hearing the speakers, I mean, they have taken places and you look at these pictures, they took places that were eight units and converted them into two houses, the before and after pictures. I mean, this is short-term rentals have been the economic engine of that area they have to completely transform that area. I am torn with short-term rentals in other areas like your traditional neighborhood, but here close to the beach I am not I think that what has happened over there is great. And, I agree with Mr. Redmond. I do not know that there is anything in here you can support today, I think this thing is being rushed through I think that more thought needs to be given to it.

Ms. Oliver: All right. No disrespect, but we are going to do 18, because I just do not want.

Mr. Weiner: We got to do 18 first.

Ms. Oliver: We got to do 18, we got to do them separately.

Mr. Graham: Okay.

Ms. Oliver: And, so that we can focus specifically, kind of where we are and what we are addressing. Robin.

Ms. Klein: I understand the argument for 18. However, since it is currently a criminal penalty, which I disagree with, I do intend to support the transition to a civil penalty, at least in the interim.

Ms. Oliver: Okay. Perfect, right. Yes, Don.

Mr. Horsley: The whole thing was civil criminal penalty it did not make much difference to me, other than the fact that the enforcement is the whole thing. And, I cannot see that changing this penalty is going to make anything, I do not know where the enforcement is going to come from. I just do not think we have to staff or whatever to enforce it regardless of what it is. I mean, the civil penalty versus criminal penalty, I mean it is minor penalties is as that is fine with me I do not mind that, but what is the people that have put this issue up what method of enforcement have they come up with to help enforce with any type of penalty. Because, we do not have the staff now in order to do it now evidently.

Mr. Tajan: Mr. Horsley, you are correct currently right now we are working as best we can with what we have and we do have three additional positions that have been kicked free from the hiring freeze to allow us to focus on this as well as our contract with host compliance. So, Mr. Kemp and I was in a meeting with the City Manager discussing other ways to add to our enforcement capability, whether it be a third party or to figure out a way to fund the ability to have someone to be out there on the weekends to go and enforce these requirements. So, it is not something idle, we were not just tossing the words out. We are also working as far as staffing and finding other solutions that are available to us to do the enforcement.

Mr. Horsley: I mean, I see this with other things not just short-term rentals enforcement or other thing. People complaining to me all the time about various things and said why did not the city take care of this and I said, well, I guess we just do not have the people to enforce the code. So, regardless of what penalties we put up there, I think that is something that somebody on Council or somewhere has got to come up with a way to provide more enforcement to use those.

Ms. Oliver: Well. Yes, Mike.

Mr. Inman: I certainly think civil penalties makes more sense than the criminal penalty on this kind of thing and I think we can support that.

Ms. Oliver: Right.

Mr. Inman: I would support that.

Ms. Oliver: Alright. So,do I have a motion for 18?

Mr. Inman: I will move approval of 18.

Ms. Wilson: I will second.

Ms. Oliver: Great. Marchelle will you call for the question please.

Ms. Coleman: Sure.If you are in favor of the motion say, yes and if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of seven for and one against Agenda Item 18 is hereby recommended for approval by the Planning Commission.

Ms. Oliver: Great. Alright. That went smoothly. Alright, so now we are going to talk about number 19, revocation of grandfathering status and City Council funding regarding to short-term rentals.

Mr. Weiner: I will start this one. I am completely done with this one, after listening to everybody out there, I really appreciate the input it was really good information. I would make a motion to strike item two completely required findings and the minimum I would support on grandfather would be 60 months.

Mr. Redmond: How many months?

Mr. Weiner: 60 months.

Mr. Wiener: Five years, 60 months. Okay. I mean that would be the minimum I would support for grandfathering.

Ms. Oliver: Alright, hold on.

Mr. Wiener: That is just me.

Mr. Redmond: I agree with that.

Ms. Oliver: So, you want five years.

Mr. Wiener: Five years for grandfathering and completely strike item two required findings.

Ms. Oliver: Item two, as in numeral two or the whole segment.

Mr. Wiener: It says item two. The whole paragraph.

Mr. Tajan: The required findings.

Mr. Wiener: Yeah. Items 1, 2, 3, and 4.

Ms. Oliver: You want all of those gone.

Mr. Wiener: Yes.

Ms. Oliver: Okay.

Mr. Wiener: That is just me.

Ms. Oliver: That is just you.

Mr. Redmond: No, it is me too.

Ms. Oliver: Oh, okay. My goodness. So, you do not want aesthetically pleasing parking. I am just asking, because you can pick and choose. You do not have to be blanket.

Mr. Wiener: I understand, this is just my opinion thought through.

Ms. Oliver: I am just sort of soliciting.

Mr. Wiener: It is just not thought through, it needs to be. We need to sit down and think about what is going on here.

Ms. Oliver: Because they do not have any problem with aesthetically pleasing parking. I think that is a good thing.

Mr. Wiener: Well, that is fine if you want to fix it.

Mr. Redmond: Vote against it.

Mr. Wiener: If you want to keep it item two.

Ms. Oliver: That seems to be the crutch of our problems here is parking because that is the only thing we have, and so we are debating on whether or not, gravel, eight feet of this, does not look like that, what is the apron look like. So, if we are hanging our hats on parking, we might as well make it look good. Yes.

Mr. Redmond: I agree with that.

Ms. Oliver: Thank you.

Mr. Redmond: However, be that as I have said before I share Dave's view, and an awful lot of this is just not very well thought through and requires greater consideration, factually though and substantively I do not like the idea that if you choose to live in a house for two years that you were previously renting then you lose the ability to then rent it again because you choose to live in your own house. It just does not seem to me to make a lot of sense, so, I am not going to support it. If you want to make a motion, I consider what you said an improvement, and I will be happy to support your motion. In the end, however, I am going to oppose the entire concept of it because I do not think that's fair to property owners.

Ms. Oliver: Yes, Robin.

Ms. Klein: If I get granted conditional use permit for my home now. I am not applying. And, then I decide to live in it and I am not grandfathered or legally nonconforming what happens to that permit.

Ms. Oliver: I do not think anything happens. Yes, okay.

Mr. Redmond: First I love how you keep direct these questions with Dee and I would encourage you to keep to it, I'm rather enjoying that.

Ms. Wilson: You got a CUP right.

Ms. Klein: Yes.

Ms. Wilson: Okay, your CUP is good for five years and then it will just simply disappear unless you come and renew it.

Ms. Klein: Okay. So, I think that is very well in lined with your five year suggestion. Yeah.

Mr. Horsley: But, you does not have CUP, if you do something, if you have some type of a vested right in it within that five years, does not that make it stay. You do not have to have it completed in five years.

Ms. Wilson: No. If your CUP is specifically conditioned on, it only lasting five years, so there is no vested right argument, you knew you had it for five years that is all.

Mr. Tajan: So, Mr. Horsley said that, in this case a conditional use permit is Ms.Klein is referring to has a very specific condition stating that it lasts for five years. If you are talking about other conditional use permits, yes, the discussion is a different, but it is laid out in the ordinance that way.

Ms. Klein: If it is vacant for five years you essentially lost your right for grandfathering property, and would been under your suggestion.

Mr. Redmond: Under Mr. Weiner's suggestion.

Ms. Klein: Right under Mr.Wiener's suggestion.

Ms. Wilson: Under Mr.Wiener's suggestion, just take the two and make it a five.

Ms.Klein: And make it a five, which would be the regular length of time for a conditional use permit.

Mr. Inman: I actually support all of this. There is going to be subjectivity, there has to be subjectivity you cannot, as Kay explained early on in our informal session

you cannot objectify every single thing, there is judgment calls to be made by us recalled on to make judgments about density, and whether there is too much density of short-term rentals. So, that it destroys the neighborhood concept that neighborhood feel, the benefit of living in a non transient neighborhood. So, that is what that is about. That is what two of those items and number two are about. We have been concerned for many months now about, we have seen, I think a higher volume of applications than we ever really expected around the city, and we all of a sudden we are like, whoa, wait a minute what is this going to do to these neighborhoods. Everybody is thinking about today, Old Beach, I am talking about all of the things we have been concerned about, some parts of the Shore Drive neighborhood. So, I am not offended by any of these criteria that I think they are good that we have to make those findings in order to protect the neighborhoods. So, that is what I wanted to know. I am alright with it.

Ms. Oliver: I mean these are all the things when you look at them individually and then the grandfather with separate from. These are all the same conversations that we have every time we look at them, how many, where is the map, we turn to Planning Staff and go where is your map, how many are there, what is the street look like, what is the parking lot like. Well, the guy just paved his whole driveway I mean his whole front yards. So, that is not aesthetically pleasing. Somebody wants to gravel or put dirt in there, they are bumping over curbs and stuff, all that is doing is saying, hey look if you can meet your parking requirement or we can help you meet your parking requirement, can we do it aesthetically pleasing. How is the landscaping look. The occupancy is basically, does it does it meet the requirements of what everybody else is doing on the street, you have 50 people in your house or do you have 11 people in your house that is reasonable to be in their bedrooms and what is wrong with number four, STRs are needed. I am just curious resource in certain areas of the city, particularly those in close proximity to venues and part of that was because we do not have, Old Beach is three blocks from our resort. We got thousands of hotel rooms right there. So, it is not as if people are landing in 27th Street and they cannot find a room. That is not the problem, that statement if I recall correctly part of that was due to the fact that the Amphitheatre and the sports complex where we do not have hotels, was so, that then we could look at that area and say yeah In fact, they do need STRs there, because these families are bringing all these kids into play these sports and stuff and we do not have any place for them to stay and the resort hotels are too far for them to go.

Mr. Weiner: Okay. I understand, but I am going to break it down two and three I could probably live with, but one I definitely could not. Who would say that the way I think characteristics change in the neighborhood is different than yours, as Mr. Redmond brought up earlier. Two houses on they are different in what I think for a characteristics surrounding neighborhood. And, I know I am keep bringing this up, but I think just because there is hotels there it does not mean people want to stay in hotel, I do not want to stay in hotel, anywhere I go I would rather stay in a house and that is just my opinion of course. So, the proximity of the venues and districts in the areas generate high volume. I mean, that is perfect for Old Beach in my opinion. So, I can live with two and three rather, how is that.

Mr. Redmond: I would make the following argument characteristics of the surrounding neighborhood. If there was a neighborhood with a preponderance of short-term rentals, I would argue that is a characteristic of the neighborhood. If you look at some of these neighborhoods and say they have got all these dots on the map, look how many short-term rentals on there. Is that not fundamentally a characteristics of the neighborhood. If I am one of these builders and I come up with an application and my application is denied, on the basis that it changes the characteristic of the neighborhood where there is already a preponderance of short-term rentals. I am going to sue. I mean that is just strikes me as oxymoronic and really needs a lot more work. It just kind of made up and it does not, again I am not going to support this grandfather thing because I think it is unfair to people who own things. But, that to me is probably the most offensive of the things that I find here, I completely agree with you Dee about the attractiveness of things, it is statics to stuff to me, it makes a gigantic difference. In fact, I think we have to look much more carefully at parking not just at the attractiveness of it, but how are we getting into. My problem with this 9x18 thing is requiring far larger parking and more impervious cover than we ought to and I think there is such a much deeper, more complicated conversation than we have because I do not want all this. I mean, you know much better than I would have all this more impervious stuff. And, frankly people move their cars to let the other car out all the time, not everything needs a big wide turning radius of a Chevy tile. So, in any event, I just number one to me is, is a nonstarter. It is not ready for primetime, it is easily argued in my view that in a lot of these places where there is already a preponderance of short-term rentals, but that is a characteristic of the neighborhood. So, I am not exactly sure how you even on a subjective basis that that makes sense. Anyway, I am sorry, go ahead.

Mr. Inman: Then number one would be okay with you because you get to make that argument saying, if you are not changing the nature of the neighborhood, so, it is okay.

Mr. Redmond: But, that is my point is, it does not have any real meaning, if everybody can see it 18 different ways and it is not really a law.

Ms. Oliver: I think that is the whole purpose of it.

Mr. Redmond: So, it is not to have meaning.

Ms. Oliver: No, I do not think the lack of, I am not saying new as it specifically I think.

Mr. Redmond: Well that is okay.

Ms. Oliver: Some people are looking for specific black and white laws regarding this and I think it is subjective to where we are and what the area looks like. Do I think that a lot of the development in Old Beach is a plus to that area, absolutely I think that it is absolutely gorgeous to go down there after growing up and down on the oceanfront and see that these places are pushed to the street that we actually have sidewalks for once, we never had sidewalks. The walkability, the balconies, the parking in the back it is all a huge plus for that. Again, it's objective to them all of a sudden we have another area that has some not so well run Airbnb's that are not properly managed by a property management or that a company that is readily available to troubleshoot areas, that is causing problems that allows us to go in and say, you know, this is ruining the character of this particular area, this particular neighborhood. This is an enhancement to this particular area, this particular neighborhood.

Mr. Inman: I will give an example like Arizona Bay, very dense, there probably are not any short-term rentals in there. But, do you want to allow a bunch of short-term rentals in there, they are not used to having short-term rentals, they probably do not want short-term rentals. So, there is certainly a right to have some, but it could become such that it is now changing the nature of that neighborhood, the nature of that neighborhood is not short-term rental. So, this allows that kind of analysis.

Mr. Redmond: I understand that, my view is laws ought to have meaning or they are bad laws, this does not have enough meaning to me. If you can interpret it 18 different ways, I do not know how you can follow it. They have to be more specific and in this case, it seems me entirely just like we had to do it the first time entirely rushed and that is how you end up with a mess. And,

we had one before we still have it largely it is that rush part, but coming up with phrases like change the characteristics of the surrounding neighborhood that do not really have any great definition to me. It is just asking for trouble.

Ms. Oliver: I am just throwing this out there, because I am just trying to.

Mr. Redmond: This is a great discussion now by the way.

Ms. Oliver: I just want to figure this out. Let us just say, we head down to Princess Anne out to the rural area. All of a sudden, we have got venues that want to go in and do all this and everybody is like, no, because that changes the character and the fabric of that particular area of what it is technically designed to be. So, the zoning is AG, this is what we want this, this part of our city to respond and act like. Now, we go into a residential area, which people go in and buy a house and I am just playing devil's applicant.

Mr. Redmond: Yeah.

Ms. Oliver: We go into a residential area, people move here, the military moves here, women are looking for schools, they are looking for a neighborhood, they go okay, here it is. This is where we are going to go for the next two or three years. We are going to buy a house this, that or the other. And, then all of a sudden they find, well, it is not a residential area, we have got a commercial use in a residential area that typically would not be. And, I am not talking about what is within three or four blocks of the Ocean front, I am just talking about further into the city, further back. How does that perform, we do we then just kind of say, we can go down to the farms and we can do well, because that does not change.

Mr. Redmond: Well, let me answer it, and that is, it is far more specific than this is, take his example about the wedding venue that we have been through and we are going to see again of course. And, the ordinance as I understand we have not seen it yet, but the ordinance is being drafted as, assembly uses are not permissible in the AG District, is that correct?

Mr. Horsley: It is being negotiated now.

Mr. Redmond: Okay, but so, let me use as an example, that is pretty easy to understand. That is pretty easy to point to, it is not as broad, and is meaningless as change the characteristics of the surrounding neighborhood. I know what an assembly use as, I know what AG-1 is, I can point to that and tell you whether it is or is not, an assembly use. I mean, I

understand your example, but you kind of are helping me make that argument which is that is much more specific, I understand what he is saying, I understand what the applicant who's proposing that particular application. And, it is pretty clear and you can just make a decision because it has meaning, this does not have any meaning to me because it is just so unspecific. I do not like that we are messing with people's property rights in this grandfather thing, but that whole phrase changing the characteristics, it is just not there, it is just not good enough for me. So, I mean we are just going to disagree on this, I understand. But, I do not know that it has, it just does not.

Ms. Oliver: only reason I'm asking is because at one point we are going to have to be more specific, and so, why we were just on the roll I just basically. So, you had Mr. Grothmal who said, well then, let us do it by a math problem. You measure each street and two thirds of its residential and I am just throwing it out and one third of it is STRs. And then, therefore now you have a math problem, now you have law or something that appears to be more cut and dry.

Mr. Horsley: You got a box you can check, when you figure it out that percentage you got a box you check and when you get all your boxes checked you can go with. But, but this is not that direct.

Ms. Oliver: Right.

Mr. Horsley: It is a lot of subjectivity to those four comments there.

Mr. Redmond: It is altogether too much objectivity.

Mr. Horsley: And, really what it boils down to is can you take those four things and get six votes that is what it amounts to and then put all aside. So, it is a lot of subjectivity. I kind of agree with what David said about the two years, I would not mind go into the five years on that deal. But, the other ones is a lot of subjectivity because it gives you a lot of points that you can discuss like we are doing right now. But, do you want to have a three hour discussion on each one to see if you can muster up enough support to get it either passed or not passed, you know, what it means to. And, I am going to say one thing about it to talk to you here today, I got to move out of it people that spoke today than any short-term rental briefing that I have been through by the people. There is a lot taking place and we are kind of predicted that this was going to happen, when we first started, but we were thinking in going into other established neighborhoods not able to thinking about the beach or whatever but we were thinking that blighted homes would be purchased

and people would take them and either remodel them or build a new home there and do short-term rentals in as a business. And, that is what is happening at the beach now that is what is happening and not necessarily blighted, but older properties. And, it is really enhanced that area where it looks like to me from the pictures I have seen today and I got to think of a couple you all said somebody and I really agree that today's comments and what we have heard has been the best that I have heard. Maybe, our ordinance is not too far out of line maybe, we are getting something accomplished of what we have got now, other than a few little tweaks that have bothered me badly.

Mr. Redmond: I agree with you, I think the comments today were outstanding.

Mr. Weiner: You know what that bowls down to, is having the ordinance in place for a little while. And, we are rushing to try and figure this out, we need to let it go a little bit longer, maybe we need to let this go till November, let December finish. And, then let us work on it over the winter, for next year. I mean, we have not had this go long enough, we do not know what is happening there.

Mr. Horsley: The one thing I think that we did not anticipate was the number, the volume of applications that was coming, I do not think that was anticipated with that volume.

Mr. Alcaraz: Do we have the option of differing it, Ms. Wilson.

Ms. Wilson: It has to be returned to City Council within 100 days. So, you can differ it for the next 30 days to your September meeting, if you wish to.

Mr. Weiner: If we differ, okay, this is me okay. We are going to be together for the next four weeks every Tuesday night for next four weeks, we have no time to think about this.

Mr. Alcaraz: Im just going to say that I was supporting number 19, with number two with all the findings and comments, but I do like your 60 mark, so, I do not know if I can do a substitute motion or an amendment to your motion, but I would prefer to leave the motion.

Mr. Weiner: I thought you did.

Mr. Alcaraz: I said, I would make a motion, but did not.

Mr. Weiner: Oh, I am sorry.

Ms. Oliver: I did not hear you, what you said. You liked.

Mr. Alcaraz: I like the whole thing ,but actually if he wants to say 60 months, I am good with that.

Ms. Oliver: I am good with that too. I mean, I will do that.

Mr. Redmond: Do we take out one and four.

Ms. Oliver: I am going to leave one and four.

Mr. Alcaraz: I am leaving them.

Mr. Weiner: Hey anyhow put me on the spot.

Mr. Graham: I agree with two of two and three of two, but I do not agree with one. One it is poorly written it is very subjective. It sounds like to me that a lot of Old Beach the characteristic of it is short-term rentals and rental properties. Number four is just to me, I do not think it was written very well, I do not think it was well thought out. But, I would support Mr.Wiener's idea of the five years for number one for the grandfathering, and then on number two and three, but not number one and four.

Ms. Oliver: I think it is George put the motion on for five years and then adding all the rest.

Mr. Weiner: But, we can sit and look at number one and we can say, oh, Old Beach does have the characteristics of short-term rentals, so we should approve all of them.

Mr. Graham: Well, problem is that, I agree but then somebody else could interpret maybe differently and it is just poorly written.

Mr. Weiner: It is not right.

Ms. Oliver: We do it right now. Mr. Redmond made a motion in Bayside due to the density there I think it was a short-term one. There was a lot of density, it was on Shore Drive something. One of them we did not do because of the amount of.

Mr. Redmond: I will tell you exactly what it was, I will characterize it rather than you character. There was a cluster of four homes, of those four homes one was a short-term rental. Someone wanted to do another short-term rentals, so, that two of the four would be short-term rentals that is 50% in a four cluster of homes, and one of the owners who did not own a short-term rental had particular problems with one that was there. My concern at the time was that is probably going to exacerbate that, and that is gone from 25% to 50%

where 25% was a problem. That to me is a lot more definable than change the characteristics of the surrounding neighborhood. And, I could easily quantify that and did in the course of that application. It is not going to change my view I mean, I just do not think this is right. I only tell you what I am going to do because we got 19 different options here. I do not like anything in number two, I do not like the grandfathering at all. I think what David has proposed is an improvement.

Mr. Alcaraz: We have a motion on it.

Mr. Redmond: I would support David's and I am not going to support the other one.

Ms. Oliver: Right now we have got a motion on the floor.

Mr. Redmond: David did you make a motion.

Mr. Weiner: No I do not.

Mr. Redmond: You did not make a motion.

Mr. Alcaraz: I made a motion that number nine, or agenda number 18 be approved but the change of 60 months and as far as the findings, amendment that they all stick. I like it because I think it puts more work on the builders, the applicants to do what they can to make this work for them, so, we can prove it. That is why I like it.

Ms. Oliver: Do I have the second.

Mr. Graham: I second it.

Ms. Oliver: Okay. We are going to call. question, please.

Ms. Coleman: If you are favor of the motion say, yes, and if you are appose say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: No.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: No.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: No.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: I recorded vote of four for and four against Agenda Item 19 is hereby being denied.

Mr. Weiner: The motion is failed. Can I make a motion to pass.

Ms. Oliver: Hold on.

Mr. Weiner: Well, it'll be four for again probably. I would make a motion for item number 19, I do not want to be five years, and for item number two record findings to strike one and four and keep two and three.

Mr. Graham: I second that motion.

Ms. Oliver: Then call for the question Marchelle.

Ms. Coleman: Sure, give me one second.

Ms. Oliver: Sure.

Ms. Coleman: Okay. If you are in favor of this motion say, yes. If you oppose say, no. Mr. Alcaraz.

Mr. Alcaraz: No.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: No.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: No.

Ms. Coleman: I recorded vote of four, four and four against Agenda Item 19 is hereby denied by the Planning Commission.

Mr. Weiner: So, this gives the council for 24?

Ms. Coleman: Failed, Correct.

Mr. Tajan: We did not do anything it goes recommended. So, as it stands it goes recommended for denial by the Planning Commission.

	AYE 4	NAY 4	ABS 0	ABSENT 3
Alcaraz		NAY		
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman		NAY		
Klein	AYE			
Oliver		NAY		
Redmond		NAY		
Wall				ABSENT
Weiner	AYE			

CONDITIONS

Staff recommends approval of these Ordinance amendments. The first proposed amendment regarding grandfathering will allow City Council to have the opportunity to have input on Short Term Rentals that have not operated for more than two years. As these rentals have not operated, it is beneficial to be able to consider the impact they may have on the surrounding neighborhood if they are again used as a Short Term Rental. The “Findings” section will provide a basis to which Short Term Rental applications can be evaluated and approved or denied, and provide further clarity in the review process.

**Items # 20.
City of Virginia Beach**

August 12, 2020

RECOMMENDED FOR APPROVAL- HEARD

Mr. Landfair: Planning Commissioners the next four items on the Regular Agenda today are item 18, City of Virginia Beach an ordinance to amend section 104 to allow civil penalties for the violation of section 241.2, pertaining to short-term rentals. Item 19, City of Virginia Beach, an ordinance to amend section 241.2 pertaining to the revocation of grandfathered status and the City Council findings for short-term rental uses. Item 20, City of Virginia Beach, an ordinance to amend section 1903, allowing certain short-term rentals as permitted uses in the Old Beach Overlay District. And, item 21, City of Virginia Beach, an ordinance to establish transitional rules for the review of conditional use permits for property in the Old Beach Overlay District. Kevin Kemp will present these items. Thank you.

Mr. Kemp: Thank you, Mr. Landfair. Good afternoon, Commissioners as Bill mentioned these four items are the referral, the proposed amended ordinance from Councilman Tower you should be familiar with these items as you reviewed them twice in July, once following your July 8, Planning Commission hearing, and then you had a meeting for public comment on July 20, in which there were approximately 30 speakers at that meeting. I will just briefly go through these proposed amendments agenda items and explain each one, agenda item 18 deals with the way we enforce short-term rental violations. This would change the enforcement from what is now a criminal violation to a civil penalty. It would allow our inspectors to issue fines \$200 penalty for the first violation and then \$500 for each additional, it will help Staff be able to enforce the ordinance and make it a easier and faster way to get through the process, whereas now they were required to go through the criminal court proceedings to get to this fine structure. Agenda item 19, deals with two items, one is the grandfather status of short-term rentals and the other are required findings for short-term rental uses. The grandfathering this ordinance proposes that the grandfathering status if a short-term rental were not used to such for a two-year period would be revoked by the Planning Director. This aligns with our current ordinance regulations for nonconforming uses, as the ordinance is written now short-term rental use if it was grandfathered it runs with the land and it runs in

perpetuity. The second item in this amendment are the required findings and these provide a basis for which Staff, Planning Commission, and City Council could evaluate and ultimately approve or deny these applications, briefly go over the four of those. The first is that the density or number of short-term rentals in the immediate vicinity, do not change the character of the neighborhood. The second is that parking is readily available onsite parking is visually appealing and environmentally friendly. This is in a reaction to what we are seeing where a lot of short-term rentals are paving their entire yards to meet our parking requirements. The third is that, if there is an increased occupancy due to the short-term rental use, that occupancy remains compatible with the residential nature of the neighborhood as to not create negative impacts such as noise and trash. And, lastly, it recognizes that short-term rentals are a needed resource, particularly in areas of the city, that are in close proximity to venues or districts that bring high number of visitors. Agenda item 20, this deals specifically with the Old Beach District, the Old Beach Overlay and what it does is, it allows short-term rentals as a matter of right in the Old Beach Overlay provided that the properties meet two specific standards. One is that, all requirements of Section 241.2 are met. And the second is that the short-term rental property is the principal residence and owned by the operator. What this would do is allows for only one short-term rental per property owner. If these requirements as listed are not met, the way this ordinance is written the property owner would not have the opportunity to even apply for a CUP in front of Council. They would either meet the requirements and be able to operate as a short-term rental or they would be prohibited. Lastly item 21, is a transition ordinance and this ordinance simply states that any property that submitted an application to the Planning Department following the date, these referral ordinances were referred to you which is June 9, would be subject to these new rules immediately upon the approval of these ordinances. For instance, an application that were submitted today even though there are different rules than this in place, they would be subject to the rules once this is approved by Council. I will be available for any questions should they come up. Thank you Commissioners.

Ms. Oliver: Thank you, Mr. Kemp.

Mr. Landfair: Madam Chair, there are 19 speakers signed up to speak. The first speaker is David Grothmal, followed by Joseph Montana. Mr. Grothmal, please state your name for the record. Thank you.

Mr. Grothmal: Madam Chairwoman, members of the Commission, I am David Grothmal. I live at 219A, 68 Street, which is not in the Old Beach Area. But,

I believe that what you do today or whenever you do it is going to eventually make its way throughout the areas that have short-term rentals. My concern is with the second area, the Council's resolution that sent over the package of ordinances says they are concerned about the short-term rental rentals increasing too fast in the Old Beach neighborhood and other areas. And, I felt like they needed to get a handle on it. I believe the goal is to preserve these areas as residential neighborhoods and residential neighborhoods should take precedence over short-term rentals. That means there should be a majority of residences over short-term rentals. So, what is the majority, is it 50%, you have 51% residence and 49 short-term rentals. No I do not think so, it has to be a clear majority. So, I suggest to you that you need to come up with a number of residences and short-term rentals that clearly preserves the neighborhood as a primary residence. I am suggesting two thirds and one-third or 65% and 35%. Using each Street as the place to measure, if 22nd Street has 35% short-term rentals already then you do not approve any more short-term rentals. That will make it easy and clear for everybody to understand what is the maximum of short-term rentals that will be allowed. I think that is the key to putting a halt on these applications. The guidelines that you have in place now, do not do anything to halt the growth of short-term rentals. Thank you very much.

Ms. Oliver: Do we have any questions to the gentleman? Okay. Thank you so very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Joseph Montano. Mr. Montano is a virtual speaker, Mr. Montano, please pause for three seconds, so we can unmute your mic. Please start by stating your name for the record. Thank you.

Mr. Montano: Good afternoon, Chairwoman Oliver and members of the Virginia Beach Planning Commission. My name is Joseph Montana and I serve as the Virginia Beach Government Affairs Manager for Expedia Group and its family of travel brands. I would like to thank you all for the opportunity to comment on Virginia Beach's efforts to amend existing short-term rental law. By way of background Expedia Group is the world's travel platform with leading websites such as Expedia.com, Orbitz, travelocity.com and many others. We service the entire travel ecosystem from hotels and airlines to rental cars and vacation rental. Our vacation rental company Vrbo is the world leader in traditional or whole home vacation rentals. For 25 years Vrbo and our local homeowners have been focused on serving travelling families. In fact, our average customer booking travel on our platform is a 50-year-old woman traveling with a family of four. that long standing focus on

responsible travel, translates to our collaborative approach to fair and effective policies. Over the course of the last two months we have hosted virtual town halls with our partners here in town, and it is been incredible to hear their stories. Our property owner and manager partners have been members of the Virginia Beach Community for decades. They find immense pride in welcoming travelling families in their small slice of heaven and are eager to comply with regulations set forth by this governing body. However, both Expedia Group and our community of homeowners, managers, and small business leaders are concerned with the current proposal, specifically with regards to proposed amendment banning owners from offering secondary homes or non-primary residences in certain areas of the city. We believe there could be a better path forward that addresses the concerns of the community, while at the same time protecting Virginia Beach's long history of welcoming families to hold home rental. Expedia Group has learned from hundreds of local efforts over the last 10 years that policies work best when governments and platforms work together. A holistic solution could help Virginia Beach in three key areas, tax collection, compliance, and reasonable limits and they could include the following platform tools. Vrbo would create a mandatory field for owners to enter their short-term rental permit number in the same format as issued by the City. Vrbo would also display the permit numbers on all new listings and existing property list. Vrbo would remove any existing listing that does not display a permit number and will prohibit any listings that do not display a permit number. An alternative to the current primary only restriction that has worked in other markets is a cap of 180 days per property. The city wide 180 day cap would allow Virginia Beach residents with a second home to participate in the short-term rental market, would also dissuade individuals looking solely for investment properties to put on a short-term rental market. This policy of 180 day cap is one that Vrbo would support. As the leader in traditional vacation rentals we stand ready to be a partner to you and your Staff to ensure that the tradition of whole home vacation rentals continues to be a part of Virginia Beach, vibrant accommodations marketplace. Thank you again for your time and consideration.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Gretchen Heal, followed by Betsy Atkinson. Ms. Heal, please state your name for the record. Thank you.

Ms. Heal: Good afternoon. I am Gretchen Heal I work for the Hampton Roads Realtors Association, and based on some of your comments in this morning session

I answered a few of our questions but I do have a few statements that they have asked me to share with you on these four items. The Hampton Roads Realtors Association recognizes the need to have property owners comply with guidelines for operating short-term rentals and our members try to ensure positive experiences for the neighbors of all the STRs that they manage as well as the tourists visiting the city. However, we do have a few concerns with the zoning violations that are different than others. And, again you have addressed some of those concerns this morning, so, depending on what you end up with your final decision that may go away. On this second one, the grandfather clause, on this change we would ask you consider including some more specific language on the parameters for inactivity on a property that is scheduled to have its grandfather status removed, when does the clock of the two years start, just a little more definition around it, so, that people would know what those parameters are. And, for all of the items if I am misunderstanding and I apologize but in 241.2 it applies to Sandbridge, and we would like that all any changes you make do not apply to Sandbridge as far as short term rentals are concerned. That is all.

Ms. Oliver: Thank you.

Ms. Heal: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Betsy Atkinson, followed by Paige Miyares. Ms. Atkinson, please state your name for the record. Thank you.

Ms. Atkinson: Hi, I am Betsy Atkinson I am glad to be here to speak to you today. We are teaming up a little bit here, but I would like to specifically talk about grandfathering, I was on some of the original committees that created some of these ordinances and one of the things that we all agreed on with that if your grandfather the property it ran with the land. And, now you are trying to take away the grandfathering by reducing it to only that you do not use it for two years then you would not have the right to keep the grandfathering. I would highly suggest to you to please not approve this. We have a lot of situations, especially in the North End where, might be a mom and a dad and then they might pass away the kids might move into the house and then they might stay there a couple of years and then want to go back to having short-term rentals like they had before. And, it is also good for marketing, if somebody has a home that is been grandfathered with short-term rentals and they will have the ability to continue short-term rentals without having

to come back to the CPU. So, I thank you very much for listening to me and I hope you.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Paige Miyares, followed by Jim Moffat. Ms. Miyares, please state your name for the record. Thank you.

Ms. Miyares: Paige Miyares. Thank you Madam Chair. My name is Paige Miyares and I am the principal broker of Atkinson Realty. I just want to say that the crux of this issue really add it as a tourism issue. And, behind it is whether our city really supports tourism and people coming here to spend their hard earned money in our city. I think the consumer has spoken pretty loudly that they want to stay in our cottages and especially in a post COVID-19 world, habits of how we work vacation are changing even more rapidly. Many of our business have expressed that they are on life support with the COVID shutdown. And, the question I would ask is why are we looking at policies that prohibit visitors to our city. Why are we pushing them to Myrtle Beach and OBX, those are our competitors. As far as these regulations, there are a couple often encouraging signs to me, one is the fact that there is something that actually says it is a needed resource in our city. I think that is true and again I think the consumer has echoed that and then just the change to the parking, because the discussion around parking just it goes on and on, it is almost arbitrary, it seems a little capricious to me from an outside perspective. And, so, something that says visually appealing and environmentally responsible that is helpful to kind of cut through some of measuring this it has to have this many spaces. The reality of these families coming to visit is that they do not bring, it is a four bedroom house they are not bringing four cars, I mean that is how it works practically. And, the other thing I do just want to address is that it is very disturbing to see the new, there is even been discussion here about do we follow the rules, do we go outside the rules, do we add provisions, do we not add provisions and that seems to be a little bit of an internal discussion, but to see some of these applicants who has had their applications in since January, and how these arbitrary amendments to limit the occupancy and to limit the amount of reservations per week is troubling from an on looking citizen. And, it really changed the dynamics for my family would increase the cost of vacation to Virginia Beach and not by a little when you play with those numbers. So, I think that has to be a consideration as we go forward and I think there are ways to partner in a private public type setting to help increase the accountability for these things and take the backlog off of the city. The

Beach borough making it by right which is something in one of the ordinances, I support that for our communities that hug the shoreline, for sure, because that is where we have traditionally had them that is where the character of our neighborhoods include them. And, there should be some by right pieces to the zoning that come forward. So just to know I probably out of time, but I just want to reiterate that at the crux of this is, are we a city that want families to come and stay here, do we want them to come and spend their money here. We as an industry love these neighborhoods, we want to protect them, we want them to be great places to live, we have been and shown to be good partners with these neighborhoods for over 80 years with the business that I do. So, is there is any questions.

Ms. Oliver: Do we have any questions. No. Thank you, Paige.

Mr. Landfair: Madam Chair, the next speaker on this item is John Moffat, followed by Lynn Hume. Mr. Moffat, please state your name for the record. Thankyou.

Mr. Tajan: Bill, I think it supposed to be Jim.

Mr. Landfair: Jim Moffat?

Mr. Tajan: Yes.

Mr. Moffat: I am not speaking.

Mr. Landfair: I am sorry, okay. So, the next speaker is Lynn Hume.

Mr. Hume: Hello, my name is Lynn Hume and it is hard to believe we are back up here again discussing short-term rentals. I have been a property owner in the Shore Drive area since 1980s and I have got long-term rentals and short-term rentals, that are grandfathered that have always been considered second homes and vacation homes and they were built in the 50s and 70s. Due to COVID-19, I am sure that many property owners have had to change some of the short-term rentals in the long-term. Personally, we put some doctors in one of our rentals, who were working in local hospitals, they left for a while and now they want to come back and do a long-term rental. I want to emphasize that as grandfathered properties are zoning and property rights were already set last year, our current rights exist. Item19, the 24 month rule, allows the possibility to lose our grandfathered status, health, economy, and various personal circumstances could change the use of our property for a period of time, current rights should remain not subject to being dismissed if not used in the 24 month period. This is not a conditional

use permit, grandfathered should run with the land. Item 18 allows for harassment from neighbors and subject owners to either pay a fine, considered guilty, or may to defend themselves. It appears that hateful rhetoric from anti-short-term rental people has generated this amendment to appease those who always dislike short-term rentals. We attended one of those all Civic League Meetings this winter and the attitude, for snitching and telling on people was rampant. Actually, it was like being in a foreign country, a trash can left out too long could generate the report and fine. I am not aware of any loud or disruptive short-term rentals in the Bay Area, Cape Story, Ocean Park, and Shore Drive. Many people speaking negatively do not even have short-term rentals near them. In comparison, homeowners and long-term rentals create parking, noise, and trash problems, and there are laws to deal with them. It is normal for residents in the Beach Area to park cars, have parties, and big gatherings. It is the beach. We have already spent two or three years hashing out the zoning rules and in this troubled time with COVID-19, people are not aware of this issue, it is come up again. It is our retirement income as well as many others, and we planned according to these rules. We take pride in our properties, you will be down zoning our current property rights, pleased enough for the subject grandfathered properties to the threat of losing our rights are subject us to targeted harassment and fines. Please leave the grandfathered rules the way they are now without changes. Thanks for your consideration.

Mr. Landfair: Madam Chair the next speaker on this item is Elaine Fekete, followed by Joan Davis. Ms. Fekete, please state your name for the record. Thank you.

Ms. Fekete: Hi, good afternoon. My name is Elaine Fekete and I moved to Sandbridge 25 years ago. I chose to live there even knowing that all the houses around me were rentals and had been so for 50 years. So, the false narrative that this is a new thing that we have to deal with is quite to the contrary. It is also a false narrative that all short-term rentals are party houses. 11 years ago, my husband and I started renting our home on a weekly basis and quickly found that there was a demand for the shoulder seasons in the holidays, we get people here who are parents of military children that are coming to visit and want to stay under one roof. Parents who are traveling with their children in the traveling sports leagues, business travelers who want to bring their families and make a vacation of it, or families who simply cannot afford to take off seven days from work. When we have renters, we move out and we are not alone. Other owners move out of their homes at least during the peak season. Still others use their second homes as rentals, so,

when the renters are not there the owners are. So, this brings me to the same question I asked two years ago. How will the restrictions be enforced when the home is owner occupied versus renter occupied? How will you even know the difference? I am curious to know how many \$25 trash citations have been issued in the city in the last year, have they been issued but resulted in no change in behavior or being ignored because if we are not even forcing the \$25 ones for the whole city, what is the point of adding punitive ones to the rentals and how will you know if owners like myself are the ones leaving the trash cans out versus the guest, how cumbersome is that and I say cumbersome because the recommendations sent to you states that it will make enforcement more timely and efficient and will increase the ability to regulate short-term rental use without having to navigate the somewhat cumbersome court process, I am kind of missing the due process part there. Make no mistake the choice to stay in a home versus a hotel is based on preference and availability. If summer guests cannot rent homes here, they will go straight to the Outer Banks in Myrtle Beach like Paige was saying. If parents with children in sports tournaments cannot rent our homes during the tournament's, they will go inland. Ordinance 241.2 only went into effect last November, just three months later in February Members of Council were ready to send it back to address lessons learned. What lessons were learned from November to February? There is zero evidence to support that all of the adjustments made by homeowners and realty companies in the last year to conform to 241.2 did or did not work. There is no basis to go back to square one and debate each and every component, and that is what will happen. I even heard the word exit signs at the last Council Meeting. The ongoing hysteria that short-term rentals are bad for neighborhoods is anecdotal and it is the exception rather than the rule, you state that they should not change the characteristic of the neighborhood and 99% of the cases they do not. A judge and I believe it was Austin ruled that a family sitting at a dinner table in a residence is a family sitting at a dinner table in a residence whether they are the homeowners or whether they are the renters. But, the request to review this situation was sent to you with terminology that reads additional noise, trash, and other possible nuisances, and it is asking you to assume that the negative connotations Council sees on STRs is fact based and not biased. Our trashcans really the problem, just because you were asked to review these regulations does not mean you have to conclude that changes are needed at this point. You can determine that we should at least look at what has been done and see if it works first. Thank you for listening.

Mr. Landfair: Madam Chair, the next speaker on this item is Joan Davis, followed by Gayle Mottola. Ms. Davis, please state your name for the record.

Speaker: Joan is not here.

Mr. Landfair: I am sorry. Okay. So, we will move on to Erica Atkins. Next speaker is Erica Atkins. Ms. Atkins is a virtual speaker. Ms. Atkins, please pause for three seconds, so we can unmute your mic. Please start by stating your name for the record. Thank you.

Ms. Atkins: Hi, this is Erica Atkins, I agree with everything that the previous speaker said, I do not feel like there is been enough time to really gauge what affects the short-term rentals in this area have under the new rules and regulations and I really think that there should be more time before any other changes are put into place.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, we do have Gayle Mottola here.

Ms. Mottola: Good afternoon. I am Gayle Mottola I live at 115, 88th Street in Virginia Beach. I support the comments made by Mrs. Parker from the July, 20, 2020, Public Hearing. The beach and fourth story located above Shore Drive are daytime activities for visitors, not requiring overnight accommodations. Stewardship of history and the preservation of natural habitat is questioned as the Planning Commission and Zoning Commission first quietly and then outwardly tried to change a residential one single family neighborhood with some duplexes into two homes per small lot, often with different principal owners who can then rent out their properties with a conditional status of short-term rental. A case in point is a recent variance recommended for a builder from Richmond by zoning, who after the hearing told his perspective neighbors, he plan to live in one home, but he already had a potential buyer for the second structure on the same lot. That means two principal owners per lot, both of whom, who could apply for STR status. Given, that there are six potential buildings going up on the same block of 88th Street, which was once the Cape Henry Syndicate bought from the Cape Henry Park a land company in 1899, and plotted in 1900, for single family homes. The density of that block increases by how many people and how many cars. A second case, we just welcomed unemployed couple of working age with their three younger children as they moved into the neighborhood. Is not this what Virginia Beach model a City of a lifetime means, are we losing residents. Have they not insisted that they have legal parking spaces instead of the illegal ones put in by then owner of the two

structures on the nonconforming land to meet parking requirements for STR stop. Those parking spaces were in the city signed, no parking zone at the ocean side corner of 88th Street and Atlantic making visibility obstructed to enter Atlantic Avenue. Then the neighborhood would have had to endure four bedrooms at three persons per bedroom and how many cars if every two people had one car, the answer, 12 people six cars. The summer the corner duplex at 201, 87th was approved and the bedroom was approved also at 116, 88th Street and now 114-A and B are for sale. They have eight bedrooms. That could mean a total in two rentals per week of 48 people, i.e., three times eight bedrooms times two, meaning also a great over limit of cars. A traffic jam for delivery trucks meeting those looking for a free parking space to go to the beach occurs regularly in the summer now. The primary tourist area charges up to \$10 for a few hours. The powers that were made the historic North End especially about Shore Drive 2015, a district based on the Old Beach Overlay of 2005, distinctly near hotels and motels and home renting rooms in the well-established tourist area that has been since 1906. But, that is not the North End demographic, many homes have passed down to children and grandchildren, the North End is a residential area with mostly permanent residents and those who come to enjoy their beach home for the summer. Traffic is another matter, which I will not address. Again, the beach and Fort Story, a historic part of our city that Cape Henry area should be treasured and should not go to make commercial profit. Thank you.

Ms. Oliver: Thank you very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Mike Megge, followed by Chris Edel.

Mr. Megge: Good afternoon, Madam Chair and Members of Council. I would like to thank all your hard work on this issue. I am here today to point out we spent years coming up with his current ordinance. And, as owners we have worked and planned our futures on the agreement that we came up with less than a year ago. As you know, restricting property rights of citizens by changing zoning laws as a taking and by such the government should justly compensate those owners. If it does cause harm to those owners, and I hope we do not go down that road. I understand if you feel the need to further restrict short-term rentals with conditional use permits as is you are right. But I would like to see the data that the city has compiled for these changes. I again, I asked you to protect the existing rights of the grandfathered and by right STR owners. I know this issue has been contentious, but we all came together over the past several years with

many, many meetings, public hearings and we came up with a draft a compromised ordinance that was thoroughly debated, voted on, and passed by both the Planning Commission and City Council. The new proposal would be a little like telling an owner of a duplex, if he owns a duplex zoned lot, that if you do not build that duplex in the next two years, you are going to lose that right. I just do not think that is the right way of going. Also, giving zoning inspectors policing rights, allowing them to issue monetary fines without due process is a very slippery slope. I just do not see how that would be legal, if it is not applied equally to all renters or to all property owners by that right. Again, I just think it is a slippery slope and an enormous overreach by the government. Mr. Kemp said it would be easier for the city to enforce, but I believe due process should be shaded on the side of the owner and not on government. Like I said before, you have the right to restrict new STRs with conditional use permits, but again I would like to see that data, why you are restricting them since we have just came up with an ordinance less than a year ago. But, again I would like to stress that the current ordinance should be respected and the rights of current STRs must be protected. Thank you very much,

Mr. Landfair: Madam Chair, the next speaker on this item is Chris Edel, followed by Steve Bishard.

Mr. Edel: Good afternoon, Madam Chairman and members of Planning Commission. My name is Chris Edel, I do have some handouts from around, hopefully you will have a copy of. I am here today primarily to speak with regards to Old Beach where myself and have a partner Bob Taylor, we have approximately 10 short-term rentals that are all approved by Council, and in operation. Okay, so my company VB Holmes has been building at the beach for over 30 years now. We were very active with an Old Beach particularly with the overlay that they put together, we partner with a neighborhood to find a way to improve the character of the neighborhood, reduced density if possible. And, I think we put that together with Barbara Yates and since that time, over the last eight years our company alone has invested over \$10 million in redevelopment of that neighborhood, and what you have before you here is just a few examples, most of which are east of Baltic, but on the first page you have 317, 26th Street, this was a tired 50-year-old six unit apartment building that now is to the right you will see the after which is now two single family homes, that 317, 26th Street that operated for probably over 30 years as a short-term rental. I know that for a fact by the person I bought it from, Mary Grace Thomas had ran that year round and as well as short-term rentals. Below that, on 27th and Arctic, you can see it is an older

55-year-old eight unit apartment complex and we partnered with the Georgia Joyce Seco that you are going to hear from this afternoon as well, to take that from eight tired apartments to four new single family homes and, so, those are just a few examples. The next page one more example on 27th and Arctic, that was a four unit again, very tired blighted property that had been rundown. And, now there are two brand new single family homes on that property, so, that is an example of just a few that we have done and there is certainly others, but I wanted to point that out. The next page, page three is called Old Beach Revitalization Future Opportunities, these two properties one at 417, 24th Street 10 unit apartment property and then 416, 24th is a duplex both pretty old tired properties, owned by Mark Ulmer. He could not be here today, but he asked me to share with you his thoughts on whether or not he would redevelop these properties and he said to me, he said Chris I have had these properties for years and if I am not able to redevelop these as short-term rentals, I am just going to keep them the way they are, I am just going to keep bandaging them up, they would not go away, why because there is no economic reason, there is no financial reason for him to improve these properties. So, he wanted me to share that with you and these are just a couple examples of others that he owns, he owns many properties. Page 4, 308, 25th-and-a-half again you can see a very tired old duplex that I have involved with and the owner of that property. The one below that 2602, Baltic Avenue, which is a 50-year-old five unit apartment building facing Baltic, again all of these are Baltic East. But, these are a couple properties that need to go away, they need to have brand new single family homes and will have those, but they would not if we are going to get too restricted in what we can do with those. The next page is actually the Old Beach Overlay, this is right out of the guidelines, the map here. Okay, great, because this is just a suggestion and something that we have talked about and that is, if you see the orange line which is highlighting Baltic Avenue and this runs right through Old Beach, most of this is Old Beach. But, if you look from the orange line Baltic Avenue East towards the ocean, most all of that is rental property and in zone that way, as you look from Baltic Avenue or Western Baltic Avenue, it becomes more residential, more year round residents living there. So, it somewhat splits the neighborhood, but the reasons are simple it is because of the proximity to the resort and all the things that we want our guests coming here to enjoy and take advantage of. So, one suggestion is to potentially use that as a development zone for having short-term rentals East or Baltic Avenue East that would not require conditional use, but that you would potentially require conditional use west of Baltic Avenue. And, then the next page, which is just

a summary that Bob Taylor and I put together just some thoughts and some suggestions, ideas. First and foremost, the fact that Old Beach is being singled out as the only area in the beach, that would require a short-term rentals to be someone's principal residence, I just do not understand that at all. Effectively, we are saying, we are not going to have any short-term rentals. There are many people including myself and again I have told you, we have invested millions of dollars in Old Beach and we do not own all of these properties, we do sell some. But, the ones that we do own that is out the window down for us, and many others that you're going to hear from here today. And, I do not understand why that would make for a better experience, just because someone is their principal residence and very likely they are not even living their while the rentals taking place. So, at any rate, that is one it certainly we do not agree with. And, the next paragraph noise and trash, again I do not think that some of the other speakers have said that there is really any evidence here that there is a real problem issue with specifically with just short-term rentals in that regard. But, if we need to have more trash cans we will buy more trash cans and that is fine and that is going to help solve the issue, I do not know, I am not sure. It does state in the ordinance that the short-term rentals are needed resource in certain areas of the city located in close proximity to venues, districts, and areas that generate high volume of people or visitors. Where else in the world is a better example than Old Beach, we were right down the others ordinary. I mean, that to me is a perfect place, and now we have the new sports complex, all these families come to the sports complex sure some are going to go hotel, but not all want to go to hotels, there are families traveling here. They want a safe environment, they can come, maybe cook some meals in the house, and we provide that for them in very close proximity. The ordinance change about imposing fines, that is fine because if you want to make bigger fines we want to be the model example for professional managed short-term rentals, so, we do not plan on breaking rules. And, if we do and there is a larger fine so be it, so we are okay with that. But, the end there are opportunities to consider certainly the OR Oceanfront Resort, I do not feel and neither does my partner feel like that should be even included as a conditional use permit it is just going to bog down the system there is hotels and motels all over the OR and I do not feel like that should be even necessary. The second page there, that I did speak to just a little bit ago and we are referring to as an approved short-term rental zone again Baltic Avenue East is what we are recommending and that is where the guests want to go. They want to be down and they are close to the resort area. Professional management, I can tell you all of our rentals are

professionally managed, I think that is key. There are many people out there trying to either do it themselves or maybe some of these people that live in their home may be trying to do it, but there is no substitute for professional management and all of ours are that way and I would suggest that maybe there is a way to incorporate that in the ordinance that they need to be professionally managed. There is a workshop and that you all had and just talking about a couple points there, parking there was a discussion about garages, okay garages should not be included. I can tell you in our properties that have garages that can fit a car, we use them, in someone's home you are going to put stuff in there, beach tear, bikes, or whatever may be, but in the short-term rental you do not need a place for all that stuff. So, we might have a couple beach tears, but that is about it and, so, we do use them for parking I would suggest that that would be something that should count. Number of stays a week, right now the ordinance is two stays a week and I think that it is a great compromise. Not everybody can afford a week's vacation, there is plenty of guests that want to come to Virginia Beach, but they can only do a long weekend three or four days and so, I think it is totally appropriate to be able to allow for that. Number of occupants, right now currently three per bedroom. I know speaking for myself and my partner I would be fine if we limit the house itself to 10 or 15. We are not looking for the big mega events and that that kind of goes to the next item events. We do not want the big parties, we actually prohibit parties in our homes. So, again, that is just something that that we are not interested in, we are happy if we want to reduce the number of people, you think that would be helpful. Our typical profile of guests are families that are traveling here to the beach, one last thing on signage on the back.

Ms. Oliver: I am sorry Chris.

Mr. Edel: Eddie told me I had 10 minutes, so, I guess I can have 10 minutes. Oh it's 10 minutes? Oh my god, I am sorry. Alright, thank you all.

Mr. Landfair: Madam Chair, the next speaker on this item is Steve Bishard, followed by Joyce Sico.

Mr. Bishard: Good morning. Thank you for allowing me to speak, I have some handouts. My named Steven Bishard, Bishard Homes in related entities. I just want to speak about in general, the short-term rental ordinance proposal, I feel like you should give it a time to season. Give it time to see if it works. We really have not had a chance to see if the recently adopted ordinance is going to work or not. Anyhow, about 15 years ago at the request of Karen Lesley the Zoning Administrator in the past and Barbara Yates, I was asked

to serve on the Old Beach Overlay District Committee to come up with a compatible residential redevelopment ordinance that would do away or try to do away in the proper way of three storey box duplexes and successfully served on that committee, and I think we can say that we have seen the results of the resiliency and the transformation that is taking place in the Old Beach Community by number one the city, number two the community, and number three private business developers working together, and I appreciate the comment it is like a prerecorded speaker earlier, the best way to deal with this is when all the parties come together, partner together, listen to one another and come up with agreeable solutions to a business enterprise short-term rentals. That is a needed way for families to vacation. Some of them do not want to go to hotels. Some of them want to go to homes, I prefer to go to homes, my wife loves to go to homes, particularly in an environment like COVID-19, I would not want to go to a hotel, I want to go to a house that is just recently been cleaned and it is safer for people and people feel better about it. Anyway, over those last 15 years since 2005, when that committee started and successfully produced a great ordinance. We have done a tremendous amount of redevelopment you will see it in the packet. We also acquired tremendous amount of rental properties, when we bought these properties, we took them up to the next level of standard. We did not leave them as blighted properties, we brought them up. I will say that many of the properties that we purchased though, very much were blighted properties. As Chris Edel mentioned I echo what he shared today. Some of these properties we bought their rentals that rented for \$600 to \$800 a month. There was a high turnover rate and they were problematic. Since, I have entered the short-term rental business it has not been that long. I can tell you that the management company that I have, same one Chris Edel has stellar performance, had no problems. They are proactive and matter of fact, the management company that we use to hire lives right in the Old Beach community. I mean he walks, rides his bike through the community, checks on the properties that he manages. So, I think, management, I think you agree is a critical component, the proper proactive management of these properties through a professional company. So, as I was saying we have recently entered the short-term rental business hired Knob LLC, lives in the Old Beach Community and they found that the short-term rentals have less management problems, less calls than year around rentals have. We are having a much better time with a lot less problems with the short-term rentals from a management perspective. And, the spirit of me being up here today is a spirit of partnership. When I served on the committee in 2005, I embraced what they wanted to do and had been

working in that community since then, buying rental properties in that community since then. And, I see myself as a resident, not Old Beach I live in Lincoln Park, but a resident of the city that really cares about that community. I do not want to see that community, go down. I think actually what has happened is it is going up and the short-term rental business is helping that, I do not see that it has hurting it. I have asked the question with an open mind, how many problems have you seen in the Old Beach Community ,this is from the management company I was referring to, has not seen a problem in the Old Beach Community, you can speak him later. I am not sure he has had to evict one person had to have a police to a property. So, we appreciate the desire, but I just hope that we will open up to what the reality really is, come up with a viable solution through partnering with the community, businesses, and the city that is working hard on it to have a solution that we can go on with. One of the ideas that that came up was having a short-term rental sign on each of the short-term rental properties, that if somebody does have a problem they can call the management company, very quickly. This will be a uniform, attractive, standardized sign that we could have throughout the Old Beach. If you have a problem just call the management company on the side. Again, manager lives in the neighborhood. One of the things that I have seen since I have entered the business, the expenditures to keep these properties at the highest level, they are up there. I mean we are spending some serious money to take landscaping to the next point, to the next level, decks, any kind of amenities that people might want, we are spending a lot more money than we do year around rentals and we need to. Some of the suggestions, as I mentioned before, what about a taskforce, a committee to come together, guys like myself, Chris Edel, and others, will meet with the community of the Old Beach. Be glad to meet with them and come up with something that works for example, anything East Baltic Avenue with a Baltic Avenue address east to the ocean, maybe that is a buy right short-term rental. If it is in some of the more year around residential streets maybe that is a conditional use permit. Consider giving it some time for this ordinance to really sink in and see if it works. I really do not think we have given it enough time to see if it works and if it does not work, I think we can find some solutions to make it work. In the spirit of partnership, our company just wants to be a model, an example for how to manage it, to be responsible, willing to give our phone number out. I have met with a few of the Planning Commissioners, we are here, I mean we live close, want to talk to us management company is not doing it we are here. We are available and we will be available and continue to be so. I just want to close

by pointing out two properties on this handout I gave you. You can take a look. I think on your handout a little different than my handouts as far as the way it's laid out. Take a look at page six, and then we will go to page seven after that. We bought this property at 501, 504, 25th Street and 2500, 2512, 25-1/2 when we bought it, guy was running a gambling operation there. I knew it because I knew somebody who kept going to it, it is a friend of mine I grew up with and he was running a black market gambling operation there and he had five or six little shack units I guess the people that would come and gamble there and would stay there. We bought this property, turn it into four beautiful houses. Now, we sold these houses but nevertheless this is really enhanced the neighborhood in a dynamic way. And, then if you go to seven, this is a property many of you have seen across from the Old Beach, very nice Middle School on 24th Street, Mediterranean Avenue. This is an individual that I bought from, he owned these two houses and had a lot of people packed in his house, way more units than what we put back on it. We put six units back on it, we did again sell these but this is an example of how you can take multi units, reduce the density, and you can either sell them, you can rent them year round, or relate to this specific meeting today, you can do short-term rentals. We own a property at 426, 23rd Street recently and I thank you, you all approved the short-term rental application for us, has three units on it. If I see, it makes sense I am going to tear that old build down and put two units on it, brand new homes and might be a way for me to redevelop a neighborhood that Barbara Yates back in 2005, was proactively and actively eager to redevelop with the community. So, anyway, I appreciate you listening, do give it a chance, I think there is an opportunity to have a win, win for everybody in the situation. Thank you.

Ms. Oliver: Thank you. Yes, I am sorry, go ahead.

Mr. Redmond: Mr. Bishard, do not come back up, but I wanted to respond to something that you said I think it is something that there is just repeating and a lot of thought I am a sucker for landscaping. I do not think it is that complicated stuff, but it makes an enormous difference, and to you and Mr. Edel and to the other folks who do this, I know that you do a good job of it. And, I would just like for the general good to say, if you take a property and you make it the sparkling property on the street, it is very difficult to be villainized. And, a lot of the people who might otherwise criticize or complain or have a problem with anything that you do are pretty easily disarmed when they can trash their own place to the sparkling house on the street or houses as the case may be, so I appreciate you bringing that up, I do think that landscaping particularly intensive, well designed, appropriate landscaping

can make a big difference in the appearance of these properties. And, I think that makes a giant difference in all of our communities, not just Old Beach or the Oceanfront or Shore Drive or anywhere else. So, I appreciate you bringing that piece up and I repeat it because I think it is something that we all want to keep in mind, and in the development community particularly that is a difference maker and something I think can kind of help carry the day forward. Thank you.

Ms. Oliver: Thank you, Mr. Landfair.

Mr. Landfair: Madam Chair, the next speaker on this item is Joyce Sico, followed by George Sico.

Ms. Sico: Hi, I am Joyce Sico, and I am 70 years old and I am retired, and my dream has just about come true, because I owned when you get the flyers, the property in the top picture, which was 2606 and 2608, and it was about a 50-year-old apartment building that was really good to be a chore to keep fixed and I worked with Chris Edel and we developed it into four single family homes, and the landscaping is beautiful on most homes I might add and I kept two for myself. And, they are leased yearly I do not do weeklies, but in the future I do not want to be an owner occupied at this time. I will in the future probably in about five years, I plan on living in one. And, I will either do weeklies in one or I might live in mine for nine months and do weeklies and all the three months in the summer and travel and that is really my dream. I have worked for over 25 years, keeping this property in shape and then developing it. And, I have a daughter in New York, who will eventually owner occupy the second home. And, she is the only daughter I have left, I have one grandson and one great granddaughter, and that is my dream to have my family here something to hand it down to them. But, with the new ordinance, I could not really do the weeklies like I would like to until that point. So, thank you very much.

Ms. Oliver: Thank you,

Mr. Landfair: Madam Chair, the next speaker on this item is George Sico, followed by Frank Ramaekers.

Mr. Sico: Good afternoon. I am George Sico, I have the property on 400 and 402, 26-1/2 Street. And, originally, as we said before it was eight apartment units, we did summer rental for 25 years and we only had three parking places, and the whole thing we coped everybody we worked with it, and we did not have a big problem with it. Nobody really complained even our neighbors did not. So, we decided to redevelop it because the lifetime of the building

was pretty much it was his lifetime 50 years. My wife said we are planning on living in one and sometimes rent the other one out for a short-term rental, the way it stands now, I would not be able to probably do that, but the property changed now. And, the thing about the parking is that we have had construction on the Hyatt on 27th and Atlantic and is not complaining about the parking, since they have been all summer long. They cannot use the parking lot at the Hyatt because that is been used for the summer. So, they come down and contractors are parked all along Artic Avenue and 27th, right in front of our places, which has not been a problem, but I do not know about the problem with the parking with the short-term route. If they had more than two cars, they had three cars there is still room to park, if you want to on the street it is a matter of just opinion and where you are going to park the cars. And, there is garages too which I do not understand why you cannot use a garage as a third parking space, you have got room for three cars, not two in the driveway. And, I just do not understand this, how we are going to go through all this again. But, anyways, that is my statement. Thank you for hearing me.

Ms. Oliver: Thank you very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Frank Ramaekers, followed by Eddie Bourdon.

Mr. Ramaekers: Okay. Our family purchased two residential homes 318, 27th Street. First of all, I am Frank Ramaekers III. I reside at 429, 26th Street in Virginia Beach in the Old Beach neighborhood. Our family purchased two residential homes 318, 27th Street and built in 1935, which you can see on the second page, it is a great home. And, 429, 26th Street built in 1939, both homes have been placed in the Virginia Beach historical register with bronze plaque attached to both homes. The homes have been remodeled and preserved in original construction dating back to the 1930s, does preserving the Old Beach neighborhood. They are kept in immaculate condition to appease our guests and to develop superb curb appeal for the Old Beach neighborhood. 429, 26th this my permanent residence and is shared during the summer months with guests who visit Virginia Beach and surrounding area. 318, 27th Street is a short-term rental year around 365 days a year. We also have a 10 unit apartment complex located on 26th Street, which is kept in immaculate condition every single blade of grass is cut perfectly. It is our neighborhood, my neighborhood, my three children, my wife, and my parents also involve and residing in this neighborhood and it is important to us that everything is kept perfect. I also host numerous homes in Old Beach neighborhood and I use the term host because I interact with the guests to

be sure the visit to our city is excellent, is flawless. Every guest when they enter the home, receive a binder. You look in the last page, you will see what it states. Upon the arrival of guests we see this binder and they agreed to the rules and regulations, which they are stated here in the binder and they also agreed to them electronically when they make the reservation through Vrbr Airbnb. I just want to publicly state these rules and regulations which guests agree to, it says "hello guest, thank you for choosing our home, welcome to Virginia Beach to beach life, relax, and enjoy. Check in time is four and checkout is 11, please make note of these times as our cleaning staff needs this time thoroughly cleaned and sanitized the hall." Especially during this time COVID-19, our guests appreciate the homes because they are thoroughly sanitized, we do a CDC recommended cleaning in the homes. Your home is in a residential area and your neighbors reside here all year. We understand you are here to relax and enjoy our beautiful beaches, but please respect their privacy and the Virginia City Ordinance of quiet hours from 10pm to 7am. Virginia Beach City violation of these quiet hours will result in immediate departure. I have had hundreds of reservations through our homes in the homes that I also host, and I have not had any problems, zero problems with the guests. At this current time, I have over 100 guests, my phone does not ring. So, I do not understand why the ordinances must be changed because I have zero issues at the present time .Down at the bottom parking, designated parking is provided for you. You may park two vehicles in the driveway, one vehicle in the garage, please do not block the sidewalk, as it is disrespectful to the pedestrians and our neighbors, you will be towed if blocking the sidewalk. If you need additional parking please contact somebody "me" and I can direct you to the parking. There is a public parking garage on 25th street, I direct individuals there and I tell them it is \$20 a night and in New York City's \$100 a night. And, that is where they park at if necessary. We always the parking is controlled thoroughly. You guys have any questions, I appreciate your time.

Ms. Oliver: Thank you very much.

Mr. Ramaekers: Thank you, I appreciate it.

Mr. Landfair: Madam Chair, the next speaker on this item is Eddie Bourdon, followed by Samuel Jones.

Mr. Bourdon: Thank you Mr. Landfair, Madam Chair, members of the Commission for the record Eddie Bourdon, Virginia Beach Attorney I do not have a handout. The first thing I want to talk about is, I want to say, Mr. McGee's comments

on item 18, because I and my clients do not have any problems with the fines, but his one comment was spot on not to say, other ones were not. The fact that we are putting a scarlet letter on short-term rentals by having these fines that only apply to short-term rentals does not make sense to me because I guarantee you, I have not asked Mr. Kemp, but I guarantee you, we have a lot more problems in this city with code compliance with long-term rentals. Okay. No doubt about it. So, the fines should not just apply to short-term rentals they should apply to any property that is rented. This short-term rentals are not anywhere close to the problem of compliance as long-term rental or the yearly rental. That is even completely not arguable. Okay, on number 19, the grandfathered or I consider they are legally nonconforming. I will just simply say that everything else that deals with legal nonconformance pretty certain goes to the Zoning Administrator, the Board of Zoning appeals to court. I am not really sure why the Planning Director is the one making the decisions on these on the 2600, short-term rentals that are grandfathered or legally nonconforming. It seems a little bit odd to me, but anyway. And what constitutes abandonment, there is a lot of different tentacles to what constitutes abandonment as well. And, there is legal precedent on that issue when it comes to nonconforming use and the abatement of nonconforming use. And, I think that is why it belongs in the Zoning Administrator BZA, quasi-judicial BZA, and court. As for the changes to the ordinance the findings, characteristics of the neighborhood Mr. Grockmal it is a false narrative that he put out there, because what is residential short-term rentals are residential, long-term rentals are residential, and short-term is less than 30 days under your ordinance, and owner occupied it they are all residential. Maybe, there is a distinction between owner occupied single family and rental, whether it is short-term or long-term, I would submit that short-term, the vast majority of cases is a better situation when it comes to the upkeep maintenance etc. of the property than long-term, especially in areas like Old Beach, which have needed for decades redevelopment. So, characteristics of a neighborhood or portion of neighborhood like Baltic East which is probably 75% rental and has been forever. What is the characteristic, it is not single family owner occupied, which I would submit probably is close to the majority it may well be the majority on those areas West of Baltic and Old Beach. The idea that Old Beach should be dealt with differently than Lakewood or Sea Pines, or maybe even Shadow Lawn, the Shadow Lawn is different. I do not understand why we are doing this part of the Oceanfront Resort and not Lakewood to the South and Sea Pines to the North of 31st Street. But anyway, and I said this at the workshop under number four, this needed as

a comp plan term, it should not say needed. We should not be in the business other than a comp plan of suggesting what we need or we want. It should be compatible resource, not a needed resource, although it is needed in Old Beach for the portions that we have talked about and it is also needed on 21st and 22nd Street as I have said previously, Norfolk Avenue other main thoroughfares. Arctic and Baltic, no matter what you say, it does see on a nice job with trying to calm the traffic, but that North-South corridor of Arctic and Baltic, there are going to always be heavily trafficked. And, it is different than once you get West of Baltic ran into Barbara Yates, I was going to relate this at the workshop and did not have time. At the vet about month and a half ago and Mr. Bishard and Mr. Edel have been involved with Old Beach from a legal standpoint, but Staff and Karen Lasily, etc. has been a great process over the years, and the first thing Barbara said is, can you believe how great Old Beach is looking. I cannot believe that Arctic Avenue looks as good as it does. And, Barbara has done even that and I said Barbara, yet it has been fantastic. You do realize that short-term rentals has been a big part of that Arctic, because Arctic and Baltic just like 21st and 22nd always been a thorn in the city side in terms of how do we get that to redevelop and putting more density, was the old way and it turns out we can do it with less density, because of short-term rentals and she said you know I do not like short-term rentals but I got to say Arctic Avenue is looking extremely good and I did not think I lived to see that happen. So, this idea that the Chairperson said this morning that Old Beach has been hit hard by short-term rentals, I am not seeing that whatsoever. And, we are seeing a reduction in the number of units on a lot of these, and with the occupancy restrictions that apply to short-term rentals that do not apply to people renting for more than 30 days in the same neighborhood. And, that is in here too, some of the languages a little questionable I think some time needs to be spent on working on it, but we are not at all opposed to the fines and really not particularly opposed to the stuff in 19 although, again I do not think it is as good as it should be. On the Old Beach part, it looks to me like it is a solution in search of a problem. There are 2600 short-term rentals that are grandfathered legally non-conforming. There have been 196 applications filed for short-term rental CUPs since the ordinance went into effect. That is 7.5% of the ones that already exist. The short-term rentals that have been approved by council 62, that is 3% of the short-term rentals that already exist. Our statistics that I have that were presented to RAC and some of the people by the city, so, there has been 63 short-term rental applications in the OR District. There is no OR District in Old Beach I do not know where those have been

because I have not seen them. And, as I have said previously, why short-term rentals CUP is needed in the OR District is beyond me it does not make any sense at all. It is not a "neighborhood" as everybody uses that term. So, it does not make a lot of sense, but most importantly there are only 28 short-term rental applications, 1% of those that exist that have been submitted and I believe acted upon or in the process of being acted upon in all of Old Beach 28. That is my point of a solution in search of a problem. That is 1% of the existing short-term rentals and then Old Beach is just a small subset, as I said earlier, of the Oceanfront Area and I do not know why it is being dealt with separately from Lakewood, Sea Pines, or potentially Shadow Lawn. Also, city statistics show there are other short-term rentals in the city, there are 29% in the Beach District, 29%. Now, Princess Anne has the largest cause of Sandbridge, but that is still not an overwhelming percentage. Old Beach is finally experiencing at a more rapid pace, a long overdue and long encouraged by the city redevelopment. It is an organic redevelopment, city has helped, but it is mainly the investments that are being made by not just the folks that are here but there are others as well, Ken Hunt comes to mind. Do in large part to short-term rentals and many with an accompanying reduction in density, and certainly a better control over who is there and what they are doing, what they are spending. They are going to spend more money at the resort, because they are here for a vacation. And, you or I would come down and stay on Baltic or Arctic or 21st or 22nd street or Norfolk Avenue for four or five days or a week, but somebody might not really want to live on those heavily traffic streets 365. It is different from back in the area where there is not a lot of traffic. And, as a Commission has a city we should be a little bit more thorough in how we try to, we do not want to kill the golden goose and that is what this really is in some parts of the city, not necessarily in Croatan, not necessarily at the North End, but here in these areas that have been blighted in for years needed redevelopment. It is a great asset and truly same is true for Lakewood, and the other areas there, we should not be putting a scarlet letter on something that there is no evidence is a big problem. Lastly, the idea of by right owner occupied makes no sense to me. Okay, they just want to use from it too because what if you have some people it is great, I have one in Croatan and I would not get all details but bottom line, a lady with a baby by a new husband, a 13-year-old daughter they were renting out rooms in their house a year, this was going back four or five years ago. I had everybody in my block, what can we do this is crazy. Why would they let people move in the house for a weekend with their infant and a 13-year-old daughter. So, owner occupied short-term rentals can be great, do not

get me wrong, but it is not a panacea. It should be governed by use permit as well.

Ms. Oliver: Thank you.

Mr. Bourdon: Thank you. Do I have to answer any question?

Ms. Oliver: No, I think. Thank you, though. We will be back.

Mr. Landfair: Madam Chair, the last registered speaker on this item is Samuel Jones.

Ms. Oliver: Thank you.

Mr. Jones: Good afternoon. I hope you guys can hear me. I appreciate the opportunity to speak. I guess, I was 22 years old I left Virginia Beach and it is been six years of my life commercially fishing in the North and South Pacific. I started a family in 98, and bought a triplex on 27th Street that same year, since then I have moved to the 500 Block of 26th Street. So, I have been living in Old Beach now for 22 years. I am late to this party, but I spent last night watching the July 8, meeting with the Planning Commission. I am a small business owner. By day I wear toolbelt. So, in reality, the properties I own in Old Beach are my retirement. One of the concerns I am addressing you guys, I guess it would be agenda 20. In the future, my triplex is rented yearly at the moment and has been since 2001. At some point, I may want to look at doing short-term rentals. These gentlemen to my right and in the back, they are obviously having success. The Old Beach Overlay has made my neighborhood better. Some may say I live in a blighted home I live in a little three bedroom and one bath that was built back in 54. I am not ripping it down, I like my backyard. And, I am going to continue to update it. In the past year, my wife came down with breast cancer and through this whole transition our dream is possibly to rent our home and maybe go to France for a couple weeks in the summertime. But what I see if you really want to look at Old Beach and look at really who owns the properties and the number of short-term rentals, the number of annual rentals I think a lot of the tax records show that a lot of LLCs, own a lot of properties. I would vary to say that the permanent homeowners are in the minority and it is a very cool little neighborhood. I play tennis on 26th Street a couple times a week, I surf out front. But, with that said, I have for short-term rentals between on Mediterranean right. In the 600 block and the families that do rent those home walk by past my house every day going to the beach and it is kind of nice seeing people go walk and go to the beach. This morning I stopped a couple and presently painting and redoing the hardwood floors and my rental on 27th and they are doing three days, they are spending \$300 a

night they are from Richmond. They are actually staying in not a very nice unit. So, we have a pretty big we got these brand new homes that Chris Edel has developed and then we still have some older stuff that is considered blighted. That may not ever go away or maybe not transition out as soon as the public wants. So, I want you guys to consider and respect the older residents and the possibility of being able to use the properties that we have invested in for future. And, there should never be a cap on the number of short-term rentals or weekly rentals, because even if it's East or West of Baltic .And, then on the agenda 20, I think that again I hope you guys taking consideration any type of future investments and in future people wanting to do short-term rentals and not alienate them if the numbers, there is too many in the neighborhood. I honestly as a resident, we are different than Shadow Lawn and we are different than North End. We are very close to the hub of the oceanfront and at the moment it looks like we are doing a good job of creating a nice neighborhood for short-term rentals, weekly rentals and even annual renters, and homeowners to live in. So, anyway, thank you.

Ms. Oliver: Thank you.

Mr. Redmond: Excuse me for a second, I did not catch your name at the beginning.

Mr. Jones: I am Samuel Jones.

Mr. Redmond: Mr. Jones, you are not late to this party, I thought your comments were very valuable and I also want to say, we wish the best for your wife and your whole family.

Mr. Jones: Yeah, thank you.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, at this time we would like to ask if there are any other speakers present either in the lobby, or in the chamber that would like to speak. Anyone?

Mr. Sanders: No one in the lobby.

Mr. Landfair: Okay. It would appear that there are no more known speakers.

Ms. Oliver: Okay. Well, I think we will close this now and then up our Planning Commission.

Ms. Oliver: Yeah, let us close it and then we will open up for discussion and we will move through these one at a time, and do we want to wait for Mr.Redmond to come up we want him to catch up.

Mr. Weiner: I would like comment if I could Staff anyway. I do not have problem with fines, but Mr.Bourdon bought up a good point. Why are we just picking on short-term rentals and there is a lot of other rentals out there in the city that have problems, long-term rentals. I mean I know why are preying on short-term rentals, but we thought about that about long-term rentals too.

Mr. Tajan: As my understanding that because of the turnaround on short-term rentals and that the regular zoning enforcement process of a 30-day notice, and then going to the Board of Zoning appeals for some of these issues is a bit cumbersome and by the time someone gets through that process the season is over, and they are no longer renting, so, they are in compliance. So, part of it is the ability to as allowed by state code for certain zoning violations, they can become civil penalties which is what this is going for we use this currently also. We have the ability to utilize this for signage as well, but this follows what is permitted by State Code. Now, as far as this is a subset in the zoning ordinance, there is an subset in the zoning ordinance that talks about rentals. So, this is going in based on the utilization of a property as a short-term rental.

Mr. Weiner: Follow up real quick to that, why are we including Sandbridge in this mean, I mean another part of the ordinance, but I mean why would we include Sandbridge on part of like they are in little entity down there and so forth.

Mr. Tajan: The zoning ordinance requires that anyone operating a short-term rental comply with section 241.2, which includes the portions that we deal with grandfathering and also the performance standards.

Mr. Weiner: As I was just ask the question. Okay.

Ms. Oliver: All right, so we are going to start with 18, and do we have any comments on this one.

Mr. Redmond: I echo David's comments it seems to me rather unfair. I mean I heard your explanation, I just do not know that I buy it very frankly. I do think we ought to enforce far more in the city than we do. But, it just strikes me that we have different standards, so make a difference if you are violating the law in some way, whether a renter is there for 31 days, whether there for seven, I do not know that is particularly fair. I will say at the outset to, I mean I thought I have heard everything, but this is very educational session today,

and I listened to every single word. But, I am more discombobulated than I was when we began and I have objections based on what I have heard to everything Ms. Atkinson I was perfectly okay with the grandfathering until Ms. Atkinson. What is wrong with the lander does not it, I never thought about that. So, if you decide you feel like living in your own house instead of renting it for a couple of years, you cannot go back to renting again I do not know how that makes any sense, any case. So, I got a whole bunch of objections that I am not going to support anything today, because I think Mr.Weiner I hope anyway if I have read them correctly sure it is my view, but there is way more going on here than we can make up on the fly.

Ms. Oliver: I am going to interrupt you and I am going to let the attorney speak for one second. It can happen all the time.

Mr. Redmond: I get it all day long.

Ms. Oliver: Its okay.

Ms. Wilson: I understand about civil penalties. Right now if you have a zoning violation, which is what these are, when you violate the zoning ordinance you are charged with an unspecified misdemeanor, it is a misdemeanor when they say have you ever been charged with a crime, you have to put down, yes, because it is a misdemeanor. Now for zoning you cannot go to jail, that is why it is an unclassified or an unspecified misdemeanor. But, it is a fine up to \$2500. \$2,000?

Ms. Wilson: \$2500. Anyway, so we feel that a bigger penalty on someone, than someone going through the system and having a civil penalty. They still have due process. We send you what looks like a summons, it just says the violation is this, the penalty is this, the \$200. If you want to pay it, you go down to the treasurer's office and you pay it. And, it goes into Planning's budget under short-term rentals under civil penalties. If we did not do this then people would have to go through the regular process, which could potentially give them a misdemeanor. Now, we do not want to give them a misdemeanor on their record forever for some of this stuff. We felt it was a way to make it easier on people who have violations. Because a lot of the things are not earth shattering, but there are other things that also have civil penalties in the zoning ordinance, SANS are civil penalties. There is a philosophical issue.

Mr. Redmond: We do not enforce the sign thing just so you know, we talked about that earlier.

Ms. Wilson: Yes, they are. There is a philosophical debate between which is better, civil penalties to get people to do things or criminal penalties, and it is philosophical more than it is concrete. We have looked at going to civil penalties for everything, but many people feel that criminal penalties are things that require people to more readily bring their property into compliance. If they have variance requirements, so they have setback issues and they have other things. So, that is why we went to civil penalties, because it was justifying. Now it is only \$200, if you have a regular fine from a criminal violation it could be up to, I think it is \$2000. But, that is why it was done, it is not something that is brand new or never been thought of and you still get due process. As if we decide, hey I am not paying that \$200, I am just not paying, come on over to court. Tori will be there and she will prosecute you just like it was a criminal violation, except her standards, the standard for proving it is lower for the City.

Ms. Oliver: Okay.

Mr. Redmond: I thank you for that, I still share David's view, I just do not know that is consistent, so, I have a different view of it. So, anyway, thank you.

Ms. Oliver: Yes,

Mr. Graham: I agree with Mr. Redmond, I thought it was great to hear from these speakers. Full disclosure Mr. Jones back there I went to high school with him. And, he grew up in Virginia Beach he went first colonial High School, as I did. And, I am sure that he is surprised it how revitalized that area is today compared to what it was back in the 80s, it is very different. And, hearing the speakers, I mean, they have taken places and you look at these pictures, they took places that were eight units and converted them into two houses, the before and after pictures. I mean, this is short-term rentals have been the economic engine of that area they have to completely transform that area. I am torn with short-term rentals in other areas like your traditional neighborhood, but here close to the beach I am not I think that what has happened over there is great. And, I agree with Mr. Redmond. I do not know that there is anything in here you can support today, I think this thing is being rushed through I think that more thought needs to be given to it.

Ms. Oliver: All right. No disrespect, but we are going to do 18, because I just do not want.

Mr. Weiner: We got to do 18 first.

Ms. Oliver: We got to do 18, we got to do them separately.

Mr. Graham: Okay.

Ms. Oliver: And, so that we can focus specifically, kind of where we are and what we are addressing. Robin.

Ms. Klein: I understand the argument for 18. However, since it is currently a criminal penalty, which I disagree with, I do intend to support the transition to a civil penalty, at least in the interim.

Ms. Oliver: Okay. Perfect, right. Yes, Don.

Mr. Horsley: The whole thing was civil criminal penalty it did not make much difference to me, other than the fact that the enforcement is the whole thing. And, I cannot see that changing this penalty is going to make anything, I do not know where the enforcement is going to come from. I just do not think we have to staff or whatever to enforce it regardless of what it is. I mean, the civil penalty versus criminal penalty, I mean it is minor penalties is as that is fine with me I do not mind that, but what is the people that have put this issue up what method of enforcement have they come up with to help enforce with any type of penalty. Because, we do not have the staff now in order to do it now evidently.

Mr. Tajan: Mr. Horsley, you are correct currently right now we are working as best we can with what we have and we do have three additional positions that have been kicked free from the hiring freeze to allow us to focus on this as well as our contract with host compliance. So, Mr. Kemp and I was in a meeting with the City Manager discussing other ways to add to our enforcement capability, whether it be a third party or to figure out a way to fund the ability to have someone to be out there on the weekends to go and enforce these requirements. So, it is not something idle, we were not just tossing the words out. We are also working as far as staffing and finding other solutions that are available to us to do the enforcement.

Mr. Horsley: I mean, I see this with other things not just short-term rentals enforcement or other thing. People complaining to me all the time about various things and said why did not the city take care of this and I said, well, I guess we just do not have the people to enforce the code. So, regardless of what penalties we put up there, I think that is something that somebody on Council or somewhere has got to come up with a way to provide more enforcement to use those.

Ms. Oliver: Well. Yes, Mike.

Mr. Inman: I certainly think civil penalties makes more sense than the criminal penalty on this kind of thing and I think we can support that.

Ms. Oliver: Right.

Mr. Inman: I would support that.

Ms. Oliver: Alright. So,do I have a motion for 18?

Mr. Inman: I will move approval of 18.

Ms. Wilson: I will second.

Ms. Oliver: Great. Marchelle will you call for the question please.

Ms. Coleman: Sure.If you are in favor of the motion say, yes and if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of seven for and one against Agenda Item 18 is hereby recommended for approval by the Planning Commission.

Ms. Oliver: Great. Alright. That went smoothly. Alright, so now we are going to talk about number 19, revocation of grandfathering status and City Council funding regarding to short-term rentals.

Mr. Weiner: I will start this one. I am completely done with this one, after listening to everybody out there, I really appreciate the input it was really good information. I would make a motion to strike item two completely required findings and the minimum I would support on grandfather would be 60 months.

Mr. Redmond: How many months?

Mr. Weiner: 60 months.

Mr. Wiener: Five years, 60 months. Okay. I mean that would be the minimum I would support for grandfathering.

Ms. Oliver: Alright, hold on.

Mr. Wiener: That is just me.

Mr. Redmond: I agree with that.

Ms. Oliver: So, you want five years.

Mr. Wiener: Five years for grandfathering and completely strike item two required findings.

Ms. Oliver: Item two, as in numeral two or the whole segment.

Mr. Wiener: It says item two. The whole paragraph.

Mr. Tajan: The required findings.

Mr. Wiener: Yeah. Items 1, 2, 3, and 4.

Ms. Oliver: You want all of those gone.

Mr. Wiener: Yes.

Ms. Oliver: Okay.

Mr. Wiener: That is just me.

Ms. Oliver: That is just you.

Mr. Redmond: No, it is me too.

Ms. Oliver: Oh, okay. My goodness. So, you do not want aesthetically pleasing parking. I am just asking, because you can pick and choose. You do not have to be blanket.

Mr. Wiener: I understand, this is just my opinion thought through.

Ms. Oliver: I am just sort of soliciting.

Mr. Wiener: It is just not thought through, it needs to be. We need to sit down and think about what is going on here.

Ms. Oliver: Because they do not have any problem with aesthetically pleasing parking. I think that is a good thing.

Mr. Wiener: Well, that is fine if you want to fix it.

Mr. Redmond: Vote against it.

Mr. Wiener: If you want to keep it item two.

Ms. Oliver: That seems to be the crutch of our problems here is parking because that is the only thing we have, and so we are debating on whether or not, gravel, eight feet of this, does not look like that, what is the apron look like. So, if we are hanging our hats on parking, we might as well make it look good. Yes.

Mr. Redmond: I agree with that.

Ms. Oliver: Thank you.

Mr. Redmond: However, be that as I have said before I share Dave's view, and an awful lot of this is just not very well thought through and requires greater consideration, factually though and substantively I do not like the idea that if you choose to live in a house for two years that you were previously renting then you lose the ability to then rent it again because you choose to live in your own house. It just does not seem to me to make a lot of sense, so, I am not going to support it. If you want to make a motion, I consider what you said an improvement, and I will be happy to support your motion. In the end, however, I am going to oppose the entire concept of it because I do not think that's fair to property owners.

Ms. Oliver: Yes, Robin.

Ms. Klein: If I get granted conditional use permit for my home now. I am not applying. And, then I decide to live in it and I am not grandfathered or legally nonconforming what happens to that permit.

Ms. Oliver: I do not think anything happens. Yes, okay.

Mr. Redmond: First I love how you keep direct these questions with Dee and I would encourage you to keep to it, I'm rather enjoying that.

Ms. Wilson: You got a CUP right.

Ms. Klein: Yes.

Ms. Wilson: Okay, your CUP is good for five years and then it will just simply disappear unless you come and renew it.

Ms. Klein: Okay. So, I think that is very well in lined with your five year suggestion. Yeah.

Mr. Horsley: But, you does not have CUP, if you do something, if you have some type of a vested right in it within that five years, does not that make it stay. You do not have to have it completed in five years.

Ms. Wilson: No. If your CUP is specifically conditioned on, it only lasting five years, so there is no vested right argument, you knew you had it for five years that is all.

Mr. Tajan: So, Mr. Horsley said that, in this case a conditional use permit is Ms.Klein is referring to has a very specific condition stating that it lasts for five years. If you are talking about other conditional use permits, yes, the discussion is a different, but it is laid out in the ordinance that way.

Ms. Klein: If it is vacant for five years you essentially lost your right for grandfathering property, and would been under your suggestion.

Mr. Redmond: Under Mr. Weiner's suggestion.

Ms. Klein: Right under Mr.Wiener's suggestion.

Ms. Wilson: Under Mr.Wiener's suggestion, just take the two and make it a five.

Ms.Klein: And make it a five, which would be the regular length of time for a conditional use permit.

Mr. Inman: I actually support all of this. There is going to be subjectivity, there has to be subjectivity you cannot, as Kay explained early on in our informal session

you cannot objectify every single thing, there is judgment calls to be made by us recalled on to make judgments about density, and whether there is too much density of short-term rentals. So, that it destroys the neighborhood concept that neighborhood feel, the benefit of living in a non transient neighborhood. So, that is what that is about. That is what two of those items and number two are about. We have been concerned for many months now about, we have seen, I think a higher volume of applications than we ever really expected around the city, and we all of a sudden we are like, whoa, wait a minute what is this going to do to these neighborhoods. Everybody is thinking about today, Old Beach, I am talking about all of the things we have been concerned about, some parts of the Shore Drive neighborhood. So, I am not offended by any of these criteria that I think they are good that we have to make those findings in order to protect the neighborhoods. So, that is what I wanted to know. I am alright with it.

Ms. Oliver: I mean these are all the things when you look at them individually and then the grandfather with separate from. These are all the same conversations that we have every time we look at them, how many, where is the map, we turn to Planning Staff and go where is your map, how many are there, what is the street look like, what is the parking lot like. Well, the guy just paved his whole driveway I mean his whole front yards. So, that is not aesthetically pleasing. Somebody wants to gravel or put dirt in there, they are bumping over curbs and stuff, all that is doing is saying, hey look if you can meet your parking requirement or we can help you meet your parking requirement, can we do it aesthetically pleasing. How is the landscaping look. The occupancy is basically, does it does it meet the requirements of what everybody else is doing on the street, you have 50 people in your house or do you have 11 people in your house that is reasonable to be in their bedrooms and what is wrong with number four, STRs are needed. I am just curious resource in certain areas of the city, particularly those in close proximity to venues and part of that was because we do not have, Old Beach is three blocks from our resort. We got thousands of hotel rooms right there. So, it is not as if people are landing in 27th Street and they cannot find a room. That is not the problem, that statement if I recall correctly part of that was due to the fact that the Amphitheatre and the sports complex where we do not have hotels, was so, that then we could look at that area and say yeah In fact, they do need STRs there, because these families are bringing all these kids into play these sports and stuff and we do not have any place for them to stay and the resort hotels are too far for them to go.

Mr. Weiner: Okay. I understand, but I am going to break it down two and three I could probably live with, but one I definitely could not. Who would say that the way I think characteristics change in the neighborhood is different than yours, as Mr. Redmond brought up earlier. Two houses on they are different in what I think for a characteristics surrounding neighborhood. And, I know I am keep bringing this up, but I think just because there is hotels there it does not mean people want to stay in hotel, I do not want to stay in hotel, anywhere I go I would rather stay in a house and that is just my opinion of course. So, the proximity of the venues and districts in the areas generate high volume. I mean, that is perfect for Old Beach in my opinion. So, I can live with two and three rather, how is that.

Mr. Redmond: I would make the following argument characteristics of the surrounding neighborhood. If there was a neighborhood with a preponderance of short-term rentals, I would argue that is a characteristic of the neighborhood. If you look at some of these neighborhoods and say they have got all these dots on the map, look how many short-term rentals on there. Is that not fundamentally a characteristics of the neighborhood. If I am one of these builders and I come up with an application and my application is denied, on the basis that it changes the characteristic of the neighborhood where there is already a preponderance of short-term rentals. I am going to sue. I mean that is just strikes me as oxymoronic and really needs a lot more work. It just kind of made up and it does not, again I am not going to support this grandfather thing because I think it is unfair to people who own things. But, that to me is probably the most offensive of the things that I find here, I completely agree with you Dee about the attractiveness of things, it is statics to stuff to me, it makes a gigantic difference. In fact, I think we have to look much more carefully at parking not just at the attractiveness of it, but how are we getting into. My problem with this 9x18 thing is requiring far larger parking and more impervious cover than we ought to and I think there is such a much deeper, more complicated conversation than we have because I do not want all this. I mean, you know much better than I would have all this more impervious stuff. And, frankly people move their cars to let the other car out all the time, not everything needs a big wide turning radius of a Chevy tile. So, in any event, I just number one to me is, is a nonstarter. It is not ready for primetime, it is easily argued in my view that in a lot of these places where there is already a preponderance of short-term rentals, but that is a characteristic of the neighborhood. So, I am not exactly sure how you even on a subjective basis that that makes sense. Anyway, I am sorry, go ahead.

Mr. Inman: Then number one would be okay with you because you get to make that argument saying, if you are not changing the nature of the neighborhood, so, it is okay.

Mr. Redmond: But, that is my point is, it does not have any real meaning, if everybody can see it 18 different ways and it is not really a law.

Ms. Oliver: I think that is the whole purpose of it.

Mr. Redmond: So, it is not to have meaning.

Ms. Oliver: No, I do not think the lack of, I am not saying new as it specifically I think.

Mr. Redmond: Well that is okay.

Ms. Oliver: Some people are looking for specific black and white laws regarding this and I think it is subjective to where we are and what the area looks like. Do I think that a lot of the development in Old Beach is a plus to that area, absolutely I think that it is absolutely gorgeous to go down there after growing up and down on the oceanfront and see that these places are pushed to the street that we actually have sidewalks for once, we never had sidewalks. The walkability, the balconies, the parking in the back it is all a huge plus for that. Again, it's objective to them all of a sudden we have another area that has some not so well run Airbnb's that are not properly managed by a property management or that a company that is readily available to troubleshoot areas, that is causing problems that allows us to go in and say, you know, this is ruining the character of this particular area, this particular neighborhood. This is an enhancement to this particular area, this particular neighborhood.

Mr. Inman: I will give an example like Arizona Bay, very dense, there probably are not any short-term rentals in there. But, do you want to allow a bunch of short-term rentals in there, they are not used to having short-term rentals, they probably do not want short-term rentals. So, there is certainly a right to have some, but it could become such that it is now changing the nature of that neighborhood, the nature of that neighborhood is not short-term rental. So, this allows that kind of analysis.

Mr. Redmond: I understand that, my view is laws ought to have meaning or they are bad laws, this does not have enough meaning to me. If you can interpret it 18 different ways, I do not know how you can follow it. They have to be more specific and in this case, it seems me entirely just like we had to do it the first time entirely rushed and that is how you end up with a mess. And,

we had one before we still have it largely it is that rush part, but coming up with phrases like change the characteristics of the surrounding neighborhood that do not really have any great definition to me. It is just asking for trouble.

Ms. Oliver: I am just throwing this out there, because I am just trying to.

Mr. Redmond: This is a great discussion now by the way.

Ms. Oliver: I just want to figure this out. Let us just say, we head down to Princess Anne out to the rural area. All of a sudden, we have got venues that want to go in and do all this and everybody is like, no, because that changes the character and the fabric of that particular area of what it is technically designed to be. So, the zoning is AG, this is what we want this, this part of our city to respond and act like. Now, we go into a residential area, which people go in and buy a house and I am just playing devil's applicant.

Mr. Redmond: Yeah.

Ms. Oliver: We go into a residential area, people move here, the military moves here, women are looking for schools, they are looking for a neighborhood, they go okay, here it is. This is where we are going to go for the next two or three years. We are going to buy a house this, that or the other. And, then all of a sudden they find, well, it is not a residential area, we have got a commercial use in a residential area that typically would not be. And, I am not talking about what is within three or four blocks of the Oceanfront, I am just talking about further into the city, further back. How does that perform, we do we then just kind of say, we can go down to the farms and we can do well, because that does not change.

Mr. Redmond: Well, let me answer it, and that is, it is far more specific than this is, take his example about the wedding venue that we have been through and we are going to see again of course. And, the ordinance as I understand we have not seen it yet, but the ordinance is being drafted as, assembly uses are not permissible in the AG District, is that correct?

Mr. Horsley: It is being negotiated now.

Mr. Redmond: Okay, but so, let me use as an example, that is pretty easy to understand. That is pretty easy to point to, it is not as broad, and is meaningless as change the characteristics of the surrounding neighborhood. I know what an assembly use as, I know what AG-1 is, I can point to that and tell you whether it is or is not, an assembly use. I mean, I

understand your example, but you kind of are helping me make that argument which is that is much more specific, I understand what he is saying, I understand what the applicant who's proposing that particular application. And, it is pretty clear and you can just make a decision because it has meaning, this does not have any meaning to me because it is just so unspecific. I do not like that we are messing with people's property rights in this grandfather thing, but that whole phrase changing the characteristics, it is just not there, it is just not good enough for me. So, I mean we are just going to disagree on this, I understand. But, I do not know that it has, it just does not.

Ms. Oliver: only reason I'm asking is because at one point we are going to have to be more specific, and so, why we were just on the roll I just basically. So, you had Mr. Grothmal who said, well then, let us do it by a math problem. You measure each street and two thirds of its residential and I am just throwing it out and one third of it is STRs. And then, therefore now you have a math problem, now you have law or something that appears to be more cut and dry.

Mr. Horsley: You got a box you can check, when you figure it out that percentage you got a box you check and when you get all your boxes checked you can go with. But, but this is not that direct.

Ms. Oliver: Right.

Mr. Horsley: It is a lot of subjectivity to those four comments there.

Mr. Redmond: It is altogether too much objectivity.

Mr. Horsley: And, really what it boils down to is can you take those four things and get six votes that is what it amounts to and then put all aside. So, it is a lot of subjectivity. I kind of agree with what David said about the two years, I would not mind go into the five years on that deal. But, the other ones is a lot of subjectivity because it gives you a lot of points that you can discuss like we are doing right now. But, do you want to have a three hour discussion on each one to see if you can muster up enough support to get it either passed or not passed, you know, what it means to. And, I am going to say one thing about it to talk to you here today, I got to move out of it people that spoke today than any short-term rental briefing that I have been through by the people. There is a lot taking place and we are kind of predicted that this was going to happen, when we first started, but we were thinking in going into other established neighborhoods not able to thinking about the beach or whatever but we were thinking that blighted homes would be purchased

and people would take them and either remodel them or build a new home there and do short-term rentals in as a business. And, that is what is happening at the beach now that is what is happening and not necessarily blighted, but older properties. And, it is really enhanced that area where it looks like to me from the pictures I have seen today and I got to think of a couple you all said somebody and I really agree that today's comments and what we have heard has been the best that I have heard. Maybe, our ordinance is not too far out of line maybe, we are getting something accomplished of what we have got now, other than a few little tweaks that have bothered me badly.

Mr. Redmond: I agree with you, I think the comments today were outstanding.

Mr. Weiner: You know what that bowls down to, is having the ordinance in place for a little while. And, we are rushing to try and figure this out, we need to let it go a little bit longer, maybe we need to let this go till November, let December finish. And, then let us work on it over the winter, for next year. I mean, we have not had this go long enough, we do not know what is happening there.

Mr. Horsley: The one thing I think that we did not anticipate was the number, the volume of applications that was coming, I do not think that was anticipated with that volume.

Mr. Alcaraz: Do we have the option of differing it, Ms. Wilson.

Ms. Wilson: It has to be returned to City Council within 100 days. So, you can differ it for the next 30 days to your September meeting, if you wish to.

Mr. Weiner: If we differ, okay, this is me okay. We are going to be together for the next four weeks every Tuesday night for next four weeks, we have no time to think about this.

Mr. Alcaraz: Im just going to say that I was supporting number 19, with number two with all the findings and comments, but I do like your 60 mark, so, I do not know if I can do a substitute motion or an amendment to your motion, but I would prefer to leave the motion.

Mr. Weiner: I thought you did.

Mr. Alcaraz: I said, I would make a motion, but did not.

Mr. Weiner: Oh, I am sorry.

Ms. Oliver: I did not hear you, what you said. You liked.

Mr. Alcaraz: I like the whole thing ,but actually if he wants to say 60 months, I am good with that.

Ms. Oliver: I am good with that too. I mean, I will do that.

Mr. Redmond: Do we take out one and four.

Ms. Oliver: I am going to leave one and four.

Mr. Alcaraz: I am leaving them.

Mr. Weiner: Hey anyhow put me on the spot.

Mr. Graham: I agree with two of two and three of two, but I do not agree with one. One it is poorly written it is very subjective. It sounds like to me that a lot of Old Beach the characteristic of it is short-term rentals and rental properties. Number four is just to me, I do not think it was written very well, I do not think it was well thought out. But, I would support Mr.Wiener's idea of the five years for number one for the grandfathering, and then on number two and three, but not number one and four.

Ms. Oliver: I think it is George put the motion on for five years and then adding all the rest.

Mr. Weiner: But, we can sit and look at number one and we can say, oh, Old Beach does have the characteristics of short-term rentals, so we should approve all of them.

Mr. Graham: Well, problem is that, I agree but then somebody else could interpret maybe differently and it is just poorly written.

Mr. Weiner: It is not right.

Ms. Oliver: We do it right now. Mr. Redmond made a motion in Bayside due to the density there I think it was a short-term one. There was a lot of density, it was on Shore Drive something. One of them we did not do because of the amount of.

Mr. Redmond: I will tell you exactly what it was, I will characterize it rather than you character. There was a cluster of four homes, of those four homes one was a short-term rental. Someone wanted to do another short-term rentals, so, that two of the four would be short-term rentals that is 50% in a four cluster of homes, and one of the owners who did not own a short-term rental had particular problems with one that was there. My concern at the time was that is probably going to exacerbate that, and that is gone from 25% to 50%

where 25% was a problem. That to me is a lot more definable than change the characteristics of the surrounding neighborhood. And, I could easily quantify that and did in the course of that application. It is not going to change my view I mean, I just do not think this is right. I only tell you what I am going to do because we got 19 different options here. I do not like anything in number two, I do not like the grandfathering at all. I think what David has proposed is an improvement.

Mr. Alcaraz: We have a motion on it.

Mr. Redmond: I would support David's and I am not going to support the other one.

Ms. Oliver: Right now we have got a motion on the floor.

Mr. Redmond: David did you make a motion.

Mr. Weiner: No I do not.

Mr. Redmond: You did not make a motion.

Mr. Alcaraz: I made a motion that number nine, or agenda number 18 be approved but the change of 60 months and as far as the findings, amendment that they all stick. I like it because I think it puts more work on the builders, the applicants to do what they can to make this work for them, so, we can prove it. That is why I like it.

Ms. Oliver: Do I have the second.

Mr. Graham: I second it.

Ms. Oliver: Okay. We are going to call. question, please.

Ms. Coleman: If you are favor of the motion say, yes, and if you are appose say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: No.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: No.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: No.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: I recorded vote of four for and four against Agenda Item 19 is hereby being denied.

Mr. Weiner: The motion is failed. Can I make a motion to pass.

Ms. Oliver: Hold on.

Mr. Weiner: Well, it'll be four for again probably. I would make a motion for item number 19, I do not want to be five years, and for item number two record findings to strike one and four and keep two and three.

Mr. Graham: I second that motion.

Ms. Oliver: Then call for the question Marchelle.

Ms. Coleman: Sure, give me one second.

Ms. Oliver: Sure.

Ms. Coleman: Okay. If you are in favor of this motion say, yes. If you oppose say, no. Mr. Alcaraz.

Mr. Alcaraz: No.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: No.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: No.

Ms. Coleman: I recorded vote of four, four and four against Agenda Item 19 is hereby denied by the Planning Commission.

Mr. Weiner: So, this gives the council for 24?

Ms. Coleman: Failed, Correct.

Mr. Tajan: We did not do anything it goes recommended. So, as it stands it goes recommended for denial by the Planning Commission.

Ms. Oliver: Okay, where are we. We are on number 20, which is to allow certain short-term rentals as permitted use in the Old Beach Overlay District. Do I have anybody that has anything, comments or motion.

Mr. Alcaraz: I am just glad we got an updated map and with the comments that we got from I guess some of these developers or builders I appreciate what they said and I have also appreciated what they have done from what it looked like then and what it looks like now. Having said that, me understand this OR is not in Old Beach?

Mr. Tajan: it is not on an Old Beach, that is correct.

Mr. Alcaraz: I was not aware of this, but everything as some of the builders said East of Baltic has got that apartment or rental zoning. And, they are actually some of them are offering to take that as the overlay. And, then maybe everything west of that would be a use permit. So, I kind of support that, it kind of says it right on the map.

Ms. Oliver: Yes, Mike.

Mr. Inman: I support what George said mostly, but it would be if you are West of Baltic if it is zoned a multifamily that would not require principal use. So, that would be available without having principal, in a principal residence zoned A-12 or is it any other A zoning West of Baltic.

Mr. Redmond: Can I ask an operational questions here.

Ms. Oliver: Yes, absolutely.

Mr. Redmond: STRs is a principal residents and owned by the operator, how in practice does that work. It is my principal residents, that means I lived there.

Ms. Wilson: More than half the year.

Mr. Redmond: More than half year, so, like these family I am going to kick my family out and I continue to chuckle about by the way. I am going to move out whatever four months or five months or six months and then rent it but I am going to go back for part of the rest of the year.

Mr. Weiner: What was it redefine that the line, which you are talking about.

Mr. Inman: Okay, Baltic Avenue is a primary line, East Baltic Avenue would not have to be a principle residence if it is West of Baltic Avenue and it is zoned for multifamily use would not require a principal residence.

Mr. Tajan: So, based on what you are saying Mr. Inman it may be easier to just say in the Old Beach Overlay, are you trying to say that they can apply for conditional use permit still or you are trying to say that they you think still can apply. So, then it would be more uniform to say in the Old Beach Overlay anything zoned multifamily can still apply for a conditional use permit while everything else is zoned because you are talking about the apartment zonings, correct.

Mr. Inman: Yes.

Mr. Tajan: Okay. So, while everything else has to meet this criteria, that makes it very difficult for us. Because, based on the Overlay District you are permitted to have single family zoning or single family uses on the multifamily properties, which is why they are getting redeveloped in that fashion. So, I think we are having a bit of a hard time trying to understand kind of the change unless you want to make the bright line on Baltic only and not anything else.

Mr. Inman: That is fine.

Ms. Wilson: So, anything West of Baltic would have to have those requirements and East of Baltic support which it is.

Mr. Alcaraz: By right.

Ms. Wilson: Make it by right.Okay.

Mr. Weiner: By right the conditional use permit.

Ms. Wilson: By right with the provisions of 241.2.

Mr. Weiner: Yeah,that would be the ordinance like Sandbridge.

Ms. Wilson: Okay. So, East of Baltic would be by right.

Mr. Graham: And, that means the Westside not to get into the nitty-gritty, but I think we say that the Westside of Baltic and this side East.

Mr. Alcaraz: One of the speakers, made it. I caught that too, but it would be the address of Baltic Avenue West.

Mr. Redmond: Yes, I like that. That makes it simple.

Mr. Alcaraz: That kind of fills the blank. It is not half the street west because you got property that is on the Westside of Baltic Avenue that is on Baltic Avenue address.

Ms. Wilson: Like we have run the line down the middle of the street.

Mr. Alcaraz: No, I do not.

Mr. Graham: Not that in the middle street.

Mr. Alcaraz: Would use address Baltic Avenue.

Mr. Graham: Okay. So, it would be, it would have to be the back of the property line along here that you are going to run it. I mean, you cannot run it down in the middle of the street just because what is the difference between one side of the street and the other. I mean, it is a busy street I mean I do not really.

Mr. Inman: Any property the fronts on Baltic Avenue.

Mr. Graham: That is what I agree with Mr. Inman.

Ms. Wilson: It has to be East or West.

Mr. Weiner: West, those to be West.

Ms. Wilson: Okay, I am lost. I am sorry guys I am having.

Mr. Alcaraz: Everything on Baltic Avenue East would be by right that is what I understand.

Mr. Redmond: West side of Baltic Avenue will be by right.

Mr. Graham: Westside of Baltic Avenue would be by right, correct.

Ms. Wilson: With the meeting that provisions of 241.2.

Mr. Inman: Yeah, correct.

Ms. Wilson: Okay. What did you George, do you mind repeat that. On the Eastside of Baltic, Baltic is the dividing line. Anything fronting the Baltic Avenue is going to be east. Okay.

Mr. Alcaraz: So, now we need to...

Ms. Wilson: And then the West would be that.

Mr. Alcaraz: Correct, that is correct.

Ms. Wilson: That she says that she points to the screen. Okay.

Ms. Oliver: Yeah. Just finish the overlay.

Mr. Graham: Because we already determined the 22nd Street was OR anyway.

Ms. Oliver: Is it, surrounded by OR anyway.

Ms. Wilson: Okay.

Ms. Oliver: Alright. Yes, ma'am.

Ms. Klein: Are we keeping the provision about the multifamily homes that are West or East or was that.

Ms. Wilson: No.

Ms. Klein: That is up, okay.

Mr. Inman: Do we have motion.

Ms. Oliver: Can we make a motion.

Mr. Inman: George.

Mr. Alcaraz: I am sorry, if I am sounding confused. So, we are not going North or South, we are just staying at Old Beach, I thought we.

Ms. Oliver: No, because those two streets that you probably referring to are not in Old Beach, 21st and 22nd Street are not in Old Beach, that is OR.

Mr. Alcaraz: Thank you.

Ms. Oliver: So, you just looking at the rest of the overlay, which is basically encompasses everything. I think I actually have a map for George, hold on.

Mr. Alcaraz: Alright, I was saying that everything. How we ended up saying for Baltic, fronting on Baltic East.

Ms. Wilson: If you're fronting on Baltic you are considered to be East, you are considered to be part of the East. East is by right as long as you meet the provisions of 241.2. The west will allow us STRs by right also, but you have to meet 241.2 and it has to be your principal residence.

Mr. Alcaraz: I agree.

Ms. Oliver: This actually has the all the zoning on it. So, there it is.

Mr. Alcaraz: Somebody second it.

Ms. Oliver: Do we have a second.

Mr. Alcaraz: I will second.

Ms. Oliver: Marchelle can you call for the question.

Ms. Coleman: Did we get a second.

Mr. Alcaraz: I did.

Ms. Coleman: Okay. Thank you. Alright, if you are in favor of the motion say, yes. If you are oppose say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of eight for and zero against Agenda Item 20 is hereby approved by the Planning Commission with the changes noted.

Mr. Redmond: We all agreed on something.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

Staff recommends approval of this Ordinance amendment. Permitting Short Term Rentals as a matter of right will alleviate the number of applications reviewed by staff and considered by Planning Commission and City Council, which have been burdensome

since the implementation of the Short Term Rental Ordinance. By making the operation of the Short Term Rental contingent upon meeting the requirements of the Ordinance, as well as being the principal residence of the property owner and operator, staff is confident that this amendment would mitigate the negative impacts that residents of the neighborhood have brought to staff's attention and maintain the residential character of the Old Beach neighborhood. The operator will be more vested in the care of the property if it is their principal residence, rather than a property that is an investment property whose owner does not reside in the area pertain to this site.

**Items # 21.
City of Virginia Beach**

August 12, 2020

RECOMMENDED FOR APPROVAL- HEARD

Mr. Landfair: Planning Commissioners the next four items on the Regular Agenda today are item 18, City of Virginia Beach an ordinance to amend section 104 to allow civil penalties for the violation of section 241.2, pertaining to short-term rentals. Item 19, City of Virginia Beach, an ordinance to amend section 241.2 pertaining to the revocation of grandfathered status and the City Council findings for short-term rental uses. Item 20, City of Virginia Beach, an ordinance to amend section 1903, allowing certain short-term rentals as permitted uses in the Old Beach Overlay District. And, item 21, City of Virginia Beach, an ordinance to establish transitional rules for the review of conditional use permits for property in the Old Beach Overlay District. Kevin Kemp will present these items. Thank you.

Mr. Kemp: Thank you, Mr. Landfair. Good afternoon, Commissioners as Bill mentioned these four items are the referral, the proposed amended ordinance from Councilman Tower you should be familiar with these items as you reviewed them twice in July, once following your July 8, Planning Commission hearing, and then you had a meeting for public comment on July 20, in which there were approximately 30 speakers at that meeting. I will just briefly go through these proposed amendments agenda items and explain each one, agenda item 18 deals with the way we enforce short-term rental violations. This would change the enforcement from what is now a criminal violation to a civil penalty. It would allow our inspectors to issue fines \$200 penalty for the first violation and then \$500 for each additional, it will help Staff be able to enforce the ordinance and make it a easier and faster way to get through the process, whereas now they were required to go through the criminal court proceedings to get to this fine structure. Agenda item 19, deals with two items, one is the grandfather status of short-term rentals and the other are required findings for short-term rental uses. The grandfathering this ordinance proposes that the grandfathering status if a short-term rental were not used to such for a two-year period would be revoked by the Planning Director. This aligns with our current ordinance regulations for nonconforming uses, as the ordinance is written now short-term rental use if it was grandfathered it runs with the land and it runs in perpetuity. The

second item in this amendment are the required findings and these provide a basis for which Staff, Planning Commission, and City Council could evaluate and ultimately approve or deny these applications, briefly go over the four of those. The first is that the density or number of short-term rentals in the immediate vicinity, do not change the character of the neighborhood. The second is that parking is readily available onsite parking is visually appealing and environmentally friendly. This is in a reaction to what we are seeing where a lot of short-term rentals are paving their entire yards to meet our parking requirements. The third is that, if there is an increased occupancy due to the short-term rental use, that occupancy remains compatible with the residential nature of the neighborhood as to not create negative impacts such as noise and trash. And, lastly, it recognizes that short-term rentals are a needed resource, particularly in areas of the city, that are in close proximity to venues or districts that bring high number of visitors. Agenda item 20, this deals specifically with the Old Beach District, the Old Beach Overlay and what it does is, it allows short-term rentals as a matter of right in the Old Beach Overlay provided that the properties meet two specific standards. One is that, all requirements of Section 241.2 are met. And the second is that the short-term rental property is the principal residence and owned by the operator. What this would do is allows for only one short-term rental per property owner. If these requirements as listed are not met, the way this ordinance is written the property owner would not have the opportunity to even apply for a CUP in front of Council. They would either meet the requirements and be able to operate as a short-term rental or they would be prohibited. Lastly item 21, is a transition ordinance and this ordinance simply states that any property that submitted an application to the Planning Department following the date, these referral ordinances were referred to you which is June 9, would be subject to these new rules immediately upon the approval of these ordinances. For instance, an application that were submitted today even though there are different rules than this in place, they would be subject to the rules once this is approved by Council. I will be available for any questions should they come up. Thank you Commissioners.

Ms. Oliver: Thank you, Mr. Kemp.

Mr. Landfair: Madam Chair, there are 19 speakers signed up to speak. The first speaker is David Grothmal, followed by Joseph Montana. Mr. Grothmal, please state your name for the record. Thank you.

Mr. Grothmal: Madam Chairwoman, members of the Commission, I am David Grothmal. I live at 219A, 68 Street, which is not in the Old Beach Area. But,

I believe that what you do today or whenever you do it is going to eventually make its way throughout the areas that have short-term rentals. My concern is with the second area, the Council's resolution that sent over the package of ordinances says they are concerned about the short-term rental rentals increasing too fast in the Old Beach neighborhood and other areas. And, I felt like they needed to get a handle on it. I believe the goal is to preserve these areas as residential neighborhoods and residential neighborhoods should take precedence over short-term rentals. That means there should be a majority of residences over short-term rentals. So, what is the majority, is it 50%, you have 51% residence and 49 short-term rentals. No I do not think so, it has to be a clear majority. So, I suggest to you that you need to come up with a number of residences and short-term rentals that clearly preserves the neighborhood as a primary residence. I am suggesting two thirds and one-third or 65% and 35%. Using each Street as the place to measure, if 22nd Street has 35% short-term rentals already then you do not approve any more short-term rentals. That will make it easy and clear for everybody to understand what is the maximum of short-term rentals that will be allowed. I think that is the key to putting a halt on these applications. The guidelines that you have in place now, do not do anything to halt the growth of short-term rentals. Thank you very much.

Ms. Oliver: Do we have any questions to the gentleman? Okay. Thank you so very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Joseph Montano. Mr. Montano is a virtual speaker, Mr. Montano, please pause for three seconds, so we can unmute your mic. Please start by stating your name for the record. Thank you.

Mr. Montano: Good afternoon, Chairwoman Oliver and members of the Virginia Beach Planning Commission. My name is Joseph Montana and I serve as the Virginia Beach Government Affairs Manager for Expedia Group and its family of travel brands. I would like to thank you all for the opportunity to comment on Virginia Beach's efforts to amend existing short-term rental law. By way of background Expedia Group is the world's travel platform with leading websites such as Expedia.com, Orbitz, travelocity.com and many others. We service the entire travel ecosystem from hotels and airlines to rental cars and vacation rental. Our vacation rental company Vrbo is the world leader in traditional or whole home vacation rentals. For 25 years Vrbo and our local homeowners have been focused on serving travelling families. In fact, our average customer booking travel on our platform is a 50-year-old woman traveling with a family of four. that long standing focus on

responsible travel, translates to our collaborative approach to fair and effective policies. Over the course of the last two months we have hosted virtual town halls with our partners here in town, and it is been incredible to hear their stories. Our property owner and manager partners have been members of the Virginia Beach Community for decades. They find immense pride in welcoming travelling families in their small slice of heaven and are eager to comply with regulations set forth by this governing body. However, both Expedia Group and our community of homeowners, managers, and small business leaders are concerned with the current proposal, specifically with regards to proposed amendment banning owners from offering secondary homes or non-primary residences in certain areas of the city. We believe there could be a better path forward that addresses the concerns of the community, while at the same time protecting Virginia Beach's long history of welcoming families to hold home rental. Expedia Group has learned from hundreds of local efforts over the last 10 years that policies work best when governments and platforms work together. A holistic solution could help Virginia Beach in three key areas, tax collection, compliance, and reasonable limits and they could include the following platform tools. Vrbo would create a mandatory field for owners to enter their short-term rental permit number in the same format as issued by the City. Vrbo would also display the permit numbers on all new listings and existing property list. Vrbo would remove any existing listing that does not display a permit number and will prohibit any listings that do not display a permit number. An alternative to the current primary only restriction that has worked in other markets is a cap of 180 days per property. The city wide 180 day cap would allow Virginia Beach residents with a second home to participate in the short-term rental market, would also dissuade individuals looking solely for investment properties to put on a short-term rental market. This policy of 180 day cap is one that Vrbo would support. As the leader in traditional vacation rentals we stand ready to be a partner to you and your Staff to ensure that the tradition of whole home vacation rentals continues to be a part of Virginia Beach, vibrant accommodations marketplace. Thank you again for your time and consideration.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Gretchen Heal, followed by Betsy Atkinson. Ms. Heal, please state your name for the record. Thank you.

Ms. Heal: Good afternoon. I am Gretchen Heal I work for the Hampton Roads Realtors Association, and based on some of your comments in this morning session

I answered a few of our questions but I do have a few statements that they have asked me to share with you on these four items. The Hampton Roads Realtors Association recognizes the need to have property owners comply with guidelines for operating short-term rentals and our members try to ensure positive experiences for the neighbors of all the STRs that they manage as well as the tourists visiting the city. However, we do have a few concerns with the zoning violations that are different than others. And, again you have addressed some of those concerns this morning, so, depending on what you end up with your final decision that may go away. On this second one, the grandfather clause, on this change we would ask you consider including some more specific language on the parameters for inactivity on a property that is scheduled to have its grandfather status removed, when does the clock of the two years start, just a little more definition around it, so, that people would know what those parameters are. And, for all of the items if I am misunderstanding and I apologize but in 241.2 it applies to Sandbridge, and we would like that all any changes you make do not apply to Sandbridge as far as short term rentals are concerned. That is all.

Ms. Oliver: Thank you.

Ms. Heal: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Betsy Atkinson, followed by Paige Miyares. Ms. Atkinson, please state your name for the record. Thank you.

Ms. Atkinson: Hi, I am Betsy Atkinson I am glad to be here to speak to you today. We are teaming up a little bit here, but I would like to specifically talk about grandfathering, I was on some of the original committees that created some of these ordinances and one of the things that we all agreed on with that if your grandfather the property it ran with the land. And, now you are trying to take away the grandfathering by reducing it to only that you do not use it for two years then you would not have the right to keep the grandfathering. I would highly suggest to you to please not approve this. We have a lot of situations, especially in the North End where, might be a mom and a dad and then they might pass away the kids might move into the house and then they might stay there a couple of years and then want to go back to having short-term rentals like they had before. And, it is also good for marketing, if somebody has a home that is been grandfathered with short-term rentals and they will have the ability to continue short-term rentals without having

to come back to the CPU. So, I thank you very much for listening to me and I hope you.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, the next speaker on this item is Paige Miyares, followed by Jim Moffat. Ms. Miyares, please state your name for the record. Thank you.

Ms. Miyares: Paige Miyares. Thank you Madam Chair. My name is Paige Miyares and I am the principal broker of Atkinson Realty. I just want to say that the crux of this issue really add it as a tourism issue. And, behind it is whether our city really supports tourism and people coming here to spend their hard earned money in our city. I think the consumer has spoken pretty loudly that they want to stay in our cottages and especially in a post COVID-19 world, habits of how we work vacation are changing even more rapidly. Many of our business have expressed that they are on life support with the COVID shutdown. And, the question I would ask is why are we looking at policies that prohibit visitors to our city. Why are we pushing them to Myrtle Beach and OBX, those are our competitors. As far as these regulations, there are a couple often encouraging signs to me, one is the fact that there is something that actually says it is a needed resource in our city. I think that is true and again I think the consumer has echoed that and then just the change to the parking, because the discussion around parking just it goes on and on, it is almost arbitrary, it seems a little capricious to me from an outside perspective. And, so, something that says visually appealing and environmentally responsible that is helpful to kind of cut through some of measuring this it has to have this many spaces. The reality of these families coming to visit is that they do not bring, it is a four bedroom house they are not bringing four cars, I mean that is how it works practically. And, the other thing I do just want to address is that it is very disturbing to see the new, there is even been discussion here about do we follow the rules, do we go outside the rules, do we add provisions, do we not add provisions and that seems to be a little bit of an internal discussion, but to see some of these applicants who has had their applications in since January, and how these arbitrary amendments to limit the occupancy and to limit the amount of reservations per week is troubling from an on looking citizen. And, it really changed the dynamics for my family would increase the cost of vacation to Virginia Beach and not by a little when you play with those numbers. So, I think that has to be a consideration as we go forward and I think there are ways to partner in a private public type setting to help increase the accountability for these things and take the backlog off of the city. The

Beach borough making it by right which is something in one of the ordinances, I support that for our communities that hug the shoreline, for sure, because that is where we have traditionally had them that is where the character of our neighborhoods include them. And, there should be some by right pieces to the zoning that come forward. So just to know I probably out of time, but I just want to reiterate that at the crux of this is, are we a city that want families to come and stay here, do we want them to come and spend their money here. We as an industry love these neighborhoods, we want to protect them, we want them to be great places to live, we have been and shown to be good partners with these neighborhoods for over 80 years with the business that I do. So, is there is any questions.

Ms. Oliver: Do we have any questions. No. Thank you, Paige.

Mr. Landfair: Madam Chair, the next speaker on this item is John Moffat, followed by Lynn Hume. Mr. Moffat, please state your name for the record. Thankyou.

Mr. Tajan: Bill, I think it supposed to be Jim.

Mr. Landfair: Jim Moffat?

Mr. Tajan: Yes.

Mr. Moffat: I am not speaking.

Mr. Landfair: I am sorry, okay. So, the next speaker is Lynn Hume.

Mr. Hume: Hello, my name is Lynn Hume and it is hard to believe we are back up here again discussing short-term rentals. I have been a property owner in the Shore Drive area since 1980s and I have got long-term rentals and short-term rentals, that are grandfathered that have always been considered second homes and vacation homes and they were built in the 50s and 70s. Due to COVID-19, I am sure that many property owners have had to change some of the short-term rentals in the long-term. Personally, we put some doctors in one of our rentals, who were working in local hospitals, they left for a while and now they want to come back and do a long-term rental. I want to emphasize that as grandfathered properties are zoning and property rights were already set last year, our current rights exist. Item19, the 24 month rule, allows the possibility to lose our grandfathered status, health, economy, and various personal circumstances could change the use of our property for a period of time, current rights should remain not subject to being dismissed if not used in the 24 month period. This is not a conditional

use permit, grandfathered should run with the land. Item 18 allows for harassment from neighbors and subject owners to either pay a fine, considered guilty, or may to defend themselves. It appears that hateful rhetoric from anti-short-term rental people has generated this amendment to appease those who always dislike short-term rentals. We attended one of those all Civic League Meetings this winter and the attitude, for snitching and telling on people was rampant. Actually, it was like being in a foreign country, a trash can left out too long could generate the report and fine. I am not aware of any loud or disruptive short-term rentals in the Bay Area, Cape Story, Ocean Park, and Shore Drive. Many people speaking negatively do not even have short-term rentals near them. In comparison, homeowners and long-term rentals create parking, noise, and trash problems, and there are laws to deal with them. It is normal for residents in the Beach Area to park cars, have parties, and big gatherings. It is the beach. We have already spent two or three years hashing out the zoning rules and in this troubled time with COVID-19, people are not aware of this issue, it is come up again. It is our retirement income as well as many others, and we planned according to these rules. We take pride in our properties, you will be down zoning our current property rights, pleased enough for the subject grandfathered properties to the threat of losing our rights are subject us to targeted harassment and fines. Please leave the grandfathered rules the way they are now without changes. Thanks for your consideration.

Mr. Landfair: Madam Chair the next speaker on this item is Elaine Fekete, followed by Joan Davis. Ms. Fekete, please state your name for the record. Thank you.

Ms. Fekete: Hi, good afternoon. My name is Elaine Fekete and I moved to Sandbridge 25 years ago. I chose to live there even knowing that all the houses around me were rentals and had been so for 50 years. So, the false narrative that this is a new thing that we have to deal with is quite to the contrary. It is also a false narrative that all short-term rentals are party houses. 11 years ago, my husband and I started renting our home on a weekly basis and quickly found that there was a demand for the shoulder seasons in the holidays, we get people here who are parents of military children that are coming to visit and want to stay under one roof. Parents who are traveling with their children in the traveling sports leagues, business travelers who want to bring their families and make a vacation of it, or families who simply cannot afford to take off seven days from work. When we have renters, we move out and we are not alone. Other owners move out of their homes at least during the peak season. Still others use their second homes as rentals, so,

when the renters are not there the owners are. So, this brings me to the same question I asked two years ago. How will the restrictions be enforced when the home is owner occupied versus renter occupied? How will you even know the difference? I am curious to know how many \$25 trash citations have been issued in the city in the last year, have they been issued but resulted in no change in behavior or being ignored because if we are not even forcing the \$25 ones for the whole city, what is the point of adding punitive ones to the rentals and how will you know if owners like myself are the ones leaving the trash cans out versus the guest, how cumbersome is that and I say cumbersome because the recommendations sent to you states that it will make enforcement more timely and efficient and will increase the ability to regulate short-term rental use without having to navigate the somewhat cumbersome court process, I am kind of missing the due process part there. Make no mistake the choice to stay in a home versus a hotel is based on preference and availability. If summer guests cannot rent homes here, they will go straight to the Outer Banks in Myrtle Beach like Paige was saying. If parents with children in sports tournaments cannot rent our homes during the tournament's, they will go inland. Ordinance 241.2 only went into effect last November, just three months later in February Members of Council were ready to send it back to address lessons learned. What lessons were learned from November to February? There is zero evidence to support that all of the adjustments made by homeowners and realty companies in the last year to conform to 241.2 did or did not work. There is no basis to go back to square one and debate each and every component, and that is what will happen. I even heard the word exit signs at the last Council Meeting. The ongoing hysteria that short-term rentals are bad for neighborhoods is anecdotal and it is the exception rather than the rule, you state that they should not change the characteristic of the neighborhood and 99% of the cases they do not. A judge and I believe it was Austin ruled that a family sitting at a dinner table in a residence is a family sitting at a dinner table in a residence whether they are the homeowners or whether they are the renters. But, the request to review this situation was sent to you with terminology that reads additional noise, trash, and other possible nuisances, and it is asking you to assume that the negative connotations Council sees on STRs is fact based and not biased. Our trashcans really the problem, just because you were asked to review these regulations does not mean you have to conclude that changes are needed at this point. You can determine that we should at least look at what has been done and see if it works first. Thank you for listening.

Mr. Landfair: Madam Chair, the next speaker on this item is Joan Davis, followed by Gayle Mottola. Ms. Davis, please state your name for the record.

Speaker: Joan is not here.

Mr. Landfair: I am sorry. Okay. So, we will move on to Erica Atkins. Next speaker is Erica Atkins. Ms. Atkins is a virtual speaker. Ms. Atkins, please pause for three seconds, so we can unmute your mic. Please start by stating your name for the record. Thank you.

Ms. Atkins: Hi, this is Erica Atkins, I agree with everything that the previous speaker said, I do not feel like there is been enough time to really gauge what affects the short-term rentals in this area have under the new rules and regulations and I really think that there should be more time before any other changes are put into place.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, we do have Gayle Mottola here.

Ms. Mottola: Good afternoon. I am Gayle Mottola I live at 115, 88th Street in Virginia Beach. I support the comments made by Mrs. Parker from the July, 20, 2020, Public Hearing. The beach and fourth story located above Shore Drive are daytime activities for visitors, not requiring overnight accommodations. Stewardship of history and the preservation of natural habitat is questioned as the Planning Commission and Zoning Commission first quietly and then outwardly tried to change a residential one single family neighborhood with some duplexes into two homes per small lot, often with different principal owners who can then rent out their properties with a conditional status of short-term rental. A case in point is a recent variance recommended for a builder from Richmond by zoning, who after the hearing told his perspective neighbors, he plan to live in one home, but he already had a potential buyer for the second structure on the same lot. That means two principal owners per lot, both of whom, who could apply for STR status. Given, that there are six potential buildings going up on the same block of 88th Street, which was once the Cape Henry Syndicate bought from the Cape Henry Park a land company in 1899, and plotted in 1900, for single family homes. The density of that block increases by how many people and how many cars. A second case, we just welcomed unemployed couple of working age with their three younger children as they moved into the neighborhood. Is not this what Virginia Beach model a City of a lifetime means, are we losing residents. Have they not insisted that they have legal parking spaces instead of the illegal ones put in by then owner of the two

structures on the nonconforming land to meet parking requirements for STR stop. Those parking spaces were in the city signed, no parking zone at the ocean side corner of 88th Street and Atlantic making visibility obstructed to enter Atlantic Avenue. Then the neighborhood would have had to endure four bedrooms at three persons per bedroom and how many cars if every two people had one car, the answer, 12 people six cars. The summer the corner duplex at 201, 87th was approved and the bedroom was approved also at 116, 88th Street and now 114-A and B are for sale. They have eight bedrooms. That could mean a total in two rentals per week of 48 people, i.e., three times eight bedrooms times two, meaning also a great over limit of cars. A traffic jam for delivery trucks meeting those looking for a free parking space to go to the beach occurs regularly in the summer now. The primary tourist area charges up to \$10 for a few hours. The powers that were made the historic North End especially about Shore Drive 2015, a district based on the Old Beach Overlay of 2005, distinctly near hotels and motels and home renting rooms in the well-established tourist area that has been since 1906. But, that is not the North End demographic, many homes have passed down to children and grandchildren, the North End is a residential area with mostly permanent residents and those who come to enjoy their beach home for the summer. Traffic is another matter, which I will not address. Again, the beach and Fort Story, a historic part of our city that Cape Henry area should be treasured and should not go to make commercial profit. Thank you.

Ms. Oliver: Thank you very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Mike Megge, followed by Chris Edel.

Mr. Megge: Good afternoon, Madam Chair and Members of Council. I would like to thank all your hard work on this issue. I am here today to point out we spent years coming up with his current ordinance. And, as owners we have worked and planned our futures on the agreement that we came up with less than a year ago. As you know, restricting property rights of citizens by changing zoning laws as a taking and by such the government should justly compensate those owners. If it does cause harm to those owners, and I hope we do not go down that road. I understand if you feel the need to further restrict short-term rentals with conditional use permits as is you are right. But I would like to see the data that the city has compiled for these changes. I again, I asked you to protect the existing rights of the grandfathered and by right STR owners. I know this issue has been contentious, but we all came together over the past several years with

many, many meetings, public hearings and we came up with a draft a compromised ordinance that was thoroughly debated, voted on, and passed by both the Planning Commission and City Council. The new proposal would be a little like telling an owner of a duplex, if he owns a duplex zoned lot, that if you do not build that duplex in the next two years, you are going to lose that right. I just do not think that is the right way of going. Also, giving zoning inspectors policing rights, allowing them to issue monetary fines without due process is a very slippery slope. I just do not see how that would be legal, if it is not applied equally to all renters or to all property owners by that right. Again, I just think it is a slippery slope and an enormous overreach by the government. Mr. Kemp said it would be easier for the city to enforce, but I believe due process should be shaded on the side of the owner and not on government. Like I said before, you have the right to restrict new STRs with conditional use permits, but again I would like to see that data, why you are restricting them since we have just came up with an ordinance less than a year ago. But, again I would like to stress that the current ordinance should be respected and the rights of current STRs must be protected. Thank you very much,

Mr. Landfair: Madam Chair, the next speaker on this item is Chris Edel, followed by Steve Bishard.

Mr. Edel: Good afternoon, Madam Chairman and members of Planning Commission. My name is Chris Edel, I do have some handouts from around, hopefully you will have a copy of. I am here today primarily to speak with regards to Old Beach where myself and have a partner Bob Taylor, we have approximately 10 short-term rentals that are all approved by Council, and in operation. Okay, so my company VB Holmes has been building at the beach for over 30 years now. We were very active with an Old Beach particularly with the overlay that they put together, we partner with a neighborhood to find a way to improve the character of the neighborhood, reduced density if possible. And, I think we put that together with Barbara Yates and since that time, over the last eight years our company alone has invested over \$10 million in redevelopment of that neighborhood, and what you have before you here is just a few examples, most of which are east of Baltic, but on the first page you have 317, 26th Street, this was a tired 50-year-old six unit apartment building that now is to the right you will see the after which is now two single family homes, that 317, 26th Street that operated for probably over 30 years as a short-term rental. I know that for a fact by the person I bought it from, Mary Grace Thomas had ran that year round and as well as short-term rentals. Below that, on 27th and Arctic, you can see it is an older

55-year-old eight unit apartment complex and we partnered with the Georgia Joyce Seco that you are going to hear from this afternoon as well, to take that from eight tired apartments to four new single family homes and, so, those are just a few examples. The next page one more example on 27th and Arctic, that was a four unit again, very tired blighted property that had been rundown. And, now there are two brand new single family homes on that property, so, that is an example of just a few that we have done and there is certainly others, but I wanted to point that out. The next page, page three is called Old Beach Revitalization Future Opportunities, these two properties one at 417, 24th Street 10 unit apartment property and then 416, 24th is a duplex both pretty old tired properties, owned by Mark Ulmer. He could not be here today, but he asked me to share with you his thoughts on whether or not he would redevelop these properties and he said to me, he said Chris I have had these properties for years and if I am not able to redevelop these as short-term rentals, I am just going to keep them the way they are, I am just going to keep bandaging them up, they would not go away, why because there is no economic reason, there is no financial reason for him to improve these properties. So, he wanted me to share that with you and these are just a couple examples of others that he owns, he owns many properties. Page 4, 308, 25th-and-a-half again you can see a very tired old duplex that I have involved with and the owner of that property. The one below that 2602, Baltic Avenue, which is a 50-year-old five unit apartment building facing Baltic, again all of these are Baltic East. But, these are a couple properties that need to go away, they need to have brand new single family homes and will have those, but they would not if we are going to get too restricted in what we can do with those. The next page is actually the Old Beach Overlay, this is right out of the guidelines, the map here. Okay, great, because this is just a suggestion and something that we have talked about and that is, if you see the orange line which is highlighting Baltic Avenue and this runs right through Old Beach, most of this is Old Beach. But, if you look from the orange line Baltic Avenue East towards the ocean, most all of that is rental property and in zone that way, as you look from Baltic Avenue or Western Baltic Avenue, it becomes more residential, more year round residents living there. So, it somewhat splits the neighborhood, but the reasons are simple it is because of the proximity to the resort and all the things that we want our guests coming here to enjoy and take advantage of. So, one suggestion is to potentially use that as a development zone for having short-term rentals East or Baltic Avenue East that would not require conditional use, but that you would potentially require conditional use west of Baltic Avenue. And, then the next page, which is just

a summary that Bob Taylor and I put together just some thoughts and some suggestions, ideas. First and foremost, the fact that Old Beach is being singled out as the only area in the beach, that would require a short-term rentals to be someone's principal residence, I just do not understand that at all. Effectively, we are saying, we are not going to have any short-term rentals. There are many people including myself and again I have told you, we have invested millions of dollars in Old Beach and we do not own all of these properties, we do sell some. But, the ones that we do own that is out the window down for us, and many others that you're going to hear from here today. And, I do not understand why that would make for a better experience, just because someone is their principal residence and very likely they are not even living their while the rentals taking place. So, at any rate, that is one it certainly we do not agree with. And, the next paragraph noise and trash, again I do not think that some of the other speakers have said that there is really any evidence here that there is a real problem issue with specifically with just short-term rentals in that regard. But, if we need to have more trash cans we will buy more trash cans and that is fine and that is going to help solve the issue, I do not know, I am not sure. It does state in the ordinance that the short-term rentals are needed resource in certain areas of the city located in close proximity to venues, districts, and areas that generate high volume of people or visitors. Where else in the world is a better example than Old Beach, we were right down the others ordinary. I mean, that to me is a perfect place, and now we have the new sports complex, all these families come to the sports complex sure some are going to go hotel, but not all want to go to hotels, there are families traveling here. They want a safe environment, they can come, maybe cook some meals in the house, and we provide that for them in very close proximity. The ordinance change about imposing fines, that is fine because if you want to make bigger fines we want to be the model example for professional managed short-term rentals, so, we do not plan on breaking rules. And, if we do and there is a larger fine so be it, so we are okay with that. But, the end there are opportunities to consider certainly the OR Oceanfront Resort, I do not feel and neither does my partner feel like that should be even included as a conditional use permit it is just going to bog down the system there is hotels and motels all over the OR and I do not feel like that should be even necessary. The second page there, that I did speak to just a little bit ago and we are referring to as an approved short-term rental zone again Baltic Avenue East is what we are recommending and that is where the guests want to go. They want to be down and they are close to the resort area. Professional management, I can tell you all of our rentals are

professionally managed, I think that is key. There are many people out there trying to either do it themselves or maybe some of these people that live in their home may be trying to do it, but there is no substitute for professional management and all of ours are that way and I would suggest that maybe there is a way to incorporate that in the ordinance that they need to be professionally managed. There is a workshop and that you all had and just talking about a couple points there, parking there was a discussion about garages, okay garages should not be included. I can tell you in our properties that have garages that can fit a car, we use them, in someone's home you are going to put stuff in there, beach tear, bikes, or whatever may be, but in the short-term rental you do not need a place for all that stuff. So, we might have a couple beach tears, but that is about it and, so, we do use them for parking I would suggest that that would be something that should count. Number of stays a week, right now the ordinance is two stays a week and I think that it is a great compromise. Not everybody can afford a week's vacation, there is plenty of guests that want to come to Virginia Beach, but they can only do a long weekend three or four days and so, I think it is totally appropriate to be able to allow for that. Number of occupants, right now currently three per bedroom. I know speaking for myself and my partner I would be fine if we limit the house itself to 10 or 15. We are not looking for the big mega events and that that kind of goes to the next item events. We do not want the big parties, we actually prohibit parties in our homes. So, again, that is just something that that we are not interested in, we are happy if we want to reduce the number of people, you think that would be helpful. Our typical profile of guests are families that are traveling here to the beach, one last thing on signage on the back.

Ms. Oliver: I am sorry Chris.

Mr. Edel: Eddie told me I had 10 minutes, so, I guess I can have 10 minutes. Oh it's 10 minutes? Oh my god, I am sorry. Alright, thank you all.

Mr. Landfair: Madam Chair, the next speaker on this item is Steve Bishard, followed by Joyce Sico.

Mr. Bishard: Good morning. Thank you for allowing me to speak, I have some handouts. My named Steven Bishard, Bishard Homes in related entities. I just want to speak about in general, the short-term rental ordinance proposal, I feel like you should give it a time to season. Give it time to see if it works. We really have not had a chance to see if the recently adopted ordinance is going to work or not. Anyhow, about 15 years ago at the request of Karen Lesley the Zoning Administrator in the past and Barbara Yates, I was asked

to serve on the Old Beach Overlay District Committee to come up with a compatible residential redevelopment ordinance that would do away or try to do away in the proper way of three storey box duplexes and successfully served on that committee, and I think we can say that we have seen the results of the resiliency and the transformation that is taking place in the Old Beach Community by number one the city, number two the community, and number three private business developers working together, and I appreciate the comment it is like a prerecorded speaker earlier, the best way to deal with this is when all the parties come together, partner together, listen to one another and come up with agreeable solutions to a business enterprise short-term rentals. That is a needed way for families to vacation. Some of them do not want to go to hotels. Some of them want to go to homes, I prefer to go to homes, my wife loves to go to homes, particularly in an environment like COVID-19, I would not want to go to a hotel, I want to go to a house that is just recently been cleaned and it is safer for people and people feel better about it. Anyway, over those last 15 years since 2005, when that committee started and successfully produced a great ordinance. We have done a tremendous amount of redevelopment you will see it in the packet. We also acquired tremendous amount of rental properties, when we bought these properties, we took them up to the next level of standard. We did not leave them as blighted properties, we brought them up. I will say that many of the properties that we purchased though, very much were blighted properties. As Chris Edel mentioned I echo what he shared today. Some of these properties we bought their rentals that rented for \$600 to \$800 a month. There was a high turnover rate and they were problematic. Since, I have entered the short-term rental business it has not been that long. I can tell you that the management company that I have, same one Chris Edel has stellar performance, had no problems. They are proactive and matter of fact, the management company that we use to hire lives right in the Old Beach community. I mean he walks, rides his bike through the community, checks on the properties that he manages. So, I think, management, I think you agree is a critical component, the proper proactive management of these properties through a professional company. So, as I was saying we have recently entered the short-term rental business hired Knob LLC, lives in the Old Beach Community and they found that the short-term rentals have less management problems, less calls than year around rentals have. We are having a much better time with a lot less problems with the short-term rentals from a management perspective. And, the spirit of me being up here today is a spirit of partnership. When I served on the committee in 2005, I embraced what they wanted to do and had been

working in that community since then, buying rental properties in that community since then. And, I see myself as a resident, not Old Beach I live in Lincoln Park, but a resident of the city that really cares about that community. I do not want to see that community, go down. I think actually what has happened is it is going up and the short-term rental business is helping that, I do not see that it has hurting it. I have asked the question with an open mind, how many problems have you seen in the Old Beach Community ,this is from the management company I was referring to, has not seen a problem in the Old Beach Community, you can speak him later. I am not sure he has had to evict one person had to have a police to a property. So, we appreciate the desire, but I just hope that we will open up to what the reality really is, come up with a viable solution through partnering with the community, businesses, and the city that is working hard on it to have a solution that we can go on with. One of the ideas that that came up was having a short-term rental sign on each of the short-term rental properties, that if somebody does have a problem they can call the management company, very quickly. This will be a uniform, attractive, standardized sign that we could have throughout the Old Beach. If you have a problem just call the management company on the side. Again, manager lives in the neighborhood. One of the things that I have seen since I have entered the business, the expenditures to keep these properties at the highest level, they are up there. I mean we are spending some serious money to take landscaping to the next point, to the next level, decks, any kind of amenities that people might want, we are spending a lot more money than we do year around rentals and we need to. Some of the suggestions, as I mentioned before, what about a taskforce, a committee to come together, guys like myself, Chris Edel, and others, will meet with the community of the Old Beach. Be glad to meet with them and come up with something that works for example, anything East Baltic Avenue with a Baltic Avenue address east to the ocean, maybe that is a buy right short-term rental. If it is in some of the more year around residential streets maybe that is a conditional use permit. Consider giving it some time for this ordinance to really sink in and see if it works. I really do not think we have given it enough time to see if it works and if it does not work, I think we can find some solutions to make it work. In the spirit of partnership, our company just wants to be a model, an example for how to manage it, to be responsible, willing to give our phone number out. I have met with a few of the Planning Commissioners, we are here, I mean we live close, want to talk to us management company is not doing it we are here. We are available and we will be available and continue to be so. I just want to close

by pointing out two properties on this handout I gave you. You can take a look. I think on your handout a little different than my handouts as far as the way it's laid out. Take a look at page six, and then we will go to page seven after that. We bought this property at 501, 504, 25th Street and 2500, 2512, 25-1/2 when we bought it, guy was running a gambling operation there. I knew it because I knew somebody who kept going to it, it is a friend of mine I grew up with and he was running a black market gambling operation there and he had five or six little shack units I guess the people that would come and gamble there and would stay there. We bought this property, turn it into four beautiful houses. Now, we sold these houses but nevertheless this is really enhanced the neighborhood in a dynamic way. And, then if you go to seven, this is a property many of you have seen across from the Old Beach, very nice Middle School on 24th Street, Mediterranean Avenue. This is an individual that I bought from, he owned these two houses and had a lot of people packed in his house, way more units than what we put back on it. We put six units back on it, we did again sell these but this is an example of how you can take multi units, reduce the density, and you can either sell them, you can rent them year round, or relate to this specific meeting today, you can do short-term rentals. We own a property at 426, 23rd Street recently and I thank you, you all approved the short-term rental application for us, has three units on it. If I see, it makes sense I am going to tear that old build down and put two units on it, brand new homes and might be a way for me to redevelop a neighborhood that Barbara Yates back in 2005, was proactively and actively eager to redevelop with the community. So, anyway, I appreciate you listening, do give it a chance, I think there is an opportunity to have a win, win for everybody in the situation. Thank you.

Ms. Oliver: Thank you. Yes, I am sorry, go ahead.

Mr. Redmond: Mr. Bishard, do not come back up, but I wanted to respond to something that you said I think it is something that there is just repeating and a lot of thought I am a sucker for landscaping. I do not think it is that complicated stuff, but it makes an enormous difference, and to you and Mr. Edel and to the other folks who do this, I know that you do a good job of it. And, I would just like for the general good to say, if you take a property and you make it the sparkling property on the street, it is very difficult to be villainized. And, a lot of the people who might otherwise criticize or complain or have a problem with anything that you do are pretty easily disarmed when they can trash their own place to the sparkling house on the street or houses as the case may be, so I appreciate you bringing that up, I do think that landscaping particularly intensive, well designed, appropriate landscaping

can make a big difference in the appearance of these properties. And, I think that makes a giant difference in all of our communities, not just Old Beach or the Oceanfront or Shore Drive or anywhere else. So, I appreciate you bringing that piece up and I repeat it because I think it is something that we all want to keep in mind, and in the development community particularly that is a difference maker and something I think can kind of help carry the day forward. Thank you.

Ms. Oliver: Thank you, Mr. Landfair.

Mr. Landfair: Madam Chair, the next speaker on this item is Joyce Sico, followed by George Sico.

Ms. Sico: Hi, I am Joyce Sico, and I am 70 years old and I am retired, and my dream has just about come true, because I owned when you get the flyers, the property in the top picture, which was 2606 and 2608, and it was about a 50-year-old apartment building that was really good to be a chore to keep fixed and I worked with Chris Edel and we developed it into four single family homes, and the landscaping is beautiful on most homes I might add and I kept two for myself. And, they are leased yearly I do not do weeklies, but in the future I do not want to be an owner occupied at this time. I will in the future probably in about five years, I plan on living in one. And, I will either do weeklies in one or I might live in mine for nine months and do weeklies and all the three months in the summer and travel and that is really my dream. I have worked for over 25 years, keeping this property in shape and then developing it. And, I have a daughter in New York, who will eventually owner occupy the second home. And, she is the only daughter I have left, I have one grandson and one great granddaughter, and that is my dream to have my family here something to hand it down to them. But, with the new ordinance, I could not really do the weeklies like I would like to until that point. So, thank you very much.

Ms. Oliver: Thank you,

Mr. Landfair: Madam Chair, the next speaker on this item is George Sico, followed by Frank Ramaekers.

Mr. Sico: Good afternoon. I am George Sico, I have the property on 400 and 402, 26-1/2 Street. And, originally, as we said before it was eight apartment units, we did summer rental for 25 years and we only had three parking places, and the whole thing we coped everybody we worked with it, and we did not have a big problem with it. Nobody really complained even our neighbors did not. So, we decided to redevelop it because the lifetime of the building

was pretty much it was his lifetime 50 years. My wife said we are planning on living in one and sometimes rent the other one out for a short-term rental, the way it stands now, I would not be able to probably do that, but the property changed now. And, the thing about the parking is that we have had construction on the Hyatt on 27th and Atlantic and is not complaining about the parking, since they have been all summer long. They cannot use the parking lot at the Hyatt because that is been used for the summer. So, they come down and contractors are parked all along Artic Avenue and 27th, right in front of our places, which has not been a problem, but I do not know about the problem with the parking with the short-term route. If they had more than two cars, they had three cars there is still room to park, if you want to on the street it is a matter of just opinion and where you are going to park the cars. And, there is garages too which I do not understand why you cannot use a garage as a third parking space, you have got room for three cars, not two in the driveway. And, I just do not understand this, how we are going to go through all this again. But, anyways, that is my statement. Thank you for hearing me.

Ms. Oliver: Thank you very much.

Mr. Landfair: Madam Chair, the next speaker on this item is Frank Ramaekers, followed by Eddie Bourdon.

Mr. Ramaekers: Okay. Our family purchased two residential homes 318, 27th Street. First of all, I am Frank Ramaekers III. I reside at 429, 26th Street in Virginia Beach in the Old Beach neighborhood. Our family purchased two residential homes 318, 27th Street and built in 1935, which you can see on the second page, it is a great home. And, 429, 26th Street built in 1939, both homes have been placed in the Virginia Beach historical register with bronze plaque attached to both homes. The homes have been remodeled and preserved in original construction dating back to the 1930s, does preserving the Old Beach neighborhood. They are kept in immaculate condition to appease our guests and to develop superb curb appeal for the Old Beach neighborhood. 429, 26th this my permanent residence and is shared during the summer months with guests who visit Virginia Beach and surrounding area. 318, 27th Street is a short-term rental year around 365 days a year. We also have a 10 unit apartment complex located on 26th Street, which is kept in immaculate condition every single blade of grass is cut perfectly. It is our neighborhood, my neighborhood, my three children, my wife, and my parents also involve and residing in this neighborhood and it is important to us that everything is kept perfect. I also host numerous homes in Old Beach neighborhood and I use the term host because I interact with the guests to

be sure the visit to our city is excellent, is flawless. Every guest when they enter the home, receive a binder. You look in the last page, you will see what it states. Upon the arrival of guests we see this binder and they agreed to the rules and regulations, which they are stated here in the binder and they also agreed to them electronically when they make the reservation through Vrbr Airbnb. I just want to publicly state these rules and regulations which guests agree to, it says "hello guest, thank you for choosing our home, welcome to Virginia Beach to beach life, relax, and enjoy. Check in time is four and checkout is 11, please make note of these times as our cleaning staff needs this time thoroughly cleaned and sanitized the hall." Especially during this time COVID-19, our guests appreciate the homes because they are thoroughly sanitized, we do a CDC recommended cleaning in the homes. Your home is in a residential area and your neighbors reside here all year. We understand you are here to relax and enjoy our beautiful beaches, but please respect their privacy and the Virginia City Ordinance of quiet hours from 10pm to 7am. Virginia Beach City violation of these quiet hours will result in immediate departure. I have had hundreds of reservations through our homes in the homes that I also host, and I have not had any problems, zero problems with the guests. At this current time, I have over 100 guests, my phone does not ring. So, I do not understand why the ordinances must be changed because I have zero issues at the present time .Down at the bottom parking, designated parking is provided for you. You may park two vehicles in the driveway, one vehicle in the garage, please do not block the sidewalk, as it is disrespectful to the pedestrians and our neighbors, you will be towed if blocking the sidewalk. If you need additional parking please contact somebody "me" and I can direct you to the parking. There is a public parking garage on 25th street, I direct individuals there and I tell them it is \$20 a night and in New York City's \$100 a night. And, that is where they park at if necessary. We always the parking is controlled thoroughly. You guys have any questions, I appreciate your time.

Ms. Oliver: Thank you very much.

Mr. Ramaekers: Thank you, I appreciate it.

Mr. Landfair: Madam Chair, the next speaker on this item is Eddie Bourdon, followed by Samuel Jones.

Mr. Bourdon: Thank you Mr. Landfair, Madam Chair, members of the Commission for the record Eddie Bourdon, Virginia Beach Attorney I do not have a handout. The first thing I want to talk about is, I want to say, Mr. McGee's comments

on item 18, because I and my clients do not have any problems with the fines, but his one comment was spot on not to say, other ones were not. The fact that we are putting a scarlet letter on short-term rentals by having these fines that only apply to short-term rentals does not make sense to me because I guarantee you, I have not asked Mr. Kemp, but I guarantee you, we have a lot more problems in this city with code compliance with long-term rentals. Okay. No doubt about it. So, the fines should not just apply to short-term rentals they should apply to any property that is rented. This short-term rentals are not anywhere close to the problem of compliance as long-term rental or the yearly rental. That is even completely not arguable. Okay, on number 19, the grandfathered or I consider they are legally nonconforming. I will just simply say that everything else that deals with legal nonconformance pretty certain goes to the Zoning Administrator, the Board of Zoning appeals to court. I am not really sure why the Planning Director is the one making the decisions on these on the 2600, short-term rentals that are grandfathered or legally nonconforming. It seems a little bit odd to me, but anyway. And what constitutes abandonment, there is a lot of different tentacles to what constitutes abandonment as well. And, there is legal precedent on that issue when it comes to nonconforming use and the abatement of nonconforming use. And, I think that is why it belongs in the Zoning Administrator BZA, quasi-judicial BZA, and court. As for the changes to the ordinance the findings, characteristics of the neighborhood Mr. Grockmal it is a false narrative that he put out there, because what is residential short-term rentals are residential, long-term rentals are residential, and short-term is less than 30 days under your ordinance, and owner occupied it they are all residential. Maybe, there is a distinction between owner occupied single family and rental, whether it is short-term or long-term, I would submit that short-term, the vast majority of cases is a better situation when it comes to the upkeep maintenance etc. of the property than long-term, especially in areas like Old Beach, which have needed for decades redevelopment. So, characteristics of a neighborhood or portion of neighborhood like Baltic East which is probably 75% rental and has been forever. What is the characteristic, it is not single family owner occupied, which I would submit probably is close to the majority it may well be the majority on those areas West of Baltic and Old Beach. The idea that Old Beach should be dealt with differently than Lakewood or Sea Pines, or maybe even Shadow Lawn, the Shadow Lawn is different. I do not understand why we are doing this part of the Oceanfront Resort and not Lakewood to the South and Sea Pines to the North of 31st Street. But anyway, and I said this at the workshop under number four, this needed as

a comp plan term, it should not say needed. We should not be in the business other than a comp plan of suggesting what we need or we want. It should be compatible resource, not a needed resource, although it is needed in Old Beach for the portions that we have talked about and it is also needed on 21st and 22nd Street as I have said previously, Norfolk Avenue other main thoroughfares. Arctic and Baltic, no matter what you say, it does see on a nice job with trying to calm the traffic, but that North-South corridor of Arctic and Baltic, there are going to always be heavily trafficked. And, it is different than once you get West of Baltic ran into Barbara Yates, I was going to relate this at the workshop and did not have time. At the vet about month and a half ago and Mr. Bishard and Mr. Edel have been involved with Old Beach from a legal standpoint, but Staff and Karen Lasily, etc. has been a great process over the years, and the first thing Barbara said is, can you believe how great Old Beach is looking. I cannot believe that Arctic Avenue looks as good as it does. And, Barbara has done even that and I said Barbara, yet it has been fantastic. You do realize that short-term rentals has been a big part of that Arctic, because Arctic and Baltic just like 21st and 22nd always been a thorn in the city side in terms of how do we get that to redevelop and putting more density, was the old way and it turns out we can do it with less density, because of short-term rentals and she said you know I do not like short-term rentals but I got to say Arctic Avenue is looking extremely good and I did not think I lived to see that happen. So, this idea that the Chairperson said this morning that Old Beach has been hit hard by short-term rentals, I am not seeing that whatsoever. And, we are seeing a reduction in the number of units on a lot of these, and with the occupancy restrictions that apply to short-term rentals that do not apply to people renting for more than 30 days in the same neighborhood. And, that is in here too, some of the languages a little questionable I think some time needs to be spent on working on it, but we are not at all opposed to the fines and really not particularly opposed to the stuff in 19 although, again I do not think it is as good as it should be. On the Old Beach part, it looks to me like it is a solution in search of a problem. There are 2600 short-term rentals that are grandfathered legally non-conforming. There have been 196 applications filed for short-term rental CUPs since the ordinance went into effect. That is 7.5% of the ones that already exist. The short-term rentals that have been approved by council 62, that is 3% of the short-term rentals that already exist. Our statistics that I have that were presented to RAC and some of the people by the city, so, there has been 63 short-term rental applications in the OR District. There is no OR District in Old Beach I do not know where those have been

because I have not seen them. And, as I have said previously, why short-term rentals CUP is needed in the OR District is beyond me it does not make any sense at all. It is not a "neighborhood" as everybody uses that term. So, it does not make a lot of sense, but most importantly there are only 28 short-term rental applications, 1% of those that exist that have been submitted and I believe acted upon or in the process of being acted upon in all of Old Beach 28. That is my point of a solution in search of a problem. That is 1% of the existing short-term rentals and then Old Beach is just a small subset, as I said earlier, of the Oceanfront Area and I do not know why it is being dealt with separately from Lakewood, Sea Pines, or potentially Shadow Lawn. Also, city statistics show there are other short-term rentals in the city, there are 29% in the Beach District, 29%. Now, Princess Anne has the largest cause of Sandbridge, but that is still not an overwhelming percentage. Old Beach is finally experiencing at a more rapid pace, a long overdue and long encouraged by the city redevelopment. It is an organic redevelopment, city has helped, but it is mainly the investments that are being made by not just the folks that are here but there are others as well, Ken Hunt comes to mind. Do in large part to short-term rentals and many with an accompanying reduction in density, and certainly a better control over who is there and what they are doing, what they are spending. They are going to spend more money at the resort, because they are here for a vacation. And, you or I would come down and stay on Baltic or Arctic or 21st or 22nd street or Norfolk Avenue for four or five days or a week, but somebody might not really want to live on those heavily traffic streets 365. It is different from back in the area where there is not a lot of traffic. And, as a Commission has a city we should be a little bit more thorough in how we try to, we do not want to kill the golden goose and that is what this really is in some parts of the city, not necessarily in Croatan, not necessarily at the North End, but here in these areas that have been blighted in for years needed redevelopment. It is a great asset and truly same is true for Lakewood, and the other areas there, we should not be putting a scarlet letter on something that there is no evidence is a big problem. Lastly, the idea of by right owner occupied makes no sense to me. Okay, they just want to use from it too because what if you have some people it is great, I have one in Croatan and I would not get all details but bottom line, a lady with a baby by a new husband, a 13-year-old daughter they were renting out rooms in their house a year, this was going back four or five years ago. I had everybody in my block, what can we do this is crazy. Why would they let people move in the house for a weekend with their infant and a 13-year-old daughter. So, owner occupied short-term rentals can be great, do not

get me wrong, but it is not a panacea. It should be governed by use permit as well.

Ms. Oliver: Thank you.

Mr. Bourdon: Thank you. Do I have to answer any question?

Ms. Oliver: No, I think. Thank you, though. We will be back.

Mr. Landfair: Madam Chair, the last registered speaker on this item is Samuel Jones.

Ms. Oliver: Thank you.

Mr. Jones: Good afternoon. I hope you guys can hear me. I appreciate the opportunity to speak. I guess, I was 22 years old I left Virginia Beach and it is been six years of my life commercially fishing in the North and South Pacific. I started a family in 98, and bought a triplex on 27th Street that same year, since then I have moved to the 500 Block of 26th Street. So, I have been living in Old Beach now for 22 years. I am late to this party, but I spent last night watching the July 8, meeting with the Planning Commission. I am a small business owner. By day I wear toolbelt. So, in reality, the properties I own in Old Beach are my retirement. One of the concerns I am addressing you guys, I guess it would be agenda 20. In the future, my triplex is rented yearly at the moment and has been since 2001. At some point, I may want to look at doing short-term rentals. These gentlemen to my right and in the back, they are obviously having success. The Old Beach Overlay has made my neighborhood better. Some may say I live in a blighted home I live in a little three bedroom and one bath that was built back in 54. I am not ripping it down, I like my backyard. And, I am going to continue to update it. In the past year, my wife came down with breast cancer and through this whole transition our dream is possibly to rent our home and maybe go to France for a couple weeks in the summertime. But what I see if you really want to look at Old Beach and look at really who owns the properties and the number of short-term rentals, the number of annual rentals I think a lot of the tax records show that a lot of LLCs, own a lot of properties. I would vary to say that the permanent homeowners are in the minority and it is a very cool little neighborhood. I play tennis on 26th Street a couple times a week, I surf out front. But, with that said, I have for short-term rentals between on Mediterranean right. In the 600 block and the families that do rent those home walk by past my house every day going to the beach and it is kind of nice seeing people go walk and go to the beach. This morning I stopped a couple and presently painting and redoing the hardwood floors and my rental on 27th and they are doing three days, they are spending \$300 a

night they are from Richmond. They are actually staying in not a very nice unit. So, we have a pretty big we got these brand new homes that Chris Edel has developed and then we still have some older stuff that is considered blighted. That may not ever go away or maybe not transition out as soon as the public wants. So, I want you guys to consider and respect the older residents and the possibility of being able to use the properties that we have invested in for future. And, there should never be a cap on the number of short-term rentals or weekly rentals, because even if it's East or West of Baltic .And, then on the agenda 20, I think that again I hope you guys taking consideration any type of future investments and in future people wanting to do short-term rentals and not alienate them if the numbers, there is too many in the neighborhood. I honestly as a resident, we are different than Shadow Lawn and we are different than North End. We are very close to the hub of the oceanfront and at the moment it looks like we are doing a good job of creating a nice neighborhood for short-term rentals, weekly rentals and even annual renters, and homeowners to live in. So, anyway, thank you.

Ms. Oliver: Thank you.

Mr. Redmond: Excuse me for a second, I did not catch your name at the beginning.

Mr. Jones: I am Samuel Jones.

Mr. Redmond: Mr. Jones, you are not late to this party, I thought your comments were very valuable and I also want to say, we wish the best for your wife and your whole family.

Mr. Jones: Yeah, thank you.

Ms. Oliver: Thank you.

Mr. Landfair: Madam Chair, at this time we would like to ask if there are any other speakers present either in the lobby, or in the chamber that would like to speak. Anyone?

Mr. Sanders: No one in the lobby.

Mr. Landfair: Okay. It would appear that there are no more known speakers.

Ms. Oliver: Okay. Well, I think we will close this now and then up our Planning Commission.

Ms. Oliver: Yeah, let us close it and then we will open up for discussion and we will move through these one at a time, and do we want to wait for Mr.Redmond to come up we want him to catch up.

Mr. Weiner: I would like comment if I could Staff anyway. I do not have problem with fines, but Mr.Bourdon bought up a good point. Why are we just picking on short-term rentals and there is a lot of other rentals out there in the city that have problems, long-term rentals. I mean I know why are preying on short-term rentals, but we thought about that about long-term rentals too.

Mr. Tajan: As my understanding that because of the turnaround on short-term rentals and that the regular zoning enforcement process of a 30-day notice, and then going to the Board of Zoning appeals for some of these issues is a bit cumbersome and by the time someone gets through that process the season is over, and they are no longer renting, so, they are in compliance. So, part of it is the ability to as allowed by state code for certain zoning violations, they can become civil penalties which is what this is going for we use this currently also. We have the ability to utilize this for signage as well, but this follows what is permitted by State Code. Now, as far as this is a subset in the zoning ordinance, there is an subset in the zoning ordinance that talks about rentals. So, this is going in based on the utilization of a property as a short-term rental.

Mr. Weiner: Follow up real quick to that, why are we including Sandbridge in this mean, I mean another part of the ordinance, but I mean why would we include Sandbridge on part of like they are in little entity down there and so forth.

Mr. Tajan: The zoning ordinance requires that anyone operating a short-term rental comply with section 241.2, which includes the portions that we deal with grandfathering and also the performance standards.

Mr. Weiner: As I was just ask the question. Okay.

Ms. Oliver: All right, so we are going to start with 18, and do we have any comments on this one.

Mr. Redmond: I echo David's comments it seems to me rather unfair. I mean I heard your explanation, I just do not know that I buy it very frankly. I do think we ought to enforce far more in the city than we do. But, it just strikes me that we have different standards, so make a difference if you are violating the law in some way, whether a renter is there for 31 days, whether there for seven, I do not know that is particularly fair. I will say at the outset to, I mean I thought I have heard everything, but this is very educational session today,

and I listened to every single word. But, I am more discombobulated than I was when we began and I have objections based on what I have heard to everything Ms. Atkinson I was perfectly okay with the grandfathering until Ms. Atkinson. What is wrong with the lander does not it, I never thought about that. So, if you decide you feel like living in your own house instead of renting it for a couple of years, you cannot go back to renting again I do not know how that makes any sense, any case. So, I got a whole bunch of objections that I am not going to support anything today, because I think Mr. Weiner I hope anyway if I have read them correctly sure it is my view, but there is way more going on here than we can make up on the fly.

Ms. Oliver: I am going to interrupt you and I am going to let the attorney speak for one second. It can happen all the time.

Mr. Redmond: I get it all day long.

Ms. Oliver: Its okay.

Ms. Wilson: I understand about civil penalties. Right now if you have a zoning violation, which is what these are, when you violate the zoning ordinance you are charged with an unspecified misdemeanor, it is a misdemeanor when they say have you ever been charged with a crime, you have to put down, yes, because it is a misdemeanor. Now for zoning you cannot go to jail, that is why it is an unclassified or an unspecified misdemeanor. But, it is a fine up to \$2500. \$2,000?

Ms. Wilson: \$2500. Anyway, so we feel that a bigger penalty on someone, than someone going through the system and having a civil penalty. They still have due process. We send you what looks like a summons, it just says the violation is this, the penalty is this, the \$200. If you want to pay it, you go down to the treasurer's office and you pay it. And, it goes into Planning's budget under short-term rentals under civil penalties. If we did not do this then people would have to go through the regular process, which could potentially give them a misdemeanor. Now, we do not want to give them a misdemeanor on their record forever for some of this stuff. We felt it was a way to make it easier on people who have violations. Because a lot of the things are not earth shattering, but there are other things that also have civil penalties in the zoning ordinance, SANS are civil penalties. There is a philosophical issue.

Mr. Redmond: We do not enforce the sign thing just so you know, we talked about that earlier.

Ms. Wilson: Yes, they are. There is a philosophical debate between which is better, civil penalties to get people to do things or criminal penalties, and it is philosophical more than it is concrete. We have looked at going to civil penalties for everything, but many people feel that criminal penalties are things that require people to more readily bring their property into compliance. If they have variance requirements, so they have setback issues and they have other things. So, that is why we went to civil penalties, because it was justifying. Now it is only \$200, if you have a regular fine from a criminal violation it could be up to, I think it is \$2000. But, that is why it was done, it is not something that is brand new or never been thought of and you still get due process. As if we decide, hey I am not paying that \$200, I am just not paying, come on over to court. Tori will be there and she will prosecute you just like it was a criminal violation, except her standards, the standard for proving it is lower for the City.

Ms. Oliver: Okay.

Mr. Redmond: I thank you for that, I still share David's view, I just do not know that is consistent, so, I have a different view of it. So, anyway, thank you.

Ms. Oliver: Yes,

Mr. Graham: I agree with Mr. Redmond, I thought it was great to hear from these speakers. Full disclosure Mr. Jones back there I went to high school with him. And, he grew up in Virginia Beach he went first colonial High School, as I did. And, I am sure that he is surprised it how revitalized that area is today compared to what it was back in the 80s, it is very different. And, hearing the speakers, I mean, they have taken places and you look at these pictures, they took places that were eight units and converted them into two houses, the before and after pictures. I mean, this is short-term rentals have been the economic engine of that area they have to completely transform that area. I am torn with short-term rentals in other areas like your traditional neighborhood, but here close to the beach I am not I think that what has happened over there is great. And, I agree with Mr. Redmond. I do not know that there is anything in here you can support today, I think this thing is being rushed through I think that more thought needs to be given to it.

Ms. Oliver: All right. No disrespect, but we are going to do 18, because I just do not want.

Mr. Weiner: We got to do 18 first.

Ms. Oliver: We got to do 18, we got to do them separately.

Mr. Graham: Okay.

Ms. Oliver: And, so that we can focus specifically, kind of where we are and what we are addressing. Robin.

Ms. Klein: I understand the argument for 18. However, since it is currently a criminal penalty, which I disagree with, I do intend to support the transition to a civil penalty, at least in the interim.

Ms. Oliver: Okay. Perfect, right. Yes, Don.

Mr. Horsley: The whole thing was civil criminal penalty it did not make much difference to me, other than the fact that the enforcement is the whole thing. And, I cannot see that changing this penalty is going to make anything, I do not know where the enforcement is going to come from. I just do not think we have to staff or whatever to enforce it regardless of what it is. I mean, the civil penalty versus criminal penalty, I mean it is minor penalties is as that is fine with me I do not mind that, but what is the people that have put this issue up what method of enforcement have they come up with to help enforce with any type of penalty. Because, we do not have the staff now in order to do it now evidently.

Mr. Tajan: Mr. Horsley, you are correct currently right now we are working as best we can with what we have and we do have three additional positions that have been kicked free from the hiring freeze to allow us to focus on this as well as our contract with host compliance. So, Mr. Kemp and I was in a meeting with the City Manager discussing other ways to add to our enforcement capability, whether it be a third party or to figure out a way to fund the ability to have someone to be out there on the weekends to go and enforce these requirements. So, it is not something idle, we were not just tossing the words out. We are also working as far as staffing and finding other solutions that are available to us to do the enforcement.

Mr. Horsley: I mean, I see this with other things not just short-term rentals enforcement or other thing. People complaining to me all the time about various things and said why did not the city take care of this and I said, well, I guess we just do not have the people to enforce the code. So, regardless of what penalties we put up there, I think that is something that somebody on Council or somewhere has got to come up with a way to provide more enforcement to use those.

Ms. Oliver: Well. Yes, Mike.

Mr. Inman: I certainly think civil penalties makes more sense than the criminal penalty on this kind of thing and I think we can support that.

Ms. Oliver: Right.

Mr. Inman: I would support that.

Ms. Oliver: Alright. So,do I have a motion for 18?

Mr. Inman: I will move approval of 18.

Ms. Wilson: I will second.

Ms. Oliver: Great. Marchelle will you call for the question please.

Ms. Coleman: Sure.If you are in favor of the motion say, yes and if you are opposed say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of seven for and one against Agenda Item 18 is hereby recommended for approval by the Planning Commission.

Ms. Oliver: Great. Alright. That went smoothly. Alright, so now we are going to talk about number 19, revocation of grandfathering status and City Council funding regarding to short-term rentals.

Mr. Weiner: I will start this one. I am completely done with this one, after listening to everybody out there, I really appreciate the input it was really good information. I would make a motion to strike item two completely required findings and the minimum I would support on grandfather would be 60 months.

Mr. Redmond: How many months?

Mr. Weiner: 60 months.

Mr. Wiener: Five years, 60 months. Okay. I mean that would be the minimum I would support for grandfathering.

Ms. Oliver: Alright, hold on.

Mr. Wiener: That is just me.

Mr. Redmond: I agree with that.

Ms. Oliver: So, you want five years.

Mr. Wiener: Five years for grandfathering and completely strike item two required findings.

Ms. Oliver: Item two, as in numeral two or the whole segment.

Mr. Wiener: It says item two. The whole paragraph.

Mr. Tajan: The required findings.

Mr. Wiener: Yeah. Items 1, 2, 3, and 4.

Ms. Oliver: You want all of those gone.

Mr. Wiener: Yes.

Ms. Oliver: Okay.

Mr. Wiener: That is just me.

Ms. Oliver: That is just you.

Mr. Redmond: No, it is me too.

Ms. Oliver: Oh, okay. My goodness. So, you do not want aesthetically pleasing parking. I am just asking, because you can pick and choose. You do not have to be blanket.

Mr. Wiener: I understand, this is just my opinion thought through.

Ms. Oliver: I am just sort of soliciting.

Mr. Wiener: It is just not thought through, it needs to be. We need to sit down and think about what is going on here.

Ms. Oliver: Because they do not have any problem with aesthetically pleasing parking. I think that is a good thing.

Mr. Wiener: Well, that is fine if you want to fix it.

Mr. Redmond: Vote against it.

Mr. Wiener: If you want to keep it item two.

Ms. Oliver: That seems to be the crutch of our problems here is parking because that is the only thing we have, and so we are debating on whether or not, gravel, eight feet of this, does not look like that, what is the apron look like. So, if we are hanging our hats on parking, we might as well make it look good. Yes.

Mr. Redmond: I agree with that.

Ms. Oliver: Thank you.

Mr. Redmond: However, be that as I have said before I share Dave's view, and an awful lot of this is just not very well thought through and requires greater consideration, factually though and substantively I do not like the idea that if you choose to live in a house for two years that you were previously renting then you lose the ability to then rent it again because you choose to live in your own house. It just does not seem to me to make a lot of sense, so, I am not going to support it. If you want to make a motion, I consider what you said an improvement, and I will be happy to support your motion. In the end, however, I am going to oppose the entire concept of it because I do not think that's fair to property owners.

Ms. Oliver: Yes, Robin.

Ms. Klein: If I get granted conditional use permit for my home now. I am not applying. And, then I decide to live in it and I am not grandfathered or legally nonconforming what happens to that permit.

Ms. Oliver: I do not think anything happens. Yes, okay.

Mr. Redmond: First I love how you keep direct these questions with Dee and I would encourage you to keep to it, I'm rather enjoying that.

Ms. Wilson: You got a CUP right.

Ms. Klein: Yes.

Ms. Wilson: Okay, your CUP is good for five years and then it will just simply disappear unless you come and renew it.

Ms. Klein: Okay. So, I think that is very well in lined with your five year suggestion. Yeah.

Mr. Horsley: But, you does not have CUP, if you do something, if you have some type of a vested right in it within that five years, does not that make it stay. You do not have to have it completed in five years.

Ms. Wilson: No. If your CUP is specifically conditioned on, it only lasting five years, so there is no vested right argument, you knew you had it for five years that is all.

Mr. Tajan: So, Mr. Horsley said that, in this case a conditional use permit is Ms.Klein is referring to has a very specific condition stating that it lasts for five years. If you are talking about other conditional use permits, yes, the discussion is a different, but it is laid out in the ordinance that way.

Ms. Klein: If it is vacant for five years you essentially lost your right for grandfathering property, and would been under your suggestion.

Mr. Redmond: Under Mr. Weiner's suggestion.

Ms. Klein: Right under Mr.Wiener's suggestion.

Ms. Wilson: Under Mr.Wiener's suggestion, just take the two and make it a five.

Ms.Klein: And make it a five, which would be the regular length of time for a conditional use permit.

Mr. Inman: I actually support all of this. There is going to be subjectivity, there has to be subjectivity you cannot, as Kay explained early on in our informal session

you cannot objectify every single thing, there is judgment calls to be made by us recalled on to make judgments about density, and whether there is too much density of short-term rentals. So, that it destroys the neighborhood concept that neighborhood feel, the benefit of living in a non transient neighborhood. So, that is what that is about. That is what two of those items and number two are about. We have been concerned for many months now about, we have seen, I think a higher volume of applications than we ever really expected around the city, and we all of a sudden we are like, whoa, wait a minute what is this going to do to these neighborhoods. Everybody is thinking about today, Old Beach, I am talking about all of the things we have been concerned about, some parts of the Shore Drive neighborhood. So, I am not offended by any of these criteria that I think they are good that we have to make those findings in order to protect the neighborhoods. So, that is what I wanted to know. I am alright with it.

Ms. Oliver: I mean these are all the things when you look at them individually and then the grandfather with separate from. These are all the same conversations that we have every time we look at them, how many, where is the map, we turn to Planning Staff and go where is your map, how many are there, what is the street look like, what is the parking lot like. Well, the guy just paved his whole driveway I mean his whole front yards. So, that is not aesthetically pleasing. Somebody wants to gravel or put dirt in there, they are bumping over curbs and stuff, all that is doing is saying, hey look if you can meet your parking requirement or we can help you meet your parking requirement, can we do it aesthetically pleasing. How is the landscaping look. The occupancy is basically, does it does it meet the requirements of what everybody else is doing on the street, you have 50 people in your house or do you have 11 people in your house that is reasonable to be in their bedrooms and what is wrong with number four, STRs are needed. I am just curious resource in certain areas of the city, particularly those in close proximity to venues and part of that was because we do not have, Old Beach is three blocks from our resort. We got thousands of hotel rooms right there. So, it is not as if people are landing in 27th Street and they cannot find a room. That is not the problem, that statement if I recall correctly part of that was due to the fact that the Amphitheatre and the sports complex where we do not have hotels, was so, that then we could look at that area and say yeah In fact, they do need STRs there, because these families are bringing all these kids into play these sports and stuff and we do not have any place for them to stay and the resort hotels are too far for them to go.

Mr. Weiner: Okay. I understand, but I am going to break it down two and three I could probably live with, but one I definitely could not. Who would say that the way I think characteristics change in the neighborhood is different than yours, as Mr. Redmond brought up earlier. Two houses on they are different in what I think for a characteristics surrounding neighborhood. And, I know I am keep bringing this up, but I think just because there is hotels there it does not mean people want to stay in hotel, I do not want to stay in hotel, anywhere I go I would rather stay in a house and that is just my opinion of course. So, the proximity of the venues and districts in the areas generate high volume. I mean, that is perfect for Old Beach in my opinion. So, I can live with two and three rather, how is that.

Mr. Redmond: I would make the following argument characteristics of the surrounding neighborhood. If there was a neighborhood with a preponderance of short-term rentals, I would argue that is a characteristic of the neighborhood. If you look at some of these neighborhoods and say they have got all these dots on the map, look how many short-term rentals on there. Is that not fundamentally a characteristics of the neighborhood. If I am one of these builders and I come up with an application and my application is denied, on the basis that it changes the characteristic of the neighborhood where there is already a preponderance of short-term rentals. I am going to sue. I mean that is just strikes me as oxymoronic and really needs a lot more work. It just kind of made up and it does not, again I am not going to support this grandfather thing because I think it is unfair to people who own things. But, that to me is probably the most offensive of the things that I find here, I completely agree with you Dee about the attractiveness of things, it is statics to stuff to me, it makes a gigantic difference. In fact, I think we have to look much more carefully at parking not just at the attractiveness of it, but how are we getting into. My problem with this 9x18 thing is requiring far larger parking and more impervious cover than we ought to and I think there is such a much deeper, more complicated conversation than we have because I do not want all this. I mean, you know much better than I would have all this more impervious stuff. And, frankly people move their cars to let the other car out all the time, not everything needs a big wide turning radius of a Chevy tile. So, in any event, I just number one to me is, is a nonstarter. It is not ready for primetime, it is easily argued in my view that in a lot of these places where there is already a preponderance of short-term rentals, but that is a characteristic of the neighborhood. So, I am not exactly sure how you even on a subjective basis that that makes sense. Anyway, I am sorry, go ahead.

Mr. Inman: Then number one would be okay with you because you get to make that argument saying, if you are not changing the nature of the neighborhood, so, it is okay.

Mr. Redmond: But, that is my point is, it does not have any real meaning, if everybody can see it 18 different ways and it is not really a law.

Ms. Oliver: I think that is the whole purpose of it.

Mr. Redmond: So, it is not to have meaning.

Ms. Oliver: No, I do not think the lack of, I am not saying new as it specifically I think.

Mr. Redmond: Well that is okay.

Ms. Oliver: Some people are looking for specific black and white laws regarding this and I think it is subjective to where we are and what the area looks like. Do I think that a lot of the development in Old Beach is a plus to that area, absolutely I think that it is absolutely gorgeous to go down there after growing up and down on the oceanfront and see that these places are pushed to the street that we actually have sidewalks for once, we never had sidewalks. The walkability, the balconies, the parking in the back it is all a huge plus for that. Again, it's objective to them all of a sudden we have another area that has some not so well run Airbnb's that are not properly managed by a property management or that a company that is readily available to troubleshoot areas, that is causing problems that allows us to go in and say, you know, this is ruining the character of this particular area, this particular neighborhood. This is an enhancement to this particular area, this particular neighborhood.

Mr. Inman: I will give an example like Arizona Bay, very dense, there probably are not any short-term rentals in there. But, do you want to allow a bunch of short-term rentals in there, they are not used to having short-term rentals, they probably do not want short-term rentals. So, there is certainly a right to have some, but it could become such that it is now changing the nature of that neighborhood, the nature of that neighborhood is not short-term rental. So, this allows that kind of analysis.

Mr. Redmond: I understand that, my view is laws ought to have meaning or they are bad laws, this does not have enough meaning to me. If you can interpret it 18 different ways, I do not know how you can follow it. They have to be more specific and in this case, it seems me entirely just like we had to do it the first time entirely rushed and that is how you end up with a mess. And,

we had one before we still have it largely it is that rush part, but coming up with phrases like change the characteristics of the surrounding neighborhood that do not really have any great definition to me. It is just asking for trouble.

Ms. Oliver: I am just throwing this out there, because I am just trying to.

Mr. Redmond: This is a great discussion now by the way.

Ms. Oliver: I just want to figure this out. Let us just say, we head down to Princess Anne out to the rural area. All of a sudden, we have got venues that want to go in and do all this and everybody is like, no, because that changes the character and the fabric of that particular area of what it is technically designed to be. So, the zoning is AG, this is what we want this, this part of our city to respond and act like. Now, we go into a residential area, which people go in and buy a house and I am just playing devil's applicant.

Mr. Redmond: Yeah.

Ms. Oliver: We go into a residential area, people move here, the military moves here, women are looking for schools, they are looking for a neighborhood, they go okay, here it is. This is where we are going to go for the next two or three years. We are going to buy a house this, that or the other. And, then all of a sudden they find, well, it is not a residential area, we have got a commercial use in a residential area that typically would not be. And, I am not talking about what is within three or four blocks of the Oceanfront, I am just talking about further into the city, further back. How does that perform, we do we then just kind of say, we can go down to the farms and we can do well, because that does not change.

Mr. Redmond: Well, let me answer it, and that is, it is far more specific than this is, take his example about the wedding venue that we have been through and we are going to see again of course. And, the ordinance as I understand we have not seen it yet, but the ordinance is being drafted as, assembly uses are not permissible in the AG District, is that correct?

Mr. Horsley: It is being negotiated now.

Mr. Redmond: Okay, but so, let me use as an example, that is pretty easy to understand. That is pretty easy to point to, it is not as broad, and is meaningless as change the characteristics of the surrounding neighborhood. I know what an assembly use as, I know what AG-1 is, I can point to that and tell you whether it is or is not, an assembly use. I mean, I

understand your example, but you kind of are helping me make that argument which is that is much more specific, I understand what he is saying, I understand what the applicant who's proposing that particular application. And, it is pretty clear and you can just make a decision because it has meaning, this does not have any meaning to me because it is just so unspecific. I do not like that we are messing with people's property rights in this grandfather thing, but that whole phrase changing the characteristics, it is just not there, it is just not good enough for me. So, I mean we are just going to disagree on this, I understand. But, I do not know that it has, it just does not.

Ms. Oliver: only reason I'm asking is because at one point we are going to have to be more specific, and so, why we were just on the roll I just basically. So, you had Mr. Grothmal who said, well then, let us do it by a math problem. You measure each street and two thirds of its residential and I am just throwing it out and one third of it is STRs. And then, therefore now you have a math problem, now you have law or something that appears to be more cut and dry.

Mr. Horsley: You got a box you can check, when you figure it out that percentage you got a box you check and when you get all your boxes checked you can go with. But, but this is not that direct.

Ms. Oliver: Right.

Mr. Horsley: It is a lot of subjectivity to those four comments there.

Mr. Redmond: It is altogether too much objectivity.

Mr. Horsley: And, really what it boils down to is can you take those four things and get six votes that is what it amounts to and then put all aside. So, it is a lot of subjectivity. I kind of agree with what David said about the two years, I would not mind go into the five years on that deal. But, the other ones is a lot of subjectivity because it gives you a lot of points that you can discuss like we are doing right now. But, do you want to have a three hour discussion on each one to see if you can muster up enough support to get it either passed or not passed, you know, what it means to. And, I am going to say one thing about it to talk to you here today, I got to move out of it people that spoke today than any short-term rental briefing that I have been through by the people. There is a lot taking place and we are kind of predicted that this was going to happen, when we first started, but we were thinking in going into other established neighborhoods not able to thinking about the beach or whatever but we were thinking that blighted homes would be purchased

and people would take them and either remodel them or build a new home there and do short-term rentals in as a business. And, that is what is happening at the beach now that is what is happening and not necessarily blighted, but older properties. And, it is really enhanced that area where it looks like to me from the pictures I have seen today and I got to think of a couple you all said somebody and I really agree that today's comments and what we have heard has been the best that I have heard. Maybe, our ordinance is not too far out of line maybe, we are getting something accomplished of what we have got now, other than a few little tweaks that have bothered me badly.

Mr. Redmond: I agree with you, I think the comments today were outstanding.

Mr. Weiner: You know what that bowls down to, is having the ordinance in place for a little while. And, we are rushing to try and figure this out, we need to let it go a little bit longer, maybe we need to let this go till November, let December finish. And, then let us work on it over the winter, for next year. I mean, we have not had this go long enough, we do not know what is happening there.

Mr. Horsley: The one thing I think that we did not anticipate was the number, the volume of applications that was coming, I do not think that was anticipated with that volume.

Mr. Alcaraz: Do we have the option of differing it, Ms. Wilson.

Ms. Wilson: It has to be returned to City Council within 100 days. So, you can differ it for the next 30 days to your September meeting, if you wish to.

Mr. Weiner: If we differ, okay, this is me okay. We are going to be together for the next four weeks every Tuesday night for next four weeks, we have no time to think about this.

Mr. Alcaraz: Im just going to say that I was supporting number 19, with number two with all the findings and comments, but I do like your 60 mark, so, I do not know if I can do a substitute motion or an amendment to your motion, but I would prefer to leave the motion.

Mr. Weiner: I thought you did.

Mr. Alcaraz: I said, I would make a motion, but did not.

Mr. Weiner: Oh, I am sorry.

Ms. Oliver: I did not hear you, what you said. You liked.

Mr. Alcaraz: I like the whole thing ,but actually if he wants to say 60 months, I am good with that.

Ms. Oliver: I am good with that too. I mean, I will do that.

Mr. Redmond: Do we take out one and four.

Ms. Oliver: I am going to leave one and four.

Mr. Alcaraz: I am leaving them.

Mr. Weiner: Hey anyhow put me on the spot.

Mr. Graham: I agree with two of two and three of two, but I do not agree with one. One it is poorly written it is very subjective. It sounds like to me that a lot of Old Beach the characteristic of it is short-term rentals and rental properties. Number four is just to me, I do not think it was written very well, I do not think it was well thought out. But, I would support Mr.Wiener's idea of the five years for number one for the grandfathering, and then on number two and three, but not number one and four.

Ms. Oliver: I think it is George put the motion on for five years and then adding all the rest.

Mr. Weiner: But, we can sit and look at number one and we can say, oh, Old Beach does have the characteristics of short-term rentals, so we should approve all of them.

Mr. Graham: Well, problem is that, I agree but then somebody else could interpret maybe differently and it is just poorly written.

Mr. Weiner: It is not right.

Ms. Oliver: We do it right now. Mr. Redmond made a motion in Bayside due to the density there I think it was a short-term one. There was a lot of density, it was on Shore Drive something. One of them we did not do because of the amount of.

Mr. Redmond: I will tell you exactly what it was, I will characterize it rather than you character. There was a cluster of four homes, of those four homes one was a short-term rental. Someone wanted to do another short-term rentals, so, that two of the four would be short-term rentals that is 50% in a four cluster of homes, and one of the owners who did not own a short-term rental had particular problems with one that was there. My concern at the time was that is probably going to exacerbate that, and that is gone from 25% to 50%

where 25% was a problem. That to me is a lot more definable than change the characteristics of the surrounding neighborhood. And, I could easily quantify that and did in the course of that application. It is not going to change my view I mean, I just do not think this is right. I only tell you what I am going to do because we got 19 different options here. I do not like anything in number two, I do not like the grandfathering at all. I think what David has proposed is an improvement.

Mr. Alcaraz: We have a motion on it.

Mr. Redmond: I would support David's and I am not going to support the other one.

Ms. Oliver: Right now we have got a motion on the floor.

Mr. Redmond: David did you make a motion.

Mr. Weiner: No I do not.

Mr. Redmond: You did not make a motion.

Mr. Alcaraz: I made a motion that number nine, or agenda number 18 be approved but the change of 60 months and as far as the findings, amendment that they all stick. I like it because I think it puts more work on the builders, the applicants to do what they can to make this work for them, so, we can prove it. That is why I like it.

Ms. Oliver: Do I have the second.

Mr. Graham: I second it.

Ms. Oliver: Okay. We are going to call. question, please.

Ms. Coleman: If you are favor of the motion say, yes, and if you are appose say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: No.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: No.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: No.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: I recorded vote of four for and four against Agenda Item 19 is hereby being denied.

Mr. Weiner: The motion is failed. Can I make a motion to pass.

Ms. Oliver: Hold on.

Mr. Weiner: Well, it'll be four for again probably. I would make a motion for item number 19, I do not want to be five years, and for item number two record findings to strike one and four and keep two and three.

Mr. Graham: I second that motion.

Ms. Oliver: Then call for the question Marchelle.

Ms. Coleman: Sure, give me one second.

Ms. Oliver: Sure.

Ms. Coleman: Okay. If you are in favor of this motion say, yes. If you oppose say, no. Mr. Alcaraz.

Mr. Alcaraz: No.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: No.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: No.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: No.

Ms. Coleman: I recorded vote of four, four and four against Agenda Item 19 is hereby denied by the Planning Commission.

Mr. Weiner: So, this gives the council for 24?

Ms. Coleman: Failed, Correct.

Mr. Tajan: We did not do anything it goes recommended. So, as it stands it goes recommended for denial by the Planning Commission.

Ms. Oliver: Okay, where are we. We are on number 20, which is to allow certain short-term rentals as permitted use in the Old Beach Overlay District. Do I have anybody that has anything, comments or motion.

Mr. Alcaraz: I am just glad we got an updated map and with the comments that we got from I guess some of these developers or builders I appreciate what they said and I have also appreciated what they have done from what it looked like then and what it looks like now. Having said that, me understand this OR is not in Old Beach?

Mr. Tajan: it is not on an Old Beach, that is correct.

Mr. Alcaraz: I was not aware of this, but everything as some of the builders said East of Baltic has got that apartment or rental zoning. And, they are actually some of them are offering to take that as the overlay. And, then maybe everything west of that would be a use permit. So, I kind of support that, it kind of says it right on the map.

Ms. Oliver: Yes, Mike.

Mr. Inman: I support what George said mostly, but it would be if you are West of Baltic if it is zoned a multifamily that would not require principal use. So, that would be available without having principal, in a principal residence zoned A-12 or is it any other A zoning West of Baltic.

Mr. Redmond: Can I ask an operational questions here.

Ms. Oliver: Yes, absolutely.

Mr. Redmond: STRs is a principal residents and owned by the operator, how in practice does that work. It is my principal residents, that means I lived there.

Ms. Wilson: More than half the year.

Mr. Redmond: More than half year, so, like these family I am going to kick my family out and I continue to chuckle about by the way. I am going to move out whatever four months or five months or six months and then rent it but I am going to go back for part of the rest of the year.

Mr. Weiner: What was it redefine that the line, which you are talking about.

Mr. Inman: Okay, Baltic Avenue is a primary line, East Baltic Avenue would not have to be a principle residence if it is West of Baltic Avenue and it is zoned for multifamily use would not require a principal residence.

Mr. Tajan: So, based on what you are saying Mr. Inman it may be easier to just say in the Old Beach Overlay, are you trying to say that they can apply for conditional use permit still or you are trying to say that they you think still can apply. So, then it would be more uniform to say in the Old Beach Overlay anything zoned multifamily can still apply for a conditional use permit while everything else is zoned because you are talking about the apartment zonings, correct.

Mr. Inman: Yes.

Mr. Tajan: Okay. So, while everything else has to meet this criteria, that makes it very difficult for us. Because, based on the Overlay District you are permitted to have single family zoning or single family uses on the multifamily properties, which is why they are getting redeveloped in that fashion. So, I think we are having a bit of a hard time trying to understand kind of the change unless you want to make the bright line on Baltic only and not anything else.

Mr. Inman: That is fine.

Ms. Wilson: So, anything West of Baltic would have to have those requirements and East of Baltic support which it is.

Mr. Alcaraz: By right.

Ms. Wilson: Make it by right.Okay.

Mr. Weiner: By right the conditional use permit.

Ms. Wilson: By right with the provisions of 241.2.

Mr. Weiner: Yeah,that would be the ordinance like Sandbridge.

Ms. Wilson: Okay. So, East of Baltic would be by right.

Mr. Graham: And, that means the Westside not to get into the nitty-gritty, but I think we say that the Westside of Baltic and this side East.

Mr. Alcaraz: One of the speakers, made it. I caught that too, but it would be the address of Baltic Avenue West.

Mr. Redmond: Yes, I like that. That makes it simple.

Mr. Alcaraz: That kind of fills the blank. It is not half the street west because you got property that is on the Westside of Baltic Avenue that is on Baltic Avenue address.

Ms. Wilson: Like we have run the line down the middle of the street.

Mr. Alcaraz: No, I do not.

Mr. Graham: Not that in the middle street.

Mr. Alcaraz: Would use address Baltic Avenue.

Mr. Graham: Okay. So, it would be, it would have to be the back of the property line along here that you are going to run it. I mean, you cannot run it down in the middle of the street just because what is the difference between one side of the street and the other. I mean, it is a busy street I mean I do not really.

Mr. Inman: Any property the fronts on Baltic Avenue.

Mr. Graham: That is what I agree with Mr. Inman.

Ms. Wilson: It has to be East or West.

Mr. Weiner: West, those to be West.

Ms. Wilson: Okay, I am lost. I am sorry guys I am having.

Mr. Alcaraz: Everything on Baltic Avenue East would be by right that is what I understand.

Mr. Redmond: West side of Baltic Avenue will be by right.

Mr. Graham: Westside of Baltic Avenue would be by right, correct.

Ms. Wilson: With the meeting that provisions of 241.2.

Mr. Inman: Yeah, correct.

Ms. Wilson: Okay. What did you George, do you mind repeat that. On the Eastside of Baltic, Baltic is the dividing line. Anything fronting the Baltic Avenue is going to be east. Okay.

Mr. Alcaraz: So, now we need to...

Ms. Wilson: And then the West would be that.

Mr. Alcaraz: Correct, that is correct.

Ms. Wilson: That she says that she points to the screen. Okay.

Ms. Oliver: Yeah. Just finish the overlay.

Mr. Graham: Because we already determined the 22nd Street was OR anyway.

Ms. Oliver: Is it, surrounded by OR anyway.

Ms. Wilson: Okay.

Ms. Oliver: Alright. Yes, ma'am.

Ms. Klein: Are we keeping the provision about the multifamily homes that are West or East or was that.

Ms. Wilson: No.

Ms. Klein: That is up, okay.

Mr. Inman: Do we have motion.

Ms. Oliver: Can we make a motion.

Mr. Inman: George.

Mr. Alcaraz: I am sorry, if I am sounding confused. So, we are not going North or South, we are just staying at Old Beach, I thought we.

Ms. Oliver: No, because those two streets that you probably referring to are not in Old Beach, 21st and 22nd Street are not in Old Beach, that is OR.

Mr. Alcaraz: Thank you.

Ms. Oliver: So, you just looking at the rest of the overlay, which is basically encompasses everything. I think I actually have a map for George, hold on.

Mr. Alcaraz: Alright, I was saying that everything. How we ended up saying for Baltic, fronting on Baltic East.

Ms. Wilson: If you're fronting on Baltic you are considered to be East, you are considered to be part of the East. East is by right as long as you meet the provisions of 241.2. The west will allow us STRs by right also, but you have to meet 241.2 and it has to be your principal residence.

Mr. Alcaraz: I agree.

Ms. Oliver: This actually has the all the zoning on it. So, there it is.

Mr. Alcaraz: Somebody second it.

Ms. Oliver: Do we have a second.

Mr. Alcaraz: I will second.

Ms. Oliver: Marchelle can you call for the question.

Ms. Coleman: Did we get a second.

Mr. Alcaraz: I did.

Ms. Coleman: Okay. Thank you. Alright, if you are in favor of the motion say, yes. If you are oppose say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of eight for and zero against Agenda Item 21 is hereby approved by the Planning Commission with the changes noted.

Mr. Redmond: We all agreed on something.

Ms. Oliver: Okay. Almost there, 21, transition rules for Old Beach Overlay STR reviews. Okay. Yes, Robin.

Ms. Klein: I would like to make a motion that we approve the ordinance as written.

Mr. Inman: I second.

Ms. Oliver: Do we have a second. We have a second by Mr. Inman. Marchelle please call for the question.

Ms. Coleman: Alright, if you are in favor of this motion say, yes. If you are oppose say, no. Mr. Alcaraz.

Mr. Alcaraz: Yes.

Ms. Coleman: Mr. Graham.

Mr. Graham: Yes.

Ms. Coleman: Mr. Horsley.

Mr. Horsley: Yes.

Ms. Coleman: Mr. Inman.

Mr. Inman: Yes.

Ms. Coleman: Ms. Klein.

Ms. Klein: Yes.

Ms. Coleman: Mr. Redmond.

Mr. Redmond: Yes.

Ms. Coleman: Mr. Weiner.

Mr. Weiner: Yes.

Ms. Coleman: Ms. Oliver.

Ms. Oliver: Yes.

Ms. Coleman: By recorded vote of eight for and zero against Agenda Item 21 is hereby recommended for approval by the Planning Commission.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston				ABSENT
Graham	AYE			
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver	AYE			
Redmond	AYE			
Wall				ABSENT
Weiner	AYE			

CONDITIONS

Staff recommends approval of this Ordinance amendment. This amendment clarifies the regulations to which a property will be considered under should the Ordinance be adopted. Although staff does not anticipate this amendment impacting many properties in the que, there is currently one application located in the Old Beach Overlay on the August and September Planning Commission agendas, it does make clear the rules that will be followed as the new regulations are implemented in the Old Beach Overlay.