

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE
GENERAL HEARING

Tuesday, May 23, 2017

6:30 p.m.

in

Second Floor Meeting Room
344 Broadway
Cambridge, Massachusetts

H. Theodore Cohen, Chair
Catherine Preston Connolly, Vice Chair
Hugh Russell, Member
Tom Sieniewicz, Member
Mary Flynn, Member
Steven Cohen, Member
Louis J. Bacci, Jr., Member
Thacher Tiffany, Associate Member

Iram Farooq, Assistant City Manager for Community
Development

Community Development Staff:

Jeff Roberts
Swaathi Joseph

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PUBLIC HEARING

6:30 p.m. Zoning Petition by Latoyea H. Cockrill, et al., to amend the Zoning Ordinance by creating a new definition in Article 2.000 for "Short-term rental" to mean the accessory use of all or part of a residential dwelling unit by rental for temporary occupancy for dwelling, sleeping, or lodging; amending Section 4.31.1.1 of the Table of Use Regulations to permit 'Short-term rental' use in all Residential Districts; and create a new Section 11.900 - "Short-Term Rental Use" to govern this use. 7

7:00 p.m. Zoning Petition by Cambridge City Council to amend the Zoning Ordinance by creating a new Section 4.60 Short-Term Rentals to provide regulations for short-term residential rental and ensure that the use will not be a detriment to the character and livability of the surrounding residential neighborhood. This new Section 4.60 will apply to all districts where residential uses are allowed. 55

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H. THEODORE COHEN: Okay, good evening everyone. Welcome to the May 23rd meeting of the Planning Board. We will start with the update from the Community Development Department.

IRAM FAROOQ: Thank you, Mr. Chair. Tonight's meeting we have two public hearings on two separate rezoning petitions related to short-term rentals; one is a petition, a citizen petition which is called Cockrill, et al. Petition. And the second stems from a City Council petition. And we have a fair amount of data analysis related to that. And I think many of you have met and know Cliff Cook who is our senior data manager, but he's here. Also he's done most of the work on the data analysis and can shed further light if the Planning Board has

any questions on specifics related to that.

Next week no Council meeting so happy Memorial Day.

And then June 6th will be the next Board meeting where we will have an update on the Envision Cambridge process, including the work that's been going on in planning for Alewife. And then we have a public hearing, the first public hearing on the EF-3 project and potentially preliminary determination. So this is the project that the Board saw a couple weeks ago for pre-application conference.

The next meeting after that will be June 27th. I don't have agenda items for that. There are several project design reviews that are getting close, but have not been -- we don't have materials yet so we don't know actually what will land on that date.

In terms of other related items at City Council, the City Council adopted the budget last night. So that's for FY'18. So that's a big deal.

The Ordinance Committee's hearings on the Cockrill Petition and the City Council short-term rental petition that you're hearing today, those Ordinance Committee hearings will be on May 24th, that is tomorrow, and May 31st, next week.

The Council will have an Envision Cambridge roundtable on June 5th.

And then on June 19th -- I'm sorry, June 14th we will be bringing forward the final recommendations of the retail strategic plan to the City Council's Economic Development and University Relations Committee.

So we've had a series of preliminary -- a series of meetings presenting the preliminary

findings of the analysis that's been done by Larisa Ortiz and Associates. So the final recommendations will be presented June 14th.

And those are the key items thank you.

H. THEODORE COHEN: Thank you.

Are there any Planning Board transcript?

HUGH RUSSELL: Question. So there is no June 20th meeting?

H. THEODORE COHEN: June 20th is going to be a training session.

HUGH RUSSELL: Training session.

H. THEODORE COHEN: With the City Manager and the Law Department.

HUGH RUSSELL: There is a training?

H. THEODORE COHEN: There is. I don't know what time it is. Iram, is it also at 6:30?

IRAM FAROOQ: Same time as this. Yes. 6:30 to 8:30. We'll send you further details as

we get closer.

H. THEODORE COHEN: Thank you.

There are no transcripts?

JEFF ROBERTS: Off the top of my head I can't recall if there are. We'll do them the next time.

H. THEODORE COHEN: Okay, fine. Thank you.

All right, so we have two Planning Board hearings this evening both with regard to short-term rental with my colleagues' approval, the way I suggest we handle this is that we start with the presentation from staff with regard to the issues involved, then start the -- commence the Cockrill petition public hearing, hearing from the petitioners if anybody wants to speak, and then going to public comment. I propose that we then continue the Cockrill hearing and open

the hearing on the City Council petition with the presentation and then public comment and then we consolidate the two hearings for Planning Board discussion and determination whether to vote on one or both or none, however we plan to act.

Though, I guess the Ordinance Committee is hearing this, hearing these tomorrow.

IRAM FAROOQ: Tomorrow and then next week. One is tomorrow. Cockrill is tomorrow and the Council petition is next week on the 31st.

H. THEODORE COHEN: Okay. Is that acceptable?

(All Board Members in Agreement.)

H. THEODORE COHEN: Jeff, could you start us off?

JEFF ROBERTS: Sure. I'll just briefly try to set the stage for some of this, and there is a summary of what we provided in our report

and which covers both of these petitions.

So, Cambridge like a lot of other cities, has experienced this recent phenomenon of seeing what appears to be a greater incidence of people who either own or rent housing in the city, typical kinds of apartment or condo or a single-family or a multi-family housing, and making that available to people for short-term stays by the night or by the day or by the week. And this is something that presumably has happened all throughout time, and people have done this on a rather small scale basis and it hasn't been a major issue, but as different technologies have become available, particularly the company and website Airbnb and other sites like it, have facilitated these transactions where some -- a homeowner or a property owner can, you know, reach out all around the world and

make their space available to people for short-term stays. And it's made it a much more noticeable phenomenon. And so it's something that the City has started to look at more seriously. And in particular, it's something that the City Council, City Councillors have been holding hearings on and have been discussing and there have been several hearings with community members over the course of the passed couple years.

The issue that this kind of activity presents and has brought to the forefront for planning and zoning is the issue of how we classify housing as housing versus transient accommodations. And there is some background to this in terms of how a use gets classified. Transient accommodations typically refer to spaces that are made available to people but are

not -- to stay in but not particularly to live in as their main residence. And typically it's not arranged according to a lease. It's arranged on a daily or a nightly or a weekly basis for a period of less than about a month and that's distinguished from housing which may include rental housing or owner-occupied housing which is intended as a primary residence for someone which is generally a stay of a month or more, further occupied by a household for a month or more.

So there's a funny in between in our zoning policy as we look at units being used for either part of the time or all of the time for short-term rentals when they are, when they've been created and zoned and permitted for -- as housing that's meant to be residential, people's primary residence.

So that's really the zoning issue that

needs to be sorted out when looking at whether or not these kinds of activities are allowed.

And then there are two petitions now before the City Council and they both take different approaches to how they would allow and regulate these kinds of short-term housing rental uses, but they both start with the approach of saying that short of defining short-term rentals as an activity that's allowed to occur within residential dwellings. So the idea is to be creating a classification separate from what we currently list as our transient accommodations which are tourists houses which we think of as traditional bed and breakfast where you live in a house and you also rent rooms in that house to guests, and then a hotel or a motel, which is a -- which is where it's a facility that's comprised of guest rooms that are made available

for transient stays.

So one of the issues that comes up with this petition and one of the things that will have to be looked at more closely by the agencies in the city that deal with enforcement of our zoning is how easy or difficult is it going to be to distinguish between what's a transient accommodation as a principal use and what's just being used as a short-term rental as a principal or residential use? And that's something to think about a little bit more closely. So we did -- I won't go through our kind of brief summary of what the two petitions propose, because I'll let the petitioners describe it. I'll mention, and Iram pointed out Cliff Cook, Cliff along with Chris Cotter our housing director worked to put together a little bit of a summary of short-term rental, kind of the

landscape of short-term rentals in Cambridge.

And we did focus just on Airbnb. And it's important to note that this Zoning Ordinance doesn't specifically deal with Airbnb. It deals with how people would use their properties, but I think we looked at Airbnb's information of somewhat of a proxy for how this kind of activity has evolved within the city. And there were a number of findings that were made in terms of the prevalence of short-term rentals in Cambridge based on what's been already based on -- based on what we've seen. That we've seen a variety of different ways in which short-term rentals are made available. There are some short-term rentals that are an owner or a resident who is renting additional guest space in their unit. Sometimes people are using it to rent units while they themselves are away on vacation on a

short-term basis. But then there's also instances where people have accumulated either scattered properties throughout the city or have tried to have, you know, single buildings that are permitted as residential and have been used -- using these on-line platforms as more of a continual transient accommodation.

And so we looked at what the, you know, overall, there, you know, are a small number of -- the vast majority of hosts are people that have one listing, presumably individuals, but then there's a large chunk of listings on these sites that are controlled by a small number of hosts. So that's one of the general findings made from -- and the information by the way, is I'll point out, and you have this in the memo, is from a couple of reports that have been provided, one last year, and then one just recently by

Airbnb to the City of Cambridge. And also information that was received -- or that was gained from a third party who basically aggregates data directly from the Airbnb site to provide kind of a snapshot in time of what the listings look like and what the hosts look like.

So then one of the final findings in the analysis is that -- and this is based on what we've looked at in Cambridge, but also if you've been paying attention to the news or reports on this, there have been a number of reports coming out from different cities about how these kinds of short-term rentals affect the housing market in cities. And I think the findings were that the prevalence of at least Airbnb sites it's gotten to a point where it could be having a meaningful impact on the housing market, and that's something that will continue to be

discussed and a major consideration from a policy point of view as the City Council looks at these proposals.

So I think that's some general background information. I don't know if you wanted to ask any questions about the data collection or anything at this point or if you wanted to hold that until the later deliberation of the Planning Board?

STEVEN COHEN: Mr. Chair?

H. THEODORE COHEN: Yes.

STEVEN COHEN: Jeff, can I ask one question, and I guess you alluded to it or touched on it in the last thing you said, we're being asked to consider how to fix this problem. And I was wondering if you could, to the best of your ability, define what the problem is exactly that we're trying to fix.

JEFF ROBERTS: I wouldn't -- I don't know if I would say it as -- there's a problem. Certainly there's an issue that needs to be -- that requires policy direction as to how the City would want to allow and regulate this type of short-term activity. I think from a zoning and a land use point of view, the problem is just that we don't have a clear standard for saying if you have a residential unit, you know, to what extent are you allowed to, you know, use that unit as a short-term rental as opposed to a place where somebody lives there essentially full time. So that's the -- that's really the challenge that's posed by these types of activities being more prevalent. So I think that -- and in terms, of you know, what problems are being created or may or may not be created, I think there's discussion -- and in the memo it alludes to the

fact that there have been arguments on both sides of this issue. There have been people who have noted -- and this is in the public hearings that have occurred both here in Cambridge and in elsewhere, and in other cities, that on the one hand people have said that the ability to use housing for short-term rentals is a helpful way for homeowners or residents to generate additional income from unused spaces if people have a large house and, you know, and people and kids have moved out, and they have an extra bedroom, this could be a useful way to use that space.

It's also been noted as a unique way to agree and welcome visitors to Cambridge, to be able to stay in a residential living area rather than having to stay in a hotel. But then on the other hand, there have been a lot of concerns

noted, one of which is impacts on the housing market, which again, we've looked at and it's been studied in a number of different places. And then also concerns about additional nuisance or change in character that might be brought about if a neighborhood gets an influx of short-term visitors or is being used much more actively by short-term visitors who are in and out, rather than people who are there on a more permanent basis. So those are some of sort of the pros and cons that have been put forward on this issue.

H. THEODORE COHEN: Without getting into the pros and cons, on a more simplistic basis, I could see this from a land use and zoning perspective as a commercial use in a residential -- in residential districts. And much as we dealt with car sharing, because that

became a similar problem, it may be appropriate for the City, if it's going to allow this, to specify where it can be and under what conditions it can be.

Iram, you had wanted to add something.

IRAM FAROOQ: Yes, Mr. Chair. I think you may have gotten through most of the things that I was going to say, so I'm going to try not to belabor them, but really the key things that -- is this not on? So the key things that we -- that there's a desire to address through here is that short-term rentals serve a purpose in the community, but we want to make sure that they're not causing any kind of unintended consequences. So in the hearings that the Council heard, held ahead of time just to have discussion on the topic, there were a vast number of people who attended who are, who are hosts,

short-term rental hosts and who -- for whom this is really a key way where they're renting out either a room in their home or their whole home for the summer or if they have a rental unit, which is occupied during the school term, and then during the summer term they're able to do short-term rentals instead of trying to find a -- the person having to find a sublet or for them to having to find somebody for a short period of time. So it serves an important, you know, it serves a purpose in the economic structure of our city, but at the same time -- and for the hosts it's actually often the difference maker between being able to stay in Cambridge and not. So it serves even from a housing stability perspective for a set of people it plays an important role.

But on the other hand if an entire unit is used for short-term rentals all year round,

it's now taken out of the housing market as a home and instead is essentially a hotel and that could pose, that could pose a problem especially in a city that is as -- where the housing market is tight the way that it is here. And well, if something is consistently leased in short-term rentals, the value that somebody's able to derive from short-term rental is generally quite a bit higher than what it would be for a standard lease. And there has been some concern this is not -- we don't have data related to this, but there have been instances that people have noted where somebody may have purchased an entire unit and might be then leasing individual rooms within a unit as short-term rentals. So there's a host of ways that the housing market could be subverted. I think we're kind of early in that, in that curve and so it's a good time to try to

project into the future and address this situation now before it gets potentially more dire.

So that's really -- those are the key reasons that are driving the Council petition. And in those hearings actually all the Airbnb hosts and other companies as well have expressed -- many of them have expressed a desire to be pulled into a more formal system so that they knew what the rules of the game were and have a clearer understanding. Because right now there is none. And if somebody were to complain, you might actually find that there might be some enforcement action that you were not anticipating. So then that I guess the neighbor -- impact on neighbors is probably the last piece of this which is if somebody -- let's say you live in a condo building and then you have new

people constantly moving in on, say, a weekly basis or on weekends and then using your shared space. We heard a little bit of that. I don't think that's a big prevalent thing, but we did hear some of that as well. So I would say there is an impact on neighbors' perspective as well that came up during the discussions. So that's the set of issues that we've heard.

H. THEODORE COHEN: Okay, then we will go to the public hearing. This is a zoning petition by Latoyea Cockrill and others to amend the Zoning Ordinance by creating a new definition in Article 2.0 for short-term rental to meet the accessory use of all or part of a residential unit. A rental for temporary occupancy for dwelling, sleeping, lodging. To amend Section 4.31.1 of the Table of Use Regulations to permit short-term rental use in all residential

districts and to create a new Section 11.900 entitled Short-term Rental Use to govern their use.

Is there someone from the petitioner to make a presentation?

(No Response.)

H. THEODORE COHEN: None appearing.

Jeff, would it be an imposition on you to briefly summarize the Cockrill petition?

JEFF ROBERTS: I think you maybe just did, Mr. Chair. I think that's -- I mean, aside from some detail that's provided in the petition about how the operation and standards, you know, standards for units in terms of fire safety and requirements for registration and enforcement and how to deal with complaints, that I think what you described basically covers it. It would define two categories of short-term rentals; one

that's owner-occupied, or one that's non-owner occupied. They would be allowed as an accessory use of a dwelling unit in residential districts. So would not be allowed in our non-residential or mixed use districts of the City, and it would be subject to -- if it's owner-occupied, it wouldn't be subject to this limitation. But if it were non-owner-occupied, it would be limited to rentals for no more than 180 days per year. So that's the basic outline of the petition. I don't know that I would -- I could read through the details.

H. THEODORE COHEN: That's fine. Thank you.

And I will note that both short-term owner-occupied and nonowner-occupied anticipates a rental for no more than 30 consecutive days in all cases, and does require registration and

hosting condition. So that is the terms of the petition basically.

So we will go to public comment. I don't know if there's a sign-up sheet.

When I -- if you wish to speak, and everyone will have an opportunity to speak. And anyone who wishes to speak can speak on both petitions this evening. You're not limited to one. Since we are trying to keep them separate to an extent, if you could try to tailor your comments to just the petition we're having the hearing on, that would be great. And I know that would be difficult and some of your comments will obviously go to the whole issue of short-term rentals as a subject matter.

When I call your name, please come up. We ask that you speak for no more than three minutes. There is a lighting system. So you

will have a green light when the time commences. When it turns yellow, we ask that you start to wrap up. And when it turns red, we ask you to terminate. When you come up, please state and spell your name for the stenographer and state your address.

Nancy Ryan.

NANCY RYAN: Thank you very much. It's Nancy, N-A-N-C-Y R-Y-A-N, Four Ashburton Place in Cambridge. First of all, I want to thank CDD for their really helpful memo comparing the two petitions. So I'm just going to make some general comments. I'm a leader of the Cambridge Residents Alliance. We haven't had a meeting where we took an official position, but we've certainly had a conversation about this and overwhelmingly everyone at our last general meeting with 40-some people opposes this Cockrill

petition and supports the other.

I want to just mention that corporations are not persons and they're not citizens. This petition came from a corporation and not from the community. That's why there's no one here from the community to speak on it.

I just want to mention on Essex Streets outside of Central Square where I live, one large three decker was converted into 100 percent Airbnb without anyone knowing until we started seeing, you know, nine refrigerators and nine beds and etcetera going in. And it's resulted in constant rolling suitcases up and down a very tight neighborhood street with a lot of children and a daycare center and two schools and two churches and it's, it's really changed a lot of the character of our neighborhood. And in fact the first summer that this existed there was a

fire and there's no owner-occupant there.

At 1:15 the other morning my doorbell rang and then a disheveled woman who clearly had been travelling from somewhere else with all of her luggage on my porch was looking for her Airbnb. So she just -- my street's quite -- well, signed and she was just kind of -- I don't know if she was drunk or what. But it's just been, it has disrupted a neighborhood.

The yard, which used to be carefully tended, is now a mess and there's overflowing mailboxes on the house. I wanted to mention about this 180-day limit that the Cockrill petition proposes, what about the other 180 days? It's really no meaningful limit. Just probably means if a property is regulated and would be by this petition would mean that it would lie fallow of the 180 days that it wasn't being occupied.

CDD's memo clearly shows that there are large real estate operators controlling a significant amount of the Airbnb and that doesn't even include all the other platforms that were mentioned in our community. So this is not -- on Facebook there's a lot of our neighbors who are sponsoring ads for Airbnb that says what a wonderful thing it is to have some lovely strangers, interesting people come and stay at my home, I make them muffins, they give me a little extra money, and it's all wonderful. We don't oppose that at all, and I think the other petition that you'll hear will support that. As Iram said, there's a need and a pleasure in a certain kind of this, but not the corporation version that we're experiencing.

The number of housing units that are being held off the full-time market during a

housing crisis is outrageous. And the CDD memo lists 140 of them. So the ideal being sold by Airbnb is not the ideal -- is not the reality that we're facing. So I hope you'll make quick order of this Cockrill petition so we can move on to some meaningful regulation.

Thank you.

H. THEODORE COHEN: Thank you.

Carolyn Fuller.

CAROLYN FULLER: So my name is Carolyn Fuller, C-A-R-O-L-Y-N F-U-L-L-E-R. I live at 12 Douglas Street in Central Square, Cambridge, and I have done that for 40 years. I'm here today as Airbnb host regarding my concerns about this petition. I am concerned that currently a significant portion of Airbnb listings are offered by commercial operators with multiple properties who are taking units off of our

woefully inadequate long-term rental market. I believe the City should do all in our power to protect our long-term rental market which might mean ignoring this petition and allowing it to expire so that it is unable to go up the process that the Council has begun to regulate the short-term rental market.

Its proposed definition of short-term rental is so vague as to cover almost any rental as no period is provided. The entire paragraph in Section 11.903 pertaining to short-term rental non-owner occupied is so poorly written that I cannot determine what its impacts would be. It seems to preclude that rental of these units to anyone for more than 30 days and all rentals to no more than six months out of the year. It makes no sense at all. I fear this petition has been presented at this time by Airbnb's lobbying

firm to gun up the works and slow down the implementation of the draft ordinance that the City has been working on. I think the majority of Cambridge residents, including A Better Cambridge which usually disagrees with the Cambridge Residents Alliance, but are in wholeheartedly in support of them now. Those of us who are hosting rentals on Airbnb, we actually support the City's draft ordinance and not this petition. And I'm sure that all those who rent in Cambridge and those of us who own do not want to see any more long-term rental markets.

The short-term rental market needs to be regulated such that it protects our long-term rentals. So my hope is that the City will do all in your power to ensure this petition dies in such a way as to avoid gumming up the works for serious regulation.

Thank you.

H. THEODORE COHEN: Thank you.

Kiril Alexandrov.

KIRIL ALEXANDROV: Hi. My name is spelled K-I-R-I-L. Last name Alexandrov, D-R-O-V at the end. I live on Franklin Street. I've been a Cambridge resident for 27 years. I want to thank Councillor Kelley. I'm very nervous about this stuff, and his partner Will for meeting with me and discussing an opposing point of view that I have. So let me say my two cents' worth.

First a moment of silence, James Bond the best Bond ever died recently, Roger Moore. But seriously, I'm here to speak of the benefits of Airbnb and other similar homegrown services which are in danger of being reduced too much by both of these petitions, although philosophically I'm

closer to the Cockrill position. Both petitions are in danger of cutting down the forest in order to save a few trees. Cambridge is a major destination for families and students who need short-term housing including Cantabrigians themselves. We have to accept this fact. The numbers of Airbnb units available for this use at this time are a very small percentage of total housing units available now and those that are planned for the future. As we all know, there are thousands in the works. And they are highly physically concentrated only in a few areas in Cambridge and are only used in the service of Airbnb reasons part time. Never 365 days a year. Rather than repel these short-term visitors by taking away housing options for them, we should embrace and share Cambridge with them. These extra visitors will spend their vacation,

housing, shopping, and education dollars with Cantabrigians for the most part and all boats will rise with the tide. If you cut the Airbnb concept down too much, as both of these petitions do, you will be taking valuable dollars away from Cantabrigians who need these dollars to -- for to live here both housing and visitor spending dollars. And conversely you'll be making Cambridge wildly more expensive and therefore exclude a lot of families and students who cannot afford to come here. It is a well known fact as my friend Adam Portnoy, the owner of the Royal Sonesta near here reminded that after Airbnb legislation is enacted, area hotels almost automatically raise their prices by 25 percent on top of what are already super high hotel prices. Therefore you will be de facto greatly reducing affordable housing options. The only rules that

I see that are of benefit to being made concerning this Airbnb issue are to have hosts register their Airbnb units and pay the appropriate fair taxes so Cambridge can use these resources to continue to be a welcoming host and maintain its liberal reputation for individual freedoms.

Now back to the forest in the trees. Is this a Democracy? Will you listen to the will of 2,000 plus Airbnb hosts here and multi-thousands of happy visitors to our fair City or listen to the will of a handful of naysayers who cannot embrace change and a new sharing economy. Look forward not backward.

Thank you.

H. THEODORE COHEN: Thank you.

Lee Farris.

LEE FARRIS: Lee, L-E-E. Farris.

F-A-R-R-I-S, 269 Norfolk Street. So I'm here in opposition to the Cockrill petition and I do support the Kelley proposed ordinance.

My concerns with the Cockrill petition is I don't think it will do a good job of balancing the interests of neighborhood residents with the interests of hosts. And in fact many of the Airbnb hosts that I know do as Iram said, want there to be some kind of greater restriction and clarity put on Airbnb hosts. So what I don't think the Cockrill petition does is it doesn't solve the problem of corporate ownership of multiple units that stay out of the market. It also doesn't solve the problem which the other petition does solve, of individuals. I do know individuals that have two triple deckers and everything except for what they live in is Airbnb. So from my point of view that's five

units off the market of good family housing.

Three-bedroom units.

And then there's the question of destabilizing the neighborhood. If it's primarily people that are home, then I think they will do a better job of ensuring that the person doesn't ring the wrong doorbell at one in the morning and all the other things that happen. I've had that experience myself of lost people ringing my doorbell. Fortunately not at one in the morning. But I've seen people park in the wrong driveway, drive down the street the wrong way. Just, you know, many, many other problems. I think the more closely they are connected to their host, those problems will occur less frequently.

The other question is neighborhood unity, I would, you know, I think any of us, if we were

choosing to live next-door to a triple decker that is all Airbnb or a triple decker that has families in it, I think we would choose the families because those are people that we can know and work with and build our neighborhood with and build relationships with, instead of people we see for a day or two.

So I hope that you will give the Cockrill petition an unfavorable recommendation and I can return to speak on the next petition.

Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak with regard to the Cockrill petition? Please.

LATOYEA HAWKINS COCKRILL: Hello. My name is Latoyea Hawkins Cockrill. That's L-A-T-O-Y-E-A, Hawkins H-A-W-K-I-N-S Cockrill C-O-C-K-R-I-L-L. And I apologize for not raising

my hand sooner, but I just found out about this today. I had no idea that there was a petition in my family's name, my name, regarding Airbnb. I didn't even know what an Airbnb was until I got here. So I'm completely unprepared. But after listening to very real concerns, I apologize for, you know, some of the troubles many residents have gone through and everything with people knocking on your door at one in the morning and then having drunk people coming around your neighborhood and the children and all that.

I think that rather than just poo-poo the petition in my family's name altogether, a compromise can be found if we sit down and discuss it. I've always been like the happy diplomat, always looking for the middle ground between the two sides so that everyone can have, you know, an equal say and everyone can come out

pretty much satisfied. You might not get everything but you can get something. I mean, if I were a corporation and I wanted to have something like an Airbnb in a residential neighborhood, you know, it just reminds me of when, you know, I was living in Tennessee and they had a lot of that stuff down there. Not Airbnb's but they have what they call Extended Stay Hotels that paid like week to week and month to month, and they were in residential neighborhoods. Clearly you can see like home with suites and places like that. Areas near the airport in Nashville and everything. And having worked in hotels like that and everything, I can understand why, you know, you would be concerned with transient people going in and out of your neighborhoods at all hours of the day and night and week and everything. But I guess what I'm

trying to get across is that with this particular petition, it does take away from the housing market. I know that for a fact. My mother and I moved back up to Cambridge last year in March. We've both been living up here for like a little over a year now. And we're trying to find a place to live rather than living off my brother in his house, which is already overcrowded and everything. So trying to find a house here in Cambridge that's close by to my brother's family so I can, you know, visit my nieces and my soon to be nephew will be here in June. It's hard and it's difficult because there's nothing available so we have to go outside the city. Okay, that's fine. I mean, the T's very ample, so we can get back and forth without a problem. But still some of these places that are like 2,000, almost 3,000 dollars for a one bedroom. In Tennessee that's a

house note seriously. Okay? That's a house note. And nowadays, you know, Tennessee, they're trying like to catch up with the northern states and everything, and they don't have the hourly wage to do it, so a lot of their buildings are sitting half empty and everything. They could benefit from having Airbnb down there more so than we could up here. But at the same time, you know, instead of it being 180 days, why not be a little bit less, like 45 days. Or, you know, instead of it being week to week, why not month to month. That way a person who is coming in and staying for a little while, you know, they want to bring their kids in and everything. And say hey, this is a college town, let's go to Harvard. MIT is that way. Lesley University's that way. Oh, I'm sorry I didn't realize this turned red. Excuse me.

H. THEODORE COHEN: Your time is up, however, since you are the petitioner on this, if you want to speak longer on this we will certainly give you the time.

LATOYEA HAWKINS COCKRILL: I think there were -- if I had a chance to look at this petition, and I think there are ways, you know, that both sides of the aisle can be satisfied, we can work together in this community to make it so that yes, you know, homeowners can, you know, rent out units in their own homes that they own, you know, to transient people, stay by the week or the month or even by the night, and still have homes for people and their families. I mean, I think both of these two sides can work together. And of course there's going to have to be some strict rules and regulations that needs to be followed to the letter, but I think both sides

can win with these, with this particular situation.

So again, thank you for I guess putting my name on a petition that I had no idea I had in the first place, on the ballot, and that hopefully we can work something out together rather than apart. Because either way can be detrimental to Cambridge. And having grown up here in Cambridge, graduated from CRLS in '92, I wouldn't want to see that happen. I mean the city has changed enough as it is with the 20 years I've been away. But right now it's just, you know, I want to see the Cambridge I grew up with. I want to see people in good homes and seeing the kids going to good schools. And, you know, if there's any way for a private homeowner to make extra income to make ends meet by renting out his or her home or floor or unit, you know,

to people who are just staying temporarily, they should be able to do it without any scrutiny.

And at the same time there should be homes available for those who need a place to live rather than the street.

So, that's all I have to say.

Thank you.

H. THEODORE COHEN: Thank you.

If I could interject, you did sign the petition. Your name is the first on the list, and so I think you then have the honor of having the petition in your name.

Is there anyone else who wishes to speak on this petition? Please.

ABRA BERKOWITZ: Hi. Abra Berkowitz, 253 1/2 Broadway in Cambridge. Abra, that's A-B-R-A. And Berkowitz B-E-R-K-O-W-I-T-Z.

So I just want to talk quickly as the

neighbor to Airbnb's on the Cape and also I want to talk about the question of affordability. So I definitely sympathize for the need for travellers to get affordable housing. I helped organize a conference in Boston, principally Cambridge every year, and it's very hard to find housing for grad students because quite frankly they can't afford \$300 a night. So they will find \$100 a night Airbnb's and that helps. But I also have friends who own property management companies and have shifted nearly all their properties from being year round rentals to being Airbnb's. And these are successful property management companies in Boston. And they are moving towards Airbnb, why? Because they can make more money. That's it, plain and simple. Is it a pain? Do they have to do more upkeep? Do they have to clean the unit each time? Do

they not know the people renting? Like, all of those are true. But the fact of the matter is these people are shifting in that direction because quite frankly there's more money to be made. So I do completely support the fact that we need to have a compromise. That if you own your house and you want to rent a bedroom and you want to give them the great cultural experience of living on Tory Row, that's fine. You know, but if you're going to have an entire house -- even if you're gonna have a house with five bedrooms, live in one and rent the rest of them, I think there's a problem. And we need to figure out how to get in the way of that before it does take off in the housing market. The CDD study was awesome. I learned a lot from it. I also saw that right now short-term rentals are probably only like 0.5 percent to one percent of

the housing market. That's going to increase. And, you know, maybe it won't. Maybe I'm incorrect. Looking at the trend, looking at the money to be made, looking at who is buying property in Cambridge. They're not owner occupants. They're investors. And so these people are gonna want to do more short-term rentals. So we have to get ahead of it.

 About affordability, if I were to rent -- I mean, I am low to moderate income. If I lose my housing, I'm screwed. But if -- and if I do and I decide to rent Airbnb for a year, that would be \$36,500 a year for one room. That's not affordable housing for an entire year. So I don't think this -- I think the idea of affordable housing for visitors and affordable housing for people who live here who contribute to the community who work here really need to be

separate, so.... And we need to be careful what we're taking out of our housing pool.

And oh, sorry, the final thing that I'll say is I live on the Cape over the summers, and I live in a condo which shares two walls with other condos, both my neighbors rent Airbnb's. Granted it's P-Town so everybody is partying. But like, oh, my God, two a.m. every night there's noise in and out, knocking on doors. People getting lost. I mean it's, it's pretty much hell and what would help is to know when Airbnb people are coming. It would help to know that the units next to me are being rented. And so I think that something missing from the Cockrill petition is that -- I think it says that you need to register or something or notify neighbors if a certain number of units are going to be Airbnb. I think that should go for all Airbnb units. People deserve

to know who their neighbors are renting to. And so that's it.

And thank you for all your work and for considering this.

H. THEODORE COHEN: Thank you.

Is there anyone else wishing to speak.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

Is it in favor of the Kelley petition or that's --

H. THEODORE COHEN: We're only speaking on the Cockrill petition right now. If you want to speak on the City Council petition, that will be next and you will have an opportunity to speak then. Everyone will have an opportunity to speak.

So seeing no other people wishing to speak, I suggest we continue this hearing until after we get public testimony on the City Council

petition at which point we'll consolidate the two for discussion. All right?

(All Board Members in Agreement.)

H. THEODORE COHEN: This hearing is continued and next we will go to -- this is a hearing on the zoning petition by the Cambridge City Council to amend the Zoning Ordinance by creating a new Section 4.60 short-term rentals to provide regulations for short-term residential rental and ensure that the use will not be detrimental to the character and liveability of the surrounding residential neighborhood. This Section 4.60 would apply to all districts where residential uses are allowed.

Councillor Kelley.

COUNCILLOR CRAIG KELLEY: Thank you very much everyone. My name is Craig Kelley, K-E-L-L-E-Y. I live at Six St. Gerard Terrace.

I'm going to read a brief opening statement, and then my assistant Will Durbin will give the actual presentation and will be happy to answer any questions along the way that you might have.

In June of last year our office initiated our research and policy development in this area, being short-term rental area, with a policy order declaring that Cambridge should provide a standard that protects the tranquility and character of communities in the city, allows short-term rentals to operate within the law, guarantees the safety and security of visitors to the City, discourages the practice of commercial users, prevents farther displacement amid the housing crisis, and creates a licensing and taxing program to provide Inspectional Services the resources it needs to keep pace with the sharing economy.

Since then our office has held several public hearings in the Public Safety Committee together with the Housing Committee and before the Ordinance Committee. We also met with scores of residents, lobbyists, housing advocates, and state representatives and answered hundreds of e-mails with questions on our policy. Our challenge has always been to create a policy that balances a competing interest we heard between those who shared their personal tragedies of being evicted to make way for short-term renters and the visiting scholar who wrote, "I am planning to buy a house for running Airbnb. If I buy a five-plus bedroom house, is it possible to comply with the upcoming ordinance on short-term rentals?"

With the Zoning Amendment before you, we believe that we have struck such a balance. And

in a way that's responsive to the local voices we heard. Home sharing should be restricted to primary residence for whom short-term renting is a valuable source of additional income and whose rentals provide valuable flexibility in the area's unique rental market. Units should be registered and inspected so that the City can be assured that the unscrupulous activities of operators documented elsewhere do not take root in Cambridge. The long-term housing stock should be protected with an eye to affordability and neighborhood character should be preserved.

In achieving these goals our petition falls in line with the number of cities around North America who have taken a similar balanced approach such as Denver; Portland, Oregon; Seattle; and Vancouver, Canada. Indeed Airbnb is reported to support a similar proposal in Seattle

where the Council is proposing to limit short-term renting to primary residence and one additional unit. In a statement, Airbnb's Northwest Public Policy Directors said, "Airbnb welcomes the new proposal from the City of Seattle. We continue to work closely with the city on developing regulations that will protect Seattle's long-term housing stock while allowing thousands of responsible Airbnb hosts to share their homes to earn meaningful supplemental income and to help make ends meet."

Short-term rentals can and should be part of a vibrant, modern, and urban economy. But cities the world over have recognized the need to mitigate the detrimental consequences that accompany its economic benefits. Cities should prioritize the needs of residents over the needs of tourists when the two meanings conflict and

create a legal, safe, and fair short-term rental market. And we'll give the presentation, thank you.

H. THEODORE COHEN: Thank you.

WILL DURBIN: Thank you. My name is Will Durbin, D-U-R-B-I-N. I'm representing the petition on behalf of our office, not necessarily the entire Council, but as one of the leaders in this effort, we wanted to take the leadership and put it before you.

I just want to begin with a brief overview of where we're going to go today. We're going to start with the challenges that cities face in regulating short-term rentals and that they pose in coming to the cities. Talk about short-term rentals, in addition to the great information that CDD provided you today. And then lastly go over the provisions of our

petition.

And I wanted to start with a brief overview. Mr. Cohen, you asked for the problems that we seek to address. And I wanted to share some of the reports that I've read from across the North America that detail to answer your question.

We'll start here with New York City, which first I think was one of the first cities to tackle this problem, and we'll see some of the same themes coming in and out.

First of all, is 90 percent of Airbnb listings are concentrated in a few neighborhoods. This is something that's true in almost any city that we looked at. In the case of New York City, 53 percent of all Airbnb listings are located in just one of five macro cities. Commercial use of Airbnb is pervasive. Impact listings may

exacerbate already severely low vacancy rates. And geographic concentration of Airbnb listings coincide with rapidly changing neighborhoods or gentrification, it's an accelerant of gentrification.

And just one quote that I wanted to pull through that's illustrative: Neighborhoods with the greatest concentration are the highest risk of experience, and the negative impacts associated with short-term rental activities such as constraint supply, increased rental prices, and accelerated changes to the neighborhood characteristic.

Moving on to Toronto -- I won't go through all of this, but I think it is, again, important to note that these are market trends that are observed in a number of different cities and they certainly apply here in Cambridge. And

so to the second point, 16 percent of hosts control 38 percent of total listings generating 52 percent of the company's revenue. The majority of listings are concentrated, again, small geographic location. And then from that report emerging short-term rentals are a merging force that drives the process of displacement in cities around the world.

Going to Vancouver, one of the arguments that's been put forward is that short-term rentals do not displace long-term renting, and this was found not to be true in Vancouver where they reported that renting a one-bedroom unit nightly for nine to twelve days per month would generate the same revenue as renting the same property on a nightly and yearly basis for two bedrooms, the break even point is even lower at seven to eleven days.

And on to Los Angeles. The recent report that was published just this year in Harvard's Policy and Law Review by Dane Lee who will be graduating this week I suppose. Airbnb likely reduces the affordable housing supply by destroying the housing market, two interconnected mechanisms:

One is just simple removing.

And the second is the hotelization of units as long as differences in hotel price versus rental income encourages the property owners offer short-term rentals on Airbnb. It spurs displacement, gentrification, and segregation. And I think the second quote which is -- I think it's the last quote that I'll be reading. But Airbnb facilitates the inappropriate merging of residential and tourist markets on an unprecedented scale, and unlike

with a shortage of say shoes and oranges, neither the market nor the public sector can swiftly replace the housing units that Airbnb removes from the marketplace.

This is a scatterplot of short-term rentals currently in Cambridge. This is information gathered by Host Compliance, a cottage industry that tries to sell services to city enforcement of their regulations, and they do a lot of this scraping data for cities including I think Toronto is one of the bigger clients. But here again is the distribution of short-term rentals in Cambridge. I just wanted to point out, again, as we've seen in other cities, it's true here, that the majority are concentrated in just a couple of neighborhoods. And I'll detail those in further towards the end of the presentation. North Cambridge not as

much, Brattle Street, not as much. Strawberry Hill. These are neighborhoods that are not where short-term renters are seeking to go because they're far away from public transportation, Harvard, and MIT.

This is a breakdown of how Airbnb has grown over the past five years. Starting with around 500 -- 600 rather, in 2013 to over 2,000 today. And this is an approximation of information, this last data point between host compliance and Airbnb's own data. I just point out that in the grey, our entire home rentals reported by Airbnb and in the orange is shared space.

I'm going to be talking for the rest of these intermediate slides on the middle map. This is information that was provided to us by the Boston Globe in 2015. It's a little dated.

It represents only a fraction of the actual number of short-term rentals here in the City. But I just want to point out that as far as distribution pattern, it does correspond to the information that was given to us last month by Host Compliance. And then on the right is CDD's own report with a heat map. And so broad strokes I think that we can use this to go forward. And I -- we didn't know until Friday that CDD's report was going to be coming out.

Again, concentration point out near Harvard Square, the T stop, and Central Square and all the other T stops throughout the area. Low concentrations on Brattle Street Res A districts. More detailed scatterplot. If you could make out the details, the black is Airbnb. Red is Home Away. And Flip Key comes into the green. There's not very many of those other two.

So we're really just talking about as Jeff said earlier, Airbnb is a proxy for the entire market.

Here I've taken the short-term rental locations for which we have geographic information and plotted them against our zoning maps that delineate where short-term -- or rather, where tourists accommodations are permitted and where you need a Special Permit in blue. And by my count, I think about 25 percent of the current short-term rental housing stock are in locations where they're not currently permitted. So this is a problem that is -- transcends zoning districts as they currently been laid out.

Again, going back to the Boston Globe information, it's not complete. We only were able to get information for a 591 short-term rentals, but in their capturing, they were

controlled by only 412 short-term rental operators. And here's a breakdown below that of the number of operators and how many units. They have 50 operators at two units, 14 through the 4, 7 at 5 to 7, and then 6 at 8 or more. With the highest being 13. Again, this only represented I think at the time about a third of the actual number of short-term rentals that were out there.

I'll gloss over the other point, but just point out that the most expensive Cambridge listing with one review confirming that somebody stayed there was \$750 per night.

So this is a page that is still currently updated from the 2015 information that we're able to pull that still exists. Somewhere near Harvard. I know exactly where it is, but I won't go into that. This one user had 13 different short-term rental operations in four separate

properties around the city, removing perhaps we're estimating nine dwelling units from long-term rental market. The nightly prices range from \$145 to \$175 per room. And \$170 to \$344 per entire apartment. And if you do the math, you can rent the room that's \$344 a night for an entire month and it works out to about \$8,000. And that's with the 18 percent discount that you get for the monthly rental.

The other thing to point out is these users are taking other city resources, one of them is parking. If you rent an entire unit, you get access to the visitor parking permit they have for this property.

The other thing, these are all located in the same location, they use different pictures for the splash page so that it's harder for the City to track. But this is indeed the same

property when they pull up.

I wanted to show briefly, because Airbnb is concentrated in certain neighborhoods, the impact is also concentrated. The displacement, the gentrification process, the rising rents. And so while a recent report from Airbnb claimed that there was no impact to the -- or very little impact to the housing market and the rental prices, I think it's more important to look at the individual neighborhoods. And so here are five neighborhoods which I think have the highest density of short-term rentals in the city. And you can see the trend lines of the amount of dwelling spaces available in each of those neighborhoods starting in 1980 going up to close to the present. With the exception of Cambridgeport and Riverside, the neighborhood stock is staying level or going down even. And

so the addition of short-term rentals is only exacerbating the housing crisis in these neighborhoods particularly.

That is the -- as much exposition as I'll provide to you. I think, Craig, if you want to hand off -- I'll hand off to you to present the actual petition.

COUNCILLOR CRAIG KELLEY: Sure.

Does anyone -- I know it's a lot of information. Does anyone have any questions at this point or may I keep going?

H. THEODORE COHEN: Please.

COUNCILLOR CRAIG KELLEY: Okay.

So what we have done is we have suggested that we create two types of short-term rentals. And if I slip between Airbnb short-term rentals, it is because it is a proxy and it's not meant to pick on Airbnb in particular. There are a number

of platforms out there.

We are proposing that short-term rentals be allowed in all places where residential units or residential uses are currently allowed. Which is particularly relevant to A and B in terms of short-term rental, but it's citywide that we're proposing it.

And we're proposing that we create two types of units; an owner-occupied unit, in which the owner would be occupying it, much like our current tourist houses. And an owner-adjacent unit in which the owner would live in the building and would not rent -- the owner could or didn't have to rent rooms in his or her unit, but would not rent more than one other unit in that building, own the whole building, and there were no more than four units in that building. So it would be a four-family or below, it wouldn't be a

five or a six. And we are proposing that we have regulations set up by the fire department, by Inspectional Services to regulate and inspect.

We are proposing that should the state allow us, that we tax.

We're proposing that the owner, the operator, notify the neighbors -- and it's important to say notify the neighbors. We're not asking for an application. We're not giving the neighbors veto power. But we want the neighbors to know who to contact when, you know, the fourth drunk person or whatever stays.

And I would emphasize that the inspection by ISD, that required is an important one. And I like using Airbnb. However, the last three times I used it, all of which were in New York state; two in the city and one upstate, they were -- sorry, one was in Vermont, they were renting --

advertising living space that was not legal living space. It either didn't have a door or it didn't -- there was a loft with a very, very, very low railing. The stairs were too steep. I mean, you show up as a renter, you're like you know what, it works for me. But that's not what housing's about. Housing is about as we said earlier, safe, legal, and fair. So we want to make sure that at the end if you rent a unit in Cambridge, you're getting something that we're stamping this place is safe.

If you're currently Airbnb, and odds are you're doing it illegally, right? So we're trying to make it legal for the two categories that we're talking about, which essentially are owner connected somehow whether you live in the unit or live adjacent to the unit, and we want to make it fair. If you live in a Res B or a Res A

or whatever type of area, you didn't sign up to be next to a 15-person hotel. And I won't speak as to the economics.

WILL DURBIN: I'll just get back on track because I know the time is limited.

Thank you, Craig.

COUNCILLOR CRAIG KELLEY: Yeah, yeah.
Yeah.

WILL DURBIN: I just wanted to give you an overview of very briefly so you can just look at it, what other cities have done, the goals that Vancouver have set. They wanted to protect the long-term housing supply, safety, and health for the neighborhood. They want to maintain the quality of life and safety. Again, taxing providing a regulatory system, and also encouraging tourism. This is part of the strategy that other cities have proposed.

Our own proposal, I think, fits into that. And as Craig outlined, we have three major goals with our proposal to make it legal, safe, and fair.

To make legal, we wanted to provide a clear set of guidelines to operate short-term rental units and allow the city to easily track and monitor short-term rentals and enforce regulations. The enforceability of our proposal, I think, is one of the key proponents. Other cities have already put short-term rental regulations in the books, and it's been very hard to enforce it. So we've always had the mind to what can our ISD handle?

To make it safe, we provide renters with assurance that unit complies with all safety, sanitary, and zoning regulations and keeps residents informed of the presence of short-term

rentals in their neighborhood. This would be the notification process that Craig mentioned.

And for the fairness, we want to allow for (inaudible) that does not exacerbate Cambridge housing crisis and protect established neighborhoods.

This is I think the meat of our proposal. Our definition of what is short term, owner-occupied unit is and owner adjacent unit and we're limiting short-term rentals to only these two categories. The first is a dwelling unit with short-term rentals that is also the primary dwelling unit for its operator or the primary lease holder.

And the owner adjacent as Craig said, any dwelling unit used for short-term rentals not occupied by the owner, but in the same residential building with four or fewer total

units where all units are owned by the same person.

So I wanted to give an outline of how other, our proposal stacks up with other cities. Like other cities we're restricting it only to principal residents or owner adjacent. Other cities are turning away from a nightly cap because it is hard to enforce. And as one of the commenters mentioned, what does the 180 days means? If you can go to different platforms, it becomes much harder to track. We're not putting a cap on the number of short-term rentals licensed in the neighborhood or the city which some cities have taken. And then, again, as other cities have done, we're limiting the availability of the short-term resident only renters and only owners and renters. And by the way for the tax -- non- there is a Senate

proposal going forward that would create a taxing schema and also permits local municipalities to regulate the existence and location of short-term rentals. And so this might be coming through the pipeline fairly quickly. They began hearings today I think.

I wanted to give an illustration of how our definitions are actually going to be applied. Here are cartoon examples of different cities or different housing units, and below it the percentage of our housing stock fall into these categories. And so you can see here the single-family that would only be offered -- available to offer for owner-occupied. If you have two to four units, you can offer your own apartment as owner-occupied plus one, and the four you'd have to put two of those units that might currently be short-term rentals off to

long-term market. And if it's five or more units, you have to only -- you're only able to offer for owner occupied.

Turning now to multiple owners, each color would denote a separate owner. You'll notice that there are no, there's no available places where you can offer owner adjacent in this case because you have multiple owners in the same structure. I will note out for the condo that condo association docs typically are very restrictive on this issue and our proposal would not supersede any of those. But if they're allowed by the condo association docs, you could offer theoretically each of those apartments for owner occupied.

To recap, the legal short-term rentals, these are provisions from our proposal. Allow short-term rentals in all districts for

residential use as permitted.

Short-term rentals must register with Inspectional Services. They are required to pay all taxes and fees and required to maintain liability insurance we've set at a million dollars. And that's consistent with a housing proposal that came through on short-term rentals that -- I think don't think it's -- I think it's gonna die in the house, but that came from that proposal.

Safe short-term rentals, the unit must meet all requirements for safety established by Inspectional Services Department and the fire department.

Have owner present to respond to complaints or emergencies. Or if they are away, their local contact person.

Emergency exits must be posted to

owner-adjacent buildings.

And you have to notify your neighbors if your intent to use this.

And finally I'll just wrap up with our purpose statement, which I think is -- gets to the heart of what we're trying to do here. This Ordinance shall provide regulations to make the operation of short-term rentals legal for Cambridge residents, protect the safety of renters and residents, insure the primary use remains residential, and to ensure that short-term rentals will not be a detriment to the character and liveability of the surrounding residential neighborhood.

And if you're interested in further reading, this will be available to you. You can go through all these documents. These were the ones I found to be most helpful. And we'll take

your questions at this time.

H. THEODORE COHEN: Thank you.

I have a couple of questions. I just want to be clear in my own mind about what you're proposing is allowed. If you could go back to your slide which shows the different housing. Yes, let's start there.

So in the requirements of 464. The owner-occupied unit is defined -- there's three or fewer rooms for rent. And then in 4.64 it says the proprietor of a short-term rental operates no more than one owner-occupied unit and one owner-adjacent unit. So if I were an owner-occupier with three vacant bedrooms, can I rent out each of those bedrooms or is it only one bedroom that could be --

WILL DURBIN: You would be able to offer two -- assuming you're living in one.

We're requiring you live in one.

H. THEODORE COHEN: Right, I live in one and there are two vacant ones. I could rent each of those two?

WILL DURBIN: Yes.

H. THEODORE COHEN: Okay.

WILL DURBIN: And this is actually another difference between our petition and the Cockrill petition which would limit, I believe you could only offer one unit per rental. Or one rental per unit.

H. THEODORE COHEN: Okay.

And if I were the owner of a condominium unit in a building with more than seven units -- more than four units, doesn't matter, and I had a three-bedroom condo and we'll leave the condo documents aside, and there were -- I live in one unit, I can rent out those -- the two adjacent

bedrooms? I live in one bedroom. I could rent out the two other bedrooms?

WILL DURBIN: Theoretically, yes. If I understand your question, yes.

H. THEODORE COHEN: Yes. But I couldn't be considered an owner-adjacent unit because it's more than four units?

WILL DURBIN: That's correct.

COUNCILLOR CRAIG KELLEY: May I interject for a second? We're putting this in the same lines as our current family restrictions. So you could rent out those two units, but you couldn't rent them out to four separate unrelated people.

H. THEODORE COHEN: Right, I understand. It's subject to the City's regulation of unrelated people.

COUNCILLOR CRAIG KELLEY: Exactly.

H. THEODORE COHEN: I'm just trying to

clarify in my own mind what one could or couldn't do. I think those were my questions.

Other members? Yes, Steve.

STEVEN COHEN: If I could just follow up with a couple of questions for clarification also. Though you're calling it an owner-occupied, if I understand you correctly, you're using the other term of leaseholder which most of us use the term tenant. So you're saying that you've got a tenant-occupied unit would have the same rights to I guess technically sublet his or her apartment just as an owner would; is that correct?

WILL DURBIN: Yeah, the owner here is here perhaps a misnomer because it doesn't include primary leaseholders. It could offer short-term rentals in their apartment as well. It's kind of a relic before we added renters into

the provision.

STEVEN COHEN: And second question I have, again, I think just to confirm my understanding. Is so long as the primary use is occupation by an owner or a tenant, I assume that that party doesn't have to be in residence. So if one wishes to rent his or her apartment for the summer, for instance, on a daily or weekly basis, that that would not be prohibited by this proposal.

WILL DURBIN: That's correct. We've established two tests that would allow you to prove residency. One is the enrollment in the homeowners' tax exemption program. And the other is a signed Affidavit with other supporting documentation that this is your primary residence. If in the example that you gave you leave for two months during the summer or on

sabbatical and travelling, you would be able to offer your short-term rental for owner-occupancy. You would have to leave a local contact person that is responsible for that space during the time away.

STEVEN COHEN: And then my last question is actually the only portion of this proposal that gives me some concern is, are the provisions for inspection and regulation and certification and so forth. And the reason I ask is other residential units, whether they be owner-occupied or rented, are not subject to such intense regulatory oversight. And I'm just wondering, therefore, if why this particular form of residential use would warrant such an intense use, and my concern is A, the burden that it would place on our overworked government employees in the city, No. 1.

And No. 2, the burden that it would place on the owners or renters as the case may be, who would experience it as burdensome and intrusive and worrisome perhaps if they have issues in their apartment and might very well undermine some of the goals here in that -- and you people would end up disrespecting the rules and then think of it as something to ignore or to work around and fail to register precisely because they want to avoid what they might perceive as overly intrusive regulation.

WILL DURBIN: So I won't speak on behalf of the City, but I will say in writing this met with ISD on a number of occasions and tried to tailor this again to what they think they're able to enforce. That's our intention. To your question, though, about the inspections, we've tried to keep an eye of equity between the type

of inspections that other commercial uses might undergo in residential area such as lodging houses and bed and breakfasts which do have certain safety requirements, inspections, so there is an eye to that requirement. If this is just a regular house, I agree, that there's not those type of inspections. But we do regard this as a commercial use in the residential area and we've tried, again, like I said, to create some equity between the type of inspections that go along with that.

STEVEN COHEN: Just one follow up and forgive me I haven't read through it. These inspections, is this a one time inspection and you're done or is this a regular annual sort of inspection?

WILL DURBIN: We've -- in our proposal allowed ISD -- ISD to establish its own schedule.

In communications we have voiced our intention that owner-occupied and owner-adjacent might be on different schedules. That's our intention. The fire department, when we were talking with them, they said they would like it inspected every year. I think that's a little -- well, I won't comment on that, but --

STEVEN COHEN: I agree.

WILL DURBIN: Yeah. We have asked that there be a different schema for owner-occupied versus owner-adjacent. The owner-adjacent I think is a much more clear example of commercial use, and so we asked it to be regulated more frequently.

STEVEN COHEN: Thank you.

H. THEODORE COHEN: I have another follow-up question with regard to the number of units. So if I owned a triple decker and I lived

on one floor, I would be an owner-occupier of that unit and I could rent out rooms in that unit that I was not living in; is that correct?

WILL DURBIN: So I think you're saying if there's a triple decker, you lived in one you owned the two below, let's say you live on the top.

H. THEODORE COHEN: Yes.

WILL DURBIN: You could offer one of the two below for owner-adjacent short-term rental. The other one you are not permitted to offer for short-term rental. It must be long-term rental.

CATHERINE PRESTON CONNOLLY: But you could also offer the rooms --

H. THEODORE COHEN: But I could offer the rooms in the unit that I occupy as my permanent residence?

WILL DURBIN: Yes. The one below that

you offer has to be an entire unit rental.

H. THEODORE COHEN: And that is where? I see owner-adjacent may be rented out only as a whole unit to one party to short-term rentals any one time.

WILL DURBIN: That's right.

H. THEODORE COHEN: And where is the limitation on that I could only -- that the third unit would have to be a long-term rental?

WILL DURBIN: You would -- we require you to be registered and get a permit.

H. THEODORE COHEN: Right.

WILL DURBIN: And the City would only issue an owner-adjacent permit for one of those other rooms. So you would not be able to get an owner-adjacent for the third bedroom in that three decker --

THACHER TIFFANY: Apartment.

WILL DURBIN: Apartment.

H. THEODORE COHEN: I'm trying to figure out where it says that in the --

CATHERINE PRESTON CONNOLLY: 4.64, No. 4. Proprietor of short-term rental operates no more than one owner-occupied unit and one owner-adjacent unit.

H. THEODORE COHEN: Great. Okay, thank you. Got it.

Board members, have other questions right now?

MARY FLYNN: I do.

H. THEODORE COHEN: Mary.

MARY FLYNN: I'm not sure whether this is just your illustration or is the max seven-unit building that can take advantage of the owner-occupied rental plus a -- because I'm thinking, you know, a larger condo building again

say if the condo docs allow it, you know, if there are 20 units in the building, can I do this?

WILL DURBIN: Yeah, this is just meant to be an illustration. So in this case even though it's the whole owner that might own five or seven units, only the owner-occupied can be rented out short term. The last example on the other one there's 16?

MARY FLYNN: Yes.

WILL DURBIN: 16. You could -- 200. You could then rent out your own but you could not buy the neighboring property and neighboring apartment and offer that for owner-adjacent.

MARY FLYNN: Okay, thank you.

H. THEODORE COHEN: Okay.

If there were no other questions now, we will go to public comment.

THACHER TIFFANY: Can I ask one more question? Sorry.

H. THEODORE COHEN: Certainly.

THACHER TIFFANY: Maybe to continue the triple decker example is the easiest way. How is adjacent defined. So if you're on the first floor, is the third floor unit adjacent?

WILL DURBIN: It's defined as in a residential building of four or fewer total units or all units are owned by the same person.

THACHER TIFFANY: So it doesn't have to be like contiguous? Gotcha.

WILL DURBIN: Right.

THACHER TIFFANY: So it could be the third floor of your home?

WILL DURBIN: Right.

THACHER TIFFANY: Got it. Thanks.

H. THEODORE COHEN: Okay. Thank you.

Now we'll go to public comment. Again, when we call your name, come up, speak for only three minutes, state and spell your name and state your address. And you have the lights.

Carolyn Fuller.

CAROLYN FULLER: Carolyn Fuller, C-A-R-O-L-Y-N F-U-L-L-E-R. 12 Douglas Street, Central Square, and I am here again today as an Airbnb host to speak in support of the City Council's petition on short-term rentals. I particularly appreciate that this petition defines short-term rentals as being less than 30 days. This will mean that our rentals to visiting professors, retirees, and transition people here for internships, visiting nurses, outpatients, and others here for extended but finite stays won't be impacted. So that I really appreciate.

I also appreciate that this petition will allow my husband and I to continue to rent to vacationers between the academic terms, which often includes part or all of December, January, and June through August. In other words, this petition does not have a limit on the number of days in the year that a host can rent on a short-term rental market.

And finally, I appreciate that this petition specifically has language that includes renters. It allows both owners and renters to enjoy in the sharing economy.

Thank you.

H. THEODORE COHEN: Thank you.

Kiril Alexandrov.

KIRIL ALEXANDROV: You got my spelling and my address. Thank you for letting me speak again and I hate to do this because I really like

Craig and Will because I love the work they've done for the city, but I'm just so philosophically opposed to the constrictive petition that I can't keep my big mouth shut. Especially since I e-mailed the City Council the Vancouver proposal as one I thought was very well written and also permissive rather than the way it's classified here. And speaking of permissive, we have to look at our sister cities that are closest in analogical thinking and philosophy.

Austin, permissive.

Berkeley, permissive.

University of Wisconsin at Madison,
permissive.

Those are the four sister cities. So I think we should have a more permissive way of approaching this.

Jumping back to what's been happening in the past couple of years, it's been widely permissive and the sky is not falling. And I don't think anything has broken. There are a handful of bad experiences, but on the whole 99 percent of the experiences are positive from the hosts to the visitors to the neighbors. There has been no major trend of issues outside of some anecdotal small number percentage issues which unfortunately come up in hearings like this.

In terms of supply of housing, we all know this city has the most affordable housing on the planet and plans to do even more. And then there's more housing being built, 5,000 units from last I heard. So if you look at the ratio of Airbnb that has happened so far versus housing units, project that to the 5,000 that will be built, it's still gonna be a tiny percentage.

It's not gonna envelop the city, and it hasn't done it and it won't do it in the future. Plus if there's displacement, that just brings more housing units to be built. And I'm pretty bummed that the bowling alley is going that way on, you know, Fresh Pond as we all probably have had a lot of fun there.

And let's define affordable housing. For whom? We're a sanctuary city which means we're welcoming to people that are displaced from other places. Why can't we think of that concept as visitors versus residents here? And I see this glass half full constantly being painted all over the place, when quite frankly Cambridge is Cambridge because of the visitors that come here and have that Cambridge experience. I think we should be a sanctuary city and let more visitors come in here and not have or, you know, cut this

off at the knees which I think both proposals unfortunately do.

You got to remember frequency is important here because this is all a numbers game. These are part-time uses. These are not things that are occupied 365 days a year. So there's not some massive influx here that's -- that is, you know, causing problems. And people don't come to Cambridge to drink very much or get drunk and do that kind of stuff. The people that come here are the people like us, that have similar interests. And I don't think I've seen any major incidents of scale on this matter.

And in terms of --

H. THEODORE COHEN: Could you wrap up, please.

KIRIL ALEXANDROV: Sure.

In terms of the special rules that I

think Cambridge should play by, I don't think we should look at LA, San Francisco, New York City, or any of these cities. I think we should look at the four -- three other cities that I mentioned previously. I think legislation should keep up and support forward motion rather than cut it off at the knees. And demand, the people really have spoken. Look at the numbers of satisfied hosts, satisfied visitors, and again, contrast that to a small number of naysayers. If you need to draw a line in the sand, then think about like corporations that are doing 20 units or something like that, and maybe adjust some of these petitions to really go after them rather than people that are Cantabrigians and happen to have one, two, three, four properties or something like that. You know, come up with different numbers.

So that's it, thanks again.

H. THEODORE COHEN: Thank you.

KIRIL ALEXANDROV: And, again, my apologies, guys.

COUNCILLOR CRAIG KELLEY: No worries.

H. THEODORE COHEN: Thalia Tringo.

THALIA TRINGO: Hi, my name is Thalia, T-H-A-L-I-A Tringo, T-R-I-N-G-O, and I live at Nine Chandler Street in Somerville. And the reason I'm spending my evening at a Cambridge zoning hearing is that this is an issue that I am here partly in my capacity as a concerned citizen by also as a local real estate broker. Very concerned about the effect that STR, short-term rentals are having on the overall stock of affordable housing, both for sales and for rentals. I am -- was very excited that my former neighbor, I'm an ex-Cantabrigian, Craig Kelley,

had developed this proposal and I'm hoping that you will adopt it and also that Somerville will use it as a model for our city because we're having the same issues.

I want to recognize that there is a value to Airbnb, and I am wholly in sympathy with people trying to afford to stay in their homes in Cambridge, Somerville, and other cities by doing Airbnb as owner-occupants from time to time, or even on a continual basis. I don't have an issue with that. I don't think that erodes the sense of community or local safety. However, I am very much opposed to the negative effects when the units are not owner-occupied and they are rented out. One thing that many people don't realize is that a lot of the affordable housing crisis now is due to the result of the financial crisis back in 2008, 2010 there was a lot of multi-unit

buildings and some condos as well that were bought up by investors, investors who some of them were buy and hold people, people would buy them with the long-term goal of just renting them out, and others were bought with the intent of flipping when the market became better. Well, here's the problem, the -- there are large numbers of individual landlords or corporate landlords who are kind of price fixing the market by holding on to large blocks of units so that our cities are becoming full of people who are not owner occupants, and the owner-occupants are getting squeezed out. If you saw from the numbers in the charts that Will and Craig so cleverly prepared, there's no competing with, you know, somebody can rent to a turnover transient tenants and make three times as much or more than a fair market rent which is high, that's what

they're going to do particularly if they don't live there and, you know, it comes down to corporate greed.

Someone talked about the sharing economy. When you talk about Airbnb and owner-occupied units, it's totally about the sharing economy. When you talk about it with, you know, large landlords, nonresident landlords, corporate landlords, it's about the selfish economy. It's about supporting corporate greed at the expense of neighborhoods and neighbors and community. And I, I don't think that's what Cambridge wants to go with.

H. THEODORE COHEN: If you could wrap up, please.

THALIA TRINGO: Yes.

I want to give one example. In my neighborhood is Davis Square in the winter there

was a fire on a property, and the first responders are really put at risk because the landlord had Airbnb'd a three decker, all three nonresident. The landlord owns a lot of property in Somerville and Cambridge as well, and had rented out to -- all three units. And one of them was completely Airbnb by room and nobody knew who lived there. So my neighbors who had lived there for years and years were outside at two a.m. listening to people scream jumping from a burning building that had to be completely raised. It didn't have adequate smoke alarms or carbon monoxide detectors. And nobody knew if everybody was out because nobody knew who lived there, including the people who lived there. This is a much larger safety issue than people realize.

Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

Yes.

CAROL O'HARE: Carol O'Hare, 172 Magazine Street. I'll be brief.

I want to give thanks and major credit to Councillor Kelley and Will Durbin for their excellent work and they -- Will in particular has been able to -- not that Craig wouldn't have, but Will has been available and has been able to answer questions and address issues that I have raised. I am -- this is about the substance. I am concerned. I favor this, but I am concerned about extending the right to rent to owner-adjacent units. I think we could do that in the future if necessary, but I think we should start with just Airbnb for rooms.

Second, I think we need to look at the

trends. There was a chart, comparison chart that I sent to Craig and Will that shows a number of cities, eight or ten, where the Airbnb rates are going up like this and the only one that has levelled off is San Francisco. And it is I think two percent over the last some odd years increase ever since they adopted their Ordinance. And I note that San Francisco was not one of the comparable cities. And maybe as Will has said, it has downsized -- the Ordinance has downsized that we wouldn't adopt, but I would like to see the comparison of San Francisco's Ordinance with the one being proposed.

And then a technical point is that yes, it has to be clarified that if a tenant is allowed to sublease or subrent, the word owner has to be expanded to permit that. And the same, and second of all, I think the Ordinance should

clarify that if a tenant or a condo owner seeks to rent, they should first seek to know whether such rental would comply with their underlying documents, the lease under which they rent or the condo documents so that we don't have a tissing contest about well, the law says we can do this so you can't tell me I can't do it to the landlord or the condo association all over the city.

Thank you.

H. THEODORE COHEN: Thank you.

Lee Farris.

LEE FARRIS: Lee, L-E-E Farris,
F-A-R-R-I-S, 269 Norfolk Street.

I also support Councillor Kelley's petition and I appreciate his work and Will's work on it. I want to particularly note the fact that they had so much input and they did the

right thing in trying to come up with an Ordinance as well as the research, but also just the -- all the different public content that they mentioned. So that's a great way to do it. And I have to say I was so distressed to hear that Ms. Cockrill says that her name was put on a petition that she didn't know anything about. So, frankly that sounds like something illegal. Like forgery or something occurred. So I hope that folks will look into that.

I've used Airbnb when I'm travelling, and I've noticed an increasing number of corporate places being offered. And I can tell that they're corporate places by what they look like and the fact that just like Will was saying, they disguise -- they make multiple listings for multiple places in one building. And I try really hard not to stay in those places. And so

far I've succeeded. But I went to stay in a place that's occupied by a real resident. If nothing else, they have better pots and pans than those corporate places do. I think it's really important to get the kind of control that the Kelley proposal does. Like Carol O'Hare, I am concerned about the owner-adjacent unit, and I would prefer not to see that in there at this time.

And I also am uncertain that the provision for it -- I want tenants to be able to rent a room in their apartment if they have their landlord's permission. And so I don't see language in the petition that says that they have to have that. And I -- what I don't want to see is businesses create sham leases to fictional tenants who then rent out, you know, 30 units through Airbnb with, you know, tenant A and

tenant B and they're all not real tenants. I'm not sure that this petition protects against this right now.

And then a last concern was raised during the presentation which is what if somebody, a large landlord buys a 20-unit building and condos it and then each unit is rented out? That seems to me that possibly that could be legal. So, overall I hope that you will give a positive recommendation to this petition and that we can, you know, do a little tweaking at the Ordinance.

Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: None appearing, I suggest we take a five minute break and we'll come back and the Board will have its discussion.

(A short recess was taken.)

H. THEODORE COHEN: Okay, if people could sit down. Thank you.

So now we will reopen the hearing on the Cockrill petition and consolidate it with the hearing on the City Council petition and the Planning Board members will be discussing both simultaneously.

Who would like to start? Anyone?

Hugh.

HUGH RUSSELL: So clearly there are people in this room who are far more knowledgeable and expert on the subject, and the two gentlemen sitting over in the front corner, Councillor Kelley and Will Durbin are among those people in my opinion. So I think the -- I'm convinced that this would be desirable to enact something that would -- it seems to be Councillor

Kelley's petition is a very well thought out step. It's like any piece of legislation, it's subject to being changed in the future if it doesn't work out. But there's no reason to think that it won't in fact accomplish the goals of the petition. I would encourage them to consider Carol O'Hare's testimony and Lee Farris's testimony. I think Carol has a good point that that one of the standards has to be that a person has the right for their tenancy to do this, and maybe that's part of the regulations that are adopted by the department or maybe it should be the text in the Ordinance. And, you know, I thought these comments were very clear.

I think the key question is should this at this time be restricted to only the owner-occupied apartments or is other advantages to allowing adjacent apartments? I don't really

know how to answer that question.

H. THEODORE COHEN: Tom.

TOM SIENIEWICZ: Sure.

I was keeping sort of track of the whole testimony and the public statements relative to the question that we started the hearing, you know, what's the issue we're trying to solve. And the deltas that -- the issue here, the negatives I think we're well aware of, turning apartments into commercial enterprises and hotels and increased activity that the residents might be subjected to as a result. The cost of rent being driven up because of this. Safety concerns. And so many of those things get addressed in the petition, I agree, they've done a really thoughtful job. I think the one area was the effect on vacancy. Just looking very carefully of the statistical break down that we

were presented with by the City, there's a dramatic effect of vacancy by the position of Airbnb. It seems to be a very small percentages, but when you put the small percentages against the very small vacancy that we have, it's 30 to 50 person effect on vacancy on the community that's experiencing a housing crisis. So that's one the thing that gives me pause. But I weigh that against the potential for Airbnb, if properly and fairly regulated to increasing for people to actually allow people to enjoy property rights. The increasing friendship and fellowship that can result in this. International and welcoming community we become, and continue to support, it supports the particular, peculiar nature of our community being academic. Not -- also the wonderful effect that you could address the regular academic calendar we're all subjected

to here, you know, by filling vacancies in the summer through this process. And also I appreciate Mr. Alexandrov's testimony. This is an endorsement of change and the new sharing economy and that's the future. And so I'm very much in support of doing this in a fair way. And I think this has really been beautifully thought out.

I do appreciate Lee Farris's comment about rental rights. STR rights being only allowed to tenants if it was conditioned on the landlord's approval. I've had some experience with that myself as a landlord. So it's really that issue of vacancy that I grind on a little bit, and that's the thing that I'm trying to balance here. I'm find myself very much in favor of the petition pretty much as drafted and just on using that on that bit of vacancy.

H. THEODORE COHEN: I'll jump in. I agree. I think from a zoning and land use perspective that the city ought to make clear whether short-term rentals are allowed. And if so, whether they're going to be regulated. And so I think there should be something in the Zoning Ordinance that talks about them. I think the City Council's petition is -- really seems to be very fair and well balanced. I think the exclusion of commercial property owners make sense at this point. As Hugh mentioned, things can always be amended if it turns out that there is some, you know, something we're all missing or some very good reason for including commercial properties. I think it could be amended at some point in time.

I think it makes sense to include the owner-adjacent unit. I think the owner still has

to be in the same building. So I think we're really talking about the triple decker situation where an owner is living in one unit, and rather than having to long-term lease out both units, he or she could have the advantage of the short-term rental of -- both for income purposes and also for some of the points that Tom just made about welcoming people from different places, hosting people for a short term without having to actually happen to have them in a bedroom in your own unit. So I think that the owner-adjacent unit is not going to take that much out of the long-term rentals because I do agree that the impact of short-term rentals on the housing in the city is really, you know, considerable and ought to be addressed. That we're constantly asking for more housing and that we shouldn't, you know, we have to balance the desire of people

to, you know, maximize their own property and get the benefit of this with not losing the long-term housing, and I think this petition really does it. I think it makes sense to not put the 180-day limitation on it, because as was pointed out because of the conflict of interest, that means something is laying fallow for 180 days. And so this presumably -- because it's owner-occupied, the owner's going to be there. It's owner-occupied or owner-adjacent and so the owner's going to be there and knows what is going on and will have the ability to either do the short-term rental. Or if it becomes too onerous or not a pleasant situation, they can switch to long-term rental.

I guess I don't see it necessary to write it into the Ordinance, the requirement that the landlord or company or association agree to it.

I think that could be an Inspectional Services requirements and/or, you know, where they could require either a letter from the landlord or perhaps a lease that indicates that it is permitted. You know, I just don't see that it needs to be in the Ordinance. But that, I think that's a small point compared to everything else.

You know, I would not support the Cockrill petition but I do think I would, you know, would happily support the City Council petition. And that, you know, as sharing economy continues to grow and, you know, we will learn more about how it's going to work and whether we need to amend things, but I think it makes sense to do something now rather than wait and then have to catch up.

Steve.

STEVEN COHEN: For all the reasons that

my colleagues already mentioned I would support Councillor Kelley's petition as well. I only had two comments:

First of all, on the issue of landlord approvals, I would tend to have the city get involved with what is essentially a private relationship between a tenant and his landlord or between a unit owner and the condominium association. I think it should be up to the occupant or owner of the unit to be sure that he or she has appropriate permission from either the owner of his or her unit or from the condo association.

The only other point I'd make is the one I alluded to earlier, and that is what I fear may be overregulation in the inspection of these units. We were talking about Zoning Code and Building Code and Fire Codes. I mean, we've got

a lot of old homes in the City of Cambridge, and in many of them have various elements which do not comply perfectly with code. And, you know, if it was new construction, that's one thing. A hotel with multiple, you know, rental units is one thing, but I think it's kind of understood that when you're renting a room, an apartment, or in a person's home, that it might not be as pristine. It might not be -- the finishes might not be as good. The appliances might not be as good. And in other respects it might not be quite the same as staying at a, you know, Triple A hotel where you're paying one third or one quarter as much. It's -- I think, including that requirement in here, it may end up sort of shooting ourselves in the foot and discourage homeowners from inviting inspectors into their homes. And, you know, we've all heard some

stories in Cambridge. I mean, just in the last couple of years I've got two friends in Cambridge who ran into situations, and in one case an inspector came by and said that the railing in their balcony, which has been sitting there for 125 years, no longer complies with Code. The railing has to be higher. And, you know, that's a significant expense and annoyance he had to rebuild his -- the railings.

And in another instance a riser in a stair was one-eighth inch off. And I don't know how he resolved that, but, you know, a lot of our homes are very old and simply don't comply with the highest Code. It doesn't mean necessarily that they're unsafe, but, you know, Code has a very particular requirement. So I don't want to belabor the point, perhaps I already have, but I'm concerned about that element. Other than

that I think it's a very reasonable balance of interest and good regulation of the issue.

H. THEODORE COHEN: Lou.

LOUIS J. BACCI, JR.: Yeah, I can support the Kelley Ordinance. It seemed like the Cockrill didn't quite hit all the points. It had too many holes. Although there were a couple of things in the Kelley Ordinance that I -- no paperwork on the owner-occupied and all the bookkeeping on the adjacent unit, I was concerned. I was confused about that.

Also the inspections. I also agree that maybe the building inspection part of that might be a little heavy on some of these, but certainly a safety inspection of some sort seems reasonable.

The other thing was the renters or leaseholders, does it make sense to have the

owner be the person that the -- the person that registers these properties? That way I, I guess trying to head off that you would have some kind of fictitious paperwork, but possibly the owners should be required to do the registration personally. But after that, I think you've done an excellent job. You hit everything that I could think of.

H. THEODORE COHEN: Catherine.

CATHERINE PRESTON CONNOLLY: So on the question of owners versus renters; I'm a real estate property attorney who routinely builds stuff on leased property. I would say most communities that I do that in I have to have either a letter of authorization on my Building Permit or I have to have the owner sign off on an application. I have no reason to think that the License Commission in implementing some of the

regulations in the City Council petition here wouldn't require a similar kind of thing, but if there was any doubt, I guess I think we should include a recommendation that any implementation of this use by a leaseholder needs to be -- have some form of authorization from the owner. And that, you know, far from interfering with or getting the city involved in the private dealings of property owners, I think it ensures that the city isn't. It, you know, because otherwise we are in danger of getting pulled into a fight between the property owner and the leaseholder. This way we're just verifying that everybody is on the same page and I think it actually minimizes the likelihood that the city has to get involved in that discussion.

On the whole, I am very supportive of the City Council petition. Like my colleagues, I

feel it hits more of the right notes than the Cockrill petition.

I think I'm with Hugh on feeling somewhat ambivalent on the owner-adjacent units. I don't feel like we have enough information on why that's desirable or what the economic and/or societal impact is to make an informed planning judgment on that. My sense is that that is as much a political judgment as anything and that's fine. That is the City Council's purview to make that political judgment. But I, as a planning matter, I don't feel like we have adequate information to either support or frankly say that that's not supportable here. So I can see why a resident who owned an extra unit would want to use it that way, but I'm somewhat ambivalent as to whether or not they're included.

On the owner-occupied units, I think -- I

remember the incident in Somerville, over the winter in particular, and I think it points to the challenge of having many rooms rented to many different people. So I like the idea of limiting it to owner-occupied units with three or fewer rooms. I guess I would personally prefer to see that similarly limited as the owner-adjacent units to one whole party. So for instance, if a family wanted to rent out two rooms, they would have the ability to rent out two rooms, but you couldn't rent two rooms. And I think, I think when you talked about complying -- Councillor Kelley talked about complying with the City's overall residential rules regarding unrelated people occupying the house, I think that accomplishes that. But I'm not sure and I guess I would like clearer language so we didn't end up with that kind of situation where there are, you

know, four unrelated people in a unit, none of whom know each other and none of whom have any accountability to one another. That's a tweak, though.

I mean, overall I think this is a very strong petition that does really get at something that is increasingly a challenge for the community. And I guess I just want to go on record saying that affordable housing to me means affordable housing for residents. I have no particular vested interest in ensuring that the city provide affordability of transient housing at all economic levels. I think that there is certainly, as was noted, there is a market for it at all different levels and that's great. And if people want to provide rooms in their own homes, that's fantastic. It's certainly -- there's certainly demand for it. But as a matter of

policy for the city, I think our job is to ensure affordable housing for people who make this their home and, you know, that could include immigrants and visitors from other cities who come here and stay and make a permanent residence.

One of the things that makes Cambridge great is that we do welcome people from all over and we make them a part of our community which no matter how many times Airbnb puts it in their ads, staying somewhere for a week doesn't make you part of the community. And so I just, you know, there was some sense that there was, you know, the city should be concerned about providing affordable accommodations for visitors. And I guess, I for one don't see that as part of the policy we've been asked to implement as a Planning Board. So that's all I have to say.

H. THEODORE COHEN: Mary.

MARY FLYNN: I agree with most of what my colleagues have said. I do think -- I am in support of the Kelley petition. I think it does balance, you know, the need to protect our long-term residential units with the ability to, as you have said, welcome people to the city, and also provide some homeowners a little bit of extra economic benefit. I think it's a very nice job and you clearly did a lot of research. Your presentation was very, very helpful.

I do feel pretty strongly about the landlord signing off on any renter who wants to participate in this. And I agree, you know, pass that it's beyond the two of them, but certainly the landlord needs to be able to show the City that he's on board with the renter doing -- he or she is on board with the renter.

I think really for me the key is that

it's owner-occupied. I did think about the Somerville situation when I first started reading it and I can just imagine how horrible that night was for all those folks and how horrible it is for the community to, you know, have people coming in and out seeing a horrible situation like that, but also just not really knowing who to complain to. So I think, you know, to me the owner occupancy is key.

I don't really have any issues with the owner-adjacent unit. In fact, I think in some cases you're going to find owners who don't want to rent out bedrooms in their unit but might want to rent out another unit in the building. And I think limiting it to the owner-occupied unit you may find that a lot of people no longer avail themselves of the program. So I think it just allows that additional flexibility.

So all in and all I'm very supportive of it. Thank you.

H. THEODORE COHEN: Thacher.

THACHER TIFFANY: I don't have that much to add. I think everyone put it very well. This is clearly a well thought through petition. I think it strikes a balance. You know, I think you've heard from some of us that would maybe go a little more conservative. I probably lean and maybe go a little more permissive. Maybe two adjacent units not just one. But some people are saying no, just a unit. Maybe that means that you really hit the balance.

You know, someone that knows more about this more than me should think about whether the tenant approval should be in the statute or not. I don't know if it should. But clearly the landlord should have to approve it at some point

or have approved in a lease in advance.

You know, I hope to live in a Cambridge that continues to have Airbnb. I think it's a great thing. I think, you know, a lot of the testimony is reflected in the fact that it's a special way to visit a city. And so Cambridge should include that in our ways of welcoming people, but clearly there are people that are using it not the way I think others have enjoyed it and this seems to be the right way to put it, put a stop to that. When I think about the Airbnb's that I've been to, that I've enjoyed, that I've returned to, I think they all fit under this statute, the ones I've enjoyed. The one exception might be the -- and this probably isn't very common in Cambridge, is the sort of backyard unit, if you will. The unit that's not part of the same building, but part of the same property.

So something to think about there. I'm not, you know, so much as reading the statute and think about what they wanted to intend on that. There might be a few places North Cambridge, Strawberry Hill where there's a backyard unit where people would feel comfortable seeing as an Airbnb.

H. THEODORE COHEN: Okay, well, actually just one last comment. I guess I don't necessarily agree philosophically with Catherine's feeling that we don't owe something to transients and visitors, because I think they do -- first of all, they bring money into the city.

CATHERINE PRESTON CONNOLLY: I don't think that's what I said at all.

H. THEODORE COHEN: Well --

CATHERINE PRESTON CONNOLLY: Just to be clear. I didn't say we didn't owe anything to

them.

H. THEODORE COHEN: No, but you said --

CATHERINE PRESTON CONNOLLY: I said we didn't have a policy. As a policy matter, we have not been asked as a Planning Board to provide affordable housing for them. That's a different thing than saying we don't owe them anything.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

The implications are the same at the end of the day.

H. THEODORE COHEN: Well, I don't want to get into a lengthy debate because I don't, you know, all I'm saying is that I think visitors to the city bring a lot to the city in terms of money and in a variety and that the ability to be a transient in the city can be very expensive. And I agree with Thatcher that it's valuable to

have short-term rentals in the city.

CATHERINE PRESTON CONNOLLY: I agree with all of that.

H. THEODORE COHEN: Okay.

CATHERINE PRESTON CONNOLLY: So I don't think there's a debate about that.

H. THEODORE COHEN: No, I don't.

CATHERINE PRESTON CONNOLLY: I was merely objecting to the implication that there's an equivalency between affordable housing for residents and affordable housing for transients.

H. THEODORE COHEN: I agree, there is no equivalency. All right, so -- Hugh.

HUGH RUSSELL: So I have one observation that this Ordinance doesn't prohibit people from building hotels or even seeking to convert the existing structures into hotels where that's permitted. And even living in those hotels as

they might a bed and breakfast. So that's unregulated by this Ordinance, and if this Ordinance becomes -- if the market decides we need more rooms like that, then there's a way for commercial people to achieve that.

H. THEODORE COHEN: Right. Well, the Ordinance would still allow the traditional bed and breakfast.

HUGH RUSSELL: Right.

H. THEODORE COHEN: And the lodging house which is presumably for semi-permanent residents who are just, you know, renting a room or perhaps with or without kitchen facilities and also hotels and motels. So we're just adding something rather than diminishing other things.

HUGH RUSSELL: So I've been thinking and realizing that actually some of my neighbors have been doing these kind of things. And so one

neighbor has during the summer, the academic summer will sometimes sublet her house to a family to occupy. And if it's for more than 30 days, presumably doesn't fall under this Ordinance. I'm not quite sure what it falls under, but I think there are people who do that.

And another neighbor, when family members moved on with their lives had a house that had empty space, and I -- people come and go, I'm not quite sure how long they stay. I think I noticed one person stayed for like three years while he was getting his graduate -- PhD from Harvard, and I believe at some point in time there were people who with -- would be transients. So I believe nothing -- if you have a dwelling unit, you could have up to four unrelated people in that dwelling unit if they are not transient. And I guess this sets the line. So as long as you're renting to

somebody who is there for longer than 30 days, then you don't fall under this Ordinance and you have the right to do that. And I would suggest the city is full of roommate groups, particularly in rental housing where that does happen and where there may not be arrangements may be quite informal, but if you pay your rent for your share of the rent. So I think I'm clear that -- that's still legal, right? To share housing and share costs up to four persons unit, and then you get a little confused if you're doing both of the things at the same time, but I guess it's fruitful if you want transients, then you have to register and be bound by the rules for transients.

JEFF ROBERTS: Mr. Chair, I would just jump in at this point because this has come up a couple times, this question about what happens if

it's more than 30 days. I think the reason why the 30-day standard was put in place for short-term rentals is that generally speaking, and this is something that may, you know, be subject to little things around the edges, that if you're staying in a place for more than 30 days that's considered tenancy. If you're there for a month or more, that's considered a tenant. So even somebody who is moving into a kind of -- and I know lots of people have done this, too, have kind of switched places with people or moved away for the summer and then had somebody else stay there for the summer, that's still considered, in generally speaking, it's tenancy.

HUGH RUSSELL: Steve's comment about the kinds of inspections that are being made. So under the Building Code, you can't force people to bring their units up to current code standards

with certain exceptions and they're very limited exceptions. And one of those exceptions is either various rules about how you have to update your fire alarm system, carbon monoxide, there's a particular law for carbon monoxide detectors require people to install them. So I think, I think it's wise to make sure that the fire alarm system is there and that there aren't hazardous conditions that the Building Department has the right to comment on, but I think you don't want to -- the presumption in the Building Code is that if the building's been there for 40 or 50 years, properly maintained, legally built, or built before there were standards, which is two structures in that building or city, that that building has earned its legitimacy and there's a very complicated existing Building Code which has a nine layers, nine levels that you have to sort

out when you're -- repairing, altering, or changing the use of a building. And those, those standards are in place, and some of those are the standards that Building Department should be applying and that we wouldn't want them to feel like this is a change of occupancy. Which change of occupancy rules, the ninth chapter are much more stringent.

STEVEN COHEN: You know, Hugh, I know that there are nine levels and that's all I know. I don't know the nuances of the levels, but it's precisely the thought, the concern that this may be deemed a change of use and change of occupancy, and I think just kind of ironic that if I were to rent out my adjacent apartment to a family with young children for a year, there's no inspection involved. If I do so for 31 days, no inspection involved. 28 days and suddenly I

don't know what I'm getting myself into with the change of use. It's -- so I understand the concern for safe hazard-free housing here, but there's some ironic permeations with these rules that don't seem to play out.

HUGH RUSSELL: And I mean the Building Code distinguishes between transient occupancies and single-family or multi-family occupancy. And part of the distinction is based upon the notion that if you live in a place for a while, you know more about it. And that the transient, you know, will not have that same knowledge and, therefore, there are certain additional protections that are needed for the transient because he's unfamiliar with the building.

STEVEN COHEN: Makes sense.

HUGH RUSSELL: And it's getting the Building Department to think about this

inspection in that way.

H. THEODORE COHEN: Well, Hugh, based on what you've just said, so the standards in the petitions, one of them is compliance with all Inspectional Services Department and Fire Department Codes. And another is that each bedroom meets all Building Code requirements for bedroom occupancy. So can you opine now how that might fit into the Building Code?

HUGH RUSSELL: Well, the first language is sufficiently imprecise that -- that you don't know how the Building Department is going to interpret.

STEVEN COHEN: That's my concern.

HUGH RUSSELL: Is the missing word "current codes" or is it more that the code as specifically written that gives to certain rights to --

H. THEODORE COHEN: Grandfather rights.

HUGH RUSSELL: Grandfathering rights.

H. THEODORE COHEN: Right.

HUGH RUSSELL: The second point -- would you repeat the second point?

H. THEODORE COHEN: Bedrooms meet all Building Code requirements for bedroom occupancy.

HUGH RUSSELL: Right.

STEVEN COHEN: Just egress.

HUGH RUSSELL: So does it have the emergency egress window? Does it have sufficient light and air? I can certainly tell you the place the graduate student lived in had fine egress, but it didn't have much in way of windows. And he was presumably, by staying there for three years, was perfectly content with the unit. In fact, I don't even think we ever saw him during the day. He was over in the music

building doing his PhD stuff. And his cat sat in the window.

So there might be a little fine tuning of language to try to not have the unintended consequence that no building passes unless it's brand new. And that probably is something that has to be talked about with the Law Department and the Building Department so that the language in it is sufficiently directed that they know what the Council's intent is. Which it appears to be try to facilitate this process because of the advantages it has to homeowners and visitors.

LOUIS J. BACCI, JR.: There may be a little redundancy built into this because when they apply for an insurance policy for this, they're going to get quite an inspection.

MARY FLYNN: Yeah, that's very true.

H. THEODORE COHEN: Are we prepared to

move on? So why don't we first deal with the Cockrill petition, and I guess, I guess there has been some concern raised that if one or the other petitions was voted down, that it might run into problem with the state statute about not having repetitive petitions and that the City Council could not then take up the other petition. I don't really think that applies, but I understand that concern has been raised and so I might suggest that rather than making a recommendation that City Council vote -- take a negative vote on the Cockrill petition, that our recommendation be that we do not support it and recommend that it not be adopted, in which case City Council could leave it on the table, let it expire in its own right, and not have a repetitive petition issue.

HUGH RUSSELL: I guess I would also like to put into the recommendation on this that there

are a number of points of language in this petition which are difficult. And just give you a very simple standard, a couple of the standards say short-term rentals may not result. Now, what does that mean? Does it mean shall? Or is it a generalized description of the way the world might work? The language is unclear. And there are a number of places in this petition where the drafting does not meet the standards for adoption. That's another reason not to adopt this. We don't really know what it means.

H. THEODORE COHEN: Right. I think the language is ambiguous. And I think we've all indicated opposition to the commercial aspect of that petition.

CATHERINE PRESTON CONNOLLY: Yeah.

H. THEODORE COHEN: So could I have a motion that we recommend to the City Council that

they not adopt the Cockrill petition for a number of reasons, including the inclusion of commercial properties and also because a lot of the language is not clear enough.

CATHERINE PRESTON CONNOLLY: So moved.

LOUIS J. BACCI, JR.: Second.

H. THEODORE COHEN: Is there a second?

All those in favor?

(Show of hands.)

H. THEODORE COHEN: It's unanimous.

Could I -- turning back to the City Council petition, could we have a motion to recommend to City Council that it adopt the Kelley petition, the City Council petition.

Although there have been numerous comments with regard to the scope, whether it should include or not include owner-adjacent units, questions about the scope of inspections that might be required,

and registration process, and also some questions about whether there is a requirement in the Ordinance or in the regulation for consent to a short-term rental by the owner or landlord of the building.

STEVEN COHEN: Mr. Chair, before somebody makes that motion, I personally think that applying this to an adjacent unit, we're only talking about four-unit buildings, is appropriate and is a good balance of interest, and I know we don't have unanimity on that matter, but I wonder if we could poll or take a vote on that point and if there is a strong --

H. THEODORE COHEN: Sure, I think we can --

STEVEN COHEN: -- we could include that in our recommendation.

H. THEODORE COHEN: Fine. Why don't we

do that.

Who would support the concept of
owner-adjacent units?

(Show of hands: H.T. Cohen, S. Cohen,
Bacci, Sieniewicz, Flynn, Tiffany.)

H. THEODORE COHEN: Okay, and so then I
would say --

HUGH RUSSELL: Would you complete the
vote?

H. THEODORE COHEN: Who would oppose the
inclusion of owner and who would I guess abstain
on the issue?

(Show of hands: Preston, Russell.)

HUGH RUSSELL: So I would point out
people who abstained therefore are saying it's
okay for the majority to decide.

H. THEODORE COHEN: Right.

HUGH RUSSELL: So there is no objection

to that.

CATHERINE PRESTON CONNOLLY: Right.

H. THEODORE COHEN: All right, so then --
so then the recommendation would be to include
the owner-adjacent units.

HUGH RUSSELL: Yeah.

H. THEODORE COHEN: Okay. Could we have
a such a motion that would make a recommendation
to support -- that City Council support the --

HUGH RUSSELL: And I'll make that motion
and I would also like to indicate to the staff
that the comments that we've made about certain
language in certain places are not intended as a
criticism of the petition but as a suggestion of
ways of making the petition intent clearly found
in the language. So....

STEVEN COHEN: And, Mr. Chair, if somehow
or another this motion could reflect, if there's

any consensus, or could reflect at least some of the concerns I have about the scope of the regulation and inspection of --

H. THEODORE COHEN: Right.

CATHERINE PRESTON CONNOLLY: I thought the motion already did include that.

H. THEODORE COHEN: It did include that.

So if I could summarize, again, that if I could have a motion that recommends the adoption of a Kelley's City Council petition as drafted with questions -- but that the -- some questions have been raised about some of the language that could be clarified, and that there was questions about the scope of the regulations and the inspection requirements that should be looked into with greater detail by City Council and perhaps the Law Department and also that there was strong feeling, whether it goes into the

Ordinance itself or becomes part of the regulation, that there needs to be consent to the use of it for short-term rental by the owner or landlord of the property. Is that acceptable? Could I have such a motion?

MARY FLYNN: So moved.

STEVEN COHEN: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: That is unanimous.

Thank you all very much.

COUNCILLOR CRAIG KELLEY: Thank you.

H. THEODORE COHEN: Councillor Kelley, Mr. Durbin, thank you for all your hard work.

COUNCILLOR CRAIG KELLEY: It was his hard work.

H. THEODORE COHEN: Thank you, public. Thank you all for coming and participating in

this.

I don't believe we have anything else on
the agenda so we are adjourned.

(Whereupon, at 9:25 p.m., the
Planning Board Adjourned.)

* * * * *

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BRISTOL, SS.**

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That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of June, 2017.

Catherine L. Zelinski
Notary Public
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My Commission Expires:
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