

Upper Hurstville

Residents Association and Security District

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September 26, 2016

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The Honorable Susan Guidry, Councilperson
New Orleans City Council, District "A"
City Hall, Room 2W80
1300 Perdido Street
New Orleans, LA 70112

CC: Councilperson Stacy Head
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RE: Zoning Docket No. 61/16 – Request by City Council
Motion No. M-16-166 as it relates to Upper Hurstville Neighborhood

Dear Mrs. Guidry,

I am writing on behalf of the Upper Hurstville Residents Association, which is bordered by Audubon Park, Prytania Street, Nashville Avenue, and Magazine Street and includes zoning districts HU-RD2, HU-B1 and HU-RM1. Currently in our neighborhood, short-term rentals are illegal, principal bed and breakfasts are not permitted, and accessory bed and breakfasts are a conditional use requiring neighborhood notice and a public hearing prior to approval.

Over the last several years, our organization has received several complaints regarding illegal short-term rentals in our neighborhood. On 17 September 2014, we sent a letter to all addresses within our neighborhood boundaries, outlining that these rentals were illegal. As of today's letter, we are unaware of any enforcement action whatsoever by the City and most of these short-term rentals continue to operate illegally.

Last year's Short-term Rental Study prompted our Board to reach out to our residents to determine the view of the neighborhood as a whole regarding this issue. We sent a survey to 344 mailing list members of our association and the results of the survey were previously provided in correspondence to the City Planning Commission dated 28 November 2015 (letter attached), showing that the majority of survey respondents opposed both accessory and principal short-term rentals in our neighborhood.

We took notice as the City Planning Commission **twice** ruled to modify the original staff report to exclude Principal Short-term Rentals as a use in residential zoning districts. We agree with the City Planning Commission on this view in

that non-owner occupied whole house rentals are the most problematic, most disruptive, and most commercial in nature of the short-term rental types.

Furthermore, we have noted that much of the public comment from neighborhood associations throughout the City has expressed well-founded opposition to short-term rentals. In particular, the letter from Mr. Emile J. Brinkman is particularly compelling in making the following points which generally summarizes the opposition of the neighborhood associations:

1. STRs fundamentally upset residential valuations by introducing unsustainable commercial valuations into residential neighborhoods.
2. Short-term rentals directly inject the business risk of tourism into residential neighborhoods.
3. In addition to being a nuisance, weekly or weekend parties, which by nature are attracted to short-term rentals, fundamentally undermine neighborhood property values and represent a real loss of value for the neighbors and our property values in all neighborhoods.
4. Finally, as noted in Mr. Brinkman's letter, AirBNB and similar services are not like Uber. First, and foremost, these services are fundamentally illegal. In addition, "[t]he regulations of which AirBNB facilitates the violation are not there to protect capital invested in the hotel industry. Rather AirBNB is facilitating, for a profit, the violation of zoning laws that were enacted to protect individual homeowners from this type of commercial activity... ..[T]he capital [homeowners] have at risk is in homes that they trusted would be protected by zoning laws and the enforcement powers of the city government."

In summary, our neighborhood association's position, as ratified by its Board, is that current zoning laws and regulations regarding bed and breakfasts should be upheld, and should also be applied to short-term rentals. Accordingly, we advocate for legislation that will protect and enhance the residential character of our neighborhood, and disallow the at-will creation of unlimited commercial businesses run out of homes, as the current Staff report and Commission report allow.

Just as accessory bed and breakfasts require a conditional use permit application and have density limitations, so should accessory short-term rentals. Just as non-owner occupied principal bed and breakfast establishments are currently not permitted in our neighborhood, neither should non-owner occupied principal short-term rentals be permitted.

The current staff report on the short-term rental issue is fundamentally flawed in that it erroneously assumes that one size fits all with regard to the short-term rental issue, and that one regulation should be applied across all areas of the city. As residents of a successful and established neighborhood who work diligently to keep it that way, we completely disagree with the approach the staff has recommended. Additionally, the unwillingness of short-term rental listing firms to share data with the City, as well as the City's obvious unwillingness to enforce current law leaves us with little confidence that more lenient regulations will be enforced with any vigor. We suspect and believe our suspicion to be well-founded that the adoption of the proposed zoning changes as written would result in a decline in the quality of life for our residents.

For the reasons discussed above, our association requests that you as our Council representative, and the other City Council members as the elected representatives of our neighborhoods act in the best interest of our neighborhoods and reject the original staff report as well as the commission modified staff report. Instead, we urge you to draft and support legislation which allows short-term rental regulations to parallel those currently applied to bed and breakfast establishments in our neighborhood. This would allow residents within our boundaries who wish to rent out part of their primary residence on a short-term basis to apply for a conditional use and seek approval of their neighbors in advance. It would also prevent the non-owner occupied whole house principal short-term rental or non-owner occupied principal bed and breakfast from disrupting the neighborhood by not permitting them at all.

We appreciate your consideration of our comments.

Sincerely,

Upper Hurstville Residents Association

By: Patrick A. Talley, Jr.
Its: President

Attachments:

UHRA letter to CPC dated 27 Nov 2015
Emile J Brinkmann letter to CPC dated 3 Jun 2016
Emile J Brinkmann letter to CPC dated 29 Sep 2015