

CRITICAL REASONS TO APPROVE DCA212-002 TO PROVIDE MEANINGFUL “LAND USE” DEFINITION

STRs ARE AN IMPERMISSIBLE **COMMERCIAL AND BUSINESS USE** IN SINGLE FAMILY RESIDENTIAL DISTRICTS

- ★ These businesses are disruptive and destroy the residential character of neighborhoods
- ★ Virtually all of those who have spoken to ZOAC in favor of STRs are operators who are making money with these commercial enterprises, and **not neighbors living next to the businesses. NO NEIGHBORHOOD ASSOCIATION HAS VOTED OR SPOKEN IN FAVOR OF STRs.** It is only those with vested financial interests in operating profitable commercial enterprises in residential neighborhoods.
- ★ Many of the STRs are operated by owners with multiple STRs; these are not “Mom and Pop” or retiree operators simply trying to make ends meet by renting out a spare bedroom to pay the bills. For example, the “hotel” next door to my home at 6828 Gaston Ave. is only one of at least five STRs operated by the same owners. The major hotel chains, primarily Marriott, are operating thousands of STRs themselves, indicating the profitability of these venture.

STRs CREATE SUBSTANTIAL CRIME PROBLEMS AND DESTROY NEIGHBORHOOD SECURITY AND SAFETY

- ★ There are no safeguards or requirements to avoid bringing sex offenders or drug dealers into otherwise safe neighborhoods, often close to schools, parks, and churches
- ★ Having an STR in the neighborhood makes it impossible to maintain a Neighborhood Crime Watch program, a program highly praised by the Dallas Police Department as aiding in law enforcement
- ★ The burdens on code enforcement and police protection from STRs are incalculable. The figures presented to ZOAC of 311/911 calls are grossly understated. Calls to code compliance are never responded to at night or on the weekend. The Dallas Police Department is already overworked with serious crime issues, and should not be called upon to deal with noisy and disruptive party houses. **Proposals for regulation of STRs to allow their**

continuance completely ignore the cost and procedural difficulties of enforcement, and pretend that simply passing a regulation will keep problems from happening.

- ★ Our personal experiences at 6828 Gaston Avenue from living next door to an STR which advertises that it sleeps 18 guests:
 - ◆ Two strangers walking in our front door early in the morning while my wife was still in her bathrobe
 - ◆ Many instances of large social events, including bachelorette parties, wedding receptions, college gatherings, with cars parked on the grass as well as driveway
 - ◆ An entire busload of college-age attendees unloading for a party
 - ◆ Multiple attempts by delivery drivers with food deliveries, and even maids, driving into our driveway and coming to our door, by mistake, intending to go to the hotel next door
 - ◆ Lengthy and extended illegal discharging of fireworks late at night on two successive July 4 holidays
 - ◆ At least one burglary at the “hotel” next door
 - ◆ Liquor bottles in the yard
 - ◆ Our cars parked in our front driveway have been ransacked on numerous occasions, and my son’s wallet stolen.

**DON'T BE DIVERTED FROM AND CONFUSED
ABOUT THE PRIMARY GOAL OF PREVENTING
IMPROPER LAND USE**

There are various issues raised which would only confuse the main point of the proposed change, and divert attention away from the direction requested by the Council. These include:

JACKSON WALKER PROPOSAL

- ◆ Seeks to redefine “family” by stating that “multifamily” uses can also include “managed homesharing,” which allows for short term usage by non-family members who are only visiting for short periods of time; in other words, destroying the distinction between homes and apartments on the one hand, and commercial hotels on the other hand.
- ◆ Untimely because presented at last minute without adequate opportunity for review and comment
- ◆ Misses the point and diverts attention from focus of current discussion: should STRs be defined as “lodging” uses which are not permitted in Residential zoned districts? Any parliamentarian would rule this “out of order” as irrelevant and diversionary.

ADU DISCUSSION

- ◆ The key point before ZOAC is **land use**. Whether the STR being operated in a residential neighborhood is in the main house or in a garage apartment or ancillary building is beside the point– it is still a commercial or business operation for profit that should be defined as “lodging.”
- ◆ This issue sidetracks ZOAC from Council directive and just creates confusion
- ◆ ADUs cannot be utilized to bypass overall zoning rules for Residential Districts; the land use is critical.

OWNER OCCUPIED REQUIREMENT

- ◆ This issue is foreclosed by recent Fifth Circuit ruling: imposition of an “owner-occupied” requirement is unconstitutional by inhibiting Travel Clause

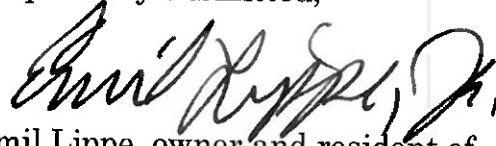
CONCERN FOR EXISTING OPERATORS

- ◆ This argument is an attempt to “grandfather” in operators who have been violating the zoning requirements for years and giving rights to those who have been violating the law. This is a longstanding argument utilized by Airbnb in expanding its operations

- ◆ The existing operators will either have to transition to long-term leases just like everybody else, or sell their properties. Because of the pent-up housing demand, they are unlikely to lose property value.
- ◆ Concern for “good” STR operators again misses the point: although there are problem party houses and bad actors, the primary reason for the KISS proposal is to preserve the residential characteristics of neighborhoods

Dated: August 26, 2022

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emil Lippe, Jr.", written in a cursive style.

Emil Lippe, owner and resident of
6828 Gaston Avenue since 1983