

West Mar Vista Residents Association



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October 16, 2015

The City Clerk
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

Attention: Sharon Dickinson, Legislative Assistant, City Council PLUM Committee -
with request for filing in CF 14-1635-S2

Re: OPPOSE - CF 14-1635-S2, “Short Term Rentals/Transient Occupancy Tax/ City’s Affordable Housing Trust Fund” Motion

The West Mar Vista Residents Association (“WMVRA”) at its meeting on October 15, 2015 opposed Motion CF 14-1635-S2, sponsored by Council Members Mike Bonin and Herb J. Wesson, Jr., as it

1. **Makes changes in the current zoning laws regarding short-term rentals that protect and permit even more short term rental practices and activities.** First, contrary to the Motion in CF 14-1635-S2, Paragraph 4, the City’s current regulations in fact do “anticipate” and “effectively” regulate short-term rentals. Further, short-term rentals are illegal in R zones for very good reasons. Our residential neighborhoods were never intended to accommodate hotel-like environments with transient occupancy by strangers and the noise, parking, traffic, litter and other activities. Safety of neighborhoods is threatened every time alarm codes are given to strangers, Neighborhood Watch programs (founded on residents knowing their neighbors) are compromised and emergency responders are placed at-risk by having to respond to increased and unknown numbers of people coming and going out of what were meant to be single dwelling units. Finally, the increased health and safety risk for residents and short-term renters alike is not addressed as the proposed ordinance does not require fire and public health inspections or compliance.

Second, the proposed ordinance extends the opportunity for short-term rentals in R zones by permitting even more such uses as “hosted” rentals while reducing the “non-hosted” rentals. The rationale is that by permitting more “hosted” short-term rentals the City will be able to better “police” the “non-hosted” practices. There is no credible evidence to support the assumptions, given the City’s long-standing inability to enforce building and housing codes.

Further, the Motion creates unrealistic schemes. For example, expectations of limiting rentals to one or more rooms only when “hosts” “live” on the property is not realistically enforceable: what proof would be provided and deemed sufficient? What time and duration limits would be placed on the “hosts” ability to travel “out of town” while “hosting” short-term rentals? How would proof be collected? By whom?

2. **Fails to provide credible enforcement for either existing laws or the proposed ordinance.** In response to complaints about the negative impacts of short-term rentals, City staff cite the lack of resources as a primary reason for the lack of enforcement of current laws governing R zones. Further, even when evidence is available, City enforcement departments (Housing, Building and Safety, City Attorney) have not prosecuted. The Motion proposes to reduce enforcement of existing laws by permitting certain types of additional short-term rentals such as in owner-occupied units in order to “enhance” opportunities for the City to more widely enforce its laws. There is no evidence to support the ability of the City to enforce such laws or to ensure that any additional revenues will be used for enforcement or prosecution, given the historic diversion

We are extremely concerned about an increasing assault on low-density and in particular R-1 zoning by regulation and planning measures which erode traditional protections for such homes.



With respect and great urgency, we request that instead of the proposed Motion, the City should take firm steps to enforce existing laws. If better City enforcement is not feasible, then the best way forward would be for the Municipal Code to be amended to allow property owners a private right of action, with recovery of attorney's fees, in response to the illegal operation of short-term rentals in residential zones. This amendment would help our neighbors to at least take effective judicial action on the negative impacts already occurring from short-term rentals in the City, given the City's current enforcement failures and the unrealistic new schemes that are now being proposed.

We believe that City residents deserve better protection from the negative impacts of short-term rentals than the proposed Motion. WMVRA is committed to improving the City's quality of life and to working with you.

Thank you for your consideration,

West Mar Vista Residents Association

cc.

Hon. Eric Garcetti, Mayor, City of Los Angeles

The Honorable Council Members

Hon. Mike Feuer, City Attorney

Michael LoGrande, Director of Planning, Department of City Planning

Tom Rothman, Senior City Planner, Department of City Planning

Raymond Chan, General Manager, Department of Building & Safety

Lincoln Lee, Chief, Code Enforcement Bureau, Department of Building & Safety

Larry Galstian, Chief, Inspection Bureau, Department of Building & Safety

David Lara, Assistant Chief, Inspection Bureau, Department of Building & Safety