

FW: Call to Action for Short-term Rentals Ordinance! At PLUM 10/24 @2:30 *Arrive early!

LEHMAN_KAREN

Oct 20, 2017 11:41 AM

Posted in group: **Clerk-PLUM-Committee**

Something that maybe won't be brought up; AIRBNB renters who get into disputes w/landlords and refuse to leave.

Because we just went through that in my building.

Tenants rented on AIRBNB, which allows rental prices to fluctuate with time of year/demand, etc., etc.

When landlord tried to change/raise the rental price, the tenants hired a lawyer, called LA housing department, had an inspector sent out, and after living here for **9 months** rent free, took an \$18,500.00 buyout and finally left last weekend.

The unit they were staying in is now un-rentable; the city cited it as an illegal conversion (which happened back in the 1950s)!

Fortunately, my unit is still legal and rentable.

But people don't really have to provide much info to get into your building (criminal records, credit reports, etc.), and getting rid of them could be like getting rid of cockroaches.

The AIRBNB tenants wanted me to "lawyer up," and jointly sue my landlord with them, and when I refused, the man started harassing me whenever I ran into him, to the extent of chasing me down Navy Court in his car one day, screaming; "YOU CRAZY ASS BITCH!!!!!!!!!!!!!!!"

Oh yeah, it was lovely.

Sincerely,

Karen Lehman

42 Navy St.

Venice

CA 90291

AIRBNB--PROBLEMS PLEASE ADDRESS

Martha Hertzberg

Oct 20, 2017 12:41 PM

Posted in group: **Clerk-PLUM-Committee**

Dear Representative:

Six airbnb properties are on our street. **None of the owners live there. They lie and say the do.**

We live on Wavecrest Avenue between Speedway and Pacific--here for 20 years, in Venice for 30 years.

Next door we have strangers coming and going constantly in our shared side yard.

The airbnb properties charge up to \$1,200 a night on our street.

We lost great renters on our street.

My neighbors are mad at us for complaining about noise, so our "neighborliness" factor has deteriorated up and down the block. They want money, we want real neighbors and the endless partying and parade of strangers to stop. You've encouraged neighbor against neighbor.

We have become a hotel zone.

THE REAL ISSUE IS ENFORCEMENT. MAKE THE PENALTIES HARSH OR NOTHING WILL CHANGE.

(most people who don't live in their properties but who airbnb are upper middle class--why is it so hard to imagine them paying thousands in penalties or even going to jail on the third or fourth offense--you don't have a problem with poor people going to jail for stealing a pair of socks.)

And the sickening thing is that some councilmembers say they want to help with the housing problem but they won't fight airbnb. And for those councilmembers who claim they haven't heard from "enough" people complaining about a lack of rentals, renters losing their leases, endless noise and partying by strangers--use your imagination. People are busy and the only way you acknowledge a problem is if people make it their full time job to pepper you with emails and treks downtown. People are busy. Put the burden on the ones breaking the law, not on the people trying to enforce it. These places are currently illegal, but you want the burden on the law abiding citizens and off of the corporate interests and monied interests.

Please don't tell me that the only way to get to councilmembers is to take off from work and come sit downtown at a hearing and then never have a chance to speak because their card didn't come up. That process is the most demeaning civic process I've ever seen. Everyone on my block has had that experience. The councilmembers don't even listen when someone speaks. Their mothers and fathers would be ashamed of their lack of manners.

This airbnb situation is radically changing neighborhoods, ours included and it's such a shame.

I hope you can prevail and get your fellow councilmembers to see that their inaction is both damaging the fabric of communities and driving up rents for regular folks.

Thank you,
Martha Hertzberg and Paul Kroskrity

From: **Joe's Personal** <joepearson@ca.rr.com>
Date: Fri, Oct 20, 2017 at 8:51 PM
Subject: Tuesday's Vote
To: Sharon.dickinson@lacity.org

Dear Councilman,

I am writing to urge you to please vote no on a recommendation to forward Ordinance **CF#14-1635-S2** for a final vote as it is currently written.

This Ordinance is extremely unfair and is quite literally a "poison pill" designed to drive 95% of the AirBNB hosts out of the marketplace.

My wife and I are lifelong L.A. natives, and for the last 20 years we have been home owners in Venice Beach. A few years ago, due to loss of work and income in the current recession, we were facing the sad reality of having to sell our home and move out of the community and city.

But Airbnb changed that. By renting rooms in our home, year round through Airbnb, we have been able to make our mortgage payments and remain in our home and the community we grew up in and love.

As we live in our home with our many guests, we have made sure that they have a very low impact on our neighborhood and have the full support of our neighbors in the area.

We agree that some regulations need to be put into effect to mitigate some of the concerns raised by the growth of AirBNB units in L.A., but the ordinance currently being proposed by the Planning Commission is far too intrusive and wide reaching.

A key concern of ours is the 120 day limit in rentals and the limit of rentals in our home to just one room only. A 120 day cap is overly restrictive and arbitrary. If the home is Owner Occupied then there is arguably NO housing being taken off the market so why should there be any limit's on the number of days and rooms the Owner Occupied home rents out in the short-term?

We share the city's legitimate concerns with the large number of unlicensed bnb's in LA and the impact of NON-owner occupied short term apartments and houses on the housing market, but the proposed ordinance is extremely heavy handed. Again, it's designed to wipe out most Airbnbs in the city, Non-Owner occupied and Owner Occupied alike.

L.A. should follow the example of the more even handed ordinance passed recently by the city of Santa Monica. Santa Monica's law allows multiple rooms and home sharing year round as long as the residences are Owner Occupied. This mitigates the negative effects of apartment or non-owner occupied home sharing, but ensures that Owner Occupied residences can host year round with multiple rooms.

Again, please vote no on the Ordinance as it's currently written. Do not let the thousands of us in LA who have been able to keep our homes through Home Sharing be forced out of our residences and the communities we love.

Regards,

Joe and Lisa Pearson
Venice Beach

RAYMOND KLEIN

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October 20, 2017

The Honorable City Council
City of Los Angeles
City Hall, Room 395
Los Angeles, CA 90012

Sharon.Dickinson@lacity.org

Planning and Land Use
Management Committee

Zina.Cheng@lacity.org
clerk.plumcommittee@lacity.org

Department of City Planning
200 North Spring Street
Los Angeles, CA 90012

Matthew.Glesne@lacity.org
Kevin.Keller@lacity.org

Re: **Further Response to Notice of Intent to Adopt
Negative Declaration-NG-16-242-PL**

Case: DIR-2016-1243-CA; ENV-2016-1277-ND
CF 14-1635-S2

Dear Honorable Members:

My letter below, dated June 7, 2017, is further supplemented by the incorporation by reference of the entire "Report Back Relative to Proposed Home-Sharing Ordinance" dated October 19, 2017 ("Report"), from the Director of Planning to City Council, and the attachment thereto.

Among other matters, the Report documents the erroneous reliance on registration compliance since the Report acknowledges that only a small percentage will register, the erroneous reliance on a 180-day limit since the Report acknowledges a 90-day limit is necessary to protect residential neighborhoods, the erroneous reliance on a primary residence requirement since the Report acknowledges that a majority of rentals will be "entire home" and hence the host will be absent, the erroneous reliance on limited future growth of short-term rentals since the numbers have increased greatly since the Notice of Intent to Adopt Negative Declaration.

The likely effectiveness and ineffectiveness of the proposed limitations in the proposed

Ordinance on the short-term rental business must be studied in a full EIR before they may be relied upon to mitigate significant adverse environmental impacts.

Sincerely,

Raymond Klein

RAYMOND KLEIN

June 7, 2017

The Honorable City Council
City of Los Angeles
City Hall, Room 395
Los Angeles, CA 90012

Sharon.Dickinson@lacity.org

Planning and Land Use
Management Committee

Zina.Cheng@lacity.org
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Case: DIR-2016-1243-CA; ENV-2016-1277-ND
CF 14-1635-S2

Dear Honorable Members:

The following is submitted for the record in response to the letter, dated May 3, 2017, from the Director of Planning that responded to my letter, dated August 16, 2016.

Erroneous reliance on limitation of 180 days

Of the 21 Responses by Planning in the letter of May 3, 2017, 7 rely, in part, on the limitation of 180 days a year, such as the statement: “The City’s proposed ordinance would significantly limit the number of days a residence may be rented as a short-term rental to 180 days a year.”

However, since the ordinance would remove current zoning protections of the public wellbeing, safety, and health of all residential communities, the number 180 is simply an arbitrary number without any study or evidence that 180 days is an appropriate limitation for the purpose of

mitigating adverse environmental impacts. In fact, the original draft ordinance by Planning included a limitation of 90 days. See Draft – CPC-2016-1245-CA – 4/15/16. Further, since short-term rentals are currently prohibited, the 180 provision is actually a new permissive right – not a limitation. The proposed Los Angeles Ordinance is based on speculation – not a study of facts. A full Environmental Impact Report (“EIR”) is necessary to properly analyze available protections against the harm resulting from removal of the current prohibition of short-term rentals in residential communities, and to be able to base any new policies on evidence.

Erroneous application of a “one size fits all” ordinance to all residential properties.

The environmental impacts of public safety, noise, traffic, pollution, and use of energy and water would be different in single-family homes as contrasted with multi-family residences, different in hillsides as contrasted with flatlands, different in tourist destinations (Venice, Silver Lake) as contrasted with suburban communities, different in coastal communities as contrasted with inland communities. For example, the Community Impact Statement of the Bel Air-Beverly Crest Neighborhood Council filed in August 2016, presents evidence of the public safety risks of a constant stream of strangers (as contrasted with knowledgeable permanent residents) in hillside areas designated “Very High Fire Hazard Severity Areas” with a high risk of wildland fires, substandard streets, Red Flag streets, and emergency evacuation issues. The CIS states simple common sense when it says: “Short-term guests simply do not have the same experience as residents and consequently pose a significantly increased hazard for the community.” An example of one complaint in the council file relating to 658 N. Edinburgh includes advertising that states “No smoking inside the house (outside is fine)” and “Event or Party has to be approved upon request.” A full EIR is necessary to study the extra burden that short-term rentals places on police and fire response times in Los Angeles. The August 2014 communication in the CF 14-0593 file from the Short-Term Rentals Awareness Coalition states: “There is evidence that in just one street in Venice, at least nine properties have been converted to transient rentals. As the constant revolving door of strangers in and out of the homes on the street grows, long-term residents complain about exacerbated parking problems, the noise from tourists, and trash from visitors with no connection with the community and that loss of sense of community, as they now have few opportunities to get to know their neighbors.” A full EIR is necessary to properly analyze the different environmental impacts presented in different type residential property and different environmental impacts in different areas of the City.

Erroneous reliance on no new development; ADUs are a game changer

The Responses by Planning erroneously rely on an unsubstantiated speculation that no new development is expected to occur and the proposed ordinance will affect only the use of existing residential structures in established neighborhoods. The Responses state: “Given the cost of construction in Los Angeles, the limited ability to offer short-term rentals does not make it economically feasible to construct new primary residences to be used as short-term rentals.” However, this argument has no application to the likely incentive to construct accessory dwelling

units and detached accessory dwelling units under the newly permissive rules for ADUs. In 2017, the State mandated that people could, by right, add an ADU to any lot with a single-family residence. These units could be up to 1,200 sq ft, or big enough for a 3-bedroom apartment. These ADUs can be built faster and cheaper than typical apartment projects, and their likely propagation throughout the City constitutes new real estate development for short-term rentals and a change in the physical environment that must be studied in a full EIR. The statement in Planning's response that the 180-day limit on short-term rentals makes it economically infeasible to construct new units strictly to be used as short-term rentals is without foundation and inconsistent with the facts. One analysis of the economics can be made by the City comparing its collected, and projected, tax revenue with the estimated number of units paying taxes. The enormous profitability of short-term rentals facilitated by online platforms is the only rational explanation for the recent growth of the industry – certainly, there has not been a sudden explosion of non-monetary reasons, such as a new desire to share a residence with strangers. The increased number of profitable, but illegal, short-term rentals compared with the much less profitable, but legal, long-term rentals, definitely reflects a new commercial use within residential zones. The proposed short-term rental ordinance will incentivize a significant uptick Citywide in construction activity of ADUs and DADUs to be used for short-term rentals because of their profitability. A full EIR is necessary to analyze the economics of the feasibility and desirability of constructing new accessory dwelling units to be used as short-term rentals, and the impacts from the fact that no additional parking for the second unit is required if the lot is within ½ mile of public transit. The EIR must examine the foreseeable environmental effects of having new accessory dwelling units throughout the City. Such new accessory dwelling units predictably will have traffic, parking, noise, air pollution, and greenhouse gas emission impacts, and make extraordinary demands on the City's infrastructure and services, including fire and police.

Erroneous failure to acknowledge evidence of environmental impacts

Anecdotal evidence is allowed to show environmental impacts. The record in the Council File is replete with testimony at public hearings and letters in the file by and from real people describing real facts that constitute direct and indirect environmental impacts experienced from the current illegal short-term rentals, including traffic, noise, public health and safety, aesthetics, air quality, public services, and changes to land use and planning that affect the living environment. In addition to the council file 14-1635-S2, there is evidence in the council file 14-0593, including letters from the short-term renters awareness coalition. The explosion of short-term rentals has not been accompanied by an equal decrease in hotel occupancy; hence there obviously has been more travel to Los Angeles and increased emissions from planes and cars, and traffic.

Evidence of the health and safety regulations of the City applicable to the hotel industry is in the LAMC and State law, and a full EIR is necessary to analyze the risks of a home sharing ordinance that does not have similar guest protections, including the bedding, kitchens, toilets, fire and smoke alarms, and electric and gas utilities. It is common sense that more information is needed regarding the risks of short-term rentals that are not subject to common standards of

hygiene nor the public health and safety and fire regulations applicable to hotels.

The City's CEQA analysis states "One way to get a sense of potential effects is to look at the results in a city that adopted similar regulations" and then precedes to focus on Santa Monica. However, evidence of environmental impacts can be gathered from the studies of cities throughout the country that have banned or severely restricted short-term rentals because of adverse impacts. For example, public safety, noise, and other impacts are detailed in the "Shared Economy Task Force" study by the neighboring city of West Hollywood that led to its ban in 2015. The Findings of the West Hollywood Ordinance 15-958 include: "Short-term vacation rentals for a period of thirty consecutive calendar days or less in the City are a source of increased noise and demand for City services. Short-term vacation rentals compromise the safety of residents by providing access to buildings, including keys and security codes, to transient occupants." The study for the City Council of Arroyo Grande, dated May 27, 2014, states: "Complaints are typically specific in nature and have included excessive noise, increased street parking demand, and increased neighborhood traffic." The City of Sedona, Arizona, enacted a total ban and cited the potential for increased traffic, noise, high occupant turnover, and density in single-family residential neighborhoods. The concern of the city of Rancho Mirage, CA, over noise led to a provision that no sound amplification device or musical instruments may be audible outside the property at any time. Santa Monica and the State of New York (for buildings with 3 or more units) prohibit short-term rentals unless the owner is present. A full EIR is necessary to analyze the applicability of the studies made by all the many cities in the country that have banned short-term rentals, including Anaheim, Santa Barbara (in residential zones), and Fresno (in low density residential zones).

See evidence of environmental impacts in "Public health and safety in hotels" on page 22, and "ADA compliance and enforcement" on page 23 of "Airbnb, Rising Rent, and the Housing Crisis in Los Angeles" found at www.laane.org

See the investigative report on NBC4 News, March 2, 2017, that found Airbnb rentals with late parties and noise, trash on the street, cars blocking neighbor driveways, and guests throwing cigarette butts into foliage. A similar investigative report with additional evidence of adverse impacts was published on NBC4 News on May 24, 2017.

See log of West LA DOT with complaints (such as on Trolleyway) of short-term rental guests parking on the wrong side of the street, and on the sidewalk forcing pedestrians into the street, and on lawns, because of the excessive number of guests and cars that rent, causing safety hazards and aesthetic issues.

The City erroneously denies that short-term rentals are a new commercial activity in residential zones. For example, the web site, <https://stayardent.com>, lists Los Angeles as a market to which it offers "Our marketing group creates, uploads and manages professional quality online listings in order to optimize exposure across all major reservation websites, including Airbnb,

HomeAway and VRBO and more. On average the properties in our portfolio generate over twice as much revenue as a typical rental property. Our top level property managers use industry leading pricing algorithms in order to maximize your rental property revenues and help you achieve superior return on investment.” The land use and environmental impacts of absentee owners turning all aspects of the rental of entire homes over to property managers for 180 days a year must be studied in a full EIR.

In addition, since the proposed Ordinance has no limit on the number or proximity of short-term rentals, and 18 out of 20 homes on a block could be rented up to 180 days a year, the impacts of traffic, parking, safety, noise, trash, and air pollution, must be viewed as cumulatively significant so as to require a full EIR.

Erroneous failure to study the applicability of Federal, State, County, and City laws and regulations

Numerous Federal, State, County, and City Hospitality and Health and Safety laws govern the health and safety and security of guests from various hazards, and the provision of public services to prevent and remedy health and safety issues. Examples of laws, without limitation, include the Federal Americans with Disabilities Act. There are the provisions in Cal. Admin. Code 19, Section 3.09 governing hotels, motels, and lodging houses with respect to matters such as emergency procedures in the event of earthquakes, fires, and other risks, emergency training, requirements for a Fire Safety Director, evacuation of disabled persons, and other such matters. There are the “Healthy Homes Provisions” in Section 17920.3 of the State Housing Law and Regulation thereunder. There are regulations covering everything from swimming pools to carbon monoxide detectors. Airbnb is operating a lodging industry but it is not playing by the same rules. A full EIR is necessary to study the impacts to the health and safety of guests in residences subject to the proposed Ordinance, and the impacts on surrounding residences and communities that rely on police, fire, hospital and other public service protections. Planning asserts that allowing short-term rentals is merely an accessory use, but it should be viewed as in New York City that requires a change in zoning or of the certificate of occupancy. A hotel that wants to operate in a residential zone in Los Angeles must apply for a Conditional Use Permit – the 180 day a year limitation doesn’t change the nature of the use. Could a Four Seasons Hotel that operates for only half the year avoid the CUP requirement? If it looks like a duck, swims like a duck, and quacks like a duck, then

Erroneous Reliance on Registration and on Compliance for Mitigation of Environmental Impacts

An article in the “Canadian Press” on 5/28/2017 described that one year after a law similar to the proposed Ordinance was passed, only 967 hosts had registered and been issued permits out of an estimated 19,400 Airbnb hosts in 2016. Most other jurisdictions have experienced similar low percentages of registration. And even after registration, there is a low probability of compliance – remember, the over 7,000 hosts in Los Angeles are already operating illegally. The proposed Ordinance does not provide either the funds or personnel to monitor and enforce compliance.

How would the City determine whether a property owned in the name of an LLC (limited liability company in order to limit liability to renters) or a corporation or trust (which is very common for estate planning purposes) is anyone's personal residence? How would the City keep track of the number of rental days each year? How would the City assure that the host resides on the property at least 6 months a year? Many jurisdictions, such as the City of Anaheim and West Hollywood realized that compliance was not likely and imposed a complete ban on short-term rentals. Other cities, such as Fresno and Santa Barbara, realized that mitigation of environmental impacts required a ban in residential zones. The likely effectiveness and ineffectiveness of the proposed limitations in the proposed Ordinance on the short-term rental business must be studied in a full EIR before they may be relied upon to mitigate significant adverse environmental impacts.

Sincerely,

Raymond Klein

RAYMOND KLEIN