



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Nancy Ritter <nancyritter@icloud.com>

Sat, Dec 3, 2016 at 6:15 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org, Councilmember.Koretz@lacity.org

Dear Sharon,

I would like to draw your attention to the following important provisions:

1. The draft ordinance permits rental of an entire home without the presence of the host and therefore is not "home sharing" but rather is the operation of a hotel/motel. Santa Monica requires the presence of the host - - true home-sharing.
2. The draft ordinance allows short-term rentals for too many days - - 180 days or half the year - - which equates to 3 1/2 days every weekend. Sixty days a year should be the maximum.
3. The provision for 15 days of non-primary residence vacation rentals would make enforcement impossible of the provision limiting rentals to a primary residence.
4. The draft ordinance relies on the cooperation of web sites like airbnb for enforcement, but it's insanity to expect different results from the same provision adopted by several other cities that have been sued by airbnb.

Sincerely,

Nancy Morgan Ritter



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Kenneth Loughran <kenelock@icloud.com>

Sat, Dec 3, 2016 at 7:06 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org,
Councilmember.Koretz@lacity.org

I would like to draw your attention to the following important provisions:

1. The draft ordinance permits rental of an entire home without the presence of the host and therefore is not "home sharing" but rather is the operation of a hotel/motel. Santa Monica requires the presence of the host - - true home-sharing.
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Thanks

Sent from my iPad



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Beth Parks <bparks16@gmail.com>

Sat, Dec 3, 2016 at 7:32 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org, Councilmember.Koretz@lacity.org

I would like to draw your attention to the following important provisions:

1. The draft ordinance permits rental of an entire home without the presence of the host and therefore is not "home sharing" but rather is the operation of a hotel/motel. Santa Monica requires the presence of the host - - true home-sharing.
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Beth Parks



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Ann Colburn <acolburn@verizon.net>

Sat, Dec 3, 2016 at 7:46 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org, Councilmember.Koretz@lacity.org

Dear Ms. Dickinson and Council Members Bonin, Koretz and Cedillo,

Pertinent to City Council Agenda items due to be discussed at the Dec. 7 City Council meeting, I would like to draw your attention to the following important provisions regarding short terms rentals:

1. The draft ordinance permits rental of an entire home without the presence of the host and therefore is not "home sharing" but rather is the operation of a hotel/motel. Santa Monica requires the presence of the host -- true home-sharing.
2. The draft ordinance allows short-term rentals for too many days - - 180 days or half the year - - which equates to 3 1/2 days every weekend. Sixty days a year should be the maximum.
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4. The draft ordinance relies on the cooperation of web sites like airbnb for enforcement, but it's insanity to expect different results from the same provision adopted by several other cities that have been sued by airbnb.

Obviously, like many of my neighbors I am concerned about the effects of short terms rentals by corporations like AirBNB on our neighborhoods, housing stock for local residents, affordability of that housing stock and the spill-over effect short term rentals have on homelessness.

Please put people before profit. Short term rentals may generate city taxes, but is it in the ultimate best interests of the city to have to spend those taxes plus plus plus to find housing and resources for individuals and families displaced by the likes of AIRBNB!

Thank you.

Sincerely,

Ann Colburn
168 S. Westgate Ave.
Los Angeles, CA



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Silvia <sgmwest@aol.com>

Sat, Dec 3, 2016 at 8:18 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org,
Councilmember.Koretz@lacity.org

I would like to draw your attention to the following important provisions:

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best regards

Silvia Gaspardo Moro Ray
689 Elkins Road
90049 Los Angeles

Sent from my iPad



Sharon Dickinson <sharon.dickinson@lacity.org>

Subject: CF#14-1635-S2; CPC-2016-1243

1 message

Leslie Kavanaugh <lkavanaugh@clear-centers.com>

Sat, Dec 3, 2016 at 8:43 AM

To: "Sharon.Dickinson@lacity.org" <Sharon.Dickinson@lacity.org>, "Councilmember.Bonin@lacity.org" <Councilmember.Bonin@lacity.org>, "Councilmember.Cedillo@lacity.org" <Councilmember.Cedillo@lacity.org>, "Councilmember.Koretz@lacity.org" <Councilmember.Koretz@lacity.org>
Cc: "info@brentwoodhomeowners.org" <info@brentwoodhomeowners.org>

Please let me point out several issues important to any Short Term Rental Ordinance:

1. The draft ordinance permits rental of an entire home without the presence of the host and therefore is not "home sharing" but rather is the operation of a hotel/motel. Santa Monica requires the presence of the host -- true home-sharing.
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Leslie and Jack Kavanaugh
12221 Benmore Terrace
Los Angeles 90049

Sent from my iPhone



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Michael D. Berk <mdberkla@gmail.com>

Sat, Dec 3, 2016 at 9:07 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org,
Councilmember.Koretz@lacity.org

Greetings:

There are several significant problems with the proposed Short Term Rental Ordinance bending before the City Council:

1. The draft ordinance permits rental of an entire home without the presence of the host and therefore is not "home sharing" but rather is the operation of a hotel/motel. Santa Monica requires the presence of the host -- true home-sharing.
2. The draft ordinance allows short-term rentals for too many days -- 180 days or half the year -- which equates to 3 1/2 days every weekend. Sixty days a year should be the maximum.
3. The provision for 15 days of non-primary residence vacation rentals would make enforcement impossible of the provision limiting rentals to a primary residence.
4. The draft ordinance relies on the cooperation of web sites like airbnb for enforcement, but it's totally unreasonable to expect different results from the same provision adopted by several other cities which have been sued by airbnb.

I urge you to reject the pending proposed ordinance unless and until significant changes, as discussed above, are made to it.

A handwritten signature in black ink, appearing to read "Michael D. Berk", written in a cursive style.

Michael D. Berk

12618 Homewood Way

Los Angeles, California 90049

(H) (310)472-4584

(O) 310-401-1345



Sharon Dickinson <sharon.dickinson@lacity.org>

short term rentals

1 message

Loughran, Emily <ELoughran@research.ucla.edu>
To: "Sharon.Dickinson@lacity.org" <Sharon.Dickinson@lacity.org>

Sat, Dec 3, 2016 at 9:14 AM

Subject: CF#14-1635-S2; CPC-2016-1243

Please let me point out several issues important to any Short Term Rental Ordinance:

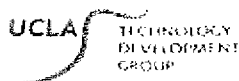
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Emily W. Loughran

Senior Director of Licensing and Strategic Alliances

Phone: 310-794-0558

Email: eloughran@research.ucla.edu



11000 Kinross Avenue, Suite 200

Los Angeles, CA 90049



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

SB Schulman <a911rs@me.com>

Sat, Dec 3, 2016 at 9:30 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org,
Councilmember.Koretz@lacity.org

I would like to draw your attention to the following important provisions:

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Thank you,

Steven Schulman
668 Elkins Road
Los Angeles, CA. 90049
310-476-5561



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Barbara Schaffer <babsschaffer@gmail.com>

Sat, Dec 3, 2016 at 9:53 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org,
Councilmember.Koretz@lacity.org

I would like to draw your attention to the following important provisions:

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 4. The draft ordinance relies on the cooperation of web sites like airbnb for enforcement, but it's insanity to expect different results from the same provision adopted by several other cities that have been sued by airbnb.
- Barbara Schaffer 454 S. Bundy Drive Los Angeles Ca. 90049-4032

Sent from my iPad



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Judie Hulett <judie@hulett.co>

Sat, Dec 3, 2016 at 10:15 AM

To: "Sharon.Dickinson@lacity.org" <Sharon.Dickinson@lacity.org>, "Councilmember.Bonin@lacity.org" <Councilmember.Bonin@lacity.org>, "Councilmember.Cedillo@lacity.org" <Councilmember.Cedillo@lacity.org>, "Councilmember.Koretz@lacity.org" <Councilmember.Koretz@lacity.org>

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Please consider these seriously in the light of how it affects neighborhoods and the feeling of community. Not knowing who your neighbors are is unsettling, and destructive to cohesion in a neighborhood. It is a security issue with no oversight or accountability. People who own and rent should be protected not subjected to transient stays by folks who have no stake in the surroundings. What about those of us who invest our lives and capital in our neighborhoods? Aren't we important enough to be listened to?



Sharon Dickinson <sharon.dickinson@lacity.org>

Subject: CF#14-1635-S2; CPC-2016-1243

1 message

Arnold Platzker <aplatzker@gmail.com>

Sat, Dec 3, 2016 at 10:41 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org, Councilmember.Koretz@lacity.org

Subject: CF#14-1635-S2; CPC-2016-1243

Please let me point out several issues important to any Short Term Rental Ordinance:

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Arnold C.G. Platzker - aplatzker@gmail.com

654 Walther Way, Los Angeles, CA 90049



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Jane Taguchi <jteis@sbcglobal.net>

Sat, Dec 3, 2016 at 11:03 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org,
Councilmember.Koretz@lacity.org

Dear City of Los Angeles:

I would like to draw your attention to the following important provisions:

1. The draft ordinance permits rental of an entire home without the presence of the host and therefore is not "home sharing" but rather is the operation of a hotel/motel. Santa Monica requires the presence of the host -- true home -- sharing.
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4. The draft ordinance relies on the cooperation of web sites like airbnb for enforcement, but it's insanity to expect different results from the same provision adopted by several other cities that have been sued by airbnb.

The peace of my home has already been damaged for 2 1/2 years by the presence of a non-resident Airbnb house. I reported it as soon as it happened but the culprits have been allowed to operate illegally.

It is out of control. Without Airbnb and the other platforms giving LA the data, enforcement is impossible (as seen by the lack of enforcement since the inception of Airbnb), and the cost to enforce will likely exceed any taxes that are collected.

My rights as a law-abiding citizen and responsible neighbor has been ignored for too long. Please prove to me that the City can help the many law-abiding residents and not the scofflaws that the Airbnb hosts are.

Sincerely,
Jane Taguchi
1963 Redesdale Ave
Los Angeles, CA 90039

Sent from my iPhone



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Jacqueline Bacal <jc.bacal@yahoo.com>

Sat, Dec 3, 2016 at 11:49 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org,
Councilmember.Koretz@lacity.org

I would like to draw your attention to the following important provisions:

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Jacqueline Bacal
1221 N Norman Place
Los Angeles CA 90049



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

John M Cornwall <cornwall@physics.ucla.edu>

Sat, Dec 3, 2016 at 11:56 AM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org,
Councilmember.Koretz@lacity.org

I would like to draw your attention to the following important provisions:

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John M. Cornwall
Distinguished Professor of Physics
Department of Physics and Astronomy, UCLA
(310) 825 3162



Sharon Dickinson <sharon.dickinson@lacity.org>

CF #14-1635-S2

1 message

Raymond Klein <rklein908@gmail.com>

Sat, Dec 3, 2016 at 2:47 PM

To: Sharon.Dickinson@lacity.org

Please place the attached letter in the file for the Council Housing Committee hearing on Dec 7, 2016

December 3, 2016

City Council Housing Committee

Sharon.Dickinson@lacity.org

Re: Proposed Ordinance is Not Exempt From CEQA

Case: CF #14-1635-S2; ENV-2016-1277-CE

Hearing: December 7, 2016

Dear Councilmembers:

The Proposed Project

The Staff Report in connection with the proposed Home-Sharing Ordinance, scheduled for Hearing on December 7, 2016, describes the proposed Project as:

“The proposed Home-Sharing Ordinance (Exhibit A) amending Sections 12.03, 12.22, 12.24, 19.01 and 21.7.2 of the Los Angeles Municipal Code; and amending Section 5.522 of the Administrative Code; imposing regulations to permit sharing of one's primary residence, establishing an application fee and administrative fines for Home-Sharing, and directing Transient Occupancy Taxes derived from Home-Sharing to the Affordable Housing Trust Fund.” (“Project”)

Erroneous Claim of CEQA Exemption

The Staff Report recommends that:

“the City Council, based on the whole of the administrative record, determine that the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) and direct staff to file the Notice of Exemption with the County Clerk's office (See Exhibit C); and, pursuant to CEQA Guidelines Section 15074(b), adopt ENV-2016- 1277-ND and find that based on the whole of the administrative record, in the independent judgment of the decision-maker, the project will not have a significant effect on the environment and direct staff to file a Notice of Determination with the County Clerk's office.” The Proposed Project description in the Staff Report quoted above is different from the Project Description in the “CEQA Narrative (Exhibit B.-1) which reads, in part:

“imposing regulations to permit sharing of certain primary residences as short-term rentals”

The claim for CEQA exemption is under the “common sense” CEQA exemption pursuant to CEQA Guidelines Section 15061(b)(3) and 15060(c)(2), which provides that, where it can be seen with certainty that there is no possibility that a project may have a significant effect on the

environment, the project is not subject to CEQA. However, this Project has that possibility. CEQA applies to this Project because it has the potential for causing a significant effect on the environment - either through a direct impact or reasonably, foreseeable indirect impact. The burden is on the City to provide substantial evidence to justify its use of the "common sense" exemption. It cannot meet this burden by argument, speculation, or unsubstantiated opinion. See 10 Harv. L. & Pol'y Rev. 229 for some impacts.

The baseline for analyzing impact should not be the current conditions. Short-term rentals have been illegal in most all residential areas of the City. The City has taken no action against this illegal activity. The City may not, intentionally or negligently, allow an illegal, environmentally impactful activity to get out of hand, and then claim that the situation the City created, despite numerous complaints that were ignored, should be baseline.

The Analysis for the claim of CEQA exemption looks at the existing conditions, which the City acknowledges are illegal. The Project, which legalizes the activity, has the potential of expanding to every residence in the City and an EIR must be done to study this potential and its impacts. No provision in the proposed Ordinance limits the number of residences that could qualify by registering, except for the minor carve out for residences subject to the Rent Stabilization Ordinance.

The proposed Ordinance legalizes a new commercial, business activity throughout the City (See The Description of the Project is Misleading and Deceptive below) and the "common sense" conclusion must be that the potential for significant environmental impacts is great and must be studied and disclosed for the benefit of the decision makers and the public.

Erroneous Analysis of Potential Effects

The City's CEQA analysis is misleading, deceptive and erroneous. It states:

"One way to get a better sense of potential effects is to look at the results in a city that adopted similar regulations."

It then proceeds to discuss the effects of what it describes as a similar ordinance adopted by Santa Monica about a year ago. However, the Santa Monica ordinance prohibits any vacation rentals where at least one of the primary residents does not live on-site throughout the visitor's stay. <https://www.smgov.net/Departments/PCD/Permits/Short-Term-Rental-Home-Share-Ordinance/>

Other cities, such as San Diego, have made a similar distinction between vacation rentals and home sharing.

However, the proposed Los Angeles Ordinance would allow the vacation rentals that are entirely prohibited in Santa Monica and San Diego. (See The Description of the Project is Misleading and Deceptive below.) The CEQA analysis of the proposed Ordinance is flawed because it ignores the environmental impacts of vacation rentals which are of an entirely different nature from true home sharing. There are several studies that show that a majority of short-term rentals in Los Angeles have been of whole houses or units, not shared space.

Erroneous and Inconsistent Assumptions

The CEQA analysis makes erroneous and inconsistent assumptions. It describes the growth of short-term rental listings in the City as "increasing fast over the last few years (likely doubling

every 12 - 16 months).” At the same time, the analysis assumes “the proposed ordinance would not likely induce any new short-term rental to take place.” It comes to this conclusion by assuming the City is made up of persons who ignore the laws, and all those who are interested in renting out residential space “are already engaging in short term rental activities.” This is a conclusion not based on any substantial evidence and one that must be studied in an EIR. Also, it’s only one glaring example of the flawed assumptions in the CEQA analysis.

The Description of the Project is Misleading and Deceptive

The Project is called a Home-Sharing Ordinance. However, the traditional understanding of a home-sharing rental is an activity whereby a resident hosts visitors in their home while at least one of the primary residents lives on-site throughout the visitor’s stay. The guest enjoys the non-exclusive shared use of the unit with the person who is domiciled at the location.

The proposed Ordinance is not limited to home-sharing. It permits rentals for exclusive transient use where the guest enjoys the exclusive private use of the unit. It permits a vacation rental for up to 120 days per year in a residence occupied by the permanent resident for only 5 months and 29 days per year. Hence, it would legalize a new commercial, business activity throughout most all residentially zoned areas of the City.

Despite the proposed Ordinance allowing this vacation rental business activity, the CEQA analysis includes the erroneous and misleading statement that “With the regulations set forth by the Home-Sharing ordinance, the operation of Home-Sharing uses would be similar to the operation of a regular occupied home in any residential neighborhood.” On the contrary, the proposed Ordinance would allow whole-house, absentee-owner mini hotels throughout all residential neighborhoods.

The Project Will Have Potential Significant Effects on the Environment

The City may not declare with certainty that there is no possibility that the proposed Ordinance may have a significant effect on the environment when it bases conclusions on the flawed analysis described above.

The proposed Ordinance would permit significant intensification of use and significant densification in residentially zoned areas across the City where all short-term rental activity is now illegal. The City previously determined that there were legitimate reasons for land use provisions that ban short-term rentals, including the protection of residents from the effects of commercial, business activity in residential zones. The long-standing land use distinction between commercial and residential must not be changed without a thorough EIR study and analysis of the impacts.

The proposed Ordinance would have public safety impacts on residents and emergency services. An essential feature of any “Neighborhood Watch” program advocated by police is “know your neighbor.” This becomes impossible when there is a constant stream of strangers, and strange vehicles, in the neighborhood. The safety impact might be even greater in multi-family buildings where a constant stream of strangers are given keys, and given access to all common areas.

The proposed Ordinance limits rentals to one group and one booking at a time, but there is no

limit on the size of the group. The Ordinance allows a group of 35 to occupy a 4 bedroom home, unsupervised by the permanent resident. Such bookings occur for events such as a wedding or fraternity reunion. Other cities have recognized the potential impacts by limiting rentals to 2 per bedroom plus 2 more. These large groups amplify the impacts related to traffic and air quality, noise, trash, and safety. An EIR is necessary to study these impacts, consider mitigation of the impacts, and propose alternatives.

The proposed Ordinance represents a fundamental change to the LAMC. It would violate the City's General Plan and adversely affects all the elements of the Plan, including noise, housing, traffic, air quality, services, and safety.

The proposed Ordinance affects aesthetics because an EIR study would show that short-term renters pile large amounts of trash at the curb when they leave and it remains there until the trash pickup day that might be 6 days later.

Hotels that wish to operate in a residential zone must obtain a conditional use permit. An EIR is necessary to study the impacts of allowing an unlimited number of mini hotels in all residential areas. How will the physical appearance of the neighborhood change?

An EIR is necessary to study the cumulative effects of changing the accessory dwelling unit laws in Los Angeles and the short-term rental laws. There will be an enormous incentive to build accessory dwelling units throughout the City and list them for short-term rentals. Such a massive construction activity in residential zones, and all the environmental impacts from that construction, is exactly the type activity for which CEQA requires a full EIR study and analysis before decisions are made. There can be no doubt that if one developer were proposing such a project, the City would require an EIR - - the City is not exempt.

An EIR is necessary to study the impacts on the hospitality industry in Los Angeles, and the impacts if that hospitality industry is hurt.

Re-zoning all of Los Angeles through short-term rental legislation is not an appropriate method of city planning, certainly not without a thorough EIR in compliance with CEQA. An EIR is necessary to study alternatives to, and mitigation for, the impacts of the Project.

An EIR is necessary to study the likelihood of compliance with the provisions of the proposed Ordinance, the likelihood and cost of enforcement of non-compliance, and the environmental impacts of non-compliance on noise, traffic congestion, air pollution, safety, water, and the housing stock and affordability of housing.

Conclusion

The results of an EIR will not support legalizing short-term rentals in residential zones in Los Angeles. On the contrary the EIR would identify significant impacts the City would be unable to mitigate, including depleting housing stock, noise pollution, air pollution, traffic congestion, additional and unmanageable stress on City services, in particular first responders - fire and law enforcement, water, trash, and parks and recreation personnel and facilities.

The adoption of the proposed Ordinance allowing short-term rentals, both true home sharing as well as absentee vacation rentals, in residential zones would have multiple, foreseeable, direct and indirect physical impacts upon the environment and constitutes a non-exempt “project” under CEQA.

Sincerely,

Raymond Klein

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22K

RAYMOND KLEIN

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Los Angeles, California 90049

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rklein908@gmail.com

December 3, 2016

City Council Housing Committee

Sharon.Dickinson@lacity.org

Re: **Proposed Ordinance is Not Exempt From CEQA**

Case: CF #14-1635-S2; ENV-2016-1277-CE

Hearing: December 7, 2016

Dear Councilmembers:

The Proposed Project

The Staff Report in connection with the proposed Home-Sharing Ordinance, scheduled for Hearing on December 7, 2016, describes the proposed Project as:

“The proposed Home-Sharing Ordinance (Exhibit A) amending Sections 12.03, 12.22, 12.24, 19.01 and 21.7.2 of the Los Angeles Municipal Code; and amending Section 5.522 of the Administrative Code; imposing regulations to permit sharing of one's primary residence, establishing an application fee and administrative fines for Home-Sharing, and directing Transient Occupancy Taxes derived from Home-Sharing to the Affordable Housing Trust Fund.” (“Project”)

Erroneous Claim of CEQA Exemption

The Staff Report recommends that:

“the City Council, based on the whole of the administrative record, determine that the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) and direct staff to file the Notice of Exemption with the County Clerk's office (See Exhibit C); and, pursuant to CEQA Guidelines Section 15074(b), adopt ENV-2016- 1277-ND and find that based on the whole of the administrative record, in the independent judgment of the decision-maker, the project will not have a significant effect on the environment and direct staff to file a Notice of Determination with the County Clerk's office.”

The Proposed Project description in the Staff Report quoted above is different from the Project Description in the “CEQA Narrative (Exhibit B.-1) which reads, in part:

“imposing regulations to permit sharing of **certain** primary residences **as short-**

term rentals”

The claim for CEQA exemption is under the “common sense” CEQA exemption pursuant to CEQA Guidelines Section 15061(b)(3) and 15060(c)(2), which provides that, where it can be seen with certainty that there is no possibility that a project may have a significant effect on the environment, the project is not subject to CEQA. However, this Project has that possibility. CEQA applies to this Project because it has the potential for causing a significant effect on the environment - either through a direct impact or reasonably, foreseeable indirect impact. The burden is on the City to provide substantial evidence to justify its use of the “common sense” exemption. It cannot meet this burden by argument, speculation, or unsubstantiated opinion. See 10 Harv. L. & Pol’y Rev. 229 for some impacts.

The baseline for analyzing impact should not be the current conditions. Short-term rentals have been illegal in most all residential areas of the City. The City has taken no action against this illegal activity. The City may not, intentionally or negligently, allow an illegal, environmentally impactful activity to get out of hand, and then claim that the situation the City created, despite numerous complaints that were ignored, should be baseline.

The Analysis for the claim of CEQA exemption looks at the existing conditions, which the City acknowledges are illegal. The Project, which legalizes the activity, has the potential of expanding to **every residence in the City** and an EIR must be done to study this potential and its impacts. No provision in the proposed Ordinance limits the number of residences that could qualify by registering, except for the minor carve out for residences subject to the Rent Stabilization Ordinance.

The proposed Ordinance legalizes a new commercial, business activity throughout the City (See **The Description of the Project is Misleading and Deceptive** below) and the “common sense” conclusion must be that the potential for significant environmental impacts is great and must be studied and disclosed for the benefit of the decision makers and the public.

Erroneous Analysis of Potential Effects

The City’s CEQA analysis is misleading, deceptive and erroneous. It states:

“One way to get a better sense of potential effects is to look at the results in a city that adopted similar regulations.”

It then proceeds to discuss the effects of what it describes as a similar ordinance adopted by Santa Monica about a year ago. However, the Santa Monica ordinance prohibits any vacation rentals where at least one of the primary residents does not live on-site throughout the visitor’s stay.

<https://www.smgov.net/Departments/PCD/Permits/Short-Term-Rental-Home-Share-Ordi>

nance/

Other cities, such as San Diego, have made a similar distinction between vacation rentals and home sharing.

However, the proposed Los Angeles Ordinance would allow the vacation rentals that are entirely prohibited in Santa Monica and San Diego. (See **The Description of the Project is Misleading and Deceptive** below.) The CEQA analysis of the proposed Ordinance is flawed because it ignores the environmental impacts of vacation rentals which are of an entirely different nature from true home sharing. There are several studies that show that a majority of short-term rentals in Los Angeles have been of whole houses or units, not shared space.

Erroneous and Inconsistent Assumptions

The CEQA analysis makes erroneous and inconsistent assumptions. It describes the growth of short-term rental listings in the City as “increasing fast over the last few years (likely doubling every 12 - 16 months).” At the same time, the analysis assumes “the proposed ordinance would not likely induce any new short-term rental to take place.” It comes to this conclusion by assuming the City is made up of persons who ignore the laws, and all those who are interested in renting out residential space “are already engaging in short term rental activities.” This is a conclusion not based on any substantial evidence and one that must be studied in an EIR. Also, it’s only one glaring example of the flawed assumptions in the CEQA analysis.

The Description of the Project is Misleading and Deceptive

The Project is called a Home-Sharing Ordinance. However, the traditional understanding of a home-sharing rental is an activity whereby a resident hosts visitors in their home while at least one of the primary residents lives on-site throughout the visitor’s stay. The guest enjoys the non-exclusive shared use of the unit with the person who is domiciled at the location.

The proposed Ordinance is **not limited to home-sharing**. It permits rentals for exclusive transient use where the guest enjoys the exclusive private use of the unit. It permits a vacation rental for up to 120 days per year in a residence occupied by the permanent resident for only 5 months and 29 days per year. Hence, it would legalize a new commercial, business activity throughout most all residentially zoned areas of the City.

Despite the proposed Ordinance allowing this vacation rental business activity, the CEQA analysis includes the erroneous and misleading statement that “With the regulations set forth by the Home-Sharing ordinance, the operation of Home-Sharing uses would be similar to the operation of a regular occupied home in any residential neighborhood.” On the contrary, the proposed Ordinance would allow whole-house, absentee-owner mini hotels throughout all residential neighborhoods.

The Project Will Have Potential Significant Effects on the Environment

The City may not declare with certainty that there is no possibility that the proposed Ordinance may have a significant effect on the environment when it bases conclusions on the flawed analysis described above.

The proposed Ordinance would permit significant intensification of use and significant densification in residentially zoned areas across the City where all short-term rental activity is now illegal. The City previously determined that there were legitimate reasons for land use provisions that ban short-term rentals, including the protection of residents from the effects of commercial, business activity in residential zones. The long-standing land use distinction between commercial and residential must not be changed without a thorough EIR study and analysis of the impacts.

The proposed Ordinance would have public safety impacts on residents and emergency services. An essential feature of any "Neighborhood Watch" program advocated by police is "know your neighbor." This becomes impossible when there is a constant stream of strangers, and strange vehicles, in the neighborhood. The safety impact might be even greater in multi-family buildings where a constant stream of strangers are given keys, and given access to all common areas.

The proposed Ordinance limits rentals to one group and one booking at a time, but there is no limit on the size of the group. The Ordinance allows a group of 35 to occupy a 4 bedroom home, unsupervised by the permanent resident. Such bookings occur for events such as a wedding or fraternity reunion. Other cities have recognized the potential impacts by limiting rentals to 2 per bedroom plus 2 more. These large groups amplify the impacts related to traffic and air quality, noise, trash, and safety. An EIR is necessary to study these impacts, consider mitigation of the impacts, and propose alternatives.

The proposed Ordinance represents a fundamental change to the LAMC. It would violate the City's General Plan and adversely affects all the elements of the Plan, including noise, housing, traffic, air quality, services, and safety.

The proposed Ordinance affects aesthetics because an EIR study would show that short-term renters pile large amounts of trash at the curb when they leave and it remains there until the trash pickup day that might be 6 days later.

Hotels that wish to operate in a residential zone must obtain a conditional use permit. An EIR is necessary to study the impacts of allowing an unlimited number of mini hotels in all residential areas. How will the physical appearance of the neighborhood change?

An EIR is necessary to study the cumulative effects of changing the accessory dwelling

unit laws in Los Angeles and the short-term rental laws. There will be an enormous incentive to build accessory dwelling units throughout the City and list them for short-term rentals. Such a massive construction activity in residential zones, and all the environmental impacts from that construction, is exactly the type activity for which CEQA requires a full EIR study and analysis before decisions are made. There can be no doubt that if one developer were proposing such a project, the City would require an EIR - - the City is not exempt.

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Conclusion

The results of an EIR will **not** support legalizing short-term rentals in residential zones in Los Angeles. On the contrary the EIR would identify significant impacts the City would be **unable to mitigate**, including depleting housing stock, noise pollution, air pollution, traffic congestion, additional and unmanageable stress on City services, in particular first responders - fire and law enforcement, water, trash, and parks and recreation personnel and facilities.

The adoption of the proposed Ordinance allowing short-term rentals, both true home sharing as well as absentee vacation rentals, in residential zones would have multiple, foreseeable, direct and indirect physical impacts upon the environment and constitutes a non-exempt "project" under CEQA.

Sincerely,

Raymond Klein



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Paul/BarbaraFreeman <barbarafreeman10@icloud.com>

Sat, Dec 3, 2016 at 3:04 PM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org,
Councilmember.Koretz@lacity.org

I would like to draw your attention to the following important provisions:

1. The draft ordinance permits rental of an entire home without the presence of the host and therefore is not "home sharing" but rather is the operation of a hotel/motel. Santa Monica requires the presence of the host - - true home-sharing.
2. The draft ordinance allows short-term rentals for too many days - - 180 days or half the year - - which equates to 3 1/2 days every weekend. Sixty days a year should be the maximum.
3. The provision for 15 days of non-primary residence vacation rentals would make enforcement impossible of the provision limiting rentals to a primary residence.
4. The draft ordinance relies on the cooperation of web sites like airbnb for enforcement, but it's insanity to expect different results from the same provision adopted by several other cities that have been sued by airbnb.



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Diana Dicksteim <dviolin2@grandmadi.com>

Sat, Dec 3, 2016 at 10:01 PM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org,
Councilmember.Koretz@lacity.org

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Sent from my iPhone



Sharon Dickinson <sharon.dickinson@lacity.org>

CF#14-1635-S2; CPC-2016-1243

1 message

Kim Guggenheim <kimguggenheim@icloud.com>

Sat, Dec 3, 2016 at 11:40 PM

To: Sharon.Dickinson@lacity.org, Councilmember.Bonin@lacity.org, Councilmember.Cedillo@lacity.org,
Councilmember.Koretz@lacity.org

I would like to draw your attention to the following important provisions:

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Thank you. Kim Guggenheim. 675 North Bundy Drive, LA CA 90049

Sent from my iPad