

Home Sharing Ordinance File 14-1635-S2

1 message

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The latest round on the proposed Home Sharing Ordinance is still unacceptable, because it fails to limit home sharing to home hosted "sharing".

The extensive reports and findings are a masterful job of double-speak, failing to acknowledge that the proposed home sharing ordinance would do the following:

1. Contrary to proposed findings and extensive staff report, ly the proposed ordinance clearly would not preserve the existing residential stability of residentially zoned neighborhoods. Instead, as the proposed ordinance itself attests, residential neighborhoods would all permit "hotels" into single family home zones, apartment and condo areas. The sentence stating that the proposed ordinance would "create housing opportunities" while preserving stability is on its face contradictory. The opportunities are not for housing but for vacation or hotel type rentals in previously residential buildings and zones.

I live across the street from a home on Arrowhead Drive in the Lake Hollywood Estates that has been sold twice during the past 18 months, and since the first sale in 2017 has been used exclusively as a short term rental. I have never met the owners, have no idea who they are or whether they have ever been in the house which they are using purely as an investment . There are new faces and new cars across the street every few days except when the house is not rented. At times, like one evening a few months ago, it was like a Hollywood club across the street. I obtained the name of the property manager and called. He told me he would send their security—which apparently he did, as 20-30 people poured out of the house within 5-10 minutes, some of them then standing adjacent to my driveway and in the street speaking in loud voices at 11:30 or so until they finally got picked up or into their cars. At around 1 am I saw new visitors arriving.

Clearly, short term rentals, unless they are home hosted, when the owner presumably will not allow his/her "guests" to have parties or disturb neighbors, do change the character of a residential neighborhood. Even when the "hotel guests" across the street are not creating a nuisance, it is very uncomfortable to have a never ending change of neighbors for short periods of time directly across the street. Recently the Los Angeles Times reported about leasees in high-priced luxury apartments in Hollywood feeling the same way when they go to their pool or elsewhere in their luxury apartment building only to find that many of the people around them are short term renters who are on vacation and treat the property differently than the long-term leasees.

As Matthew Glesne of the Planning Department told the PLUM committee in his October 19, 2017 report,

"Zoning laws in most cities, including Los Angeles, have traditionally treated "transient" uses....much differently than long-term residential uses. This distinction has roots in the original rationale for zoning laws—that an unchecked proliferation of commercial uses in a residential area can reduce its desirability as a place to live.....Allowing transient uses throughout the City marks a significant change from this

principle, with the potential for significant negative impacts given the rapid growth of this industry>” (p. 4 of report)

2. Another proposed finding in the materials you are considering states that because the proposed “hotels” in residences would be an accessory use to the primary residence, thereby furthering the aim of preserving the housing stock through focus on new ways to enforce current bans on vacation rentals. That statement is inconsistent with what the proposed ordinance would do. Current city law does in fact ban short term vacation rentals, but the new ordinance would explicitly permit vacation rentals. So a finding that states the proposed ordinance will help enforce bans makes no sense given that the ban would be lifted under the new law. The new ordinance is aimed at travelers—those on vacation or to a lesser degree business travel. Non-hosted short term rentals are not “accessory” to primary residence use, because the residence is not being used as a primary residence when it is rented out for non-hosted short term stays. The ordinance would permit such non-accessory uses for one-third of the year and in many cases much longer periods of time. It is mysterious why allowing vacation rentals is necessary to focus on new ways to enforce. The proposed finding suggests that the city needs to permit vacation rentals to enforce bans on vacation rentals. The documents also suggest that the current lack of regulation makes enforcement difficult. But the city does have regulations in the form of zoning ordinances that prohibit short-term ordinances in residences, although based on my experience and conversations with city officials, the city does not enforce these regulations.

My discussion with a local neighborhood prosecutor out of the City Attorney’s office about the short-term rentals across the street from me revealed how difficult it is to enforce zoning code violations and how time-consuming enforcement is. The discussions surrounding enforcement in the reports before you indicate that more funds would be available for enforcement, but the analysis suggests a very small increase in city employees for enforcement with heavy reliance on outside contractors. The small increase in city staff sounds completely unrealistic if enforcement is to be effective. And there is no discussion of how much additional personnel would be needed in the City Attorney’s office to ultimately enforce a very complex proposed ordinance. Living in an area like mine, directly above Hollywood, with its myriad of problems, we also find that police enforcement of nuisance parties, etc. up in the hills is slow and sparse. This is not surprising given limited resources and the problems the police face below our residential neighborhoods. But to the extent that the enforcement provisions in the proposed ordinance in part require “verified complaints”, the on the ground reality here in the Hollywood Hills suggests that our chances of seeing better enforcement under the new ordinance will not be much better than under the existing ordinance. And the charts provided in the documentation show that this area—Council District 4—has the single largest percentage of short term rentals in the city!

Except for complaining about parties, how would neighbors effectively complain about, for example, excessive days of rentals (would we be expected to keep records, take photographs, etc. to prove that an owner was violating the law? Or how would we prove that the owner does not live in the house or condo but uses it only as an investment)?

3. What in the world does the statement in the findings/report that states the current law “stifles the efficient use of residential spaces” mean? If you want efficient use of “residential space” in cases where a homeowner has more space than needed, then the city should, as it now does, allow long term rentals to city residents of the extra space. That might in fact provide more “efficient” use of space. But turning residences into “hotels” does not provide for more efficient use of residential space. It simply turns residences and residential neighborhoods into partially transient neighborhoods that are less stable.

4. . The city is failing to acknowledge that what it really wants is the money from the TOT taxes as a general source of revenue. In conversations that I have had with numerous members of the City Council regarding city financial issues, many have mentioned the revenue from short term rentals as a new source of revenue. That suggests that members of the city council really

are not considering the proposed ordinance with an open mind to the undesirable impacts it has on its residents, because the revenue source is one which the city leaders have already incorporated into their plans/budget for the city.

If the city wants to enable new buyers who cannot afford to buy without at least short term additional revenue through rentals to purchase and wants to enable older home owners or owners who are going through financial difficulties to remain in their homes, it can effectuate this goal by permitting only home-hosted short term rentals. That would permit those who need the revenue to get it without having the same drastic impact on residential neighborhoods that whole house/condo/apartment short term rentals have. It also would effectively permit neighbors to put pressure on owners who do not monitor their short term guests. If the city feels it needs more large space vacation rentals, it should permit vacation condo or apartment developments for travelers that would be properly run and situated in appropriate spots such as those you find in Hawaii and the Palm Springs area. Such developments would give construction workers jobs as well as ongoing cleaning crews, maintenance crews and the like. This stands in stark contrast to the lack of employment associated with these short-term rentals, other than jobs for a cleaning crew that works for a few hours between travelers' stays.

The proposed ordinance is unacceptable and should not be approved.

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