

Date: 6/13/17

Submitted in PLUM Committee

Council File No: 14-1635-92

Item No. 786

Contact Information

Neighborhood Council: Bel Air-Beverly Crest Neighborhood Council NC

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The Board approved this CIS by a vote of: Yea(22) Nay(0) Abstain(0) Ineligible(0)
Recusal(0)

Date of NC Board Action: 07/27/2016

Type of NC Board Action: Against

Impact Information

Date: 08/05/2016

Update to a Previous Input: Yes

Directed To: City Council and Committees

Council File Number: 14-1635-S2

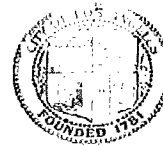
Agenda Date: 07/27/2016

Item Number: 12.A.2

Summary: The Short-Term Rental Ordinance can be expected to have a significant impacts on fire safety and public safety in the Very High Fire Hazard Severity Zones of the City. It is therefore inappropriate for the City to approve a Negative Declaration for the adoption of the ordinance and instead an Environmental Impact Report is required. Please see attached letter endorsed by the Bel Air Beverly Crest Neighborhood Council for details

Bel Air / Beverly Crest
 NEIGHBORHOOD COUNCIL

Building A Better Community



Bel Air-Beverly Crest Neighborhood Council
 PO Box 252007 Los Angeles, CA 90025
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Board Resolution for Community Impact Statement
Regarding Short Term Rentals (Home Sharing Ordinance)
Council File No.: 14-1635-S2

We, Robin Greenberg and Nickie Miner, declare that we are the President and Vice President respectively of the Bel Air Beverly Crest Neighborhood Council, and that on July 27, 2016, a Brown-Act noticed public meeting was held by the Bel Air Beverly Crest Neighborhood Council, and with a quorum of 15 and 22 yeas votes, 0 nays and 0 abstentions, the Bel Air Beverly Crest Neighborhood Council unanimously endorsed the enclosed letter by Matt Post of the Benedict Canyon Association dated June 7, 2016, to be submitted as a Community Impact Statement by resolution into the City Council File.

Robin Greenberg

 Robin Greenberg,
 President, rgreenberg@babnc.org August 4, 2016
 Date

Nickie Miner

 Nickie Miner,
 Vice President, nminer@babnc.org 8-3-16
 Date

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 Robin Greenberg
 Vice President
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 Bel-Air Crest Master Association
 Bel Air Hills Association
 Bel Air Ridge Association
 Benedict Canyon Association
 Casiano Estates Association
 Laurel Canyon Association
 Holnby Hills Homeowners Association
 Residents of Beverly Glen
RESIDENTIAL DISTRICTS
 Bel Air District

Bel Air Glen District
 Beverly Park Estates District
 Franklin-Coldwater District
 North of Sunset District
OTHER
 At-Large Members
 Commercial or Office Enterprise Districts
 Custodians of Open Space
 Faith-Based Institutions
 Public & Private Schools

Committees:

Chair
Personnel & Animal Welfare

Vice Chair
Transportation

Member
Budget & Finance
Energy & Environment

Website: <http://cd5.lacity.org>
Email: Paul.Koretz@lacity.org



PAUL KORETZ
Councilmember, Fifth District

June 21, 2016

David H. Ambroz, President
Los Angeles City Planning Commission
City Hall, Room 272
200 North Spring Street
Los Angeles, Ca 90012

Re: Home Sharing Ordinance; CPC-2016-1243-CA/ENV-2016-1277-ND; Item 8, June 23, 2016

Dear President Ambroz:

I am writing to offer comments on the Home Sharing Ordinance draft before you at this time.

Generally I believe short-term rentals (STRs, or STR) and home sharing provide an example of how so-called "disruptive technology" can be disruptive in more unhelpful ways than helpful ones and would prefer to see it more constrained rather than less. That being said, I recognize that this is a phenomenon that long predates its recent blossoming under the umbrella of online transactions, that it serves certain useful purposes for some of our residents, and that it's not going away despite the fervent wishes of its harshest critics. As policymakers our challenge is to regulate it appropriately, firmly and enforceably so that it provides the beneficial service it claims to offer while not allowing the current "Wild West" characteristics to continue which place profit and unaccountability over good land use principles and community stability.

Although I am aware that there are many on both sides of the issue who may completely disagree with me for various reasons, the draft ordinance contains a number of supportable provisions, including the eligibility and implementation requirements, an enforcement concept that takes into account most of the crucial issues, and the ban on the use of Rent Stabilized units for STR.

However my feeling is that, because of this, questions can be raised about important issues and that it requires additional scrutiny by City Planning staff before the Commission takes action. My comments below concern details which motivate me to say that, but I'm sure there are others that will be raised by people on both sides of this very contentious issue.

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David H. Ambroz, President

June 21, 2016

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Following are some concerns I have about the draft ordinance now before you:

1. The increase in the cap on the rentable number of days per year from 90 (in the original draft) to 120 strikes me as potentially placing an excessive burden upon the neighborhoods where these uses exist and especially upon those where they proliferate. I am well aware that a number of short-term rental hosts are chafing under the prospect of either of these limitations – or any limitations at all – but I am consistently hearing complaints from neighbors of STR sites regarding the disruptive nature of the activities, from excessive noise and exacerbated parking problems to the large numbers of unfamiliar people coming and going at all hours, and so on.
2. In conjunction with a firm cap on the number of days per year, I would like to see a firm 30-day cap on the number of days per year that a registered STR site could be used for vacation rentals while the registered host is away.
3. Hosts and/or hosting platforms should be required to provide proof of appropriate insurance coverage for this use of each registered STR site.
4. Any given registered STR site should be listed only once on any hosting platform, and only one host should be allowed to be listed for any given registered property. This should avoid any possibility of “double-dipping” going on at any given property. In other words, for example, a married couple shouldn’t be able to each list the same property separately and thus get double the number of days of eligibility in any given year.
5. Any site subject to an Ellis Act eviction within the past five years should be ineligible for home sharing.
6. Hosting platforms should be required to block listings that cannot provide proof of registration and the fine to platforms for listing unregistered sites should be \$1000 per day that the unit is in violation, not \$500. This fine is consistent with the newly imposed fine structure in San Francisco.
7. In any circumstance in which the violation is not cured within five days and the fine not paid within 30 days a site should be prohibited from STR usage for one year from the date of curing. For fines that continue to go unpaid, the City should have the right to impose a lien on the property to ensure payment.
8. Instead of spreading enforcement duties around to several City departments, the City should consider creating a Home Sharing Office to administer this ordinance, with said office reporting both quarterly and annually to the Mayor and City Council on all aspects of home sharing activities and enforcement.

David H. Ambroz, President

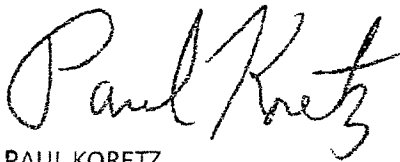
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9. The ordinance proposes to block conversion of residential uses to "transient occupancy residential structures" (presumably bed-and-breakfasts, or non-hotel hotels ["fauxtels," as I often call them]) but it doesn't block the conversion of residential uses (specifically rent stabilized buildings) to actual hotels. It should.
10. It appears the registration fees are to be used to help fund administration and enforcement of this ordinance. I believe a larger portion of the Transient Occupancy Tax (TOT) to be collected as a result of this ordinance should also be reserved for those purposes. The draft currently allocates only 5% of the Transient Occupancy Tax for these purposes. The experience of other cities grappling with this issue suggests that in a city as large as Los Angeles, this will not fund enough staff to do what is likely to be necessary. At the same time, 5% of the TOT will not come close to financing enough units even to replace those already lost to STR usage.
11. Any hosting platform working with more than five hosts within the Los Angeles city limits should be required to ensure that Title II of the federal Civil Rights Act (barring discrimination in public accommodations) is not being violated by the hosts.
12. The staff report discusses the idea of a "private right of action" being afforded to members of the public should they find that the City's legitimate efforts to enforce this ordinance are proving unsuccessful. This concept is deferred for later discussion, while the private right of action essentially is prohibited in section (g) (1). However, I believe this concept should be seriously considered for this ordinance in Los Angeles whether or not it has been widely applied anywhere else. There is considerable reason to believe that, even under the best of circumstances, the enforcement of this law is going to be difficult and time-consuming and a private right of action will provide a means for the public to seek alternate relief in sufficiently egregious circumstances.

Again, and as you can tell, I believe this ordinance is not yet "fully cooked" and requires additional work before you approve it. I do not, however, advocate holding the ordinance up for a lengthy period of time while we try to make it perfectly enforceable. The situation as it exists today is intolerable and leaving that in place while we fall prey to a modern-day equivalent of Voltaire's famous adage, "the perfect is the enemy of the good," would do a disservice to the public. I urge you to instruct staff to work diligently and quickly in the coming weeks to bring back an ordinance reflecting consideration of the kinds of changes I and others are recommending.

Sincerely,



PAUL KORETZ

Councilmember, 5th District

CIS on Short Term Rentals

The Short Term Rental Ordinance can be expected to have a significant ^{impact} on fire safety and public safety in the very high fire hazard severity zones in the city. It is therefore inappropriate for the city to approve a negative declaration for the adoption of the ordinance and instead an environmental impact report is required.

Many streets in hillside areas are substandard (e.g. narrow and steep), and residents already have difficulties with parking availability. Furthermore, during Red Flag days, cars cannot be parked on the street because the streets must be kept clear for Fire Department apparatus and for evacuation (L.A.M.C. 80.72). Short-term rentals will generate additional people in vehicles accessing these streets and trying to park. Furthermore, out-of-town guests will have no idea about Red Flag days and the special parking requirements they entail. Even if such guests are ticketed and/or towed, there is no way to tie this infraction back to the operator of the short-term rental, nor would it dissuade future violations. Permanent residents learn quickly about the special needs for fire department access and the potential for tickets when parked improperly, while the proposed ordinance would provide an endless supply of visitors with no such experience. The hillside areas do not have evacuation plans (unlike most other areas of the city).

The Negative Declaration must have been drafted by someone who has never been to the hillside areas of the City, because it contains the following statement:

The potential for wildland fires does not exist, as the vacation rental uses will be conducted only at existing developed residential locations

Wildland fires can start at any residence or along any street or backyard or trail in the hillside areas. On Friday, June 9, 2017 a two acre fire occurred on the 2100 block of Roscomare Road (see LAFD historical archive at http://www.lafire.com/famous_fires/1961-1106_BelAirFire/1960-1106_LAFD-Report_BelAirFire.htm)

The inevitable increase in short-term rental activities in very high fire hazard severity areas will increase the risk to the public and requires an Environmental Impact Report. Short-term renters unfamiliar with the hazards of living in hillside areas and the precautions that must be taken to avoid starting a wildland fire (e.g., with barbecues, smoking, even hot mufflers on cars) will increase the fire risk and the overall hazard for members of the community. Residents are educated on fire safety through many avenues, including through the annual brush clearance notices sent by the city. Short term guests do not have the same experience and level of awareness of, or investment in, their surroundings as residents and consequently pose a significantly increased hazard for the community.