

Communication from Public

Name: Diana Cruz

Date Submitted: 11/10/2020 09:23 AM

Council File No: 18-1246

Comments for Public Posting: My name is Diana Cruz, I am a life-long tenant in the City of Los Angeles and I am not in support of removing housing from the long-term rental market during a public health and housing crisis through the proposed Vacation Rental Ordinance CF 18-1246. This policy does not do anything to help or ease the housing crisis in Los Angeles. Instead, it erodes the very core of the protections ensured in the Home-Sharing ordinance that the city took 4 years to create. Housing has not been created fast enough. Not utilizing empty units in the City of Los Angeles for housing would be a huge disservice to our communities. We are in an unprecedented global pandemic and homelessness is on the rise. We should be doing our best to provide access to housing for those that need it the most- not those that are wealthy enough to own multiple homes and profit from platforms like Airbnb. In these dire times, please consider who really needs protection: working Angelenos struggling to stay in their homes, or the wealthiest among us attempting to profit from second homes they don't live in. We cannot risk incentivizing even more speculators to enter our real estate market and convert potential long-term housing units into vacation rentals. I respectfully request that you reject the anti-housing Vacation Rental Ordinance and do not recommend its approval, in any form. Please vote NO on this ordinance.

Communication from Public

Name: Deidre Samuels

Date Submitted: 11/10/2020 10:58 AM

Council File No: 18-1246

Comments for Public Posting: Dear PLUM Committee Members, I ask that you reject the Vacation Rental Ordinance, Council File 18-1246 that will allow the use of dwelling units used as intermittent vacation homes as short term rentals under the ordinance. The City is in the middle of a pandemic and a housing crisis. This change in the ordinance flies in the face of reasoned policy making. The City should be looking at ways to increase affordable housing in Los Angeles and not assisting wealthy property owners in finding ways to make money through the use of the SECOND homes as short term rentals. How many more people do you need to see unhoused before you do something substantive to stop the bleeding? If you are hell bent on helping those who have SECOND homes, a very crucial part of this ordinance has been left out of the definitions and that is what constitutes "intermittently" for the purposes of determining if the property owner can use their SECOND home as a short term rental? How often is intermittently and how is this monitored by the City? What is to prevent a property owner from purchasing a small home, call it a vacation home with no intention of ever using it, and renting it out as a short term rental? Why should the City be more interested in providing visitors a place to stay than giving their citizens a place to live? This Ordinance is another huge slap in the face to the citizens of Los Angeles and another sign that they don't count when it comes to passing laws. Please consider my words and reject this Ordinance. Deidre Samuels 309 Broadway #15 Venice, CA 90291

Communication from Public

Name: Helen Fallon

Date Submitted: 11/10/2020 12:05 PM

Council File No: 18-1246

Comments for Public Posting: We object to allowing 2nd homes to be used as short-term vacation rentals. The city can at least verify primary residences through property tax roles and confirming that a homeowner's exemption is on file. How can you possibly ensure that this change will only end up benefiting investors who have purchased homes with the intent to use them for short-term rentals? Rewording an ordinance to benefit the extremely wealthy is wrong. Approving this ordinance when there is a housing shortage is wrong. Encouraging the transiency and instability that short-term rentals bring to residential neighborhoods is wrong. Please vote to deny.

Communication from Public

Name: Bruce Kijewski

Date Submitted: 11/10/2020 12:41 PM

Council File No: 18-1246

Comments for Public Posting: I'm in strong opposition to the proposed Vacation Rental Ordinance CF 18-1246. At a time when Los Angeles is in the midst of an affordable housing crisis and one of the worst humanitarian homeless problems in the world, how can the City even contemplate a vacation rental ordinance? We cannot risk incentivizing even more speculators to enter our real estate market and convert potential long-term housing units into vacation rentals. This policy does not do anything to help or ease the housing crisis in Los Angeles. In fact this policy makes housing accessibility even harder! I have seen how very slowly empty units used as Airbnbs are being rented by long term renters. But whatever little progress we've made will be stopped and REVERSED with this policy. Please vote NO and focus your time on creating housing. In these dire times, please consider who really needs your protection: working Angelenos trying to stay in their homes, or the wealthiest among us trying to profit from second homes they don't actually live in? Thank you, Bruce Kijewski 15 Paloma Avenue, #506 Venice, CA 90291

Communication from Public

Name: Brian H Wald

Date Submitted: 11/10/2020 01:22 PM

Council File No: 18-1246

Comments for Public Posting: Non Primary Residences as Vacation Rental Gentlemen, we just worked together for 4 years to come to a compromise on Home Sharing Services. It boiled down to allowing people to rent their live-in homes for a limited number of nights a year. It specifically dealt with people owning "non-primary" residence home....and concluded that this wouldn't be allowed for a vast amount of reasons. Now we're discussing the same thing we just finished and concluded. Why? The same reasons apply with this attempt for several reasons. 1. It's a waste of time to do this dance over again. It's double jeopardy for we citizens. Particularly those of us who've been confronted with exactly this situation right next door. I'm one of those. It got to the point of intrusion with one home that 10 neighbors were constantly calling the police for enforce the civil codes of behavior in the neighborhood. Noise, trash, parties & parking all hours of the night and day. Please let's not dare go there again. Peace and serenity is what a family wants in its neighborhood....not anything else. 2. The experiment with management of the "personal home" statute for rentals has not gotten off the ground due to Covid but I recall it took months of waiting for anyone in the STR department to even act on the 50 complaints filed against one of this house next door. The owner eventually long term rented it and then sold it at a handsome profit. 3. It may cause people to purposely buy potential non-personal homes for short term rentals. And it will be, like the personal homes, a helluva a mess to police them. 4. There are not enough homes for rent in the communities of LA as it is. This would only exacerbate the shortage situation by removing houses off the market for long term rent and would encourage many to buy homes just for the short term rental opportunity...further reducing the market.....further increasing the probability of community annoyance....the ability of the SRT department to police this situation. 5. And our already over crowded courts now have another thing to deal with that is absolutely not necessary. Thus I implore you to shut this effort down soonest as there are many unresolved issues that our Council needs to attend to....not one we've already resolved. Respectfully Brian Wald 115 Topsail Mall, Marina del Rey.

Communication from Public

Name: John Given

Date Submitted: 11/10/2020 01:39 PM

Council File No: 18-1246

Comments for Public Posting: Attached is my letter strongly OPPOSED to the proposal.
Sincerely, John Given (Please note new address) -- John Given
Law Office of John P. Given 2309 Santa Monica Boulevard, #438
Santa Monica, CA 90404 (310)471-8485 -- This message and any
attachments contain information which may be confidential and
privileged. Unless you are the addressee (or authorized to receive
for the addressee), you may not use, copy or disclose the message
or any information contained in the message. If you have received
the message in error, please advise the sender by reply e-mail and
delete any version, response or reference to it. Thank you.

LAW OFFICE OF JOHN P. GIVEN
2309 Santa Monica Blvd., #438
Santa Monica, CA 90404
john@johngivenlaw.com
(310) 471-8485

November 10, 2020

Via City Clerk Comment Portal

Los Angeles City Council PLUM Committee
Los Angeles City Hall, Room 1010
200 N. Spring Street
Los Angeles, CA 90012

RE: OPPOSE Vacation Rentals in Non-Primary Homes (CF 18-1246)
Nov. 12 Special PLUM Committee meeting, agenda item 9

Honorable Councilmembers:

At the December 19, 2019 City Planning Commission hearing on the proposed ordinance, Commissioner Dana Perlman spoke passionately about the City's ongoing housing crisis:

We are in a housing crisis. We talk about that every time. I say it every single time I am at this microphone, at every one of our meetings. What is this doing...to deal with our housing crisis? Is it helping in any way, shape, or form? I've not heard a scintilla of evidence it is. In fact, the evidence we heard is to the contrary... [The Harvard] study says that when you increase the allowance of home sharing, you increase the cost of rent. And we all know when you increase the cost of rent you make it less affordable...

Right now, to me, to take [] a step that is going to increase the cost of housing in our city that is already untenable for so many of our residents, and to allow additional units that could be full time housing for our citizens to be short term housing, I don't see how that makes sense. I do not. So to answer your question on the citywide cap, **I would say the citywide cap right now should be zero.**¹

Since that City Planning Commission hearing nearly a year ago, local homelessness has only increased, and is expected to continue increasing dramatically due to the massive economic pressures caused by the global COVID-19 pandemic. In June it was reported that the homeless population had increased nearly 13% in Los Angeles County (almost 14% in the City of Los Angeles), and those dire statistics do not take into consideration the economic impact of the coronavirus, which is expected to cause homelessness to spike even more dramatically.²

¹ City Planning Commissioner Dana Perlman, Dec. 19, 2019; hearing audio available at: <https://planning.lacity.org/StaffRpt/Audios/CPC/2019/12-19-2019/6%20CPC-2019-7045.MP3>.

² Benjamin Oreskes and Doug Smith, *Homelessness jumped 13% in L.A. County, 13% in the city before pandemic*, L.A. Times, June 12, 2020, available at: <https://www.latimes.com/homeless-housing/story/2020-06-12/la-homelessness-jumped-before-coronavirus-hit>.

Three new members of the City Council have also been elected since that City Planning Commission hearing, and all of them agree that tackling the City's homelessness crisis is their first priority. Councilmember de León said of the housing crisis: "When it comes to homelessness and housing affordability, what we are seeing today in Los Angeles is a modern-day human catastrophe, **a dystopian nightmare unlike anything we've ever seen before**. It's shocking. It's shameful. We have a moral and human obligation to do better."³ Councilmember-elect Ridley-Thomas, who will be sworn in along with Councilmember-elect Raman on December 14, says the City should "**increase our focus on interim housing** because we can't get enough affordable housing built quickly."⁴

Rather than allowing short term rentals in almost 15,000 additional dwelling units, a number which will assuredly grow as savvy property owners find and exploit available loopholes and put additional political pressure on councilmembers to increase the citywide cap, the City's leadership should instead consider what steps it can take to encourage the fortunate few who own second homes in Los Angeles to rent those homes to long-term tenants.

The proposed ordinance to allow short term rentals in non-primary homes made little sense a year ago, and it makes even less sense now. It is tone-deaf and frankly insulting to our unhoused citizens for the Council to even consider taking such an action to legalize and incentivize owners of second homes to rent them to tourists during a global pandemic. The Council should at least table consideration of the item until its newly elected members have been seated and can bring their fresh perspectives on ways to address the crisis.

As Planning Commissioner Perlman explained last December, "the citywide cap right now should be zero." I urge you to reject this outrageous proposal.

Sincerely,



John Given

³ David Zahniser, *Kevin de León takes L.A. City Council seat, vows to tackle 'dystopian' homelessness crisis*, L.A. Times, Oct. 15, 2020, available at: <https://www.latimes.com/california/story/2020-10-15/kevin-de-leon-la-city-council-huizar-district-corruption-homelessness>.

⁴ Benjamin Oreskes, *A newly constituted City Council could change L.A.'s approach to homelessness*, L.A. Times, Nov. 8, 2020, available at: <https://www.latimes.com/homeless-housing/story/2020-11-08/new-la-city-council-members-prioritize-homelessness>.

Communication from Public

Name: Pacific Palisades Community Council

Date Submitted: 11/10/2020 03:42 PM

Council File No: 18-1246

Comments for Public Posting: Pacific Palisades Community Council references its letter of December 17, 2019 to the City Planning Commission regarding this matter and reiterates the positions expressed therein. See attached letter. We specifically request that any Vacation Rentals Ordinance should include a provision for a 24-hotline for the public to notify the City about noise, violations of occupancy limits or violations of any other provisions of the Ordinance, similar to the hotline that was adopted in the Administrative Guidelines to the Home-sharing Ordinance.



PACIFIC PALISADES COMMUNITY COUNCIL

December 17, 2019

Los Angeles City Planning Commission
Patrick Whalen, City Planning Associate

Via email: cpc@planning.lacity.org
Via email: patrick.whelen@lacity.org

Re: Vacation Rentals Ordinance; CPC-2019-7045-CA (VACATION RENTALS) CEQA: ENV-2019-7046-ND; ENV-2019-7375-CE (CPC Hearing 12/19/19)

Honorable Commissioners and Mr. Whalen:

Pacific Palisades Community Council (PPCC) has been the most broad-based organization and voice of the Palisades community since 1973. PPCC is one of the oldest continuously operating councils of its type in Los Angeles and served as a model for many current neighborhood councils. PPCC conducts open, public board meetings and serves the same function as a neighborhood council: to provide a forum for the discussion of issues and to advise government on matters of community concern.

Since 2015, PPCC has taken the position that we are opposed to the legalization of short-term rentals in all residential zones, but if legalization is to occur, only owner-occupied primary residences shall be permitted to host on a short-term basis, for a maximum of 30 days per calendar year. We also supported, in connection with the City's Home-Sharing Ordinance, the provision for a 24-hour hotline which was eventually adopted in the Administrative Guidelines to the Home-Sharing Ordinance:

*"**Complaint Hotline.** Members of the public may call the Los Angeles Home-Sharing Hotline at any time at (213) 267-7788 to file any complaints about any short-term rental activity including but not limited to advertising, Registration Numbers, violations of maximum occupancy limits, noise or any other provision identified in the Home-Sharing Ordinance or the LAMC." (p. 21, Administrative Guidelines, Home-Sharing Ordinance)*

We respectfully request that if the City Planning Commission determines to approve the proposed Vacation Rentals Ordinance, a similar provision for a hotline be included in the ordinance.

Thank you for your anticipated courtesy and cooperation.

Sincerely,

Christina Spitz, Secretary
Pacific Palisades Community Council

cc: Hon. Mike Bonin, CD11

Via email: mike.bonin@lacity.org

Communication from Public

Name: Sandra Vargas

Date Submitted: 11/10/2020 04:33 PM

Council File No: 18-1246

Comments for Public Posting: This policy will not help or ease the housing crisis. In fact, this ordinance will exacerbate the housing crisis that was present before and worsened by the COVID-19 pandemic. This ordinance only serves the wealthy and willfully ignores the housing instability and crisis that Angelenos are facing. I respectfully request that you reject the Vacation Rental Ordinance and do not recommend its approval, in any form, to City Council.

Communication from Public

Name: Chase Engelhardt

Date Submitted: 11/10/2020 04:34 PM

Council File No: 18-1246

Comments for Public Posting: Dear City Councilmembers, I respectfully urge you not to modify the existing homesharing ordinance to include any more accommodations for vacation homes. We are facing the dual crises of COVID-19 and Housing, and while the City is hemorrhaging money in this difficult time, this will ultimately result in the exacerbation of those problems. Ultimately the City will need to spend more on housing solutions, as well as public health from the introduction of people potentially infected. It is not only morally imperative that we do not turn our backs on the vulnerable to favor the wealthy in this moment, but in this case it would also be more fiscally responsible to simply borrow money, as the deepening of these crises will ultimately set us back much, much farther. Thank you, Chase Engelhardt

Communication from Public

Name: Mary Jack

Date Submitted: 11/10/2020 05:03 PM

Council File No: 18-1246

Comments for Public Posting: To the Esteemed Members of the PLUM Committee: In these economically and psychologically trying times, please consider who really needs your protection: working Angelenos trying to stay in their homes, or the wealthiest among us trying to profit from second homes they don't actually live in? In the face of the housing and homelessness crisis, it is absurd to be discussing a loophole for people lucky enough to own two houses. Earlier today I attended a webinar hosted by LA City Planning on the subject of the Housing Element for 2021-2029. The need for housing is staggering, with the need for affordable housing especially dire. There was a discussion about the role that short-term rentals (STRs) have had on LA's housing market, with City Planning announcing that the new STR ordinance has already made an improvement in the rental market. Let's keep that success going. I'm strongly opposed to the proposed Vacation Rental Ordinance CF 18-1246. We cannot risk incentivizing even more speculators to enter our real estate market and convert potential long-term housing units into vacation rentals. Please vote "no". Thank you.

Communication from Public

Name: Susan Hunter
Date Submitted: 11/10/2020 05:33 PM
Council File No: 18-1246
Comments for Public Posting: Please see attached letter as amendments to the proposed ordinance.

Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

Susan Hunter
Los Angeles Tenants Union – Hollywood Local case worker
6500 Sunset Blvd.
Los Angeles, CA 90028

11/10/2020

RE: CF 18-1246/ Vacation Rentals

Councilmembers,

I am submitting this written comment to address two concerns with the proposed vacation rental ordinance.

1) Vacation rentals should only be allowed to be operated by natural persons as owners, no LLC's should be allowed. LLC's qualify as a single-property owner as the LLC owns itself. One person could manage hundreds of LLC's, and still qualify as a single-family home owner on a case by case basis, meaning they would be allowed to operate hundreds of hotels under this ordinance. This is a loophole that should be closed to stop the abuse of our housing units for hotel purposes.

2) Vacation rentals should not be allowed in any structure that has sought an entitlement in order to by-pass what was by-right for that property. If we approve discretionary actions past what the zoning allows in order to create more housing, then those units should not be used for any other purpose. If the goal of deviating from the general and zoning plan is to create more housing, then those units should only be allowed for housing if we are citing a housing crisis as the reason to build more densely. Do we have a housing crisis or not?

By conditioning the approval of vacation rentals with these two conditions, then we are taking a step in the right direction to make sure that we are stopping the behavior of bad actors who use loopholes to undermine the intentions of this city.

Thank you for your time,

Susan Hunter

Communication from Public

Name: Community Coalition

Date Submitted: 11/10/2020 07:24 PM

Council File No: 18-1246

Comments for Public Posting: December 18, 2019 Via email Los Angeles City Planning Commission Los Angeles Department of City Planning Los Angeles City Council Chamber, Room 340 200 North Spring Street Los Angeles, CA 90012 Email: cpc@planning.lacity.org, patrick.whalen@lacity.org, planning.vacationrentals@lacity.org Re: CPC-2019-7045-CA; Vacation Rental Ordinance (“VR Ordinance”) Dear Commissioners and Staff, The Brentwood Homeowners Association* is opposed to the VR Ordinance and opposed to any legalization of short-term rentals of any dwelling unit which is not a property owner’s primary residence. THE VR ORDINANCE IS AN UNLAWFUL VIOLATION OF CEQA CEQA forbids piecemeal review of the significant environmental impacts of a project. The Negative Declaration for the recently enacted Home-Sharing Ordinance (and the finding of no significant impact on the environment) was based on short-term rentals being strictly limited to a primary residence as evidenced by the following excerpts from the ND: Page 7 The ordinance would additionally impact the number of short-term rentals that are currently in non-primary residences. A May 3, 2017 Budget Memo published by the City Administrative Officer⁶ estimated that enforcement of the primary residency requirement could result in up to a 46% decline in short-term rental booking receipts. While booking receipts cannot be directly translated to individual short-term rental units, it can reasonably be concluded that a prohibition on short-term rental activity in non-primary residences could result in up to approximately a 40% reduction in short-term rental activity. Page 10 It is important to note, however, that many of these properties would not be eligible for home-sharing or extended home-sharing under the primary residence requirement, prohibition on home-sharing in RSO units, and other requirements. Thus, the net effect of the requirements of the proposed ordinance, along with additional resources for enforcement, are expected to result in a reduction in the number of short-term rentals in the City. For the purposes of CEQA, these reductions are therefore anticipated to result in a reduction in * Brentwood Homeowners Association represents approximately 4,300 owners or occupants of single-family residences and condominiums north of San Vicente Boulevard, west of the 405 freeway and east of Canyon View Drive.

www.brentwoodhomeowners.org Los Angeles Planning Commission December 18, 2019 Page 2 of 2 environmental impacts caused by short-term rentals, and as such the proposed Home-Sharing ordinance is not expected to have a significant impact on the environment. Page 10 Finally, because only primary residences may be used for short-term rentals, there is no economic incentive to construct new residences for short-term rentals. The City's ordinance should ensure that short-term rental activity will only be an ancillary use to the primary residential use of the residence. The restrictions in the draft VR Ordinance do not reduce environmental impacts to insignificant when the impacts are added to the impacts of short-term rentals of primary residences. For example, the proposed 30 day limit/calendar year is actually 29% of the weekends in a year (15 two-day weekends divided by 52 weekends). THE VR ORDINANCE IS A CONTINUATION OF THE SLIPPERY SLOPE IN THE SHORT-TERM RENTAL ODYSSEY One of the WHEREAS clauses in the recently enacted Home-Sharing Ordinance reads: WHEREAS, short-term rentals in property other than a primary residence create unfavorable consequences, including negative impacts on the residential character of surrounding neighborhoods and increased nuisance activity; The proposed VR Ordinance is inconsistent with that Finding by the Department of City Planning and the Los Angeles City Council. It is improper to conclude that short-term rentals of other than primary residences is harmful, and less than a year later propose to legalize short-term rentals of second homes. The recently enacted Home-Sharing Ordinance was proposed for a limit of 120 days and for only a primary residence defined as occupied by the owner for more than 6 months of the year. However, the final Home-Sharing Ordinance permits "Extended Home-Sharing" that is defined as home-sharing that is permitted for an unlimited number of days in a calendar year. Hence, the ordinance that was finally enacted makes a mockery of all limitations, and the VR Ordinance would be an extension of the wholesale conversion of homes in residential neighborhoods into rental properties. THE PROPER RESPONSE TO AN EXPANDING UNLAWFUL ACTIVITY IS ENFORCEMENT – NOT LEGALIZATION Short-term rentals of dwelling units that are not a primary residence are illegal. A VR Ordinance would send a dangerous message that the City Departments and City Attorney will not impose consequences for illegal activity if the activity grows fast enough; rather than enforcement, Los Angeles takes the default route of regulation. But even the proposed regulations in the VR O



PO Box 49427 □ Los Angeles, California 90049 □ (424) BHA-8765 □ info@brentwoodhomeowners.org

December 18, 2019

Via email

Los Angeles City Planning Commission
Los Angeles Department of City Planning
Los Angeles City Council Chamber, Room 340
200 North Spring Street
Los Angeles, CA 90012
Email: cpc@planning.lacity.org, patrick.whalen@lacity.org, planning.vacationrentals@lacity.org

Re: CPC-2019-7045-CA; Vacation Rental Ordinance (“VR Ordinance”)

Dear Commissioners and Staff,

The Brentwood Homeowners Association* is opposed to the VR Ordinance and opposed to any legalization of short-term rentals of any dwelling unit which is not a property owner’s primary residence.

THE VR ORDINANCE IS AN UNLAWFUL VIOLATION OF CEQA

CEQA forbids piecemeal review of the significant environmental impacts of a project. The Negative Declaration for the recently enacted Home-Sharing Ordinance (and the finding of no significant impact on the environment) was based on short-term rentals being strictly limited to a primary residence as evidenced by the following excerpts from the ND:

Page 7

The ordinance would additionally impact the number of short-term rentals that are currently in non-primary residences. A May 3, 2017 Budget Memo published by the City Administrative Officer⁶ estimated that enforcement of the primary residency requirement could result in up to a 46% decline in short-term rental booking receipts. While booking receipts cannot be directly translated to individual short-term rental units, it can reasonably be concluded that a prohibition on short-term rental activity in non-primary residences could result in up to approximately a 40% reduction in short-term rental activity.

Page 10

It is important to note, however, that many of these properties would not be eligible for home-sharing or extended home-sharing under the primary residence requirement, prohibition on home-sharing in RSO units, and other requirements. Thus, the net effect of the requirements of the proposed ordinance, along with additional resources for enforcement, are expected to result in a reduction in the number of short-term rentals in the City. For the purposes of CEQA, these reductions are therefore anticipated to result in a reduction in

* Brentwood Homeowners Association represents approximately 4,300 owners or occupants of single-family residences and condominiums north of San Vicente Boulevard, west of the 405 freeway and east of Canyon View Drive.

environmental impacts caused by short-term rentals, and as such the proposed Home-Sharing ordinance is not expected to have a significant impact on the environment.

Page 10

Finally, because only primary residences may be used for short-term rentals, there is no economic incentive to construct new residences for short-term rentals. The City's ordinance should ensure that short-term rental activity will only be an ancillary use to the primary residential use of the residence.

The restrictions in the draft VR Ordinance do not reduce environmental impacts to insignificant when the impacts are added to the impacts of short-term rentals of primary residences. For example, the proposed 30 day limit/calendar year is actually 29% of the weekends in a year (15 two-day weekends divided by 52 weekends).

THE VR ORDINANCE IS A CONTINUATION OF THE SLIPPERY SLOPE IN THE SHORT-TERM RENTAL ODYSSEY

One of the WHEREAS clauses in the recently enacted Home-Sharing Ordinance reads:

WHEREAS, short-term rentals in property other than a primary residence create unfavorable consequences, including negative impacts on the residential character of surrounding neighborhoods and increased nuisance activity;

The proposed VR Ordinance is inconsistent with that Finding by the Department of City Planning and the Los Angeles City Council. It is improper to conclude that short-term rentals of other than primary residences is harmful, and less than a year later propose to legalize short-term rentals of second homes.

The recently enacted Home-Sharing Ordinance was proposed for a limit of 120 days and for only a primary residence defined as occupied by the owner for more than 6 months of the year. However, the final Home-Sharing Ordinance permits "Extended Home-Sharing" that is defined as home-sharing that is permitted for an unlimited number of days in a calendar year. Hence, the ordinance that was finally enacted makes a mockery of all limitations, and the VR Ordinance would be an extension of the wholesale conversion of homes in residential neighborhoods into rental properties.

THE PROPER RESPONSE TO AN EXPANDING UNLAWFUL ACTIVITY IS ENFORCEMENT – NOT LEGALIZATION

Short-term rentals of dwelling units that are not a primary residence are illegal. A VR Ordinance would send a dangerous message that the City Departments and City Attorney will not impose consequences for illegal activity if the activity grows fast enough; rather than enforcement, Los Angeles takes the default route of regulation. But even the proposed regulations in the VR Ordinance are unenforceable – for example, there is no practical way to enforce the provision in the draft VR Ordinance that the non-primary residence be occasionally occupied by the property owner.

Los Angeles should follow the precedent set by these other California cities where vacation rentals are not permitted: San Francisco, San Diego, Santa Monica, San Jose, Pasadena, and West Hollywood.

Sincerely,



Kathleen Flanagan
BHA Board President

Cc: Councilmember Mike Bonin (email)
Krista Kline (email)

Communication from Public

Name: Community Coalition

Date Submitted: 11/10/2020 07:30 PM

Council File No: 18-1246

Comments for Public Posting: December 17, 2019 President Millman and Honorable Members of the City Planning Commission, Our coalition respectfully submits this letter regarding the proposed “Vacation Rental” Ordinance, Case No. CPC-2019-7045-CA (VR Ordinance). While we appreciate the Department’s efforts to draft the VR Ordinance to limit further erosion of the City’s housing stock, we firmly believe that taking up this ordinance in the face of such a severe housing and homelessness crisis is unconscionable. The Commission should reject this concept immediately. Every day the City struggles with how to deal with the related crisis of homelessness and eviction. Although the solution is multifaceted, we can all agree that the City needs more housing for its residents. Because of this ongoing issue, we do not believe our leaders should spend valuable time and resources exploring a vacation rental policy, under which people are allowed and encouraged to hold mostly vacant homes off the long-term market and keep them for short-term rentals. Moreover, the City took over four years to adopt a Home-Sharing Ordinance (HSO) in order to stop housing from being converted into de facto hotel rooms. Given all the delay in adoption and implementation of the HSO, we strongly suggest that you not consider what is essentially a giant loophole of the HSO to favor the wealthy who are able to afford second homes. Our coalition supports reasonable regulation on the short-term rental industry. However, a carve out of the HSO is not reasonable and is practically a conflict of laws. The HSO was specifically created to limit short-term rentals to one’s primary residence. The original motion, introduced by Councilmembers Bonin and Wesson, never contemplated a second vacation rental concept. In fact, their motion specifically stated that the City should “prohibit hosts from renting units or buildings that are not their primary residence.” The Council knew that short-term rentals were beneficial to some but detrimental to others. As such, the City spent four years trying to achieve the right balance but never wavered from the primary residence concept. HSO implementation and enforcement has barely begun and yet the Commission is considering an ordinance that will extinguish any momentum building toward converting short-term rentals back into long-term rentals. We ask that you do not consider the VR Ordinance, which is simply a mechanism to undercut the years of

work and compromise reflected in the HSO. While the concept of limiting vacation rentals to “only non-primary residences that are occasionally occupied by the property owner” may seem reasonable on its face, there is no practical way to enforce this provision of the ordinance. In fact, the City already faced a similar issue regarding hosted and unhosted stays during debates on the HSO. The City cannot be in the business of determining when someone stays in their homes for a certain number of days per year. The same issue is relevant here, therefore enforcement of this crucial term of the VR Ordinance is unenforceable. Given the severe lack of housing and ability to enforce any of the meaningful provisions, we are confounded as to why the City would want to explore this anti-housing policy. Studies have already shown that transient occupancy taxes generated by empty home stays would still be generated by hotels if a vacation rental was not available. Any promises of additional transient occupancy taxes would definitely not make up for the hundreds of housing units required to replace this valuable housing stock. For all of these reasons, we respectfully request that you reject the VR Ordinance and do not recommend its approval, in any form, to the City Council.



December 17, 2019

President Millman and Honorable Members of the City Planning Commission,



Our coalition respectfully submits this letter regarding the proposed "Vacation Rental" Ordinance, Case No. CPC-2019-7045-CA (VR Ordinance).



While we appreciate the Department's efforts to draft the VR Ordinance to limit further erosion of the City's housing stock, we firmly believe that taking up this ordinance in the face of such a severe housing and homelessness crisis is unconscionable. The Commission should reject this concept immediately.



Every day the City struggles with how to deal with the related crisis of homelessness and eviction. Although the solution is multifaceted, we can all agree that the City needs more housing for its residents. Because of this ongoing issue, we do not believe our leaders should spend valuable time and resources exploring a vacation rental policy, under which people are allowed and encouraged to hold mostly vacant homes off the long-term market and keep them for short-term rentals. Moreover, the City took over four years to adopt a Home-Sharing Ordinance (HSO) in order to stop housing from being converted into *de facto* hotel rooms. Given all the delay in adoption and implementation of the HSO, we strongly suggest that you not consider what is essentially a giant loophole of the HSO to favor the wealthy who are able to afford second homes.



Our coalition supports reasonable regulation on the short-term rental industry. However, a carve out of the HSO is not reasonable and is practically a conflict of laws. The HSO was specifically created to limit short-term rentals to one's primary residence. The original motion, introduced by Councilmembers Bonin and Wesson, never contemplated a second vacation rental concept. In fact, their motion specifically stated that the City should "prohibit hosts from renting units or buildings that are not their primary residence." The Council knew that short-term rentals were beneficial to some but detrimental to others. As such, the City spent four years trying to achieve the right balance but never wavered from the primary residence concept. HSO implementation and enforcement has barely begun and yet the Commission is considering an ordinance that will extinguish any momentum building toward converting short-term rentals back into long-term rentals. We ask that you do not consider the VR Ordinance, which is simply a mechanism to undercut the years of work and compromise reflected in the HSO.



While the concept of limiting vacation rentals to "only non-primary residences that are occasionally occupied by the property owner" may seem reasonable on its face, there is no practical way to enforce this provision of the ordinance. In fact, the City already faced a similar issue regarding hosted and unhosted stays during debates on the HSO. The City cannot be in the business of determining when someone stays in their homes for a certain number of days per year. The same issue is relevant here, therefore enforcement of this crucial term of the VR Ordinance is unenforceable.

Given the severe lack of housing and ability to enforce any of the meaningful provisions, we are confounded as to why the City would want to explore this anti-housing policy. Studies have already shown that transient occupancy taxes generated by empty home stays would still be generated by hotels if a vacation rental was not available. Any promises of additional transient occupancy taxes would definitely not make up for the hundreds of housing units required to replace this valuable housing stock. For all of these reasons, we respectfully request that you reject the VR Ordinance and do not recommend its approval, in any form, to the City Council.



Communication from Public

Name: Cari Bjelajac

Date Submitted: 11/10/2020 07:50 PM

Council File No: 18-1246

Comments for Public Posting: Homelessness is the humanitarian crisis of our lifetime. How could the City of Los Angeles possibly consider a vacation rental policy in the middle of a housing crisis which will continue to grow due to Covid 19. The City has failed to produce solutions to find housing and is facing legal action. Any empty units should be used for housing, no exceptions. Please vote NO on this ordinance.

Communication from Public

Name:

Date Submitted: 11/10/2020 09:41 PM

Council File No: 18-1246

Comments for Public Posting: I strongly oppose any increase in vacation housing! With the rise of homelessness and evictions we should be focusing on keeping current tenants in their homes, preserving existing housing, and housing the houseless! Thank you.

Communication from Public

Name:

Date Submitted: 11/10/2020 09:46 PM

Council File No: 18-1246

Comments for Public Posting: We are in strong opposition to the proposed Vacation Rental Ordinance CF 18-1246! We have a homeless and an affordable housing crisis! This ordinance will increase both, and it must not move forward. LA Tenants Union, Westside Local

Communication from Public

Name: Robin Rudisill

Date Submitted: 11/11/2020 09:16 AM

Council File No: 18-1246

Comments for Public Posting: Councilmembers: The potential approval of this ordinance is a new low for our City. Taking away more homes in order to benefit those rich enough to be able to rent their 2nd homes, supposedly for a few days a year but we all know their expensive lawyers will figure out loopholes so that they can rent their 2nd homes for many more nights than the ordinance allows. This flies in the face of all of the benefits of the Home Sharing Ordinance. Why in the world would you approve something that so blatantly flies in the face of the hard work everyone is doing to address the housing CRISIS? PLEASE do your job and say no to this ordinance. It's time to stop widening the gap between the rich and the poor.

Communication from Public

Name: Judith Esposito
Date Submitted: 11/11/2020 12:09 PM
Council File No: 18-1246
Comments for Public Posting: NO NO NO to Vacation Rental Ordinance Council file # 18- 1246
Why would you remove much needed housing ??? Whose
interests are you protecting ?? Judy Esposito Pamela Harbour

Communication from Public

Name: Citizens Preserving Venice
Date Submitted: 11/11/2020 12:14 PM
Council File No: 18-1246
Comments for Public Posting: Please distribute to the PLUM committee members and enter in the public record. Citizens Preserving Venice



3530 Moore Street
Los Angeles, CA 90066

17 December 2019

RE: Council File Number: 18-1246.

Sent via <https://cityclerk.lacity.org/publiccomment/>

Dear Honorable City Planning Commissioners and City Councilmembers:

We are writing to express our strong opposition to the proposed Vacation Rental Ordinance CF 18-1246. In these dire times, please consider who really needs your protection: working Angelenos trying to stay in their homes, or the wealthiest among us trying to profit from second homes they don't even live in?

We need real leadership by City Council and the Mayor to solve the affordable housing crisis that's driving people out of their homes and fueling a homeless disaster that gets more tragic by the day. Do we really want to incentivize more speculators to enter our real estate market and convert potential long-term housing units into vacation rentals?

L.A.'s newly implemented Home Sharing Ordinance is beginning to work, helping to relieve the affordable housing crisis in the City. Units are coming off the short-term rental platforms and returning to the market as housing for long-term residents, including RSO housing. We don't need an ordinance that drags us back in the wrong direction. Yet after four years of work by L.A. residents to limit the number of homes someone can peddle on short-term rental platforms, the Mayor is considering this Vacation Rental Ordinance that gives speculators a regulatory and enforcement loophole, putting much of this progress at risk.

With the eyes of the world on our humanitarian calamity of homelessness, how can the City even contemplate a vacation rental ordinance?

We respectfully urge a "no" vote on the proposed Vacation Rental Ordinance.

Thank you,
Sue Kaplan, President
Citizens Preserving Venice

Citizens Preserving Venice (CPV), a nonprofit 501c(3), was founded in 2018, as group dedicated to preserving and protecting the character of Venice as a Special Coastal Community. We work with the Venice community preserving the history, including the social, cultural and economic diversity and protecting affordable housing by promote healthy growth throughout Venice.

Communication from Public

Name: Alejandra

Date Submitted: 11/11/2020 02:29 PM

Council File No: 18-1246

Comments for Public Posting: The city has been in a housing crisis for a long time. Considering a vacation rental policy instead of a vacancy tax policy is going to exacerbate the problem. We know people are deeply concerned about the housing crisis that exists and is impending with Covid. This is one of the big reasons you saw Nithya Raman win last week - people want real solutions not more catering to those with deep pockets. I'm in strong opposition to the Vacation Rental Ordinance. Consider the long-term effect and your role in it. Please vote NO and focus your time on creating housing.

Communication from Public

Name: Anthony Dedousis
Date Submitted: 11/11/2020 03:36 PM
Council File No: 18-1246
Comments for Public Posting: Hello, Please see attached for Abundant Housing LA's letter
OPPOSING the proposed Vacation Rental Ordinance. Thank you,
Anthony Dedousis



November 12, 2020

Councilmember Marqueece Harris-Dawson
Chair, Planning and Land Use Management Committee
Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

OPPOSE - Item #9 - Pathways to Establishing Social Housing

Dear Councilmember Harris-Dawson,

Abundant Housing LA writes in opposition to the proposed revisions to the [Vacation Rental Ordinance](#), which would allow more non-primary residences to be used as vacation rentals. We are a pro-housing education and advocacy organization working to help solve Southern California's housing crisis. We strongly support the production and preservation of housing throughout the City of Los Angeles.

Los Angeles is experiencing a severe housing shortage - in fact, there is [a countywide shortage of nearly 700,000 homes](#) that are affordable to households with low incomes. Housing scarcity has caused the median rent in the City of Los Angeles to [increase 65% over the past decade](#). This burden falls heaviest on lower-income households, whose housing stability has also been seriously threatened by the harsh economic impacts of the COVID-19 pandemic.

Given this situation, we are concerned that allowing significantly more non-primary residences to be rented as vacation rentals would reduce the availability of rental housing. The ordinance would increase the citywide cap from 0.25% to 1% of the city's housing supply, which could take as many as 10,875 homes off the long-term rental market. Reducing the rental housing supply by this much, especially at a time of severe housing shortage, would be ill-advised.

For these reasons, we ask you and your colleagues on the Planning and Land Use Management Committee to vote against the proposed ordinance, and we strongly encourage you to pursue all avenues to expand the availability of housing throughout Los Angeles. Thank you for your consideration.

Sincerely,

Anthony Dedousis
Director of Policy and Research
Abundant Housing LA

Communication from Public

Name: Alison Bean

Date Submitted: 11/11/2020 04:13 PM

Council File No: 18-1246

Comments for Public Posting: I find it unconscionable that the City is even considering this Vacation Short Term Rental ordinance. The City of Los Angeles already ruled to vastly limit Air B&Bs, and to regulate their use, in a long and well thought out and well argued and fairly decided battle in the City Council. WHY is the motion even being heard?? We are in a severe housing crisis in LA and people need homes and apartments to RENT not lease for a few days at exorbitant prices! People have moved back into homes in my neighborhood since the Short Term Rental laws went into effect. FIVE homes literally on my block have returned to rentals instead of 24/7 Air B&Bs!! That means that the ordinance was working. And one was a property purchased by a couple I know (a neighbor) merely to rent out to Air B&B tourists make money. She told me that. That house would now be allowed (as it is not their primary residence) to RETURN to being a 24/7 Air B&B, once again taking it back OFF the rental market!!! WHY? Just so that people wealthy enough to buy an extra vacant home can make a killing on Air B&B rates and take another rentable home off the market in Venice??? In a housing crisis this inflates the market terribly and makes rentals impossible to find in Venice. PLEASE PLEASE vote this motion down and help Los Angeles gradually REPLENISH its housing market. To do otherwise would look suspiciously like the City is making far too much money from Air B&B to dare to actually regulate them. And that would simply be a scandal.

Communication from Public

Name: Damien Goodman (Crenshaw Subway Coalition)
Date Submitted: 11/11/2020 04:54 PM
Council File No: 18-1246
Comments for Public Posting: The City should not be considering a vacation rental policy in the middle of a housing crisis. The City has not been able to create truly affordable housing fast enough. That is why it finds itself in legal trouble at every turn. If there are units sitting empty in the City of Los Angeles, they should be used for housing, no exceptions. Crenshaw Subway Coalition stands opposed and urges the council to vote NO on this ordinance.

Communication from Public

Name: BRIAN AVERILL

Date Submitted: 11/11/2020 05:02 PM

Council File No: 18-1246

Comments for Public Posting: By any estimation, Los Angeles is not only in a dire housing crisis, but we're now also staring down the barrel of a massive wave of evictions. Removing 15k(!) homes from the long term market right now would be a mind-numbingly poor decision. It will raise average rental prices citywide at the absolute worst moment imaginable. The only people who would benefit from this ill-conceived idea are people who are fortunate enough to already own MULTIPLE HOMES. Your duty and obligation is to the greater good of Los Angeles. Do not give in to short-sighted greed. I very strongly encourage you to act responsibly, demonstrate common sense, show genuine leadership, and vote against this. Brian Averill Board Member, Venice Neighborhood Council

Communication from Public

Name: Tyler Proctor

Date Submitted: 11/11/2020 05:29 PM

Council File No: 18-1246

Comments for Public Posting: Hello, I URGE PLUM TO SAY NO TO the Vacation Rental Ordinance IN NON-PRIMARY RESIDENCE HOMES. Even having to discuss this right now during a pandemic is disgusting and completely TONE DEAF. In these dire times, working Angelenos trying to stay in their homes should be a top priority. Sincerely, Tyler Proctor MVCC At Large Director

Communication from Public

Name: Ellen Evans

Date Submitted: 11/11/2020 10:00 PM

Council File No: 18-1246

Comments for Public Posting: Please see the attached letter in opposition to changes made to the vacation rental ordinance draft. This letter is submitted on behalf of the Doheny Sunset Plaza Neighborhood Association which represents the 2000 Los Angeles households in the hills of zip code 90069.

November 11, 2020

Councilmember Marqueece Harris-Dawson
Planning and Land Use Management Committee
200 N. Spring Street
Los Angeles, CA 90012

Re: Council File 18-1246/Vacation Rental Ordinance

Dear Councilmember Harris-Dawson and members of the PLUM Committee:

The Doheny Sunset Plaza Neighborhood Association represents the 2000 households in Los Angeles in zip code 90069 north of Sunset Boulevard. We are a hillside community and one of the neighborhoods most heavily impacted by nuisance party houses. We write to register very strong opposition to the Vacation Rental Ordinance and specifically to the modifications that have been made, which have rendered this law exponentially more damaging to us than that originally proposed.

First of all, we are a neighborhood that is severely impacted by short-term rentals. Hundreds of permits have been given in our neighborhood. The method by which primary ownership is determined for the purposes of permitting is faulty, so we continue to have numerous cases of homes that are not primary residences having valid home sharing permits. We have brought this up repeatedly with the Planning Department but have been told that they do not have the resources to “investigate” claims by neighbors about owners that do not live in or may not even have set foot in the homes that they claim are primary residences.

For us, the home sharing program has been less than a total success and needs to be fixed before any expansion is allowed. Vacation rentals of non-primary residences are already happening in our area, and on a large scale.

Further, most of our neighborhood is in a very high fire hazard severity zone. Having lots of partying strangers around is dangerous. Populating the neighborhood with tourists who don't understand the risks and are not prepared for emergencies is hazardous as well.

Recent development has resulted in numerous homes that are merely investment properties in which no one resides. Further, many (perhaps most) mega-mansions developed on spec over

the last several years have not found a buyer, and they would be put on the vacation rental market immediately.

And let's be clear about what happens when homes are rented out as vacation rentals. Parties are what happen. People who are not neighbors, who don't care about the welfare of those living nearby, stage all-night parties at rentals. Roads are blocked, noise and chaos ensues, and a number of these parties end up with gunshots being fired. Not every incident is reported in the media but this is becoming an increasingly common occurrence in our neighborhood.

The previous draft of the ordinance, while still odious, was somewhat more palatable. .25% of the homes in the census tract was really only a handful. Now, though, it's been changed to 1% of homes in the Community Plan area and this unfairly burdens our neighborhood. The vast majority of the allowable vacation rentals in the Hollywood Community Plan area would fall on only a few areas, and ours is one of them. There will be over 1,000 permits available in Hollywood. This means that in theory, half the residences in our neighborhood could be converted to vacation rentals. In reality, hundreds will.

This is completely unacceptable. Let our neighborhood be a neighborhood of people not empty spec houses waiting for party-goers to arrive.

Residents of the 2000 households in our area do not welcome the addition of many more party houses when the current party house problem is completely out of control.

We hope that you reject this ordinance completely. Short term rentals are negatively impacting our community, and to burden us with more would be a travesty. The city must stop creating incentives for homeowners to rent out their house on a short term basis and focus on stabilizing neighborhoods with housing people can live in for the long term.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ellen Evans".

Ellen Evans
President
Doheny Sunset Plaza Neighborhood Association

Communication from Public

Name: Miki Jackson

Date Submitted: 11/11/2020 11:00 PM

Council File No: 18-1246

Comments for Public Posting: Miki Jackson for AHF, Housing is aHuman Right. This item would result in 15,000 second home units to be rented out as vacation homes. It takes these units off the housing market making the shortage of housing even worse in the midst of both a crisis of homelessness and the health crisis of COVID. This must not happen. There are a number of important points to answer and consider. These are the main ones. • Why are we taking RSO units off the original preservation ordinance during a housing crisis? • It is difficult to enforce regulations and safeguards when you have exemptions. • We haven't given enough time for the original preservation ordinance of RSO units to work. Please do not pass this. Much more consideration and caution must be applied. We must preserve housing units.

Communication from Public

Name: Judy Branfman

Date Submitted: 11/11/2020 11:07 PM

Council File No: 18-1246

Comments for Public Posting: I strongly oppose to the proposed Vacation Rental Ordinance CF 18-1246. It's unbelievable to me that right now, when Los Angeles is in the midst of an affordable housing crisis and one of the worst humanitarian homeless problems in the world, that the City is contemplating a vacation rental ordinance! We cannot risk incentivizing even more speculators to enter our real estate market and convert potential long-term housing units into vacation rentals. Given the severe lack of housing and inability on the part of the City to enforce many of the meaningful provisions we have, I am confounded as to why the City would want to explore a policy like this that flies in the face of your constituents real needs. Please reject the Vacation Rental Ordinance and do not recommend its approval, in any form, to the City Council.

Communication from Public

Name: Stella Grey

Date Submitted: 11/11/2020 11:51 PM

Council File No: 18-1246

Comments for Public Posting: Dear members of the Committee, Our neighborhood known as Bird Streets already bears the brunt of party houses epidemic. By allowing a significant number of vacation rental units you are providing an opportunity to add even more party houses to the hillside. As we learned, the planning department does not have a capacity to enforce current short term rental regulations. It will even less likely be able to properly verify residency and enforce other requirements for thousands and thousands of added vacation rentals. Our neighborhood is situated in high fire hazard area and most of the streets are winding and narrow. Even without parties, adding extra cars to the streets with limited parking has a negative impact on resident's daily lives. Parties exacerbate this even further when party goes block streets and deprive residents of free ingress/egress. By allowing a high number of vacation rentals and by not being able to adequately enforce the ordinance you put our lives at high risk. Please reject the proposed ordinance and let the dwelling units be used for what they were built - to house those who need to have a roof over their heads. Respectfully, Stella Grey

Communication from Public

Name: FRANK DEFURIO

Date Submitted: 11/12/2020 08:59 AM

Council File No: 18-1246

Comments for Public Posting: The City should not be considering a vacation rental policy in the middle of a housing crisis. The City has not been able to create housing fast enough. That is why it finds itself in legal trouble at every turn. If there are units sitting empty in the City of Los Angeles, they should be used for housing, no exceptions. Please vote NO on this ordinance.

Communication from Public

Name: Barbara Broide
Date Submitted: 11/12/2020 09:09 AM
Council File No: 18-1246

Comments for Public Posting: I cannot understand how the City can consider permitting an expansion of the short-term rental program at this time. A day does not go by that we do not read or hear of a story related to the affordable housing challenges our City faces. The removal of any existing housing from our housing inventory makes absolutely no sense. While this measure seeks to allow "vacation" housing (up to 1% of housing units/planning area), this will prove to create problematic enforcement issues. How will the City be able to stop individuals from purchasing a second home, use it for a short time and then use it for short-term rentals for the majority of the year. Who else might have purchased that home? An individual that owns a vacation home and uses it only intermittently can rent it to tenants for more than 30 days and have no need to seek short-term rental status. It would seem only sensible that the City would want to encourage creating housing for those who live and work here --- not for tourists. Furthermore, in light of the current pandemic situation with tourism curtailed and hotels/motels suffering greatly, it seems even more foolhardy to consider this motion. When it was first brought up at the City Planning Commission's consideration of the short-term rental program, there was no COVID-19, no worldwide pandemic, no travel restrictions, no empty hotels. It was quite a different world. We need to find housing for the homeless and those that may soon lose their housing as a result of the pandemic. We must rebuild the tourism and hospitality industry with the many jobs that depend on that industry's improved health. All this suggests that this measure should be shelved now as an inappropriate action for the current time when housing is needed, homeless campgrounds are everywhere, jobs are at risk, and any policy that might incentivize real estate speculation is a very bad idea. We should note that it was only recently that the City implemented a new reporting system that has finally started to weed out the many unpermitted short-term rentals across the City. While there is an agreement with AirBnB, there still remain other platforms that are operating in the City and which represent units lost to housing Angelenos -- in favor of the more lucrative short-term renter. There are many short-term rentals that operate under the radar of the City's registration system--relying on repeat customers cultivated prior to the formalization of the short-term rental program. These all

represent lost housing. In conclusion: This is a measure that should die in the PLUM Committee today. It would be hypocritical for it to garner any further serious consideration. The world has changed and the City must respond accordingly.

Communication from Public

Name: Brittany Van Horne

Date Submitted: 11/12/2020 09:38 AM

Council File No: 18-1246

Comments for Public Posting: Please say no to the Vacation Rental Ordinance in non-primary residence homes. Your job is to protect working angelenos who need affordable housing, not the wealthiest amongst us who are trying to profit off second homes they don't actually live in.

Communication from Public

Name: Jordan Reid Sisson
Date Submitted: 11/12/2020 09:38 AM
Council File No: 18-1246
Comments for Public Posting: Please see attached.

GIDEON KRACOV

Attorney at Law

801 South Grand Avenue
11th Floor
Los Angeles, California 90017

(213) 629-2071
Fax: (213) 623-7755

gk@gideonlaw.net
www.gideonlaw.net

November 12, 2020

VIA EMAIL:

Planning and Land Use Management Committee
City of Los Angeles
200 North Spring Street, Room 1010
Los Angeles, CA 90012
clerk.plumcommittee@lacity.org

RE: Item 9, PLUM Agenda for 11/12/20; Vacation Rental Ordinance (CF No. 18-1246)

Dear Honorable Councilmembers:

On behalf of UNITE HERE Local 11 and its members (“Local 11”), this Office respectfully submits the following comments to the City of Los Angeles (“City”) Planning & Land Use Management Committee (“PLUM”) regarding the proposed Vacation Rental Ordinance (“VRO”)¹ that would amend the Los Angeles Municipal Code (“LAMC” or “Code”) to allow home-sharing at 14,740 non-primary homes. The following comments incorporate by this reference all comments raised by all other commenting parties,² including but not limited to the two expert comment letters attached hereto.

In short, Local 11 opposes the VRO because the City has failed to adequately analyze, identify, and mitigate housing and noise impacts resulting from the VRO. So too, the City has failed to sufficiently analyze, identify, and mitigate cumulative impacts resulting from the VRO and related City efforts to unduly loosen its Code to legalize home-sharing activities across the City—specifically, the Home-Sharing Ordinance (LAMC § 12.22.A.32 *et seq.*) (“HSO”)³ allowing home-sharing of approximately 23,151 primary homes and the proposed HSO amendment allowing home-sharing of 4,000 primary homes subject to the City’s Rent Stabilization Ordinance (“RSO”).⁴ In each instance, the City has prepared (or plans to prepare) a separate negative declaration finding no impacts because of the relatively small number of properties at issue. By chopping its widespread effort to legalize home-sharing into three smaller actions, the City is distorting the environmental consequences of its effort and circumventing informed decision-making under the California Environmental Quality Act (“CEQA”).⁵

¹ Department of City Planning (“DCP”) Case Nos. CPC-2019-7045-CA, ENV-2019-7046-ND, ENV-2019-7375-CE, and Council File (“CF”) No. 18-1246.

² Inclusive of the entire administrative record for the DCP/CF cases referenced herein.

³ DCP Case Nos. ENV-2016-1277-ND, CPC-2016-1243-CA, and CF No. 14-1635-S2.

⁴ DCP Case Nos. CPC-2020-2762-CA, ENV-2020-2763-ND, and CF No. 18-1245

⁵ See e.g., *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283-284; *Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452-1454; *San Joaquin Raptor/Wildlife Rescue Center v. Cnty. of Stanislaus* (1994) 27 Cal.App.4th 713, 730.



For the sake of brevity, Local 11 wishes to highlight three glaring CEQA issues with the VRO and the City's improper piecemeal review of its widespread legalization of home-sharing:

1. The VRO and HSO fail to consider the effect of the HSO Amendment on RSO units. While the VRO's negative declaration admits that the HSO is a "related project,"⁶ it makes no mention of the HSO/RSO amendment and relies explicitly on the prohibition of home-sharing on RSO units as a measure to avoid some impacts.⁷ Similarly, the HSO's negative declaration relies on the RSO restriction to avoid finding any impacts.⁸ Moreover, contrary to claims of more robust/enhanced enforcement efforts since the passage of the HSO,⁹ the City has merely sent letters to property owners informing them that RSO and Ellis Act removed units are "categorically ineligible" to partake in home-sharing¹⁰—which is on the verge of being upended given the City is now considering allowing RSO units to participate in home-sharing.¹¹ The VRO's reliance on the RSO prohibition is a fatal flaw to its adoption.
2. As pointed out by land-use expert and former City Planner Michael Tharp (see "Exhibit A" comments attached hereto), the HSO, VRO, and HSO/RSO amendment essentially remove roughly 42,000 units that would otherwise be available to provide long term housing—which is more than the 36,571 shortfall of very low-, low-, and moderate-income units need for the City to meet its Regional Housing Needs Assessment ("RHNA") obligations. Surely, no reasonable person aware of the City's housing crises would call 42,000 units potentially available for long-term housing as merely a drop in the bucket—especially for those desperately seeking affordable housing opportunities.¹² This is a significant land use impact that goes unanalyzed and unmitigated.
3. As pointed out by noise expert Derek Watry (see "Exhibit B" comments attached hereto), the VRO would reasonably cause noise levels ranging 57-72 dBA, which exceeds the 3 dB increase in ambient noise levels in many communities around the City (ranging between 52-64 dBA) and, thus, must be considered a significant noise impact precluding any CEQA exemption. So too, Mr. Watry highlights how the City fails to identify any additional effective enforcement mechanisms to prevent raucous noise resulting from more home-sharing. The VRO simply ignores these real noise impacts and assumes existing illusory mitigation measures will miraculously become effective.

In sum, the City cannot take any further action on home-sharing—including the adoption of the VRO—without first analyzing the cumulative impact of the HSO, VRO, and HSO/RSO amendment holistically in a single CEQA review—as urged by two experts. This review must fully disclose the real impacts on the City's housing stock and increase noise levels suffered by residents,

⁶ VRO Negative Declaration (Jun. 2020) p. 10, https://clkrep.lacity.org/onlinedocs/2018/18-1246_misc_000_10-27-20.pdf.

⁷ Ibid., at pp. 6, 9, 14, 18, 19, 21-22.

⁸ HSO Negative Declaration (8/24/18) pp. 1, 7, 10, <https://planning.lacity.org/pdiscaseinfo/document/MjAwMTUy0/03b6cd7a-61f3-4d27-8bc5-9bb6e20119bc/pdd>.

⁹ Supra fnn. 7 & 8.

¹⁰ City (2/19/20) Home-Sharing Enforcement, https://clkrep.lacity.org/onlinedocs/2014/14-1635-S2_rpt_PLAN_02-20-2020.pdf.

¹¹ City Presentation on HSO Amendment (Jul. 2020), https://planning.lacity.org/odocument/aea02b11-3919-41bd-be52-1c69ce7a2edd/HSO_RSO_Presentation_-_Staff_Public_Hearing.pdf

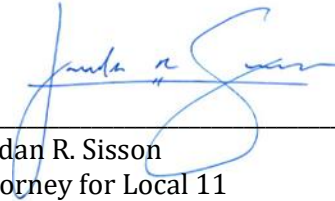
¹² Whether as one of the 23,151 rooms located in a primary residence lost due to the HSO; the 14,740 units in a vacation home lost due to the VRO, or the 4,000 rooms/units located in RSO properties lost due to HSO/RSO amendment.

as well as identify meaningful and enforceable mitigation measures. Local 11 appreciates the opportunity to provide these comments and respectfully urges this honorable body to stay any action on the VRO today.

Finally, Local 11 reserves the right to supplement these comments at future hearings and proceedings for these ordinances and amendments. To the extent not already on the notice list, Local 11 requests all notices of CEQA actions, CEQA determinations, or public hearings to be held on these ordinances/amendments under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them.¹³ Please send notice by electronic and regular mail to: Jordan Sisson, 801 S. Grand Ave., 11th Floor, Los Angeles, CA 90017 (jordan@gideonlaw.net).

If you have any issues, please do not hesitate to contact me.

Sincerely,



Jordan R. Sisson
Attorney for Local 11

Attachments:

Exhibit A: Expert Land Use Comment Letter dated November 11, 2020
Exhibit B: Expert Noise Comment Letter dated November 10, 2020

¹³ See Pub. Res. Code §§, 21092.2, 21167(f) and Gov. Code § 65092 and LAMC § 197.01.F.

EXHIBIT A

November 11, 2020

VIA EMAIL:

Los Angeles City Planning Commission
Department of City Planning, City of Los Angeles
200 North Spring Street, 5th Floor
Los Angeles, CA 90012
cpc@lacity.org

Cally Hardy, City Planning Associate
Department of City Planning, City of Los Angeles
200 N. Spring Street, Room 750
Los Angeles, CA 90012
cally.hardy@lacity.org

Re: Home Sharing Ordinance (HSO); Proposed Vacation Rental Ordinance (VRO); Proposed HSO Amendment Affecting Rent-Stabilization Ordinance (RSO).

Dear Honorable Commissioners:

Please see my comments below regarding the potential cumulative housing impacts resulting from the 1) adopted Home Sharing Ordinance (HSO) allowing home-sharing at primary residences, 2) proposed HSO amendment allowing home-sharing of units subject to the Rent-Stabilization Ordinance (RSO), and 3) proposed Vacation Rental Ordinance (VRO) that would allow home-sharing at non-primary residences. In short, these three actions are simply components of the larger effort by the City of Los Angeles (City) to legalize home-sharing in the City. Cumulatively, this will adversely impact the City's housing stock, which will have a disparate impact on individuals and families seeking affordable units.

BRIEF BACKGROUND

First, the Los Angeles City Council passed what is described as the Home Sharing Ordinance (No. 185931) by a two-thirds majority of all of the members of the Los Angeles City Council on December 11, 2018. It became effective on July 1, 2019.

Reasons stated for the need for this ordinance were, among other things, that short-term rental of residential properties, other than a primary residence, create unfavorable consequences, including negative impacts on the residential character of surrounding neighborhoods and increased nuisance activity; converting long term housing units into short-term rental units will reduce the amount of housing stock available in the City and will contribute to increased rents while decreasing the availability of affordable housing; that there are cases of large numbers of housing units with buildings, or entire buildings that have been effectively converted to short term rentals; and, there is a well-documented, extreme shortage of housing in the City of Los Angeles; and that the measures set forth in Ordinance No. 185931 are necessary to prevent further conversion of long-term housing stock into short-term rentals.

The Ordinance sets up a process to allow short-term rental (stays of less than 30 days) in a "Host's" primary residence. To qualify as a primary residence, the Host must live in that residence for more than 6 months of the year. The length of time a home could be shared by a guest is limited to 120 days in a calendar year, unless a permit to allow "Extended Home-Sharing" is issued. The Ordinance, as currently written, prohibits Home-Sharing of dwelling units that are subject to the Rent Stabilization Ordinance (RSO).

The environmental review of the HSO was conducted via a Negative Declaration (Case No. ENV-2016-1277-ND).¹

Second, on October 22, 2019, the Planning and Land Use Management Committee of the Los Angeles City Council recommended to the full City Council that it adopt the Committees recommendation to instruct the Department of City Planning, with the assistance of the City Attorney, to develop recommendations for a Citywide Program to regulate home-sharing in primary residences that are subject to the Rent Stabilization Ordinance (RSO); that only owner-occupied units subject to the RSO be allowed to participate in the home-sharing program; and that the Department of City Planning prepare a report with recommendations on any displacement, enforcement and budgetary issues associated with the program.

On October 30, 2019, a motion was presented by Councilmember Monica Rodriguez directing the Department of City Planning to report on the enforcement mechanism that would assure that all units subject to the RSO that participate in the short-term housing program are owner-occupied. At its meeting on October 30, 2019, the City Council adopted the Planning and Land Use Management Committee Report as amended by motion presented by Councilmember Rodriguez.

On November 5, 2019, the City Council voted to amend the Council action of October 30, 2019 regarding a program that would regulate home-sharing in property owner-occupied primary residences subject to the RSO. The City is now moving forward, consistent with the direction given to the City Planning Department, to allow mom and pop landlords to participate in home-sharing as a source of supplemental rental income while seeking to ensure that there is no erosion of the protections provided to tenants living in RSO housing.

The environmental review for the RSO Amendment has yet to be released but it is apparently being reviewed via a Negative Declaration based on the case no suffix (i.e., Case No. ENV-2020-2763-ND).²

Third, on December 19, 2019, the City Planning Commission approved and recommended City Council approval of the Vacation Rental Ordinance (VRO), which would allow vacation homes (i.e., non-primary residence) to partake in home-sharing for up to 90 days. So too, the proposed VRO would cap the number of vacation homes partaking in home-sharing to 1% of the citywide housing stock and 1% of the housing stock in each community plan area.³

The environmental review of the VRO was conducted via a Negative Declaration (Case No. ENV-2019-7046-ND)⁴ and categorical exemption (ENV-2019-7375-CE).⁵

POTENTIAL IMPACTS OF THE ADOPTED AND PROPOSED ORDINANCES

¹ See Initial Study (7/22/16) https://clkrep.lacity.org/online/docs/2014/14-1635-S2_misc_12-07-2016.pdf; see also Negative Declaration (8/24/18) <https://planning.lacity.org/pdiscaseinfo/document/MjAwMTUyO/03b6cd7a-61f3-4d27-8bc5-9bb6e20119bc/pdd>.

² See <https://planning.lacity.org/pdiscaseinfo/search/encoded/MjM3NjE3O>.

³ See <https://planning.lacity.org/pdiscaseinfo/document/MjM2MDgwO/46e6f77e-051c-4e11-ad6d-6ce8558211cd/pdd>.

⁴ See https://clkrep.lacity.org/online/docs/2018/18-1246_misc_xxx_10-27-20.pdf.

⁵ See Initial Study (7/22/16) https://clkrep.lacity.org/online/docs/2014/14-1635-S2_misc_12-07-2016.pdf; see also Negative Declaration (8/24/18) <https://planning.lacity.org/pdiscaseinfo/document/MjAwMTUyO/03b6cd7a-61f3-4d27-8bc5-9bb6e20119bc/pdd>.

The proposed Ordinances will allow the sharing of a primary residence, with restrictions, which will reduce the number of housing units available for long-term housing for some low- and moderate-income families during a time of critical housing needs for these people. Even a small reduction in the availability of dwellings has a significant impact on people in this income level, limiting their ability to live within the City boundaries and potentially leading to an increase in homelessness in a city that already has one of the largest homeless populations in the country. The impact on these people, even if the number is small, is still significant and should not be dismissed by a finding of “No Impact” as was done for the Negative Declaration.

In looking into the creation of the City’s shared-term housing policy, codified in LAMC Section 12.22A32, insight is gained by examining the creating ordinance (No. 185931), adopted by the City Council December 11, 2018 and effective as of July 1, 2019. The “Whereas” introduction in the Ordinance attempts to provide a rationale and justification for the Ordinance. Each of the following sentences from the Ordinance begins with, “Whereas...”

“...in recent years, technology and innovation have expanded the use of short-term rentals (stays of 30 consecutive days or less) as a form of temporary lodging to allow visitors to stay in and experience a local community”

Technology and innovation are generally considered to be a positive influence. Communities may benefit by visitors staying in and experiencing a local community. However, demand and profit have expanded the use of short-term rentals of residential dwelling units, leading to an increase in visitors in the community, but without providing any increase in much needed long term, affordable dwelling units for low and moderate income persons and units available for an ever-increasing number of homeless people.

“...short-term rentals in property other than a primary residence create unfavorable consequences, including negative impacts on the residential character of surrounding neighborhoods and increased nuisance activity.”

This is a conclusion not necessarily supported by facts. The primary resident living long term on a property can be a nuisance as well. However, it is clear that short-term rental of residential properties does reduce the amount of housing available, especially long-term housing for low- and moderate-income families. There are regulations and ordinances providing remedies for dealing with nuisances such as noise and late-night parties and laws against vandalism and criminal activities that apply to both long-term and short-term residents. Those laws and regulations should be applied equally to both long-term and short-term residents in order to mitigate any unfavorable impacts on the residential character of surrounding neighborhoods. Instead, the Ordinances set up a complex regulatory system for registering, qualifying, and carrying out the rules and regulations in order to participate in the Home Sharing or Vacation Sharing programs, making those rules and regulations difficult, if not impossible to enforce. Instead, it is likely that enforcement will be carried out unequally, based on the complaints of neighbors who are or imagine themselves to be inconvenienced by Shared-Housing and by others who are resentful due to the limitations and regulations placed on shared housing and therefore denied participation. The City Council should focus its efforts on increasing the housing stock available throughout the City and bring about an end to the shortages of long-term residential units.

“...the conversion of long-term housing units to short-term rentals reduces housing stock and contributes to increased rents and decreased availability of affordable housing. In some cases,

large numbers of housing units within a building, or even entire buildings, have been effectively converted to short-term rentals”

This ordinance in particular, and City policies in general, fail to deal with the real issue, that there is a critical need for additional housing units for low- and moderate-income housing and housing for the homeless. The loss of (affordable) long-term housing is bemoaned without using the City’s substantial power to facilitate and permit the creation of more units by allowing higher densities and increasing the number of dwelling units available citywide, allowing market forces to control affordability. There are many causes for the reduction of housing stock, increased rents and decreased availability of affordable housing. Conversion of long-term housing units to short-term rentals should be one of the easiest problems to fix.

“...the extreme shortage of housing in the City of Los Angeles (the City) has been well documented, and measures are needed to prevent further conversion of long-term housing stock into short-term rentals.”

Few would argue about the fact that there is a shortage of available housing, especially for low- and moderate-income individuals and families and for the homeless. Some of the blame lies on the conversion of long-term housing to short term housing, resulting in the lack of enough residential units to meet the needs of existing residents (many of whom are crammed in crowded homes, apartments, units and even forced to resort to living in their personal vehicles), much less those who would also like to live in Los Angeles.

At the same time, limiting the number of days available for short-term housing increases the impacts on surrounding neighborhoods, limits the availability of long-term housing for a significant portion of the year, and does nothing to increase the number of dwelling units available in the community.

The Home Sharing Ordinance, the Vacation Rental Ordinance, and the motion to allow some rent stabilized units to participate in Home Sharing potentially diminishes the number of long term affordable housing units available to low- and moderate-income families at a time when there is already a critical shortage of such units throughout the City.

“...this ordinance will protect the City’s affordable housing stock by allowing only an authorized host to share his or her registered primary residence with transient users”

The ordinance does not create any much-needed new housing stock. It simply limits the amount of time long-term residential uses are available and makes both long-term and short-term housing impractical by allowing short-term residential uses for significant periods of time throughout the year.

“...this ordinance will protect the City’s affordable housing stock by continuing to prohibit a property owner from converting a housing unit into a short-term rental that is not zoned or authorized for transient use.”

The City’s affordable housing stock is in need of more than just protection. It is in need of additional affordable housing units. The City’s action to amend the existing HSO to allow inclusion of some Rent Stabilized Units into the program does nothing to increase the number of affordable housing units. What it does do is place an artificial limit on short-term housing, removing more housing units from long-term availability by allowing up to one unit out of four to be excluded from the Rent Stabilization Ordinance, while doing nothing to actually meet the need for affordable housing.

DRAFT RSO AMENDMENT TO THE HOME-SHARING ORDINANCE

The biggest change proposed by the amendment to the Home-Sharing Ordinance is that a Primary Residence that is subject to the rent Stabilization Ordinance may be eligible for Home-Sharing if it is the Primary Residence of the owner of the unit to be used for home sharing and is located on a parcel containing 4 or fewer dwelling Units. It also limits the number of units eligible for Home-Sharing to one per parcel, places a Citywide Cap of the total number of active Home-Sharing registrations in owner-occupied units subject to the Rent Stabilization Ordinance to 4,000.

While the overall number of units affected by this amendment may be a small percentage of the long-term housing supply available in the City of Los Angeles, it still has the potential to remove up to 4,000 dwelling units from the long-term housing supply during a calendar year, without providing for any type of replacement housing for those units lost to short-term rental uses.

PROPOSED VACATION RENTAL ORDINANCE

The City is contemplating adopting a Vacation Rental Ordinance, similar in many ways to the Home Sharing Ordinance. The stated purpose of the Vacation Rental Ordinance is to allow for housing units that do not serve as primary residences, but are used intermittently as vacation homes and are thus not likely to be rented as long-term housing, to be used for short-term rental purposes. The Ordinance is intended to allow Dwelling Units that are owned as secondary residences by property owners, and not rented on a long term basis due to occasional use by the owner, to be utilized during times in which they are not occupied by the owner for short term stays. In addition, the VRO seeks to lessen the impact of Vacation Rental activity by setting limits as to the number and location of Vacation Rental permits in order to protect the availability of long term housing, and to protect residents and communities from the impacts of an over-concentration Vacation Rentals.

While the owner is required to reside in the unit on an occasional or intermittent basis, the unit can only be used for Vacation Rental for a maximum of 90 days in a calendar year. This limits the desirability of participating in the Vacation Rental Program, may lead to having unoccupied dwellings for extended periods of time, which can be a blight on the surrounding neighborhood due to lack of maintenance or danger from unauthorized persons occupying the dwelling. While the alternative may be to have a long-term rental occupant, that could interfere with the Owner's ability to use the property occasionally.

In order to have more than one Vacation Rental unit in a building, there must be at least 21 units in the building. However, in order to reach the allowed maximum of 10 units, one must have a 200 unit or more building. This could still result in removing up to 10 dwelling units for every 200 unit building from the supply of available long-term housing. The proposed ordinance also imposes a cap of 14,470 active Vacation Rental units, creating great difficulties in keeping accurate records which in turn makes it difficult for an Owner to accurately determine when and if the dwelling is eligible to be used for a Vacation Rental at any given time.

Like the HSO, a Negative Declaration (ENV-2019-7046) was prepared for the VRO and shares many of the same assumptions as were set forth in the ND for the HSO. The ND for the VRO asserts that by limiting the number of Vacation Rentals to 1% of the housing available City-wide and to 1% of the housing available in each community plan area, there will be no significant impact on the supply of long-term housing throughout the City. However, it potentially removes 14,470 long term housing units for each year from the City's long-term housing supply. If one is seeking shelter and cannot find it due to

available affordable housing being in short supply, the impact on that person is certainly significant. The ND's for both the HSO and the VRO should be reviewed for the cumulative impacts of both ordinances on the availability of long-term housing availability, and an Environmental Impact Report prepared in order to adequately analyze those potentially significant impacts.

PROJECT-PIECEMEALING OF CITY'S LEGALIZATION/EXPANSION OF HOME-SHARING

As discussed above, the proposed ordinances and amendments were reviewed separately in different Negative Declarations (ND(s)). The HSO ND found that there would be no housing impacts despite potentially legalizing 23,151 unique active listings as of October 2017.⁶ While the ND for the HSO Amendment has yet to be released, the City has already signaled a finding of no housing impacts due to the amendment's cap of 4,000 RSO units,⁷ which will surely be echoed in the forthcoming ND. The VRO ND found no housing impacts despite allowing up to 14,740 vacation homes to be home-shared.⁸ In each instance, the City relies on the relatively small portion of units compared to the citywide stock, but ignores the cumulative effect of each of these City-actions. Collectively, these actions have allowed the removal of nearly 42,000 units that would otherwise be available to provide housing⁹--which exceeds the City's 36,571 shortfall of very low-, low-, and moderate-income units need to reach its Regional Housing Needs Assessment (RHNA) obligations.¹⁰ Given the City's persistent inability to meet its RHNA goals (currently meeting only approximately 22 percent of its goals for very low-, low-, and moderate-income units),¹¹ it is arbitrary to claim these ordinances do not have a cumulative impact on housing.

CONCLUSION

The Home-Sharing Ordinance, the proposed Amendment to the Home-Sharing Ordinance, and the Vacation Rental Ordinance, all of which allow property owners to enter into short-term (less than 30 days) rental uses of their property, seek to allow, but place limits on, Home-Sharing. The true intent of these ordinances has been to allow some property owners to earn additional income through the short-term rental of properties, including some properties subject to Rent Stabilization. Limits are placed on the length of the stays permitted, the number of days in a calendar year that can be rented, the number of rent-stabilized units that can participate in Home Sharing, the spacing between short-term rental units, as well as the procedures, rules and regulations to be followed to be allowed to participate in short-term Home Sharing and Vacation Rentals.

The myriad of rules, regulations and policies that are proposed by the HSO, VRO and the proposed amendment to the HSO, with limitations on the number of units to be used for short term, vacation and owner-occupied housing subject to the RSO insure that there will be difficulty and confusion in the enforcement of these rules and regulations. All three proposed pieces of legislation should be considered together and an EIR prepared in order to accurately evaluate and analyze the over-all cumulative impacts of the various short-term housing programs on the availability of long-term affordable housing.

⁶ Negative Declaration, supra fn. 1, pp. 2, 25-26.

⁷ See https://planning.lacity.org/odocument/cfb3afb9-860b-4289-9a14-371991cefd42/FAQ_HSO_Amendment_2.pdf.

⁸ Supra fn. 4, pp. 16, 51-52.

⁹ Whether as one of the 23,151 rooms located in a primary residence lost due to the HSO; 4,000 rooms/units located in RSO properties lost due to HSO amendment; or the 14,740 units in a vacation home lost due to the VRO.

¹⁰ See 2019 Annual Element Progress Report (Jan. 2020) https://planning.lacity.org/odocument/8204713d-6574-46b6-b41c-6f6311c247f6/LosAngeles2019_Summary.pdf.

¹¹ Ibid.

These Ordinances effectively remove long term housing from the available housing stock, reducing the number of available, affordable housing units at a time when there is a critical shortage of affordable housing. Even the removal of a small number of affordable housing units from the Citywide supply has a significant impact on low- and moderate-income people seeking affordable long-term housing.

The true environmental impact of the Ordinances has not been adequately addressed. Home sharing will result in a potential increase in the number of people living in dwelling units throughout the City, which in turn is likely to increase the amount of traffic in neighborhoods, increase the use of public transportation, create more trash, waste water and solid waste throughout the City, and yet the supposed environmental evaluations of these potential impacts have been determined to have “No Impact,” or “No Significant Impact.” This fails to take into account the possible locations of the shared-housing, the impacts that shared-housing will have on air quality, traffic congestion, and reduction of the number of long-term affordable housing units. It is suggested that the Negative Declarations that were issued for these projects be reconsidered and that the implementation of the Ordinances be delayed until such time as an adequate analysis of their true environmental and cumulative impacts can be made.

Thank you for your consideration and attention to these matters.

Very truly yours,

Michael Tharp

Michael Tharp & Associates
MT&A
5012 Onteora Way
Los Angeles, CA 90041
323-257-0058
E: mbtharp@prodigy.net

RESUME

Michael Tharp
5012 Oteora Way
Los Angeles, CA 90041-1826
Phone: 323-2570058 (Days)
323-257-0354 (Home)
Fax: 323-478-0410
E-Mail: mbtharp@prodigy.net

PROFESSIONAL EXPERIENCE

Self employed consultant working on urban planning and development issues, including preparation and review of environmental impact reports and statements; represent of clients in matters pertaining to land use planning, subdivisions, parcel maps, land use entitlements, building and safety code issues, conditional use permits, design review boards, and zone variances; project management of movie studio construction projects; member of movie studio master plan development team which obtained entitlements to construct 3,000,000 square feet of studio related development. Successfully assisted client in setting up trading company office in Asia. Development team leader in procuring entitlements for combined 2,000,000 square foot business park and 18 hole professional golf course. Work on development projects in communities throughout Southern California. Successful representation of clients, including developers and certified Neighborhood Councils, before the City Planning Commission and Office of Zoning Administration in the City of Los Angeles. Municipal planning, project management, government relations and land development consulting.

Senior Vice President, Planning, at Engineering Technology Incorporated (ETI). In charge of planning, processing and environmental sections of land planning and civil engineering firm. Represented private developer interests involved with real property transactions, land use, zoning entitlement, subdivisions, parcel maps and land use planning issues before City Planning Commissions, Office of Zoning Administration and other public agencies. Directly responsible for variety of projects ranging from yard variances for single family dwellings to obtaining zoning entitlement for commercial development of multi-million square feet in downtown Los Angeles. Assisted charitable and religious institutions with various land use issues. Work closely with public agencies, including Departments of Building and Safety, Fire, Planning and Transportation in obtaining approvals for developments, ranging from single family one lot developments to multi-million square feet mixed use developments covering hundreds of acres.

Attorney, associated with Gleaves Swearingen Larsen and Potter in Eugene, Oregon. Primary focus on real property, land use and planning law, litigation and business law. Represented clients before municipal agencies including City Council, City Planning Commission, Eugene Renewal Agency and Lane County Board of Commissioners.

Director of Housing and Renewal, City of Eugene, Oregon. Direct supervision of urban renewal section, downtown development section, historic preservation section and public housing section. Worked closely with Federal, State and local officials to revitalize central business district, including project management and fiscal responsibility for construction of community

conference center built in conjunction with privately owned Hilton Hotel and publicly owned performing arts center.

City Planner, City of Los Angeles. Supervised professional staff in coordination and implementation of "bus on freeway" program. Project Coordinator for multi-agency task force reporting to Los Angeles City Council on impact of implementation of California Coastal Act. Assisted in preparation of various community plans, including specific plans, environmental impact reports for community plans, working with City Council appointed Citizen's Advisory Committees and drafting specific plan ordinances.

EDUCATION

Coro Southern California, City Focus: Nine month experiential educational program dealing with major issues such as health care, economic development, provision of basic services such as water and power, confronting the City of Los Angeles. Prepared special project regarding availability of affordable housing in Westlake Community for City Council office.

Juris Doctorate: Southwestern School of Law. Course work in planning, land use and environmental law. One year clinical program in Los Angeles City Attorney's Office, Civil Division, Land use and Environmental Section.

Masters degree in Public Administration: University of California at Los Angeles. Majored in State and Local Government Affairs. Graduate level course work in urban planning at the School of Architecture and Urban Planning and in business management systems at the Graduate School of Business Administration.

Bachelor of Arts in Political Science: University of California at Los Angeles. Majored in International Relations; minor in Speech and Small Group Communications.

COMMUNITY ORGANIZATIONS

Past Member, Colorado Boulevard Specific Plan Design Review Board, appointed by Councilmember , CD 14.

Member, Eagle Rock Neighborhood Council Planning and Land Use Committee

Past President, The Eagle Rock Association (TERA); Past Board Member; Past Chair of TERA Preservation, Planning and Development Committee.

EXHIBIT B



10 November 2020

Mr. Jordan R. Sisson
Law Office of Gideon Kracov
801 S. Grand Ave., 11th Floor
Los Angeles, CA 90017

Subject: *Vacation Rentals Ordinance Project, Los Angeles, California*
Review of EIR Noise Analysis

Dear Mr. Sisson:

As requested, we have reviewed the information and noise impact analyses in the following documents:

Vacation Rentals Ordinance Project, Los Angeles, California
Case No. ENV-2019-7046-ND, Initial Study ["VRO Initial Study"]
June 2020

Draft ordinance amending Sections 12.03 and 12.022 of the L.A.M.C. to permit non-primary residences to be used as Vacation Rentals ["DVRO"]
(Undated)

Draft Ordinance Amending Section 12.22 of the L.A.M.C. to permit owner-occupied units to be used for home-sharing ["Draft HSO Amendment"]
May 14, 2020

Home Sharing Ordinance CPC-2016-1243-CA
Case No. ENV-2016-1277-ND, Initial Study ["HSO Initial Study"]
July 22, 2016

Wilson, Ihrig & Associates, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 54 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Environmental Noise Model (ENM), Traffic Noise Model (TNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Adverse Effects of Noise¹

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result. The problems and irritation that are associated with speech disturbance have become more pronounced during the COVID-19 pandemic because many people find themselves and the people they live with trying to work and learn simultaneously in spaces that were not designed for speech privacy.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and

¹ More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999.

memorizing more difficult. This is why there are standards for classrooms background noise levels and why office and libraries are designed to provide quiet work environments. While sheltering-in-place during the COVID-19 pandemic, many people are finding working and learning more difficult because their home environment is not as quiet as their office or school was.

Comments on VRO Initial Study

The purpose of the proposed ordinance is to permit residential units that are not used as a primary residence to be rented for short periods of time as “vacation rentals”. In other words, to allow residential units in areas that are not zoned to permit hotel usage to be *de facto* rented out as hotel rooms.² The residential units that would be eligible to be so rented are “housing units that do not serve as primary residences, but are used intermittently as vacation homes and are thus not likely to be rented as long-term housing”. [DVRO at p. 1] Although this would allow for the City of Los Angeles to effectively increase the number of available hotel rooms and would enable the owners of the vacation homes to earn money from their assets, these benefits would impose negative externalities on the neighbors of these units. One such externality would be the increased level of noise brought to the area by this new economic activity.

Noise is most often defined as “unwanted sound”. In the context of residential zones, noise is often associated with parties, large gatherings to watch sporting events on television, and people coming and going at late hours of the night. While it is certainly possible for all of these to occur when a vacation residence is being utilized by the owner, they are each more likely to occur when the residence is occupied by transient renters. Why? Because the owner – even if only occupying the unit periodically – will naturally have a higher level of consideration for his or her neighbors with whom a long-term relationship may be expected. In contrast, transient renters on vacation are much less likely to have this consideration because they may never return to the area after their stay. Anyone who stays at hotels regularly will sooner-or-later experience a hallway that is “taken over” by a group of people who feel free to roam freely amongst their various rooms talking and laughing all the while, often to the wee small hours of the morning. The DVRO Initial Study acknowledges this scenario: “. . . there is the possibility of isolated instances of increases in operational noise levels in homes that are rented as Vacation Rentals simply due to the transient nature of short-term rental guests.” [DVRO Initial Study at p. 50]

² The Los Angeles Department of City Planning Zones that permit hotel usage are: R5, CR, C1, and C1.5. In addition to Zone R5, residential uses are permitted in Zones R2, RD1.5, RD2, RD3, RD4, RD5, RD6, RMP, RW2, R3, RAS3, R4, and RAS4.

Although the DVRO Initial Study acknowledges the possibility of noise disturbances that would result from passage of the ordinance, it dismisses this potential impact on neighbors by asserting that these conditions imposed by the ordinance would make any potential noise impact less than significant:

- i. Prohibiting the use of sound amplifying equipment after 10:00 p.m.
- ii. Prohibiting gatherings of more than eight people after 10:00 p.m.
- iii. Stipulating (redundantly) that the Los Angeles Municipal Code would be enforced.

As someone who has discussed residential noise issues with people for nearly three decades, I can state unequivocally that enforcement of noise limits by police departments is generally low on the list of priorities. Every police department has limited resources, and although a disrupted evening or sleepless night is anxiety-producing for the noise recipient, that loss or harm pales in comparison to property crimes, violent crimes, and other more urgent issues with which the police department must contend. As the DVRO Initial Study acknowledges, “the transient nature of short-term rental guests” means they are likely to disregard these rules, so citing them as mitigating conditions is somewhat moot.

I would now like to present a fair argument why the noise issue should be carefully considered by a full CEQA environmental impact noise analysis by sketching out what an appropriate analysis should consist of and what it should not.

Every CEQA analysis contains these essential elements:

- i. A characterization of the existing, baseline conditions
- ii. The establishment of a threshold of significance
- iii. An estimation of changes that will result from the project
- iv. An assessment of those changes with respect to the baseline conditions and threshold of significance

Through an examination of public records, I have located a number of recent noise studies in neighborhoods throughout Los Angeles. Table I presents average noise levels in the areas around the subject projects measured between 7:00 a.m. and 10:00 p.m.³

³ In acoustics, the “average” noise level is represented by the *equivalent level*, the steady noise level that contains the same amount of energy as the time-varying noise level over the duration of the measurement. The notation “Leq” denotes the equivalent level.

Table I Noise Levels in Residential Areas⁴

| Subject Project | Project Address | Date of Measurement | Leq (dBA) |
|--------------------------------|---------------------|---------------------|-----------|
| Parkview | 4020 Compton | May 2019 | 52 |
| The Angel Supportive Home | 8547 Sepulveda | Feb 2019 | 52 |
| Public Storage – No. Hollywood | 10810 Vanowen | Feb 2019 | 55 |
| Public – Storage – Playa Vista | 12681 W. Jefferson | May 2018 | 59 |
| Del Rey Pointe | 5000 Beethoven | Apr 2017 | 60 |
| Woodland Hills Hotel | 20410 Ventura | 2019 | 62 |
| Burbank De Soto | 21051 Warner Center | Jul 2017 | 62 |
| Keyes Porsche Gen 5 | 20625 Ventura | Sep 2019 | 62 |
| 7366 South Osage | 7366 S. Osage | Oct 2018 | 63 |
| 2255 Sawtelle | 2255 Sawtelle | Dec 2018 | 63 |
| Devonshire Campus | 17081 Devonshire | Mar 2019 | 64 |

For context, the Los Angeles Municipal Code’s “presumed ambient noise level” in residential zones is 50 dBA during the daytime. [L.A.M.C. § 111.03]. The California Building Code, Title 24, considers a noise environment of 60 dBA CNEL or less to be sufficiently low as to not required any consideration of noise insulation, and the Los Angeles General Plan Noise Element consider a noise environment of 65 dBA CNEL or lower to be “Normally Acceptable” for residential use (depending on the noise level and nature of the residence) and up to 70 dBA CNEL to be “Conditionally Acceptable”.⁵ While the ambient noise levels in Table I are average (equivalent) levels for periods ranging from 10 minutes to 1 hour, they are consistent with CNEL levels between 55 and 65 dBA CNEL.

The City of Los Angeles has published *L.A. CEQA Thresholds Guide: Your Resource for Preparing CEQA Analyses in Los Angeles* (2006). In this document, the only metric presented for consideration of operational noise impacts is the CNEL. This is an inappropriate metric for this noise source, and this directive violates CEQA which mandates that noise be assessed against all applicable regulations and the existing environment. The CNEL is ubiquitously used to provide the broad context of the noise

⁴ References for cited noise studies are provided at the end of this letter.

⁵ The CNEL is a 24-hour equivalent level that is calculated using noise levels that have been weighted (increased) by 5 dB from 7:00 p.m. to 10:00 p.m. and 10 dB from 10:00 p.m. to 7:00 a.m. The weightings reflect the increased sensitivity most people have to noise during the weighted time periods.

environment, and it is well suited to characterizing noise from continuous sources such as freeways. It is less well suited to characterize noise sources that are periodic in nature such as jet aircraft take-offs and landings, but even for that it is reasonable to use this as one metric among many since aircraft operations occur during the majority of a day. In contrast, a party or a sporting event gathering only occurs for a few hours of the days, so “averaging” the noise from either of these over a 24-hour period is non-sensical.

Reasonable thresholds of significance would be based on the existing environment and regulations in the L.A.M.C. noise ordinance. For the former, we return to the levels presented in Table I and note that the L.A. CEQA Threshold Guide considers a 3 dB increase in CNEL to constitute a significant noise impact in areas where the existing noise environment is in the “Normally Acceptable” range (as all in Table I are). Since the equivalent levels throughout the day form the basis for the CNEL calculation, it follows that a 3 dB increase in the equivalent level during a disruptive event should also constitute a significant noise impact. Using the data in Table I, this means an exterior equivalent level in the 55 to 65 dBA range would constitute a significant impact in many neighborhoods.

I reiterate that the noise data in Table I was all collected prior to the 10:00 p.m. curfew imposed by the DVRO so there is no limit on the number of people who could be on the property. Consider the case of a single-family residence being rented for a weekend event, say, a wedding or a big collegiate football game. If there were 20 people present, split equally between men and women, and half of the people were speaking with raised vocal efforts because they are outside, the noise level 20 ft away in the neighbor’s yard would be 57 dBA. As established above, even this modest noise level would constitute a significant noise impact in some of the quieter neighborhoods.

If the gathering were to escalate to something more like a festive party, the number of people speaking loudly would inevitably increase due to the “cocktail party effect”. This phenomenon – familiar to anyone who has ever been at a large gathering or in a bar – is rooted in the both game theory and signal processing. The signal processing element is that someone must speak about 10 dB louder than the background noise level to be understood. The game theory element is that disparate actors in a party or bar situation find it virtually impossible to “agree” to limit their vocal efforts so that everyone is speaking at a level that is exactly 10 dB above the background noise level. Inevitably, someone speaks 11 or 12 dB louder to be better understood. This essentially forces others to increase their vocal efforts accordingly, leading to an upward spiral of the noise level that ends only when people reach the point when they have to yell to be heard (usually at the point of poor speech intelligibility). In this scenario, it is reasonable to assume that of the 20 people, a few would be speaking with a raised vocal effort and most would be speaking with a loud voice. This would result in a sound level of 65 dBA in the neighbor’s yard.

Finally, consider every neighbor’s worst-case scenario: the boisterous party which is a lot like the festive party, except that one male starts shouting. This one person can cause the noise level in the neighbor’s yard to elevate to 72 dBA, well above the level that would constitute a significant noise impact.

Table II Noise Levels of Outdoor Gatherings

| Speaker Description | Number of Speakers | Level of one speaker | Level of all speakers |
|-----------------------------|--------------------|----------------------|-----------------------|
| Typical Gathering | | | |
| Non-speakers | 10 | -- | -- |
| Male, raised vocal effort | 5 | 48 | 55 |
| Female, raised vocal effort | 5 | 47 | 54 |
| Combined level | | | 57 |
| Festive Gathering | | | |
| Non-speakers | 10 | -- | -- |
| Male, raised vocal effort | 2 | 48 | 51 |
| Male, loud vocal effort | 3 | 59 | 63 |
| Female, raised vocal effort | 2 | 47 | 50 |
| Female, loud vocal effort | 3 | 54 | 59 |
| Combined level | | | 65 |
| Boisterous Gathering | | | |
| Non-speakers | 10 | -- | -- |
| Male, raised vocal effort | 1 | 48 | 48 |
| Male, loud vocal effort | 3 | 59 | 63 |
| Male, shouted vocal effort | 1 | 71 | 71 |
| Female, raised vocal effort | 1 | 47 | 50 |
| Female, loud vocal effort | 3 | 54 | 59 |
| Combined level | | | 72 |

In addition to considering how a project will alter the existing environment, CEQA also requires an analysis of whether project noise would exceed standards established in the local general plan and noise ordinance. I’ve discussed the general plan metric above (CNEL) and explained why that is inappropriate for the noise issue of concern here. Interestingly, the Los Angeles noise ordinance (L.A.M.C., Chapter XI, Noise Regulation) does not contain any quantified decibel limits for exterior noise from residences. It does,

however, have a general prohibition on “any loud, unnecessary, and unusual noises which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivities residing in the area”. [L.A.M.C. § 116.01]. Section 116.01 includes a list of pertinent factors to be considered when making this assessment, most of which support the argument against the Vacation Rental Ordinance and the noise issues it would potentially introduce into non-commercial, residential neighborhoods. This list follows, along with my comments in *italicized* typeface:

- (a) The level of noise;
Reasonably foreseeable levels of exterior noise have been presented above and have been shown to exceed the existing ambient noise levels by considerable margin.

- (b) Whether the nature of the noise is usual or unusual;
What makes the potential noises at issue here unusual is that the neighbors heretofore had no reason to expect they would be subjected to noise from a temporary rental property in a zone that is not zoned for that purpose.

- (c) Whether the origin of the noise is natural or unnatural;
Large, festive gatherings and boisterous parties – while enjoyable for the participants - are decidedly unnatural.

- (d) The level and intensity of the background noise, if any;
As has already been established, the background noise levels in many of Los Angeles’ residential neighborhoods is quite low and easily exceeded by the types of activities foreseeable with passage of the Vacation Rental Ordinance.

- (e) The proximity of the noise to residential sleeping facilities;
Clearly, since the intent of the VRO is to enable the use of otherwise vacant lodging as transient vacation lodging, this activity is necessarily near sleeping facilities.

- (f) The nature and zoning of the area within which the noise emanates;
This is key: When people buy or rent lodging in an area that is zoned for residential use, they do not and should not expect to find themselves subject to noise from a “hotel” room or party house that has suddenly manifested as a result of the VRO.

(h) The time of the day and night the noise occurs; and

(i) The duration of the noise;

These two are related. Noise is most likely to occur in the evening and persist into the night. Even after the 10:00 p.m. curfew, there is no guarantee (and, indeed, it is unlikely) that a boisterous party would shutter. The noise ordinance already prohibits this in owner-occupied residences, yet it happens with regularity.

(j) Whether the noise is recurrent, intermittent, or constant; and

The noise would potentially be recurrent with each new renter. For many years the house next to mine was a rental, and the turnover rates was fairly high – there would be a new tenant every year or two. Some were fine, some were not. For those that were not, neither the landlord nor the police were quick or decisive in dealing with the issue. Every time the house was re-let, there was an uncomfortable period as I waited to find out how the new occupants would behave. This sort of uncertainty would be introduced to neighbors of VRO units, but they would have to contend with it on a weekly basis.

(k) Whether the noise is produced by a commercial or noncommercial activity.

I believe this is also key: Returning to the notion that noise is unwanted sound, people are typically upset by noises that they think inappropriate, e.g., a loud party. However, they are even more upset when the noise is not simply the consequence of an inconsiderate neighbor but, rather, the consequence of a neighbor profiting at the noise-recipient's expense. I have served as an expert consultant and witness in legal actions involving this issue.

My comments to this point have focused on the DVRO. However, it is apparent that the DVRO is merely a component of the City of Los Angeles' larger effort to liberalize its zoning laws to allow for-profit home-sharing. My understanding is that in late-2018 the city adopted its Home-Sharing Ordinance (HSO)⁶ relying on a Negative Declaration (ND)⁷ to allow home-sharing at primary residences. Currently, the City is considering an amendment to the HSO (HSO Amendment)⁸ relying on a separate ND processed under case

⁶ Ordinance No. 185931, https://clkrep.lacity.org/onlinedocs/2014/14-1635-S2_ORD_185931_07-01-19.pdf.

⁷ Initial Study (7/22/16) https://clkrep.lacity.org/onlinedocs/2014/14-1635-S2_misc_12-07-2016.pdf; Negative Declaration (8/24/18) <https://planning.lacity.org/pdiscaseinfo/document/MjAwMTUyO/03b6cd7a-61f3-4d27-8bc5-9bb6e20119bc/pdd>.

⁸ Draft Ordinance (5/14/20) https://planning.lacity.org/odocument/4a5e8dce-f1f0-4d45-a2f3-b62855544973/Draft_Ordinance_HSO_Amendment.pdf.

number ENV-2020-2763-ND⁹ that would allow home-sharing at units subject to the City’s Rent Stabilization Ordinance (RSO). Here, the City is proposing the VRO relying on yet another ND to allow home-sharing at vacation homes (discussed above). Although each of these projects concerns itself with a different type of housing stock, each is incrementally allowing greater noise levels in residential areas without considering the cumulative impact of the similar, parallel actions. While the VRO Initial Study admits that the HSO is a “related project” (VRO Initial Study at p. 10), it makes no mention of the HSO Amendment and, in fact, suggest RSO properties will not be affected (*id.* at pp. 6, 9, 14, 18, 19, 21). Conducting three separate NDs for components of a larger program to liberalize home-sharing is blatant project-piecemealing that is prohibited by CEQA. These three components must be analyzed together in a single CEQA review to inform the public and decision-makers of the real noise impact resulting from the City’s liberalization of home-sharing activities.

Lastly, it cannot be stressed enough how ineffective enforcement of existing regulations will be. My understanding is that since the HSO went into effect in July 2019, the City’s enforcement efforts have been limited to sending property owners warning letters that RSO and Ellis Act removed units were “categorically ineligible” to partake in home-sharing.¹⁰ The VRO Initial Study contains no discussion regarding how the City has tackled noise and other nuisance activities since the passage of the HSO, a discussion that would inform the impacts of the subject project. As such, the City’s claim that noise will be adequately mitigated via enhanced “enforcement mechanisms” established per the HSO is unsubstantiated.¹¹

In closing, I believe that noise issues that are reasonably foreseeable with the passage of the VRO are legitimate and, for an unlucky few, would be manifest—which the VRO Initial Study fails to adequately assess. While it may very well be the intention of the ordinance that the police and other enforcement mechanisms will quell these issues, they are often not quelled today in permanent residences, and the temporary nature of the VRO tenancy would only exacerbate the likelihood of them in those units. In my opinion, this is a situation where needs and rights of those who would not be willing participants in the activity authorized by the VRO are being subverted for the economic profit of those who do

⁹ The ND prefix designates the project’s CEQA review under a negative declaration. See <https://planning.lacity.org/pdiscaseinfo/search/encoded/MjM3NiE30>.

¹⁰ City (2/19/20) Home-Sharing Enforcement, https://clkrep.lacity.org/online/docs/2014/14-1635-S2_rpt_PLAN_02-20-2020.pdf; VRO Initial Study, p. 21 (assuming 40% decline in number of “illegal listings” will automatically correlate to enforcement of noise issues).

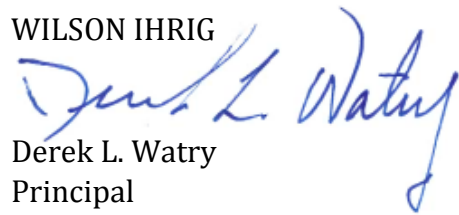
¹¹ Department of City Planning (10/27/20) Letter of Determination for Case No. CPC-2019-7045-CA, p. B-1, https://clkrep.lacity.org/online/docs/2018/18-1246_rpt_CPC_10-27-2020.pdf.

take advantage of the ability to rent their otherwise empty lodgings. In terms of noise issues, this is a situation where it would be best to obviate them rather than deal with them as they arise, causing frustration on the part of neighbors and another unwelcome burden on the part of the police. The full impact of liberalizing zoning laws to allow for-profit home-sharing may only be considered through a holistic CEQA review to evaluate the noise impacts and cumulative impacts resulting from the HSO, HSO Amendment, and VRO.

Please contact me if you have any questions about these comments.

Very truly yours,

WILSON IHRIG



Derek L. Watry
Principal

Referenced Noise Studies

1. Urban Crossroads, *Parkview Noise Impact Analysis, 4020 Compton Ave., Los Angeles 90011, 8/27/19*
<https://planning.lacity.org/odocument/2dce9cbc-8d44-458d-86f2-68c660767829/ENV-2019-4650-H.pdf>
2. Envicom Corporation, *The Angel Permanent Supportive House Project, 8547 Sepulveda Blvd., North Hills, CA 91343, 4/2/19*
<https://planning.lacity.org/odocument/9e79c765-6ca5-4c11-a433-6a5282849101/ENV-2019-3845-H.pdf>
3. Meridian Consultants, *Noise Study for the Public Storage – North Hollywood Replacement Project, 10810 Vanowen St., North Hollywood, CA 91605, 2/27/19*
<https://planning.lacity.org/odocument/ebf81ed0-bc43-41ba-9fd0-d177a887776a/ENV-2018-6903-E.pdf>
4. Meridian Consultants, *Noise Study for the Public Storage – Playa Vista Project, 12681 W. Jefferson Blvd., Los Angeles, CA 90066, Nov. 2018*
<https://planning.lacity.org/odocument/22bb8a2a-27d5-4779-81ff-32e933f5fccd/ENV-2018-6891-E.pdf>
5. Impact Sciences, *Del Rey Pointe Project, 5000 Beethoven St., Culver West 90066, 4/11/17*
<https://planning.lacity.org/odocument/38f1673d-c483-4ce8-abd7-74a22433bf13/ENV-2016-4267-C.pdf>
6. City of Los Angeles, *Woodland Hills Hotel Project IS/MND, 20401 Ventura Boulevard, Woodland Hills 91364, June 2020*
<https://planning.lacity.org/odocument/485d45cd-ec38-4132-996f-8b737d54445e/ENV-2016-4786.pdf> and <https://planning.lacity.org/odocument/cb5c036b-60ad-4ed6-92e8-3618fc1ca211/ENV-2016-4786-G.pdf>
7. ESA, *Burbank De Soto Project, 21051 Warner Center, Woodland Hills 91367, Dec. 2019*
<https://planning.lacity.org/odocument/ad31d928-4da7-4f8a-83c1-002b76dae04d/ENV-2017-1706-I.pdf>
8. Envicom Corporation, *Keyes Porsche Woodland Hills Gen 5 Project, 20625 Ventura Blvd., Woodland Hills, CA 91364, 9/16/19*
<https://planning.lacity.org/odocument/32d59cb0-3448-4eff-85f8-b6452b5ff806/ENV-2019-5436-G.pdf>
9. DKA Planning, *7366 South Osage Avenue Project, 7366 S. Osage Avenue, Westchester, 90045, 10/9/18*
<https://planning.lacity.org/odocument/d550e2b3-8bb1-476c-a5fd-a042fe453ca5/ENV-2018-4796-E.pdf>

10. Parker Environmental Consultant, *2255 Sawtelle Boulevard Project, 2255 Sawtelle Blvd., Los Angeles, CA 90064, 12/17/18*
<https://planning.lacity.org/odocument/259f08a6-bb3c-46a0-8e4d-7b6d214deb9c/ENV-2018-7626-G.pdf>

11. Eilar Associates, *The Devonshire Campus – Granada Hills Charter School, 17081 Devonshire Street, Northridge, 91325, 3/14/19*
<https://planning.lacity.org/odocument/7b6d740b-fda7-4f2e-94cd-1a284ead4dd3/ENV-2018-7112-C.pdf>

DEREK L. WATRY

Principal

Since joining Wilson Ihrig in 1992, Derek has gained experienced in many areas of practice including environmental, construction, forensic, architectural, and industrial. For all of these, he has conducted extensive field measurements, established acceptability criteria, and calculated future noise and vibration levels. In the many of these areas, he has prepared CEQA and NEPA noise technical studies and EIR/EIS sections. Derek has a thorough understanding of the technical, public relations, and political aspects of environmental noise and vibration compliance work. He has helped resolve complex community noise issues, and he has also served as an expert witness in numerous legal matters.

Education

- M.S. Mechanical Engineering, University of California, Berkeley
- B.S. Mechanical Engineering, University of California, San Diego
- M.B.A. Saint Mary's College of California

Project Experience

12th Street Reconstruction, Oakland, CA

Responsible for construction noise control plan from pile driving after City received complaints from nearby neighbors. Attendance required at community meetings.

525 Golden Gate Avenue Demolition, San Francisco, CA

Noise and vibration monitoring and consultation during demolition of a multi-story office building next to Federal, State, and Municipal Court buildings for the SFDPW.

911 Emergency Communications Center, San Francisco, CA

Technical assistance on issues relating to the demolition and construction work including vibration monitoring, developing specification and reviewing/recommending appropriate methods and equipment for demolition of Old Emergency Center for the SFDPW.

Central Contra Costa Sanitary District, Grayson Creek Sewer, Pleasant Hill, CA

Evaluation of vibration levels due to construction of new sewer line in hard soil.

City of Atascadero, Review of Walmart EIR Noise Analysis, Atascadero, CA

Review and Critique of EIR Noise Analysis for the Del Rio Road Commercial Area Specific Plan.

City of Fremont, Ongoing Environmental Services On-Call Contract, Fremont, CA

Work tasks primarily focus on noise insulation and vibration control design compliance for new residential projects and peer review other consultant's projects.

City of Fremont, Patterson Ranch EIR, Fremont, CA

Conducted noise and vibration portion of the EIR.

City of King City, Silva Ranch Annexation EIR, King City, CA

Conducted the noise portion of the EIR and assessed the suitability of the project areas for the intended development. Work included a reconnaissance of existing noise sources and receptors in and around the project areas, and long-term noise measurements at key locations.

Conoco Phillips Community Study and Expert Witness, Rodeo, CA

Investigated low frequency noise from exhaust stacks and provided expert witness services representing Conoco Phillips. Evaluated effectiveness of noise controls implemented by the refinery.

Golden Gate Park Concourse Underground Garage, San Francisco, CA

Noise and vibration testing during underground garage construction to monitor for residences and an old sandstone statue during pile driving for the City of San Francisco.

Laguna Honda Hospital, Clarendon Hall Demolition, San Francisco, CA

Project manager for performed vibration monitoring during demolition of an older wing of the Laguna Honda Hospital.

Loch Lomond Marina EIR, San Rafael, CA

Examined traffic noise impacts on existing residences for the City of San Rafael. Provided the project with acoustical analyses and reports to satisfy the requirements of Title 24.

Mare Island Dredge and Material Disposal, Vallejo, CA

EIR/EIS analysis of noise from planned dredged material off-loading operations for the City of Vallejo.

Napa Creek Vibration Monitoring Review, CA

Initially brought in to peer review construction vibration services provided by another firm, but eventually was tapped for its expertise to develop a vibration monitoring plan for construction activities near historic buildings and long-term construction vibration monitoring.

San Francisco DPW, Environmental Services On-Call, CA

Noise and vibration monitoring for such tasks as: Northshore Main Improvement project, and design noise mitigation for SOMA West Skate Park.

San Francisco PUC, Islais Creek Clean Water Program, San Francisco, CA

Community noise and vibration monitoring during construction, including several stages of pile driving. Coordination of noise and ground vibration measurements during pile driving and other construction activity to determine compliance with noise ordinance. Coordination with Department of Public Works to provide a vibration seminar for inspectors and interaction with Construction Management team and nearby businesses to resolve noise and vibration issues.

San Francisco PUC, Richmond Transport Tunnel Clean Water Program, San Francisco, CA

Environmental compliance monitoring of vibration during soft tunnel mining and boring, cut-and-cover trenching for sewer lines, hard rock tunnel blasting and site remediation. Work involved long-term monitoring of general construction activity, special investigations of groundborne vibration from pumps and bus generated ground vibration, and interaction with the public (homeowners).

Santa Clara VTA, Capitol Expressway Light Rail (CELR) Bus Rapid Transit (BRT) Update EIS, CA

Reviewed previous BRT analysis and provide memo to support EIS.

Shell Oil Refinery, Martinez, CA

Identified source of community noise complaints from tonal noise due to refinery equipment and operations. Developed noise control recommendations. Conducted round-the-clock noise measurements at nearby residence and near to the property line of the refinery and correlated results. Conducted an exhaustive noise survey of the noisier pieces of equipment throughout the refinery to identify and characterize the dominant noise sources that were located anywhere from a quarter to three-quarters of a mile away. Provided a list of actions to mitigate noise from the noisiest pieces of refinery equipment. Assisted the refinery in the selection of long-term noise monitoring equipment to be situated on the refinery grounds so that a record of the current noise environment will be documented, and future noise complaints can be addressed more efficiently.

Tyco Electronics Corporation, Annual Noise Compliance Study, Menlo Park, CA

Conducted annual noise compliance monitoring. Provided letter critiquing the regulatory requirements and recommending improvements.

University of California, San Francisco Mission Bay Campus Vibration Study, CA

Conducted measurements and analysis of ground vibration across site due to heavy traffic on Third Street. Analysis included assessment of pavement surface condition and propensity of local soil structure.

Communication from Public

Name: Mary Hruska

Date Submitted: 11/12/2020 12:04 PM

Council File No: 18-1246

Comments for Public Posting: 1. The City should not be considering a vacation rental policy in the middle of a housing crisis. The City has not been able to create housing fast enough. That is why it finds itself in legal trouble at every turn. If there are units sitting empty in the City of Los Angeles, they should be used for housing, no exceptions. Please vote NO on this ordinance. 2. This vacation rental policy erodes the very core of the protections ensured in the Home-Sharing ordinance that the city took 4 years to create. Why, in the midst of people suffering on the street, would you want to pass a law that serves only people wealthy enough to own multiple homes and platforms like airbnb? We are having enough trouble with party homes and empty houses being used for tourists. We need to save every last single unit for long term housing. Instead of a vacation rental policy you should be adopting a vacancy tax policy! 3. This policy does not do anything to help or ease the housing crisis in Los Angeles. In fact this policy makes housing accessibility even harder! I have seen how very slowly empty units used as Airbnbs are being rented by long term renters. But whatever little progress we've made will be stopped and REVERSED with this policy. Please vote NO and focus your time on creating housing. 4. Why would the City focus its time on helping turn single family homes into hotel rooms? The pandemic has destroyed the hospitality industry and hundreds and hundreds of people are out of work. If and when tourism picks back up, we should be helping these people get back to work, not creating alternate hotel rooms that help the wealthiest get wealthier. 5. In these dire times, please consider who really needs your protection: working Angelenos trying to stay in their homes, or the wealthiest among us trying to profit from second homes they don't actually live in? 6. In the face of the housing and homelessness crisis, it is absurd to be discussing a loophole for people lucky enough to own two houses, 9. I'm in strong opposition to the proposed Vacation Rental Ordinance CF 18-1246. At a time when Los Angeles is in the midst of an affordable housing crisis and one of the worst humanitarian homeless problems in the world, how can the City even contemplate a vacation rental ordinance? We cannot risk incentivizing even more speculators to enter our real estate market and convert potential long-term housing units into vacation rentals. 10. Given the severe lack of housing and ability to enforce

many of the meaningful provisions, we are confounded as to why the City would want to explore this anti-housing policy. I respectfully request that you reject the Vacation Rental Ordinance and do not recommend its approval, in any form, to the City Council.

Communication from Public

Name: Mr Robert Peppey

Date Submitted: 11/12/2020 12:22 PM

Council File No: 18-1246

Comments for Public Posting: Councilmembers Harris-Dawson, Buscaino, Cedillo, Price, Blumenfield, & Lee. We are homeowners in CD13. We oppose 18-1246. Within a 2 block radius of our home 10 Airbnb units owned by the same unknown investor is turning our Silver Lake neighborhood into a weekend party zone for visitors to Los Angeles. They do not practice social distancing nor wear masks, and are noisy till late hours. All 10 units are vacant, rented on Airbnb. The Airbnb across the street from our home at (3512 Crestmont Ave. 90026) regularly has loud weekend parties disturbing our neighbors and our sleep. This Airbnb has even hosted multiple pornography filming. We oppose all the expansion of Airbnb Vacation Rentals in Los Angeles. We oppose all Vacation Rentals in residential neighborhoods in LA. The PLUM committee has failed to meet the requirements of the Housing Element for low income housing with a deficit of nearly 36,000 units. And now y'all hope to add another 14,000 Airbnb's. Meanwhile y'all hope to criminalize poverty & are about to vote on a racist ordinance of Blob Blumenfield's & Monica Rodriguez, LA's new Jim Crow Motion 20-1367. Mitch O'Farrell and the rest of you are on the chopping block for us now, mostly because of the evident corruption LA's VRO Ordinance. Vote no on 18-1246. And vote no on 20-1367. Darryl Kitagawa Robert Peppey Stakeholders in CD-14 Homeowners in CD-13

Communication from Public

Name: Daniel Gaines

Date Submitted: 11/12/2020 12:54 PM

Council File No: 18-1246

Comments for Public Posting: This ordinance, if passed, would essentially ignore our housing crisis and prioritize tourists over long term tenants and the wealthy over people who desperately need housing. As someone who works in homeless services, I see firsthand how the shortage of housing is a public health issue for the folks I serve, and we know that deaths of unhoused individuals have skyrocketed in recent months. LA is in a state of emergency when it comes to housing and I implore the council to alleviate the crisis of houselessness BEFORE focusing on lodgings for tourists who all have homes to return to. It is unconscionable for our City to consider removing housing from the long-term rental market at a time when tenants are being displaced and and homelessness is increasing. If passed, this ordinance will potentially remove 14,740 homes from the long term rental market in Los Angeles. (LA Times: <https://www.latimes.com/california/story/2019-12-19/los-angeles-vacation-rentals-city-council-considers-loosening-rules>) In these dire times, we are asking PLUM to please consider who really needs their protection: working Angelenos trying to stay in their homes, or the wealthiest among us trying to profit from second homes they don't actually live in?

Communication from Public

Name: Southwest Regional Council of Carpenters
Date Submitted: 11/12/2020 01:31 PM
Council File No: 18-1246
Comments for Public Posting: Please find attached statement of support



SOUTHWEST REGIONAL COUNCIL OF CARPENTERS

Representing Carpenters in Southern California, Nevada, Arizona, Utah, New Mexico, and Colorado

Pete Rodriguez
President

Dan Langford
Executive Secretary-Treasurer/CEO

Frank Hawk
Vice President

November 12, 2020

The Honorable Marqueece Harris-Dawson
Chairperson
Planning and Land Use Committee
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Dear Chairperson Harris-Dawson,

I write on behalf of the Southwest Regional Council of Carpenters to express our strong support for the proposed Vacation Rental Ordinance which will complement and strengthen the City's existing AirBnb policy and at the same time capture urgently needed tax revenue.

The Southwest Regional Council enthusiastically embraces change to maintain our edge as a leading force in the nation's construction industry. As Carpenters, we explore new technologies, building materials and innovative ways of doing things to stay ahead of emerging trends that are changing the face of cities across the country. We recognize home sharing and vacation rentals are now viable options considered by millions of American families enabling thousands of Los Angeles homeowners to earn critically needed extra income thereby bringing wealth directly to their communities.

The proposed Vacation Rental ordinance will bring order to what is presently an unregulated market in a manner which compliments the city's existing home-sharing ordinance. It will also open a new revenue stream through the collection of Transient Occupancy Taxes (TOT). We support: 1) prioritizing establishing the number of permits at 1% of citywide housing stock to be adjusted on an ongoing basis as the City builds more housing and 2) increasing the number of annual nights allowable nights per year from 90 to 120.

While the health and welfare of our City remains foremost on our minds, Los Angeles is certain to return to the record-breaking pre-COVID levels of tourism with more than 50 million people visiting annually, a trend likely to continue through the 2028 Olympic Games. Passing this ordinance will go a long way to establishing clear rules for the road in the vacation rental industry while ensuring that Los Angeles is able to capture needed tax revenues from this emerging market.

Sincerely,

Daniel R. Langford
Executive Secretary-Treasurer
cc: PLUM Committee members

SOUTHWEST REGIONAL COUNCIL

533 S. Fremont Ave., 10th Fl. Los Angeles, CA 90071
(213) 385-1457 Fax: (213) 385-3759

■ Arizona - 1912 ■ California - 213 562 619 661 714 721 805 909 951 1607 ■ Colorado - 555
■ Nevada - 971 1977 ■ New Mexico - 1319 ■ Utah - 801

Communication from Public

Name: Gina Viola

Date Submitted: 11/12/2020 01:50 PM

Council File No: 18-1246

Comments for Public Posting: This is truly sinister. How can you possibly be considering waiving anyone's responsibility for empty housing at a time like this??!! You show yourselves with motions like these. You are answer to one group of people only - developers and rich land owners. You wonder why folks show up on your doorsteps - well this is why. Grow a conscious already and do something about all of the vacant housing in this town.

Communication from Public

Name: Abigail Coleman

Date Submitted: 11/12/2020 02:13 PM

Council File No: 18-1246

Comments for Public Posting: Stop poking loopholes in the home sharing ordinance!! You're not enforcing it adequately as it is. Talk to Keep Neighborhoods First to find the landlords that are *already* flouting the Home Sharing Ordinance.

http://www.keepneighborhoodsfirst.org/home_conversions

Communication from Public

Name: Stephanie Savage

Date Submitted: 11/12/2020 03:13 PM

Council File No: 18-1246

Comments for Public Posting: Stephanie Savage, Resident of Laurel Canyon for 22 years I oppose Item 9- Proposed Vacation Rentals for owners of second homes (18-1246) since it is another ill conceived plan. I understand someone saw an opportunity from the denied home sharing applications and decided to propose a new loophole. There is no meaningful enforcement on the existing home sharing ordinance, why are you adding to the problem with this one? Additional problems with this proposed ordinance are: Why did the cap increase from 1% from .25%? A 250' separation per block face could mean every third house in most areas of the VHFSZ, Who will monitor the concentration cap? Block face measurement sounds worse than radius to me. The houses in violation of the current short term rentals are rarely cited for violations, such as lighting fireworks and/or throwing large parties. And how does the city of LA plan a meaningful strategy to monitor the individual owners of second homes who may be indeed be an authorized principal of an LLC, will DCP be checking the title on each property ? Why is the city destroying any remaining neighborhood community have and at the same time gutting the existing hotel industry?

Communication from Public

Name: John Parks

Date Submitted: 11/12/2020 03:40 PM

Council File No: 18-1246

Comments for Public Posting: Good Afternoon Councilmembers, My name is John Parks and I am here representing the Coalition for Economic Survival. CES and its members urge City Council to reject the short-term rental proposal. Los Angeles was already in the grips of a housing affordability crisis before COVID-19 hit, and evictions and displacement have not stopped during the pandemic. This proposal would give direct incentive for landlords to evict tenants in droves and permanently remove units from the rental market. While City Council has continued this item, the council must fully reject any attempts to exacerbate the housing affordability crisis. Thank you

Communication from Public

Name: Jill Holden

Date Submitted: 11/12/2020 04:05 PM

Council File No: 18-1246

Comments for Public Posting: This is about the short term rental situation. Please don't allow them. Please. We need MORE affordable full time rental units not less. If these second homes are used for short term vacation rentals it takes them off the market for full time renters. Up to 14,000 units could be short term. This is crazy in a city in which AFFORDABLE housing is at such a premium. I am a full time renter in Los Angeles and I shudder to think that my landlord could turn my home into an Airbnb extravaganza. Please. The hotel business is struggling in this pandemic. Help them. Help the real short term rentals - HOTELS - stay alive. Thank you.