



PACIFIC PALISADES COMMUNITY COUNCIL

September 28, 2015

Councilmembers Jose Huizar (Chair, PLUM Committee and member, Housing Committee),
Marqueece Harris-Dawson (Vice-Chair, PLUM Committee and member, Housing Committee),
Gil Cedillo (Chair, Housing Committee and member, PLUM Committee), Felipe Fuentes
(Vice-Chair, Housing Committee and member, PLUM Committee), Mitchell Englander
(member, PLUM Committee) and Curren D. Price, Jr. (member, Housing Committee)
Councilmembers Mike Bonin, Herb J. Wesson, Jr. and Paul Koretz (respectively, co-sponsors and
second of “Short Term Rentals” Motion in CF-14-1635-S2)
Los Angeles City Hall, 200 North Spring Street, Los Angeles, CA 90012

Via Email

Re: OPPOSED - CF 14-1635-S2, “Short-Term Rentals / Transient Occupancy Tax / City’s Affordable Housing Trust Fund” Motion

Honorable Councilmembers:

Pacific Palisades Community Council (PPCC) is the most broadly based community organization and the voice of the Palisades since 1973. At its regular meetings on May 15 and September 24, 2015, PPCC’s board discussed short-term rentals in existing residential (“R”) zones where that activity is presently illegal throughout the City of Los Angeles. On September 24th, PPCC passed the following motion:

“PPCC opposes the Motion in CF 14-1635-S2, sponsored by Mike Bonin and Herb J. Wesson, Jr. PPCC opposes any change in the current zoning laws regarding short-term rentals.”

PPCC urges that you consider the following four (4) points of concern:

1. The City’s current regulations in fact do “anticipate” and “effectively” regulate short-term rentals.¹ They are illegal in R zones for very good reasons. Pacific Palisades is comprised of cohesive residential neighborhoods with strategically located commercial zones. Our residential neighborhoods were never intended to accommodate hotel-like environments with transient occupancy by strangers and the noise, parking, traffic, litter and other activities not usual and customary. Safety of neighborhoods is threatened every time alarm and gate codes are given to strangers, Neighborhood Watch programs (founded on residents knowing their neighbors) are compromised and emergency responders are placed at-risk by having to respond to increased and unknown numbers of people coming and going out of what were meant to be single dwelling units. Furthermore, the Palisades has hillside areas, very high fire hazard severity zones, and areas with limited parking and narrow streets; these factors lead to increased risk for residents and short term renters alike -- particularly since the Bonin/Wesson Motion does not call for fire and public health inspections or compliance.

¹ Contrary to the Motion in CF 14-1635-S2, Paragraph 4.

2. The answer to technology, innovation, and the way that some people want to travel, make friends or make ends meet² is not a blanket commercialization of the City's neighborhoods, including Pacific Palisades. In response to allegations that the City does not have the resources or will to enforce existing zoning,³ PPCC suggests that the existing LAMC be amended to allow property owners a private right of action, with recovery of attorney's fees, in response to the illegal operation of short-term rentals in residential zones. This amendment would help those Palisadians who told PPCC of negative impacts already occurring from short-term rentals in the Marquez Knolls, Palisades Highlands, Edgewater Towers, Via Mesa Bluffs, Riviera, and along the Sunset Boulevard corridor.⁴

3. The way to preserve rental housing and protect the character of residential neighborhoods is not to legalize short-term rentals and collect a transient occupancy tax in order to pay for "crucial," yet undefined, city services.⁵ PPCC is very concerned that residential zones will be negatively impacted as a "money grab" for the City. We are concerned that the City will be drawn to this proposal to achieve additional tax revenues, at the expense of degraded residential property values. It is reasonable for homeowners who are rightly concerned about property values and quality of life to be given, at a minimum, the right to prior notice of any application submitted and appeal of any short-term rental permit issued. Any ordinance should also require an inclusive and specific definition of the "hosts" that would pay the Transient Occupancy Tax (TOT), who collects the tax, how the tax would be assessed, where that tax goes and the remedy/enforcement against defaulters. Finally, any ordinance must require that the applicant, property owner and operator (if distinct) pay legal wages, abide by hotel employee protections, and register with California's Employment Development Department.

4. The directive to authorize a "host" to rent "all or part" of their "primary residence" to short-term "visitors," permitting "someone" to rent a "spare room," a "back house," or even their own home while they are "out of town," is untenable. At minimum this ideal should apply to renting "part" of a primary residence that would support a true ideal of "home-sharing" in R zones. In addition, PPCC is well versed on legal challenges that likely will arise should the ordinance attempt to define terms such as "primary residence" or "spare room." Limiting rentals to one or more rooms only when "hosts" "live" on the property is not realistically enforceable; what proof would be provided and deemed sufficient? What time and duration limits would be placed on the "hosts'" ability to travel "out of town" and what proof would be provided and deemed sufficient? None of these measures would prevent the adverse impacts (noise, cars, safety, parties) that accompany short-term rental activity in residential zones. PPCC is well aware of too many areas in which City enforcement falls woefully short. The vague words employed in the Bonin/Wesson Motion, if incorporated in any ordinance (*e.g.*, "primary residence"), will likely lead to less, not more, enforcement and lack of protection for residential zones.

PPCC is extremely concerned about an increasing assault on low-density and in particular R-1 zoning by regulation and planning measures which erode traditional protections long relied-upon by homeowners. With respect and great urgency, we request that instead of legalizing short-term rentals, ***the City should take firm steps to enforce existing law.***

² Motion in CF 14-1635-S2, Paragraphs 1, 2.

³ Enacting new home-sharing legislation would only be more complex and it is not realistic to expect enforcement of more liberal and multi-faceted rules when the City has not enforced the very clear zoning restriction presently in place. As it is, the City cannot keep up with the myriad online platforms for short-term rentals, some of which (like Airbnb) do not disclose identifying information about the properties such as a simple street address. PPCC believes there are currently at least 145 illegal short-term rentals in the Palisades.

⁴ See <http://www.latimes.com/local/california/la-me-airbnb-teeth-20150926-story.html>. If LADBS and the City Attorney cannot decide what kind and how much evidence is needed to take a violation to court, then affected property owners and residents should be able to act and effectuate a judicial remedy.

⁵ Motion in CF 14-1635-S2, Paragraph 4.

Thank you for your consideration.

Sincerely,

Christina Spitz
President
Pacific Palisades Community Council

cc (via email):

Hon. Eric Garcetti, Mayor, City of Los Angeles
Michael LoGrande, Director of Planning, Department of City Planning
Tom Rothmann, Senior City Planner, Department of City Planning
Raymond Chan, General Manager, Department of Building & Safety
Lincoln Lee, Chief, Code Enforcement Bureau, Department of Building & Safety
Larry Galstian, Chief, Inspection Bureau, Department of Building & Safety
David Lara, Assistant Chief, Inspection Bureau, Department of Building & Safety
Sharon Dickinson, Legislative Assistant, City Council PLUM Committee –
with request for filing in CF 14-1635-S2