1. Call to Order
Call to order: 7:07 PM
By Terri Tippit, WNC Chair

Attendance:
Jae Wu (Seat 1)
Lisa Morocco (Seat 2)
Rick Mendoza (Seat 3)
Steve Spector (Seat 4)
Sarah Shaw (Seat 6)
Barbara Broide (Seat 7)
Terri Tippit (Seat 8)
Sean McMillan (Seat 9)
Mary Kusnic (Seat 11)
Colleen Mason-Heller (Seat 12)
Francesca Beale-Rosano (Seat 13)
Shannon Burns (Seat 14)
Wendy Dox (Seat 16 alternate)
Aaron Rosenfield (Seat 17)

Seated After Start:
Eric Shabsis (Seat 15)

Appointed During Meeting:
Brendan Kotler (Seat 5)

Not Present:
Stacy Antler (Seat 10)

New Business:

A) Approval of May 12, 2016 Minutes:
Minutes were reviewed and discussed. Motion to approve the minutes by Ms. Morocco.
Second: Ms. Burns
9-0-5
Seats in favor: 1,2,3,4,6,7,11,13,14
Seats abstaining: 8,9,12,16,17
Not Present/Not Voting: 5,10,15
passed

*Mr. Shabsis is seated.*

B) Appointment of Brendan Kotler to Seat 5 – I am currently working as a Developer in Century City. I have a long history in LA. I have worked here, been a renter, student; I played baseball for USC. I love the area. I look forward to serving on the Board.

Ms. Kusnic: Motion to appoint Brendan Kolter to WNC Board Seat 5.
Second: Mr. Spector
15-0-0
Seats in favor: 1,2,3,4,6,7,8,9,11,12,13,14,15,16,17
Not Present/Not Voting: 5,10
passed

*Mr. Kotler is seated.*

C) Girl Scouts - Madelyn Camarillo, Junior Scout: We want to thank the WNC for its donation to the Riddick Youth Center. We wanted to take action when we saw the Center needed new chairs and tables. We are going to leave the place better off than we found it. We are grateful to the WNC for helping us to achieve the Bronze Award through this donation.

D) Ray Verches with the SoCalGas Pipeline Safety, Pipeline Work: We will be working on Sepulveda starting Monday from Pico to Wilshire. The next phase after that is Montana up to the Skirball. We will be doing testing for 8 weeks thru August. We will work Monday through Friday from 9PM-5AM. On the weekend, we will work from 5:30 AM Saturday to 4:30 AM on Sunday. There will be some noise. The focus will be on both ends of the pipe, not much in middle. We will have big tanks of water. There will be some inconvenience on the traffic side. We try to maintain a smaller footprint while we are working to minimize disruption.

E) Ms. Morocco – We started doing Pick Pico four years ago to put a spot light on local businesses and to have a community event. LAFD says we had 6,000 people attend this year. The WNC donated $19,500 to this event and we outreach to the entire community. Macerich was such a great player. Thank you to Macerich, FOWLA, Westfield, CD-5, and Eric Swihart of LAPD.
Ms. Wu – The lineup to this event was great. We got a huge amount of thank yous this year. In the past we got a lot of feedback and we incorporated it into the planning. Businesses were thrilled to be connected with the community. I am proud of every person that helped make this possible. It was a magnificent event. Assembly Ridley Thomas awarded the WNC this certificate. It really is gratifying to see our neighbors connected and to show we really do live in a small town.

Ms. Morocco – We did a satisfaction survey of the businesses and I can tell you all that blue is very good. We hope to extend the survey to the participants next year.

![Circle charts showing satisfaction survey results](image)

Ms. Broide – Lisa and Jae are the queens of the event. There is city bureaucracy, a lot of red tape and things that can go wrong. We could not do it without them.

*Cheers and round of applause*

Mr. McMillan – Jae throws every ounce of her blood and energy into this. She is a hero and motivates everyone else to step up their game.

Ms. Broide – To the community, if this is something you are interested in helping out with, we would love to get you involved next year.
Ms. Wu leaves and is replaced by Kate Kennedy.

F) Terri Dickerhoff, Orange Theory Fitness, presentation on proposed project at The Westside Center, 2390 Westwood Blvd: Orange Theory Fitness is a small circuit training studio. According to city code, you cannot have a fitness facility in a C4 zone. So, I am asking for a use variance for the fitness studio.

Henry Hardy, CD5 – You did the right thing coming today and asking for the WNC’s support.

Ms. Dickerhoff – The City wanted to make sure there was not a lot of traffic and a lot of people coming in and out. The code does not reflect the difference between what we want to have, a small fitness studio, and a large gym like 24 Hour Fitness.

Ms. Broide - Our concern is parking. Do you have organized classes where people come in at once and are you prepared to offer parking validations?

Ms. Dickerhoff - Yes, the facility is class based. It is not an open gym. Class sizes are limited by the amount of equipment we have. This studio is limited to around 24 pieces, so that would be the maximum. The space is about 3200 sq ft.

Mr. McMillan – Aren’t there other fitness facilities within 1000 ft?

Ms. Dickerhoff – Its possible people have opened up studios without going through the proper channels. 6 AM is the earliest class we offer and the latest class ends at 9 PM. We are a franchise owned by Paul Marcus and there are locations in Sherman Oaks, Brentwood and La Brea. The owner of the property will open parking for us to accommodate us. The lease is ten years. Use variances are not expedited with the City, so it will take around 8 months to process and we would go in for the permits 1.5 months before. The studio will not open for at least six months. It is the northern most tenant in the space. There are no plans to put out “sandwich signs” on the curb.

Mr. Shabsis – The owners of the fitness studio are members of Temple Isaiah. A lot of local members have been going to the Brentwood location, so this would help keep them closer to home.

Ms. Dox – I support it as it enhances other businesses that surround it.

Ms. Dox makes a motion supporting Orange Theory Fitness’s effort to obtain a conditional use variance at 2390 Westwood Blvd.  
Second: Ms. Burns  
16-0-0
Seats in Favor: 1,2,3,4,5,6,7,8,9,11,12,13,14,15,16,17
Not Present: 10
passed

G) LAPD, Officer Eric Swihart, 310-444-0738 – We had a great time at Pick Pico. We brought our Tesla, which is not an actual patrol card.

We had a meeting on the Selby Tunnel with Jae, Lisa, the Captain, City Attorney Veronica Flores and the Public Works Commissioner. We have been having problems with transients in the tunnel. We are working on solutions. We don’t know what they are, but the ball is rolling.

We see an uptick in motor vehicle related thefts during the summer, especially around parks, beaches, places like that. Lock it, keep it, and hide it. People around the mall leave their cars unlocked. If you are not sure if you locked your car, check. A lot of crime could be prevented by people locking their car. Also, packages are being stolen. If you have neighbors or friends that can pick up the package, do that. The RING doorbell also is a great product. If you have tandem parking, don’t keep the keys in your car. Both can be burglarized.

Member of public – There is a homeless problem under the 10 freeway at Coventry. People also now are jumping over the fence near the freeway and camping there.

Officer Swihart – The City lost litigation on homeless matters. We cannot just remove homeless items. We have homeless problems everywhere and we have six officers and a supervisor only to handle issues. If there is nobody sleeping by stuff anymore, than you can let Sanitation know and they will clean it up.

Ms. Broide – We also can clean up these areas as citizens because we do not have the same restrictions as the City does.

Mr. Shabsis – If you are going to clean up an area, please be careful and be safe. Use very thick gloves. You would not want to get pricked by a needle. There can be public health related matters.

Mr. McMillan – The issue is people are displaced and then need somewhere to go. That is what the VA Master Plan is all about. There is not a hotter topic in the Mayor Office right now than the homeless issue. If there are issues you are seeing, get a note to me and I will get it to CD5, Eric and the people who need to know.

Officer Swihart – If there are CalTrans issues, I can pass those matters onto them. LA Sheriffs are patrolling the EXPO stations. We will be watching EXPO to see what patterns emerge there.
H) Norm Bernier West LA Chamber of Commerce – Good Evening. Our June 1st breakfast we had Fiona Ma, the State Board of Equalization Chair. She is running for Treasurer but did not mention it; very classy. We had a table at Pick Pico. The ladies who staffed it said they had a great time. In July, the First Wednesday Breakfast will be with Senator Ben Allen. It is July 6 at 7:00 AM - 9:00 AM. More at: www.westlachamber.org.

I) Phillip Bennett, CD-5 Field Deputy – (1) On Monday, June 13 at 5:30 PM at the Cheviot Hills Recreation Center is a meeting of the Board of Public Works. On the agenda is an overview of street services, street lighting improvements, Clean Streets LA, graffiti removal, etc. This is a chance for you to ask the division heads questions and to mention standing problems in the area. (2) There is another meeting with Vince Bertoni, the new head of City Planning at Cheviot Hills Recreation Center on June 27 at 7pm. You can RSVP to joan.pelico@lacity.org. More on Mr. Bertoni: http://archpaper.com/2016/01/vince-bertoni-nominated-lead-las-planning-department/. Mr. Bertoni will go over what his plan is for the City and what his goals are as a new director. (3) Homeless Issues - It is important to remain on top of the matters and be persistent about requests. It is always great to have photos, so Sanitation can figure out what kinds of resources are needed for cleanup. The State Assembly Office has also been helpful in pushing clean up. (4) I met with people on Bentley regarding a speeding issue on Tennessee and Missouri, which is adjacent to Pico and Olympic. We walked around and put in requests for stop signs and additional LAPD traffic enforcement.

Ms. Broide – WAZE is directing people off the arteries and through the neighborhoods. Is there anything the City can do about that?

Mr. Shabsis – The folks in the Valley did a petition. Google, who owns WAZE, said it was an algorithm that sets up the routes.

Mr. Kotler – You need to modify the street to have different hours, which would impact the WAZE algorithm.

Ms. Morocco – Tell the Councilman thank you very much for his whole hearted support of Pick Pico and for coming to the event.

Mr. Spector and Mr. Mendoza are recused and leave the room. Ms. Morocco leaves the room for the night.

(J) Margaret Taylor, Landmark Theatre Wine Bar – We are requesting support for a full alcohol license, as currently we only serve wine and beer upstairs. Nothing else is scheduled to change. We have flieder the change to residences that are
500 feet from our establishment. Our application has been submitted. Once you have gone through the pre-application review phase, it goes pretty quickly. So, we wanted to reach out before our hearing. We have already also reached out to LAPD and CD5. This is our time to talk to people and see what questions people have.

Ms. Tippit - To Sargent Bo Gaffnia: Have you had any complaints about the establishment that you have heard of?

Sargent Bo Gaffnia – No, I have not. We want to meet with members of the community and community groups to see if the businesses are being good neighbors. ABC issues the license. We don’t want a problem or nuisance situation.

Ms. Broide – When this was being proposed and constructed, there was opposition to the bar because there was not food served.

Ms. Tippit – There is food in there now.

Ms. Broide – According to ABC, we are saturated with liquor licenses. What are the problems associated with oversaturation?

Sargent Bo Gaffnia – It really depends and differs from establishment to establishment. A lot depends on the management and what they do to monitor people, to not serve to people under age, things like that.

Ms. Taylor – We have not had any citations. There is a lot more oversight over compliance, a more proactive enforcement now. The same person who handles our application process also handles the monitoring, which means more consistent monitoring. Our license is for a bone fide restaurant, which we have to have as part of our licensing.

Ms. Shaw – I have been to wine bar and the food can be improved. People who go there have a cocktail before they go to the movie; they are not getting hammered before a show. I don’t see a problem.

Mr. Shabsis – What has been a problem years ago has changed with a different environment. Now with EXPO, there is public transportation and there is rideshare, which is helping to clean up past problems. I applaud Landmark for responding to what customers are looking for. It is a very clean movie theater that has a variety of shows you might not have at a multiplex.

Ms. Dox – Have there been any reports of brawling?

Sargent Bo Gaffnia – No, not that we are aware of.
Ms. Beale-Rosano makes motion to support the full alcohol license for Landmark.
Second: Mr. McMillan
13-0-0
Seats in favor: 1,5,6,7,8,9,11,12,13,14,15,16,17
Not Present: 2,3,4,10
passed

Mr. Spector and Mr. Mendoza are reseated.

K) Tom Henry, CD5, Repeal of Second Dwelling Unit Conditional Use Permit – I am filling in on an interim basis for Sean. Noah left for another job. The Councilman wanted somebody quick and I have known Paul for a long time. I am currently on loan from the Planning Department.

This is about putting a second dwelling unit with a kitchen, bathroom, etc on a lot. Since the mid-1980s, it was codified that second dwelling units could be built. The size of the second dwelling unit had to be more than 640 sqft. In 2003, a new law from the State came about to deal with the housing shortage and providing for second dwelling units to be 1200 sqft. In LA, the City came up with a memo to allow the units to go from 640 sqft to 1200 sqft. The courts relatively recently found that you cannot just issue permits based on a memo. There were 370 units built in LA since the memo came out. The Judge said the City should have changed the ordinance to meet State Code, rather than going by a memo. The City Council now is contemplating repealing the preceding 640 sqft ordinance and doing a new ordinance that meets State Law.

Ms. Mason Heller – I want to provide some clarification. The State mandated that any community that did not have its own ordinance, which LA did of 640 sqft, would have the State standard of 1200 sqft. Those communities that wanted to protect the sanctity of the single family neighborhood, made their own ordinance. It was a very few areas that did not have an ordinance, in which case the State standard went into effect. So, the judge said you cannot expand what was the 640 sqft ordinance simply by fiat, that is with a signature on a memo. He said, if the City wanted to go forward with the State standard, it needed to be by a codified ordinance. The choice now is to use the old ordinance or make a new ordinance. The old ordinance of 640 sqft is standing. Nobody has given any justification for why there should be a new ordinance of 1200 sqft.

Mr. Henry – The standards include more than just 1200 sq ft as a requirement. The second dwelling unit cannot be more than 30% the size of existing unit, there has to be one parking space and other requirements exist.
Ms. Burns – I believe if it is a detached, the second dwelling unit can be larger than 30% of the initial footprint.

Mr. Henry – I do not see that distinction here.

Ms. Broide – The issue for us is that we want to be able to have a conversation within our communities about this. The City is rushing to push this through, but there is not a crisis here.

Mr. Henry – It is an issue that we have stopped work orders on 300 projects.

Ms. Mason-Heller – Tough. The fact that 300 places are out of sync is not justification to come up with a bad policy.

Kim Christensen – When the State Law says 1200 sqft, it means up to 1200 sqft. That is in the Government Code. In the Housing Code, it is stated that a dwelling must be a minimum of 150 sqft to accommodate habitation. There is no reason for this to be 1200 sqft. This will affect the entire city for years to come. Colleen is right, you either adopt the State Law or you can craft your own somewhere between 150 and 1200 sqft. The City Planning Commission has already approved this.

Mr. Henry – It was heard in Plum and now it is going to the City Attorney. It will go back to PLUM once the City Attorney signs off. Once Plum takes an action, it goes to the full City Council. If you want a copy of the staff report, please email me at tom.henry@lacity.org.

Mr. Rosenfield – We can vote on maintaining the 640 sqft ordinance, but the question than is what does the City do about the 370 units not in compliance?

Mr. Henry – Some Council Members want to get this done before the July 4 holiday.

Ms. Mason-Heller – I make a motion to support the initial 1984 Ordinance, which among other requirements limits the size of second dwelling units to 640 sq ft. Second: Ms. Broide

Ms. Burns – Respectfully, I oppose such a motion until we all read what is proposed. There are other requirements in the 1984 Ordinance, and the presented motion precludes most Westside residences from having a second dwelling unit because of the lot size. The lot sizes have to be 7,000 sqft to be able to build a second dwelling unit under that ordinance.

Mr. Shabsis – The 1984 Ordinance would preclude the 300+ units. Is that why the City is looking for a new ordinance, to grandfather people who were okay under the memo?
Mr. Henry – Yes, I believe that is part of the reason.

Mr. Shabsis – If 300 people went to build a second dwelling unit because they were allowed to do so and then all of a sudden the City says we can’t allow them to continue, it is a serious problem for those folks.

Ms. Tippit – We are tabling this. HOA groups like mine have gone to hearings and written letters already.

Ms. Mason-Heller – I am concerned that the Councilman doesn’t know what is going on with this.

Mr. Henry – He will get a copy of whatever the City Attorney comes out with.

Ms. Broide – Maybe we should pass something that urges the City to wait?

Mr. Rosenfield – Part of the rush for the City with this is building permits are not being issued until it is dealt with.

Ms. Broide – Do we want to form a subcommittee on this?

MS. Tippit – Is it really going to be done before July 4?

Ms. Burns – I don’t believe it’s going to happen. I listened to the seven hours of testimony. It’s too long of a process.

Ms. Mason – I withdraw my previous motion.

Ms. Tippit – I am forming a sub-committee on this with Colleen as the Chair, Barbara, Shannon, and Kim.

L) Jim Bickhart, CD5 – Presentation on the Home Sharing Ordinance: I apologize for not being here last month. Since then, there was a hearing on this issue in the City Council and 700 people attended. There were a lot of people who want home sharing regulated and a lot of people who did not want regulation. There was a lot of back and forth. The Planning Department is tinkering with the ordinance, which will get to Planning by June 23. They will have another draft ordinance next week. I am told the draft will extend the 90 day limitation on home sharing to 120 days and put a limit of ten guests at any one time. A lot of people are concerned with enforceability. Airbnb has been resisting being regulated and they along with the other platforms are not cooperating with enforcement. San Francisco is now imposing fines on the platforms for this reason. Our office thinks this might be appropriate, but it’s not in the ordinance at this time. Also there is no right of private action, which if added would mean that if you are not getting satisfaction
from the City, you could take the host to court. The City Attorney is resisting this. The ordinance is being slightly revised and there will be another public hearing June 23 downtown at 8:30 at City Planning.

Ms. Broide – The City should start enforcing the law. It is illegal now and they should enforce it and say to the platforms we have another ordinance, but we cannot codify home sharing without your cooperation. Why should we justify this whole illegal operation right now?

Ms. Tippit – I’d rather take a stand about what they are proposing now.

Mr. Bickhart – With the current calendar, we won’t see an ordinance until late fall. We have a long way to go; it won’t go to the Council until late summer at the earliest.

Mr. Shabsis - We had a committee made up of myself, Shannon, and Stacy and we had a robust conversation among us. We came at it from a different perspective because people came to our past meeting who are using the platforms to stay in their homes. To me this said, we need to look at this from all sides. Our economy is changing and some of our ordinances are not up to date.

Ms. Tippit – Just because the committee made a recommendation, does not mean it will get adopted. I feel bad for the people. I am a widow five years today. I am lucky I don’t have to do this. My feeling is if people need to do this, get a long term person.

Mr. Shabsis – We have a changing economy and I think there are certain pieces of the community that we need to make sure are looked at.

Ms. Broide – The combination of this with the second dwelling units is enormous.

Ms. Mason-Heller – I am a senior citizen. The social engineering here is a little disingenuous, pushing us to create an ordinance for what if scenarios. These are not new issues. I have friends that have down sized as they got older. This is part of the cycle of life.

Mr. Shabsis – What we have recommended here is that the owner must be present.

Ms. Mason-Heller – They are not present and how do you enforce that? On Patricia, the women is in Spain.

Nikki Minor – I got to the City’s hearing and I was locked out because of busloads of people interested in this. At the Plum hearing, we did not get out of there until 6 o’clock. The confluence of the granny flat and short term rental issue is staggering. It seems the City is more interested in having affordable housing than
preserving communities and neighborhoods. How will any of this be enforced? There is too much going on that is not said under the radar. Underutilized land on the Westside keeps coming up, which is single family housing. If all this goes in, single family will not be what we know it to be.

Kim Christensen – I sat through several hours of the hearings. I heard all 700 people, so I can summarize the concerns. So much of what we are talking about this evening is this trend to focus on individual citizen’s issues over what zoning and planning is supposed to be about. Zoning is supposed to be about preserving quality of life and security. It’s a balancing act obviously, but I think too much emphasis is being placed on the individual way to make money and those who don’t want home sharing should have that right too. There is a property next to me where three people live in the house. They have rented it out and other people come in and throw parties. When you allow this to happen without controls, when you allow people to come and go and you have people as a revolving door every weekend, there is a potential for increased crime, traffic, nuisances, etc. If there is any hope of preserving the quality of life for our community, there needs to be checks and balances. The more that you keep increasing the number of days people can do this, it becomes a business. You are allowing something akin to a small hotel. Combined with the second dwelling unit issues, you can potentially have 20 people in a single family lot. There is an entirely different attribute to someone coming in without you there. But how do you regulate the homeowner being there? The more extensions that are given for days of operation; it’s really not an accessory activity anymore. There are also long term renters being pushed out, so there are people in our community being impacted by this.

Rick Mendoza left the room

Mr. McMillan – You can violate the terms of your mortgage by doing this, something to consider.

Ms. Burns – There should be a mandate for proper insurance for anyone doing this.

Mr. Rosenfield – There is a component that Mr. Bickhart spoke about that is not being captured in this conversation. These platforms are getting away with encouraging cheating. The platforms are operating in our communities while circumventing the current law and all the while they refuse to work with the City to come up with ways to have a responsible service. Depending where people fall on this, members of the community are at each other’s throats over whether it is a good thing or a bad thing. The executives that run these companies are living life large and their business are thriving by virtue of the fact that they are unwilling to cooperate in deriving responsible policies. There should not be an ordinance until these companies come to the table and are willing to partner with the community.
Mr. Bickhart – As to what Mr. Rosenfield said, the platforms come to the table, they are just not cooperating. We have asked Airbnb if they will refuse to list anyone who does not provide a registration number? They won’t cooperate so far. Also, the City will not prosecute any of the cases. The City gathers circumstantial evidence, but the City Attorney says there is not good enough evidence to prosecute offenders.

Ms. Broide – The City says we did not see it, therefore we cannot enforce it. I would like to move a hard line policy for the short term rentals that precludes any ordinance until it can be enforced.

Ms. Broide – I move that the WNC oppose the adoption of a short term rental ordinance until which time the City negotiates an agreement with the platforms that will ensure enforcement.
Second – Ms. Mason-Heller
6-2-6
Seats in favor: 6,7,8,9,12,17,
Seats Against: 15, 16
Seats Abstaining: 1,4,5,11,13,14
Not Present: 2,3,10
passed

The following report and recommendations were from the Ad-Hoc Shared Home Ordinance Committee:
REPORT AND RECOMMENDATIONS
BY AD HOC SHARED HOME ORDINANCE COMMITTEE

To: WNC Board
From: Ad Hoc Committee (Eric Shabsis, Stacy Antler, Shannon Burns)
Date: May 11, 2016

The Ad Hoc Committee met on May 3, 2016 following a duly noticed meeting. No stakeholders other than the Committee attended.

Materials Reviewed and Testimony Considered:

1. Dept. Of City Planning, Notice of Public Hearing dated April 15, 2016, with Quick Guide (3 pages)
2. Draft Ordinance CPC-2016-1245-CA (8 pages)
3. City of Santa Monica Home-Sharing Ordinance Rules (for Comparison) (7 pages), and online guides (6 pages)
4. Local Homeowners’ Association’s comments and concerns
5. Comments from Board Member Barbara Broide
6. Westside Regional Alliance of Councils (“WRAC”) recommendations
7. Pacific Palisades Community Council’s motion (unknown if adopted)
8. Westwood Neighborhood Council’s motion (unknown if adopted)
9. South of Robertson NC’s changes/additions to WRAC motion (unknown if adopted)
10. Testimony of 7 Westside residents (in and out of WNC area) and stakeholders in WNC boundaries; comments from Board Members from 11/12/15 Meeting

Background

Several months ago, the Westside Neighborhood Council heard testimony from several stakeholders who participate in the short-term rental economy as "hosts." All those who spoke, were in supportive of short-term rentals and request that the Neighborhood Council support regulations that would not limit or outlaw them. At that time, the committee chose to differ supporting an ordinance until the City releases a draft ordinance. On April 15, 2016, City Planning released its Home Sharing Ordinance, which the subcommittee reviewed, and upon which our comments are mostly based.

In general, the subcommittee was unanimous in recognizing that:

1. Short-term rental are a new, permanent, and legitimate economic opportunity that when implemented correctly should not impose any undue burdens on our community;
2. Short-term rentals can allow homeowners, whether elderly, those on fixed income
for example, or those with unforeseen economic hardship a viable source of supplemental income to stay in their homes and be able to keep up with maintenance and repairs;

3. Rules must be implemented to ensure the protection of neighborhoods, the registration of hosts, the collection of revenue (TOT), the preservation of low income housing stock, and to effectively make it impossible for the absentee, "professional" short term renters (those who buy and convert apartment buildings or purchase multiple homes for the sole purpose of providing short term renters) to do business; and

4. Reporting requirements should be simple, direct and meaningful without overly onerous requirements and reporting.

In reviewing what the City is proposing, we determined that, for the most part, the City's approach falls in line with what the subcommittee believes to be a balanced and responsible ordinance regulating short-term rentals. We reviewed other Neighborhood Council motions, which tend to add additional requirements that we believe will only confuse the ordinance and result in it not being able to be enforced and drive the practice "underground," essentially causing the continuation of short term rental to be unregulated.

There were two items in the ordinance, however, with which the committee did not agree - limiting rentals to 90 days in a calendar year and disallowing a second dwelling unit on a single family lot to be used for short term rentals. Assuming the host is a responsible operator and assuming the other protections are sufficient and enforceable, there does not appear to be any rationale for the 90-day limitation, and would jeopardize the ability for those who are legitimately hosting as a means of supplemental income to be forced to go underground (loss of TOT and lack of enforcement) or forcing them out of their homes, thus destabilizing neighborhoods. As for eliminating a second dwelling unit from the stock, there also does not seem to be rationale for this. We would think a second unit, where one lawfully exists, is the perfect unit for short-term rental stock (again, assuming all other rules are being complied with).

Therefore, the subcommittee is urging the Board to support the Planning Department's recommendations and ordinance regulating short-term rentals, with the elimination of the two above-mentioned provisions, and amending the remainder of the ordinance for consistency in language to reflect the elimination of these two provisions.

Recommended Motion:

The Westside Neighborhood Council supports the lawful engagement of home sharing so long as the city is able to collect TOT, the rules for home sharing are clear and easy to comply, and rules outlining what constitutes a violation and adequate enforcement are codified in an ordinance. Therefore, the Westside Neighborhood Council supports the Home Sharing Ordinance (CPC 2016-1245-CA) dated April 15, 2016 as drafted with the following amendments:
1. Eliminate the 90 day per calendar year limitation on home sharing;
2. Eliminate the prohibition on the rental of a second dwelling unit on a single family zoned lot; and
3. Consistency throughout the ordinance to ensure language pertaining to either of the above within other sections are also removed.

Draft Ordinance & Committee Response:

A. Prohibitions listed in Section 3.3.1, Subpart (d) of the Draft Ordinance as follows:

(1) “No Person shall advertise, undertake, maintain, authorize, book or facilitate any renting to Transient guests in a manner that does not comply with this Subdivision.”

Committee Response: Approve

(2) “No Person shall advertise any Home-Sharing activity without a City issued Home-Sharing registration number included on a visible location on the advertisement.”

Committee Response: Approve

(3) “No Person shall operate Home-Sharing for more than 90 days each calendar year.”

Committee Response: Disapprove. See above.

(4) “A second dwelling unit on a single-family zoned lot may not be used for Home-Sharing, unless it is the Primary Residence of a Host.”

Committee Response: Disapprove. See above.

(5) “No Person shall offer or engage in Home-Sharing in any part of the property not approved for residential occupancy, including but not limited to, a vehicle parked on the property, a storage shed, recreation room, trailer or garage or any temporary structure like a tent.”

Committee Response: Approve
(6) “A Host may not rent all or a portion of his home for the purposes of Home-Sharing to more than one group of guests, under more than one booking, at any given time.”

Committee Response: Approve

(7) “Home-Sharing is not permitted in units that are subject to affordable housing covenants, are in units subject to the Rent Stabilization Ordinance, and/or are income-restricted under City, state, or federal law.”

Committee Response: Approve

(8) “Non-residential uses shall not be permitted, including but not limited to, sales or exchange of products, events that charge a fee, or the promotion, display or servicing of any product is conducted on the premises.”

Committee Response: Approve

(9) “No Persons shall advertise Home-Sharing on a Hosting Platform not included on the Home-Sharing registration form without prior noticing of the Department of City Planning and amending of the Home-Sharing application form.”

Committee Response: Approve

B. **Recommendations pertaining to the Host Requirements listed in Section 3, 3.1, Subpart (c) of the Draft Ordinance as follows:**

Committee approves all 4 requirements, namely:

(1) A Host shall be responsible for any nuisance violations, as described in LAMC section 12.27.1.B, arising at a property during Home Sharing activities.

(2) The Host shall keep and preserve, for a period of three years, all records including the number and length of each Home Sharing stay during the past year, and the price paid for each stay. The Office of Finance shall have the right to inspect these records at all reasonable times. Hosts shall provide a copy of the records from the last two years to the Department of City Planning at the time of renewing the Home Sharing registration.

(3) The Host shall fully comply with all the requirements of LAMC Article 1.7 (Transient Occupancy Tax and successor sections).

(4) A Host shall provide and maintain fire extinguishers, smoke detectors, carbon
Mr. Mendoza is reseated.

M) Robert Lamishaw, JPL Zoning Services, 6257 Van Nius Bl #101, Van Nuys 91404, 818-781-0016, lasmithaw@jplzoning.com, presentation on proposed small lot development and zone change at 2957 Midvale: This is one of a very few properties on National that are not zoned for commercial or R3. Under the Community Plan, this property is listed as medium density residential. It is zoned R1 currently, but medium density residential fits with an R3 zone. That would allow 8 units to be built and with a density bonus, there could be 11 units. The owner did not want a development out of scale with the neighborhood. We are asking for four units only. We did have a hearing for a small lots subdivision. They wanted us at the hearing to meet with you. The issue that needs to be addressed is the zone change itself for it to be built. I would expect we will be meeting in late July with the WLA APC. The project has just one driveway off of Midvale. There are two parking spaces for each unit. A small lots subdivision requires the units to be free standing. The parking is under the units. The buildings only have to be a few inches apart. Generally, between the buildings is wide enough to allow maintenance and it looks like there is a continuous wall. We have a side yard with landscaping along National. We will improve the sidewalk itself. The lot is 7113 sq feet. The units will vary in size. They are 1300-1800 sqft; 2 to 3 bedrooms each. We will add 3 ft along Midvale to bring our curb width up to standards. The building will be 38 feet in height. The highest part is set back. The property owner directly north of us is in support of our project.

Geraldine Cominolo, 2946 Midvale – I oppose the building. I feel like it will encroach on our property tremendously. The units are going to be small, so it will be rented. It does not feel like it will fit in the neighborhood itself. This just does not look like it belong to us. It makes me feel like my thumb is sticking up because it is broken or sore. If they wanted to develop the lot into a duplex or a beautiful home, I would be okay with that.

Chris Cominolo, 2946 Midvale – I don’t feel like it fits the area in general. There was a new house that was built on Westwood, but it is really ugly. I know you have taken a great length to make it fit with the neighborhood, it does not. You will have way more trash barrels or giant bins. The point is it does not fit in. It’s taking away from the family idea of having a front yard for kids to play. I don’t think it appeals to the neighborhood.
Orlando Griego, 2945 Midvale – My partner and I have been fighting this for several years. The only two homes on our street of medium density are 2951 and 2957 Midvale. The Councilman has adamantly opposed the upzoning from R1 to R3. We are concerned about privacy. It is hard to believe there is no issues when its 35 feet tall with rooftop decks. We are two doors down. The person immediately north might have an interest in similar things and that is why they are in support of it. The Councilman and previous Councilman believe the medium residential designation was actually an error.

Michelle Justice, 2915 Midvale – I have been on the street for years. I am opposed to rezoning for this project. On trash days, it’s hard to get by. Adding four units of this size is going to cause a lot of problems. I have no problem with them rebuilding a new single family house. I do not want this to be turned into a new multi-family college place with parties and constant people in and out. I hope you will agree rezoning is a bad idea.

Daniel Mayora – I have lived in the neighborhood since 2001. We live across from the project on Midvale. We have always known this house to be a rental property. I have seen debris from late night parties. I am concerned with who is a part of the neighborhood and who is not. I love my neighborhood because it is a single family area. Changing that is something I oppose. My son learned how to ride a bike right on that street and with traffic and parking, I don’t want it to go away.

Ben Toubian, owner of property being discussed, 2957 Midvale: I listened to your concerns. My kids can’t afford to have their own house like their parents. We have decided to have my kids live on this property each in their own unit. Everybody who has complained about parking spaces because people have converted their parking into living spaces or offices. Let’s solve this problem, every unit in our development has two parking spaces. I want my kids to be able to ride their bikes on the street. I have this property. I will not sell it and I can either come and live there, or you are going to force me to rent to Airbnb or I can rent it to college students. I did not like the beer bottles outside. Once their lease was up, they were out. I had to reduce the rent by $1000 per month to get the people the neighborhood was going to like. That is a financial strain.

Ms. Tippit – Our concern here is do we support a zone change? The people in the community have their concerns. There was a case where people rebuilt on another street and then put it up on Westside Rentals. Are you really going to move in with your children?

Mr. Toubian – You don’t know that because you don’t know me. But why would I want to reduce the rent?
Ms. Dox – There is a lot of material discussion. The only thing that is important with a zone change is how it will impact the unit, parking and how it sets a precedent.

Simon Roth, 2951 Midvale – I own the property adjacent to the building in question. My family sees the benefit of new construction to the area. LA is constantly growing and there is a housing shortage. The Westside has been an attractive place to live and I believe with the new EXPO Line, this is a great way to accommodate growth. Ben would live in two buildings and use the other two to cover his costs. There are similar lots with a large properties on the street. Our family looks for added value to the neighborhood and block.

Mr. Lamishaw – Trash is not really an issue. This development will help with the streets land use issues. The Community Plan provides a long term vision. Medium density residential are the parcels on National. This property and one other are the only ones on National not zoned R3. The vision for National has been a medium density residential and commercial street for many years. If the City has it listed as a designation for medium density residential, the only zone identified for that is R3. I think the fact that Mr. Toubian is only doing four units is a good thing. If this was done with density bonus units, you might have 11 single units. He does not want to do that. These are going to be home ownership type people living there. People who own units tend to take better care of them. There is no guarantee that they won’t be rented out; its like that anywhere. I urge you to consider the rights of the property owner.

Ms. Tippit – There is a roof top deck. I want to hear what CD5 has to say.

Mr. Bennett – CD5 is opposed to this project because of reasons dealing with character of the neighborhood, how the street is impacted, etc. Additional info is better answered by Faisal or Tom.

Ms. Broide – I am curious to know how many projects the owner has done?

Mr. Toubian – I have never done any property more than one unit, just my house and parent’s house.

Ms. Tippit – He is not a developer.

Mr. McMillan - if you are denied what happens?

Mr. Toubian – Do I send my kids to University by having them take loans or can I pay for them outright?

Mr. Kotler – It’s my understanding that by right they can develop a multi-unit building?
Mr. Lamishaw – Its zoned R1, so that is a single family designation. We are requesting the zone change. By State Law, zone changes have to be consistent with the Community Plan. The City adopted a plan that made properties along National R3 or commercial. There are only two lots on National not in conformity and so we are asking this property be brought into conformity.

Extra info on this matter from http://zimas.lacity.org/:

Mr. Shabsis - There must have been a reorientation of those properties for the Community Plan? This is razor close for me. I can see it from a National orientation, where there is overwhelming precedent except at one specific corner. I think we are talking about an address on Midvale, but there is frontage on National. Where I am struggling is an address might be on Midvale, but there are frontage issues. I am grappling with the manner in which the neighbor has been dealing with this community also.

Chris Cominolo – The frontage is on Midvale.

Mr. Spector – There are many tall buildings in the area.

Mr. Lamishaw – The two on the corner of National and Midvale are medium residential and there are two more across the street that are medium residential.
Orlando Greigo – I am looking at Zimas right now and it says low residential for the ones across the street on Midvale and National.

Ms. Broide – Discussion is now happening that the first and second houses could be medium residential, which can create a domino effect. The designation is R1 today.

Mr. Shabsis – In looking at the map, I see why the two projects north of National are as they are. Midvale has two properties east to west as opposed to their sister properties to the west that are north to south. That appears to be why those two properties are deemed to be on Midvale and not National. Every other property on National is deep compared to National.

Mr. Haney, Midvale Resident - I am the third house. We moved in 2003. We replaced the windows and landscaped. We are afraid to touch the inside. We have no reason to put money into the house if it is devalued with this project.

Dolly, Midvale Resident – I live on Midvale the best street in West LA. Everyone knows each other. I don’t know why this guy would like to live on a street where nobody likes him. You want to ruin the neighborhood.

Ms. Tippit – Order please...Marilyn, how does the HOA weigh in on this?

Marilyn Tusher, HOA President of Westwood Gardens - The HOA voted against the proposal as presented and we were against the zone change. This development totally ruins the character of the neighborhood. We will fight to preserve R1 density here.

Mr. McMillan – I have received over 20 letters in opposition to this. My thought process has to be in line with my stakeholders being against it.

Mr. Shabsis – There are two issues: (1) Whether the orientation should be on Midvale or National, and, (2) The owner has not done a good job of community outreach.

Ms. Dox – We are now getting a presentation that I see has turned toward the negative, so I am struggling to be supportive. I think the property should be oriented to National.

Ms. Tippit – My question is why it was not changed to a National address?

Mr. Lamishaw's associate – The postal division looks at the narrow section of the lot. So the addresses end up on the front. The narrow section points to Midvale.

Ms. Broide – We should make a motion to oppose or abstain.
Mr. Rosenfield – We want people to come before our Board so the community can have input on these projects. If we abstain, we are not sending a message that encourages that process.

Ms. Broide – We do not support spot zoning.

Mr. Rosenfield makes a motion to oppose the development as submitted.
Second: Mr. McMillan
9-0-6
Seats in Favor: 4,6,7,8,9,13,15,16,17
Seats Abstaining: 1,3,5,11,12,14,
Not Present: 2,10
passed

Ms. Broide – I move to oppose the zone change affiliated with this development. No second.

Supporting Illustrations:
Ms. Dox, Ms. Kusnic and Ms. Burns leave the room

N) Ms. Tippit – Treasurer’s Report

Motion by Ms. Broide to approve the MER for May 2016.
Second: Mr. Spector
12-0-0
Seats in Favor: 1,3,4,5,6,7,8,9,12,13,15,17
Not Present: 2,10,11,14,16
passed

Motion by Ms. Shaw to approve $228.90 for Election Post Cards.
Second: Ms. Beale-Rosano
12-0-0
Seats in Favor: 1,3,4,5,6,7,8,9,12,13,15,17
Not Present: 2,10,11,14,16
passed
Motion by Mr. Rosenfield to approve up to $300.00 for office supplies.
Second: Ms. Shaw
12-0-0
Seats in Favor: 1,3,4,5,6,7,8,9,12,13,15,17
Not Present: 2,10,11,14,16
passed

Motion by Ms. Mason-Heller to approve $441.00 to Amgraph for WNC Banner.
Second: Ms. Broide
12-0-0
Seats in Favor: 1,3,4,5,6,7,8,9,12,13,15,17
Not Present: 2,10,11,14,16
passed

Motion by Ms. Beale-Rosano to approve $375.00 for election and WNC outreach from Oriental Trader.
Second: Ms. Mason-Heller
12-0-0
Seats in Favor: 1,3,4,5,6,7,8,9,12,13,15,17
Not Present: 2,10,11,14,16
passed

Motion to adjourn, Mr. Rosenfield.
Unanimous

Submitted: By Aaron Rosenfield, Secretary

Voting note regarding how abstentions are counted: Section 3 of the WNCs By-Laws state: “Except as otherwise specifically provided, an affirmative vote of a majority of those voting, not including abstentions, shall be required to pass motions.”