

From: Jim Lissner
Sent: Monday, September 16, 2019 5:58 PM
To: Ann Yang <anny@hermosabch.org>
Subject: Short term rentals - ordinance on 9-24 council meeting

9-16-19

Subject: SHORT TERM RENTALS AT NONCONFORMING COMMERCIAL PROPERTIES

Venue: Agenda item, 9-24 meeting

Honorable Councilmembers:

Here is what our longest serving Planning Commissioner said back when the Commission voted against STRs on nonconforming commercial properties.

Regards,

Jim Lissner

Commissioner Peter Hoffman at 12-12-16 Hermosa Beach Planning Commission, beginning at 1:20 on the City's online video, word for word.

Hoffman: I guess I'd begin by reiterating what Kim (Kim Chafin, Planning Staff) said a moment ago.

For the Commission this is a land use decision. I would contend as I have every time this has come before us, including when it came to us with the General Plan revision, it's a bad land use decision for the City of Hermosa Beach.

And, I'm reminded tonight by our very discussion, we're beating it to death because we keep bringing up what we know are the inevitable problems associated with this. Rob (Commissioner Saemann) brought up another one tonight we haven't previously talked about: We have no control over somebody's home, the sanitary conditions, unless we're talking about an obvious blatant public health nuisance.

We've gone through discussion this evening about how Code Enforcement will be handled, knowing full well we're going to have code enforcement problems. We've brought up the question again, how do we prevent parties, knowing full well that this is going to happen. How do we know this? Because it's already happening at all the illegal unpermitted short term vacation rentals that have happened, that have existed in the past.

And I think more importantly though, from a land use decision, what we are saying, we are essentially creating an incentive to fix nonconforming residential uses in our commercial district. I don't think that's a good decision or a good land use decision.

We have this situation because historically - I mean we're going back to Euclidean zoning - was an inclusionary kind of zoning that allowed lower uses to be found, and higher uses, and so on. It's a historic accident, in the sense that we have this condition as it exists, but to suggest that for the next 30 years or more that we want to continue this condition, I think is a bad idea.

Hotels are already permitted. All of the conditions that we've discussed tonight in terms of nuisance, in terms of sanitation, in terms of notification, all of those things, are resolved when a building is operating as a hotel. That has on-site management, that has housekeeping staff, that has all of those kinds of things that we take for granted in a hotel. That's not what we're talking about here. We're talking about creating some kind of a hybrid use in our commercial district, and as I say, really giving an incentive to keep it forever. It's different, don't misunderstand what I'm saying, it's different than saying, I'd love to keep the houses and the buildings forever. I don't think there's anyone complaining that Lori Ford is operating her establishment (Gum Tree) in an old home, but that's very different than suggesting that home should've stayed a home forever and that we're going to incentivize this.

And I guess the last comment I would make is, we're still operating 100% on speculation. The Coastal Commission has not made a definitive ruling on this. Probably more importantly, there's no definitive Common Law. That is, we haven't resolved all of these court cases including those, as far as I know, that are pending against our own city. And so we're taking an action that I think is a bad land use decision on a purely speculative basis, that somehow this is going to solve a problem.

The State will mandate what the State will mandate. I guess I can go on the record for the 4 millionth time on the Commission. I don't always think that the State makes great land use decisions. There's a reason that in the United States, but especially in the State of California, land use zoning is done at the local level - it's not done at the state level. And yet here we're talking about essentially, again we're just speculating what we anticipate will be a land use decision made by the Coastal Commission. And we may be stuck with it.

(Unintelligible)

The housing needs assessment, which is mandated by the state, is made at the local level in the sense that we use area governments to make the ultimate allocation, and even that process is fairly flawed, as we know in our own experience.

So, obviously, I'm opposed to this, I've been opposed to this, continue to be, and will be until we get a definitive ruling, we get a local Coastal Plan rejected, or the lawsuits are settled, and the obvious results of those.

That's my position.
