

**AD HOC COMMITTEE ON VACATION RENTALS
LA JOLLA COMMUNITY PLANNING ASSOCIATION
WEDNESDAY, APRIL 23, 2014
LA JOLLA RECREATION CENTER, 615 PROSPECT ST. 5PM**

DRAFT MINUTES-Regular Meeting

Members present: Helen Boyden, Chair, Jim Fitzgerald, Heather Weiermann, Mike Costello, Bob Steck

1. Call to Order

Chair Boyden called the meeting to order at 5PM.

2. Adopt the Agenda

The agenda was adopted (Fitzgerald/Weiermann) 5-0

3. Review of Prior Meeting (3/26) Minutes

The minutes had been revised at the request of Lorraine Neff, who informed us that she was misquoted. After the revision, the minutes were approved 5-0 (Fitzgerald/Weiermann).

4. Public comment for non-agenda items

Chair Boyden informed the attendees that she will not be available to attend next month's meeting.

5. Chair Report

Chair Boyden stated that public comment on short-term vacation rental problem (individual or collective) was closed. Additionally public comment on general support of short-term vacation rentals was also closed. We need to summarize the main issue and focus on potential solutions.

6. Problems Review

A summary of problems presented to date was outlined as follows: 1. Inadequate enforcement of current regulations; 2. Party House Events; 3. Site Specific Events such as noise and parking; 4. Frequent turnover of renters; 5. Conversion of Single Family Neighborhoods to "tourist zones".

Mike Costello proposed adding four additional problems: 1. Threshold for enforcement is too high to be effective; 2. Burden of enforcement is imposed on neighbors, not the City or the Industry; 3. Intensity of Use; and 4. An attraction of STVR is the absence of on site management.

Jim Fitzgerald replied that the "intensity of use" criterion is not quantifiable. For example, if he has a party at his home, the intensity of use on this occasion is higher than a rental property that does not have such an event. Heather Weiermann added that it is impossible to apply different rules to a building with the same residential use, or to discriminate upon lengths of stay.

A motion was made to adopt the summary of problems to include:

1. Inadequate enforcement of current regulations
2. Threshold for enforcement is too high to be effective
3. Burden of enforcement is imposed on neighbors, not the City or the Industry
4. Party House Events
5. Site Specific Events such as noise and parking
6. Frequent turnover of renters;
7. Conversion of Single Family Neighborhoods to "tourist zones"
8. Inadequate supervision by "on site management."

The motion (Fitzgerald/Weiermann) was approved 5-0.

Mike Costello made a motion to include intensity of use, but this motion did not receive a second.

7. Discussion of Potential Solutions

Jim Fitzgerald began this discussion by focusing on the CAPP program which had been previously detailed by Fred Zuckerman of the San Diego Police Department. The meeting then considered possible modifications to the SDMC.

Jim read the list of solution suggestions already received and these were added to (see below):

Lynn Reineman informed the attendees that her experience with CAPP has been very disappointing. She has found it to be very ineffective. Specifically, the city of San Diego fails to adequately enforce the program and houses that are CAPPED are delisted from the program after a 12 month period. Furthermore, there is no evidence that owners are consistently fined.

Susan Boe mentioned a lack of fire code enforcement. She gave an example of a four bedroom house that had 17 occupants.

Jon Mangerich added that he had a recent negative experience with the CAPP program

Jonah Mechanic agreed that CAPP is not a perfect program, but that it is at least a foundation. His impression is that it would take much more time and effort to change housing codes than to make the CAPP program effective.

Mike Costello added that CAPP has to be initiated by the police department, and that it seems to be a very low priority. Sometimes, police officers do not respond to calls regarding CAPP, and then incident reports are not filed.

Lani Buchbinder provided some details regarding her experience living next to a house which consistently hosted wedding events. It took six months to get a property capped after the problem was first experienced by neighbors. She has dealt with Mr. Zuckerman and the CAPP program and concurred that it is not effective.

Jonah Mechanic reminded the attendees that the small claims court is a viable alternative to dispute resolution. Every plaintiff in these cases can receive up to \$10,000 each, and the process is much quicker than the normal trial process. He added that the rules are the same for homeowners and renters.

Steve Wright proposed that owners of STVR properties should place a deposit with the city after their property has been designated as a CAPP, and that the standards to qualify for such a property should be significantly lowered.

Susan Boe expressed her concern over recent local crimes, which are detailed each week in the La Jolla Light.

Heather Weiermann suggested that details concerning CAPP should be included on the web.

Jennifer Hegemeier suggested that attendees research the Thursday Club --an organization that effectively addresses some of these concerns.

The solution suggestions to improve the CAPP program are:

- Request larger budget for CAPP enforcement and Code Compliance
- Increase fines for violations-devote to CAPP
- Enforce Collection of the Transient Occupancy Tax
- Require a deposit after the property is CAPPED
- Give noise related reports higher priority in identified problem neighborhoods
- Improve Code Compliance response
- Remove police officer discretion in response to incidents, applying specific criteria to all categories of properties
- Allow neighbor documentation by video and decibel meters to remove police from the equation
- Reduce the standards for a property to be CAPPED
- Emulate procedures at Darlington House and the Thursday Club

- Educate residents about the CAPP program via newspaper articles, letters, using neighborhood watch and social media, police community relations officers
- Improve sandiego.gov website for easier access to information
- Institute a pilot program for improvement of CAPP

Additional discussion

Jonah Mechanic mentioned that the city raised \$4.4 million in short term rentals alone last year. This is an important revenue source for the city.

Mike Costello asked Jonah to provide his data, and he agreed to do so. Mike suggested that there may be a way to limit the number of short term vacation rental properties within a specific distance.

Steve Wright suggested that specific permits should be required for special events, such as parties.

Larry Hogan asked Jonah Mechanic to provide additional details regarding his idea concerning registering STVR properties with the city. He mentioned that these residences would need to obtain a permit, and disseminate information regarding occupancy rules, as well as penalties for failure to comply with these rules. Jonah envisions complete accountability by owners, with effective enforcement.

Various homeowners who do not deal through an agency are concerned that any regulations not be onerous for them to adhere to.

Solutions suggested for modifying the SDMC to include regulations for short-term vacation rentals

- Establish a permit process for short term rentals, including fees dedicated to covering the cost of the permitting process and enforcement thereof.
- Establish a system of graduated fines/permit revocation to deal with violations
- Establish a program for education and standards for owners and renters
- Limit the number of occupants and cars allowed
- Procedures for trash collection
- Contact persons required 24/7
- Establish standards for rental agreements
- Establish a new zone category which permits short-term rentals—otherwise not allowed
- Restrict the number of short-term rentals by number allowed in a given area, or require a certain distance between short-term rental properties
- Regulations should apply equally to all properties
- Define these properties as a business
- Grandfather in properties put into short term vacation rentals prior to a given date
- Establish minimum rental terms: 3 days, 7 days, and 30 days have been suggested
- Modify the definitions of boarders and lodgers to align with that for visitor accommodations [ref SDMC 141.0301 and 131.0422 and 113.0103]

8. The next meeting will take place at 5PM on May 28th at the same location.

9. The meeting was adjourned.