



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT

### SUMMARY:

### City Planning Commission

**Date:** November 16, 2023  
**Time:** After 8:30 a.m.  
**Place:** Van Nuys City Hall  
Council Chamber, 2<sup>nd</sup> Floor  
14410 Sylvan St  
Van Nuys, CA 91401

**Case No.:** CPC-2023-7407-CA  
**CEQA No.:** ENV-2020-6762-EIR, ENV-2020-6762-EIR-ADD1  
**Incidental Cases:** None  
**Related Cases:** None  
**Council File No.:** 22-0822-S2  
**Council District:** ALL  
**Plan Area:** ALL

**Public Hearing:** To be held at CPC

A citywide ordinance, proposed by the City Council, establishing a uniform Conditional Use Permit requirement for Hotel Development Projects; Replacement Housing Requirements relating to the loss of dwelling units resulting from Hotel Development Projects; and a Voluntary Housing Program to place unhoused individuals in vacant guest rooms at hotels that voluntarily participate in the program. The proposed ordinance involves additions and revisions to Los Angeles Municipal Code (LAMC) Chapter I (General Provisions and Zoning), and Chapter XVI (Housing Regulations). The ordinance also includes amendments to Chapter X (Business Regulations) to require a police permit for hotels (inclusive of short-term rentals), however, those amendments do not need City Planning Commission recommendation given they do not impact planning or the regulation of land uses and related activities.

### RECOMMENDED ACTIONS:

1. **Recommend** that the City Council find the Project was assessed in the Housing Element Environmental Impact Report (EIR) No. ENV-2020-6762-EIR, State Clearinghouse No. SCH No. 2021010130 certified on November 29, 2021, and the Addendum (ENV-2020-6762-EIR-ADD1) approved June 14, 2022.
2. **Approve and Recommend** that the City Council adopt the proposed ordinance; attached as Exhibit A to this Staff Report;
3. **Adopt** the Staff Recommendation Report as the Commission's Report on the subject;
4. **Adopt** the Findings;
5. **Recommend** that the City Council request the City Attorney to prepare the proposed ordinance for Council consideration and adoption, which modifies the proposed ordinance to make non-substantive changes to it to align the proposed ordinance with LAMC Chapter 1 Sections 12.24 T and U as amended by Ord. 187,712 Section 55, adopted by the City Council on December 8, 2022; and
6. **Recommended** that the City Council instruct that the proposed ordinance be incorporated into the New Zoning Code, subject to changes to conform to the format and style of the New Zoning Code.

VINCENT P. BERTONI, AICP  
Director of Planning

Craig Weber, Principal City Planner

Brittany Arceneaux, Senior City Planner

**TABLE OF CONTENTS**

**Project Analysis** ..... **A-1**

Project Summary  
Proposed Ordinance

**Findings** ..... **F-1**

Land Use Findings  
Environmental Findings

**Exhibits:**

A – Draft Proposed Los Angeles Responsible Hotel Ordinance

## PROJECT ANALYSIS

### Project Summary

The proposed Los Angeles Responsible Hotel ordinance (Attached as Exhibit A) was introduced as a motion by the City Council November 1, 2023, and initiated on November 7, 2023. The proposed Citywide ordinance is intended to replace a proposed ballot initiative sponsored by the union organization Unite Here Local 11 entitled "Land Use and Replacement Housing Requirements for Hotel Developers; Program to Utilize Vacant Hotel Rooms for Unhoused Individuals, Police Permit Requirement for Hotels." This ordinance contains similar, but more expansive regulations related to hotel uses. It establishes a City Planning Commission Conditional Use Permit requirement for a Hotel Development Project, Replacement Housing Requirements relating to the loss of dwelling units resulting from a Hotel Development Project, and a Voluntary Housing Program to place unhoused individuals in vacant guest rooms at hotels that voluntarily participate in the program. The proposed ordinance involves additions and revisions to Chapter I (General Provisions and Zoning) and Chapter XVI (Housing Regulations) of the Los Angeles Municipal Code. The ordinance also includes amendments to Chapter X (Business Regulations) to require a police permit for hotels (inclusive of short-term rentals), however, those amendments do not need City Planning Commission recommendation given they do not impact planning or the regulation of land uses and related activities.

### Proposed Ordinance

Under current zoning, proposed hotels within 500 feet of a residential or agricultural zone, located anywhere outside of a Regional Center, require a Conditional Use permit. The Conditional Use is approved by the Zoning Administrator and is appealable to the City Planning Commission. In approving a Conditional Use, the Zoning Administrator must find that the hotel use is in conformity with the General Plan; that it will enhance the built environment or provide a service that is essential or beneficial to the community; and that the project will be compatible with and will not adversely affect or further degrade the surrounding neighborhood, or the public health, welfare, and safety. Under current zoning regulations the majority of new hotels developed within the City have been subject to the Conditional Use requirement, however some hotels within Regional Centers (a General Plan Land Use Designation), such as Downtown or Central Hollywood, have been exempt from the Conditional Use requirement.

The proposed modifications broaden the scope of existing Conditional Use permit findings and introduce a new set of evaluation criteria applicable to all citywide hotel developments. These expanded findings align with those approved by City Council in May 2023 for the Downtown and Hollywood Community Plans, which are currently under review by the City Attorney as part of the form and legality process. The findings guide the assessment of market demand for new hotels; demand in the city for housing, public transit, childcare, and other social services as a result of new hotel employees; local hiring; multi-modal transportation incentives; demand for local goods and services; and project impacts on the availability of existing affordable and rent-stabilized housing. In addition to the expanded findings, the ordinance elevates the level of decision-making authority for the Conditional Use permit, with the City Planning Commission serving as the decision maker, and allows for appeals to the City Council.

Furthermore, the ordinance introduces a one-for-one residential replacement obligation for new hotel developments when units are converted or demolished during the five-year period preceding the first approval application. Replacement units may be provided onsite or within proximity of the project site in the form of new construction of residential dwelling units or acquisition and rehabilitation of existing market-rate residential dwelling units. Individuals or households meeting the qualifying income thresholds and facing displacement due to the conversion or demolition of

residential dwelling units at the project site are given priority for the first right of refusal, followed by individuals employed at the Hotel Development Project.

In addition to the proposed zoning modifications for hotel development projects, the ordinance introduces a Voluntary Housing Program to subsidize vacant hotel guest rooms for unhoused individuals or families. Key elements of this program include the development of a registry that allows hotels to voluntarily participate by pre-registering with the City, agreeing to negotiated fair market per-room rates, and making their vacant guest rooms available. The Los Angeles Housing Department (LAHD) will administer the program and maintain an ongoing process of identifying participating hotels with vacant guest rooms, referring unhoused families or individuals to these hotels, and providing payment for their lodging.

## FINDINGS

### Land Use Findings

#### **Charter Section 556 (General Plan).**

In accordance with City Charter Section 556, the proposed ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan in that it would further accomplish the goals, objectives, and policies of the General Plan as outlined below:

#### Housing Element of the General Plan

*Goal 2: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.*

*Objective 2.1: Strengthen renter protections, prevent displacement and increase the stock of affordable housing.*

*Policy 2.1.1: Incentivize and/or require the preservation and replacement of affordable housing, so demolitions and conversions do not result in the net loss of the City's stock of accessible, safe, healthy and affordable housing.*

*Policy 2.1.5: Expand the right of first refusal to ensure displaced households may occupy replacement housing units that are comparable in size, location, cost, and rent control protection.*

*Policy 2.1.6: Promote the use of housing for long-term residents and limit practices such as short-term rentals, conversions to hotels, and prolonged vacancies.*

*Goal 5: A City that is committed to preventing and ending homelessness.*

*Objective 5.1: Provide an adequate supply of short-term and permanent housing in addition to supportive services throughout the City that are appropriate for and meet the specific needs of all persons who are homeless or at-risk of homelessness.*

*Policy 5.1.1: Ensure an adequate supply of emergency and transitional housing for people who are homeless or are at a risk of becoming homeless, including people with disabilities.*

*Policy 5.1.5: Expand housing, shelter, and supportive services for the homeless and special needs populations in all communities, and reduce zoning and other regulatory barriers to their placement and operation.*

The proposed ordinance involves additions and revisions to Chapter I (General Provisions and Zoning), and Chapter XVI (Housing Regulations) of the Los Angeles Municipal Code (LAMC). Consistent with Housing Element Policies 2.1.1 and 2.1.5, the proposed ordinance would establish Replacement Housing Requirements relating to the loss of dwelling units resulting from a Hotel Development Project, including requirements for Replacement Units of Equivalent Size to be made available at an Affordable Housing Cost, as defined in the ordinance. Additionally, the proposed ordinance would establish a City Planning Commission Conditional Use Permit requirement for a Hotel Development Project and, consistent with Housing Element Policies 5.1.1 and 5.1.5, a Voluntary Housing Program to place unsheltered individuals in vacant guest rooms at hotels that voluntarily participate in the program.

Additionally, the proposed ordinance fulfills many of the other objectives, policies, or programs of the other elements of the City's General Plan, including but not limited to, the Framework Element and Community Plans that support the provision and protection of affordable housing in the City, as well as promoting good jobs for the City's residents. The proposed ordinance is not found to be in conflict with any goals, objectives, policies or programs in any of the elements of the City's General Plan, including but not limited to the Framework Element, Housing Element, Community Plans, Safety Element and Health Element.

**City Charter Finding 558 and Section 12.32 of the LAMC (Public Necessity, Convenience, General Welfare, Good Zoning Practice).**

In accordance with City Charter Section 558(b)(2) and Section 12.32 C.2 and C.7 of the LAMC, the proposed ordinance is in substantial conformance with public necessity, convenience, general welfare, and good zoning practice because it supports the replacement of affordable housing units and supports the provision of emergency lodging for unhoused individuals and families. In addition, the proposed ordinance establishes a uniform Conditional Use Permit requirement for a Hotel Development Project including findings related to housing and public transit impacts, thereby supporting public necessity, convenience, general welfare, and good zoning practice.

**California Environmental Quality Act (CEQA) Findings**

A Citywide Ordinance is proposed to amend Section 12.24 of Chapter I (General Provisions and Zoning), Chapter XVI (Housing Regulations), and Chapter X (Business Regulations) of the Los Angeles Municipal Code (LAMC) requiring a City Planning Commission Conditional Use Permit for all Hotel Development Projects; a Voluntary Housing Program to provide vacant hotel/guest rooms to unhoused individuals; and a Board of Police Commissioners Hotel discretionary permit requirement (hereinafter referred to as Administrative Procedures); as well as a non-administrative Replacement Housing Requirement relating to the loss of dwelling units resulting from a Hotel Development Project. While the Proposed Ordinance, by itself, does not propose or authorize new development or construction activity, the potential development from the Replacement Housing Requirement was analyzed as part of the potential impacts from the construction and operation of 420,327 housing units included in the 2021–2029 General Plan Housing Element EIR, SCH No. 2021010130.

Pursuant to Section 15061(b)(3) and/or Section 15378(b)(5) of the California Public Resource Code (PRC), the Department of City Planning has determined that the Administrative Procedures of the Proposed Citywide Ordinance is not a Project for purposes of CEQA. The Administrative Procedures modify existing Department administrative procedures for the processing of entitlement requests or uses (requiring police permits for hotels, including home-sharing uses) and provide voluntary occupancy for existing hotel/guest rooms, and make no changes to the existing land use regulation of the physical environment and would not have the possibility to change the physical environment.

Pursuant to CEQA Guidelines Section 15061(b)(3), the Administrative Procedures of the Proposed Citywide Ordinance is subject to the commonsense exemption because “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The Administrative Procedures is not a project under CEQA pursuant to CEQA Guidelines Section 15378(b)(5), because “organizational or administrative activities of governments that will not result

in direct or indirect physical changes in the environment” are not considered a Project. As the Administrative Procedures do not change any discretionary actions into non-discretionary actions, the proposed ordinance will continue to ensure that projects meet all procedural requirements of CEQA, and that impacts are analyzed and environmental mitigations are imposed where necessary and appropriate. Furthermore, the Administrative Procedures do not change the zoning of any properties. The proposed changes are limited to Administrative Procedures and will not have an effect on the physical environment.

It is also not anticipated that the Administrative Procedures will incentivize development activities related to hotels and other regulated uses in a way that could have a significant effect on the environment. Hotels and the other regulated uses are currently subject to multiple regulatory schemes. Increasing oversight will further enhance protections of the community and environment and would not causally result in additional impacts. The additional regulations could disincentivize or slow the construction of hotels or operation of short-term rental properties, but this would not directly create any changes to the physical environment, nor is likely to indirectly create any significant changes to the physical environment. Demand for hotel lodging or short-term rentals in the City of Los Angeles is primarily dependent on proximity to the various attractions in the City and unlikely to be substituted with hotel development or short-term rental usage a substantial distance from the City, or outside an urban infill area. Therefore, the Administrative Procedures do not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

An Environmental Impact Report (EIR) (Case No. ENV-2020-6762-EIR, SCH No. 2021010130) analyzed the environmental effects of the 2021–2029 General Plan Housing Element and Safety Element, and a Rezoning Program for the creation of additional housing was certified by the Los Angeles City Council on November 24, 2021. An Addendum to the EIR (Case No. ENV-2020-6762-EIR-ADD1) was subsequently certified by the Los Angeles City Council on June 14, 2022. For the purpose of these findings, the EIR and Addendum will be referred to as the Housing Element EIR.

The Housing Element EIR was prepared to examine the potential environmental effects of the 2021–2029 Housing Element Update, including build out of the Regional Housing Needs Assessment (RHNA) Allocation, as well as the programs and policies that have the potential to result in physical environmental effects, and the Inventory of Sites and Rezoning Program needed to demonstrate zoned capacity needed to accommodate the City’s RHNA Allocation. Additionally, the Housing Element EIR analyzed the potential effect from the construction and operation of 420,327 housing units (full RHNA build out of 456,643 units minus the 36,316 housing units that have been approved but not built). The Housing Element EIR found that the environmental impacts of several of the issue areas were significant and unavoidable, even with implementation of mitigation measures. Based on the analysis in the Housing Element EIR, the implementation of the 2021–2029 Housing Element Update would result in unavoidable significant environmental impacts with regard to:

- Air Quality (Exceedance of Criteria Pollutants—Construction and Operations)
- Biological Resources (Special Status Species, Sensitive Habitats, Wildlife Corridors)
- Cultural Resources (Historical Resources and Archaeological Resources)
- Geology and Soils (Paleontological Resources)
- Hazards and Hazardous Materials (Hazardous Materials Near Schools and Hazardous Materials Sites)
- Noise (Construction Noise, Operation Noise, and Construction Vibration)
- Public Services (Fire Protection, Police Protection, and School Facilities)

- Recreation (Deterioration of Recreational Facilities and Construction of Recreational Facilities) Transportation (Freeway Queuing) Tribal Cultural Resources (Construction: Ground Disturbance during Construction)
- Wildfire (Impair Emergency Response Plan, Exacerbate Wildfire Risks in State Responsibility Area or VHFHSZ, Require Infrastructure that may Exacerbate Fire Risk, Expose People or Structures to Significant Risks in State Responsibility Area or VHFHSZ, and Expose People or Structures to Significant Risks Involving Wildland Fires)

The Housing Element EIR also identified the following significant impacts that were anticipated to be reduced to less than significant with identified mitigation measures:

- Air Quality: Construction-related emissions of toxic air contaminants
- Hydrology: Impeding or Redirect Flood Flows Transportation
- Circulation Plan Consistency, Hazardous Design, Emergency Access

As stated above, adoption of the Proposed Ordinance's Replacement Housing Requirement relating to the loss of dwelling units resulting from a Hotel Development Project component was analyzed in the Housing Element EIR.

The non-administrative component contributes to the City's efforts to meet its RHNA Allocation and implement applicable Housing Element Goals, Objectives, and Policies by providing for replacement of dwelling units lost resulting from a Hotel Development Project. Consistent with Housing Element Policies 1.1.9, 2.1.1, and 2.1.5, the proposed ordinance would implement an anti-displacement strategy relating to and establish Replacement Housing Requirements relating to the loss of dwelling units resulting from a Hotel Development Project, including requirements for Replacement Units of Equivalent Size to be made available at an Affordable Housing Cost, as defined in the ordinance.

*Policy 1.1.9: Develop and integrate anti-displacement strategies that further Citywide Housing Priorities into land use and planning strategies*

*Goal 2: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.*

*Objective 2.1: Strengthen renter protections, prevent displacement and increase the stock of affordable housing.*

*Policy 2.1.1: Incentivize and/or require the preservation and replacement of affordable housing, so demolitions and conversions do not result in the net loss of the City's stock of accessible, safe, healthy and affordable housing.*

*Policy 2.1.5: Expand the right of first refusal to ensure displaced households may occupy replacement housing units that are comparable in size, location, cost, and rent control protection.*

The City's 2021–2029 Housing Element implements State housing law mandates for the City to adopt zoning ordinances to accommodate RHNA units for which the City cannot identify existing inventory of sites. To meet the State law mandates, the Housing Element requires the City, through zoning and other actions, to make it possible to build almost 185,000 affordable units for lower-income renters in eight years.



The Proposed Ordinance facilitates the production of affordable housing in the City. The Housing Element EIR fully analyzed the environmental impacts that could occur as a result of the implementation of the 2021-2029 Housing Element, including the construction and operation of up to 420,327 housing units (185,000 affordable), and rezoning programs to facilitate the construction and operation of those housing units. Any and all types of potential housing development (including mixed-use development, ranging in size and scale from neighborhood commercial mixed use with smaller nonresidential uses, to high-rise mixed-use with larger nonresidential uses) were analyzed in the Housing Element EIR. The Housing Element EIR anticipated and fully analyzed the construction and operation of these housing units, and the replacement units required by the Proposed Ordinance would be a component of those.

Based on the discussion above, the Administrative Procedures would not be a change to the project, change to the circumstances, or new information that would require a major revision to the Housing Element project approved with the EIR because they would not be anticipated to change the environment and therefore would not trigger the need for a subsequent or supplemental EIR under CEQA Guidelines Section 15162 or the requirement for an addendum under 15164.

The City does not find there is a change to the project, change to circumstances, or new information as described in PRC Section 21166 or CEQA Guidelines Section 15162(a).

This Proposed Ordinance does not impact any applicable development standards, nor lessen the ability of the City to deny or condition a housing development project in a way that would reduce the project's density. If a project requires certain deviations from zoning or is located in a special overlay zone, it will remain discretionary. Environmentally sensitive areas like the Coastal Zone, Hillside Areas, and Very High Fire Severity Hazard Zones areas have their own requirements. Otherwise, the Housing Element EIR analyzed impacts from housing throughout the City and as the Proposed Ordinance is a citywide ordinance, there is no basis at this time to identify peculiar or unique impacts from the replacement housing that were not studied in the Housing Element EIR.

The Housing Element EIR is available for review at the City of Los Angeles, Department of City Planning Records Management Office at 221 N. Figueroa Street, Room 1450 Los Angeles, and online at the following weblinks:

Draft EIR: [https://planning.lacity.org/development-services/eir/Housing-Element\\_2021-2029\\_Update\\_Safety-Element\\_Update\\_deir](https://planning.lacity.org/development-services/eir/Housing-Element_2021-2029_Update_Safety-Element_Update_deir)

Final EIR: <https://planning.lacity.org/development-services/eir/housing-element-2021-2029-update-safety-element-update-0>

EIR Administrative Record: Los Angeles City Council File 21-1230:  
<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1230>

Addendum to the EIR: [https://clkrep.lacity.org/online/docs/2021/21-1230-S1\\_misc\\_7\\_5-24-22.pdf](https://clkrep.lacity.org/online/docs/2021/21-1230-S1_misc_7_5-24-22.pdf)

Addendum Administrative Record: Los Angeles City Council File 21-1230-S:  
<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1230-S1>

## **Exhibit A**

### **Draft Proposed Los Angeles Responsible Hotel Ordinance**

ORDINANCE NO. \_\_\_\_\_

THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:

## LOS ANGELES RESPONSIBLE HOTEL ORDINANCE

**Section 1.** Section 12.24 of Article 2 of Chapter 1 of the City of Los Angeles Municipal Code is amended, to read (with added language in underline and deleted language in ~~strikethrough~~):

~~T.3.(b) Hotels and apartment hotels, in the GR, G1, G1.5, G2, G4 and G5 Zones if within 500 feet of any A or R Zone or in the M1, M2, or M3 Zones when more than half of the lot is in a G Zone; hotels and motels in the R4 or R5 Zones~~

**U. Conditional Use Permits - City Planning Commission with Appeals to City Council.** The following uses and activities may be permitted in any zone, unless restricted to certain zones or locations, if approved by the City Planning Commission as the initial decision-maker or the City Council as the appellate body. The procedures for reviewing applications for these uses shall be those in Subsections B. through Q. in addition to those set out below.

4. Hotel Development Project means a Development Project that includes the creation of hotel/motel guest rooms or transient-occupancy residential structure dwelling units or an addition of 25% or more new hotel/motel guest rooms or transient-occupancy residential structure dwelling units to an existing hotel.

### Hotel Development Project.

1. Additional Findings. In addition to the finding set forth in Section 12.24 E, prior to approval of a Hotel Development Project, the City Planning Commission or the City Council on appeal shall consider and make express findings on each of the following:

(i) that there is sufficient market demand for the Hotel Development Project proposed:

(ii) the impact of the employees of the Hotel Development Project on the demand in the city for housing, public transit, childcare, and other social services taking into consideration the impact of the

part-time or seasonal nature of work at the hotel/motel or transient occupancy residential structure project and of the hotel/motel employees' expected compensation.

(iii) whether the applicant will take measures to employ residents of neighborhoods adjoining the Hotel Development Project in order to minimize increased demand for regional transportation and to reduce demand for vehicle trips and vehicle miles traveled:

(iv) whether the applicant will take measures to encourage hotel workers and guests to use public transportation, cycling and other non-automotive means of transportation:

(v) whether the Hotel Development Project will support small businesses in the immediate vicinity and whether the applicant will adopt any measures to increase demand for local goods and services.

(vi) whether the hotel/motel will not negatively affect the availability of existing affordable and rent-stabilized housing and the project includes the replacement of any rent-stabilized or restricted affordable housing existing on-site within the past ten years with affordable housing and any non-restricted or rent-stabilized housing with moderate-income housing.

(2) **Vested Rights.** This subsection (f) shall not be interpreted to impair vested rights under this Code, state law, or common law.

(3) **Relation to Specific and Community Plans.** The requirements of this subsection, as they apply to a Hotel Development Project, shall prevail over conflicting provisions in any Specific or Community Plan, including any Community Plan Implementation Overlay District. The foregoing limitation shall not preclude a Specific or Community Plan, or Community Plan Implementation Overlay District, from imposing additional limitations on or requirements of Hotel Development Projects.

**Section 2.** Section 12.84 is added to Article 2 of Chapter 1 of the City of Los Angeles Municipal Code, to read:

### **Section 12.84. Hotel Development Replacement Housing.**

A. Nothing in this Section shall deem or be used to deem the compliance options set

forth in Section 12.84(D) as an ad hoc exaction, as a mandated fee required as a condition to developing property, or as a fee subject to the analysis in *Building Industry Association of Central California v. City of Patterson* (5th Dist. 2009) 171 Cal.App.4th 886.

## **B. Definitions.**

**“Above Moderate Income Households”** means an individual or household whose income exceeds the upper income limit of a Moderate Income Household.

**“Affordable Housing Cost”** means the housing cost for Dwelling Units as defined by California Health & Safety Code Section 50052.5 for owner-occupied housing and the affordable rent for rental units as defined by California Health & Safety Code Section 50053(b), as applicable.

**“Affordable Housing Plan”** means the plan required to be submitted with an Applicant’s application for First Approval pursuant to Section 12.84(L).

**“Applicant”** means any Person, or combination of Persons, or authorized representative thereof, who undertakes, proposes or applies to the City for a Planning Permit related to a Hotel Development Project.

**“Building Permit”** includes full structural building permits as well as partial permits such as foundation-only permits and permits for tenant improvements.

**“Certificate of Occupancy”** means the permit issued by the Los Angeles Department of Building and Safety authorizing the initial occupancy of a residential unit, including a temporary certificate of occupancy.

**“Common Ownership or Control”** means property owned or controlled by the same Person or Persons or by separate Persons in which any shareholder, partner, member, or family member of an investor of the person owns ten percent (10%) or more of the interest in the property.

**“Contiguous Property”** means any parcel of land that is:

- A. Touching another parcel at any point;
- B. Separated from another parcel at any point only by a public right of way, private street or way, or public or private utility, service, or access easement; or
- C. Separated from another parcel only by other real property of the Applicant, which is not subject to the requirements of this Section at the time of the Planning

Permit application by the Applicant.

**“Conversion” and “Covert”** mean a change of a Residential Dwelling Unit, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a nonresidential use.

**“Demolition” and “Demolish”** mean the demolition of a Residential Dwelling Unit, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code.

**“Extremely Low Income Household”** shall have the definition given in California Health & Safety Code section 50106.

**“Equivalent Size”** means that the Replacement Unit contains at least the same total number of bedrooms as the Dwelling Unit being replaced.

**“First Approval”** means the first approval of a Planning Permit that occurs with respect to a Hotel Development Project.

**“For-Sale”** means and refers to any separately conveyable Dwelling Unit, including a condominium, stock cooperative, community apartment, or attached or detached single family home, for which a parcel or tentative and final map is required for the lawful subdivision of the parcel upon which the Dwelling Unit is located or for the creation of the unit in accordance with the Subdivision Map Act (California Government Code section 66410 *et seq.*).

**“Guest Room”** means any room, suite of rooms, dwelling unit, cottage, or bungalow used or intended to be used by a guest of a Hotel for transient sleeping purposes.

**“Hotel”** means an establishment that provides temporary lodging for payment in the form of overnight accommodations in guest rooms to transient patrons for periods of thirty consecutive calendar days or less. “Hotel” includes hotels, motor lodges, motels, apartment hotels, transient-occupancy residential structures, private residential clubs, tourist courts, and hostels that contain both dormitory-style accommodations and private guest rooms that may be reserved, meeting the definition set forth above. Except as provided above, the term “Hotel” also does not include corporate housing, rooming houses, boarding houses, single-room occupancy housing, any housing available only to students of an education institution, a residential hotel as defined in California Health and Safety Code Section 50519, Short-Term Rentals as defined in

Municipal Code Section 12.22 A 32, or licensed bed and breakfast establishments within a single-unit residence.

**“Hotel Development Project”** means any project requiring a Planning Permit for which an application has been submitted to the City where such development would be permitted to create, through the construction or alteration of structures or through the Conversion of any other use to hotel use:

A. one or more Hotels with a total of at least 15 Guest Rooms; or

B. if on Contiguous Property under Common Ownership or Control, as part of the combined development on all of such property at the time of the application for First Approval, a total of 15 or more Guest Rooms.

**“Income Category”** means Extremely Low Income Household, Very Low Income Household, Lower Income Household, and Moderate Income Household.

**“Interested Party”** means a current or former tenant or owner of a Residential Dwelling Unit that has been or will be Converted or Demolished on the parcel or parcels of a proposed Hotel Development Project governed by this Section, or their authorized representative. Interested Party also means any nonprofit organization exempted from federal taxation pursuant to Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, and organized for the purpose of maintaining or creating affordable housing.

**“Lower Income Household”** shall have the definition given in California Health & Safety Code Section 50079.5.

**“Moderate Income Household”** shall have the definition given to “persons and families of moderate income” as defined in California Health & Safety Code Section 50093.

**“Person”** means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

**“Planning Permit”** means a development agreement, general plan amendment, specific or area plan adoption or amendment, zoning, rezoning, pre-zoning, annexation, planned development permit, site plan review, zoning administrator adjustment, transfer of development rights, tentative map, vesting tentative map, parcel map, variance, conditional use permit, vesting conditional use permit, vesting development plan, special use permit, building permit, or similar discretionary or

ministerial approval granted by the Department of City Planning or Department of Building and Safety.

**“Rental”** means and refers to a Residential Dwelling Unit that is not a For-Sale Dwelling Unit and that is made available for rent.

**“Replacement Housing Agreement”** means an agreement between the City and an Applicant, as described in subsection 12.84(L).

**“Replacement Unit”** means a Residential Dwelling Unit required by this Section to be affordable to Extremely Low, Very Low, Lower, or Moderate Income Households.

**“Residential Dwelling Unit”** means a guest room, a light housekeeping room, a dwelling unit (including an efficiency dwelling unit, an accessory dwelling unit, and a junior accessory dwelling unit), or joint living and work quarters, all as defined in Municipal Code Section 12.03; a mobile home, as defined in California Health and Safety Code Section 18008 that is used or intended to be used as a residence that is primarily long term in nature. Residential Dwelling Units do not include transient lodging, inpatient medical care, licensed long-term care, or detention or correctional facilities.

**“Very Low Income Household”** means a household earning no more than the amount defined by California Health & Safety Code section 50105.

### **C. Exemptions.**

This Section shall not apply to any of the following:

1. Projects that are not Hotel Development Projects as defined in Section 12.84(B) of this Chapter.

2. Hotel Development Projects that are developed in accordance with the terms of a development agreement adopted by ordinance pursuant to the authority and provisions of California Government Code section 65864 et seq. and that is executed prior to the operative date of the ordinance codified in this Section, provided that such Hotel Development Project shall comply with any affordable housing requirements included in the development agreement or any predecessor ordinance in effect on the date the development agreement was executed.

3. Hotel Development Projects subject to the Residential Hotel Unit Conversion and Demolition Ordinance, Municipal Code Section 47.70 et seq.

4. Hotel Development Projects subject to replacement-unit obligations under the



Settlement Agreement in *Wiggins, et al. v. Community Redevelopment Agency of the City of Los Angeles, City of Los Angeles et al*, LASC Case No. BC276472 (Related with Case No. BC277539) or the Development Guidelines and Controls for Single-Room Occupancy Hotels in the City Center and Central Industrial Areas.

5. Hotel Development Projects for which application of this Section's requirements would unlawfully interfere with vested rights created under this Code, State law, or common law.

#### **D. Replacement Housing Requirements.**

1. A proposed Hotel Development Project shall be required to include the replacement, on a one-for-one basis, in the form of new construction of Residential Dwelling Units or acquisition and rehabilitation of existing market-rate Residential Dwelling Units, of each Residential Dwelling Unit on the Hotel Development Project parcel or parcels that is or will be Converted or Demolished as a result of the Hotel Development Project and each such Residential Dwelling Unit that was Converted or Demolished during the five-year period immediately preceding the Applicant's application for First Approval, as follows:

a. For Residential Dwelling Units on the parcel or parcels that are occupied on the date of the application for First Approval, the proposed Hotel Development Project shall include Replacement Units of Equivalent Size to be made available at Affordable Housing Cost to, and occupied by, individuals and households in the same or lower Income Category as those households in occupancy, or if the Income Category of the individuals or households occupying the Residential Dwelling Unit exceeds that of a Moderate Income Household, at an Affordable Housing Cost to a Moderate Income Household. If the incomes of the individuals and households in occupancy are not known, it shall be rebuttably presumed that Lower Income Households, Very Low Income Households, Extremely Low Income, Moderate Income and Above Moderate Income Households occupy these Dwelling Units in the same proportion as their share of all renter households within the City of Los Angeles, as determined by the General Manager of the City Housing Department utilizing the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

b. For Residential Dwelling Units on the parcel or parcels that are in existence but are unoccupied at the time of an Applicant's application for First Approval, the proposed Hotel Development Project shall include Replacement Units of Equivalent Size to be made available at an Affordable Flooring Cost to, and occupied by, individuals and households in the same or lower Income Category as the last individual or household in occupancy, or if the Income

Category of the individuals or households last occupying the Residential Dwelling Unit exceeded that of a Moderate Income Household, at an Affordable Housing Cost to a Moderate Income Household. If the incomes of the individuals and households formerly in occupancy are not known, it shall be rebuttably presumed that Lower Income Households, Very Low Income Households, Extremely Low Income, Moderate Income and Above Moderate Income Households occupied these Dwelling Units in the same proportion as their share of all renter households within the City of Los Angeles, as determined by the General Manager of the City Housing Department utilizing the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database,

c. For Residential Dwelling Units on the parcel or parcels that have been Converted or Demolished within the five-year period preceding the Applicant's application for First Approval, the proposed Hotel Development shall include Replacement Units of Equivalent Size equal to the total number of Residential Dwelling Units on the parcel or parcels at the highpoint during the five-year period preceding the application for First Approval, minus the number of Residential Dwelling Units on the parcel or parcels in existence at the time of the application for First Approval. Such Replacement Units shall be at an Affordable Housing Cost to, and occupied by, individuals and households in the same or lower Income Category as those individuals and households in occupancy at such highpoint, or if the Income Category of the individuals or households occupying the Residential Dwelling Units at such highpoint exceeded that of a Moderate Income Household, at an Affordable Housing Cost to a Moderate Income Household. If the Income Categories of the individuals and households in occupancy at such high point are not known, it shall be rebuttably presumed that Lower Income Households, Very Low Income Households, Extremely Low Income, Moderate Income and same Above Moderate Income Households occupied these Residential Dwelling Units in the proportion as their share of all renter households within the City of Los Angeles, as determined by the General Manager of the City Housing Department utilizing the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

2. An Applicant may provide the Replacement Units required under Subsection 12.84(D)(1) at the site of the Hotel Development Project or at a location other than the site of the Hotel Development Project, provided that any off-site Replacement Units for the Hotel Development Project shall be located within the same Community Plan area or within three miles of the Hotel Development Project, unless, at the time of submission of the application for First Approval, the Applicant petitions for and provides credible documentation in writing to the City Planning Department that there is insufficient available land to construct the off-site Replacement Units in such proximity,

in which event such Replacement Units shall be constructed upon a site approved by the City Planning Department.

3. An Applicant may provide the Replacement Units required under Subsection 12.84(D)(1) as For-Sale Replacement Units or as Rental Replacement Units, provided that the proportion of For-Sale Replacement Units may not exceed the proportion of For-Sale Residential Dwelling Units on the parcel or parcels that are or were Converted or Demolished.

4. In computing the total number of Replacement Units required in a Hotel Development Project, fractions shall be rounded up to the next highest whole number.

5. This Section shall apply to individual Hotel Development Projects for which Planning Permits are sought and also to the cumulative sum of related or successive Planning Permits which are part of a larger Hotel Development Project, such as piecemeal additions to a building, or multiple buildings on a lot, or the development of multiple parcels, as determined by the Director of the Department of City Planning.

**E. Replacement Unit Priority.** Replacement Units required pursuant to this Section shall be made available through a right of first refusal to eligible individuals or households in the following order of priority;

1. to individuals or households who have been or will be displaced by the Conversion or Demolition of Residential Dwelling Units on the parcel or parcels, as described in Section 12.84(D)(1), and who meet the qualifying income thresholds, with greater priority given to individuals most recently displaced by such Conversion or Demolition;

2. to individuals employed at the Hotel or Hotels developed through the Hotel Development Project who meet the qualifying income thresholds;

3. to others who qualify for the Replacement Units.

**F. Certificate of Occupancy.** No Certificate of Occupancy for a Hotel Development Project which is subject to the requirements of this Section shall be issued prior to the issuance of the Certificate(s) of Occupancy for the Replacement Units required pursuant to this Section.

**G. Deed Restriction.** Replacement Units shall be evidenced by a deed restriction which reserves and maintains the affordability of the Replacements Units, consistent with the requirements of this Section, for the life of the Replacement Unit or for 99 years, whichever is greater. The deed restriction shall also state that rent levels cannot exceed those specified in this Section.

## **H. Relief from Replacement Unit Requirement.**

1. Authority. The City Council may, by resolution and after a public hearing, grant administrative relief from the replacement unit requirements of this Section in cases of documented, extreme hardship duly established to the satisfaction of the City Council.

2. Procedures. An application for administrative relief shall be filed with the Department of City Planning on forms provided by the Department, accompanied by such fee as may be established by the Department. The Department shall transmit the application, together with a staff report and recommendation, to the City Planning Commission, which shall provide its recommendation to the City Council within 60 days. The City Council shall consider such application for administrative relief within 60 days after transmission of the City Planning Commission's recommendation, unless the Applicant consents to an extension of time.

**I. Hotel Development Projects with Overlapping Replacement Housing Requirements.** When overlapping replacement housing requirements could be applied to a Hotel Development Project pursuant to this Section or because the Hotel Development Project is subject to more than one inclusionary or replacement housing requirement under any federal, state, or local law, the Hotel Development Project, or any part thereof, shall be subject to the requirement that results in the production of the greatest amount and greatest depth of affordability of replacement or inclusionary units, as determined by the Director of the City Planning Department.

**J. Minimum Requirements.** The requirements of this Section are minimum requirements and shall not preclude a Hotel Development Project from providing additional affordable units or affordable units with lower rents or sales prices than required by this Section.

## **K. Affordable Housing Plan and Replacement Housing Agreement.**

1. An Affordable Housing Plan shall be submitted as part of the application for First Approval of any Hotel Development Project. No application for a First Approval for a Hotel Development Project may be deemed complete unless an Affordable Housing Plan is submitted in conformance with the provisions of this Section.

2. The Affordable Housing Plan shall either contain the Applicant's certification, under penalty of perjury, that no Converted or Demolished Residential Dwelling Units meeting the standards set forth in Section 12.84(D)(1) exist on site, or specify all of the following information:

a. How the replacement housing requirement in Subsection 12.84(D)(1) will

be satisfied;

b. The number, unit type, number of bedrooms and baths, approximate location, size and design, construction and completion schedule of all Replacement Units, and whether such Replacement Units will be For-Sale or Rental;

c. A marketing plan, including the manner in which Replacement Units will be offered to the public in a nondiscriminatory and equitable manner and consistent with the priorities set forth in Section 12.84(E);

d. Specific methods to be used to verify tenant and purchaser incomes, when applicable, and to maintain the affordability of the Replacement Units;

e. Any other information that is reasonably necessary to evaluate the compliance of the Affordable Housing Plan with the requirements of this Section and any implementing regulations.

3. The Affordable Housing Plan shall be reviewed by the City Housing Department as part of the Approval of any Hotel Development Project. The Affordable Housing Plan shall be approved if it conforms to the provisions of this Section and any implementing regulations. A condition shall be attached to the First Approval of any Hotel Development Project to require recordation of any Replacement Housing Agreement required by Subsection 5 of this Section 12,84(L) prior to the approval of any final or parcel map or Building Permit for the Hotel Development Project. The Housing Department's acceptance or denial of an Affordable Housing Plan shall be appealable to the City Council by the Applicant or by any Person aggrieved by the decision of the Housing Department.

4. Following the First Approval of a Hotel Development Project, for any Hotel Development Project required by this Section to replace on-site Converted or Demolished Residential Dwelling Units meeting the standards set forth in Section 12.84(D)(1), the City shall prepare a Replacement Housing Agreement providing for the implementation of the Affordable Housing Plan and consistent with this Section and any implementing regulations. Prior to the approval of any final or parcel map or issuance of any Building Permit for a Hotel Development Project subject to this Section, the Replacement Housing Agreement shall be executed by the City and the Applicant and recorded against the entire Hotel Development Project property and any other property used for the purposes of providing Replacement Units pursuant to this Section to ensure that the agreement will be enforceable upon any successor in interest. The Replacement Housing Agreement shall not be amended without the prior written consent of the City.

## **L. Monitoring.**

Each Replacement Housing Agreement shall include provisions for the monitoring by the City of each Hotel Development Project and each Replacement Unit for compliance with the terms of this Section, any implementing regulations, and the applicable Replacement Housing Agreement. Such provisions shall require compliance reports to be submitted to the City Housing Department by the Hotel owner on at least an annual basis, and the City may conduct periodic on-site audits to ensure compliance with all applicable laws, policies, and agreements. The City Council, by resolution, may establish fees for the ongoing administration and monitoring of the Replacement Units, which fees may be updated periodically, as required.

## **N. Waiver.**

1. Notwithstanding any other provision of this Chapter, the requirements of this Section may be waived, adjusted, or reduced if an Applicant shows, based on substantial evidence, that there is no reasonable relationship between the impact of a proposed Hotel Development Project and the requirements of this Section, or that applying the requirements of this Section would take property in violation of the United States or California Constitutions.

2. Any request for a waiver, adjustment, or reduction under this Section shall be submitted to the City concurrently with the Affordable Housing Plan required by Section 12.84(L). The request for a waiver, adjustment, or reduction shall set forth in detail the factual and legal basis for the claim.

3. The request for a waiver, adjustment, or reduction shall be reviewed and considered in the same manner and at the same time as the Affordable Housing Plan, and is subject to the appeal process for Affordable Housing Plans.

4. The waiver, adjustment or reduction may be approved only after adoption of written findings, based on substantial evidence, supporting the determinations required by this Section.

## **O. Regulations and Enforcement.**

1. The City Housing Department may adopt regulations on the implementation and administration of this Section, which regulations shall have the force of law.

2. The City Attorney shall be authorized to enforce the provisions of this Section and all Replacement Housing Agreements, regulatory document, covenants, resale restrictions, promissory notes, deed of trust, and other requirements placed on Replacement Units through a civil action and any other proceeding or method

permitted by law. The City may, at its discretion, take such enforcement action as is authorized under this Code and/or any other action authorized by law or by any Replacement Housing Agreement, regulatory document, restriction, or agreement executed under this Section.

3. Civil Action. Attorney may institute a civil proceeding for injunctive relief and damages for violations of this Section.

**Section 3.** Article 5 is added to Chapter XVI of the City of Los Angeles Municipal Code to read:

**Section 165.00. Title.**

This article shall be known as the Voluntary Housing Program.

**Section 165.01. Definitions.**

**“Department”** means the City of Los Angeles Housing Department.

**“Guest Room”** means any room, suite of rooms, dwelling unit, cottage, or bungalow intended to be used by a guest of a Hotel for transient sleeping purposes.

**“Hotel”** means an establishment that provides temporary lodging for payment in the form of overnight accommodations in guest rooms to transient patrons for periods of thirty consecutive calendar days or less. “Hotel” includes hotels, motor lodges, motels, apartment hotels, transient-occupancy residential structures, private residential clubs, tourist courts, corporate housing, Short-Term Rentals as defined in Municipal Code Section 12.22 A 32 and hostels that contain both dormitory-style accommodations and private guest rooms that may be reserved, meeting the definition set forth above. Except as provided above, the term “Hotel” also does not include rooming houses, boarding houses, single-room occupancy housing, a residential hotel as defined in California Health and Safety Code Section 50519, or any housing available only to students of an education institution,, or licensed bed and breakfast establishments within a single unit residence.

**“Fair Market Rate”** means the room rate, as defined in California Business & Professions Code §17561, that is or otherwise made available to the public for hotel accommodations, including any promotional, volume, loyalty or other discounts that are generally available to the public.

**“Person”** means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association,

joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

**“Unhoused Individual or Family”** means an individual or family who lacks a fixed, regular, and adequate nighttime residence, or who has a primary nighttime residence in an emergency shelter, on the street or in a park, in a vehicle, or in an enclosure or structure that is not authorized or fit for human habitation.

## **Section 165.02. Voluntary Housing Program.**

A. Subject to the availability of funding and at the discretion of the City, the Department shall establish a program to place Unhoused Individuals or Families in vacant hotel Guest Rooms, at Hotels that Voluntarily participate in this program. Elements of the program shall include the following:

1. The Department shall develop a registry that allows for Hotels that choose to participate in this Voluntary Housing Program, to pre-register with the City fulfilling contracting and negotiated per-room rates. Participation shall be purely voluntary and at the sole discretion of the hotel.

2. The Department shall develop a program for paying no more than a Fair Market Rate, or such other rate as the Department may negotiate with a participating Hotel, for vacant hotel Guest Rooms on behalf of Unhoused Individuals or Families. The payment system may utilize government or philanthropic sources, or another means by which the City or its designee pays for lodging on behalf of Unhoused Individuals or Families.

3. The Department shall, on an ongoing basis, identify Hotels registered to participate in this voluntary program with vacant Guest Rooms, refer Unhoused Families or Individuals to such Hotels, and provide payment for such families' and individuals' lodging.

4. The Department shall seek and accept bids to contract with one or more bona fide non-profit organizations with a demonstrated record of working with unhoused populations to assist in administering the program. If the Department opts to have such nonprofit organization(s) pay for lodging under the program on the Department's behalf, it shall establish a program to provide grants to the nonprofit organization(s) for use in making such payments, and shall not rely solely on a program of reimbursing the non profit organization(s) for lodging payments made under this Section that have been advanced by the non-profit organization(s).

5. This Article is not intended to replace or preclude any additional programs of



the City to arrange or pay for the lodging of Unhoused Individuals or Families in Hotels.

### **Section 165.03. Refusal to Provide Lodging Unlawful.**

It shall be unlawful to refuse to provide lodging to an individual or family seeking accommodations using the program set forth in Section 165.02(a) because the individual or family is unable to present a government-issued identification document if the individual or family presents the Hotel with a housing voucher or other documentation prescribed by the Department demonstrating that the individual or family has been authorized to use the program.

### **Section 165.04. Hotel Reporting Requirement.**

Each participating Hotel shall communicate to the Department or its designee, in a form that the Department prescribes, with the number of available rooms at the Hotel and the number of days an available room may be rented. Nothing in this subsection shall require a Hotel to hold or reserve any available room for program beneficiaries.

### **Section 165.05. Enforcement.**

It shall remain unlawful for a Hotel Operator to refuse to provide lodging to an individual or family solely on the basis of the fact, or the perception, that the individual or family seeking accommodations is an Unhoused Individual or Family.

### **Section 165.07. Regulations.**

The Department shall have the power to render interpretations of this Article and to adopt and enforce rules and supplemental regulations to clarify its application, which shall have the force of law. These interpretations, rules and regulations shall be in conformity with the intent and purpose of this Article.

**Section 4.** Sec. 6. Division 10 of Article 3 of Chapter 10 is added to the City of Los Angeles Municipal Code, to read:

### **Section 103.400. Hotel Permit.**

Permits under this division shall be governed by the procedures and requirements of Chapter X of the Municipal Code, additionally as specifically provided in this Division, except Section 103.34.1. 4. shall not apply to hotels.

### **Section 103.401. Definitions.**

As used in this division:

**“Applicant”** means the Hotel Owner and/or Hotel Operator seeking a Permit under this Division.

**“Guest Room”** means any room, suite of rooms, dwelling unit, cottage, or bungalow intended to be used by a guest of a Hotel for transient sleeping purposes.

**“Hotel”** means an establishment that provides temporary lodging for payment in the form of overnight accommodations in guest room(s) to transient patrons for periods of thirty consecutive calendar days or less. “Hotel” includes hotels, motor lodges, motels, apartment hotels, transient-occupancy residential structures, private residential clubs, tourist courts, Short-Term Rentals as defined in Municipal Code Section 12.22 A 32, and hostels that contain both dormitory-style accommodations and private guest rooms that may be reserved, meeting the definition set forth above. Except as provided above, the term “Hotel” also does not include corporate housing, rooming houses, boarding houses, single-room occupancy housing, a residential hotel as defined in California Health and Safety Code Section 50519, or any housing available only to students of an education institution, or licensed bed and breakfast establishments within a single unit residence.

**“Hotel Operator”** means a Person who is either the proprietor of the Hotel or any other person who has the right to rent rooms within the Hotel, whether in the capacity of owner, manager, lessee, mortgagee in possession, licensee, or in any other capacity.

**“Hotel Owner”** means a Person who has title to the premises which operates as a Hotel. Permit” means a permit issued under this Division to own or operate a Hotel.

**“Permittee”** means any person holding a Permit to own or operate a Hotel under this division.

**“Person”** means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

### **Section 103.402. Permit Required; Renewal.**

(a) Except as provided in subsection 103.402(C), no Hotel Operator shall operate a Hotel located in the City of Los Angeles until the Hotel Operator and the Hotel Owner for the Hotel has obtained a written Permit from the Board pursuant to this Division.

(b) The Permit required under this Division must be renewed annually, A public hearing is only required at the request of the Police Commission Board staff, the LAPD VICE Unit, the Police Division Captain, the Mayor or the City Council office.

(c) The Hotel Owner or the Hotel Operator of a Hotel in operation as of the effective date of this Ordinance shall submit an application pursuant to Section 103.403 within 6 months of the effective date of this Ordinance, and shall be permitted to continue hotel operations while such application is pending.

### **Section 103.403. Applications for Permit,**

(a) An application for a Permit shall be filed on a form and in a manner prescribed by the Board.

(b) Notwithstanding any provision of this Chapter to the contrary, the Applicant must include the following information as part of its completed application:

1. The name, telephone number, email address, and business mailing address of the Applicant. If the Applicant is a corporation, include the names and business addresses of the directors, officers, and person(s) authorized to accept service of process on behalf of such corporation and attach a copy of the articles of incorporation. If the Applicant is a partnership, include the names and business addresses of each general partner.

2. The exact location of the proposed permitted Hotel premises.

3. If the Hotel is advertised to the public and known by a name or designation other than the name of the Applicant, such name or designation other than the name of the Applicant; otherwise, a statement that the business is not so advertised or known.

4. The name and business address of every Person having an interest of not less than 10 percent in the Hotel Ownership, as applicable, and the amount thereof.

5. The name and business address of every Person holding title of the Hotel premises, or any part thereof equal to or greater than one-tenth of the whole. If any such Person is a corporation, the same information as required of a corporate Applicant.

6. A description of the Hotel proposed to be permitted, including (i) the ancillary services offered in addition to lodging, (ii) the total number of Guest Rooms at the Hotel, (iii) the number and description of each type of Guest Room at the Hotel, including but not limited to the number of suites and the number of units with kitchens or kitchenettes;

7. Each contracted, leased, subcontracted or subleased business operating at the Hotel's premises, including but not limited to any leased, contracted, subcontracted or subleased restaurant, bar, or retail establishment, and for each such business, (i) a description of the contracted, leased, subcontracted or subleased business, including but not limited to the type and square footage of the business; (ii) the name, telephone number, email address, and mailing business address of the Person who is the counterparty to such contract, lease, subcontract, or sublease; (iii) the name, telephone number, email address, and business mailing address of the Person who operates the leased, contracted, subcontracted, or subleased business; and (iv) a description of the duration of the contract, lease, sublease or subcontract permitting the Person to operate the business on the hotel's premises, including any optional extension periods.

8. The name and business address of any Person that supplies the Applicant or Permittee with workers to perform labor within the Applicant's or Permittee's usual course of business at the Hotel, and the name and business address of any Person that supplies a Person described in subsection (b)(10) with workers to perform labor within that Person's usual course of business at the Hotel.

9. A description, including all relevant dates, of any conduct or condition described in Section 103.31(a) or Section 103.404 of this article, with respect to the Applicant and with respect to any Person described in subsection (b)(10).

10. For Short Term Rentals, the primary platform(s) this property will be listed on and available for booking, and the Home Sharing Registration #

11. The Applicant agrees to ensure that the Hotel and its management team shall be annually trained on and operated in strict accordance with best practices to prevent human trafficking and solicitation at the premises, best practices with good neighbor laws, complaint and understanding of the City noise ordinance, and parking regulations, the provisions of this and all applicable laws

12. A written acknowledgment that the applicant will not knowingly allow a public nuisance, human trafficking, prostitution, drug dealing, loud and unruly gatherings or other criminal conduct to take place on the hotel premise and will take best practices to prevent this conduct.

13. The applicant will cooperate with law enforcement on any investigation of misconduct on the premises.

14. Acknowledgment that the Permit may be suspended or revoked upon a finding by the City that the Applicant has failed to comply with these

requirements, and that the Applicant assumes full responsibility for the lawful and safe operation of the Hotel.

(c) Joint applications must be made on behalf of all Hotel Owners with respect to the same Hotel, the joint application must include the information required in Section 103.403(b) with respect to each Person on whose behalf the application is made,

(d) Applications shall be kept on file by the Board. Notwithstanding Section 103.02.1(c), all application materials shall be made available to the public through a public records under the California Public Records Act, California Government Code § 6250 et seq.

(e) The Board shall maintain a list that is publicly available, for each application, the name of the Applicant or Applicants, the business address of the proposed permitted Hotel premises, the date of any initial Permit issued to the Applicant for the same premises, the date on which the most recent application was submitted, the date on which the most recent Permit was issued, the expiration date of any current Permit that has been granted, any changes in ownership reported by the Applicant in the period since the last application was submitted.

#### **Section 103.404. Grounds for Denial of Application.**

The Board may deny a Permit on any of the grounds listed in Section 103.31(a) or on any of the following additional grounds:

(a) The Applicant or its agent has within five years immediately preceding the date of filing of the application, been found to have violated any federal, state, or local employment law; or

(b) The Applicant or its agent has within five years immediately preceding the date of filing of the application been convicted of violating California Penal Code 487(m): or

(c) The Applicant or its agent has within five years immediately preceding the date of filing of the application been found to have violated any federal, state, or local public health or safety law reasonably related to the nature of conduct of the business for which the application is made.

(d) The permittee, his or her employee, agent, partner, director, officer, or manager has knowingly allowed or permitted prostitution, solicitation of prostitution on the premises, loud and unruly gatherings, illicit drug manufacturing or sales on the premises.

(e) The Applicant or its agents have in the past 12 months been found to have listed a

Short-Term Rental in the City of Los Angeles without having a Home Sharing Registration # from the Planning Department.

(f) The Applicant or its agents have in the past 5 years allowed a property that is being used as a Short term Rental to be sited for a noise complaint more than 5 times in a 12 month period.

(g) The Applicant or its agents have in the past 5 years allowed a property that is being used as a Short term Rental to be used as a party house that causes Loud and Unruly gatherings more than 2 times in a 12 month period within the City.

### **Section 103.405. Hearing upon Protest or Objection.**

If any Person files a written protest or objection concerning an application for a Permit, the Police Commission Board staff, the LAPD VICE unit or the Police division shall validate that protest and then if appropriate the Board shall hold a public hearing concerning the application. The Board shall utilize the procedures outlined in Section 103.03 for public hearings, except that the following additional requirements, if not otherwise applicable to such hearings, shall apply; Persons who have made a protest or objection and other members of the public shall have the opportunity to present information and evidence to the Board concerning the Applicant's fitness to be awarded a Permit. The Board shall give consideration to such information and evidence in reaching a decision on the application.

### **Section 103.406. Disciplinary Action - Grounds.**

(a) It shall be a ground for disciplinary action if any Permittee, their agent or employee or any partner, director, officer, or Person who is exercising managerial authority of or on behalf of a Permittee with respect to the Hotel, or any Person that supplies the Permittee with workers to perform labor within the Permittee's usual course of business at the Hotel, or any Person described in Section 103.403(b)(10), has engaged in any conduct described in Section 103.35 with respect to the Hotel's operations, or has:

1. Been convicted of a felony or other crime involving human trafficking, sex trafficking, theft (including wage theft), embezzlement or moral turpitude, or any crime committed on the premises of or in connection with the operation of the hotel; or

2. Violated any federal, state, or local employment law with respect to the operation of the Hotel or of a business described in Section 103.403(b)(10); or

3. Violated any federal, state, or local public health or safety law in the operation of the Hotel or of a business described in Section 103.403(b)(10).

(b) In determining the appropriate level of disciplinary action, the Board shall consider whether the Permittee or other Person described in subsection 103.406(a) has engaged in any of the conduct listed in this Section or in Section 103.35 on multiple occasions or in serial fashion, and whether the Board has previously found that the Permittee or other Person described in subsection 103.406(a) has engaged in such conduct, either of which shall be considered grounds for more serious disciplinary action.

### **Section 103.407. Parties; Right of Appeal.**

(a) Notwithstanding any provision of this Chapter to the contrary, for all purposes related to Permits concerning Hotels under this Chapter, "Party" shall include any Person who has filed a protest or objection to an application for a Permit to or an accusation against an Applicant or Permittee, in addition to any Person already included within the definition of "party" set forth in Section 102.01. This paragraph shall not be interpreted to limit the scope of the term "party" as used in this Chapter.

(b) Notwithstanding any provision of this Chapter to the contrary, any Party may appeal to the City Council a decision by the Board to issue, deny, suspend, revoke, or condition any Permit concerning a Hotel, or to decline to take such action, by filing a written notice of appeal within thirty (30) days of the Board's decision after a public hearing on the matter. The City Council shall hear such appeal within sixty (60) days of the notice to appeal by the Applicant. In conducting such a hearing, the Council shall receive written argument from any Person and shall hear oral argument and testimony from the Permittee and any Party making the protest or accusation. An appeal to the City Council shall stay a suspension or revocation. The City Council shall affirm, reverse, modify, or remand back to the Board such decision within sixty (60) days of such hearing.

### **Section 103.408. Licensing Fee Schedule,**

The fee for administering Permit applications and appeals under this division shall be determined by a fee study. The Board shall have the authority to revise the fees.

### **Section 103.409. Regulations.**

The Board shall have the power to render interpretations of this Division and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions, which shall have the force of law. These interpretations, rules and regulations shall be in conformity with the intent and purpose of this Division.

### **Section 5. Reorganization and Recodification**

The City Attorney shall have authority to incorporate the amendments to Section 12.24 of Article 2 of Chapter 1 of the City of Los Angeles Planning and Zoning Code set forth in Section 2 of this Ordinance into any reorganized or re-codified provisions of the Planning and Zoning Code adopted by the City after the adoption date of this Ordinance, provided that such incorporation into reorganized or re-codified provisions shall preserve the City Planning Commission as the initial decision-maker and the City Council as the appellate body and shall not alter the substantive requirements set forth in Section 1 and 2 of this Ordinance.

**Section 6.** Severability.

If any section, subsection, sentence, clause, phrase, or application of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or application of the remaining sections, subsections, sentences, clauses, phrases or applications of this Ordinance, which shall remain in full force and effect. This adopted Ordinance and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional. The courts are hereby authorized to reform the provisions of this Ordinance in order to preserve the maximum permissible effect of each section, subsection, sentence, or clause herein.

**Section 7.** Adoption Date and Effective Dates.

**Section 8.** The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.