

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 unhoused 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

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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

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

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>