

EXEMPTION, NEGATIVE DECLARATION (ND), PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to the implementation, enforcement, and administration of the Home-Sharing Program.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND, that the adoption of the Ordinance does not constitute a project, as defined by California Environmental Quality Act Guidelines (CEQA), pursuant to CEQA Guidelines Section 15378.
2. FIND, that the adoption of the Ordinance is exempt from CEQA, based upon CEQA Guidelines Section 15061(b)(3), which states that a project is exempt from CEQA if 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.
3. FIND, after consideration of the whole of the administrative record, that the City has complied with all of the procedural requirements related to the preparation, noticing and distribution of the Notice of Intent to Adopt a ND, the ND and the initial study supporting the determination of a ND, as set forth in Public Resources Code Section 21091 and CEQA Guidelines Sections 15071, 15072, and 15073; that there is no substantial evidence the project will have a significant effect on the environment; that the ND reflects the independent judgment and analysis of the City; and, ADOPT the ND.
4. ADOPT the FINDINGS of the Los Angeles City Planning Commission (LACPC) dated October 10, 2018 as the Findings of the Council.
5. PRESENT and ADOPT the accompanying new ORDINANCE, dated December 7, 2018, amending Sections 12.03, 12.12.2, 12.13, 12.13.5, 12.22, 12.24, 19.01, and 21.7.2 of the Los Angeles Municipal Code to regulate the use of a primary residence for home sharing as an accessory use, and to establish related fees and fines, to take effect on the latter date of either July 1, 2019; or, upon the effective date of an ordinance authorizing and regulating short-term rentals in non-primary residences (with the goal of such ordinance being approved by July 1, 2019).
6. REQUEST the City Attorney to prepare and present a new Ordinance for the addition of Chapter 170 in the Los Angeles Administrative Code (LAAC), Sec. 5.576, Creation and Administration of the Short-Term Rental Enforcement Trust Fund.
7. REFER the Ordinance relative to Chapter 170 of the LAAC, for the creation of the Short-Term Rental Enforcement Trust Fund, to the Budget and Finance Committee.
8. REFER the report from the Department of City Planning (DCP), dated November 28, 2018, relative to the implementation and enforcement of the proposed Home-Sharing Ordinance to the Budget and Finance Committee for further review.

9. INSTRUCT the City Administrative Officer (CAO) to report back within 30 days on the budgetary and fiscal impacts, or any technical corrections for the DCP report, dated November 28, 2018, relative to the implementation and enforcement of the Home-Sharing Ordinance, with the feasibility of exemptions or a fee structure for economically disadvantaged groups, such as seniors or the disabled, participating in the Home-Sharing Program.
10. INSTRUCT the DCP, with the assistance of the CAO, to identify alternative funds to subsidize the full staffing costs associated with the registration and renewal of the proposed application fees as listed in the Home-Sharing Ordinance.
11. INSTRUCT the CAO, with the assistance of the Department of General Services and DCP, to evaluate options to identify and provide the DCP additional spaces at Figueroa Plaza or City Hall to accommodate the additional staff.
12. INSTRUCT the DCP to report back to the PLUM Committee on the completion of the Administrative Guidelines identified in the Home-Sharing Ordinance 60 days before the implementation of the Home-Sharing Program.
13. NOT PRESENT and ORDER FILED the Ordinance dated November 30, 2018.

Applicant: City of Los Angeles

Case No. CPC-2016-1243-CA

Environmental No. ENV-2016-1277-ND

Fiscal Impact Statement: None submitted by the LACPC, City Attorney, nor DCP. Neither the CAO nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes.

For, if amended:

Granada Hills North Neighborhood Council
Tarzana Neighborhood Council

(Housing Committee waived consideration of the above matter.)

Summary:

At a regular meeting held on December 4, 2018, the PLUM Committee considered a DCP report and draft Ordinance relative to implementation, enforcement and administration of the Home-Sharing Program. Staff from the DCP provided background information on the proposed Home-Sharing Program. Staff from the Office of the City Attorney provided clarification on technical corrections to the draft Ordinance. After an opportunity for public comment, the Committee recommended to approve the draft Ordinance with amendments described below, and to refer the DCP report to the Budget and Finance Committee. This matter is now submitted to the Council for consideration.

The PLUM Committee approved the following amendments to the proposed Home-Sharing Ordinance on December 4, 2018:

A. Removal of the addition of Chapter 170 in the LAAC, Sec. 5.576, Creation and Administration of the Short-Term Rental Enforcement Trust Fund.

B. The addition of Section 12.22.A.32(f)(6):

Whenever a Hosting Platform (a) complies with administrative guidelines issued by the Department of City Planning to confirm that a listing has a Home-sharing registration, or (b) enters into a Platform Agreement with the City to establish how the Hosting Platform will support the City's enforcement efforts, the Hosting Platform shall be deemed to have complied with the Platform Responsibilities in this subsection 12.22.A.32(f). The Platform Agreement must be approved by Council.

C. Amend Section 12.22.A.32(c)(4)(i), Suspension, for suspension from Home-Sharing registration to occur after two citations, for a period of 30 days or as long as the Citation is open.

D. Amend Section 12.22.A.32(c)(4)(ii), Revocation, for Home-Sharing registration to be revoked after three Citations have been issued to the Host and have been sustained (after exhaustion of any related remedies, including appeals) within a registration year.

E. Amend Section 12.22.A.32(h)(1), Application and Eligibility Requirements, to allow hosts to participate in Extended Home-Sharing through an administrative review of an Extended Home-Sharing application, if no more than one Citation was issued to the host within a prior three year period and if eligibility requirements are met; and, a discretionary review of an Extended Home-Sharing application is required if the host complies with Subparagraph (h) (1)(i)(a), but two Citations have been issued within the prior three years.

F. Amend Section 12.22.A.32(h)(4), Revocations, for the revocation to occur after two citations.

G. Amend Section 12.22.A.32(b)(3), Citation, to remove the words:

Including, but not limited to, violations.

H. Amend Section 12.22.A.32(b)(8), Platform Agreement, to remove the words:

And includes details on how the Administrative Guidelines promulgated by the Director of Planning.

I. Amend Section 12.22A.32(c)(2)(ii)a, to remove the words:

If a Host's Primary Residence is subject to a lease, homeowner or condominium association bylaws, or any other legal contract, a Home-Sharing registration must not conflict with the provisions of those documents.

J. Amend Section 12.22.A.32(d)(6), to read as follows:

If a Host lists a Primary Residence on multiple listings on multiple Hosting Platforms, only one listing may be booked at any given time.

K. Amend Section 12.22.A.32(e)(6), to read as follows:

Every Host shall provide and maintain working fire extinguishers, smoke detectors, and carbon monoxide detectors, in compliance with fire, life and safety codes; information related to emergency exit routes on the property and contact information, including the contact information of the Host or a designated responsible agent of the Host.

L. Amend Section 12.22.A.32(h)(1)(i), to read as follows:

Ministerial Approval. Extended Home-Sharing may be approved by the Director if, in addition to the eligibility requirements for Home-Sharing, all of the following requirements are met:

M. Amend Section 12.22.A.32(h)(1)(ii), to read as follows:

Discretionary Approval. A discretionary review of an Extended Home-Sharing application is required if, the Host complies with Subparagraph (h)(1)(i)(a), but a Citation has been issued within the prior three years.

N. Amend Section 12.22.A.32(h)(2), to read as follows:

Ineligibility. If the Host's Home-Sharing registration has been suspended or revoked, the Host is not eligible to apply for Extended Home-Sharing for two years from the effective date of the revocation or suspension or as long as a Citation remains open or unresolved, whichever is later.

O. Remove Section 12.22.A.32(h)(1)(ii)(b)(1):

The Host has maintained a Home-Sharing registration for at least six months or has hosted for at least 60 days, based on substantial evidence provided by the Host or Hosting Platform.

P. Renumber Section 12.22.A.32(h)(1)(ii)(b)(2) to 12.22.A.32(h)(1)(ii)(b)(1).

Q. Renumber Section 12.22.A.32(h)(1)(ii)(b)(3) to 12.22.A.32(h)(1)(ii)(b)(2).

R. Amend Section 12.22.A.32(h)(2), to read as follows:

Ineligibility. If the Host's Home-Sharing registration has been suspended or revoked, the Host is not eligible to apply for Extended Home-Sharing for two years from the effective date of the revocation or suspension or as long as a Citation remains open or unresolved, whichever is later.

Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

<u>MEMBER:</u>	<u>VOTE:</u>
HARRIS-DAWSON	YES
ENGLANDER	YES
BLUMENFIELD	ABSENT
PRICE	ABSENT
CEDILLO	YES

ZHC
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-NOT OFFICIAL UNTIL COUNCIL ACTS-