

Communication from Public

Name: Robin Rudisill, Citizens Preserving Venice

Date Submitted: 06/18/2024 12:10 AM

Council File No: 24-0540

Comments for Public Posting: Citizens Preserving Venice is a 501(c)3 organization with the goals of preserving Venice as a Special Coastal Community--including its history and its social, cultural, racial and economic diversity--and of stabilizing affordable housing in Venice. We request that you uphold the CEQA appeal and deny the proposed project for the following reasons: • It is morally wrong to displace the residents of an entire Rent Stabilization Ordinance-protected (RSO) apartment building used for long-term housing using cash for keys agreements, whether or not it was legal to do so, and then over time convert the building to a hotel without the required permits, particularly during an affordable housing crisis. It is also morally wrong for the City to do nothing to stop this. • We agree with the February 6, 2020 letter from our then-City Councilmember Mike Bonin, that short-term rentals in multi-family buildings, especially buildings subject to the RSO, continue to significantly contribute to the affordable housing crisis, in spite of the Home Sharing Ordinance (HSO) prohibition, especially on the Westside. • This property is in violation of the HSO. Not only are apartment hotels prohibited from being converted to short-term rentals, but RSO buildings are not allowed to have short-term rentals. All units in the building were used for decades as long-term housing, until the applicant embarked on his program of piecemeal conversion to the Venice V Hotel, via constructive eviction, including cash for keys and non-disclosure agreements, removal of kitchens, and other “improvements.” The applicant cannot simply do an unpermitted conversion to a hotel as an attempt to evade the HSO. • It is widely advertised and common knowledge that the building has been converted from a RSO apartment hotel used for long-term housing to a hotel for short visitor stays, the Venice V Hotel. As the Coastal Commission enforcement division has reported, this was done without the required permits. The City’s Housing Department has issued the owner citations for violation of the HSO (the citations were withdrawn by the City Attorney on November 15, 2023 pending further investigation by the Housing Department). The unpermitted conversion to hotel and HSO violations at the property cannot be ignored and must be addressed in order to have the new entitlements requested in the Coastal Development Permit (CDP) application considered. The

application is incomplete as it does not cover the change of use from apartment hotel to hotel, nor does it include a CUP to account for the site being within 500 feet of a residential zone or a Zone Variance for the theater, which use is no longer a permitted in the zone. The property cannot be bifurcated to look at a CDP and CUB application for a restaurant and theater only, ignoring the rest of the operations at the property, including the unpermitted change of use to hotel and HSO violations. Also, additional parking may be required to establish or re-establish the requested uses. If the PLUM committee approves this project, it will violate both CEQA and the Coastal Act, in addition to LAMC 12.23.

- The owner erroneously claims a grandfathered right to revive a restaurant use that was discontinued in 1985, basing this on an argument that it remains an existing, permitted use. For the same reasons cited in our appeal that this is not lawful under City code, it is also not lawful for a CDP. Under the Coastal Act, as administered by the Coastal Commission, for which the City acts as a delegate in issuing CDPs, “existing use” is restricted to current, actual use, or “facts on the ground,” not phantom uses or uses long ago discontinued. You must honor your role as a delegate in accordance with the delegated authority from the California Coastal Commission and treat the case as they would. CEQA is also restricted to current, actual use/facts on the ground.
- The application requires a Mello Act Compliance Determination with respect to the conversion of the 100% residential structure to a commercial hotel use. The Mello Act states: "The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent," as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location." A coastal dependent use is a narrow exception, which does not include hotel use, which is a commercial, visitor-serving use under the Coastal Act. (The law does not allow for a partial conversion to commercial use. If it did, it would allow for the absurd result of the conversion of a 100% residential structure to a mixed-use project with a very high percentage commercial use, which flies in the face of the Mello Act’s intent and legislative history.) Please follow the law—uphold the CEQA appeal and deny this application.

Citizens Preserving Venice

Chair Harris-Dawson, Chair
Planning and Land Use Management (PLUM)
Committee of the City Council
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

June 16, 2024

Re. 1217 Ocean Front Walk (5 Westminster)/The Waldorf/The Venice V Hotel
ENV-2021-7224-CE-1A (ZA-2021-7223-CUB-CU-CDP)
Council File 24-0540
SUPPORT CEQA APPEAL/DENY PROJECT

Dear Chair Harris-Dawson and PLUM Committee,

Citizens Preserving Venice is a 501(c)3 organization with the goals of preserving Venice as a Special Coastal Community--including its history and its social, cultural, racial and economic diversity--and of stabilizing affordable housing in Venice.

We request that you uphold the CEQA appeal and deny the proposed project for the following reasons:

- It is morally wrong to displace the residents of an entire Rent Stabilization Ordinance-protected (RSO) apartment building used for long-term housing using cash for keys agreements, whether or not it was legal to do so, and then over time convert the building to a hotel without the required permits, particularly during an affordable housing crisis. It is also morally wrong for the City to do nothing to stop this.
- We agree with the February 6, 2020 letter from our then-City Councilmember Mike Bonin, that short-term rentals in multi-family buildings, especially buildings subject to the RSO, continue to significantly contribute to the affordable housing crisis, in spite of the Home Sharing Ordinance (HSO) prohibition, especially on the Westside.
- This property is in violation of the HSO. Not only are apartment hotels prohibited from being converted to short-term rentals, but RSO buildings are not allowed to have short-term rentals. All units in the building were used for decades as long-term housing, until the applicant embarked on his program of piecemeal conversion to the Venice V Hotel, via constructive eviction, including cash for keys and non-disclosure agreements, removal of kitchens, and other "improvements." The applicant cannot simply do an unpermitted conversion to a hotel as an attempt to evade the HSO.
- It is widely advertised and common knowledge that the building has been converted from a RSO apartment hotel used for long-term housing to a hotel for short visitor stays, the Venice V Hotel. As the Coastal Commission enforcement division has reported, this was done without the required permits. The City's Housing Department has issued the owner citations for violation of the HSO (the citations were withdrawn by the City Attorney on November 15, 2023 pending further investigation by the Housing Department). The unpermitted conversion to hotel and HSO violations at the property cannot be ignored and must be addressed in order to have the new entitlements requested in the Coastal Development Permit (CDP) application considered. The application is incomplete as it does not cover the change of use from apartment hotel to hotel, nor does it include a CUP to account for the site being within 500 feet of a residential zone or a Zone Variance for the theater, which use is no longer a permitted in the zone. The property cannot be bifurcated to look at a CDP and CUB application for a restaurant and theater only, ignoring the rest of the operations at the property, including the unpermitted change of use to hotel and HSO violations. Also, additional parking may

be required to establish or re-establish the requested uses. If the PLUM committee approves this project, it will violate both CEQA and the Coastal Act, in addition to LAMC 12.23.

- The owner erroneously claims a grandfathered right to revive a restaurant use that was discontinued in 1985, basing this on an argument that it remains an existing, permitted use. For the same reasons cited in our appeal that this is not lawful under City code, it is also not lawful for a CDP. Under the Coastal Act, as administered by the Coastal Commission, for which the City acts as a delegate in issuing CDPs, “existing use” is restricted to current, actual use, or “facts on the ground,” not phantom uses or uses long ago discontinued. You must honor your role as a delegate in accordance with the delegated authority from the California Coastal Commission and treat the case as they would. CEQA is also restricted to current, actual use/facts on the ground.
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- The Environmental Justice sections of the Coastal Act and the Coastal Commission's Environmental Justice Policy have not been considered with respect to the lower rent RSO units being converted to expensive hotel rooms.

It is crucial to protecting RSO housing in the midst of a housing crisis. The City of Los Angeles claims that it is doing everything it can to preserve and create affordable housing. If that was true, why isn't the City preserving the RSO housing at this property? The City's actions do not match its words and policies. In addition, it makes no sense to move forward with a CDP, CU and CUB on a project that will likely be stopped due to enforcement of outstanding HSO violations and violation of the Coastal Act state law for unpermitted change of use to hotel. This is a case of long-term piecemealing, in numerous steps, using cash-for-keys to displace long-term residents, innumerable building permits, and short-term rentals to convert RSO housing into a de facto hotel use. Your approval of this project would send a loud, clear message that the City is not serious about protecting affordable housing in this housing crisis and is willing to turn a blind eye to intentional subversion of the law by unscrupulous but well-connected landlords.

The property has undergone an unpermitted change of use to hotel and is also in violation of the HSO. Both the Housing Department and the Coastal Commission Enforcement Division are still investigating. Before this applicant attempts to obtain an alcohol permit and re-establish restaurant and theater uses that were terminated many decades ago, these serious enforcement issues must be addressed, as additional land use entitlements can only be approved for structures that are being legally operated. Because it is clear that a CDP for a conversion to hotel cannot be issued, the long-term housing use must be reinstated.

Please follow the law – uphold the CEQA appeal and deny this application. This applicant must not be allowed to profit by displacing long-time residents and turning their homes into expensive hotel rooms. We also request an investigation into the reasons that this applicant has been allowed to continue to profit for an unreasonably long period of time from this illegal conversion of homes to a hotel and violation of the HSO.

Sincerely,

Robin Rudisill, on behalf of
Citizens Preserving Venice
CC:
Coastal Staff
City Planning Staff